



## SOUTH AND WEST PLANS PANEL

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Meeting to be held in the Civic Hall, Leeds, LS1 1UR on  
Thursday, 15th January, 2015  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

J Akhtar  
M Coulson  
M Rafique  
K Ritchie  
C Towler  
P Truswell  
F Venner

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>	
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>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF 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>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 4 DECEMBER 2014</b></p> <p>To confirm as a correct record the minutes of the meeting held on 4 December 2014</p>	3 - 8
7	Ardsley and Robin Hood		<p><b>APPLICATION 14/03674/FU - HAIGH MOOR ROAD, WEST ARDSLEY, WF3 1EE</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the construction of 10 dwellings and associated car parking and landscaping.</p>	9 - 20
8	Horsforth		<p><b>APPLICATION 14/06048/LA - BROADGATE PRIMARY SCHOOL, NORTH BROADGATE LANE, HORSFORTH, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a two storey extension with single storey link, expanded car park, new multi-use games court, relocation of existing habitat area, hard and soft landscaping with expanded cycle/scooter storage and new fencing.</p>	21 - 38

Item No	Ward	Item Not Open		Page No
9	Horsforth		<p data-bbox="675 181 1326 253"><b>APPLICATION 14/05508/FU - 207-209 NEW ROAD SIDE, HORSFORTH, LEEDS</b></p> <p data-bbox="675 293 1390 434">To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use to A3 with managers flat to first floor and external flue to rear</p> <p data-bbox="675 506 1015 539"><b><u>Third Party Recording</u></b></p> <p data-bbox="675 580 1382 797">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 837 1310 909">Use of Recordings by Third Parties– code of practice</p> <ul data-bbox="724 949 1398 1487" style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	39 - 48

**Legal & Democratic Services**

Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

To:

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

Contact: Andy Booth  
Tel: 0113 247 4325  
Fax: 0113 395 1599  
andy.booth@leeds.gov.uk  
Your reference:  
Our reference: SV letter 15 Jan 15  
28 July 2014

Dear Councillor

**SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 15 JANUARY 2015**

Prior to the next meeting of the South and West Plans Panel on Thursday 15 January 2015, there will be site visits in respect of the following;

- 1 10:15 Application 14/03674/FU – Construction of 10 dwellings and associated car parking and landscaping on Land at Haigh Moor Road, West Ardsley – Leave 10.25 (if travelling independently meet to front of site on Haigh Moor Road).
  
- 2 10:55 Application 14/06048/LA – Two storey extension with single storey link, expanded car park, new multi-use games court, relocation of existing habitat area, hard and soft landscaping with expanded cycle/scooter storage and new fencing - Broadgate Primary School, North Broadgate Lane, Horsforth - Leave 11.15 (if travelling independently meet on frontage of site facing onto Broadgate Lane).
  
- 3 11:20 Full application for change of use of a private members club to restaurant (A3) with manager flat to first floor and external flue to rear - 207 to 209 New Road Side Horsforth – Leave 11.40 (if travelling independently meet on frontage of site facing onto New Road Side).

Return to Civic Hall at 12.00 noon approximately

**A minibus will leave the Civic Hall at 9:55 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 9:50 am

Yours sincerely

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

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 4TH DECEMBER, 2014**

**PRESENT:** Councillor M Rafique in the Chair

Councillors J Akhtar, J Bentley, M Coulson,  
B Flynn, G Latty, K Ritchie, C Towler,  
P Truswell and F Venner

### **56 Declarations of Disclosable Pecuniary Interests**

No declarations of disclosable pecuniary interests were made. Councillor K Ritchie informed the Panel that he had submitted an objection to Agenda Item 11, Application 14/04720/FU – Variation of condition 3 (range of goods sold) of approval 12/03748/FU, to allow the sale of magazines and national newspapers. This had been submitted prior to the publication of the impact assessment and Councillor Ritchie reported that he would consider the application with an open mind.

### **57 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors A Castle, R Finnigan and R Wood.

Councillors B Flynn and G Latty were in attendance as substitutes.

### **58 Minutes - 6 November 2014**

**RESOLVED** – That the minutes of the meeting held on 6 November 2014 be confirmed as a correct record.

### **59 Application 14/04457/FU - Burton Road, Beeston, Leeds**

The report of the Chief Planning Officer presented an application for the demolition of the former police station and construction of a new single storey supermarket and separate retail unit with associated works, car parking and landscaping at Burton Road, Beeston, Leeds.

Members attended a site visit prior to the hearing and site photographs and plans were displayed and referred to during the discussion on this application.

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

- There would be a 100 space car park which would allow customers two and a half hours free parking.
- The proposals were consistent with policy outlined in the Core Strategy.
- The projected impact on highways would meet required standards.

- Due to the amenity of local residents, there had been negotiations regarding opening and delivery hours which would be conditioned as part of any approval.
- The site was subject to a blanket tree preservation order.
- If approved, the proposals would create between 40 and 50 jobs and up to 200 jobs during the construction process.
- Reference was made to representations made in support of and against the application.
- It was reported that there would be an amendment to the Section 106 agreement to provide a further £5,000 for the provision of real time bus information.
- It was recommended to defer and delegate the application to the Chief Planning Officer for approval.

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

- Concerns regarding traffic and parking – it was reported that the applicant had been requested to provide a revised traffic assessment. Traffic regulation orders could be used to impose restrictions if needed.
- Use of the smaller retail unit. It was queried whether the possibility of Class A2 use could be removed to prevent the premises being used for a betting shop or pay day lenders. The Panel was informed that there was already conditions limiting the use of this unit but they did not include Class A2.
- There would be conditions to the application to support the employment of local people.
- Work on the site would commence immediately should the application be approved.
- It was suggested that the stand alone unit on the site be subject to the same opening hours as the main proposed store building. It was reported that these had been left more flexible to encourage the letting of the unit.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report with the following amendment to condition 4:

- Opening hours of the stand alone retail units to be restricted to 8 am and 10 pm Mondays to Saturdays (including Bank Holidays) and any 6 hours between 10am and 6pm on Sundays in line with current Sunday trading restriction

**60 Application 14/05329/FU - Old Lane, Beeston, Leeds**

The report of the Chief Planning Officer presented an application for the installation of a two pump fully automated petrol filling station with associated 4.5m high canopy, control room and underground storage tanks to the existing car park at Asda Stores, Old Lane, Beeston, Leeds.



Site photographs and plans were displayed and referred to throughout the discussion on this item.

Further issues discussed included the following:

- Opening and delivery hours would be consistent with those of the existing store.
- It was predicted that the filling station would be mainly used by passers-by and existing store users and would not cause a significant increase in traffic.
- Reference was made to representations received, both those in support of the application and those against.
- Conditions would be imposed to mitigate any potential noise impact.
- It was recommended that the application be approved.

In response to Members comments and questions concern was raised regarding additional traffic – it was reiterated that a thorough assessment had been carried out and there would only be a limited amount of additional traffic.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

**61 Application 14/05508/FU - 207-209 New Road Side, Horsforth, Leeds**

The report of the Chief Planning Officer presented an application for the change of use of a private members club to restaurant with manager flat to first floor and external flue to rear at 207 to 209 New Road Side, Horsforth.

Site plans and photographs were displayed and referred to during the discussion on this application.

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

- The application had initially been for 88 covers at the premises but this had been reduced to 60 based on car parking available.
- There had been a recent approval to use the premises as a health centre.
- Concerns had been made by local residents regarding access to the car park and potential for noise and disturbance. It was reported that it had been agreed to have reduced opening hours until 10.00 p.m. to minimise any noise impact.
- It had been agreed to extend the flue at the rear of the premises to minimise smells from the premises and this was in line with Defra guidelines.
- Concern regarding surface water discharge – it was suggested that a condition be included to prevent this affecting residential properties.
- Proposed improvements to bin storage area.

Two local residents addressed the Panel with concerns and objections to the application. These included the following:

- Access was via a single track that was used by neighbouring properties.
- There was not sufficient parking to the number of covers that was proposed.
- Concern regarding collection of bins and smell from refuse.
- The immediate area was already saturated with restaurants.
- Local residents would lose car parking spaces.
- The approval for a Health Centre would be a better use of the building.
- It was reported that the use of the premises as a private club had steadily declined since 1990 and there had been some previous noise disturbance from cars.

The applicant's representative addressed the Panel. Issues highlighted included the following:

- The car parking arrangements were in line with requirements and some users would use alternative means of transport including public transport.
- There would be new signage to the car park via the access road.
- Due to the uneven surface of the access road, traffic would not be able to travel at speed.
- The hours of opening would usually only be 5.00 p.m. to 10.00 p.m. Monday to Thursday and 12.00 p.m. to 10.00 p.m. on a weekend.
- The flue would be installed by specialists and within guidelines. Current extraction was via a ground floor window.
- The restaurant would create two full time and four part time jobs.

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

- Parking on the highway would not be under the control of the restaurant. Car parking was not considered to be an issue and the provision in place met guidelines based on the size of the premises.
- It was anticipated that the restaurant would achieve 75% to 85% occupancy during opening hours.
- Concern was expressed regarding the adequacy of the access road to the car park – it was reported that there was extant use of the access road.
- It was suggested that Members had a site visit prior to making a decision on the application.

**RESOLVED** – That the application be deferred for one cycle to allow Members to attend a site visit.

**62 Application 14/03987/FU and Application 14/03988/LI - Corn Mill View, Low Lane, Horsforth**

The report of the Chief Planning Officer referred to an application for the demolition of a former corn mill building, erection of two storey offices and a

listed building application to demolish the former corn mill building at Corn Mill View, Low Lane, Horsforth. The application had been deferred following the October meeting of the Plans Panel to allow for further comment from English Heritage.

It was reported that the existing listed building now needed to be demolished due to its poor condition. English Heritage had expressed a preference for a previously proposed scheme but this was no longer felt to be viable. Members expressed concern that the building had been allowed to decay and that this should have been resolved earlier.

**RESOLVED** – That Application 14/03987/FU be granted as per the officer recommendation and conditions outlined in the report and Application 14/03988/LI be deferred for notification to the Secretary of State

### **63 Application 14/04720/FU - Aldi, Stanningley Road, Leeds**

The report of the Chief Planning Officer presented an application for the variation of condition 3 (range of goods sold) of approval 12/03748/FU to allow the sale of magazines and national newspapers at Aldi Store, Stanningley Road, Bramley.

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

- The applicant wished to sell a limited range of newspapers and magazines to compliment goods already on offer and not to compete with other businesses.
- There would be no quick checkout or self scanning of goods and it was felt that only existing shoppers would purchase newspapers or magazines.
- The impact assessment carried out calculated that the other 21 premises selling newspapers and magazines in the LS13 area would lose on average, £1.13 per day on newspaper sales and £0.66 on magazine sales.
- It was felt that due to the marginal impact on others that the application should be recommended for approval.

An objector to the application was invited to address the Panel. Issues raised included the following:

- During consultation with the applicant before the opening of the store, local residents were told that there would be no sale of newspapers, magazines or cigarettes and as a result there were no objections.
- Other local stores had been affected since the store opened.
- The store had sold newspapers without permission.
- The store had exceeded permitted opening hours on a Bank Holiday.

The applicant addressed the Panel. Issues raised included the following:

- There was no initial desire to sell newspapers and magazines but as the company's business model evolved and customer feedback was taken into account it was proposed to sell a limited range which would only have a minimal impact on neighbouring businesses.
- There would be no highways impact as it was not felt the sale of news and magazines would create additional trips as it would only be existing customers who made purchases.
- Newspapers were sold at other similar stores across the City.

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

- The impact assessment was carried out based on a similar store in the Rotherham area.
- The applicant provided the impact assessment and was also considered by the Council's Retail Office.
- Another application would have to be made if the applicant wished to start selling tobacco products.
- Concern regarding the impact on nearby businesses particularly taken in context of the benefit to the applicant and their reasons for wishing to sell newspapers and magazines.

**RESOLVED** – That the application be refused in principle and deferred for officers to bring back to Panel with detailed reasons for refusal based upon the negative impact of the proposal on local shops.

#### **64 Date and Time of Next Meeting**

Thursday, 15 January 2015 at 1.30 p.m.



Originator: Mike Howitt

Tel: 0113 247 8000

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date:** 15<sup>th</sup> January 2015

**Subject:** 14/03674/FU – Construction of 10 dwellings and associated car parking and landscaping on Land at Haigh Moor Road, West Ardsley, WF3 1EE.

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Stonebridge Homes and Keyland Development	26/06/14	25/09/14

**Electoral Wards Affected:**  
Ardsley & Robin Hood

Y Ward Members consulted  
referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**An application against non-determination of the application by Leeds City Council has been submitted by the applicant. Members of Panel cannot therefore determine the application. However, Members are asked if they had been in a position to determine the application they would be minded to support the officer recommendation below:**

**RECOMMENDATION:**

**DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to include the following obligations;**

- (a) Provision of Metro Cards - £5,709.10**
- (b) Greenspace contribution - £30,465.69**
- (c) Retention of car park**
- (d) Provision, management and maintenance of buffer**

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

1. Full three year time limit.
2. Development in accordance with approved plans
3. Materials to be submitted and approved
4. Hard surfacing details to be submitted
5. Visibility splay to be laid out
6. All surfaces to be hard surfaced drained and sealed
7. Landscaping Implementation
8. Preservation of existing trees
9. Replacement planting
10. Landscape management plan
11. Submission of drainage scheme
12. Construction management plan (including Hours of construction and control of noise nuisance during construction)
13. Reporting of unexpected contamination.
14. Submission of verification reports.
15. Provision for nesting bats and birds
16. Protection for nesting birds.

## **1.0 INTRODUCTION:**

- 1.1 The application is for new residential development on a greenfield site. The application was due to be determined by Plans Panels as a result of the level of local objection including Ward Members and concerns related to the coal extraction proposed as part of the remediation of the site prior to development.
- 1.2 The application submission followed the withdrawal of a residential scheme submitted in 2013, that had a higher number of units proposed, and involved the relocation of an existing car park into the Green Belt which was considered, by officers, to be inappropriate. As a result, this application was subsequently withdrawn.
- 1.3 An appeal against non determination was received on 12 December 2014 and Plans Panel are now asked to advise officers of the determination that would have been made should no appeal have been made, to enable officers to defend the appeal in the appropriate manner

## **2.0 PROPOSAL:**

- 2.1 The application is for 10 detached dwellings to the site and includes retention of an existing car park used by visitors to the nearby Ardsley Reservoir. The car park is owned and maintained by Yorkshire Water. An existing access road will be retained and will provide access to the car park and to plots 3 to 7. Plots 1, 2, 8, 9 and 10 will be accessed directly off Haigh Moor Road. 7 of the plots will have detached garage facilities, but all will have adequate off street parking and turning facilities included in-curtilage. A 10m wide landscape buffer is also proposed along the eastern boundary with the Green Belt. Access through to the Reservoir is to be retained.
- 2.2 8 of the dwellings will be 4 bed, and two are to be 5 bed houses. All are two storey's and there is a mix of house styles. Roof forms are predominantly hipped with gable features. Features such as bay windows, canopies, heads and sills are incorporated into the elevational treatments. An indicative landscaping scheme shows Beech hedging to front garden areas, timber fencing to private garden areas, and lawned gardens with small trees interspersed. The landscape buffer is shown with various mixes of native trees and shrubs.
- 2.3 There is a public sewer which currently crosses the site from east to west, and requires an easement. A drainage scheme has been submitted which shows how the housing layout incorporates this easement requirement, and includes relocation of part of the

existing sewer as well as provision of new surface water sewers and attenuation features.

- 2.4 The preparation of the site to enable development to proceed would require remediation works which would include the extraction of coal deposits which lie in a shallow seam, approximately 0.5 metres below the surface.

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

- 3.1 The site is the frontage to the Ardsley Reservoir that comprises a small paddock to either side of the access road and car park to the reservoir. To the road side, the site is bounded by low drystone walls with post and wire fencing bounding the rest of the site. The site is surrounded to the North South and West by residential properties with open land to the East towards Ardsley Reservoir
- 3.2 The site is not allocated within the Leeds UDP (review 2006) although it is indicated as a “green” site (sites which have greatest potential to be allocated for housing) within the site allocations plan of the Issues and options document of the emerging Leeds LDF.

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

- 4.1 The planning history for the site is as follows.

13/05318/FU Construction of 13 houses, replacement car park and associated works.  
Withdrawn 07.03.2014

H23/75/92/ Erection of 6 dwellings comprising 4, 3 bedroom detached houses with integral garage, 2, 4 bedroom semi-detached houses Refused 08.06.1992. Reason for refusal Loss of open views and unacceptable residential development of Green Belt.

H23/253/85/ Outline application to erect 7 detached houses to 2 vacant agricultural sites. Refused 21.10.1985. Reason for refusal – Loss of open land and views

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

- 5.1 The 2013 application was submitted with no pre-application discussions and the applicant was advised during the period of that application that the proposal could not be supported by officers in that form as it constituted overdevelopment of the site.
- 5.2 As a result, the application was withdrawn with officer advice suggesting that the principle of development would be more acceptable provided that the car park was retained on the site, that open views were maintained and that the proposal consisted of a less intense scheme that paid more regard to local character and the existing form of development.
- 5.3 The application was resubmitted for twelve dwellings and whilst more in character in terms of design, was still too dense and failed to have regard to the spacing between dwellings that formed the local character and as a result, the applicant was advised that the application could still not be supported in that form and that it require further revision if it was to be supported.

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

- 6.1 The application was advertised by site notice on 11 July 2014 and neighbour notification on 1 July 2014. The application was the re-advertised on 18 August 2014 following revision of the application from 12 to 10 properties and again on 27 November 2014 when further highways revisions and details of the extraction of coal were received. To date 245 letters of objection and petitions containing 159 signatures and 3 letters of general comment have been received from this consultation. The issues raised are as follows and are dealt with in the appraisal below:

- i) The area has already seen too much development.
- ii) The site is a special landscape area
- iii) The development is out of character with the area
- iv) Haigh Moor Road was never designed for so much traffic
- v) The new access will create visibility problems
- vi) There is a lack of public transport in the area
- vii) There are a shortage of school places, doctors
- viii) There is little greenspace left in the area
- ix) The reservoir car park is already too small
- x) West Ardsley has already seen more than its fair share of development
- xi) It will be harmful to local wildlife
- xii) There are a large number of unsold properties within the area
- xiii) There will be unacceptable levels of vehicle movements and activity as a result of the coal removal required prior to the redevelopment of the site

6.2 Local Ward Councillors Mulherin and Dunn have made comment raising the following issues and these are discussed in the report below.

- i) The site is an area of great beauty visited by hundreds from across the area.
- ii) Existing highways issues will be exacerbated by this proposal.
- iii) Further stress on the infrastructure will be imposed by the proposal
- iv) The proposal is an unacceptable use of the Green Belt
- v) There will be the unacceptable loss of the car park.
- vi) Schools and GP's are already oversubscribed
- vii) Public transport is almost non existent in the area.

## **7 CONSULTATIONS RESPONSES:**

### **Statutory**

- 7.1 Yorkshire Water – has no objection in principle to the drainage scheme proposed. The developer will need agreement with Yorkshire Water regarding adoption/diversion agreements.
- 7.2 Coal Authority – The applicant has satisfactorily addressed the requirements of the Policy Minerals 3 of the NRW DPD and therefore no objection is raised.

### **Non-Statutory**

- 7.3 Environmental services (waste) - No objections
- 7.4 Sustainability (Design) – No objections following revisions.
- 7.5 Sustainability (Nature) – No objection subject to conditions.
- 7.6 Metro - Metro – No objection subject to S106 contributions to enter into Metros Residential Metrocard.
- 7.7 Highways – No objection subject to conditions
- 7.8 Public Rights of Way – No objection

## **8 PLANNING POLICIES:**

### **Unitary Development Plan (Review 2006) Policies:**

#### **Local Policy:**

- 8.1 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.



8.2 The site is allocated in the UDP as a Special Landscape Area and the designated Green Belt runs across the rear of the site. The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- N1 – Greenspace
- N12 – Urban design principles.
- N13 – Building design principles.
- N23 – Incidental open space around development.
- N25 – Landscaping
- N39A – Use of SUDs.
- H4 - Housing sites on unidentified sites
- N37 – Special Landscape Areas
- N49 – Development not permitted if threatens significant net depletion of biodiversity.
- N51 – Enhancement of biodiversity.
- T2 – New development and highway safety
- T5 – Safe access for pedestrians and cyclists.
- T6 – Safe access and provision for disabled.
- T7A – Secure cycle parking.
- T7B – Secure motorcycle parking.
- BD5 – General amenity issues.
- LD1 – Landscaping
- Car Parking Guidelines (volume 2).

8.3 The following DPD policies are also relevant:

- GENERAL POLICY1 – Presumption in favour of sustainable development.
- MINERALS 3 – Mineral safeguarding areas – Surface coal
- WATER1 – Water efficiency, including incorporation of sustainable drainage
- WATER7 – No increase in surface water run-off, incorporate SUDs.
- LAND2 – Development should conserve trees and introduce new tree planting.

#### Draft Core Strategy

8.4 The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

- P10 – High quality design.
- P12 – Good landscaping.

- T2 – Accessibility.
- G8 – Biodiversity improvements.
- EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m<sup>2</sup> of floorspace
- EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m<sup>2</sup> of floorspace.

#### Supplementary Planning Documents

- i) Street Design Guide
- ii) Neighbourhoods for Living

#### National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.7 Specifically the NPPF advises that a '...site, area or landscape identified as having a degree of significance meriting consideration in planning decisions,

### **9.0 MAIN ISSUES:**

1. The principle of development.
2. Design and character.
3. Access and highway safety considerations
4. Greenspace
5. Education
6. Affordable Housing.
7. Public Transport.
8. Assimilation into the wider open area
9. Representations

### **10.0 APPRAISAL:**

#### 1. The principle of development.

- 10.1 The application site is two pieces of Greenfield land either side of an access road and a car park and the site is allocated in the UDP as a Special Landscape Area.
- 10.2 Proposals for housing on land not specifically identified for that purpose in the UDP would be considered against Policy H4. This policy states that on sites not identified for that purpose in the UDP but which lie within the Main and Smaller Urban Areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, development will be permitted provided it is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with

all other relevant policies of the UDP. Paragraph 7.2.15 of the UDP states that although most H4 sites will be in the Main and Smaller Urban areas, proposals are also likely to be acceptable in other locations which are demonstrably sustainable. “Judgments will be made on the basis of consideration of the availability and frequency of bus and train services to service centres, and on the range of services available locally, including shops, health facilities and schools”.

- 10.3 The application site falls outside the Main and Smaller Urban Areas as defined, therefore a judgment needs to be made as to whether the location is demonstrably sustainable. Primary Education is available 1300m from the site, with Secondary Education 2500m from the site. There are 20 minute bus services available on Westerton Road some 500m from the site and that there are 30 minute bus services that are available on Haigh Moor Road some 150m from the site. There are limited local services some 450m from the site, and primary health facilities are available 1550m from the site. As a result, whilst the application does not fully meet the accessibility standards in the Draft Core Strategy which require a 15 minute daytime frequency within a 400m walk, it is not considered that this would be sufficient to provide a reason for refusal.
- 10.4 Under Policy H4, the contribution to local character a site makes would be an important consideration in determining whether residential development was acceptable. The site has a frontage onto a public highway and therefore has a significant impact on the public street scene. As such, the reduction in the number of properties and the retention of the car park to retain open views of the open land to the rear are important factors in retaining the character of the area.
- 10.5 The site has been specifically left out of the Green Belt with the boundary drawn across the rear of the site so it is assumed that at the time of the formation of this boundary it was concluded that the site did not warrant the protection that Green Belt affords. The site does fall within the Special Landscape Area and it is for this reason that the retention of the car park to retain open views of the open land to the rear are such important factors to protect the character and appearance of the Special Landscape Area. The eastern boundary is to be protected by suitable N24 planting to provide a strengthened boundary to the Green Belt alongside the developed part of the site and as such there would be no substantial harm to the character of the area.
- 10.6 Additionally, the proposal contributes to the overall supply in housing stock, contributing family homes in a sustainable location and as such, it is considered that the principal of residential development is acceptable in this location.

## 2. Design and character

- 10.7 The application proposes 10 detached properties. The scheme has been amended several times and reduced down from an initial 13 properties within the original withdrawn application to 12 at the time of the initial submission of this proposal and subsequently reduced to the 10 that formed the current proposal that is now subject of the appeal. The initial proposal presented a cramped and out of character development that was wholly unacceptable in terms of design and character and also lost the car park to the rear of the development which is now left in situ. Leaving the car park in this location alongside the access road allows for some open views to remain within the streetscene and thus minimising the harm to the streetscene
- 10.8 The initial proposal failed to address any of the existing character of the area in terms of the building line, deep front gardens and space between the properties. However, significant modifications to the proposal including pushing development back into the

site following the reduction in numbers were made meaning that proposal sat more comfortably alongside the existing building line both to the south and north of the access road and appears more comfortable within the street scene than previously.

- 10.9 The reduction in numbers also allows for the properties to feel less cramped with appropriate amounts of land between properties that are more representative of the existing streetscene and whilst the original proposal was for all gabled properties, the current proposal now has hipped properties that are more representative of the existing streetscene.
- 10.10 All properties were designed with an amount of private useable garden space that is in accordance with the guidance given in Neighbourhoods For Living and those gardens are of a more conventional style than their predecessors which were rather awkward and irregular shaped gardens. The design and layout of the proposal was amended to ensure that properties address the street where possible and in particular in the case of plot 7 which now has a dual frontage addressing the previous issue of presenting a blank gable to the access road. It was therefore considered that the site proposed a scheme that would be acceptable in terms of design and character.

### 3. Access and highway safety considerations

- 10.11 The scheme was initially acceptable in principle but had small detail issues which were addressed within subsequently revised drawings and as such, it was considered that there was no significant harm to the free and safe use of the highway and the proposal was acceptable in terms of highway considerations. All properties provide 2 off street parking spaces and all access points accord with the necessary visibility requirements as set out in guidance given in the Leeds Street Design Guide.
- 10.12 The car park to the reservoir that was, in the previous application, shown for removal from the application site and to be relocated to the rear of the site within the Green Belt, was re-instated into the scheme and left within its current location and as a result, any highways objections to this part of the scheme were removed and the scheme would have been acceptable subject to appropriate conditions listed above.

### 4. Greenspace

- 10.13 The proposal is for 10 properties and therefore a greenspace contribution would have been required for the provision of both on and off-site greenspace within the local area in the event of an approval. A section 106 agreement would have to have been agreed between parties and the green space figure was calculated on the basis of 10 units for which a contribution of £30,465.69 would have been required for the site.

### 5. Education

- 10.14 The amount of development proposed by the application was below 50 properties and therefore in line with policy and guidance, the application would not have been liable for Education contributions. Whilst it is appreciated that there can be a cumulative issue of several developments bringing stress to the local education situation, there is currently no policy mechanism for dealing with such occurrence's and therefore the application was acceptable in this regard.

### 6 Affordable Housing

- 10.15 The amount of development did not trigger the requirement for affordable housing required by policy and guidance in that it is a proposal was for 10 units (contributions

to trigger at 15 units) and therefore the application was under the threshold for such payments.

### 7. Public Transport

- 10.16 Metro requested that the developer should enter Metros Residential Metro Card scheme for each property. The price to the developer would have been 10 x £475.75 which gave a contribution of £5,709.10 which again would have been secured via a section 106 agreement.

### 8. Special Landscape Area

- 10.17 The site falls within a Special Landscape Area. The East Ardsley Special Landscape Area is an area of undulating arable fringe agricultural land centred on the axis of a tributary of the Hey Beck containing several mature woodlands and the major water body of the Ardsley Reservoir and enjoying long-distance views to the South. It is considered within the UDP that the area constitutes the best landscape in the Morley Area.
- 10.18 Positive features are its strong structure and visual unity, interesting topography, local rarity, natural or semi-natural woodlands, trees, hedgerows and water bodies. The negative factors are views of the motorway.
- 10.19 The retention of the car park and the access road retains open views of the land to the rear protecting the character and appearance of the Special Landscape Area. The development continues only across the site frontage and not into the land behind and as such continues the built form in a similar manner to that that already exists and to the rear landscaping will continue the theme of native planting creating small woodland areas that, as well as protecting the open land from the built form, will assimilate into the natural form of the Special Landscape Area and as such there would be no substantial harm to the character of this area.

### 8. Assimilation into wider open area

- 10.20 Policy N24 requires that where development proposals abut the green belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. Other residential gardens share a boundary with the open land to the rear. In the immediate vicinity of the application site these boundaries are planted with a mixture of boundary treatments including hedging, fences and walls. In this case the proposal was for a significant buffer along the rear boundary of the site with a mix of native planting that would have provided the requisite assimilation. A Landscape Management Scheme, to ensure the long term management and retention of the planting would have been required. It was considered that this would have produced a boundary treatment that was in keeping with, and improved upon, the established pattern of planting in the locality.

### 9. Coal Removal

- 10.21 The ground site investigation revealed of the existence of a seam of coal approximately 1 metre in depth located around half a metre below the surface of the site and it was the conclusion of that investigation that this seam of coal should be removed, prior to any development of the site. This removal would involve the removal of approximately 2000 tonnes of coal which would represent approximately 90, 25 tonne capacity vehicle movements over a three week period, to which would be added a further 105 vehicle movements over a further three week period for the importation of replacement material.

10.22 These movements, added to the removal of the coal itself, would undoubtedly bring noise and disturbance to the residents over a period of approximately six weeks and would of course be followed by the development of the site itself, bringing further inconvenience to existing residents. Whilst this would be less than desirable, the viable extraction of coal deposits is now a policy requirement of such development and is therefore unavoidable and as such would not be a reason to refuse an application

#### 10. Representations

10.22 There were a heavy amount of representations to this scheme raising a number of issues. Most are dealt with in the points above but others are addressed as follows. The Nature officer commented on the application and identified that the proposal could be successfully carried out provided that protection of existing wildlife and their habitats are included and therefore the relevant conditions to this end were included above. Comments that the site is in the Green Belt is incorrect. The boundary of Green Belt designation runs along the rear of the site and no development is proposed within this area but the landscape buffer would have been within the green Belt. As with education, there is currently no policy requirement or mechanism for assisting with GP places and therefore this issue could not be dealt with through this application.

#### **11.0 CONCLUSION:**

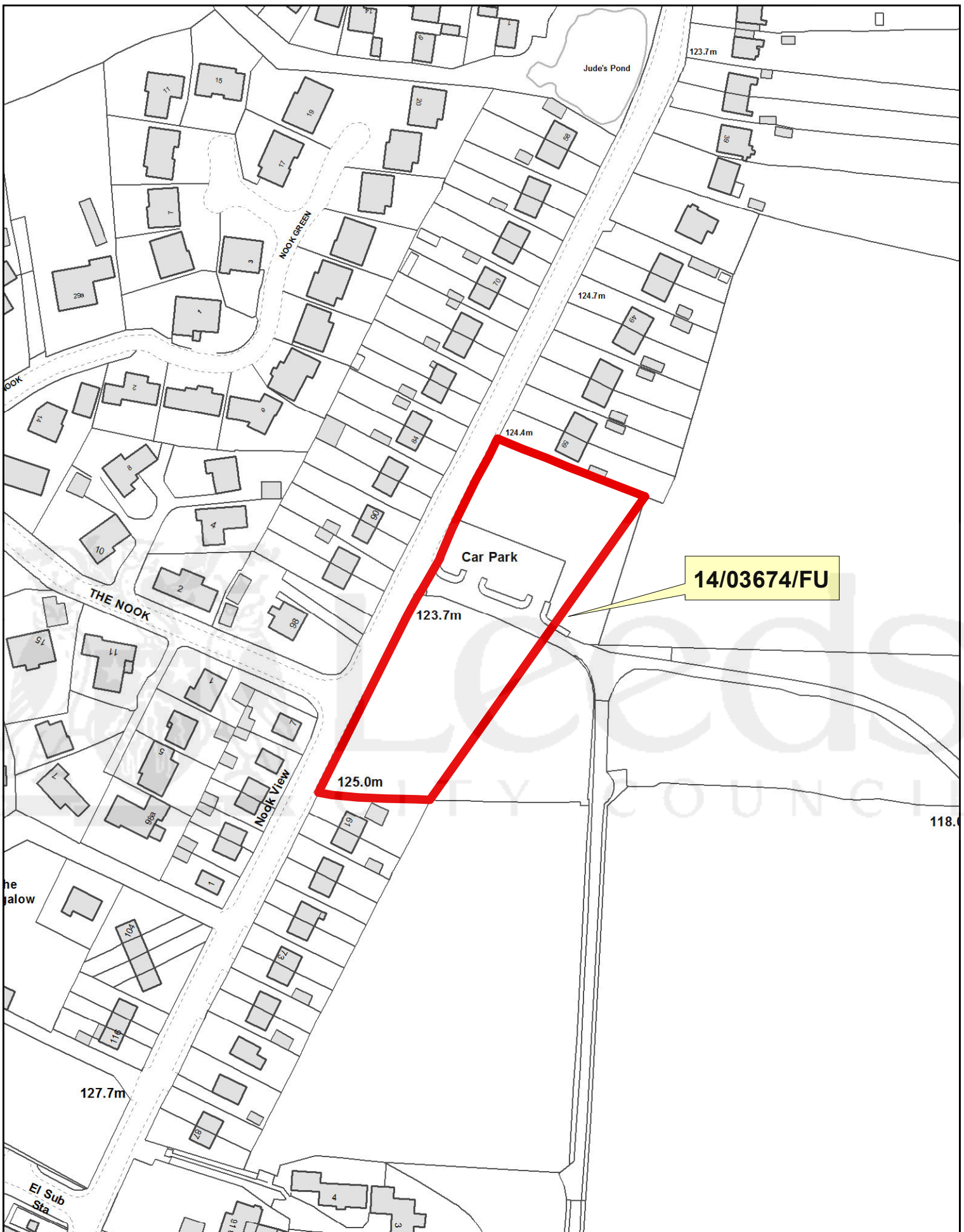
11.1 On balance, it was considered that, subject to appropriate conditions as discussed above, the proposal was acceptable given that the principle of residential development was considered to be acceptable with the site situated in a sustainable location. The layout and scale of the proposal was appropriate in regard to its surroundings, it raised no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it would have been recommended that the application be approved.

#### **Background Papers:**

Application files 14/03674/FU

#### **Certificate of ownership:**

Certificate A signed by applicant



# SOUTH AND WEST PLANS PANEL



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Originator: Carol  
Cunningham  
Tel: 0113 24 77998

## Report of the Chief Planning Officer

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

Date: 15 January 2014

**Subject: Application number 14/06048/LA – Two storey extension with single storey link, expanded car park, new multi-use games court, relocation of existing habitat area, hard and soft landscaping with expanded cycle/scooter storage and new fencing at Broadgate Primary School, North Broadgate Lane, Horsforth LS18 5AF**

**APPLICANT**  
Leeds City Council

**DATE VALID**  
20 October 2014

**TARGET DATE**  
15 December 2014

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

Horsforth

Yes

Ward Members consulted  
(referred to in report)

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

Equality and Diversity

Community Cohesion

Narrowing the Gap

### **RECOMMENDATION: Approve subject to the following conditions**

1. Time limit on full permission
2. Development in line with approved plans
3. Sample of external walling and roofing materials to be submitted
4. Community use agreement for the MUGA
5. Provision for contractors during construction including a construction management plan
6. Car park and servicing management plan
7. Off-site highway works to be implemented before occupation
8. Additional mitigation highways works if required
9. Provision of cycle and scooter parking
10. Travel plan monitoring fee
12. Areas to be used by vehicles to be hardsurfaced
13. Building should not be brought into use till car park extension works have been carried out
14. Details of proposed disposal of surface water drainage
15. No piped discharge of surface water until approved surface water drainage works have been implemented.

- 16. Protection of existing trees/hedges/bushes during construction**
- 17. Pre commencement Arboricultural Method Statement for any paths to be constructed over the RPA of trees**
- 18. Submission and implementation of landscape details**
- 19. Preservation of retained trees/hedges/bushes**
- 20. Landscaping management plan**
- 21. Hours of opening for community use multi use games area**
- 22. Construction and demolition hours**
- 23. Details to minimize dust**
- 24. Local employment**

## **1.0 INTRODUCTION**

- 1.1 This is a full planning application for a proposed two storey and single storey extensions and expanded car park. The proposals also involve the provision of a multi-use games court, (MUGA) the laying out of a wildlife habitat area, landscaping, expanded cycle and scooter storage and new fencing. The proposed works will create 6 additional classrooms and associated storage, replacement staffroom, nursery extension, external hard play area and perimeter security improvements. The proposed project is part of LCC Children's Services' Primary Basic Need Programme and the main driver is sufficiency of school places. The proposed development would enable the school to have a maximum capacity of 420 pupils and a 31 place nursery (2 form entry) and will effectively double the existing number of school places. The application is referred to Panel at the request of Ward Members due to the level of objections received.
- 1.2 Members are asked to note the content of this report and accept the officer's recommendation of approval with the conditions listed above.
- 1.3 The application relates to a building which is unallocated within the Unitary Development Plan and the Core Strategy and is just outside the Town Centre.
- 1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.5 The proposal is considered to accord with the current development plan and to be acceptable in regard to loss of playing fields, highways, residential amenity, design and other material considerations.
- 1.6 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

## **2.0 PROPOSAL:**

- 2.1 The scheme under consideration consists of one two storey and two single storey extensions. The principal works are orientated to the south east of the main existing school building and positioned adjacent to a car park which serves a detached children's centre. The development would provide an additional 811m<sup>2</sup> of floor space. Externally the works involve a reconfiguration of external play space to provide a

Multi-Use Games Court (MUGA), the formation of additional car parking spaces and (a total of 18 marked additional parking spaces are proposed). In addition the laying out of a new wildlife area and pond are proposed.

- 2.2 The two storey extension will be 40 metres in length and 10 metres in width with a 10 metre by 7.5 metre single storey link into the main school. On the ground floor there will be three new classrooms with a new lift and staircase and staff room providing the link between the existing and proposed school. On the first floor will be 3 new classrooms so there will be 6 new classrooms in total. The two storey element will be 6.5 metres to the eaves and 9.7 metres to the apex and will have a dual pitched roof. The proposed materials are fairfaced dense block in a limestone colour, dark brown/red brickwork plinth and some of the ground floor, timber cladding, and aluminium standing seam roof cladding. The link between the main school and the proposed extension will be single storey and will all be dark brown/red brickwork to match the existing building. The building will involve the loss of a number of 15 trees with 10 being category C trees and the other 5 category B trees.
- 2.3 There is also an 8.2 and 6.8 metre extension to block 2 which will be an extension to the existing nursery but involves no increase in numbers to the nursery. The extension is for larger carpet area for play and an area for parents to collect their children. This will be a flat roofed extension in line with the existing building. This will be 3.2 metres in height and will be constructed from dark brown/red brickwork to match the existing.
- 2.4 There will be a new Multi Use Games Court (MUGA) situated on playing fields to the rear of the site. This will be 37m by 18.5 metres and will have an all weather pitch constructed from porous bitmac with some trial equipment around the edge. This will also be surrounded by rebound fencing which will be 3 metres in height.

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

- 3.1 The application site lies within the urban area of Horsforth on the edge of the designated conservation area which essentially wraps around the site frontage to the south, west and partly to east. The site is located at the top of Broadgate Lane in Horsforth, bounded by residential dwellings to the north and west, St. Mary's Catholic Church and St Mary's Primary School to the east, and North Broadgate Lane to the south. The existing site contains a number of permanent and temporary buildings including the main school building, Horsforth Children's Centre and Broadgate Primary's Nursery & Reception years, and the former caretakers property which is termed 'The Gateway' providing leaning support services. There are also two further temporary buildings which contains the existing staffroom and a before & after school club.
- 3.2 The application site itself consists of a series of buildings and styles representing their various periods of construction which appear to have initially been built circa 1950's. The main school building is characterised by an irregular shaped structure with a main hall at its centre piece and two wings running off it to the north and south but from its north eastern corner and south western corner of the main hall. The main hall is two storey in scale and the roof is shallow pitched. The two wings are single storey and contain classrooms which are 'angled' to face north. The roof on these wing elements are also slightly pitched and contain a corridor spine to provide access to the classrooms. The hall is also used as a dining area.
- 3.3 The materials used in the main block consist of a brown brick with a felt roof and timber cladding. To the east of the school is a children's centre mainly single storey flat roofed with a partial two storey element. Both vehicular access to the school and

parking to the children's centre is served off North Broadgate Lane via a barrier system.

3.4 To the north and east of the main school building are playing pitches which are protected and are shared by the adjoining St Mary's Primary School. The topography slopes significantly from west to east. The highest point on North Broadgate Lane down to the embankment on the north eastern perimeter equates to a 12m change in levels.

3.5 There are areas of hard-standing forming the play areas of the school and a primary access road to the visitor and staff parking areas. Existing parking provision includes 7 spaces for visitors adjacent the main entrance, and 24 spaces for staff beyond a barrier. Mature trees line the boundary to North Broadgate Lane and form a feature leading to the main entrance. The surrounding area is characterised by residential units of varying form and styles. The use of stone and slate is a common feature.

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

4.1 None

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

5.1 Representatives from Planning and Highways met with Ward Members on 2nd October, the following was agreed:

-There is to be no proposal for a community car park at St. Mary's Church under this application

- 3 additional spaces on top of the additional spaces already provided are required on site to maximise potential to relieve pressure on the highway

- Native tree species are to be specified in the habitat area

- The design would benefit from some colour considering it is a primary school.

5.2 These comments have been incorporated into the proposal.

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

6.1 Councillor Cleasby, Collins and Townsley have all objected to the scheme and requested a site visit. Their concerns are:

6.2 There have been 90 objections from local residents concerned with the following matters:

- Doubling intake of pupils and increasing number of staff by 14 but insufficient increase in car parking
- Parking concerns especially due to its close proximity to the other school (St Marys)
- Highway safety and traffic congestion generated by increasing school capacity.
- Local roads already blocked by cars at drop off and pick up times
- Parking already prevents access for refuse collection and concerned it will prevent emergency vehicles
- Residential amenity concerns
- No off site provision for parental parking
- Traffic statement not accurate

- Traffic consultant's report accepts that the traffic problems for local residents associated with the development are not resolved by their recommendations.
- Buses stopping at bus stops are seriously compromised at peak school times
- Parking over residents drives is already common
- Residential detriment of a high fence directly on my boundary and will give the school a prison effect
- The H bars in front of drives is not an offence to park on them so once parents realise this they will ignore them
- Speed bumps will have zero impact on the parking issues
- Is the extension for local children as understand it's to accommodate children from the Clariant scheme near Rodley, if so, why not build a school nearer
- Inevitable increase in traffic runs counter to the Councils policy on sustainable transport
- Construction vehicles for a number of years and impact on parking and residents
- Loss of grass area will limit some of the range of activities which can be accommodated and possibly discourage interaction between the schools
- Reference to letting of the pitches outside of school hours will increase traffic and parking problems
- Noise from intensification of sports activities could extend into evenings and the weekends

## 7.0 CONSULTATION RESPONSES

### Sport England

Part of the site constitutes a playing field and the loss of a playing field is usually not supported unless it complies with one of the exceptions classes. In this instance the main loss of the playing field is for a MUGA so exception E5 is applicable which states *that the proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of a playing field.* Sport England are content that the proposal meets exception E5 and have no objection subject to a condition for community use.

### Highways Authority

Concerns related to the increase in on street parking and congestion that could occur if approval is granted. Mitigation measures have been proposed to improve safety in the immediate vicinity of the site and to address concerns raised by residents related to inconsiderate parking.

However, it is clear that the proposals, if approved, would lead to an increase in pupils being brought to the school by car and that this would result in more on street parking and congestion at drop off and pick up times.

Planning conditions are suggested that would be required to cover the delivery of the proposed off site highway works, car park and servicing management plan and provision for contractors during construction including a construction management plan.

It is essential that the applicants provide an additional sum of £25,000 to enable the LHA to promote any additional traffic management/safety measures resulting from the development that may become necessary on the adjacent highway network over the period that it would take the school to reach the proposed maximum capacity.

Contamination officer

An additional gas monitoring and assessment report needs to be submitted

Yorkshire Water

Further information required which has been submitted

Main Drainage

Conditional approval

**8.0 PLANNING POLICIES:**

The Development Plan

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.
- 8.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

**P9** – Community facilities and other services

**P10** – Design

**T2** – Accessibility Requirements and New Development

The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

Part of the site is allocated as public protected playing pitches in the RUDP (N6) and the states:

*“Development of playing pitches will not be permitted unless:*

*i. There is a demonstrable net gain to overall pitch quality and provision by part-redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site’s functions; or*

*ii. There is no shortage of pitches in an area in relation to pitch demand locally, in the context of the city’s needs, and city wide, and development would not conflict with Revised UDP policies concerning protection of the Green Belt, protection and enhancement of Greenspace and provision of additional Greenspace, Urban Green Corridors and other open land”.*

Other relevant policies are:

BD5: New buildings should be designed with consideration of their own amenity and surroundings.

GP5: Development proposals should resolve detailed planning considerations.

T2: Development should not create problems of highway safety.

T24: Parking standards should be met.

Supplementary Planning Guidance / Documents:

- 8.3 Supplementary Planning Document: "Street Design Guide".  
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.  
Supplementary Planning Document: Travel Plans.  
Supplementary Planning Document – Sustainable Design and Construction "Building for Tomorrow, Today"

**National Guidance - National Planning Policy Framework**

- 8.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 70 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities:

*To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

Paragraph 72 attaches great weight to the need to create, expand or alter schools:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted.*

*In assessing school developments the decision maker must also be mindful of a policy statement issued jointly by the Secretary of State for Education and the Secretary of State for Communities and Local Government on the 15<sup>th</sup> August 2011. This sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. It states that*

*the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. It goes on to say that the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:*

*i) There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.*

*ii) Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*

As mentioned in the above NPPF policy the Government have also released a policy statement in relation to school development in August 2011 which states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state funded school places, increasing choice and opportunity in state funded education and raising educational standards. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state funded school sector to meet both the demographic needs and drive for increased choice and higher standards.

It is the Governments view that the creation and development of state funded schools is strongly in the national interest and the planning decision makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state funded schools should be, whenever possible 'yes'.

The Government believes that the planning system that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state funded schools.

## **9.0 MAIN ISSUES**

Principle of development  
Design and visual impact  
Impact on residential amenity  
Highways  
Landscape/tree issues  
Need for the school extension  
Other issues

## **10.0 APPRAISAL**

Principle of development



- 10.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering in planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 10.2 In assessing proposals which affect a Conservation Area it is noted that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area.
- 10.3 The site includes an area of land which is allocated as N6 (protected playing pitches) in the Revised Unitary Development Plan.
- 10.4 The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England.
- 10.5 The extension and Multi Use Games Area will be located to the north of the school buildings and will affect the playing field. There will also be a construction compound located on the playing field. However, all of these elements are on non-functional parts of the playing field and meet the following exception to Sport England's Playing Fields Policy:
- Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies:*
- Bullet point 5 (E5 ) states 'The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field'*
- 10.6 Whilst there is some incursion into the playing field area through the car park and ramp, the main loss of playing field comes about as a result of the proposed MUGA. The salient exceptional circumstance by which the MUGA stands to be judged is exception E5.
- 10.7 The applicant has submitted a document entitled "Supporting Statement for Loss of N6 Protected Playing Pitches" which provides justification for the proposed MUGA in respect of E5. Sport England accepts a number of the substantive point set out in that document
- 10.8 This being the case, Sport England does not wish to raise an objection to this application. Against this background the principle of development is considered to be acceptable.
- Design and Visual impact
- 10.9 Broadgate Primary School site lies adjacent to the Horsforth Conservation area. It is therefore necessary to consider whether the proposed development has regard to the importance of the site's adjacent context and status as a conservation area as well as its impact upon the character of the surrounding area.
- 10.10 The Broadgate Primary School site lies adjacent the Horsforth Conservation Area. The Horsforth Conservation Area Appraisal land Management Plan provides the following commentary:

*Broadgate Lane is an important modern-day access into and out of Horsforth on the public bus route. The historic settlement on the whole is of large domestic properties, with variations between detached and semidetached. Unlike much of the conservation area, the properties are often set back from the road edge, giving more sense of space to the area. These large properties are irregular in both their orientation to the road side, and in their position to the back pavement edge boundaries. This discontinuous building line adds a variation to the domestic character that is not as present in other areas of Horsforth. The properties step in and out of the road edge as they lead west towards Town Street.*

- 10.11 This proposal has been the subject of several design changes as the original proposal was not considered to be acceptable due to its proposed orientation, scale and massing as well as outlook. The original scheme was also positioned in a manner which removed feature trees adjacent to the main entrance and existing staff room to the detriment of the character of the area.
- 10.12 The initial proposal was discussed at the internal Design Advisory Group and the following issues were raised and comments made:
- The basic premise must be to create a quality learning environment for the end user, the students.
  - The proposal as presented raised some issues to do with the quality of the learning environment being created.
  - These included the outlook from the existing classrooms being affected i.e. looking onto blank walls and toilet and cloakroom windows.
  - The proposal would also cast the existing building in shade for the majority of the day.
  - The proposal would build over the existing nature area, its replacement would be in constant shade and its survival or ability to establish itself is questionable.
  - The outlook of the classrooms would be onto a car park and bin store.
- 10.13 The Design Review Group also put forward an alternative option, which essentially was consistent with earlier planning officer comments. This involved a freestanding building rotated at 90 degrees and sited to the north at the end of the existing classrooms.
- 10.14 Although this would have encroached onto a portion of a designated protected playing pitch (N6 land). The effect was considered to be marginal as the land slopes steeply and is unusable. It was also considered that with a suitable design solution this change in levels could have been made to work to the advantage of the school by creating an enclosed outdoor store for the playing pitches and MUGA.

The proposed alternative option would:

- Have a positive outlook for the existing classrooms and the proposed classrooms, softened by the greenery of the fields
- Create the opportunity for external enclosed stores by exploiting the change in levels; to the benefit of the school
- Keep clear of the existing drainage
- Would save the existing nature area and the established trees

- It would require a well-designed covered walkway, which could meander through the nature area.
  - Create an outdoor enclosed store
- 10.15 After further discussion with the applicant and the head teacher this option was however rejected on the grounds that it did not functionally work for the school. Further amendments have however led to a revised scheme which now seeks to respond to the primary circulation routes and centralise the focus to the heart of the school. The link via the existing reception area gives direct access to the halls and ICT suite for dining and assembly which was considered to be essential. Further changes introduced also involve the 'slimming down' of the 2-storey block and mirroring the circulation to face the car park. A centralised habitat area has also been created that is overlooked from all of the junior classrooms whilst retaining important frontage trees.
- 10.16 The proposed development therefore now involves the introduction of a two storey extension, linked by a single storey extension. The proposal runs parallel to the main school building to create a court yard enclosure.
- 10.17 The proposal now seeks permission for the introduction of a rectangular shaped two storey classroom block with a service corridor, to provide circulation space, a stair well, lift, toilets and cloakrooms. A single storey link connects the block to the main school and also provides a staff room. The two storey block also partly steps down to reduce the scale and massing and articulation of the roof. The roof form is monopitch roof with a slight oversail. The full length of the principal elevation is some 41m. Its width at its widest point is some 10m. The scale of this building is two storey and some 10m at its apex.
- 10.18 The design of the proposal is functional and simple, the changes in roof form and massing as well as regular horizontal fenestration help articulate the main elevation as well as providing visual relief. In terms of energy efficiency, the development has been designed to comply with part L of the Building Regulations
- 10.19 A new Multi Use Games Area (MUGA) and fencing enclosure is proposed to increase hard play/games court provision. Its position centrally on the playing fields is in response to earlier planning comments. The location permits segregated access alongside the car park for community use without compromising the security of the school.
- 10.20 The proposed works also involve extending an existing car park located to the east of the main school building. The car park extension is modest and involves the removal of a marginal area of N6 protected playing pitch
- 10.21 Given the proposal to introduce a MUGA to the north of this, it will not be seen as a visual intrusion. It is considered that this will have no harmful effect upon the character or surrounding conservation area.
- 10.22 The proposed scale and massing of the building is not considered out of keeping with the character of existing buildings on the site the immediate residential area. In this context, the proposed scale and massing of the development has been assessed in relation to its surroundings, topography, and the general pattern of heights in the area as well as views, vistas and landmarks. It is considered that the proposal satisfies Core Strategy planning policy P10 in this regard and represents an acceptable design solution.

Residential amenity

10.23 The proposed development has to be considered in terms of its impact upon the residential amenity afforded to nearby residents. The development is located within an area of predominantly residential character; the proposed building extension will be sited to the south east of the existing main school building. The proposed siting of the extensions are relatively central within the site. None of the classrooms will overlook adjacent properties. In terms of the impact on the living conditions of surrounding residents, it is considered that the actual physical extension will cause no material harm given the separation distances to the nearest dwellings, However the MUGA is proposed close to the edge of the northern boundary. Given this area is already a school playing area it is considered that this will introduce no additional harm during school hours. However, the introduction of a community use, which is suggested by Sport England, will increase comings and goings outside of school hours and potentially at weekends. A condition can be attached requesting opening hours for the community use to ensure that the MUGA is not used late into the evening every day or early in the morning at a weekend. A condition is also required in relation to lighting to control the impact on the surrounding residents. The proposed car park extension will also cause no amenity issues as it is located away from the residential properties. The proposal will however significantly increase the number of students on site and this will undoubtedly increase noise and comings and goings. However the enlarged school would still have only 420 pupils, which is not unusual for a primary school and the grounds of the school are sufficiently spacious to accommodate such an increase.

10.24 Against this background it is considered that there will be no demonstrable harm caused by means of noise or general disturbance associated with the expansion of this primary school. It is considered that the living conditions of surrounding residents have been safeguarded in this regard and policy GP5 of the Revised UDP is satisfied.

#### Highways

10.25 The proposals involve the expansion of the above school from a 1 Form Entry School (210 pupil places) to a 2 Form Entry School (420 pupil places). In real terms the proposals will see an additional total of 210 pupils attending the school over a period of 7 years i.e. an additional 30 pupils per year.

10.26 The site also houses an existing 31 place day nursery (which has separate morning and afternoon sessions), a children's centre (which provides a range of activities including parent and toddler groups, ante-natal/post natal support as well as adult education classes) and a learning support unit for up to six children, who are transported to the site by taxi.

10.27 Current pupil modal share information indicates that only 28% of pupils travel by car, 5% car share, 3% travel by public transport and 63% walk. Over the 7 year period the best case estimate, based on existing pupil travel patterns, is that 59 additional school pupil trips to and from school would be by car. However, this could be greater depending upon where pupils will travel from. Parent drop-off/pick-up parking currently takes place within the adopted highways in the vicinity of the site.

10.28 There are currently a total of 45 members of staff located at the site. This is a mixture of full and part time staff and the full time equivalent is stated as being 32.68. This number is made up of teaching staff, support staff, premises staff, lunchtime staff and catering staff.

10.29 The proposals would result in an increase of 14 additional members of staff being employed at the site, resulting in an overall total of 59. This increase will be phased

to coincide with the growth in pupil numbers i.e. 1 additional teacher and 1 additional teaching assistant per year.

- 10.30 To accommodate the increase in staff numbers it is proposed that the car park would be increased from a total of 31 on-site spaces to 47, an increase of 16 spaces. It is considered that this will be sufficient to ensure that all staff park within the site and not on the public highway.
- 10.31 Servicing by refuse and delivery vehicles will be managed as part of a School Parking and Servicing Strategy. It is intended that servicing will continue to take place via the existing vehicular access adjacent to Chaddlewood Close and via the main car park access where a turning area for large vehicles would be provided.

#### Traffic management/highway mitigation measures

- 10.32 There are a number of measures proposed to reduce the speed of traffic within the vicinity of the school. The roads fronting Broadgate Primary School are currently subject to a 20mph speed limit. However, it has been indicated that the average speeds along the adjacent roads are generally greater than 20mph. As part of the highway mitigation proposals the applicants have suggested the introduction of a series of traffic calming measures along North Broadgate Lane and Broadgate Lane from Town Street to a point approximately 20m east of Alexandra Road.
- 10.33 The traffic calming measures would consist of the introduction of one set of speed cushions on North Broadgate Lane and two sets of speed cushions on Broadgate Lane. In addition it is proposed that the existing zebra crossing points on North Broadgate Lane and on Broadgate Lane outside the school would be modified to provide raised crossing points. The adjacent kerbs would also be built-out on both sides of the crossing points.
- 10.34 It is stated that these measures would ensure that drivers comply with the speed limit whilst they pass the school and would keep vehicle speeds low as they pass over the key pedestrian crossing points. The Council's Highway Engineer considers that these proposals would be a positive contribution to road safety in the vicinity of the school site.

#### On-street parking

- 10.35 The additional capacity at the school would be likely to result in an increase in demand for drop-off/pick-up parking. This parking would typically last for only a short period of time (around 35 minutes morning and afternoon) and it will likely be spread across a number of roads within the local highway network. This can often be an issue for existing residents who find themselves obstructed from using their own driveways as a result of inconsiderate parking.
- 10.36 In this location the parking issue is compounded by the presence of an additional school (St Mary's RC School) which is located approximately 100 metres to the east. This adds to the on-street parking and congestion in the area.
- 10.37 It is clear from the Transport Statement that over the time that it will take for the school to reach its capacity there will be an increase in on-street parking on the wider highway network, based on existing pupil travel patterns, is that 59 additional school pupil trips would be by car. However, this could be greater depending upon where pupils will travel from.
- 10.38 Therefore, as a result of the potential increase in parent parking demand, the applicants have proposed the introduction of measures to protect the driveway

entrances of those residents in the vicinity of the school site who are affected by parents parking close to/across their drives.

- 10.39 The applicant has submitted a highway mitigation plan, indicating in draft form, the limited introduction of H bar markings in the immediate vicinity of the site entrance. Local residents have been consulted regarding parking issues and it's been concluded that H bar marking would not be adequate so yellow lines will be implemented to ensure that parents will not park across local residents drives.
- 10.40 Additional waiting restrictions are also proposed around the junction of Broadgate Lane and King Edward Avenue to address existing parent parking issues around the junction to make it safer for pedestrians to cross.
- 10.41 It is therefore essential that if this application is to be approved by Members that the applicants should provide additional funding to allow monitoring and reviewing any resulting highway safety issues towards the provision of any additional traffic management/safety measures that may become necessary on the surrounding highway network as a result of increased on-street parking and safety issues resulting from the development as the site reaches its maximum capacity. A sum of £25,000 has been negotiated for this purpose.

#### Other Measures

- 10.42 There are other measures that have been considered by the applicant to try to mitigate the highway impact of the proposals which includes the following along with the outcomes.

1. Park and stride – 2 options for park and stride have been looked at;
  - a. The Brownlee Arms – *The Brownlee Arms rejected the request*
  - b. Morrison's Supermarket Morrison's supermarket agreed to the park and stride option. However even with the promotion of the scheme within the school the interest and uptake of the scheme was very minimal.

2. Community car park on land adjacent to St Mary's Church

*The land is owned by the diocese and the terms and condition of car park usage could not be agreed by all parties*

3. Drop-off within school grounds.

*This was discounted on safety and planning grounds and no other suitable location could be found within the vicinity of the site.*

4. Staggered school opening and closing times (Broadgate and St Mary's)

The opening and closing times of the two schools are already staggered. For example, Broadgate Primary School finishes at 3pm and St Mary's finishes at 3.15pm. It is understood that Children Services felt any increase to the stagger would impact on child care arrangements so the option of further staggering the hours of operation for the two schools was discounted.

5. The Transport Statement refers to Appendix C – On-Street Parking Survey. This has not been included and Appendix C actually shows the Accident Data.

This information has now been submitted.

#### Landscape / tree loss

10.43 The applicant has produced an arboricultural report which recognises that tree loss as a result of this development will be minimal. The key area of impact is where it is proposed to extend the existing car park area to the north west of the original school building and to create a secure bin store close to the western boundary. There will be a loss of 15 trees with the trees in question being largely semi mature or of a limited amenity value or indeed poor health and although their loss is regrettable, there remains a demonstrable need to provide additional car parking which is substandard given the number of existing staff. A key issue however is to ensure that the trees of high amenity value and which contribute towards the character of the area is properly protected. It is therefore proposed that root protection areas are safeguarded by appropriate root protection measures. It is also proposed that a landscape scheme is also necessary to help mitigate against the trees lost and where possible these types need to be semi mature. Against this background, on balance, no these proposals are considered to be acceptable and compliant with policy LD1.

#### Need for the extension

10.44 The proposed extension will ensure that there will be two classes of each age group rather than the one class at the moment. Information has been submitted by children's services which show that over the next 5 years the area surrounding Broadgate School will have the most number of children living surrounding the school than all the other primary schools in the Horsforth area. This is the reason for expanding Broadgate Primary school.

10.45 The Government both within the NPPF and an ministerial letter advice local authority to support development for expansion to existing school places. Paragraph 72 of the NPPF attaches great weight to the need to create, expand and alter schools. Local authorities should take a proactive, positive and collaborative approach to meeting this requirement. The Government goes on to state that this collaborative working would help to ensure that the answer to the proposals for development of state funding schools should be whenever possible 'yes'.

10.46 Pre application discussions have been undertaken regarding this proposal involving a number of local authority officers including Ward Members and this application is the outcome of this collaborative working.

#### Letters of representations

10.47 The matters raised by representations have been covered above.

### **11.0 CONCLUSION**

11.1 The proposed development is considered to be acceptable in planning terms and lies within an area of sufficient size to accommodate such a use without having a detrimental impact upon both the visual and residential amenity of the area as well as its general character.

11.2 Overall, it is considered that the proposed scheme is of an acceptable quality in design terms and delivers new and essential educational accommodation on a site which cannot be delivered elsewhere in the catchment area.

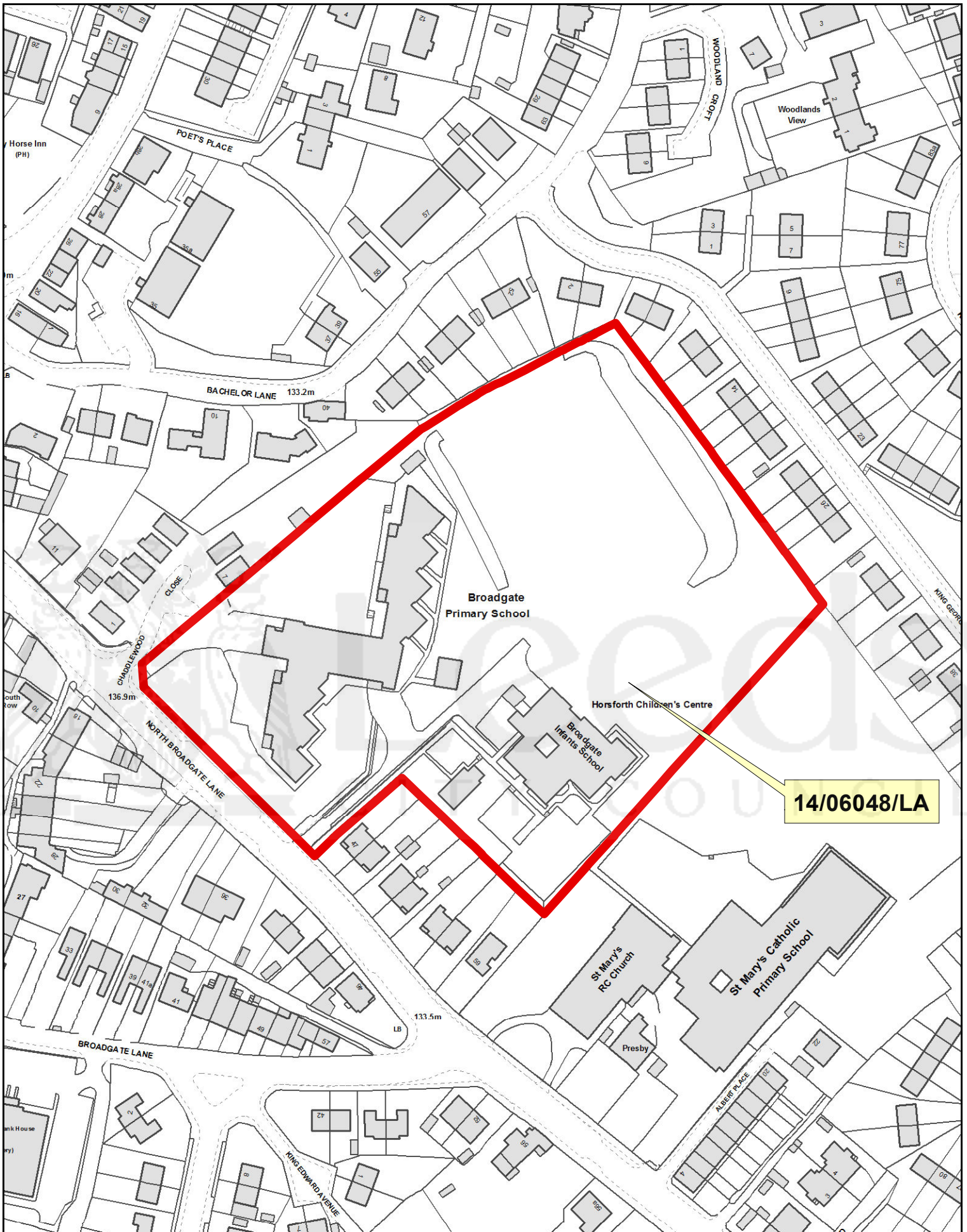
11.3 The scheme incorporates off site measures to improve both pedestrian safety and highway improvements which will help mitigate against any potential traffic impacts should they arise. However, if parking issues should arise a bond of £25,000 has

been secured for further mitigation measures of they should be required. Against this background it is recommended that the application is supported.

### **Background Papers**

Planning application number 14/06048/LA





14/06048/LA

# SOUTH AND WEST PLANS PANEL



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Originator: Carol  
Cunningham  
Tel: 0113 24 77998

**Report of the Chief Planning Officer**

***SOUTH AND WEST PANEL***

**Date: 15<sup>th</sup> January 2015**

**Subject: Application number 14/05508/FU – Full application for change of use of a private members club to restaurant (A3) with manager flat to first floor and external flue to rear at 207 to 209 New Road Side Horsforth**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Agora restaurant	19 <sup>th</sup> September 2014	14 November 2014

**Electoral Wards Affected:**

Horsforth

Yes    Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity   

Community Cohesion   

Narrowing the Gap   

**RECOMMENDATION: Approve subject to the following conditions**

1. Time limit on full permission
2. Development in line with approved plans
3. The restaurant shall be ground floor only and limited to 60 covers
4. Car park to the rear to be laid out prior to occupation
5. Opening hours limited to 1200 to 2200 each day
6. Details of proposed bin store to be submitted
7. Details of odour and fumes from food uses to be submitted
8. Conifer hedge on boundary shall remain at no less than 2m in height

**1.0 INTRODUCTION**

1.1 This application was deferred from Panel on the 4<sup>th</sup> December 2014 so that a site visit could be undertaken.

- 1.2 A full planning application for a change of use from a private club to a restaurant with a flat on the first floor and external flue to the rear was submitted to the Council on 19<sup>th</sup> September 2014. The 8 week expiry date was 14 November 2014 but an extension of time has been agreed to the 5<sup>th</sup> December 2014.
- 1.3 Members are asked to note the content of this report and accept the officer's recommendation of approval with the conditions listed above.
- 1.4 The application relates to a building which is unallocated within the Unitary Development Plan and the Core Strategy and is just outside the Town Centre.
- 1.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.6 The proposal is considered to accord with the current development plan and to be acceptable in regard to highways, residential amenity and other material considerations.
- 1.7 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

## **2.0 PROPOSAL:**

- 2.1 The application is a change of use of an existing club to a restaurant with managers flat. The initial application was for both floors with a maximum number of covers of 88. It was considered that there was not enough parking for this number so the application has been changed to ground floor only and a maximum number of covers for 60.
- 2.2 The upper floor will now be used for a managers flat with storage. There will be a new external staircase to the rear to give emergency access to the flat. There will also be a flue on the rear elevation which will be 1 metre higher than the existing eaves and is located on the property closest to number 211 and 213. There is a car park to the rear which will accommodate 16 car parking spaces.
- 2.3 The original opening hours were from 1200 to 2330 but this has now changed to 1200 to 2200 hours each day

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is an existing club which is now empty. This was a private members club which was not open to the general public but had no restriction in opening hours and had private functions. It is a two storey stone building which is onto the pavement at the front. To the rear is an existing car park with the access off New Road Side. This is a shared access with 5 other properties on New Road Side and 4 residential properties to the rear on Victoria Mews.
- 3.2 The club is surrounded by residential properties with the only a small gap between

the premises and the houses either side of New Road Side. There is a line of high conifer trees on the boundary of the car park and the houses on Victoria Mews. The site is just outside of the Town Centre.

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

- 4.1 14/05806/FU – change of use to health centre awaiting determination.  
13/05747/FU – change of use to four flats with two storey rear extensions approved 14/2/2014  
13/03563/FU – change of use to form four houses withdrawn 23/9/2013

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

- 5.1 Discussions have been ongoing with the applicant's agent and officers since submission of the planning application.

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

- 6.1 The application was advertised by site notice posted on site on the 4<sup>th</sup> April 2014 and an advert was placed in the Yorkshire Evening Post 8 May 2014. Publicity expiry date was the 25 April 2014. The revised scheme was advertised via a site notice on 18<sup>th</sup> July 2014 and expired 5 September 2014.

- 6.2 Councillor Cleasby and Councillor Townsley have requested that the application be brought to Plans Panel for determination and both have objected to the application concerned with the following matters:

- 16 parking spaces are totally inadequate for 60 covers plus staff and deliveries.
- There are sufficient "eateries" in this neighbourhood all making demands on, on-street parking.
- As it is a residential area I have concerns over the smells and odours that may make life for residents unacceptable.
- entrance to the car park is hidden and a little way down the street that diners will probably not use it anyway.

- 6.3 Horsforth Civic Society – concerned about the provision of parking on site when the restaurant is busy and could result with overflowing out onto New Road Side.

- 6.4 Four objection letters concerned with the following:

- Lack of parking for the number of covers and no provision for staff
- Residential amenity adversely affected by increase in vehicle movements and increase in noise
- Concern regarding adequacy of kitchen ventilation
- Concerned regarding location of food waste bins on boundary with houses
- Can refuse lorries access the car park
- Existing parking can restrict road to single access road and significant issues when entering and exiting Victoria Mews
- No mention on conifer trees on boundary
- Previously conifers where to remain to protect privacy
- Flue located close to residential properties
- Clarification that new car park surfacing will not increase run off

- 6.5 One letter of objection from 8 properties on New Road Side concerned with
- Market already saturated and a further restaurant would only serve to dilute an already saturated market
  - Current preference by council is to reduce number of licenced premises and consider a residential use or health centre would serve this purpose and better serve the local community
  - Parking provision insufficient for restaurant use
  - New flue will impact on number 211
  - New bathroom window will overlook 211
  - New external stair and landing will overlook 211
  - Impact on residential amenity in terms of noise and disturbance
  - Large concentration of restaurants in the area
- 6.6 One letter of support stating it will complement the area providing limited opening hours and ensure enough parking. An eating establishment is better than a pub or purely drinking establishment.

## 7.0 CONSULTATION RESPONSES

### Highways

Objected to the original proposal due to lack of car parking. If proposal is reduced to one floor and 60 covers then it would be difficult to justify a refusal due to previous use and car parking requirements for that level of development.

## 8.0 PLANNING POLICIES:

### The Development Plan

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.

- 8.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12<sup>th</sup> November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

**P2** – Acceptable uses on the edge of town centres

**P10** – Design

**T2** – Accessibility Requirements and New Development

The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

**GP5** - Development control considerations including impact on amenity

**T24** - Parking provision in development proposals

## Supplementary Planning Guidance / Documents:

- 8.3 Supplementary Planning Document: "Street Design Guide".  
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.  
Supplementary Planning Document: Travel Plans.  
Supplementary Planning Document – Sustainable Design and Construction "Building for Tomorrow, Today"

### **National Guidance - National Planning Policy Framework**

- 8.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### **9.0 MAIN ISSUES**

- Compliance with the Development Plan
- Highway safety
- Residential amenity
- Representations

### **10.0 APPRAISAL**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the core strategy, the saved policies within the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, highways, amenity, and other matters.

#### **Compliance with the Development Plan**

- 10.2 The site is not allocated for any use within the Core Strategy or UDP. It is located just outside of the Town Centre so policy P2 of the Core Strategy is relevant. This encourages uses that assist the town centre and restaurants is one of those uses that is considered acceptable on the edge of Town Centres so in principle the change of use is considered acceptable.

#### **Highways**

- 10.3 There is a car park to the rear of the premises which on amended plans that have been submitted can accommodate 16 car parking spaces. The original plans where for accommodation on both floors and covers of 88. The number of car parking spaces is calculated on the floorspace and this original scheme would have required 25 car parking spaces so there was a shortfall of 9 spaces and this would have led to parking on the highway. The scheme could therefore not be supported on highway

grounds. The proposal has now been reduced to ground floor only and covers of 60. The parking spaces required for this are 16 which are provided on the car park to the rear. There is also an area to the front of the property which would allow for 3 cars to be parked on the highway. For all these reasons it is considered that the parking provided is adequate for the size of the restaurant especially as the previous use was a club.

- 10.4 There have been objections to the fact that the car park entrance is not clear and other vehicles block the entrance to the car park making it single track for most of the way so patrons will not know about or use the car park. This same situation existed for users of the existing club and there were no issues with parking on the highway when the club was in operation. The applicant will be encouraged to advertise the car park on any leaflets or websites that they produce.
- 10.5 There have also been concerns about the refuse lorry and whether this will be able to access the site down this existing access. The refuse lorry currently gains access down this road to collect the bins from the residential properties that gain access of this road plus the refuse lorry has previously collected bins from the existing club.
- 10.6 For all these reasons it is considered that subject to conditions to limit the use to the ground floor only and no more than 60 covers there should not be a detrimental impact on the safe and free flow of traffic.

#### **Residential amenity**

- 10.7 There are three issues that need to be considered in relation to the proposal and any impact on residential amenity. The existing building does have residential properties on either side at close proximity and there are 4 detached houses to the rear.
- 10.8 These three issues are the noise and disturbance from the use and the comings and goings from the use, the impact of the proposed flue and the impact of the proposed bin store in terms of odour.

##### **i) Noise and disturbance**

- 10.9 There could be two sources of noise and disturbance being the restaurant itself and the comings and goings of customers. As the scheme is a restaurant and the previous use was a club which did have functions with music the level of noise created from the restaurant use itself will be less than the club use and will not have a detrimental impact on residential amenity. In terms of the comings and goings and use of the car park to the rear the original application opening hours were 12pm to 1130pm 7 days a week. The disturbance could become an issue later on in the evening when background levels are lower. It is considered that the quiet times for residents should be between 11pm and 7am and at the moment these opening hours would be within this quiet zone in the evening. The applicant has stated that in evening opening hours till 10pm would be acceptable. This would ensure that between the hours of 11pm and 7am there should not be any noise that will impact on the residential amenity of adjacent residents. Another consideration is that the existing building is a club which could reopen tomorrow without requiring planning permission and there is no restriction on its opening hours. It is appreciated that the comings and goings to the restaurant will be more than the comings and goings from the previous club use but the restaurant opening hours can be restricted to 10pm whilst the club use has no restriction on opening hours so on balance the restaurant use if considered acceptable.



## ii) Location of Flue

- 10.10 The flue is located on the rear elevation which in terms of visual amenity on the street scene this location is acceptable. However, the flue is located at one end of the property and it close to the boundary with an existing residential property. The applicant has been asked to look at moving the position of kitchen and flue but this presents a number of other issues. Firstly my moving the flue to the other end of the building it moves the flue next to another residential property. Secondly, by moving the kitchen to the front would result in the flue on the front elevation which would be unacceptable in visual amenity terms. Finally moving the kitchen to the centre of the building would result in a restaurant layout which would be disjointed. For all these reasons the location of the kitchen and the flue is not altered and its location close to the boundary of a residential property needs to be considered. Whilst the flue has the potential for smells and odour the flue is now 1.6 metre above the height of the eaves in line with guidance from Defra and should not have a detrimental impact on residential amenity in terms of odour.

## iii) Location of the Bin Store

- 10.11 The bin store is located to the rear of the property and will be screened by a wooden fence. Residents have concerns regarding the potential for smells from the bin store. It has been suggested to the applicant that a structure is erected which has walls and a roof which will not only shield the bins from views but prevent smells impacting on neighbours Amended plans have been submitted which show timber walls and timber roof which will help to reduce the impact on smells from the bins.
- 10.12 Overall it is considered that on balance the change of use to a restaurant is considered acceptable and will not have a detrimental impact on residential amenity being in mind the previous use and the fact that this has unrestricted hours and the proposed use opening hours can be controlled by conditions.

## Letters of representations

- 10.13 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.
- 10.14 Residents are concerned that an existing conifer hedge on the boundary with the car park will be removed so that their privacy will be affected. A previous consent for conversion to residential properties had a condition for this conifer hedge to be retained at a min height of 2 metres and the applicant has no objection to a similar condition.

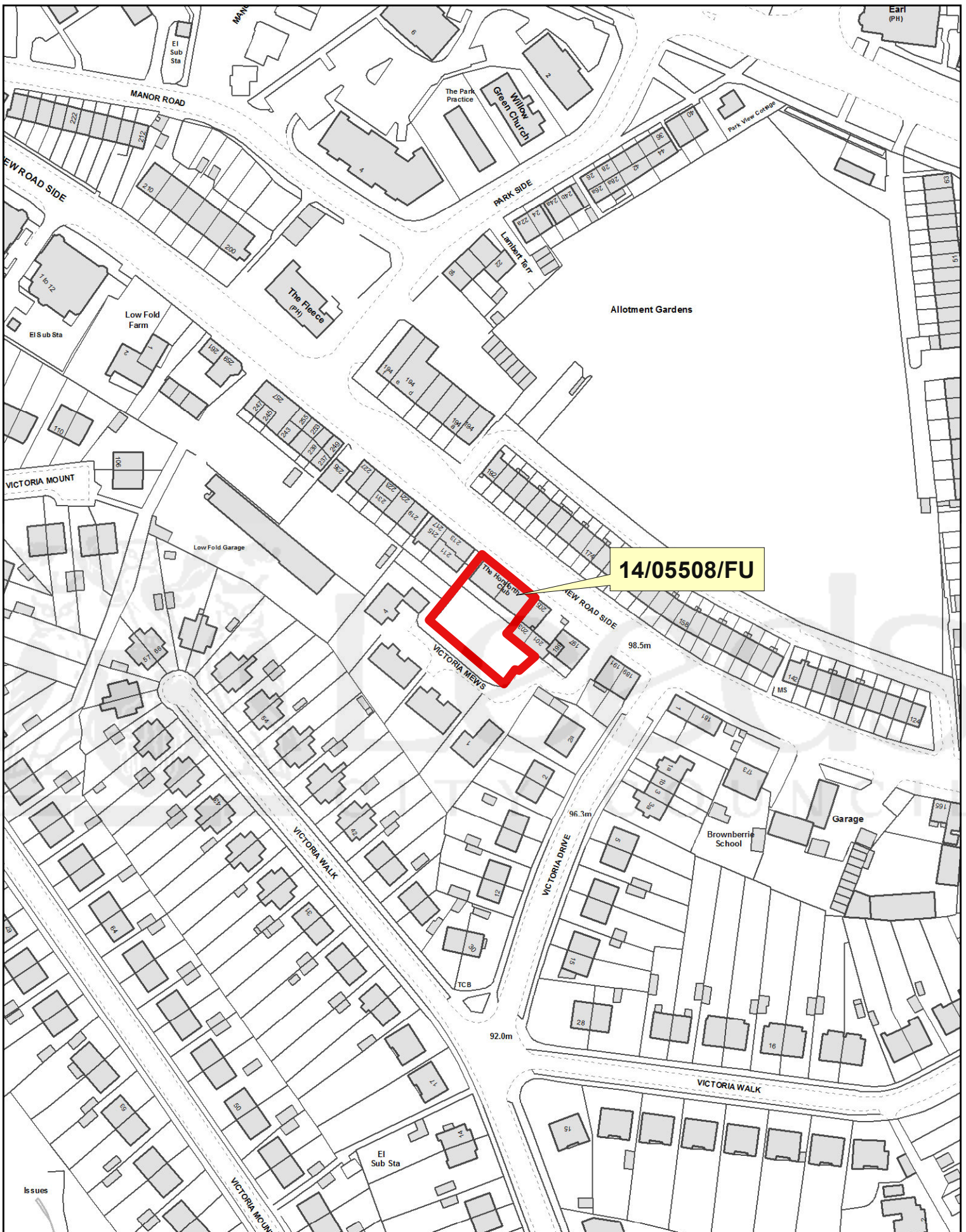
## 11.0 CONCLUSION

- 11.1 The application is for a change of use from a club to a restaurant. As the building is not allocated for any use and is close to the Town Centre the proposed use is considered acceptable. There is adequate car parking for the level of development and conditions need to be attached limiting the floorspace and number of covers. It is also considered that the noise generated from the use will have less impact on residential amenity than the existing use subject to opening hours condition. With adequate mitigation the proposed flue and bin store should also not have a detrimental impact on residential amenity. Matters raised within the representations have been considered but on balance officers are looking to support the use.

**Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file



# SOUTH AND WEST PLANS PANEL



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