



PLANS PANEL (WEST)

Meeting to be held in the Civic Hall, Leeds on
Thursday, 8th December, 2011
at 1.30 pm

MEMBERSHIP

Councillors

N Taggart (Chair)	B Chastney	P Wadsworth	T Leadley
J Akhtar	J Matthews	R Wood	
M Coulson			
K Groves			
J Hardy			
J Harper			

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>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest 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 - 10 NOVEMBER 2011</p> <p>To confirm as a correct record, the minutes of the Plans Panel West meeting held on 10 November 2011.</p> <p>(copy attached)</p>	3 - 14
7	Kirkstall; Weetwood;		<p>APPLICATIONS TO REGISTER LAND AT BUTCHER HILL, WEST PARK AND OLD FARM DRIVE, LEEDS AS TOWN OR VILLAGE GREENS UNDER THE PROVISIONS OF SECTION 15(1) OF THE COMMONS ACT 2006</p> <p>To consider a report of the Chief Planning Officer regarding applications to register land at Butcher Hill, West Park and Old Farm Drive, Leeds as Town or Village Greens under the provisions of Section 15(1) of the Commons Act 2006.</p> <p>(report attached)</p>	15 - 34

Item No	Ward	Item Not Open		Page No
8	Farnley and Wortley;		<p>APPLICATIONS 11/03820/FU, 11/03826/FU AND 11/03828/LI - STONEBRIDGE MILLS, STONEBRIDGE LANE, WORTLEY, LS12</p> <p>To consider a report of the Chief Planning Officer which sets out the current position with the following applications:</p> <ul style="list-style-type: none"> • Application 11/03820/FU – laying out of access road and erect retail foodstore with service yard, covered and open car parking and landscaping • Application 11/03826/FU – conversion of listed buildings to form 17 flats • Application 11/03828/LI – listed building consent for conversion of listed buildings to form 17 flats <p>(report attached)</p>	35 - 60
9	Pudsey;		<p>APPLICATION 11/01860/FU - CARLISLE ROAD/NEW STREET PUDSEY</p> <p>To consider a report of the Chief Planning Officer regarding an application for the erection of 23 dwelling houses.</p> <p>(report attached)</p>	61 - 72
10	Kirkstall;		<p>APPLICATION 11/04581FU - ST ANN'S LODGE. ST ANN'S LANE, BURLEY</p> <p>To receive a report of the Chief Planning Officer regarding an application for change of use from a hostel to student accommodation.</p> <p>(report attached)</p>	73 - 80
11	Otley and Yeadon;		<p>APPLICATIONS 11/04382/FU AND 11/04383/CA - THE TANNERY, LEEDS ROAD, OTLEY</p> <p>To consider a report of the Chief Planning Officer regarding a full planning application and conservation area consent for the demolition of tannery buildings, laying out of access road and erect 10 houses, with car parking and landscaping.</p> <p>(report attached)</p>	81 - 94

Item No	Ward	Item Not Open		Page No
12	Adel and Wharfedale; Guiseley and Rawdon; Horsforth; Otley and Yeadon;		<p>LEEDS BRADFORD INTERNATIONAL AIRPORT - MONITORING REPORT OF NIGHT TIME AIRCRAFT MOVEMENTS, NOISE LEVELS AND AIR QUALITY</p> <p>To receive a report of the Chief Planning Officer regarding the monitoring of night time aircraft movements, noise levels and air quality at Leeds Bradford International Airport.</p> <p>(report attached)</p>	95 - 100
13	Kirkstall;		<p>APPLICATIONS 11/04253/FU AND 11/04253 - COMMERCIAL ROAD/KIRKSTALL LANE/KIRKSTALL HILL, KIRKSTALL</p> <p>To consider a report of the Chief Planning Officer which gives a position statement on applications for a proposed supermarket plus seven smaller retail units (A1, A2, A3, A4 or A5), post office workers club, a community centre, area of public realm plus landscaping and highways works off Commercial Road/ Kirkstall Lane/ Kirkstall Hill, Kirkstall.</p> <p>(report to follow)</p>	
14			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday, 12 January 2012</p>	

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To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
2011

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY AT 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.30 on site – Application 11/01860/FU Erection of 23 dwelling houses – Carlisle road/New Street, Pudsey - (Meet to the front of the premises on Carlisle Road if travelling independently) Leave 10.45
- 2 11.00 On site - Application 11/03820/FU Laying out of access road and erect retail food store with service yard, covered and open parking and landscaping – Application 11/03826/FU Conversion of listed buildings to form 17 flats – Application 11/03828/LI Listed building consent for refurbishment and demolition of buildings to form 17 flats – Stonebridge Mills, Stonebridge Lane, Wortley (meet to front of Listed Buildings off Stonebridge Lane if travelling independently) Leave 11.45

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 10.10 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.05 am

Yours sincerely

Andy Booth
Governance Officer

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PLANS PANEL (WEST)

THURSDAY, 10TH NOVEMBER, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,
M Coulson, K Groves, J Hardy, J Harper,
T Leadley, J Matthews, P Wadsworth and
R Wood

67 Election of Chair

Due to the reported late arrival of Councillor Taggart, Members were asked to nominate a Chair for the meeting. A nomination was made on behalf of Councillor J Harper and Members were asked to take a vote.

RESOLVED – That Councillor Harper be elected as Chair for the meeting until Councillor Taggart's arrival.

68 Declarations of Interest

Councillor Chastney declared a personal interest in Agenda Item 7, Application 10/03063/FU – Richmond House School, 168-170 Otley Road, LS16 due to his Membership of the Far Headingley Village Society. Minute No 71 refers.

Councillor Hardy declared personal interests in Agenda Items 12, Application 11/02847/FU – 21 Lower Wortley Road, Wortley, LS12 and 14, Applications 11/03820/FU, 11/03826/FU and 11/03828/LI – Stonebridge Mills, Stonebridge Lane, Wortley, LS12 due to previous discussions he had been involved with regarding the applications. Minute Nos 76 and 78 refer.

69 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Taggart who would be arriving late to the meeting.

70 Minutes

RESOLVED – That the minutes be confirmed as a correct record subject to the following amendments:

- Minute 58, Application 11/03274/FU – British Home Stores, Bridge Road, Kirkstall, LS5
Paragraph 2, amend the word Ionic to Iconic.
Bullet point 2, amend rugby fields to read car park.
- Minute 59, Application 11/03503/FU – Adjacent to Emmott House, Town Street, Rawdon, LS19

Final paragraph, final sentence to read as follows: In response to Members' comments and questions, it was reported that planning permission had been granted for a new house before the sale of its plot by the owner of Emmott House, and confirmed that the plot was two metres narrower than shown on those plans. That was the reason for the new house having been erected in its current position.

It was also confirmed that previous planning permission granted for Emmott House had lapsed.

71 Application 10/03063/FU - Richmond House School, 168-170 Otley Road, LS16

The report of the Chief Planning Officer reminded Members of the application that was deferred at the July meeting following a request for clarification and reassurances that the parking area would be properly managed so as to avert parking in local streets and/or on the A660, and that agreement should be sought on funding for local waiting restrictions. Further discussions had been held between the applicant, Highways and local residents regarding traffic regulatory matters and the applicant had now agreed to provide a contribution towards a range of TROs incorporating two hour waiting restrictions on the north side of Glen Road and also to ensure that a scheme was implemented to control and monitor access/egress to the site by parents/visitors. The applicant had also submitted an additional statement setting out the reasoning behind the total number of parking spaces and had agreed that the surface of the car park would be semi permeable as requested by Members. Members were also asked to note that advice had been obtained from the Highways Officer that it was not practical to create a no-parking clearway on the A660.

Members were shown photographs and plans of the site.

Further issues brought to Members attention included the following:

- A representation had been received from the Chair of Weetwood Residents stating that although they still had concerns, they were more comfortable with the revised application.
- The applicant provided further details on the parking arrangements, there would be 58 spaces in the car park of which 43 would be available to parents for dropping off and collecting children. There would also be a drop off point for older children who would be supervised by a member of staff.
- Further objections had been received regarding obstructions on Glen Road and the loss of a playing pitch for the car park.
- It was recommended to approve the application. It was considered that there were net safety benefits in getting more cars off the road whilst children were being dropped off and collected.

A local resident addressed the Panel with concerns. These included the following:

- There had been insufficient analysis of the increase in traffic congestion.
- The application was more in the interests of the school than the local community.
- The loss of greenspace.
- Glen Road was a busy commuter road and this would put increased pressure on the junctions at either end of the road.
- It would cause unacceptable traffic problems for the local community.

The applicants agent addressed the meeting. He raised the following points:

- The plans had been developed following concerns for the safety of children and disturbance to local residents.
- The plans provided more control for the dropping off of children with a secure off road environment.
- Vision splays would be built into either side of the entrance to improve access and egress.

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

- The applicant had appointed an independent consultant and traffic engineers were satisfied with the proposals.
- It was felt the proposals would improve traffic on Otley Road.
- Two hour parking restrictions on Glen Road.
- The emphasis on safety for children.

RESOLVED – That the application be approved in principle and the decision be deferred and delegated to the Chief Officer subject to the specified conditions and further consultation with Ward Members to discuss and agree the most appropriate time restriction for parking on Glen Road.

72 Pre-application presentation - PREAPP/11/00518 - vacant land, Off Holt Lane, Adel, LS16

The pre-application report of the Chief Planning Officer was brought to the Panel due to the history associated with the site, scale of development and the high level of local interest in the proposal. The site was in phase 2 housing allocation. The principal of residential development was allowed on appeal in May 2011 when outline planning permission was granted. Members attention was also brought to the fact that there had been a reduction in the number of proposed dwellings on the site and the reduction of affordable housing in line with current policy.

Members were shown plans and photographs of the site.

The applicant addressed the meeting and highlighted the following issues:

- A number of consultations had been undertaken on the design and layout of the site.

- Building materials were still to be decided upon. There had been local support for stone buildings.
- Another property on the current site had been purchased and would be demolished as part of the proposals.

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

- The reduction in the proposed number of properties allowed for more appropriate greenspace at the front of the site and also more landscaping throughout.
- The affordable housing element would consist of two and three bedroomed houses which would be on the Otley Road side of the development.
- It was hoped to get permission in February to allow progress on the site to be started from Spring 2012.
- Members discussed having a site visit.

RESOLVED – That the report be noted.

73 Application 11/02980/FU - Greenlea Close, Yeadon, LS19

The report of the Chief Planning officer advised that the application had been brought to Panel for determination as it related to a substantial development proposal and although there was outline consent, the house builder had decided to resubmit a fresh application to take advantage of the current lower affordable housing requirements.

It was reported that the proposals had initially been for 48 houses when the outline planning permission was granted in 2008. This had now been reduced to 30 houses. Members were shown photographs and plans of the site and surrounding area. Six letters of objection had been received from neighbouring residents and these focussed on loss of amenity and privacy.

Members attention was brought to the photographs and plans of the site in relation to distances between planned and current properties. It was reported that these fell within design guidelines under Neighbourhoods for Living. Further issues highlighted included the drainage scheme for waste and surface water and tree protection orders.

An objector to the application addressed the meeting. The following points were raised:

- The proposals would affect residents at Low Hall as the development would overlook the property.
- Trees that did not belong to the area of land to be developed were earmarked for removal.
- There were concerns regarding the proposed pumping station in terms of noise.

- Concerns regarding the effect on wildlife whilst excavation works were carried out.
- Increased traffic problems.
- Concern that significant consideration had not been given to drainage, there had been previous problems with flooding at the site.

The agent for the applicant addressed the meeting. The following issues were raised:

- The number of dwellings had been reduced to 30 which gave a better reflection of the housing needs of the area.
- Further consultation had taken place with Officers, Elected Members and local residents.
- Discussions would continue with the owners of Low Hall regarding the removal of trees.
- The proposals were in line with all planning policies and met Leeds City Council design standards.
- Discussions with Yorkshire Water had resolved that the surface drainage plans were the most appropriate for this kind of site.

In response to Members comments and questions further discussion was held regarding the provision of Metrocards, tree removal and drainage.

RESOLVED – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement within three months of this resolution to ensure the following:

- 15% affordable housing built on site;
- Greenspace contribution of £84,222.96;
- Residential Metrocard scheme for residents of £12,117.60; and
- Subject to further conditions as outlined in the report.

74 Application 11/02690/FU - Netherfield Mills, Netherfield Road, Guiseley, LS20

The report of the Chief Planning Officer informed Members that the application was brought to the Plans Panel because it related to a substantial development proposal and had been subject to a recent appeal decision following a public inquiry. Original planning permission granted on appeal was an outline consent which was valid until March 2014 and a revised outline consent was presented to Members at Plans Panel West in October 2011. The scheme was approved by Members, with a lower Affordable Housing Contribution in line with the Interim Affordable Housing Policy. The developers had also stated a commitment to commence work on the site before the end of this year and to that end, they now required planning permission proposed under this application.

It was reported that the application sought full planning permission for the erection 87 dwellings with landscaping and public open space. Access would be from Netherfield Road via two cul-de-sacs. Members were shown full site plans and photographs of the site.

The following issues were highlighted:

- Access to the site was as proposed when outline consent was given.
- Materials to be used on the site.
- The inclusion of chimneys on the properties.
- Retention of greenspaces.
- 4 new objections had been made regarding the proposals.

An objector to the application addressed the meeting. Issues highlighted included the following:

- It was hoped that the stone used would be real stone and not re-cast stone.
- It was desired that the chimneys would match those of a neighbouring site.
- Concern regarding extra vehicles and parking.
- Section 106 money to be used on bus shelters would be a waste due to the lack of services.

The applicant's agent addressed the meeting. He reported that outline permission was originally granted for 98 dwellings and that this had been subsequently reduced to 87 to provide quality country space. This had been done following discussion with Council Officers. Further reference was made to the planning gains that had been included and the two year time limit on the development.

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

- Suggestions for public transport enhancement monies.
- Chimneys would be decorative, they had been requested by local Ward Members to protect the character of the area.
- The Affordable Housing would consist of 2 and 3 bedroom units. There was interest from registered landlords to manage these properties.
- Footpath improvements.

RESOLVED - That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement within three months from the date of the resolution to ensure the following:

- 15% Affordable Housing built on site with an appropriate mix and location of house sizes and types across the site;
- Education contribution of £414,451.47;
- Greenspace contribution of £197,028.12;
- Bus Shelter improvements of £20,000.00;
- Off-site highway works contribution towards pedestrian facilities on Oxford Road and Otley Road of £14,700.00;
- Residential Metro Card scheme for residents of £57,239.94;
- Public Transport enhancements of £106,662.00;

Draft minutes to be approved at the meeting
to be held on Thursday, 8th December, 2011

- Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500.00; and subject to conditions as outlined in the report and no further representations raising new material issues being received prior to the end of the further publicity period on 11 November 2011.

Conditions in the report to include further consultation with Ward Members concerning improvement to the footpath and Ginnel to the Northern Boundary.

(Councillors Hardy and Coulson declared a personal interest in this item as Members of the West Yorkshire integrated Transport Authority)

(Councillor Taggart joined the meeting at 3.20 p.m. during the discussion on this item).

75 Application 11/01803/ADV - Leeds Bradford International Airport, Whitehouse Lane and Victoria Avenue, Yeadon, LS19
(Councillor Taggart in the Chair)

The report of the Chief Planning Officer introduced an application which sought advertisement consent for the erection of 7 x 48 poster sheet billboards within Leeds Bradford International Airport's (LBIA) ownership boundary. It was considered that the application should be referred to Plans Panel because of its significance, impact on the local area and at the request of local Ward Councillors. A site visit had been held following the deferral of the application in October.

It was reported that the application was for seven illuminated free standing signs and that these all fell within greenbelt land. Through discussions had been held with highways and Members were informed that decisions could be taken on each individual board. Members were shown pictures of how the proposed billboards would appear.

Further to Members comments and questions, the following issues were discussed:

- No conditions could be made to control what was displayed on the billboards.
- Landscaping
- Road traffic accident history in the area.
- Lighting - the billboards would be illuminated, but not to levels that would distract road users.

Members discussed each of the sites individually and the applicants agent informed the Panel of discussions with their highways consultant in deciding upon the site for each billboard. Members then took a vote on each site.

RESOLVED - That signs 1,2,4,5 and 6 be approved and that Signs 3 and 7 be refused on the grounds of signs location and size likely to lead to the distraction of drivers to the detriment of highway safety.

(Councillor Coulson abstained from the voting on this item).

76 Application 11/02847/FU - 21 Lower Wortley Road, Wortley, LS12

The report of the Chief Planning Officer introduced a proposal for the retrospective change of the use of shop (A1) to hot food take away (A5). The proposal sought consent to open until 19:00 hours, seven days a week. The report had been brought to Panel at the request of a local Ward Member and had been deferred from the October meeting to allow for a site visit.

It was reported that there had been two applications refused on highways grounds back in 1997 and 1998 but these sought opening until 00:30 hours. Objections had been received from local residents and a Ward Member on highways and parking grounds and also due to a lack of shopping diversity. A build out had been introduced outside the premises and there was available off street parking so it was felt that highways and parking were not grounds to refuse. Similarly with respect to the lack of shopping diversity, the area was not protected by a shop restriction policy and therefore this was not felt to be a ground for refusal.

Further objections had been made on the grounds of anti-social behaviour, but as the shop closed at 19:00 hours, this was not considered to be a problem. A neighbouring premises had also submitted an objection regarding extraction and it was reported that this would form a condition to the application.

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

- There was rear access to allow deliveries to the premises.
- Parking and enforcement

RESOLVED – That planning permission be granted subject to conditions as included in the report and an additional condition to ensure service deliveries are from the rear of the premises.

77 Application 11/03274/FU - Bridge Road, Kirkstall, LS5

The report of the Chief Planning Officer reminded Members that a progress report for the retail development by Metric Property Kirkstall for a mixed retail development at the British Home Stores site on Bridge Road was reported to Panel in October. Members commented on and requested additional information on the following:

- Concerns that there were would be higher volumes of traffic
- Proposed use of a requested footbridge to link the development with the rugby fields on the other side of the River Aire
- Concerns over the reduction in car parking and public transport contribution
- Environmental works along the river boundary and provision of survey on Otters.

Members were shown site plans and photographs of the site along with photographs of the views from Kirkstall Abbey as previously requested.

Reference was made to correspondence that had been received from a local Ward Member regarding further concerns that highways issues had not been properly addressed and the contribution for highways improvements was not enough.

Further to previous concerns and requests for further information, the following issues were reported:

- There was no additional impact on highways that was above the resources as provided by the scheme.
- Funding for Public transport had been increased from £170,000 to £199,000
- Funding for highways had increased from £210,000 to £351,000
- The latest Otter Survey had shown that although there were otters in the area there were no breeding sites – planting could be undertaken to encourage otters.
- Wind modelling – for a 2 storey development, the height was not sufficient to do this.
- Active travel – scheme for pedestrians and cyclists – there were funds to improve the area for cyclists and a footpath over the light railway.
- Impact on listed buildings – the nearest were at least 50 metres away – English Heritage had said there was no impact.
- Climate Change/Sustainability – negotiations were ongoing between Planning and the Developer.
- Job Creation – there was liaison with Employment Leeds regarding job opportunities for local people.

Councillor John Illingworth addressed the meeting. He raised concerns over traffic congestion and made reference to road traffic accidents that had happened in the area. The Panel was issued with maps showing locations of accidents that had happened in the surrounding area. Further issues highlighted included the following:

- Lack of traffic signals
- Climate change issues – low energy buildings and impact of increased carbon emissions from extra traffic
- Section 106 agreement – Councillor Illingworth felt that the Council should be getting more from this due to the high investment in the site.

The applicants agent addressed the meeting and informed the Panel of the history of the application and future proposals for the development. Reference was also made to the poor condition of the site when British Home Stores took ownership. Further issues discussed included car parking and floor space of the proposed development.

RESOLVED – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement to ensure the following:

- Submission and monitoring of a Travel Plan (£3750)
- Funding for off site landscape works (approximately £110,000)
- Funding for the improvement of public transport and/or public transport infrastructure (£199,793)
- Use of local labour and local training
- Funding for off site highway works (approximately £40,000)
- Funding for cycle lane on Bridge Road (approximately £55,000)
- No less than 391 car parking spaces
- Bus shelter upgrades and real time bus information (£53,000)

And to resolve issues related to :

- climate change
- job creation and local training
- consideration of late issues raised in an objection submitted by Morrisons (if such issues cannot be resolved the application to be returned to Panel for decision)

and subject to further conditions as outlined in the report.

(Councillors Coulson and Leadley left the meeting at 17:50 and 17:55 respectively during the discussion on this item).

(Councillors Chastney and Matthews left the meeting at 18:05 following the conclusion of this item)

78 Applications 11/03820/FU, 11/03826/FU and 11/03828/LI - Stonebridge Mills, Stonebridge Lane, Wortley, LS12

The report of the Chief Planning Officer gave members a position statement on the following three applications at Stonebridge Mills, Stonebridge Lane, Wortley.:

- Laying out of access road and erect retail foodstore with service yard, covered and open car parking and landscaping
- Conversion of listed buildings to form 17 flats
- Listed building consent for refurbishment and demolition of buildings

It was reported that the application had been referred to Plans Panel due to it being a significant development.

Members were shown plans and photographs of the site and the following issues were highlighted:

- The previous application was for a retail development that was only half the size of what was currently proposed.
- It was proposed to demolish more buildings on the site – no extra listed buildings to be demolished.

- Affordable housing – discussions to be held with Housing Associations about management
- Objections had been received from local Ward Councillors and support for and against the plans had been received from local residents.
- The site was allocated for convenience shopping in the UDP
- Highways were in discussion with the developers over the proposals
- Further concerns regarding changes to the original plans included the location of the service yard, the proposed store building being double the original planned height and was nearer to listed buildings.
- Ecology – concern regarding the loss of habitat for wildlife
- The developers had a commitment to job creation for local people.

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

- A site visit was suggested.
- Significant changes to the original application.
- Retention of heritage and listed buildings.

RESOLVED – That the report be noted.

79 Date and Time of Next Meeting
Thursday, 8 December 2011 at 1.30 p.m.

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Report of The City Solicitor

Report to Plans Panel (West)

Date: 8th December 2011

Subject: Applications to register land at Butcher Hill, West Park and Old Farm Drive, Leeds as Town or Village Greens under the provisions of Section 15(1) of the Commons Act 2006

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Kirkstall and Weetwood		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Applications have been submitted by Councillor Bernard Atha to register three areas of land in the ownership of Leeds City Council as Town or Village Greens under the provisions of the Commons Act 2006.
2. The Council as Commons Registration Authority is legally obliged to consider village green applications.
3. The Council as landowner has objected to all three objections.
4. Under the Council's Constitution Members of the relevant Plans Panel have responsibility for the determination of such applications and the purpose of this Report is therefore to obtain a decision as to the procedure that should be followed in order to resolve the applications and in particular whether in the circumstances outlined non statutory public hearings should be held.

Recommendation

5. Members are requested to consider the relevant issues and evidence outlined in this report and agree that public hearings be called and an inspector be appointed by the City Solicitor, with a view to undertaking an examination of the evidence submitted by the parties concerned and to prepare a report in relation to his/her findings for consideration at a future meeting of the Plans Panel.

1 Purpose of this report

- 1.1 To inform members of 3 applications submitted to the Council by Cllr. B.Atha and the Spen Hill Residents Association, Moor Grange Action Group, West Park Residents Association, Kirkstall Crusaders, Hawksworth Community Association and Inner North West Area Committee (“the Applicant”) for the registration of areas of land identified by the Applicant to be Butcher Hill Playing Fields, West Park Playing Fields and land off Old Farm Drive (“the application sites”), as shown edged red on the plans numbered 1-3 attached as Town or Village Greens under the provision of section 15(1) of the Commons Act 2006.
- 1.2 To advise members of the relevant issues which should be taken into account in considering the applications and to seek a determination as to the procedure that should be followed in order to resolve the applications and in particular whether in the circumstances outlined non statutory public hearings should be held.

2 Background information

- 2.1 The Council is the Commons Registration authority under the provisions of the Commons Act 2006 and is obliged to amend the statutory register where any unregistered land in the Metropolitan District of Leeds becomes a town or village green within the meaning of the Act.
- 2.2 On the 29th June 2010 the Council received the 3 applications referred to above. The Butcher Hill Playing Fields application was accompanied by 34 witness statements supporting the application, West Park Playing Fields was accompanied by 34 witness

statements supporting the application and the land off Old Farm Drive was accompanied by 36 witness statements supporting the application

- 2.3 The application form for Butcher Hill contained a reference to the possibility of adjoining land which forms the playing fields of Abbey Grange Church of England High School being included within the application site. Following consultation between Councillor. Atha on behalf of the Applicant and the registration Authority the application plan was amended to include this additional land, however, Councillor Atha subsequently requested the Council as Commons Registration Authority to exclude the area of land forming the School playing fields from the application.
- 2.4 Land Registry searches revealed that all 3 application sites are owned by the Council.
- 2.5 On the 26th July 2010 site visits were undertaken where it was observed that no physical barriers existed to preclude use of the application sites by members of the public. Photographs taken at the same time from various parts of the application sites will be available to view by members during the consideration of this report.
- 2.6 On the 20th September 2010 the Head of Planning Services under delegated powers gave preliminary consideration of the applications and determined that from the information received the applications should be advertised and the landowner informed and that details of representations and objections received be reported to the Plans Panel.
- 2.7 On the 29th September 2010 copies of the applications were sent to officers in the Council representing the Council as landowner and Ward Members were notified accordingly.
- 2.8 On the 1st October 2010 notices were duly affixed at various locations to the perimeter of the application sites and on the same date notice of the application was published in the Yorkshire Post.

2.9 On 30th November 2010 Objections to each application were subsequently received from the Council as landowner

3 Main issues

Consideration of the Applications

- 3.1 The fact that the application sites appear to be available for public use does not automatically mean that they will qualify as Town or Village greens as there are other factors to take into account as referred to later in this report. A person making an application for the registration of land as a town or village green must, if they wish to succeed, prove their case. If they fail to provide sufficient and persuasive evidence in respect of any key statutory requirement then the application must be rejected.
- 3.2 Land ownership is irrelevant to the question of whether the Applicant has made out a proper case. Landowners are unlikely to want their land to be encumbered by village green status but their wishes (and the financial implications involved) must be left wholly out of account in determining the issues which arise.
- 3.3 Planning merits and social needs are also irrelevant. There may be strong social and planning arguments for land remaining available for use by local people for recreational purposes, but these should not be taken into account for the purpose of determining the application for registration. The determination process involves an analysis of relevant facts and the application of law to them.
- 3.4 Village green applications are in the main contentious issues and there are many recent examples of appeals being lodged as a consequence of decisions made by registration authorities. It is therefore considered prudent to ensure that all the facts pertaining to an application and any objections thereto are carefully and thoroughly examined. This is particularly relevant where there is disputable evidence, or where there is no clear and concise written evidence to be certain that either party is correct in its submissions.

Outline of relevant issues

- 3.5 The relevant provisions of Section 15 of the Commons Act 2006 are as follows:
- (1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2) ... applies.
 - (2) This subsection applies where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - (b) they continue to do so at the time of the application.
- 3.6 The issues, which need to be considered in respect of the applications, are therefore:
- 3.6.1 Has the land been used for lawful sports and pastimes?
 - 3.6.2 Has this use taken place over a period of twenty years?
 - 3.6.3 Have a significant number of the inhabitants of a locality or of a neighbourhood with a specific locality indulged in lawful sport and pastimes?
 - 3.7 Has the user by inhabitants been “as of right”?
 - 3.8 Did they continue to do so at the time of the application?

Have the application sites been used for lawful sports and pastimes?

- 3.9 The applications contained the following information in relation to each individual area of land
- 3.9.1 Butcher Hill Playing Fields - Written evidence has been submitted to support the application indicating that the following sport and pastimes have taken place: dog walking, children playing, football, rugby,

cricket, baseball, sunbathing, walking, jogging, picnics and general relaxation.

3.9.2 West Park Playing Fields – Written evidence has been submitted to support the application indicating that the following sports and pastimes have taken place: galas, sports days, camping, dog walking, cricket, football, golf, walking, jogging, children playing, cycling, scooting, bonfires, a “street” party, blackberry picking and general relaxation.

3.9.3 Old Farm Drive – Written evidence has been submitted to support the application indicating that the following sports and pastimes have taken place: children playing, dog walking, football and cricket.

3.10 The 2006 Act contains no definition of the phrase “lawful sports and pastimes” but in order to pass the test for registration purposes it may be reasonable to presume that the “sports and pastimes” must be (i) lawful; (ii) definite; (iii) and engaged in by more than isolated individuals.

3.11 The House of Lords, in *R-v-Oxfordshire County Council ex parte Sunningwell Parish Council* (1999), rejected the argument that the sports and pastimes need to be communal, or include formal sports or organised events, in order to justify registration. Informal modern activities such as dog walking and playing with children are said to be relevant for this purpose as traditional ones such as maypole dancing. So long as evidence is available of a clear pattern of recreational use by local inhabitants it does not matter what types of lawful sports and pastimes are indulged in by the inhabitants.

3.12 The objections to the applications are summarised as follows:

3.12.1 Butcher Hill Playing Fields – The application site was purchased by the Council in two phases on the 3rd October 1928 and 7 October

1957 respectively. The site contains three football pitches with surrounding open space.

It is asserted that the land has been dedicated to the public as a pleasure ground which creates a substantive right for the public to use the land. The site is also the subject of byelaws made under the Public Health Act 1875 and the Open Spaces Act 1906 which relate to the general regulation of “pleasure grounds, public walks and open spaces”.

It is further stated that the football pitches within the application site are hired from the Council by a number of football teams on a seasonal basis to play local and FA and league fixtures and that the permissive use therefore serves to interrupt any use by local inhabitants.

3.12.2 West Park Playing Fields – The application site was acquired by the Council in two phases as part of larger land acquisitions. Part of the application site was purchased by the Council in February 1931 for use as playing fields. The other part of the application site was purchased by the Council in July 1947, with a covenant to use the land as open space or playing fields and not to erect any buildings other than sports pavilions without the consent of the vendor

The majority of the site is subject to byelaws made under the Public Health Act 1875 and the Open Spaces Act 1906. It is stated that the football pitches within the application site are hired from the Council by a number of football teams on a seasonal basis to play local and FA and league fixtures and that the permissive use therefore serves to interrupt any use by local inhabitants.

3.12.3 Old Farm Drive – the site was acquired by the Council as part of 3 larger land acquisitions in 1954 and 1955. As with the Butcher Hill Playing Fields and West Park Playing Fields the site is subject to

byelaws made under the Public Health Act 1875 and the Open Spaces Act 1906. It is stated that the site is held by Parks & Countryside for the purposes of maintaining it as local green space

- 3.13 Observations – From the evidence submitted by the Applicant there appears to be a clear pattern of recreational use of the application sites. The landowner claims that the sites are all held for recreational purposes and are subject of byelaws which seek to control the activities undertaken. The arguments put forward in relation to this part of the statutory test would appear to have a direct link to paragraphs 3.17 to 3.21 and the use of the sites “as of right” As there are issues of dispute in relation to this part of the statutory test it is considered that the evidence submitted requires further examination

Has there been 20 years use?

- 3.14 Witness statements in support of the applications indicate use of the application sites for a variety of sports and pastimes for periods in excess of twenty years and that this use is continuing.
- 3.15 Notwithstanding the witness statements submitted with the applications the landowner puts the Applicant to proof that qualifying use of each application site has been by a significant number of people.
- 3.16 Observations – From the evidence submitted by the Applicant there would appear to be continuous use of the application sites for a period in excess of twenty years

Has use been as of right?

- 3.17 The activities undertaken on the land must have taken place;

without resort to force; without secrecy; and without any express or implied licence or permission from the landowner. The use must be “as of right” meaning that the right has become established by the use of the land, as opposed to “by right” where rights to use the land have been granted by the landowner.

- 3.18 The witness statements in support of the applications indicate that free and unrestricted access to the application sites has been enjoyed for the purpose of recreational activities which have taken place openly without hindrance.
- 3.19 In the objection to all three applications it is stated that the application site dedicated to the public as a pleasure ground within the meaning of section 164 of the Public Health Act 1875 which creates a substantive right for the public to use the land and that the public use is “by right” and not “as of right”.
- 3.20 In commenting on the objections the Applicant has asserted that local inhabitants were not aware that the site had been dedicated for public use and that no notice to this effect had been erected on site. In respect of West Park and Butcher Hill, the Applicant has also commented that the Council has not produced any documentation to show that the land was appropriated by the Council for recreation or health purposes.
- 3.21 Observations – From the evidence submitted by the parties there is a dispute as to whether the application sites are used “as of right” – where the rights have become established by the use of the land or “of right” - where the landowner has granted permission for members of the public to use the land. This is another matter of dispute that requires further examination..

Is there a specific locality – or a neighbourhood within a locality?

- 3.22 The issue here is what constitutes a locality and can that locality be identified. Locality has to be an area known to law. It can be an administrative area of a city or borough, a ward, a parish (either administrative or ecclesiastical) or even an ancient manor.
- 3.23 A neighbourhood means an area with a sufficient degree of cohesiveness and that requirement for cohesiveness is not simply satisfied by drawing a line on a plan.
- 3.24 The registration authority has to be satisfied that the claimed user had been by the inhabitants of an area that could be properly described as a “locality” or neighbourhood within a locality. Whilst it is not necessary to show user exclusively by the inhabitants of the locality or neighbourhood within a locality that use must be predominantly by local inhabitants.
- 3.25 The Applicant has identified the following localities in respect of which each of the applications are made:
- 3.25.1 Butcher Hill – Kirkstall Ward
- 3.25.2 West Park Playing Fields – Weetwood
- 3.25.3 Old Farm Drive – Kirkstall Ward
- 3.26 In commenting on the objections received the Applicant has also made reference to the following neighbourhoods:
- 3.26.1 Butcher Hill – The Spens being a distinct area contained within and bounded by Spen Lane Butcher Hill and the railway line.
- 3.26.2 West Park Playing Fields – West Park being a distinct area contained within Spen Lane, The Ring Road, Spen Lane and the boundary of Leeds University.

- 3.26.3 Old Farm Drive – Moor Grange being a distinct area contained within and bounded by Spen Lane, The Ring Road and Butcher Hill.
- 3.27 Notwithstanding the above, the Landowner has stated that the Applicant is required to demonstrate a locality or a neighbourhood within a locality and the landowner has therefore put the Applicant to proof on those issues.
- 3.28 Observations – Again this part of the statutory test is in dispute and it is considered that this is an issue that requires further examination.

Has there been use by a significant number of inhabitants of the locality or neighbourhood within a locality?

- 3.29 The question of ‘significant number’ is not defined in the Act and has been held to be a matter of impression. In R (Alfred McAlpine Homes Limited v Staffordshire County Council (2002) it was said that the number need not be considerable or substantial, but was a matter of impression for the decision-maker on the evidence and what mattered was that the numbers involved had to be sufficient to indicate that it is general use by local people rather than occasional use by individuals as trespassers.
- 3.30 The applications are supported in each case by over 30 witness statements. The Landowner has stated that a number of persons who have written letters supporting the applications are referring to areas of land outside the application sites. The Applicant has stated that where inhabitants refer to more than one application site it is because they support all three applications as being used freely as of right for more than twenty years.
- 3.31 Observations – From the evidence submitted by the applicant it would appear to indicate that the use of the sites have been used by a significant number of

inhabitants. The landowner has disputed the evidence submitted by the applicant and again it is considered that it is an issue that requires further examination.

Is there continuing user?

- 3.32 The applications and supporting evidence state that use of the application sites has taken place over a period in excess of twenty years and has continued up to the date of the applications.
- 3.33 Observations – There does not appear to be a dispute as to the continued use of the application sites but as indicated previously the use of the sites is in dispute.

Exchange of further correspondence

- 3.34 The parties involved have been given an opportunity to consider each others representations with a view to agreeing some common ground and to ascertain if there was any further information that would enable the Registration Authority to make a determination as to the status of the application sites. This correspondence concluded on 3 October 2011, from which is clear that there would not appear to be any common ground and parties involved retain their stated positions as Applicant and Landowner.
- 3.35 The Applicant has challenged the right of the Council's Chief Recreation Officer to object to the applications on behalf of the Council. The response of the Landowner is that the objections were signed by the Council's Chief Recreation Officer, acting under a sub-delegation from the Council's Director of City Development. The Director of City Development has delegated authority from the Council's Executive Board in relation to the management of the Council's land holdings and in relation to recreation services, and has authority to sub-delegate his powers to named officers.

Public Hearing

3.36 In the 2004 case of R (Whitney) v The Commons Commissioners, the Court of Appeal considered the powers of registration authorities to decide disputes. In her leading judgment, Lady Justice Arden stated as follows:-

“ In order to act reasonably, the registration authority must bear in mind that its decision carries legal consequences. If it accepts the application, amendment of the register may have a significant effect on the owner of the landLikewise, if it wrongly rejects the application, the rights of the Applicant will not receive the protection intended by Parliament. In cases where it is clear to the registration authority that the application or any objection to it has no substance, the course it should take will be plain. If, however, that is not the case, the authority may well properly decide, pursuant to its powers under section 111 of the 1972 Act, to hold an inquiry. We are told that it is the practice for local authorities so to do either by appointing an independent inspector or by holding a hearing in front of a committee. If the dispute is serious in nature, I agree with Waller LJ that if the registration authority has itself to make a decision on the application it should proceed only after receiving the report of an independent expert (by which I mean a legal expert) who has at the registration authority's request held a non-statutory public inquiry where the registration authority has a conflict of interest because it also owns the land in question..... it can appoint an independent legal expert to conduct a non-statutory inquiry into the factual position and make findings.”

3.37 The High Court judgment of R v Cheltenham Builders Limited [2003] reaffirmed the findings of previous case law that where an application is contentious in nature and the evidence requires testing, some form of oral hearing will in practice be necessary.

It was noted in that judgment that although there is no provision for such a procedure in the governing regulations it is understood that Commons Registration

Authorities organise non-statutory hearings where the written submission disclose significant conflicts of evidence. In addition it was confirmed that the authority has an implied duty to take reasonable steps to acquaint itself with the relevant information and that oral procedure seems essential if a fair view is to be reached where conflicting recollections need to be reconciled, even if the absence of statutory powers makes it a less than ideal procedure.

3.38 The Applicant has made reference to the cost of full hearings and has requested the landowner withdraw the objections and allow members of the Panel to consider the issues and if satisfied recommend approval to the Council. The Landowner has declined to accept this approach and retains its position.

3.39 It is acknowledged that the costs associated with three hearings (even if they are dealt with on consecutive days by the same inspector) are likely to exceed £20,000. This would include the appointment of an inspector for a preliminary hearing of half a day to resolve administrative issues and the hearings themselves which are likely to last for at least a week in total, the hiring of a venue, the cost of the inspectors reports, plus officer time for making appropriate arrangements and attending the hearings.

It is however considered that in view of complex legal points at issue and the fact that the application sites are all owned by the Council public hearings should be held in the interests of transparency and to underline the Council's impartiality and independence as Registration Authority.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Following initial consideration the applications were circulated to the land owning departments and relevant Ward Members and public notices of the applications were advertised in the Yorkshire Post and posted at each of the sites.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The proposal in this report has no adverse implications for the Council's Policy on Equality and Diversity

4.3 Council Policies and City Priorities

4.3.1 As Commons Registration Authority the Council is legally obliged to determine Town and Village Green applications impartially and with reference to the statutory provisions concerning Town and Village Green applications and relevant case law.

4.4 Resources and Value for Money

Whilst it is not possible to predict the actual costs associated with a Village Green application it is likely that in the event that a public inquiry is called and an inspector appointed to consider and report his/her findings the costs will be in excess of £20,000. The costs will increase substantially in the event that the decision of the Council is the subject of legal challenge.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The determination of an application involves the taking of a quasi-judicial decision which may be the subject of legal challenge. It is therefore essential that the evidence relating to each application is properly tested prior to a decision being taken.

4.6 Risk Management

All decisions made by the Council are susceptible to legal challenge, decisions concerning village green applications appear more so in view of the imprecision of certain elements of the statutory test.

5 Conclusions

- 5.1 In view of the fact that the application sites are in Council ownership and the legal complexities involved it is concluded that it would be prudent for public hearings to be held in the interests of transparency and impartiality

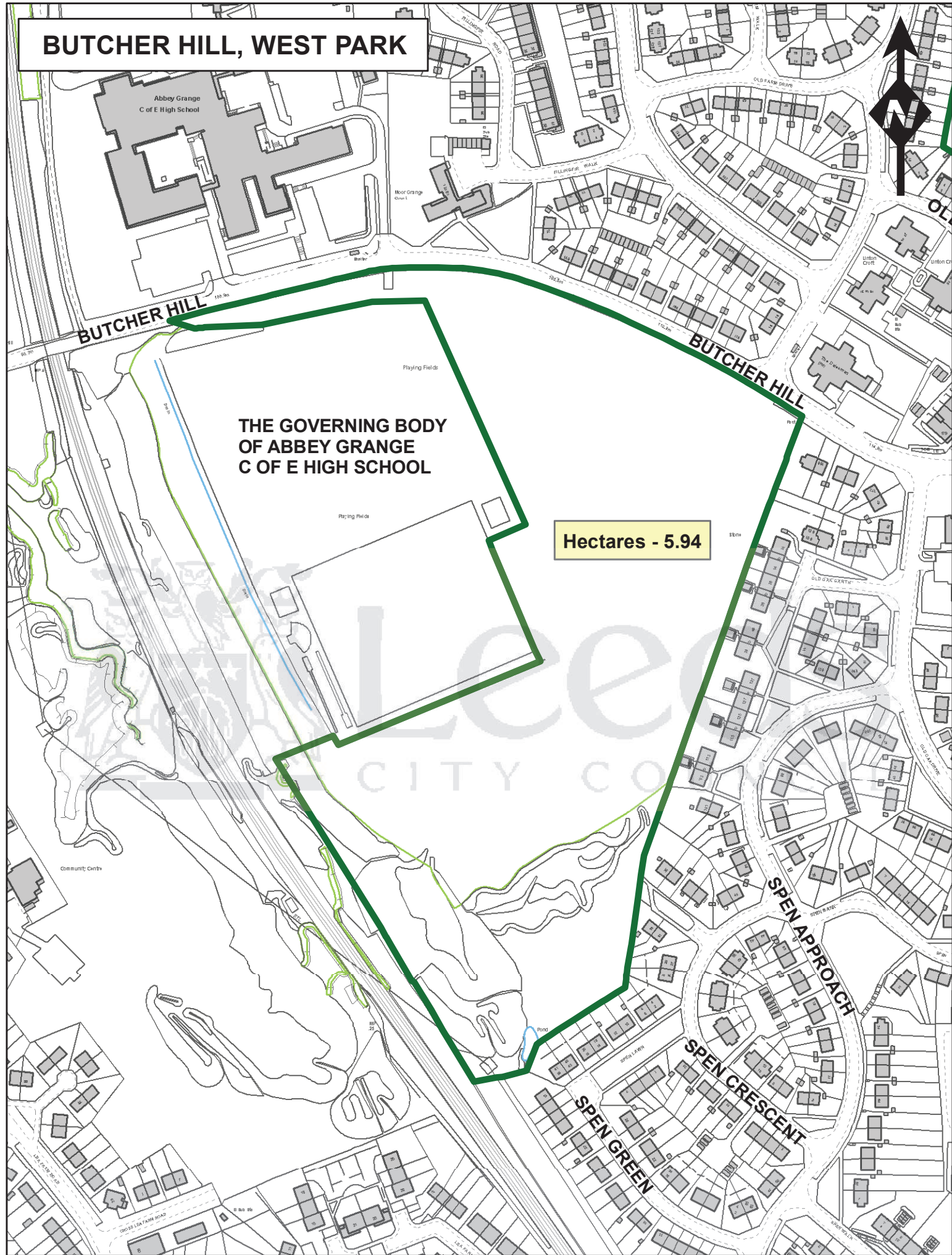
6 Recommendations

- 6.1 Members are requested to consider the relevant issues and evidence outlined above and agree that public hearings be called and an inspector be appointed by the City Solicitor, with a view to undertake an examination of the evidence submitted by the parties concerned and to prepare a report in relation to his/her findings for consideration at a future meeting of the Plans Panel.

7 Background documents

- 7.1 Application Form and supporting witness statements for the registration of Butcher Hill Playing Fields as a town or village green
- 7.2 Objection of the landowner to the application to register Butcher Hill Playing Fields as a town or village green
- 7.3 Application Form and supporting witness statements for the registration of West Park Playing Fields as a town or village green
- 7.4 Objection of the landowner to the application to register West Park Playing Fields as a town or village green
- 7.5 Application Form and supporting witness statements for the registration of land at Old Farm Drive as a town or village green
- 7.6 Objection of the landowner to the application to register land at Old Farm Drive as a town or village green

BUTCHER HILL, WEST PARK

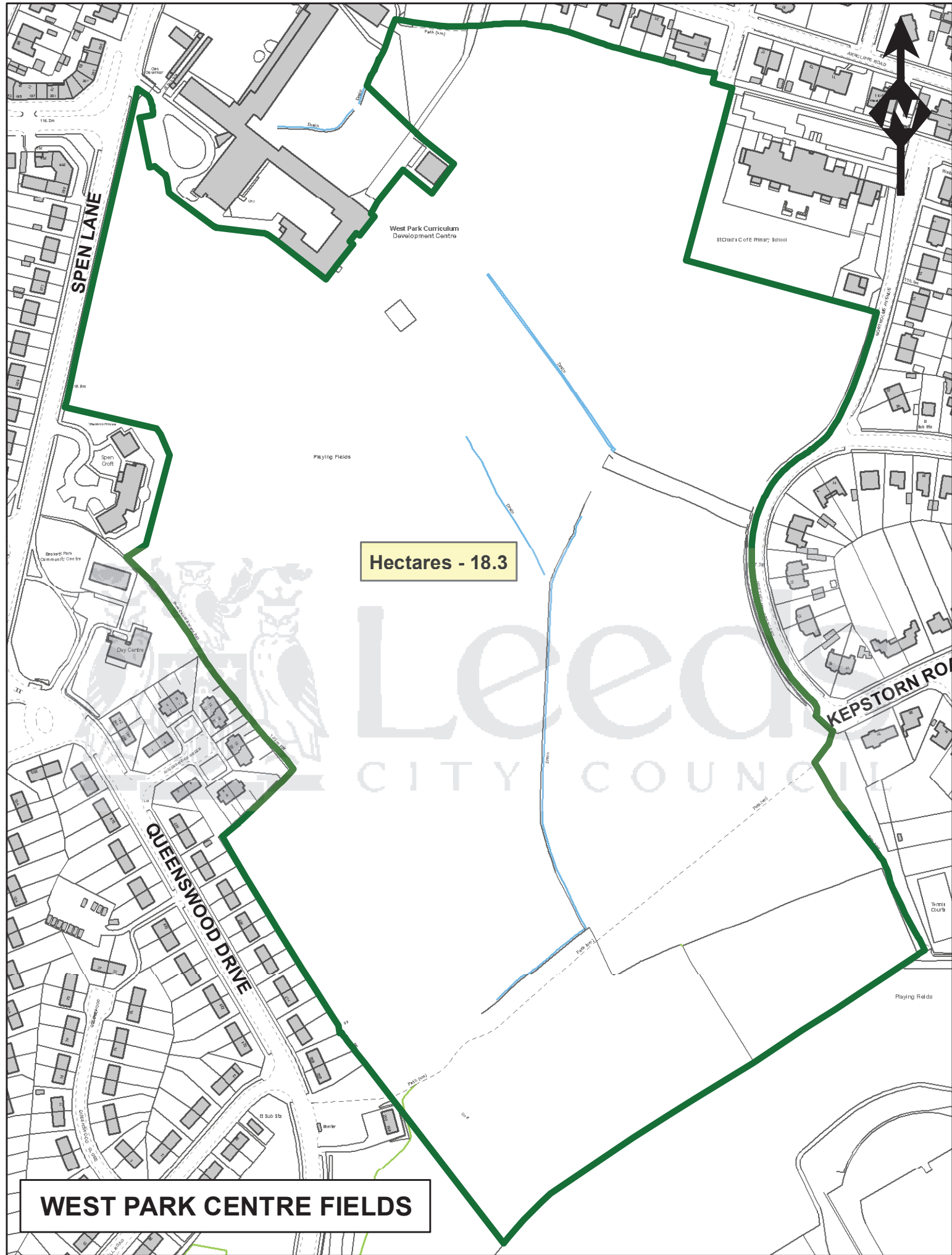


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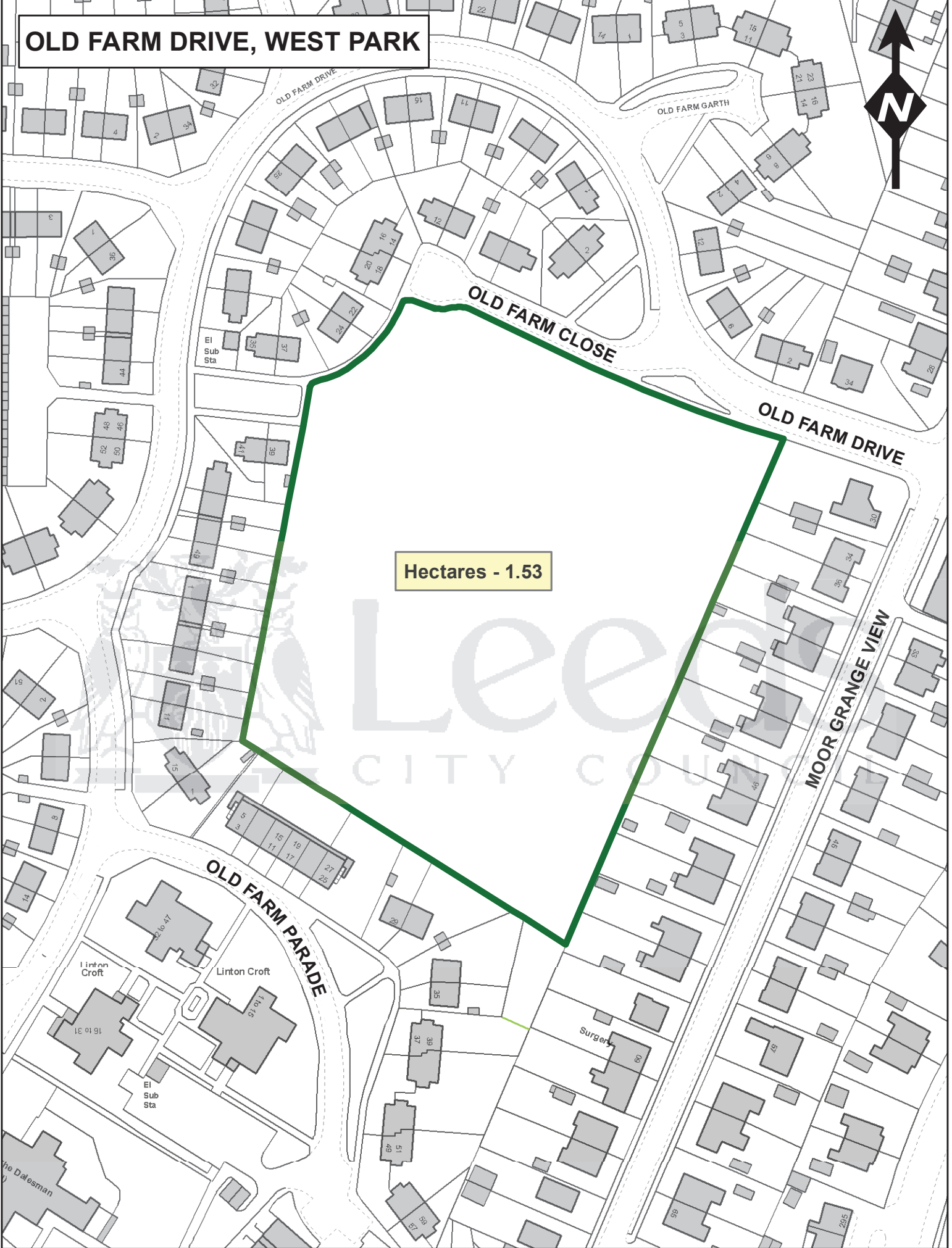
Hectares - 18.3

WEST PARK CENTRE FIELDS

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OLD FARM DRIVE, WEST PARK



Hectares - 1.53

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Originator: Carol
Cunningham
Tel: 0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 8th December 2011

**Subject: POSITION STATEMENT for
Application Number 11/03820/FU – Laying out of access road and erect retail foodstore with service yard, covered and open car parking and landscaping
Application Number 11/03826/FU – Conversion of Listed Buildings to form 17 flats
Application Number 11/03828/LI – Listed building consent for refurbishment and demolition of buildings
At Stonebridge Mills, Stonebridge Lane, Wortley.**

APPLICANT	DATE VALID	TARGET DATE
Tesco Stores Ltd and Santon Developments Ltd	8 September 2011	8 December 2011

<p>Electoral Wards Affected:</p> <p>Farnley and Wortley</p> <p><input type="checkbox"/> Yes (Ward Members consulted referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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Members comments on the heritage aspects of the applications are requested following the site visit prior to Panel

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel as it is a significant development. Members will recall that a position statement was forwarded to Plans Panel in November for comments. For information a copy of this report can be found at Appendix A. Members raised issues in relation to the application as follows:
- A site visit was suggested.
 - Significant changes to the original application.
 - Retention of heritage and listed buildings.

- 1.2 The applications are still not in a position to be determined at this stage so this report updates Members on any changes since the proposals were last presented to Panel and invites comments on the heritage aspects of the proposal following the morning Panel site visit..

2.0 PROPOSAL:

- 2.1 Outline planning permission for a supermarket with access and a new build/conversion of existing buildings to a mixed development was granted in 2005 and this permission was renewed in 2008. A reserved matters application for a supermarket was approved by Panel in August 2001. This proposal was for a supermarket that was 2321 square metres (24,990 square feet) net sales area. There are now three applications that have been submitted for development on this site which are for the following

Application number 11/03820/FU – Supermarket

- 2.2 The supermarket is on the part of the site covered by the reserved matters application which was approved in August 2011. The proposal does extend beyond the reserved matters application into the site adjacent which has the listed buildings and Mill Pond. The Mill Pond will be reduced in size more than on the previous approval. The proposed store will have a gross floor space of 9,317 square metres and net sales floor space of 4,907 square metres. The supermarket that was approved earlier on this year was for 2,321 square metres of net sales floor space. The store will be two storey with a car park underneath the store, along with some surface car parking. There will be a provision of 467 car park spaces. There is a service yard on the upper level which is located on land between the store and the adjacent site which has the listed buildings that are proposed for conversion.
- 2.3 The access for the previous approved scheme involved an additional leg of the roundabout at the junction of The Ring Road and Stonebridge Mills. This scheme involves traffic lights on this roundabout and the store accessed off an access road off the Ring Road which will also have a traffic light controlled junction. This will involve a new footbridge over Wortley Beck in a different location than shown on the previously approved scheme.
- 2.4 The supermarket is proposed to be constructed from natural stone facing, glazing and larch cladding panels. The front elevation will be glazing and natural stone facing. The overall height on this elevation will be 14 metres at its lowest point and 16 metres at its highest . There is a 'Travelator' lobby on the front elevation which will be at a lower height of 12 metres. On this elevation will be a composite cladding and natural stone facing wall to the service yard which will have a maximum height of 6.5 metres. The side facing the listed buildings will be faced in natural stone and glazing and will house the access road to the service yard. Part of this elevation will cover the plant well which is located to the rear on the boundary with residential properties. This plant well will be covered with louvres. The other side elevation facing the car park will be glazing and larch cladding panels. The rear elevation will be larch cladding panels and louvres to the plant well.
- 2.5 To the rear of the site on the eastern boundary the building will form the retaining wall for the length of the banking to the rear. On this boundary with the car park will be a crib wall which was approved as part of the recent reserved matter application. On the top of this crib wall will be a wooden knee high rail. Above both the store and crib wall the land rises and will have landscaping, some existing and some proposed. On the boundary of this landscaping and the gardens of the residential properties will be a 3 metre high weld mesh fence.

- 2.6 The southern boundary which is on the boundary with the open land allocated as Local Nature Area LNA38 in the Unitary Development Plan will also have the crib wall for part of its elevation then an open mesh fence with a hedge on the LNA side. The western boundary is along Wortley Beck. There will be a flood wall on the car park boundary and proposed access road on the Wortley Beck side. This is to protect the car park and store from flooding from the Beck. This wall will extend the entire length down to the roundabout. This will be faced on both sides in stone to match the stone on the proposed store. Between the flood wall and the beck will be an extensive area of landscaping which ranges between 20 to 50 metres in width. Some of this will be existing vegetation with supplementary planting. The northern boundary forms the boundary with the listed building complex known as Stonebridge Mills which houses a range of listed buildings, and ancillary buildings within the grounds of a listed building. This boundary will be a stone faced wall on both sides with railings above.
- 2.7 In relation to landscaping there will be a significant loss of trees, bushes and shrubs from the site. This removal has already been approved for the smaller scheme. The amount of landscaping proposed is more than the previous scheme as the border separating the development from the boundaries is wider and allows for more planting.
- 2.8 A Section 106 agreement formed part of the previous approval for the development. The agreement included:-
- £500,000 to carry out improvements within the Armley, Farnley and Wortley and Bramley community areas with first consideration to be given to the improvement of Armley Town Centre; localised highway improvements in Wortley including a footpath between the Bawn Estate and the Ring Road and a pedestrian crossing to the north west of the Ring Road roundabout should such a crossing be considered necessary
 - £20,000 for improvements to the two adjacent bus stops on the Ring Road
Consultation with Metro and Bus Operators to require that a bus service is provided to the site or an existing bus route is diverted to the site to coincide with the opening of the supermarket.
- 2.8 An additional requirement for bus stops on Stonebridge Lane and real time passenger information as part of this application was considered a reasonable request and should be included as part of the scheme.
- Application number 11/03826/FU – Change of Use of Listed Buildings to 17 flats**
Application number 11/03828/LI – Listed Building application to facilitate development for flats.
- 2.9 These applications are for conversion of some of the listed buildings for residential development. A previous application gave consent for demolition of some of the buildings within the grounds of these listed buildings with none of them listed in their own right. This consent includes an additional 5 buildings to be demolished and a further two which are listed (7 in total)
- 2.10 Two of the listed buildings are proposed to be converted into residential properties. The other 11 buildings will be refurbished and made weatherproof with 5 of the

smaller buildings being suggested they be used for bin and cycle stores. The rest will remain vacant for the current time.

- 2.11 The two buildings to be converted will have 9 units which are two bed flats 3 units which are two floor 3 bed flats and a further 3 bedroomed single floor 3 bed flats (15 units in total). The conversion involves no demolition of internal walls but insertion of a variety of additional walls. The elevations involve mainly refurbishment of the existing window and door openings. The windows will be timber double glazed units and all the existing sills, heads and reveals will be repaired. Some of existing boarded or brick openings will be reopened using materials and windows to match the existing. A few windows on the ground floors will be increased in size to form door openings again using materials and designs to match the existing. On one of the buildings the existing skylights will be removed and the roof will be tiled to match the existing. All the units will be provided as affordable housing.

3.0 UPDATE SINCE LAST PANEL

Supermarket application

1. Principle

Since last Panel officers have considered the retail impact assessment that has been submitted. Officers have indicated that they are concerned regarding the catchment area used for the assessment as it is not based on surveys related to the site and is based on judgements. A revised retail impact assessment has been requested but so far has not been received.

2. Highways

Officers had requested that there was a public footpath through the listed building site linking the new bus stops on Stonebridge Lane and the supermarket. A revised plan has been received detailing this footpath which is being assessed by officers. A new issue that has arisen relates to the fact that for the new bus stops on Stonebridge lane a bus layby is required with involves the demolition of listed building 4 and 5. Members may wish to give their views on this matter after the site visit.

3. Residential amenity

Neighbourhoods and Housing have responded to the noise report that has been submitted with the application. They have concluded that they raise no objections to the proposal with appropriate conditions including 24 hour operation.

4. Conservation matters

Officers have further advice for Members in relation to the supermarket and its impact on the listed buildings. It is considered that the development of the much larger supermarket will dominate the site and impact on the setting of the listed buildings. That being said the mill complex is relatively compact and the open green space does not form a direct part of its character. The benefits to the listed building complex could be substantial if handled sensitively and comprehensively but at present this is not the case and the proposals coming forward propose additional demolition and only partial reuse of some of the remaining buildings..

Residential conversion applications

1. Conservation matters

Officers have further advice for Members in relation to the impact of the residential conversion on the listed buildings and the proposed demolition of additional buildings within the curtilage and two listed buildings.

The Structural surveys that have been submitted do not provide sufficient evidence for the proposed works. The surveys are very light-touch and do not go into any great detail on the buildings. They also state that further investigation is required which has not been undertaken and many parts of the site are yet to be even accessed and surveyed. In terms of the proposal Members should note the following:

Demolition of former cottages and meter house (Buildings 4 and 5)

These buildings form a significant part of the listed building complex as they are domestic dwellings for the workers and their importance is identified by the fact they are listed in their own right. The demolition of these buildings has not been justified. Whilst it is acknowledge they are in a poor state the survey submitted does not identify them as being in any worse condition than buildings 6 to 11 and these are retained. Further investigation and strong justification is required and the demolition of these buildings cannot be supported at this stage.

Conversion of The Old Mill (building 1) and Middle Mill (building 15)

No objections in principle to the two buildings for conversion Majority of important industrial features are proposed for retention with enhancement of the building in terms of the reinstating of the slate roof. Needs a statement of works to be submitted before work commences

Rehabilitation of the Boiler House (building 2) and The Engine House (building 3)

Strong concerns regarding the approach to these buildings. There is no long term benefit for either of these buildings. As these are attached to the buildings identified for residential conversion it is strange to leave these buildings redundant. To secure the long term conservation of these buildings a positive and active reuse of the buildings is required. Concerned that unless long term conservation is identified at this stage then the building will fall into further disrepair and have a detrimental impact on the proposed development for the rest of the site.

Rehabilitation of buildings 6-11

The proposal for these buildings is vague and have no real plan. To ensure the long term future a more definite reuse is required, otherwise the peripheral elements of the site could continue to degrade and result in the whole development being compromised.

Rehabilitations of buildings 12-14

Similar to above in that not creating a use for these buildings could jeopardize the listed buildings themselves and the viability of the whole scheme.

In order for the scheme to be successful it needs

1. A proposed use and scheme for every listed building including those identified for demolition or significant justification as to why this cannot be achieved
2. The full investigation and structural report on all building proposed for conversion or rehabilitation.

Background Papers:

Application file: 11/03820/FU

11/03826/FU

11/03828/LI

APPENDIX A



Originator: Carol
Cunningham
Tel: 0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 10th November 2011

Subject: POSITION STATEMENT for
Application Number 11/03820/FU – Laying out of access road and erect retail foodstore with service yard, covered and open car parking and landscaping
Application Number 11/03826/FU – Conversion of Listed Buildings to form 17 flats
Application Number 11/03828/LI – Listed building consent for refurbishment and demolition of buildings
At Stonebridge Mills, Stonebridge Lane, Wortley.

APPLICANT	DATE VALID	TARGET DATE
Tesco Stores Ltd and Santon Developments Ltd	8 September 2011	8 December 2011

Electoral Wards Affected:

Farnley and Wortley

Yes (Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Members Comments on the following are requested;
Supermarket application (11/03820/FU)

- The principle of development
- Highways in terms of highway alterations, access arrangements, level of car parking, contributions required for public transport infrastructure, Metro contributions and green travel plan.
- Design
- Boundary treatments
- Landscape and ecology
- Residential amenity

Residential conversion applications (11/03826/FU & 11/03828LI)

- Principle
- Design
- Impact on listed buildings
- Affordable housing and greenspace .

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel as it is a significant development. Members will recall that this position statement was forwarded to Plans Panel in November. Members requested that they undertook a site visit to assess the proposal especially in relation to the development on the Listed Building part of the site. The applications are not in a position to be determined at this stage so this report updates Members on any updates in relation to the scheme.

3.0 PROPOSAL:

- 3.1 Outline planning permission for a supermarket with access and a new build/conversion of existing buildings to a mixed development was granted in 2005 and this permission was renewed in 2008. A reserved matters application for a supermarket was approved by Panel in August 2001. This proposal was for a supermarket that was 2321 square metres (24,990 square feet) net sales area. There are now three applications that have been submitted for development on this site which are for the following

Application number 11/03820/FU – Supermarket

- 3.2 The supermarket is on the part of the site covered by the reserved matters application which was approved in August 2011. The proposal does extend beyond the reserved matters application into the site adjacent which has the listed buildings and Mill Pond. The Mill Pond will be reduced in size more than on the previous approval. The proposed store will have a gross floor space of 9,317 square metres and net sales floor space of 4,907 square metres. The supermarket that was approved earlier on this year was for 2,321 square metres of net sales floor space. The store will be two storey with a car park underneath the store, along with some surface car parking. There will be a provision of 467 car park spaces. There is a service yard on the upper level which is located on land between the store and the adjacent site which has the listed buildings that are proposed for conversion.
- 3.3 The access for the previous approved scheme involved an additional leg of the roundabout at the junction of The Ring Road and Stonebridge Mills. This scheme involves traffic lights on this roundabout and the store accessed off an access road off the Ring Road which will also have a traffic light controlled junction. This will involve a new footbridge over Wortley Beck in a different location than shown on the previously approved scheme.
- 3.4 The supermarket is proposed to be constructed from natural stone facing, glazing and larch cladding panels. The front elevation will be glazing and natural stone facing. The overall height on this elevation will be 14 metres at its lowest point and 16 metres at its highest . There is a 'Travelator' lobby on the front elevation which will be at a lower height of 12 metres. On this elevation will be a composite cladding and natural stone facing wall to the service yard which will have a maximum height of 6.5 metres. The side facing the listed buildings will be faced in natural stone and

glazing and will house the access road to the service yard. Part of this elevation will cover the plant well which is located to the rear on the boundary with residential properties. This plant well will be covered with louvres. The other side elevation facing the car park will be glazing and larch cladding panels. The rear elevation will be larch cladding panels and louvres to the plant well.

- 3.5 To the rear of the site on the eastern boundary the building will form the retaining wall for the length of the banking to the rear. On this boundary with the car park will be a crib wall which was approved as part of the recent reserved matter application. On the top of this crib wall will be a wooden knee high rail. Above both the store and crib wall the land rises and will have landscaping, some existing and some proposed. On the boundary of this landscaping and the gardens of the residential properties will be a 3 metre high weld mesh fence.
- 3.6 The southern boundary which is on the boundary with the open land allocated as Local Nature Area LNA38 in the Unitary Development Plan will also have the crib wall for part of its elevation then an open mesh fence with a hedge on the LNA side. The western boundary is along Wortley Beck. There will be a flood wall on the car park boundary and proposed access road on the Wortley Beck side. This is to protect the car park and store from flooding from the Beck. This wall will extend the entire length down to the roundabout. This will be faced on both sides in stone to match the stone on the proposed store. Between the flood wall and the beck will be an extensive area of landscaping which ranges between 20 to 50 metres in width. Some of this will be existing vegetation with supplementary planting. The northern boundary forms the boundary with the listed building complex known as Stonebridge Mills which houses a range of listed buildings, and ancillary buildings within the grounds of a listed building. This boundary will be a stone faced wall on both sides with railings above.
- 3.7 In relation to landscaping there will be a significant loss of trees, bushes and shrubs from the site. This removal has already been approved for the smaller scheme. The amount of landscaping proposed is more than the previous scheme as the border separating the development from the boundaries is wider and allows for more planting.
- 3.8 A Section 106 agreement formed part of the previous approval for the development. The agreement included:-
- £500,000 to carry out improvements within the Armley, Farnley and Wortley and Bramley community areas with first consideration to be given to the improvement of Armley Town Centre; localised highway improvements in Wortley including a footpath between the Bawn Estate and the Ring Road and a pedestrian crossing to the north west of the Ring Road roundabout should such a crossing be considered necessary
 - £20,000 for improvements to the two adjacent bus stops on the Ring Road Consultation with Metro and Bus Operators to require that a bus service is provided to the site or an existing bus route is diverted to the site to coincide with the opening of the supermarket.
- 2.8 An additional requirement for bus stops on Stonebridge Lane and real time passenger information as part of this application was considered a reasonable request and should be included as part of the scheme.

Application number 11/03826/FU – Change of Use of Listed Buildings to 17 flats

Application number 11/03828/LI – Listed Building application to facilitate development for flats.

- 2.9 These applications are for conversion of some of the listed buildings for residential development. A previous application gave consent for demolition of some of the buildings within the grounds of these listed buildings with none of them listed in their own right. This consent includes an additional 5 buildings to be demolished and a further two which are listed (7 in total)
- 2.10 Two of the listed buildings are proposed to be converted into residential properties. The other 11 buildings will be refurbished and made weatherproof with 5 of the smaller buildings being suggested they be used for bin and cycle stores. The rest will remain vacant for the current time.
- 2.11 The two buildings to be converted will have 9 units which are two bed flats 3 units which are two floor 3 bed flats and a further 3 bedroomed single floor 3 bed flats (15 units in total). The conversion involves no demolition of internal walls but insertion of a variety of additional walls. The elevations involve mainly refurbishment of the existing window and door openings. The windows will be timber double glazed units and all the existing sills, heads and reveals will be repaired. Some of existing boarded or brick openings will be reopened using materials and windows to match the existing. A few windows on the ground floors will be increased in size to form door openings again using materials and designs to match the existing. On one of the buildings the existing skylights will be removed and the roof will be tiled to match the existing. All the units will be provided as affordable housing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of an area of green land beyond a complex of traditional industrial buildings located on the south east side of Stonebridge Lane/Silver Royd Hill known as Stonebridge Mills. Some of these existing buildings are listed. The Farnley/Wortley Beck runs along the south eastern boundary of the site with the Leeds Ring Road beyond. The existing access into the site is off the bend on Stonebridge Lane/Silver Royd Hill through the area of buildings and suffers from limited visibility.
- 3.2 The majority of buildings on the adjacent site are of stone construction but there are some brick and cladding buildings. Within this area are a mill chimney, a water tank tower, a reservoir and adjoining the site entrance a row of three cottages.
- 3.3 There are a number of Listed Buildings within the adjacent complex. These comprise a group of buildings dating from the 1830s-early 20th Century. There are four listings on the site covering approximately 11 buildings. These are located mainly in the northern part of the site and consist of:-

The Old Mill, Engine House and Boiler House (Buildings 1,2 and 3)
Row of workshops to the north fronting Stonebridge Lane (Buildings 6 to 11)
The Mitre House and 2 cottages to the south west fronting Stonebridge Lane (Buildings 4 and 5)
Row of 3 cottages to the north west fronting Silver Royd Hill (Buildings 12 to 14)

- 3.4 The buildings are now run down with all of the units vacant and in need of investment and regeneration.
- 3.5 The adopted UDP context identifies under Policy S6 that potential exists for retail development of a form which would remedy the known deficiency of convenience goods retailing facilities in Farnley/New Farnley/Lower Wortley in the vicinity of Stonebridge Mills. The explanation to the policy states that a retail impact study will normally be required to assess an appropriate scale of development when specific development proposals are advanced under this policy. This retail impact study has been submitted.
- 3.6 There are no other site specific policies relating to the site but the Ring Road frontage is designated as greenspace and Urban Green Corridor and a Leeds Nature Area. LNA 38 (Silver Royd Hill) includes the beck to the south of the site and adjoining land to the east and higher ground to the north east above the proposed car parking area. There is a Tree Preservation Order in place on the site and the site adjoins Wortley Beck to the south west.
- 3.7 To the rear of the site the land increases in height significantly and the boundary is formed by the rear gardens of residential properties on Silver Royd Drive. The site has a range of vegetation and trees on the site, some having to be removed for the development.

4.0 RELEVANT PLANNING HISTORY:

11/02394/LI – renewal of listed building application to demolish some buildings within the grounds of the listed buildings approved 14/9/11
11/00897/RM – reserve matters application for a supermarket approved 25/8/11

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There were a couple of pre application meetings held with the developer and developers agents earlier on this year. Officer raised a number of concerns regarding the proposal at this meetings. The application was then submitted.

6.0 PUBLIC/LOCAL RESPONSE:

Supermarket

- 6.1 Leeds Civic Trust have commented on the application stating in summary;

Proposed store is large and involves widening of the Ring Road to three lanes encroaching on present 'grazing' land (involving removal of trees and bushes). Is an out of town store and inappropriate development in this area.
- 6.2 So far there have been 12 objections from the public details of which will be detailed in a subsequent Panel report when a recommendation is to be considered. There have also been 261 standard objection letters and a petition with 140 signatures.
- 6.3 There have been 84 standard letters of support submitted via the applicant agents , details of which will be detailed in a subsequent Panel report when a recommendation is to be considered.

6.4 Conversion to residential applications

- 6.5 Leeds Civic Trust have commented stating recognise that with one exception that the building earmarked for demolition have less of an architectural and historical interest and are in a very poor state of repair. However the proposed landscaping fails to re-create the 'sense of enclosure' that is characteristic of the site. Considers that the application should be amended and give ideas regarding the redesign of the application.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Statutory: None

Supermarket application

Highways – A number of issues need to be addressed as follows:

- Calculations of traffic generation and car park accumulation are based on a gross floor area which has not been agreed. This gross floor area has now been clarified and a revised TA taking this on board needs to be submitted.
- Further information is required regarding morning peak on a Saturday
- Further information is required into the justification by pass traffic used in the TRICS survey
- Number of car parking spaces is inadequate for the amount of floor space proposed and some spaces considered unsafe.
- The site is not well served by public transport and discussions required with Metro and the bus companies as to improvements that can be made
- The Ring Road and Stonebridge Lane form part of the City Centre Leeds Core Cycle Network Route. This needs to be taken into account as well as a safe access in and out of the car park for cyclists
- Proposed signalization of the site access and Stonebridge Lane/Ring Road junction plus new crossing on Stonebridge Lane will assist pedestrians accessing the store. To improve accessibility from the residential area to the southwest a footpath link from the site access crossing point to Bawn Ave needs to be considered.
- The TA needs amending to consider the operation of the service yard and confirm the level of provision of unloading bays is sufficient in terms of number and size of vehicles expected.
- The TA needs to consider the construction access arrangements, existing access arrangements for the site are substandard therefore construction site access arrangements needs to be considered.
- Access road requires amendments to be acceptable.
- Location of cycle parking is acceptable but more are required.
- Proposal involves removal of ghost island right turn into the bingo site and consideration should be given to acceptability of this in terms of peak operation of the bingo site that may coincide with busy periods of the supermarket.
- Bus stop on the westbound side of Stonebridge lane is close to the signalized junction with the Ring Road and in order to ensure a bus stopping here does not block traffic it will be necessary to extend the current proposed widening.
-

Transport Policy – Travel plan should be included in a section 106 agreement along with a Travel Plan review fee of £4000. Travel plan based on Tesco corporate travel

plan framework but also needs to reflect the travel plan SPD for Leeds. Requires additional information within the travel plan to be submitted

Metro – No objections subject to amendments to some elements of existing infrastructure:

Public Transport Improvements and Developer Contributions – a contribution of £576,976 is required and this is on top of any bus stop infrastructure required on Stonebridge Lane and Ring Road.

Air Quality Team – No objections on submitted information however suggest that there are a number of Electric Vehicle recharging bays within the development or 'cable and enable' an area of the car park

Environment Agency – Conditional approval

Main drainage – Conditional approval

Contamination Team – No objections in principle but more information required before determination.

Yorkshire Water – No objection subject to conditions

Ecology officer – removal of trees and vegetation with a corridor of trees along the boundary to the rear of the site is not sufficient to enable creation of nothing more than a line of trees and shrubs with no ecological provision.

-

- Pond further reduced in size and no space on the development for a replacement pond
- Common toads are present in pond so and works need to ensure that the toad breeding habitat remains and that toads are able to migrate in and from the pond.
- Further details of the bridge over the beck is required.

Conservation Officer – The development of the supermarket will dominate the site and impact on the setting of the listed buildings. That being said the mill complex is quite enclosed and the open green space does not form a direct part of its character. The benefits to the listed building complex would balance the construction of the supermarket. However, the benefits to the listed buildings is negligible and is not sufficient for the long term preservation and enhancement of the site.

Conversion to residential applications

Highways – amendments required which should include

- The loop road around the development needs additional width and designated pedestrian routes need to be provided
- Accepted that section of road between the development and building 1, 2 and 3 is narrow and needs to be one way
- Vehicle tracking of a refuse vehicle needs to be provided
- Pedestrian link required from the supermarket through the residential development to Stonebridge Lane.
- Road should be extended to serve the future development of buildings 12, 13 and 14 as residential.
- Level of car parking acceptable for the proposed level of use.
- Internal roads will need to be adopted.

West Yorkshire Archaeology Advisory Service recommend the following:

1. A redesign to retain the listed Meter House and 2 cottages which are listed and due for demolition.
2. An appraisal should be made of the areas not accessed during the current works as soon as practicable in order to establish if significant remains of plant or industrial features survive and what is their present condition.
3. Remainder of the site should be subject to an appropriate level of archaeological and architectural recording prior to and during demolition and refurbishment. This can be achieved through a condition.

Conservation Officer – Structural surveys that have been received do not provide sufficient evidence for the proposed works. The surveys are very light-touch and do not go into any great detail on the buildings. They also state that further investigation is required which has not been undertaken and many parts of the site are yet to be even accessed and surveyed. In terms of the proposal I have the following comments to make.

Demolition of former cottages and meter house (Buildings 4 and 5)

These buildings form a significant part of the listed building complex as they are domestic dwellings for the workers and their importance is identified by the fact they are listed in their own right. The demolition of these buildings has not been justified. Whilst it is acknowledged they are in a poor state the survey submitted does not identify them as being in any worse condition than buildings 6 to 11 and these are retained. Further investigation and strong justification is required and the demolition of these buildings is not supported.

Conversion of The Old Mill (building 1) and Middle Mill (building 15)

No objections in principle to the two buildings for conversion. Majority of important industrial features are proposed for retention with enhancement of the building in terms of the reinstating of the slate roof. Needs a statement of works to be submitted before work commences.

Rehabilitation of the Boiler House (building 2) and The Engine House (building 3)

Strong concerns regarding the approach to these buildings. There is no long term benefit for either of these buildings. As these are attached to the buildings identified for residential conversion it is strange to leave these buildings redundant. To secure the long term conservation of these buildings a positive and active reuse of the buildings is required. Concerned that unless long term conservation is identified at this stage then the buildings will fall into further disrepair and have a detrimental impact on the proposed development for the rest of the site.

Rehabilitation of buildings 6-11

The proposal for these buildings is vague and has no real plan. To ensure the long term future a more definite reuse is required, otherwise the peripheral elements of the site could continue to degrade and result in the whole development being compromised.

Rehabilitations of buildings 12-14

Similar to above in that not creating a use for these buildings could jeopardize the listed buildings themselves and the viability of the whole scheme.

In order for the scheme to be successful it needs

3. A proposed use and scheme for every listed building including those identified for demolition or significant justification as to why this cannot be achieved
4. The full investigation and structural report on all buildings proposed for conversion or rehabilitation.

Environment Agency – Conditional approval.

Access – Amendments in relation to surfacing and disabled parking required.

Policy - £8,721.88 contribution required for greenspace.

8.0 PLANNING POLICIES:

- Principle of retail development in this location is considered acceptable for convenience goods
- Presumption in favour of preservation of Listed Buildings.

9.0 MAIN ISSUES FOR CONSIDERATION

Supermarket application

1. Principle of development
2. Highway and Transport matters
3. Design
4. Boundary Treatments
5. Landscape and Ecology
6. Residential amenity

Residential conversion applications

1. Principle of development
2. Highways
3. Design
4. Impact on Listed Buildings
5. Affordable housing and greenspace

Supermarket application

1. Principle of development

- 9.1 Outline and reserved matters permission has already been granted on the site for a supermarket which is still valid. The adopted UDP has a blue star on the Proposals Map on this site indicating under Policy S6;

POTENTIAL EXISTS FOR RETAIL DEVELOPMENT OF A FORM WHICH WOULD REMEDY THE KNOWN DEFICIENCY OF CONVENIENCE GOODS RETAILING FACILITIES IN THE FOLLOWING LOCATIONS:

- a. FARNLEY/NEW FARNLEY/LOWER WORTLEY – IN THE VICINITY OF STONEBRIDGE MILLS, RING ROAD, FARNLEY

Following the review of the UDP in 2006, this policy and site allocation remains unchanged. This application is for a large supermarket totalling 4,907 square metres of net retail floorspace. The approved scheme was for 2,321 square metres so the proposed scheme is double the size. The supermarket covers a larger area of land than the approved scheme and is two storey. The impact of the scale and the impact on other centres located nearby needs to be assessed. A retail impact assessment has been submitted with the application and officers have indicated that they do not agree the catchment area within the report and have requested that this impact assessment is revised. To date no further information has been submitted by the applicant on this matter.

Members may wish to comment on the principle of development for a supermarket of this scale on the site especially in terms of scale and impact on other local centres.

2. Highway and Transport Matters

- 9.2 A 5-arm roundabout, replacing the 4-arm roundabout at the Outer Ring Road (A6120) and Stonebridge Lane was approved for the reserved matters scheme. This application involves signalisation of this roundabout but not an access directly off this roundabout. The access will be directly off the Ring Road rather than another leg off the roundabout. This will also involve signalisation of the access and egress. The highway will be increased from 2 lane both ways to 3 ways both ways. Amendments regarding the access and alterations to the highway network have been requested.
- 9.3 A transport assessment has been submitted for the development. There was an issue regarding the floor space figures that should form the basis of the transport assessment which have now been agreed. An updated TA taking this on board needs to be submitted for officers to assess the development on the local highway network. This has been assessed and officers have requested amendments which are currently being negotiated. Any update will be reported to Members at a later date.
- 9.4 Other highway improvements involve a new pedestrian crossing on Stonebridge Lane and improved footway. There will also be two new bus stops on Stonebridge Lane. At the current time there is not a footpath from the store through the residential proposal which would link the store to these two new bus stops on Stonebridge Lane. Revised plans have been received which not include the pedestrian footpath. One new issue is that there needs to be a bus layby on Stonebridge Lane which involves the demolition of listed buildings 4 and 5 which needs to be resolved. Officers are negotiating revised plans to cover this matter.
- 9.5 A Green Travel Plan has been submitted which is a Tesco standard travel plan. The plan needs to incorporate Leeds design aid and this has been requested. A green travel plan monitoring fee will be required for the supermarket.
- 9.6 The parking proposed for the supermarket is below the standards required for the amount of floor space proposed. There is also a requirement for more cycling parking and motor cycle parking. Further information is also required into the level of provision of unloading bays as to whether they are sufficient in terms of number and size of vehicles expected.
- 9.7 A contribution towards public transport improvements will be required and this will be £576,976 and this will be on top of any bus stop infrastructure required on Stonebridge Lane and the Ring Road. Metro have also requested that the scheme should provide for the two new bus stops on Stonebridge Mills, pedestrian access through the residential site to the store, relocation of a bus stop on the Ring Road and improvements to the frequency of the number 80 with diversions for the supermarket and extension into New Farnley.
- 9.8 **Members may wish to comment on the proposal in terms of highway alterations, access, car parking, public transport contributions and metro requirements.**

3. Design

9.9 The design of the supermarket takes on board the materials and design of the adjacent listed building and the consent for a smaller store. The store will be glazing and stone to the front with stone, glazing and larch panels to the side elevations. The rear elevation will be larch panels. The store is much higher than the previous approval being up to 16 metres in height in some places. The current approval is for 6 metres in height. The main store is on a flat site and there is existing landscaping and additional planting proposed which will help to soften the appearance of the building in its setting. The use of glazing will also ensure that the building will not appear as a prominent feature in the street scene. Both the properties to the rear and the properties on the other side of the Ring Road going into Farnley are at a higher level than the proposed store so will look down onto the roof scape. The buildings roof is shallow and is broken up by features such as **roof ventilators** which along with the planting should ensure that the visual amenity from this properties is not impacted to a detrimental extent.

9.10 There are some changes required to the design in particular related to the vista to the building as you enter the site. There is a concern that the first part of the building that is visible on entering the development will be the service yard at an elevated height. There is also concern that the building is double in height and located closer to the listed buildings impacting on their setting. The changes are being discussed between officers and the applicants at the current time.

The proposed car park is mainly under the store with a small element of surface car parking to the side of the proposed store. This reduces the impact of the development in terms that there are no large areas devoted solely to car parking and the impact on visual amenity that this can create.

9.11 Overall the design of the store is modern and its impact on the local area and on the listed buildings needs to be carefully considered and assessed.

9.12 Members may wish to comment on the design of the proposal

4. Boundary treatments

9.13 The eastern elevation to the rear of the site will require significant retaining walls due to the significant change in levels in this location. To the rear of the store the retaining wall will be the building itself. The rest of the eastern elevation along side the car park will have a retaining wall which will be covered with a timber crib lock wall and planted with landscaping. This crib wall was approved for the whole length of the eastern boundary in the approval for the smaller store. Above both the building and the crib wall will be a landscaped area which will have existing and proposed landscaping. Further information is required as to how the construction works will be carried out for the store and its impact on current and proposed landscaping. This will allow officers the opportunity to assess whether the store as a retaining wall will have a greater or lesser impact than the crib wall previously approved. Beyond this landscaping will be a weld mesh fence which will form the boundary treatment between the development and the rear gardens of the properties along this boundary. The weld mesh fence was approved as part of the smaller scheme. A weld mesh fence was considered visually more acceptable than a palisade fence but still gave residents the security they required.

9.14 The southern boundary with the adjacent LNA will have the crib wall for the first part of the boundary as there is a change in levels. The rest of this boundary will be a weld mesh fence on the store side of this boundary and a hedge on the LNA side.

This is acceptable in this location as the weld mesh fence will provide security but will allow views through of the hedge that will be planted behind. The hedge is also an acceptable boundary treatment on the LNA boundary.

- 9.15 There will be a flood wall erected to the western side of the proposed car park and the beck side of the access road all the way down to the existing roundabout. This is required to prevent the existing Beck flooding the car park and store. The flood wall will be 1.2 metres in height and will be stone faced on both sides. There will be coping above this wall which needs to be stone and not concrete and a condition can be attached to ensure that this is the case. This wall was approved as part of the smaller supermarket scheme.

9.16 **Members may wish to comment on boundary treatments**

5.Landscape and Ecology

- 9.17 The site is the subject of a Tree Preservation Order made in 2000 and consists of groups of trees along the beck, adjoining the pond, 10 hawthorn trees along a field boundary within the site and an area of woodland to the north and east to the rear of existing housing. The development involves the loss of some trees but does involve improvements and tree planting as part of the proposal. The tree consultant at the outline stage for the smaller scheme made the point that with such a major scheme including replanting and landscaping it is inevitable that the character and nature of the area will change. This change is considered to be from a relatively even age tree structure with limited species diversity to a more varied age and species structure of more significant ecological value.

- 9.18 As stated the proposal does involve significant removal of vegetation and trees from the site. There will be some tree retention along the eastern boundary with the residential properties and some along the existing beck area. Objections have been received regarding the loss of trees, vegetation and the impact on the existing flora and fauna on the site. However, the level of tree and vegetation loss is not as significant as the loss that was approved for the smaller store.

- 9.19 The access road being moved allows for more land on the junction of Stonebridge lane and the Ring Road to be planted than the previous access which will help to soften the development from views off the Ring Road. There is a bridge proposed over the Wortley Beck for the proposed access. A bridge has previously been approved for the access for the smaller supermarket so the principle of a bridge over Wortley Beck has already been agreed. Further information into the precise details of this bridge and its impact on the Beck and ecology in this area will be required and this could form a condition attached to an approved scheme.

- 9.20 A full ecological survey and bat survey have been submitted as part of the application. This showed that there are no bat roosts present on the site but the land is used to supply food for the bats. The report states that there will be two habitats created as part of the development. The first habitat is the landscaping to the rear of the store and the boundary with the existing houses. This remaining corridor is not of sufficient width to enable the creation of habitat and will be just a line of trees and shrubs. As the plant equipment and the service yard is located on this side there will be noise and disturbance which will hinder the wildlife using this corridor. The second habitat is within the new hedgerows that will be along the access road and a swale corridor to the south of the beck, this will provide limited compensation for the habitats that will be lost.

9.21 The application also involves a further reduction in the size of the existing mill pond on the site. The principle of reduction in the length of this mill pond was approved under the outline permission for the smaller scheme but this application reduces the mill pond down by another third. The pond itself has some limited wildlife and ecological interest but has been polluted in the past. The pond is a breeding environment of the common toad and compensation for the loss of some of the pond should have been replaced in another part of the site but there is no space to house another pond. The works to reduce it in size should ensure that the toad breeding habitat is maintained and there should be provision in the layout for the migration of toads to and from the pond.

9.22 **Members may wish to comment on impact of the store on existing landscape and ecology**

6.Residential amenity

9.23 There are residential properties across the Ring Road separated from the development by the beck, areas of landscaping and the Ring Road itself. The Ring Road is a busy road during daytime hours so any noise and disturbance from the operation of the supermarket and the comings and goings of traffic should not produce any additional impact on residential amenity in terms of noise and disturbance to those residents. However, the proposal involves both 24 hour opening and 24 hours delivery which will produce traffic at times when the Ring Road is quieter and could have a detrimental impact on residential amenity.

9.24 There are residential properties on the eastern boundary of the site which are closer to the supermarket. These properties are at a higher level and are separated from the development by their own gardens. The service yard is also located on their boundary and this along with the comings and goings of customers, cars and lorries all have the potential to impact on the residential amenity of the residents. The operation of the supermarket and the service yard during the day is unlikely to cause any detrimental impact in terms of noise and disturbance due to the noise already created from the Ring Road. When the Ring Road is quieter during evenings, overnight and weekends then there is potential for noise disturbance from the supermarket. The application is for 24 hours opening and deliveries and this could have a severe impact on the residential amenity of the occupiers of these properties. Members may recall when the smaller scheme was submitted that there was concern regarding opening hours and members restricted opening to 8am to 8pm only. Noise reports have been submitted and are being assessed by officers. Further noise information may also be required as the noise survey is limited in terms of the number and location of residential properties where the noise levels were assessed. Further comments on this can be provided at a later date.

9.25 **Members may wish to comment on the impact of the development on residential amenity.**

Job creation

9.26 Tesco have stated that there will be approximately 400 jobs created for the local area, not including the number of jobs that there will be for the construction of the supermarket. Tesco will use local labour and are happy for a section 106 agreement ensuring that the jobs will be provided for local people.

9.27 **Members may wish to comment on the use of local people for the jobs**

Conversion to residential applications

1. Principle of development

- 9.28 The buildings to be converted to residential are allocated for a particular use in the Unitary Development Plan. The buildings have been previously use for industrial but at the current time they are empty and in great need of repair. There are residential properties close to the site with the proposed supermarket on one side and the bingo hall on the other. The conversion will allow for some important listed buildings to be retained.

Members may wish to comment on the principle of residential development

2. Highways

- 9.29 The access to the residential scheme will be the same as the supermarket. There is a concern regarding the loop road around the residential that is narrow. This is due to the closeness of two of the listed building and cannot be increased in width. A condition can be attached which allows for this section to be one way. There also needs to be a pedestrian link from the bus stops on Stonebridge lane, through the residential site to the supermarket. The level of car parking for the residential scheme is considered acceptable. The plans do show that some of the buildings that front Stonebridge lane could be used for bin and cycle storage. These need to be provided and can be conditioned to ensure that they will be available for residents to use.

Members may wish to comment on highway matters related to the residential development

3. Design

- 9.30 There are two buildings that will be converted to residential properties. These buildings will use existing openings to provide the windows and doors for the development. There are a few bricked up openings which will be used for windows and doors and their design matches the existing windows/doors on the building. There will also be a few windows on the ground floor which will be changed to door openings again matching the design of existing doors on the building. All the windows will be timber doubled glazed and will match the windows that already exist. There will be repairs to the stonework with materials to match. One of the buildings currently has skylights and these will be removed and the roof tiled to match the other building. Alterations to the exterior will be kept to a minimum and will not have a detrimental impact in terms of design.

Members may wish to comment on design

4. Listed buildings

- 9.31 The application involves the demolition of additional buildings that did not form part of the previous consent. It also involves demolition of two listed buildings on the site that has not previously been granted. WYAS have raised objections to these buildings due to their importance to the industrial period in this area. No justification has been submitted in relation to why these additional buildings need to be demolished and without this justification officers cannot support the additional loss of buildings on the site especially the two that are listed.

- 9.32 The proposals involves conversion of two of the listed buildings with the third listed building which adjoins these two only being made safe. If the conversion of residential is acceptable on the site then the long term prospects for the listed buildings would be greater if this building was also converted. There are some buildings which are listed which are on the boundary with Stonebridge lane. These are also only going to be made safe and watertight. The plans show that these building could be used for bin and cycle storage. Highways have requested that these buildings are used for bin and cycle storage and if used for this purpose it would secure the long term viability of these listed buildings.
- 9.33 The alterations of the listed building involve minimal external changes and as the changes will be in design terms the same as the existing design then there will be no detrimental impact to the listed buildings in terms of design. There are no existing walls internally that will be removed. There are new internal walls that will be added to faciliate the development. These changes are considered acceptable.

Members may wish to comment on the impact on the listed buildings

5. Affordable housing and greenspace

- 9.34 There is a requirement to provide affordable housing and a contribution to greenspace. All of the flats will be provided as affordable and there is a financial contribution to greenspace. The mechanism for the provision of these affordable units is being discussed along with confirming that there is an affordable housing association that are prepared to take on board these units.

9.35 Members may wish to comment on affordable housing and greenspace

10 CONCLUSION:

- 10.1 This report has detailed the proposal for a supermarket and residential conversion at Stonebridge mills. At this time members are invited to comment on the following:-

Supermarket application

- The principle of development
- Highways in terms of highway alterations, access arrangements, level of car parking, contributions required for public transport infrastructure, Metro contributions and green travel plan.
- Design
- Boundary treatments
- Landscape and ecology
- Residential amenity
- Job creation

Residential conversion applications

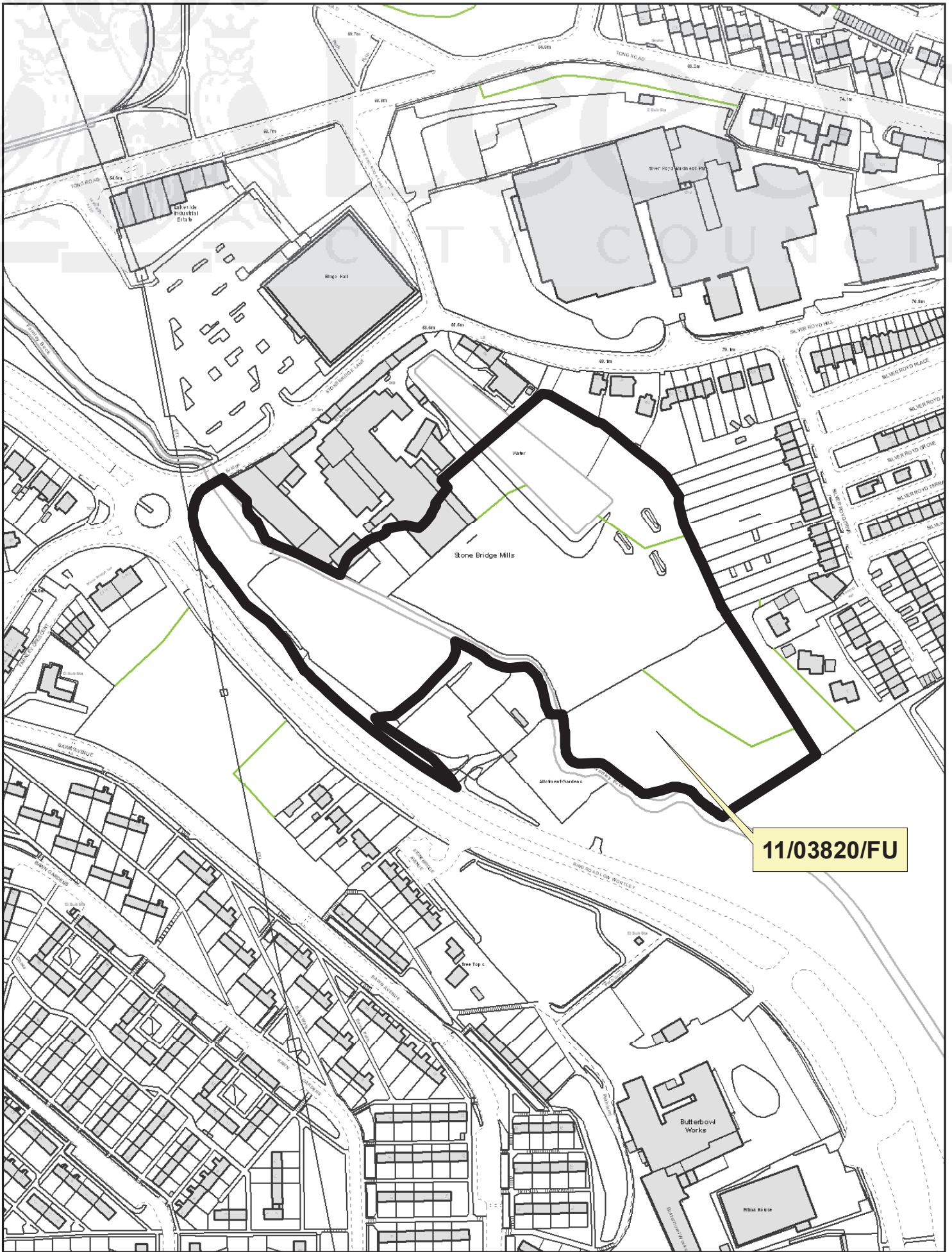
- Principle
- Design
- Impact on listed buildings
- Affordable housing and greenspace .

Background Papers:

Application file: 11/03820/FU

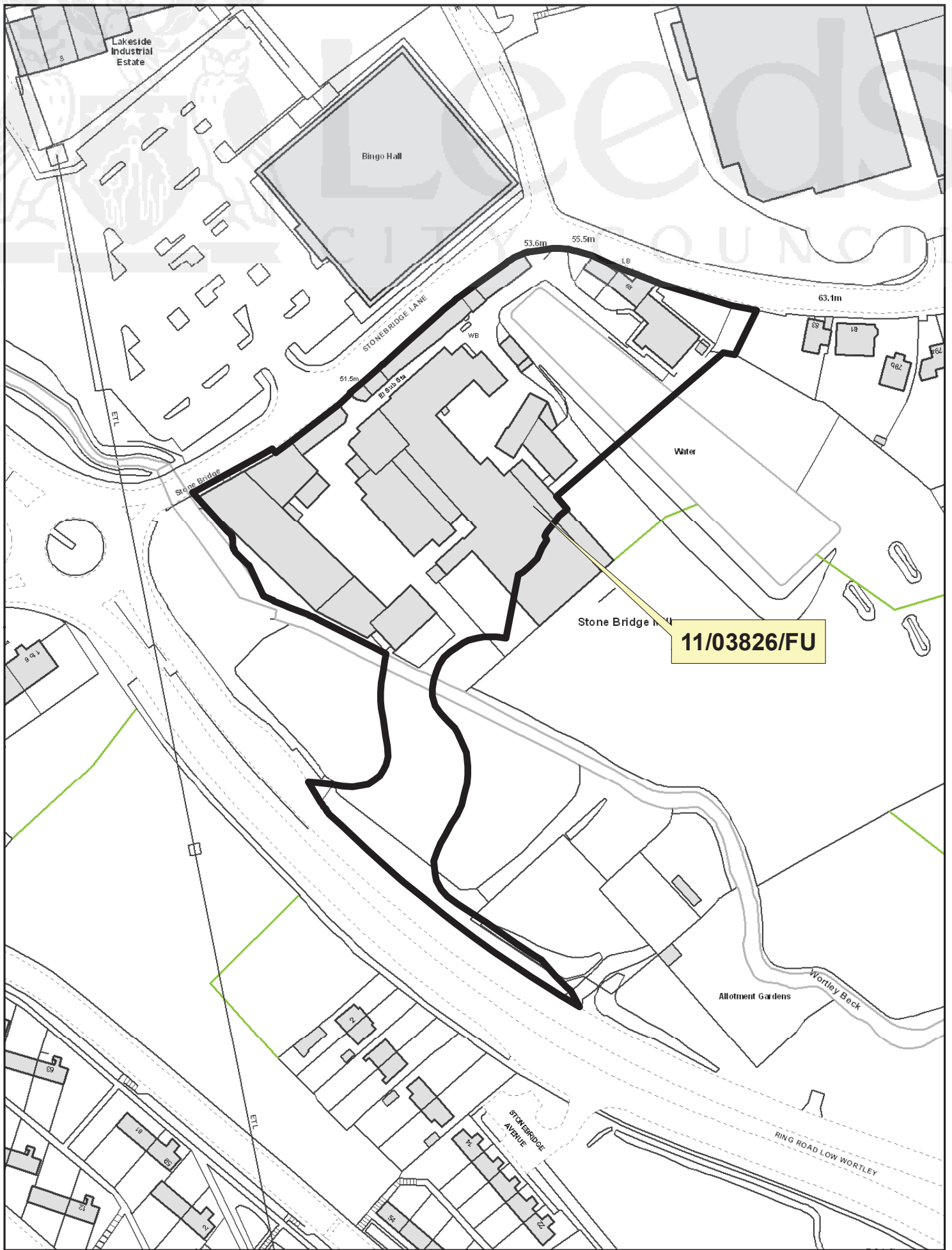
11/03826/FU

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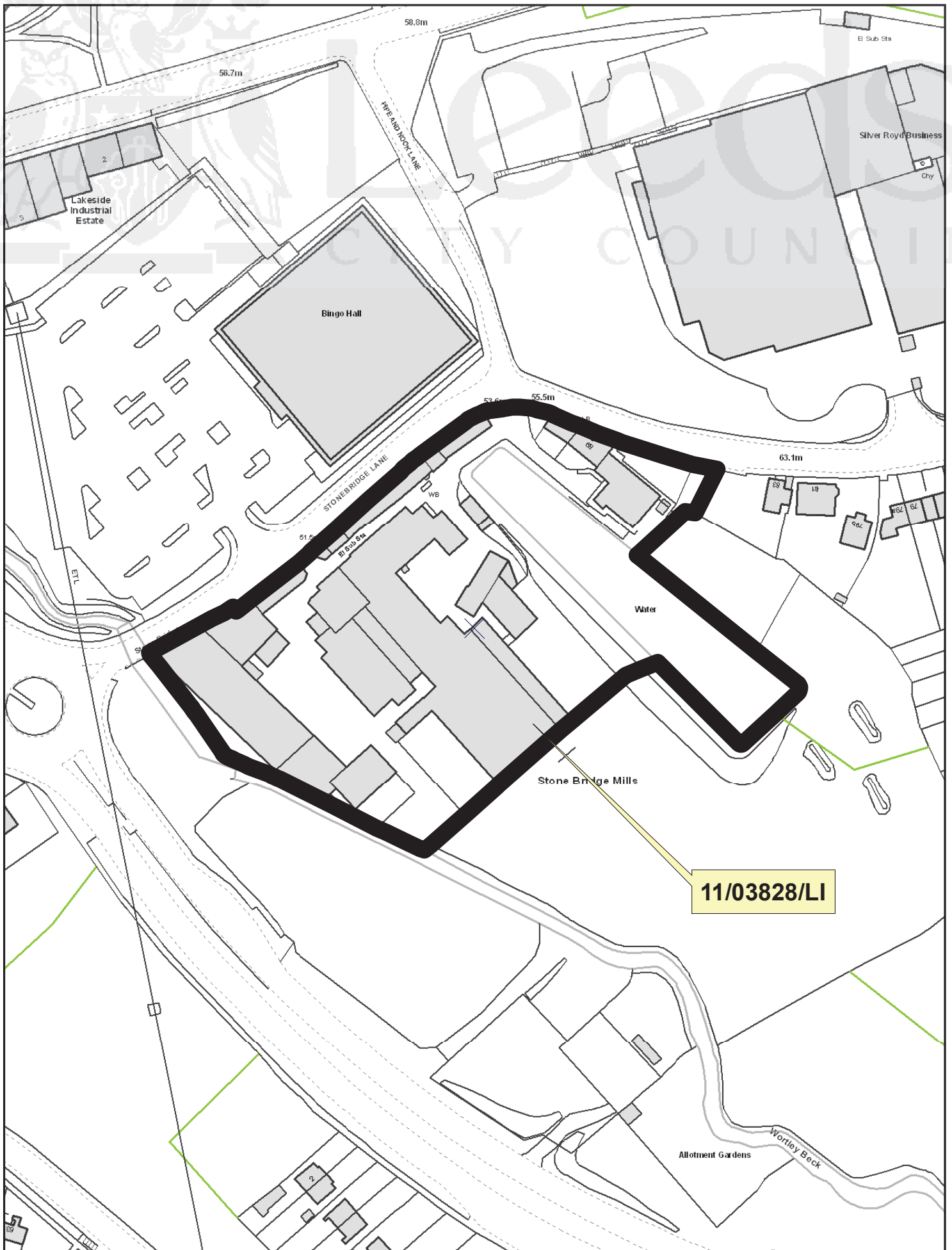
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WEST PLANS PANEL



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11/03828/LI

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Originator:	Carol Cunningham
Tel:	0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 8th December 2011

Subject: Application Number 11/01860/FU – Erection of 23 dwelling houses at land on Carlisle Road/New Street, Pudsey .

APPLICANT	DATE VALID	TARGET DATE
Chartford Homes and Loxton Lighting Ltd	2 June 2011	1 September 2011

Electoral Wards Affected: Pudsey
<input type="checkbox"/> No 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:

DEFER AND DELEGATE TO THE CHIEF PLANNING OFFICER subject to the submission of a noise report and satisfactory resolution of any issues arising including adequate mitigation and the signing of a Section 106 Agreement to cover;

- Funding for offsite greenspace (£64,570.02)
- Provision of 3 affordable houses on site (2 submarket (plots 12 and 16) and 1 social rent(plot 4)
- Funding for upgrades to two bus stops (£6,000) and metrocards for first 3 years from occupation

and subject to the following conditions:

1. Time limit – commencement within 2 years of permission
2. Development shall be line with approved plans
3. Samples of external materials to be submitted and approved
4. Details of fencing and boundary treatment to be submitted and approved
5. Areas to be used by vehicles to be laid out
6. Permitted development rights removed for extensions, garages and buildings within the curtilage
7. Provision of agreed visibility splay

8. Cycle/motorcycle parking shown on approved plans to be provided
9. Submission and approval of landscaping scheme
10. Retention of garages
11. Highway condition survey
12. Provision for contractors during construction
13. maximum gradients to access
14. Maximum gradients to driveways
15. Closing off of redundant accesses
16. Landscaping scheme to be provided before first occupation
17. Existing and proposed levels to be provided and approved before development commences
18. Submission of a phase 1 desk study, phase 2 site investigation and remediation statement to be approved
19. If any unexpected contamination is present revised remediation statement required
20. Verification report required after remediation of site completed
21. Development shall be carried out in accordance with recommendation in section 6 of Bat Survey report revision A dated July 2011.
22. Development shall not commence until a scheme for surface water drainage works submitted and approved
23. Reason for approval – development in line with UDP policies E7, H4, BD5, N12, N13, LD1, T2, T24 and GP5.

1.0 INTRODUCTION:

- 1.1 The application is to demolish some existing industrial buildings on a industrial site and replace them with 23 dwelling houses which range in size from 2 to 4 bedroomed.

2.0 PROPOSAL:

- 2.1 The application is to demolish empty industrial buildings and erect 23 dwelling houses on site to include 3 affordable dwellings. The buildings to be demolished include a three storey stone mill building which fronts onto Carlisle Road and a range of industrial sheds to the rear. Some of the buildings that were attached to the mill building have already been demolished. The new development of 23 dwellings will be:
 - Four detached four bedroomed houses
 - Three detached three bedroomed houses
 - Ten terraced three bedroomed houses
 - Four terraced two bedroomed houses
 - Three dual aspect two bedroomed houses
- 2.2 On the elevation facing Carlisle Road there are two rows of terraces set back 6 metres from the pavement edge. These properties will have their direct access off Carlisle Road. On the frontage onto New Street there will also be two rows of terraces with the access road into the site between these two terraces. The rows of terraces on New Street will also have direct access of New Street. All these rows of terraces will consist of 4 houses each. The houses onto Carlisle Road will be three bed with the terraces onto New Street being one set of three bed and one set of two

bed properties. The property on the corner of Carlisle Road and New Street will have a dual frontage.

Within the site accessed off New Street will be 7 detached properties. Four of the properties will be four bedroomed and the other 3 will be three bed.

Materials for the properties will be red brick with render and artificial slate. There will be a band of artificial stone which will separate the red brick from the render. The heads and cills will also be constructed from artificial stone.

Boundary treatment on the outside of the site will be artificial stone while the boundary treatment internal to the site will be red brick.

3.0 SITE AND SURROUNDINGS:

3.1 The site has a three storey older stone mill style building onto Carlisle Road to the west of the site and a similar building onto Glebe Mount which is to the east of the site. Behind both these buildings are north lights roof sheds which did cover most of the site. The north lights attached to the building on Carlisle Road have already been demolished. This proposal involves the demolition of the other north lights building attached to the mill building on Glebe Mount. The stone mill building on Glebe Mount is outside the application site and will remain. The rear wall of this building will form the eastern boundary of the site.

To the south of the site are other industrial units which are still in operation. One of the operations forms the boundary with the development and its building is 3 metres away from the southern boundary to the site. On the other side of Carlisle Road are two storey semi detached houses which are rendered. The other side of New Street forms the boundary to the conservation area. Here there is a school and a mix of residential properties. The first row of houses in this conservation area are red brick with the rest being in stone.

4.0 RELEVANT PLANNING HISTORY:

None of relevance

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was submitted in June 2011. Officers raised concerns regarding the layout and design of the development. This has resulted in negotiations to obtain the revised plans that are presented to Panel.

6.0 PUBLIC/LOCAL RESPONSE:

Two letters of objection have been received concerned with the following matters:

- Object to the demolition of a beautiful mill building that is of historical significance and part of the local areas cultural and social heritage.

- Would not object to change of use application for the building to be converted to apartments unhappy that the building is to be knocked down for boring bland and generic houses.

- Concerned about the proximity of the site to the local primary school and influx of traffic which may pose a significant danger to school children crossing the roads.

- Associated noise may disrupt classes and spoil quality playtime for children
- Dirt and industrial waste that will cause a nuisance to pedestrians and will disrupt the local roads.
- The houses are close to industrial premises and there is concern they could be future problems from the houses in terms of complaints regarding the industrial premises
- The proposed scheme will block an entrance to a loading door which is currently accessed from the site.
- Incoming water main also through the applicants site and their supply must be maintained without interruption.

7.0 CONSULTATIONS RESPONSES:

STATUTORY CONSULTEES

Environment agency – No objections

NON-STATUTORY CONSULTEES

Metro – suggested the kerbs are raised at two bus stops nearby at a cost of approximately £3,000 each. Also there should be the provision of Metrocards within a section 106 agreement.

Environmental Protection Team – Requested changes to the noise report to take on board that an industrial unit on the boundary of the site is operating 24 hours a day Monday to Friday and morning shifts on a Saturday and Sunday. Measures require need to be included for any mitigation required for the occupiers of the proposed residential properties.

Access – No objection

Architectural Liaison Officer – No objection

Main Drainage – No objection subject to conditions for surface water drainage

Yorkshire Water – No objections subject to conditions for foul and surface water drainage

Ecologist – Bat survey shows no evidence of any bat roosts on the site but is a roosts on adjacent building on Glebe Mount. Potential for disturbance of this roost during demolition. Method statement has been submitted for this work and a condition is require to ensure that the work is carried out in line with this method statement.

Conservation Officer – No objections subject to conditions regarding materials for the dwellings and surfaces.

Housing officer – Three properties are required for a contribution to affordable housing, two at submarket and one as social rent. These are plot 4 for social rent, plots 12 and 16 for sub market sale

Contaminated Land – No objections subject to conditions

Highways – No objections in principle subject to conditions

8.0 PLANNING POLICIES:

Leeds UDP Review (2006)

- 8.1 The site comprises land within the main urban area close to the centre of Pudsey. No specific allocations or designations affect the site.

Relevant Unitary Development Policies;

E7 – Gives advice for residential development on employment sites

H4 – Residential development on non allocated sites

H12 – Affordable Housing

BD5 – new buildings design consideration given to own amenity and surroundings.

N4 – provision of greenspace with residential developments

N12 – priorities for urban design.

N13 – new buildings should be of high quality.

LD1 – landscape scheme.

T2 – development capable of being served by highway network.

T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

PPS1 “Delivering Sustainable Development” 2005

- 8.2 Para 3 states that sustainable development is a core principle underlying the planning system. Para 18/19 states that planning should seek to “improve” and “enhance” the local environment. Para 27 states that planning authorities should improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use.

PPS3 Housing

Stresses the importance of bringing forward and delivery of housing in sustainable locations to a high quality ensuring efficient and effective use, mix of dwelling types including affordable housing and to a high quality. Preference given to delivery of brownfield sites where possible.

PPG13 “Transport” 2006

- 8.3 Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Para 74 states local planning authorities should identify routes for bus improvements and potential for improved transport interchange, and negotiate improvements in public transport provision. Para 76 and 79 state the importance of promoting walking and cycling as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

Adopted SPD “Public Transport Improvements and Developer Contributions” 2008

- 8.4 Para 4.3.15 states that the minimum level of accessibility to public transport should be 400m to a bus stop, offering a 15 minute (or better) service to a major public transport interchange, normally Leeds city centre, between 7am and 6pm, with a 30 min service up to 11pm and at weekends. Para 4.3.16. confirms that in locations where public transport accessibility is not acceptable, the developer is expected to establish and fund the measures required to make the site accessible.

9.0 MAIN ISSUES

1. Principle of development
2. Highways
3. Public Transport and Travel Plan Issues
4. Design/visual amenity
5. Landscaping and ecology
6. Boundary treatments and flood walls
7. Job creation
8. Ward Members

10.0 APPRAISAL

1. Principle of development

- 10.1 The site is unallocated in the Unitary Development Plan. The last use on the site was industrial but the buildings are currently all vacant and have been for a number of years. Policy E7 of the Unitary Development Plan deals with proposed development on employment land. It states that there should be sufficient employment sites within the locality of an application that are available in terms of quality and quantity. An Employment Land Assessment has been submitted with the application. The site has been marketed for industrial development since 2006. Due to the buildings poor state of repair over this time the only interest has been from companies who wish to redevelop the site for residential use with no interest from businesses wishing to occupy or refurbish the site for employment use. The report also states that there is a supply of office floorspace and industrial floor space within the area ranging from new/refurbished buildings to older stock. The Employment Land Assessment submitted shows that there is plenty of land available within the vicinity and the site has been marketed for employment use for 5 years without any interest. For these reasons it is considered that policy E7 is complied with and the use of land for residential use is acceptable.
- 10.2 Policy H4 within the UDP is also applicable. This gives advice in relation to residential development on sites not identified for that purpose within the Unitary Development Plan. In terms of policy H4 any proposal for residential development should be acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure and complies with all other policies in the UDP.
- 10.3 In terms of sequential terms the site is a brownfield site located within the existing urban fabric. It is within walking distance of Pudsey Town Centre (approx. 0.5km) where there is access to shopping facilities and Pudsey bus station for connections to Bradford and Leeds. There are local schools within walking distances so development of this site for residential development is sustainable. The proposal will have involve funding for bus stops and is acceptable in terms of the capacity of

existing and proposed infrastructure and should comply with other policies in the UDP which will be discussed below. Overall the proposal is considered to comply with policy H4 of the Unitary Development Plan.

- 10.4 In conclusion the principle of residential development on the site is considered acceptable.

2. Design and visual amenity

The original plans involved a development of detached and semi detached properties. The site is adjacent to the Conservation Area and the predominant feature of this Conservation Area is terraces and beyond this site the area consists of semi detached houses. This site will be a transition between the terraces and semis within the area and it was considered that the proposed detached houses on the edge of the scheme were not a feature seen within the locality.

Officers negotiated a revised scheme which has two blocks of terraced housing facing both Carlisle Road and New Street and detached houses within the site which are less prominent. All of the proposed dwellings are two storey and simple in design. The doors are wood panels and the windows are plain in design with four panes. The materials will be red brick upto first floor window level and rendering above. There will also be a band of artificial stone separating the red brick and render. The stone heads and cills will also be artificial stone and the roof tiles will be artificial roof slate. There is red brick and render in the area as well as stone. There are red brick properties to the north of the site on the opposite of New Street. The mill next door and other buildings near the site have stone and the houses the opposite side of the road are rendered with a small amount of red brick at the base. Further discussion is taking place with the applicants about materials and whether the stone in the existing buildings can be reused. The outcome of those discussions will be reported to members at Panel.

The terraces have small porches to the front some with a gable design and others with a sloped roof. These provide an interest to the frontages.

There are three properties on the site which will be dual frontage. One is on the junction with Carlisle Road and New Street which is on a very prominent part of the scheme. The dual aspect allows for a frontage on both streets which is required in design terms. The second dual frontage property is located on the corner when you enter the development off New Street. Again this is a prominent part of the site and requires a good design on both sides. The final one is visible when driving into the development off New Road and provides a good design on the side of a property that is prominent when entering the development.

The terraced houses onto Carlisle Road and New Street provide a solid frontage to the development. This is especially required on the Carlisle Road frontage as there is a large mill building present at the moment and the previous scheme of small detached houses was out of character with the existing structure. Information has been submitted from the applicant regarding the fact that the renovation and conversion of the stone mill for residential development would be financially unviable. Whilst it is a pity that the mill building will be lost it is not listed and not within the Conservation Area so a justification for refusal on this matter would be difficult to defend. The scheme provides development on the site and the developer is happy to enter into a section 106 agreement to pay the full contributions required for the development. If the mill was retained these contributions would not be available to the area. It is also considered that the proposed terraced properties will

have a presence in the street scene and are acceptable provided that the materials are right.

Within the development the properties are detached. These detached houses are set within good size gardens and offer an open layout behind the terraced properties on the street scene.

There is a good area of landscaping on the corner of the development, Carlisle Road and New Street. There are a number of car parking spaces on the main frontages on both Carlisle Road and New Street but there are also gardens interspersed along the frontages to soften the development and prevent a large area of car parking on both frontages. Within the site there are also areas of land that can be landscaped to provide a attractive setting for the residential properties.

Overall it is considered that the design and scale of the development is considered acceptable.

3. Highways

The majority of the terraced houses have their accesses directly off Carlisle Road and New Street which is considered acceptable in this location. The car parking spaces are sufficient in numbers and in length. There is one access to the detached properties to the rear which is off New Street and constructed to adoptable standards. An access in this location with acceptable visibility lines is achievable. In summary there are no concerns regarding the development in terms of highway matters subject to conditions.

4. Residential amenity

The rear of the site on the southern boundary is alongside an existing industrial area. There is a large industrial unit located 3 metres away from this boundary. A noise report has been submitted detailing the noise generated from this property and potential impact on the residential amenity of the new houses. However, it has been brought to our attention that the assumptions regarding the opening hours of the industrial unit are incorrect. The noise report states that the premises operates between 8am and 5pm when in fact it operates 24 hours Monday to Friday and Saturday and Sunday morning. A revision to the noise report is required to accommodate this and state what mitigation is required for the houses onto this boundary. The applicants intends to submit the revised report for assessment as soon as possible and has been covered in the recommendation.

The new houses are at adequate distances from existing residential properties to not raise any residential amenity issues. Within the development the majority of the houses are far enough away from other properties to prevent issues in terms of overlooking, overdominance and overshadowing and comply with the guidelines stated in Neighbourhoods for Living. There is one exception to this in relation to plot number 16 where a bedroom window is 9 metres away from plot 17 garden when it should be 10.5 metres. There are also a number of plots which do not have the 2/3rds of the proposed floorspace provided as private amenity space. These relate to plot 3, 6, 7 and 14-16. Whilst these do all not comply with guidance in Neighbourhoods for Living the applicants are suggesting it would not be financially viable to lose any more houses off the development bearing in mind that there has already been a loss of 4 properties since the application has been submitted. The site has been redundant for a number of years with no interest to develop from other

parties. This developer intends to start work on the site immediately. They are also able to pay the full contributions to affordable housing, greenspace and metrocards. If any more houses were lost from the scheme the contributions would have to be lowered and the worse scenario could be that the site will remain undeveloped. Although reduced the area of garden to these plots is considered usable - the impact on residential amenity will be on the proposed buyers of the development who will be aware of the size of garden before purchase. Having taken all these matters into account on balance the substandard gardens on some of the plots is considered acceptable to ensure that the site can be brought forward for development as quickly as possible with the full contributions provided to facilitate development in the area and improve the visual amenities of the site. To ensure that these gardens are not further reduced in size a condition is required to remove permitted development rights for extensions and buildings within the curtilage.

To the east of the development there will be a three storey wall with this boundary being the rear elevation of an existing office building. Three of the houses will face onto this wall these being plots 17-19. Gardens to these properties have been lengthened to 12.5 metres to reduce the impact on these houses from overdominance. The gardens areas are also large providing approximately the same amount of garden as proposed floorspace when Neighbourhoods for Living requests 2/3rds. The existing building will block out sunlight in the early morning to these rear gardens but due to the orientation of the houses and gardens the gardens should receive sunshine from lunchtime onwards at times when the garden is more likely to be used. Overall, on balance, it is considered that the residential amenity of these properties will not be impacted to a detrimental extent and are acceptable.

5. Affordable housing

The scheme requires the provision of 3 affordable units, 2 for sub market sale and 1 for social rent. The plots to be for affordable housing are plot 4 a 3 bed roomed terraced house for social rent. Plot 12, a 2 bed roomed terraced house for sub market sale and plot 16 a 3 bed roomed terraced house for sub market sale. These can be secured through a section 106 agreement.

6. Greenspace

There is no provision of greenspace on the development. Contributions to offsite greenspace provision will amount to £64,570.94 and conforms to the SPG. This can be secured through a section 106 agreement.

7. Bus stop upgrades and metrocards

There are two bus stops within the vicinity which Metro have requested have raised kerbs at a cost of £3000 each. There is also a request that the scheme provides a contribution to Metrocards for the first three years of occupation. Both these can be obtained through a section 106 agreement.

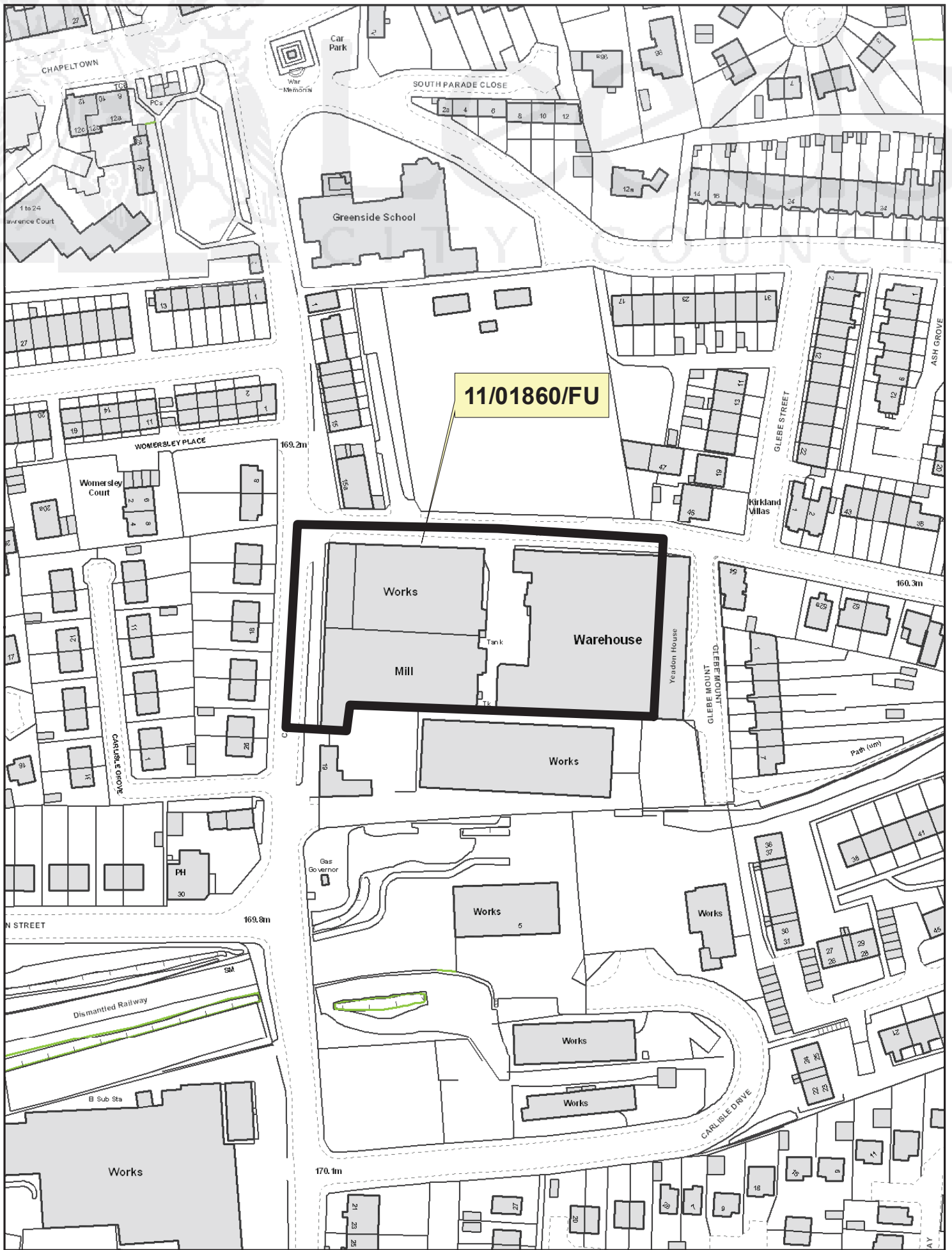
8. Representations

Some of the matters raised within the representations in terms of loss of existing buildings and location close to existing industrial development have been addressed above. Other matters raised include:

- *Concerned that the site is close to an local primary school and influx of traffic could pose a danger to school children.* The site has previously been an industrial site which has the potential to generate traffic that will be higher than a small residential development. The industrial traffic would involve larger vehicles than a residential development and it is considered that the residential development will pose a lesser risk to school children than the current or previous use of the site.
- *Associated noise may disrupt lessons and spoil quality time.* There will be the generation of noise while building work progresses on the site but this noise is likely to be less than the noise associated with industrial uses. Once the site is complete the noise and disturbance from a residential use will not have a detrimental impact on the operation of the school
- *Dirt and industrial waste will cause a nuisance to pedestrians and disrupt local roads.* The dirt and disruption caused by developing a small residential development should not have a detrimental impact and will be over a short period of time. Once constructed the residential use will have a lesser impact than if the industrial use was reinstated.
- *Proposed scheme will block an entrance to a loading door.* This is a matter between the owner of the site and the owner of the industrial premises.
- *Incoming water main through the site should be maintained.* Again this is a matter between the developer and the owners of the adjoining properties

11. CONCLUSION

- 11.1 The development involves the demolition and clearance of an industrial site and its redevelopment for housing. The site has been vacant for a while and is falling into a state of disrepair. The redevelopment for housing is considered acceptable in policy terms, will regenerate a brownfield site and make a modest contribution to housing supply. The design of the scheme is considered acceptable within its context provided the materials are right. Whilst some of the properties will not comply with some aspects of Neighbourhoods for Living this is outweighed by the fact that there is a developer willing to redevelop the site and pay the contributions to the local area that the development requires. Overall the scheme is considered acceptable subject to a section 106 agreement and conditions and subject to a satisfactory and acceptable outcome from the updated noise report.



WEST PLANS PANEL



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Originator: Ian Cyhanko
Tel: 0113 2474461

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 8th December 2011

Subject: Planning Application 11/04581/FU

Change of Use from a hostel to student accommodation, at St Anns Lodge, St Anns Lane, Burley, Leeds

APPLICANT
Hamilton Black
Developments

DATE VALID
31st October 2011

TARGET DATE
26th December 2011

Electoral Wards Affected:

Kirkstall

N

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT planning permission, subject to the following conditions

- 1 3 year time limit
- 2 Development to be carried out in accordance with approved plans
- 3 Plan to be submitted and approved of secure cycle and motorcycle spaces, to be implemented prior to occupation of the building

Reason 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 The scheme is brought before the West Plans Panel as two of the local Ward Members, Councillor Illingworth Councillor Yeadon have objected to the application.

2.0 PROPOSAL

- 2.1 The proposal is for the change of use of a former hostel into student accommodation. The proposal will provide 43 bedrooms for single person occupancy. There are no physical alterations proposed to the property both externally and internally. This application is solely concerned with the use of the building.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of a former Victorian Villa and a detached gate house. The original building is stone built, two storey in height, and has steeply pitched roofs, with numerous gable features. The property has been heavily extended, with several major extensions. These extensions are 3 and 4 storey's in height, brick built and flat roofed. The extensions are considered to be very poor additions to the host property, which are overly dominant and do not respect the form, scale or design of the original property.
- 3.2 The property has a large mature garden which lies to the rear of the property (which faces east). The garden contains a number of trees which are subject to Preservation Orders. The front west side of the property is a paved yard area, and a parking area lies to the southern side of the property. There are two vehicular entry points into the site from St Anns Lane, and two parking areas.
- 3.3 The site lies in an established residential area which lies between the main settlements of Kirkstall and Headingley. The locality is mixed in character and is made up of both stone built Victorian properties and increasingly modern 1960's styled, suburban properties. This site lies within a group of Victorian villa's which lie on this eastern side of St Anns Lane. These properties are separated from the road by a stone wall which is approximately 2m in height. Modern detached properties lie opposite the site to the west, these are set back from the highway by grass verges.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no records of any previous planning applications upon this property.
- 4.2 The site does lie opposite the Boston Diner site. Members may recall this site, which has a long and complex planning history. Planning consent was granted for the development of 12 houses upon this site on 22nd March 2010 Planning reference (09/03799), following resolution at Plans Panel West on 17th December.2009.
- 4.3 Prior to this application, an appeal against the refusal of 48 flats and 5 separate dwellings (Planning Reference 24/412/05/FU) was dismissed on 15th May 2008, following a refusal by Plans Panel West.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Pre-application advice was given on this proposal and the applicant was advised planning consent was required for a change of use from a hostel to student accommodation cluster flats.

6.0 PUBLIC/ LOCAL RESPONSE:

6.1 The application was publicised by a site notice which was posted adjacent to the site on 18th November 2011. To date three objections have been received to the application, one of these objections is from the Leeds HMO lobby. This objection has been supported by Councillor Illingworth and Councillor Yeadon. The points raised in this objection are highlighted below.

- The proposal will add to the imbalance of this neighbourhood in respect of being occupied by transient young adults only
- Contrary to Policy H6 of the draft Core Strategy – would undermine the balance and health of communities
- Contrary to PPS3 which advises to create ‘achieving a housing mix’ and ‘mixed communities’
- Proposal will contribute to an intensification of the present concentration of this development in inner west Leeds.
- The proposal is contrary to policy H15 for a number of reasons, which are highlighted below
 - The building could potentially provide family housing stock
 - The development will impact on neighbours living conditions, there will be an increase in noise and activity from the property
 - The development makes no contribution to improving either the quality or variety of the stock of student housing, only to the quantity where there is a surplus in Leeds

6.2 The points raised in the other two objections received are highlighted below.

- HMO are causing major harm to local communities and believe the application should be refused under delegated powers.
- The proposal will add to the imbalance of this neighbour
- The proposal is contrary to policy H15 of the adopted Leeds UDP.

7.0 CONSULTATION RESPONSES:

7.1 Neighbourhoods and Housing – No objection the proposal is unlikely to result in a significant loss of amenity to adjacent residential occupancies when compared to the previous use.

7.2 Highways – Have raised no objection, subject to conditions relating to secure cycle and motor bike parking.

8.0 PLANNING POLICIES:

Local Planning Policies:

8.1 The Local Development Framework for Leeds is currently in development. In the interim a number of the policies contained in the Leeds Unitary Development Plan

Review (“UDP”), which was adopted in 2006, have been ‘saved’. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy H15 (Areas of Housing Mix) Policy H15 details criteria for student housing within the area of housing mix by maintaining the quality of housing stock, avoiding undue impact on neighbouring living conditions, remaining in character with surrounding buildings, providing adequate parking and improving available student housing stock.
- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.

Government Planning Policy Guidance/Statements:

- 8.2 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

PPS1 Delivering Sustainable Development.

9.0 MAIN ISSUES:

- 9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

1. Principle of Development/ Policy Background (Policy H15)
2. The Stock of Housing Accommodation
3. Impact on Adjacent Occupiers
4. Scale / Character on the Locality
5. Highway Safety/ Parking
6. Improvements to the Quality or Variety of the stock of Student Housing

10.0 APPRAISAL

10.1 Principle of Development/ Policy Background (Policy H15)

The site lies unallocated within the Leeds UDP, but within the catchment of the ‘Area of Housing Mix’. Policy H15 is concerned with the Area of Housing Mix, and was adopted through the review of the Unitary Development Plan in 2006. This policy aims to ensure the area within this catchment is balanced with regard to the type of accommodation that is to be developed, so that the locality is not dominated by student accommodation. This policy does not aim to halt any development which is aimed at occupation by students, but aims to ensure a ‘mix’ of housing for different groups of people. The principle of this development is concerned with re-using an existing property for student accommodation and therefore to be assessed against

policy H15 of the adopted Leeds UDP, and all other normal development control considerations.

Policy H15 states that within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied, subject to an assessment against the following criteria.

- The stock of housing accommodation, including that available for family occupation, should not be unacceptably reduced in terms of quantity and variety.
- There would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing housing similar accommodation
- The scale and character of the proposal should be compatible with the surrounding area;
- Satisfactory provision should be made for car parking
- The proposal should improve the quality or variety of the stock of student housing.

The application will be assessed against these criteria below, and all other normal development control considerations.

The Stock of Housing Accommodation

10.2 The existing property is vacant, and its former use as a hostel has now ceased. The property being vacant suggests that the accommodation is no longer appropriate for its former use. The proposal does not result in any loss of family housing. Contrary to the objection received from the HMO lobby, it is not considered likely that the building would be converted, to provide family accommodation. The building is large and has been previously extended with incongruous extensions which are of a utilitarian design and appearance.

10.3 These previous extensions dominate the appearance of the original building, and have an adverse impact on its character, and would most likely need to be demolished for the building to be occupied by a 'family/ families'. This would massively reduced the size of the building and incur large costs for any such conversion works. The building would provide awkward internal layouts due to the different floors levels and irregular internal configuration, which is unlikely to appeal to families. The proposal is thus considered compatible with this paragraph as the availability of currently available private housing stock will not be affected.

Impact on Adjacent Occupiers

10.4 It is considered that the proposal is unlikely to introduce significant harm on the living conditions on adjacent occupiers through increased activity, or noise and disturbance when compared to its previous use as a hostel. It is considered the turnover of guests from the previous hostel use would have resulted in a higher level of activity when compared to the proposed use as student accommodation. The property is detached and set in its own grounds which will provide a buffer around the building. The nearest residential properties lie opposite the property across Kirkstall Lane which are located approximately 35m away.

Scale / Character on the Locality

10.5 The proposal does not include any external alterations and therefore the appearance of the building remains unchanged and unaltered through this application. It is

considered the proposal misses an opportunity to improve the appearance of the building by not removing the unsympathetic over-dominant extensions which exist. However it is not considered the application could be refused on these grounds. The building and extensions could be re-occupied as a hostel without the need for planning consent.

Highway Safety/ Parking

- 10.6 The proposal results in 43 bed spaces. Under UDP guideline's, this coupled with staff provision results in a requirement to provide 11 off-street parking spaces. From conducting a site visit, there are two parking areas at the property which are laid out informally. These two parking areas are more than capable of accommodating 11 parking spaces, and thus there is no objection to the level of parking provision. Again it is not considered the proposed use would lead to an increase the levels of traffic to and from the property when compared to its previous use.

Improvements to the Quality or Variety of the stock of Student Housing

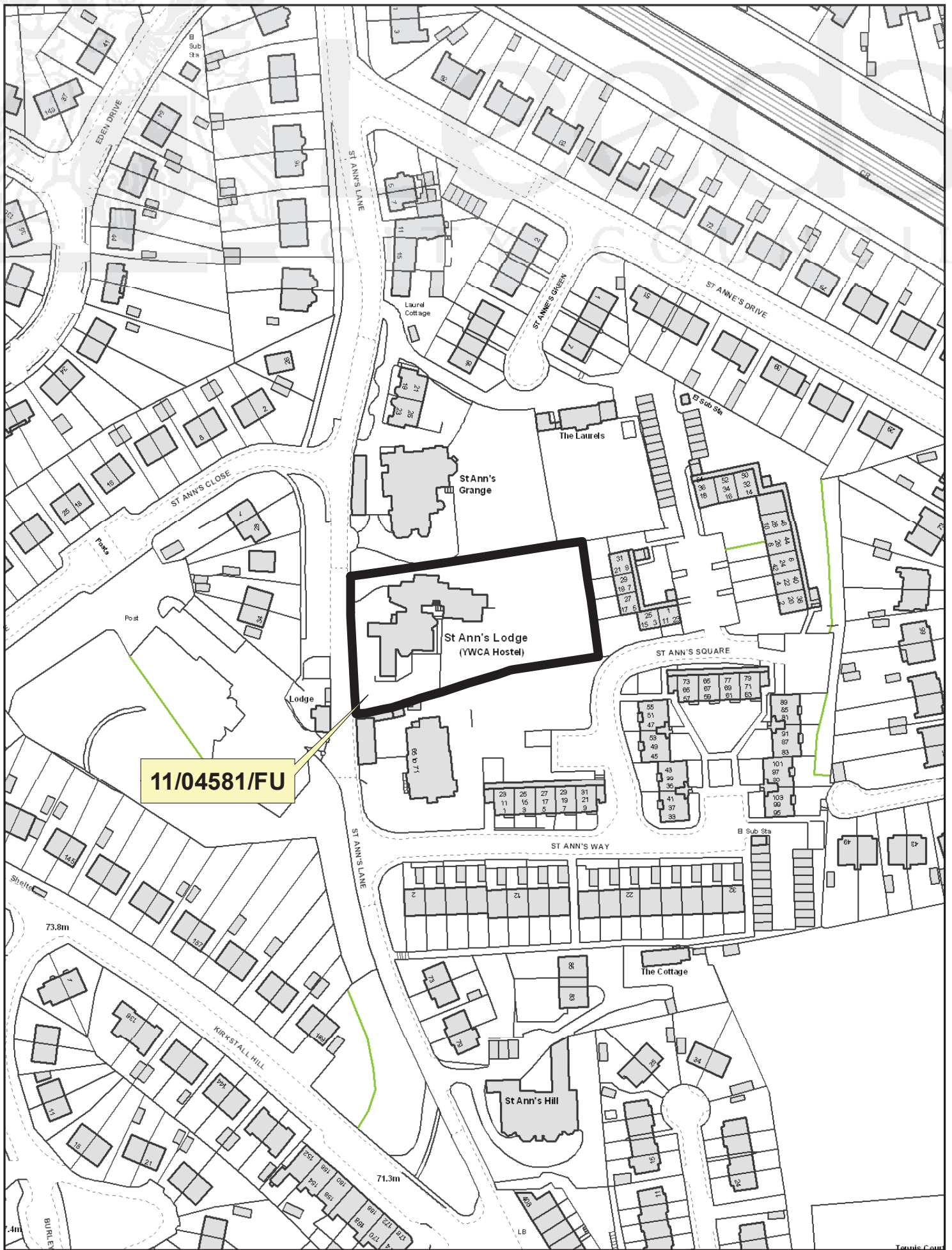
- 10.7 The proposal should improve the quality and/ or variety of the stock of student housing, following the advice of Policy H15. The proposal will result in new accommodation for students, and give a greater choice to them in choosing accommodation. By adding to the quantity of student accommodation, the variety of stock is increased. It is not considered contrary to the objections raised, that a 'surplus' amount of student accommodation warrants grounds to refuse the application. An increase in the variety of accommodation of students does generally improve the standard of such accommodation.

11.0 CONCLUSION

- 11.1 To conclude, the application is recommended for approval, as it is considered the proposal meets all the criteria of policy H15. It is not considered, given the previous use of the building as a hostel that the proposed use would have an adverse impact on the living conditions of adjacent residential occupiers in terms of levels of noise, activity and traffic.

Background Papers

N/A



WEST PLANS PANEL



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Originator: Tim Poupard
Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 8 December 2011

Subject: APPLICATIONS 11/04382/FU AND 11/04383/CA – FULL PLANNING APPLICATION AND CONSERVATION AREA CONSENT FOR THE DEMOLITION OF TANNERY BUILDINGS, LAYING OUT OF ACCESS ROAD AND ERECT 10 HOUSES, WITH CAR PARKING AND LANDSCAPING AT THE TANNERY, LEEDS ROAD, OTLEY, LS21 1QX.

APPLICANT	DATE VALID	TARGET DATE
Ms. V Oldham	17 October 2011	16 January 2012

Electoral Wards Affected:

Otley & Yeadon

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

BACKGROUND INFORMATION FOR MEMBERS:

This application is presented to Plans Panel West following the determination of the previous scheme in June 2011. Whilst Members resolved to refuse the previous applications in line with officers recommendation, Members discussed two possible options for the future of the site and, following votes, supported the option of full demolition of the tannery building (which is identified as a positive building in Otley Conservation Area) subject to a satisfactory redevelopment scheme to replace it. Whilst it remains officers view that the building should be retained, this scheme is a result of those instructions following detailed discussions with Council, Design and Highways Officers to provide an acceptable scheme should the Tannery Building be demolished.

RECOMMENDATION:
REFUSE Planning Permission and Conservation Area Consent for the following reasons:

PLANNING APPLICATION 11/04382/FU

1. The Tannery is a positive building in Otley Conservation Area and neither exceptional circumstances to justify demolition or a satisfactory assessment of other development opportunities which retain the building have been demonstrated. The proposal would therefore be detrimental to the special character of the Conservation Area and contrary to Policies N15, N17, N18A, N18B, N19 and N20 of the Leeds Unitary Development Plan (Review 2006), as well as being contrary to the aims and objectives of PPS5: Planning for the Historic Environment (2010).

CONSERVATION AREA CONSENT 11/04383/CA

1. The Tannery is a positive building in Otley Conservation Area and neither exceptional circumstances to justify demolition or a satisfactory assessment of other development opportunities which retain the building have been demonstrated. The proposal would therefore be detrimental to the special character of the Conservation Area and contrary to Policies N15, N17, N18A, N18B, N19 and N20 of the Leeds Unitary Development Plan (Review 2006), as well as being contrary to the aims and objectives of PPS5: Planning for the Historic Environment (2010).

If Members are minded to support the scheme and grant the Planning Application and Conservation Area Consent, the following conditions are recommended.

RECOMMENDATION:

DEFER AND DELEGATE approval to the Chief Planning Officer subject to the signing of a Section 106 agreement before the 16 January 2012 to ensure the following: -

- **Greenspace contribution of £ 23,902.59; and**
- **Off site highway works of £5,000.00.**

and subject to the following conditions and no further representations raising new material issues being received prior to the end of the further publicity period on 15 December 2011.

PLANNING APPLICATION 11/04382/FU

1. Time limit on full permission (3 years).
2. In accordance with approved plans.
3. Details of levels
4. Materials details and samples of external walling, roofing and surfacing.
5. Details of boundary treatments to be submitted, approved and carried out.
6. Landscape scheme to be submitted and implemented (including front feature).
7. Landscape Maintenance Scheme.
8. Tree protection.
9. Replacement trees.
10. Cycle parking provided.
11. Bin storage provided.
12. Relocation of bus stop.
13. Closing off and making good all existing redundant accesses.
14. Areas use for parking laid out and retained.
15. Retention of agreed vision splays.
16. Provision for contractors during construction.
17. Means of preventing mud, etc, on highway.
18. Specified operating hours (construction); no Sunday / Bank Holiday operations.
19. Sound insulation scheme.
20. Relevant Drainage details.
21. Relevant Land Contamination conditions.
22. **Reasons for approval:** The application is considered to comply with policies SA1, SP3, SP4, GP5, GP7, GP9, E7, BD2, BD5, H1, H3, H4, H11, H12, H13, LD1, N2,

N4, N12, N13, N18A, N18B, N19, N20, N22, N23, N25, N38B, N39A, T2, T2C, T2D, T15, T24 of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

CONSERVATION AREA CONSENT 11/04383/CA

1. Time limit (3 years).
2. In accordance with approved plans.
3. No demolition shall take place before a contract for carrying out the works of redevelopment has been let and confirmation thereof supplied to the Local Planning Authority.
4. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or dispatched from the site except between 08:00 hours and 18:00 Hours Mondays to Saturdays or at any time on Sundays and Bank Holidays.
5. Tree protection in place prior to demolition.
6. **Reasons for approval:** The application is considered to comply with policies N18A, N18B, GP5 and BD5 of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

PROPOSAL:

- .1 The applications seek Planning Permission and Conservation Area Consent to demolish the original Tannery building fronting onto Leeds Road and the ancillary later red brick buildings behind these original works and the construction of new housing along a new road. The housing consists of 10 townhouses in three blocks with associated parking, turning and bin stores.
- .2 A new terrace (of eight houses split into two blocks) facing Pearsons Buildings will replace the main Tannery building. The new terrace will be in two sections with an additional pair of semi detached houses continuing the line of Pearsons Buildings. Houses have one car parking place in curtilage, leaving them space for a front garden, with one space on the other side of the access road. These spaces are softened by landscaping.
- .3 The new vehicular access is 5.5m wide off Leeds Road and runs alongside two new-build two storey blocks which replace the Tannery building. There is a service vehicle turning head within the courtyard. Pedestrians access the site via the footpaths either side of the main vehicle access. All houses have level threshold access. The road and footways will be block paved to give the road the impression of being a shared surface. There are bus stops immediately outside the development on Leeds Road.
- .4 All the new-build houses are similar in design. Each is a four bed unit over three floors, the second floor in the roof space with dormer windows admitting light. Materials are red brick with stone cills, heads and details. The roof is blue slate and windows are double glazed UPVC in vertically proportioned openings – single and paired. Doors are timber and rainwater goods are black metal.

SITE AND SURROUNDINGS:

- .1 The 'L' shaped site is situated on the southern edge of Otley, between Leeds Road and the A660 by-pass. The site slopes approximately 3 metres from the southeast

corner to the northwest corner. The by-pass embankment is generally 2 metres higher than the southern boundary and is thickly planted.

- .2 Adjacent to the north west corner of the site is a terrace of 6 residential properties, Pearson's Buildings, in brick and render with slate roofs. The gable end of Number 1 sits approximately 6 metres back from Leeds Road and a 2-storey red brick shed sits on the pavement line. Beyond that is the Massingberd showroom site (now leveled, and with planning permission for 14 houses).
- .3 Adjoining the site to the east is a petrol filling station (PFS) and workshops, and beyond that, a split terrace of 14 stone-fronted houses, Valley View and Wharfedale View. Between this terrace and the PFS, a footbridge over the by-pass connects Silver Mill Hill and Chevin Avenue with Leeds Road.
- .4 The site was first developed as the Albion Works by John Kelley in 1890 for the manufacture of Wharfedale printing machines. The works initially comprised the main building on Leeds Road and extended to cover the whole site by 1921, when it was being used as a tannery. The tannery ceased operation in 1963, and it became variously works, warehouse, garage and furniture outlet.
- .5 The Tannery itself is essentially a single-storey red brick building with large arched windows, set on a gritstone plinth. Part of this plinth (the cellar) is usable, as is part of the roof space (a continuous flat roofed dormer provides light and headroom). Thus the building is effectively three-storey at the west end, reducing to single-storey at the east end. Eaves heights above ground level are 6 metres reducing to 5 metres respectively.
- .6 The main building has a double pitched roof with central valley gutter, currently clad in asbestos cement sheets. The dominating feature of the Tannery is the square tapering brick chimney rising to 19 metres above the ground level.
- .7 The buildings to the rear of the site are generally single-storey brick buildings with asbestos cement sheet roofs built subsequent to the original works. To the west is a two-storey brick building running perpendicular to Leeds Road, with stone lintels and cills, built in 1898/99. The front part of the building is unoccupied at present but the rear part is leased to the adjacent Colin Pitt garage premises.
- .8 The Otley Conservation Area appraisal identifies the original building on Leeds Road as a positive contribution to the environment, while the sheds behind detract – these are identified as enhancement opportunities.
- .9 Access to the site currently consists of a right of way over the Pearson's Buildings drive, and on a strip of land to the east, approximately 4 metres wide at its narrowest point as it passes the chimney. There are bus stops immediately outside the site on Leeds Road.

RELEVANT PLANNING HISTORY:

- .1 Members resolved to refuse the previous full scheme (reference 10/00739/FU) for the following reasons: -
 - .1.1 The Tannery is a positive building in Otley Conservation Area and neither exceptional circumstances to justify demolition or a satisfactory assessment of other development opportunities which retain the building have been demonstrated. The proposal would therefore be detrimental to the special

character of the Conservation Area and contrary to Policies N15, N17, N18A, N18B, N19 and N20 of the Leeds Unitary Development Plan (Review 2006), as well as being contrary to the aims and objectives of PPS5: Planning for the Historic Environment (2010).

- .1.2 The Local Planning Authority considers that the proposed development would be detrimental to pedestrian and highway safety due to inadequate car parking numbers, space dimensions and inadequate forward visibility on internal access roads. The proposal is therefore considered to be contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan Review (2006) and the guidance contained within Street Design Guide (Adopted Supplementary Planning Document).
- .1.3 The proposed development by virtue of its over-intensive nature, height, scale, and external appearance will appear over-dominant and inappropriate in relation to the surrounding neighbourhood and will all have a detrimental impact upon the character and appearance of the Otley Conservation Area. The scheme is therefore considered contrary to Policies GP5, BD5, N12, N13, N19, BC7, A4, N39B and LD1 of the Leeds Unitary Development Plan (Review 2006). The scheme is also considered to be contrary to guidance contained within Supplementary Planning Guidance in Neighbourhoods for Living (page 42), and Otley Conservation Area Appraisal. As well as being contrary to the aims and objectives of Planning Policy Statement 1: Delivering Sustainable Development (paragraphs 16 and 35) and of Planning Policy Statement 3: Housing (paragraphs 13 and 16).

.2 Members resolved to refuse the previous Conservation Area Consent (reference 10/00742/CA) for the following reasons: -

- .2.1 The Tannery is a positive building in Otley Conservation Area and neither exceptional circumstances to justify demolition or a satisfactory assessment of other development opportunities which retain the building have been demonstrated. The proposal would therefore be detrimental to the special character of the Conservation Area and contrary to Policies N15, N17, N18A, N18B, N19 and N20 of the Leeds Unitary Development Plan (Review 2006), as well as being contrary to the aims and objectives of PPS5: Planning for the Historic Environment (2010).
- .2.2 The Local Planning Authority considers that, in the absence of a suitable scheme for the re-development of the site, granting consent for demolition would fail to preserve or enhance the character and appearance of the Conservation Area contrary to policies GP5 and N18B of the Unitary Development Plan and National Guidance covered in PPS5: Planning for the Historic Environment (2010).

.3 The following planning history on the site is also considered relevant:-

- .3.1 A planning application which sought to demolish the commercial buildings to the rear and for the change of use, including alterations of the tannery building to form 10 two bedroom flats, 2 one bedroom flats and 2 studio flats and erection of 6 three bedroom houses, with car parking and landscaping was submitted under reference 09/01586/FU. However this application was withdrawn.

- .3.2 A Conservation Area Application to demolish the commercial buildings to the rear was also submitted to accompany this full redevelopment application, under reference 09/03485/CA. This was also withdrawn.
- .3.3 An earlier Conservation Area Application to demolish the commercial buildings to the rear of the tannery building was also submitted under reference 09/01585/CA. This was refused for the following reason: - "The Local Planning Authority considers that, in the absence of a suitable scheme for the re-development of the site, granting consent for demolition would fail to preserve or enhance the character and appearance of the Conservation Area contrary to policies GP5 and N18B of the Unitary Development Plan and National Guidance covered in PPG15."
- .4 There is no other relevant planning history for the site.

HISTORY OF NEGOTIATIONS:

- .1 Discussions with the applicant regarding the redevelopment potential of this site have been ongoing since 2008 and a number of schemes have been put forward and formal applications submitted during this period.
- .2 Since the panel determination in June 2011, detailed discussions with the applicant have been undertaken in combination with Highway and Design officers to negotiate a suitable scheme in design and layout terms that preserves and enhances the character and appearance of the Conservation Area.

PUBLIC/LOCAL RESPONSE:

- .1 The application has been advertised on site by the means of a (x3) site notices on Leeds Road, posted 4 November 2011 as a major application affecting the character and appearance of a conservation area. The application proposals were also made available for public inspection at Otley Library. Notice was also published in the local press, in the Wharfe Valley Times on the 24 November 2011.
- .2 Due to the press advert, the overall date of the expiry of the application does not end until 15 December 2011.

COUNCILLORS:

- .3 Councillor Colin Campbell (Otley and Yeadon Ward) has objected to the loss of the Tannery as an important building in the Conservation Area. He has also raised detailed comments to the scheme on the following grounds:
 - Units J and I do not seem to follow the line of Pearsons Buildings and it would be more appropriate if they did.
 - It is not clear where the bin store (for 3 bins) and cycle store will be and if the bin wagon can access the site particularly if cars are parked on the highway.
 - The plans are not clear about the road surface - I assume there would be a condition to assure it was surfaced/lit to approved standards.
 - A number of car parking spaces are separate from the house units. Who will be responsible for there maintenance along with the surrounding planting.
 - Are there sufficient car parking spaces for visitors to prevent parking on neighbouring streets.
 - Given that this is the Conservation Area and any new development should improve and enhance I feel the design of the units is uninspired with no sense of place.

- The materials, red brick, are inappropriate in an area which comprises mostly stone terraces.
- The windows are small and give an impression of dark, cramped units.
- House unit A presents a blank facade onto Leeds Road. I feel it would be more appropriate to use the example of the adjacent Pearsons Buildings where the end house has turned its face to create what appears to be a house front onto Leeds Road. This improves the street scene by adding interest and character.
- There are no sections with the drawings I have seen so I cannot comment on the relationship between the development and adjacent properties. They should be no higher to prevent overdomination.
- Given that the area of Leeds Road adjacent to the site has on-street parking (the surrounding area being narrow terraces) I assume the developer will be asked to address this issue.
- The bus stop is well used and it would not be appropriate to move it.
- Unit J is very near the by-pass. To protect the amenity of its occupants it should be moved further away.
- Other units will be effected by by-pass noise and more substantial works than a fence are needed to protect residents amenity.
- I do not believe the site has sufficient onsite public amenity space.

OTLEY TOWN COUNCIL:

.4 Has made the following comments: -

- The design and nature of the proposed houses does not adequately reflect the historical nature of the site;
- Car parking is inadequate, which would drive parking onto what was already a major artery road into Otley and is fully parked on both sides by current residents;
- Questions are raised as to the maintenance of the large planting area to the front which if not maintained would become an eyesore on a main route into Otley;
- No waste collection lorry would be able to access the bins on the site and therefore there ought to be a bin store/collection area close to the road side;
- The building to be demolished has a brown Historic Building plaque which must be retained at the street side of the site so that it can be seen by passers by as part of the town record of its industrial history and tourism walk.

LOCAL RESIDENTS:

.5 At the time of writing this report, three letters of objection have been received from local residents and their objections can be summarised as follows: -

- This building is a significant and positive landmark at the south-eastern gateway to the Otley Conservation Area.
- The building is of historic importance.
- The chimney of the building is one of only 3 of notable height now remaining in the town.
- The motor vehicle workshop here is an important employment site. Jobs will be lost if the businesses were to vacate.
- There is a shortage of industrial units in Otley.
- No consideration appears to have been given to sub-dividing the existing building into small units for craft workshops or small businesses manufacturing.
- If change of use of the site is deemed unavoidable, the building could be converted to residential use while conserving.

- Happier with the setback layout of the houses in the main block leading up from Leeds Road with the planting/shrubbery area between the proposed houses and Pearson's Buildings
 - Still object to the two proposed houses to the south of our property (J and I) as they will obliterate a large amount of our light and view.
 - The height of the proposed houses to the south of our property will exceed the existing building lines and so will be out of keeping with the rest of Pearson's Buildings.
 - The locating of windows, etc., should wherever possible maintain a degree of privacy which the residents of these properties have enjoyed previously.
 - Concerned about added traffic/parking from the development as each of the houses only has one allocated car parking space with maybe a small amount of parking on the access road area into the development.
- .6 One letter of support has been received from a local residents and their comments can be summarised as follows: -
- As a nearby resident, strongly support the above applications as the buildings in question are an eyesore and there is a requirement for new housing in Otley.

CONSULTATIONS RESPONSES:

HIGHWAYS:

- .1 No objections, subject to off-site highway works and conditions.

YORKSHIRE WATER:

- .2 No objections subject to conditions as a water supply can be provided.

Non Statutory Consultations:

NEIGHBOURHOODS AND HOUSING:

- .3 The Council's Environmental Protection Team has stated that they have no comments to make.

MAINS DRAINAGE:

- .4 No objections subject to conditions controlling surface water run off.

LAND CONTAMINATION:

- .5 Whilst no objections are raised to the application proposals, conditions are suggested. Due to the sites former industrial uses there is a potential for contamination and given that the end use is residential and therefore sensitive.

ACCESS OFFICER:

- .6 Concerns raised in relation to the use of shared surfaces and pavement widths within the scheme and the lack of a larger disabled space within the scheme.

WEST YORKSHIRE POLICE:

- .7 Support the application as the scheme will create a safe residential development, where people wish to live.

WEST YORKSHIRE ARCHAEOLOGICAL SERVICE:

- .8 No objections to the scheme as the site has no apparent archaeological implications.

PLANNING POLICIES:

- .1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which consists of the adopted Regional Spatial Strategy for Yorkshire and the Humber of May 2008 and the Leeds Unitary Development Plan (Review 2006), unless material considerations indicate otherwise.

REGIONAL PLANNING POLICIES:

- .2 The Regional Spatial Strategy for Yorkshire and the Humber to 2026 (RSS) was adopted in May 2008 and sets out a strategic framework for development up to 2026.
- .3 However, it is not considered that this proposal raises any issues of regional significance.

LOCAL PLANNING POLICIES:

- .4 Locally Leeds City Council has begun work on our Local Development Framework (“LDF”) with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.
- .5 In the interim period a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.
- .6 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SA) as follows;
- Policy SG4: To ensure that development is consistent with the principles of sustainable development;
 - Policy SA1: Secure highest quality of the environment throughout the District; and
 - Policy SA6: Promote the physical and economic regeneration of urban land.
- .7 The application site lies within the Otley Conservation Area and is unallocated with no specific land use allocation. The relevant Leeds Unitary Development Plan policies are considered to be: -
- Policy GP5: Development control considerations;
 - Policy BD5: New buildings should be designed to give consideration to their own amenity and surroundings;
 - Policy A4: Development and refurbishment proposals designed to ensure safe and secure environment;
 - Policy H4: Residential development on non-allocated sites;
 - Policy N12: All development proposals should respect fundamental priorities for urban design;
 - Policy N13: Design of new buildings should be of high quality and have regard to character and appearance of surroundings;
 - Policy BC7: Developments within Conservation Areas to be in traditional local materials;
 - Policy N19: New buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area;

- Policy BC8: Where demolition of unlisted buildings within Conservation Areas is accepted conditions can be imposed to ensure that certain features are salvaged or re-used;
- Policy N18A: Demolitions shall be resisted of building or part of building that make positive contribution to character or appearance of the Conservation Area;
- Policy N18B: Demolitions of building shall not be given consent unless plans for redevelopment approved;
- Policy N20: Demolition of other features which contribute to the character of the Conservation Area will be resisted;
- Policy N25: Site boundaries should be designed in a positive manner;
- Policy N27: Where a landscaping scheme will be required, an application should be accompanied by an illustrative scheme;
- Policy LD1: Landscape schemes should meet specific criteria;
- Policy T2: Development must be capable of being served by highway network and should not add to or create problems of safety;
- Policy T24: Refers to parking guidelines for new developments.

SUPPLEMENTARY PLANNING GUIDANCE:

.8 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- SPG13: Neighbourhoods for Living (December 2003); and
- Otley Conservation Area Appraisal (2003).

NATIONAL PLANNING GUIDANCE:

.9 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes: -

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing (2006); and
- PPS5: Planning for the Historic Environment (2010).

MAIN ISSUES:

.1 Having considered these applications and representations, it is considered that the main issues in this case are:

- Principle of the residential development;
- Demolition of the existing building;
- Character and appearance of the Conservation Area;
- Highways issues;
- Residential amenity; and
- Landscaping and Public Open Space.

APPRAISAL:

Principle of the residential development (*Loss of employment land*):

.1 The application site lies within the urban area of Otley and is unallocated with no specific land use allocation. Policy E7 of the Leeds UDP Review (2006) indicates that a favourable view of applications for housing on land or buildings in employment use will be adopted where it is established that such land or buildings

are no longer needed for that purpose. When the application was previously presented to Plans Panel West in June 2011, Members raised no objections to the loss of this former employment use.

.2 Residential proposals on sites such as this will be treated on merit and against UDP housing policies H3 and H4. It is considered that the proposal meets the criteria set out, which relate to the site being within the main urban area, in a sustainable location, being acceptable in sequential terms and within the capacity of existing and proposed infrastructure. The site is considered to be previously developed land (Brownfield) by the Council as it satisfies the definitions set out in Annex B, PPS3 (Housing).

.3 **Principle of the proposed development (*demolition of the existing building and impact on the Conservation Area*):**

.4 The existing Tannery building is identified as a positive building in the Otley Conservation Area. The City Council aims to preserve or enhance the character and appearance of these Conservation Areas through the control of development and through proposals for enhancement. It remains officers view that the building should be retained.

.5 That being said, whilst Plans Panel West resolved to refuse the previous applications, Members discussed two possible options for the future of the site and, following votes, supported the option of full demolition to facilitate improved access subject to the scheme being of a high quality.

Character and appearance of the Conservation Area:

.6 The revised scheme proposes two blocks of four terraces each at 90 degrees to Leeds Road. Mirroring these is a pair of semi detached houses effectively extended the existing terrace identified as the Pearson's buildings. Each house has a rear private gardens with a smaller garden area to the front. These scheme includes detailed boundary treatments, car parking and a landscaping strip between the site and Pearson's buildings. Access is at a central point of entry into the site with a turning head at the top, with landscaping at the entrance. As much of the existing bank of landscaping to the rear of the site is to be retained. The scheme proposes to re-use stone from the demolition for the entrance boundary treatments. Two and a half storey dwellings are proposed and are considered acceptable as the dormers are be set within the roof and be to the rear.

.7 Notwithstanding the removal of the tannery Building, it is considered that the simple vernacular design of the revised scheme will preserve and enhance the character and appearance of the conversation area.

Highways Issues:

.8 The layout proposed is acceptable and accords with the Adopted Street Design Guide. Suitable access visibility splays can be accommodated within the existing footway limits. Each house has two off street parking bays and a further three visitor bays are provided for the benefit of the whole site. Secure cycle parking is identified for each house, details and provision should will be secured by condition attached to any subsequent approval. As the site has less than 50 dwellings it does not need a Travel Plan or Statement. The redundant length of the existing dropped kerb should be reinstated to a full height kerb.

- .9 Metro requests that the developer should fund a Bus Only Travel Card for each resident, this would equate to £4,705.50.
- .10 An existing bus stop pole is located between the adjacent access road and the proposed junction. The bus stop will need to be relocated on the other side of the new junction and a bus stop clearway should be funded by the developer to ensure that parking from the new development does not take place in the bus stop. Traffic Management are currently implementing 20mph zones in residential areas in the vicinity of the site and a contribution should be secured from this development.

Residential Amenity:

- .11 The proposal would introduce housing adjacent to a commercial repair garage. However, this is a long established business which appears to operate without local complaint and which is already in close proximity to housing. There is a busy main road to the rear of the site but this is separated by significant vegetation. It is not considered that the potential for noise and disturbance to new residents would amount to grounds for refusal. Details of sound insulation to the buildings will be controlled via condition in combination with boundary treatment details.

Landscaping and Public Open Space:

- .12 There is an existing area of tree planting to the rear of the site which will be retained. Landscaping proposals have been provided, these include new tree planting in garden areas backing to the adjacent garage site. The scheme also includes significant landscaping planting to the access road and parking areas.
- .13 There is also a planting area to the front of the site, which creates an opportunity possibly for a piece of art marking the loss of what was previously on the site signifying its historic importance, such as a significant stone feature from the building e.g. stone cap, keystone, part of the chimney or part of a cast iron column etc set in concrete with soft planting. A condition is suggested to secure this enhancement.
- .14 The site is not considered large enough to provide Public open space on site. Therefore a Greenspace contribution of £23,902.59 will be required (in accordance with Policy N4 of the UDP) to improve publicly accessible Greenspace within the vicinity of the application site and/or the improvement to Well Croft Play Area. The Greenspace contribution is based on insufficient local amenity space (Policy N2.1) and local recreational areas (Policy N2.2) within the locality. There is sufficient neighbourhood parks space (Policy N2.3).

11.0 CONCLUSION:

- 11.1 Members have accepted that in principle the Tannery building can be demolished subject to an appropriate design for the new development. Since the Plans Panel meeting in June, the applicant has taken on board officers' advice on the design of the revised scheme which is now considered acceptable and as such will preserve and enhance the character of the Otley Conservation Area. All other matters can be resolved through a Legal Agreement or through the imposition of conditions.

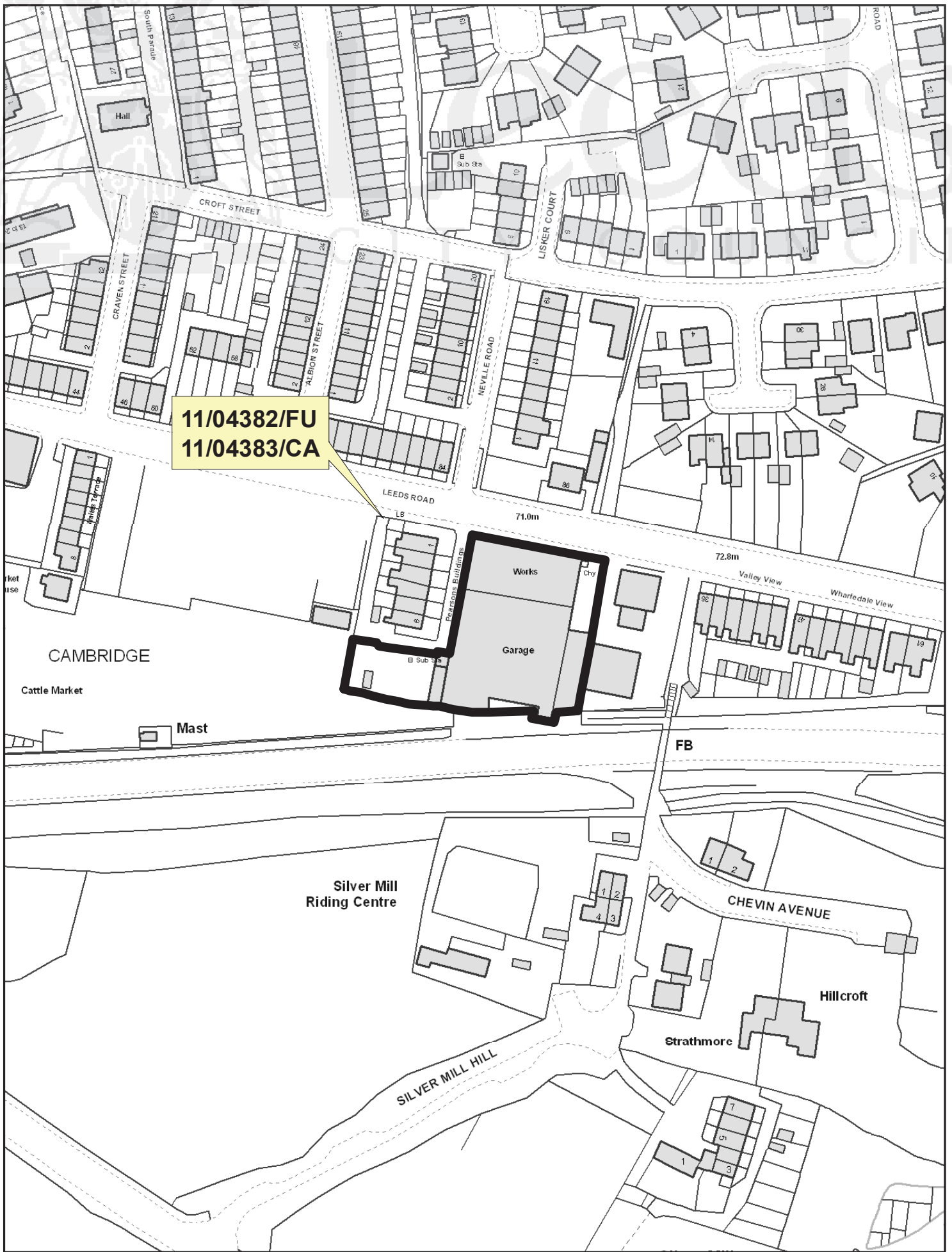
Background Papers:

Certificate of Ownership.

Planning Application 10/00739/FU.

Conservation Area Application 10/00742/CA.

Planning Application 09/01586/FU.
Conservation Area Application 09/03485/CA.
Conservation Area Application 09/01585/CA.



11/04382/FU
11/04383/CA

WEST PLANS PANEL





Originator:	Tim Poupard
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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 8 December 2011

Subject: LEEDS BRADFORD INTERNATIONAL AIRPORT - MONITORING REPORT OF NIGHT TIME AIRCRAFT MOVEMENTS, NOISE LEVELS AND AIR QUALITY

APPLICANT	DATE VALID	TARGET DATE
Leeds Bradford International Airport	Not applicable	Not applicable

Electoral Wards Affected:

Otley and Yeadon
Guiseley and Rawdon
Adel and Wharfedale
Horsforth

N

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are requested to note the contents of this report, in relation to the night time movements, the noise and the air quality monitoring. Members are also advised that as aircraft technology evolves aircraft noise will continue to reduce.

Members are also asked to continue their support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage given that no breaches have occurred in the last eight months.

Officers will update Members on these issues and report again on the night time movements, noise and air quality monitoring in six months time.

INTRODUCTION:

- .1 The last monitoring report was considered by Members at the Panel meeting on 28 April 2011 for the period September 2010 to February 2011. During that period there were a total of two movements which were in breach of the planning condition relating to night flying and aircraft noise.

- .2 At the April Plans Panel, Members noted the number of breaches which had happened over the last 3 years but that improvements had been made and the latest breaches were due to exceptional circumstances. Members considered that enforcement action at that time would not be appropriate but that the issue should be kept under review and the enforcement file should remain open.
- .3 Members resolved to:
 - .3.1 To note the contents of the report in relation to night time aircraft movements, noise and the air quality monitoring.
 - .3.2 To note the update in relation to outstanding enforcement action in relation to breaches of the planning condition on night flying and aircraft noise.
 - .3.3 To support the approach adopted by officers so far, in seeking to resolve the issues of the PIA breaches by continued dialogue rather than formal action at this stage given the improvement in the position over time and the low number of breaches now occurring.
 - .3.4 To note the intention to present a further monitoring report in six months time.
- .4 This report is the further monitoring report requested by members.

SIX MONTHS MONITORING REPORT:

- .1 Planning permission to allow 24 hour flying at Leeds Bradford International Airport was granted subject to conditions in January 1994 (Application Reference 29/114/93/FU).
- .2 The planning approval contains a number of detailed conditions regarding night flying and its monitoring and prohibits departures and landings in the night-time period by specific types of aircraft.
- .3 As part of the 1994 permission the number of night time movements is restricted to 1200 for each winter season and 2800 for each summer season. The night time period is defined as 23.00 to 0700 hours local time and a movement is defined as a landing or departure.
- .4 Condition 12 on application 29/114/93/FU stated that “No aircraft movements in the night-time period shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority for the monthly monitoring and reporting to the Local Planning Authority of the number of night-time aircraft movements by type of aircraft. The scheme shall allow for reference to the numbers of and reasons for delayed landings and emergency departures and landings.”
- .5 A monitoring scheme has been approved with regular reporting on the following matters:
 - .5.1 Monthly reporting of the number of night-time aircraft movements by type of aircraft with reasons for any delayed or emergency movements being supplied.
 - .5.2 Noise monitoring at both the boundary of the Noise Insulation scheme area (at night) and at fixed gateways, to check compliance with agreed Target

Noise Levels (TNLs) which are set at 6 to 8 decibels (dB(A)) lower than daytime equivalents.

.5.3 Air quality as measured by nitrogen dioxide (NO₂) concentrations in and around the airport with two locations inside the airport boundary and four at residential locations close to the main flight paths (two of these four sites are near to existing roads to establish ambient NO₂ levels).

.6 This monitoring report covers the period March 2011 to October 2011 inclusive;

MONTHLY NIGHT TIME MOVEMENTS:

.1 During the periods covered by this report, the night-time movements have been as follows:

Month	Number
March 2011	140
April 2011	194
May 2011	242
June 2011	293
July 2011	297
August 2011	270
September 2011	250
October 2011	191

.2 During this period there have been **NO** movements which were in breach of the planning condition which sets out in detail restrictions on the type of aircraft which can operate in the night time period.

.3 Members should note that there are current maximum night time aircraft movement limits in place at LBIA. In the Winter Period (November to April) there is limit of **1,200** movements and in the summer period (May to October) there is a limit of **2,800** movements.

.4 There were **872** movements in this winter period (2010/11) and **1,542** movements in this summer period (2011). This shows that the overall number of night time movements are well below the maximum numbers permitted by the planning approval (**68%** of winter movements and **55%** of summer movements).

ENVIRONMENTAL MONITORING:

.1 The results of environmental monitoring at the airport carried out by the Environmental Studies section of the City Development Department have been received for the period covered in this report. The table of results give details of:

.1.1 Noise monitoring at the boundary of the noise insulation scheme 1994;

.1.2 Aircraft which exceeded the night-time Target Noise Levels (TNL's) measured by the permanent monitoring system; and

.1.3 Air quality monitoring around the airport.

.2 The noise monitoring has been carried out at the following places around the airport:

- .2.1 Tarn View Road, Yeadon;
 - .2.2 Wood Hill Road, Cookridge;
 - .2.3 Westbrook Close, Horsforth;
 - .2.4 Beacon House Farm, Yorkgate; and
 - .2.5 Majentta Farm, Carlton.
- .3 A number of aircraft have been monitored using both runways over the periods to produce an average noise level. The average values for the aircraft types allowed to operate at night were below the boundary criterion of 90 dB(A).
- .4 The results continue to confirm the accuracy of the CAA noise footprints on which the noise insulation scheme was based, as the vast majority of aircraft arriving and departing comply with the criteria.
- .5 The permanent monitoring system at the airport records which aircraft exceeded the night time target noise levels. Over the periods covered by this report the system recorded the following aircraft:

	1 st March 2011 – 31 st October 2011		
	TNL (dB(A))	Number	Levels
Departures Runway 32	77.0	7	78 – 79
Departures Runway 14	84.0	0	n/a
Arrivals Runway 32	79.0	19	79 – 82

- .6 Members should also note that this permanent noise monitoring is not within the planning regime and specifically controlled via condition. It is however a guide that was established to allow the Council’s Environmental Studies Section to review the noise being generated by aircraft arriving and departing.
- .7 Even bearing these issues in mind, the above figures represent a very small percentage (1.4%) of overall jet aircraft movements at night and are only a slightly higher dB noise level to the control levels – the differences not being discernible to some listeners.
- .8 Air quality monitoring survey results show low average concentrations of nitrogen dioxide (NO₂) in and around the airport. The general results at the six locations where diffusion tube tests have been carried out over the 6 month period are summarised as follows:

Location	NO ₂ (µg/m ³)
	1 st March 2011 – 31 st October 2011
Brownberrie Lane	22
Scotland Lane	13
Victoria Avenue	17
Novia Farm	18
Terminal Building	20
Main Runway	19

- .9 Note The NO₂ concentration is an annual average and is measured as µg/m³ (microgram's per cubic metre). Under the Air Quality regulations 2000 the annual average NO₂ concentration should not exceed 40 µg/m³ and relates to background levels in residential areas. The results still show that NO₂ levels are below this level and are highest at the terminal building.
- .10 Members should also note that the levels are usually lower in the summer than winter, which explains the change in levels from the last report.

RECOMMENDATION:

- .1 Members are requested to note the contents of this report, in relation to the night time movements, the noise and the air quality monitoring. Members are also advised that as aircraft technology evolves aircraft noise will continue to reduce.
- .2 Members are also asked to continue their support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage given that no breaches have occurred in the last eight months.
- .3 A verbal updated on the introduction of a B777 aircraft for the PIA flights will be given at the Panel Meeting.
- .4 Officers will update Members on these issues and report again on the night time movements, noise and air quality monitoring in six months time.

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