



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 1st March, 2012
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>	

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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</p> <p>To confirm as a correct record, the minutes of the Plans Panel West held on 12 January 2012.</p>	1 - 6
7			<p>LDF CORE STRATEGY PUBLICATION DOCUMENT</p> <p>To receive and consider the attached report of the Director of City Development.</p>	7 - 22
8	Otley and Yeadon;		<p>APPLICATION 11/04635/FU, LAND OFF BRIDGE STREET AND MILL LANE, OTLEY, LS21</p> <p>To consider the attached report of the Chief Planning Officer regarding an application to demolish vacant school building and erect a 60 bed care home with car parking and landscaping.</p>	23 - 36

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9	Otley and Yeadon;		<p>APPLICATION 11/04612/FU - THE MIDWAY, 111 QUEENSWAY, YEADON, LS19</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for the change of use of Public House to a Private Hire Office with alterations comprising the addition of an awning to the rear, boundary fence and entrance gates.</p>	37 - 44
10	Otley and Yeadon;		<p>APPLICATION 11/05286/FU - RIVERDALE GARDENS, OTLEY, LS21</p> <p>To receive and consider the attached report of the Chief Planning Officer which refers to an application for the change of use of public open space to domestic gardens.</p>	45 - 52
11	Weetwood;		<p>APPLICATION 11/04959/FU - 4 ST ANNE'S ROAD, HEADINGLEY, LS6</p> <p>To receive and consider the attached report of the Chief Planning officer regarding an application for part two storey, part single storey extension with relocation of flue and condenser units and addition of access ramp to front.</p>	53 - 60
12	Headingley;		<p>APPLICATION 11/05327/FU - LONGFIELD HOUSE, VICTORIA HOUSE AND PARK HOUSE, HEADINGLEY OFFICE PARK, VICTORIA ROAD, HEADINGLEY, LS6</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use from office (Class B1) to college (Class D1) of Longfield House, Victoria House (entirely) and Park House (1st and 2nd floors), with associated alterations and extensions and formation of additional car parking.</p>	61 - 70
13	Adel and Wharfedale;		<p>APPLICATION 11/04955/FU - HOLT AVENUE, ADEL, LS16</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the laying out of an access road and erection of 45 houses with garages and landscaping.</p>	71 - 82

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14	Headingley;		<p>APPLICATION 11/05337/FU - 13A NORTH LANE, HEADINGLEY LS6</p> <p>To receive and consider the attached report of the Chief Planning Officer which refers to a retrospective application for change of use of first floor from private members pool/snooker club to form bas (A4)</p>	83 - 88
15	Hyde Park and Woodhouse;		<p>APPLICATION 11/05195/FU -SERVIA ROAD, LS7</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the erection of two part 6 storey and part 7 storey blocks of 72 student cluster flats (300 bedrooms) with landscaping and car parking.</p>	89 - 98
16			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday, 29th March at 1.30 p.m.</p>	

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PLANS PANEL (WEST)

THURSDAY, 12TH JANUARY, 2012

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

93 Declarations of Interest

Councillors B Chastney, J Matthews and J Akhtar declared personal interests in Agenda Item 8, Leeds Girls High School, 31 Headingley Lane, Headingley due to their membership of the North West Inner Area Committee and previous discussions regarding this site.

94 Minutes - 8 December 2011

RESOLVED – That the minutes of the meeting held on 8 December 2011, be approved as a correct record subject to the following amendments.

Minute 86 – Applications 11/03820/FU, 11/03826/FU and 11/03828/LI – Stonebridge Mills, Stonebridge Lane, Wortley, LS12

Bullet Point 6 – Remove the words ‘where possible’.

Minute 87 – Applications 11/04253/FU and 11/04253 – Commercial Road/Kirkstall Lane, Kirkstall Hill, Kirkstall

To include reference to Members concerns regarding linkages to the rest of the S2 centre.

95 Application 11/03417/FU - Springfield Mill, Stanningley Road, Stanningley, Pudsey, LS13 3LY

The report of the Chief Planning Officer informed Members of an application for a proposal to construct a detached retail food store with 90 parking spaces and associated hard and soft landscaping. The application had been made following pre-application meetings and discussions with the Local Planning Authority and following a public exhibition and community consultation over the past year. It had been brought to Plans Panel due to the level of local representation and because the proposal did not constitute out of centre retail development.

Members were shown site plans and photographs of the site and had visited the site prior to the meeting.

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

- The store would create between 30 and 40 jobs, with approximately 100 jobs during construction.
- The store would be surrounded on all four sides by housing.
- Until 2007 the site was a complex of industrial units. These had become disused and derelict and had since been demolished.
- Members were shown photographs of the site where access from Stanningley Road would be.
- The existing stone wall at the site would be lowered and partially retained.
- A Section 106 agreement had been secured with the developers.
- A public meeting had been held on 30 March 2011 and 91 local residents had attended. 105 letters of support, which had been developed by ALDI, had been received along with a further 6 letters of support and a letter of objection.
- There had not been an objection by Highways and the proposals were supported by a transport assessment and travel assessment.
- The Section 106 agreement would include a public transport contribution of £52,903

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

- The proposed condition to restrict deliveries between 9.00 p.m. and 7.00 a.m. was the same as other store in a similar position. There would be acoustic barriers around the delivery area and this was adjacent to the gable end of existing properties.
- It was suggested that a condition be included for bollards to restrict access to the car park when the store was closed.
- Distribution of transport funds under the Section 106 agreement. It was reported that this would go into a larger pot and be used on the corridor in which the proposed store was.
- Suggestion to use the remaining stone from the existing stone wall to erect a wall on Ashby Avenue.
- The store would be a discount food retail unit. They were unable to sell certain goods including newspapers and tobacco.
- It was not possible to impose a condition regarding the upgrading of bus stops but this would be discussed with Ward Members.

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:

- Travel Plan, Travel Plan Co-ordinator and monitoring fee of £2,500;
- Store to be a discount supermarket only;
- Local employment initiatives; and
- Public Transport Contribution of £52,903

And subject to conditions outlined in the report with additional requirements to consult Ward Members before a decision is made with regards to the suitability of upgrading 2 existing bus stops on Stanningley Road and could stone from the tall wall be used to provide a stone boundary wall to Ashby Avenue.

Draft minutes to be approved at the meeting
to be held on Thursday, 2nd February, 2012

96 Pre-application presentation - PREAPP/11/01241 - Leeds Girls High School, 31 Headingley Lane, Headingley, LS6 1BN

The report of the Chief Planning Officer introduced a pre-application presentation by the Morley House Trust for residential development, conservation area consent for demolition, change of use of Rose Court to flats and listed building application for alterations to Rose Court at Leeds Girls High School.

The Panel was asked to note the report and comments were invited on the following issues:

- Highways proposals
- Masterplan layout and effects on listed building and conservation area
- Impact on trees
- Residential amenity, in particular garden sizes
- Level of detail required when planning applications are submitted

It was reported that the pre-application presentation would give the developer an opportunity to show the position since the previous application had been to appeal. The appeal had resulted in approval for the conversion of Rose Court but had refused new building and conversion and extension of the main school building. The Inspector had also expressed concern regarding the loss of trees.

Members were shown site plans and photographs of the site and had made a site visit prior to the meeting.

The following issues were highlighted:

- Concern regarding access to the north west of the site to Headingley Lane.
- Proposals to move blocks 17, 18 and 19 so that Rose Court was not obscured.
- Concern regarding the narrow private drive to the west of the site and its unsuitability for service vehicles. Upgrading of this would have a detrimental impact on trees.
- Proposed car parking provision for the site had been accepted by Highways and the Inspector.
- The Inspector had not raised objections to the close proximity of blocks 14 and 11 or to the removal of trees in the north east corner to re-position block 19.
- There had not been objection to the small gardens proposed due to the amount of public open space on the site.

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

- The developer was happy to close the access to Headingley Road and use the private road for all 11 properties on the west side of the site.
- Issues surrounding refuse collection.

- The north west access point could still be used by emergency service vehicles.
- Issues relating to the proposal to move block 19 and the proximity to the sunken garden. It was reported that there would have to be further discussions with conservation and tree officers regarding this.
- Blocks 11 and 12 could be moved slightly south to prevent a detrimental impact on trees.
- Concern regarding sight lines on blocks 10 and 15 – block 15 could be re-sized or rotated, block 10 would be difficult to move and had not received an objection from the inspector.

Members were asked to comment on the following issues:

- The principle of retaining an access for vehicles from Headingley Lane – Members considered safety issues for keeping the access to Headingley Lane open to access 5 properties. Members voted in favour of allowing these 5 properties to retain vehicular access to Headingley Lane.
- The proposal to serve 7 dwellings off a private drive off Victoria Road - Members considered various consequences including the lack of a turning head for refuse vehicle, surfacing, impact on trees, safety and practicality of vehicles having to reverse down the drive, safety for pedestrians and the relationship between some of the residential blocks and the drive. Members voted in favour of allowing 7 dwellings to be served off a private drive subject to details of road construction for drainage, lighting, turning circle being acceptable in relation to the trees.
- Parking provision across the site – Members accepted that the level of car parking was acceptable.
- Whether the development is appropriate in siting of block 18 relative to the setting of the listed Rose Court building – The building was considered to be an improvement from the previous scheme but there were concerns about the size and also the size of block 17 across the access road. Members supported the idea of creating a gate house feature with the two blocks but felt they needed to be reduced in scale because of the impacts on views to Rose Court and Block 17's proximity to the access and a tree to its rear.
- Whether block 14 had an acceptable relationship with the adjoining dwelling in block 11 in terms of achieving satisfactory residential amenity – it was considered that block 14 was likely to harm the living conditions of neighbours and should be removed.
- The principle of the siting of block 17 and its relationship to the access road – It was felt that the distance between block 17 and 18 was too short for amenity considerations. In principle the siting of blocks 17 and 18 was accepted but there was concern with scale and massing. Concerns were also raised regarding the gardens of block 17 that would be overshadowed by a retained tree.
- The siting of Block 19 in relation to Rose Court – The principle of this block was broadly accepted subject to scale, massing and high quality

design been demonstrated through the application. Additional replacement tree planting elsewhere on the site would be needed to compensate for the loss of trees.

- The impact of the proposed blocks 9, 10 and 14 upon the existing trees - Block 9: Members noted the importance of retaining the mature Lime Tree (T12) but thought that subject to ensuring this tree was unharmed by the size, siting and construction of block 9 that this block was acceptable. Block 10: Members were concerned that this block would likely put pressure on the existing trees that were in close proximity and may result in pressure by the future occupiers for the trees to be felled. The developer was keen to say the inspector did not refuse the appeal on this issue but acknowledged the Inspector had serious concerns about this relationship. Block 14: Members thought this block would also likely impact on the trees and given other amenity concerns should be removed from the scheme.
- Members views were sought on the small gardens proposed - Members were broadly accepting of the small garden sizes of the townhouses given the availability of open space within the site. They did however say that small gardens largely or wholly covered by retained trees were not acceptable and these units would need to be removed. As such blocks 10 and 14 should be removed completely and individual units within blocks 17, 18, 2 and 3 will need to be omitted.
- Views on the public open space provision – The amount of open space was considered to be acceptable.
- Views on the the housing mix as proposed – Members considered this to be acceptable.
- Members views on the level of detail they would wish to see as part of the revised application - Members accepted that an outline application with a good level of detail would be acceptable. They wanted to see good scale and massing plans to ensure they could assess the heights of buildings. The developer offered to provide these along with a detailed design code and indicative elevations.

(Councillor Coulson requested that it be recorded that he did not take part in any of the votes taken on this item).

97 Date and Time of Next Meeting
Thursday, 2nd February 2012 at 1.30 p.m.

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Report of Director of City Development

Report to West Plans Panel

Date: 1st March 2012

Subject: LDF Core Strategy Publication Document

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No All
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input 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. Following consideration by Executive Board on 10th February, the City Council's Local Development Framework (Publication Draft) has been approved for public consultation. The consultation period is 28th February – 12th April (5:00pm) and the purpose of this report is to make Plans Panel aware of the consultation and the broad scope and content of the document. The Core Strategy document (and background material) is available via the City Council's web site, together with a copy of the representations form.
2. In aspiring to be the 'best city in the UK', the Core Strategy takes forward the spatial and land use elements of this ambition, as part of an overall strategy. As a basis to address these priorities and in order to provide a strategic framework for the preparation of the Site Allocations Development Plan Document (DPD) and Neighbourhood Plans, there is some urgency to take the Core Strategy forward.
3. Central to the overall approach of the Core Strategy, is the desire to plan for the homes and jobs the District needs in a sustainable manner. Integral therefore to the strategy, is the need to respect local character, distinctiveness and to achieve environmental management requirements, in support of regeneration and growth.
4. The Core Strategy is presented through a series of Spatial and detailed Policies, which are summarised in this covering report and set out in more detail in the consultation material and supporting documents, available from the City Council's web site.
5. The Core Strategy takes a "centres first" approach with the City Centre at the top of the hierarchy of centres where major growth in office, retail and cultural uses is to be focussed. The southern half of the city centre is a particular priority for transformation

into an active and vibrant part of the city centre as a whole including a new park and good pedestrian connections.

Recommendations

6. West Plans Panel is requested to note the contents of this report.

1 Purpose of this report

- 1.1 In reflecting the priorities and ambitions for Leeds (as set out as part of the Community Strategy – Vision for Leeds), the Core Strategy sets out the broad spatial and land use planning framework for the district (to 2028). Central to its preparation has been the desire to plan for the people and places of Leeds, in the development of an approach, which seeks to manage growth in a sustainable way. This approach seeks to balance the overall needs of a growing population in the delivery of an appropriate scale, distribution and phasing of development, taking into account local character and distinctiveness.
- 1.2 In playing its part, (and linked to a range of a range of strategic initiatives and programmes), for Leeds to become ‘the best city in the UK’, the Core Strategy provides a framework to deliver a range of key priorities. These include:
- responding to forecasts that the population of Leeds is set to grow and the opportunities and challenges associated with this including, greater numbers of children and young people, more people 75 and over and more people from black, ethnic minority and mixed race backgrounds,
 - arising from the spatial pressures of population growth, the need to develop a longer term strategy to create more and affordable homes, whilst seeking to respect and enhance, the character and distinctiveness of local communities and settlements,
 - the promotion of urban regeneration, through the recycling of brownfield land and the development of land in sustainable locations, as a basis to minimise the impact upon greenfield and Green Belt land,
 - harnessing the ‘housing growth principles’ agreed through public consultation, as a basis to meet housing needs and delivery in appropriate locations through a phased approach,
 - planning for job creation and economic growth by promoting key economic sectors (including financial & business services, low carbon manufacturing, retail, housing and construction as identified within, the Leeds Growth Strategy), key strategic locations for development (including the City Centre and the Aire Valley – Urban Eco-Settlement/Enterprise Zone), together with a portfolio of opportunities for employment development & job growth and regeneration,
 - delivering quality of place, high standards of urban design, conservation & construction, the protection and enhancement of the environment and ease of movement (through walking & cycling), in support of a sustainable, child friendly and healthy city,
 - mitigating the consequences of climate change by managing flood risk, enabling sustainable design and construction and support for low carbon energy.
- 1.3 Following consideration by Executive Board, the Core Strategy has been approved for public consultation (pursuant to Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 as amended

(the LDF Regs)). Following this stage of consultation and consideration of representations made, the City Council may then proceed to formal Submission of the document to the Secretary of State for Independent Examination.

2 Background information

Overview

- 2.1 In seeking to take forward the priorities set out as part of the Vision for Leeds, responding to major changes in the economy and national guidance, there is considerable urgency to progress the Core Strategy. Central to this is the need to plan for the implications of a growing and changing population. Based upon the Strategic Housing Market Assessment (SHMA), it is anticipated that the population of Leeds will rise from 755,136 in 2010 to 859,583 in 2028 (Employment led, fixed headship scenario, extrapolated to 2028). Associated with this growth, are greater numbers of children and young people, more people 75 and over and more people from black, ethnic minority and mixed race backgrounds. Meeting the challenges and opportunities linked to these changes, is therefore a key issues for Leeds as a whole and in taking forward the Core Strategy.
- 2.2 The Core Strategy is the key spatial and land use planning document for Leeds which sits within a context of national planning guidance (including PPS12 and the emerging National Planning Policy Framework), the Localism Act (and the need to provide a direction and planning framework for the preparation of the Site Allocations DPD and Neighbourhood Plans) City Council priorities (including the delivery of City Priority Plans & the Leeds Growth Strategy). Once adopted, substantive parts of the Core Strategy will replace the existing Development Plan (the Leeds UDP 2006).
- 2.3 Following early technical work and stakeholder engagement in 2006, wider public consultation on an Issues & Alternative Options document (October – December 2007) and a further 6 week period of public consultation (October – December 2009) on a 'Preferred Approach' document, a Publication draft document has been prepared. This document has been developed in the light of the consultation work described above and also informed by supporting technical work and evidence base material. This material includes the Strategic Housing Market Assessment (SHMA), Strategic Housing Land Availability Assessment (SHLAA), the housing growth consultation with key stakeholders (summer 2011), the PPG 17 Needs & Opportunities Assessment for Open Space, Sport and Recreation Assessment, Retail & Town Centres Study, Strategic Flood Risk Assessment and Employment Land Review.

3 Main issues

- 3.1 The Core Strategy has been prepared during a major period of change. This includes significant and emerging changes to national and regional planning policy, culminating in the preparation of the draft National Planning Policy Framework, the impending abolition of Regional Spatial Strategies and the introduction of the Localism Act. These changes have been against a background of a global economic downturn and restructuring, a reduction in public funding and national (regional and local) priorities to stimulate economic recovery and growth. Within this context, it is important that the Core Strategy has regard to these circumstances in the short term but seeks to be ambitious in the longer term (the

plan period and beyond) to plan for places, communities and infrastructure, in aspiring to be the 'best city in the UK'. The performance against these objectives will need to be monitored, to ensure that the plan remains 'fit for purpose'. In seeking to meet these objectives, the document is subdivided into two key policy sections the Spatial Development Strategy (supported by the Key Diagram) and Strategic Themes & Policies. The main issues, arising from these sections are summarised below.

Place Making

- 3.2 A fundamental strand of the Core Strategy is the importance of the character and distinctiveness of Leeds, as a context for securing opportunities for regeneration and longer term growth. Particular characteristics of Leeds MD, are the extensive areas of greenspace and open land surrounding and linking through urban areas via green corridors and river valleys. Leeds is distinctive also, as a consequence of the wide collection of individual towns and villages across the District, in addition to the main urban area (which also includes the city centre). Leeds is therefore unlike many other cities and it is important therefore, that an appropriate balance is struck between the needs of economic and housing growth, quality of life and in maintaining and enhancing this special character. Within this context, the publication draft Core Strategy provides a policy framework to facilitate and enable, the delivery of development proposals in a sustainable manner, as a basis for 'Place making'. Consequently, emphasis is given to Regeneration Priority Programme Areas (Spatial Policy 4), identifying and supporting the role of the places and settlements across the District, a 'centres' based approach to the need to enhance the role of the City Centre, Town and Local Centres, as a basis to provide the range of services required by the community in accessible and sustainable locations (Spatial Policies 2 and 3). Policies are also contained within other sections (see para. 3.5 below) regarding the importance of design and conservation.

Retail Development & supporting the needs of Communities

- 3.3 Within the context of 'Place making' and the focus of Spatial Policies 2 & 3 upon a strategy of 'centres first', detailed policies are also set out, to designate Town & Local Centres and appropriate uses within them. Policies P1, P2, P3, P4, P5 and P6, set out the approach in planning for shopping development (including the creation of new centres, in appropriate circumstances, linked to regeneration and longer term opportunities for growth). Integral to this overall approach, is the desire to safeguard, enhance and develop the role of Leeds City Centre as the primary destination for major retail, commercial, leisure and cultural development. This also recognises its key role at the heart of the strategic transport hub (including Leeds City station and interchange facilities). Within this context, it is critically important to ensure that major investment opportunities (including major retail development at Eastgate) within the City Centre, are secured as a priority.
- 3.4 In supporting the needs of communities (including schools) across Leeds, the Core Strategy also places emphasis upon the provision of Community Facilities and Services (Policy P8). In complementing the overall strategic approach to the need to respect local character and distinctiveness, policies for Design, Conservation and Landscape are also set out, to ensure that development proposals are appropriate.

Local Distinctiveness, Sustainability & environmental quality

- 3.5 Population increase, climate change and the global economy are all huge challenges facing Leeds. In seeking to meet these challenges and the benefits of longer term economic prosperity, environmental quality, local identity and distinctiveness, the Core Strategy sets out the spatial planning framework for the District. Fundamental to this approach, is the need to plan for the homes and jobs the city needs in a sustainable way, in balancing the overall, scale, location, distribution and phasing of development. Consequently, emphasis is made throughout the publication document to the need to deliver sustainable forms of development and policy outcomes, whilst protecting and enhancing environmental quality. This should be achieved by respecting local distinctiveness, for example through a focus of development upon the role of settlements and Town & Local Centres (Spatial Policies 1 & 2), the identification of strategic Green Infrastructure (Spatial Policy 13) and detailed policies for Conservation, Sustainable Design and Construction (Policies P9, P10 & EN2).

Planning for Economic growth & prosperity

- 3.6 The Leeds Growth Strategy focuses upon seven key employment sectors including Health and Medical, Low Carbon Manufacturing and Housing & Construction. In helping to support and facilitate this strategy, the approach of the Core Strategy is to support and enable job retention, opportunities for training and the creation of new opportunities. Spatial Policies 8 and 9, set out criteria in support of a competitive local economy, offices, industry and warehouse development. Emphasis has also been given to the important strategic economic role of the City Centre (Spatial Policy 3) and Aire Valley Leeds (Urban Eco-Settlement & Enterprise Zone) in providing opportunities for economic development (Spatial Policy 5). In support of promoting job opportunities, detailed policies are also set out for General Employment Land, Office Development and for Safeguarding Existing Employment Land and Industrial Areas (EC1, EC2, EC3).

Meeting Housing Need & planning for longer term growth

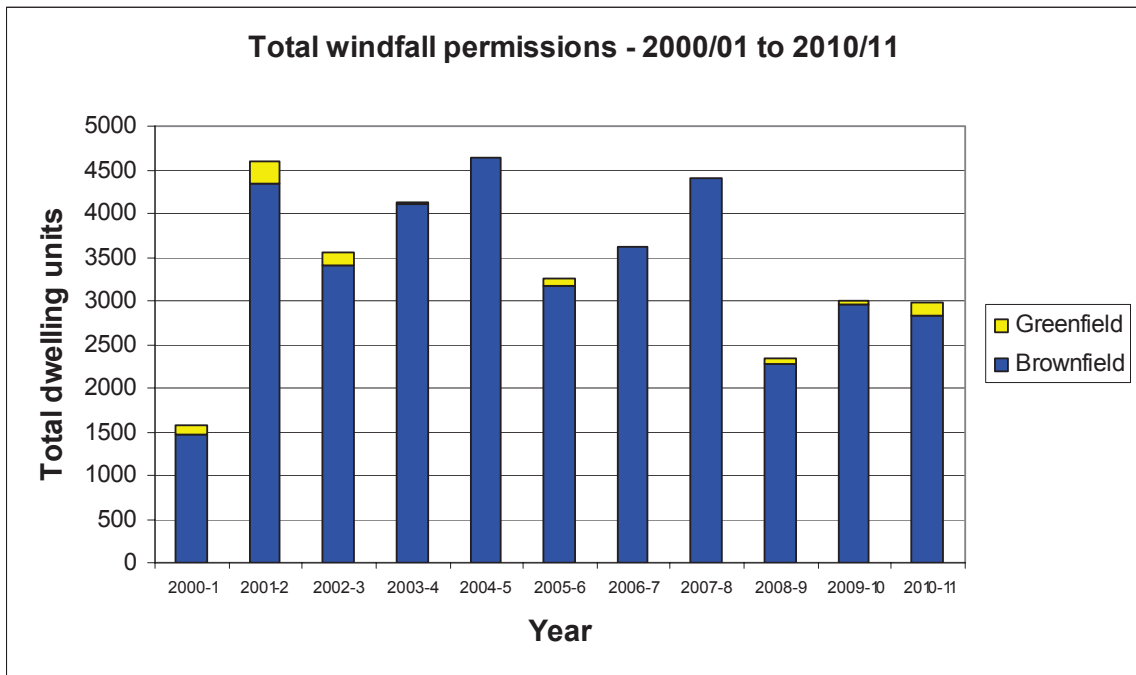
- 3.7 Planning for housing needs and delivering housing development in appropriate locations, is a major opportunity and challenge for the District. This is made especially difficult by the current nature of the housing market and current rates of housing delivery. As noted above, it is anticipated that the population of Leeds will rise significantly over the plan period. Meeting the complex demographic needs of the existing population, together with the implications of an ageing and growing population, are therefore key considerations for the Core Strategy. Consequently, planning for such growth is therefore integral to the overall approach. The Core Strategy therefore, seeks to plan not just for a sufficient housing land supply in appropriate locations but also the quality, type and affordability of homes in meeting local needs. As emphasised throughout this report, a key dimension of this approach is to manage growth in a sustainable way, whilst maintaining local character, distinctiveness and environmental quality.
- 3.8 In developing an appropriate policy approach to these issues, the Core Strategy has been informed by a number of elements including the conclusions of the Strategic Housing Market Assessment (2011), work in relation to the Strategic

Housing Land Availability Assessment (SHLAA), the Scrutiny Board Inquiry into Housing Growth and the informal consultation and debate (summer 2011) regarding housing growth in Leeds (including representatives of the development industry, Members and community groups). Based on this evidence and informed by the conclusions of the Scrutiny Board Inquiry and housing growth informal consultation, the Core Strategy identifies a series of housing growth principles (see below).

Housing Growth Principles

- Ensure housing growth is linked to the creation of sustainable neighbourhoods throughout the city (see SP1),
- Set a realistic and phased target for the delivery of new homes (see SP6),
- Ensure housing growth targets reflect local housing needs, now and in the future, in terms of tenure, type and size, (see SP6 and H4),
- Enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes, (P10 & EN2),
- Facilitate the development of brownfield and regeneration sites, (see SP1, SP3, SP4 and SP6),
- Agree a range of mechanisms to deliver additional affordable homes, (see H5),
- Work in partnership to find ways to facilitate housing growth (see Section 6 Implementation & Delivery).

- 3.9 In taking into account the above considerations and a range of factors including, demographic requirements, current housing market conditions, the desire to meet a range of housing needs, the City Council's longstanding commitment to the regeneration of brownfield land and historical past performance in the successful delivery of windfall development, Spatial Policies (6 & 7) set out the approach to the Housing Land Requirement, Allocation and Distribution of Housing Land.
- 3.10 As a large post industrial city and through an on going process of urban regeneration and renaissance, Leeds has continued to evolve in terms of its economic diversity and formats for housing delivery. A major aspect of these changes has been the recycling of brownfield (previously developed land – PDL), for windfall housing and other uses. Leeds has a long and well recorded history of windfall housing being delivered, which has been monitored continuously by the City Council since the 1980s, as a key source of land for development.
- 3.11 Based upon past performance (see the Table below) and the continued urban renewal and regeneration of Leeds, windfall will continue to play an important role in housing delivery. This is due in part to the scale of the District in respect of the extent of the Main Urban Area of Leeds and large collection of settlements across the District (including Major and Small Settlements identified as part of the Settlement Hierarchy – see Table 1: Identification of Settlement Types). Consequently, the role of windfall and the identification of a windfall allowance, is integral to the overall housing strategy set out in this Plan.



3.12 Within this overall context, Spatial Policy 6 sets out a housing requirement of 70,000 dwellings (net) over the plan period. In recognition of the conditions of the current housing market, it is proposed that this is phased over two periods, 3,660 p.a. (2012/13 – 2016/17: 18,300 dwellings) and 4,700 p.a. (2017/18 – 2028: 51,700 dwellings). In meeting this requirement (and based upon past performance) a ‘windfall’ allowance has been made for 500 dwellings p.a. on small and unidentified sites. The 66,000 units remaining (following the discounting of the windfall allowance), are comprised of current, undelivered allocations (7,500 units), extant planning permissions (20,000 units) and other additional sites (including infill development within existing urban areas and suitable urban extensions) deemed appropriate for housing delivery, against the criteria set out in Spatial Policy 6. This will entail the need to use Protected Areas of Search (PAS) sites and to carry out a selective review of the Green Belt.

SPATIAL POLICY 6: - THE HOUSING REQUIREMENT AND ALLOCATION OF HOUSING LAND

70,000 (net) new dwellings net between 2012 and 2028 will be accommodated at a rate of:

- 3,660 per annum from 2012/13 to the end of 2016/17 (18,300)
- 4,700 per annum from 2017/18 (51,700)

Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

Guided by the Settlement Hierarchy, the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in SP7 using the following considerations:

- (i) Sustainable locations (which meet standards of public transport accessibility -see the Well Connected City chapter), supported by existing or access to new local facilities and services,
- (ii) Preference for brownfield and regeneration sites,
- (iii) The least impact on Green Belt purposes,
- (iv) Opportunities to enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,

- (v) The need for realistic lead-in-times and build-out-rates for housing construction,
- (vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
- (vii) Generally avoiding or mitigating areas of flood risk.

3.13 In reflecting the overall strategy approach of the Core Strategy and as a basis to provide a framework for the future Site Allocations DPD and the preparation of Neighbourhood Plans, Spatial Policy 7, sets out tables indicating the overall magnitude and distribution of housing land by Settlement Hierarchy and by Housing Market Characteristic Area (see below).

Spatial Policy 7 – Table 3

Housing Market Characteristic Area	Number	Percentage
Aireborough	2,300	3%
City Centre	10,200	15.5%
East Leeds	11,400	17%
Inner Area	10,000	15%
North Leeds	6,000	9%
Outer North East	5,000	8%
Outer North West	2,000	3%
Outer South	2,600	4%
Outer South East	4,600	7%
Outer South West	7,200	11%
Outer West	4,700	7%
Total	66,000	100%

3.14 In seeking to meet the complex housing needs of a growing population and as a basis for a qualitative approach to housing delivery, a series of detailed policies are also set out to cover a range of housing issues. These include the Managed Release of Sites (H1), Housing Density (H3), Housing Mix (H4), criteria for the allocation of Gypsy and Traveller Sites (H7) and Housing for Independent Living (H8). These policies underpin the overall strategic approach and a basis to consider housing need issues at a local level.

3.15 Current housing market conditions, wider economic uncertainties and the need to plan for the necessary infrastructure and facilities to support growth are major issues for the delivery of the Core Strategy. Within this context a draft Infrastructure Delivery Plan has been prepared (see Background documents) as a basis for on going dialogue to securing infrastructure improvements and longer term requirements to support growth. Housing delivery and output, will therefore need to be closely monitored against the above requirements (and a monitoring framework is therefore being developed as part of the Core Strategy). Notwithstanding these difficulties however, in seeking to meet the housing needs and requirements as set out over the plan period, the delivery of housing growth will result in the need for a selective Green Belt review (as a basis to identify sites for future housing/employment development as necessary and also Protected Areas of Search for future development beyond the plan period). Within this context, Spatial Policy 10 sets out the overall approach. It needs to be emphasised however that the precise extent and detailed boundaries will need to be identified through the Site Allocations DPD process, as a basis to deliver the

housing growth principles and location of development criteria identified as part of the Core Strategy.

Regeneration Priority Areas

- 3.14 In meeting local needs, including opportunities for homes and jobs, the Core Strategy reflects the City Council's long standing priorities for major urban regeneration. Spatial Policy 4 therefore identifies East Leeds, Aire Valley Leeds, the Leeds Bradford Corridor (incorporating the West Leeds Gateway) and South Leeds, as Regeneration Priority Programme Areas. In seeking to meet local aspirations within these areas and to plan for the effective use of land, the Core Strategy provides a framework to facilitate housing renewal and provision and local environmental improvements (improvements to greenspace quality through suitable remodelling) within such areas. Within this overall context, as noted in para. 3.6 above, Spatial Policy 5 sets out a strategic policy for Aire Valley Leeds, in underpinning the significance of this area to the District's growth aspirations.

A Well Connected City (Transportation & Accessibility)

- 3.15 Planning for Transport Infrastructure and Investment priorities, is a key priority for the Core Strategy. Within this context, the Plan reflects District wide priorities incorporated as part of the Local Transport Plan and ongoing work at a City Region level. Consequently, Core Strategy Spatial Policy 11, provides an overarching framework to help direct and bid for infrastructure provision to support the city's priorities. These include enhancements to Leeds City Station, opportunities to create new rail stations and the delivery of Park and Ride facilities. In recognising the important strategic and economic role of the Airport, Spatial Policy 12, sets out an approach to support managed growth, linked to the provision of infrastructure improvements and the consideration of related environmental issues. In support of this strategic approach, Policies T1 and T2 provide a basis to consider Transport Management and Accessibility requirements associated with development proposals.

Managing Environmental Resources

- 3.16 Leeds has a reputation for innovation, effective environmental management and a commitment to mitigating the consequences of climate change. In taking these commitments forward and in contributing to the environmental sustainability of the District, the Core Strategy sets out a broad policy framework to cover the Management of Environmental Resources. The desire to help 'future proof' the city in respect of climate change (including mitigation) and planning for a low carbon economy (to support job growth as well as the protection and enhancement of the environment) are integral to this approach. Detail Policies are therefore provided to protect and enhance the 'green environment', including Green Infrastructure (Spatial Policy 13 and G1, Increasing Tree Cover (G2), Greenspace provision (G3, G4, G5 & G6), Biodiversity (G7 & G8) and planning for Energy and Natural Resources, including, Carbon Reduction & Low Carbon Energy (EN1 & EN3), Sustainable Design & Construction (EN2) and Managing Flood Risk (EN5). Policies are also included for Waste Management and Minerals (EN6 & EN7), in providing a Core Strategy context for related and expanded policies in the Natural Resources and Waste DPD.

City Centre

3.17 The Core Strategy has specific objectives and policy for the city centre, but it subject of a number of city-wide policy areas addressed above. For example, the city centre will be planned to accommodate an appropriate share of economic growth (centres first focus for office and retail development) and housing growth (10,200 dwellings or 15.5% of the total). The city centre is also recognised as being at the heart of the transport hub where key infrastructure improvements are needed.

3.18 To support the continued vitality, economic development and distinctiveness of the city centre, the core strategy objectives are:

- To accommodate first and foremost the needs of offices, shops, hotels, institutions and leisure and entertainment uses, accepting that there is a place for residential and supporting facilities such as parks, convenience stores, health centres, nurseries and schools
- To give priority to the development of land opportunities in the southern half of the City Centre
- To strengthen the vibrancy, distinctive character and cultural appeal of the City Centre
- To make the City Centre accessible to all, including improved pedestrian and cycle links to adjoining neighbourhoods

3.19 Strategic policy SP2 recognises the city centre at the top of the hierarchy of centres in Leeds. Strategic policy SP3 sets out the role of the city centre:

The importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:

(i) Promoting the City Centre's role as the regional capital for major new retail, leisure, hotel, culture and office development;

(ii) Making the City Centre the main focus for office development in the District (focussed upon the West End, South Bank & Holbeck Urban Village);

(iii) Valuing the contributions to the life, vitality and economy of the City Centre made by the Universities, Leeds General Infirmary, Major Museums and Arena

(iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and new areas of public space (including a major City Centre Park in the South Bank Area);

(v) Improving public transport links between the City Centre and the rest of the District, including Leeds Bradford International Airport;

(vi) Managing flood risk issues comprehensively through supporting the construction of the Leeds Flood Alleviation Scheme and use of other flood mitigation measures;

(vii) Enhancing streets and creating a network of open and green spaces to make the City Centre more attractive and easier for people to use and in consolidating and enhancing sense of place;

(viii) Improving connections between the City Centre and adjoining neighbourhoods;

(ix) Support the role of Leeds City Station, enhancing Leeds' role as a regional transport hub and supporting the potential for the integration of high speed rail;

(x) Expanding city living with a broader housing mix (including family housing).

3.20 Further city centre policies – CC1, CC2 and CC3 provide guidance on how development will be managed:

- to achieve office development in those city centre locations with the best public transport accessibility
- to maintain the vitality of the shopping quarter
- to transform the southern half of the city centre with major office and residential development including a major park
- to provide new and enhance existing pedestrian connections particularly to adjoining neighbourhoods

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consistent with the City Council's adopted Statement of Community Involvement (SCI), the Core Strategy (see paragraph 2.5 above) has been subject to several formal and informal phases of public consultation and engagement. Following consideration by Executive Board of the Publication document, a further formal 6 week period of public consultation (consistent with the LDF Regulations), is being undertaken. Following consideration of any representations made, the next stage will be the formal submission of the Core Strategy to the Secretary of State for Independent Examination, prior to Adoption. The decision to submit the Core Strategy to examination and subsequently to adopt the document are decisions reserved to full Council.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Due regard has been given to Equality, Diversity, Cohesion and Integration issues in the formulation of the Core Strategy. This has included meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that the Core Strategy has been subject to the preparation of a Sustainability Appraisal. The purpose of this Appraisal is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social, environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the

Appraisal's objectives. In complementing the preparation of the Sustainability Appraisal, a Health Impact Assessment exercise, has also been undertaken (See Health Topic Paper – Background documents) in the preparation of the emerging Core Strategy Publication document, the conclusions of which have also been embedded within the document.

- 4.2.2 Given this approach, considerations of equality of opportunity and good relations have been integrated into the formulation of the Core Strategy and an assessment of the impact of the policies on the advancement of equality and good relations has been carried out. This is evidenced in the comprehensive Equality Impact Assessment Screening document, which is available as a Background paper.
- 4.2.3 The EIA Screening document describes the overall scope of the Core Strategy and the many stages of public consultation which have been completed to date. The planning and delivery of this consultation has been consistent with the City Council's adopted LDF Statement of Community Involvement. The consultation process, within available resources, has been extensive and has sought to engage with a wide range of communities and groups across the District, including, people of all ages, people with disabilities, gender and black, ethnic minority groups. In the preparation of the Core Strategy, a fundamental consideration has been to recognise that the population of Leeds is growing, resulting in demographic changes across the District and in spatial pressures in particular areas. Consequently, the Plan seeks to provide a strategic planning framework to address these issues, which in turn is to be monitored for effectiveness. The implications of Equality and Diversity, Cohesion and Integration, will again be considered in the production of the Site Allocations DPD which will take forward the policy requirements of the Core Strategy.
- 4.2.4 Within the EIA Screening document examples of the community groups contacted at each stage of consultation have been provided, together with the range of issues highlighted for discussion.
- 4.2.5 In providing an overall analysis and review of the Core Strategy in relation to equality issues, the EIA Screening document provides a summary of the impact of individual policy areas. These include Transport, Retail, Housing, the City Centre, Employment, Environmental Resources and Green Infrastructure. Consistent with the overall objectives of the Core Strategy, these policy areas aim to promote equality, respect diversity and seek to improve cohesion and integration. The conclusions highlighted in the EIA Screening, are that in some policy areas the Core Strategy is neutral in its effects upon these issues (such as gender discrimination in relation to Transport policy) but in the majority of cases, the Core Strategy has a positive effect (for example seeking to meet a range of housing needs and the provision of affordable housing). In addition the identification of Regeneration Priority Programme Areas and the provisions of proposed employment Policies, were regarded as having a positive effect in terms of their impact upon all ages, people with disabilities, gender and black, ethnic minority.

4.3 Council policies and City Priorities

- 4.3.1 As highlighted in this report, the Core Strategy, plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in meeting a host of social, environmental and economic objectives, where relevant the Core Strategy also seeks to support and advance the implementation

of a range of other key City Council and wider partnership documents. These include the Leeds Growth Strategy, the City Priority Plan, the Council Business Plan and the desire to be a 'child friendly city'.

4.4 Resources and value for money

- 4.4.1 The preparation of statutory Development Planning documents is an essential but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination.
- 4.4.2 These challenges are compounded currently by the financial constraints upon the public sector and reduced staffing levels, concurrent with new technical and planning policy pressures arising from new legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands therefore in taking forward the Core Strategy and related work, including the preparation of the Site Allocations DPD, which is due to quickly follow on.
- 4.4.3 A key component of the Core Strategy document itself, relates to the provision of infrastructure. National guidance (PPS12), sets out requirements for the preparation of Infrastructure Delivery Plans (IDP) to support the phased implementation of Core Strategy priorities. This guidance was written before the current economic slow down and constraints upon public sector finance. Whilst opportunities are being vigorously pursued to secure infrastructure funding, there are uncertainties regarding the level and timing of resources. Work is also ongoing within the City Council to work up in more detail the approach to the Community Infrastructure Levy (CIL).
- 4.4.4 Notwithstanding these challenges and difficulties, a draft IDP has been prepared in support of the Core Strategy. This provides a framework to identify infrastructure requirements and an on going basis to engage with infrastructure providers, communities and developers, to help meet requirements.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The DPD is being prepared within the context of the LDF Regulations and statutory requirements. The DPD is a Budgetary and Policy Framework document and as such this report is exempt from call-in by Scrutiny.

4.6 Risk Management

- 4.6.1 As emphasised in this report, there is considerable urgency to take the Core Strategy forward. The absence of such an up to date strategy would leave a vacuum in strategic and land use planning in being able to respond to the priorities set out in the Vision for Leeds and a range of other key documents (including the emerging Site Allocations DPD and Neighbourhood Plans).
- 4.6.2 The preparation of the Core Strategy document has been a complex process and the Publication stage is necessary prior to formal submission and Independent Examination. Given the range of issues covered, the City Council will need to continue to take appropriate advice, in order to respond to issues which may arise and in order to keep the momentum behind the process.

5 Conclusions

- 5.1 The Core Strategy is at a critical stage in its production and as detailed in this report, needs to be taken forward as a matter of urgency. In aspiring to be the 'best city in the UK', the Core Strategy takes forward the spatial and land use aspects of this ambition, as part of an overall strategy. As a basis to address these priorities and in order to provide a strategic framework for the preparation of the Site Allocations DPD and Neighbourhood Plans.
- 5.2 Central to this approach, is the desire to plan for the homes and jobs the District needs in a sustainable manner. Consequently, integral to the strategy is the need to respect local character, distinctiveness and environmental management requirements

6 Recommendations

- 6.1 i) West Plans Panel is requested to note the contents of this report.

7 Consultation and background material

- 7.1 The following consultation and background material is available on the City Council's web site, together with a representations form. There are also links from this web page to supporting technical material which has been used to inform the preparation of the Core Strategy. These including the Strategic Housing Market Assessment, Employment Land Review and Leeds Needs & Opportunities Assessment for Open Space, Sport and Recreation Assessment.

Core Strategy Publication Draft

Key Diagram

Sustainability Appraisal

Draft Infrastructure Delivery Plan

Draft Core Strategy Monitoring Framework

Equality Impact Assessment Screening

Habitats Regulations Assessment Screening

Health Topic Paper

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Originator: Tim Poupard
Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 2 February 2012

Subject: APPLICATION 11/04635/FU – DEMOLISH VACANT SCHOOL BUILDING AND ERECT A 60 BED CARE HOME, WITH CAR PARKING AND LANDSCAPING AT LAND OFF BRIDGE STREET AND MILL LANE, OTLEY, LEEDS, LS21.

APPLICANT
Casicare Ltd

DATE VALID
4 November 2011

TARGET DATE
3 February 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

RECOMMENDATION:

REFUSE PERMISSION for the following reasons:

1. The Local Planning Authority considers that there would be a loss of residential amenity to the existing properties at Manor Street, through overshadowing, overlooking and over-dominance; due to the close proximity of the eastern wing of the proposed building to those properties, and the eastern elevation's height and length and arrangement of windows. The proposal is therefore considered contrary to policies GP5 and BD5 of the Unitary Development Plan and the guidance contained within 'Neighbourhoods for Living' (Adopted Supplementary Planning Guidance).
2. The Local Planning Authority considers that living bedrooms identified as 41 to 45 and 33 to 36 within the proposed care home would suffer from an unacceptable level of amenity to future occupants due to the limited and restricted outlook from the proposed oriel bays and close proximity of neighbouring properties. Some East facing living bedrooms would in addition suffer from poor outlook due to proximity to the site boundary and trees. The proposal is therefore considered contrary to Policies GP5 and BD6 of the Leeds Unitary Development Plan (Revised 2006) and the guidance contained within 'Neighbourhoods for Living' (Adopted Supplementary Planning Guidance).

3. The Local Planning Authority considers that the scheme makes insufficient enhancements to strategic public transport infrastructure. It is therefore contrary to Policies T2, T2C, T2D and T20 of the Leeds Unitary Development Plan (Review 2006), Planning Policy Guidance 13: Transport (PPG13) and provisions of the Councils 'Public Transport Improvements and Developer Contributions' Supplementary Planning Document.

1. INTRODUCTION:

- 1.1. The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination, due to the significance of the site and the development and its impact on the local area.

2. PROPOSAL:

- 2.1. The application proposes the redevelopment of the site, with the demolition of the former school building and the construction of a care home building with parking and landscaping.
- 2.2. The care home building will form an L shape following the southern and eastern boundaries of the site. It will provide 60 en-suite single bedrooms for elderly residents on two floors. The proposed materials will be stone and slate.
- 2.3. The site will be accessed from Mill Lane, with a centralised parking and servicing arrangement. A secondary pedestrian access is proposed from Bridge Street.

3. SITE AND SURROUNDINGS:

- 3.1. To the Bridge Street frontage there is a derelict former school building. The building is a post war two storey flat roof building set back from the highway with car parking to the frontage. To the rear of the building are overgrown grounds and hard surfaced areas where the former play ground was located.
- 3.2. The building is located within the Otley Conservation Area. On the opposite side of Bridge Street are parkland and the Police Station. To either side of the site are a café and a public house. The site is close to the River Wharfe.
- 3.3. To the east of the site is a row of stone terrace houses on Manor Street. There are also two blocks of fairly modern flats to the rear of this Terrace, close to the application site.
- 3.4. A rear access runs to the rear of the houses on Manor Street and this also gives access to the two flats blocks.

4. RELEVANT PLANNING HISTORY:

- 4.1. A Conservation Area Consent to demolish the vacant school building on the site was recently approved, under application 11/04634/CA. This Consent included a condition that required a programme of demolition and redevelopment of the site to be agreed prior to any demolition works taking place.

- 4.2. The following applications also relate to the site but they were either withdrawn or not valid : -

A Planning Application and concurrent Conservation Area Consent were submitted in 2010 seeking permission to demolish the school building and erect a four storey block of 14 flats, with car parking, under references 10/01202/FU and 10/01251/CA. However this scheme was invalid and did not progress formally to determination.

A Planning Application and concurrent Conservation Area Consent were submitted in 2009 seeking permission to demolish the school building and erect a four storey block of 12 two bedroom flats and 2 three bedroom flats, with car parking. However, the Planning Application (09/02422/FU) was invalid and the Conservation Area Consent was refused in July 2009, due to no suitable replacement scheme in place, under reference 09/02421/CA.

A Planning Application and concurrent Conservation Area Consent were submitted in 2008 seeking permission to demolish the school building and erect a two storey block of 14 flats with 21 car parking spaces. However, the Planning Application (08/02719/FU) and Conservation Area Consent (08/02999/CA) were withdrawn.

- 4.3. Although the site has been the subject of some other minor historic planning applications/permissions, none are relevant to this scheme.

5. HISTORY OF NEGOTIATIONS:

PRE APPLICATION:

- 5.1. Prior to submission of the planning application, the scheme has been subject to formal pre application advice, under reference PREAPP/10/00037. Meetings were held with the applicant and Highways, Landscape and Design Officers in April and May 2011. These discussions covered a variety of relevant policy, flood risk, tree protection and design issues.
- 5.2. Following these discussions, the scheme was presented by the applicants in pre application form to Plans Plan West in August 2011. Members received an overview presentation on the proposals by representatives of the applicant and the approved minutes show that the following comments were made by Panel: -
- Whether couples could be accommodated in double rooms;
 - The proximity of the site to the river and the need to ensure residents' safety;
 - The location of the assembly point in the event of a flood emergency;
 - The residential properties on Manor Street; the need for the relationship between these houses and the care home to be addressed and the interests of all residents to be considered;
 - If planning permission was granted, the likely timescales for commencement of the development; and
 - Whether there was a commitment to develop the site or whether it would be landbanked.
- 5.3. The approved minutes show that the following responses were provided:
- That some Local Authorities did not allow double rooms, preferring couples to occupy two single rooms with one possibly being used more as a sitting room;
 - That the boundary of the site would be secured by fencing and that nobody would be allowed by the riverside unaccompanied;
 - That the emergency assembly point was at the north of the site and was located above the floodplain;

- That issues around the proximity of the houses on Manor Street were being considered, particularly in terms of overlooking;
- That if the application was approved, work on the tendering process for the building contracts would commence immediately; and
- That there was a commitment to build on the site and that financially it was not an option to landbank the site.

STATEMENT OF COMMUNITY INVOLVEMENT:

- 5.4. Prior to the formal submission, the applicant displayed their scheme at the Town Council Offices, Otley Library and on the site.
- 5.5. Leaflets were also produced which allowed for comment and these were delivered to the surrounding residential properties.
- 5.6. It is understood that no objections were received from interested parties during this consultation stage, however comments were received regarding flood risk, retention of trees and proposed materials.

POST SUBMISSION:

- 5.7. Officers have continued to be positive about the principle of a care home development on this site during the pre-application discussions and Plans Panel West was also generally supportive of the scheme in principle at pre application stage.
- 5.8. Members may recall that plans of the scheme shown to the Panel at the pre-application presentation were limited to a site layout and an artist's impression of how the scheme might look. The remainder of the presentation was taken up with other matters. It is noted that the pre application layout plan appears to be the same layout subsequently submitted with the application although it did not illustrate the relationship of the development to the adjoining houses and flats on Manor Road.
- 5.9. The impact in terms of overlooking and overshadowing of the proposed building on nearby dwellings was raised with the applicant repeatedly both before and after submission of the application. The scheme falls short of separation distances normally acceptable and as set out in the Council's Policy, Neighbourhoods for Living, which is similar in this respect to space standards adopted by other Planning Authorities. The applicant has declined to amend the design of the scheme to address this matter.
- 5.10. The stance adopted by the applicant has been that a 60 bedroom scheme is required for it to be viable and that the configuration of the site and this constraint means that the position of the building is effectively non-negotiable.

6. PUBLIC/LOCAL RESPONSE:

- 6.1. The application has been advertised on site by means of three site notices located on Manor Street, Mill Lane and Bridge Street. These site notices gave reference to a development which affects the character and appearance of a Conservation Area and they were posted from the 18 November 2011 and gave a publicity expiry period of 9 December 2011. Notice was also published in the local press (Wharfe Valley Times) on 24 November 2011.

LOCAL WARD COUNCILLORS:

- 6.2. No written comments from Local Ward Councillors have been received.

OTLEY TOWN COUNCIL:

6.3. The Town Council has submitted a copy of the notes of their meeting with the applicant. It pertains to a series of questions put to the applicant by the Town Council and their response. These questions relate mainly to the operation specifications and management of the proposed care home. However of the comments that are material planning considerations, the Town Council stated that it "felt that the sixty bedroom building was somewhat institutional in design" and they noted that there "are only 19 car parking spaces which appears to be below the Leeds City Council standard recommending 30".

6.4. The Town Council supports the principle of a care home development on this site.

MEMBER OF PARLIAMENT:

6.5. We have not received any formal comments from Greg Mulholland MP in relation to this application.

LOCAL RESIDENTS GROUPS:

6.6. Otley in Bloom have stated that they support the scheme and welcome the mix of planting in the landscaping scheme and the retention of existing trees. They also raise a question of maintenance and have requested litter bins are provided.

LOCAL RESIDENTS:

6.7. One letter of support has been received from a local resident making the following observations:

- The development would improve a blighted site.
- This would be an appropriate use of the site, providing excellent amenity for the residents who would benefit from the activity around the Park and Cafe.

6.8. Councillor Gerry Harper (*Hyde Park and Woodhouse Ward*) has made representation on the application in a personal capacity as the proposed care home is directly behind his home. He has stated the following: -

- This site has been empty for many years and the old school building is in a terrible state and has been vandalised on a number of occasions;
- The local community in the surrounding area want something done about this site; and
- Requests that the application go to a formal planning panel for consideration for members to look at the reasons why officers are minded to refuse.

6.9. Subsequent to the post submission discussions, the applicant states that they visited the residents of Manor Street to explain the scheme to them. The applicant has stated that whilst, the majority of resident's were not at home as it was a weekend, they submitted a pro forma signed by 4 of the neighbours confirming that they understand the proposals and that they support the application.

7. CONSULTATIONS RESPONSES:

Statutory:

HIGHWAYS:

7.1. No objection, subject to conditions and off site work to dropped curbs.

MAINS DRAINAGE:

7.2. No objection, subject to surface conditions and improvement to the existing culvert, if required.

YORKSHIRE WATER:

- 7.3. No objection, subject to foul water drainage conditions.

ENVIRONMENT AGENCY:

- 7.4. No objection, subject to conditions.

Non statutory:

WEST YORKSHIRE ECOLOGY:

- 7.5. No objection, subject to conditions regarding an updated bat survey.

WEST YORKSHIRE POLICE:

- 7.6. No objections, subject to conditions to control access and to ensure a secure boundary.

ACCESS OFFICER:

- 7.7. No objections in principle. Comments made regarding level access.

NEIGHBOURHOODS AND HOUSING:

- 7.8. No objection, subject to conditions to ensure the protection of residential amenity.

NGT/PUBLIC TRANSPORT:

- 7.9. No objection, subject to a commuted sum in lieu of Public Transport Improvements.

TRANSPORT POLICY (TRAVEL WISE):

- 7.10. No objection, subject to travel plan statement being secured by condition.

METRO:

- 7.11. Metro has requested a live bus display inside the building.

CITY SERVICES STREET SCENE SERVICES:

- 7.12. No comments received.

CONTAMINATED LAND TEAM:

- 7.13. No objection subject to conditions.

8. PLANNING POLICIES:

- 8.1. 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:

- 8.2. 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.

- 8.3. However, it is not considered that this proposal raises any issues of regional significance.

LOCAL PLANNING POLICIES:

- 8.4. 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.
- 8.5. 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.
- 8.6. 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.
- 8.7. 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.

8.8. 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
- SPG29: Otley Conservation Area Appraisal (June 2004).

8.9. As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- The Public Transport Improvements and Developer Contributions SPD (2008)
- Street Design Guide SPD (2009)
- Sustainable Design and Construction SPD
- Travel Plans SPD (2011)

NATIONAL PLANNING GUIDANCE:

8.10. 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);
- PPS4: Planning for Sustainable Economic Growth (2009);
- PPS5: Planning for the Historic Environment (2010);
- PPS9: Biodiversity and Geological Conservation (20005);
- PPG13: Transport (2011);
- PPS23: Planning and Pollution Control (2004);
- PPG24: Planning and Noise (1994); and
- PPS25: Development and Flood Risk (2010).

9. MAIN ISSUES:

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

- Principle of the development;
- Demolition of the existing building and impact on the Conservation Area;
- Character and appearance of the Conservation Area;
- Landscaping and trees
- Residential amenity;
- Boundary treatments;
- Ecology
- Highway safety.
- Drainage and flood risk.
- Land Contamination.

10. APPRAISAL:

Principle of development:

10.1. A care home development is considered acceptable on this site. The site is located within the urban area and is close to a defined town centre and is well served by public transport options. The site is previously developed land and as such meets the sequential approach of recycling 'brownfield' land first.

Demolition of the existing building and impact on the Conservation Area):

10.2. Leeds UDP Policy N18 A and B: 'Conservation Areas and Demolition' states that there will be a presumption against any demolition of buildings which make a positive contribution to the character and appearance of a Conservation Area. It is considered that the vacant 1970s school building on site does not make a positive contribution to the Otley Conservation Area and its demolition and replacement with a sensitively designed scheme is considered to be a positive move.

Character and appearance of the Conservation Area:

10.3. In terms of size, massing and relationship to the general urban 'grain', it is accepted that this scheme is larger in size and massing than typical surrounding buildings. The building is however of two storeys and has been designed with feature gable ends which address the street frontages to Bridge Street and Mill Lane. The building has a fairly modern aesthetic but features natural stone walling and slate pitched roof forms and incorporation of chimney structures. On balance, despite its design and scale, it is considered that the building would have a positive impact on the character and appearance of the Otley Conservation Area.

Landscaping and Protection of Existing Trees:

10.4. Good quality, semi-mature and mature trees are located on the north western, northern and south eastern boundaries of the site. The mature trees are highly visible and form an integral part of the character of this part of the Conservation Area.

10.5. The building and associated parking and servicing areas have been sited to avoid harm being caused to these protected trees. Conditions could be imposed to ensure these are protected during the construction phase and to control the use of sensitive foundation methods. A landscape scheme has also been submitted with outside amenity areas for residents. No objections are raised to these elements.

Residential Amenity issues:

10.6. Any loss of residential amenity through overlooking, overshadowing and over-dominance from the scheme to existing residential properties on Manor Street is a key consideration.

10.7. The building's east elevation (parallel to properties facing Manor Street) is 44 metres in length and is between 7.4 metres (north east corner) to 6 metres (south east corner) in height to the eaves from the proposed finished land level. Similarly the building is 12.1 metres (north east corner) to 11.8 metres (south east corner) high to the ridge. This eastern wing of the building is proposed to be sited between 6 to 7 metres from the eastern boundary of the site. To this eastern side of the proposed building there are 11 windows to 11 living bedrooms on the first floor and the same to the ground floor.

10.8. The bedroom accommodation is provided on a single occupancy basis however, twin rooms or adjoining rooms can be accommodated. All rooms have en suite facilities. Although some day space is provided within the facility, it is considered that these rooms are more than just bedrooms. This is because this is the only private space provided for the residents and they are likely to spend more time in their rooms due to their conditions than is normally spent in traditional bedrooms. Therefore

Officers have identified these rooms as 'living bedrooms' and given due weight to the residential amenity of these rooms.

- 10.9. It is considered that the proposed eastern elevation should be regarded as a main aspect, given its length, size, number of windows and the nature of the rooms the windows relate to.
- 10.10. Privacy is important to ensure that residents feel comfortable in their own homes. Care needs to be taken to ensure that all private areas, including gardens, are not excessively overlooked from adjoining properties.

PRIVACY OF EXISTING DWELLINGS:

- 10.11. Normally it is a requirement of Neighbourhoods for living that a principle elevation of a new dwelling should be set at least 10.5m from the boundary with another dwelling. The proposed building is set much closer at 6 to 7m. The applicant argues that the building should however, be allowed to encroach further as some of the adjoining land nearest to the boundary is taken up with a rear access road which mitigates the overlooking of gardens which are on the other side of that access. There is some merit in this argument. However, if this point is accepted the proposal nonetheless falls short of these minimum standards in relation to 7 dwellings at 2 and 26 to 36 Manor Street. Private amenity space to these dwellings would be overlooked from the proposed building at distances as little as 7m. It is considered that this close overlooking from a substantial number of windows would result in a substantial loss of residential amenity to the occupiers of those dwellings.
- 10.12. On the other hand, the development would just about satisfy minimum space standards in terms of window to window distances to the rear of houses on the main part of Manor Street. The development would however result in principal windows situated only 12m from principal windows of the flats at 34-36 Manor Street where at least 21m should normally be provided.

OVERSHADOWING OF EXISTING GARDENS:

- 10.13. Additional sun path diagrams have been submitted by the applicant. These show the site at various times of the day on the spring equinox (21 March). These plans show that the rear gardens and rear elevations of the terrace and the amenity space for the flats will be completely overshadowed by the development in the afternoons. It is not accepted the existing trees will have a comparable effect (which the applicant argues is so) as they do not form a solid structure and are intermittent when causing shadows. It is therefore considered that the loss of afternoon and evening sun would cause an unacceptable loss of residential amenity to the existing residents on Manor Street.

AMENITY OF FUTURE RESIDENTS:

- 10.14. The first floor living bedrooms identified as rooms 41, 42, 43, 44 and 45 located within the western wing of the proposed care home have a direct outlook onto the side elevation of the adjacent Public House on Bridge Street. There are ground floor windows to the public bar on the ground floor and windows to the residential flat on the first floor on this side elevation of the public house. To mitigate for this unacceptably close relationship, the applicant proposes the use of 'oriel bay' windows for these rooms. These windows have a solid front bay with clear windows on the side bays. It is considered that the restricted outlook from the proposed oriel bays

would result in unacceptable residential amenity in the affected rooms as from most vantage points in the room the occupant would have effectively no outlook.

10.15. The first floor living bedrooms identified as rooms 33, 34, 35 and 36 located within the eastern wing of the proposed care home have a direct outlook onto the rear blank two storey elevation of the flats at 34-36 Manor Street from a distance of 8m which is 4m less than the 12m distance considered to be the acceptable minimum under the Council's policy. It is considered that this limited outlook would result in unsatisfactory residential amenity for residents. It is also noted that the east facing windows to the new building are situated only 6m from the boundary and within this space are a variety of trees, again resulting in restricted outlook from some of the rooms on this side of the proposed building.

Boundary Treatments:

10.16. Details of the proposed boundary treatments and internal security fencing have been provided. These details included boundary walls, railings and gated access points. These details are considered acceptable and a condition could be imposed to control materials used.

Ecology

10.17. The application submission states that the existing main school building supports a temporary summer roost for Bats, however an updated survey is secured by condition through the Conservation Area Consent. The existing trees and shrubs on site have potential to support breeding birds. Conditions could be imposed to ensure that no works are undertaken during the bird breeding season.

Highway safety

10.18. The Transport Statement shows that the development will generate only a small amount of traffic even in the peak hours and any impact on the operation of local highway junctions would be negligible.

10.19. In relation to parking provision within the development, The UDP recommends a maximum 30 parking bays for a care home of this size. A total 19 car parking spaces are provided including 2 disabled bays. The proposed level of car parking is expected to satisfactorily accommodate demand as a large proportion of staff and visitors are expected to live locally and are unlikely to drive whilst many residents will be unable to drive due to their medical condition.

10.20. Long stay secure cycle parking can be provided for staff, and motorcycle parking for staff and visitors can be provided within the development. The proposed access arrangements are acceptable. An existing vehicular access on Bridge Street must be reinstated as footway. The above details could be controlled via condition.

10.21. The transport statement proposes refuse vehicles are to remain on Mill Lane and the main bin storage is located near the kitchen at the southern end of the site. Bins will be taken to a temporary holding area located under the verandah at the north end of the site adjacent to Mill Lane on collection day. Ideally bin collection from the highway should not be supported for a commercial development. However, it is considered that further details could be provided or conditions imposed regarding the proposed bin collection arrangements and a revised plan may be required if refuse collection will be by the Council.

10.22. Council policy requires a development of this scale to provide enhancements to strategic public transport infrastructure. As a S.106 legal agreement would be required to provide a commuted sum for this and there is no agreement in place there is a further recommended reason for refusal relating to this. It is understood that the applicant accepts the need for this contribution however, and this matter would be resolved in the context of a scheme which was otherwise acceptable.

10.23. A full travel plan has been submitted with the application proposals. It is considered that this travel Plan can be conditioned as a travel plan statement and a monitoring fee is not required.

10.24. Metro's recommendation that a live traffic information board be displayed within the site, at a cost of £5,000 has been considered. Whilst it is noted that this may be a useful feature, it is considered that for the level of staff and visitors likely at the site it would be unnecessary. The applicant has confirmed that, they consider that the use of the on-line live travel information web-site can be promoted, with a PC being located in the buildings reception office providing information for staff and visitors. This could be dealt with by condition.

Drainage and Flood Risk Issues:

10.25. A comprehensive Flood Risk Assessment has been submitted with the application. The application site lies partly within Flood Zone 1, Flood Zone 2 and Flood Zone 3, with the majority of the site being situated within Flood Zone 3a(i). This zone comprises land being within the 1 in 100 year flood plain, but not the 1 in 20 year flood plain. The primary source of flooding to the site is the River Wharfe.

10.26. The Sequential Test has been undertaken in accordance with Planning Policy Statement 25 and its Practice Guide and it has been accepted by the Local Planning Authority.

10.27. It is considered that the development will represent a safe environment for employees, visitors and residents of the proposed care home due to the use of raised floor levels and appropriate construction techniques. The scheme includes compensatory storage on site for the mitigation of flood plain loss with development and the attenuation of excess flows.

Land Contamination:

10.28. Both a Phase 1 Desk Based Assessment and Phase 2 Site Investigations Study have been submitted with the application. This survey work demonstrates that any risk of on-site contaminants is low and that there is no risk of the spread of contamination during construction of the proposed development. The Council's Land Contamination Section has raised no objections to the scheme subject to conditions.

Other Material Considerations:

10.29. Given the nature of the proposed use would fall within Class C2, under The Town and Country Planning (Use Classes) Order 2005 (as amended); there is no requirement for Affordable Housing, Education or Greenspace provision.

11. CONCLUSION:

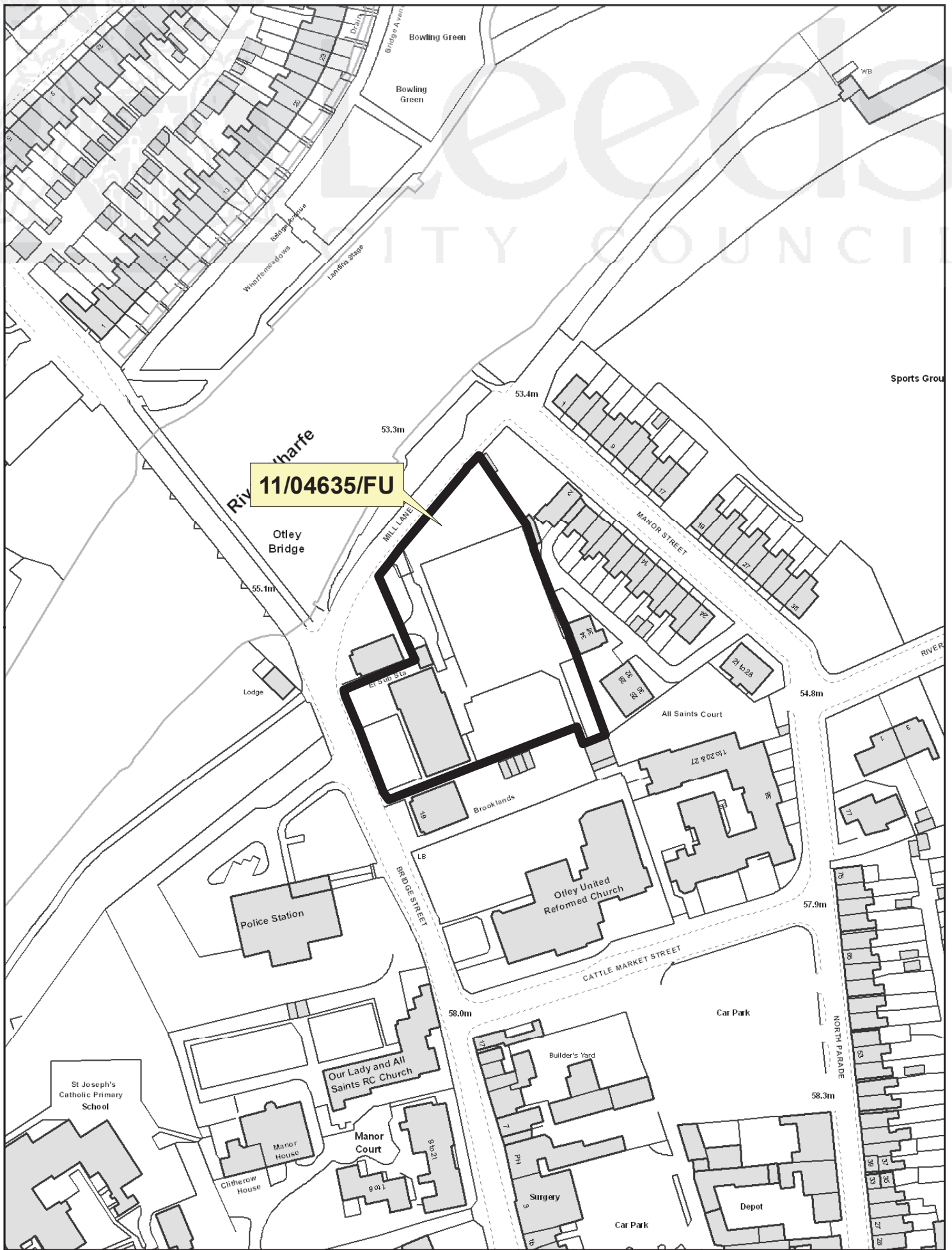
11.1. A scheme for a dementia care home on this site is as a principle welcomed. The site should provide a comfortable urban environment with relaxing riverside views in a pleasant town.

11.2. It is considered however, that the scheme as currently submitted fails to adequately address the relationship of the proposed building to the east boundary and to the existing dwellings on Manor Street. There would be significant overshadowing and overlooking to the terraced houses and flats on Manor Street and substantial loss of residential amenity as a consequence. In a number of respects the development also fails to provide satisfactory outlook for future residents and the application is therefore recommended for refusal.

Background Papers:

Application and history files.

Certificate of Ownership.



11/04635/FU

WEST PLANS PANEL





Originator: Patrick Bean
Tel: 0113 3952109

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: APPLICATION 11/04612/FU - CHANGE OF USE OF PUBLIC HOUSE TO A PRIVATE HIRE OFFICE, WITH ALTERATIONS COMPRISING THE ADDITION OF AN AWNING TO THE REAR, BOUNDARY FENCE AND ENTRANCE GATES AT THE MIDWAY, 111 QUEENSWAY, YEADON, LEEDS LS19 7PL.

APPLICANT

Mr J Kotchie

DATE VALID

7th November 2011

TARGET DATE

2nd 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

RECOMMENDATION:

APPROVE subject to the following conditions:

1. Time limit three years
2. Development in accordance with plans
3. No taxis to return to the site between 22.00 – 08.00
4. Office to be closed to the public between 22.00 – 08.00
5. Music / amplified sound restriction
6. No vehicle repairs etc under proposed canopy outside the hours of 08.00 – 21.00 Monday to Saturday and 10.00 – 18.00 on Sundays
7. Lighting to be approved
8. Details of landscape works to be submitted
9. All staff vehicles parked within the site
10. Parking area not to be used for customer parking
11. No more than 24 vehicles on site unless otherwise agreed
12. Sliding gate to be kept open during operational hours
13. Storage areas within building to be used for purposes of the taxi operation only
14. Area used by vehicles laid out, surfaced and drained

15. Frontage boundary treatment to not exceed 1m height
16. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD6, T2, T24, E1

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. INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Ward Councillor Colin Campbell, who objects to the proposal for reasons related to visual amenity, residential amenity and highway safety.

2. PROPOSAL:

- 2.1 The proposal is a full application for the change of use of a public house to a private hire office, with alterations comprising the addition of an awning to the rear, boundary fence and entrance gates at the former 'Midway' public house on Queensway in Yeadon.

3. SITE AND SURROUNDINGS:

- 3.1 The application site consists of a large detached public house. The building is a two storey structure of brick and tile construction. External finishes also include render and timber boarding. The design of the building features a large asymmetrical gable structure facing Queensway, with a single storey element attached.
- 3.2 The building stands approximately in the middle of a relatively large site. This slopes gently from north to south, where it adjoins Queensway. The southern part of the site is a large car parking area and is bounded by a low stepped stone wall. To the north of the building there is more hard standing and a grassed area, bounded by a timber close boarded fence. This marks the boundary with the rear curtilages of properties on Shaw Leys. These properties have rear gardens typically approximately 10m deep. The western boundary is marked by a dilapidated fence and three mature trees which separate the site from the adjacent site.
- 3.4 The local area is characterised by a mix houses and flats.

4. RELEVANT PLANNING HISTORY:

- 4.1 There is no planning history of significance to the current proposal.

5. HISTORY OF NEGOTIATIONS:

5.1. The application has been the subject of discussions regarding the hours of use of the site, aimed at addressing the impact of the proposal on residential amenity, and seeking modifications to some aspects of the design such as boundary treatments and landscaping. To this end revised plans were submitted on xx February..

6. PUBLIC/LOCAL RESPONSE:

6.1. The application has been publicised by means of site notices and neighbour notification letters; eight objections have been received, including ones from Greg Mulholland MP, as well as Councillors Campbell and Downes.

6.2. Mr Mulholland objects on the grounds of:

- Loss of a community facility;
- The proposal would lead to increased traffic on Queensway;
- Opportunity should be provided for local people to buy and run the pub for the community.

6.3. Councillor Campbell objects on the following grounds:

- Drivers are likely to return to the site, particularly at anti-social hours, causing a loss of residential amenity.
- The use of the proposed canopy for vehicle repairs, cleaning etc is likely to lead to a loss of residential amenity, particularly if carried out in the evening or at weekends;
- The proposal might lead to overspill parking;
- The proposed fence would be detrimental to visual amenity;
- Existing traffic calming on Queensway is likely to result in drivers using other residential streets.

6.4 Councillor Downes objects on the following grounds:

- The use of the proposed canopy for vehicle repairs, cleaning etc is likely to lead to a loss of residential amenity, particularly if carried out in the evening or at weekends;

6.5 Other objectors raise substantially the same points, and others including:

- The proposal would be likely to cause an increase in traffic on Queensway, particularly late at night;
- The building would be unsuitable for the proposed use;
- The large amount of car parking is likely to be used as a central waiting / parking point for large numbers of taxis;
- The proposal would lead to a loss of highway safety, in particular due to the proximity of a school.

6.6 In addition, five letters of support have also been received. These raise the following points:

- The business would not make a great difference to the numbers of taxis already using Queensway;
- The building is sufficiently far from residential properties so as not to cause a problem due to noise and disturbance;
- A 24hr business could bring a degree of safety / surveillance to the area;

- It is unlikely that drunks would congregate at the premises due to distances from public houses.
- The current premises cause problems of anti-social behaviour;
- The current premises are an eyesore in need of refurbishment.

6.7 Leeds Bradford International Airport have submitted a representation that requests that if the application is approved a condition should be imposed to limit the number of parking spaces for customers in order to prevent the site being used for off-site airport car parking.

7. CONSULTATIONS RESPONSES:

Non-statutory:

7.1. Highways – no objections subject to conditions referring to:

- Staff vehicles being able to park within the site and all parking to remain unallocated;
- Gates to remain open during all hours of operation of the building;
- A limit on the number of vehicles operating at any one time;
- Storage areas to be used for the purposes of the taxi operation only.

7.2. Neighbourhoods and Housing – if permission is to be granted it is recommended that the following conditions are imposed:

- No taxis to return to the site between 23.00 – 07.00;
- Office closed to the public after 22.00;
- Drivers shall not leave engines idling, rev engines or sound horns at any time;
- No playing of music or amplified sound in any external area;
- All work associated with vehicle servicing, repair, cleaning and maintenance under the proposed canopy carried out between 08.00 – 21.00 Monday to Saturday and 10.00 – 18.00 on Sundays;
- No lighting source shall be visible from nearby residential properties or a hazard to nearby highways.

7.3 Vehicle Licensing and Enforcement – at the time of writing no response has been received, comments will therefore be reported verbally.

8. PLANNING POLICIES:

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

8.2. The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – general planning criteria
 BD6 – alterations and extensions
 T2 – highway access
 T24 – parking guidelines

E1 – relocation of existing firms
SA8 – access to community facilities

8.3. National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS4: Planning for Sustainable Economic Growth.

9. MAIN ISSUES:

9.1. The following main issues have been identified:

- Neighbour amenity
- Highways
- Visual amenity
- Loss of a community facility

10. APPRAISAL:

- 10.1 The site lies within the existing built up area of Yeadon and is currently in use as a public house. The surrounding land uses are predominantly residential. UDP policy states that existing land uses should generally remain the dominant uses of an area, and changes of use should be permitted only where the proposed uses are compatible with existing uses in the area.
- 10.2 The site is adjoined to the north by three terraced properties facing Shaw Royd, no.'s 29-31; and four terraced properties facing Shaw Leys, no.'s 47-53. Other adjoining sites include two electricity sub-stations, and a vacant site formerly occupied by two shop / take away units located at the junction of Queensway with Shaw Royd. The nearest of these properties is located approximately 20m away, while the furthest is approximately 40m. Additionally there is a block of flats, 113-123 Queensway, located approximately 20m to the south east. Overall it is considered that there is a reasonably good degree of physical separation between the property and those of neighbouring occupiers.
- 10.3 The impact of the proposals on these neighbouring occupiers is critical to the determination of the application. In particular, the proposal clearly has the potential to create a significant number of vehicle movements, from taxi drivers returning to the base, staff parking, and customer parking. The application seeks 24 hour use of the site. However, the applicant states that it is proposed that the site is only open to the public until 21.00, and that taxi drivers would not attend the site other than for repairs to their vehicle radios and GPS systems. The applicant states that when taxi drivers do not have a job on they do not return to the base, they normally return home. The application proposes the addition of an awning to the rear, however the applicant states that this would be solely to provide for drivers undertaking such repairs.
- 10.4 The current use of the site as a public house has the potential to cause amenity issues such as noise and disturbance, particularly at anti-social hours. Some of the representations in support have referred to such problems being caused by the existing premises.

- 10.5 Overall it is considered that with suitable conditions the proposal could be accommodated on the site without significant detriment to nearby residential occupiers. In order to protect amenity, it is recommended that conditions be imposed which prevent the return of taxis to the site between 22.00 – 08.00, and that the office should be closed to the public between 22.00 – 08.00. Additionally it is proposed that the area to the rear of the building, including the area to be covered by the proposed awning, be limited by condition to usage between 08.00 – 21.00 Monday to Saturday and 10.00 – 18.00 on Sundays. Such conditions have been discussed with the applicant, who has indicated that they would be happy to adhere to them.
- 10.6 The use of the building itself would principally be by a small number of radio operatives. Proposed floor plans depict a ground floor operations room, an office and a meeting room. Much of the rest of the building is shown as ancillary storage, toilets etc. The use of the building itself is not considered likely to cause overlooking, noise or disturbance which would constitute a loss of amenity for neighbouring occupiers.
- 10.7 The proposed layout plan depicts an amount of parking, 24 spaces, arranged predominantly adjacent to the site boundary adjoining Queensway. Given the foregoing information regarding the parking behaviour of taxi drivers and customers there does not seem to be a need for this parking. The application states that this would be used for staff, visitors and emergency parking. However the current car park surface is in poor condition, and this would be resurfaced with macadam with white lining to show marked bays. This would be an improvement in visual terms. Highways officers have estimated that the hard standing on the site could potentially accommodate 60-70 vehicles. While the applicant has stated that the site would not be used by drivers or for customer parking, there is the possibility that cars would attend the site during the day outside of the hours precluded by condition. However in view of the location and amount of proposed parking this would be considered acceptable.
- 10.8 An assessment of the impact of the proposals in terms of two-way traffic movements based on a maximum of 56 operating vehicles indicates that this level of traffic could be satisfactorily accommodated by the highway network. Again it should be stated that this would seem to be a worse case scenario as the applicant has stated that taxi drivers would not return to the site. The access visibility splay from the slip road onto Queensway meets the requirements of the Street Design Guide and there have been no recorded accidents within the last five years. It is therefore considered that the existing vehicular access to the site onto the slip road and onto Queensway are acceptable. The proposal also includes the addition of an electronic sliding gate; this would need to be conditioned to be kept full open during hours of access to the site in order to prevent vehicles waiting on the highway.
- 10.9 The proposal also includes a 600mm timber fence which would be sited to the top of the existing boundary wall which is approximately 800mm. There would also be a small amount of landscape planting to the south and western corners of the site adjacent to Queensway. The overall approach is considered acceptable in terms of the visual impact of the proposal.
- 10.10 Public houses often perform an important and valuable function in acting as a focal point for their communities. Not only do they provide a venue for meeting and socialising but they often help to create a sense of place and identity. The retention of public houses for their own intrinsic value is therefore a worthwhile aim. Members will note that the MP Greg Mulholland has objected to this application on the basis of

loss of a valuable community asset. This argument is not without merit. The Midway serves the residential community lying between Guiseley and Yeadon and no doubt is of value to that community. There are however, a range of alternatives, the nearest being the Tut n' Shive on Kirk Lane which is around 600m or about a 10 minute walk along Queensway and a range of other pubs in Yeadon a little further beyond that. On balance, it is concluded that it would be difficult to substantiate grounds for refusal based on loss a community asset, no matter that some users of the pub would be disadvantaged.

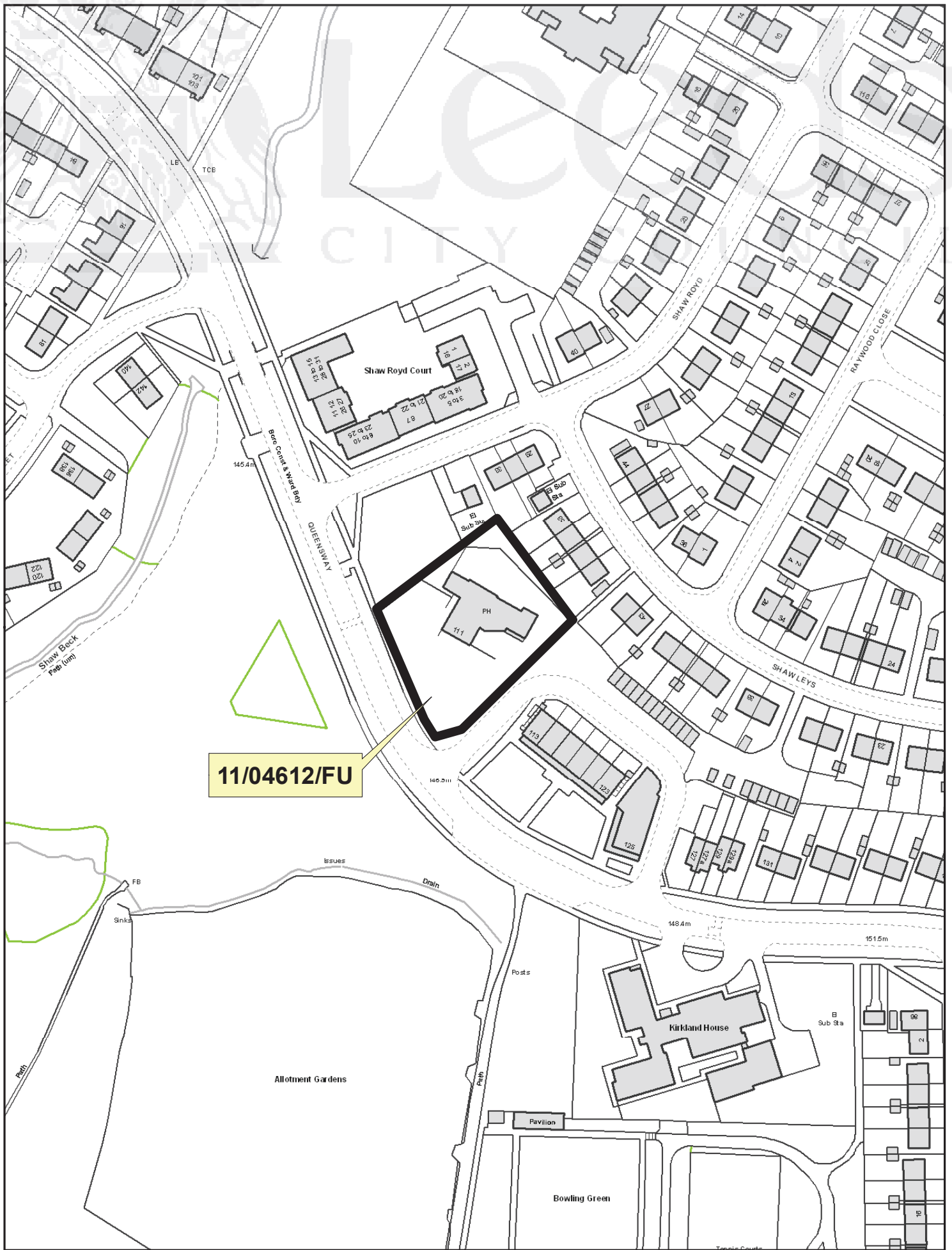
11. CONCLUSION:

11.1. After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable and complies with the planning policies set out in the Leeds Unitary Development Plan Review (2006), supplementary planning guidance and national planning guidance. The proposal is therefore recommended for approval.

Background Papers:

Application file;

Certificate of Ownership.



11/04612/FU

WEST PLANS PANEL



Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 1 March 2012

Subject: APPLICATION 11/05286/FU – CHANGE OF USE OF PUBLIC OPEN SPACE TO DOMESTIC GARDENS AT RIVERDALE GARDENS, OTLEY, LS21

APPLICANT	DATE VALID	TARGET DATE
Otley Town Council	18 January 2012	14 March 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

RECOMMENDATION:

Defer and delegate approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 Agreement within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations

- 1. Deed of variation to the original legal agreement to allow for the change of use of the land; and**
- 2. Requirement for capital receipt for the sale(s) of the land and balance of existing maintenance sum to be invested in other Greenspace initiatives in Otley.**

1. Standard time limit.
2. List of plans to be approved.
3. PD rights removed for garages and outbuildings.
4. Detail of fences or means of enclosure to be submitted prior to sale of any part of the land and carried out and retained as approved.
5. The gardens shall not be severed from the adjacent houses.
6. Protection and retention of existing trees.
7. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes

and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, BC7, N19, N20, N12i, N25, N27 and LD1.

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 Chief Planning Officer considers that this application should be referred to the Plans Panel for determination, due to the history of the site including that the application land is required to be vested as public open space.

2.0 PROPOSAL:

- 1.2 This application seeks planning permission for the change of use of an area of existing public open space (0.22ha) to inclusion within domestic rear gardens at land to the rear of Riverside Gardens, in Otley, Leeds. This land was provided as public open space in conjunction with the adjoining housing development in the 1990's and vested with Otley Town Council. Due to problems with the use/abuse of the area in subsequent years the Town Council now proposes that the area be sold off to form enlarged private gardens for the adjoining houses.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an area of open space to the rear of nine dwellings on Riverdale Gardens and part of the area has been fenced off and included within the garden of the western end house. It is surrounded by mature trees and shrubs and abuts a wider area of public open space including playing pitches.
- 3.2 The former Garnetts Mill site is located to the North of the site. To the South and West of the site are other residential areas on the edge of Otley Town Centre. Allotments are located to the West of the application site.
- 3.3 The application site is with the Otley Conservation Area, lies within Flood Zone 3 and is unallocated with no specific land use allocation.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-
- 4.1.1 Planning permission was granted under reference 29/196/95/FU in May 1996 for 31 houses off Riverdale Road and North Avenue, now identified as Riverdale Gardens and Riverdale Court. It is this permission that secured the application site as public open space. This permission included a Section 106 Agreement for a commuted sum for the provision of a children's play area close to the development and for the maintenance of the application site; and
- 4.1.2 Planning permission was granted in 4 July 2000 for the laying out of children's play area to public open space at Riverdale Road in Otley, under

reference 29/26/00/FU. The provision of a children's play area was negotiated during processing of the application for the erection of Rivderdale Gardens and Court (see 4.1.1).

4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Prior to submission of the planning application, the scheme has been subject to informal pre application advice. A site meeting was held with the Town Council and Officers in 2011. These discussions covered a variety of relevant policy, flood risk, tree protection and legal issues.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by means of four site notices located on Riverdale Gardens (x2), Riverdale Road and Manor Street. These site notices gave reference to a application which is a departure as it does not accord with the provisions of the Adopted Unitary Development Plan and affects a right of way and they were posted from the 3 February 2012 and gave a publicity expiry period of 24 February 2012.

LOCAL WARD COUNCILLORS:

6.2 No written comments from Local Ward Councillors have been received.

OTLEY TOWN COUNCIL:

6.3 No written comments from the Town Council has been received.

MEMBER OF PARLIAMENT:

6.4 We have not received any formal comments from Greg Mulholland MP in relation to this application.

LOCAL RESIDENTS GROUPS:

6.5 No letters of representation have been received regarding this application.

LOCAL RESIDENTS:

6.6 No letters of representation have been received regarding this application.

7.0 CONSULTATIONS RESPONSES:

Statutory:

ENVIRONMENT AGENCY:

7.1 No objections.

Non-statutory:

CONTAMINATED LAND TEAM:

7.3 A Phase I Desk Study should ideally be provided.

PUBLIC RIGHTS OF WAY:

7.4 No objection to the proposed as long as the footpath (Public Footpath No.6 Otley) which abuts the site is not encroached upon in any way and is open and available for use at all times.

WEST YORKSHIRE POLICE:

7.5 No comments received.

NEIGHBOURHOODS AND HOUSING:

7.6 No objections.

8.0 PLANNING POLICIES:

8.1 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:

8.2 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.

8.3 However, it is not considered that this proposal raises any issues of regional significance.

LOCAL PLANNING POLICIES:

8.4 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.

8.5 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.

8.6 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 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 N20: Demolition of other features which contribute to the character of the Conservation Area will be resisted;
- N12i – Spaces between buildings are of considerable importance. Development should create a series of linked and varied spaces that are defined by buildings and landscape elements;
- 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; and
- Policy LD1: Landscape schemes should meet specific criteria.

SUPPLEMENTARY PLANNING GUIDANCE:

- 8.7 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
 - SPG29: Otley Conservation Area Appraisal (June 2004).

NATIONAL PLANNING GUIDANCE:

- 8.8 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);
 - PPS5: Planning for the Historic Environment (2010);
 - PPS9: Biodiversity and Geological Conservation (2005); and
 - PPG17: Planning For Open Space, Sport and Recreation.

9.0 MAIN ISSUES:

- 9.1 Having considered these applications and representations, it is considered that the main issues in this case are:
- Principle of the Development;
 - Loss of Public Open Space; and
 - Impact on Residential Amenity.

10.0 APPRAISAL:

Principle of the Development:

- 10.1 The application site is a Greenfield site within the settlement limits of Otley. The site was secured as public open space as part of the approval (29/196/95/FU) of the adjacent Riverdale Gardens housing estate. The land is available for recreation purposes and you access the area via the recreation ground to the west. However, the open space is not formally recognised as such in the UDP and the site remains unallocated. As there is no specific policy protection, any application should be assessed on its own merits. That being said, It is considered that the main consideration is the loss of an area provided as Public Open Space.

Loss of Public Open Space:

- 10.2 The open space is located in a dip in the land to the rear of houses on the estates in was attached too. It is treed on all boundaries and this renders the area rather isolated. It has to be accepted that if the Riverdale Gardens Estate was re-determined, the likely outcome would be a more centrally located area of open space. The area may have been identified as open space due to its flood zone allocation (Zone 3) as the remainder of the estate is in Zone 1.
- 10.3 It is considered that there would be limited impact if this area were included within garden curtilages. Otley does not suffer from a lack of public open space, parks or other recreational areas. The new play area to the west of the site was a direct benefit from the original residential estates

10.4 It is considered that the open space does not form any strategic functions as it does not separate urban areas or provide for recreational needs over a wide area. In terms of urban quality, the area does not support regeneration or improve the quality of life for communities by providing a visually attractive green space.

10.5 In general, it is a rather isolated area which has a limited, if any, public open space function.

Impact on Residential Amenity:

10.6 Given the secluded location of the open space and lack of natural surveillance, the Town Council have reported issues of anti-social behaviour occurring on the site. Although no factual evidence has been submitted, the Town Council has stated that it has received numerous complaints from nearby residents. Officers have noted from site visits that there is evidence of anti-social usage of the area.

10.7 The inclusion of this vulnerable open space with secure rear gardens would reduce any anti-social behaviour in the area. Conditions could be imposed to assess the details of any boundary treatments. Permitted Development right would have to be removed to ensure the area would be used for garden space only. Bearing the above in mind, it is considered that there would be no adverse impact on residential amenity.

Other Material Considerations:

10.8 In terms of flood risk, the proposed development lies within Flood Zone 3 as defined by the Environment Agency. Accordingly the EA considers that the land is at risk from flooding for a 1 in 100 year event. That being said the EA have no record of this site flooding and does not object to the garden use of the land.

10.9 There are existing trees on the boundaries of the site. As the application site is within the Otley Conservation Area, the trees benefit from some existing protection. Whilst it is accepted that the trees would benefit from some maintenance and pruning, it is considered that the majority could be retained and incorporated within residential curtilages. Conditions are suggested to ensure that the insertion of boundary fences would take into account the trees and to ensure that there is no wholesale tree removal.

10.10 Given that the land was gifted to the Town Council and that a commuted sum was deposited for the site's maintenance, it is considered reasonable to ensure that any funds from the sale of the land and the balance of the original maintenance are spent on other Greenspace with Otley. This will accord with the original purpose of safeguarding the land and to ensure that Otley residents see the planning benefit of the original development.

11.0 CONCLUSION

11.1 The application site is not formally protected public open space. It is accepted that the area was poorly conceived at the design stage in 1995 to be open space. This has led to the area's isolation and abuse occurring. No objections are raised to the loss of this space as its removal would not detract from the existing public open space offer in Otley.

11.2 The proposal therefore complies with the relevant policies of the Leeds Unitary Development Plan (review 2006). In light of the above the application is considered acceptable and is recommended for approval.

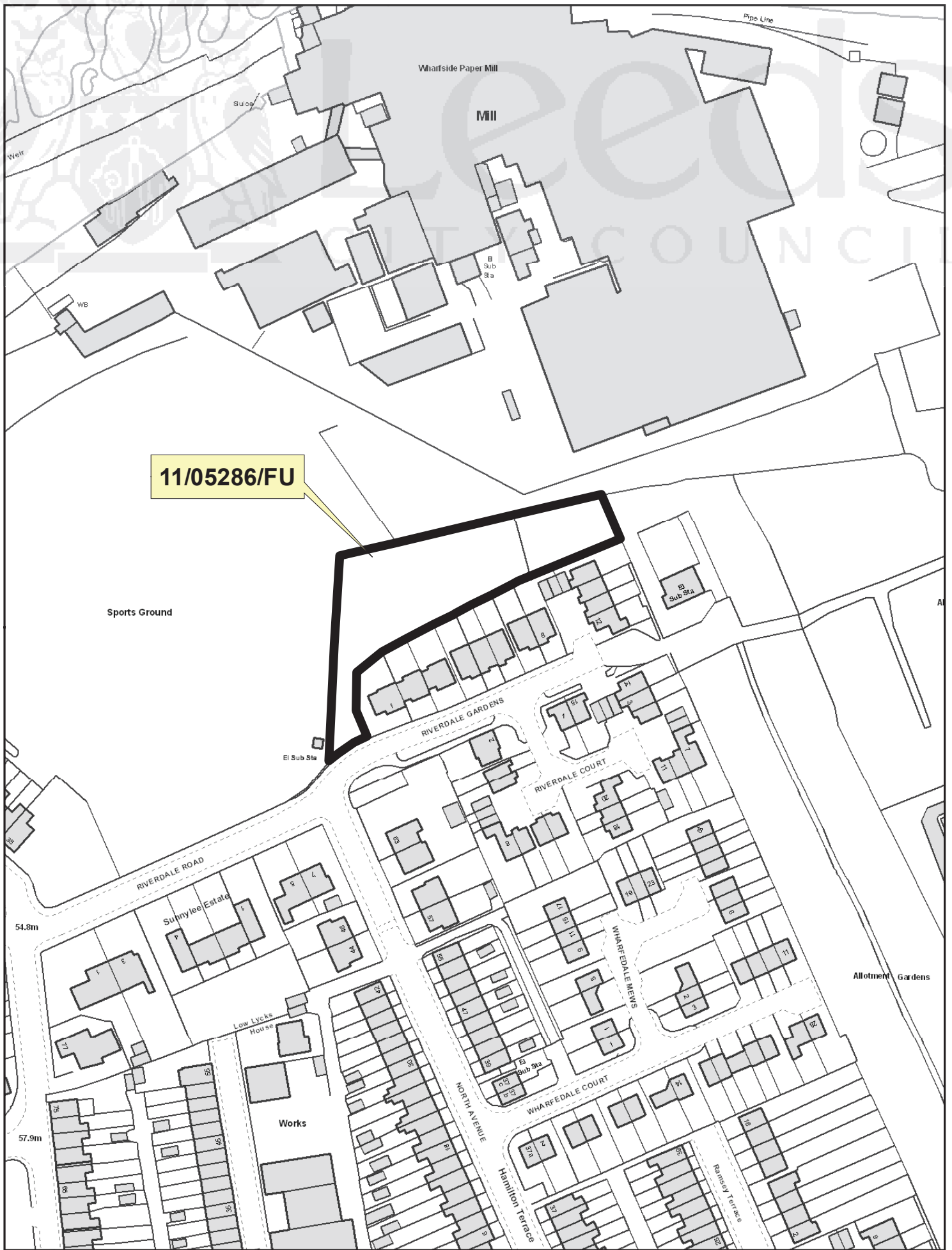
Background Papers:

Application and history files.

Certificate of Ownership.

Planning Permission 29/196/95/FU.

Planning Permission 29/26/00/FU.



WEST PLANS PANEL



Originator:	Patrick Bean
Tel:	0113 3952109

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 1st March 2012

Subject: APPLICATION 11/04959/FU - PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION WITH RELOCATION OF FLUE AND CONDENSER UNITS; ADDITION OF ACCESS RAMP TO FRONT AT 4 ST ANNE'S ROAD, HEADINGLEY, LEEDS LS6 3NX.

APPLICANT

Mr G Marks

DATE VALID

7 December 2011

TARGET DATE

1st February 2011

Electoral Wards Affected:

Weetwood

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reasons:

The Local Planning Authority considers that the proposed enlarged building would result in an increase in capacity of the restaurant and thereby an increased demand for vehicle parking and additional vehicle manoeuvres in a locally congested location close to a major junction, with no additional provision for off-street parking. This would be to the detriment of highway safety and would be contrary to policies GP5, T2 and T24 of the Leeds UDP Review (2006).

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Ward Councillor Sue Bentley on the grounds that an application for the nearby Salvo's restaurant (10/03806/FU) which the Councillor considers to be similar, was also referred to Panel.

2.0 PROPOSAL:

- 2.1 The proposal is a full application for a rear extension to a restaurant, enabling an increase in the amount of covers in the restaurant from 72 to 110, plus the relocation of an existing flue and the addition of an access ramp to the front.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a restaurant, known as 'Sukhothai', which is housed in a two storey brick building which is part of a parade. Elsewhere in the same parade there are a range of uses, including shops, offices, restaurants and a take away.
- 3.2 The parade is identified as a Secondary Shopping Frontage, and also lies within the Headingley Town Centre boundary.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 10/01144/FU – external seating area with retractable canopy and covered eating area to front – refused for reasons relating to design and highway safety.
- 4.2 11/01459/FU – Part 2 storey, part single storey rear extension with relocation of flue and a/c units – refused for reasons relating to highway safety.
- 4.3 (nearby unit in same parade) 10/03806/FU – change of use of vacant retail unit (Class A1) to restaurant (Class A3) to facilitate an extension to the adjoining Italian restaurant and laying out of new parking area to rear with addition of new cycle stands to front, at Salvo's Restaurant, 111 Otley Road – approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of a previous application as above determined on 1st June 2011, and a subsequent pre-application meeting on 15th July 2011.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices; a total of eight representations have been received.
- 6.2 Becketts Park Residents Association object to the proposal on the following grounds:
- The proposal would result in an increase in cars attempting to park in the vicinity; local roads are already heavily parked during the day and in the evening; the restaurant attracts customers from outside the local area and the proposed 53% increase in covers is substantial and could set a precedent.
- 6.3 An additional objection makes similar points:
- Car parking is already an issue in and around this site. Any increase in the number of covers at this site will only increase the number of cars parking in the surrounding residential streets causing further disruption to local residents and increasing the risks to health and safety.

6.4 Representations in support of the proposal comprise five support letters which make the following points:

- The proposals would improve the facilities offered by the restaurant;
- The proposals would improve the visual amenity of the parade;
- The restaurant is an asset to the community and people travel from far and wide to visit it.

6.5 Additionally a petition containing 382 signatures has also been received. This states that the petition is to support the planning application to extend the restaurant and improve the facilities.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways –

Objections, the application cannot be supported

- No provision of cycle parking for staff and no space has been left to accommodate this, which would have a further impact on the available servicing and parking space at the back of the building;
- The extension to the rear of the property would further impact on the shared parking area, which is already constrained and poorly surfaced. The footprint of the extension is still 2m deeper than the existing footprint. The extension would move bins further into the parking and servicing area and this could only be detrimental to the operation of this area. An extension would set a precedent for other buildings in the parade.
- Car parking within the vicinity of the site is currently an issue and as the proposal reduces available parking and servicing space whilst increasing the capacity of the restaurant it could only be detrimental to road safety.
- The scheme does not provide additional off street parking and would increase demand for parking in an area which already attracts a high concentration of on street parking. Additional demand for parking could only be detrimental to road safety.

7.2 Environmental Health – no adverse comment

8.0 PLANNING POLICIES:

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

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy S2: This stated that the vitality and viability of the following town centres will should be maintained and enhanced.

Policy BD6 refers to the scale, materials, character and design of extensions.

Policies T2 and T24 seek to maintain adequate levels of vehicle parking provision with no undue detriment to other highway users.

National Planning Policy Guidance:

PPS1 Planning for Sustainable Development

PPS4 Planning for Sustainable Economic Growth

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Vitality and viability of the local centre
- Visual amenity
- Neighbour amenity
- Highways

10.0 APPRAISAL:

10.1 The application site is located within a local centre. A restaurant use is compatible with this area as it is identified as a main town centre use in national planning policy such as PPS4. Such a use is therefore broadly acceptable in principle.

10.2 The proposal seeks consent to erect a two storey extension to the rear of the building, and to relocate an existing flue. The area to the rear of the parade is presently a somewhat untidy area which is used by businesses in the parade for ancillary purposes. The area comprises an unmade track which slopes down to the northern end of the parade. Vehicles are parked, somewhat informally, on this track, which presumably belong in the main to employees working in the businesses. The area is also used for bin storage, although much of this is fairly haphazard. To the rear of the track there is also a line of lock-up garages. The application indicates that two of these garages belong to the applicant.

10.3 The rear of the application property is a somewhat untidy collection of extensions, air conditioning units and a large flue. The property has a single storey rear extension, which is partly render finished, and partly brick. This projects approximately 3.5m. Four air conditioning units are attached to the rear elevation at first floor level, and a large and prominent flue also emerges at the same level and rises above the eaves.

10.4 The proposal would rationalise this situation somewhat by creating a part single and part two storey extension. The ground floor elevation would have a brick plinth and white painted render. This would then have pitched tiled roof, and there would be a smaller first floor element. This would have a flat roof and be render finished. The air conditioning units would be relocated to the roof, and the flue would be altered such that it would run up the side of the extension. Roof lights would be added to illuminate existing bedrooms on the first floor which would be reconfigured in order to increase the amount of accommodation.

10.5 The proposed extension would rationalise the somewhat untidy rear elevation, and to this extent it would represent an improvement. However at the same time the extension would be quite large, projecting out some 5.5m, with a width of 9.6m.

- 10.6 Overall it would be a fairly prominent visual incursion into the shared area to the rear, but not to the extent that permission should be refused on design grounds..
- 10.7 The proposed relocation of the flue could potentially cause noise and odour problems to existing residential occupiers within the unit. However it is recommended that additional conditions requiring details of noise levels etc from this flue, and the air conditioning units, could be obtained via appropriately worded conditions.
- 10.8 The proposal would increase the amount of covers in the restaurant from the current provision which is stated to be 72, to 110. This represents an increase of 53%. However 94 of these are shown to be downstairs in the main part of the restaurant, while an additional 16 are shown to be included within a function room upstairs. The applicant's Design and Access Statement states that the function room would only be used from time to time for special occasions. The applicant states that the function room would not be used as a general overflow for the restaurant but instead would only be used via a booking system. The applicant has therefore suggested the use of a condition limiting the use of this area to bookings only. By this method, the applicant suggests that the parking demand generated by the proposal would be lessened.
- 10.9 It is considered that the proposed extension would generate a demand for an additional eight parking spaces, four to each of the ground floor restaurant area and to the first floor function room respectively. The UDP guidelines would suggest seven spaces for the function room, however booked groups of diners would be more likely to travel together, and as such a reduced figure has been identified.
- 10.10 The applicant also states that all the staff either live in the premises or locally in the Headingley area, thus it is suggested that the proposal would not cause an increase in demand for staff parking. Additionally the applicant does not think it necessary to provide long stay cycle parking for staff, as required by the UDP parking guidelines. The proposal does however include three short stay 'Sheffield' type cycle stands to the forecourt area.
- 10.11 The applicant has, however, supplied a Travel Plan, although one is not required for this scale of development.
- 10.12 This includes a number of proposed measures designed to encourage sustainable travel, such as encouraging staff to use taxis or car share, and encouragement of staff to use buses, walk or cycle. Travel packs would be provided to staff to achieve this, and a fee provided to the City Council in order to monitor the travel plan.
- 10.13 The area around the parade already suffers from high levels of on-street parking demand. The applicant considers that the site is well located for public transport links, and has a high demand from customers who attend the site on foot. A survey included within the Travel Plan suggests that around 50% of customers currently travel to the restaurant by car, while around 20% walk. However off-street parking provision in the locality is poor; the 'pay and display' car park close to the site is unauthorised and is the subject of enforcement action. The submitted Travel Plan suggests that customers arriving by car can legitimately use the Headingley Taps car park. However this is situated approximately 0.5km from the site.
- 10.14 The proposed extension would clearly impact upon the rear parking area by reducing the amount of space available and thereby worsening provision, principally for staff. This area is already constrained, and poorly surfaced. While the area to the rear of

the property would be resurfaced, this would not extend to the garages also within the applicants ownership. It is understood that these are used for ancillary storage, however they are not referred to in the application other than on the red line plan. However the floor plans show that at present much of the existing ground floor extension and much of the first floor area now proposed to be a function room is presently used as storage. No explanation has been given as to where this storage would be displaced to. The use of the garages as storage could also be problematic as they may be difficult to use due to the increasingly constrained nature of the rear area and the use of the unmade track.

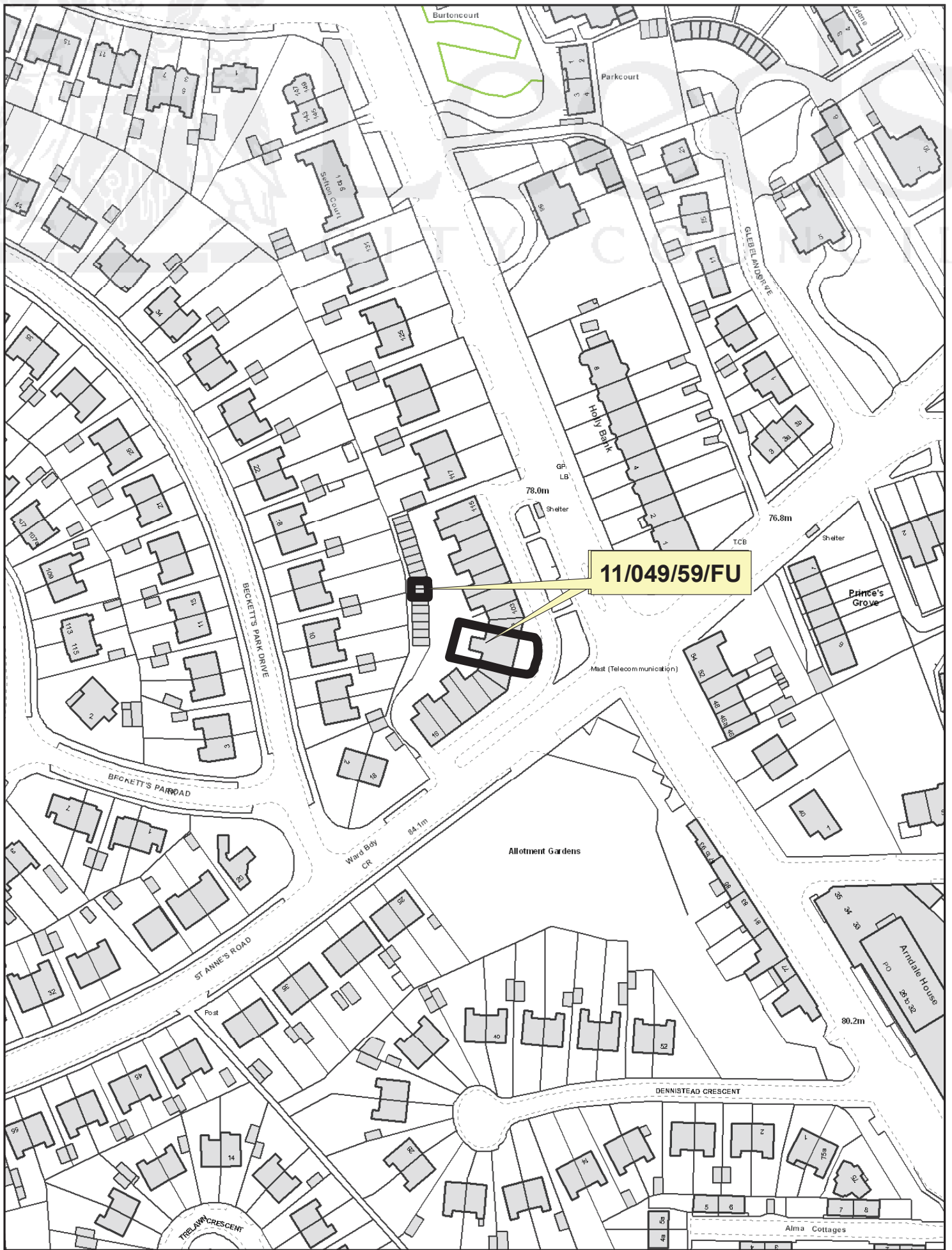
- 10.15 The footprint of the proposed extension is only 0.5m shorter than that previously refused under 11/01459/FU, but still 2m deeper than the existing footprint. The proposal would therefore move bins and parking significantly further into the yard area, to the detriment of the use of the yard. The extension of the footprint of the building is a particular concern as the rear yard area is already constrained, and the proposal would exacerbate this. It has been suggested by officers that it may be more appropriate for the applicant to consider extension within the existing footprint.
- 10.16 The proposal does not include any additional parking to accommodate the additional demand which will be likely to accrue from the proposed increase in capacity of the restaurant. Car parking is already an issue in the local area, with a high concentration of on-street parking. The proposal would clearly exacerbate this situation.
- 10.17 Overall therefore it is considered that the proposal would be to the detriment of highway safety.
- 10.18 The applicant compares the proposal to the expansion of Salvo's restaurant, which is located within the same parade, and claims that the current proposal is significantly smaller. Panel Members will recall that an application for the expansion of this restaurant was approved by Members at their meeting of 7th October 2010. However, in reality this represented a much smaller increase in covers, from 66 to 88, a total of an additional 22 covers or a 25% increase. Additionally, and significantly, the Salvo's proposal was a change of use of an existing unit without extension, as opposed to the current application which seeks to physically extend the premises. The proposal would increase the numbers of covers in the restaurant by more than 50%, while at the same time reducing the amount of space available to the rear of the property.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is unacceptable and does not comply with the planning policies set out in the Leeds Unitary Development Plan Review (2006), supplementary planning guidance and national planning guidance. The proposal is therefore recommended for refusal.

Background Papers:

Application file;
Certificate of Ownership.



11/049/59/FU

WEST PLANS PANEL



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Originator: Mathias Franklin

Tel: 0113 24 77019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 01 March 2012

Subject: 11/05327/FU: Change of use from office (Class B1) to college (Class D1) of Longfield House, Victoria House (entirely) and Park House (1st and 2nd floors), Victoria Road, Headingley, with associated alterations and extensions and formation of additional car parking

APPLICANT	DATE VALID	TARGET DATE
Leeds City College	20.12.2011	20.03.2012

Electoral Wards Affected:

Headingley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 Agreement within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations; and subject to further detailed discussion and amendment of car parking layout to avoid or minimise any tree loss.

1. Contribution towards the Public Transport Infrastructure
2. Travel Planning and the travel plan monitoring fee
3. Contribution towards the upgrading of a bus stop to provide Real Time Information Display
4. Contribution towards the creation of Traffic Regulation Orders in the surrounding streets

NB: The above contributions will total £121, 000, less £12, 000 if a staff shuttle bus is provided. It is considered that some flexibility is desirable depending on the precise costs of Traffic Regulation Orders etc.

5. Contribution of £6000 towards off-site replacement of trees in the locality
6. Maximum of 104 car parking permits to be in circulation at any one time

1. 10 year temporary planning permission from the date when the decision notice is issued. After 10 year temporary permission has expired the use of the buildings shall revert to B1a (offices).
2. Details of approved plans
3. Personal permission to Leeds City College.
4. Sample of materials for walls, roofing, surfacing and doors and windows
5. Details of bin and cycle and motorcycle stores to be approved
6. Car parking to be laid out prior to first use and retained for lifetime of development
7. Cycle provision to be available prior to first use and retained for lifetime of the development
8. Highway works to be completed prior to first occupation including restriction of vehicular access form Headingley Lane to pedestrian, cyclist and emergency vehicles only.
9. Tree protection for retained trees
10. Notwithstanding the submitted car parking and external works, a revised layout for parking and external works shall be submitted to and approved in writing by the LPA. (To minimise loss of trees).
11. Tree felling programme and method statement to be agreed prior to commencement of development
12. Landscape scheme and implementation.
13. Implementation of the Brooks Ecological Report submitted with the application
14. Land contamination conditions
15. Hours of use
16. Delivery hours

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

GP5; E7;T2;T7a;T24;N19;BD6:

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. INTRODUCTION:

- 1.1. This application is brought before Members due to the local significance of the proposed development.

2. PROPOSAL:

- 2.1. The application involves the change of use of three vacant office buildings in the Headingley Office Park to be used by Leeds City College as a campus for the teaching of Further Education. The majority of teaching will take place between 9am and 4pm Monday to Friday. There is also proposed to be a limited number of evening classes

- 2.2. The application proposes external alterations to Longfield House which is the 1970s office block facing Headingley Lane. The alterations include replacement timber windows with timber sun shutters, timber panelling and rendering to the walls.
- 2.3. New pedestrian entrances would be created into Park House and Victoria House. Due to the change of ground levels between the car parking areas and these two buildings these new entrances would include the erection of a raised walkway and new entrance door at first floor level on each of the buildings.
- 2.4. Changes are proposed to the car parking area to the northern part of the site to increase car parking to 92 spaces (no figure is provided for existing parking which is informally arranged). 70 secure cycle spaces are also proposed. It is proposed to restrict the existing vehicular access on to Headingley Lane to pedestrian cyclists and emergency vehicles only and all vehicular access will be from Victoria Road.
- 2.5. To create the extra car parking and secure cycle storage a total of 26 trees are proposed to be felled.

3. SITE AND SURROUNDINGS:

- 3.1. The site is located within the Headingley Conservation Area. The site is an existing office park located mid way between Headingley town centre and Hyde Park centre. There are currently two vehicular and pedestrian accesses; one via Victoria Road to the south and the other via Headingley Lane to the north. The site slopes steeply from north down to south. There are 5 buildings on site of which the college proposes to occupy the three at the northern end of the site. The buildings are large office blocks of 5 and 6 storeys, 4 date from the 1980s and one from the 1970s. Car parking is located in various parts of the site amongst the buildings. The site is well covered by extensive groups of mature trees.
- 3.2 The site is within a predominantly residential area. To the north of the site are the large villas of Headingley Lane. To the east is located the vacant Leeds Girls High School site. To the west of the site is located a nursery and primary school. To the south of the site are Victorian terraced streets.

4. HISTORY OF NEGOTIATIONS:

- 4.1. There have been negotiations and pre-application discussions prior to this application being submitted. The applicants have also conducted pre-application community consultation in the forms of meetings with Ward Members and a public exhibition at the office park.

5. PUBLIC/LOCAL RESPONSE:

- 5.1. This application was advertised by site notice and press advert.
- 5.2. The South Headingley Community Association has objected to the application. They raise the following issues: Impact on demographic imbalance, cumulative impact of other HE and FE campus in the locality, impact on the A660 concerns over increased on street car parking in the surrounding streets.
- 5.3. The north Hyde Park Neighbourhoods Association has objected to the application. They raise the following issues: Increase in traffic along Headingley Lane and

Victoria Road, on street car parking, additional strain on public transport from students and increase of young people congregating on Hyde Park.

5.4. There have been 7 letters of objection received from local residents raising concerns over increased numbers of students in the area, impacts on local town centres and bias of shops catering for students needs, impacts on the highway network by increased cars and users of public transport, increases of on street car parking, harm to the character of the conservation area by trees being felled, unclear on how the 1970s office block is being re-clad, lack of space on site for replacement tree planting.

5.5. Councillor Martin Hamilton has raised the following points:

I would like to comment on the above application for change of use from office use to educational use (Leeds City College). Whilst I welcome the principle of bringing this site back into use, I have a number of concerns about the proposed scheme

1) Highways access. I remain concerned about the impact on the road network of these proposals given that there will be a peak (twice a day) in traffic.

2) Displacement parking. All streets North of Headingley lane and South of Victoria Road may be affected by the additional parking caused by this scheme. A S106 agreement should be secured to put in place appropriate RPZ measures IN ADVANCE of the college opening

3) It has been stated that the comings and goings will have no more impact than would be the case than the extant permission and that existing car parking provision is adequate for the scheme. I would appreciate some modelling of this to confirm that this is the case.

I accept that the usage of this college is not comparable with Higher Education use, where the impact might be detrimental to Council policies such as the Area of Housing Mix. Nonetheless, panel needs to consider if this use, in an area which already has a large transient population, does not have an adverse impact upon the amenity of nearby residents.

6. CONSULTATION RESPONSES:

6.1. **Highways:** No objections. The car parking provision is acceptable given the sustainable location of the site and together with the travel plan measures proposed, funding to restrict parking on surrounding residential streets, and a public transport infrastructure contribution

6.2. **Drainage:** No objections to the proposal. Any increases in impermeable surfaces could be mitigated by the use of permeable paving in the reconfigured parking areas.

6.3. **Environment Agency:** No objection.

6.4. **West Yorkshire Ecology:** No objections such to findings of ecological report being followed though.

- 6.5. **Contaminated Land:** No objection subject to standard land contamination conditions being applied.
- 6.6. **Travelwise:** The Travel Plan requires the commitment to the travel plan monitoring fee. The travel plan should secure funding for additional secure cycle storage should it be required following travel plan reviews. The College should consider providing a car club car. The proposed shuttle bus facility to bring staff to site from other campuses across the city needs developing.
- 6.7. **Neighbourhoods and Housing:** No objection.

7. PLANNING POLICIES:

- 7.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

- 7.2. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.
- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
 - Policy E7: Employment land considerations
 - Policy T2 seeks to avoid any harm or detriment to all users of the highway.
 - Policy T7a states that all development must provide adequate and secure means of cycle storage.
 - Policy T24 sets out specific criteria for parking provision.
 - N19: Alterations and extensions within conservation areas should preserve or enhance.
 - Policy BD6: Alterations and extensions should respect the scale and form of the existing building

Supplementary Planning Guidance

Headingley and Hyde Park Neighbourhood Design Statement 2010
Street Design Guide SPD
Travel Plan SPD

National Guidance/Statements:

- 7.3. 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 relevant, including;
- PPS-1 – Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
 - PPS-4 Planning for Sustainable Economic Growth. This sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
 - PPS-5 Planning for the Historic Environment. This sets out the Government's policy for dealing with developments within conservation areas. The main thrust of the policy is to preserve or enhance the historic environment.

8. MAIN ISSUES:

8.1. Having considered this application and representations, it is the considered view that the main issues in this case are:

- The principle of the development including the loss of the employment use and the introduction of a college in the locality
- Impact on the character and appearance of this part of the conservation area from the proposed extensions, building and site alterations and tree felling.
- Car parking on site and off site and the proposed travel planning measures
- Impact on the amenity of neighbouring residents including the other office blocks on site

9. APPRAISAL:

Establishing the principle of the development

9.1. It is considered that the principal policy consideration in the determination of this application is the acceptability of the loss of employment floorspace. The applicant's employment land report submission in the Planning Supporting Statement is considered acceptable, albeit limited. The report provides details of the longstanding marketing campaign for the site to be re-used for employment purposes and the lack of demand thereof. It fails to provide an assessment to substantiate 'years of supply' position within the locality but, given the nature of the proposal, there would be little value in undertaking a full scope supply assessment. The site is vacant and unallocated for employment use. The fact that it has been vacant for some time does reduce the likelihood of an employment use being re-established on the site - this is simply a reflection of the current market situation which is characterised by high levels of property on the market and downward pressure on rental values. In these circumstances, it is extremely unlikely that speculative development for employment use would be financially viable. In recent applications for D Use Class proposals on existing employment sites, officers have had regard to PPS4 defining 'economic development' not only as those in the B Use Class, but also public and community uses, main town centre uses and other development which provides employment, generates wealth or produces an economic output. Since the application relates to a proposed educational college campus, PPS4 Policy EC10 which adopts a positive approach towards determining planning applications for economic development is relevant. In conclusion, it is clear that the loss of this site to an alternative economic use would not pose any harm to the Council's interests in providing opportunities for local employment. Accordingly, there is no objection raised under Policy E7 of the UDP Review.

9.2. There is no policy basis why an educational use would not be appropriate on the site. It lies in a relatively accessible location, having access to public transport (bus and train) and within walking distance of local services and amenities. It is important that the management of the College on a day to day basis does not impact upon the occupiers of the other office blocks on site. Officers do not envisage that this relationship would result in any undue harm. The self contained nature of the site coupled with its location on very good public transport routes makes the site a good location for a large education development. Appropriate planning conditions and obligations with the S106 Agreement have been attached to this report to ensure that the neighbouring residents and office users do not suffer any significant loss of amenity from this development.

- 9.3. Leeds City College is the UK's third largest FE establishment, offering a diverse curriculum to over 45,000 students. Leeds City College has an annual turnover of over £90m and employs more than 1,700 staff, making it one of the area's largest employers. The delivery of educational establishments is considered an important element of achieving the aims of the Vision for Leeds. This also accords with the strategic aims of policy SA8 by promoting developments that are accessible and in sustainable locations and that provide necessary facilities for all sections of the community. In addition strategic policy SG3 would seek to ensure that legitimate land needs of the community are met including education facilities.
- 9.4. The need for alternative accommodation has arisen in part from problems with the existing Thomas Danby building on Roundhay Road which is an inefficient building with poor natural light and ventilation together with asbestos issues. The proposed use of the Headingley Office Park site as a college is scheduled to last up to 10 years. During this time redevelopment and relocation works across the remainder of the College's campus sites will be undertaken. After 10 years use it is anticipated the site will be vacated by the College and the buildings will be returned to an office use (B1a Use Class Order 2010). The College has stated they wish to start using the site from September 2012, should planning permission be granted.

Assessing the impacts of the proposals on the character and appearance of this part of the Conservation Area

- 9.5. The physical alterations to the existing buildings of the site are overall considered positive. The existing buildings do not make a positive contribution to the character or appearance of this part of the Headingley Conservation Area. In particular the prominent siting of the 1970s block when viewed from Headingley Lane actually has a negative effect upon the street scene. It is considered the recladding and renovation works to this building are welcome and will have a positive effect on the conservation area. This element of the proposal is considered to enhance the character and appearance of the conservation area.
- 9.6. The creation of raised walkways and the design and appearance of the new entrances onto the two 1980s blocks is also considered acceptable. The elevations where the new walkways and entrances would be sited are fairly discrete and isolated from wider views outside of the site. The change in ground levels around the buildings combined with the need to provide level access means that a raised walkway is the only viable solution for gaining access into these blocks. There are no objections to this element of the application in relation to the character and appearance of this part of the conservation area.
- 9.7. The applicant states that to meet on site car parking requirements, provide level access for DDA compliance, provide adequate space for cycle storage and ensure that the servicing and refuse vehicles can manoeuvre safely, the applicant proposes the removal of 26 trees. Of these trees:

- 6 are not in connection with the development – all Category R (remove)

- 8 are Category C trees (lower value trees that should not constrain design)
- 9 are Category B trees (which are of amenity value)

The 9 Category B trees proposed for removal are not generally visible from adjoining public areas but their loss is nonetheless undesirable in a Conservation Area. Members may recall the Inspector's appeal decision on the adjacent site, the former Leeds Girls High school, where the inspector noted that the trees were particularly important to the character of the Conservation Area. Some replacement tree planting can be achieved on site, and the developer proposes to make a financial contribution for tree planting in the surrounding area, but officers remain to be convinced at this stage that the loss of trees can be justified. The recommendation to members is therefore on the basis that there will be further discussion and amendment to the proposals to minimise loss of trees.

Car parking on site and off site and the proposed travel planning measures

- 9.8 One of the main issues in the determination of this application is the impacts of the development in relation to the 'comings and goings' of staff and students and the concerns of the local community over the possibility of overspill car parking and the effects on the existing public transport infrastructure. The travel plan is one method by which the applicant has sought to mitigate its impacts upon the surrounding highway network. A second is the applicant's commitment to contribute towards the Council's Public Transport Infrastructure SPD. Thirdly the applicant is being asked to contribute towards the creation of Traffic Regulation Orders (TROs) in the surrounding streets to ensure that any over spill parking is adequately managed and local residents do not suffer a loss of amenity which may have been caused by the development.
- 9.10 Members will see at the Head of this report the proposed Section 106 package and also the proposed planning conditions designed to ensure that effects of this development are mitigated to an acceptable level. The submitted travel plan sets challenging targets for the College to ensure that within 3 years of the development being occupied there will be no more than 40% of staff travelling to work by private car and no more than 8% of students travelling to college by private car. Given the College anticipates that there will be between 88-93 staff on site at any one time it can be shown that there will be almost no overspill car parking in the surrounding streets after 3 years provided travel plan targets are met. The College will issue permits for staff and students to allocate the on site car parking spaces. 87 spaces in total will be provided on site for permit users. 6 will be retained for visitors. Highway officers accept that parking provision is acceptable in combination with the other travel measures which form part of the application package. It is noted that the College has students in the 16-18 age range and as such car usage would be expected to be lower than for other Higher Education colleges or universities.
- 9.11 Whilst on site car parking is being increased and there are a range of travel planning measures, the development may still give rise to some on street overspill parking Accordingly officers are of the view that this development needs to fund on street parking restrictions to limit long-stay parking in nearby residential streets and again this forms part of the application package.
- 9.12 It is envisaged that many of the staff and students will use public transport to get to the site. In principle this is of course welcome, however some representations have been received that relate to concerns that the network will struggle to cope with the increases. The commitment by the developer to contribute towards the Council's

SPD on Public Transport Infrastructure is welcome and should help to ameliorate these concerns. In addition the upgrading of the bus stop on Headingley Lane to provide for Real time Display will also be beneficial. The provision on site on secure cycle provision and also of lockers and showers within the buildings will also provide alternative travel options. There are no objections to the application from Metro or highways officers in regard to public transport provision.

Impact on the amenity of neighbouring residents including the other office blocks on site

- 9.12 The proposed campus would accommodate around 600 students and about 100 staff at any one time. It is noted that the existing lawful use of the buildings as B1 office generates substantial numbers of people that in theory could use the buildings and therefore also impact upon the surrounding community. There is some concern from the representations raised about the potential impacts of large numbers of young students visiting the area. It is noted that the age of the students is such that they would for the most part be present during teaching hours only and not have the type of community impact associated with the University students. It is not considered that the impact of young people visiting the site could amount to grounds for refusal.

10. CONCLUSION:

- 10.1. The office buildings subject to this application have been empty for a number of years and seem unlikely to find office tenants in the current climate. The condition of the building fronting Headingley Lane is deteriorating and is of concern in this prominent Conservation Area location. This application presents the opportunity to provide a positive new use for the buildings whilst also supporting the development of a major employer and education provider in the City.

Background Papers:

Application and history files.



11/05327/FU

WEST PLANS PANEL





Originator: Jade Corcoran

Tel: 0113 3950003

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 1st March 2012

Subject: APPLICATION NUMBER 11/04955/FU: LAYING OUT OF ACCESS ROAD AND ERECTION OF 45 HOUSES WITH GARAGES AND LANDSCAPING, HOLT AVENUE, ADEL

APPLICANT

David Wilson Homes

DATE VALID

05/12/2011

TARGET DATE

Planning Performance Agreement

Electoral Wards Affected:

Adel & Wharfedale

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 Agreement within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations

- The development must begin prior to 1 March 2014 (in view of interim affordable housing policy reduction of affordable housing requirements).
- On site affordable housing 15% (3 social rent & 4 sub-market)
- On site greenspace provision and off site contribution (£21,522.28)
- Contribution to play equipment (£26,749.96)
- Metrocards for residents (£19,364.40)
- Education contributions (£214,371.00)
- A management company to be established for landscaped areas maintenance.
- Completion of a S38 agreement for the highway works to include for the provision of an adopted area of highway up to the northern site boundary to provide access to the PAS land to the north should this come forward for development.
- A management fee to cover the implementation of the S106

1. Two year time limit on full permission
2. Development carried out in accordance with the approved plans
3. Notwithstanding the approved plans, details of pedestrian linkages from the site to adjoining highways shall be approved in writing and thereafter implemented and maintained.
4. External walls to be constructed in Old Heather Black artificial stone in accordance with sample panel
5. Details and samples of windows, roofing and surfacing.
6. Removal of permitted development concerning outbuildings, rear extensions and boundary walls for plots 15 -19, 36 - 40 and 41.
7. New vehicular accesses and off-site highway works to be approved by the Highways Authority and implemented prior to first occupation
8. Areas to be used by vehicles must be hard surfaced and drained
9. No works shall begin at the site until full details of the methods to be employed to prevent mud, grit, dust and dirt being carried onto the public highway
10. Maximum Access Gradient
11. Garages for dwellings plots 20 and 42 shown on the approved plan must be used for the parking of vehicles only for the lifetime of the development.
12. Boundary treatment across all site frontages of all dwellings fronting the adopted highway must be no greater in height than 1m
13. Details and provision of secure cycle parking
14. Details and provision of bin storage
15. Limiting the surface water run-off generated by the site to greenfield run off rates (5l/s/ha) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
16. Submitted flood-mitigation measures to be included in the proposed development.
17. Finished floor levels shall be set no lower than 600 mm above the adjacent bank.
18. Full details of the drainage proposed, including balancing facilities to be approved.
19. Details of works to the Watercourse shall be submitted for approval.
20. The submission, agreement and implementation of working practices which reduce the risk of silt or other contamination of the beck during construction.
21. Pre start meeting to agree tree protection measures
22. Arboricultural method statement
23. Protection of Trees/Hedges/Bushes during construction
24. Preservation of Retained Tree/Hedge/Bush
25. Replacement of Trees/Hedges/Shrubs
26. Landscape management plan
27. Submission and implementation of hard and soft and landscape details
28. Unexpected Contamination
29. Importing soil
30. Details of sustainable construction with reference to the Council's policy Building for Tomorrow Today to be approved and implemented.
31. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5;N2/N4;N12;N13;H1;H3;T2;T24;BD5;LD1

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

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel due to the history associated with the site, scale of development and the high level of local interest in the proposal. The site is a Greenfield site which is allocated for housing (as a 'Phase 2') site in the Unitary Development Plan Review 2006. The principle of development was allowed on appeal in May 2011 when outline planning permission was granted for housing following a Public Inquiry.

2.0 PROPOSAL:

- 2.1 The applicant, David Wilson Homes, is proposing to layout an access road and erect 45 houses with garage and landscaping. In the main, the properties are relatively large detached dwellings that will be between two and two ½ storeys in scale, except for two semi-detached properties fronting Otley Road and one terrace, of 3 houses, to the south of these dwellings. The dwellings and garages would be constructed out of artificial stone and slate.
- 2.2 The site area (red line boundary) is slightly bigger than the original proposal (09/04190/FU) as the developer has managed to acquire 37 Church Lane which would be demolished to enable a row of properties to be built fronting Church Lane.
- 2.3 The site is divided into two by a drainage channel and the associated easement, which has been utilised as part of the public open space (POS) provision. Dwellings will flank the south-east and north-west sides of the POS, which provides pleasant views for the dwellings and the necessary surveillance. A footpath is proposed to run to the north-west side and extends down to the south beyond the channel. The southern end of the POS is wider and of more use for recreation.
- 2.4 The highway/engineering works have been balanced between safety and providing an attractive environment to live in. All vehicular access to the dwellings will be off Holt Avenue. There would be an additional pedestrian access created via Otley Road to Church Lane.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies on the edge of the urban area of Adel. The site is located on the north side of Holt Avenue and to the west of Church Lane. The A660 Otley Road runs to the west of the site boundary which is fronted by a mature tree line. To the north of the site the boundary is also defined by tree and hedge cover that are protected by Tree Preservation Orders (TPO).
- 3.2 The site itself comprises two fields in agricultural use. The site is therefore greenfield in nature showing no signs of any form of previous development. The topography of the site is undulating with a central drainage channel running through the site. The site is also located some 400m from St John the Baptist Church which is a grade I listed building. The Adel Conservation Area is located adjacent to the north east of the site.
- 3.3 To the south and west of the site there is a mixture of 1930s and 1960s development that comprises the settlement edge of Adel. The Lawnswood Arms pub and surrounding 1930s semi-detached properties fronting Otley Road are located on higher ground. The properties to the south of Holt Avenue are a mixture of detached and semi-detached 1960s properties, with many dormer windows.

Adel Sports and Social Club and the Adel Memorial sports Ground, comprising a broad area of football and cricket pitches, tennis courts and a bowling green are located to the east of the site.

4.0 RELEVANT PLANNING HISTORY:

4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

4.1.1 09/04190/FU: Laying out of access road and erection of 70 dwellings with garages and landscaping. Refused on 24.12.2009. Allowed at Appeal but revised from a Full application to an Outline permission with all matters reserved on 09.05.2011; and

4.1.2 PREAPP/11/00518: Residential development. Reviewed by Plans Panel West on 10.11.2011.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The starting point for the current negotiations was the appeal decision in 2011. During the appeal process it was acknowledged that the Council's design evidence was very strong, however given the Council had lost the previous 7 housing land appeals because it did not have a 5 year housing land supply it was agreed that the application should be altered from a full to an outline so that the Inquiry could focus on the issue of principle only and design matters would be reconsidered if the appeal was successful.

5.2 Since the appeal the applicant has entered into comprehensive pre-application discussion with the Local Planning Authority (LPA). Local residents were also engaged in this process by the applicant. Considering the outcome of the appeal, the Design Officer's evidence was taken as a starting point for negotiation. Discussion focused on the following key issues:

- Improving the movement and connectivity of the layout
- Improving the visual amenity of the layout to Otley Road
- The intensity of highway/paved squares
- Consistent house types respecting the character and appearance of the area
- The usability of the public open space
- Highway safety

5.3 As previously outlined, the pre-application was taken to Plans Panel West on 10th November 2011. Members noted the presentation and were in general agreement that the proposal was going in the right direction. Discussion primarily focused on affordable housing and materials. Councillors raised the question, why the affordable housing was clustered together? This was answered by the applicant's representative. In relation to materials, Plans Panel concluded they should not comment until a site visit had been conducted.

5.4 During the application process there have been a number of minor alterations to the layout relating to comments from Highways, Yorkshire Water, Mains Drainage and the Landscape Team. The design of the proposed houses has also been altered and a stone wall boundary treatment has been included to enclose the majority of the front gardens.

5.5 During the application process there have been a number of minor alterations to the layout relating to comments from Highways, Yorkshire Water, Mains Drainage and the Landscape Team. The design of the proposed houses has also been altered and a stone wall boundary treatment has been included to enclose the majority of the front gardens.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been duly advertised via a site notice (posted on 16.12.2011) and an advert in the local newspaper (published on 15.12.2011). In addition to this, those who objected to the previous application were notified in writing on 05.12.2011.

6.2 The Adel Association have made the following comments:

- Plot 40 should be retained as a meadow to preserve views through the old gateway into and across the corner of the meadow.
- A footpath link from the old gateway into the northern field should be introduced, which has been present in other plans reviewed by local residents.
- Lack of scale bar on the approved plans, which made it difficult to gain a sense of space.
- The proposal is out of character with sites setting; the dwellings fronting Church Lane and Otley Road are set down from the respective highways creating a dominance of rooftops; the Church Lane streetscene is a marked change from existing with a straight row of houses and garages that are cramped and too close to the highway; the gable end of plot 41 is too close to the highway creating an intimidating space when you enter Holt Avenue.
- The access from the development to Church Lane should be relocated to the hammerhead, which would be an improvement in urban design and highway safety terms.
- The close proximity of Holt Avenue, the hall road and the access to plots 41-43 could introduce accidents.
- Strong preference for natural stone with little or no pitch to the stone.

6.3 In addition to representation from the Adel association, 17 letters of comment were received; 12 of which are objections. Comments in summary are:

- Loss of a Greenfield site and harm to local character.
- Phase 2 site should not be used for development until either the land in Phase 1 or all previously developed sites have been developed.
- Lack of demand for family housing at the current time.
- The walling material should be natural stone and not brick.
- The proposal is out of character with sites setting; the properties are too tall; there is a lack of verges and space to the front of the properties; the Church Lane streetscene is a marked change from existing with a straight row of houses and garages that are cramped and too close to the highway; and, the garages serving plot 41 and 42 detract from the streetscene.
- Church Lane forms the boundary of the Conservation area and the existing houses along the west side of the Lane are set back, with grass verges. The proposal does not follow this pattern.
- Measures should be taken to preserve the trees and hedges on site. A band of trees should be introduced along the northern boundary to provide green buffer zones. Details should be required including positioning of various plantings, the sizes of various plants and, more especially, the depths of this buffer zone.
- The proposed link road to the northern field is unacceptable.

- The proposal will add traffic to an already congested area; furthering pollution and noise.
- The proposal would put pressure on transport, recreation, sport and community facilities in the area.
- There is no need for traffic calming measures
- The proposed development would result in a loss of amenity for existing residents and devalue their homes. In addition, the proposal would result in a loss of view.
- Construction will cause noise, dust and access issues for residents.
- The development should be built to high sustainable standards.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 Environment Agency: No objection subject to conditions.

Non-Statutory:

7.2 Highways: No objections in principle subject to a revised plan and conditions/S106 contributions attached to any subsequent planning permission.

7.3 Metro: No objection, subject to the provision of the residential metro card scheme.

7.4 Travel Wise: The site is now less than 50 dwellings, which is the threshold for requiring a travel plan.

7.5 NGT: Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions" has a threshold of 50 units for residential dwellings. The proposed development is therefore too small to trigger a public transport contribution.

7.6 Land Contamination: No objection subject to conditions.

7.7 Mains Drainage: An initial objection that was resolved through additional information. Therefore, no objection subject to condition.

7.8 Yorkshire Water: An initial objection, which has now been resolved through additional information. Therefore, no objection.

7.9 Affordable Housing: There is a requirement for 7 affordable units, 3 for social rent and 4 for submarket, which are included in the proposals. The developer is offering 3 bed houses for affordable housing. Affordable housing units should normally represent a pro-rata mix of the units as a whole. However, there appears to be a greater need for 3 beds compared to 4 & 5 beds. Why is all the affordable housing located in one area of the site?

8.0 PLANNING POLICIES:

8.1 The development plan for Leeds comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007.

8.2 UDP (adopted July 2006)

- GP5: General Planning Considerations.
- N2/N4: Provision of Greenspace.
- N12: Urban Design.
- N13: Design of Urban Environment.
- H1: Provision For Completion of the Annual Average Housing Requirement Identified in The RSS.
- H3: Delivery of Housing Allocated Sites.
- H11/H12/H13: Affordable Housing.
- T2: Transport Infrastructure.
- T24: Parking Provision.
- BD5: General Amenity Issues.
- LD1: Landscape Schemes.

8.3 Supplementary Planning Guidance

- Adel Neighbourhood Design Statement 2006.
- Draft Adel Neighbourhood Design Statement 2011.
- Building for Tomorrow Today.

8.4 Government Guidance

- PPS1: Delivering sustainable development.
- PPS3: Housing.

9.0 **MAIN ISSUES:**

9.1 The following are the main issues for consideration:

- Principle of development
- Design, layout, scale and massing of the development
- Impact upon Conservation Area
- Highways
- Residential amenity (future residents and existing neighbours)
- Landscaping
- S106 package
- Other matters (drainage etc).

10.0 **APPRAISAL:**

Principle of Development:

10.1 The site is an allocated housing site (Phase 2) with an expectation within the UDPR that it would be developed between 2008 and 2012. The Inspector residing over the appeal considered that the 5-year supply of available housing land in the Leeds area fell demonstrably short. In addition, the Inspector did not believe that the release of the appeal site would have any marked effect on regeneration prospects. Given these factors, the Inspector concluded that this site being released for a residential development was acceptable in principle. Although this application is a Full application and does not strictly follow on from the appeal Outline permission it is considered that substantial weight is afforded to the fact the site benefits from Outline planning permission for residential development.

10.2 In relation to demand for family housing at the present time, this was raised by third parties at the appeal and so considered. At the Inquiry, it was determined that the site lies within an area of high need and demand and would likely deliver housing in

the next 5-years if approved. The Inspector dismissed the argument that there are other (existing) empty properties that are available within Leeds, saying that 'there will always be some vacancies during property transactions...[and] there is no evidence to suggest that the number of properties for sale or let in the vicinity is high.' (Appeal decision: APP/N4720/A/10/2119622).

Design, layout, scale and massing of the development:

- 10.3 The density of the scheme is considerably lower in terms of house numbers than the proposal discussed at appeal. The reduction in the number of units from 70 down to 45 has had considerable benefits for the design of the scheme. Since the appeal scheme was designed Planning Policy Statement 3 has been revised to remove minimum densities for new housing development. Secondly, the Leeds City Council affordable housing requirement has been reduced. Both of these changes provide the opportunity for a less intensive scheme that provides the space to produce a development that respects the character and appearance of the area.
- 10.4 The character of Adel can be defined as detached or semi-detached houses of generally 2 storeys high. In the main, the proposed development reflects this with some properties having bedrooms within the roofscape. The only exception is one terrace property to the south-western corner of the site. Due to its location, and position in relation to Otley Road, the proposed terrace will not be read as such in the streetscene.
- 10.5 In regards to massing, the proposed dwellings vary between 2 and 2.5 storeys. The properties immediately around the site are generally 2 storeys. As the highway (Holt Avenue) provides punctuation in the streetscene, it doesn't seem inappropriate that a number of the proposed dwellings are slightly higher. Furthermore, Adel is made up of small areas characterised by slightly different design to the next. Given that the difference won't be stark and the proposed development will not dominate, the proposed massing is considered acceptable.
- 10.6 The site is naturally undulating so the levels within the proposed development vary at different points. The Otley Road frontage is set down from the highway with the most extreme difference being approximately 1.25m. The majority of these properties are a sufficient distance from the highway so this levels distance won't be overly obviously. Furthermore, there is to be green edge along this frontage so the ground floor will be obscured anyway. However, the first floor will be clearly visible so more than rooftops will be seen from Otley Road. There is a similar situation with the Church Lane frontage, however, the level differences are marginal.
- 10.7 The frontages have been designed so they complement the local context. To the Otley Road and Church Lane frontages the existing green fringe is being retained and enhanced. This will assist in assimilating the development into the green edge of Adel. The properties fronting Holt Avenue have a reasonable separation distance between one another such that no over looking or loss of privacy is envisaged. This prevents the frontage being dominated and allows for dwellings of 2.5 storeys. The gable end of plot 41 fronts Holt Avenue. However, the property is proposed to be set in from the boundary edge and is to be softened with landscaping. Furthermore, on approach to Holt Avenue (from a City Centre direction) the whole of this property would be viewed (instead of just the gable) due to position of number 1 Holt Avenue. Free standing garages are part of these frontages, however, they are relatively attractive and in most cases are stepped

back from the dwelling. Those on the Church Lane frontage aren't but they are adequately screen by landscaping.

- 10.8 Since the application was submitted in December a number of minor amendments have been sought to improve the overall design. In relation to the layout, plots 15 and 16 have been rotated 90 degrees to improve the Otley Road frontage. With this alteration in place, all of the proposed properties front Otley Road in a traditional manor and there is no longer a garage directly on the boundary.
- 10.9 In the main, the properties are staggered from one another to provide a degree of interest in the streetscene. A number of the original house types were flawed with heads and cills missing from the rear (& some side) elevations. In addition to this, window styles change across the site varied. To ensure that there is a sense of place when visiting the development, it is critical that the design detail of the dwellings is consistent. For this reason, the house types were amended.
- 10.10 A key characteristic of much of the older original Adel area is a strong boundary wall condition. This context has been replicated in the form of small boundary walls within the 1960s development to the south of the site. Considering this, and the stone boundary walls to the east of Church Lane, the applicant was asked to revise the plan to include stone walls to the front of the proposed plots. Not every front garden has been enclosed with a stone boundary wall (600mm) as it was felt not to be appropriate in every incidence (the houses fronting the channel for example).
- 10.11 The applicant is proposing that the houses could either be built of an artificial stone or in a (rustic) brick option. Adel is characterised by a range of building materials and as such either of these options could be considered appropriate. However, the local residents have asked the developer if they would use an artificial stone called Old Heather Black. The applicant has agreed to this and officers have no objections to the use of artificial stone for the elevations of the houses.
- 10.12 The Adel Neighbourhood Design Statement (ANDS) encourages pre-application discussion between local residents and developers, which, as previously discussed, is a process the developer undertook last year. The recommendations within the ANDS goes on to say that a new development should respect the local context, provide affordable housing, provide strong boundary treatments, contribute to green space, and preserve trees. All of these criteria are met by the development.
- 10.13 The Adel Association are currently in the process of updating their Neighbourhood Design Statement. It is important to note that this document is in the draft stage and so may change considerably prior to adoption. However, in summery, the document comments that future residential development associated with this site should 'respect the setting of and views into and out of the Conservation Area'. As outlined in section 3 of this report, officer opinion is that the proposed development achieves this.

Impact upon Conservation Area:

- 10.14 The Adel Conservation Area was extended in November 2009, which brings the boundary to the opposite side of Church Lane from the application site. At the appeal the Inspector considered the impact that developing this site would have on the Conservation Area. He concluded that a '...layout and design that respects the setting of and views into and out of the Conservation Area...should have a neutral effect on the character and appearance of the Conservation Area and especially its setting.' (Appeal decision: APP/N4720/A/10/2119622).

- 10.15 The edge of the development in close proximity to the Conservation Area will be softened by the retention of the ancient hedge and the introduction of a native hedge and trees will near Holt Avenue. In addition to this, the proposed dwellings have been set back a reasonable distance from the highway. This distance does not mirror that of the other properties on Church Lane. However, the proposed dwellings being set slightly forward does not appear out of place as this frontage is separated by a highway from the other properties on Church Lane.
- 10.16 Plot 40 has a relatively large front garden with green boundaries to the north-east, south-east and south-west. This will assist with assimilating the property with the meadow and softened the views through the old gateway.
- 10.17 Given these factors, the proposal is considered well designed and sited and should preserve the setting of the adjacent Adel Conservation Area.

Highways:

- 10.18 During the pre-application discussions efforts were made to make certain that the correct visibility splays at junctions were met; emergency and refuse vehicles can access all areas of the site; and, refuse vehicles are not having to reverse great distances. Within the application process there has been a small number of alterations requested by the Highways Officer. The proposed layout has been amended in line with these comments and so does not raise any highway safety concerns.
- 10.19 The site can be accessed via new two junctions off Holt Avenue. In addition to this, pedestrians and cyclist can approach the development via links from Otley Road and Church Lane. To enable pedestrians and cyclist to cross the site from west to east (or vice-versa) there will be a footpath to the west of the POS that crosses over the channel at the northern most point. The layout provides for at least two parking spaces per dwelling.
- 10.20 The land beyond the turning head to north-west of the site is to be adopted highway and maintained as a grass verge; until such time an appropriate development comes forward for the land to the north. This land is protected area of search and is relatively large. Therefore, it is sensible to provide an appropriate route that could link the two developments should this land ever come forward for development.
- 10.21 In regards to traffic calming measures on Holt Avenue, there is one raised table proposed. This is located at the junction between Holt Avenue and the development to the south-west. The purpose of the raised table is to slow traffic down to a speed of no more than 20mph at this junction to avoid motorists colliding.
- 10.22 A travel plan was written for the previous planning application (09/04190/FU). As this proposal falls under the (50 units) threshold whereby the LPA can require a travel plan, the applicant has withdrawn it. However, the LPA has requested the provision of the residential metro card scheme and this has been agreed with the applicant.

Landscaping:

- 10.23 The Public Open Space proposed within the development was redesigned over the course of the pre-application discussions. It was considered important by officers

that it sits well within the development and can form a meaningful space that can be enjoyed as a visual amenity by the residents. To achieve this the southern end of the space has been enlarged and properties have been orientated so it can be appreciated visually and have a degree of natural surveillance. This has remained the same during the application process.

- 10.24 The landscape master plan illustrates a planted buffer to the northern boundary featuring existing vegetation and new planting. A mixed native hedge will form the garden boundary and gaps between existing trees will be planted with a native tree and shrub mix. This will reduce the visual impact of the development on the neighbouring Greenfield land in accordance with aims of policy N24. Elsewhere on the site, the majority of existing landscaping is to be retained. However, where trees/hedges are proposed to be lost they are to be replaced. This will provide a site that is relative green with frontages that are attractive and act as a buffer that will assist on assimilating the development into the local area.
- 10.25 The majority of the trees positioned along the northern boundary are protected by TPO. Originally the distances between a number of these trees and the proposed development were insufficient. The plots that caused the greatest concern were 16, 38, 39 and 41 and the pumping station. The insufficient distances would cause direct and indirect threats. Directly in that the roots would be damaged through the construction process and canopies will have to be trimmed back to facilitate the building phase. Indirectly in the sense a situation of conflict is being created which will eventually lead to the heavy pruning or even total removal of the trees. In addition to raising these concerns, the LPA requested additional information to ensure that the existing levels within the root protection areas (RPA) remain unchanged and that the drainage infrastructure will not be in these areas.
- 10.26 The revised layout plan details greater distance to the trees and garages removed from the RPA. Achieving bigger distances to the tree has also increased the amount of garden space that is not in shade, giving future residents a better quality of amenity space. The LPA is also confident that the development will not intrude on the RPAs. To preserve the tree associated with plot 41 through construction of the footpath, a hand dig only area has been identified. A full specification of this will be conditioned.

Residential Amenity:

- 10.27 The layout has been designed so the garden areas (other than those fronting the northern boundary) back onto one another. This provides future occupants with greater security and privacy. In relation to windows, the properties have been positioned so they will not be any significant overlooking from habitable rooms.
- 10.28 The proposed dwellings are a sufficient distance from existing residential properties so will not dominate or introduce overlooking. In relation to plot 12, the main habitable windows are facing Otley Road. The orientation of the sun and the distance to existing dwellings is such that the development will not introduce overshadowing.

S106 Package:

- 10.29 15% affordable housing is required, which equates to 3 units for social rent and 4 units for submarket. These are proposed to be three bed houses positioned to the south-western corner. This house type meets with a housing need in the area. Due to the scale of the development, the amount of affordable housing, and general size

of the other dwellings it was felt that they would fit better set together instead of pepper potting in this instance. Having the units scattered across the site would appear alien as there is not enough semi detached units to create a theme. Lastly, the Leeds Federated Housing Association (the Registered Social Landlord likely to take the units) has confirmed in writing that it supports the number of affordable homes, the tenure proposed, and the location.

- 10.30 Public open space is provided for on site and in addition there is a contribution (£21,522.28) for further off-site provision. There is also an off site contribution towards children's equipped play (£26,749.96).
- 10.31 Considering the scale and location of the application, the developer is also required to contribute towards secondary and primary education (£214,371.00).
- 10.32 The developer has also agreed to provide the Residential Metro Card scheme (£19,364.40) and a management company to maintained the landscaping across the site.

Other Matters:

- 10.33 The additional information supplied regarding drainage and flood management have satisfied the relevant consultees. Therefore, the proposed methods of drainage on and off site are considered acceptable. The amount of domestic foul water to be discharged to the public combined water sewer and the proposed point of discharge of foul water to the respective public sewer is also thought to be suitable. The details and sections provided have satisfied the Local Authority that the design has taken account of the watercourse, flood flows and the location of adjacent properties, taking account topography.
- 10.34 A local resident has commented that the proposal will result in a loss of view and disturbance from the construction process. The loss of a view is not considered a material planning consideration. Planning Inspectors have generally considered that construction noise and disturbance are of a temporary nature. However, it is possible to apply a condition to control the construction phase in relation to hours of building and delivery, suppression of mud, grit and dust etc which has been applied to this recommendation.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable and complies with the planning policies set out in the Leeds Unitary Development Plan Review (2006), supplementary planning guidance and national planning guidance. There are no other material planning considerations that outweigh this finding. The proposal is therefore recommended for approval.

Background Papers:

09/04190/FU

APP/N4720/A/10/2119622



Originator: Terry Moran

Tel: 0113 39 52110

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 01 March 2012

Subject: APPLICATION NUMBER 11/05337/FU – RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF FIRST FLOOR FROM PRIVATE MEMBERS POOL/SNOOKER CLUB TO FORM BAR (A4) AT 13A NORTH LANE, HEADINGLEY, LEEDS. LS6 3HG

APPLICANT

WD Bar Leeds Ltd

DATE VALID

23rd December 2011

TARGET DATE

13th March, 2012

Electoral Wards Affected:

Headingley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Grant permission subject to the following conditions.

1. Standard 3 year time limit.
2. Details of approved plans
3. The opening hours of the premises shall be restricted to 10.00 hours to 00.00 hours Mondays to Saturdays and 11.00 hours to 23.00 hours on Sundays (these hours are those permitted under the current alcohol and recorded music license)
4. The outside dining area shall not be used after 23:00 hours Mon-Sat or 22:00 hours Sundays.
5. The bar shall not be operated separately from the ground floor premises.
6. No consumption of alcohol outside the premises.

1. INTRODUCTION:

- 1.1. This application is brought before Members at the request of Ward Councillor Martin Hamilton on the grounds that the proposal would result in an unacceptable increase in the number of bars in the Headingley Town Centre.

2. PROPOSAL:

- 2.1. The proposal seeks to change the use of a Private Members' club at first floor level to a bar (A4), forming part of the existing bar to the ground floor.
- 2.2. The premises already operate as applied for and this application is therefore retrospective.

3. SITE AND SURROUNDINGS:

- 3.1. The Property is a commercial unit on two levels with a further mezzanine level within the first floor. The ground floor operates as a bar and restaurant and has recently been granted a Lawful Development Certificate for this use. For a number of years the premises operated as the Citrus Café Bar but has recently changed to the Voodoo Bar. The first floor is also fitted out and used as a bar and there is a mezzanine area used as a pool and snooker games area. The premises operate as a single bar on ground and upper floors and there is an outside drinking and dining area which forms part of a pedestrianised space which adjoins the side of the building.
- 3.2. The site is located within Headingley Town Centre and in a Secondary Shopping Frontage and is in Headingley Conservation Area.

4. RELEVANT PLANNING HISTORY:

- 4.1. Following a review of the Council's records the following planning history on the site is considered relevant:-
 - **11/04947/CLP:** Certificate of Lawful Use for use of first floor and mezzanine area as bar (Class A4). Refused 25/01/2012.
 - **11/04949/CLE:** Certificate of Lawful Use for bar/restaurant (ground floor only). Approved 25/01/2012.
 - **26/24/01/FU.** Change of use of shop to takeaway hot food shop and restaurant. Approved 26/01/2001
 - **26/269/99/FU:** Change of use of first floor offices to private members club – Approved subject to a condition which states that the premises shall not be used other than for private members pool/snooker club, nor any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

5. HISTORY OF NEGOTIATIONS:

- 5.1. There have been no negotiations or pre-application discussions prior to this application being submitted.

6. PUBLIC/LOCAL RESPONSE:

- 6.1. This application was advertised by Site Notice on 27/01/2012. 6 letters of representation have been received from local residents and other interested parties, which are all letters of objection including one from Ward Councillor Martin Hamilton. These representations refer to the cumulative impact of an additional bar in the vicinity which is likely to result in unacceptable levels of anti-social activity, noise and litter. Reference is also made to the City Council's cumulative impact policy although this is considered to be primarily a Licensing issue.

7. CONSULTATION RESPONSES:

NEIGHBOURHOODS AND HOUSING:

7.1. No objection to the current scheme.

ENTERTAINMENT LICENSING

7.2. The premises are licensed for the sale of alcohol and performance of recorded music on the ground floor, first floor and mezzanine levels.

7.3. There is no record of any complaints to either the Local Licensing Authority or Environmental Health relating to the current use.

8. PLANNING POLICIES:

8.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

8.2. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy S2 refers to the appropriateness of development within Defined Town Centres.
- Policy T2 seeks to avoid any harm or detriment to all users of the highway.
- Policy T7a states that all development must provide adequate and secure means of cycle storage.
- Policy T24 sets out specific criteria for parking provision.

Supplementary Planning Guidance

Headingley and Hyde Park Neighbourhood Design Statement 2010

National Guidance/Statements:

8.3. 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 relevant, including;

- PPS-1 – Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- PPS-4 Planning for Sustainable Economic Growth. This sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

9. MAIN ISSUES:

9.1. Having considered this application and representations, it is the considered view that the main issues in this case are:

- Impact on the vitality and viability of the Town Centre
- Impact on the living conditions of neighbouring residents

10. APPRAISAL:

Vitality and viability of the Town Centre:

10.1. The site is in a Secondary Shopping Frontage within the Headingley District Centre. As the proposal is at first floor level, however, there are no issues with regard to the potential loss of a retail unit within the Secondary frontage.

Intensification of use and residential amenity

10.2. Planning permission was granted in 1999 for use of the upper floor of the premises as a snooker/pool club. Conditions attached to this permission state that : -

The premises shall not be used other than for private members pool/snooker club, nor any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

And that:

The premises shall be for the sole use of members as set out in the applicants letter and proposal statement date stamped 19th July 1999 and no members of the public shall make use of the premises or be served alcohol at any time.

10.3. Despite these conditions it appears that the upper floors have been used as part of the public bar and restaurant use operating on the ground floor since 2004 and the drinks licence permits the premises to be used in this way.

10.4. A Lawful Development Certificate has recently been issued for the use of the ground floor premises as a bar (A4). The use of the ground floor as a bar is lawful because planning permission was granted for A3 use of the premises in 2001. At that time, the A3 Use Class comprised restaurants, bars and takeaways. There was no distinction in planning law between these uses. The applicant has been able to demonstrate that the ground floor was in use as a bar and restaurant in 2004 before the change to planning law occurring in 2005 which split restaurants, bars and takeaways into 3 separate classes, and the continuation of bar usage is therefore lawful.

10.5. The site faces onto North Lane in Headingley Town Centre in a commercial location which is well provided for with food and drink outlets and the Headingley Taps, a large pub, lies close by. There is however a street of terraced houses to the rear of the premises on Grunberg Road and there are residential properties above the neighbouring retail unit and on the opposite side of North Lane.

10.6. It is considered that the main issue here is whether the use of the premises as a single bar, as compared with the use of the ground floor as a bar and the upper floors as a separate club, would unacceptably impact on residential amenity to the extent that refusal of permission could be justified. It is considered that there is no basis on

which such an unacceptable impact on residential amenity could justifiably be claimed. This view is based on the context of the site being within a defined town centre location which has many food and drink outlets and high levels of activity in the evenings as a consequence. The main entrance to the bar is away from properties located on Grunberg Road and on the opposite side of the road from other residential units on the opposite side of North Lane which are all set back from the highway by at least 22 metres.

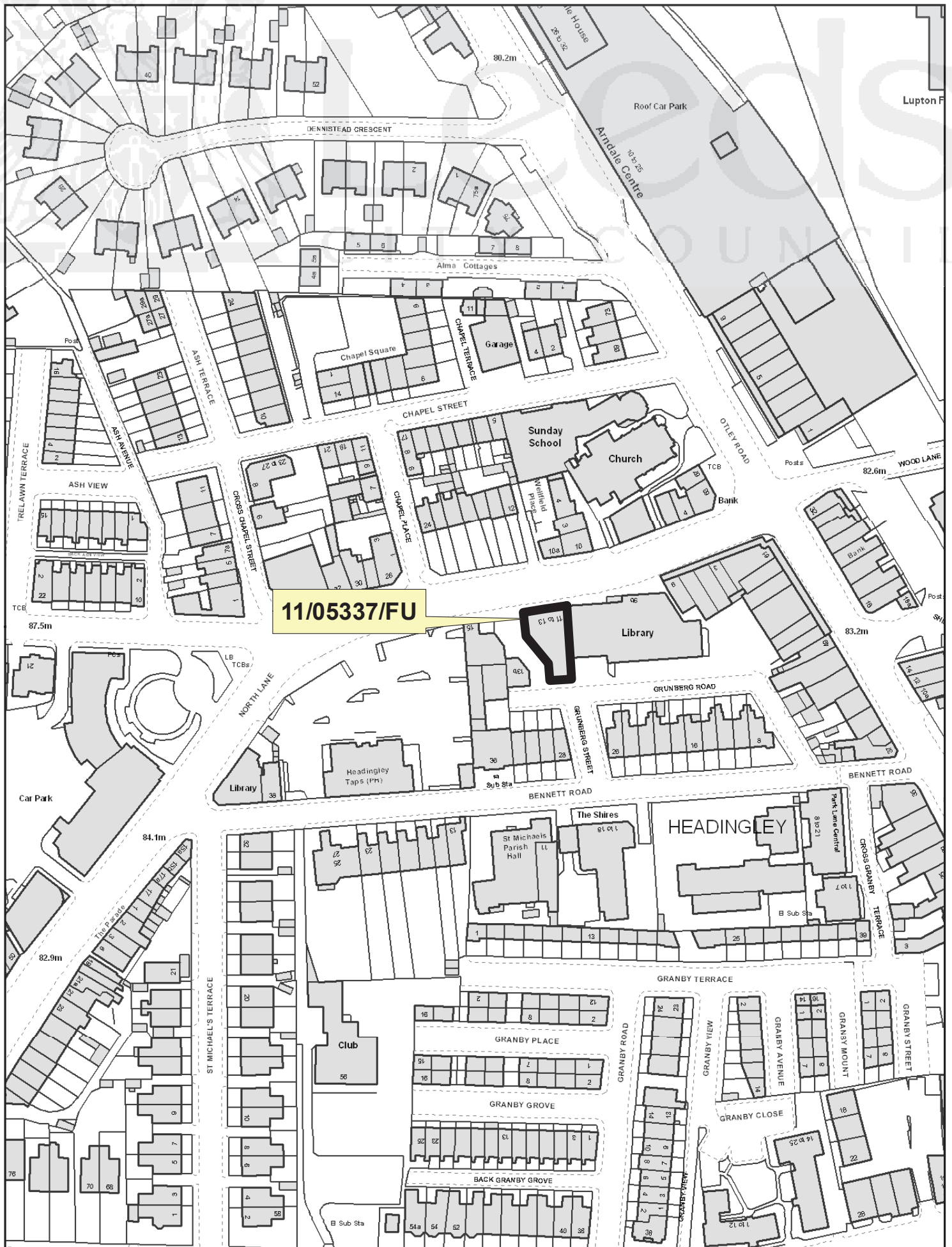
10.7. In addition the premises appear to have operated as a single bar/restaurant since 2004 and are currently licensed to operate as such without complaints being received.

11. CONCLUSION:

11.1. Officers consider that the proposed use of the premises as a bar is an acceptable use in this town centre location and that unacceptable impact on nearby residents occurring as a result of this proposal cannot be demonstrated. Approval is therefore recommended subject to the conditions outlined at the head of this report.

Background Papers:

Application and history files.



11/05337/FU

WEST PLANS PANEL



Originator: Mathias Franklin

Tel: 0113 24 77019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 01 March 2012

Subject: 11/05195/FU: Erection of two part 6 storey and part 7 storey blocks of 72 student cluster flats (300 bedrooms) with landscaping and car parking

Address: Servia Road, LS7 1NJ

APPLICANT	DATE VALID	TARGET DATE
Niche Homes Ltd	19.12.2011	19.03.2012

<p>Electoral Wards Affected:</p> <p>Hyde Park & Woodhouse</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

Defer and delegate approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 Agreement within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations

- **Public Transport Infrastructure Contributions £48,134**
- **Travel Plan Monitoring fee £2500**
- **On street parking restrictions £20,000 (if not required this to be spent on cycleway improvements between the site and Woodhouse Lane)**
- **Upgrading/repair of the existing steps up Servia Hill £?**
- **Off site greenspace contribution £136,975.78,**
- **Bus stop upgrade for Real Time Display £10,000.00**

All contributions to be index linked.

1. Standard 3 year time limit.
2. Details of approved plans
3. Samples of materials, walls, roof, windows, doors and surfacing
4. Car parking spaces to be laid out prior to first use

5. Details of bin, cycle and motorcycle storage to be approved prior to first occupation
6. 1:20 drawing detailing of windows
7. Tree protection measures including no change in ground levels in root protection area
8. Existing and proposed levels including cross sections in relation to regarded landscaping area
9. Landscape scheme and implementation
10. Replacement tree provision
11. Sustainability Statement to be provided prior to construction starting on site following the guidelines of the SPD '*Building for Tomorrow Today*' including BREEAM pre-assessment to achieve minimum 'Very Good', waste management strategy and assessment of what low and zero carbon technologies and carbon reduction targets will be achieved.
12. Construction and demolition and delivery hours restricted to 0730 to 1830 Monday to Friday and 0800 to 1330 hours on Saturdays only
13. Noise survey prior to commencement to protect future residents from noise emitted from traffic. The report should take into account the World Health Organisation Guidelines on Community Noise where the level in living rooms should not exceed 35dB(A) and the level for bedrooms should not exceed 30dB(A) between 23.00hrs and 07.00hrs.
14. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.
15. Off site highway works to be completed prior to first occupation
16. Site investigation works to be undertaken to confirm coal mining conditions prior to commencement of development and to provide recommendation for remedial works if required.
17. Land contamination conditions

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

UDPR Policies E7;H4;H15a;BD5;N2;N12;N13;GP5;T2;T7a;T24

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. INTRODUCTION:

- 1.1. This application is presented to the Plans Panel due to the size and scale of the development.

2. PROPOSAL:

- 2.1. The proposal involves the demolition of the existing commercial buildings on site and the erection of two part 6 and part 7 storey blocks comprising a total of 72 cluster flats, providing 300 bedrooms and laying out of landscaping and 37 car parking space.
- 2.2. The two blocks would be very similar in design and appearance. The blocks would be of a modern design with curved ends and articulated front elevations. The blocks

would have modern flat roof design. The blocks comprise 3 sections linked together but varying in height, rising towards the central block to create a 'stepped' effect.

2.3. External materials are red brick, white render and grey cladding. The windows are proposed to be timber framed. The windows would be 'punched holes' into the elevation. The windows are slim-line to provide vertical emphasis to the building.

3. SITE AND SURROUNDINGS:

3.1. The site is currently occupied by a vacant part 2 part 3 storey commercial building last used as an office. The site has an existing vehicular access which connects to Servia Road. To the rear of the site are located the existing Leodis student residences which are 7 storey high buildings. This development would form the fourth and final phase of the Leodis project. On the opposite side of the Servia Road to the development is located a terraced row of post war two storey housing. Either side of this terrace row is located an area of public open space. There is about an 8 metre level change across the site with the land levels rising steeply from the Cambridge Road end of the site up to Servia Hill. Along Servia Hill is a row of 2-3 storey commercial properties. There is also a group of mature trees located at the top of the site around the junction of Servia Road and Servia Hill.

4. RELEVANT PLANNING HISTORY:

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

- **26/467/01FU** Change of use of works to 14 cluster flats and erection of 41 cluster flats in three 6 storey blocks. Approved 2002
- **26/308/02/FU** 7 storey block of 27 cluster flats. Approved 2002
- **26/70/04/FU** 2 seven storey blocks comprising 42 cluster flats with 244 bed spaces. Approved 2004.

5. HISTORY OF NEGOTIATIONS:

5.1. There have been extensive pre-application discussions prior to this application being submitted. The design, size and height of the proposal has been reduced significantly from the original conception. The applicant also conducted a pre-application community consultation exhibition. This was publicised by a fairly extensive mail-shot to local households but the exhibition did not attract any visitors other than Ward Councillor Penny Ewans.

6. PUBLIC/LOCAL RESPONSE:

6.1. This application was advertised by Site Notice. There have been no representations received to the publicity of this application.

7. CONSULTATION RESPONSES:

7.1. Highways: No objection to the revised layout and support the S106 package.

- 7.2. Neighbourhoods and Housing: No objection subject to conditions to control construction and demolition.
- 7.3. Coal Authority: No objection subject to further site investigation conditions.
- 7.4. Metro: Request contribution towards upgrading of a local bus stop to provide Real Time Display.
- 7.5. NGT Co-ordinator: Requests a contribution towards the SPD Public Transport and Developer Contributions.

8. PLANNING POLICIES:

- 8.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

- 8.2. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

- Policy E7: refers to the need for developers to assess the loss of the employment use of the site against the remaining provision in the locality of employment land to ensure that adequate provision of employment land is retained across in the locality.
- Policy H4: refers to windfall housing development on unallocated sites.
- Policy H15a encourages cooperation between the Council and developers to provide purpose built housing outside of the Area of Housing Mix.
- Policy BD5 refers to new building design considerations
- Policy N2 relates to the need for major residential development to provide public open space either on site or off site via a planning contribution
- Policy N12 relates to design principles
- Policy N13 refers to urban design considerations
- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy T2 seeks to avoid any harm or detriment to all users of the highway.
- Policy T7a states that all development must provide adequate and secure means of cycle storage.
- Policy T24 sets out specific criteria for parking provision.

Supplementary Planning Guidance

SPG4: Greenspace and residential developments

Neighbourhoods for Living SPG

Travel Plan SPD (draft)

Street Design Guide SPD

Public Transport Infrastructure and Developer Contributions SPD

Building Tomorrow Today SPD

National Guidance/Statements:

- 8.3. 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 relevant, including;

- PPS-1 – Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- PPS3 – Housing. This PPS sets out the governments approach for delivering housing developments.
- PPS-4 Planning for Sustainable Economic Growth. This sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

9. MAIN ISSUES:

9.1. It is considered that the main issues in this case are:

- Principle of the development and loss of the existing employment use of the land
- Design and appearance, siting, scale and massing of the two blocks
- Impact on amenity of future occupiers and existing neighbours
- Highway safety, car parking and travel plan considerations
- Landscaping and tree retention
- Sustainability
- Section 106 package

10. APPRAISAL:

Principle of the development

10.1 Unitary Development Plan Policy Review policy E7 requires that the loss of employment land must be considered where other forms of development such as this are proposed on existing land in employment use. A supporting report includes an assessment of the supply and demand of sites across the district together with some data analysis to determine the 'years of supply' position in. Additionally, the report provides details of the 2008 marketing campaign for the site to be re-used for employment purposes and the lack of demand this suggested.

10.3 The most recent employment land assessment for this locality was undertaken in March 2010 for a site at Hill Top Works, just 430m to the east of Servia Road. This suggested that there would be sufficient employment land for 21 to 40 or 87 years with the inclusion of windfall sites. In short, the analysis suggests that there is an adequate supply of employment land and that refusal of this proposal could not be justified on the basis of the loss of the application site to employment usage.

10.5 The site is previously developed land and is located within the Main Urban Area in a sustainable location close to good public transport services and a range of amenities. Accordingly the site is considered suitable for redevelopment for residential accommodation and accords with the aims of policy H4 of the adopted UDP and PPS3 Housing. The creation of purpose built student accommodation outside of the Area of Housing Mix in locations that are close to the City Centre and the Universities is also in accordance with the aims of UDP policy H15a.

Design, appearance, scale and massing

10.6 The character of the area is defined as predominantly residential with some commercial premises. There is generally either low rise two storey post war housing

or high rise student residences in the locality. The application proposals would seek to add an additional 2 part 6 and part 7 storey blocks into the locality. The blocks would form part of the existing Leodis residence. It is not considered that these blocks would be out of scale or context given the existing built form of the area.

- 10.7 The proposed design and appearance of the blocks is considered acceptable. The design has responded to local context and character. The blocks will relate well to the existing Leodis residence in scale but the design and materials of the current scheme are considered superior. Materials are white render contrasting with red brick which gives a modern look whilst relating back to more traditional Leeds buildings. In addition these buildings are considered to respond well to the change in ground levels with the 'stepped' form of the blocks responding to the rising topography. In addition the use of curves on the end of the blocks also responds to this topography and helps to soften the building's edges.
- 10.8 The use of flat roofs for the blocks with a shadow line used to define the roof area from the main front elevation of the blocks is considered a positive design addition and an improvement over the earlier phases of Leodis.
- 10.9 The use of brick and render on different section of the building combined with the articulation of the elevations and the stepped form of the blocks combined with the clear roof form helps break up the scale and massing of the building and helps to make these buildings sit comfortably within the landscape. The area of open space in front and to the side of the application site is also important as these open spaces allow these tall buildings to sit well in this setting and it is envisaged they will not look out place or over dominate the area.

Impact on amenity of future occupiers and existing neighbours

- 10.10 The design, height and siting of these two blocks have been the result of extensive consideration and design workshops. From the earliest stage of discussion the relationship between the existing post war terrace row opposite the site on Servia Drive and the proposed blocks was a central to the acceptability of this scheme. The outcome of the workshops and negotiations was that the blocks were reduced in height and the separation distance from the blocks to the rear of the properties on Servia Drive was increased. At its closest point there is 26 metres separation distance between the rear of 2 Servia Drive and the curved corner of the lower block closest to Cambridge Road. In addition this at an oblique angle and as such it is not envisaged this relationship will result in any significant overlooking or serious loss of privacy. There is over 45 metres separation distance between the proposed block located on higher ground level closest to Servia Hill and the terrace row on Servia Drive. This distance is considered sufficient to ensure that no serious over looking or loss of privacy will occur as a result of this block being built.
- 10.11 The proposal is considered to afford the future occupiers of the blocks with a good level of amenity in terms of light, outlook and accessibility to public transport services and amenities.

Highway safety, car parking and travel plan considerations

- 10.12 The proposal is considered acceptable in relation to the on site car parking provision. The use of the existing access road is acceptable. The width of the access road is to be narrowed; as this is highway a S278 Agreement will be necessary. A small parcel of land will need to be closed as highway. The developers will maintain the strip of landscaping between the fence line and the back edge of

the new footway alignment. There are no highway objections to proposal subject to the conditions above and S106 obligations which have been agreed being delivered.

- 10.13 The submitted travel plan has been agreed with the Council's travel plan co-ordinator. The Travel Plan aims to reduce the potential of students needing to have a private car at the development by offering alternative travel options. As part of this travel plan it is agreed that if overspill car parking on surrounding streets is occurring as a result of this development then the developer will provide £20,000 towards the creation of Traffic Regulation Orders (TROs) in the locality to limit on-street car parking. Highway officers consider this contribution adequate to make the TROs should they be needed. If however the TROs are not needed or if there is money left after 2 years from first occupation then this contribution or the remaining balance can be spent by the Council on improving or creating cycle links from the development to the City Centre or Universities.
- 10.14 The approved Travel Plan will create a Travel Plan Co-ordinator who will be given a budget of £1000 per year to be spent on promoting sustainable travel options for the students. This could include providing free bus travel tickets or providing marketing material to educate students of public transport options in the locality.

Landscaping and retention of existing trees

- 10.15 The existing trees located on the site boundary surround Servia Hill and Servia Road are to be retained as part of this development. Tree protection conditions have been attached to ensure that any regarding of the slope within the site to accommodate the building does not result in the loss of these trees. The trees make a positive contribution to the street scene and the character of the local area. Additional tree planting is also proposed and conditioned. Overall the landscaping consideration of this application is acceptable.

Sustainability

- 10.16 This development will deliver on the aspiration of the adopted SPD Building Tomorrow Today by both delivering buildings that are both energy efficient and buildings which generate 10% of their energy needs on site from low carbon technologies. These buildings will achieve as a minimum BREEAM 'Very Good' rating and will through the use of Air Source Heat Pumps supplemented by Solar Panels for heating water pipes generate on site energy.

Section 106 Package

- 10.17 This development has complied with the requested policy contributions required from this development. The package is shown below. In addition to the required contributions the developer has committed to upgrading the existing pedestrian steps located on Servia Hill. This enhancement will improve connectivity to the City and will benefit future students and existing residents alike. The S106 contributions will be indexed linked. The contributions have been considered against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and are considered to meet with the three tests therein.

- S106 - Contribution (up to **£20,000.00**) toward TROs within 800m of the site should the need to implement TROs become apparent following occupation. Contribution to be used for installation of a cycle path if unspent following a period of 2 years after occupation, details of cycle path to be agreed with the LPA

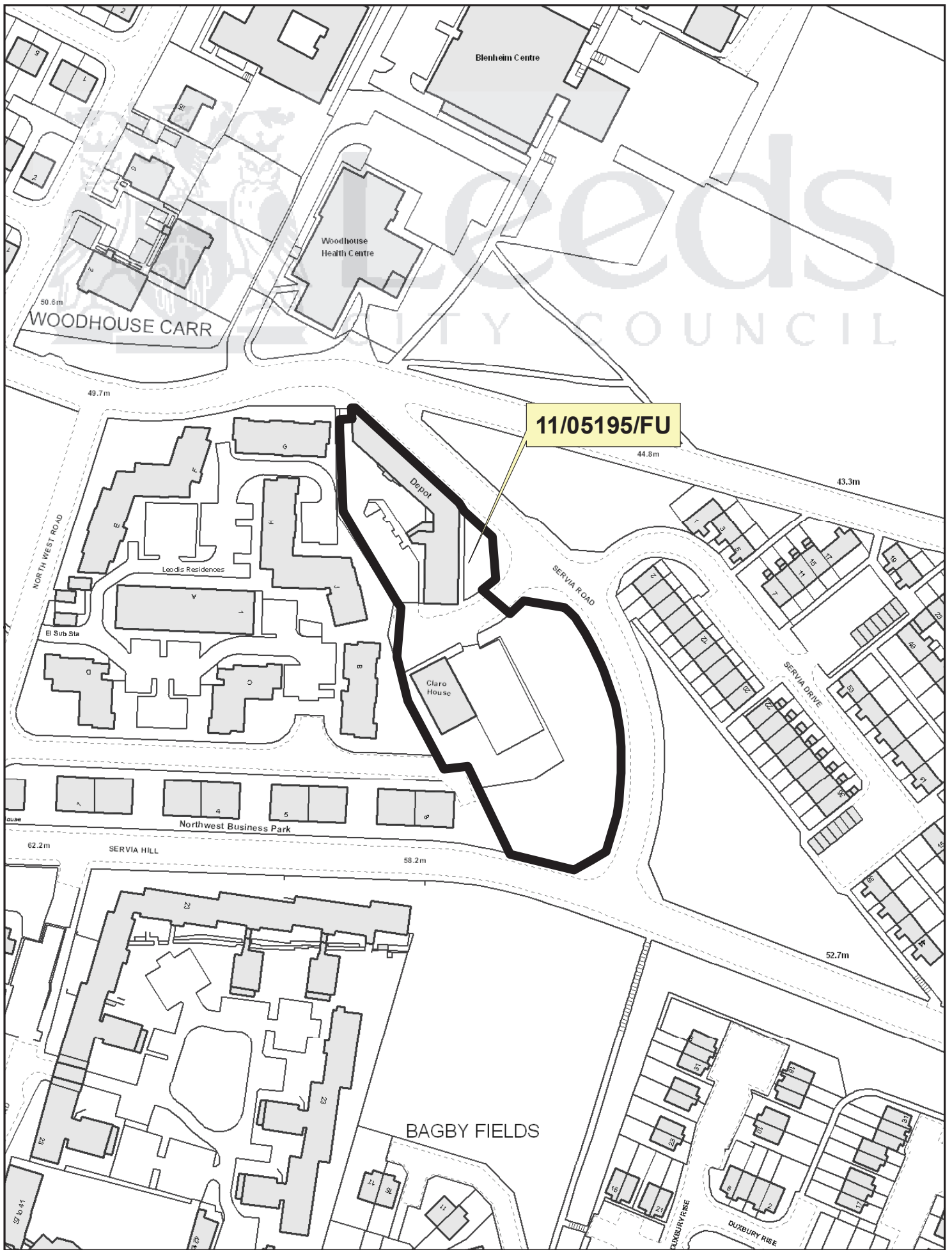
- S106 - Travel Plan monitoring fee **£2500.00**
- S106 - Public Transport Contribution **£48,134.00**
- S106 - Contribution **£10,000.00** to Metro 'live' bus information display at bus stop number 10454
- S106 - Improvements to steps (no costs available but works to be completed at developer expense)
- S106- Off site greenspace contribution **£136,975.78**

11. CONCLUSION:

11.1. Officers consider that the proposed development is in accordance with the aims and objectives of the Development Plan and complies with the relevant planning policies. The proposal is considered to be well designed and related to its neighbours. The proposed buildings will afford future student occupiers with a good level of amenity and excellent location near to the Universities. The Section 106 package will bring benefits to the locality. There are no other material planning considerations that outweigh this finding.

Background Papers:

Application and history files.



WEST PLANS PANEL



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