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**PLANS PANEL (EAST)**

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**Meeting to be held in Civic Hall Leeds on  
Thursday, 23rd February, 2012  
at 1.30 pm**

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**MEMBERSHIP**

**Councillors**

D Congreve  
(Chair)  
R Grahame  
P Gruen  
M Lyons  
C Macniven  
K Parker

R Pryke  
D Wilson

G Latty  
J Procter

R Finnigan

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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 Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the Plans Panel East meeting held on 26<sup>th</sup> January 2012</p> <p>(minutes attached)</p>	3 - 12
7	Kippax and Methley;		<p><b>APPLICATION 11/04310/FU - NINEVAH LANE ALLERTON BYWATER CASTLEFORD WF10 2EW</b></p> <p>To consider a report of the Chief Planning Officer on an application for use of land for siting of mobile home with associated works and retention of chicken shed, 2 single stables and dog pen</p> <p>(report attached)</p>	13 - 24
8	Morley North;		<p><b>APPLICATION 11/03006/FU - LAND TO THE REAR OF 5 BRADFORD ROAD GILDERSOME MORLEY LS27</b></p> <p>To consider a report of the Chief Planning Officer for change of use of and sub-division of barn and workshop to form 3 industrial starter units (B1 use)</p> <p>(report attached)</p>	25 - 34

Item No	Ward	Item Not Open		Page No
9	Chapel Allerton;		<p><b>APPLICATION 11/04387/FU - 42 HENCONNER LANE CHAPEL ALLERTON LS7</b></p> <p>To consider a report of the Chief Planning Officer on an application for a two storey side extension</p> <p>(report attached)</p>	35 - 42
10	Alwoodley;		<p><b>APPLICATION 11/05007/FU - OLD VILLAGE HALL VILLAGE ROAD ECCUP LS16</b></p> <p>To consider a report of the Chief Planning Officer on an application for detached double garage to rear</p> <p>(report attached)</p>	43 - 50
11	Morley South;		<p><b>APPLICATION 11/04636/FU - THORNFIELD COURT BRUNTCLIFFE ROAD MORLEY LS27</b></p> <p>To consider a report of the Chief Planning Officer on an application for change of use from B1 (office) to D1 (day nursery)</p> <p>(report attached)</p>	51 - 58
12	Wetherby;		<p><b>APPLICATION 11/05186/FU - 2 VICTORIA COURT WETHERBY LS22</b></p> <p>To consider a report of the Chief Planning Officer on an application for change of use of restaurant (A3) to form restaurant and takeaway (A3/A5)</p> <p>(report attached)</p>	59 - 68
13	Garforth and Swillington;		<p><b>APPLICATION 11/05227/FU - 30 BURNHAM ROAD GARFORTH LS25</b></p> <p>To consider a report of the Chief Planning Officer on an application for two storey and single storey side, front and rear extension; bay window and canopy to front and enlarged area of hardstanding to front</p> <p>(report attached)</p>	69 - 76



Item No	Ward	Item Not Open		Page No
14	City and Hunslet;		<p><b>APPLICATION 11/03705/FU - SKELTON GRANGE ROAD STOURTON LS10 - POSITION STATEMENT</b></p> <p>To consider a report of the Chief Planning Officer setting out the current position on an application for an energy recovery facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge</p> <p>(report attached)</p>	77 - 100
15	Temple Newsam;		<p><b>APPLICATION 11/02402/FU - UNIT 12 TEMPLE POINT AUSTHORPE LS15</b></p> <p>Further to minute 144 of the Plans Panel East meeting held on 5<sup>th</sup> January 2012 where Panel deferred consideration of an application for a residential development comprising 88 houses, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	101 - 122
16			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 22<sup>nd</sup> March 2012 at 1.30pm</p>	

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

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Angela M Bloor  
Tel: 0113 247 4754  
Fax: 0113 395 1599  
angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: ppe site visits  
Date 15<sup>th</sup> February 2012

Dear Councillor

**SITE VISITS – PLANS PANEL EAST – 23<sup>RD</sup> FEBRUARY 2012**

Prior to the meeting of the Plans Panel (East) on Thursday 23<sup>rd</sup> February 2012 the following site visits will take place:

10.20am		Depart Civic Hall
10.40am	Morley North	Land rear of 5 Bradford Road Gildersome – Change of use and sub-division of barn and workshop to form 3 industrial starter units (B1 use) – 11/030006/FU
11.00am	Morley South	Thornfield Court Bruntcliffe Road Morley - Change of use from B1 (office) to D1 (day nursery) - 11/04636/FU
11.30am	Chapel Allerton	42 Henconner Lane Chapel Allerton – Two storey side extension – 11/04387/FU
12.00 noon approx		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.20am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.15am**.

Yours sincerely

Angela M Bloor  
Governance Officer

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## Plans Panel (East)

Thursday, 26th January, 2012

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,  
P Gruen, G Latty, M Lyons, C Macniven,  
K Parker, J Procter, R Pryke and D Wilson

### **152 Chair's opening remarks**

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

The Chair stated that the first item to be discussed would be the pre-application presentation and following this, the order of the agenda would be resumed

### **153 Late Items**

There were no formal late items but Members were in receipt of the following additional information which had been circulated prior to the meeting:

Pre application presentation – Former Wholesale Market Cross Green LS9 – larger scale versions of the plans circulated with the agenda (minute 155 refers)

### **154 Declarations of Interest**

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

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillors Finnigan and Gruen declared personal interests through being members of the Executive Board where issues relating to the proposals had been discussed (minute 155 refers)

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillor Pryke declared personal interests through being a member of the Aire Valley Leeds Board and the Leeds Initiative Board on Regeneration where issues relating to the proposals had been discussed (minute 155 refers)

Application 11/0381/FU – 68 houses on land opposite Highcroft and Hillside Selby Road Garforth – Councillor Lyons declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 161 refers)

### **155 Preapp/10/005200 - Pre-application report - Recycling and Energy Recovery Facility - site of former Wholesale Market Newmarket Approach Cross Green LS9**

Draft minutes to be approved at the meeting  
to be held on Thursday, 23rd February, 2012

Plans, photographs and graphics were displayed at the meeting

Further to minute 137 of the Plans Panel East meeting held on 20th January 2011 where Panel received a presentation from the Environment Agency on the monitoring and permitting regulations associated with Energy from Waste (EfW) facilities, Members considered a report of the Chief Planning Officer on the anticipated submission of a planning application for such a facility, following the Council's entering into an agreement in November 2011 with Veolia Environmental Services (VES) concerning the design, construction, funding and operation of a waste management facility

Officers presented the report and outlined the proposals for a RERF – Recycling and Energy Recovery Facility - which would accept 180,000 tons of residual waste per annum and would have a front-end recycling facility to further increase the amount of recycling the Council achieved annually

The Panel then received a presentation from representatives of Veolia, the Council's Preferred Bidder for the development and operation of such a facility which would be located on a brownfield site at Newmarket Approach Cross Green LS9

Details were provided in respect of:

- the proposed solution to waste in Leeds
- the company
- the site and proposed design of the RERF
- the local environment
- planning timetable
- key issues including traffic and emissions
- local benefits and community engagement

Members questioned Veolia's representatives and Officers on a range of issues and received the following information:

- that Biffa, which had indicated an interest in providing a EFW facility in this area for commercial waste, had been involved at the early stages of the Council's procurement process for a waste facility for household waste, however Veolia had reached the point of the Council's Preferred Bidder after a lengthy and rigorous process. The Council's Waste Strategy and Policy Manager who was in attendance stated that due to the threat of escalating landfill costs, a solution to this had to be found and that it was not possible to rely on an application from Biffa which was yet to be submitted, to resolve the problems of dealing with the city's waste
- that 16 weeks was the usual timescale to consider an application and frame a recommendation, however it was felt this could take longer, with much depending on the responses from the Statutory Consultees. The Environmental Permit and the Planning Application would be submitted simultaneously in this case
- that the heights of the buildings were likely to be 42m for the main facility and 15m for the smaller building. The main facility would house the stack which was likely to be 75m high. The majority of the stack would be housed inside the main facility with just 33m of the stack being visible. In terms of visibility of the smaller building from the nearest residential properties, it was felt that the changes in land levels would mean it unlikely this could be seen

- that view points and most recent images of the proposals were likely to be available for the next round of consultation which was due to take place in March 2012; these would also indicate the position of cycle ways, green corridors and give details of the landscaping proposals
- regarding the ownership of the site, Veolia would occupy the site at a peppercorn rent, with the facility being paid for by the Council
- the number of groups contacted about the proposals, with Veolia confirming that more than the 15 groups referred to in the submitted report had been consulted and contacted
- that Veolia had appointed a communications company; that a website had been set up and that comments received would be taken into account, however it was stressed that it would be through the planning process that the application was finally determined
- that detailed car parking numbers would be provided in March 2012 but the desire was for the minimum number of spaces as sustainable travel would be encouraged, with a Green Travel Plan being provided as part of the planning application. As part of the Environmental Impact Assessment which would be required to accompany the planning application, a full transport assessment would be carried out. Members were informed that Veolia did not expect to use the rail network for the transportation of waste
- in terms of storage of waste at the facility, there would be the capacity to store up to 5 days waste inside the building, as set out in the procurement process
- that waste would be tipped inside the building and as there would be negative air pressure, nothing would be released into the air. All of the materials processed would be handled and stored undercover on site, with the bottom ash being kept separate from the other materials.
- the facility would be CHP (Combined Heat and Power) ready and that a heat user analysis would be provided which was expected to generate interest from possible heat users looking to use the energy provided by the facility
- in terms of capital spend, a significant element of this would be to overseas suppliers as there were relatively few suppliers of the necessary technology and these were not located in the United Kingdom, however in terms of labour and consumables, the intention was to resource these from within the UK. Local employment and training initiatives would form part of the planning application, with the facility creating approximately 300 construction jobs and around 45 permanent post construction with other indirect posts being created. The on-site jobs would vary but would include supervisory, technical and non-technical positions
- that the contact with Leeds would be different from the one operating in Sheffield which was an integrated contact, whereby Veolia also collected the waste
- the monitoring process and that nitrous oxide and sulphur dioxide would be monitored with the parameters for these being set out in the Environmental Permit

- that if approved, the RERF would be operating a highly efficient boiler and would meet the R1 criteria of Waste Management Directives
- that the majority of the waste would arrive at the facility directly from street collections
- that the images provided were an accurate representation of what would be built, if planning permission was granted, although there could be minor alterations which arose from the Environmental Impact Assessment
- health risks. Reference was made to the presentation by Veolia which stated the facility should not cause significant health risks, with concerns being raised over the word 'significant'. Members were informed that this was the wording of the Health Protection Agency which had been cautious. The Environment Agency was satisfied that such technology was safe but could not say there was zero risk
- the level of waste being imported, with Veolia explaining that the size of the plant had been decided upon taking into account future growth. As it was necessary for the plant to operate at optimum efficiency an element of commercial waste would be included. Members were informed that Veolia would guarantee that only 1% of waste coming into the plant would be from beyond the LCC boundary

Members commented on the following matters:

- the 'green' wall and that consideration should be given to siting this on the elevation which faced the residential properties rather than it facing the industrial landscape
- that sample materials should be provided
- that large-scale representations of the proposals should be provided which should also include visuals of the height of the building and stack and from a range of different directions, including from the nearest residential areas
- the need for more information on the S106 contributions and on the construction methodology, including mitigation measures in respect of noise and traffic
- further information on the amount of waste being taken from elsewhere and consideration of a condition in respect of this
- long-term use; the possibility that in time, with greater recycling levels the amount of waste being generated would reduce and free up capacity at the plant and how this would be taken up
- concerns about the height of the building and the stack and its impact on visual amenity

Councillor Grahame referred to documents prepared as part of the site selection process for the facility which he considered should be provided to Panel Members, together with information compiled by objectors relating to Veolia. It was agreed that this information be supplied initially to the Head of Planning Services and the Panel's Lead Officer

**RESOLVED** - To note the report, the presentation and the comments now made

## 156 Minutes



**RESOLVED** - That the minutes of the Plans Panel East meeting held on 5<sup>th</sup> January 2012 be approved

**157 Application 08/01118/FU - 5 Wind Turbines, monitoring mast and associated infrastructure at Hook Moor Near Micklefield - Appeal Decision**

Further to minute 103 of the Plans Panel East meeting held on 16<sup>th</sup> December 2010 where Members considered a report on the outcome of an appeal against refusal of a wind farm at Hook Moor, near Micklefield and sited in the Green Belt, the Panel considered a further report of the Chief Planning Officer setting out the Inspector's findings following a successful legal challenge by the applicant to the first appeal decision

The Panel noted that the most recent appeal had been allowed and that the Inspector had afforded considerable weight to renewable energy proposals, even when sited in the Green Belt and to the Council's Natural Resources and Waste Development Plan Document

Members commented on the following matters:

- the number of wind turbines in neighbouring areas which were no longer functional and that an analysis of this should be done to ascertain the number of turbines still in use
- recent reports which indicated that wind turbines were not as efficient as first thought and due to the large amounts of concrete which were needed as part of the construction process, were not environmentally friendly
- the need for the Council to present stronger arguments to the Inspector on these matters
- the global environmental impact of the manufacturing of wind turbines, particularly in China and the high cost of wind power, issues which should be taken into account when considering future applications for wind turbines

Officers referred to the reasons for refusal of the application which had been put forward and agreed by Members which along with issues relating to the Green Belt had cited reasons relating to impact on Radar from nearby RAF bases, raised by the Ministry of Defence. Following discussions between the MoD and the developers, a solution to mitigate against this perceived harm had been found, through the use of a Grampian condition, with Members being informed that within 5 years it would be necessary to discharge condition 6 of the permission which related to mitigation measures

**RESOLVED** - To note the report and the comments now made

**158 Application 11/01678/FU and 11/01679/ADV - Change of use of part of a market (A1 use) to betting office (A2 use) with shop front alterations - 95a Queen Street Morley - Appeal decision**

Further to minute 40 of the Plans Panel East meeting held on 14<sup>th</sup> July 2011 where Panel resolved to refuse an application for change of use of part of Morley Market to a betting office, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant

The Panel noted that the Inspector had allowed the appeal but that the costs application had been refused

Concerns were raised at the implications of the Inspector's decision on Morley Market

**RESOLVED** - To note the report

**159 Application 11/00235/FU - Retention of mobile home for temporary period on land to the rear of 1-3 Springfield Villas Gildersome Lane LS27**  
(Prior to consideration of this matter, Councillor Latty left the meeting)

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

Officers presented the report which sought retrospective permission for the retention of a mobile home for an unspecified temporary period on land designated as Green Belt at the rear of 1-3 Springfield Villas Gildersome

Having considered the application, Officers were recommending to Panel that it be refused, with possible reasons for refusal being included in the submitted report

The Panel heard representations from Mr Garbutt, the applicant's agent who attended the meeting

Questions were put to Mr Garbutt regarding the very special circumstances provided in this case to outweigh the harm to the Green Belt; alternative sites in the area and the reasons for the applicant moving from his previous site

**RESOLVED** - That the application be refused for the following reasons:

- 1 The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed new dwelling constitutes inappropriate development in the Green Belt following the advice of Planning Policy Guidance Note No 2(PPG2) the draft NPPF and Policy N33 of the Unitary Development Plan and would undermine the purpose and function of the Green Belt. The applicant has also failed to demonstrate any very special circumstances which could allow a departure from this adopted policy guidance. It therefore, is considered that the proposal is contrary to Policies N33 and H16 of the adopted Leeds Unitary Development Plan (Review 2006) and the guidance contained within PPG2
  
- 2 The Local Planning Authority considers that the proposed dwelling due to its size and siting would have a harmful impact on the openness of this Green Belt location, whilst also having a harmful impact on the visual amenity and rural character of this locality due to the design and facing materials proposed. It is therefore, considered that the proposal is contrary to the national planning policy guidance of PPG2 and Policies GP5, H16 and N13 of the adopted Leeds Unitary Development Plan (Review 2006)

**160 Application 11/04490/FU -Demolition of side extension and single storey front extension to bungalow and erection of 2 three bedroom bungalows - Halcyon, Parkway Gildersome LS27**

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

The Panel's Lead Officer presented the report which sought permission for demolition of extensions to existing bungalow and the erection of 2 three bedroom bungalows at Parkway, Gildersome LS27

In terms of amenity space and separation distances, the application complied with guidelines set out in PPS3. However in the distances set out in the Street Design Guide which cited a width of 3.3m for a private driveway, this could not be achieved for the full length of one of the proposed bungalows. Members were asked to consider whether this constituted overdevelopment on this site. If minded to approve the application, further conditions relating to ground levels and finished floor levels and the pegging out of the position of the proposed bungalows for approval were suggested

Receipt of a further letter of representation was reported

The Panel heard from the applicant's agent and an objector who attended the meeting

Members considered how to proceed

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; additional conditions requiring the submission of existing and proposed ground levels and finished floor levels and the position of the proposed bungalows to be pegged out for inspection of the LPA prior to commencement and subject to further negotiations between Officers and both parties and in the event of agreement not being reached regarding the siting of the bungalows, that the Chief Planning Officer be asked to submit a further report for determination of the application by Panel

### **161 Application 11/03814/FU - 68 houses on land opposite Highcroft and Hillside Selby Road Garforth LS25**

Further to minute 112 of the Plans Panel East meeting held on 3<sup>rd</sup> November 2011 where Panel considered a position statement for a residential development of 69 houses on land opposite Highcroft and Hillside, Selby Road Garforth LS25, Members considered the formal application which had been revised to now comprise 68 houses

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and outlined further amendments to the scheme which included:

- a change to the affordable housing types and that whilst not being pepper-potted around the site for technical reasons relating to land levels, these would be in a more central location than previously proposed
- provision of an access strip to enable Nos 11 and 20 Cliffe House Avenue to maintain their existing hedges
- 3 storey properties to be located only off central spine road
- Improvements to green space and the enlargement of garden areas
- amount of render in the scheme reduced

In respect of affordable housing, 15% would be provided in line with the interim policy

Increased education contributions which now included provision for primary education would be provided. To take account of the reduced number of houses proposed, Members were informed that the green space contribution would be decreased slightly, with £97,157.76 being provided

Members were informed that Yorkshire Water was working on a flood alleviation scheme for the area and that the developer had agreed to make a contribution of £450,000 towards that

Officers reported the receipt of five additional letters of representation and corrected minor errors in the submitted report. If minded to approve the application, further conditions were suggested relating to drainage, including off-site works and obscure glazing where appropriate to bathroom/landing windows to gable ends

Members were informed that site preparation works had recently commenced on site and that a written apology had been sent to the LPA for this error

It was confirmed that Ward Members had been consulted on the scheme in detail following the presentation to Panel on 3<sup>rd</sup> November 2011 and that the proposed draft S106 Agreement would be discussed with them prior to it being signed off

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- the possibility of negotiating an increase to the level of affordable housing to be provided
- flooding issues; the need for a Flood Risk Management Officer to attend Panel when issues relating to flooding were being discussed and the role of Yorkshire Water in this matter in view of the Environment Agency being the monitoring authority
- the level of public consultation on the proposals with concerns this could have been more extensive and included flooding issues in view of previous difficulties experienced around the Ninelands area of Garforth
- the need for the affordable housing on site to meet the Homes and Communities Agency (HCA) minimum standards in view of a recent Scrutiny Inquiry which had revealed that some affordable homes in the city had not been built to the minimum standards meaning they could not be taken on by Social Landlords
- the need for the S106 contributions to be paid on commencement on site
- that the increased education contributions secured from the developer were welcomed

The Panel considered how to proceed

**RESOLVED** - That the application be granted in principle and that it be deferred and delegated to the Chief Planning Officer for final approval, subject to the conditions set out in the submitted report; additional conditions relating to:

- drainage including off-site works
- bathroom/landing windows to gable ends to be obscure glazed where appropriate
- affordable homes to be built in accordance with HCA standards
- S106 contributions to be paid on commencement of the works

further negotiations with local residents on flooding issues and the off-site works to be provided and the completion of a legal agreement to include the following obligations:

- 1 Affordable housing – 15% (of which 50% is to be Social Rented and 50% Sub-market)
- 2 Greenspace contribution of £97,157.76
- 3 Education contribution – Primary £201,117 – Secondary £121,821
- 4 Public transport improvements contribution - £79,016
- 5 A footway/cycleway link across Council land, between the site and Shaw Close
- 6 A Green Travel Plan and associated monitoring contribution of £2,500
- 7 A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane/A63 Selby Road junction
- 8 A contribution towards the funding of a Traffic Regulation Order to extend the 40 mph zone along Selby Road eastwards, beyond the garden centre
- 9 12 month Metro discount travel cards to be provided to the occupants of the dwellings
- 10 Scheme to employ local people in the construction of the development
- 11 Agreement to the early delivery of housing on site (starting in 2012)

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

(During consideration of this matter Councillor Gruen and Councillor Parker left the meeting)

## **162 Application 11/00460/LA - Retrospective application for floodlighting and CCTV camera to car park - Community Youth Centre Middleton Road Belle Isle LS10**

Further to minute 145 of the Plans Panel East meeting held on 5<sup>th</sup> January where Panel resolved to defer determination of a retrospective application for floodlights and CCTV camera at the Youth Hub at Middleton Road Belle Isle LS10 for a site visit, Members considered a further report

Plans were displayed at the meeting. As requested, a site visit had taken place earlier that day which some Members had attended along with Officers, including the Council's Lighting Engineer

Officers presented the report and stated that a representative of Children's Services – the applicant – had agreed to the removal of the three lighting columns which had been switched off, if requested to do so by Panel

Whilst at the 5<sup>th</sup> January meeting, Members had requested all of the floodlights to be switched off until the application had been determined, the Centre Manager had declined to do so in the interests of health and safety. If minded to approve the application, the lights could be turned off 15 minutes earlier than currently – at 21.30

Members discussed the application and commented on the following matters:

- the costs of removing the 3 lighting columns and whether ensuring these were permanently switched off might be more appropriate
- the view of some residents that greater problems of light pollution were being experienced from the lights on the building, but that this was an issue outside of the application before Panel
- that the situation should be monitored

- that the switch off time for the lights should remain at 21.45

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report with the exception of condition 4 (removal of redundant lighting columns) which Panel resolved was not necessary

**163 Date and time of next meeting**

Thursday 23<sup>rd</sup> February 2012 at 1.30pm in the Civic Hall Leeds



Originator: Andrew Crates

Tel: 0113 247 8000

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 23<sup>rd</sup> February 2012

**Subject: Application 11/04310/FU - Retrospective use of land for siting of mobile homes with associated works and retention of chicken shed, 2 single stables and a dog pen at Caravan at The Stables, Ninevah Lane, Allerton Bywater, Leeds, WF10 2EW.**

#### **APPLICANT**

P Doran

#### **DATE VALID**

6<sup>th</sup> December 2011

#### **TARGET DATE**

31<sup>st</sup> January 2012

**Electoral Wards Affected:**  
Kippax and Methley

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 site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed mobile homes for residential occupation and associated infrastructure constitutes inappropriate development in the Green Belt in light of the guidance in Planning Policy Guidance Note 2 (PPG2), the draft NPPF and Policy N33 of the Unitary Development Plan and would undermine the purpose and function of the Green Belt. The applicant has also failed to demonstrate very special circumstances which could justify inappropriate development in the Green Belt. It therefore, is considered that the proposal is contrary to Policies N33 and H16 of the adopted Leeds Unitary Development Plan (Review 2006) and the guidance contained within PPG2.
2. The Local Planning Authority considers that the proposed mobile homes for residential occupation and associated infrastructure would, due to their size, siting and combined visual effect, have a harmful impact on the openness of this Green Belt location, whilst also having a harmful impact on the visual amenity and rural character of this edge of village locality due to the design and facing materials used. It is

therefore, considered that the proposal is contrary to the national planning policy guidance in PPG2 and Policies GP5, H16 and N13 of the adopted Leeds Unitary Development Plan (Review 2006).

3. The Local Planning Authority considers that the use of the land for the purposes of stationing caravans for human habitation intensifies the use of an access route that is unsuitable by reason of its narrow width, a tight bend with poor visibility and poor surfacing of the track between the bend and the site. The proposals are therefore considered to be contrary to Policies T2 and GP5 of the adopted Leeds Unitary Development Plan (Review 2006), national advice in PPG13 and 'Manual for Streets' and the Council's advice contained within the 'Street Design Guide'.

## **1.0 INTRODUCTION:**

- 1.1 The retrospective application is presented to Plans Panel due to the sensitivity of the proposal and the significant amount of interest it has generated.

## **2.0 PROPOSAL:**

- 2.1 This is a retrospective application for the use of land for the siting of mobile homes with associated works and the retention of a chicken shed, two single stables and a dog pen.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is relatively level and is accessed via an unmade road leading to Ninevah Lane, to the south. Ninevah Lane itself is hard surfaced and leads eastwards towards Leeds Road. The elements included in the description are present on site. The site itself is surrounded by 2 metre high timber fencing and a double gate of a similar height exists in the south east corner of the site. The site is located in an edge of village location, to the west of Allerton Bywater. Whilst the village itself has an urban character, the area to the west has a more rural character.
- 3.2 The site has historically been used as a smallholding and aerial photographs confirm this point and show a number of small agricultural structures on site. It is understood that historically there is likely to have been a dwelling on site, although this has long since been demolished. The site has re-vegetated over the passage of time and has otherwise been used for agricultural purposes. It is therefore considered that the site is a greenfield site within the Green Belt.
- 3.3 The area to the north of the site is predominantly residential. A number of dormer bungalows of mid C20th appearance are located on the south side of King Edward Avenue and the rear gardens of these properties benefit from views over the site, due to their slightly elevated position. Between these properties and the application site, a bridleway runs east to west along the line of a former railway line. The bridleway is at a lower level than the residential gardens and also the application site and is bounded by some low level vegetation. The area to the east of the site comprises an open field, currently used for grazing horses. The field is at a slightly lower level than the application site and the unmade section of road. To the east of this field lies further residential development in the vicinity of Leeds Road. The area to the south of the site comprises open land, with a small number of dwellings and the Ponderosa Kennels located along Ninevah Lane. Beyond this lies further open farmland and the River Aire. To the west of the site, beyond a narrow tree belt, lies an area of agricultural land and a small number of lakes – oxbow lakes associated with the River Aire, as well as lakes formed as part of the wetlands on the former St Aidan's Colliery site. Beyond the tree belt, a footpath exists which runs from north to south and connects into the bridleway described above.



#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 11/00755/UCU3 – Enforcement case - Use of land for the stationing of caravans for human habitation, laying out of hardstandings and construction of buildings and septic tank.
- 4.2 10/01265/USOC3 – Enforcement case (unrelated to the current application) – Siting of caravans and engineering works. One old touring caravan on land, not occupied. Complainant confirmed it had been on site for many years. Other works were permitted development or not development.
- 4.3 10/03982/FU - Detached stable block – Land north of The Bungalow, Ninevah Lane – Approved November 2010.
- 4.4 06/06384/FU - Erection of one block of 6 stables to vacant land – The Caravan, Ninevah Lane – Approved December 2006.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 As the development was carried out without the benefit of planning permission, enforcement action was pursued when the matter was brought to the Council's attention. A Temporary Stop Notice was served on 13<sup>th</sup> October 2011 to prevent more caravans being brought to the site and other works carried out. A planning application was submitted in October 2011, although it remained invalid until December 2011. As a Temporary Stop Notice only lasts for 28 days and it was considered that there was a continuing risk of the development intensifying an Enforcement Notice and Stop Notice were served on 10<sup>th</sup> November 2011. An appeal was lodged against the enforcement notice on 4<sup>th</sup> December 2011, which places the requirements of the enforcement notice in abeyance. The Enforcement Notice requires the cessation of the use of the land for the stationing of caravans for human habitation and associated motor vehicles within four months of the notice taking effect, to remove the structures on the land (including hardcore) and create a seedbed for grass within five months of the notice taking effect and to seed the entire area with grass in the first available planting season.
- 5.2 The appeal has been made on the following grounds:
- Ground A - that planning permission should be granted for what is alleged in the Notice.
  - Ground F – That the steps required to comply with the requirements are excessive and lesser steps would overcome the objections.
  - Ground G – That the time given to comply with the Notice is too short.

The appeal is to be heard by means of a Hearing in March 2012.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised as a departure that affects a public right of way. Six site notices were initially displayed, posted on 23<sup>rd</sup> December 2011. Following reports from the public that a number of the notices had been removed, a further eight site notices were displayed, posted 6<sup>th</sup> January 2012.
- 6.2 One letter of representation has been received from Cllr Keith Wakefield and Cllr James Lewis (both Kippax and Methley Ward) stating that they have been contacted by a large number of residents who are concerned about the application and Travellers using the site. It is noted that the site is very close to residential premises and numerous complaints have been received about noise from the generator and barking dogs.

- 6.3 A further letter of representation has been received from Cllr James Lewis, objecting to the application on the grounds that:
- The site is in Green Belt and therefore development should only be allowed in very special circumstances, a test that is not met in this case.
  - The unauthorised development is generating local amenity problems with noise from generators and dogs. The close proximity of residential properties on King Edward Avenue demonstrates the inappropriateness, given the loss of amenity.
  - The poor access down a long single track with no pavement is potentially dangerous and not suitable for the proposed use.
  - Residents have raised concerns regarding the lack of details for the storage and removal of rubbish, parking for vehicles other than domestic ones, boundary treatments and visual amenity for users of nearby footpaths.
- 6.4 One letter of representation has been received from Allerton Bywater Parish Council objecting to the proposals on the grounds that the site is within Green Belt and the requirements of the applicant are not considered to be exceptional. Reference is made to UDP policy regarding static caravans and also to the title deeds for the land which are considered to prohibit this type of development. Concerns are also raised about noise nuisance and the effect on the surrounding countryside, particularly the nature reserve on the former colliery site. Additional concerns are raised in relation to increased traffic on Ninevah Lane and it is noted that other developments have been refused due to highway implications.
- 6.5 One letter of representation has been received from Great and Little Preston Parish Council supporting the comments made by other local residents objecting to the proposals. Concerns are raised about noise, the effect on nearby properties and the effect on the recent environmental improvements to the area, including the St Aidans Nature Park.
- 6.6 Approximately 1266 letters of representation (some of which are standard letters) have been received from local residents stating objection on the grounds that:
- The proposals are on Green Belt land.
  - Enforcement action has been taken against unauthorised development in the Green Belt elsewhere in the local area and this applicant should be treated the same way.
  - The proposed development would, if allowed, create a precedent for other pockets of Green Belt land to be developed in a similar manner.
  - The proposed development is adjacent to residential properties.
  - The proposed development would attract other travellers into the area with their commercial vehicles and caravans and result in problems of anti-social behaviour.
  - The generator causes noise and disturbance to nearby properties. One letter reports that a larger generator has been brought on site and further fencing erected.
  - It is reported that another application nearby for a single house was previously refused as it would add traffic to Ninevah Lane.
  - The village has doubled in size in recent years with no real gain in services.
  - Concern is raised that there would be local animosity towards the applicant and it is considered that the Council should find an alternative site (this letter incorrectly assumes that the Council is landowner).
- 6.7 Two letters of support have been received from local residents noting the history of the site as a small holding. It is considered that the proposed use is a visual improvement on the previous situation and does not give rise to any highway issues

given that the use of this part of Ninevah Lane is less than it has been historically. It is also felt that it is much better for this family to be living here, rather than living at the side of the road. However, a condition is suggested to restrict the site to just this applicant and his family.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory**

- 7.1 Environment Agency: - Objection to the development as submitted because it involves the use of a non-mains foul drainage system, but an inadequate assessment of the risks of pollution to ground and surface waters has been provided. Further to the receipt of these comments, the applicant has provided further information which at the time of writing is being considered by the Environment Agency. A verbal update will be provided to Members on this point.

### **Non Statutory**

- 7.2 Highways: - It is considered that the use of the land for the stationing of caravans for human habitation would intensify a route that is unsuitable to be used as a means of pedestrian and vehicular access (including service and emergency vehicles) by reason of its narrow width over a length of approximately 275m, lack of pedestrian facilities over a significant part of this length, a tight bend with poor forward visibility (about 140m from the site entrance) and poor surfacing of the track between the bend and the site. Due to these constraints, the site would also not provide satisfactory waste collection/storage facilities for the caravans. Accordingly, the proposals would be contrary to Policies T2 and GP5 of the UDP and advice contained in the Street Design Guide, Manual for Streets and PPG13.
- 7.3 Environmental Protection Team: - The application site is situated in close proximity to residential properties on King Edward Avenue which have the potential to be affected by the intended use. Complaints have previously been received from the residents on King Edward Avenue about noise from barking dogs and the on site generator. Whilst there is potential for disturbance to nearby occupants from the application site, it is considered that an appropriate condition could otherwise be imposed in order to satisfactorily mitigate against any potential noise from the generator. It is also noted that the dogs have since been removed from the site.
- 7.4 Mains Drainage: - In keeping with the Council's Building Regulations and Minimum Development Control Standards for Flood Risk, soakaways should be investigated and used where practicable for the surface water disposal from this proposed site. Whilst the applicant has indicated that surface water will be discharged to the watercourse, it has previously been shown that soakaways were to be used for the surface water discharges from the approved stables. Details of the septic tank can be dealt with by the Building Inspector, although any overflow from the tank to the watercourse would require approval from the Environment Agency. Conditions are recommended requiring an investigation into the feasibility of infiltration drainage methods, attenuation to greenfield rates of 5l/s if infiltration is not feasible and a scheme of surface water drainage works.
- 7.5 Contaminated Land: - No objection, subject to the imposition of conditions to confirm that the made ground on which the development sits is suitable for use.

7.6 Public Rights of Way: - A claimed footpath abuts the site. However, it would appear that the development will not affect the claimed footpath and therefore no objection is raised.

## **8.0 PLANNING POLICIES:**

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.

8.2 Unitary Development Plan Policies:

GP5 General Amenity considerations

N32 Designated Green Belt

N33 Limited categories of development for which planning permission will be granted.

H16 Sites suitable for Travellers and Travelling Show people.

T2 Access and Highway safety.

8.3 The following national planning policy and advice is relevant:

PPS1 - Delivering Sustainable Development

PPG2 - Green Belts

PPG13 – Transport

Manual for Streets

Advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites and draft replacement guidance published for consultation by CLG in April 2011.

Draft NPPF.

8.4 The following local guidance is relevant:

Street Design Guide – Supplementary Planning Document (Adopted August 2009).

## **9.0 MAIN ISSUES**

9.1 1. Green Belt issues

2. Very Special Circumstances

3. Access and Highway Safety

4. Noise and disturbance

5. Drainage

## **10.0 APPRAISAL**

### Green Belt Issues

10.1 The site lies within the designated Green Belt and guidance within PPG2 provides that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It is considered that the use of land for the siting of mobile homes for residential occupation and associated infrastructure is inappropriate development within this Green Belt location as it fails to satisfy the criteria set out in paragraph 3.4 of PPG2. The proposed use and associated domestic activity causes significant harm to the open character of the area and represents an encroachment of development into the countryside. Whilst the site is located on the edge of Allerton Bywater, it is considered that this is a vulnerable piece of Green Belt and the proposed use would sever the open field between the site and the urban area from the surrounding countryside. The mobile homes introduce further buildings that by reason of their size and siting serve to erode the open character of the area and

appear as alien features within this rural edge of village setting. The siting and design of the mobile homes has little or no regard to the open and rural surrounds and as such appear out of place and harmful to the character and visual amenities of the area. The associated trappings of, and activity associated with, the domestic occupation also serves to adversely affect the open character of the area. The site is set in otherwise rural surrounds on the edge of the village of Allerton Bywater. The extent of built development, its form and visual appearance and associated activity, is incongruous in this open rural setting. Whilst it is noted that the applicant has suggested a condition to provide a hedge to the eastern boundary, it is not considered that this would satisfactorily overcome the level of harm to the Green Belt.

#### Very Special Circumstances

- 10.2 Having regard to the advice given in PPG2 and the development plan, the use for mobile homes is inappropriate development within the Green Belt. It should not be permitted unless very special circumstances exist and the harm to the purposes of Green Belt has to be significantly outweighed by other considerations. The onus rests with the applicant to demonstrate that such circumstances exist.
- 10.3 The applicant has submitted that the argued limited harm arising from the location and scale of development, the personal needs of the applicant and his family (The need for a settled home, personal health issues, access to education for children and the importance of extended families to Gypsy Traveller communities), the pressing, unmet needs for sites in Leeds and the failure of Policy are other considerations that constitute very special circumstances. The applicant argues that substantial weight should therefore be given to these considerations in determining whether the harm to Green Belt is outweighed.
- 10.4 The proposed development would also represent inappropriate development in the Green Belt according to the guidance contained in the draft NPPF and the draft NPPF maintains the requirement to demonstrate very special circumstances justifying inappropriate development in the Green Belt.
- 10.5 Circular 01/2006 ( Planning for Gypsy and Traveller Caravan Sites) paragraph 49 provides that new Gypsy and Traveller sites in the Green Belt are normally inappropriate development, as defined in Planning Policy Guidance 2: Green Belts (PPG2). National planning policy on Green Belts applies equally to applications for planning permission from gypsies and travellers, as well as the settled population. Alternatives should be explored before Green Belt locations are considered.
- 10.6 CLG published a consultation document on planning for Gypsy and Traveller sites in April 2011. The document reaffirms many of the principles set out in the current national guidance including not locating sites in high risk flood areas, locating sites where there is ready access to local services/facilities and promoting good relations between Gypsies and Travellers and the settled community. The document suggests that, to date, the perception across the country has been that planning applications for Gypsy and Traveller sites located on Green Belt land have been treated more favourably than those for other forms of housing. In future, the government wants to see a re-balancing of this position whereby all housing related planning applications on Green Belt are treated the same way. The consultation document confirms that Gypsy and Traveller sites should ideally be located on brownfield sites. In this case, the applicant has not demonstrated that there are no other sites outside of the Green Belt, that are suitable or available.
- 10.7 The submitted Design and Access Statement states that the land was bought by the applicant in late 2010 and has been occupied since December 2010. Consent is



sought to station two mobile homes and one touring caravan on the land for residential occupation, together with associated sheds and kennels. The applicant is a Gypsy who has spent most of his life travelling in the Leeds area. His grandmother resided at the Cottingley Springs Caravan site until her death 4 years ago. The applicant has stated that he could not reside at Cottingley Springs due to disputes with other families there, although no supporting evidence has been submitted. Following a request for evidence, the agent acting on behalf of the applicant has pointed out that there was no Police involvement in the dispute and therefore a lack of records, which is not an unusual situation in Traveller communities.

10.8 There is evidence of an unmet need for Gypsy and Traveller sites, both regionally and locally. For example, whilst it does not represent the definitive position on the current or future situation, the West Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA) suggests a regional requirement for 124 extra pitches in the period 2008-2015, with the figure for Leeds being 48 residential pitches and 11 transit pitches. Currently, within the Council's area there are no authorised private sites. Circular 01/06 provides that Councils must address the accommodation needs of both Travellers and Gypsies. The Core Strategy of the Local Development Framework (LDF) which has undergone initial consultation will set out the local policy framework for locating Gypsy and Traveller sites and further consultation is ongoing. Work is in progress on the Site Allocations Development Plan Document (DPD) with an estimated date for its adoption in 2013. Essentially the situation is that there is a clear unmet need for sites and the identification of such sites through the DPD is some years away.

10.9 Whilst it is accepted that there is an 'unmet need' for alternative Traveller sites, no substantial evidence has been submitted that justifies setting aside the presumption against inappropriate development in the Green Belt at this location and in light of the harm identified at paragraph 10.1 above. Policy H16 of the Unitary Development Plan states that the Council will continue to search for suitable sites for Travellers. Whilst it is acknowledged that there is a desire to live as an extended family in Leeds, (other members of the family include the applicant's wife who is indicated as living in Rochdale, their son and daughter who are both under the age of 2 and the applicant's mother who currently resides in Hatfield), no reason is given as to why other suitable sites which are not in Green Belt could not be utilised for this purpose. It is also acknowledged that the applicant has Type II Diabetes, confirmed by his Morley based doctor. It is noted that whilst he has been diagnosed and whilst he is registered with a doctors surgery, he has had limited contact with the surgery over the past two years. Whilst this is unfortunate and whilst there may be some benefits from being located on a settled site, again, no reason is given as to why other sites which are not in Green Belt could not fulfil this requirement. On balance, it is considered that the desire to live as an extended family and the applicants health condition, whilst important, are not so sufficient as other considerations to constitute very special circumstances that would outweigh the harm of the impact on the Green Belt.

#### Access and Highway safety

10.10 Highways officers consider that the use of the land for the stationing of mobile homes for human habitation would intensify a route that is unsuitable to be used as a means of pedestrian and vehicular access (including service and emergency vehicles) by reason of its narrow width over a length of approximately 275m, lack of pedestrian facilities over a significant part of this length, a tight bend with poor forward visibility (about 140m from the site entrance) and poor surfacing of the track between the bend and the site. Due to these constraints, the site would also not provide satisfactory waste collection/storage facilities for the caravans. Whilst reference is made to an arrangement with the occupiers of The Bungalow to leave refuse in a

turning head on Ninevah Lane, this is reliant on the goodwill of these occupiers and may not be a solution that can be relied upon in the future. Accordingly, the proposals would be contrary to Policies T2 and GP5 of the UDP and advice contained in the Street Design Guide, Manual for Streets and PPG13.

#### Noise and disturbance

- 10.11 The application site is situated in close proximity to residential properties on King Edward Avenue. Complaints have previously been received from residents on King Edward Avenue about noise from barking dogs and the on site generator. It is understood that the dogs have since been removed and so this issue has potentially been resolved in the short term. It is also understood that the applicant has made some modifications to the generator in order to mitigate against the noise impact. Whilst there is potential for disturbance to nearby occupants from the application site, it is considered that an appropriate condition could otherwise be imposed in order to satisfactorily mitigate against any potential noise from the generator. The applicant has also indicated that if permission were granted, the site is capable of being connected to the mains electricity supply, therefore negating the need for a generator. It is understood that the dogs have since been removed from the site, although, in any event, other legislation exists to deal with noise or nuisance caused by dogs.

#### Drainage

- 10.12 Whilst the proposals are acceptable to the Council's Flood Risk Management Team, subject to the imposition of conditions, there is currently an outstanding matter with regard to foul drainage and the objection from the Environment Agency. However, the applicant has provided further information and that is currently being considered and it is anticipated that there is a likelihood of the Environment Agency removing its objection. A verbal update will be provided to Members on this matter.

### **11.0 CONCLUSION**

- 11.1 It is considered that the use of the site for the siting of mobile homes is an inappropriate use in the Green Belt. The proposed use and associated domestic activity causes significant harm to the open character of the area and represents an encroachment of development into the countryside. Whilst the site is located on the edge of Allerton Bywater, it is considered that this is a vulnerable piece of Green Belt and the proposed use would sever the open field between the site and the urban area from the surrounding countryside. The site is set in otherwise rural surrounds on the edge of the village of Allerton Bywater. The extent of built development, its form and visual appearance and associated activity, is incongruous in this open rural setting. As such it causes harm to the character and visual amenities of the area. It is also considered that the proposed use will intensify the use of an access route that is unsuitable for this purpose. Access to the site is narrow, lacks pedestrian passing places, has poor visibility at a tight bend and makes inadequate provision for refuse storage and collection. Whilst noise complaints have been received regarding the use of a generator on site, it is considered that this matter could otherwise be dealt with by condition in order to prevent giving rise to noise and disturbance to nearby residents. It is also considered that drainage issues in relation to the site are capable of being dealt with by way of conditions. Nevertheless, in light of the extent of harm detailed above, the proposed use and associated works are recommended for refusal.

#### **Background Papers:**

Application file 11/04310/FU

Enforcement case 11/00755/UCU3

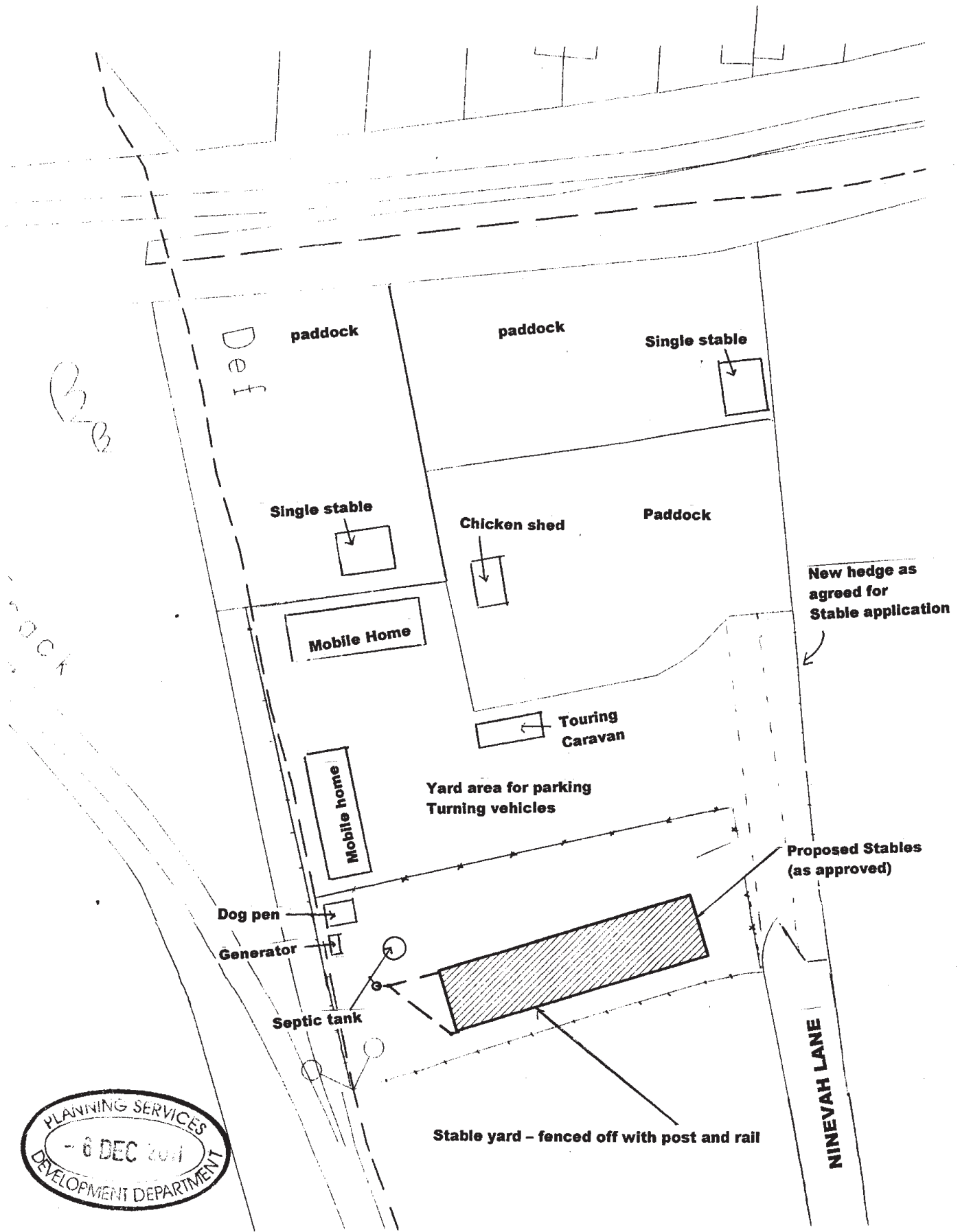
Application file 10/03982/FU

Enforcement case 10/01265/USOC3

Application file 06/06384/FU

**Certificate of ownership:**  
As signed by applicant.

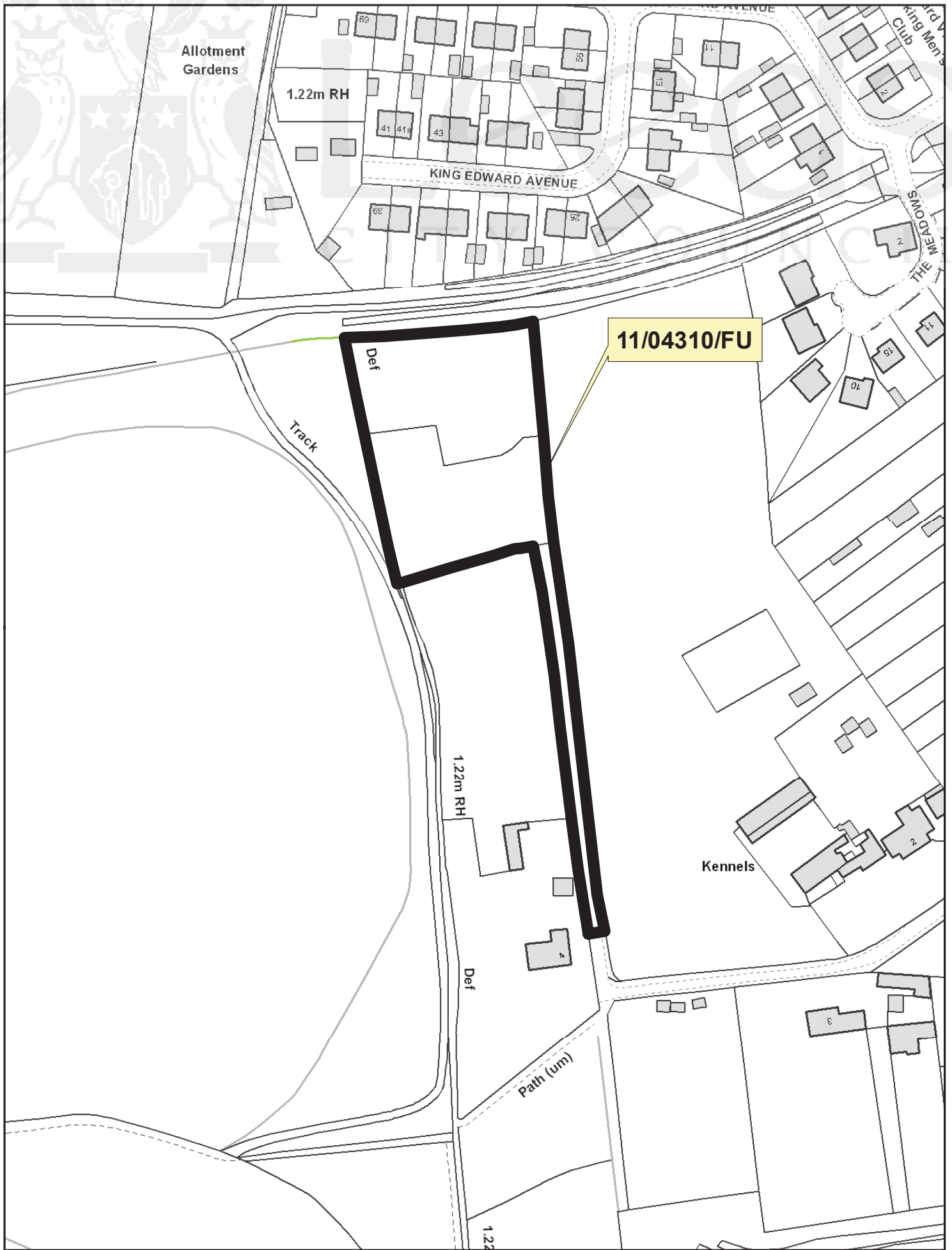




The Stables, Ninevah Lane, Allerton Bywater  
 Mr P Doran

PROPOSED SITE LAYOUT  
 Scale 1:500

Page 23



# EAST PLANS PANEL





Originator:  
Shameem Hussain  
Tel: 0113 2478024

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 23<sup>rd</sup> February 2011

**Subject : Application 11/003006/FU - Change of use of and sub-division of barn and workshop to form 3 industrial starter units (B1 use) on land at rear of 5 Bradford Road, Gildersome, Morley,**

**APPLICANT**  
Mr John Hall

**DATE VALID**  
27<sup>th</sup> July 2011

**TARGET DATE**  
21<sup>st</sup> September 2011

**Electoral Wards Affected:**  
Morley North

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. Time limit on full permission
2. Compliance with Approved Plans
3. Restricted operating hours from 08.00hrs to 1800hrs Monday to Friday and 08.00hrs to 13.00hrs on Saturday only. With no operating hours on Sunday and Bank Holidays.
4. Use restricted to industrial starter units only within Class B1(c) .
5. Details of scheme to protect neighbouring residents (Number 5 Bradford Rd) from noise and disturbance.
6. Details of machinery , hand tools and measures to prevent noise emissions to be submitted and agreed and maintained.
7. No development to commence until details of sound insulation scheme has been submitted and agreed by the Local Planning Authority.

8. No development to commence until details of storage and disposal of litter to be provided and agreed by the Local Planning Authority.
9. No development to commence until details of emissions to atmosphere have been submitted and agreed in writing by the Local Planning Authority.
10. Hours of delivery and refuse collection restricted to 08.00hrs to 18.00hrs Monday to Friday and 08.00hrs to 13.00hrs on Saturdays.
11. Area of site to be used by vehicles to be hard surfaced and sealed.
12. Lighting restrictions.
13. No waste materials to be burnt within the boundary of the site.
14. No external storage of plant, materials and or products shall take place on the site.
15. No activities of B1 use to take place outside of the buildings.
16. Drainage details to be submitted and agreed.
17. No development to commence until landscaping buffer details submitted are implemented.
18. Details of landscaping and maintenance scheme to be submitted.
19. Landscaping boundary treatment to be submitted and agreed to common boundary to number 5 Bradford Road.
20. No further development within the wider curtilage (withdrawal of permitted development rights).

**Reasons for approval:**

The proposed change of use of vacant buildings to industrial starter units subject to the above conditions is considered to be an appropriate use within the Green Belt. The nature and scale of the development are not considered to result in harm to the openness of the Green Belt. The landscaping buffer, restricted operating hours, along with lighting, service delivery and refuse collection restrictions protect the residential amenities of nearby residents. In light of these factors it is considered that the proposal meets the terms of policies GP5, N32 and N24 of the Leeds Unitary Development Plan Review (2006) and national guidance in Planning Policy Statement 2 –Green Belt PPS4 – Planning For Sustainable Economic Growth and PPS7 –Sustainable Development in Rural Areas.

**1.0 INTRODUCTION:**

- 1.1 The application is brought to East Plans Panel at the request of local ward Member Councillor Leadley requesting a Panel site visit, for Panel Members to view the effect of the proposal and highway access and activity on neighbouring residents. The site is located within the Green belt

**2.0 PROPOSAL:**

- 2.1 The application seeks planning permission to convert an existing barn within the Green Belt to two industrial starter units by subdividing the barn. Providing access to both units by introducing an additional personnel door and shutter door on the northern elevation. The third industrial unit is the conversion of the existing workshop building, using the existing access in the form of a steel finished door on the eastern elevation and a timber sliding roller shutter door on the southern elevation. The site is accessed from Bradford Road via a concrete surfaced way which also serves the adjacent electricity substation. The concrete hardstanding runs up to the front elevations of both the workshop and the

barn, with further hardstanding in the form of gravel laid out to the side of the barn and towards the rear. This existing gravel hardstanding also extends in an easterly direction which provides the surfacing for the white delivery vans turning area. A landscaping buffer of 5m width is proposed running in a north easterly direction, along with the existing 2400mm high conifer hedging along the common boundary to dwellings on Street Lane. Beyond the red line boundary is open land under the ownership of the applicant and also within the Green Belt.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The site is located on the north side of Bradford Road having a site area of 0.09ha having two existing agricultural buildings both built in a mixture of corrugated steel, blockwork, cement roofing, steelwork and timber. The site has an existing hardstanding area with 6 car parking spaces located behind the barn. Accessed by a narrow vehicular access from Bradford Road which is shared with the adjacent Electricity substation. Access to the site is via secure gates. The site is designated as Green Belt along with the existing area towards the north and east. Towards the east are the rear garden areas of properties along east View and Street Lane. Towards the south west are residential properties along Bradford Road with number 5 Bradford Road adjacent to the vehicular access road and the application site.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1	11/00800/EXT	Extension of time application 07/07504/FU for laying out of 8 Car parking spaces and erection of 2 polytunnels to form Nursery to vacant grass land. No decision. Application under consideration.
	10/03759/FU	Change of use of barn and workshop to business (use class B1) and storage distribution (use class B8) Refused 8 <sup>th</sup> October 2010. <ul style="list-style-type: none"> <li>• Inappropriate development within the Green Belt Involving intensification of use of the access and parking area leading to manoeuvring and turning of vehicles beyond the existing hardstanding impacting on the openness of the Green Belt.</li> <li>• Noise and disturbance to nearby residents.</li> <li>• Increased vehicular activity to detriment of pedestrian and highway safety.</li> </ul>
	07/07504/FU	Laying out of eight car parking spaces and erection of two Polytunnels to form nursery to vacant grass land. Approved 18 <sup>th</sup> February 2008 with temporary approval of the Polytunnels to be removed on 1 <sup>st</sup> March 2011.
	23/226/03/CLU	Certificate of lawfulness for use as storage and distribution. Refused 11 <sup>th</sup> June 2003.
	H23/385/74	Outline application to erect one detached bungalow to Vacant site . Refused 13 <sup>th</sup> January 1975.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Negotiations with highways to overcome the highway reason for refusal on application 10/03759/FU .
- 5.2 Evidence has been submitted in the form of Google Earth Maps dated 9<sup>th</sup> June 2006 and 30<sup>th</sup> May 2009 which shows the existing hardstanding implemented. This establishes the lawful extent of the hardstanding.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 Publicity advertised by site notices. Posted on site along Bradford Road and East View on 5<sup>th</sup> August 2011.
- 6.2 Local Representations received from the following 15 households :- Ms Kearsley, M and T Lakin , 10, 12 , 8, 2, 7, 9, 5,16, 23, 22, 20, 15, and 17 East View. Raising the following concerns :-
- On green belt Land
  - Highway concerns
  - Loss of Privacy to residents on East View
  - More units when there are plenty available already in close proximity.
  - Noise and disturbance from vehicular movements
  - Maintenance of land to rear of East view already a concern
  - Noise from industrial units.
  - Conifers on boundary in excess of 7ft high ,prevents light into gardens
  - Access to the site .

### Gildersome Parish Council

- 6.2 Following comments received :-  
Land is green belt and should not be used other than for agricultural use or Smallholdings and this change of use would result in a great deal of disruption and noise to nearby residents.

### Local Ward member

- 6.3 Request for site visit for Panel members to see effect on neighbouring residents.

## **7.0 CONSULTATIONS RESPONSES:**

### Highways

Scheme is acceptable in highway terms providing proposed alterations to the vehicular access where it joins Bradford Road should be carried out under the provisions of a Section 278 Agreement. The area to be used by vehicles to be fully laid out surfaced, drained and sealed so that water does not discharge or transfer onto the highway.

### Environmental Protection Team

Use of development will be limited to B1 starter units only . Therefore potential for disturbance to nearby residents is limited.

Recommend conditions to restrict operating, delivery and refuse vehicles

hours. Along with lighting restrictions and emissions to atmosphere.

## **8.0 PLANNING POLICIES:**

- 8.1 The development plan comprises the Regional Spatial Strategy to 2026(RSS) and the adopted Leeds Unitary Development Plan (Review 2006 ). The RSS was issued in May 2008 and includes a broad development strategy for the region , setting out regional priorities in terms of location and scale of development.
- 8.2 The site is designated in the UDP as Green Belt . The following policies are considered relevant:-  
GP5 General Planning considerations  
T2 Highway safety considerations  
N32 Green Belt designation  
N33 Restricted development in Green Belt  
GB4 Change of use of building in Green Belt  
N24 Landscape assimilation into open land beyond.
- 8.3 PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS4 Planning for Sustainable Economic Growth  
PPS7 Sustainable Development in Rural Areas.

## **9.0 MAIN ISSUES**

1. Principle and Green Belt
2. Economic Growth
3. Residential Amenities
4. Access and Highway
5. Representations received .

## **10.0 APPRAISAL**

### Principle and Green Belt

- 10.1 The site is located within the designated Green Belt under policy N32 of the adopted Unitary Development Plan.
- 10.2 An application for B1( light industrial ) use and B8 ( storage and distribution) has previously been refused on the grounds that both a business use and storage/distribution use would cause noise and disturbance to nearby residents and effect on the openness of the Green Belt.
- 10.3 The re-use of the buildings in the green belt is considered appropriate development as long as there is no greater impact on the openness. The proposal does not include substantial alterations to the existing buildings nor are extensions proposed. This application has overcome the previous reasons for refusal by establishing the lawful extent of the existing hardstanding. The vehicular activity does not therefore encroach beyond existing areas of



hardstanding. Re-use of buildings in the Green Belt maybe given approval if they satisfy all the detailed criteria of UDP policy GB4. In light of the above it is considered that the proposed use satisfies this criteria.

- 10.4 As both the barn and workshop have last been used as agricultural buildings a condition to remove permitted development rights for further buildings is recommended.
- 10.5 Policy N24 requires a landscaping scheme which assimilates the development into the open land beyond. A 5 metre wide landscaping buffer extends along the boundary of the site and satisfies the requirements of this policy . Relevant landscaping conditions are recommended to ensure this is achieved. The proposed B1 use is therefore not considered inappropriate and harmful to the character of the Green Belt.

#### Economic Growth

- 10.6 Planning Policy Statement 7 “ Sustainable Development in Rural Areas” encourages the diversification of the rural economy and the re–use of appropriately located and suitably constructed buildings. Along with Planning Policy Statement 4 “Planning for Sustainable Growth” which encourages the support of small scale appropriate businesses for economic growth. The grant of planning permission would be in line with these objectives.

#### Residential Amenities

- 10.7 The site is surrounded by residential properties along East View, with number 5 Bradford Road adjacent to the vehicular access and in close proximity to the barn and workshop. It is considered that the activities generated by the B1 use will be low key and can operate alongside residential properties. By definition (under the terms of the Use Classes Order) a B1 use is one that can be carried on in a residential area without detriment to residential amenity. The proposed change of use as part of this application is to use the existing barn and workshop as three industrial starter units ( B1 (c)) business use only. This light industrial use is considered acceptable to operate within residential areas. The site is enclosed by residential properties with number 5 Bradford Road adjacent to the site and in close proximity to the workshop and barn. It is considered that the proposed small scale nature of the B1 use could operate alongside residential properties providing conditions are imposed restricting operating, delivery and refuse collection hours. The landscaping scheme is extended to the rear of residential properties on East View to provide a buffer between the rear garden areas and the manouvering area for vehicles.

#### Access and Highway

- 10.8 There is sufficient room on the site to allow vehicles to enter and leave in a forward gear. Proposed alterations to the vehicular access where it joins Bradford Road improves the access. Accordingly, Highways have raised no objections. Relevant highway conditions are recommended.

#### Representations received

- 10.9 Local representations have been received from residents along East View. The above sections address in detail the concerns and issues raised by the



representations. The concerns raised by residents have been addressed by recommending conditions to protect their amenities. Industrial starter units are considered an acceptable use which can operate alongside residential properties

## **11.0 CONCLUSION**

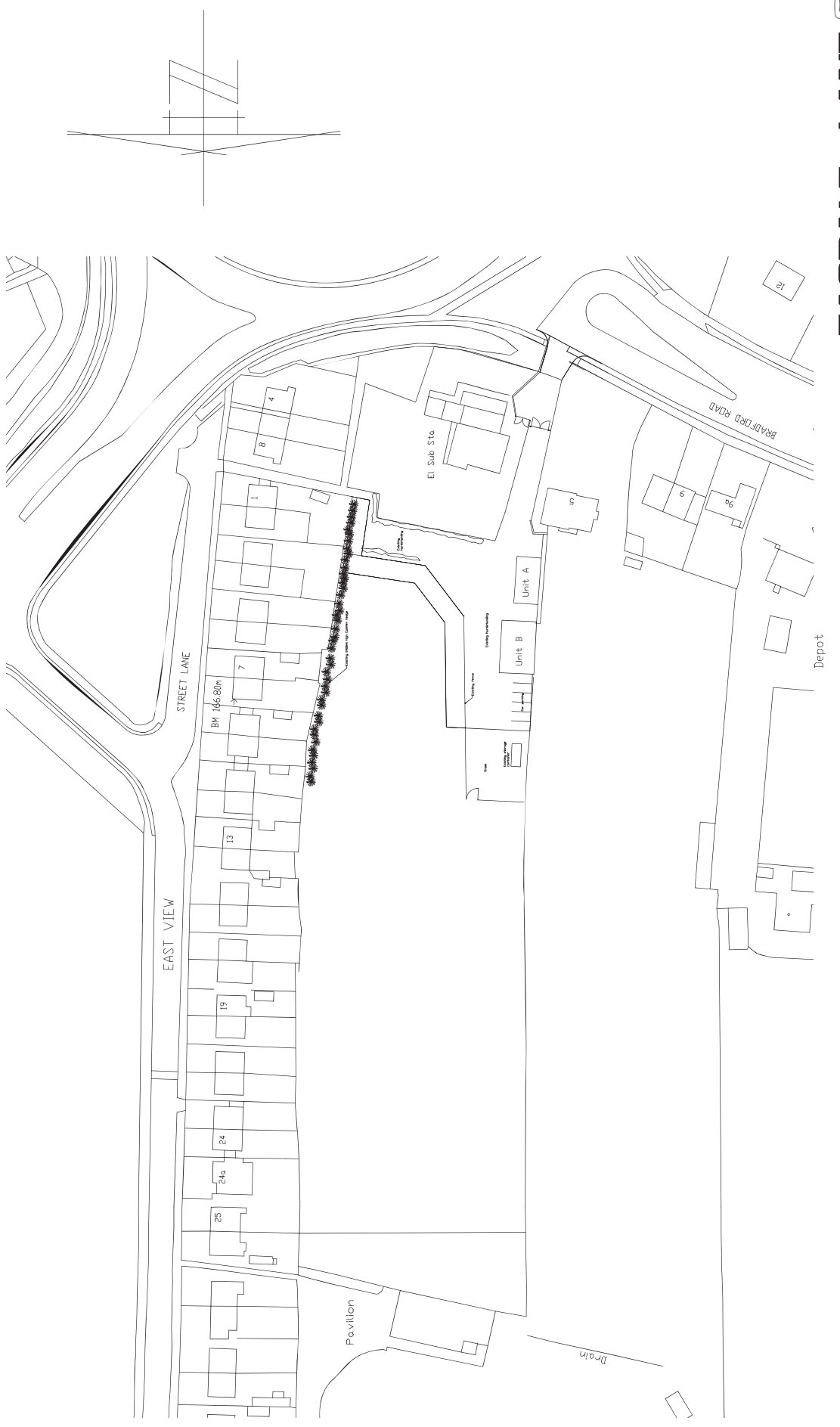
11.1 The application on balance is considered acceptable subject to the conditions recommended. The proposed brings into use redundant buildings within the green belt without harming the character of the green belt. The activity generated by the B1(c) use is considered low key and can operate alongside residential properties.

### **Background Papers:**

Application file 11/03006/FU

### **Certificate of ownership:**

As signed by applicant.



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CLIENT & PROJECT  
**JOHN HALL**  
**Premises at 5 Bradford Road Gildersome**

TITLE  
 Site layout

Scale  
 1:500

Drawn  
 J.H.B.

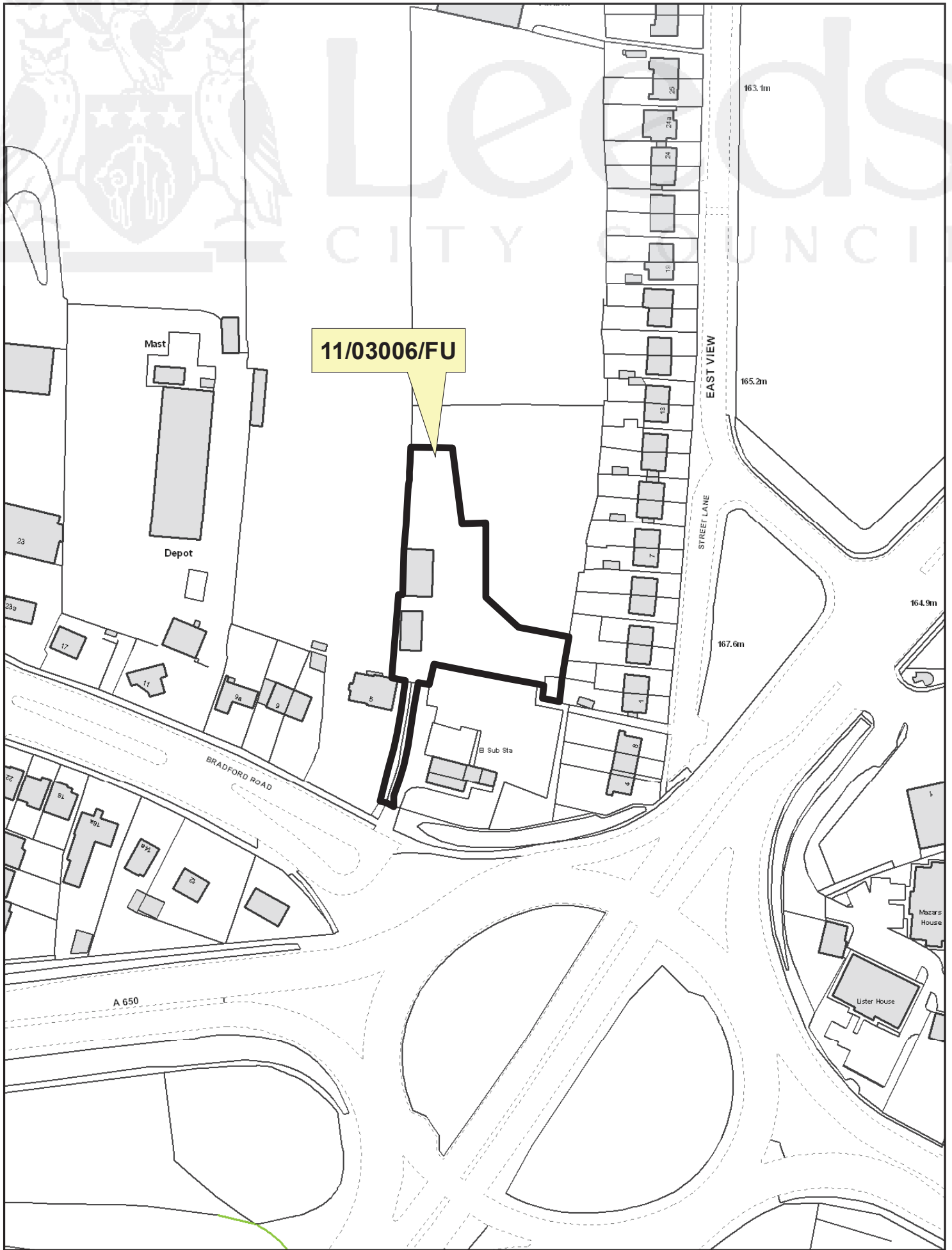
Date  
 20Jun11

Revision  

1	2	3	4	5	6	7	8	9	10
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JHRADING No.  
 2008/1C

Rev. C - Existing landscaping details added 21/4/2011  
 Rev. B - Turning path indicated, car parking revised 17/2/2011  
 Rev. A - Parking and turning areas amended, building B subdivided 16/2/2011



# EAST PLANS PANEL

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Originator: Sarah Woodham  
Tel: 2224409

## Report of the Chief Planning Officer

### PLANS PANEL EAST

Date: 23 February 2012

Subject: Application 11/04387/FU – Two storey side extension at 42 Henconner Lane Chapel Allerton LS7 3NX

#### APPLICANT

Mrs B Kaur

#### DATE VALID

17 October 2011

#### TARGET DATE

12 December 2011

#### Electoral Wards Affected:

Chapel Allerton

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 consider the two storey side extension to be unacceptable by reason of its scale and form representing an overdevelopment of the built form on this semi detached property with consequential impact on the amount and quality of private amenity space for the occupants of this extended dwelling. The extension is therefore contrary to Policy GP5 Leeds Unitary Development Plan (Review) 2006 and contrary to advice contained within SPG13 - 'Neighbourhoods for Living'

#### INTRODUCTION:

- 1.1 This application is brought before Plans Panel East following a request from Councillor Rafique. He considers that due to the applicant's circumstances and the letters of support from local residents that the application should be determined by Plans Panel.

#### 2.0 PROPOSAL:

- 2.1 The planning application relates to the erection of a two storey side extension. It will measure 3.1metres wide and 8.4 metres in length. The first floor will be set back from the front wall of the house by 1 metre. The eaves height will match the rest of the house and the proposed hipped roof will be set lower than the original roof by

0.35 metres. The extension is proposed to be constructed in materials to match the rest of the house. It proposes a lounge and utility room on the ground floor and a bedroom, en suite and enlarged bathroom on the first floor.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The application site is an extended semi-detached dwelling. It is located on a corner plot of land and is bounded on three sides by highways which are Henconner Lane, Zermatt Grove and School Lane. It has the benefit of a part two storey and part single storey rear extension and a detached garage. Within the plot there is an area of grass to the front and side and an area of hardstanding to the side accessed from the rear. The property is constructed of brick and render with a tile roof. There is a brick garage built up to the back edge of the footway, accessed also to the rear. The area is mixed residential in character. There are semi detached houses, terraced houses and also larger detached houses in the immediate locality. The site is generally level and is located within Chapel Allerton Conservation Area.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 34/135/93 – single storey rear extension. Approved 14 July 1993  
34/65/04 - first floor rear extension. Approved 27 April 2004

4.2 PREAPP/10/00679 – two storey side extension. Advised not to submit application as would constitute overdevelopment of the site.

### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 None

### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Neighbour notification letters were sent out on 19 October 2011, a site notice was erected on 28 October 2011 and a newspaper advert was published 3 November 2011 advertising the development as affecting the character of the Conservation Area. One letter of objection has been received covering the following points:

1. Extension will encroach into area currently used for parking applicant's three cars. Without this space these cars would presumably park on the public highway which is already heavily trafficked.

Councillor Rafique supports the application as the applicant has an extended family and needs space to accommodate 3 grand children. Applicants have supporting neighbour letters.

Two support letters have been received from 38 and 40 Henconner Lane.

### **7.0 CONSULTATIONS RESPONSES:**

7.1 None

### **8.0 PLANNING POLICIES:**

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

8.2 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan (UDP) Review (2006). Planning proposals must be made in

accordance with the development plan unless material considerations indicate otherwise.

### 8.3 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

Policy GP5: Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

Policy BD6: Refers to the scale, form, materials and detailing of an extensions design in respect of the original building.

Policy N19: seeks to preserve and enhance areas designated as Conservation Areas, in order to ensure that not only does no detriment result from any form of built development but also that such development should seek to improve and enhance its setting wherever possible.

Policy BC7: Refers to the use of local materials in development

8.4 Leeds City Council Householder Design Guide (Draft) 2011: This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

8.5 The document is currently in a draft form for formal public consultation and will be used as a working document for development management purposes. It is intended that following public consultation it will be adopted as a Supplementary Planning Document within the within the Leeds Local Development Framework by the City Council. The following policies are relevant:

HDG1: All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over-dominance or overlooking will be strongly resisted.

8.6 Chapel Allerton Conservation Area Appraisal: The site lies within Character Area 4. This area is characterised by artisan terraced houses

8.7 Neighbourhoods for Living SPD

8.8 Planning Policy Statement 1: Delivering Sustainable Development: This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. PPS1 states:

Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

- 8.9 Planning Policy Statement 5 – Planning for the Historic Environment: The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

## 9.0 MAIN ISSUES

- Overdevelopment of the site
- Parking
- Impact on Conservation Area and visual amenity

## 10.0 APPRAISAL

### Overdevelopment

- 10.1 The dwelling already has the benefit of a part two storey and part single storey rear extension. There is a detached garage close up to the back of the extension which restricts access into the only private area of land at the rear. This is accessed by a gate along the back access road, Zermatt Grove and not from within the site. The proposal would be built on land which is presently partly hard surfaced and partly grassed. The land that would remain post extension would be the front garden, a strip down the side of the enlarged house of approx. 3.2m wide and two areas of hardstanding at the back. One of these would have to be used as parking for the cars associated with the house and the other is the small area behind the dining room that is only accessed via the back road. The house will not benefit from any private amenity space readily accessible to the occupants of the dwelling.
- 10.2 SPG 13 – ‘Neighbourhoods for Living’ suggests that private amenity space should equate to two thirds the floor space of the dwelling, expanded or otherwise. The dwelling currently has no private space and relies solely on the land to the side and front of the property. The increase in the size of the dwelling will only add to the reduction in the amenity of the occupiers of the house by removing a large portion of the side garden area. As such the proposal is considered to be detrimental to the residential amenity of the occupiers of the house and contrary to policy GP5 of the Leeds Unitary Development Plan and advice contained within ‘Neighbourhoods for Living’ SPD.

### Parking

- 10.3 The land available for parking will be compromised by the extension and it will make it less attractive for the occupiers to park within the remaining land at the rear. There will be an increased risk of vehicles parking on street, rather than negotiating the more compact residual area at the rear of the house. This was a matter of concern for the local resident who objected to the application.



### Conservation Area / Visual Amenity

- 10.3 The application site is Chapel Allerton Conservation Area, character area 4. This area is characterised by artisan terraced houses. However the application site is more modern semi-detached house and classed as a neutral structure within the conservation area. The scheme is for a two storey side extension which in itself is subservient to the main house. It uses matching materials and the fenestration is similar to that of the main house. It is considered that the extension does not detract from the character of the conservation area and maintains the neutrality of the application site.

### Others matters / Special Circumstances

- 10.4 It is accepted that the applicant has the need for additional space for her extended family however in extending the property as proposed it results in a dwelling with no useable private amenity space for the enlarged family to use. The personal circumstances of the applicant are not considered sufficient to override the concerns and therefore justify approval of this application.

### **11.0 CONCLUSION**

- 11.1 It is considered that although the extension will not have an adverse impact on the character of the Conservation area, the resulting enlarged dwelling will have no useable amenity space to the detriment of the residential amenity of the occupiers of the dwelling and should be refused.

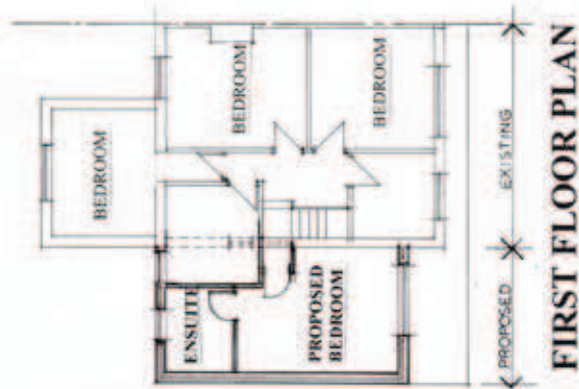
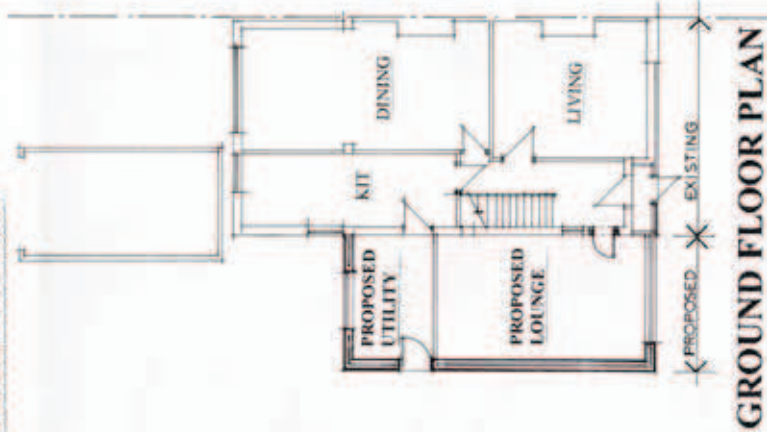
#### **Background Papers:**

Application and history files.  
Certificate of Ownership Mrs B Kaur

11/01/11



**REAR ELEVATION**



Please note these drawings are for Planning and Building Regulation purposes only

**NOTE:**  
The contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before works commence.

All drawings must be read with and checked against any structural or other specialist drawings provided. All works to comply with British Standards, Codes of Practice, current Building Regulations and cannot out to the satisfaction of Building Inspector. All materials to comply with the relevant British Standards.

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Client: <b>MRS B KALUR</b>
Project: <b>PROPOSED ALTERATIONS &amp; EXTENSION AT 42 HENCONNER LANE LEEDS LS7 3NX</b>
Drawing: <b>EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS</b>
Scale: 1:100
Date: OCT 2011
Drawing No: <b>1828/01</b>



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11/04387/FU

# EAST PLANS PANEL



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Originator: G Jones

Tel:0113 2475646

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 23rd February, 2012

Subject: APPLICATION 11/05007/FU – Detached double garage to rear.  
Old Village hall, Village Road, Eccup

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Mr M Hourigan	28.11.11	23.01.12

<p><b>Electoral Wards Affected:</b> Alwoodley</p>  <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></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:**  
**REFUSE PLANNING PERMISSION for the following reasons:**

1. The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed garage constitutes inappropriate development in the Green Belt as it represents a disproportionate addition to the host property (when considered with the newly converted and extended dwelling as constructed) which in light of the guidance in Planning Policy Guidance Note 2 , the draft NPPF , policy N33 of the Unitary Development Plan (Review) 2006 and policy HDG3 of the Draft Householder Design Guide (September 2011) would undermine the purposes and function of the Green Belt . The applicant has failed to demonstrate very special circumstances which could justify inappropriate development in the Green Belt. It is therefore considered that the proposal is contrary to policy N33 of the Leeds UDP, HDG3 of the Draft Householder Design Guide and guidance contained within PPG2.
  
2. The Local Planning Authority considers that the proposed detached garage by virtue of its size and siting will have a harmful impact on the openness of the Green Belt and Special Landscape Area, whilst also having a having a harmful impact on the visual amenity and rural character of the area. It is therefore considered that the proposal is contrary to policy guidance in PPG2 , policies N33 and N37 of the Leeds



## **INTRODUCTION:**

- .1 The application is reported to Panel for determination at the request of Councillor P Harrand as a compromise between Officers and the applicant's regarding the garage which could not be reached through negotiation

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks permission for a large detached double garage to be located in the south-east corner of this large plot. The garage is located within the approved residential curtilage of the dwelling to which it will relate. The garage is proposed to be approximately 4.35m high to the apex of its pitched roof and will have a footprint measuring 5.8m x 6m as shown on the submitted plans. The garage will provide space to park two standard sized domestic vehicles. The garage is to be finished in coursed stone work to all elevations. The storage space will be illuminated by two roof lights within the north facing roof plane. The roof is proposed to be in natural slate. The length of the garage and its height have been reduced when compared to the previously withdrawn application.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located in a rural location to the north of the main urban area of Leeds within the small scattered settlement of Eccup and consists of a detached converted dwelling set in good sized grounds. The house is of a unique design in an area characterised by a mixture of large bespoke detached dwellings set in substantial plots and structures and farm dwellings linked with agriculture.
- 3.2 The site is located within the Leeds Green Belt and the Harewood Special Landscape Area.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Application site:  
11/00601/FU - Detached double garage with storage over to rear at Old Village Hall, Village Road, Eccup, LS16 8AS (Withdrawn).  
08/06755/FU - Mount View Garage, Change of use and alterations including extensions of car repair garage to 1 three bedroom detached house (Approved Feb 2009). This is the original permission that brought the site into residential use.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The case officer met with the applicant and their planning consultant at the site to discuss a potential way forward both in relation to the previous proposal and this current scheme. The advice of the case officer was that the garage needed to be significantly reduced in size and located much closer to the property to have any chance of being considered acceptable in terms of Green Belt Policy. The applicant's and their agent did not wish to compromise on the location of the garage as it would affect their views from the dwelling. There was a willingness to compromise on the scale of the garage, but without this being accompanied with a change of location away from the open rear corner of the site this would not have addressed fully the case officer's concerns. On further consideration of the history, officers subsequently questioned the principle given the level of extended accommodation allowed at the time of the change of use application. (Ref 08/06755/FU).

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Alwoodley Parish Council – No comment.

6.2 One letter of support has been received from a neighbouring resident. The neighbour supports the application but asks that the council require the nearby existing tree and three hedge bushes be retained at their present height at least.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that the statutory Development Plan will continue to be the starting point in the consideration of planning applications for the development or use of land, unless material considerations indicate otherwise. The development plan comprises the Regional Spatial Strategy to 2026(RSS) and the adopted Leeds Unitary Development Plan (Review 2006 ). The RSS was issued in May 2008 and includes a broad development strategy for the region , setting out regional priorities in terms of location and scale of development. The following UDP policies are relevant:

- GP5: Gives advice in relation to new development stating that all new development should not have a detrimental impact on amenity.
- BD6: Gives advice in relation to extensions to residential properties which states that extensions should respect the scale, form, detailing and materials of the original building.
- N33: Except in very special circumstances approval will only be given in the Leeds Green Belt for: Limited extension, alteration or replacement of existing dwellings.
- N37: Development should not seriously harm the character and appearance of the landscape.

8.2 Draft Householder Design Guide (at consultation stage as of 19.09.11): Policy HDG3 seeks to put a limit on extensions to dwellings in the Green Belt of 30% of the original volume.

## **9.0 MAIN ISSUES**

- Green Belt
- Special Landscape Area
- Other Issues

## **10.0 APPRAISAL**

### Green Belt

10.1 The application site is located within the Green Belt. Policies concerning the Green Belt are contained within PPG2. Paragraph 3.1 of PPG2 states that there is a general presumption against inappropriate development within Green Belts and that such inappropriate development should not be approved except in very special circumstances. It goes on to state that very special circumstances “would not exist unless the harm... is clearly outweighed by any other considerations”. At paragraph 3.4 it states the “limited extension, alteration or replacement of existing dwellings” is not inappropriate. This is further expanded upon in paragraph 3.6 which states that “Provided that it does not result in disproportionate additions over and above the

size of the original building, the extension or alteration of dwellings is not inappropriate in the Green Belt”.

- 10.2 The UDP policy relating to domestic extensions in the Green Belt has been altered with Policy GB8 being removed in the 2006 Review. The removal of this policy and heavier reliance on PPG2 has in fact strengthened the approach of the Local Planning Authority to domestic extensions in the Green Belt, as the previous policy was open to be interpreted to allow extensions equal to the size of the existing dwelling. The position that the Local Planning Authority currently takes, based on the advice in PPG2 is that extensions to dwellings or buildings within their curtilage, singularly or cumulatively (from 1947 onwards), which exceed 50% of the total volume of the existing dwelling will be considered inappropriate and disproportionate as they cannot be reasonably considered to be limited extensions which are considered appropriate in the Green Belt.
- 10.3 The Draft Householder Design Guide seeks to reduce the volume limit further down to 30% in Policy HDG3. However this document is still at the consultation stage and therefore, given the history of negotiations, it has been given limited weight in the consideration of this application.
- 10.4 The level of extension permitted under the change of use application for the original dwelling on the site (ref 08/07655/FU) amounted to a 41% increase in footprint above the original building. The garage proposed adds a further 35 square metres to the footprint making the percentage increase by footprint in the region of 70%. Volume calculations were not undertaken in relation to the original application for a dwelling. Nevertheless it is clear that this proposal when considered cumulatively with the previous additional development allowed under the historical application, is considered to represent a disproportionate addition to the site and as such is inappropriate development in the Green Belt for which very special circumstances are required to justify development.

#### Very Special Circumstances

- 10.5 The applicants supporting statement advances arguments which they consider amounts to very special circumstances. The Local Planning Authority consider that these arguments are not sufficient to set aside policy. They identify three key points as follows:
1. Scale and appearance:
- 10.6 The supporting statement asserts that that the garage is proposed to be constructed to a scale and with an appearance commensurate to the dwelling which it will serve. The garage is considered by the applicant to be small in absolute terms and of an appropriate scale relative to the dwelling it will serve. The statement goes on to suggest that the previous improvements to the site brought about from its conversion to a residential development from a commercial garage should continue to justify this further proposed residential development of the site as in the context of the conversion the new garage will not add to perception of inappropriate development.
- 10.7 Officers consider that the scale and particularly the location of the garage is considered excessive in the context of its open location resulting in the extension having undue prominence within the Green Belt and Special Landscape Area and this is not addressed by the design and reductions in scale of the revised application. The improvements to the site brought about by the conversion of the



site to a residential use was considered as part of the previous application and an allowance of an increase in the overall footprint and volume of buildings within the site was made in recognition of the improvements offered. The increased footprint allowed was considered to have effectively used up the limit of what could be considered limited extensions as part of the total re-development of the site and therefore a condition removing permitted development rights to extend the property further was attached. Whilst not completely discounting the acceptance of additional development the condition does seek to keep any further structures within the control of the Local Planning Authority so that they could be assessed in relation to their cumulative impact on the Green Belt in association with the previously accepted increases. The arguments put forward by the applicant regarding the permitted development fall back position are not considered persuasive as the extant condition referred to above has removed permitted development rights. Referring to other extensions locally and debating whether a condition removing permitted development rights should have been attached to other development has no significant bearing on the determination of this application. Each application must be judged on its own merits, the site circumstances and planning histories and other sites are not directly comparable.

10.8 The garage would be expected to be constructed in appropriate materials regardless of its Green Belt location.

10.9 It is not considered that the points regarding scale and design, comparisons with other developments and matching materials constitute very special circumstances to justify inappropriate development.

### 2. Purpose of including land within the Green Belt:

10.10 The proposal is considered, due to its location close to the boundary of the site which abuts open country side, to result in an encroachment into the countryside of a residential structure which would be contrary to the purposes of including land within the Green Belt. The fact that this was allowed as residential curtilage to the dwelling and left free from structures as open garden area cannot be compared reasonably as the same as introducing a substantial detached outbuilding. In relation to the relevant purpose of Green Belt referred to in the applicant's statement, the proposal fails to keep land permanently open and is considered detrimental to the rural landscape and its visual amenity. Moreover, the applicant is not challenging whether the land is included in the green belt as this would be a matter for a development plan review. The land is included within the green belt and the development is considered inappropriate. The merits of the sites inclusion in the green belt are not very special circumstances which justify development.

### 3. Openness:

10.11 The applicant's statement suggests that the proposal is well screened from agricultural land and will not be unduly prominent when viewed from the surrounding countryside. The garage is a large detached structure of significant mass which will be located towards the very edge of the site abutting open fields. This scheme is considered detrimental to the openness of the Green Belt due to its scale and prominent position at the edge of the domestic curtilage of the dwelling where there is currently a very open vista of gently rolling countryside. The garage will be distinctly detached from the dwelling and will relate more closely to the open fields than the dwelling which it will serve. In this context the structure is considered unduly intrusive within the rural context of its setting which results in the proposal harming the openness of the Green Belt and the character of the Special Landscape

Area. Again the merits of the sites inclusion in the Green Belt are not very special circumstances which justify development .

#### Special Landscape Area

- 10.12 The proposal is considered to represent an overlarge intrusion within this attractive rural Landscape which would seriously harm the predominantly open and rural character and appearance of the Landscape due to its inappropriate scale and location.

#### Summary of other Issues

- 10.13 Given the nature of the proposed structure, its scale and design and the isolated nature of the location there are no significant concerns regarding the impact of the proposal on the amenity of any nearby dwellings through overshadowing, dominance or overlooking. The works the applicant has undertaken to improve derelict land are noted , however this does not provide a reasonable justification for inappropriate development in the Green Belt or constitute a very special circumstance. It also appears from the supporting statement that this land has been used to extend the residential curtilage of the dwelling into the Green Belt above the approved curtilage. This is form of development which would also be considered inappropriate within the Green Belt. An application for the change of use of this land has not been submitted and therefore the red line boundary indicating the residential curtilage has been amended to what was previously granted consent.

### **11.0 CONCLUSION**

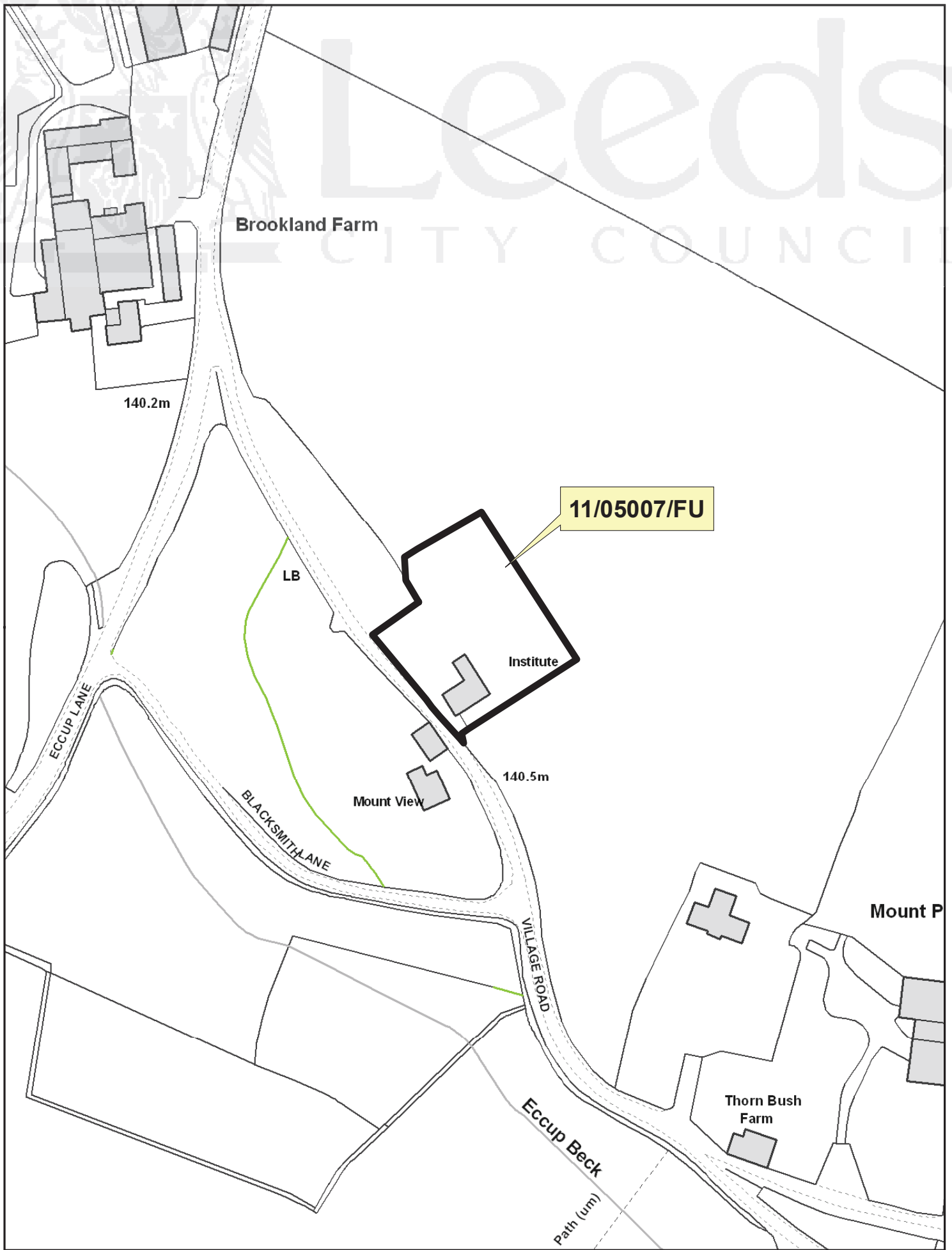
- 11.1 Consideration has been given to all material planning considerations and the conclusion is that the garage, despite the reductions, represents a disproportionate addition to the property which would detrimental to the openness and character of the Green Belt . It is not considered that the applicants supporting arguments constitute very special circumstances to justify the inappropriate development proposed. It is therefore recommended that planning permission be refused.

### **11.0 Background Papers:**

Application and history files.

Certificate A signed by the applicant declaring that all land is owned by applicant.





# EAST PLANS PANEL



Originator: David Jones

Tel: 247 8000

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## Report of the Chief Planning Officer

### PLANS PANEL (EAST)

Date: 23rd February 2012

Subject: APPLICATION 11/04636/FU – Change of Use from Class B1 (office) to Class D1 (nursery), Thornfield Court, Bruntcliffe Road, Morley

APPLICANT	DATE VALID	TARGET DATE
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The Academy Child Care Centre – Mrs G Price	3 November 2011	29 December 2011
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<b>Electoral Wards Affected:</b>  Morley South  <input type="checkbox"/> Yes Ward Members consulted (referred to in report)	<b>Specific Implications For:</b>  Equality and Diversity <input type="checkbox"/>  Community Cohesion <input type="checkbox"/>  Narrowing the Gap <input type="checkbox"/>
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### GRANT PERMISSION subject to the following conditions:

1. Statutory time limit
2. Compliance with the approved plans
3. Details of bin storage
4. Plan of parking area, including turning area to be hatched
5. Provision of pedestrian refuge on Bruntcliffe Road prior to occupation of development
6. Provision of TRO to restrict parking on Bruntcliffe Road prior to occupation
7. Details of cycle parking
8. Widening of access prior to occupation
9. Visibility splay in a westerly direction, and land to be dedicated as highway.
10. Vehicle areas to be surfaced and sealed
11. Stone gate post to be reinstated

Details of conditions to be deferred and delegated to Officers.

**Reasons for approval:** This application has been considered in accordance with the requirements of local and national planning policy and it is considered that the proposed development is acceptable in terms of the principle of the use, the character of the area, highway safety and amenity. As such considered to comply with the relevant planning policies in the UDP Review. As such the application is recommended for approval.

## **1.0 INTRODUCTION:**

1.1 Because of severe doubts about the suitability of the site for a children's' day nursery, which are all to do with on-site and off-site highway matters, Councillor Tom Leadley has requested that the application be determined by Plans Panel, following a site visit, the purpose of which would be for Members to see the scope for manoeuvring vehicles and dropping children off within and outside the application site, and problems of egress onto Bruntcliffe Road (A650), particularly the sight line towards Bradford.

## **2.0 PROPOSAL:**

2.1 The change of use is from a Class B1 (office) use to Class D1 (day nursery). It is anticipated that the nursery would accommodate 36 children, with an anticipated occupancy level of 29 children.

2.2 The existing 10 space car park to the rear of the building is to be used for staff and parents for dropping-off/collection. It is proposed to widen the vehicular access to 5m, and the initial 5m of access road is proposed to be widened to 5m, to allow two-way passing.

2.3 A pedestrian gate through the existing boundary wall onto Bruntcliffe Road is proposed. A 1.0m high fence is proposed, to define the external play area, this is located to the landscapes area opposite the building.

2.4 A central island across Bruntcliffe Road is proposed. The exact details are subject to detailed design.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site consists of a detached stone office building, originally constructed in later Victorian times as a coach house. Access is onto Bruntcliffe Road, to the front, with car parking to the rear, and landscaped grounds to the side of the site.

3.2 The Masonic Hall is located to the rear of the site, and is accessed from a separate access point to the east. The extensive grounds of the Hall occupy much of the land to the south- east of the application site.

3.3 Cottages and farm buildings occupy land to the north-west of the application site, with other agricultural buildings, located behind them, the south. Land to the north of Bruntcliffe Road is mainly residential in character.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 None

## **5.0 SUMMARY OF NEGOTIATIONS:**

5.1 Pre-application, the applicant was advised that a pedestrian refuge would be required. During consideration of the application, the following amendments have been negotiated:

- i. Widening of the access to 5.0metres.
- ii. Hatching to a parking space, for use as turning facility.
- iii. TRO to address any on-street parking.
- iv. Visibility splay to be provided in a westerly direction and land to be dedicated as highway land



## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Site Notices posted on 18 November 2011. No letters of representation from local residents have been received with regard to this application.

6.2 Morley Town Council –

In respect of the building, the change of use in itself is acceptable, but the potential for sharp increases in amounts and peaks of vehicle movements seems unsatisfactory. This section of A650 is busy, and parking/turning is limited within the site. The sight line towards Bradford is extremely poor, which might be tolerated for low volumes of traffic generated by day-time office use, but could become alarming if used by larger amounts of day nursery traffic which would peak at drop-off and pick-up times. Because of the limited space within the site, parents may park on Bruntcliffe Road. A space should be hatched and reserved for turning.

6.3 A single pedestrian refuge would be insufficient to cope with this, there would have to be a zebra crossing, reinforced by a crossing warden at appropriate times. Even so, cars parked on A650 would not be desirable because of large amounts of fairly fast-flowing heavy traffic. The application is objected to, because of the inadequacy of arrangements for parking and turning cars within the curtilage and the poor sight line towards Bradford.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways – no objections subject to conditions.

7.2 Neighborhoods & Housing - No objections

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that the statutory Development Plan will continue to be the starting point in the consideration of planning applications for the development or use of land, unless material considerations indicate otherwise. The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.2 The following UDP policies are relevant:

- GP5 seeks to avoid problems of environmental intrusion and loss of amenity.
- T2 – address highway safety considerations
- T24 – parking guidelines

8.3 Under Policy H3-2A5, 7.14 hectares of land to the west and south of the Masonic Hall are allocated for housing in the UDP. In January 2012, Barratt's undertook a public consultation exercise, for a housing proposal up to 175 dwellings on land broadly in line with the allocation. That proposal, when submitted, is likely to include proposals for pedestrians crossing Bruntcliffe Road, and any access proposal on the current application should not prejudice the bringing forward of a suitable access arrangement to serve the allocation.

### National Planning Policy

- Planning Policy Statement 1 Delivering Sustainable Development
- Planning Policy Statement 4 Planning for Sustainable Economic Growth
- Planning Policy Guidance 13 Transport

## 9.0 MAIN ISSUES

1. Principle of development.
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 There are no objections in principle to the change of use. The loss of a small scale office does not generate concerns at loss of employment opportunities in the area. A day nursery would be assessed on its merits in relation to amenity and highway safety considerations. PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development, and planning applications that secure sustainable economic growth should be treated favourably. In this case, the applicant has indicated that 8 (full time equivalent) jobs would be created.

### Visual amenity

- 10.2 The proposal would have very little impact on the street scene. A short section (approximately 1.5m) of boundary wall would be removed so that the access can be widened to 5m (to allow two-way passing). The existing stone gate post would be retained. To the rear of the site, one small tree planted within a parking bay, would be removed, and this would not be harmful to the street scene. The 1m high fence to define the external play area, would not be harmful, given its low stature.

### Residential amenity

- 10.3 The use of external areas for play often has the potential to lead to concerns at noise and disturbance. However, in this case, the play area faces onto an open and otherwise landscaped area to the front of the Masonic Hall, and as such no harm would rise to any residential amenity. The nearest residential properties are approximately 23m to the west of the building, and would not be impacted upon by outside play. Neighbourhoods & Housing raise no objections.

### Highway safety

- 10.4 It is anticipated that the number of vehicle trips could be slightly higher than the existing office use (according to the TRICS database) and there would be more two way vehicle movements, as the office use would be mostly arrivals in the morning and departures in the evening. Therefore, it is appropriate to widen the access point to ensure two-way passing can be accommodated at the access. The initial 5m of access road is also required to be widened to 5m, and these amendments are included in the revised plans.

- 10.5 Traffic Management Section has been consulted on the proposal, and is satisfied that the proposed refuge can be accommodated. The exact details would be subject to a condition – the current position as shown on the plan would affect access points on the opposite side of Bruntcliffe Road. It is suggested that the position be moved to a point between the access and Ashfield Road. The refuge would include an illuminated bollard. Highways consider a more significant formal crossing could not be justified in terms of numbers of crossing movements generated by the proposed



use. The refuge can be accommodated without impacting on any measures which may be required for the proposed housing allocation proposal.

- 10.6 Consideration has been given to the suggestion that parents may not wish to enter the site, and drop-off on Bruntcliffe Road .It is proposed to add a condition to secure a Traffic Regulation Order to restrict parking around the access point and adjacent to the pedestrian refuge. Furthermore, it is proposed to add a condition requiring one of the parking spaces to be hatched, to be reserved for a turning space.
- 10.7 It is acknowledged that visibility towards Bradford is substandard, but the existing use has potential to generate a significant amount of traffic and an objection on this basis would be difficult to sustain. However, the applicant has confirmed that the wall adjacent to the frontage which restricts visibility in a westerly direction will be set back 1.5m in order to achieve a satisfactory visibility splay. The land between the wall and the footpath will be dedicated as highway land.
- 10.8 In terms of parking numbers, the UDP does not provide guidance on requirements for a day nursery. However, staff car parking requirements are generally low and pick-ups and drop-offs are generally staggered over the course of a couple of hours in the morning and evening peaks and the number of bays is considered adequate.

## **11.0 CONCLUSION**

- 11.1 The proposed change of use is considered acceptable. Highway concerns have been raised by Councillor Leadley and Morley Town Council, and it is considered that suitable conditions be attached to the grant of planning permission, to address concerns. As a matter of planning balance, and subject to the imposition of suitable conditions, the proposal is considered acceptable.

### **Background Papers:**

Application file

### **Certificate of Ownership.**

Notice No.1 has been served on the owner Mr. T Hanby



- Notes
1. Do not scale to elevation dimensions
  2. All dimensions to be checked and verified on site prior to commencement of work
  3. This drawing to be read in conjunction with the specification and other drawings
  4. Copyright for all designs and drawings in whole or in part shall remain with the LSAM design services in accordance with the Copyright Act.

REV	DATE	DESCRIPTION	STATUS	CHK
A	29.10.11	REVISED FOLLOWING DISCUSSIONS WITH CLIENT	CT	
B	14.12.11	ENTRANCE ENLARGED TO 5M WIDE FOR A DISTANCE OF 2M SW FROM BOUNDARY. ISLAND CROSSING RELOCATED.		

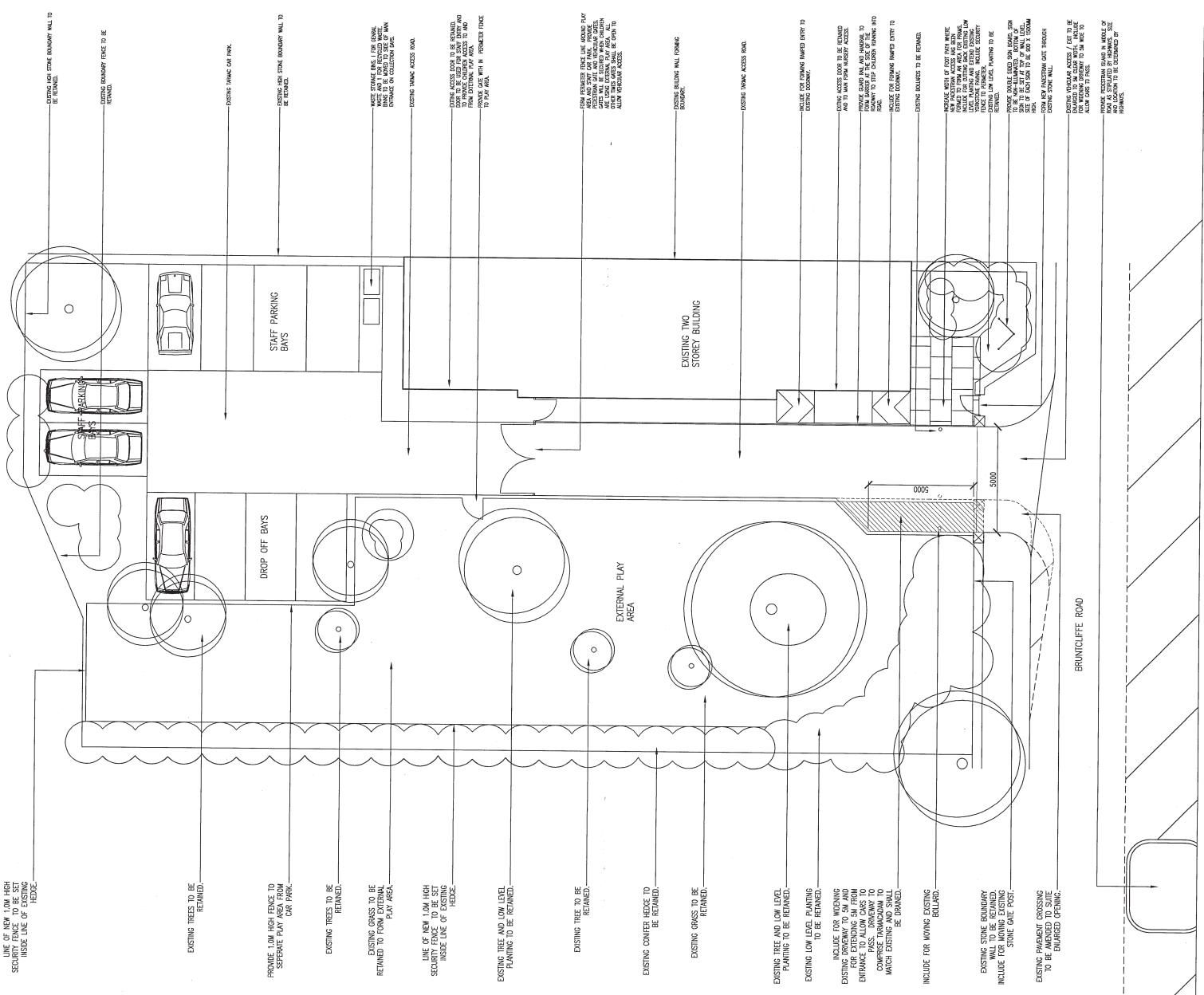
11/04636

LEEDS CITY COUNCIL  
14 DEC 2011  
**REVISED**

LSAM  
10022/2001

design services

CLIENT	THE ACADEMY CHILD CARE CENTRE
PROJECT	NEW NURSERY AT THORNFIELD COURT BRUNTCIFFE ROAD, MORLEY, LEEDS.
DRAWING	SITE LAYOUT PLAN AS PROPOSED
DRAWN	CT
APPROVED	B
DATE	1:100
DATE	21.10.11
SCALE	1:100
REGION	B
APPNO	0022/2001
DATE	14 DEC 2011
PROJECT	NEW NURSERY AT THORNFIELD COURT BRUNTCIFFE ROAD, MORLEY, LEEDS.
CLIENT	THE ACADEMY CHILD CARE CENTRE



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Originator: Aaron Casey

Tel: 0113 247 8021

## Report of the Chief Planning Officer

### PLANS PANEL EAST

Date: 23<sup>rd</sup> February 2012

**Subject: APPLICATION 11/05186/FU – Change of use of restaurant (A3) to form restaurant and takeaway (A3 /A5) at the former Fennel restaurant building, 2 Victoria Court, Wetherby, LS22 6JB**

#### APPLICANT

Bengal Brasserie

#### DATE VALID

9<sup>th</sup> December 2011

#### TARGET DATE

3 February 2012

#### Electoral Wards Affected:

Wetherby

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. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Restrict A5 use to 22:00hrs Monday to Sunday
4. No takeaway deliveries (to be for collection only)
5. The A5 function shall remain incidental to the A3 use for the life of the development.

**Reasons for approval:** This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within PPS1, and PPS5. It is not considered that any significant impact would be introduced on the amenity of other nearby occupiers or to the visual amenity of the Conservation Area or have a harmful effect on parking and highway safety. The application is considered to comply with policies GP5, N19, SF15, S2, T and T24 as well as guidance contained within Wetherby Conservation Area Appraisal and Management Plan and having regard to all other material considerations, as such the application is recommended for approval.

## **1.0 INTRODUCTION:**

1.1 This application is brought to the Plans Panel at the request of Councillor John Procter who has raised concerns on the grounds that the additional A5 (takeaway) function to the extant A3 (Restaurant/Café) use presents the potential for highway problems in terms of increased parking demand and increased noise and disturbance to the detriment of local residents.

## **2.0 PROPOSAL:**

- 2.1 The application seeks to change the use of a purpose built restaurant (Use A3) to include a takeaway function (Use A5).
- 2.2 The main business to operate from the premises would be the restaurant (to operate (as the Bengal Brasserie) Although the applicant would like to offer the option of takeaway food. It is intended that patrons will be able to order the takeaway food at the premises (at the bar) or over the telephone. Patrons waiting for their takeaway food will wait in the waiting area also on the ground floor.
- 2.3 All takeaway food will be by collection only. The Company do not intend to operate a delivery service for the takeaway food and there will be no takeaway delivery vehicles coming and going from the premises

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is situated within the boundaries of Wetherby Conservation Area (Identified in the Wetherby Conservation Area Appraisal and Management Plan as Character Area 1) and the Town Centre.
- 3.2 Wetherby retains a strong historic character with a concentration of important historic buildings in the centre of the town, a number of which have Listed status. There is a uniform palette of materials and its historic street pattern are all key elements which contribute to its distinctive character.
- 3.3 The majority of buildings in the Conservation Area date from the late 18th or 19th centuries and are generally of fairly standard domestic form, of two or three storeys and respecting either classical Georgian or vernacular forms of design and proportion. The characteristic walling material in the Conservation Area is locally-quarried oolitic magnesian limestone, although pale grey limestone has been used in some recent buildings. Roofs are generally covered with Welsh slate and pantiles also occur on some historic buildings and provide an additional element in the street-scape.

3.4 In respect of the application site; the property is a modern detached, two storey red

brick building under a pitched roof that previously traded as Fennels café and restaurant. The site is located north of Victoria Street and south of Horsefair. Opposite the application site is a medium scale retail unit (Marks and Spencers) with residential properties above, within the immediate area as well as other services one would expect within a town centre.

- 3.5 A car-park that serves the restaurant, retail and residential provides 40 parking with access into the car-park achieved from Victoria Street. The car-park operates a restrictive use of 90 minutes. However the residential parking is restricted for use by residents only with users of the retail and restaurant services have 14 designated parking spaces.
- 3.6 Whilst within the Conservation Area, the application site, the immediate residential and the retail unit are modern additions with the Conservation Area and town centre.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 31/246/05/FU - Detached two storey restaurant – Approved 26 August 2005  
*The hours of opening were restricted from 0800 hours to 2330 hours Monday to Saturday and 1100 hours to 2300 hours on Sundays.*
- 4.2 31/61/01/FU - Mixed development comprising office units, 24 flat, retail and a change of use and extension to unit on High Street to form a cafe/restaurant with associated parking spaces to be provided – Approved 22 January 2002

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Not applicable.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 A site notice was posted 23<sup>rd</sup> December 2011 as affecting the character of a Conservation Area. The publicity expiry date was the 13<sup>th</sup> January 2012. To date, no representations have been received. No letters of representation have been received from local residents in response to the site notice advertising this application.
- 6.2 Town Council were notified 15<sup>th</sup> December 2011. Members of the Wetherby Planning Committee have raised concerns on the impact of a takeaway trade on the local resident due to the additional traffic noise and the limited parking that is available in the immediate vicinity.

#### **7.0 CONSULTATIONS RESPONSES:**

##### **Non-statutory:**

- 7.1 Highways- No objections. It is considered that adding a take-away element to the existing restaurant use would not result in a material increase in the use of the site from a highway viewpoint. The site is located in the middle of the Wetherby S2 Centre which has extensive TRO's and is well served by public transport, it is considered that an objection on the grounds of an increased demand for parking would be difficult to justify in this case.
- 7.2 Environmental Protection Team – No objections
- 7.3 Licensing - On the 19 December 2011 the premises were granted a license for the sale of alcohol and recorded music – Monday to Sunday 11:00hrs to 23:00hrs.

##### **Statutory:**

7.4 None

## **8.0 PLANNING POLICIES:**

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

The site is located within the Wetherby Conservation Area and town centre as designated in the Leeds Unitary Development Plan Review (UDP) 2006. The site is also identified within the Wetherby Conservation Area appraisal and management plan as being within Character Area 1 of the Conservation Area.

8.2 Unitary Development Plan Review Policies:

Policy GP5 – refers to general amenity  
Policy SF15 – refers to hot food takeaways  
Policy S2 – refers to local centres  
Policy N19 – refers to Conservation Areas  
Policy T2 – Highway safety  
Policy T24 – Parking provisions

8.3 Supplementary Planning Document – Neighbourhoods for Living.

8.4 Wetherby Conservation Area Appraisal and Management Plan (2010).

8.5 National Planning Policy

Planning Policy Statement 1 -Delivering Sustainable Development (PPS1).  
Planning Policy Guidance 13 – Transport (PPG13)  
Planning Policy Statement 5 - Planning for the Historic Environment (PPS5)  
Planning Policy Statement 24 – Noise  
Circular 11/95

## **9.0 MAIN ISSUES**

Principal of the use  
Impact of proposal on amenity and the character of the Conservation Area.  
Highways  
Representations  
Conclusion

## **10.0 APPRAISAL**



Principle of development and sustainability.

- 10.1 The previous use of the unit was as Fennels café and restaurant, therefore the unit currently has an lawful A3 use. The proposed operator 'Bengal Brasserie' would operate the unit generally as an A3 use but are seeking planning permission for an additional takeaway function to the unit; which would result in the unit having an A3/A5 use class as defined in the Use Class Order. In respect of the A3 use class, no change would occur and therefore planning permission is not required for this aspect of the application. What must be considered is the introduction of an A5 element within the restaurant function. The restaurant function would be the main business; it is proposed that patrons will be able to order takeaway food at the premises or over the telephone; all takeaway food will be by collection only. There is no intention to operate a delivery service for the takeaway food and there will be no takeaway delivery vehicles coming and going to and from the premises. Patrons ordering food at the premises will do so at the ground floor bar/counter (as shown on drawing 303 – 7) and will wait in the waiting area also on the ground floor.
- 10.2 As the proposed A3/A5 use would be located within the town centre and would function from a premises that was purposely built for restaurant usage it is considered that the additional takeaway function would not form a significant part of the businesses operation nor would it form a separate planning unit. Moreover, an A5 use is considered to be an appropriate use within the local town centre. Therefore in principle the A3/A5 use can be accepted.

Impact of proposal on amenity and the character of the Conservation Area.

- 10.3 Policy SF15 of the Leeds UDP (2006) states that proposals for new Hot Food Takeaways will not normally be acceptable unless they meet all the following requirements:

*They are not likely to raise concerns for residents' amenity by way of visual intrusion of flues, cooking smells, litter and food spillage, operation at unsocial hours, congregating of customers, parking and vehicle movements and noise and they will not adversely affect the character or appearance of a Listed Building or Conservation Area;*

Given that the building is a purpose built restaurant it is unlikely that offering a takeaway function as part of the A3 operation thus not forming a separate planning unit, would cause any detrimental harm to the visual amenity of the original building, the nearby Listed Buildings or the wider Conservation Area as the takeaway function would be contained within the existing property deemed to acceptable in its spatial surrounds when planning permission was granted in 2005. Any proposals for signage would require consent and an informative can be added to bring this to the applicants attention

- 10.4 It is acknowledged that in practice, takeaways can raise a number of problems and concerns which may differ in nature and/or degree from an restaurant/café use. Such problems can include long hours of operation, cooking smells, litter and food spillage, congregating of customers, parking and vehicle access, noise and the

image of takeaways.

10.5 No's 1 to 24 Victoria Court located opposite the application premises and above the Marks and Spencers store are the properties that could be sensitive to the operations at the application site. It is therefore plausible to consider that a takeaway element could cause harm to the living conditions of neighbouring residents as a result the issues raised in para 10.4. However, in this instance the proposed takeaway use is not considered to be a function that would present any greater impact on living conditions than previously existed when Fennels restaurant operated from the premises and the restaurant function that will exist once the building is brought back into use by the applicant.

10.6 Policy SF15 of The Leeds UDP (2006) states that in cases where residential amenity concerns are raised, due to the close proximity of residential properties the hours of opening will normally be limited by condition to the following:

(a) Monday to Saturday - 08.00hrs to 23.30hrs.

(b) Sunday - 19.00hrs to 23.00hrs

The proposed opening hours for the restaurant (including the proposed takeaway function) would be from 08:00hrs until 23:30hrs Mondays to Saturdays and 11:00 hrs until 23:00 hrs on Sundays and bank Holidays.

Notwithstanding the above, it is considered that the takeaway service should be restricted until 22:00hrs thereby presenting the opportunity to monitor the proposed takeaway element and a planning application could therefore be submitted for consideration of a later operational hours once the takeaway function has established itself and local residents have the process to register any problems.

#### Highways

10.7 Councillor John Procter has raised concerns that the additional A5 use included within the extant A3 use of the premises would be problematic in highway terms and subsequently to the living conditions of residents. As part of the assessment of this application, technical advice was sought from Highways Officers. Highways Officers consider that by adding a takeaway element to the existing restaurant use would not result in a material increase in the use of the site from a highway viewpoint. The site is located in the middle of the Wetherby town centre which has extensive Traffic Regulation Orders. In light of the above Highways Officers consider that an objection on the grounds of an increased demand for parking would no be justified.

10.8 Moreover, there are 14 parking spaces allocated to the restaurant unit and Marks and Spencers, the remaining 26 parking spaces are allocated to the residential units of Victoria Court. It is reasonable to assume that the restaurant and the takeaway function will reach its busiest time later in the evening, more than likely after 18:00hrs. The Marks and Spencers store closes at 20:00hrs Monday to Friday, 19:00hrs on Saturdays and 16:30hrs on Sundays; therefore once the retail unit closes the parking options for the restaurant with its takeaway function would

increase. As already stated in this report, there would be no deliveries of takeaway food and it therefore follows that there is no requirement by the applicant to have parked on or around Victoria Court vehicles to carry out such deliveries.

In addition to the above, the non-residential parking on Victoria Court is restricted to a 90 minute maximum stay, which would aid freeing up parking spaces on a frequent basis. While some customers may attend the site using vehicles, the property is located in the town centre in what is considered to be an accessible sustainable location.

#### Representations

- 10.9 The concern raised by Councillor Procter and Wetherby Town Council that the application would result highway problems due to increased parking demand and detriment to residential amenity have been covered within this report. There have been no letters of representation from local residents.

#### **11.0 CONCLUSION**

- 11.1 The proposed takeaway function to be included in the extant restaurant Function (A3) of the premises is not considered to be problematic in terms of the effect on the living conditions of nearby residents, the visual amenity and character of the Conservation Area nor is it considered that the takeaway function would introduce significant detriment in respect of highway matters. Therefore subject to conditions planning permission is recommended.

#### **Background Papers:**

Planning application file: 11/05186/FU

Certificate of Ownership: Attivo General Partner Ltd (Cert' B signed)

11/05186 №

The Angel  
Public House

11/05186 №  
Horsefair

Existing  
Carpark

Existing  
Building

The Brunswick  
Public House

Victoria Street

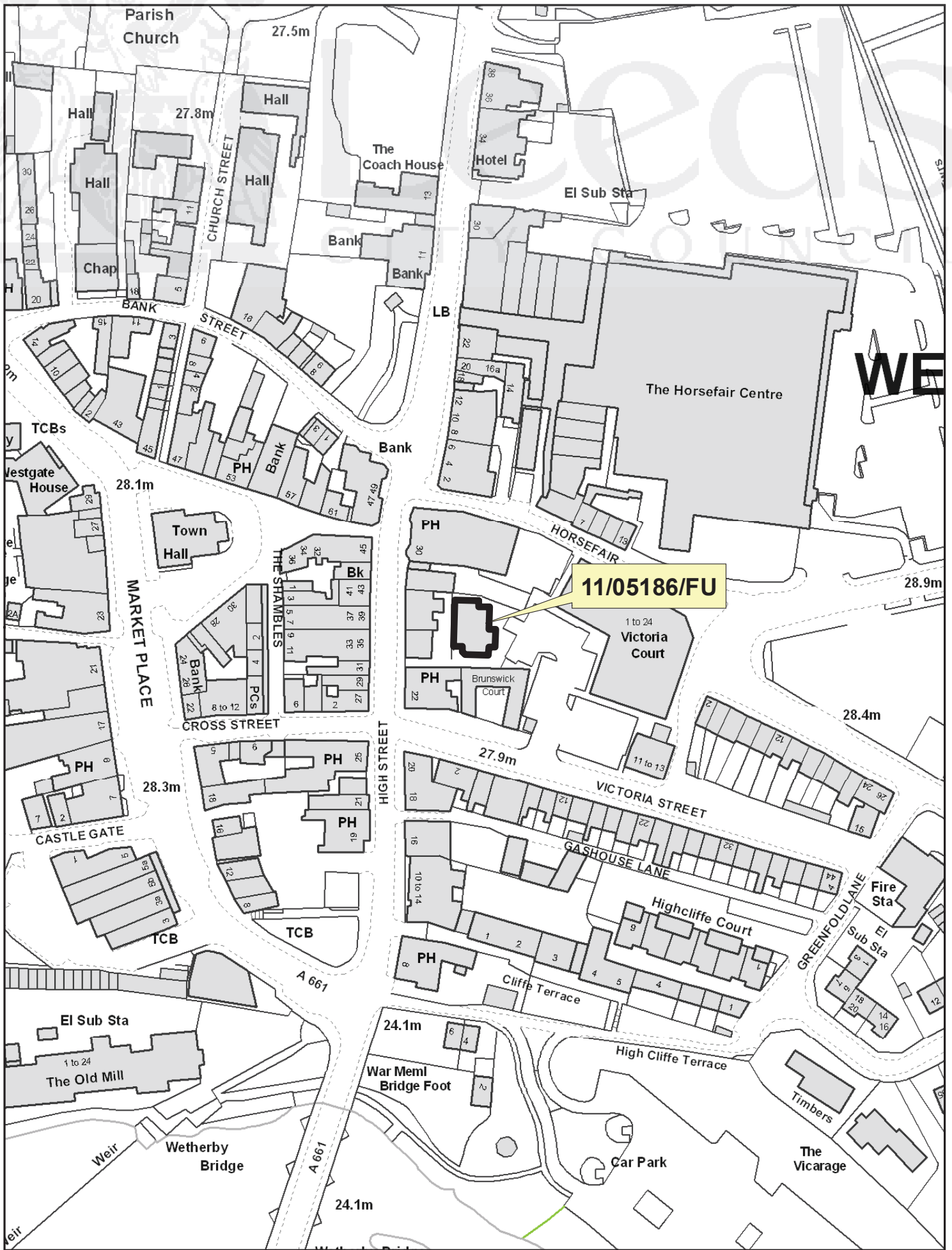
Existing Office  
Building  
VC

PLANNING SERVICES  
- 9 DEC 2011  
DEVELOPMENT DEPARTMENT

h Street

16  
17  
18





# EAST PLANS PANEL



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Originator: Bhavna Patel

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 23 February 2012

**Subject: APPLICATION 11/05227/FU, Two storey and single storey side, front and rear extension, bay window and canopy to front; enlarged area of hardstanding to front. 30 Burnham Road, Garforth, Leeds, LS25 1LA**

**APPLICANT**  
Mr S Butler

**DATE VALID**  
13 December 2011

**TARGET DATE**  
7 February 2012

**Electoral Wards Affected: Garforth and Swillington**

No Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. The materials shall match the existing.
4. No insertion of windows within the side elevation facing 28 Burnham Road.
5. The proposed hardstanding to the front of the property shall either be made of porous materials, or a provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.
6. Rear boundary treatments retained and maintained

**Reason for approval:** The proposed development is considered to be acceptable having had regard to Policies GP5 and BD6 of the Leeds Unitary Development Plan Review, policies HDG1 and HDG2 of the Draft Householder Design Guide, and all other material considerations. The proposal is considered to compliment the streetscene and raises no concerns in respect of residential amenity.

## **1.0 INTRODUCTION:**

1.1 The application is brought to Plans Panel as the applicant is an Area Planning Manager within Planning Services.

## **2.0 PROPOSAL:**

2.1 The applicant seeks planning permission to construct a two storey side and front extension and a single storey rear extension. A bay window and canopy is also proposed to the front as well as enlarged hardstanding and parking area.

2.3 The main extension to the side will project 900mm forward from the main front elevation of the house following the building line of the existing flat roof garage and will be 4.0m in width and 10.6m in depth, being set a minimum of 1.0m away at its nearest point from the adjacent side boundary with the neighbouring dwelling 28 Burnham Road.

2.4 A smaller set back extension is proposed further to the rear to incorporate an ensuite bathroom and utility room. This incorporates a step design from the main side extension with a set down roof line and is set back 5.0m from the front of the property.

2.5 The roof of the main two storey element of the proposal continues the ridgeline from the existing roof across the width of the extension. The two storey forward projecting element will form a transverse gable within the front elevation.

2.6 At the rear of the property the single storey extension will project 3.0m in depth and 13.2m in width and will be set 2.0m away from the adjacent side boundary. A mono pitched roof is proposed to this measuring 2.5m and 3.7m to the eaves and ridge respectively.

2.7 The proposal also includes replacing the existing ground floor living room window and changing it to a bay window, and erecting a covered porch over this window and the main front door. This will project 600mm and have a mono pitch roof. An area of additional hardstanding is proposed to form an additional car parking space at the front.

2.8 Windows are proposed to the front and rear elevations of the property and matching materials are proposed throughout.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application relates to a two storey detached dwelling situated on a corner plot. The property is a relatively modern dwelling within a suburban estate of similarly aged and designed properties. The property itself is located at the end of a crescent of four detached properties accessed off a minor road. The property located immediately to the north of the application site is set at an angle to, and is slightly forward and elevated from the application site. This dwelling has a conservatory to the rear. To the front of the property there is an area of informal green space with semi-mature trees on it, beyond which are further residential properties. To the rear, the property faces the gable end of a chalet style bungalow, with three windows in the gable elevation facing the application site. The two windows at ground floor level are obscure glazed and the one at first floor is clear glazed.



3.2 The application property has an attached garage to the side and a conservatory to the rear. The boundary treatment to the west of the site consists of a fence approximately 1.5m high and a low brick wall. The boundary treatment to the rear of the property is a mix of 1.8m high wooden fence and planting. Approximately 1m high fence forms the boundary treatment with the neighbouring dwelling 28 Burnham Road.

3.3 The application property is different in design to the three other properties in the immediate street scene. These are all characterised by front gables, one of which (26 Burnham Road) has been extended to the side.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 33/151/03/FU – Single storey side extension. (Approved 2003)

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Revised plans have been submitted to correct minor discrepancies identified on the plans and to remove the proposed boundary treatment that was initially included on the application.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 No response to neighbour notification letters . Posted on 19.12.11. Expired 16.1.12

#### **7.0 CONSULTATIONS RESPONSES:**

7.1 None

#### **8.0 PLANNING POLICIES:**

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.

8.2 Unitary Development Plan (Review 2006) Policies:

Policy GP5: General planning considerations

Policy BD6: Design considerations

8.3 Supplementary Planning Guidance:

Draft Householder Design Guide

HDG1: Extensions must respect the character of the dwelling and the wider area

HDG2: Extensions must not unreasonably impact upon the amenity of neighbours

8.4 National Policy:

PPS 1: Delivering Sustainable Development

#### **9.0 MAIN ISSUES**

1. Streetscene/design and character
2. Residential amenity
3. Other issues

#### **10.0 APPRAISAL**

## Design and Character

- 10.1 Planning Policy Statement One: Sustainable Development states that “design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”. This advice is expanded and elucidated within the Draft Householder Design Guide.
- 10.2 There are two main issues which need to be addressed in relation to design and character which are the impact of the proposal upon the character of the dwelling, and its impact on the wider area.
- 10.3 As noted above, the property is one of four situated on a small crescent on Burnham Road and is slightly different to its immediate neighbours which are all characterised by front gables. The extension proposed introduces a modest forward projecting transverse gable to the front. This design approach is considered to broadly respect the character of the dwelling and wider area given the appearance of its immediate neighbours. The property is set slightly back from its immediate neighbour and so the extension will sit back behind the frontage of No 28 Burnham Road, it will also remove the existing flat roof to the garage and introduce a design feature which is in keeping with its immediate neighbours and which is more compatible with those neighbours. A distance of 3.0m will remain between no 28 and 30 Burnham Road which is adequate to maintain visual separation and space between the properties. The design approach to the extension is therefore considered acceptable and maintains the character of both the property and the wider streetscene.
- 10.4 The rear extension proposed is considered respectful of the proportions and design of the original property. The roof pitch mirrors the original and the window proportions and arrangements are in scale. The materials proposed are in keeping and raise no issues of concern.
- 10.5 The small stepped side extension is set 5m back from the property frontage and given the angled nature of no 28 and 30 Burnham Road there will be no direct view of this part of the extension within the wider streetscene. Nevertheless this element is designed so that the roof pitch and proportions are respectful of the original property and materials will match the existing. On balance therefore the proposal is considered acceptable in this regard.
- 10.6 The bay window and porch area to the front are respectful in relation to the original house and are proposed in matching materials.
- 10.7 Given all of the above, whilst there are a number of different elements proposed the extensions in totality are considered to be of a coherent form which respect and add character to the original property and the wider streetscene and as such they are considered acceptable in this regard.

## Residential Amenity

- 10.8 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice is expanded further in policy HDG2 which notes that “all development proposal should

protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking will be strongly resisted”.

- 10.9 At ground floor the rear extension projects no closer to the rear boundary than the existing conservatory and a distance of 8m will be maintained. This is in accordance with Neighbourhoods for Living Guidance. Along the boundary is a 1.8m high fence and planting and this is proposed to be maintained. At first floor level there will be an additional bedroom window. This will be 11.5m away from the rear boundary and no greater distance than the existing rear elevation upper floor bedroom windows. As such no issues of concern are raised in relation to this aspect.
- 10.10 In relation to the side extension an existing side gable window will be removed and replaced with a blank elevation. A gap of 3m is maintained between the properties and both side elevations (No 28 and No 30) are blank. A condition is also suggested to prevent any side facing windows being inserted in the future. As such the proposal is acceptable in this regard.
- 10.11 The proposal is considered acceptable in respect of overshadowing. The extensions do add a reasonable degree of additional massing close to the common boundary with No 28 Burnham Road. Shadow assessments have demonstrated that little additional shadow will be cast onto the neighbouring properties useable amenity space with the bulk of any impact being in the gap between the two blank side elevations. As such given the size and scale of the extension coupled with the offset to the boundary means that no significant harm is anticipated.
- 10.12 The proposal raises little concern in respect of overdominance. The main impact would arise from the two storey side extension and the proximity of the common boundary. However, given that the side elevation of the nearest property is blank coupled with the angled nature and alignment of the properties no issues are envisaged in this respect. The bulk of the two storey extension is set well forward of the rear elevation and main garden of No 28 Burnham Road. As such the proposal is acceptable in this regard.
- 10.13 In order to be considered acceptable in respect of highway safety development proposals must not prevent two cars parking within the curtilage of the site. The development proposed incorporates a garage and although this is less than the recommended (3x6m) size set out in the SPD ‘Manual for Streets’ as the proposed garage measures approximately 5.2m. This however is the length of the original garage and the garage is to be widened to 3.6m. In any case the extended hardstanding is large enough to accommodate two vehicles. As such the proposal is acceptable in this regard and raises no undue concerns.

### Representations

- 10.14 No representations have been received in relation to the application.

## **11.0 CONCLUSION**

- 11.1 The proposed development is considered to achieve a coherent and respectful design that does not impact upon the amenity of neighbours and as such is considered to be acceptable having regard to UDP policies and advice in the Draft Householder Design Guide.

**Background Papers:**

Application file: 11/05227/FU

Certificate of ownership: Signed by applicant.

11/05227 - #

DRAWING No 5

REV A  
FENCE LINE ON SOUTHERN  
BOUNDARY AS EXISTING

11/05227 - #

1.8M HIGH SOLID BOARDED  
FENCE RETAINED & 2.5M  
PLANTING RETAINED

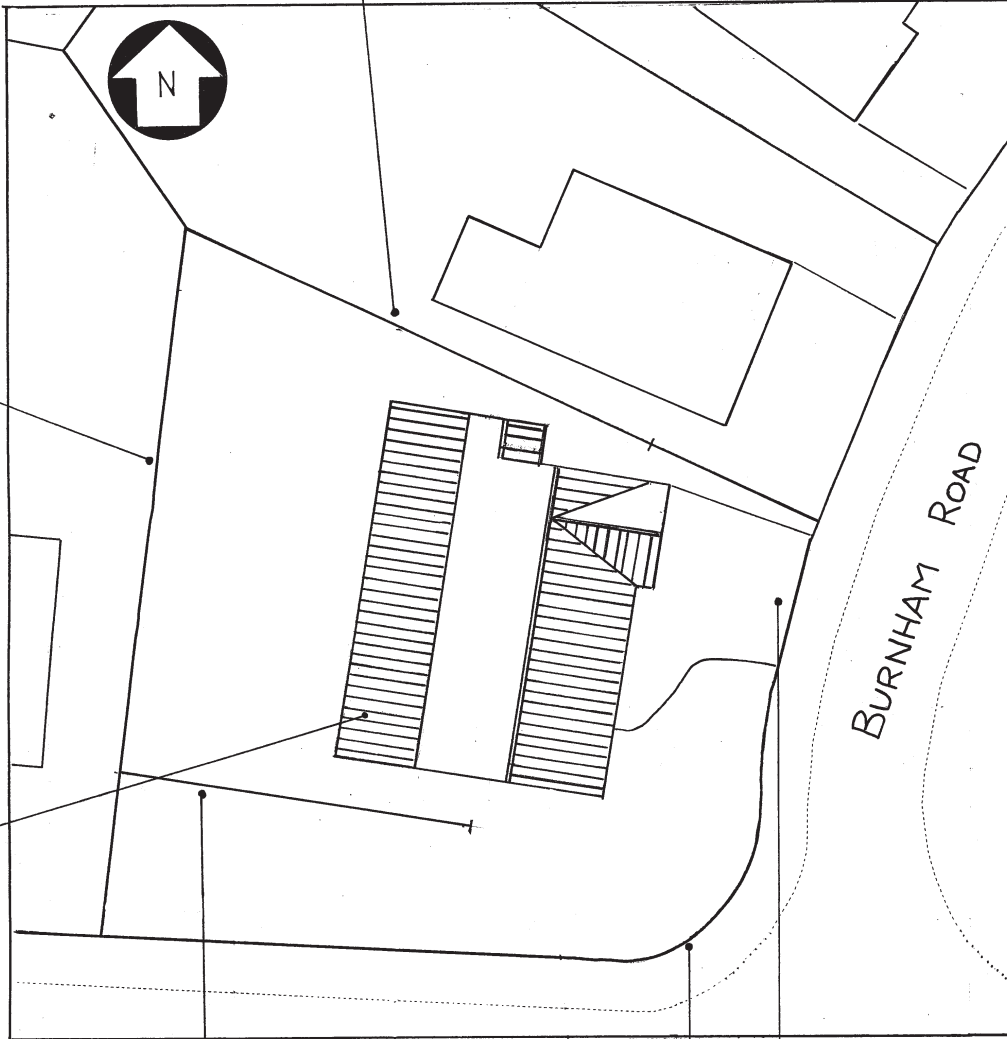
SINGLE STOREY ELEMENT

EXISTING 1.5M  
FENCE

1.25M FENCE RETAINED

0.3M BOUNDARY  
WALL RETAINED

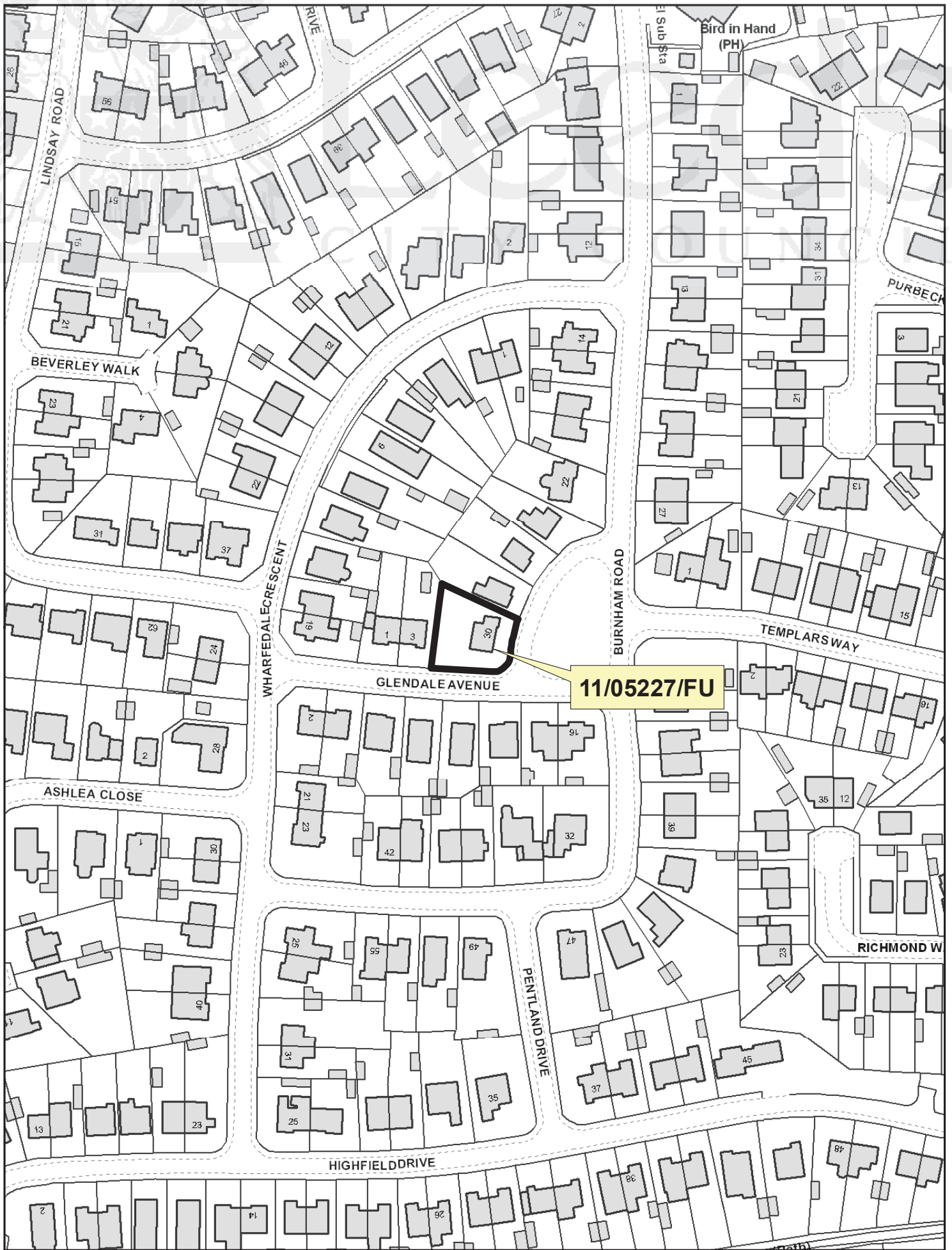
REVISED DRIVE  
WIDTH FOR 2  
CARS



LEEDS CITY COUNCIL  
20 JAN 2012  
**REVISED**

SCALE 1 : 200

PROPOSED SITE PLAN  
AND ROOF PLAN



# EAST PLANS PANEL





Originator: Clive Saul
Tel: 0113 2478000

**Report of the Chief Planning Officer**

**PLANS PANEL (EAST)**

**Date:** 23<sup>rd</sup> February 2012

**Subject:** Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge on site of former Skelton Grange Power Station

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Biffa Waste Services	27 September 2011	17 January 2012

<p><b>Electoral Wards Affected:</b></p> <p>Burmantofts &amp; Richmond Hill City &amp; Hunslet</p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <p>Ward Members consulted (referred to in report)</p> </div>
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<p><b>Specific Implications For:</b></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:**

Members are requested to note the contents of this position statement, provide feedback on the questions posed and are invited to provide feedback on any other aspect of the proposals

**1.0 INTRODUCTION:**

- .1 The purpose of this report is to update Members following the submission of an application for an Energy Recovery Facility (incineration of waste and energy generation) and to seek Members' views on key issues.
- .2 The application area lies within part of the former Skelton Grange Power Station site. The power station and cooling towers were decommissioned and demolished in the early 1990s. The site has since remained in a disused state.
- .3 The proposals fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore the application is accompanied by an Environmental Statement.



## 2.0 PROPOSAL:

2.1 The proposal comprises an Energy Recovery Facility (ERF) utilising incineration as the method of waste treatment.

2.2 The facility would accept non-hazardous commercial and industrial waste. Should the need arise, the facility would also be able to accept municipal waste.

2.3 The application site area extends to approximately 9 hectares.

2.4 The dimensions of the proposed ERF building are:-

- length – 175m;
- width – between 22m and 69m;
- height (turbine & tipping hall roofs – end sections) – between 17m and 43.6m;
- height (apex of the boiler hall roof – central section) – 48.9m;
- flue stack height – 90m.

2.5 The ERF building would comprise:-

- waste reception hall with storage bunker, shredder and a waste feed system tipping hall;
- fuel reception bunker – waste storage;
- boiler hall with grate, combustion chamber and a heat recovery boiler;
- turbine hall with steam turbine for generating electricity – energy recovery;
- transformer and substation compound to step the power up from 11kV prior to power export;
- flue gas treatment hall with equipment to clean combustion gases;
- facility for discharging and loading air pollution control (APC) residue silos and other ancillary equipment;
- two chimney stacks to discharge the treated flue gas into the atmosphere;
- ancillary areas, control room, Central Processing Unit (CPU) room, bulky and;
- light storage areas and electrical room, workshops etc.;
- offices for the staff of the ERF.

2.6 In addition to the above, provision for the following elements is proposed within the site:-

- air cooled condensers (ACC) for cooling the recycling steam from the generating process;
- ancillary accommodation for staff welfare such as changing, showers etc.;
- a staff and visitors car park with space for a coach and minibus standing;
- covered cycle spaces to encourage a reduction in car use;
- weighbridges and gatehouse, to allow adequate queuing length off the public highway. These facilities would be staffed when necessary;
- storage for the collection, recycling and rainwater runoff attenuation measures;
- site access roads with lighting, footpaths and vehicle manoeuvring areas;
- site remediation, excavation, filling and profiling;
- security fencing;
- hard and soft landscape works designed to provide mitigation and enhancement of natural biodiversity within the site; and
- an education / visitor centre.



- 2.7 The Air Cooled Condensers (ACCs) would be located to the rear of the ERF building. The (ACCs) would be screened by a perforated metal mesh structure to complement the ERF building's form and would have dimensions as follows:-
- length – 37m;
  - width – 36m;
  - height – between 22.4m and 27.8m.
- 2.8 The facility has been designed to accept around 300,000 tonnes of residual waste per annum. Much of this waste stream is currently being accepted to the applicant's Skelton Landfill site which lies 2.5km to the east of the power station site.
- 2.9 Access to the facility would be via Skelton Grange Road to the south of the site (from Stourton), using the existing bridge over the River Aire and Aire and Calder Navigation. The applicant is proposing structural improvements to the bridge as part of the proposal, along with improvements to pedestrian and cyclist access.
- 2.10 The facility would generate up to 30MW of electricity and output 26MW to the national grid, equivalent to the demand of 52,000 households. The remaining 4MW would power the plant itself. The facility would also have the capacity to provide heat to local businesses as part of a Combined Heat and Power scheme (CHP).
- 2.11 It is anticipated that around 40 jobs would be created from the proposed development, once operational (around 300 jobs would be created during the construction period).

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is part of the former Skelton Grange Power Station, built in the 1950s and since decommissioned and demolished. The former floor slab remains as broken and degraded concrete hardstanding with naturally invading vegetation. The area of the former cooling towers is mainly covered with grassland vegetation, with the bases of the cooling towers remaining as concrete hardstanding. Stockpiles of demolition materials also remain.
- 3.2 The character of the area immediately around the site is largely industrial. The site lies to the south-east of Cross Green Industrial Estate and adjacent to the Knostrop Waste Water Treatment Works (WWTW). To the east is an extensive area of open land, allocated for employment use, which extends up to the boundary with the M1 motorway (which lies 1km to the east of the site). A substantial area of this land also has outline planning permission for industrial and warehouse development. The River Aire and Aire and Calder Navigation run north-west to south-east beyond the south-western boundary of the site, with the Trans Pennine Trail running in-between. A National Grid substation lies immediately to the west of the site boundary, with Skelton Grange Environment Centre beyond.
- 3.3 The residential areas of Halton Moor, Osmondthorpe, Richmond Hill and East End Park are located approximately 1.5km to the north of the site. Stourton lies to the south of the site and river, with Belle Isle and Middleton lying beyond to the south-west, around 2km from the site. Hunslet lies around 1.3km to the west. The northern fringes of Rothwell lie 1.8km to the south.
- 3.4 The listed buildings of Thwaite Mill and Temple Newsam lie some 500m to the west and 2.5km to the north-east respectively.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The site was formerly part of the coal-fired Skelton Grange Power Station. The power station and its associated infrastructure has since been demolished.
- 4.2 Outline planning permission for B1(c) / B2 / B8 (General Industrial / Storage & Distribution Use Classes) was granted over a 24 hectare area in 2007 (ref. 21/279/05/OT) which included the proposed site.

#### **5.0 HISTORY OF PROPOSAL AND NEGOTIATIONS:**

- 5.1 The applicants made a presentation to Plans Panel (East) on 5<sup>th</sup> August 2010. The main issues raised by Members following the presentation related to:-
- HGV movements associated with the facility;
  - where the waste would come from;
  - how the site would be regulated and controlled;
  - community consultation;
  - relationship with the Council's PFI scheme;
  - community benefit fund and;
  - impact upon the health of surrounding communities.
- 5.2 Officers and the applicants provided responses and clarification to Members' questions.
- 5.3 Some Members also expressed a wish to visit a comparable facility to enable the process to be understood better. A visit to Sheffield's ERF took place on the 11<sup>th</sup> November 2010 and was attended by several Members and Officers. The plant manager provided a comprehensive overview of the process involved and his experiences with running the site. Visitors were shown round the plant.
- 5.4 To further assist Members, at the January 2011 Panel, the Environment Agency provided Members with an overview of their role in the Permitting of such facilities. The presentation and subsequent questions and answers session was very helpful in gaining an understanding of the process.
- 5.5 In terms of community consultation, the applicants held a public exhibition at the Leeds College of Building in Stourton (18-19<sup>th</sup> June 2010). Approximately 5,000 leaflets were distributed to residents and businesses in the surrounding area in advance of the exhibition. The leaflet was also sent to Members of the Planning Panels and Members of nearby wards.
- 5.6 Officers from the Mineral & Waste Planning, Design, Environmental Health, Policy, Highways and Landscape teams have previously held meetings with the applicants to advise on the Council's general requirements as to the scope of the Environmental Impact Assessment.
- 5.7 A meeting has recently been held with the Environment Agency and the applicants to discuss the Environment Agency's objection relating to the potential for impact upon groundwater.

5.8 Officers have also recently met with the applicants to discuss the potential for refinements to the design of the proposed facility.

5.9 ***Members are requested to provide feedback as to whether a further visit to an existing Energy Recovery Facility would be useful.***

## 6.0 PUBLIC / LOCAL RESPONSE:

6.1 The application was advertised in the Leeds Weekly News on 13<sup>th</sup> October 2011 and the 3<sup>rd</sup> November 2011. Site notices were posted on 7<sup>th</sup> October 2011. Four objection letters have been received. Issues referred to include:-

- Principle of incineration;
- Impact upon recycling;
- Impact upon human health and air quality;
- Unpleasant aroma in Garforth;
- Cumulative effect of emissions with other industrial plants;
- Emissions from the stack should be designed to result in a total neutral discharge;
- No account taken about safeguarding health & welfare of residents should a major incident occur such as a fire breaking out or explosion taking place;
- No reference to the provision of incorporating monitoring stations to be set up in and around residential areas including Garforth;
- Public information should be available on an internet website on a daily basis to inform residents on the plant's performance in safety terms;
- Weir downstream should be removed;
- Over capacity;
- Traffic impact;
- Visual impact.

## 7.0 CONSULTATION RESPONSES TO DATE:

### 7.1 Statutory

7.1.1 *British Waterways*: No objection, subject to conditions.

7.1.2 *Coal Authority*: The application site does not fall within the defined Coal Mining Development Referral Area.

7.1.3 *English Heritage*: Recommend that off site planting is considered to assist with preserving the setting of Thwaite Mill and that the application is assessed in accordance with national and local planning policy.

7.1.4 *Environment Agency*: Objection raised due to a lack of information regarding management of risks posed to groundwater from the construction and operation of the proposed waste bunker – further information is therefore requested. In addition, the applicant should demonstrate how they are going to ensure that incoming waste is truly residual and cannot be further reused or recycled. Finally, the density or width of riparian vegetation should be enlarged to mitigate for the additional lighting and increased level of disturbance on wildlife as a result of this development.

7.1.5 *Highways Agency*: Further information regarding the construction phase is requested.

7.1.6 *Ministry of Defence*: No objection, as this application relates to a site outside of Ministry of Defence safeguarding areas.

7.1.7 *Natural England*: The proposed habitat arrangements for nesting little ringed plover are acceptable but should be enlarged or the use of cages employed to protect nesting birds. In addition, survey work is requested regarding bats and reptiles.

7.1.8 *Yorkshire Water*: Buildings would be sited over the public water supply infrastructure located within the site. Advice is given to amend the site layout to allow for adequate protection of the public water supply or for reassurance to be provided that the water mains can be diverted under s.185 of the Water Industry Act 1991 (at their expense).

## **7.2 Non-statutory**

7.2.1 *Access*: Confirmation is requested in relation to pedestrian access, pathway widths, and design of crossing point. Advice is provided in respect to the coach drop off and pick up area and access into the building.

7.2.2 *Conservation*: Advice has been given regarding off site tree planting to assist with mitigating any harm to the Thwaite Mill site.

7.2.3 *Contaminated Land*: No objections subject to conditions and directions being applied.

7.2.4 *Environment Policy*: No objection, subject to conditions.

7.2.5 *Leeds Bradford International Airport*: No objection, subject to further information.

7.2.6 *Mains Drainage*: No objection. Further information is required to support the flood risk assessment and to fully show the proposed drainage arrangements.

7.2.7 *National Air Traffic Service*: No objection – the proposed development has been examined from a technical safeguarding aspect and does not conflict with the safeguarding criteria.

7.2.8 *Nature Conservation*: A bat roosting survey and a precautionary mitigation method statement relating to reptiles are requested. A recommendation that the bare rubble area for ground nesting birds should be monitored to ensure it is being used and young are not being lost to predators. Advice is given on other solutions that would provide useful habitats for ground nesting birds.

7.2.9 *Neighbourhoods and Housing*: No objection, subject to conditions.

7.2.10 *NGT/Public Transport*: No objection.

7.2.11 *Public Rights of Way*: A Public Footpath (No.1 Rothwell) crosses the site on its south western boundary. This footpath does not appear to be affected by the facility so no objection is raised.

7.2.12 *Health Protection Agency*: No objection to the proposals. Detailed comments on the specifics of the proposed facility will be supplied to the Environment Agency, as part of the requirements of the Environment Permit Regime.

7.2.13 *Highways*: The proposal is acceptable in principle. However, further information is required regarding the bridge improvements, the impact of the traffic from the whole site and the impact of the construction traffic on the surrounding road network.

7.2.14 *OFCOM*: No objection.

7.2.15 *TravelWise Team*: The proposal is acceptable in principle. A number of alterations to the Travel Plan (including staff and visitor car parking being separate) and the introduction of shower facilities have been requested. The TravelWise Team has also requested that the possibility of using the application to secure improvements to cycle and pedestrian access to Trans Pennine Trail at the Skelton Grange Bridge is investigated.

7.2.16 *West Yorkshire Archaeology Advisory Service*: There are no apparent significant archaeological implications attached to the proposed development.

## **8.0 PLANNING POLICIES:**

8.1 The site is allocated for employment use under policy E4.44 of the adopted Unitary Development Plan.

8.2 The emerging Natural Resources and Waste Development Plan Document identifies the site for strategic waste management use.

8.3 The following are the principal documents that will need to be considered in the determination of the anticipated planning application:-

- Leeds Unitary Development Plan (Saved Policies);
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Draft Natural Resources and Waste DPD and Schedule of Changes;
- Draft Aire Valley Area Action Plan DPD;
- National Waste Strategy;
- Planning Policy Statement 1 (Delivering Sustainable Development);
- Planning Policy Statement 1 (Climate Change Supplement);
- Planning Policy Statement 4 (Planning for Sustainable Economic Growth);
- Planning Policy Statement 5 (Planning for the Historic Environment);
- Planning Policy Statement 9 (Biodiversity and Geological Conservation);
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- Planning Policy Statement 22 (Renewable Energy);
- Planning Policy Statement 23 (Planning and Pollution Control);
- Planning Policy Guidance Note 13 (Transport);
- Planning Policy Guidance Note 24 (Planning and Noise);
- The National Waste Strategy for England (plus Annexes);
- Government Review of Waste Policy in England 2011;
- Designing Waste Facilities (DEFRA).

8.4 The following legislation and guidance will also be relevant when considering the application:-

- European Union Waste Framework Directive (75/442/EEC amended 91/156, 91/692 and 96/350);
- European Union Council Directive 1999/31/EC of 26 April 1999 on the Landfill of Waste;
- European Union Council Directive on Integrated Pollution Prevention and Control (IPPC) (2008/1/EC);
- European Union Waste Incineration Directive (2000/76/EC);
- European Union Directive on Industrial Emissions (2010/75/EU);
- European Union Directive 2006/12/EC of the European Parliament and of the Council on Waste;
- European Union Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on Waste;
- The Landfill (England and Wales) Regulations 2002;
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Climate Change Act 2008;
- Landfill Allowance Trading Scheme (LATS);
- EU Directive 2009/28/EC of the European Parliament and Council on the promotion of the use of energy from renewable sources (amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC); and,
- Leeds Waste Strategy 2005 – 2035 (2006).



## **9.0 MATTERS FOR CONSIDERATION:**

- Principle of development;
- Community Consultation;
- Air Quality & Health;
- Transport;
- Surface water & groundwater;
- Design, appearance, siting and scale of facility;
- Landscape & Visual Amenity;
- Cultural Heritage;
- Biodiversity; and
- Other matters.

## **10.0 DISCUSSION:**

### **Principle of development**

- 10.1 The proposals will need to be considered in the context of both national planning guidance and the Development Plan, which at the time of writing includes the Leeds Unitary Development Plan Review, the Regional Spatial Strategy and any material guidance contained in the emerging Local Development Framework (LDF). The emerging LDF includes the “Natural Resources and Waste” and the “Aire Valley Area Action Plan” Development Plan Documents. Neither of these documents have as yet been adopted but constitute material considerations in the determination of planning applications. The Natural Resources and Waste DPD has recently undergone Examination in Public, whilst the Aire Valley Area Action Plan remains in draft form. The context for the area in terms of the emerging strategy for the Aire Valley will be of particular significance.

### **Community Consultation**

- 10.2 The Council’s adopted Statement of Community Involvement on the Local Development Framework was published in April 2007. This gives advice on community involvement in planning applications and includes a series of appendices giving helpful information on community groups in Leeds, consultation methods and when they would be used. The applicant’s Statement of Community Involvement (SCI) complies with the Council’s SCI requirements.
- 10.3 Apart from the statutory advertisements required to be implemented by the Council, the main elements of the consultation process carried out by the applicants were:-
- a presentation to the Skelton Landfill Liaison Group;
  - a letter of invitation to the preview of the exhibition sent to local elected Members and other key local stakeholders;
  - local distribution of 5,000 descriptive invitation brochures to all households and businesses within a radius of approximately 2km of the site;
  - presentations to elected Members, stakeholders and a public exhibition held at the Leeds College of Building on Friday 18th and Saturday 19<sup>th</sup> June 2010;
  - presentation to representatives from ‘No 2 Incineration’ (N2I) group on 28 September 2010;
  - presentation to Leeds East Inner Area Planning Committee on 21 October 2010;

- the creation of an information hotline for telephone, post and email contact and feedback;
- a website with an open forum page at [www.erf-skelton-grange.co.uk](http://www.erf-skelton-grange.co.uk); and
- media coverage and advertisements.

10.4 Feeding from the consultation process, the applicants have met with the Skelton Environment Centre and have committed to work closely with them to explore the possibility of linking education facilities and learning across the ERF and the Environment Centre, establishing a cycle link, shared car parking facilities and involvement of the Centre in the ERF's landscaping and biodiversity areas.

10.5 As a result of the pre-application consultation exercise, the following changes and amendments have been incorporated within the proposals:-

- an undertaking to link employment and learning opportunities associated with the construction phase of the project with Leeds College of Building's students;
- an undertaking to work closely with Skelton Grange Environment Centre;
- an undertaking to maximise the number of trees and vegetation around the site;
- a commitment to establish a Skelton Grange ERF Liaison Committee for the local community and stakeholders;
- a commitment to use best endeavours to source local people for construction and operational jobs from the locality;
- an undertaking to look into raising further awareness of the need to recycle amongst the applicant's future commercial and industrial customers.

10.6 The applicants confirm that they are committed to maintaining contact with all those interested parties, residents, businesses and stakeholders alike as the planning application progresses. The applicants also intend to continue to encourage community involvement in relation to the development if the application is successful.

### **Air Quality & Health**

10.7 As part of the Environmental Impact Assessment, the dispersion of stack emissions from the facility has been modelled as part of air quality assessment. In summary:-

- the facility would be required to operate in accordance with statutory emission limits (Waste Incineration Directive (WID) limits) and UK Air Quality Standards that are protective of human health;
- high temperature thermal treatment (850°C for a minimum of 2 seconds) would be employed to destroy pollutants in the waste;
- continuous emissions monitoring would be required to ensure limits are not exceeded;
- there would be integral flue gas treatment systems to reduce pollutants to levels that have been set to avoid human health effects. These include:-
  - *deNox process to reduce oxides of nitrogen (NOx);*
  - *lime to neutralise acid gases;*
  - *activated carbon to adsorb gaseous mercury, dioxins and furans;*
  - *fabric filters to remove fine particles (dust) and heavy metals which adhere to the particulate matter.*

10.8 Any air quality consideration that relates to land use and its development is capable of being a material planning consideration. However, the weight given to air quality

in making a planning application decision, in addition to the policies in the local plan, will depend on such factors as:-

- the severity of the potential impacts on air quality;
- the air quality in the area surrounding the proposed development;
- the likely use of the development, i.e. the length of time people are likely to be exposed at that location; and
- the positive benefits provided through other material considerations.

- 10.9 The air quality assessment in support of the application has been considered by Environmental Health. The modelled results show the predicted contribution of different pollutants on the surrounding area and an assessment of the cumulative effect of nitrogen dioxide, taking into account other emissions in the area. The predicted ground level concentrations show no significant effect upon the surrounding area in terms of the air quality regulations (for nitrogen dioxide) nor in terms of other pollutants associated with the process, following commissioning of the proposed plant. However, if permission were granted, it would be for the Environment Agency to impose and enforce conditions, by way of a Permit, to ensure that acceptable environmental conditions are maintained.
- 10.10 The Health Protection Agency (HPA) have no objection to the proposals. The HPA confirms that operators of modern waste incinerators are required to monitor emissions to ensure that they comply, as a minimum, with the emission limits stated in the EU Waste Incineration Directive (2000/76/EC) (WID). This Directive has been implemented in England and Wales by the Environmental Permitting (England and Wales) Regulations 2011 ('EP' Regulations), which is regulated by the Environment Agency (EA) and includes Emission Limit Values (ELVs) for a range of pollutants and requires monitoring to ensure compliance during operation.
- 10.11 Under the Environmental Permitting Regulations, the applicant is required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA cannot issue such a Permit if they consider that there would be any harmful effects on human health or the environment. The Permit would set out strict operating requirements which must be complied with to protect the environment and public health. The Permit application would have to demonstrate that the proposed plant would use Best Available Techniques (BAT) in order to control emissions to air, land and water. The sector guidance note for combustion activities identifies the detailed requirements to be met and the EA is under no obligation to issue a Permit, unless it is fully satisfied that the installation would be operated appropriately.
- 10.12 When a Permit application is received by the Environment Agency, organisations such as the local Primary Care Trust (PCT); the Health Protection Agency (HPA); the Local Authority (LA) and the Food Standards Agency (FSA) are consulted. The HPA assesses the potential public health impact of an installation and makes recommendations based on a critical review of the information provided for the Permit application. The HPA would request further information at the environmental permitting stage if they believe that this is necessary to be able to fully assess the likely public health impacts.
- 10.13 The HPA has reviewed research to examine links between emissions from municipal waste incinerators and effects on health. The HPA concluded that:-
- 10.14 *"While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the*



*health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.*

- 10.15 *The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.*
- 10.16 *The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency."*
- 10.17 The Environmental Statement summarises by saying that the findings of the assessment of combustion emissions from the proposed facility has found that, for all pollutants, the maximum predicted long-term and short term impacts would be negligible.
- 10.18 *Members are requested to provide feedback on any further detail or clarification they may require. Members are also requested to advise as to whether they would wish for a further discussion session with the Environment Agency in relation to the Environmental Permitting process.***

## **Transport**

- 10.19 The vehicular access into the site is proposed to be via Skelton Grange Road off Pontefract Road (Stourton). In order to upgrade the bridge to modern design standards and to allow for 40 / 44 tonne vehicle loading, the following improvement and strengthening works are proposed to be undertaken by the applicant:-
- widening of the east footway;
  - reconstruction of the stringcourses (edge beams) to accommodate new parapets;
  - strengthening to the half-joints / connections where the central supported sections span to the next main structure;
  - provision of a new waterproofing layer;
  - provision of new road surfacing;
  - provision of new road joints;
  - traffic lights;
  - installation of new proprietary kerb drainage system;
  - attachment of concrete pads to accommodate new lighting columns; and
  - installation of new post and rail parapets to steps serving the footpath (Trans Pennine Trail).
- 10.20 The implementation of the above works would provide a structure capable of carrying 40 / 44 tonne vehicles with a single lane, traffic light controlled, to avoid two vehicles meeting on the bridge, and a 3m combined foot / cycleway. These works could be carried out without the need to alter the width of the existing bridge deck.

- 10.21 Pedestrians and cyclists can also gain access to the site via Skelton Grange Road. Additionally, access to Skelton Grange Road can be gained via the Trans Pennine Trail / Cycle Route. The applicant has also been requested to investigate how access to and from the Trans Pennine Trail could be improved for both pedestrians and cyclists as the current arrangements are very poor.
- 10.22 It is anticipated that traffic movements would comprise the following (all figures are 'worst case'):-
- Construction (initial 26 month period)
- 10.23 Initially 72 HGV movements (36 in / 36 out) per day (for first 12 months), followed by 50 HGV movements (25 in / 25 out) per day. Around 300 construction staff would work at the site during the construction period and therefore there would be around 400 light vehicle movements (200 in / 200 out) per day. A Travel Plan would be in force to encourage use of public transport by staff and contractors.
- Operational
- 10.24 Once operational, the facility would be anticipated to produce 192 HGV movements (96 in / 96 out) and 80 light vehicle movements (40 in / 40 out) per day. Again, an operational Travel Plan would need to be in force.
- 10.25 Further information has been sought from the applicants regarding the bridge improvements, the impact of the traffic from the whole site and the impact of the construction traffic on the surrounding road network.
- 10.26 The applicants were also requested to consider use of the River Aire and the Aire & Calder Navigation for the transportation of waste as highlighted within the Aire Valley Area Action Plan. However, in this instance, it is accepted that the use of the commercial waterway is unlikely to be practicable due to the fact that none of the applicant's transfer stations are located near the waterway network, so loading waste containers onto barges would involve additional transport and double-handling, in addition to the difficulties of developing facilities at the right locations along the waterway.
- 10.27 *Notwithstanding the provision of further information that has been formally requested from the applicants, Members are requested to provide feedback at this stage on any transportation matters relating to the proposals.***

### **Surface water & groundwater**

- 10.28 The key elements relating to surface water and groundwater systems are:-
- Construction of a surface water retention pond – landscaped to encourage wildlife;
  - collection and use of rain water for use in the process;
  - there would be no need for effluent discharge – water would be re-circulated for use in process (ash cooling, washdown);
  - excess surface (rain) water would be discharged to River Aire.
- 10.29 As discussed above, the Environment Agency have objected to the proposals due to insufficient information having been provided relating to the impact upon groundwater due to the tipping bunker being proposed below the established water table level. This objection is an objection in detail, not an objection in principle. Following a meeting with the applicants and the Environment Agency, it is

anticipated this objection can be addressed through the provision of additional information in the form of a risk assessment and other technical detail. The applicants have submitted this information in draft form to the Environment Agency, who have confirmed that the additional detail will be adequate to allow the objection to be removed once submitted formally.

- 10.30 Further information relating to surface water drainage proposals has also been sought from the applicant.

### **Design, appearance, siting and scale of facility**

- 10.31 The philosophy behind the design of the facility is focused on the integration of its main operational functions of energy and heat generation located within an overarching building envelope. In considering this, the applicant has recognised the challenges that a structure of this size and scale presents. The design attempts to integrate the functional requirements of the process technology and the need to enclose, drape and screen this, with the need to contain the visual impact on nearby communities whilst recognising the site's location within an industrial valley setting.
- 10.32 The building form is predominantly curved in appearance and is separated into a series of volumes which each relate to specific functions: tipping hall, boiler hall and turbine hall.
- 10.33 In terms of materials and colours, the cladding of the main building would have a dark coloured base (blue), with upper sections lighter blue. Sections of the building would comprise of translucent panels (polycarbonate) to provide diffused natural internal lighting and to limit direct light spillage from within. The remaining sections of the building would be clad in a semi-reflective metal composite to allow the structure to take on the tones of its surroundings and sky. The mass of the building is now proposed to be further broken down by vertical translucent strips, adding needed detail to what otherwise could be considered overlarge façades. The roof of the building would be finished with a combination of aluminium and translucent panels. The central office section is proposed to take the form of a projecting cube and would have a glass façade.
- 10.34 The site itself is orientated perpendicular to the adjacent waterways and in keeping with the general 'grid form' of the Cross Green Industrial Estate. The heights of the main building and flue stack would not be dissimilar to main building and cooling towers of the original power station buildings that have since been demolished.
- 10.35 The design has been reviewed in detail at Design Review Board and by the Design Team. Officers have met with the applicants to seek refinements to the design and to gain a better understanding of the proposed material types and colours and to explore various refinements to the initial design.
- 10.36 *Members are requested to provide feedback on the design options presented.***

### **Landscape & Visual Amenity**

- 10.37 A study of the landscape and visual characteristics of the proposals has been carried as part of the Environmental Impact Assessment.

- 10.38 In landscape terms, whilst it is clear that there would be some significant effects in terms of visual impact, the overall character of the area would remain as an urban industrial site, similar to that of the surrounding industrial zone where large scale industrial buildings, power lines and strategic highways are frequent.
- 10.39 In visual terms, the site is located on the valley floor. There would be open views of the upper part of the main building and chimney stacks from the valley edges and from within surrounding residential settlements on the upper valley slopes. The assessment concludes that the main ERF building would have a significant presence from some viewpoints within a radius of around 2km from the site. However, due to the urban setting and the presence of intervening buildings and vegetation, such significant effects would be limited in extent beyond this distance, where the majority of rights of way, residential and recreational receptors are located.
- 10.40 The proposed development is large in scale and height and the main building mass, chimney stacks and plume all have potential to be visible depending upon conditions. The main approach to mitigation has focused on the delivery of a building of high quality with consideration given to context, orientation, design and layout.
- 10.41 Landscaping and biodiversity areas are proposed within the site which would complement the ERF building and also improve the existing landscape appearance and character of the vicinity of the site. The applicant has also been requested to investigate the potential for off site planting and also along the river bank to the south of the site.
- 10.42 *Members are requested to provide feedback in relation to any concerns they may have relating to landscape or visual impact from the proposed development.***

### **Cultural Heritage**

- 10.43 Thwaite Mill and Temple Newsam lie some 500m and 2.5km from the site respectively. Views of the ERF building would be possible from locations at both of these locations although the proposals are not considered to cause unacceptable impact on the setting of these important heritage assets. Notwithstanding this, the applicant has been requested to investigate the possibility of providing additional planting to soften the views from these sites.

### **Biodiversity**

#### Bats

- 10.44 The historic cooling tower bases on the site have internal voids which could be used by roosting bats, particularly during the winter months for hibernation. A winter hibernation survey has therefore been requested.

#### Reptiles

- 10.45 As a detailed reptile survey has not been carried out, a precautionary mitigation method statement has been requested.

#### Birds

- 10.46 The proposals include for a 'bare rubble area' for ground nesting birds within the site. However, it is thought that this likely to be sub-optimal as it would be subject to disturbance from activity at the plant. The potential for providing a larger area of

suitable habitat on site is very limited and so it is considered that off site opportunities should be explored. A possibility would be the use of floating rafts designed for little ringed plover to be installed at the lagoon 21 site at Skelton Grange Landfill. The applicants have been asked to investigate this further.

- 10.47 Lighting as part of new riverside development in particular can have an adverse impact on protected species in particular otters, bats and migratory fish. In view of the fact that otters and bats use the stretch of adjacent river, it is suggested that a permanent 'dark' vegetated corridor along the river should be maintained. Further information has been requested, including a request for the applicant to investigate opportunities for additional planting between the site and the river.
- 10.48 The Environment Agency has no objection to the proposals in terms of impact upon biodiversity, subject to the existing riparian habitat being retained alongside the site. This seeks to retain a continuous unobstructed and functioning river corridor, which has ecological, amenity and aesthetic benefits.
- 10.49 *Members are requested to provide feedback in relation to any concerns they may have relating to biodiversity at, or in the vicinity of, the proposed development.***

## **Other**

### Waste Residues

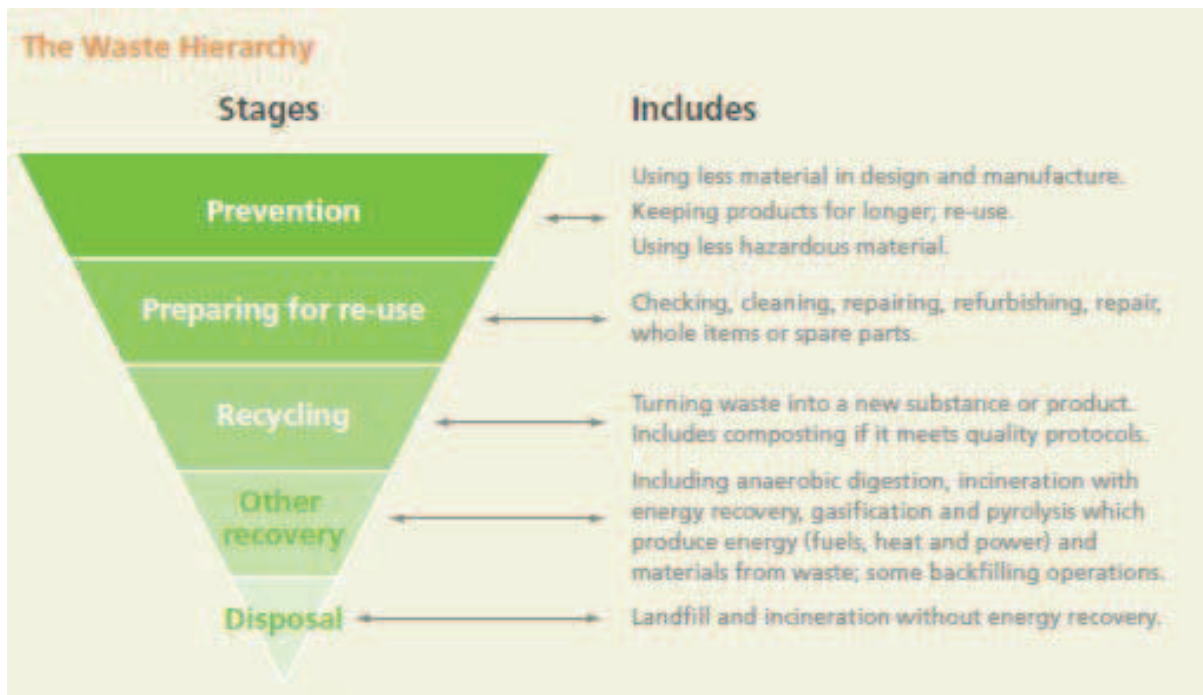
- 10.50 The process would generate two main solid waste residues, namely incinerator bottom ash (IBA) and air pollution control (APC) residues (including boiler ash or fly ash). IBA is generated from the grate combustion unit, and amounts to approximately 25% of the waste tonnage imported to the ERF. The ash bunker would be located inside the main building to minimise dust and odour generation. The IBA would be exported off site to a suitable re-processing facility. The processed IBA can be used in concrete and concrete block construction, replacing up to 50% of the aggregate traditionally used.
- 10.51 The APC residues also include boiler ash ("fly ash") from combustion, together with the other contaminants, which is removed from the flue gases prior to release into the atmosphere. Boiler ash consists mostly of carbon dust, along with some pollutants, organic compounds and heavy metals. The bulk of the APC residues comprise the spent reagents. APC residues are removed from the flue gases so that the emissions from the facility are clean prior to release, preventing pollution of the environment. APC residues have a high pH due to un-reacted neutralising reagents and this causes them to be classified as a hazardous waste. They would be stored in fully enclosed silos or bags pending removal off site in enclosed tankers to a designated hazardous waste landfill unless a market can be found for their use in treating acid wastes. APC residues and boiler ash ("fly ash") represents only about 3% by mass of the waste feedstock.

### Waste Hierarchy and Arisings

- 10.52 Currently, the predominant method of managing residual commercial and industrial waste in Leeds is by sending it to landfill. There are two operational landfill sites in Leeds accepting such waste; Skelton Landfill operated by the applicants (2km to the east of the application site) and Peckfield Landfill (10km to the east of the site) operated by Caird Bardon.



- 10.53 No specific recovery targets are set for commercial and industrial waste within the EU Landfill Directive. However it is a primary objective of national policy to divert waste away from landfill. This objective is reiterated within the Natural Resources and Waste DPD. In line with the Government's Review of Waste Policy in 2011, the DPD aims to provide for Leeds to be self sufficient in terms of the waste management needs for the plan period and to support the vision of a Zero Waste Society.
- 10.54 Under the Waste Regulations 2011, the waste hierarchy (as shown below) must be considered in all waste management decisions:-



Source: The Government's Review of Waste Policy 2011

- 10.55 The proposed facility would have a residual waste throughput capacity of 300,000 tonnes per year, which is comparable to the tonnage of waste currently accepted at the applicant's Skelton Landfill. As the landfill has a similar annual capacity and is nearing completion, capacity for the treatment of such waste would, in effect, be transferred from the landfill to the ERF. The figure of 300,000 tonnes per year represents between 60% and 85% of the residual commercial and industrial waste treatment capacity requirement for the plan period (350,000 – 500,000 tonnes) as identified in the Natural Resources and Waste DPD.
- 10.56 Whilst the available data shows that there is a need for a facility to treat such waste, it should be noted that a recent Inspector's decision concluded that the availability of commercial and industrial waste for a merchant facility was essentially a question for the market place, and that a proponent of such a facility, representing a very substantial investment, would only proceed after extremely careful consideration of the project's viability.
- 10.57 Members are requested to provide feedback on any further detail or clarification they may require in relation to the operational process.**

Further information

- 10.58 Further information relating principally to the issues described within this report has been formally requested from the applicants under Regulation 22(1) of the Environmental Impact Assessment Regulations 2011 on 9<sup>th</sup> December 2011.

### Section 106 Agreement

10.59 Proposals for a Section 106 Agreement will be submitted shortly. It is anticipated that following discussions with the applicants, such an Agreement would incorporate items such as Travel Plan fees & monitoring; highway works; cycle path & footpath provision; off site ecological works; off site planting & maintenance; improvements to footpaths & access to Trans Pennine Trail; local employment; and the formation of a community liaison group. Members are also requested to note that the applicants would wish to voluntarily set up a community benefit fund equivalent to £0.20 per tonne of waste received at the facility.

**10.60 Members are requested to provide feedback on any further detail or clarification they may require on the potential content of a Legal Agreement.**

## **11.0 CONCLUSION:**

11.1 In summary, feedback is requested from Members on:-

- ***whether a further visit to an existing Energy Recovery Facility would be useful;***
- ***any further detail or clarification they may require in relation to air quality and health;***
- ***whether a further discussion session with the Environment Agency in relation to the Environmental Permitting process would be desirable;***
- ***any transportation matters relating to the proposals;***
- ***the design options presented;***
- ***any concerns they may have relating to landscape or visual impact from the proposed development;***
- ***any concerns they may have relating to biodiversity at, or in the vicinity of, the proposed development;***
- ***any further detail or clarification required in relation to waste residues;***
- ***any further detail or clarification they may require on the potential content of a Legal Agreement.***

11.2 Members are requested to consider the contents of this report. Members are also invited to provide feedback in relation to any relevant issues and are asked to raise any questions they may have in relation to the proposed development.

## **12.0 BACKGROUND PAPERS:**

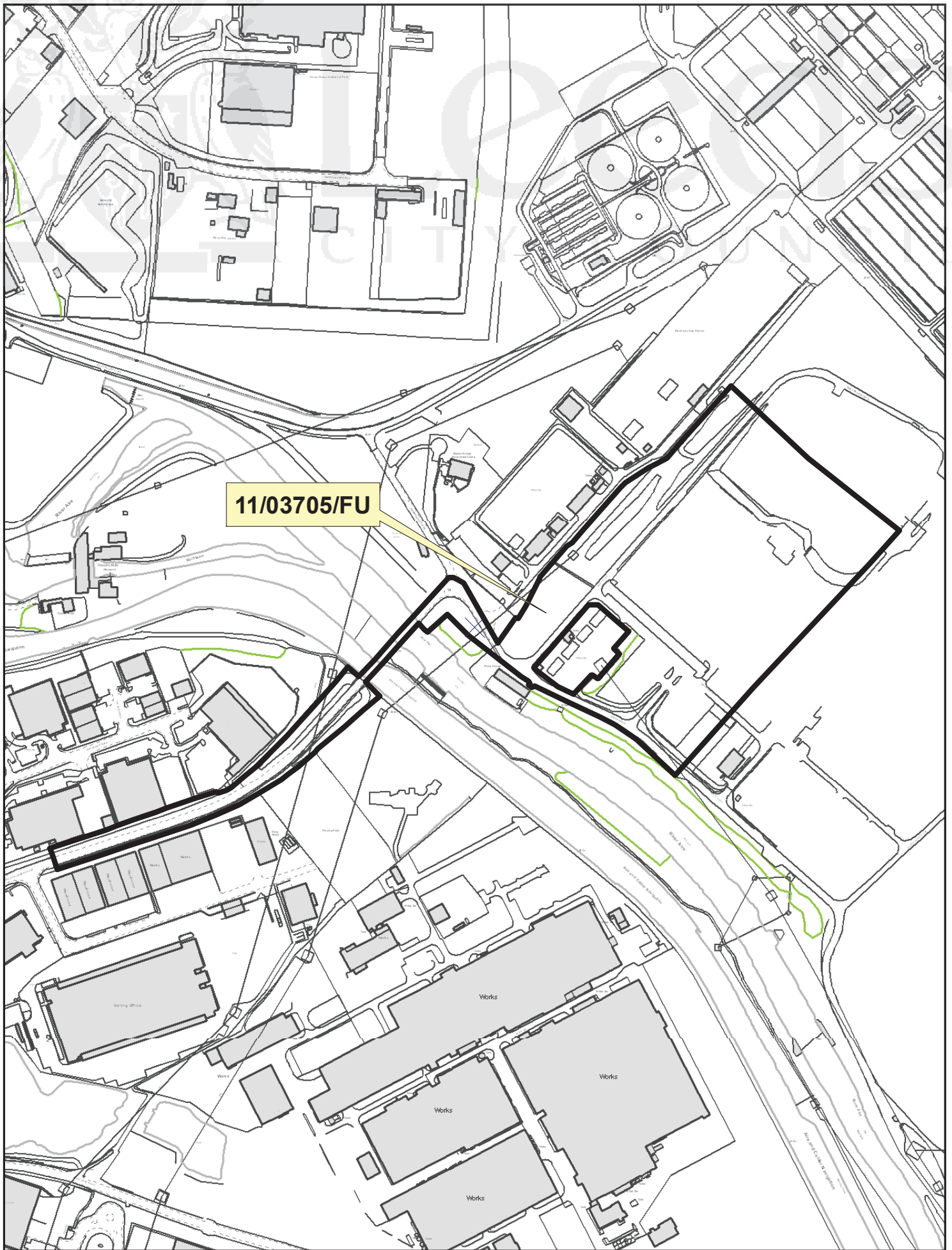
Application file 11/03705/FU;

Plans Panel (East) – 5<sup>th</sup> August 2010 (Minutes and Agenda);

Plans Panel (East) – 20<sup>th</sup> January 2011 (Minutes and Agenda).

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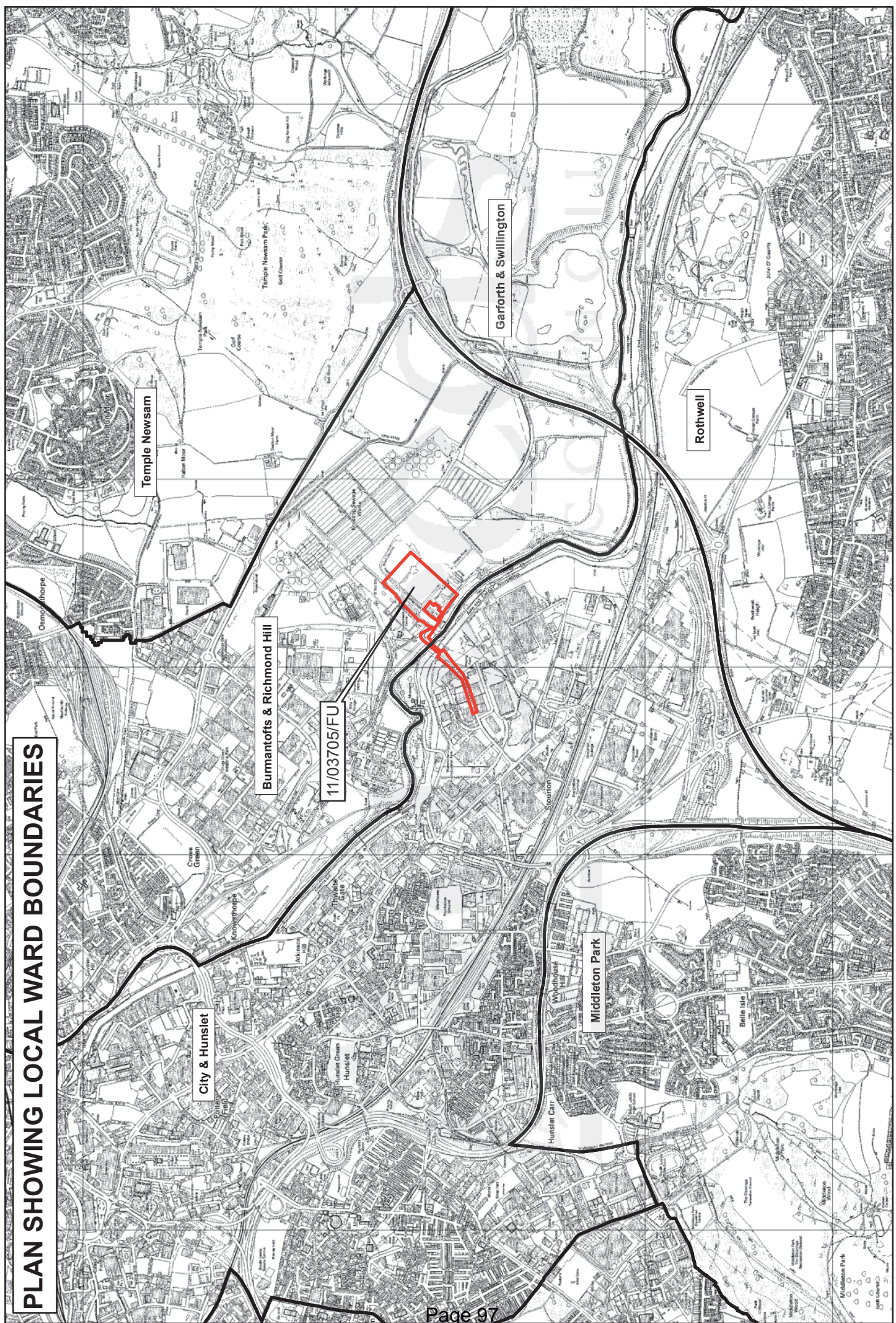
# EAST PLANS PANEL



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**PLAN SHOWING LOCAL WARD BOUNDARIES**





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**Leeds**  
CITY COUNCIL

Originator: Paul Wilson

Tel: 0113 247 8000

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 23RD FEBRUARY 2012

Subject: APPLICATION 11/02402/FU – Erection of 86 houses at Unit 12, Temple Point, Austhorpe

#### APPLICANT

Strata Homes Ltd and  
Checkhire Ltd

#### DATE VALID

23 June 2011

#### TARGET DATE

22 September 2011

#### Electoral Wards Affected:

Temple Newsam  
Garforth & Swillington

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 legal agreement which will include the following obligations subject to the outcome of consultations with Ward Members as to priorities;

- Contribution of £749,228 in total to provide affordable housing, education, the toucan crossing, bus shelter and travel plan monitoring fee ( sum to be index linked).
- Local employment and training initiatives
- Long term management plan for on site open space
- Start to be made on development within a specified period within 2012 and to give certainty over early delivery of houses

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

1. Time limit for permission
2. Development carried out in accordance to approved plans
3. External materials as specified
4. Submission of a Travel Plan
5. Protection of existing trees
6. Preservation of existing trees
7. Submission and implementation of landscape details
8. Landscape management plan
9. Submission of surface water drainage scheme
10. Protection of grassland area to south during construction
11. Protection of wildlife habitats
12. Protection of watercourses
13. Protection of wild birds during breeding season
14. Boundary treatment, walls and fences (including acoustic fencing) to be as specified
15. Specified plots to have permitted development rights removed
16. Driveways/parking bays and garages to remain available for use
17. Contamination conditions (multiple)

Full details of conditions and any subsequent amendments delegated to the Chief Planning Officer

**Reasons for approval:** The application is considered to comply with policies SA1, SA3, N49, N51, T2, T2C, T2D, T5, T7A, T24, H1, H2, H4, BD5 and LD1 of the UDP Review, as well as supplementary planning guidance. In particular the principle of housing on this site is considered acceptable given the planning history. Whilst the planning benefits of the site do not deliver the full requirements in accordance with Council policy and supplementary guidance it is recognised that the viability in bringing forward this site is marginal and in the interests of seeing the site developed and a contribution made to meeting housing needs recognition has been taken that the benefits offered are all that can be secured if the site is to be progressed at this time. The decision is therefore made on balance and having weighed the development plan and all other material considerations.

## 1.0 INTRODUCTION:

- 1.1 The application is reported to the Plans Panel as it constitutes a significant development that raises important planning issues regarding viability in the present economic climate if the scheme is to go ahead.
- 1.2 This application was reported to the Panel meeting on 5<sup>th</sup> January 2012 when Members did not object in principle to a residential development on this site but deferred a decision to allow officers to discuss with the applicant the concerns expressed by Members which are set out below:
  - The overall package of Section 106 contributions including affordable housing provision should be considered in consultation with Ward Members



- The design of the houses and particularly the tall narrow houses shown on the presentation
- The outstanding noise issues and whether these can be addressed to give an adequate environment for the 3 plots concerned
- That the standard wording relating to local training and employment initiatives be included in the S106 Agreement
- That information on the financial viability issues in this case be provided to the Panel when a further report is presented for determination of the application, with an appropriate officer from Asset Management being asked to attend to respond to any questions

1.3 Briefing sessions in respect of Section 106 contributions have been arranged with two of the Temple Newsam Ward Members and will be reported verbally to the meeting. The third Temple Newsam Ward Member is currently on maternity leave. There has also been contact with the Garforth and Swillington Ward Members as part of the site falls in that ward. A number of options have been put to the Ward Members as to how the Section 106 package could be structured to deliver planning benefits.

1.4 It has been calculated that to be policy compliant the site would need to make total contributions in the order of £1,742,200. The overall contribution is made up of the following elements ( rounded );

Affordable Housing – 15% equates to 13 houses (5 social rent and 8 sub market)	£1,033,000
Education – primary	£ 255,600
Education – secondary	£ 154,100
Public Transport	£ 97,100
Offsite greenspace (N2.3 and fixed play equipment)	£ 115,200
Toucan crossing	£ 40,000
Metro cards	£ 34,700
Bus shelter	£ 10,000
Travel Plan monitoring	£ 2,500
<b>TOTAL</b>	<b>£1,742,200</b>

1.5 Following the last Panel the developer has offered a further £80,000 to the contributions pot ( £40K each from the housebuilder and the landowner). **The latest offer therefore amounts to £749,228** in total which represents 43% of the total sum being sought by the Council.

1.6 The applicant has provided further supporting information about the layout and house types including a fly through, artist's impressions of street scenes and photographs of completed schemes in other areas where the same range of house types have been used and with a similar palette of materials.

1.7 The noise issue on the three plots has been the subject of further negotiation and the applicant has proposed additional acoustic fencing to address this. A meeting is to take place with the noise consultant for the Council and for the

developer prior to Panel and the outcome of this meeting will be reported verbally at Panel.

1.8 Wording in relation to local training and employment initiatives will be included in the Section 106 Agreement with the applicants agreement.

1.9 This report will be accompanied by a confidential report about viability which will be circulated to members prior to the meeting and an officer from Asset Management and the developers will be in attendance at the panel meeting to answer any Members questions.

## **2.0 PROPOSAL:**

2.1 The application originally sought permission for the erection of 88 houses with associated open space on land previously granted planning permission for an office park. In the course of negotiations officers raised concerns about various layout deficiencies and as a result the total number of dwellings proposed has been reduced to 86.

2.2 The scheme seeks to provide family housing with the majority of units (80 in total) being either two and a half or three storey 3, 4 and 5 bedroom houses with a traditional external appearance. The remaining units comprise of 5, two storey 2 bedroom houses and 1 flat built over garages.

2.3 The houses are to be constructed in red or cream facing bricks, with some dwellings also having an element of ivory render at ground floor. The flat over garages unit is to be wholly finished in ivory render. Grey or red roof tiles are proposed throughout.

2.4 Access to the site is from Bullerthorpe Lane, via the existing road network that serves the surrounding office park. Two entrances serve the site and provide an internal loop serving cul-de-sacs at either end. Parking is provided via a combination of garages, driveways and designated parking bays.

2.5 An area of public greenspace is provided to the southern part of the site, adjacent to the flood storage/balancing pond which serves the remainder of the office park. The drainage strategy for the current application is to connect into the existing balancing pond.

2.6 The applicant has submitted all necessary documentation including a Design and Access Statement, Noise Attenuation Report and importantly a Viability Assessment in recognition that the scheme is unable to deliver all the Section 106 contributions.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site lies close to Colton Village and Colton Retail Park but is on the edge of the urban area between the existing office park and the slip road from the motorway.

- 3.2 Specifically it is bounded to the west by the carriageway of Finch Drive and the office buildings which it serves. Bullerthorpe Lane is further west. An office building is directly to the north and the slip road which serves junction 46 of the M1 is to the east. Agricultural fields are to the south.
- 3.3 The site is served by two stub access points from Finch Drive and it slopes gently from north to south. It has been cleared of all landscape features many years ago in preparation of further office development although it now appears relatively overgrown due to the passage of time.
- 3.4 To the south (but still within the application site boundary) is an area of open land which includes a balancing pond and new planting. This part of the site lies within the Green Belt and has some mature trees on it.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The following planning history is relevant to the consideration of this application:

32/195/99/OT	Outline application for office park - Approved 20/12/01.
32/188/02/RM	Laying out of access road, site leveling and landscaping to proposed business park - Approved 15/11/02
08/03752/FU	Laying out of access and erection of 3 storey office block with 28 parking spaces and landscaping. Refused 18/09/08 – Appeal subsequently dismissed in May 2009.

- 4.2 The Temple Point office development on site was given outline approval under 32/195/99/OT and detailed approval under application 32/140/05/RM

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Prior to the submission of the planning application the applicant submitted a pre-application enquiry. The pre-application enquiry established that residential development could be supported in principle due to the availability of other employment land in the area. Normal planning considerations (layout, design, S106 contributions) would therefore be key.
- 5.2 Further pre-application discussions therefore focussed on the proposed layout and design matters with extensive negotiations taking place prior to the formal submission. The requirement to submit a viability appraisal in the event not all S106 contributions could be delivered was also discussed, albeit no financial details had been provided at that stage.
- 5.3 A number of meetings have taken place during the application stage to address officer and consultee issues. The site layout has therefore been amended and a reduction of dwellings from 88 to 86 is now proposed.

- 5.4 In addition to the above, discussions have been ongoing regarding the issue of noise from the adjacent M1 motorway. The applicant has proposed mitigation measures in relation to window design to secure an internal noise level which is acceptable. Within garden areas the use of acoustic fencing is proposed albeit discussions are still on-going regarding the impact on 3 particular plots.
- 5.5 Further discussions have also taken place with regard to the level of contributions which the applicant can afford based on the submitted viability appraisal. An additional £80,000 of funds has recently been added to the overall S106 'pot' following the Panel's consideration of the application in January.
- 5.6 Overall to get to this point has involved 18 months of pre application discussion and negotiation resulting in the submission of the application back in June 2011.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised by site notices, posted 1<sup>st</sup> July 2011. The application has also been advertised as a departure from the Adopted Development Plan in The Leeds Weekly News, published 21<sup>st</sup> July 2011.
- 6.2 2 letters of representation have been received in respect of this proposal.
- 6.3 The comments received related to the development increasing traffic on Stile Hill Way and using Colton Lane East as a cut through and that Colton Primary School is at capacity.
- 6.4 Local Ward Councillors have been consulted on this application. One member expressed concern regarding the capacity of local schools in that they are already full.
- 6.5 Further comments have been sought from Ward Members regarding local priorities following consideration of the application in January. Discussions are on-going so a verbal update will be provided at Panel.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

- 7.1 Environment Agency – no objections subject to conditions

### **Non-statutory:**

- 7.2 Yorkshire Water – no objections
- 7.3 Environmental Health - Initial comments raised concerns regarding noise to the occupants of the proposed dwellings from traffic on adjacent slip road and the M1 motorway itself. Improved internal specification for windows (including ventilation) is such that noise levels within the houses has been reduced to a

satisfactory level. Acoustic fence also brings the noise levels within the gardens to an acceptable level although still a question mark regarding the garden areas of 3 particular plots.

- 7.4 Policy – Site is still an employment allocation so policies E4/E18 relevant. However, following appeal decision offices are no longer acceptable despite the formal allocation due to change in central government policy. Assessment against criteria in Policy E7 therefore undertaken and shows criteria can be met. Site is considered to be greenfield from a policy perspective, however, recent release of Phase2 and 3 sites would support this alternative use of this employment site. Requirements in respect of affordable housing and greenspace contributions set out.
- 7.5 Highways – No objections subject to conditions
- 7.6 Nature Conservation – No objections subject to retention of existing landscape features within southern part of the site and need to avoid wild birds during the breeding season. Conditions recommended
- 7.7 Drainage – No objection as the existing infrastructure has been designed to serve the entire office park allocation. Conditions recommended.
- 7.8 Access – Concern raised regarding the use of shared surfaces which have been discussed in meetings with the developer
- 7.9 Contamination – No objection subject to conditions
- 7.10 Metro - discounted residential metro cards should be provided by developer and bus stop improvement required
- 7.11 Asset Management – Viability appraisal in respect of affordable housing submitted by applicant. Considered that in relation to other contributions required would not be viable to provide affordable housing.
- 7.12 Sustainability – Proposal does not provide sufficient information on sustainability. Code for sustainable homes pre-assessment required.
- 7.13 Travel wise – Request for Toucan crossing on Stile Hill Way and other off site highway works.

## **8.0 PLANNING POLICIES:**

- 8.1 The Development Plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage but to be published soon for a 6 week period of consultation following its consideration at Executive Board on February 10th. The RSS was issued in May 2008 and includes a broad development strategy for the

region, setting out regional priorities in terms of location and scale of development including housing.

## 8.2 **Regional Spatial Strategy (adopted May 2008):**

H4: Affordable housing.

YH4: Focus development on Regional Cities

YH4(b): Informs detailed design considerations

E2: Centres of regional cities should be the focus for offices

## 8.3 **UDP Review (adopted July 2006):**

SA1: Secure the highest possible quality of environment.

SA3: Adequate provision for housing needs.

E4: Allocated Employment site

E7: Except for residential development and uses ancillary to employment, applications for uses outside B use classes not permitted on allocated sites

E18: Key business park sites reserved for B1 use

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development principles.

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N24: Development proposals abutting the Green Belt

N38a: Prevention of flooding.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

N49: Habitat protection.

N51: Habitat enhancement.

T2: New development and highways considerations.

T2C: New development and Travel Plans.

T2D: Public transport contributions.

T5: Safe access for pedestrians and cyclists.

T7A: Requirement for secure cycle parking.

T24: Car parking provision.

H1: Provision for completion of the annual average housing requirement Identified in the RSS.

H2: Monitoring of annual completions for dwellings.

H4: Residential development on non allocated sites

BD5: General amenity issues.

LD1: Landscape schemes.

## 8.4 **Leeds City Council: Supplementary Planning Guidance/ Documents:**

SPG4 Greenspace relating to new housing development (adopted).

SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications determined after 1<sup>st</sup> June 2011)

SPG10 Sustainable Development Design Guide (adopted).

SPG11 Section 106 Contributions for School Provision (adopted).

SPG13 Neighbourhoods for Living (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPG25 Greening the Built Edge (adopted).

SPD Street Design Guide (adopted).

SPD Public Transport Improvements and Developer Contributions (adopted).  
SPD Designing for Community Safety (adopted).  
SPD Travel Plans (draft).  
SPD Sustainability Assessments (draft).

#### 8.5 **Government Guidance:**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS4: Planning for Sustainable Economic Growth  
PPS9: Biodiversity and Geological Conservation  
PPS12: Local Spatial Planning  
PPS25: Development and Flood Risk  
PPG13: Transport  
PPG24: Planning and Noise  
Manual for Streets  
Planning for Growth – Ministerial Statement - 23<sup>rd</sup> March 2011

#### 9.0 **MAIN ISSUES**

- Principle
- Site Layout
- Amenity
- Highways
- Access
- Public Open Space
- Sustainable Design and Construction
- Travel Wise
- Contributions

#### 10.0 **APPRAISAL**

##### Principle

- 10.1 The application site is allocated within the Leeds UDPR as an employment site under policies E4 and E18. As such, the Council's preferred use for the site is for employment purposes.
- 10.2 Policy E18 identifies specific employment sites allocated under Policy E4 as Key Business Park sites which are reserved for B1 use, (in this case, for prestige office development). However subsequent to the adoption of the UDP, PPS4 now requires that office developments are subject to a sequential test with, in the first instance, such developments being located within City or Town Centre locations, then edge of centre and only if no such sites can be identified, on out of centre sites. This is clearly an out of centre site and other sites in city centre or edge of centre are available to accommodate such an office park development. As such, the use of this site for office development can no longer be supported. This position was clarified in 2008/2009 with the refusal and subsequent dismissal of an appeal for an office scheme on this site referred to in the history section above. There is at least a ten year availability of office sites within the surrounding area (which in this case includes the City Centre due to the motorway access



as well as Thorpe Park on the opposite of Selby Road), so there is now no requirement for the site to be retained as a Key Business Park site under Policy E18.

10.3 The proposed use needs to be assessed against the requirements of Policy E7. This policy sets out four criteria that development, including residential development, that are outside the Class B uses, must meet to be able to be supported in planning terms.

10.4 The criteria are set out below with a commentary against each one:

**i) The site is not reserved for specific types of employment use under Policies E8 and E18;**

The site is allocated under E18 as a key business park for prestige office use. However, as discussed above the change in the national policy stance to require the sequential approach for office uses means that this site no longer needs to be retained as a Key Business Park site. Policy E8 does not refer to this particular site and as such is not considered relevant.

**ii) Sufficient alternative employment sites exist district wide, readily available in terms of quality and quantity so as to not prejudice the achievement of the employment land strategy through Policies E1 and E2;**

Policy E1 seeks to make sufficient land available for the retention of existing firms and the growth of new economic sectors. Policy E2 seek to identify adequate employment land to maintain a balanced portfolio of sites in the district. The majority of the employment allocation at Bullerthorpe Lane has already been developed for offices. Within Leeds there is more than adequate employment land already available for the employment uses envisaged for the site. There is a considerable supply of employment premises on the market.

Whilst the site could, in theory, be developed for B1 light industrial uses or B1 research and development, the UDP does not envisage this. Market demand for these uses on the site is currently very weak, as evidenced by the increased amount of floorspace on the market compared with previous years.

**iii) Within the locality there are sufficient alternative employment sites available in terms of quality and quantity so as not to prejudice opportunities for local employment uses;**

As mentioned in (ii), the majority of the original allocation has already been developed for offices. To the north of the site, on the opposite side of the A63 is Thorpe Park, one of the largest business parks in the region. The Council's October 2009 property market report indicates that there was over 117,000 sq ft of office floorspace available at

Thorpe Park with a further 1,200,000 sq ft permitted. In addition, there was over 240,000 sq ft of industrial floorspace available in East Leeds with a further 77,500 sq ft proposed.

**iv) The proposal would not result in environmental, amenity or traffic problems.**

The existing roads constructed for the anticipated office development on the site are more than adequate to cater for residential traffic. In this regard residential and B1 office development are by definition compatible. Residential development on the site would not result in environmental or amenity problems for existing development and users. In respect of the amenities of the future occupants of the development mitigation measures are required as part of the development.

In the light of the above, it is considered that the criteria in Policy E7 have been met and the proposal could be considered favourably. Given the amount of employment land available in the area it would be very difficult to mount an argument that the land was required for employment use, certainly in the short to medium term.

- 10.5 The application site, is already partly serviced by infrastructure previously intended to serve an office development. Whilst the site outwardly has the appearance of a greenfield site, its allocation as an employment site and the surrounding existing office developments, means it is in effect an area of land which, because of circumstances, has been left undeveloped. Works have been undertaken to make the site ready for development and it was used as the construction compound for the construction of the A1/M1 link. As such, the nature of the site is not clear cut. In the light of the above, it is considered that support could be given, in principle, to the residential development of this urban site subject to it being otherwise acceptable in planning, design and access terms.
- 10.6 At the last Panel meeting when this site was considered Members were comfortable with the principle of housing development on this site given its history.

Site layout

- 10.7 The site is accessed through a recently constructed development of office buildings. The application site previously had planning permission for office development which lapsed and, due to a change in national planning policy, an application to renew the permission was refused and dismissed at appeal. The application therefore seeks permission for residential development as an alternative use for the site.
- 10.8 In terms of context, the office buildings are two storey and are situated on the opposite side of Finch Drive, facing the site and adjacent to the northern

boundary. The buildings have a contemporary external appearance and are constructed in a modern cladding system featuring extensive glazing.

- 10.9 Access to the site is provided via two stub roads and these are to be retained. The residential layout therefore comprises of a central spine road (part of which forms a loop) terminated at the north and south ends by cul-de-sacs. The houses are all positioned to form active street frontages including a number which face onto Finch Drive itself.
- 10.10 Although the adjacent office buildings are only two storey, the floor to ceiling heights associated with these buildings are greater than modern houses and accordingly the three storey house proposed are considered to be appropriate.
- 10.11 With respect to detailed layout matters, the scheme has been amended a number of times to address various problems such as overlooking, small gardens and large expanses of off street parking. The number of units has therefore been reduced from 88 to 86 and the revised layout is considered to have addressed officers main concerns.
- 10.12 At the previous Panel meeting on 5<sup>th</sup> January 2012 Members were concerned about the appearance of the houses from the presentational material shown at the meeting given the narrowness and height of some house types. In addition, some Members had concerns about the spatial setting of the layout and considered that the dwellings were not in keeping with the Colton area. Reference was also made to another development by the applicant in Guiseley which was considered to be disappointing. In response, the applicant has now submitted further supporting information which will be used in the officer presentation. Furthermore, the house types used on the Guiseley scheme are from a different range to those proposed here.
- 10.13 In terms of the site's relationship with the residential part of Colton, the main estate is found on the opposite side of Stile Hill Way and does not readily relate to the development due to the intervening office buildings. Nevertheless, the Colton houses are constructed from red and buff bricks, have a fairly traditional design and comprise almost exclusively of family housing. In this respect the house types proposed share many similar characteristics and accordingly are considered to be appropriate.

#### Amenity

- 10.14 There are two areas where the amenity of the future occupants of the proposed houses could be compromised. One is through possible overlooking and secondly because of noise.
- 10.15 In respect of overlooking the main issue relates to the relationship between the existing office units facing the northern boundary of the site as internally adequate separation has been provided or houses are orientated accordingly. The height of the office building and extent of glazing means

that care is needed to ensure that overlooking does not occur or can be mitigated to a satisfactory degree.

- 10.16 At ground floor level overlooking has been overcome through the provision of 1.8 metre high screen fencing along the northern boundary supplemented with tree planting to help filter views. At first floor level the distance between the office building and the first floor windows of the dwellings achieve distances above those given as guidance in Neighbourhoods for Living.
- 10.17 These proposed methods of mitigation in conjunction with the re-orientation of some of the units so only a gable wall presents itself are considered to address the issue of overlooking to a satisfactory level.
- 10.18 With respect of noise, the main issue relates to noise from traffic using the main M1 carriageway (due to its concrete construction) and its associated slip road - albeit this is less of a problem as vehicle speeds reduce on approaching the junction.
- 10.19 Noise from the motorway will impact on the proposed houses in two ways. Firstly, noise within the dwellings themselves and secondly, noise in the private garden areas of the dwellings.
- 10.20 In respect of noise within the dwellings themselves it is proposed to provide windows to the dwellings in the near vicinity of the motorway with enhanced double glazing and acoustically treated background ventilation. This will ensure that when windows are closed, the ventilation system will operate to ventilate the houses but not leave them subject to noise issues, like they would if the windows had to be opened to provide ventilation.
- 10.21 In respect of noise in the garden areas, it is intended to provide acoustic fencing of between 2.4 and 3 metres high along the eastern boundary with the slip road. The fencing will be 2.4 metres high adjacent to that part of the slip road where the surface is tarmac but rises to 3 metres where the road surface is concrete due to higher noise levels. This, it is considered, will reduce to an acceptable level noise within the gardens of dwellings which lie adjacent to the slip road. The only exception concerns three plots at the extreme south eastern corner of the site where the gardens will still experience a higher noise level. As part of the officer presentation, reference was made to noise levels being high and on the limit of what is generally recognised as being acceptable. Some concern was also expressed about the methodology used in arriving at these figures and accordingly the Council's noise expert was concerned levels could be higher, albeit only when certain environmental conditions existed e.g. wind direction. Within this context and noting the houses themselves were fully protected from noise, officers were of the opinion the issue was marginal and finely balanced but could nonetheless be accepted.
- 10.22 At the Panel meeting, Members expressed concern about this approach and wanted the issue to be considered further. In this respect the applicant has submitted a revised layout plan which shows additional acoustic fencing

extending in front of the properties and into the greenspace. Additional fencing is also proposed between the properties.

- 10.23 The additional measures proposed will help mitigate the noise to the front of the houses although it is not yet clear if improvements will also be achieved within the rear gardens. The issue has not therefore been completely resolved. There is also disagreement between the consultants regarding the appropriate standard to be used in this situation. However a meeting has been arranged with the Council's and the applicant's noise consultants to try and resolve this issue prior to Panel. The outcome of the meeting will be reported verbally.

### Highways

- 10.24 No objections were raised to the principle of development on this site but matters of detail, mainly in respect of provision and size of parking spaces and garages and other minor amendments, were identified and the plans have been amended to the satisfaction of Highways officers.
- 10.25 The issues regarding the possibility of further queuing of traffic on Stile Hill Way and the potential for traffic taking a shortcut through Colton, raised in the two letters of objection, have been considered by Highways officers. The Highway file indicates that the highway improvement works at the nearby traffic signal controlled roundabout of Stile Hill Way/Selby Road were carried out on the basis of an anticipated commercial/employment development being implemented at the application site. A comparison of the vehicular traffic generated by a residential development of 86 dwellings with the equivalent employment use indicates that traffic associated with the residential scheme would be less than the originally envisaged employment development. Accordingly, it is considered that the proposed development would not have a material traffic impact on the local highway network above that already approved.

### Access

- 10.26 The Access Officer has raised concerns about shared surfaces within the development and the problems that could arise for the safety of blind and partially sighted residents who rely on changes in surfaces to indicate whether they are on a footway or a carriageway used by vehicles.
- 10.27 It is considered that the main area of shared surface where such a situation may occur is the cul-de-sac at the southern end of the development which serves plots 58 to 62. However, it is considered that vehicles travelling in this area will be approaching the end of a cul-de-sac and will, of necessity, be slowing down. In such situations, drivers will be more aware of pedestrians in the road sufficiently in advance and should take the necessary care.

### Public Open Space

- 10.28 The application site includes an area of land adjoining the southern edge of the development which is situated in the Green Belt. This land includes a flood storage/balancing pond which was provided to serve the entire office allocation. This land will be retained as a green buffer to the development and will provide semi-wild open space for informal recreation.
- 10.29 A footpath link is to be provided from the development direct into this open space area and existing trees between the development and the open space will also be retained.
- 10.30 Policy N24 requires that, where development adjoins the Green Belt, provision shall be made to assimilate the edge of development into the Green Belt. It is considered that the vegetation that exists between the built part of the site and the Green Belt/greenspace is sufficient to achieve such assimilation and additional planting will not be required in this respect. Conditions requiring the retention of this existing vegetation will however be imposed and a landscaping scheme for the entire application site will also be secured.
- 10.31 Overall it is considered that the development will provide sufficient open space for use by the occupants of the development – possible contribution to the wider area is discussed in the section on Contributions below.
- 10.32 The introduction of additional acoustic fencing proposed to mitigate the noise issue for the most southerly plots will not impact on existing trees and its visual impact can be ameliorated with judicious planting.

#### Sustainable Design and Construction

- 10.33 The SPD in respect of Sustainable Design and Construction is guidance only at this stage and is voluntary. The applicant is aware of the SPD and has indicated the elements in its development where sustainable design and constructions methods will be employed.
- 10.34 Whilst the elements offered by the applicant do not achieve all the code levels that would be desired by the SPD, because it is a voluntary code, the applicant cannot be compelled to achieve these levels.
- 10.35 As such the information provided by the applicant in respect of Sustainable Design and Construction is considered satisfactory.

#### Travel wise

- 10.36 There has been a request from Travel wise in respect of safe access for children to school. A number of off site highway works are suggested including a Toucan crossing on Stile Hill Way, various works including yellow lines before the mini roundabout on Colton Road east at the junction to School Lane, a Traffic Regulation Order on the zig zags outside Colton Primary School and a footpath across the grass verge on Colton Road East near to School Lane.



- 10.37 The Toucan crossing not only will allow safe access across a busy road for school children, it will also provide safe access to bus services on the other side of Stile Hill Way and to the Colton Retail Centre. In this respect, therefore, it is considered that the provision of a Toucan crossing can be supported and should be addressed in the Section 106 Agreement.
- 10.38 However, the other provisions requested are considered to be remote from the application site and as such are not reasonably related to the development and cannot be required.

### Contributions

- 10.39 A development of the size proposed (86 dwellings) would generate a requirement for various financial contributions in accordance with Council policies and guidance. These are set out in full in paragraph 1.4 at the start of this report and amount in total to about £1,742,000. All of these contributions are considered to directly relate to the development and are compliant with the three legal tests introduced by the Community Infrastructure Levy Regulations
- 10.40 Following the last Panel consideration and negotiation with the applicant the contributions on offer has been increased by £80,000 to £749,228. Options for what the contributions pot could deliver have been put together and meetings with Ward Members are taking place to discuss priorities and seek their views. The outcome of these meetings will be reported verbally to Panel.
- 10.41 Members should be aware that the advice from Asset Management indicates that even if no contributions at all were being made, the viability of the scheme would be marginal. Further information about the viability appraisal will be made available to Members for the Panel meeting, as previously requested, and an officer from Asset Management has been asked to attend Panel to answer any detailed questions Members may have.
- 10.42 The applicant submitted, with the application, a Viability Assessment in respect of the required provision of 15% Affordable Housing. This explained why the applicant did not consider that any affordable housing could be provided without making the scheme unviable. The applicant will, however, provide the other financial contributions requested above. The submission of the viability assessment is in accordance with the Council's own Supplementary Planning Guidance. Members will be aware that both national and local policy and guidance are clear that viability is a material consideration which should be taken into account in reaching a decision. The Council's own interim affordable housing policy states

*“ The policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals ( in accordance with the Supplementary Planning Guidance (SPG) par 3.9 ). If verified the Council may reduce the affordable housing targets or reduce other S106 contributions in lieu of*



*reduction in affordable housing. Priorities for relaxing other S106 contributions will be decided on a case by case basis.”*

- 10.43 Officers in Asset Management have appraised the Viability Assessment. They are of the opinion that market conditions, at the moment, for a site in this location, are such that it is only marginally viable in the market generally to develop the site for housing at all, this being without requirements for either S106 contributions or affordable housing.
- 10.44 The applicant has set out below the particular circumstances that influence, for them, the site’s viability:
- This application site is the balance of a larger site allocated for employment (office) development in the UDP. In the context of changes to policy the site cannot come forward for office development.
  - This is, therefore, a serviced site where considerable expenditure has already been incurred on infrastructure to enable development and this is reflected in the price paid for the land.
  - The land price reflects the cost of providing off and on site infrastructure related to the office scheme and also includes the cost of the land itself and related finance and site-wide professional fees. Up to this point, as each office phase of the scheme was completed, each phase was allocated (i.e.paid for) these site wide costs pro-rata based on that particular scheme’s share of total floorspace. In other words, if an office scheme in a particular phase comprised 20% of the total floorspace expected to be accommodated on the site it would pay for 20% of the site wide infrastructure, land, finance and professional costs. The balance of these costs that would have been paid by an office scheme, had the site been developed as originally intended, will now be paid by the residential scheme.
  - Other relevant factors in the appraisal are:  
Build costs – Strata Homes has considerable experience in appraising and developing residential schemes throughout the Yorkshire region. Based on their experience it has been estimated that total development costs per sq m are lower than BCIS costs and lower than the industry norm - a point confirmed by the Council’s assessment of the appraisal.
  - Strata’s build costs are also significantly below the build costs of £95 per sq ft assumed in the Council Economic Viability Assessment. The section 106 costs incurred by Strata on the Temple Point Scheme are also higher than the Section 106 costs of £2,104 per unit in the Council’s Viability Assessment.
  - Finance charges - are at competitive rates as the company is funded by Yorkshire Bank and Strata’s own funds. The company is funded by Director Loans. For this reason it is not necessary to calculate finance

on a site by site basis. Average interest charges are therefore much lower than the industry norm.

- As a private company Strata can take commercial views on levels of return to progress schemes that other PLC developers would not be able to progress.
- The return on the scheme is significantly lower than the current industry norm of 17.5% – 20% and this point has been accepted by Asset Management.

10.45 One Local Ward Member asked for clarification that contributions were being sought in respect of education provision in the area. The requirement for an education contribution and the amount sought was confirmed to that member. This ward member had also made comments previously regarding the capacity of local schools and the education contributions, it is considered, will assist in addressing this issue. No comments were received, from other ward members.

10.46 The options indicate that the contributions pot on offer could provide;

Option 1 – 7 affordable houses (all submarket – 4 x 2 bed and 3 x 3bed), primary education contribution, toucan crossing and travel plan monitoring sum

Option 2 – 4 affordable houses ( all submarket – 2 x 2 bed, 2 x 3 bed), primary and secondary education contributions, toucan crossing, bus shelter, travel plan monitoring sum and £27K towards greenspace

Option 3 – 5 affordable houses ( all submarket – 2 x 2bed, 3 x 3 bed ), primary education contribution, toucan crossing bus shelter, £112K towards greenspace and travel plan monitoring sum.

It is possible, with the sum available to make some contribution towards affordable housing and education. It is considered that the toucan crossing is very important as it will give linkages to the local school and facilities for residents. On site greenspace is being provided as part of the development. In the above option the public transport contribution has been omitted and the greenspace sum given less priority apart from in Option 3.

## **11.0 CONCLUSION**

11.1 Given the history of the site its alternative use as housing is considered acceptable. It would bring forward family housing which can be delivered in the short term as the housebuilder is wanting to start on site and develop units on this site straight away and is prepared to commit to this in a legal agreement. Technically there are no obstacles to development subject to a satisfactory outcome on the noise issue affecting just three properties. The layout and designs are considered acceptable in this location given the context next to the existing office park and greenspace is delivered as part of

the scheme. Development of this site would complete its development in the short term, contribute to available land supply for housing and also give some receipt to the Council in relation to New Homes Bonus over the next few years. Given its context it is not a contentious site and has given rise to little adverse representation.

11.2 Against these benefits Members need to weigh the Section 106 contributions which will be paid, amounting to £749,228 against a policy requirement and ask of around £1,742,000. Whilst the contributions can be used to deliver some affordable housing, a toucan crossing and some/ all of the education contributions it will not deliver all of them and will fall short by some measure.

11.3 In considering this balance members should have regard to the outcome of the viability assessment and the conclusions reached by the officer in asset management who has considered the assessment in detail. Members should also be aware of the strong messages which are coming from both national and local government stressing the need to get the economy going and go for growth. The written Ministerial Statement issued by Greg Clark on 23<sup>rd</sup> March 2011 ( and which is capable of being a material consideration in its own right according to the Chief Planner at CLG ) states that there is “a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth.” He goes on to say “ When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.” Later in his statement the Minister states

*“To further ensure that development can go ahead, all local authorities should reconsider, at developer’s request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms”*

11.4 In considering that balance officers have recognised that the contributions offered on this site fall well short of the policy “ask” but that the offer now on the table would enable the site to be developed in the short term. Given the need to be flexible to get things moving in the present economy officers have given greater weight to delivery and the advantages that flow from that but recognise that the case is finely balanced given the size of the contributions pot. The question for members having regard to what is offered and the consideration of the viability assessment is whether the go ahead can now be given or whether the development is unacceptable in planning terms because of the level of contributions which can be brought forward.

11.5 It is important that a decision is now reached on whether this development can proceed given the length of time in negotiation both pre application and through the application process.

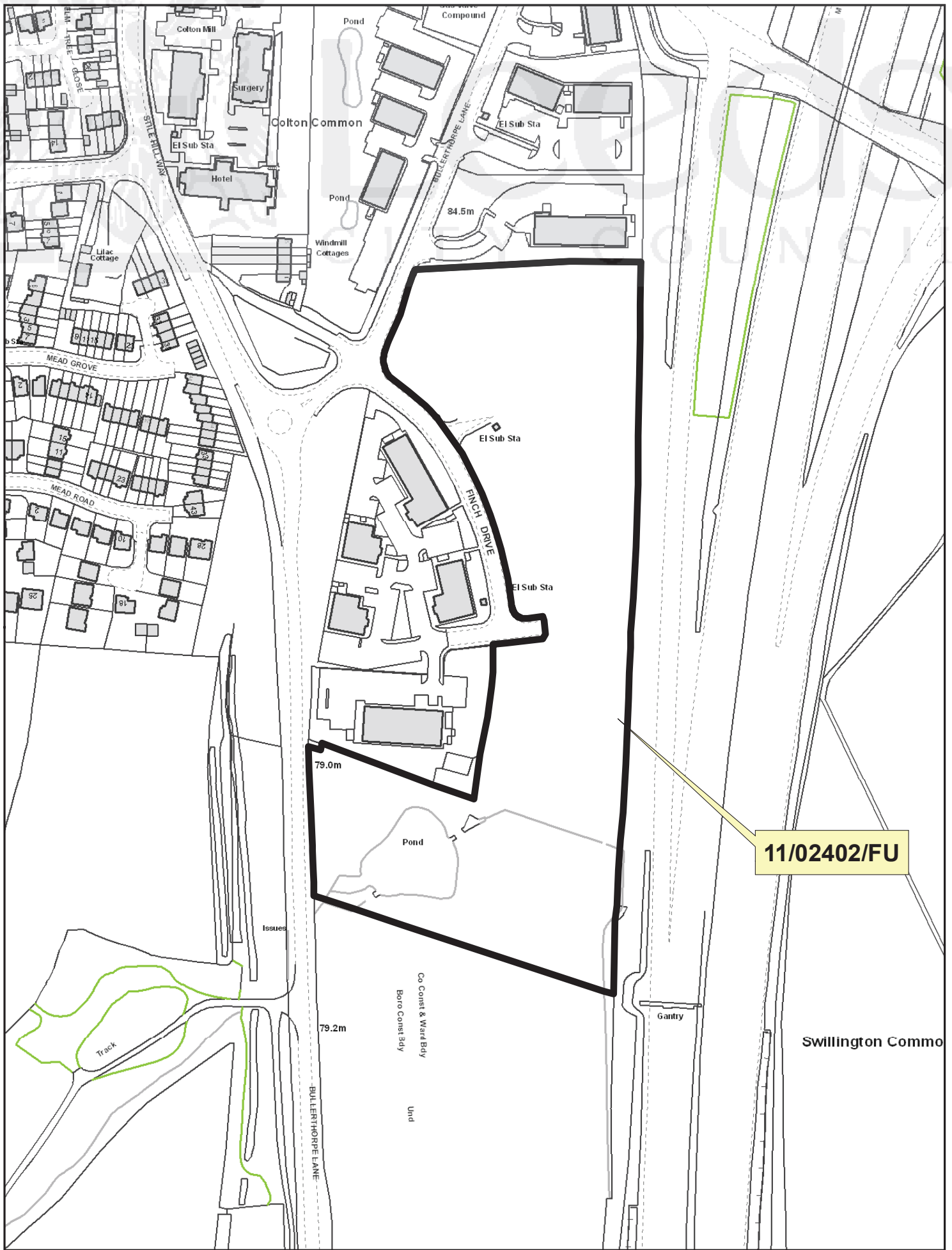
**Background Papers:**

Application and history files.

Certificate of Ownership.







# EAST PLANS PANEL

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