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## **SOUTH AND WEST PLANS PANEL**

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**Meeting to be held in Civic Hall, Leeds on  
Thursday, 6th March, 2014  
at 1.30 pm**

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### **MEMBERSHIP**

#### **Councillors**

J Akhtar  
M Coulson  
C Gruen  
J Hardy  
J McKenna  
(Chair)  
C Towler  
P Truswell

J Bentley

A Castle  
R Wood

R Finnigan

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**Agenda compiled by:  
Andy Booth  
Governance Services  
Civic Hall  
Tel: 0113 24 74325**

# 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 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> |         |

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| 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 the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p> |         |
| 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 DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>  |         |

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| 5       |                     |               | <b>APOLOGIES FOR ABSENCE</b>  |         |
| 6       |                     |               | <b>MINUTES - 30 JANUARY 2014</b><br><br>To confirm as a correct record the minutes of the meeting held on 30 January 2014   | 3 - 10  |
| 7       | Kirkstall           |               | <b>APPLICATION 13/05700/FU - 56 EDEN CRESCENT, KIRKSTALL. LEEDS</b><br><br>To receive and consider the attached report of the Chief Planning Officer regarding an application for a first floor side extension.   | 11 - 22 |
| 8       | Headingley          |               | <b>APPLICATION 13/05581/FU - ST MICHAEL'S COURT, SHIRE OAK STREET, HEADINGLEY, LEEDS</b><br><br>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of conditions 10 and 18 of planning permission 13/03169/FU (Change of use of part of ground floor and extension to side of part of medical centre to form restaurant) to allow increase in servicing vehicles to 10 metres from 7.5 metres and increase the number of covers for the site to 88 seats inside and 20 outside from 60 inside and 26 outside. | 23 - 30 |
| 9       | Weetwood            |               | <b>APPLICATION 13/05106/FU - 74 WEETWOOD LANE LEEDS</b><br><br>To receive and consider the attached report of the Chief Planning Officer regarding a retrospective application for a detached double garage with storage area above to rear.  | 31 - 38 |
| 10      | Guiseley and Rawdon |               | <b>APPLICATION 13/05573/FU - 9 COACH ROAD, GUISELEY, LEEDS</b><br><br>To receive and consider the attached report of the Chief Planning Officer regarding an application for a detached house to garden.  | 39 - 48 |

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| 11      | Guiseley and Rawdon |               | <p><b>APPLICATION 13/05685/FU - OTLEY ROAD, GUISELEY, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a first floor and single storey extension to warehouse.</p>  | 49 - 58 |
| 12      | Morley North        |               | <p><b>POSITION STATEMENT - APPLICATION 13/02604/FU - ST BERNARD'S MILLS, GELDERD ROAD, GILDERSOME, MORLEY, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a position statement on an application for changes to existing materials recycling facility, extension to waste transfer building (no increase in annual waste throughput), two storey extension to offices and amended site layout with additional landscaping</p>  | 59 - 82 |
| 13      | Guiseley and Rawdon |               | <p><b>PRE-APPLICATION - PREAPP/13/01022 - FORMER GREEN LANE DYEWORKS, GREEN LANE, YEADON, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a pre-application for the partial demolition of former dyeworks buildings and conversion and new build residential development of 171 dwellings.</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> | 83 - 90 |
| 14      |                     |               | <p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 3 April 2014 at 1.30 p.m.</p>   |         |

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To:

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

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

Contact: Andy Booth  
Tel: 0113 247 4325  
Fax: 0113 395 1599  
andy.booth@leeds.gov.uk  
Your reference:  
Our reference: ppw/sitevisit/  
2014

Dear Councillor

**SOUTH AND WEST PLANS PANEL – REVISED SITE VISITS – THURSDAY, 6 MARCH 2014**

Following the withdrawal of Application 12/04737/FU – Land Rear of Sandon Mount, Sandon Grove, Hunslet, Leeds, please note the following revised schedule for site visits to take place prior to the meeting of South and West Plans Panel on Thursday, 6 March 2014.

- 1 10.25 **Application 13/05685/FU – First floor and single storey front extension to warehouse – Otley Road, Guiseley – Leave 10.35** (if travelling independently meet at entrance to site off Otley Road).
- 2 10.45 **Application 13/05573/FU – Detached house to garden at 9 Coach Road, Guiseley – Leave 10.55** (if travelling independently meet at entrance to site off Coach Road).
- 3 11.20 **Application 13/02604/FU (POSITION STATEMENT) – Changes to existing materials recycling facility, extension to waste transfer building, two storey extension to offices and amended site layout with additional landscaping – St Bernards Mills, Gelderd Road, Geldersome – Leave 11.50** (if travelling independently meet at entrance of site off Gelderd Road).

Return to Civic Hall at 12.00 p.m. approximately

**A minibus will leave the Civic Hall at 10.05 am prompt.** Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.00 am.

Yours sincerely

**Andy Booth**  
**Governance Officer**



## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 30TH JANUARY, 2014**

**PRESENT:** Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,  
M Coulson, R Finnigan, C Gruen, J Hardy,  
C Towler, P Truswell and R Wood

### **89 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable interest however the following was brought to the Panel's attention:

- Agenda Item 11, St Michael's Lane, Headingley – Councillor J Bentley informed the Panel he was a member of Yorkshire Cricket Club
- Agenda Item 9, 9 Lawns Green, New Farnley, Leeds – Councillor Hardy informed the Panel that although he had been involved in previous discussion regarding the application he would be treating the application with an open mind.

### **90 Apologies for Absence**

### **91 Application 12/02434/FU - Manor Park Surgery, Bellmount Close, Leeds**

The report of the Chief Planning Officer referred to a high court judgement relating to a judicial review which sought to secure the quashing of a Panel decision to approve an application for a part two storey, part single storey front, side and rear extension and laying out of car park at Manor Pak Surgery, Bellmount Close, Bramley.

It was reported that all the concerns listed in the appeal were rejected by the judge and that there would be no further appeal. Costs would be awarded to the Council and this was a matter for negotiation.

**RESOLVED** – That the report be noted.

### **92 Application 13/03007/FU - Land and premises opposite to 60 to 68 Half Mile Lane, Stanningley, Pudsey**

The report of the Chief Planning Officer presented an application for a residential development for 6 pairs of semi-detached two storey dwellings (12 in total) at land and premises opposite 60 to 68 Half Mile Lane, Stanningley, Pudsey.

Members attended a site visit prior to the Panel meeting and site photographs and plans were displayed.

Draft minutes to be approved at the meeting  
to be held on Thursday, 6th March, 2014

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

- Access to and from the site – access to 10 properties would be gained via Half Mile Lane, with the others from Half Mile.
- Parking restrictions.
- This was a revised application – the original did not receive highways approval.
- Members were shown photo montages of what the site would look like when developed.
- It was proposed that the perimeter wall be demolished and rebuilt to improve visibility splays. This would be subject to the necessary standards, conditions and a risk assessment.
- Reference to public consultation and meetings with local residents – concern was expressed that local facilities could not sustain further development and an application with fewer units would be preferable.
- Further conditions to the application to include bat mitigation and submission of a risk assessment for the wall on Half Mile Lane.

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

- The field that was to be used for the proposed development was previously maintained by local residents. Access to do this had now been prevented. It was felt that there would be a loss of amenity to local residents and the land could be used for allotments.
- The land supported wildlife including bats, foxes and squirrels and the application should be deferred until a full conservation study had been carried out.
- The development would be out of character with the area.
- Access arrangements would both be on blind bends where residents parked.
- There had been no traffic survey done on Half Mile – reference was made to a recent traffic accident.
- It was felt if any proposals were to go ahead it should be a maximum of 8 units and that these should be stone built to keep within the character of the area.
- In response to comments from the Panel, the following was discussed:
  - There were difficulties on the road when there was ice and snow and the street was not gritted.
  - The field was previously used to keep horses and poultry and regularly used by local residents.
  - An approach had been made to the Calverly Allotment Society about the potential use of the land for allotments. This would also involve a local school.
  - Resident's access to the land was prevented following an earlier application to develop in 2006.
  - The landowner had told a local resident the land was not for sale.

The applicant's agent addressed the Panel. The following was raised:

- There had been thorough consultation with planning and highways to get the application to this stage.
- The applicant was comfortable with the two additional conditions to the application and endorsed the officer recommendation.
- Access to the site was safe.
- There was a commitment to rebuild the wall.

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

- There was a public right of way footpath along one side of the site. This was not owned or maintained by the Council. It was not in the ownership of the applicant and would not therefore be reasonable to have conditions applied to it.
- Costs for damage to the wall following the recent accident would be recouped through the motorists insurance.
- There would not be an affordable housing contribution as the proposals did not meet the necessary criteria.
- Concerns regarding Half Mile being used as a rat run – it was reported that the retaining wall would be set back to improve visibility and there were no highways concerns.
- The application would trigger a greenspace contribution that would go into the pot for the area.
- There would be further consultation with Ward Members.
- Since previous refusal for development at the site there had been changes to planning policy and guidance.

**RESOLVED** – That the application be determined as per the officer recommendation with additional conditions regarding:

- Bat mitigation
- Submission of risk assessment for wall on Half Mile Lane

### **93 Application 13/05787/FU - 9 Lawns Green, New Farnley, Leeds**

The report of the Chief Planning Officer referred to an application for a part two storey, part single storey extension to rear of detached house at 9 Lawns Green, New Farnley, Leeds.

Members attended a site visit prior to the hearing and site photographs were displayed.

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

- Objections had been received from adjoining neighbours
- Concerns regarded the two storey element of the application.
- Existing policy normally precluded two storey extensions without planning permission – this was for Members' consideration.

- The recommendation was to refuse permission.

The applicant addressed the Panel and raised the following issues:

- The house was on an estate of detached housing, many of which had similar extensions.
- The proposals had been made to accommodate a growing family and other improvements would include a more efficient heating system.
- There were no issues with overseeing windows.
- There would be little impact on the amenity to the garden of neighbours at number 11.
- There would be no overshadowing or loss of light to neighbours gardens.
- It was felt that the planning officer statement was based on subjective opinion and it was asked whether the impact on neighbours outweighed the applicant's right to extend the property.
- In response to questions from the Panel the following was discussed:
  - The application had already been amended to deal with neighbours' concerns.
  - The applicant had lived there since 2006 and similar extensions had been erected since then.

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

- Reference to changes to planning policy and design guidelines since previous extensions were built.
- The proposals would not affect sunlight into neighbouring properties.

A proposal was made to move the officer recommendation to refuse the application. Following a vote, the officer recommendation was overturned and a subsequent proposal was made to approve the application. The Panel was advised of conditions that would need to be attached to the application if approved.

**RESOLVED** – That the application be approved in principle subject to detailed drafting of conditions related to:

- Standard Time Limit
- Submission and approval of materials
- No addition of side windows
- Direction regarding encroachment

#### **94 Application 13/05106/FU - 74 Weetwood Lane, Leeds**

The report of the Chief Planning Officer referred to a retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds.

Site plans and photographs were displayed at the meeting.

Draft minutes to be approved at the meeting  
to be held on Thursday, 6th March, 2014

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

- The property at 74 Weetwood Lane was to be divided into two properties.
- The garage had a first floor storage area and was situated in a substantial garden.
- There was a condition that the garage should not be used for living accommodation.

A local resident addressed the panel with concerns regarding the application. These included the following:

- The original application at the address did not include a garage.
- The structure was very large for use as a garage
- The inclusion of roof lights and windows led to suspicion that the building would be used as a dwelling in future.
- It was requested that if the application be granted, that conditions prevented future use as a dwelling and that double garage doors should be fitted.

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

- Concern regarding the design of the garage – it was felt that it wouldn't be possible to manoeuvre two vehicles in and out.
- In relation to questions regarding the design of the garage, it was reported that this was the design that the applicant had chosen.
- The remainder of the space in the garage and on the first floor level would be used for general garden and domestic storage.
- Concern regarding retrospective applications.

**RESOLVED** – That the application be deferred for officers to negotiate further with applicants to seek:

- Reduction in height of roof to ensure as far as possible that roof space cannot be converted to living accommodation.
- Replacement of proposed single garage door with double garage door.
- Removal of access door on front elevation of garage.

Also condition 2 proposed to be amended to read:

- The garage shall not be used other than for storage of private motor vehicles and as ancillary domestic storage and shall not be used as living accommodation and or business accommodation.

## **95 Application 13/05526/FU - St Michael's Lane, Headingley, Leeds**

The report of the Chief Planning Officer gave a position statement on an application for the installation of four floodlights, substation and associate infrastructure to Headingley cricket ground.

Members visited the site prior to the meeting and site photographs were displayed.

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

- The application was for four permanent floodlight columns and a sub station.
- The floodlight columns would be made from galvanised steel and would reach a height of 58 metres.
- Photo montages were displayed from around the area which demonstrated views with and without the proposed floodlights.
- Images were displayed that showed an assessment of light pollution.
- There would be a clear visual impact on the appearance of the conservation area and amenity of residents.
- There was currently an agreement with the England and Wales Cricket Board (ECB) to hold one test match and a one day international match at the ground. Permanent floodlights were required to secure the future of these matches.
- Members were shown examples of permanent floodlights at other grounds which included those on telescopic columns and retractable lighting.
- The lights would only be used during the cricket season and it was expected only for a period of up to 2 hours before 10.00 p.m.
- Representations received had included objections from the North Hyde Park Neighbourhood Association and a local resident. A letter of support had been received from the ECB.

Representatives of Yorkshire Cricket Club were invited to address the Panel. In response to Members comments and questions, the following was discussed:

- The floodlights would be used for a maximum of 15 to 20 times per season and would not be used for anything other than cricket.
- The preferred 6 floodlight solution was not possible due to space constraints and issues with land ownership.
- Proposals for community engagement and consultation with Ward Members.
- Telescopic floodlights would be cost prohibitive and would still only lower to a height of 30 metres and have a visual impact.
- The floodlights would be fitted with anti-glare hoods to minimise light pollution.
- In response to questions outlined in the report, the following was discussed:
  - Members all supported the importance of retaining international and test match cricket at Headingley.

- Further information on telescopic and cranked columns would be useful.
- Maximum efforts to reduce light pollution.
- Further detail regarding the concerns of local community and residents.
- Examples and pictures of lighting at other cricket grounds.

**RESOLVED** – That the report be noted.

**96 Date and Time of Next meeting**

6 March 2014

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Originator: Terry Moran

Tel: 0113 3952110

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 6<sup>th</sup> March, 2014

Subject: APPLICATION 13/05700/FU – First floor side extension at 56 Eden Crescent, Kirkstall, Leeds. LS4 2TW

#### APPLICANT

Mr M Zaffer

#### DATE VALID

11 December 2013

#### TARGET DATE

05 February 2014

#### Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

Approve subject to the following conditions:

- 1) Standard three year time limit.
- 2) Development to be carried out in accordance with the approved plans.
- 3) Materials to match the existing.
- 4) Rear facing bedroom window to be obscurely glazed.
- 5) No new side windows.
- 6) Car parking area to have permeable surface and to be laid out prior to the first occupation of the first floor extension.
- 7) Front boundary wall to be retained and maintained thereafter.
- 8) PD Rights removed for extensions and outbuildings

#### 1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillors Illingworth and Atha with regard to the potential impact on the streetscene.

1.2 Members may recall that a similar application was approved by Plans Panel in 2013 for a part single storey, part two storey side extension at this address, reference 13/01654/FU. That application was subject to Enforcement Action as the extension was not built in accordance with the approved plans, resulting in the first floor extension being demolished.

## **2.0 PROPOSAL:**

2.1 This application is for a first floor extension to the side of a semi-detached house. The extension will be erected above an existing single storey side extension, resulting in a part two-storey, part single storey addition. The first floor element will measure approximately 5.7m in length and be set back 2.0m from the front corner of the dwelling. The proposed set-back produces a staggered appearance to the front elevation. The first floor will have a matching eaves line and subordinate roof form set below the apex of the main roof.

2.2 The first floor element of this application is identical in form to the previous consent granted in 2013, but the application differs in that the ground floor of the property has subsequently been extended forward under current Permitted Development guidelines. Although, therefore, the plans differ in layout, the end result is that the first floor is therefore the same as that which was approved in 2013 by the Plans Panel. Consent for a larger two storey side extension was previously refused by Officers under delegated powers in early 2013.

2.3 The proposal includes two car parking spaces to the side and front of the dwelling, each measuring 5.0m x 2.5m.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site comprises a semi-detached dwelling dating from the mid-twentieth century. It occupies a corner plot position which narrows to the rear. The dwelling is orientated at an approximate angle of 90 degrees to the adjacent neighbouring dwelling.

3.2 The property is elevated relative to the highway with conifers providing some screening above the existing front boundary wall. The rear garden is quite small and fairly well-screened by boundary treatments. The side garden is also relatively private with screening provided by hedges.

3.3 There is an existing flat roofed single storey extension to the side of the dwelling.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 ENQ/13/00550: Single storey side extension. (Permitted Development).

4.2 13/01654/FU: Part two storey, part single storey side extension. (Approved).

4.3 13/00524/FU: Part two storey, part single storey side extension (Refused on the grounds of design and lack of off-street parking).

4.4 12/04972/FU: First floor side extension (Approved).

4.5 ENQ/12/00779: Side and rear dormer, single storey rear extension (Permitted Development).

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 This application follows a 2013 proposal which was approved subject to conditions but which was subsequently erected so as to fail to comply with the approved plans,

as the two storey extension was not set down from the original roof line and was therefore not subservient. The applicant also erected a large rear dormer attached to the side extension, which was unauthorised.

5.2 Compliance Officers subsequently took Enforcement Action which required the demolition of the first floor extension and rear dormer. The demolition of the unauthorised works has now been completed.

5.3 Following the demolition of the unauthorised extensions, the applicant has completed a single storey side extension under current Permitted Development guidelines. This has resulted in a full length extension with a flat roof to the side of the dwelling.

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

6.1 The application has been publicised by means of Neighbour Notification letters to 8 local properties. Eight letters of representation have been received, of which two are objections from Ward Councillors Illingworth and Atha, five are objections from neighbouring properties and one is a letter of comment from Rachel Reeves MP. Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. The letters from local residents are objections which refer to design, parking and overdevelopment of the site, state that certain elements should not have been allowed under "Permitted Development" and also express concern regarding the precedent that would be set. The letter from Rachel Reeves MP requests that she be appraised of the outcome on behalf of one of her constituents.

## **7.0 CONSULTATION RESPONSES:**

7.1 Highways – No objection to car parking layout

## **8.0 PLANNING POLICIES:**

8.1 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan Review (2006). Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### 8.2 Local Policy

8.2 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.
- H15 relates to the Area of Housing Mix and seeks to redress the existing imbalance between family and student housing.
  
- Householder Design Guide SPD:
- 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. It helps to put into practice the policies from the

Leeds Unitary Development Plan in order to protect and enhance the residential environment throughout the city.

- Policy HDG1 of this document relates to design and appearance and states that alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
- Policy HDG2 of this document states that development proposals should protect the amenity of neighbours.
- This document was approved by LCC Planning Board in April 2012.

## 8.5 Draft Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 and the consultation period closed on 12<sup>th</sup> April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 2013. In February 2014 the Inspector set out a series of modifications required by the Council in order to ensure the soundness of the Core Strategy. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the examination.

## 8.6 National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues.

- 8.7 In respect of design it states that permission "should be refused for development of poor design that fails to take the opportunities available for the improving the character and quality of an area and the way it functions." The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

## 9.0 **MAIN ISSUES:**

- Design
- Residential amenity
- Area of Housing Mix
- Highway Safety
- Permitted Development
- Representations

## 10.0 **APPRAISAL:**

### Design

- 10.1 This extension is set down from the ridge and subordinate to the main dwelling. This is achieved through its compliance with the standard guidance for this type of extension contained within the Householder Design Guide. It is inset by the

required 2.0m from the front corner of the dwelling and retains a 1.0m gap to the shared side boundary save for the very rear corner which is 0.5m from the boundary but in mitigation, for the most part the distance to the side boundary is well in excess of 1m due to the splayed nature of the boundary.

10.2 The first floor extension is less than two-thirds the width of the host dwelling and is set back. It will therefore retain an adequate visual break to the adjacent dwelling and will not significantly impinge on the visual gaps between dwellings which form part of the character of the Crescent. It has a gabled roof form reflecting the existing form of the host property where the roof has been altered through works that did not require the express consent of the Local Planning Authority as the gable was created under Permitted Development legislation. The setback of 2.0m thus ensures a subordinate roof form with the apex of the extension roof being approximately 0.8m below that of the main roof. The materials as proposed will be conditioned to match the existing and the window detailing is considered appropriate to the design of the original dwelling. The extension will be erected above an existing single storey extension of flat-roofed design and result in a larger extension of better design quality and matching roof form. As it occupies a wider than usual corner plot the extension will not set a significant precedent. The 2.0m setback from the front elevation has addressed an issue which resulted in an earlier design-based reason for refusal on a previous application.

10.3 In design terms the extension is therefore considered to comply with Policies GP5 and BD6 of the UDP, Policy HDG:1 of the Householder Design Guide and the guidance on 'good' design appropriate to the local context contained within the NPPF.

#### Residential Amenity

10.4 In terms of potential overshadowing, the extension is set well back from the properties on the other side of the highway and for the most part maintains good separation to the boundary and dwelling adjacent to it. Although the splayed boundary does create a pinch-point towards the rear corner, the orientation of the host dwelling relative to the adjacent neighbour and the general orientation of the site means that any potential for overshadowing is very limited and falls only in areas with limited amenity value for a small proportion of the day. The effects in this respect are further mitigated by the subordinate nature of the design meaning that much of the extension will sit within the shadow cast by the host dwelling.

10.5 In terms of dominance, such effects are considered to have been addressed through the relatively subordinate design and generally good separation to the side boundary combined with the orientation of the dwelling opposite, such that the extension is therefore not considered overbearing in its relationship to neighbouring properties.

10.6 In terms of loss of privacy, the front windows overlook the public highway and are well separated from the dwellings opposite which have limited privacy as they face the public highway. No windows are proposed to the side elevation, with future window insertion to be controlled by condition. A condition requiring that the rear bedroom window be obscurely glazed and non-opening has been recommended to prevent harmful overlooking of the adjacent dwelling due to the extension being only 5m from the adjoining boundary. It should be noted that such a condition is considered acceptable as the new bedroom has a front window and thus provides a reasonable outlook for future occupants. The application is therefore considered to comply with Policy GP5 of the RUDP and Policy HDG2 of the Householder Design Guide.

#### Area of Housing Mix

10.7 The property is occupied as a single family dwelling, with the layout of the submitted plans being in accordance with the existing occupancy. As such Policy H15 does not apply as the house will not be occupied as a student property.

### Highway Safety

10.8 The parking area as laid out and shown on the submitted block plan will provide capacity to park at least two standard sized domestic vehicles off the street. On balance, this is considered to represent adequate provision for the size of dwelling proposed given the suburban location which is well served by public transport. It also compares favourably with other off-street parking provision within the locality. No significant on-street parking issues were observed when the site was visited. The application is therefore considered to comply with Policy T2 of the RUDP and guidance within the Street Design Guide SPD.

### Permitted Development

10.9 The applicant has carried out a number of alterations and extensions to the property, including a new gabled roof, a rear dormer, a single storey extension to the side and a single storey extension to the rear. Although these extensions have significantly altered the appearance and form of the dwelling, these extensions have been carefully assessed against the criteria of the GPDO and have been determined as not requiring formal approval. This is on the basis that a semi-detached house may erect single storey extensions not exceeding 3.0m deep to the side and the rear provided that the two extensions do not adjoin each other, and may also add dormer and roof extensions up to a maximum of 50 cubic metres.

It is, however, considered appropriate to remove future PD rights in respect of extensions and outbuildings due to the restricted nature of the plot, so that the Local Planning Authority may subsequently monitor and control future development within the site.

### Representations

10.10 Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. Five letters of objection have been received from local residents, which refer to design, parking and overdevelopment of the site, and also state that certain elements should not have been allowed under "Permitted Development". The letters also express concern regarding the precedent that would be set. These issues are addressed in the preceding sections. One further letter has been received from Rachel Reeves MP, requesting that she be appraised of the outcome on behalf of one of her constituents.

## **11.0 CONCLUSION**

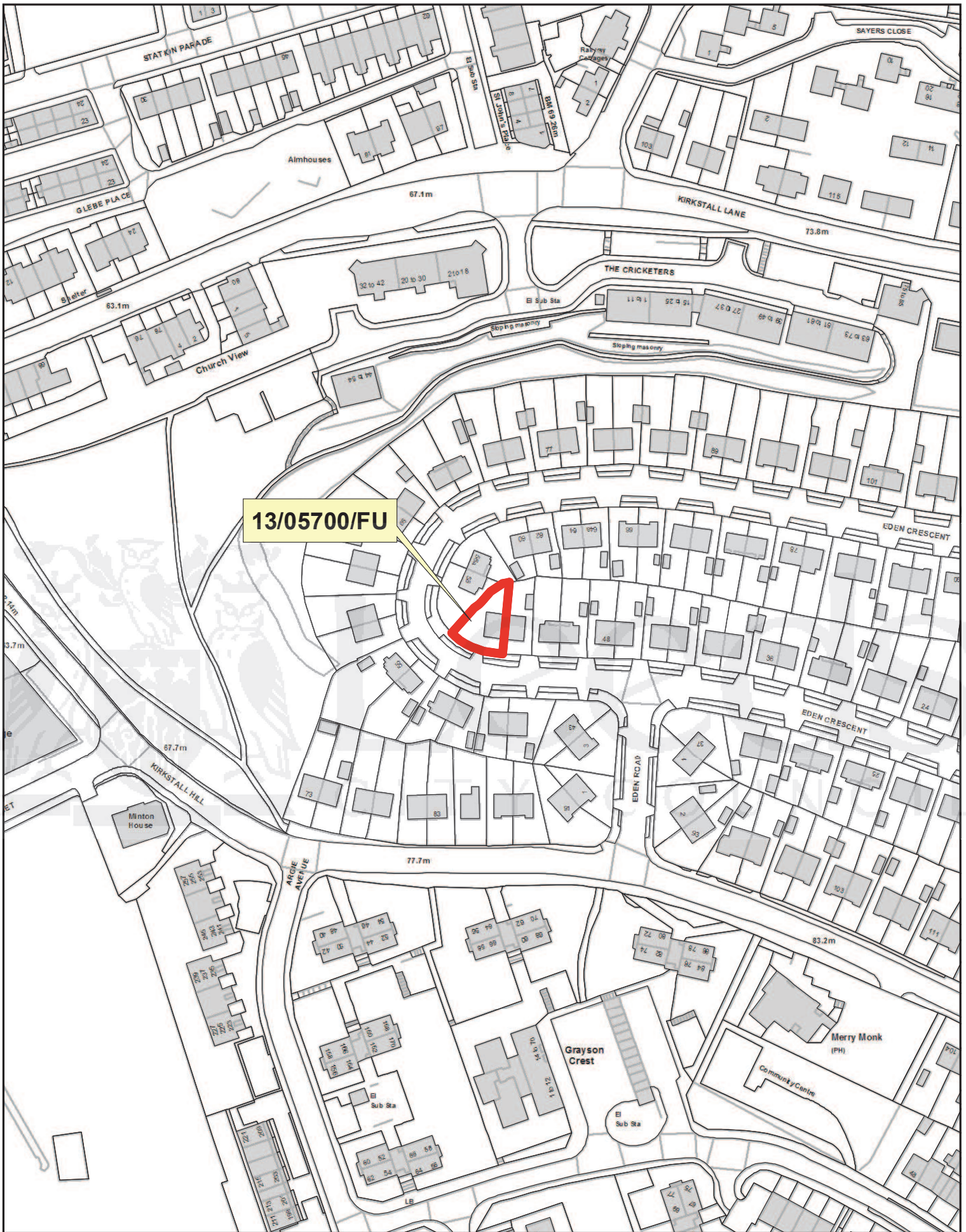
The proposal is considered to comply with adopted Design Policies and to accord with the relevant national Planning Policies and guidance. It is further considered that there are no other material considerations that would outweigh the above. The Officer recommendation is that the application should be approved

### **Background Papers:**

Application file;

Certificate of Ownership.





1.0 INTRODUCTION:

# SOUTH AND WEST PANEL

This application is presented to the South and West Panel and the residents of South and West Panel and Atha with regard to the potential impact on the streetscene.

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL





1.2 Members may recall that a similar application was approved by Plans Panel in 2013 for a part single storey, part two storey side extension at this address, reference 13/01654/FU. That application was subject to Enforcement Action as the extension was not built in accordance with the approved plans, resulting in the first floor extension being demolished.

## **2.0 PROPOSAL:**

2.1 This application is for a first floor extension to the side of a semi-detached house. The extension will be erected above an existing single storey side extension, resulting in a part two-storey, part single storey addition. The first floor element will measure approximately 5.7m in length and be set back 2.0m from the front corner of the dwelling. The proposed set-back produces a staggered appearance to the front elevation. The first floor will have a matching eaves line and subordinate roof form set below the apex of the main roof.

2.2 The first floor element of this application is identical in form to the previous consent granted in 2013, but the application differs in that the ground floor of the property has subsequently been extended forward under current Permitted Development guidelines. Although, therefore, the plans differ in layout, the end result is that the first floor is therefore the same as that which was approved in 2013 by the Plans Panel. Consent for a larger two storey side extension was previously refused by Officers under delegated powers in early 2013.

2.3 The proposal includes two car parking spaces to the side and front of the dwelling, each measuring 5.0m x 2.5m.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site comprises a semi-detached dwelling dating from the mid-twentieth century. It occupies a corner plot position which narrows to the rear. The dwelling is orientated at an approximate angle of 90 degrees to the adjacent neighbouring dwelling.

3.2 The property is elevated relative to the highway with conifers providing some screening above the existing front boundary wall. The rear garden is quite small and fairly well-screened by boundary treatments. The side garden is also relatively private with screening provided by hedges.

3.3 There is an existing flat roofed single storey extension to the side of the dwelling.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 ENQ/13/00550: Single storey side extension. (Permitted Development).

4.2 13/01654/FU: Part two storey, part single storey side extension. (Approved).

4.3 13/00524/FU: Part two storey, part single storey side extension (Refused on the grounds of design and lack of off-street parking).

4.4 12/04972/FU: First floor side extension (Approved).

4.5 ENQ/12/00779: Side and rear dormer, single storey rear extension (Permitted Development).

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 This application follows a 2013 proposal which was approved subject to conditions but which was subsequently erected so as to fail to comply with the approved plans,



as the two storey extension was not set down from the original roof line and was therefore not subservient. The applicant also erected a large rear dormer attached to the side extension, which was unauthorised.

5.2 Compliance Officers subsequently took Enforcement Action which required the demolition of the first floor extension and rear dormer. The demolition of the unauthorised works has now been completed.

5.3 Following the demolition of the unauthorised extensions, the applicant has completed a single storey side extension under current Permitted Development guidelines. This has resulted in a full length extension with a flat roof to the side of the dwelling.

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

6.1 The application has been publicised by means of Neighbour Notification letters to 8 local properties. Eight letters of representation have been received, of which two are objections from Ward Councillors Illingworth and Atha, five are objections from neighbouring properties and one is a letter of comment from Rachel Reeves MP. Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. The letters from local residents are objections which refer to design, parking and overdevelopment of the site, state that certain elements should not have been allowed under "Permitted Development" and also express concern regarding the precedent that would be set. The letter from Rachel Reeves MP requests that she be appraised of the outcome on behalf of one of her constituents.

## **7.0 CONSULTATION RESPONSES:**

7.1 Highways – No objection to car parking layout

## **8.0 PLANNING POLICIES:**

8.1 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan Review (2006). Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### 8.2 Local Policy

8.2 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.
- H15 relates to the Area of Housing Mix and seeks to redress the existing imbalance between family and student housing.
  
- Householder Design Guide SPD:
- 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. It helps to put into practice the policies from the

Leeds Unitary Development Plan in order to protect and enhance the residential environment throughout the city.

- Policy HDG1 of this document relates to design and appearance and states that alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
- Policy HDG2 of this document states that development proposals should protect the amenity of neighbours.
- This document was approved by LCC Planning Board in April 2012.

## 8.5 Draft Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 and the consultation period closed on 12<sup>th</sup> April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 2013. In February 2014 the Inspector set out a series of modifications required by the Council in order to ensure the soundness of the Core Strategy. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the examination.

## 8.6 National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues.

- 8.7 In respect of design it states that permission "should be refused for development of poor design that fails to take the opportunities available for the improving the character and quality of an area and the way it functions." The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

## 9.0 **MAIN ISSUES:**

- Design
- Residential amenity
- Area of Housing Mix
- Highway Safety
- Permitted Development
- Representations

## 10.0 **APPRAISAL:**

### Design

- 10.1 This extension is set down from the ridge and subordinate to the main dwelling. This is achieved through its compliance with the standard guidance for this type of extension contained within the Householder Design Guide. It is inset by the

required 2.0m from the front corner of the dwelling and retains a 1.0m gap to the shared side boundary save for the very rear corner which is 0.5m from the boundary but in mitigation, for the most part the distance to the side boundary is well in excess of 1m due to the splayed nature of the boundary.

10.2 The first floor extension is less than two-thirds the width of the host dwelling and is set back. It will therefore retain an adequate visual break to the adjacent dwelling and will not significantly impinge on the visual gaps between dwellings which form part of the character of the Crescent. It has a gabled roof form reflecting the existing form of the host property where the roof has been altered through works that did not require the express consent of the Local Planning Authority as the gable was created under Permitted Development legislation. The setback of 2.0m thus ensures a subordinate roof form with the apex of the extension roof being approximately 0.8m below that of the main roof. The materials as proposed will be conditioned to match the existing and the window detailing is considered appropriate to the design of the original dwelling. The extension will be erected above an existing single storey extension of flat-roofed design and result in a larger extension of better design quality and matching roof form. As it occupies a wider than usual corner plot the extension will not set a significant precedent. The 2.0m setback from the front elevation has addressed an issue which resulted in an earlier design-based reason for refusal on a previous application.

10.3 In design terms the extension is therefore considered to comply with Policies GP5 and BD6 of the UDP, Policy HDG:1 of the Householder Design Guide and the guidance on 'good' design appropriate to the local context contained within the NPPF.

#### Residential Amenity

10.4 In terms of potential overshadowing, the extension is set well back from the properties on the other side of the highway and for the most part maintains good separation to the boundary and dwelling adjacent to it. Although the splayed boundary does create a pinch-point towards the rear corner, the orientation of the host dwelling relative to the adjacent neighbour and the general orientation of the site means that any potential for overshadowing is very limited and falls only in areas with limited amenity value for a small proportion of the day. The effects in this respect are further mitigated by the subordinate nature of the design meaning that much of the extension will sit within the shadow cast by the host dwelling.

10.5 In terms of dominance, such effects are considered to have been addressed through the relatively subordinate design and generally good separation to the side boundary combined with the orientation of the dwelling opposite, such that the extension is therefore not considered overbearing in its relationship to neighbouring properties.

10.6 In terms of loss of privacy, the front windows overlook the public highway and are well separated from the dwellings opposite which have limited privacy as they face the public highway. No windows are proposed to the side elevation, with future window insertion to be controlled by condition. A condition requiring that the rear bedroom window be obscurely glazed and non-opening has been recommended to prevent harmful overlooking of the adjacent dwelling due to the extension being only 5m from the adjoining boundary. It should be noted that such a condition is considered acceptable as the new bedroom has a front window and thus provides a reasonable outlook for future occupants. The application is therefore considered to comply with Policy GP5 of the RUDP and Policy HDG2 of the Householder Design Guide.

#### Area of Housing Mix

10.7 The property is occupied as a single family dwelling, with the layout of the submitted plans being in accordance with the existing occupancy. As such Policy H15 does not apply as the house will not be occupied as a student property.

### Highway Safety

10.8 The parking area as laid out and shown on the submitted block plan will provide capacity to park at least two standard sized domestic vehicles off the street. On balance, this is considered to represent adequate provision for the size of dwelling proposed given the suburban location which is well served by public transport. It also compares favourably with other off-street parking provision within the locality. No significant on-street parking issues were observed when the site was visited. The application is therefore considered to comply with Policy T2 of the RUDP and guidance within the Street Design Guide SPD.

### 10.9 Permitted Development

The applicant has carried out a number of alterations and extensions to the property, including a new gabled roof, a rear dormer, a single storey extension to the side and a single storey extension to the rear. Although these extensions have significantly altered the appearance and form of the dwelling, these extensions have been carefully assessed against the criteria of the GPDO and have been determined as not requiring formal approval. This is on the basis that a semi-detached house may erect single storey extensions not exceeding 3.0m deep to the side and the rear provided that the two extensions do not adjoin each other, and may also add dormer and roof extensions up to a maximum of 50 cubic metres.

It is, however, considered appropriate to remove future PD rights in respect of extensions and outbuildings due to the restricted nature of the plot, so that the Local Planning Authority may subsequently monitor and control future development within the site.

### Representations

10.10 Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. Five letters of objection have been received from local residents, which refer to design, parking and overdevelopment of the site, and also state that certain elements should not have been allowed under "Permitted Development". The letters also express concern regarding the precedent that would be set. These issues are addressed in the preceding sections. One further letter has been received from Rachel Reeves MP, requesting that she be appraised of the outcome on behalf of one of her constituents.

## 11.0 CONCLUSION

The proposal is considered to comply with adopted Design Policies and to accord with the relevant national Planning Policies and guidance. It is further considered that there are no other material considerations that would outweigh the above. The Officer recommendation is that the application should be approved

### **Background Papers:**

Application file;

Certificate of Ownership.



Originator: Mathias Franklin

Tel: 0113 2477019

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH & WEST

Date: 6<sup>th</sup> March 2014

**Subject: APPLICATION 13/05581/FU- Variation of conditions 10 and 18 of planning permission 13/03169/FU (Change of use of part of ground floor and extension to side of part of medical centre to form restaurant) to allow increase in servicing vehicles to 10 metres from 7.5 metres and increase the number of covers for the site to 88 seats inside and 20 outside from 60 inside and 26 outside at St Michaels Court, Shire Oak Street, Headingley LS6 2AF**

| APPLICANT                   | DATE VALID | TARGET DATE |
|-----------------------------|------------|-------------|
| Nando's Chickenland Limited | 16.12.2013 | 10.03.2014  |

#### Electoral Wards Affected:

Headingley

Yes

Ward Members consulted  
(Referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION:

**GRANT PERMISSION subject to the conditions referred to in the report below:**

#### Additional conditions

1. Commencement of development within 3 years.
2. Approval of plans
3. External materials to match the existing
4. 1:10 section details of windows to be submitted to ensure slim profile of window frames
5. Landscape scheme
6. Landscaping implementation
7. Hours of opening 11am to 11pm Monday To Saturday and 11am to 10.30pm Sunday and Bank Holidays
8. Hours of use of external seating area restricted to 11am to 10.30pm Monday to Saturday and 11am to 10pm on Sunday and Bank Holidays
9. Servicing deliveries restricted to between 7am-8am and between 7pm-9pm only

10. Delivery vehicles size limited to 10 metre.
11. Adherence to the Service Management Plan
12. No take away deliveries.
13. No music to be audible outside of the restaurant building or audible from upper floors of the building
14. No drinking outside without meals
15. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate.
16. Bin store to be erected and made available prior to first use
17. The external flue and chimney shall be erected and colour treated and made available prior to first use.
18. Maximum number of covers limited to 88 internally and 20 externally.
19. Details of the boundary treatment to the bin store and outdoor seating area to be approved.
20. A scheme for local employment and training shall be approved.

## **1.0 SUMMARY**

- 1.1 Members will recall that this application was considered at the Plans Panel South and West meeting of 12 September 2013 where the Panel resolved to grant planning permission. A further report was presented to Panel on the 10<sup>th</sup> October 2013 as further information about the car parking availability in the Arndale Centre had been provided. Members confirmed at the meeting of the 10<sup>th</sup> October 2013 that they continued to resolve to grant planning permission. The decision notice was issued on the 22<sup>nd</sup> October 2013.
- 1.2 This planning application seeks to vary 2 planning conditions. Condition 10 relating to the size of the delivery vehicle used to service the restaurant and condition 18 which relates to the number of covers externally and internally. All other matters are unchanged from the original permission.
- 1.3 This application is brought to Panel following objections received from ward Councillor Janette Walker who objects to the changes to the conditions as the original planning permission was only recently granted and the conditions attached should be observed. Councillor Walshaw has also written to say he will be commenting upon the application.

## **2.0 PROPOSAL:**

- 2.1 The proposal involves the changes to the following two conditions:

Condition 10 currently reads

Notwithstanding the information stated in the Service section of the Transport Statement produced by HY Consulting delivery vehicles size shall be limited to a maximum of 7.5metre in length.

Condition 18 currently reads



The maximum number of covers for the site shall be limited to 60 internally and 26 externally.

2.2 The applicants propose that the revised wording of the conditions read:

Condition 10 - Notwithstanding the information stated in the Service section of the Transport Statement produced by HY Consulting delivery vehicle size shall be limited to a maximum of 10 metre in length.

Condition 18 - The maximum number of covers for the site shall be limited to 88 internally and 20 externally.

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

3.1 The site is located within the defined Headingley Town Centre which is characterised by a wide mix of uses, typical of an urban district centre. The existing building is 4 storeys in height and has a mixed-use comprising two doctors surgeries on the upper floors and an Opticians and pharmacy on the ground floor. There is a car park in front of the site which is used by visitors of the existing health centre and retail unit. Vehicular access to the site will be through this car park which is accessed from Shire Oak Street and exited from Wood Lane.

3.2 The site is bounded by Shire Oak Street to the south and Wood Lane to the north. There is a terraced row between the site and Otley Road which has ground floor retail and commercial premises and some flats located in the upper floor. Across Wood Lane is the Arndale Centre which is a large 1960s shopping centre. To the rear of the site is land protected for the NGT route. Beyond this are located residential properties on Shire Oak Street. The site is within the Headingley Conservation Area.

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

4.1 11/03511/FU - Change of use of part ground floor and single storey extension and alterations to side of proposed medical centre (D1 use) to form restaurant (A3 use) with car parking to rear. Withdrawn.

4.2 09/03233/FU - Change of use, including alterations and extension to form lobby and stair tower, of offices (B1) to primary care surgery (D1) and pharmacy (A1) with car parking. Approved 2009

4.3 11/03998/FU - Change of use of part ground floor of medical centre (use class D1) to opticians (use class A1) and installation of new entrance door. Approved 2011

4.4 12/00086/FU - Change of use of part ground floor medical centre to 2 retail units (A1 use class) from medical centre (D1 use class) and alterations to the front elevation to provide entrance doors to each unit. Approved 2012.

4.5 13/03169/FU - Change of use of part ground floor and extension to side of part of medical centre to form restaurant. Approved 2013.

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

5.1 The applicant had pre-application correspondence with officers to discuss the proposed changes to the two conditions. Ward Members were briefed on the applicants intentions to vary the two conditions.

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

6.1 The application has been publicised by means of site notices. There have been 7 objections Raising the following main issues have been received.

- Harm from noise and litter and the use of the outdoor seating area
- Harm to residential amenity and to the users of the medical centre
- Headingley has far too many restaurants, cafes, takeaways etc but more importantly the proposed fast food type outlet is totally unsuitable in the building that houses a medical centre.
- Increased number of cars parking in the existing small car park, and an increase in traffic generally around that area, adding to noise and congestion at the end of Wood Lane
- There is an objection to the increased traffic from the servicing of the site
- There is a lack of car parking for the restaurant and the interaction of
- The proposal is contrary to policies in the development plan which seek to protect green areas.

6.2 Councillors Illingworth and Atha have objected to the application on the following grounds: "Large servicing vehicles are a danger to pedestrians and cyclists, and degrade the urban environment. These problems affect the approach roads as well as the immediate area. Planning consent for larger vehicles should be refused because of the adverse effects on Public Health".

6.3 The Far Headingley Village Society has objected on the following grounds: The premises is not suitable for a restaurant and the restaurant will harm the users of the medical centre. The restaurant does not promote healthy eating and if issued an alcohol license would be contrary to the Cumulative Impact Policy.

## **7.0 CONSULTATION RESPONSES:**

7.1 Highways – no objections.

## **8.0 PLANNING POLICIES:**

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

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

- GP5 development control considerations
- T2, T24 – access and parking requirements
- S2 Town Centres

Neighbourhoods for Living SPG.



## Street Design Guide SPD

### 8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” (para 14).

### 8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

### 8.5 Emerging Core Strategy

The Draft Core Strategy has been through an Examination in Public and the Inspector has provide the Council with a series of modifications required in order to allow the Core Strategy to meet the test of Soundness required before it can be adopted. Accordingly some weight can be applied to the Emerging Core Strategy.

## 9.0 MAIN ISSUES:

### 9.1 The following main issues have been identified:

- (1) Whether the changes proposed to the two conditions would harm matters of highway safety and amenity

## 10.0 APPRAISAL:

10.1 Section 73 of the Town and Country Planning Act allows for applicants to apply to the Council to vary or remove planning conditions. Applicants and developers often use this route to revise and ‘tweak’ their schemes, often because they do not know the exact details of the operational side of their schemes when they initially apply for planning permission. Section 73 application are publicised and site notices are posted allowing residents an opportunity to comment on the merits of the application. In effect this part of the Planning Act allows for flexibility whilst ensuring local residents have an opportunity to comment on changes proposed.

10.2 Since the original grant of permission it has transpired that the maximum size of vehicle required to deliver to the site is 10m not 7.5m. The operators

of the restaurant Nandos have confirmed they do not use a 7.5metrre delivery vehicle and require a 10metre vehicle to service the site. The applicants have therefore reviewed the servicing arrangements and have demonstrated by use of Autotrack that a 10m delivery vehicle can safely enter and leave the site. The servicing location and times are unchanged from the original planning permission. Accordingly there are no highway safety reasons to resist the revised size of the servicing vehicle.

10.3 The site is located in the Headingley S2 Centre, a sustainable location in terms of access to public transport. On balance it is considered that the overall increase in covers by 22 would not be detrimental to highway safety.

10.4 A review of the planning history of the proposed restaurant has been conducted. There was a previous application in 2011 that was withdrawn for a larger restaurant (147 covers) with more covers than the one which Panel approved. The 2013 application which Panel approved sought to respond to the concerns that residents, councillors and officers had expressed about the 2011 application. In particular an important previous concern related to the size of the restaurant and in particular the size of the proposed extension and outdoor area. Although Nandos are now seeking to add some additional seating it is still significantly less than the 2011 withdrawn scheme (39 less covers). As the extra seats will be inside the building it would be difficult for officers to be able to demonstrate any harm arising for the activity associated with the extra internal seats. It is also noted that there will be a slight reduction in the external covers available at the restaurant (6 less).

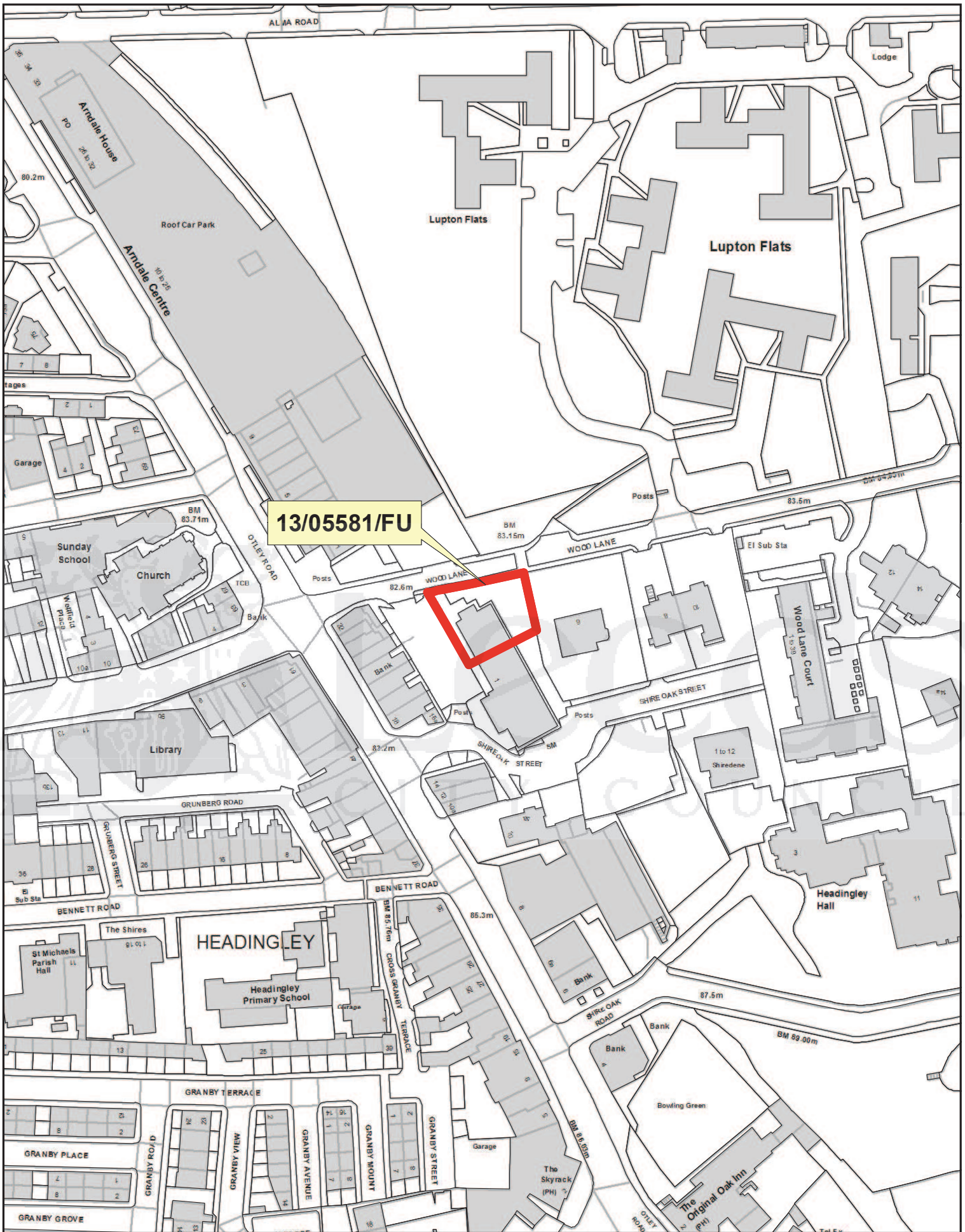
#### Conclusion

10.5 There are no serious concerns arising from the impact of the use on neighbouring residents or the existing users of the medical centre or retail units within the site. The changes to the two planning conditions are fairly minor in nature. The changes proposed do not demonstrably alter the position reached in October 2013. The proposal complies with the relevant provisions of the Development Plan. There are no other material considerations that outweigh this finding.

Background Papers:

Application file;

Certificate of Ownership



13/05581/FU

# SOUTH AND WEST PLANS PANEL



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Originator: Alison Stockdale

Tel: 0113 2478000

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 6<sup>th</sup> March 2014

Subject: APPLICATION 13/05106/FU – retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds LS16 5NR

#### APPLICANT

Mr T Hussain

#### DATE VALID

1 November 2013

#### TARGET DATE

18<sup>th</sup> April 2014

#### Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**GRANT PERMISSION subject to the following conditions.**

1. Development to be carried out in accordance with the approved plans.
2. The garage shall not be used other than for the storage of private motor vehicles and as ancillary domestic storage and shall not be used as living accommodation and/or business accommodation.

## 1 INTRODUCTION

- 1.1 This application was brought to the Panel on January 31<sup>st</sup> 2014 with an officer recommendation for approval. Panel was concerned about the proposed end use of the building and that the building had been erected without the benefit of planning permission. Officers were requested to seek revisions and return the application to Panel for determination. The previous report is appended below for reference.

## **2 APPRAISAL**

- 2.1 Revised plans have been received from the applicant. These show a reduced ridge height of 4.7m compared with 5.2m on the previous submission, a reduction of 500mm. This will reduce the potential of the upper floor of the garage being utilized as living accommodation whilst retaining its usability for storage.
- 2.2 Reductions in the number of windows are also shown. The number of roof lights has reduced from 3 to 2 and there is now only 1 window on the side elevation facing across the garden.
- 2.3 The previous scheme showed only a single garage door despite it being a double garage in size. This has now been amended to show a double garage door measuring 4.3m in width and ensures the building retains the appearance of a garage.

## **3 CONCLUSION**

- 3.1 The applicant has sought to resolve all the issues raised by the Panel at the January 31<sup>st</sup> meeting and has provided revised plans. These help to ensure that the building retains the appearance, and is suitable for use, as a domestic garage. As such the proposal is considered to comply with policies GP5, BD6 and T2 of the Leeds UDPR and policies HDG1 and HDG2 of the Householder Design Guide. As such, approval is recommended subject to the planning conditions on the appended report.

**APPENDIX – REPORT TO PLANS PANEL OF 30<sup>TH</sup> January 2014**

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 30<sup>th</sup> January 2014**

**Subject: APPLICATIONS 13/05106/FU – retrospective application for a detached double garage with storage area above to the rear of 74 Weetwood Lane, Leeds LS16 5NR**

**APPLICANT**

Mr T Hussain

**DATE VALID**

1 November 2013

**TARGET DATE**

14 February 2014

|   |  |
|---|--|
| <p><b>Electoral Wards Affected:</b></p> <p>Weetwood</p><br><p><input type="checkbox"/> Yes Ward Members consulted</p> | <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:**

**GRANT PERMISSION subject to the following conditions.**

- 1 Development to be carried out in accordance with the approved plans.
- 2 The garage shall not be used other than for the storage of private motor vehicles and as ancillary domestic storage and shall not be used as living accommodation.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to panel at the request of Ward Member Councillor Sue Bentley who has concerns that the garage has been substantially constructed without planning permission, and also considers that nearby neighbours should have the opportunity for the application to be considered by Plans Panel.

**2.0 PROPOSAL:**

- 2.1 The application is retrospective and is for a double garage with garden storage to the rear and additional storage above accessed via an internal staircase.
- 2.2 The garage is 9.4m long and 7.5m wide. The garage has a pitched roof and is 5.2m to the ridge and 2.8m to the eaves. It is sited 2.5m from the rear boundary.

The materials are render on the walls and slate for the roof.

- 2.3 The proposed garage replaces a previous garage which measured 6.5m long and 5m wide and was sited 1m from the rear boundary.

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

- 3.1 The application property comprises a substantial detached dwelling recently extended and divided into two houses set in a fairly spacious garden. The property is single storey to the Weetwood Lane frontage and two storey to the rear. External materials are principally render with a tiled roof. The property occupies a corner plot at the junction of Weetwood Lane with Weetwood Avenue and is located in a tree-lined mature residential street of mainly larger properties in substantial gardens. The properties have two vehicular entrances: from Weetwood Lane and at the corner junction on Weetwood Avenue. The boundary of the property comprises an attractive coursed stone wall topped with a low railing.

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

- 4.1 12/02975/FU – Change of use of house to two houses involving 1<sup>st</sup> and 2<sup>nd</sup> floor extensions, including raising the height of the roof – approved 9 July 2012. A condition of this permission requires that any further extensions or outbuildings will require planning permission.

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

- 5.1 None

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

- 6.1 6 objections have been received, including from Ward Members Councillor Sue Bentley and Councillor Judith Chapman and the Weetwood Residents Association.

- 6.2 The ward councillors raise the following issues:

- Objections to the retrospective nature of the application – the applicant knew an application should be submitted
- It is very large and out of keeping with other garages locally
- Concerns that the upstairs could be used as living accommodation
- The 2012 application was for extensions to the existing building; a new building has been built instead
- Permitted development rights were removed by the 2012 application

- 6.3 The residents' association and a local resident have raised the following issues:

- The development has taken a long time to complete
- Harm has been caused to pavements, verges and hedges during construction
- Waste has been burnt on the site during construction
- The applicant is attempting to bypass planning controls
- The garage is large and out of keeping with other garages in the area
- It is bigger than the demolished structure
- It has windows in the roof and could be used as living accommodation
- Only a single garage door is provided and so the garage will only be accessible to a single vehicle

### **7.0 CONSULTATIONS RESPONSES:**



### Statutory Consultations

7.1 None due to the nature of the application.

### Non-Statutory Consultations:

7.2 Highway Authority – No objections

## **8.0 PLANNING POLICIES:**

### Local Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise

### *Leeds Unitary Development Plan (Review) 2006*

This is the Statutory Development Plan for the Leeds District. Relevant policies are considered to be:

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6 - requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.

T2 - states that development proposals should not create new, or exacerbate existing, highway problems.

### *Supplementary Planning Documents*

#### *Householder Design Guide*

Policy HDG1 of the Householder Design Guide requires all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality with particular attention to be paid to the roof form and roof line, window details, architectural features, boundary treatments and materials.

Policy HDG2 of the Householder Design Guide requires development proposals to protect the amenity of neighbours and states that proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

#### *Core Strategy*

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

### National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.
- 8.2 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

## **9.0 MAIN ISSUES**

1. Principle of development
2. Character and design
3. Amenity
4. Highways issues
5. Other issues

## **10.0 APPRAISAL**

- 10.1 The application is a retrospective application for a detached garage built to the rear of the house on the site of a former garage now demolished.
- 10.2 Subject mainly to design, amenity and highway safety considerations the erection of ancillary domestic buildings within the curtilage of established dwellings such as garages should normally be acceptable.
- 10.3 The garage is fairly substantial being a generously proportioned double garage internally with storage space above reached by a staircase to the rear and being lit internally by roof lights. The garage is larger than the demolished one but the site is sufficiently large to accommodate this and retain an appropriate area of external amenity space for residents. It is also not highly visible in the street scene. As a result of the narrow drive, set back from the highway and significant hedge boundary treatment, the bulk of the garage is not apparent from Weetwood Lane or Weetwood Avenue. The design is considered to be appropriate to the locality and the character of the dwelling and materials are also appropriate being render to match the dwelling.
- 10.4 The garage is sited further from the property to the rear (No.1a Weetwood Avenue) than was the previous demolished garage which was sited here. Although it is larger than the previous garage, the boundary treatment is approximately 4.0m high and gives significant screening of the garage from the neighbouring property. The same is true to the side where the garage is screened from No.78 Weetwood Lane by a 4.0m high hedge boundary treatment. The garage has 3 roof lights and windows to the south elevation facing across the garden and the east elevation facing No.1a Weetwood Avenue. The roof lights and windows facing across the garden do not result in any overlooking to neighbouring properties. The boundary treatment to the rear ensures the windows in the eastern elevation do not overlook No.1a Weetwood Avenue. It is concluded that there is no adverse impact on adjoining neighbours through overlooking or over dominance/overshadowing.
- 10.5 The garage provides parking for 2 vehicles. There is also parking to the side and front of the property and this is considered sufficient to ensure there is no increase in on-street parking as a result of the scheme.

10.6 Concern has been raised by objectors that the garage could be used as living accommodation. The applicant has confirmed that the building will be used for garaging and garden storage downstairs with general storage above. Windows are provided to allow natural light to the interior. A condition has been recommended to ensure that the garage continues only to be used for general storage and vehicle parking. Any proposal to use the garage as living accommodation would require planning permission.

10.7 The majority of the issues raised in the representations relate to non-planning considerations. It is acknowledged that the garage is retrospective and was built without the benefit of planning permission. Whilst this is clearly unsatisfactory an application has now been made and the obligation of the Planning Authority is to determine the application in accordance with the development plan and any other material considerations.

## **11.0 CONCLUSION**

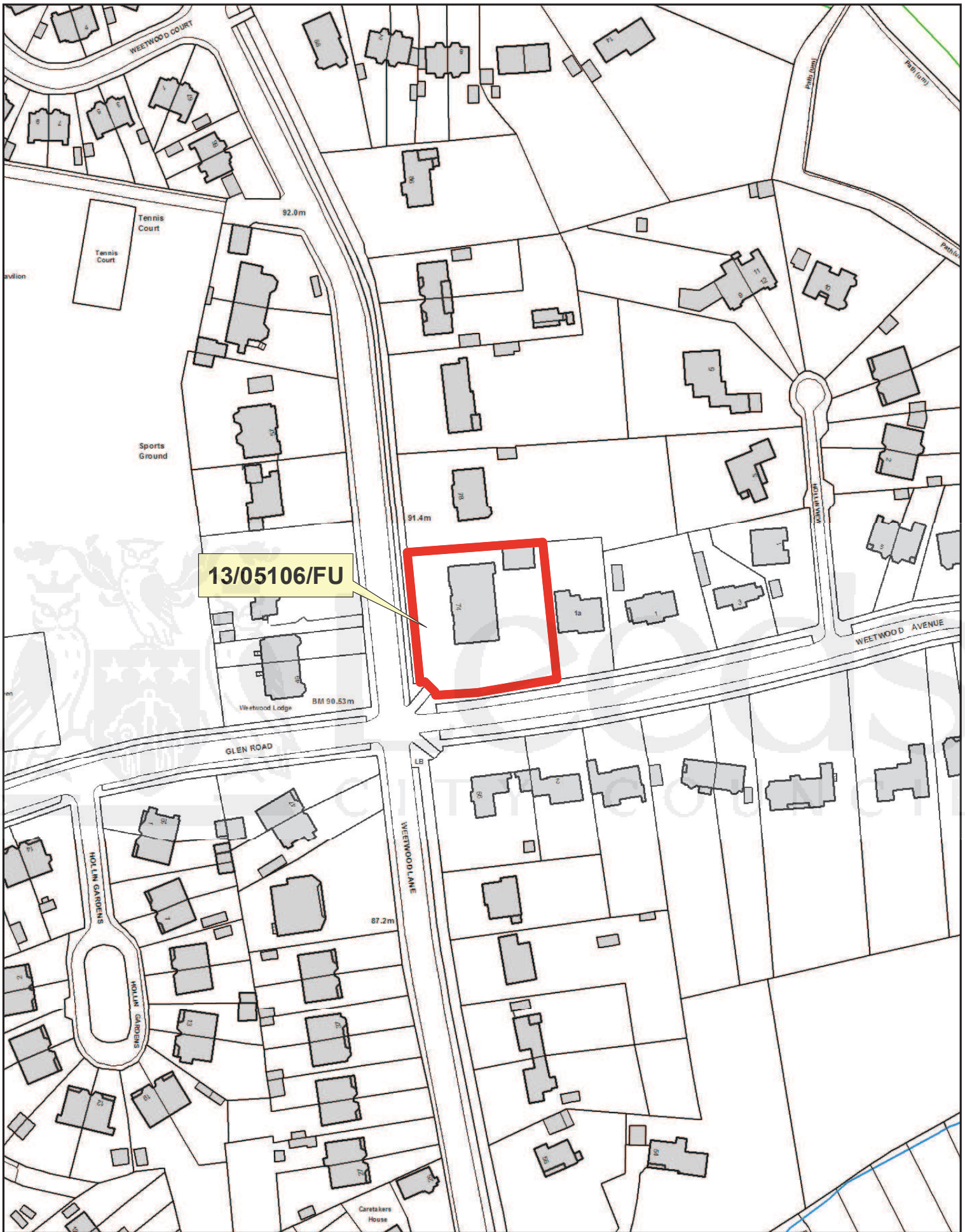
11.1 In conclusion, the proposal is considered to comply with relevant policies GP5, BD6 and T2 of the Leeds UDPR and policies HDG1 and HDG2 of the Householder Design Guide and is thus in accordance with the Development Plan. A restrictive condition is recommended to restrict future conversion to living accommodation.

## **12.0 Background Papers:**

12/02975/FU

13/05106/FU





13/05106/FU

# SOUTH AND WEST PLANS PANEL





Originator: Laurence Hill  
Tel: 0113 3952108

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 6<sup>th</sup> March 2014

Subject: Planning application 13/05573/FU – Detached house to garden at 9 Coach Road, Guiseley, LS20 8AY

#### APPLICANT

Mr Jack Thornton

#### DATE VALID

4<sup>th</sup> December 2013

#### TARGET DATE

29<sup>th</sup> January 2014

#### Electoral Wards Affected:

Guiseley and Rawdon

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

##### REFUSE planning permission for the following reasons:

The Local Planning Authority considers that, by reason of the development being accessed off the unadopted Coach Road together with the lack of appropriate sight lines, pedestrian footpath and carriageway width, a further dwelling will result in an adverse impact on highway safety and an unacceptable increase in maintenance requirements to the detriment of other property owners on Coach Road. As such, the proposed development is contrary to policies GP5, H4 and T2 of the Leeds Unitary Development Plan Review (2006) and the Street Design Guide SPD.

## 1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Councillor Latty as he does not agree that the use of the unadopted Coach Road to provide vehicular access to the site is inappropriate.

## **2.0 PROPOSAL:**

- 2.1 The application is for a detached house within the southern portion of the existing garden of 9 Coach Road. The house will have a footprint of 11 metres by 5.5 metres and an overall ridge height of approximately 7.8 metres. It is proposed to construct the house from coursed sandstone and grey concrete roof tiles. Architectural detailing includes stone surround mullion windows and two full chimneys to both gables.
- 2.3 Accommodation provide comprises a sitting room and kitchen dining room at ground floor and three bedrooms to the first floor.
- 2.2 Vehicular access is from the unadopted Coach Road. A permeable paved driveway with two parking spaces is proposed. Bin storage is located to the rear of the site.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises a stone built detached property located to the north of the site with garden land with ancillary garden buildings to the south. The garden is enclosed by a mature hedge. Existing vehicular access is from Coach Road.
- 3.2 To the immediate north east of the site is a small builder's yard currently being used as storage for a roofing company. Beyond this yard is a designated N1A allotment site. The designation includes the small builder's yard together with the house and garden curtilage of both 9 Coach Road and the neighbouring 17 Coach Road.
- 3.3 The area surrounding the application site comprises a mixture of property styles. To the north are brick and render semi-detached and detached properties on Silverdale Avenue. To the west are large stone built detached properties set within generous plans accessed off Esholt Avenue. To the south is a modern stone detached property.
- 3.4 The site abuts Guiseley Conservation Area with Coach Road and the properties to the west located within the defined Conservation Area boundary.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 13/00618/FU - Detached house to garden - Withdrawn

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The previous application 13/00618/FU was withdrawn following concern being raised with the size, scale and design of the property together with the vehicular access off an unadopted road. Following the withdrawal, the case officer met the applicant on site to discuss potential options in progressing the proposal. The applicant was advised that a property of reduced size and site coverage, with a simplified design, maybe acceptable in terms of design, character and residential amenity. The applicant was also advised that the issue of an additional property using the unadopted and unmade Coach Road for vehicular access remained unacceptable and that consideration should be given to improvements to the carriageway and provision of pedestrian access in order to overcome this issue.

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

- 6.1 One letter of representation has been received raising the following issues:



- The full length of Coach Road is regularly used by both residents and visitors. The side roads are not always used for access.
- The Strategic Housing Land Availability Assessment discounted the use of the allotments of Silverdale Avenue for housing. Whilst not in use as an allotment the garden area of 9 Coach Road should be retained for leisure use.
- The allotments to the rear of the site are susceptible to flooding. Developing this site may exacerbate this flooding issue.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory consultations**

Highway Development Control: Objections due to an additional property being accessed off an unadopted road already serving 9 properties, insufficient sight lines, insufficient carriageway width and lack of a segregated pedestrian footpath to the detriment of highway and pedestrian safety.

### **7.2 Non Statutory Consultations:**

Flood Risk Management: No objections. The site is located in flood risk zone 1 and there is no history of flooding in the vicinity. Our records indicate there are no watercourses or drainage assets within the site. The use of water butts is encourage and permeable paving where possible in the development.

Land Contamination: The information provided in the report suggests that the site was part of an allotment gardens prior to being developed as a residential garden. Allotments are considered to be a potentially contaminative use and as such a full desk study report for the site is required. Depending on the outcome of the desk study a Phase II site investigation may also be required.

## **8.0 PLANNING POLICIES:**

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

### **Development Plan:**

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

Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SP) as follows:

Policy SG4: To ensure that development is consistent with the principles of sustainable development

Policy SA1: Secure highest quality of the environment throughout the District

Policy SA2: Strategic Aim to encourage development in locations that will reduce the need to travel, promote the use of public transport and other sustainable modes and reduce the journey lengths of those trips which are made by car

Policy SP3: Seeks to ensure that new development will be concentrated within or adjoining main urban areas and settlements, with existing public transport provision or a good potential for new provision.

The relevant Leeds Unitary Development Plan policies are considered to be: -

Policy GP5: Refers to development proposals should seek to avoid loss of amenity.

Policy BD5: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Policy H4: Windfall housing sites

Policy N12: Refers to all development proposals should respect fundamental priorities for urban design.

Policy N13: Refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings

Policy N19: All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area.

Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety

Policy T24: Refers to parking guidelines for new developments

### **Relevant supplementary guidance:**

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

Street Design Guide SPD  
Guiseley Conservation Area Appraisal and Management Plan

### **DRAFT CORE STRATEGY**

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination occurred in October 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents



recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

#### POLICY H2: NEW HOUSING DEVELOPMENT ON NON ALLOCATED SITES

New housing development will be acceptable in principle on non-allocated land, providing that:

- i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.
- ii) For developments of 5 or more dwellings the location should accord with the accessibility standards in Table 2 of Appendix 2
- iii) Green Belt policy is satisfied for sites in the Green Belt

In addition, greenfield land:

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area, or
- b) May be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sport & Recreation Assessment (PPG17Audit).

#### POLICY P10: DESIGN

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion.
- (vi) The development is accessible to all users.

## NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

### 9.0 MAIN ISSUES:

- 1) Principle of development
- 2) Visual amenity
- 3) Residential amenity
- 4) Highway Safety and Parking
- 5) Any other issues
- 6) Letters of representation
- 7) Conclusions

### 10.0 APPRAISAL:

#### Principle of development:

- 10.1 The site is in an existing residential area within the Guiseley, close to local amenities and public transport routes. It therefore is considered that an additional residential property is appropriate in this context, provided that the proposals would not detract from the character and appearance of the area, the amenities of nearby residents or highway safety.
- 10.2 The site is covered by the N1A designed allotments which includes the allotments off Silverdale Avenue together with 9 Coach Road and the neighbouring 17 Coach Road. However, given the site is clearly a private garden area which is not in use as an allotment nor has the potential to be brought into allotment use, it is not considered appropriate to resist the development on the grounds that it will result in a loss of allotment provision. Indeed, given that both the dwellings and gardens of 9 and 17 Coach Road are inappropriately included in the allocation, it appears that their inclusion is a result of a drafting error as part of the original designation.

#### Visual amenity:

- 10.3 Consideration has been given to the impact the proposed development will have on the character of the area with particular regard to the adjacent Guiseley Conservation Area. The proposed dwelling is of a design of appropriate quality for this location. The scale of the dwelling is appropriate in this residential location and the use of quality coursed stone together with architectural detailing such as the stone window mullions and two full chimneys are welcome. With regards to the property's spacial setting, the curtilage is comparable to the retained curtilage of 9 Coach Road and with other properties within Coach Road and neighbouring Silverdale Avenue, therefore the

dwelling will not appear unduly cramped or incongruous in this setting. In light of the above, it is considered that the dwelling that would sit comfortably in this location preserving the character of and views to and from the Guiseley Conservation Area.

**Residential amenity:**

- 10.4 Consideration has been given to the impact the development will have on the residential amenity of the occupants of both the proposed and neighbouring properties. Given the property is located away from all neighbouring properties, save 9 Coach Road, no adverse impact on residential amenity is anticipated to the occupants of the these properties. With regards to 9 Coach Road, the proposed property is located approximately 15 metres from the side elevation and approximately 6.6 metres from the proposed shared boundary. This degree of separation is considered sufficient to prevent any adverse impact on the amenity of either the occupants of 9 Coach Road or the proposed property from issues of overshadowing and dominance.
- 10.5 With regards to privacy and the quality of external amenity space. No side facing windows exist in 9 Coach Road or are included in the proposed property to result in overlooking of either property. The subdivision of the site into 2 comparable curtilages will ensure that both properties have adequate useable outdoor amenity space.
- 10.6 The proposed property includes a rear facing bedroom window which overlooks the builder's yard and allotments to the east. Given this window is only located approximately 4 metres from the rear boundary there is concern that this relationship could compromise the redevelopment of the adjacent site in the event of this coming forward in the future. This situation should be avoided. Therefore, in the event of planning permission be granted, it is suggested that a condition should be imposed requiring a side facing window to be included and the rear window to be removed. This would resolve the issue of potential overlooking whilst maintaining a level of outlook to this bedroom.

**Highway safety and parking:**

- 10.7 Consideration has been given to the impact the proposed dwelling will have on highway safety locally with particular regard to the fact that Coach Road is currently both unadopted and unmade and narrows at the point at which the highway passes the application site. Highway Development Control have commented on the application and have raised objections to a further dwelling. The adopted Street Design Guide SPD advises that no more than 5 dwellings should be served via a private street as, beyond 5 dwellings, it is considered that the maintenance liability becomes too great. As a result, the proposed dwelling would increase the number of properties served via a privately maintained road from 9 to 10 which would only increase the maintenance requirements to the detriment of other property owners.
- 10.8 As part of the information provided with the application, the applicant argues that the junction of Park Road and Coach Road is largely unused and that vehicle access to properties on Coach Road is achieved either via Hawkhill Avenue, Silverdale Road or Silverdale Mount and as a result the access to the application site would pass four properties on the private section of Coach Road from Silverdale Road or three properties from Silverdale Mount. It is however the view of officers that, the reality is, a total of 9 properties currently front on to the private section of Coach Road, vehicles and pedestrians passing the application site face a choice of using the private and unmade section of road or a significant longer and more tortuous route via Silverdale

Mount. As a result, an additional dwelling and its construction could only add to the existing maintenance problems with the private section of the street.

- 10.9 In addition to the issues relating to the access road, there is concern with the visibility on to Coach Road, lack of segregated pedestrian footpath and insufficient carriageway width to provide access for emergency vehicles, all of which further contribute to the impact the development will have on highway safety. It is noted that, subject to appropriate consideration to the impact any highway improvements have on the character of Guiseley Conservation Area, improvements to address these concerns are theoretically feasible. However, as Coach Road is not within the applicant's ownership or control, these improvements cannot be achieved by the applicant as part of this planning application.

**Any other issues:**

- 10.10 In the event of planning permission being granted it is considered that the provision of a desk top study, as requested by the Land Contamination, can be secured through condition.

**Letters of representation:**

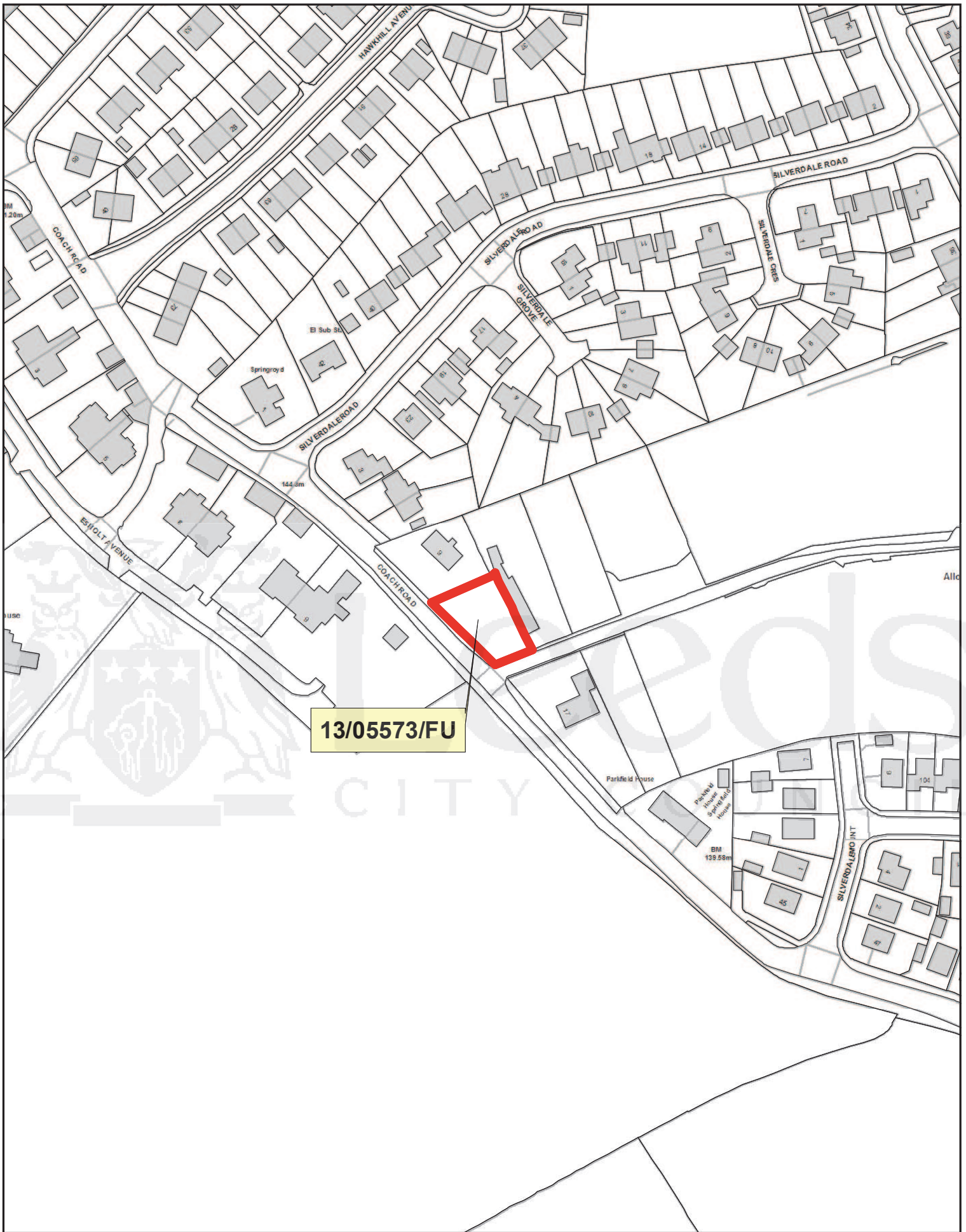
- 10.11 As part of the application process one letter of representation has been received. Issues raised include concern that Coach Road is not suitable to provide vehicular access for a further dwelling, as part of the Strategic Housing Land Availability Assessment the designated allotment was considered unsuitable for housing and, as such, the garden area should be retained for leisure use and the development could exacerbate further flooding of the allotments. In response to these concerns, as discussed, officers agree that the unadopted Coach Road is unsuitable for further dwellings, however it is considered the development of this garden site is not unsuitable in principle and, as Flood Risk Management have no objections to the proposal, it would be inappropriate to resist the development on grounds of drainage.

**Conclusion:**

- 10.12 In conclusion, it is considered that due to the highway safety and maintenance issues resulting from a further property being accessed from the unadopted and unmade Coach Road planning permission should be refused.

Background Papers:  
Applications 13/05573/FU





13/05573/FU

# SOUTH AND WEST PLANS PANEL

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Originator: Laurence Hill  
Tel: 0113 3952108

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 6<sup>th</sup> March 2014

Subject: Planning application 13/05685/FU – First floor and single storey front extension to warehouse – Otley Road, Guiseley, Leeds, LS20 8BH

#### APPLICANT

Illingworth Supplies – Mr G  
Illingworth

#### DATE VALID

16<sup>th</sup> December 2013

#### TARGET DATE

10<sup>th</sup> February 2014

#### Electoral Wards Affected:

Guiseley and Rawdon

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

##### REFUSED planning permission for the following reasons:

- 1) The Local Planning Authority considers that, by reason of its inappropriate design, scale, and materials, the proposed extension will result in an incongruous addition to the detriment of the character of the existing positive building and wider Guiseley Conservation Area. As such, the proposed development is contrary to policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review (2006) and the Guiseley Conservation Area Appraisal and Management Plan.
- 2) The Local Planning Authority considers that, by reason of the restricted vehicular access to the site and limited parking provision, the proposed development will result in an increase in vehicular movements and parking requirements that cannot be safely or adequately be accommodated by the site resulting in adverse impact on highway safety and an increase in on street parking. As such, the proposed development is contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan Review (2006) and the Street Design Guide Supplementary Planning Document.



## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel at the request of Councillor Latty as he does not agree that the Conservation Area would be adversely impacted by the extension and that there would be any more problems with the highway and parking than may already be caused by the existing building and its use.

## **2.0 PROPOSAL:**

- 2.1 The application is for the extension of an existing warehouse and distribution premises to provide additional storage space. The extension involves adding a first floor element to the existing single storey buildings to the front and side of the main two storey building located at the rear of the site. The extension is designed with a double pitched roof resulting in two asymmetric gable elements. The extension is proposed to be constructed from a mixture of stone and timber cladding with the roof to be artificial stone slate. The existing small front projection is to be altered to include a flat roof and external timber cladding.
- 2.2 The extension will provide an additional 147 square metres of floor space increasing the storage capacity of the warehouse. The access remains unchanged and no additional car parking spaces are proposed. The development will increase the number of employees from 16 to 18.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to a stone and brick warehouse building made up of a mixture of single storey and two storey elements. The building forms part of a grouping of other commercial/industrial buildings to the rear of a terrace of retail/commercial units fronting Otley Road.
- 3.2 The site is located within Guiseley Conservation Area and has been designated as a positive building. There are clear views of the grouping of buildings from Otley Road and other surrounding public vantage points. The site is immediately adjacent to Guiseley (Otley Road) S2 town centre.
- 3.3 Vehicular access to the site is from a private road off Otley Road. A number of mature trees, protected by a group Tree Preservation Order, are located on the rear boundary of the site abutting Station Road.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 28/178/00/FU – Change of use of part of works to offices – Approved

10/00235/FU – Change of use of warehouse customer pickup point to an enlarged trade parts facility – Not development

12/04395/FU - First floor and single storey front extension to warehouse – Refused for the following reasons:

*“The Local Planning Authority considers that, by reason of its inappropriate design, scale, and materials, the proposed extension will result in an incongruous addition to*

*the detriment of the character of the existing positive building and wider Guiseley Conservation Area. As such, the proposed development is contrary to policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review (2006) and the Guiseley Conservation Area Appraisal and Management Plan.”*

*“The Local Planning Authority considers that, by reason of the restricted vehicular access to the site and limited parking provision, the proposed development will result in an increase in vehicular movements and parking requirements that cannot be safely or adequately be accommodated by the site resulting in adverse impact on highway safety and an increase in on street parking. As such, the proposed development is contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan Review (2006) and the Street Design Guide Supplementary Planning Document.”*

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following the refusal of planning application 12/04395/FU officers and the local Ward Member met the applicant on site to discuss options to achieve an acceptable scheme. Officers advised the applicant that, whilst there may be an opportunity to improve the design and scale of the extension, it would be unlikely that this would overcome the significant concerns regarding the impact this form of development would have on the character and appearance of the positive building and wider Guiseley Conservation Area. During the application process, the Conservation Officer has advised that there is potentially scope for a first floor extension to the ground floor element that is located adjacent to the principal building on the site and the ancillary historic building. Any first floor extension to the front of the principal positive building would be harmful to both the building’s and wider Conservation Area’s character. The applicant was also advised that highway and parking constraints are such that it would be unlikely that the objections from Highway Development Control could be adequately addressed or mitigated.

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

- 6.1 No letters of representation have been received from local residents or any other interested party.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory consultations**

Highway Development Control: Objections are raised to the proposals due to the lack of parking provision and large vehicle manoeuvrability proposed for the intensification of the proposals.

### **7.2 Non Statutory Consultations:**

Environmental Protection: No objections

## **8.0 PLANNING POLICIES:**

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

### **Development Plan:**

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

Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SP) as follows:

Policy SG4: To ensure that development is consistent with the principles of sustainable development

Policy SA1: Secure highest quality of the environment throughout the District

Policy SA2: Strategic Aim to encourage development in locations that will reduce the need to travel, promote the use of public transport and other sustainable modes and reduce the journey lengths of those trips which are made by car

Policy SP3: Seeks to ensure that new development will be concentrated within or adjoining main urban areas and settlements, with existing public transport provision or a good potential for new provision.

The relevant Leeds Unitary Development Plan policies are considered to be: -

Policy GP5: Refers to development proposals should seek to avoid loss of amenity.

Policy BD5: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Policy N12: Refers to all development proposals should respect fundamental priorities for urban design.

Policy N13: Refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings

Policy N19: All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area.

Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety

Policy T24: Refers to parking guidelines for new developments

### **Relevant supplementary guidance:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development

Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Street Design Guide SPD  
Guiseley Conservation Area Appraisal and Management Plan

#### DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination occurred in October 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

#### POLICY P10: DESIGN

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion.
- (vi) The development is accessible to all users.

#### NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

## **9.0 MAIN ISSUES:**

- 1) Principle of development
- 2) Impact on Conservation Area
- 3) Highway Safety and Parking
- 4) Other material planning issues
- 5) Conclusions

## **10.0 APPRAISAL:**

### **Principle of development:**

- 10.1 With regards to the principle of development, the site is located immediately adjacent Guiseley (Otley Road) S2 centre in an location well served by the bus, train and road network. As such, given the sustainability of this location, it is considered that the principle of providing additional commercial storage accommodation to an existing business in this location is acceptable

### **Impact on Guiseley Conservation Area:**

- 10.2 The application site is located within Guiseley Conservation Area and has been designated as a positive building in the Guiseley Conservation Area Appraisal and Management Plan, it is therefore essential that careful consideration is given to the impact the development will have on its protected appearance and character.
- 10.3 The existing building comprises of an original two storey stone built former mill building, considered to be the principal building on the site, which, over time, has been extended to the front with simple stone and brick single storey extensions. A smaller historic single storey building remains and has been largely subsumed within the extensions. The extensions, whilst not being of significant quality or architectural value, give the building the appearance of having been developed organically with an extended form appropriate for its prominent position within Guiseley Conservation Area. In addition to the positive historic characteristics of the existing building, the site sits in a prominent location within the Conservation Area, with clear views afforded to the site from Otley Road, Oxford Road, Station Road and other public vantage points.
- 10.4 The proposed extensions introduce a large first floor extension spanning the two single storey gable extensions with a large and awkward asymmetric roof and double gable. The design and form of the extension is contemporary with the use of timber cladding and aluminium together with course stone and artificial stone slate. In

extending the building in this way, the modest, organic and historic form of the building will be lost and the resulting extension will be a disproportionately large addition to the building. Furthermore, an extension of this scale and design in this prominent location will result in a significant adverse impact on the character of the wider Guiseley Conservation Area as it will introduce an incongruous feature into attractive views from the surrounding public vantage points. It is also noted that the small single storey historic stone building, which currently can be read as an attractive historic element of the extended building, would be fully subsumed within the large extension resulting in its loss.

- 10.5 In light of the above concerns, it is considered that the proposed extension will result in significant harm to the character and appearance of both a building designated as a positive building within the Guiseley Conservation Area and the wider Conservation Area.

**Highway safety and parking:**

- 10.6 Consideration has been given to the impact the proposed development will have on highway safety and parking locally. Highway Development Control have been consulted regarding the proposal and have raised objections to the extension. The concerns relate intensification on this site. The extended premises are likely to attract additional large vehicles in this constrained area, either for the existing or future tenants of the premises. This is a significant concern due to lack of manoeuvrability area for safe large vehicle movements.
- 10.7 In addition to these highway safety concerns, there are also issues with the lack of parking provided. The provision on-site is and would only be 3 spaces. The fourth space provided would not be useable as it would result in the blocking of the loading bay door. This amount of parking for the new size of the premises is not acceptable. UDP guidelines recommend at least 7 spaces provided on-site for this edge of town centre site. It is therefore anticipated that the extension to the warehouse is likely to result in the inappropriate overspill of parking on the private road and in the vicinity on-street, which will cause access problems for cars, large vehicles and pedestrians.

**Other material planning issues:**

- 10.8 It is accepted by officers that the extension would help facilitate the expansion of an existing local business creating some additional employment. Whilst weight has been given to this clear economic benefit it is considered that this, on its own, does not outweigh the significant harm that would result to Guiseley Conservation and highway safety locally.
- 10.9 Consideration has been given to the impact the development will have on the health and future viability of the protected trees at the rear of the site. As the development is largely located away from these trees and does not involve the increase in the footprint of the building, it is considered that, with appropriate construction protection methods employed, no adverse harm will be caused to these trees as a result of the development.

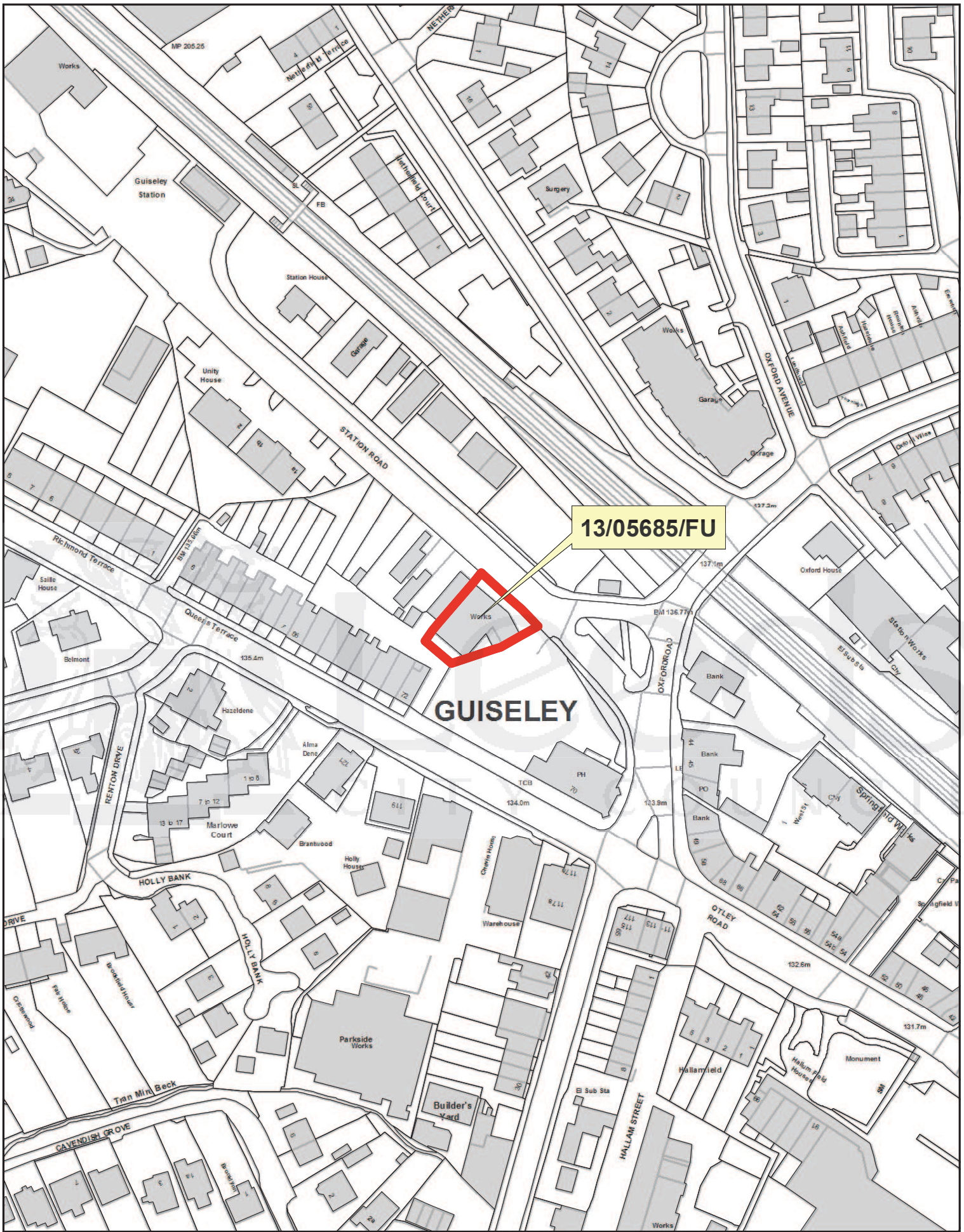
**Conclusion:**

- 10.10 In conclusion, it is considered that the proposed extension will result in significant harm to the character and appearance of the existing building and wider Guiseley

Conservation together with adverse impact on highway safety locally. Consideration has been given to reducing the scale and improving the design and form of the extension to address the conservation concerns and weight has been given to the economic benefits of enabling this established business to expand. However, the required amendments require significant changes and reductions and would not address the highway and parking concerns the proposal raises. As such, as the application is contrary to the relevant policies of the Unitary Development Plan and National Planning Guidance and as there is no option to address or mitigate the conservation and highway concerns, it is recommended that planning permission should be refused.

Background Papers:  
Applications 13/05685/FU





# SOUTH AND WEST PLANS PANEL



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|-------------|--------------|
| Originator: | Clive Saul   |
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## Report of the Chief Planning Officer

### **PLANS PANEL SOUTH AND WEST**

**Date:** 6 March 2014

**Subject:** **POSITION STATEMENT** for planning application 13/02604/FU:  
**Changes to existing materials recycling facility, extension to waste transfer building (no increase in annual waste throughput), two storey extension to offices and amended site layout with additional landscaping at St. Bernard's Mill, Gildersome**

#### **APPLICANT**

Associated Waste  
Management Ltd

#### **DATE VALID**

19 June 2013

#### **TARGET DATE**

30 November 2013

#### **Electoral Wards Affected:**

**Morley North  
Farnley & Wortley**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

### **1.0 INTRODUCTION:**

1.1 The purpose of this report is to provide Members with information about the current planning application and the issues involved. This will give Members the opportunity to visit the site and provide initial feedback on the proposals. This application is being presented to Panel following a request from Councillor Gettings.

1.2 The proposal is for changes to the layout of the existing development and extensions to the Materials Recycling Facility (MRF) building and office building at the former St Bernard's Mill site on Gelderd Road, Gildersome. No extension to the curtilage or waste throughput of the site is proposed.

- 1.3 Since the site originally became operational towards the end of 2011, there have been complaints of odour and noise, principally from residents living at a property to the south-east of the site, on the south side of the A62, Gelderd Road.
- 1.4 The planning permission and Environmental Permit allow a wide variety of types of waste to be processed at the site and so there is the potential for odour to be released from the operation (particularly from mixed municipal waste streams) if robust mitigation measures are not in place and if management of the site is not of an appropriate standard.
- 1.5 There have also been issues with Refuse Derived Fuel (RDF) bales and scrap metals (and previously small fractions of residual waste – “fines”) being stored and loaded outside the main waste recycling building.
- 1.6 The operators of the site, Associated Waste Management (AWM), have sought to address these issues by redesigning various elements of the site and improving the site management, including the introduction of an internal air cleaning system, air curtains around the main doors, fast opening and shutting roller doors, relocating the main HGV holding area to the far corner of the site, fully cleaning the site out before closing down at the weekend, purchasing a quieter road sweeper, reducing the use of the fork lift externally and relocating the majority of the external storage to within the building.
- 1.7 Despite the above actions, an element of storage remains outside the far end of the main building – that of scrap metal. The scrap metal waste stream includes cans that have previously contained food and therefore have the potential to cause odour due to the organic element within the waste. This is contrary to a condition imposed on the current permission which prohibits the storage of any materials outside except for recycled aggregates. The applicants have suggested that there is no feasible solution to accommodate this material within the main building. The applicants have recently taken action to enclose one of the bays to mitigate any odour issues from this area of the site as a temporary measure whilst this application is considered. A retrospective planning application is currently under consideration for the temporary retention of the enclosure (ref 13/04917/FU). The remaining bays are now kept empty.
- 1.8 The Environment Agency issued a Regulation 37 Enforcement Notice to the applicants on 30 September 2013. The Notice was to suspend the site’s ability to accept mixed municipal waste and other odour producing wastes from the 17 October 2013. On 4 October 2013 the Notice was withdrawn (following legal representation from AWM) and re-issued with effect from 31 October 2013. The actions required to lift the suspension were unchanged. The steps required in the Notice to remove the risk of pollution were met by AWM on 25 October 2013. The Notice was then withdrawn.
- 1.9 The applicants wish to implement a comprehensive, long term solution by constructing an extension to the building which would house the materials previously stored outside and would also incorporate the baling area and storage of the Refuse Derived Fuel (RDF) bales which are currently stored and loaded towards the front of the site. The extension would also house the existing fuel tanks, steam clean unit and transformer that are currently located within the yard. Finally, the applicants propose to extend the office building towards the rear of the site to allow the existing portacabin style structures at the site to be removed.

1.10 The applicants also wish to address changes to the approved plans where elements of the site have not been built strictly in accordance with those plans – for example, the detailed office design and landscaping areas. However, the development as built is predominantly in accordance with the approved plans.

## **2.0 PROPOSAL:**

2.1 The proposal comprises the following:-

- Extension to waste recycling building (23.5m x 40m);
- Area to accommodate fuel tanks, archive, steam cleaner etc. (8.5m x 7.5m);
- Extension to office block (3.9m x 12.9m);
- Changes to approved office design;
- Changes to HGV holding area;
- Minor changes to site layout (areas of kerbing, manoeuvring areas);
- Changes to and additional landscaping areas.

2.2 The applicants stress that the proposals will not result in the intensification of the use of the site or any increased waste throughput. The extensions to the buildings are required to re-house existing operations or cabins and to re-locate the RDF baling operation. The design of both proposed extensions to the buildings would complement that of the existing structures.

2.3 The site directly employs 91 staff and has operational hours of 0730 – 1830 (Monday to Friday) and 0800 – 1300 (Saturdays). The operation has an annual waste throughput of up to 200,000 tonnes.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The application site was formerly an industrial mill development and later accommodated a variety of uses including waste management (waste transfer and vehicle dismantling), tarmac scalping storage and a scaffolding firm.

3.2 The site is safeguarded for waste management use as a Materials Recycling Facility (MRF) within the adopted Leeds Development Plan. The site is situated within the Green Belt and covers an area of 2.4 hectares.

3.3 The site is at a slightly lower level than much of the surrounding land, with the land rising notably westwards, towards Gildersome. Mature trees and a watercourse (Farnley Wood Beck) run along the northern site boundary. A further watercourse (Dean Beck) runs in a northerly direction beyond the eastern boundary of the site.

3.4 The nearest residential dwelling to the site, Rooms Farm, lies between 55 – 65m from the site access and 86m from the nearest part of the main building; between 135 – 150m from the two doors used for the main waste delivery operation and some 230m from the middle of the proposed bin wagon / HGV holding area. The nearest part of the proposed extension would be located some 170m from the dwelling. Rooms Farm itself incorporates a residential dwelling and various outbuildings (one of which the owners state has planning permission for redevelopment as 2 dwellings) and an extensive yard housing stone and construction materials. The property is slightly elevated compared to the application site and lies on the opposite side of the A62 Gelderd Road. There is a significant amount of intervening vegetation between the property and the site. Large areas around Rooms Farm have been previously

landfilled. A culverted watercourse runs under the land and the A62 and outflows as Dean Beck along the eastern boundary of the application site.

- 3.5 A grassed bund lies along the western site boundary. This has been planted and will provide some screening of the site and will soften the appearance of the main building over the medium to long term. The land beyond is in agricultural use and rises up towards Gildersome. A footpath (no. 24 Morley) runs part of the way along the outside of the bund to the rear of the main recycling building from Gelderd Road, before turning 90° towards Gildersome. Further landscaped screening bunds border the site along the frontage with the A62 and to the east.
- 3.6 Three properties and Cottingley Springs Traveller's site lie to the east of the site along Gelderd Road. Two properties lie around 140m and 180m away from the nearest part of the recycling building, with the third near the traveller's site at a distance of around 400m from the nearest part of the recycling building. Cottingley Springs Traveller's site is around 440m away and the proposed extension to the site is around 280m away from the nearest part of the recycling building. Spring End Farm lies around 700m to the north-east of the site in an elevated position and has permission for a small scale waste transfer operation.
- 3.7 The M621 lies approximately 580m to the south-east. The main Leeds Ring Road (A6120) lies around 2km to the north-east along the A62.

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

- 4.1 12/00915/ADV: Retrospective application for two hoardings and two flagpoles. Split decision (hoardings refused) on 23 April 2012.
- 4.2 12/00916/FU: Retrospective application for two detached pre-fabricated buildings. Approved on 24 April 2012.
- 4.3 10/03906/FU: Re-design and re-location of proposed offices with associated amendments to proposed landscaping and site layout and addition of lean-to extension to approved waste transfer station. Approved on 22 December 2010.
- 4.4 08/05071/FU: Construction of new waste transfer building and 2 storey detached ancillary offices, landscaping scheme and formation of new access. Approved on 29 June 2009.
- 4.5 23/407/96/MIN: Continuation of use of part of mill as waste transfer station with covered transfer compound. Approved on 19 December 1997.
- 4.6 23/425/95/MIN: Certificate of lawful use for waste transfer station. Approved on 8 December 1997.
- 4.7 H23/213/91/: Use of part of mill as waste transfer station. Approved on 4 February 1992.
- 4.8 Planning applications referenced 13/00494/FU (variation of condition 31 of approval 10/03906/FU to be changed so the restriction on loading of waste materials outside of the waste transfer building is removed); 12/00923/FU (formation of stockpile area and storage area for baled waste); 12/04394/FU (retrospective application for steam clean

unit and two fuel tanks); and 12/04580/FU (variation of condition 1 of permission 10/03906/FU – approved plans and documents relating to retrospective changes to the site layout, waste transfer, building, site offices and landscaping and the siting of a fenced electrical transformer to the rear of the waste transfer building) are held in abeyance pending determination of 13/02604/FU.

- 4.9 Breach of Condition Notice served on 10 January 2013 in relation to condition 31 of permission 10/03906/FU concerning the unauthorised outside storage of materials not classed as recyclable aggregates.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 A pre-application meeting was convened with the applicants on 22 March 2013. Ward Councillor Leadley also attended the meeting.

- 5.2 The applicants outlined a number of schemes they had investigated.

- Scheme 1: side extension to house existing bays to the north-west (far end) of the site with motorised roller bed (conveyer), enclosed in an acoustic casing, running the length of the rear elevation.
- Scheme 2: side extension and lean-to rear extension. To establish enough room for the rear extension, AWM would have to build into the bund so the rear wall would essentially be a retaining wall.
- Scheme 3: side extension and internal alterations. The baler would be relocated from the south end of the building to within the extension and all bales would be stored and loaded here. The material would be transported to this point by an elevated conveyer located inside the main building.

- 5.3 The applicant was advised that they were required to undertake community consultation prior to submitting a planning application. Ideally a consultation event should be held at a local venue, be conducted at a time the majority of local residents could attend and be advertised a reasonable time in advance. In addition to local advertising, AWM were asked to pass the details on to the Local Planning Authority (LPA). Feedback from attendees should be recorded and inform the final proposal.

- 5.4 The applicants were advised of the information and plans that would be required as a minimum if an application were submitted.

- 5.5 From the schemes presented, scheme 3 was considered to be the least intrusive option in terms of the green belt and potentially of the most benefit to residential amenity in terms of reducing noise and odour. The discharge area would be enclosed and loading of bales would take place either in the building or under cover, thus complying with the existing condition 31. Officers agreed to forward this scheme on to the Environment Agency for comment.

- 5.6 During the meeting AWM raised the possibility of extending the office building to replace the existing Portacabins that reside near the weighbridge. Given the green belt location of the site, AWM were advised that any extension to the office should be consistent with the existing design themes and not extend to a larger area than what is currently occupied on site.



## 6.0 PUBLIC / LOCAL RESPONSE:

- 6.1 The application was advertised via site notices posted on 28 June 2013 and 12 July 2013 and published in the local paper (Morley Advertiser) on 26 June 2013. Copies of all plans and additional information have also been made available on public access and at Morley Library. Further notification letters were sent to objectors upon the receipt of additional information in October 2013.
- 6.2 Members of both Morley North and Farnley & Wortley wards have been consulted.
- 6.3 A public consultation event was arranged by way of a newspaper advertisement placed in a local publication called the Morley Observer, on 27 March 2013. It is reported by the applicants that there were 8 attendees on the day including several that had previously objected to other planning applications. Five of the attendees left comments on the forms provided. The remaining attendees took the forms away but no further comments have been received at the applicant's agent's offices.
- 6.4 At the time of writing this report, 7 letters in support of the proposals have been received. 5 of these letters are from AWM employees. The main points raised can be summarised as follows:-
- the investment, employment, environmental sustainability, recycling and wider economic benefits from the proposals;
  - that local residents are very familiar with the site history which has been a local eyesore for decades;
  - that there would be no increase in throughput and that vehicle numbers would remain the same;
  - facility is the most advanced in the region, to reject any proposal to improve the site would be a travesty;
  - several local authorities benefit from the recycling and landfill diversion capabilities of the MRF and to hind advancement in this field would be a backwards step;
  - plans to increase office space must be seen as a further commitment to employ local people;
  - the extension would be built in sympathy to the existing building and would tidy up the rear of the yard and house a number of activities currently conducted outside; and
  - planned investment could only add value to the amenity and believe that it would not be seen from Gelderd Road.
- 6.5 At the time of writing this report, objections from 12 local residents have been received. Councillor Gettings also objects to the proposals (no grounds provided) and requests that the application be determined by Panel. Councillor Finnigan questions (on behalf of a Gildersome resident) whether any condition to send AWM vehicles down the M621 and along the ring road rather than past Gildersome on Gelderd Road could be looked at.
- 6.6 The main points raised within the letters of objection can be summarised as follows:-
- careful management of the current operation could effectively manage the amenity issues that have arisen from this site;
  - lack of community consultation and small size of advert;
  - proposals not in line with the UDP or NPPF;
  - impact from noise, smell and vibrations caused by vehicles from the site – vehicles should be routed via the M621 which would reduce impact dramatically;

- impact upon openness and visual amenity of the Green Belt and views from the public footpaths, highways and on local residents who reside in the vicinity;
- impact from odour emanating from the site;
- impact from odour from passing vehicles;
- impact from noise emanating from the site;
- exceptional circumstances cannot be justified;
- site already built to its limit – no further development should be considered – extension will not address the adverse impacts;
- application increases volume of traffic and size of vehicles using the site;
- original application was understood to be for inert waste;
- site is operating unlawfully for which Breach of Conditions Notices have been served;
- site is processing waste streams for which it doesn't have permission for – designed as an inert waste transfer station, building designed to prevent nuisance to neighbouring properties;
- site is listed within the Natural Resources and Waste DPD as Site Type: Aggregates Recycling yet AWM are operating this site processing municipal / mixed waste;
- unacceptable visual impact on the rural setting and also an unacceptable impact on nearby property's visual amenity;
- proposed extension would not resolve noise and odour issues;
- a road sweeper will also continue to operate – excessive noise has been recorded from the road sweeper, machinery, reversing beepers and truck / wagon movements;
- site would continue to accept waste deliveries in enormous waste container wagons and not the 8 wheeler and skip wagons for which the site has been considered;
- site would not operate not in accordance with the approved one way traffic system;
- the waste bales are exported;
- site will not be supported in the future by Leeds City Council as they have awarded a 25 year contract to the new incinerator site to be built in a more appropriate location of Cross Green Industrial Estate;
- impact upon health; and
- likelihood of compliance by company is very unlikely and there is a real necessity for stringent enforceable planning conditions.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

7.1.1 Coal Authority: No objection – advice provided regarding prior extraction of coal.

7.1.2 Environment Agency:

No objection – proposal has the potential to have a positive impact on issues of noise and odour and the EA are pleased that the applicant is demonstrating a desire to ensure that issues that have arisen at the site are overcome. The EA note that even without the building extension, careful management of the current site could effectively manage the amenity issues that arisen from this site.

In the EA's original response dated 23 July certain areas were flagged up where they felt that issues related to odour and noise could arise through the proposed development which had not been addressed within the submitted management plans. The applicant has

submitted additional documentation and the EA consider that their points have been considered to a satisfactory level through this planning application.

Additional comments from Environment Agency Environmental Management Team:

Significant progress has already made on the subject of odorous emissions from site. We therefore expect that if any re-engineering or re-configuring of the existing site infrastructure is required then it will not increase the risk of odorous emissions from the site. I therefore ask that any changes to the existing structure or internal machinery are considered and will not allow any further potential for the release of odours to the external environment. It is also expected that odour abatement measures in the new building will meet or exceed the measures already employed to the existing building.

The proposals are to take place within the area already covered by the site's environmental permit, so no permit variation is required.

**7.2 Non-statutory:**

7.2.1 Design Team:

No objection – generally the proposals seem to match the existing shed. We would suggest conditions to ensure the materials are matching the existing. Otherwise we would not have a comment.

7.2.2 Highways Authority:

No objection – the proposals are acceptable in principle, subject to the provision of additional parking facilities, further details regarding the stockpile area, and a planning condition to restrict the maximum annual throughput of the site to maintain existing traffic levels.

7.2.3 Air Quality Management:

No objection to this development on the grounds of local air quality management with regard to road traffic emissions. However, since we were last consulted we have adopted a new policy for promoting uptake of electric vehicles (and their required recharging infrastructure) in Leeds and we would therefore like to see the provision of the electric vehicle recharging point discussed in the submitted Travel Plan from the outset, rather than 'if it becomes necessary'.

7.2.4 Contaminated Land: No objection, conditions recommended.

7.2.5 Landscape Team: Awaiting comments.

7.2.6 Travel Wise Team: No objection – conditions recommended.

7.2.7 Mains Drainage: No objection – proposals acceptable – condition recommended.

7.2.8 Nature Team: No objection – no significant nature conservation concerns with this application.

7.2.9 Waste Management: No objection – arrangements appear to be acceptable.

7.2.10 Neighbourhoods & Housing:

No objection – conditions recommended – in terms of noise, there are no additional planning conditions recommended over and above the standard fixed plant condition and requirement for a noise management plan to control noise emissions that cannot be controlled through passive measures. It is recommended that an appropriately worded planning condition that allows the local planning authority to require the approval of the noise and odour management plans along with a review mechanism independent of the Environment Agency.

Overall the proposal should be considered a planning gain, particularly if it succeeds in reducing odour impact. There is recognition in both the OMP and NMP that they are documents that require periodic review in the event of changes in plant, operation and following incidents or complaints. This could be further regulated through planning conditions.

7.2.11 Public Rights Of Way: No objection.

7.2.12 Public Health:

No objection – no increase in annual waste throughput is proposed and therefore there should be no additional emissions (e.g. of particulate matter) from the site that might be of concern to public health. The EA have stated in their consultation response that careful management of the current operation could effectively manage the amenity issues that have arisen from this site. The EA is the enforcing authority for issues such as noise and odour arising from the site, and such issues should therefore be addressed by or through permit conditions.

From a public health perspective it is not anticipated the proposed alterations to the site will result in any adverse health impacts. It is worth noting that the human nose is very sensitive to odours and many substances that are perceived as odorous, and result in complaints of nuisance, are present at levels below which there is a direct harmful effect.

7.2.13 Yorkshire Water: No objection subject to conditions (relating to diversion of public sewer).

## **8.0 PLANNING POLICIES & OTHER MATERIAL PUBLICATIONS:**

### Introduction

8.1 The proposals will be considered in the context of both national planning policy and the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

### Documents

8.2 The following are the principal documents that are relevant to the determination of this planning application:-

- Leeds Unitary Development Plan (Review) (Saved Policies) 2006;
- Natural Resources and Waste Local Plan;
- Draft Core Strategy;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- National Planning Policy Framework (NPPF);

- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- Waste Management Plan for England (2013);
- National Waste Strategy for England (plus Annexes) (WS2007); and
- Government Review of Waste Policy in England 2011.

8.3 Sections of the following legislation, guidance and reports and are also relevant:-

- European Union Waste Framework Directive;
- Yorkshire and Humber Regional Waste Strategy (2003);
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- Climate Change Act 2008; and
- Leeds Waste Strategy 2005 – 2035 (2006).

#### Development Plan

8.4 The development plan, at the time of writing, comprises the Leeds Unitary Development Plan (Review) 2006 and the Natural Resources and Waste Local Plan (NRWLP).

#### Unitary Development Plan

8.5 The following non-waste policies are relevant:-

|      |   |
|------|---|
| BD2: | Design and siting of new buildings            |
| BD4: | External plant and site layout                |
| BD5: | Design of new buildings                       |
| GP5: | General planning considerations               |
| GP9: | Community involvement in the planning process |
| LD1: | Landscaping schemes                           |
| N23: | Landscape design and boundary treatment       |
| N24: | Landscape design abutting open land           |
| N25: | Landscape design and boundary treatment       |
| N26: | Landscape scheme                              |
| N32: | Green Belt                                    |
| N33: | Development within the Green Belt             |
| T2:  | Transport                                     |
| T2B: | Transport assessment                          |
| T2C: | Travel plan                                   |
| T5:  | Pedestrian and cyclist accessibility          |
| T6:  | Disabled accessibility                        |
| T7A: | Secure cycle parking                          |
| T7B: | Secure motorcycle parking                     |
| T24: | Parking guidelines                            |

#### Natural Resources and Waste Local Plan

8.6 The Natural Resources and Waste Local Plan (NRWLP) safeguards the entire site for use as a Materials Recycling Facility (MRF) during the plan period. The following policies apply:-

|             |   |
|-------------|---|
| MINERALS 3: | Extraction of coal prior to development                         |
| WASTE 1:    | Support for proposals meeting capacity requirements             |
| WASTE 2:    | Safeguarded waste management sites                              |
| WASTE 3:    | Development of network of waste management sites and principles |
| WASTE 4:    | Waste management to be treated as industrial use of land        |
| WASTE 9:    | Consideration of impacts from waste management facilities       |

|          |  |
|----------|--|
| AIR 1:   | Emission measures to ensure overall air quality impact mitigated |
| WATER 1: | Efficiency of water use  |
| WATER 6: | Flood risk   |
| WATER 7: | Sustainable drainage   |
| LAND 1:  | Support for development of previously developed land             |
| LAND 2:  | Landscaping  |

### Emerging Policy

#### Core Strategy DPD

- 8.7 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. The publication draft of the Core Strategy has been submitted to the Secretary of State and is currently undergoing Examination.

### Government Policy Statements

#### Planning Policy Statement 10 – Planning for Sustainable Waste Management

- 8.8 PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste-related planning proposals.

#### National Planning Policy Framework

- 8.9 The NPPF does not contain specific waste policies, since national waste planning policy is to be published as part of the National Waste Management Plan for England. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant.

#### Waste Management Plan for England

- 8.10 This was issued in December 2013 and effectively aims to consolidate existing waste policy.

## **9.0 MAIN ISSUES – APPRAISAL CONSIDERATIONS:**

- 9.1 This section sets out in summary the main elements which will be considered in the final determination report to be weighed by members in reaching a decision. At this point they are still under consideration and so firm conclusions are not drawn. Representations will be considered in full prior within the report for determination. However, currently, the main issues are considered to be the following:-

- Principle of development
- Green Belt, openness and visual appearance
- Odour
- Noise
- Landscape and visual impact
- Changes to existing permission



## 9.2 Principle of development

- 9.2.1 The site is safeguarded as a Materials Recycling Facility within the adopted development plan. The site is located within the Green Belt.
- 9.2.2 The NPPF outlines current policy for green belt development. Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. However, there are exceptions to this including proposals for:-
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 9.2.3 This is different to the approach adopted within the UDP as policy N33 refers to the 'limited extension, alteration or replacement of existing dwellings'.
- 9.2.4 Policy N33 is therefore somewhat inconsistent with the more recent NPPF and whilst both are material considerations of significant weight, the NPPF advises that greater weight should be apportioned to the policy within the NPPF.
- 9.2.5 The view of officers is that the proposed extensions can be considered proportionate in scale with the existing development and should therefore not be classed as inappropriate development.

### Very Special Circumstances

- 9.2.6 Notwithstanding the above, if Members disagree with the above view, the applicants have submitted a list of very special circumstances in support of their development, should the Council consider that the proposal was disproportionate in size and therefore should be classed as inappropriate development. By definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.2.7 In terms of national policy relating to waste management, one of the key objectives of Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) requires the protection of Green Belts but it also recognises that the locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of sustainable forms of waste management, are material considerations that should be given significant weight in the determination of proposals. The companion guide to PPS10 goes on to state that within the Green Belt such facilities are likely to be inappropriate development but that it may still be appropriate to grant planning permission if it is demonstrated that very special circumstances exist that clearly outweigh the harm caused by the site being in the Green Belt and any other harm.
- 9.2.8 The very special circumstances put forward by the applicants are as follows:-
- the site is a previously developed site within the Green Belt in a largely industrial 'belt' with an excellent road network linking it the surrounding authority areas from which it receives waste. The proximity to the waste source reduces travel time which improves the carbon footprint of the process;

- the Gelderd Road site is an existing strategic waste site for the Leeds, Bradford and Calderdale areas performing various waste management functions for these authorities. The site is essential for helping the authorities meet their waste management capacity requirements and reduces the amount of export of waste from the authorities;
- the extension to Gelderd Road has wider benefits to the economy—in terms of inward investment into the region and new job creation;
- AWM employs over 90 people at the Gelderd Road site and many more throughout their other sites. The operations carried out by AWM also have a wider, knock-on effect of securing jobs externally, for example for HGV drivers, plant contractors etc.;
- the principle of use of the site as a recycling and recovery facility has already been established by the grant of the original planning permission;
- the use accords with both local and national policy that encourages recycling and recovery as part of a hierarchy of dealing with waste. The emphasis of such policy is to avoid production of waste in the first place followed by recycling/re-use and energy recovery. The Gelderd Road site already assists in moving waste up the hierarchy and the extensions, should they be approved, would support and increase this upward movement to reduce the amount of waste going to landfill, thereby increasing sustainability;
- locally, the extension has the potential to reduce any possible odour issues due to the internal loading of bales proposed;
- approval of the application would result in a reduction in potential landscape issues due to the movement of many processes into a building;
- the NRWLP recognises that there is a shortfall in waste recycling facilities in Leeds and that support should be given (in principle) to improvements to existing facilities;
- the site is safeguarded as a mixed waste recycling site in Leeds City Council's 'Natural Resources and Waste Local Plan' (see extract from document below showing the whole Gelderd Road site allocated).



9.2.9 The applicants have also provided the following information in support of their proposals:-

- Negotiations have been on-going with the LPA for at least 12 months with regard to complaints that have been made concerning odours from the reclamation facility. To minimise any odour the applicant has modified the doors to the premises (they have been the subject of sniff tests) and they close automatically after a wagon enters or leaves. The extension will allow vehicles to further load/unload inside the building thus reducing any possible odour nuisance from vehicles standing and waiting to enter the building;
- The external loading of bales has caused concern and complaints as it does not technically comply with condition 31 of the original approval, this is rectified by relocating the baler into the extension and allowing internal storage and loading. Internal loading and unloading complies with condition 31;
- Additional loading and unloading is now accommodated at the northern end of the site under cover away from Gelderd Road and as far away from residential properties as is physically possible within the site. This assists in removing any general nuisance that the movement of vehicles may possibly cause;
- The northern end of the site is currently occupied by open silos; these are internally rationalised and significant landscaping is introduced to mitigate any visual impact of the new extended building. The appearance of this part of the site is much improved by the tidying up of these silos etc.;
- Existing washing equipment in the form of large jet washes and water tanks are accommodated in the extension. As are diesel storage tanks. These are removed from open view improving the appearance of the site overall;
- Internal access and movement of HGV's and refuse wagons is rationalised with the introduction of keep clear areas, in and out movements for the weighbridge and designated holding and queuing areas. This will assist in preventing vehicles standing and waiting in the main open yard area; improving the efficiency of the site, its appearance and preventing noise and pollution from standing vehicles; and

- Within the Local Plan and NPPF there is support for sustainable development. The NPPF identifies three dimensions to sustainable development; economic, social and environmental. The proposals assist in all three of these roles. The reclamation facility (including the offices) employs 91 people and as such provides an economic role in providing a needed facility in the right location. The reclamation of waste material provides a social and environmental benefit. In rationalising the site in a reasonable manner this development is assisting in all of these roles and as such is sustainable. It therefore benefits from the presumption in favour of development contained in the NPPF and the NRWLP.

9.2.10 Members will need to consider whether they accept that the proposals should be classed as meeting the exceptions provided for within the NPPF or whether they wish officers to consider the development to be classed as inappropriate in Green Belt terms. If Members take the view that the proposal is to be classed as inappropriate development then consideration will need to be had as to whether the very special circumstances clearly outweigh the harm by inappropriateness and any other harm when it comes to the determination of the application. Members should also note that the site is safeguarded for waste management use (as a Materials Recycling Facility) within the adopted development plan. The very special circumstances in this case would be considered to outweigh any harm by inappropriateness and any other harm.

**9.2.11 Members' views are sought on the principle of the development and are asked to consider whether it is accepted that the proposals should be regarded as appropriate development.**

### 9.3 Green Belt, Openness and Visual Appearance

9.3.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3.2 The five purposes of Green Belt set out within the NPPF are:-

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.3.3 If Members consider that the proposed development is inappropriate development, then this would, by definition, mean that there was significant harm as a result of inappropriate development in the Green Belt.

9.3.4 In terms of the proposal's impact upon openness, the office building and other changes to the existing development would be unlikely to have any significant impact upon openness. However, as the extension to the recycling building is of a larger scale, then there would undoubtedly be an element of impact upon openness. Notwithstanding this, the proposed development would be contained within the existing curtilage of a waste management site and taking into consideration the context of the existing buildings and the site as a whole, any impact upon openness and the landscape would be likely to be limited.

9.3.5 In terms of impact from the A62 Gelderd Road, when approaching from Leeds, the site is well screened along the A62 corridor. However, when approaching from Gildersome, especially along the footpath, there are views of the western edge of the site, with the application site at a lower level than the carriageway and surrounding land. Views of the extension from the footpath when walking downhill from the Gildersome direction would be apparent, although the screening bund / planting would help soften this view longer term. The site is also set down below the level of the field accommodating the footpath and so the height and massing of the building is lessened.

9.3.6 Officers have concluded that the harm upon views and openness from the proposals would not be overly significant given the wider context of the site, the subservient nature of the extensions and also as the proposal would remove several external structures and activities from within the existing site.

**9.3.7 Members are asked to comment on any impact from the proposals upon the Green Belt.**

9.4 Odour

9.4.1 The site operates under an Environmental Permit (EP) in addition to its extant planning permission. The EP contains a number of conditions intended to regulate the day to day management of the site with the aim of minimising the effect of the operation on the environment; it also contains conditions regulating site management and monitoring.

9.4.2 Government advice on waste planning makes it clear that it is important to avoid unnecessary or confusing duplication. For example, Planning Policy Statement 10 (PPS10) states:

*“26. In considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities.*

*27. The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether the development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.”*

And:

*“32. It should not be necessary to use planning conditions to control pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority.”* The same paragraph advises that planning conditions relating to control over matters such as noise, vibrations, odour and dust could be used *“for certain phases of the development such as demolition and construction”*, therefore, by



implication, not for day to day waste management operations. Similar advice is repeated in the Companion Guide to PPS10.

- 9.4.4 As the site operates under an Environmental Permit issued by the Environment Agency, the Environment Agency are responsible for the regulation of the site in terms of pollution control (i.e. noise and odour). The Council, as planning authority, only needs to assess the likelihood of unacceptable impact occurring. Whilst odour management is a matter for the Environment Agency, Defra advises that in all cases where the generation of odours from the development can be readily anticipated, the local authority should expect to be provided with objective evidence that demonstrates that odour emissions will be adequately controlled to prevent any loss of amenity to neighbouring sensitive land users. The applicants have submitted an odour impact assessment and odour management plan and this has been assessed by the Environment Agency as statutory consultee. The odour management plan was approved by the Environment Agency on 31 October 2013, subject to an ongoing review programme.
- 9.4.5 Whilst there have been complaints from residents of a nearby dwelling since the site became operational, a very significant improvement in conditions has been noted by officers since the material recycling building has had a new filtered extraction system installed which creates a negative air pressure within the building during September / October 2013. Therefore, when doors to the building open, this draws air inwards, rather than allowing air and potentially odour to escape as previously. Since the new extraction system was installed at the site and other changes to the management of the site implemented the Environment Agency have also reported that they have only detected faint intermittent odours during their recent assessments. At the time of writing this report, since 25 October 2013, the Environment Agency have received 31 reports of odour and 23 reports of noise from the site. There have been 17 odour assessments carried out since and no permit breaches relating to odour pollution have been recorded.
- 9.4.6 One of the principal purposes of the current application is to construct the extension to the materials recycling building so that it could accommodate the RDF baling process and the storage bays, whilst also facilitating loading of RDF material. This would allow these operations to be moved to the far end of the site, over 175m away from the nearest residential property. Loading of the bales is proposed to take place undercover but not fully inside the building. However, the bales are shrink-wrapped in 4 layers of plastic wrap and all storage and processing would take place within the extended building and taking into account the negative air system also, this should ensure that any potential for future odour impact from the site is absolutely minimised.
- 9.4.7 Since the site became operational and it became apparent that there was cause for concern over the potential for odour to be released from the operations, the applicants have also implemented the following measures and practices in order to minimise the potential for any unacceptable odour issues and hence breaches to their Environmental Permit to arise:-
- daily cleansing of bays and floors within the building using a cleaning material which is biologically active and contains enzymes and friendly bacteria that naturally attacks organic matter thus preventing odour generation;
  - no waste is accepted after 4pm on Fridays;
  - no waste is accepted on Saturdays;
  - all black bin waste is processed within 12 hours of arriving at site;
  - fast action door settings have been changed to reduce closing time lapses from 18 to 6 seconds;



- new civic road sweeper has been purchased. The vehicle can also access the smaller internal bays to sweep them;
- all fines conveyors have now been re-engineered to remain within the building;
- smoke tests have been undertaken to identify possible air leakage pathways from the waste building. Any areas identified as allowing leakage have been filled;
- site manager and all key staff trained by TT Environmental to assess odour loads against acceptable background levels and to reject loads where necessary;
- office staff trained to carry out perimeter sniff tests according to the same criteria as the Environment Agency and the applicant's odour agents;
- two spray bars have been installed internally over doors 1 and 2, to spray tipper wagons on their way out of the waste transfer hall to minimise any odour as they exit the site;
- a spray bar is now positioned over the inward weighbridge to spray trucks on arrival if they are going to be standing for 10-15 minutes prior to being called to unload; and
- it is proposed that refuse wagons will be manually sprayed in the loading area after they have tipped their load.

9.4.8 Whilst the control of odours is a matter for the Environment Agency, through its environmental permitting regime, the planning system is there to check the likelihood of proposals having an adverse impact upon other land users. Planning guidance emphasises that it is not acceptable for planning authorities to assume that things might go wrong, and adopt a precautionary stance on that basis. Any shortcomings relating to pollution control from the site would be addressed by the Environment Agency, as regulator.

**9.4.9 Members are requested to note the distinct waste management areas within the site (e.g. unloading / loading / processing / RDF baling and storage) during their site visit and provide feedback as to whether they consider the proposals would assist in further improving the site and in preventing the release of odour from the site as far as reasonably practicable.**

## 9.5 Noise

9.5.1 There have been complaints relating to noise from the site since it became operational. The applicants have submitted a noise impact assessment / management plan and acoustic reports and these have been reviewed by the Environment Agency and Environmental Health.

9.5.2 The principal sources of potential noise are summarised as follows:-

- unloading of waste at the site in the reception hall;
- mechanical separation, screening and refinement;
- loading;
- on site vehicle movements to and from the facility including mobile plant and waste, transportation vehicles and road sweeper; and
- transportation of products off site.

9.5.3 Whilst good site management is essential in helping to mitigate noise production wherever possible, physical measures are also necessary. The following is a summary of the measures or management controls that are proposed (or have already been implemented) at the site to minimise the potential for any impact from noise due to the operations:-

- silencers will be fitted to all machinery where possible;
- white noise reversing alarms have been fitted to all mobile plant;
- road sweeper will only be operated between 1000 and 1500 Monday to Friday;
- road sweeper will only be operated between 1000 and 1300 Saturday;
- road sweeper use will be minimised and not used continuously for more than 45 minutes at any one time;
- all plant and equipment will be regularly maintained to ensure that no item will produce excessive noise;
- traffic movements from waste collection vehicles will only take place during operational hours (between 0730 and 1830 Monday to Friday and 0800 to 1300 Saturday);
- a speed limit of 10mph will be in place at the site;
- site staff will be made aware that they are working in the immediate vicinity of residential receptors and avoid all unnecessary noise due to misuse of tools and equipment, and unnecessary shouting and radios;
- all doors will be kept closed at all times, except when access is required, to attenuate any sound generated within the waste hall;
- if at any time it is necessary to undertake temporary actions that are likely to cause elevated levels of noise, the site manager (or designated responsible person) will contact the Environment Agency and any other interested parties before such actions are taken to inform them of the operations being undertaken and that the elevated levels of noise will be of a temporary nature. Where practicable, such actions will only proceed when the prevailing wind direction is away from sensitive receptors.

9.5.4 As stated previously, one of the principal purposes of the current application is to construct the extension to the materials recycling building so that it could accommodate the RDF baling process which currently takes place in the low level building nearest the access (and the nearest point of the building to the noise sensitive receptor). This would allow these operations to be moved to the far end of the site to some 175m away from the nearest residential property. Loading of the bales is proposed to take place undercover but not fully inside the building. However, all storage and processing would take place within the extended building.

9.5.5 Another source of noise complaint has been that of the use of reversing alarms at the site. When originally approved, the site plans showing a one-way traffic system whereby vehicles entering the building would enter a single access door in a forward direction to tip or load and proceed in a forward direction through the building to leave by a separate door in the middle of the building. However, the applicants suggest that following several trials of this system over the last two years and associated risk assessments that consider the amount of type of traffic (particularly HGVs) coupled with additional machinery congestion and pedestrian access requirements (banksmen, operatives etc.) it was concluded that such a one-way system posed a significant risk to vehicles, plant and operatives and that it could lead to increased congestion of vehicles on site. Importantly, the implementation of a one way system would have largely eliminated the need for the use of reversing alarms. However, the operators have now requested that all companies using the site ensure that either the alarms are not used at the site, or that white noise systems are used. It may also be possible to condition this requirement.

9.5.6 The roadsweeper that is employed at the site to ensure that any debris is cleared from the highway also has the potential to create noise, as has the forklift vehicle. Both have been the source of complaint. It is considered that as the proposals would result in the baling operation being moved to the far end of the site and that the loading of the bales onto the forklift would occur indoors, there should be no significant impact

from this operation or the forklift vehicle any longer. The applicants have suggested that the use of the roadsweeper could be restricted so that it would operate only during limited hours of 1000 – 1500 (Monday to Friday) and 1000 – 1300 (Saturday) with a maximum continuous use of 45 minutes.

**9.5.7 Members are requested to provide feedback as to whether they consider the proposals would assist in mitigating noise from the site.**

**9.6 Landscape & Visual Impact**

9.6.1 The proposed extension to the material recycling building would be visible from the west due to the rising land levels. The existing landscaped bund along the rear of the recycling building is proposed to be extended and planted up with trees and shrubs. Nevertheless, the extension would be visible when travelling towards Leeds along the A62 and also from the footpath running through the field to the west of the site and from the higher ground to the west and north. The extension to the recycling building would also be apparent from the direction of the site access, but to a lesser extent due to the location of the existing, intervening building. However, when considered in the context of the existing site, the fact the extension would be at a lower height and of matching materials and colour and taking into account the landscape screening existing and proposed, it is unlikely that this would result in any significant impact upon visual amenity. It is also unlikely that any significant views of the proposed extensions could be gained from the Rooms Farm property due to both the intervening buildings, vegetation and distance involved. However, Members will be able to judge the extent of any potential impact during their visit to the site.

9.6.2 The extension of the office building is unlikely to result in any impact upon visual amenity due to its location behind the current office building. It is within the centre of the site and is unlikely to be readily visible from anywhere outside the site itself.

**9.6.3 Do Members have any comments on the visual impact of the proposals and the proposed mitigation in terms of design and landscaping?**

**9.7 Changes to existing permission**

9.7.1 The proposal includes several changes to the original permission in order to reflect the 'as-built' scheme. These include:-

Discrepancies between 'as-built' offices and approved drawings

9.7.2 There are two main differences between the 'as-built' office building and the approved drawings. The approved drawings show a large projecting oriel window that was to form part of the director's office. The projection was to be constructed to the south-west elevation in close proximity to the route on which heavy goods vehicles exit the weighbridge. The operators determined that this could present a risk to the structure due to its proximity to passing HGVs, hence the oriel window was not constructed and instead replaced with glazed panels to match the remainder of the building.

9.7.3 The approved drawings show a brise-soleil positioned externally, in front of ground floor windows at high level and at first floor level. They served a functional purpose in that they reduced solar gain to the office from a southerly direction. The agents state that the pace at which the offices needed to be constructed and be fully operational meant that there was not time to consider the brise-soleil and internal, manually-operated blinds were installed instead.

Discrepancies between the 'as-built' waste transfer hall and the approved design, with particular reference to sectional overhead doors

- 9.7.4 The waste transfer hall was originally approved with two sectional overhead doors to the main hall (currently referenced 'Door 2' and 'Door 3') and one sectional overhead door to the lean-to extension. The applicants state that for operational reasons within the hall itself, another vehicular door was required to the main north-east elevation. This was positioned adjacent to the approved 'Door 2' and named 'Door 1'. The door is 6m high x 5.6m wide.
- 9.7.5 Doors 1 and 2 are for vehicles to enter when tipping their loads. The two doors allow for two vehicles to tip simultaneously. The applicants recognise that the Council and Environment Agency have identified lorries as a potential cause of odour and suggest that the fact that two lorries can tip at the same time significantly reduces idle standing time on site, hence reducing the potential for odour build-up in one place. They also suggest that it is a much more efficient use of the 'tipping' end of the building.
- 9.7.6 Door 3 is used for the removal from the building of 'clean' material, which is collected at the centre-southern end of the building. In this case clean material is defined as 'sorted' materials, such as cardboard or plastics. An empty wagon will load with cardboard (for example) and leave site via the weighbridge.
- 9.7.7 The use of door 3 is much less frequent than the use of the other doors but it does allow for a wagon to be sited within the building for a period of time without blocking or stopping any other part of the operation.

Landscaping amendments

- 9.7.8 The approved landscaping plan shows an 'island' of ornamental shrubbery near the main site entrance that is not present. Also, there is a small area of landscaping immediately to the north of the office block that is not present due to the traffic office being approved and constructed in that location. To balance this deficit, an area of tarmac to the south of the office block has been uplifted, with ornamental shrubbery and three trees planted in this location.

Siting of push walls to the rear of the waste transfer hall to form a new stocking bay

- 9.7.9 The original approved site plan approved a total of five stocking bays to the north of the waste transfer hall. The agents state that this was insufficient to keep up with the pace of stocking, hence a sixth bay was constructed to the north of the existing run of three bays out of necessity. The push walls match the existing in width, height and colour, with the northernmost push wall having been extended into the yard to form more of an enclosure so that the stockpiles cannot be seen from any direction other than within the actual site itself. Under the new proposals, all of the push walls and storage bays would be permanently enclosed within the proposed extension to the recycling building.

Method of preventing parking and loading in a specified area outside the waste transfer building

- 9.7.10 The approved plans shows kerbing running from the edge of the lean-to extension at the southern end of the main hall, out into the yard towards the weighbridges. This was to encourage a separation between loading operations in and around the hall and any weighbridge activities and would discourage parking and loading within the area directly outside the hall. Due to the nature of entering and exiting the lean-to in particular it was necessary to remove the kerb as it prevented vehicles entering the building without resorting to multiple point turns increasing risk of injury to people on foot on site and/or damaging the building through collision.

9.7.11 As it is still necessary to prevent parking and loading in the area to the west of the original kerbing (in front of the hall), the current application provides for yellow painted cross-hatching to be applied to the concrete and the words 'KEEP CLEAR' are painted in yellow. A condition could also be applied to restrict parking or loading and unloading within this area.

Siting of a fenced electrical transformer to the rear of the waste transfer hall

9.7.12 A small transformer has been sited to the north-west of the transfer hall. This is essential apparatus for operations within the waste transfer hall and has been sited inconspicuously. This transformer would be housed within the proposed extension as part of the current proposals.

Siting and treatment of vents to main site-facing elevation of the waste transfer hall

9.7.13 Three metal vents have been installed within the cladding to the site-facing north-east elevation of the main waste transfer hall. These are currently in their original light silver colour. It is suggested that these are also painted 'Moorland Green' in order to blend in to the adjacent cladding.

Installation of flues to roof

9.7.14 Ten flues have been installed to the roof structure to allow filtered air to be extracted from the building. These have been coloured to match the roofing colour (Moorland Green). They are not considered to have any significant visual impact.

**9.7.15 Do Members have any concerns regarding the regularisation of the 'as-built' scheme?**

## **10.0 CONCLUSION:**

10.1 In summary, the proposed application incorporates the relatively minor 'as-built' changes to the scheme originally approved, a 3m extension to the rear of the office building and also to extend the recycling building in order to relocate the baling storage area and allow all storage bays, the baling operation, fuel tanks, steam cleaner unit and transformer to be fully enclosed. Whilst addressing the inconsistencies with the scheme as originally approved, the scheme's principal aim is to ensure that any potential for odour and noise from the operations at the site are fully mitigated.

10.2 Members are requested to consider the matters raised within this report. Specifically, feedback is requested from Members on the following:-

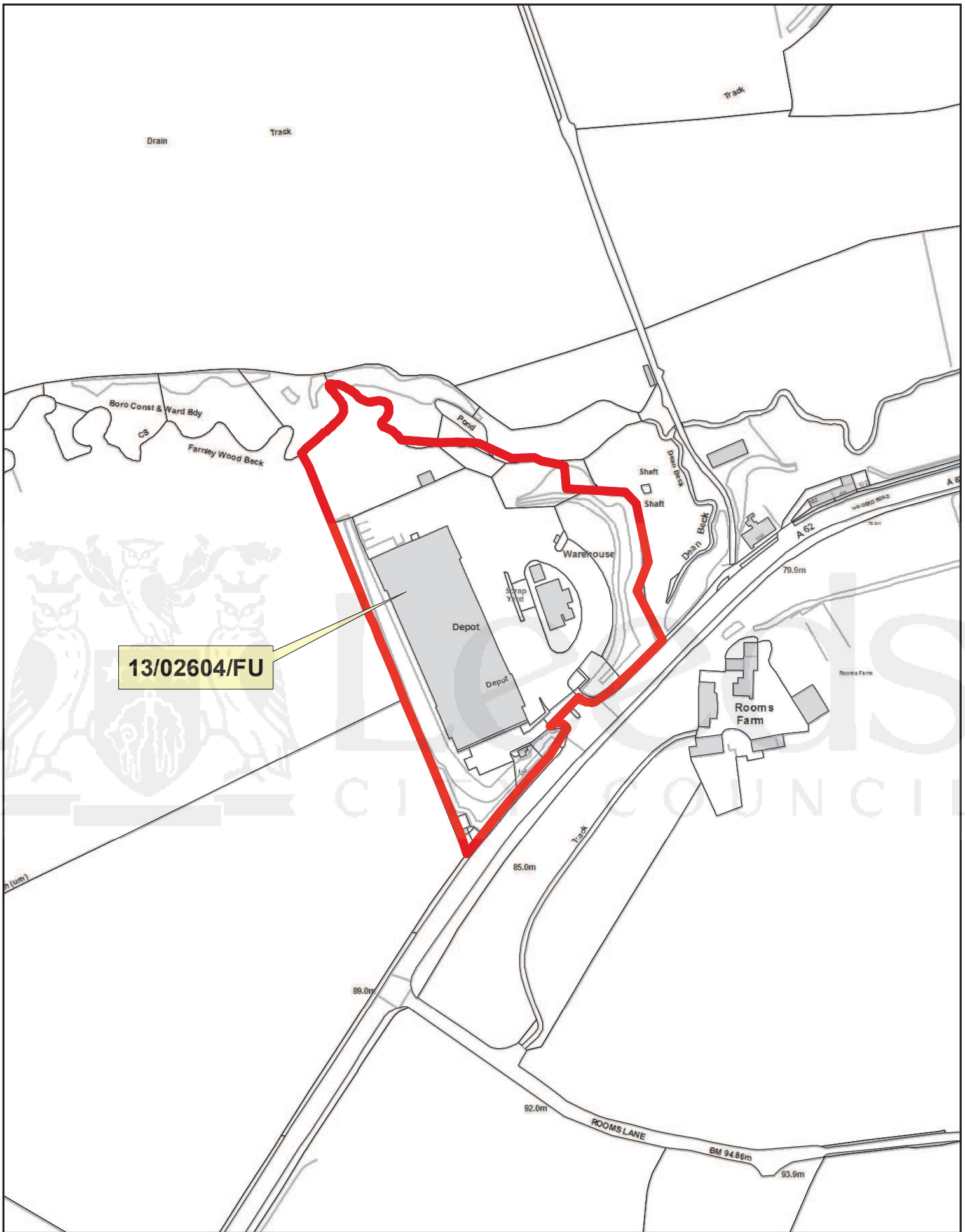
- 1. Members' views are sought on the principle of the development and are asked to consider whether it is accepted that the proposals should be regarded as appropriate development;**
- 2. Members are asked to comment on any impact from the proposals upon the Green Belt;**
- 3. Members are requested to provide feedback as to whether they consider the proposals would assist in further improving the site and in preventing the release of odour from the site as far as reasonably practicable;**
- 4. Members are requested to provide feedback as to whether they consider the proposals would assist in mitigating noise from the site;**
- 5. Do Members have any comments on the visual impact of the proposals and the proposed mitigation in terms of design and landscaping?**

**6. Do Members have any concerns regarding the regularisation of the 'as-built' scheme?**

**11.0 BACKGROUND PAPERS:**

11.1 Application files:           13/02604/FU  
  10/03906/FU





# SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500





Originator: Tony Clegg  
Tel: 0113 2478020

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 6<sup>TH</sup> March 2014

**Subject: PREAPPLICATION PRESENTATION PREAPP/13/01022 FOR PARTIAL DEMOLITION OF FORMER DYEWORKS BUILDINGS AND CONVERSION AND NEW BUILD RESIDENTIAL DEVELOPMENT OF 171 DWELLINGS, GREEN LANE, YEADON**

| APPLICANT              | DATE VALID | TARGET DATE |
|------------------------|------------|-------------|
| David Wilson Homes Ltd | NA         | NA          |

|   |   |
|---|---|
| <p><b>Electoral Wards Affected:</b></p> <p><b>Guiseley and Rawdon and Otley and Yeadon</b></p><br><p><input type="checkbox"/> Yes    Ward Members consulted (referred to in report)</p> | <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> |
|---|---|

### RECOMMENDATION:

**Members are asked to consider the revised proposals presented by the applicant and comment specifically on the key issues summarised in this report**

#### 1. INTRODUCTION:

- 1.1 This report concerns a pre-application presentation brought to the Panel to inform Members of the revised proposals following consideration of a planning application for the development of the site by the Panel on 18<sup>th</sup> July 2013. Panel Members visited the site before that meeting.

#### 2. PROPOSAL:

- 2.1 The proposal is for a residential development consisting of a total of 171 new build and converted dwellings together with the existing 5 dwellings which front onto Green Lane. This is compared with the 109 new build houses and 14 flats which comprised the scheme considered by the Panel last year. The increase in numbers is principally due to the retention of a much greater proportion of the mill buildings

which lend themselves more to conversion to smaller flats than larger family dwellings.

2.2 The principal vehicular access to the development is from Green Lane adjacent to the larger retained stone houses which then becomes a loop road with cul-de-sac accesses branching from it. There is also now a secondary vehicular access from Focus Way.

2.3 To the east of the site the existing wooded area is retained as public open space. This leads to a corridor of open space running to the east and northern boundaries of the site, through which an open watercourse would be formed.

### **3. SITE AND SURROUNDINGS:**

3.1 The site is comprised of a disused industrial site of 4.24 hectares and is situated on the A658 Green Lane to the north of Rawdon and to the south of Yeadon town centre. To the north and east is post-war housing and to the south-west of the site is a small office park served from Focus Way, a short cul-de-sac which joins Green Lane to the west of the site which also serves a number of other commercial buildings and a Council highways depot.

3.2 The stone mill buildings within the site have a history of usage as a dye works. They were originally built in 1869 and largely rebuilt in 1907 following a major fire. A striking feature of the site are two large mill ponds which take up around a third of the total site area. The site is within the Yeadon Conservation Area and the buildings are identified in the Yeadon Conservation Area Appraisal and Management plan as positive buildings intermixed with neutral buildings.

### **4. RELEVANT PLANNING HISTORY**

4.1 13/02409/FU - Redevelopment including demolition of dyeworks site, construction of 109 houses and retention of mill facade to form 14 flats; associated landscaping, formation of new access and provision of open space – Withdrawn on 23 August 2014

4.2 13/02408/CA - Conservation Area Application for the demolition of part of dye works, one chimney and associated out buildings - Withdrawn on 23 August 2014

### **5. HISTORY OF NEGOTIATIONS:**

5.1 *In connection with the previous proposals:*

The applicant has undertaken a pre-application process including liaison with Guiseley and Rawdon Ward Members including:

- Meetings with Council officers and Ward Members at Council offices and on the site.
- A public consultation event held at Greenacre Community Hall near the site on Saturday 27<sup>th</sup> April 2013 between 10am and 1pm. An invitation leaflet to this was delivered to approximately 350 premises in the vicinity on 23<sup>rd</sup> April 2013. This event was also reported in the Yorkshire Evening Post on 24<sup>th</sup> April 2013. Ward Members were invited to this event.
- Plans of the proposals were also featured on the architect's website.

- The applicant estimates that around 120 people attended the consultation event at which 51 response sheets were handed in.
- A meeting was held on 10 May 2013 with Stuart Andrew MP attended by representatives of the developers and the Aireborough Neighbourhood Forum
- The applicant reports that 59% of respondents agreed that the site was suitable for housing. Those who did not considered the most acceptable uses to be recreation uses such as a park, wildlife area or green space.

## 5.2 *In connection with the revised proposals:*

The Guiseley and Rawdon Ward Members were briefed on the revised proposals on 13 January 2013 at a meeting with the developer and Council officers. In general the Ward Members were positive about the proposals relative to the previous scheme. There remain some reservations however as follows:

- There is a desire for some form of traffic control at the access onto Green Lane such as a mini-roundabout or traffic signals, perhaps activated at rush hours only Green Lane is an increasingly dangerous road with the heavy commercial vehicles using it at most hours day and night. There is also an issue with on-street car parking from a nearby office.
- The large brick chimney could with significant reluctance be lost but on no account must the stone one be allowed to be demolished.
- The small water tower should be preserved, and could perhaps be used for something community or even children related.
- "Heritage" gates, preferably wrought iron real factory gates, should be fitted in the current gateway which would enable and enhance a view down the preserved street. The current gates block this view and should be replaced.
- There must be strict control over the design of the new housing which must not just be standard house types. The new dwellings should feature chimneys.
- The secondary access onto Focus Way is supported as this would relieve the pressure on the Green Lane junction.

## 6. **PLANNING POLICIES:**

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

### **Development Plan:**

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

Policy SG4: Sustainable development principles

Policy GP7: Planning obligations

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy N2: Greenspace

Policy N4: Greenspace

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy N18A: presumption against any demolition of a building or parts of a building

which makes a positive contribution to the character and appearance of a Conservation Area

N18B: In a conservation area, consent for demolition will not be given unless detailed plans for redevelopment of the site have been approved. Such permission will be subject to the condition that demolition shall not take place until a contract for an approved scheme of redevelopment has been let.

N19: all new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area ....

Policy H4: Windfall housing sites

Policy H11: Affordable housing

Policy H12: Affordable housing

Policy H13: Affordable housing

Policy T2: Highways issues

Policy T24: Parking provision for new development

### **Relevant supplementary guidance:**

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

Street Design Guide SPD

Neighbourhoods for Living SPG

Yeadon Conservation Area Appraisal and Management Plan

### **DRAFT CORE STRATEGY**

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. As the independent examination of the Core Strategy has now taken place and the Inspector has submitted his initial findings, some weight can now be attached to the document and its contents. Policies of particular relevance are considered to be:

Policy H2: New Housing development on non-allocated sites. New housing development will be acceptable in principle on non-allocated land, subject to capacity and infrastructure considerations, accessibility and Green Belt policy.

Policy P10: Design. New development should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

Policy P11: Conservation. The historic environment ... including locally significant undesignated assets and their settings will be conserved.

### **NATIONAL PLANNING POLICY:**

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making



remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use. (NPPF paragraph 133).

## **7. SUMMARY OF THE PANEL'S COMMENTS ON THE PREVIOUS SCHEME CONSIDERED ON 18<sup>TH</sup> JULY 2013 AND MAIN MATTERS NOW FOR CONSIDERATION**

7.1 The Panel discussed the proposals and in response to the specific points raised in the report for Members' consideration provided the following comments:

- On the principle of development, that a residential or even a mixed-use scheme on the site could be acceptable but concerns existed about the proposal before Panel

**The Panel is asked to confirm that this would remain the case**

- On the acceptability and extent of demolition proposed, including the larger brick chimney, that whilst some demolition was accepted, currently too much demolition was proposed; that the larger brick chimney should be retained and the character of the area retained

**The Panel is asked to comment on the revised extent of retention of the existing positive buildings**

- In respect of the design and layout, concerns were raised about the proposed use of artificial stone and there should be as much re-use of existing stone as possible; that a more imaginative development layout and was needed as were better house types



**The Panel is asked to comment on the revised layout. No house types or materials are currently presented for consideration**

- Concerning the mill ponds, that there was a need for some recognition of these and their historical importance in the layout

**The proposal remains unchanged from the previous scheme in this respect but incorporates a small pond and a running watercourse is introduced. Comments are invited.**

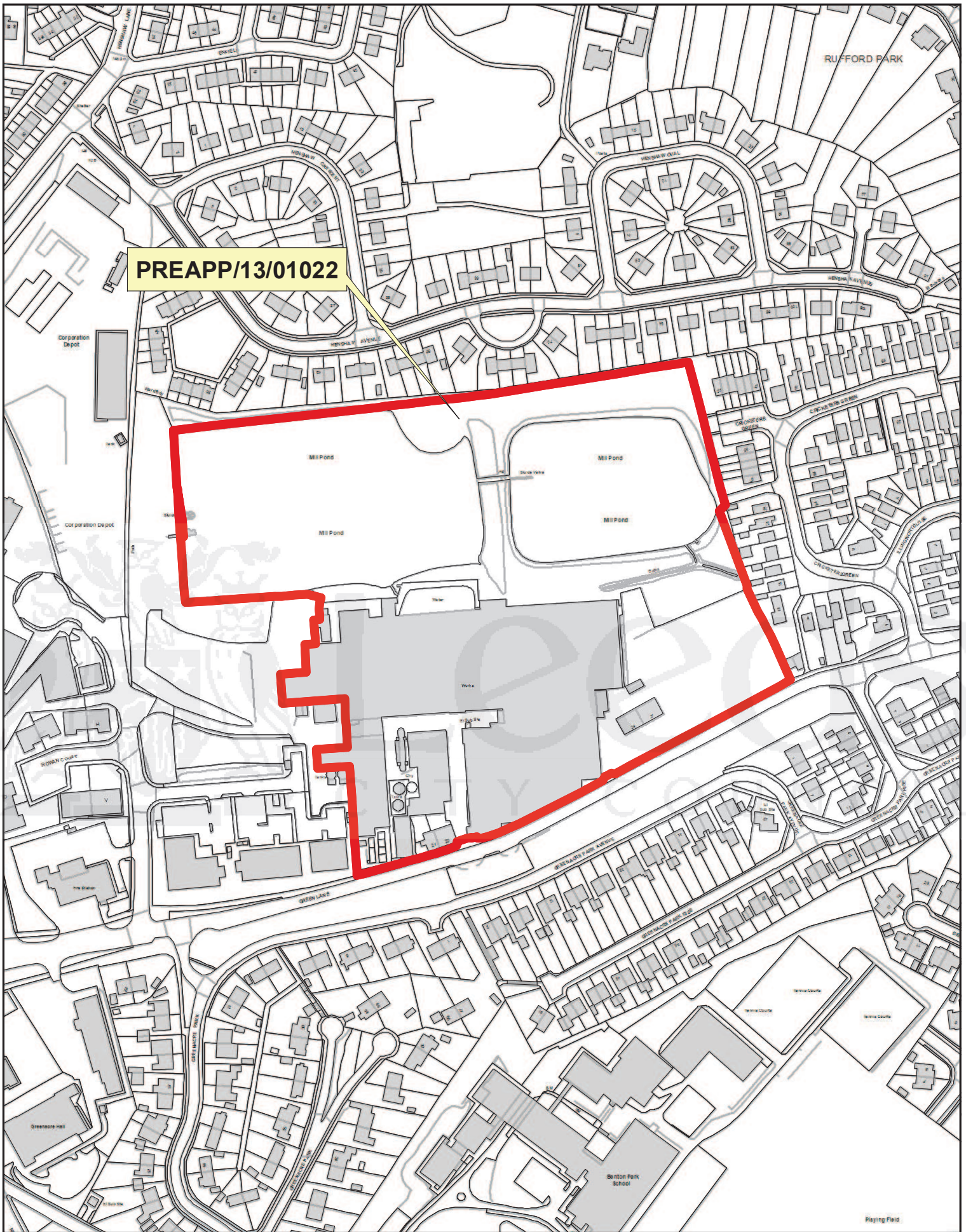
- Regarding highways matters, that the proposed access point was not ideal but possibly the least hazardous; that the use of Focus Way as an additional/alternative access was not supported. In respect of pedestrian access, the applicant was asked to investigate further the possibility of an access (pedestrian) on to Cricketer's Green

**The principal access point from Green Lane remains unchanged but there is now a secondary vehicular access from Focus Way. The increased numbers of dwellings have made the provision of a secondary vehicular access more desirable. There is now a pedestrian link through to Cricketers Green. Comments are invited.**

- In conclusion, the Panel in respect of its previous considerations accepted the need for the site to be developed but considered that the scheme presented was not acceptable in its current form and that the applicant should be invited to withdraw the scheme and resubmit the proposals or that the refusal of the current scheme could be deferred and delegated to Officers, based upon the concerns raised by Members

**The previous scheme was withdrawn and these revised proposals are now before the Panel for consideration.**





PREAPP/13/01022

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