
NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 16th November, 2017
at 1.30 pm

MEMBERSHIP

Councillors

R Grahame	B Cleasby	J Procter
S Hamilton		P Wadsworth
S McKenna		G Wilkinson
E Nash		
K Ritchie		
N Walshaw		
(Chair)		
Vacancy		

Agenda compiled by:
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Governance Services
Civic Hall
Tel: 0113 37 88656

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of 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>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</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>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</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>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p>	3 - 16
7	Garforth and Swillington		<p>17/00307/FU - DEMOLITION OF EXISTING BUILDINGS, DEVELOPMENT OF 241 DWELLINGS AND PROVISION OF OPEN SPACE, LANDSCAPING AND DRAINAGE WORKS LAND OFF NINELANDS LANE GARFORTH, LEEDS, LS25</p> <p>The report of the Chief Planning Officer requests Members consideration for an application to demolition existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at Land Off Ninelands Lane, Garforth, Leeds, LS25.</p> <p>(Report attached)</p>	17 - 44

Item No	Ward	Item Not Open		Page No
8	Cross Gates and Whinmoor		<p>17/02203/FU - TWO STOREY REAR EXTENSION TO FORM NEW STUDIO FLAT AND ADDITIONAL GROUND FLOOR SPACE (SUI GENERIS) FIRST FLOOR AND SECOND FLOOR, 55 AUSTHORPE ROAD, CROSS GATES, LEEDS, LS15 8EQ</p> <p>To consider the report of the Chief Planning Officer for an application for a two storey rear extension to form new studio flat and additional ground floor space (sui generis) First Floor and Second Floor at 55 Austhorpe Road, Cross Gates, Leeds, LS15 8EQ</p> <p>(Report attached)</p>	45 - 56
9	Chapel Allerton		<p>17/04886/FU - REPLACEMENT DWELLING WITH GARAGE AND ASSOCIATED LANDSCAPING 5 WENSLEY DRIVE, CHAPEL ALLERTON, LEEDS, LS7 3QP</p> <p>To receive the report of the Chief Planning Officer for an application for a replacement dwelling with garage and associated landscaping at 5 Wensley Drive, Chapel Allerton, Leeds, LS7 3QP.</p> <p>(Report attached)</p>	57 - 66
10	Chapel Allerton		<p>17/03445/FU - CHANGE OF USE OF HOUSE (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4), 20 REGINALD MOUNT, LEEDS, LS7 3HN</p> <p>To consider the report of the Chief Planning Officer for an application for change of use of house (use class C3) to a house in multiple occupation (use class C4) 20 Reginald Mount, Leeds, LS7 3HN.</p> <p>(Report attached)</p>	67 - 76

Item No	Ward	Item Not Open		Page No
11	Chapel Allerton		<p>17/04161/FU - TWO STOREY DETACHED OUTBUILDING TO REAR 2A ALLERTON PARK, CHAPEL ALLERTON, LEEDS, LS7 4ND</p> <p>To consider the report of the Chief Planning Officer on an application for a two storey detached outbuilding to rear at 2A Allerton Park, Chapel Allerton, Leeds LS7 4ND.</p> <p>(Report attached)</p>	77 - 88
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the next meeting of the North and East Plans Panel will be Thursday 21st December 2017 at 1:30pm at the Civic Hall.</p>	

Third Party Recording

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.

Use of Recordings by Third Parties– code of practice

- 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.
- 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.

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To all Members of North and East
Plans Panel

Planning Services

The Leonardo Building
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Leeds
LS2 8HD

Contact: David Newbury
Tel: 0113 37 87990
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Our reference: NE Site Visits
Date: 7th November 2017

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 16th November 2017

Prior to the meeting of the North and East Plans Panel on Thursday 16th November 2017 the following site visits will take place:

Time	Ward	
10.50am		Depart Civic Hall
11.00am – 11.15am	Chapel Allerton	17/03445/FU – 20 Reginald Mount, LS7 3HN
11.20am – 11.35am	Chapel Allerton	17/04161/FU – 2A Allerton Park, Chapel Allerton, LS7 4ND
11.40am – 11.50am	Chapel Allerton	17/04886/FU – 5 Wensley Drive, Chapel Allerton, LS7 3QP
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10.50am. Please notify David Newbury (Tel: 37 87990) if you wish to take advantage of this and meet in the Ante Chamber at 10.45am. If you are making your own way to the site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
Group Manager

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NORTH AND EAST PLANS PANEL

THURSDAY, 19TH OCTOBER, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors B Anderson, B Cleasby,
R Grahame, S Hamilton, S McKenna,
E Nash, K Ritchie, P Wadsworth and
G Wilkinson

SITE VISITS

The Panel site visits were undertaken on the morning of the Panel and were attended by Councillors Walshaw, Anderson, R Grahame, Hamilton, Stuart McKenna, Nash, Ritchie and Wilkinson.

50 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

51 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

52 Late Items

There were no late items.

53 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest. However Steve Butler, Head of Development Management explained that he would not be take part during discussions relating to item 9 of the agenda – 17/00307/FU – Land off Ninelands Lane, Garforth as he lived nearby. Minute 58 refers.

54 Apologies for Absence

Apologies for absence were received from Cllr. John Procter. Cllr. Barry Anderson attended the meeting as a substitute.

55 Minutes of the Previous Meeting

RESOLVED – Minutes of the meeting held on 14th September 2017 were approved as a correct record subject to the following amendment:

That it be noted under the provisions of Council Procedure Rules 16.5 that Councillor R Grahame abstained to vote on Minute 42 Matters arising in

Draft minutes to be approved at the meeting
to be held on Thursday, 16th November, 2017

relation to 16/05185/FU Change of use of ground floor from doctors surgery/pharmacy to public bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear at 39 Austhorpe Road, Crossgates.

56 APPLICATION No. 16/05185/FU - suggested reasons to contest an appeal against non-determination in respect of an application for the change of use of ground floor from doctors surgery/pharmacy to Public Bar (A4), two storey rear extension; rear beer garden area, external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, 39 Austhorpe Road, Leeds LS15 8BA

The report of the Chief Planning Officer requested Members to consider the suggested reasons to contest the appeal submitted by Wetherspoons. The submitted appeal was for the non-determination of the application 16/05185/FU change of use of ground floor from doctors surgery/pharmacy to public bar (A4), two storey rear extension; rear beer garden area external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, at 39 Austhorpe Road, Leeds, LS15 8BA.

Members resolved to contest the appeal at the Plans Panel meeting of 14th September for the following reasons:

- Harm to residential amenity including the opening hours of the beer garden and the public house;
- Servicing arrangements would be harmful to highway and pedestrian safety

Reasons to contest the appeal had been set out at points 1 and 2 of the submitted report. It was noted at the meeting that point 2 should read as follows with reference to North Road deleted:

The Local Planning Authority considers the proposed loading and unloading arrangements for the site which seek to route movements from Austhorpe Road would cause pedestrian and vehicle conflict. Austhorpe Road is a busy and congested stretch of the highway network and the unloading point is in close proximity to a well-used bus shelter and junction of Church Lane. As a result of a combination of these factors the proposed development would be detrimental to highway safety and is contrary to Policy T2 of the Core Strategy, saved UDP Review policy GP5 and the general highway guidance as contained within the National Planning Policy Framework.

RESOLVED – To note the report and to agree the suggested reasons to contest the appeal set out in the submitted report.

Under the provisions of Council Procedure Rules 16.5 Councillors R Grahame, S Hamilton and E Nash required it to be recorded that they had abstained to vote on the decision.

57 APPLICATION No. 17/05065/FU - Retention of brick substation housing at Spofforth Hill, Wetherby.

The report of the Chief Planning Officer seeks retrospective planning permission for the retention of an electricity substation which serves the approved housing development at Spofforth Hill, Wetherby. The application was report to Plans Panel at the request Ward Councillor John Procter, following Panel consideration of the pelican crossing at the 17th August 2017 meeting. At the meeting it was resolved to reaffirm the importance the Panel places upon the community Liaison Forums (CLF's) established under planning permissions for large residential developments. Minute 32 refers.

This application was for the retention of a single storey electricity substation which is square in footprint and with a hipped roof. Members noted that the building was constructed of Crest Old Saxon Blend brick and roofed in Sandtoft double pantiles with louvered access doors to the front elevation which matches the rest of the development.

The Panel was informed that the substation was located within a recently approved development of over 300 houses. Members heard that the substation was sited to the south side of the approved main boulevard between approved plots 49 and 50 to the rear of these properties fronting Spofforth Hill, and more specifically, to the rear of the dwelling No 64 Spofforth Hill named Hillcrest.

Members were advised of the recent planning history set out at paragraph 4 of the submitted report. Members heard that the retrospective application follows refusal of earlier application reference 17/9/00183/MOD. It was noted that the refusal was not based on the planning merits of the proposal simply that it did not fall within the scope of the Council's guidance on what matters were capable of being considered a non-material amendment. Following the issue of the refusal notice the applicant was now seeking retrospective planning permission in order to regularise the building's unauthorised status.

Members were advised that only one letter of objection had been received from a neighbour on the opposite side of Spofforth Hill. Members heard that there were no material planning objections to the substation, the objection was to the retrospective nature of the application and expressed concerns that conditions of the reserved matters approval were being breached.

It was also noted by Members that the Wetherby Town Council had not raised any objections.

Mr Owen attended the Plans Panel and informed the Panel that the building of the substation was a contravention of the law. Mr Owen went on to say that Bellway Homes had breached a number of conditions including:

- Delivery times;
- Start time of work on site; and
- Allowing people to live in finished properties whilst work was still ongoing

David Newbury, Group Manager, Planning Services explained that Bellway had applied for a non-material amendment. He went on to explain what a non-material amendment was and the planning process.

Steve Butler, Head of Development Management informed the Panel that Bellway Homes had been spoken to and had letters sent to them about this issue.

Sarah Carr of Bellway Homes apologised for the retrospective application explaining that it had been a genuine error which had only been noticed when in discussions with the electricity company. Ms Carr informed the Panel that Bellway had learnt from this error and would in future provide an indication of where the sub-station would be located.

Ms Carr advised the Panel the ongoing debate about the pelican crossing had now been resolved. She said that the Consultation Forum had been found to be useful.

RESOLVED – To grant permission subject to the specified conditions.

58 APPLICATION No.17/00307/FU - Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth. Leeds 25

Steve Butler , Head of Development Planning moved away from the meeting during this item. Minute 53 refers

The report of the Chief Planning Officer requested the consideration of the Panel on an application for the demolition of existing building, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth.

The application was brought to Plans Panel at the request of Ward Councillors M Dobson and S Field who had raised objections regarding the development's impact on existing flooding problems, traffic congestion and that local schools were already at capacity.

Members had visited the site earlier in the day, plans and photographs were displayed throughout the presentation.

Members were advised of 4 vehicle access points 3 direct from Ninelands Lane and 1 from Green Lane. It was noted the access from Green Lane would only serve a small number of houses / flats with no vehicular access provided to the remainder of the site. It was noted that this area backs onto Hazel Mews a recent development, officers were satisfied that the proposed development was an acceptable distance away from the properties on Hazel Mews.

The Panel heard that a central greenspace would have surface water storage tanks below. The second area of greenspace was shown to the south of the site and would comprise of trees and vegetation. Both areas would have footpaths and cycle ways running through them. Members were advised that in relation to condition 21 set out in the submitted report the potential need to move the requirement relating to off-site footpath improvements into S106. Officers were to investigate further and would pursue the best option.

Members noted that existing poplars along the eastern boundary would be retrained with many of the site's trees now a subject of a new Tree Preservation Order (TPO)

Members were informed that objections from 282 local residents / interested parties including Garforth Flood Group and the Local Labour Branch had been received. The issues raised were set out at point 6.3 of the submitted report. It was also noted that 4 letters of support had been received with the main points set out at point 6.4 of the submitted report. Members were also advised that a further 8 objections had been received restating the same concerns and drawing attention to the option of linking the 3 Aberford Road junctions by signals not being pursued, that speed cushions don't work and an Average Speed Control Enforcement was needed.

It was noted that Ninelands Lane was a connector route for the area and that proposals had been made to alleviate highway issues with:

- Traffic calming measures;
- Additional Zebra Crossing;
- Additional bus stops and shelter;
- Improvements to Selby Road junction; and
- Improvements to Lidgett Lane.

The Panel heard that the development comprised of a mix of detached, semi-detached and short terraces all fronting the streets with rear gardens backing onto other rear gardens. Members were informed that the units would be of traditional design and that there would be no distinction between affordable and non-affordable. It was noted that 36 units were identified as affordable units with:-

- 14 x2 bed houses;
- 13 x 3 bed houses;
- 3 x 1 bed flats
- 6 x 2 bed flats

Members were advised that drainage issues including surface water had been covered in the submitted report.

Members were provided with an update on the CIL contribution which was confirmed as £898,475.51 assuming full social housing relief was applied for, otherwise the contribution would be £995,699.54.

Ward Councillor Mark Dobson, Michael Shaw - Resident of Hazel Mews, and Jacqueline Simpson of Garforth Flood Group were at the meeting and informed the Panel of their concerns which included:

- Flooding in Garforth has been on going issue, this development would increase the issue;
- Capacity of the schools in Garforth at both primary and secondary level;
- Sewage problems within Garforth already unable to cope with raw sewage running along roads during heavy rainfall;
- The trees and vegetation at the north end of the proposed site provide a good green space for local residents;
- Traffic congestion along Ninelands Lane.

Members heard that consultation had taken place in relation to the new development however, no assurance had been given on how the issue of flooding and specifically that of sewage would be addressed.

Ms Simpson explained to Members that Garforth was made up of a clay base and therefore balancing ponds would not address the issue of green-field run-off, Garforth needed water tanks or new pipework similar to the work undertaken in Rothwell.

Jonathan Dunbavin the agent and two colleagues Mr Morley and Mr Phillips were present at the meeting to answer questions from the Panel.

Members were informed that the trees and vegetation to the rear of Hazel Mews needed to be removed due to fly ash contamination. Mr Dunbavin said that there would be a landscaped buffer between Hazel Mews and the development which would be made up of trees and vegetation.

Members heard that the development would provide opportunity to make improvements to green-field run-off therefore reducing the risk of flooding. Members were provided with figures in relation to estimated foul flows from the new development. The Panel also heard that Yorkshire Water had given permission to connect to the sewage system. It was noted that CCTV surveys had been undertaken at the site and that no blockages had been found.

Members were informed of that traffic movements would be reduced due to the reduction of deliveries which had taken place at the Stocks Blocks site.

Members were informed that an in depth assessment of the traffic issues had been undertaken with Council Officers and had been verified as correct.

Officers from Flood Risk Management and Children's Services were at the meeting for this item to answer questions from the Panel.

Members discussed at length the following points:

- Green-field run-off;
- Drainage and sewage issues in Garforth and the impact of a new development
- Capacity of schools in the area
- Traffic improvements in the area of Ninelands Lane

Members could see the positives of the development including:

- Use of a brownfield site
- Design of dwellings was traditional
- Reasonable mix of housing types
- Affordable housing 'pepper-potted' around site
- Green space and signed cycle route

RESOLVED – To defer for more information to be gathered from Yorkshire Water in relation to the capacity of the drainage and sewage system and its ability to cope with the demands of the proposed development and for more information on flooding issues.

59 APPLICATION No. 17/04543/FU - Change of use from single dwelling house (C3) to small HMO (C4) at 21 Nickleby Road, Burmantofts, Leeds, LS9 7QX

The report of the chief Planning Officer requested Members consideration on an application for change of use from a single dwelling house (C3) to a small House in Multiple Occupation (HMO) - (C4) at 21 Nickleby Road, Burmantofts, Leeds, LS9 7QX.

It was noted that the application was presented at Plans Panel at the request of Ward Councillor Asghar Khan who had cited a range of concerns and impacts arising from the proposed HMO use which were summarised under point 6.2 of the submitted report.

Members had attended a visit earlier in the day, plans and photographs were shown throughout the presentation.

Members were advised that planning permission was required as the property falls within the Council's Article 4 Direction area which controls changes from the C3 planning use to the C4 planning use class.

The Panel was informed that 21 Nickleby Road was a 3 bed, red brick mid-terrace house, situated in the Burmantofts and Richmond Hill ward. The Panel was also informed that the local area was not recognised to have a high concentration of HMO's and council records indicated that two other HMO's existed nearby with one at the end of Nickleby Road and the other along Walford Mount.

Draft minutes to be approved at the meeting
to be held on Thursday, 16th November, 2017

The Panel was advised that 9 letters of objection had been received and the concerns raised were set out at point 6.3 of the submitted report. The Panel noted that a petition containing 80 signatures from 62 individual households had also been received and the reasons cited for refusal of planning permission were set out at point 6.4 of the submitted report. The Panel also noted that 1 letter support had been received.

Mr Allen attended the Panel on behalf of his mother the resident at 23 Nickleby Road.

At the start of his representation to the Panel Mr Allen expressed his opinion that having heard the officer's presentation that the Panel had already made its decision and questioned why he was there. The Chair explained that was simply a presentation by an officer and that the decision rested with the Panel Members and that the process was fair and the Panel listened to all the evidence put before them before making a decision.

Mr Allen was invited to start his representation again.

Mr Allen informed the Members that his mother who was retired lived at 23 Nickleby Road next door to 21 Nickleby Road and had done so for 50 years.

Mr Allen presented a list of reasons why the property should not become a HMO including:

- Proposal would impact on the area;
- Family area with schools;
- Fears of neighbours that occupants of HMO would be leaving and returning to the property at all times of the day;
- A registered foster caring lives at 25 Nickleby Road and has a responsibility to bring up cared for children in a safe environment;
- Increase in parking in the area;
- Detrimental effect on area and a HMO would send the area into decline;
- Effect on house prices in the area.

Mrs Roberts the applicant was also at the meeting and informed that Members that she had purchased the property for her daughter to live in whilst at university in Leeds.

She wanted to allay fears of the neighbours who had heard rumours that it was to be a half-way house for ex-offenders. She said that her daughter and her daughter's boyfriend along with another friend would be living at the property.

Mrs Roberts said that they only had one car between them which they shared, therefore she was of the view that this would not impact upon the parking in the area

Mrs Roberts went on to explain that she had updated the property including all the safety provision that she required for a small HMO. She said that the work had included updated the electrics which had been shared with number 23 it was now much safer for both properties.

Mrs Roberts informed the Members that she was a responsible landlord accredited by the Landlord Association.

Members thought it a shame that this matter had been brought to Panel as they were not against shared housing.

Members were aware of the issues HMO's can bring to an area.

RESOLVED – To grant permission subject to the conditions specified in the submitted report.

Under the provisions of Council procedure Rule 16.5 Councillor R Grahame required it to be noted that he voted against the decision to grant the permission, as resolved by the Panel and Councillor B Cleasy and Councillor P Wadsworth abstained from the vote.

60 APPLICATION No. 17/01773/FU - Construction of detached two storey house and detached double garage including demolition and replacement of existing garage at, 48 Main Street, Thorner, LS14 3BU

The report of the Chief Planning Officer sought Members consideration for an application seeking planning permission for the construction of a new house and garage within the rear garden in Thorner Conservation Area. Councillor Rachael Procter had requested that the application be brought before Plans Panel due to concerns about the impact of the development upon a designated heritage asset.

Earlier in the day Members had attended a site visit, plans and photographs were displayed throughout the presentation.

Members were informed that the proposed dwelling had been designed to resemble two link detached gabled houses. One larger principal element to the south of the site and a smaller secondary element to the north. The two elements linked by a recessed element which includes the front and rear doors, articulated by a two storey flat roofed projection. Members were provided with the measurements of the proposed dwelling.

Members heard that the proposal was for the existing plot to be subdivided to form two planning units with a single garage and a new private garden formed for number 48. Members noted that the new dwelling was intended for the current occupants of number 48.

The Panel noted that along with the concerns raised by Ward Councillor Rachael Procter, the Parish Council had also raised concerns, and 4 objections had been received.

Members heard of the proposal to use rumble strips on the shared driveway to force cars to slow down on the approach towards Main Street. It was noted that the rumble strips would be stone set and that the traffic using these would be light therefore there would not be an impact on neighbours in relation to noise.

Members were informed that a number of dwellings in this area were accessed by shared driveways this would be tied in with deeds of properties.

It was confirmed that the area was green-field land not greenspace there was an area identified as a conservation area which was the tree lined area along Mill Beck which leads towards the bowling-green. The proposed dwelling was outside this area.

It was noted that the objections of the Parish Council had been brief “we object” with no further comment from them since the revision of the plans had been advertised. Members heard that there had been significant revisions to the design, the materials to be used were still stone to the ground floor with timer cladding to the first floor and a slate roof. It was also noted that Cllr. R Procter had been briefed on the current plans and that her objections were for the current plans.

RESOLVED - To grant permission subject to the specified conditions set out in the submitted report.

61 Application No. 17/03449/FU - Replacement detached house with detached double garage to front; alterations to vehicle access and hardstanding at Darroch, Margaret Avenue, Bardsey, Leeds 17.

The report of the Chief Planning Officer requested consideration of an application for the replacement of a detached house with detached double garage to front; alterations to vehicle access and hardstanding at Darroch, Margaret Avenue, Bardsey.

Members were informed that the proposal was for a replacement dwelling which was modern in its architectural style and appearance and was reported to Plans Panel at the request of Councillor Rachael Procter who raised concerns over the modern design of the dwelling and its impact upon the local character of the area.

Members had attended a site visit earlier in the day, plans and photographs were shown throughout the presentation.

Members noted that the neighbourhood plan had now been passed and was part of the development plan.

Members were advised that the dwelling was not in a conservation area, it was noted that the property would be screen by trees and vegetation.

Members were provided with the measurements of the proposed dwelling and the proposed detached garage.

Members were informed that the dwelling would be modern in appearance comprising a large flat roof. It was noted that the dwelling would be two storeys to the front and due to the topography of the site three storeys to the rear which would require significant excavations. Materials to be used included brick to the front and side elevations with timber windows, with the entire façade to the rear elevation to be glazed, perforated bricks were to be used to the front to add interest.

Members were informed that the main living space would occupy the lower two levels with the bedrooms located on the upper levels.

The Panel heard that the proposed detached garage would also be constructed of brick to match the new house and also have a flat roof. The Panel noted that the garage would be located to the site frontage as is the current garage which it was to replace.

The Panel noted that it was proposed the house and garage would be surmounted with photo voltaic panels set at angles to catch the sun's path.

Members were informed that the Parish Council had raised objection to the proposed application and also 9 letters of objection had been received along with the objection of Councillor Rachael Procter. Objections were raised in relation to the following issues:-

- Concerns over the height of the building;
- Design;
- Parking for contractors and access;
- Flat roof and glass facades unsuited to the village;
- Inappropriate in location and context.

Members were informed that there was no disparity in height with neighbouring properties in fact was slightly smaller due to level of excavations.

Andy Watts the Agent was available for questions from the Panel.

Steve Varley, Design Officer was also present at the meeting for questions from the Panel.

Members discussed the following points:

- The proposed design with some Members liking the modern design and others commenting it was 'boxy', like a car park, uninteresting, out of character with the area;

- The lattice brickwork to be used as design feature to the front of the property;
- The colour of the materials to be used;
- Details of the excavations to be undertaken and assurance that any excavations would be safe;
- Gradient of the driveway;
- Design Statement and Neighbourhood Plan for the area

To allay Member concerns that to grant permission for this design may set a precedent for the area especially the 1930's properties on the opposite side of Margaret Avenue, it was reiterated by the Chair that each application was assessed on its own merits

To address questions from Members David Newbury – Lead Planning Officer explained the approach that planners took when assessing design of dwellings taking into account National Planning Policy Framework and character of local area.

RESOLVED – To grant permission subject to the conditions set out in the submitted report.

Under the provision of Council Procedure Rule 16.5 Councillors B Anderson, B Cleasby, P Wadsworth and G Wilkinson required that it be recorded that they had abstained from voting.

62 APPLICATION No. 17/02735/FU - Replacement agricultural building and retrospective application for alterations to existing agricultural track - Moor Lodge Farm, Blackmoor Lane, Bardsey, Leeds, LS17 9DZ

The report of the Chief Planning Officer requested Plans Panel to consider an application for the replacement of an agricultural building and retrospective application for alterations to existing agricultural track at Moor Lodge Farm, Blackmoor Lane, Bardsey, LS17 9DZ.

Members were informed that the application was brought to Plans Panel at the request of Cllr. R Procter, due to the location in Green Belt, objections received, the scale and location of the proposed building and its relevance to the agricultural holding of the applicant.

Members were informed that the application proposed a replacement agricultural barn/ storage building to be erected in a combination of steel framework, concrete panels to the lower portion and vertical timber boarding to the upper portion. It was noted that the proposed building was to replace a series of existing structures which are in poor visual repair.

Members heard that the applicant owns or leases 10 fields and has cows, calves and sheep. The proposed building would be used to house equipment and livestock.

Members were informed that the application also proposed the formation of an access track leading from the existing gated access point on Blackmoor Lane. It was noted that this had been formed without permission however this had now been realigned.

Members were advised that an agricultural survey had been undertaken and clarified that the use of the land was appropriate for Green Belt and the design and materials for the agricultural building had been approved.

Members were also advised that there was no impact on neighbours.

Members noted that the Neighbourhood Plan had now been passed as part of planning and policy.

RESOLVED – To grant permission subject to specified conditions set out in the submitted report.

Under provisions of Council Procedure Rule 16.5 Councillors B Anderson and G Wilkinson required that it be recorded that they abstained from the vote.

63 APPLICATION No.17/01896/FU - Change of use from bank (A2) to a bar/restaurant (A3/A4) at Yorkshire Bank, 53-55 Harrogate Road, Moortown, Leeds, LS7 3PY.

The report of the Chief Planning Officer on an application for change of use from bank (A2) to a bar/restaurant (A3/A4) at Yorkshire Bank, 53-55 Harrogate Road, Moortown, Leeds, LS7 3PY, had been reported to Panel on 14th September 2017. The Panel had sought clarification on the usage and the opening hours. Minute 46 refers.

Members were informed that the agent had now confirmed that they wished to seek a change of use to A3/A4 bar/restaurant and the opening hours would remain the same as originally applied for 9:00am to midnight 7 days a week.

Members were advised that no potential operator had been identified.

Members discussed the following issues:

- Opening times;
- Type of use;
- No. of seats;
- Contribution from applicant towards public square;
- Exterior and interior of the building and potential for original features to be retained and incorporated into design.

RESOLVED – To defer and delegate approval to the Chief Planning Officer as set out in the submitted report with the additional condition for a survey and the retention of internal features of architectural/historic value.

Under provision of Council Procedure Rule 16.5 Councillor P Wadsworth required that it be recorded that he had abstained from voting.

It was noted that Councillors B Anderson and S McKenna had not taken part in the vote as they had not been present at the meeting of 14th September when the application had first been presented.

64 Date and Time of Next Meeting

It was noted that the next meeting of the North and East Plans Panel to be held on Thursday 16th November 2017 at 1:30pm in the Civic Hall.



Originator: David Jones

Tel: 0113 3788023

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th November 2017

Subject: 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth

APPLICANTS

Stocks Bros Ltd & Redrow
Homes (Yorkshire) Ltd

DATE VALID

25th January 2017

TARGET DATE

TBC

Electoral Wards Affected:

Garforth and Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the contents of this update report and agree the officer recommendation as detailed within Appendix A

1.0 INTRODUCTION

1.1 This application was reported to Plans Panel of 19th October 2017. The application was recommended for approval in principle, subject to the completion of a Section 106 Agreement and subject to the specified conditions (see Appendix A for full details). Members discussed the application at length but resolved to defer consideration of the application with the draft Panel minute stating:

“RESOLVED – To defer for more information to be gathered from Yorkshire Water in relation to the capacity of the drainage and sewage system and its ability to cope with the demands of the proposed development and for more information on flooding issues.”

- 1.2 Since the October meeting, officers have contacted Yorkshire Water and requested additional information to help explain its ‘no objection’ consultation response to the proposed residential development and how it would link into and affect existing local drainage infrastructure. At the time of writing, no formal response had been received but Yorkshire Water indicated a response was being prepared. As such, a further report will be provided on receipt of Yorkshire Water’s response.
- 1.3 Notwithstanding the above, the applicant has sought to provide further clarification regarding its drainage proposals for the site as follows:

The historic flooding incidents within the locality in times of excessive rainfall are recognised and the drainage solution offers considerable improvements rather than contributing to existing problems which are outside the planning considerations of the application.

The image provided to Members of a foul manhole overflowing occurs to the south of Ninelands Lane during extended periods of rainfall. The existing factory site contributes significantly to this as water rapidly pours off the hardstanding areas into the drainage network causing the foul manhole to act as a combined system.

Improvements in cumulative discharge rates, inclusive of both foul and surface water, during key events are as follows:

	<i>1 in 1 Year Event</i>	<i>1 in 30 Year Event</i>	<i>1 in 100 Year Event</i>
<i>Existing Discharge (l/s)</i>	<i>203</i>	<i>304</i>	<i>313</i>
<i>Proposed Discharge (l/s)</i>	<i>148</i>	<i>148</i>	<i>148</i>
<i>Betterment (%)</i>	<i>27%</i>	<i>51%</i>	<i>53%</i>

- 1.4 In addition to the above, the applicant also highlights the following benefits associated with the proposed drainage strategy:
- *Improvements to water quality and maintenance liabilities further downstream by eliminating industrial contamination, i.e. silt*
 - *Reduction in impermeable area across the site*
 - *Upgrading the site’s drainage network to current adoptable standards – to control the flows leaving the site*
 - *Extensive surface water storage provision on-site equivalent to Olympic swimming pool*
 - *Simplified site foul drainage system including removal of existing combined drainage connections within the site boundary by creating separate foul and storm water networks*

Background Papers:

Application file: 17/00307/FU

Certificate of Ownership: Signed by the applicants

APPENDIX A



Originator: David Jones

Tel: 0113 3788023

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 19th October 2017

Subject: 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth

APPLICANTS

Stocks Bros Ltd & Redrow
Homes (Yorkshire) Ltd

DATE VALID

25th January 2017

TARGET DATE

TBC

Electoral Wards Affected:

Garforth and Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:

1. Affordable housing at 15% (36 units)
2. Commuted sum *in lieu* of full on-site greenspace (£373,057.25)
3. Provision and maintenance of Public greenspace
4. Travel Plan (including monitoring fee - £3,205)
5. Residential Travel Plan Fund and car club provision – (£118,367.15)
6. Bus shelter plus real-time display – (£20,000)
7. Off-site junction improvements contribution
8. Local employment/training initiatives.
9. Off-site footpath improvement works – (£20,000)

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

- | |
|--|
| |
|--|
1. Time limit – 3 years.
 2. Development to be carried out in accordance with approved plans.
 3. Proposals for investigation and remediation measures for treatment of former mine workings within the site.
 4. Wall and roofing materials.
 5. Finished levels to be agreed.
 6. Landscaping (including surfacing and boundary treatments).
 7. Method statement for protection of retained trees during construction
 8. Landscape management plan
 9. Restrictions on vegetation clearance during bird nesting season.
 10. Plan for biodiversity enhancements to be incorporated within the scheme.
 11. Tree protection measures
 12. Vehicle areas to be laid out prior to occupation (including some unallocated provision).
 13. Construction management plan/statement.
 14. Cycle parking to be provided.
 15. Electric vehicle charging points to be provided.
 16. Off-site highway works (along Ninelands Lane) to be implemented
 17. Retention of garages
 18. Sustainability statement to be provided.
 19. Detailed drainage proposals to be agreed (including investigation of discharging into off-site watercourse as preference).
 20. No building over or within 3m of water mains that cross the site without first obtaining consent.
 21. Submission of phase II remediation statement.
 22. Amended remediation statement if unexpected contamination is encountered.
 23. Verification report following remediation.
 24. Removal of asbestos during demolition

1.0 INTRODUCTION

- 1.1 This application is brought to the Plans Panel for determination at the request of Ward Councillors Dobson and Field who have raised objections regarding the development's impact on existing flooding problems, traffic congestion and that local schools are already at capacity. These are matters which are considered to have an impact on more than the immediate neighbours and accordingly a Plans Panel decision is appropriate.

2.0 PROPOSALS

- 2.1 The application proposes the comprehensive re-development of the former Stocks Blocks site for residential use. A total of 241 dwellings is proposed with associated greenspace and landscaping.
- 2.2 Vehicle access would be provided in 4 places. 3 direct from Ninelands Lane and a 4th from Green Lane. The Green Lane access would however only serve a small number of houses/flats with no vehicular access provided to the remainder of the site. A new footpath is shown for most of the Ninelands Lane frontage.
- 2.3 The detailed layout shows a hierarchy of streets and spaces with a main spine road running north to south through the site providing access to a central greenspace

area as well as linking into the 3 Ninelands Lane accesses and a number of cul-de-sacs. The built form comprises a mix of detached, semi-detached and short terraces all fronting the streets with rear gardens generally backing onto other rear gardens. A series of perimeter blocks is therefore provided and the range of housetypes is: Houses – 40 x 2 bed, 68 x 3 bed, 118 x 4 bed – Flats 4 x 1 bed and 11 x 2 bed. Of these, a total of 36 units are identified as the affordable units as follows: Houses – 14 x 2 bed, 13 x 3 bed – Flats 3 x 1 bed and 6 x 2 bed.

- 2.4 Building heights vary from 2, 2.5 and 3 storey and off-street parking is provided through a combination of driveways (to the front and sides) and via shared parking courtyards or in private roads. Some units are also provided with garages as a supplement to the open parking spaces already provided. Visitor parking provision is secured throughout the site either through dedicated bays or on-street.
- 2.5 The detailed design for the house types is traditional with simple head and cills proposed for window openings/doors and a variety of bay features and projections. Both gable and hipped roof forms are shown and the 2.5 storey house types contain dormer windows to the front. The specification for materials is not finalised although the proposed buildings would be constructed from brick (some with render) and tiled roofs. A total of 24 different house types are proposed but all share common features in terms of design approach.
- 2.6 A central greenspace is shown which would also have surface water storage tanks below. A second area of greenspace is shown to the south of the site and would comprise mostly of existing vegetation and trees. Footpath and cycle routes are shown through both areas. The existing poplars situated along the eastern boundary are identified to be retained.
- 2.7 The application is accompanied by a number of supporting documents and technical reports (including a Flood Risk Assessment and Transport Assessment). A Statement of Community Involvement (SCI) has also been submitted and confirms a public consultation event took place in Ninelands Primary School Hall on 28th November 2016. The SCI includes details of responses received from local residents (main concerns identified were highway congestion, drainage, school provision, ground conditions, air pollution, noise and tree loss – positive was new houses, brownfield site rather than greenbelt, housing visually/environmentally better than current use, additional greenspace and opportunity to alleviate ground water flooding) and how these have been taken into account in the formulation of the application proposals.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is circa 9 Hectares (22.2 acres) and relates to the former Stocks Blocks concrete block manufacturing site. Block manufacturing at the site has recently ceased following Stocks Blocks relocation to a new facility in Cross Green but some activity in the form of the removal of historic ash piles is ongoing. As part of the site's overall decommissioning, some buildings have also been demolished for safety reasons. More recently, some initial site investigations works have also been undertaken.
- 3.2 The site is largely hard-surfaced and still contains a range of factory and storage buildings of various ages/condition. There are mature areas of tree/vegetation growth to the northern ends of the site with a belt of tall poplar trees aligning the eastern boundary (following the line of the disused railway). Further vegetation/trees are present to the site's Ninelands Lane frontage and southern end. Security fencing

is present along the site boundaries and multiple vehicle accesses exist along the Ninelands Lane frontage - albeit not all have been in active use. A redundant access on the northern boundary (onto Green Lane) is also visible. Many of the site's trees are now the subject of a new Tree Preservation Order (ref: No. 5 – 2017)

- 3.3 Levels across the site vary but fall from north to south and generally coincide with Ninelands Lane. The exception is towards the southern part of the site where the site is significantly higher than the adjacent road (circa +2m to 3m in parts).
- 3.4 The site lies centrally within the Garforth town envelope and is within a largely residential location. To the east of the site is open land which includes a cricket ground and a triangular shaped area of open land designated as a Leeds Nature Area (LNA). A large residential estate lies beyond which comprises predominantly two storey brick built dwellings, suburban in character utilising conventional dual pitch roof dwellings and chalet dormer style dwellings. To the west of the site runs Ninelands Lane which serves residential streets, Ninelands Lane Primary School, a large recreation ground with playing pitches, childrens' play area and skate park. A leisure centre, children's soft-play centre/ nursery, cemetery and local shopping parade are also in close proximity to site. Both Ninelands Lane and Green Lane are bus routes and East Garforth Railway Station is also very close by.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 All formal planning history relates to the site's previous use and accordingly is not relevant to the consideration of the current application for its comprehensive re-development.
- 4.2 Tree Preservation Order No.5 (2017) - Following the receipt of this planning application a TPO was recently confirmed to secure protection of most trees/groups whilst detailed negotiations regarding the layout and overall tree retention were finalised under this planning application.

5.0 HISTORY OF NEGOTIATIONS:

Pre-application

- 5.1 PREAPP/16/00678 – The applicant submitted a formal pre-application in advance of this planning application although the timing was such that further negotiations have been undertaken as part of the current application.

Planning application stage

- 5.2 Following the submission of the application, officers have sought various revisions to the scheme on matters of design, amenity impact, access/parking, housing mix (including affordable housing) and landscape considerations. Further information has also been sought relating to drainage, mining legacy and the scope/content of the highway assessment undertaken.
- 5.3 The applicant has responded to these negotiations by submitting additional information/revised plans which has resulted in two further periods of formal publicity having been undertaken.

6.0 PUBLIC/LOCAL RESPONSES:

- 6.1 The application was originally advertised by site notices dated 10th February 2017. In response the following comments have been received:
- 6.2 Ward Cllrs M Dobson and S Field have 3 key areas of concern as follows:

Drainage and Water Dispersal

- Site occupied by Stocks Blocks since 1965 and before the development of the surrounding estates. Drainage infrastructure was designed to serve the estates developed in the 60's and 70's. Both fresh and foul water cannot cope with a further 238 dwellings (which equates to 4000 litres per day).
- Accept rainwater run off would possible improve but antique drainage does not cope at present with Lineland Lane and surroundings subject to flooding.

Transport

- Conservative estimate for proposals equates to a further 500 traffic movements per day on a minor arterial route that is already operating at capacity. A63 junction barely copes at peak times and Bar Lane direction involves passing a busy primary school, over a single lane bridge to a junction operating at capacity.
- The highway infrastructure is completely insufficient to cope.

Schools

- The 5 local primaries have many year groups at capacity as has (with the exception of 6th form) Garforth Academy. Conservative estimates for schooling requirements is 500. This demand is intolerable and unachievable.
- Provision through CIL of new school provision is noted but would offer such a small sum towards education it wouldn't even cover the cost of an extension. And assuming no local provision is available, it is reasonable to assume travel beyond Garforth which will add to peak time traffic pressures.
- The developer's position that schooling are issues 'for the council' is not accepted.

Apart from it being a brownfield site, the development has nothing in its favour and will significantly worsen three already major areas of concern for the community. Cllr Dobson also requests to speak at any hearing.

6.3 Objections from 282 local residents/interested parties (including the Garforth Flood Group and Local Labour Branch) have been received raising the following main issues:

- The development will make existing flooding issues worse (Garforth Cliffe is an example)
- Objection to more houses being built in Garforth – plenty already up for sale/rent
- Development will add to existing traffic congestion
- Doctors/dentist already too busy
- Lack of local school places
- No adequate leisure facilities
- Not enough public transport – trains full and not enough parking for train users – Bus stop improvements needed
- Parking for school is a dangerous level already
- Long waiting lists for local clubs (Brownies/Cubs, etc)
- Pricing structure for the development is high and unaffordable
- Affordable housing offer is mostly flats and not suitable for families. Likely to be in excess of £200K also – so not affordable to average family income
- Lack of community facilities
- Site doesn't form part of the Council's original site allocations plan so is not needed and is only a 'windfall' for the developer. Reduction to 100-150 units needed with remainder of the site used for community/leisure facilities.
- Propose layout has poor connectivity/pedestrian links (including need to upgrade existing routes)
- Proposed drainage reduction of 50% now not being achieved as down to 30%.
- New school/nursery should be included
- No bungalows proposed
- 20MPH speed limit required for Ninelands Lane

- Proposed house types and layout are boring – no variety
- Lack of parking provision within the site
- Boundary treatments need to consider adjacent cricket ground
- Lighting to be down lighters
- Traffic and Transport Impact Assessment Report needed to consider the application
- Need to evaluate how well the 20MPH speed limit is working
- Entire development needs to be disabled friendly
- Not clear how former mine shafts will be dealt with
- Promotional vouchers for householders to use at local businesses
- Concerned about the loss of trees/vegetation and habitat
- The development would adversely impact on existing outlook/views
- Overlooking/loss of privacy/overshadowing due to proposed relationship with new housing
- Protected trees have already been removed/damaged

- 6.4 4 x support comments have been received raising the following main points:
- Site is an eye sore and new housing is a great use of the land.
 - Garforth is up and coming with new amenities (Lidl/family pub and town centre is getting new life. New housing will allow families to move onto the next housing ladder step – providing not priced out which new development can often be!
 - No objection in principal but concerned about school capacity. CIL money to be used to upgrade local school
 - Many objection comments exaggerate issues
 - Support brownfield development ahead of greenbelt
 - Drainage will be improved not made worse
- 6.5 Since the application was originally submitted, revised plans have been formally publicised twice, the most recent of which expired on 27th July 2017.
- 6.6 A total of 16 objection letters were received to the second public consultation and contained a combination of new objectors (raising issues already set out in para. 6.3) or were from residents confirming their original concerns had not been addressed.
- 6.7 A total of 10 letters of objection have been received to the third public consultation with contributors again confirming their original concerns still stand.
- 6.8 In addition to the above, the case officer has met with Cllr Dobson and a representative of the homeowners of Hazel Mews to discuss the specific relationship between these existing properties and the proposed development. These residents remain concerned about the detailed layout in that it proposes houses on the land beyond their gardens (raising amenity concerns) and also that a large number of TPO trees are to be removed. These concerns have been fed back directly to the applicant. More recently, concerns continue to be raised that on-going activity at the site has/is causing damage to TPO trees.
- 6.9 Following the recent receipt of a further revised layout plan making slight amendments in response to some of the concerns raised by Hazel Mews residents, these residents have been provided with the revised layout plan. The nature of the latest amendments are such that these residents substantive concerns have not altered.
- 6.10 Since the original officer report to the October Panel meeting was published, 8 further objections were received, mostly restating the same concerns and drawing attention to the option of linking the 3 Aberford Road junction by signals not being

pursued, that speed cushions don't work and an Average Speed Control Enforcement (via camera's is needed).

7.0 CONSULTATIONS RESPONSES:

Coal Authority

- 7.1 Initial objection raised due to lack of information provided. Following the receipt of additional information, objection withdrawn subject to a condition requiring further detailed investigation of former mine workings on the site and the submission, approval and implementation of a scheme of appropriate mitigation measures.

Environment Agency

- 7.2 The site falls within Flood Zone 1 and accordingly no comments are made in respect of flood risk.

- 7.3 In terms of land contamination, past site activity poses a high risk of pollution to controlled waters. Site-specific advice relating to land contamination issues is not provided and further guidance should be sought from the Council's Environmental Health/Environmental Protection Department. Model procedures to address land contamination issues offered.

- 7.4 Advised in respect of foul drainage the need to be satisfied that capacity in both the receiving sewer and sewage treatment works exists to accommodate the discharge proposed through appropriate contact with the sewerage undertaker.

Highways

- 7.5 In terms of access to public transport and local amenities the site is suitably sustainable for the scale and type of development proposed. Based on the applicant's transport assessment, it is considered the local highway network has sufficient capacity and that traffic generated by the development would not have a materially adverse impact on the operation or safety of the local highway network. As part of this assessment, consideration has been given to the pinch point created by the bridge over the railway line to the north of Ninelands Lane and the junction improvements works to be undertaken in connection with the Bar Lane/Aberford Road junction secured under the Lidl permission – and which is currently under construction.

- 7.6 The applicant has offered two alternative proposals to mitigate the impact of the development traffic on the local highway network. The first option would consist of further changes to the Bar Lane/Aberford Road junction to create a diverge lane on Aberford Road. However, highway officers are not convinced of the merits of this proposal. The second option is considered to provide greater benefits and this would involve the upgrade of two junctions on the A63 corridor, to improve journey times and influence drivers to route via the A63 instead of Bar Lane for journeys to Leeds.

- 7.7 Following the receipt of revised plans, highways officers have confirmed the detailed layout has been amended to address minor conflicts/parking provision issues and is now considered to be acceptable. Subject to conditions including off-site improvement works, no objection is raised.

Flood Risk Management

- 7.8 Satisfied the proposed development will not be at significant risk of flooding and that the proposed surface water drainage strategy will mean that the proposed development will not increase flood risk elsewhere, and will, in fact, help to reduce the existing flooding problems on Ninelands Lane.

- 7.9 The developer proposes to discharge the surface water to the 825mm dia. Yorkshire Water (YW) public surface water sewer, located in the Southern corner of the site. YW need to confirm the proposed rates of discharge and point of connection is acceptable.
- Contaminated Land
- 7.10 Phase 1 report submitted with the application identifies a phase 2 site investigation is proposed. Conditions recommended to ensure this and appropriate remediation of the site thereafter.
- Public Rights of Way
- 7.11 No definitive public rights of way crossing or abutting the site. A non-definitive but well used footpath from Ninelands Lane to Fairburn Drive does run along the southern boundary of the site and should be retained and would benefit from improvement works.
- 7.12 Eastern boundary runs along the alignment of the disused railway which elsewhere forms part of the Linesway linking Garforth to Allerton Bywater. It is an aspiration to extend this route northwards.
- West Yorkshire Combined Authority (WYCA)
- 7.13 Satisfied the site meets the Council's accessibility Criteria and proposed relationship with Green Lane access and an existing bus stop is acceptable. Improvements to pedestrian access points onto Ninelands Lane required to linkup with existing bus stops. Consideration should be given to provision of off street short stay parking on Nineland Lane to assist with school drop off/pick up.
- 7.14 Bus stop improvements to stops 11672 and 11669 (both on Ninelands Lane) suggested to include shelters with real time information (at a cost of £40,000). Comments about Residential Travel Fund noted and MCards contribution suggested. Note Car Club suggestion for the site and whilst supportive in principle do have some reservations about this as other measures may achieve more benefits. (Note – above comments are the original consultation response and no further comments have been made following receipt of revised plans)
- Yorkshire Water
- 7.15 Original response objected to site layout due to building over sewerage infrastructure present within the site. No objection to the revised layout subject to conditions ensuring no alteration of ground levels or building/obstructions over/around water main if to remain in situ or a diversion/closure being agreed.
- 7.16 In terms of Waste Water, the drainage proposals which identify surface water will drain to a public sewer is not accepted unless it has been fully evidenced that disposal via the nearby watercourse is not reasonably practical. This outstanding matter can be controlled by condition.
- 7.17 Content for foul water to link into the existing public network and connections are available along Ninelands Lane.
- Air Quality Management Team
- 7.18 The submitted air quality assessment demonstrates air quality is not at risk of falling below the relevant UK standards. Electric vehicle charging points required to help mitigate increased vehicle emissions and appropriate dust measures required as the construction phase.

- Travelwise
- 7.19 No objection subject to residential travel plan fund required per dwelling equivalent to the cost of a MetroCard scheme – currently £491.15 each. Travel plan and review fee (£3,205) and 2 x Car Club spaces.
- Environmental Protection Team
- 7.20 No objection in principle and existing noise sources recommended to be assessed. Conditions (regarding construction – times, dust, etc and noise environment) suggested.
- Garforth Neighbourhood Planning Forum
- 7.21 No objection in principle to development of this brownfield site but the following concerns raised:
- The proposed development would exceed the capacity of local infrastructure. No evidence that the additional school places or GP appointments would not exceed capacity.
 - SAP site requirements (footpath along Ninelands Lane and traffic measures needed – including contribution to mitigate cumulative impact
 - Yorkshire Water object and require the layout to be amended. Culvert /watercourse to be opened up
 - Disagree with impact assessment that concludes no significant effect on air quality
 - Nature conservation response states north end of the site is a component of the Leeds Habitat Network and should be retained and gardens shouldn't back onto the eastern boundary
 - Public Right of Way officer requirements not addressed
 - Garforth is short of community buildings and site could be used to fill this shortfall
 - Decision should be deferred and referred to the SAP consultation with the Inspector when it needs to be considered with the cumulative effect of the East of Garforth proposal rather than by Plans Panel
 - The proposal is not a sustainable development
- 7.22 Further representations from the forum to the revised plans largely reiterate the original concerns raised and confirm:
- Temporary classrooms are not a satisfactory solution and healthcare facilities are already overstretched.
 - Flooding concerns remain and Yorkshire Water need to provide evidence positive drainage (for a 1 in 1 year storm) is provided for.
 - Coal Authority maintains its substantive concern regarding location of mine entrances
 - Concerns of Council officers (Rights of Way/Design/Nature) still not addressed
 - Maintain the site's inclusion in the SAP should be discussed at the 'Inspector' hearings and not in isolation by the North and East Planning Committee.
- Leeds Civic Trust
- 7.23 Principle of residential development is supported as a brownfield site with good access to public transport but object to the detailed design as follows:
- Layout lacks imagination and sense of identity or distinctiveness, Road dominated layout with frontage parking.
 - Opportunity to connect land to the east missed and old railway line should be used to continue footpath/cycle links – not back of houses.
 - LNA to the south should have more presence
 - Central open space is a good feature but a little austere because of storm water storage, Surface ponds rather than underground tanks?

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made neighbourhood plan.

Core Strategy

8.2 The following Core Strategy policies are relevant to all sites:

- SP1 – Location of development in main urban areas on previously developed land.
- H2 – Housing development on non-allocated sites.
- H3 – Housing density
- H4 – Housing mix
- H5 – Affordable housing (15% requirement)
- H8 – Provision for independent living on schemes of 50+ units
- EC3 - Safeguarding existing employment sites
- P10 – High quality design
- P12 – Landscape
- T2 – Accessibility
- G1 – Enhancement/extension of existing greenspaces
- G3 – Assessment of existing greenspace provision
- G4 – Greenspace
- G8 – Protection of species and habitats
- G9 – Biodiversity improvements.
- EN1 – Carbon dioxide reductions
- EN2 – Sustainable construction
- EN4 – District heating
- EN5 – Managing flood risk
- ID2 – Planning obligations and developer contributions

Saved UDP policies

8.3 The following saved policies from the UDP are relevant to all sites:

- GP5 – General planning considerations
- N1 – Protection of urban greenspace
- N23 – Incidental open space around development.
- N24 - Development proposals next to green corridors
- N25 – Positive site boundaries
- N39b - Culverting or canalisation of watercourse
- R2 - Area based regeneration initiatives.
- BD5 – General amenity issues
- LD1 – Landscaping

Natural Resources and Waste Development Plan Document (NRWDPD)

8.4 The following DPD polices are relevant to all sites:

- AIR1 – Major development proposals to incorporate low emission measures
- WATER1 – Water efficiency, including incorporation of sustainable drainage
- WATER4 – Effect of proposed development on flood risk
- WATER6 – Provision of Flood Risk Assessment

- WATER7 – No increase in surface water run-off, incorporate SUDs
- LAND1 – Land contamination to be dealt with
- LAND2 – Tree retention and replacement planting

Supplementary Planning Guidance/Documents (SPGs/SPDs)

8.5 The following guidance/supporting documents are considered to be of relevance:

- SPG22 Sustainable Urban Drainage
- SPD Street Design Guide
- SPD Designing for Community Safety
- SPD Travel Plans
- SPD Sustainable Design and Construction
- SPD Leeds Parking
- SPG13 Neighbourhoods for Living
- SPD Public Transport Improvements and Developer Contributions

Draft Site Allocations Plan

8.6 The site is proposed as a housing allocation (HG2-235) (phase 1) in the Submission/draft Site Allocations Plan (SAP). The SAP has now been submitted to the Secretary of State for independent examination and hearing sessions are due to commence later this month. The estimated capacity for the site is identified as 240 dwellings.

8.7 Although the SAP proposals are a material consideration in the determination of the applications as a statement of the Council's intention in relation to this site, the fact it is not yet adopted still limits the weight that can be afforded to it at this stage however it is at an advanced stage. It is therefore necessary to consider the applications first and foremost in accordance with the current development plan, (i.e. the existing UDPR designations).

National Policy

8.8 The National Planning Policy Framework (NPPF) gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and view this as being indivisible from good planning (para.56, NPPF). The advice also seeks for development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (para.58, NPPF). In addition, advice is contained within chapter 4 (Promoting sustainable transport) that deals with sustainable transport modes and avoiding severe highway impacts; and, chapter 6 (Delivering a wide choice of high quality homes) which includes housing supply/delivery and affordable housing provision; chapter 8 (Promoting healthy communities) in relation to access to existing open/ green space; and, chapter 10 (Meeting the challenge of climate change and flooding) which includes matters of flood risk and promote renewable energy sources.

Nationally Described Space Standards (NDSS)

8.9 From October 2015, local authorities have been given the option to adopt the Government's *Nationally Described Space Standards* (NDSS) as part of their local plan. Leeds is currently in the process of gathering evidence to support the adoption of the standards as part of a future local plan review, and this is a material consideration in the determination of planning applications. This is still in the early stages and accordingly the weight that can be attached to it is therefore limited.

- 8.10 The proposal utilises a total of 24 different house types, comprising of single bedroom flats up to 4 bed detached houses. When assessed against the technical housing standards all of the proposed affordable house types meet the standard, as do all but one of the other house types. The one property type that doesn't is a 2 bedroom flat (of which there are only 5 proposed across the entire site) and is just 3sqm short of the national standard.

Community Infrastructure Levy (CIL)

- 8.11 CIL was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 2b, where the liability for residential development is set at the rate of £45 per square metre (plus the yearly BCIS index). Based upon the floorspace involved a contribution of £898,475.51 is generated (assuming full social housing relief is applied for – otherwise it would be £995,699.54). This information is not material to the planning decision and is provided for Panel Member's information only.

9.0 MAIN ISSUES

1. Principle
2. Highways and access
3. Flood risk/drainage considerations
4. Design, landscaping and visual amenity
5. Residential amenity
6. Housing mix and greenspace provision
7. Sustainability
8. Legal Agreement
9. Representations
10. Other matters

10.0 APPRAISAL

Principle

- 10.1 The application site is not formally allocated for any specific purpose within the City Council's adopted development plan and represents a brownfield site for the purposes of planning policy. It lies within the major settlement of Garforth in what is considered to be a sustainable location with ready access to public transport services (train and bus) and a range of local amenities and community/ education facilities. Taking account of this context, the principle of re-using this brownfield site for residential purposes is considered entirely compatible and does not generate a planning policy objection in principle. For these reasons it is considered that the proposal would comply with policy H2 (housing on unallocated sites) of the Core Strategy. This general assessment to the site's redevelopment potential is also supported through the SAP which now identifies the site as a phase 1 housing site (Ref: HG2-235). The SAP has now been formally submitted for independent examination and the hearing sessions are scheduled to start later this month. Some weight can therefore be attached to this proposed designation due to its advanced stage and its brownfield status.
- 10.2 In addition to the above, some assessment of adopted Core Strategy policy EC3 is required due to the site's authorised use and the general objective of ensuring adequate employment opportunities are provided across the city. With this in mind, employment opportunities at the site have already largely ceased following Stocks Blocks decision to relocate to a new site in Cross Green. On site activity is now confined to decommissioning works only. In addition, the proposed housing

allocation as contained within the SAP has already been considered in the context of the wider employment needs for the city and concludes it is appropriate to bring the site forward for residential purposes. With this in mind and noting a residential use of the site is more compatible relative to surrounding land uses no overall conflict with Core Strategy policy EC3 is identified.

- 10.3 Notwithstanding the above assessment, critical to the overall acceptance of any re-development of the site is how it responds to its surroundings, impacts on the highway network, flood risk and existing drainage infrastructure and any effects on residential amenity. These matters are therefore considered in more detail below.

Highways and access

- 10.4 The application site is well placed with respect to accessibility criteria with bus stops located on both Ninelands Lane and Green Lane within the specified 400m travel distance. Furthermore, East Garforth railway station falls within the 10 minute walk distance and provides a 30 minute frequency to Leeds City Centre. Amendments to the detailed layout have been undertaken to ensure pedestrian access to the Ninelands Lane bus stops is provided although it is noted level differences towards the southern end of the site are such that a full pedestrian footpath is not practical. Appropriate connections and crossings are nonetheless provided.
- 10.5 With respect to access to other services, a limited range of local services are present within the nearby shopping parade on Fairburn Drive, including a convenience store, post office facility, pharmacy and cash machine. A doctor's surgery is also sited on Hazelwood Avenue, just to the south of the site. More extensive services within the town centre of Garforth are also available just outside the specified 15 minute walk distance and are about 1250m -1750m away.
- 10.6 Ninelands Primary School is located opposite the site and there are two other primary schools within the required 1600m walk distance (Garforth Green Lane Academy - Ribblesdale Avenue & St Benedicts Catholic Primary School – Station Fields). The nearest secondary education facilities (Garforth Academy – off Lidgett Lane) is also within the required 30 minute walk (2400m) of the site. In the light of the above assessment, the overall accessibility of the site is considered to be good.
- 10.7 In terms of the detailed highway assessment undertaken as part of the submission, it is recognised that Ninelands Lane is a key through route within the Garforth area and links onto important A roads to the north (A642 Aberford Road) and south (A63 Selby Road). The existence of the carriageway pinch point where Ninelands Lane becomes Bar Lane and travels north over the railway line is also highlighted as a local constraint and many of the third party representations also reference this issue. Whilst some initial consideration to possible improvements works to this feature was given, the existing arrangements are considered to work well within the constraints that exist and accordingly the focus has been on the junctions with the A roads to the north and south (again something which many local residents cite as being a problem).
- 10.8 The Bar Lane/Aberford Road junction is already known for queuing but improvement works are due to be undertaken as part of the Lidl approval on the former Miami site. Construction works for this development have already commenced and these improvement works are required to be delivered prior to the store opening (anticipated early 2018). Nonetheless, the proposed development would generate additional traffic movements along Bar Lane and the applicant has proposed two alternative options to mitigate the development traffic. The first option is to carry out

further works at the junction of Bar Lane/Aberford Road, however officers are not convinced of the merits of the proposed alterations. The second option is to improve two existing junctions on Selby Road, with the aim of improving the journey times and influencing drivers to use this route in preference to Bar Lane/Aberford Road when travelling to Leeds. On balance, highway officers are supportive of this approach and consider that the Selby Road option, along with the introduction of additional traffic calming measures on Ninelands Lane, represents an appropriate level of mitigation for the impact of the development traffic on the local highway network. Your officers also accept this assessment and have advanced the scheme on this basis.

- 10.9 The improvement works would effectively make the signals more responsive/smarter through the incorporation of a Microprocessor Optimised Vehicle Actuation (MOVA) control at the Ninelands Lane/Selby Road. An upgrade of the Lidgett Lane junction is also proposed to maximise the efficiency of the entire stretch of Selby Road before it meets the main roundabout. The Lidgett Lane junction improvements comprise for the most part of re-sequencing the signals, via the introduction of new signals equipment, to enable greater capacity to be provided to the Leeds inbound/outbound flows on Selby Road. The applicant has agreed to fund these junction improvement works, to be secured as part of the legal agreement.
- 10.10 With regards to the detailed access arrangements for the site, the amount of frontage with Ninelands Lane is such that 3 separate points of access is considered acceptable and would be similar to the arrangements currently in place. The required visibility splays and footpath improvements would also be provided, except towards the very southern section of the Ninelands Lane frontage where the land levels would make footpath provision very difficult. Significant tree/vegetation loss would also be needed so provision towards this end has been restricted to as far as the most southerly bus stop. A 4th point of access is also proposed from Green Lane but would not act as a through route and is to serve just 10 properties. These arrangements, including the pedestrian and cycle routes proposed through the entire site and the improvement to the off-site footpath behind Hazelwood Avenue (linking to the local shopping parade) are considered to be acceptable and ensure good connectivity.
- 10.11 Parking provision is largely provided via open spaces (driveways and within private road/courtyards) and where individual properties are shown to have garages these are over and above the open provision already laid out. All properties with 3 bedrooms or more have at least 2 off-street parking spaces with many having more. Provision for the smaller properties is still in excess of 100% with visitor provision also allowed for. Some of the flat blocks are also identified to have unallocated parking courtyards to achieve maximum use/efficiency.
- 10.12 The above measures are considered to resolve the main highway impacts of the development and combined with the travel plan measures and public transport fund/improvements that are also be secured are such that no highway objection is advanced against the development.
- 10.13 A travel plan has been submitted as part of the application and revised following comments from the Travelwise team. As part of the overall package, the creation of a Residential Travel Plan Fund of £118,367.15 has been agreed. This is based on the cost of providing Metrocards for future residents. Within this contribution, £17,500 is specifically identified for the Car Club and the detailed layout for the site identifies 2 parking spaces for these vehicles – accessed via Green Lane. These

requirements, including the detailed travel plan will be secured as part of the legal agreement, together with the monitoring fee of £3,205.

- 10.14 Although strategic public transport projects are often Community Infrastructure Levy (CIL) matters, the Public Transport Improvements and Developer Contributions SPD also refers to the need for the provision of 'basic public transport site access' measures as part of new developments, making the distinction between the provision of these measures as part of site-specific proposals and the provision of contributions to strategic infrastructure which are covered by CIL. This may include measures to improve pedestrian connections from a site to public transport access points, or improvements to the point of access to the network, including bus shelters. West Yorkshire Combined Authority (WYCA) has been consulted on the application and has identified two bus stops along Ninelands Lane which would benefit from shelters with real-time information display. The cost of each stop upgrade is £20,000. Whilst the request for two sets of improvement works is noted, the positioning of the bus stops and the ability to readily access another bus stop further along Ninelands Lane means officers consider both cannot be reasonably justified. As such, a contribution of £20,000 has been agreed and will also be included in the legal agreement.

Flood risk/drainage considerations

- 10.15 Flooding issues within the Garforth area are well documented and feature in many, if not most of the third party representations received. The flooding however is not related to fluvial flooding as the site falls within Flood Risk Zone 1 and is why the Environment Agency has not objected and raises no substantive issues. Flooding occurs during instances of heavy rainfall (but not all events) and is attributed by most objectors to the drainage infrastructure within the area that deals with both surface and foul water being inadequate. Culvert/pipe blockages are often cited (and subsequently confirmed) as the reason for specific problems and may explain why some flooding events are not always consistent in terms of magnitude or location. These instances of flooding have resulted in an active Flood Group operating in the area for a number of years and which continues to meet regularly with representatives from the Council's Flood Risk Management Team, the Environment Agency and also Yorkshire Water. The Flood Group is very active in promoting and coordinating flood resilience measures during flooding events and also seeking to ensure existing problems are not exacerbated by new development and also seeking improvements to the system where possible.
- 10.16 The above context in respect of flooding in the area immediate around the application site and the wider Garforth area is important but it is equally important to acknowledge that it is not a planning requirement for new developments to resolve all existing problems, particularly where they affect a much greater area than the re-development of the application site can reasonably be said to influence. The appropriate requirement under planning guidance is that a development should not contribute further to existing problems and be acceptable in its own right.
- 10.17 In terms of the scheme's overall response to the risk of flooding, a Flood Risk Assessment with accompanying drainage proposals has been provided and reviewed by the relevant technical consultees. Revisions to these documents and further supporting information has also been provided following initial consultation responses, including an objection from Yorkshire Water.
- 10.18 In terms of the surface water run-off, the proposed redevelopment of the site actually brings the potential for improvements as a large percentage of the site is currently

hard-surfaced and is not permeable. Surface water is known to pour off the site onto Ninelands Lane during downpours and therefore enters into the drainage system very rapidly, contributing at least in part to existing flooding events that have occurred in the immediate area. Redevelopment brings with it the opportunity to reduce the amount of hard-surfacing across the site (from approximately 79% to circa 55%) and also to actively control discharge rates to achieve an overall reduction relative to the current situation. A 30% improvement relative to existing discharge rate is proposed and will be achieved via a combination of storage tanks under the main central greenspace in addition to restrictors on relevant outlets. Tanks are proposed over more 'Green' storage solutions such as swales, detention basins or ponds as the ground conditions (comprising of made ground over silty clay and Mudstone) means they are not practical due to low permeability. Thereafter, surface water is proposed to connect into an existing Yorkshire Water surface water sewer located in the Southern corner of the site (which is the existing point of connection).

- 10.19 The above proposals accord with the Council's adopted drainage requirements and are supported by officers within the Flood Risk Management Team and also by Yorkshire Water. The only caveat raised by Yorkshire Water is that connection to the surface water sewer should be the last option and accordingly the possibility of connecting into an off-site watercourse near to the application site needs to be fully investigated and discounted in the first instance. The applicant is aware of this requirement and it is proposed to condition this requirement in accordance with the advice from Yorkshire Water.
- 10.20 With respect to foul water, many objectors also highlight this as a serious concern (due to the linkages with surface water infrastructure) as clearly this aspect of the site's redevelopment would increase significantly relative to the current situation. Sewers for Adoption 7th Ed indicates a discharge rate of 4,000 L per dwelling/per 24 hours – which when equated to the development is: 11 L/s. It is proposed to connect into the existing public foul water sewer system and Yorkshire Water has confirmed this is acceptable. Yorkshire Water has also been made aware of the many objections received suggesting the existing infrastructure will not be able to cope with the additional demand generated by the development. Yorkshire Water's most recent response maintains its position and simply confirms appropriate connection(s) can be achieved as sewers already run down Ninelands Lane. In the light of this advice and noting ultimate responsibility for resolving any foul water issues should they occur rests with Yorkshire Water itself officers are satisfied with the current proposals on this specific issue.
- 10.21 Since officers have considered the overall drainage related issues, a further flooding incident has been reported at a property in Grange Avenue – which is to the West of the application site. The incident involved sewage escape and subsequent flooding but on further investigation was attributed to a localised pipe blockage rather than being related to a capacity issue. The blockage was removed and Yorkshire Water indicated it would undertake a standard letter drop within the area to highlight the risk of flushing wipes down into the network. In addition and outside the consideration of the current application, Yorkshire Water has confirmed a Garforth modelling study has been commissioned which will allow it to better understand the performance of the sewage network structurally, hydraulically, environmentally and operationally.
- 10.22 In concluding of the issue of flood risk and drainage, officers are satisfied the development will not add to existing problems and in the case of surface water will achieve significant improvements. For these reasons and noting Yorkshire Water

does not raise any concerns, including on the matter of foul drainage the development is considered to address the relevant requirements as set out in national and local plan policies.

Design, landscaping and visual amenity

- 10.23 The overall layout is considered by officers to be well thought out and responds positively to the site's constraints so as to achieve high quality development that provides good connectivity, both within the site itself and also beyond.
- 10.24 In developing the layout, landscape considerations and in particular tree retention has been a key consideration and the establishment of a site wide TPO has assisted within this. The TPO identifies the main areas where trees are present although protection of the mature belt of poplars situated along the eastern boundary (Groups 1, 2 and 3) has always been the priority due to the visual amenity and ecological benefits associated with these groups. These three groups are retained within the detailed layout and although private rear gardens back onto these trees the garden depths have been designed to mitigate the amenity impact.
- 10.25 The trees in the most southerly part of the site (identified within the TPO as A1) coincide with the least developed part of the site historically and are also considered a priority in terms of future retention. This part of the site is shown as greenspace and links with and compliments the adjacent Local Nature Area.
- 10.26 The last area of trees identified within the TPO (area A2) is towards the northern end of the site and is the area which the residents within Hazel Mews are most concerned about. These trees are identified for removal as most are self-sewn ash trees (although conifers are also present) with many growing on the historic ash piles which are present. As these ash piles need to be removed as part of the site's overall remediation removal of these trees is accepted by officers and the layout has been revised to ensure appropriate replacement planting is secured. In particular, tree/landscape buffers are proposed for the common boundary with the Hazel Mews properties and also as a continuation of the tree belt provided by Groups 1, 2 and 3. Combined, these measures are considered to strike a reasonable balance in terms of the responding to the residential amenity, landscape and ecological impacts which flow from the site's redevelopment.
- 10.27 In terms of the basic design approach to the scheme, the layout provides active frontages onto roads and the revisions undertaken have secured greater overlooking/natural surveillance of the southern area of greenspace by fronting properties onto this space. Access through the southern greenspace is also much improved with good pedestrian and cycle links to the local shopping parade now provided.
- 10.28 The layout generally creates a series of perimeter blocks whereby rear gardens for the most part back onto other rear gardens. This approach is supported and provides not only good privacy but also accords with 'Secure by Design' principles. The central greenspace area is also overlooked on all sides and despite it also being the location for the underground storage tanks it still provides good opportunities for new planting.
- 10.29 Streetscenes within the site are varied through the use of different house types, building heights and the general siting of buildings to provide interest. Parking provision is in many cases provided to the side of properties so drive widths can be

minimised. Where frontage parking is provided, it is generally limited in its extent and landscaping is incorporated to help break up the area visually.

- 10.30 With respect to the house types themselves, these are considered to be well designed and contextually appropriate bearing in mind the mixed character of the surrounding area. The general scale and massing of buildings is considered to sit well within the confines of the site and the introduction of design features such as bay windows adds further visual interest. Whilst a total of 24 different house types are proposed which are individually designed, they share a number of common features and therefore appear as a cohesive 'family' of house types. Subject to conditions relating to materials, the proposals are therefore considered to be acceptable from a design perspective.

Residential amenity

- 10.31 The general layout reflects the principles of 'Neighbourhoods for Living' SPD in terms of separation distances and garden areas. All flat blocks also have access to communal amenity areas and the two areas of public greenspace are overlooked and accessible. Whilst the distribution of these two spaces favours the central and southern parts of the site, their provision has been influenced by other factors (existing trees and drainage requirements). It is accepted officers have scope under the greenspace policy requirements to seek further on-site provision, but this has not been pursued in this instance as to do so will reduce the total number of units that can be delivered on what is good, sustainable brownfield site. Furthermore, a broad range of facilities are already available very close to the application site at the Ninelands Lane recreational ground. The balance of on-site provision is therefore being provided by a commuted sum in lieu of full on-site provision. The contribution of £373,057.25 towards local off-site provision is therefore produced and is considered to be acceptable. Discussions are currently ongoing with Parks and Countryside officers regarding possible projects and Ward Members have been consulted on a number of options including works within the adjacent recreational ground, Barley Hill Park and the land to the rear of the Fire Station. Once agreed, the sum and the proposals for its use will be secured through the legal agreement, which combined with the on-site provision is considered by officers to satisfy the greenspace policy requirements for the development.
- 10.32 In terms of impact on existing residents, the only immediate neighbours to the application site are those located within Hazel Mews and the neighbouring flat complex (in Cricketers Close). Whilst the concerns of the Hazel Mews residents in particular are noted, the proposed relationship with these properties and private garden areas is considered to be acceptable with recommended separation distances being achieved or in most cases substantially exceeded. Further revisions to this part of the site have also been undertaken (as reported in para. 6.9). In concluding on this matter, whilst it is accepted the outlook for these residents will undoubtedly alter relative to the current situation, no adverse overlooking, overshadowing or loss of light would be experienced. Buffer landscaping is also proposed at the common boundary to help filter any views of the housing beyond in the longer term and is to be secured by condition.

Housing mix/sizes

- 10.33 With respect to housing mix, amendments have been sought to provide a more balanced mix than originally proposed and the scheme now advanced is as follows:

Flats	(1 bed)	4	1.6%
	(2 bed)	11	4.6%
Houses	(2 bed)*	40	16.6%
	(3 bed)	68	28.2%
	(4 bed)	118	49%

10.34 To support the above mix, the applicant has also submitted further information relating to the local housing need which has assessed previous market activity. The conclusion of this information is there is a strong need for family sized accommodation in the area including larger homes.

10.35 In reviewing the proposed housing mix, the number of 4 and 3 bed houses falls within the parameters as stated in Core Strategy policy H4. The percentage of smaller, 2 bed properties (at 21%) falls below the minimum target of 30% but when combined with the 1 bed properties is considered to provide a broad range of house types. As such, the overall mix is considered to be a reasonable response to local market conditions/activity and also the characteristics of the site/wider area.

10.36 In terms of internal space standards, although the Council is seeking to formally adopt the national standards as part of the development plan and whilst this is a material consideration, this process is still at a relatively early stage and the weight that can be attached to the standards is limited at present. Notwithstanding this, all but one of the house types accord with the space requirements. The one house type that is smaller than the national standard is a 2 bed flat with a floorspace of 58sqm. There are 5 of these units within the development and the national standard indicates they should be 61sqm in size (based on minimum occupation level of 3 persons). These units do not form part of the affordable housing offer. Overall officers are satisfied all the houses and flats would have good levels of amenity in terms of the receipt of natural light and ventilation, separation, outlook and external amenity space provision. The quality of the internal living environment proposed relative to a more likely level of occupation is therefore considered to be acceptable.

Sustainability

10.37 In accordance with Core Strategy policies EN1 and EN2 it is expected the development will incorporate a range of design and energy efficiency measures and low and zero carbon technologies where possible in order to help reduce energy consumption and deliver reductions in CO2 emissions. The applicant has confirmed the development complies with the 12 questions which form a 'Building for Life' assessment however officers note these questions focus more on design considerations to ensure a contextually responsive development is proposed. As such, appropriate conditions (Nos. 15 & 18) are proposed to secure these details.

Affordable Housing

10.38 The application site falls within a 15% affordable housing target area and based on the number of dwellings proposed a requirement of 36 units is generated. The standard split of achieving 60% as lower quartile (sub-market in old money) and 40% as lower decile (social rent) applies.

10.39 The applicant has made provision for the full affordable housing requirement and the layout and property types has been revised to ensure a better distribution throughout the site and mix of houses. The affordable offer therefore stands as:

Houses: 14 x 2 bed
 13 x 3 bed

Flats: 3 x 1 bed
 6 x 2 bed.

- 10.40 The above mix is now considered by officers to be acceptable and better reflects the housing mix proposed across the remainder of the site.
- 10.41 For Members information, the applicant submitted a request for the Vacant Building Credit (VBC) to be applied to the affordable housing offer. VBC allows the floorspace of existing buildings that are to be redeveloped to be offset against the affordable housing requirement. The VBC was introduced with the intention of incentivising the redevelopment of vacant buildings to "...tackle the disproportionate burden of developer contributions on small scale developers, custom and self-builders."
- 10.42 In assessing the application therefore, the principle of VBC is a material consideration as to whether it might apply for this particular site. The principle of VBC originates from national policy and the caselaw has clearly established that the VBC along with other policy measures set out should not automatically be applied without regard being paid to the full circumstances of each given case, including the provisions of the development plan policies.
- 10.43 Officers have taken into account the primary reason for the introduction of the VBC, in that, it is to incentivise brownfield development to reduce the disproportionate burden of developer contributions, and that without it, there is a real possibility of development not being realised. Having assessed these parameters against the application, it is concluded that the site was made vacant for the sole purpose of relocation of the business due to operational requirements and there are no viability issues for this site. The proposed development is fully policy compliant without any breach of the Core Strategy. It is a matter of fact that the council has not been presented with any evidence to substantiate any viability concerns on this site for which VBC which would facilitate brownfield development and thereby incentivise the site's redevelopment.
- 10.44 For the above reasons it is not considered on the facts of this case, when taken together, that it is one which, genuine brownfield development fundamentally requires the VBC. The VBC has not therefore been applied, as it can be developed out to meet the objectives of sustainable development in the spirit of the Core Strategy and NPPF without its application. The full affordable housing offer as reported in para10.39 will therefore be delivered as part of the legal agreement.

Legal Agreement

- 10.45 The application is to be supported by a legal agreement to cover the following planning obligations which are necessary to make the development acceptable:
1. Affordable housing at 15% (36 units on-site);
 2. Commuted sum *in lieu* of on-site greenspace (£373,057.25);
 3. Provision and maintenance of Public greenspace
 4. Travel Plan (including monitoring fee - £3,205);
 5. Residential Travel Plan Fund (£118,367.15)
 6. Bus shelter plus real-time display (£20,000);
 7. Off-site junction improvements contribution;

8. Local employment/training initiatives;
9. Off-site footpath improvement (£20,000).

10.46 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

10.47 Commentary regarding items 1 to 7 and 9 of the legal agreement has already been provided within the main body of this report. With respect to item 8, this relates to facilitating local employment and training opportunities as part of the construction phase. Whilst a detailed plan has not been developed at this stage, the applicant will be required to actively engage with officers from Employment Leeds to ensure these objectives are realised.

Representations

School provision

10.48 The concerns expressed in many of the third party contributors and from local Ward Members also regarding school capacity are noted and are often feature on all major housing proposals throughout the City. Although officers appreciate access to local schooling is a very real issue for many, in terms of this particular scheme there is no requirement for the applicant to make any provision beyond CIL as education features in the Council's 123 list.

10.49 Notwithstanding the above, Children's Services have been consulted and have calculated the development would result in a demand for circa 60 primary school places (8 to 9 per year group) and 24 secondary place (5 per year group). In considering these requirements, current capacity indicates the primary school demand can be accommodated locally via a combination of Ninelands and Green Lane Primary Schools. With respect to secondary school provision, demand is expected to outstrip the total available in the East of the city from next year onwards. With this in mind, the Sufficiency and Participation Team in Children's Services are in discussions with local secondary schools and other stakeholders to understand how best to meet all future demand.

Health provision

10.50 With regard to health infrastructure, the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups. Whilst clearly the introduction of housing on the site will increase the demand for both doctor and dentist services, providers plan for their own operating needs and part of this includes responding to changes in local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of increased demand. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. With this context in mind and noting the site's good accessibility credentials no site specific requirements are considered to exist.

Other matters

Mining Legacy

10.51 The Coal Authority objected to the application as originally submitted, raising concerns that insufficient information had been provided in relation to the investigation and treatment of former mine workings within the site. The applicant has subsequently discussed the matter directly with the Coal Authority, and has submitted additional details in response to the concerns raised. In the light of this additional information the Coal Authority has withdrawn its objection, but has advised that a condition requiring further site investigation and the submission of the results and a scheme for the remediation and stabilisation of any former mine workings before development commences, and that, once a scheme of remediation has been agreed, the works should then be carried out in accordance with those details. The required condition is recommended to make the application acceptable.

Land Contamination

10.52 The site's previous industrial use means there is a requirement to remediate the land so it is suitable for a residential end use. Some initial investigation works have already been undertaken to establish the extent of remediation required but the presence of both buildings, and a substantial concrete slabs over a large part of the site is such that further investigation is still necessary. Appropriate conditions are included as part of the officer recommendation (Nos. 22 to 25) to secure these details.

CIL

10.53 The site is within CIL zone 2b. Based on the floorspace currently proposed (discounting the affordable units which are likely to be eligible for CIL relief, subject to the submission of the appropriate paperwork), the development is anticipated to generate a CIL requirement of £898,475.51. Infrastructure requirements associated with this application are education. This is presented for information only and should not influence consideration of the application. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

11.0 CONCLUSION

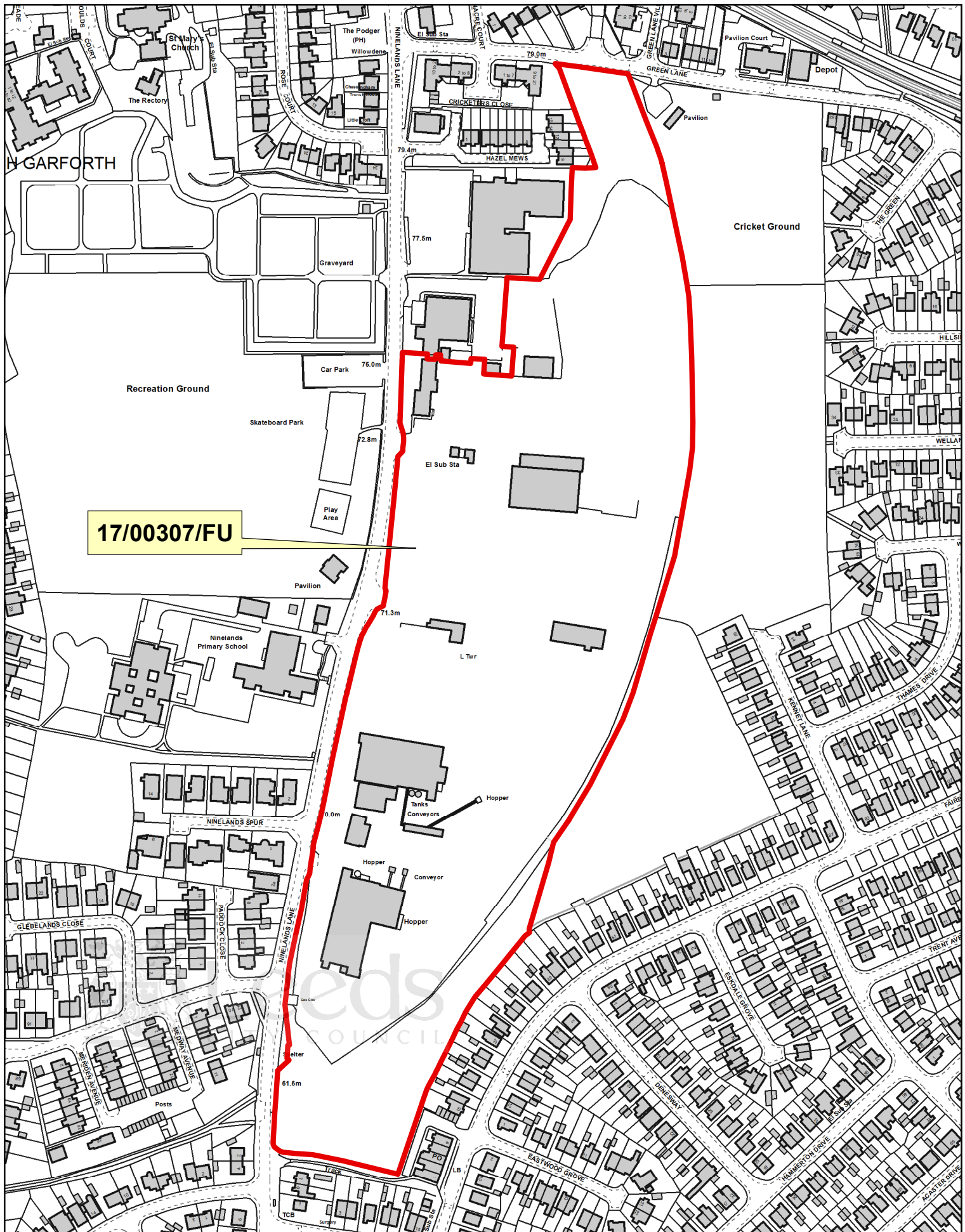
11.1 It is considered the proposed development would positively contribute to the city's overall housing requirements and bring back into active use a brownfield site which is located in a sustainable location.

11.2 The detailed design of the development is considered appropriate and incorporates the best site features in terms of retention of the most important trees. The development would provide a high level of amenity for future residents without compromising the amenities of existing neighbouring residents and appropriate measures are included to ensure the highway impact of the development is acceptable. The proposals are considered to comply with relevant policies in the Development Plan and other relevant planning guidance, as listed above and with the National Planning Policy Framework. It is therefore recommended that the application is approved, subject to the conditions suggested above and completion of a legal agreement covering the planning obligations detailed at the start of this report.

Background Papers:

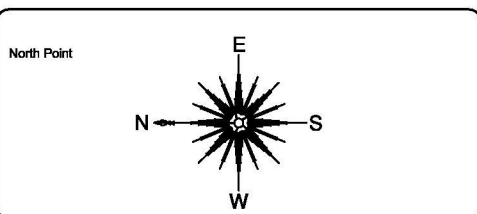
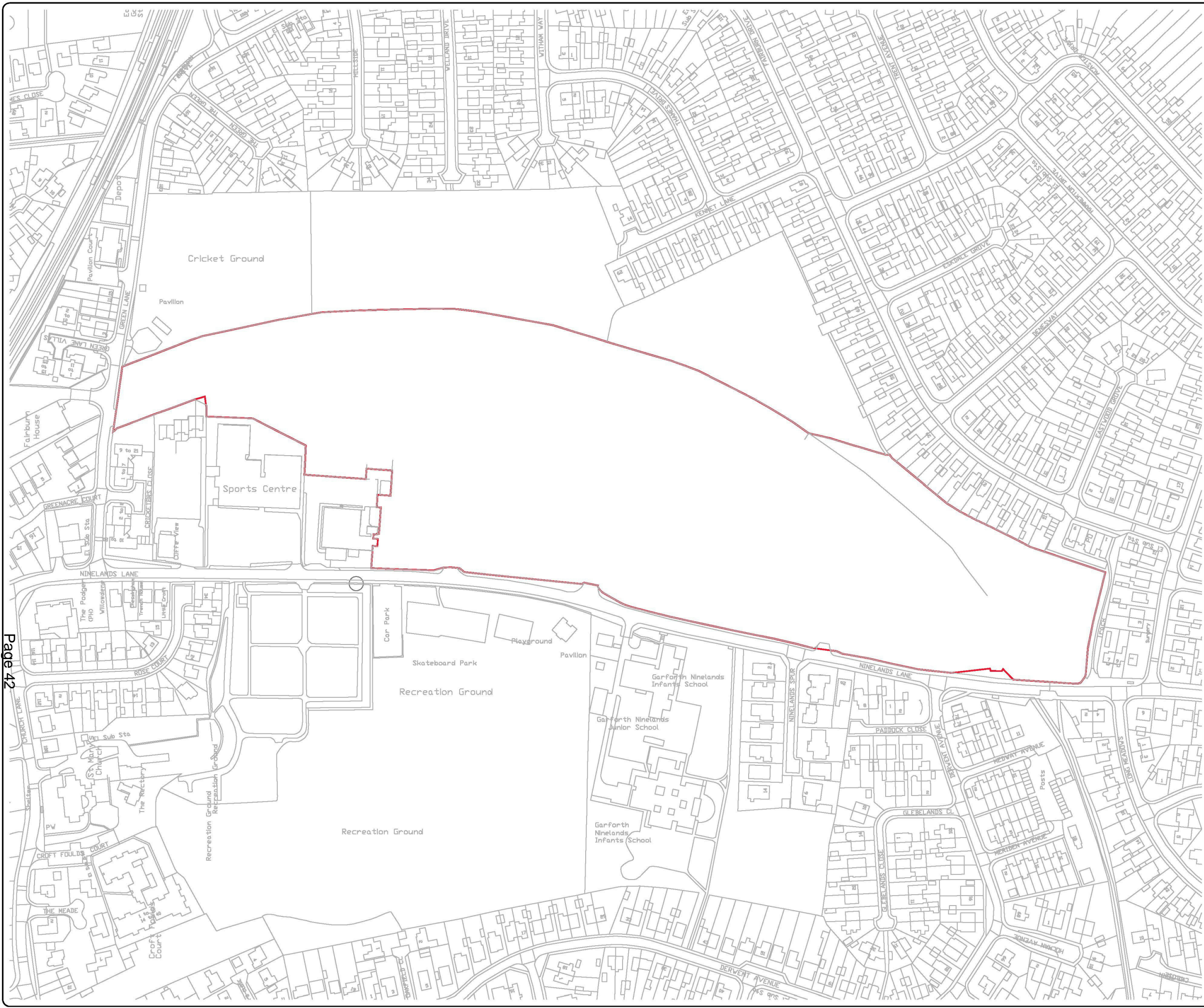
Application file: 17/00307/FU

Certificate of Ownership: Signed on behalf of applicants



NORTH AND EAST PLANS PANEL





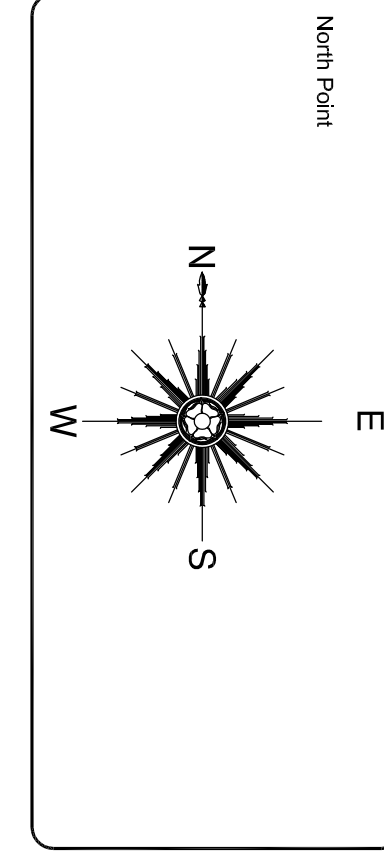
Page 42

Rev	Date	Description	Initials
C	20.12.16	Red edge amended to rear of Sports Centre.	CP
B	10.11.16	Red edge amended to align with new title plans.	CP
A	02.06.16	Red edge amended to align with title plans.	CP
-	01.06.16	Initial Issue.	CP

Development	LAND OFF NINELANDS LANE		
Location	GARFORTH		
Marketing Name			
Drawing Title	Red Edged Plan		
Drawing Number	NLG-16-02-02		
Revision	C	Scale @ A3	1:2500
Drawn By	CP	Date Started	01.06.16
Checked by		Date	


REDROW
HOMES
Redrow Homes Yorkshire
 Redrow House, Brunel Road, Wakefield, West Yorkshire, WF2 0XG
 Tel: 01924 822566 Fax: 01924 821 901 Web: www.redrow.co.uk

Legal Disclaimer TBC
 This layout has been designed after due consideration of our Context & Constraints Plan



NO.	DESCRIPTION	QUANTITY
1	1:16-01-01	1
2	1:16-01-02	1
3	1:16-01-03	1
4	1:16-01-04	1
5	1:16-01-05	1
6	1:16-01-06	1
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30	1:16-01-30	1
TOTAL		30

	Includes... Includes...		Includes... Includes...
	Includes... Includes...		Includes... Includes...
	Includes... Includes...		Includes... Includes...
	Includes... Includes...		Includes... Includes...

- A 21.01.16.18: Temporary road works in front of Sports Centre.
- B 21.01.16.19: Temporary road works in front of Sports Centre.
- C 21.01.16.20: Temporary road works in front of Sports Centre.
- D 15.04.17: Temporary road works in front of Sports Centre.
- E 20.05.17: Temporary road works in front of Sports Centre.
- F 20.05.17: Temporary road works in front of Sports Centre.
- G 27.05.17: Temporary road works in front of Sports Centre.
- H 13.06.17: Temporary road works in front of Sports Centre.
- I 08.07.17: Temporary road works in front of Sports Centre.
- J 14.08.17: Temporary road works in front of Sports Centre.
- K 08.09.17: Temporary road works in front of Sports Centre.
- L 05.10.17: Temporary road works in front of Sports Centre.
- M 02.11.17: Temporary road works in front of Sports Centre.
- N 31.12.17: Temporary road works in front of Sports Centre.
- 1:16-01-01 to 1:16-01-30: Residential units.

NINELANDS LANE

Planning Layout

16-G-16-02-01

Scale: 1:500

Drawn by: CTP

Checked by: CTP

Date: 22.07.2016

REDROW HOMES

Redrow Homes Yorkshire

Head Office: Redrow Homes Yorkshire, Mill Lane, Thirsk, Norfolk NG32 2AB

16-G-16-02-01

22.07.2016



Originator: D B Jones

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 16th November 2017

Subject: 17/02203/FU – Two storey rear extension to form new studio flat and extension to ground floor loan shop (sui generis) at 55 Austhorpe Road, Leeds, LS15 8EQ

APPLICANT
Mr D Hunter

DATE VALID
9th June 2017

TARGET DATE
18th November 2017

Electoral Wards Affected:

Crossgates & Whinmoor

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Standard Time Limit
2. Plans to be approved
3. Materials to match existing
4. Parking to be laid out as shown on approved plan and retained as such
5. Hours of opening 07.00 to 20.00 hours, Monday to Saturdays, and 08.00 to 20.00 hours on Sundays and Bank Holidays
6. Bin storage and cycle storage provided before occupation
7. 1.8m high close boarded fence (to northern boundary) to be constructed prior to first occupation
8. Reinstate boundary treatment to Austhorpe Road
9. Reinstatement works to redundant crossing
10. Studio flat side and bathroom windows to be obscure glazed
11. Maximum gradient access.

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel for determination as the proposal has generated some concern locally, and Highways Officers (Transport Development

Services) do not support the proposal. As Transport Development Services are a statutory consultee and the recommendation to grant is contrary to their advice it is appropriate, under the terms of the Officer Delegation Scheme, for the application to be determined by Plans Panel.

2.0 PROPOSAL

- 2.1 The site is currently occupied by a building in use on the ground floor as a loan shop (sui generis) with four one bedroom flats over on the first floor and in the roofspace. It is proposed to erect a two storey rear extension to form an enlarged loan shop with a studio flat on the first floor. The gross amount of additional commercial floorspace is 59 sq.m and the flat would be 50 sq.m.
- 2.2 The ground floor extension would provide additional open plan space for use as the loan shop although an enclosed cycle and bin store would be provided to the rear. This would accommodate the bin store and cycle requirements for the entire building.
- 2.3 The submitted application plans show that there are 14 surface parking spaces on the site at present. The development would entail the loss of 4 spaces, so that 10 parking spaces would be provided in total.
- 2.4 The proposed opening hours for the loan shop was originally 07:00 to 23:00 hours, Monday to Saturdays, and 08:00 to 21:00 hours on Sundays and Bank Holidays. These hours have since been revised to 07:00 to 20:00 hours, Monday to Saturdays, and 08:00 to 20:00 hours on Sundays and Bank Holidays.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to the first and second floors of 55 Austhorpe Road, a detached red brick property with commercial premises to the ground and residential to the upper two floors (first floor and second floor within the roof space).
- 3.2 The property is located on the corner of Austhorpe Road and Church Lane with parking to three sides and access from both roads. The area is mixed in character with many buildings in both commercial and residential use. The area is nonetheless located at the edge of the commercial centre.

4.0 RELEVANT PLANNING HISTORY

On-site

- 4.1 14/05836/FU - Alterations including two storey and single storey rear extension to form enlarged retail space with one self-contained flat above. Application withdrawn 17.11.2014.

The proposal currently under consideration is very similar to this withdrawn application.

- 4.2 14/00673/FU - Change of use and alterations of first and second floor offices to four flats. Approved 07.04.14.

Alterations proposed included the introduction of a new gable extension, two dormer windows, roof light and three new windows in the east and west elevations. All but the dormers had permission granted under 13/05339/FU.

- 4.3 13/05339/FU - Change of use and alterations of first and second floor offices to four flats. Approved 27.01.2014.
- 4.4 06/06302/FU - Change of use of vacant car showroom to estate agents. Approved 18.12.06.
- 4.5 32/163/05/FU - Change of use of car showroom and offices to dental practice. Approved 23.06.05.
- 4.6 32/101/05/FU - Change of use of car showroom to A5 hot food take away. Refused on highway safety and residential amenity grounds on 1st July 2005. Subsequent appeal dismissed on grounds of harm to interests of residential amenity. The Inspector did not consider there to be an adverse impact on highway safety.

Off-site

- 4.7 16/05185/FU – Change of use and extension of former surgery to Public House, 39 Austhorpe Road. Current appeal against non-determination. The local planning authority has resolved that had it been in a position to determine the application, it would have been refused on the grounds of inadequate servicing arrangements and impact on residential amenity. No car parking provision within the site for staff/patrons.
- 4.8 17/05160/FU - Change of use of retail unit to dental practice, 5 - 7 Church Lane. Approved 27.09.17.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Revised opening hours – reduced from 23.00 hours to 20.00 hours.
- 5.2 Revised parking layout – see appraisal.
- 5.3 Bin store and cycle store within the building.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Site notice posted 19.05.17. 16 individual letters of objection received. Representations summarised, as follows:
- The development is substantial.
 - The application asks for unsocial opening hours on an extremely busy road and junction, adjacent to residences above, nearby, and a care home.
 - The site will lack parking spaces for customers, and consequent parking demand will fall on the already overloaded surrounding streets where there are no evening parking restrictions.
 - The Design & Access Statement does not make sense and appears to be factually incorrect.
 - Loading and unloading will impact on privacy of adjoining properties.
 - The geometry of the parking spaces is too tight for them to be properly useable.
 - Reversing out of the site, close to a busy junction would be highly dangerous.
 - The demolition of the garage means the removal of the secure store for cycles (application 14/00673/FU) and the discharge of Condition 5, where it is stated that cycle parking will be provided in the garage.

- Inadequate bin storage is proposed. Any bins stored out in the open would be harmful to amenity.

Cross Gates Watch

6.2 Object to the proposal. In addition to the points made by residents (above), CGW raise the following points:

- The conditions pertaining to the previous approval, although discharged, have yet to be implemented.
- Given the previous history of this site, we request that the officer's report on this application be considered for decision by Plans Panel North and East.
- There are covenants on the property which would prevent any permission from being implemented.

6.4 Revised plans were advertised on 28th June. Further objection from Cross Gates Watch. Reiterate previous objections and:

- New access/parking arrangements is retrograde, dangerous, and hazardous to pedestrians. Parking doesn't comply with Design Guide. Inadequate parking, and proposal is overdevelopment of the site. Loss of the wall to facilitate parking is harmful to the appearance of the street.
- Our view remains that the most profitable future development of the site is to convert the ground floor back to residential, as it originally was, to make a highly desirable overall residential development which would yield a much higher overall rate of return than some impractical non-residential game plan. While the returns on rented property in Leeds are amongst the highest in the country, the downward decline in demand for retail and related floor space is going to continue for many years, whereas the demand for residential space is inexorable.

7.0 CONSULTEE RESPONSES

7.1 Highways: Whilst it is acknowledged that some of the proposed parking spaces are more 'useable' than the existing parking layout, there is still a shortfall in the expected level of parking provision. Access concerns to Austhorpe Road also exist. With this in mind the proposals cannot be supported.

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 and any made neighbourhood plan.

Core Strategy

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

Spatial Policy 1 – Location of Development
Spatial Policy 2 - Hierarchy of Centres
Spatial Policy 8 – Economic Development Priorities
Policy P1 - Town and Local Centre Designations. Cross Gates is a Town centre.
Policy P2 - Acceptable Uses in and on the edge of Town Centres
Policy P10 – Design
Policy T2 – Accessibility and New Development

Saved Policies from the UDP

- 8.3 The site is outside, and abuts the boundary Cross Gates Town Centre, and is unallocated in the UDP. The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

GP1 - Land use and the Proposals Map
GP5 - Development control considerations including impact on amenity
BD6 - Alterations and extensions should not harm neighbouring amenity

Emerging Policy

- 8.4 The Site Allocations Plan (SAP) Publication Draft identifies the site within an expanded Town Centre boundary for Crossgates. Given the advanced stage this part of the SAP has reached noting the examination in public for all proposed town centre changes has now been considered (albeit the wider process is effectively paused into the new year pending further review of housing/mixed use related proposals), significant weight can now be afforded to this proposed change.

Other Planning Policy:

- 8.5 Relevant local Supplementary Planning Guidance/Documents include:

The Street Design Guide
Manual for Streets
Parking Guideline

National Planning Policy

- 8.6 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 8.7 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Nationally Described Space Standards (NDSS)

- 8.9 From October 2015, local authorities have been given the option to adopt the Government's *Nationally Described Space Standards* (NDSS) as part of their local plan. Leeds is currently in the process of gathering evidence to support the adoption of the standards as part of a future local plan review, and this is a material consideration in the determination of planning applications. This is still in the early stages and accordingly the weight that can be attached to it is therefore limited. However, the studio flat complies with the required standard for a 1 bedroom flat.

9.0 MAIN ISSUES

- i. Principle of the development
- ii. Residential amenity
- iii. Visual amenity
- iv. Highways issues
- v. Third Party representations

10.0 APPRAISAL

Principle of the development

- 10.1 The proposal would introduce an additional residential unit and extra commercial floorspace into an area that already contains both commercial and residential properties. Whereas the property is located just outside the current town centre boundary, it is proposed to be included within a revised boundary being considered as part of the SAP which is now at an advanced stage. The property does relate closely to the centre, already has both commercial and residential uses and is considered to have a positive impact on the centre. The new residential property would also be beneficial in providing further and alternative residential accommodation in this popular and sustainable location. Accordingly no objection in principle is raised to the development.

Residential amenity

- 10.2 The two storey extension would be located on land currently used as car parking. The windows would be mainly in the front elevation, looking onto the forecourt, and Church Lane beyond. One small, secondary window to the studio flat would be placed in the flank elevation, looking towards the side elevation of the adjoining property. It is proposed for this window to be obscure glazed. A ground floor door would be placed on the rear elevation, looking onto the rear yard of the site. The proposed first floor window would be to a bathroom, and would be obscure glazed. The bedroom window formed in the existing building would look onto the blank elevation of No. 57. As such, these windows would cause any undue overlooking of residential properties.
- 10.3 The proposed extension is not considered to adversely dominate or overshadow any nearby adjoining property. It would be set in 3.37m from the boundary with the adjoining property, and that property is also set 1m from the boundary, so although the extension projects into the rear aspect of the adjoining property, it is not to the extent whereby that property would be unduly impacted upon.
- 10.4 The application was originally submitted with opening hours up to 23.00 hours. It was considered that the comings and goings of patrons and visitors may have caused noise and disturbance to nearby residents on Church Lane, and therefore, the application has been amended to 20.00 hours closing. It is noted that in dismissing

the appeal for a hot food take away at the premises (see para. 4.6 above), the Inspector commented that noise and disturbance from car doors, and the coming and going of visitors would be noticeable after 20.00 hours (when the previous car showroom had closed). As such, it is considered that there would be no adverse impacts to nearby residents, and that the proposal would comply with saved UDP policy GP5.

- 10.5 In respect of amenity for future occupiers of the flat, the proposal complies with the NDSS, which provides useful guidance on appropriate sizes for new dwellings, including sizes of individual rooms. The submitted plan shows the studio flat to be 50 sq.m. gross. The Space Standard suggests a minimum of 39 sq.m. minimum for a one bedroom flat (& 50 sq.m. for a one bed, two persons). As such, the studio flat complies with the minimum recommended size. The flat has a reasonable outlook, the living room and bedroom looking onto the forecourt and street beyond, at first floor level. It is considered that the level of amenity would be similar to the other flats within the building, adjoining at first floor.

Visual amenity

- 10.6 The two storey extension has been set back – at ground floor the set-back is minimal, and the first floor is set back 1.75m, which achieves a good degree of subservience to the main building. The extension would be constructed in brickwork and roof tiles to match the existing, with the gable roof pitched to match the existing roof structure. The ground floor shop front detail replicates the detail of the existing ground floor shop front, in terms of extent and proportions of glazing. As such, the design of the extension is considered to be acceptable and satisfied the design requirements as set out in Core Strategy policy P10.

Highways issues

- 10.7 The principal issue raised by objectors relates to the impact of the proposal on highway safety. The application site lies on the very edge of the existing town centre boundary (and is proposed to be within it as part of SAP) with good access to public transport services. The site's positioning is also such that there is the likely prospect of some users of the proposed commercial development carrying out linked visits to other shops/ services within the centre itself.
- 10.8 Officers acknowledge the proposal will take away some existing off-street parking provision whilst at the same time will increase the commercial floor space and add a further flat. The existing off-street parking on site is noted to be extremely tight with a total of 14 spaces currently shown. 4 of these spaces are to be reserved for the upper floor flats. The revised proposal will reduce the total number of spaces down to 10, which when combined with the accommodation proposed is considered by Highways officers to constitute an over-development of the site. Highways Officers consider the reduction in off-street parking not to be in the best interests of highway safety and would put additional pressure for parking within Crossgates Centre, which is generally at a premium. Concern about a new, wider access point onto Austhorpe Road in close proximity of the junction with Church Lane is also raised by Highways officers who conclude that the development should not be supported.
- 10.9 In assessing the above concerns, a review of the existing parking provision has been taken. At present, 14 parking spaces are in theory available. These spaces are accessed off Austhorpe Road, adjacent to No. 57 Austhorpe Road and via Church Lane. In terms of the detailed layout, 13 of the spaces are laid out as echelon parking (given the limited depth of the parking area) with the remaining space in front of the

original garage (which is conditioned to be a cycle store at present). Additionally, only a narrow aisle width is provided so overall the layout does not comply with current guidance as contained in the Leeds Street Design Guide or the Manual for Streets. Combined, these factors mean not all of the existing spaces are easy to access with some requiring long reversing and contrived multiple turning manoeuvres. These limitations may have influenced their attractiveness from a user perspective (unless of course they just haven't been required) as officers have never observed a full car park.

- 10.10 The proposed layout would reduce the total number of spaces down to 10, however the detailed layout would comply with current guidance and enables cars to enter and leave the site in a forward gear. This new layout would be secured by condition with each flat having its own space and a visitor space also provided. A total of 4 spaces would therefore remain for the commercial use which is considered to be reasonable in the circumstances.
- 10.11 In terms of the concerns about the detailed access arrangements, the proposal would remove the existing access adjacent to 57 Austhorpe Road, where visibility is restricted in an easterly direction and replace it with an access within a more central part of the frontage. As such, although this access would not wholly meet standard junction spacing requirements, the improvements to the visibility in an easterly direction, combined with the improved usability are such that it can be accepted in this instance.
- 10.12 It is noted that at No. 5-7 Church Lane, opposite the site, planning permission has recently been granted for a dental practice. That proposal made provision for dedicated off-street parking (6 no. spaces) with the potential to improve the parking arrangements currently available on site. Taking account of the site location adjacent to the town centre, the improvements to parking, (and the fall-back position of a retail use), Highways officers raised no objections to the proposal. In addition, in respect of the Wetherspoon's proposal for a public house off Austhorpe Road, within the town centre, no highway safety reason for refusal regarding the lack of parking was put forward by the Local Planning Authority.
- 10.13 Regard has also been had in terms of a previous appeal at the application site for a hot food take away, which was partially refused on highway safety grounds. As part of the appeal, the Inspector noted that there are a number of parking restrictions in the area, and given that there would be on-street and off-street parking available, the Inspector did not consider that significant levels of parking in contravention of those restrictions would be likely to arise as a result of that development. The Inspector also noted that in any event, the contravention of parking restrictions can be enforced through other legislation. This appeal decision is dated May 2006, and pre-dates current advice in the NPPF that developments should only be refused on highway safety grounds where the impacts are likely to be severe. A refusal reason due to a lack of parking is not therefore one which officers reasonably consider could be sustained in the event of an appeal, despite the concerns that have been raised by third parties and Highway officers on the matter.
- 10.14 With respect to servicing requirements as also raised by a third party objector, the existing use is not considered to have any significant requirements and as a sui generis use would be subject to a separate change of use planning application were a different end user to come forward.

Third party representations

- 10.15 The main concerns as raised by third parties have been addressed in the above appraisal. The concerns about existing conditions not being complied with are noted but are in part dependant on the outcome of this current planning application. This recommendation specifically picks up on the bin and cycle storage requirements for the entire site and a formal decision on this application will determine what provision is pursued. Reference to a restrictive covenant on the property is also made but ultimately this is a private matter and not a material planning consideration.

11.0 CONCLUSION

- 11.1 It is considered that the proposal complies with the relevant Core Strategy and saved UDP policies. It is acknowledged a reduction in the total number of parking spaces available at the site would result but the revised layout offers considerable improvements in terms of the usability of the spaces that would remain. It is therefore concluded, taking all matters into account including the representations received, that planning permission should be granted subject to the conditions at the head of this report.

Background Papers:

Application files: 17/02203/FU

Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr D Hunter)



17/02203/FU

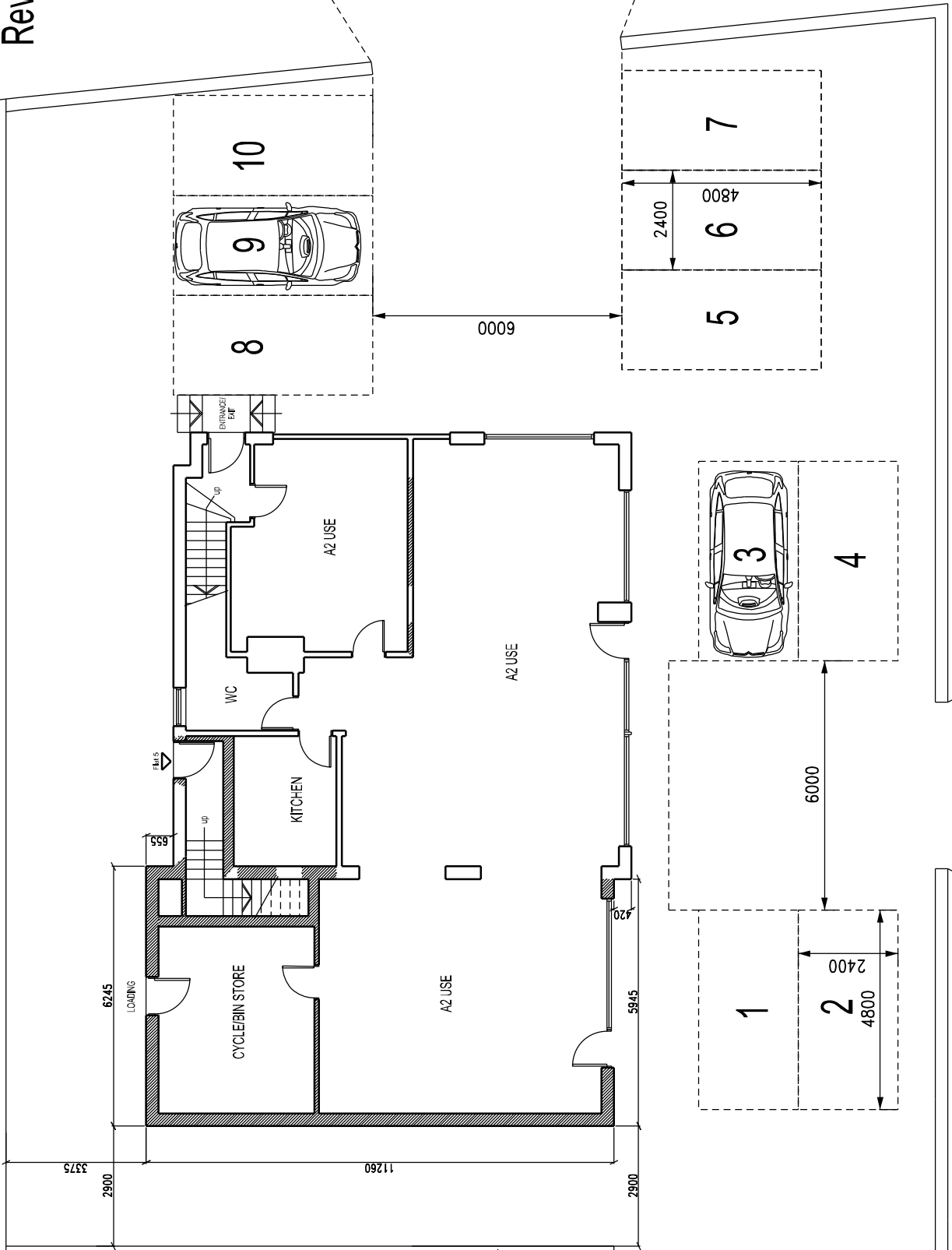
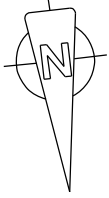
NORTH AND EAST PLANS PANEL



SITE LAYOUT PLAN
 PROPOSED
 SCALE 1:100 @ A3

Revision J

AUSTHORPE ROAD



NEW 1800mm
 HIGH
 CLOSE BOARDED
 FENCE

CHURCH LANE

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Originator- U Dadhiwala
Tel: 0113 247 8059

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th November 2017

Subject: 17/04886/FU– Replacement dwelling with garage and associated landscaping at 5 Wensley Drive, Chapel Allerton Leeds LS7 3QP

APPLICANT	DATE VALID	TARGET DATE
Miss F White	24 July 2017	18 th September 2017

<p>Electoral Wards Affected:</p> <p>Chapel Allerton</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission
2. Development carried out in accordance with approved plans
3. Samples of the external building and surfacing materials to be submitted
4. Parking spaces to be laid out
5. Planning permission shall be obtained before any windows are inserted in the side elevations of the bungalow
6. Construction Works Management Plan
7. Screens shall be erected on either side of the upper decking and the side of the lower decking area that faces No.7 Wensley Drive
8. Details of feasibility study into the use of infiltration drainage methods has been submitted to and approved by the LPA
9. Details of the surface water drainage works
10. The LPA shall be notified in writing immediately where unexpected significant contamination is encountered
11. Documentation demonstrating the absence or total removal of asbestos from any building(s) to be demolished
12. Details of the footpath crossing/s and/or construction details of the reinstatement to full height footway of any redundant crossing/s to be submitted

13. Any gates erected to the access should only open inwards for the lifetime of the development.
14. Details of boundary treatment

1.0 INTRODUCTION

1.1 This application seeks permission to demolish the existing bungalow that occupies the site and to construct a two storey dwelling. This application has been brought to Plans Panel at the request of Councillor's Eileen Taylor, Jane Dowson and Cllr Rafique, who express the following concerns in relation to the scheme;

- The proposed dwelling being set too close a proximity to the neighbouring boundary
- Detriment to the neighbours' amenity
- Overlooking, loss of privacy
- Overshadowing
- Over-dominance
- The proposed dwelling will appear unlike any other on the street and therefore will have a negative impact upon the character of the area

2.0 PROPOSAL

2.1 The application seeks approval for the construction of a detached two storey dwelling and garage to replace a bungalow on the site. The main two storey element of the building will measure 12.8m in depth, 11.5m in width and will be approximately 8.7m in height. The proposal will include a detached garage to rear. The dwelling will be constructed of a slate roof and the elevations will feature cedar cladding and render. The proposed house is of a traditional form but it's design and use of material gives it a contemporary appearance. There is also a decking area proposed to the rear of the site.

3.0 SITE AND SURROUNDINGS

3.1 The proposal relates to a residential curtilage which is currently occupied by a bungalow of a traditional design simple in shape and form. It is flanked by two storey dwellings, one being a detached structure the other being a semi. The dwellings in the immediate vicinity of the application site are varied in design. There is also a variance in ground levels, with the street sloping up from south to north. The garden area also slopes down towards the rear. The garden area of the property is enclosed by hedges and fences. Further to the north Wensley Drive is characterised by inter-war semi-detached white rendered houses. The site is located outside but adjacent to the Chapel Allerton Conservation Area whose boundary is located to the west.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by site notice dated the 18 August 2017 and was advertised in the press 11 August 2017. Neighbour Notification Letters posted 31 July 2017.

6.2 Three objection letters have been received raising the following concerns;

- The footprint of the development is double size of the bungalow
- The development will lead to loss of light and views
- The proposed material for the wall at this point is wood which naturally absorbs light.
- The red line plan is inaccurate
- A flat roof garage should be proposed
- The development looks more suited to an HMO rather than a family home.
- Loss of privacy from the side elevation window
- The proposal will overshadow and result in the loss light.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways
No objections subject to conditions.

7.2 Mains Drainage
No objections subject to conditions.

7.3 Contaminated Land
No objection subject to conditions.

8.0 PLANNING POLICIES:

Development Plan

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Plan

Core Strategy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered the most relevant;

Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context

Policy H2: Relates to new housing on non-allocated sites

Policy P10: Seeks to ensure that new development is well designed and respect its context

Policy P11: Seeks to ensure developments that affect designated and undesignated heritage assets conserve and enhance local character

Policy T2: Accessibility requirements and new development

Natural Resources and Waste Local Plan (January 2013)

8.3 The following policies are considered relevant:

WATER 1: Water efficiency
WATER 2: Protection of water quality
WATER 7: Flood risk assessments
LAND 1: Contaminated land
LAND 2: Development and trees

Saved UDP policies:

8.4 The following policies are considered relevant:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
Policy BD5: Seeks to ensure new development protects amenity.
Policy LD1: Seeks to ensure that development is adequately landscaped
Policy N23: Refers to open space and the retention of existing features which make a positive visual contribution
Policy N25: Refers to boundaries around sites
Policy N19: Developments within and adjacent to conservation areas

National Planning Policy (NPPF)

8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system and promotes sustainable (economic, social and environmental) development. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.6 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

8.7 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

8.8 Guidance on conditions is provided within the Planning Policy Guidance (NPPG).

DCLG - Technical Housing Standards 2015

8.9 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the City Council is currently

developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage. The standards are met.

Community Infrastructure Levy

- 8.10 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12 November 2014 and was implemented on the 6 April 2015. The development is CIL liable at a rate of £45 per square metre in Residential Zone 2B (subject to indexation). The development is regarded as Self Build and therefore is exempt from the CIL charge.

9.0 MAIN ISSUES

- Principle of development
- Character and Appearance
- Residential Amenity
- Highways
- Representations

10.0 APPRAISAL

Principle of Development

- 10.1 As the proposal will replace an existing dwelling situated in an existing residential area with good road and public transport links; and links to community services. It is considered that the application site is in a sustainable location and the proposal would not exceed the capacity of local infrastructure. Given that this is a brownfield site which has been developed, it is not considered that the proposal will harm the special character of the area. Therefore, it is considered that the proposal complies with policy H2 of the Core Strategy and is considered acceptable in principle.

Character and Appearance

- 10.2 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. The site is located outside but adjacent to the western edge of the Chapel Allerton Conservation Area wherein national and local planning policy requires new developments to preserve, and or enhance its character and setting.
- 10.3 As dwellings in the vicinity of the application site are varied in style and design and includes a modern rendered dwelling on one side (No.7), a traditional two storey dwelling on the other (No.3) and three storey flats opposite, the overall mixed traditional and contemporary design of the proposed dwelling and its two storey height is not a concern. Furthermore, the proposed rendered elevation mixed with cedar cladding and a slate roof, will not detract from visual amenity particularly given that properties in the area are built using different materials including render and brick. Weight in favour of the scheme, should also been given to the fact that

the street is characterised by two/ three storey buildings and therefore the proposed two storey building is much more in keeping with the character of the area, when compared to the existing bungalow.

- 10.4 The overall mass and scale of the dwelling is considered reasonable with the two storey element of the scheme maintaining a good level of separation from neighbouring boundaries and properties so as to ensure the special character of the area is not eroded, the differences in ground levels between dwellings on either side will further ensure the spatial character of the area will not be affected. Therefore, it is considered that the proposal complies with relevant planning policy guidance including the NPPF, UDPR Policy GP5 and policy P10 of the Core Strategy. Given that the existing dwelling is of no particular architectural merit its replacement with the proposal, which is of an appropriate scale and design, will not harm the character or appearance of the adjacent Conservation Area. Therefore, it is considered that the proposal complies with the Saved Policy N19 and Core Strategy Policy P11, which requires developments to not harm the character or the appearance of the Conservation Area/heritage assets.
- 10.5 The garage proposed is a single storey structure of a simple shape and form and will be positioned to the rear of the site. Therefore, it is considered that the design and scale of the garage is appropriate for its context, and will appear proportionate and subordinate to the main dwelling.
- 10.6 The decking area proposed is of reasonable scale and given that such structures are found commonly within the residential gardens, it raises no visual amenity concerns.
- 10.7 There are trees located close to where the proposed decking will be constructed, these trees are not protected by a TPO and do not make a positive impact upon the character of the area. Therefore, it is considered that any harm the development may cause to the trees is not matter that weighs against the proposal.

Residential Amenity

- 10.8 The mass of the structure will be set adjacent to the side elevation of the neighbouring dwellings on either side, and will project beyond their rear elevations. In relation to the dwelling to the south No.3, a separation distance of 3m will be maintained with the two storey element of the dwelling being set mostly to the side of No.3 and the single storey element that projects beyond the rear elevation being set 8m away from the common boundary. Therefore, it is considered that separation distances are adequate to ensure that the proposal will not overshadow or over-dominate No.3.
- 10.9 With the proposed dwelling being located to the south of No.7 and projecting beyond its rear elevation, it is accepted that the scheme will cast a shadow over part of No.7 and will also change the outlook from that property. However, it is considered that the level of over-shadowing and any dominance that will be experienced will not be significantly harmful to residential amenity. The proposed dwelling will be largely located adjacent to the blank side gable of No.7 being located 5m away from the dwelling. This separation distance, coupled with the differences in ground levels (with No.7 being set higher than the application site), suggests that the proposal will not have a negative impact upon the internal living conditions of No.7 by way of over-shadowing or dominance. Whilst there may be some views available of the two storey and single storey elements of the dwelling from the garden area of No.7, given the differences in ground levels and that the

No.7 has a good size garden, large sections of the which will remain unaffected by the proposed dwelling, it is considered that the proposal will not raise significant issues of dominance or over-shadowing.

- 10.10 The single storey garage will be located to the rear of the application site close to the common boundary with No.3. It is considered that the garage, due to its reasonable single storey scale and form, and will not have a significant impact upon the neighbouring properties by way of over-shadowing or dominance.
- 10.11 In relation to privacy, it is considered that the windows proposed in the front elevation of the dwelling will not offer significant views of the private areas of the neighbouring dwellings. The windows in the side elevations of the dwellings are secondary in nature some of which will be obscure glazed, and therefore it is considered that the windows in the side elevation will not offer significant views of the neighbouring dwellings. The windows in the rear elevation will maintain a separation distance of around 13m to the rear boundary, which is adequate to ensure that the proposal will not significantly overlook and affect the privacy of the dwellings beyond the rear. The side elevation windows of the single storey element that faces No.3, will overlook the screen that will be erected along the decking and therefore these windows will not raise overlooking issues.
- 10.12 The distance between the proposed decking area and the rear boundary will measure 8.5m and a distance of 21m will be maintained from the dwelling located directly beyond the rear boundary. It is considered that the proposed decking maintains an adequate separation distance so as to ensure that the privacy of the dwellings beyond the rear boundary is not harmed.
- 10.13 The lower decking area will raise ground levels by around 0.7m and it is considered that this area of the decking will offer views of No.7 Wensley Drive. Therefore, a condition will be attached to ensure a screen of 1.8m measured from the balcony floor is constructed to prevent views of No.7. There will not be significant views of the private area of the dwelling on the other side No. 3, this is due to the boundary treatment and the separation distance of over 8m.
- 10.14 It is considered that the proposed upper decking area may offer views of the dwellings on both sides and therefore a condition will be attached to ensure screens are erected to the sides of the upper decking area. Subject to these conditions being imposed, it is not considered that the proposal will raise significant privacy issues.

Highway matters

- 10.15 It is not considered that the level of traffic generated by the proposed development will be any different when compared to the dwelling it will replace and the site will retain sufficient space to park two vehicles. The Highways Officer has evaluated the scheme and has raised no concerns.

Public Representation

- 10.16 The concerns raise relating the O.S plan being inaccurate, are noted. The applicant has however disputed this claim. It is considered that O.S plan marks the boundaries of the site as accurately as possible.

- 10.17 The comments made that the footprint of the development is double the size of the bungalow, is noted. It is considered that the footprint of the dwelling proposed is not excessive and sufficient amount of garden space will be retained.
- 10.18 The comments made by the objectors on either side of the site relating to the loss of light and views are noted. Given the fact that the two storey element of the building will largely be set facing the side gables of the dwellings, with a good distance maintained from the prominent windows of the dwellings and the most usable areas of the garden i.e. the areas closets to the rear wall of the dwelling, it is considered the proposal will not cause a significant loss of light or views. For similar reasons, it is not considered that proposal will unreasonably overshadow or over-dominate the neighbouring dwellings.
- 10.19 The comments made relating to the materials proposed, are noted. It is considered that the materials proposed to be used including the wood cladding are acceptable and will not harm visual amenity or lead to a loss of light as is implied by the objector.
- 10.20 The comments made that garage proposed should have a flat roof, is noted. A flat roof garage is being proposed.
- 10.21 A member of the public has commented that the development looks more suited to an HMO rather than a family home. It is considered that all dwellings have a capability of conversion to a HMO, and therefore the scheme cannot be refused on this point.
- 10.22 The concern raised relating to the loss of privacy has been discussed within the report.
- 10.23 The concerns raised by Ward Cllrs that have been highlighted at the head of the report have also been addressed within the report.

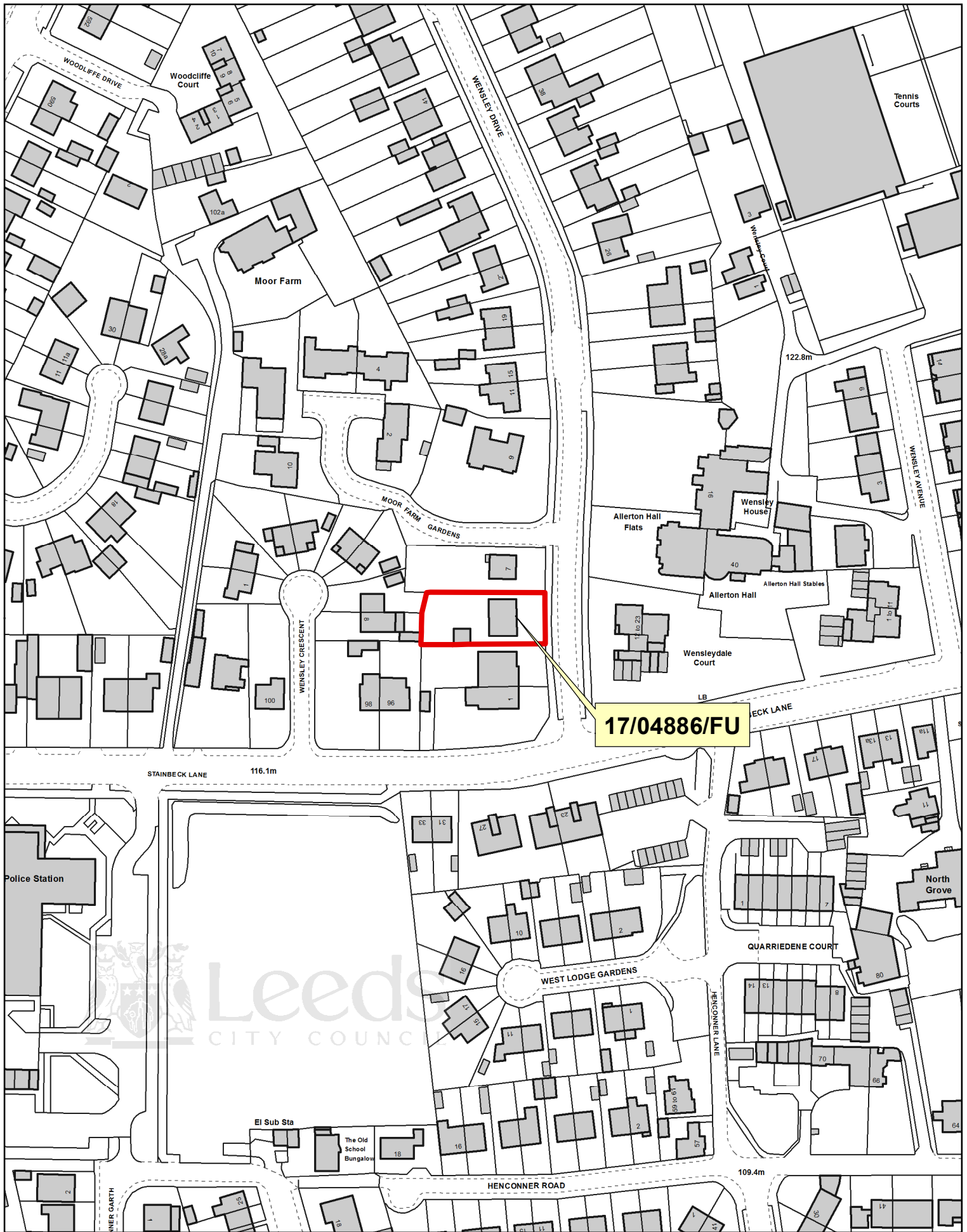
11.0 CONCLUSION

- 11.1 In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context whilst Highways have found that the parking provision is acceptable and no specific highway safety concerns have been raised. As such, the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

Background Papers:

Application file: 17/04886/FU

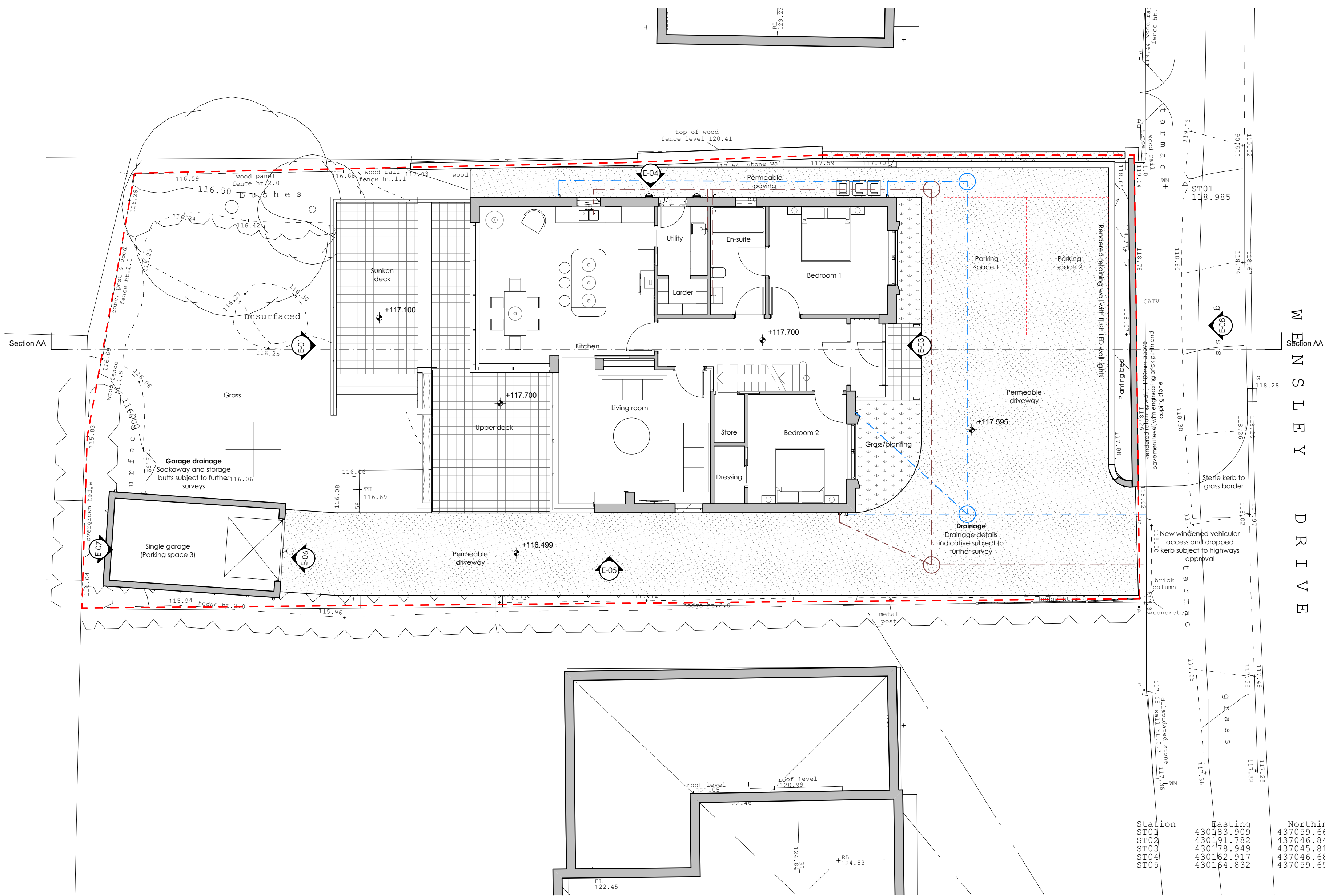
Certificate of ownership: Certificate 'A' signed by the agent



17/04886/FU

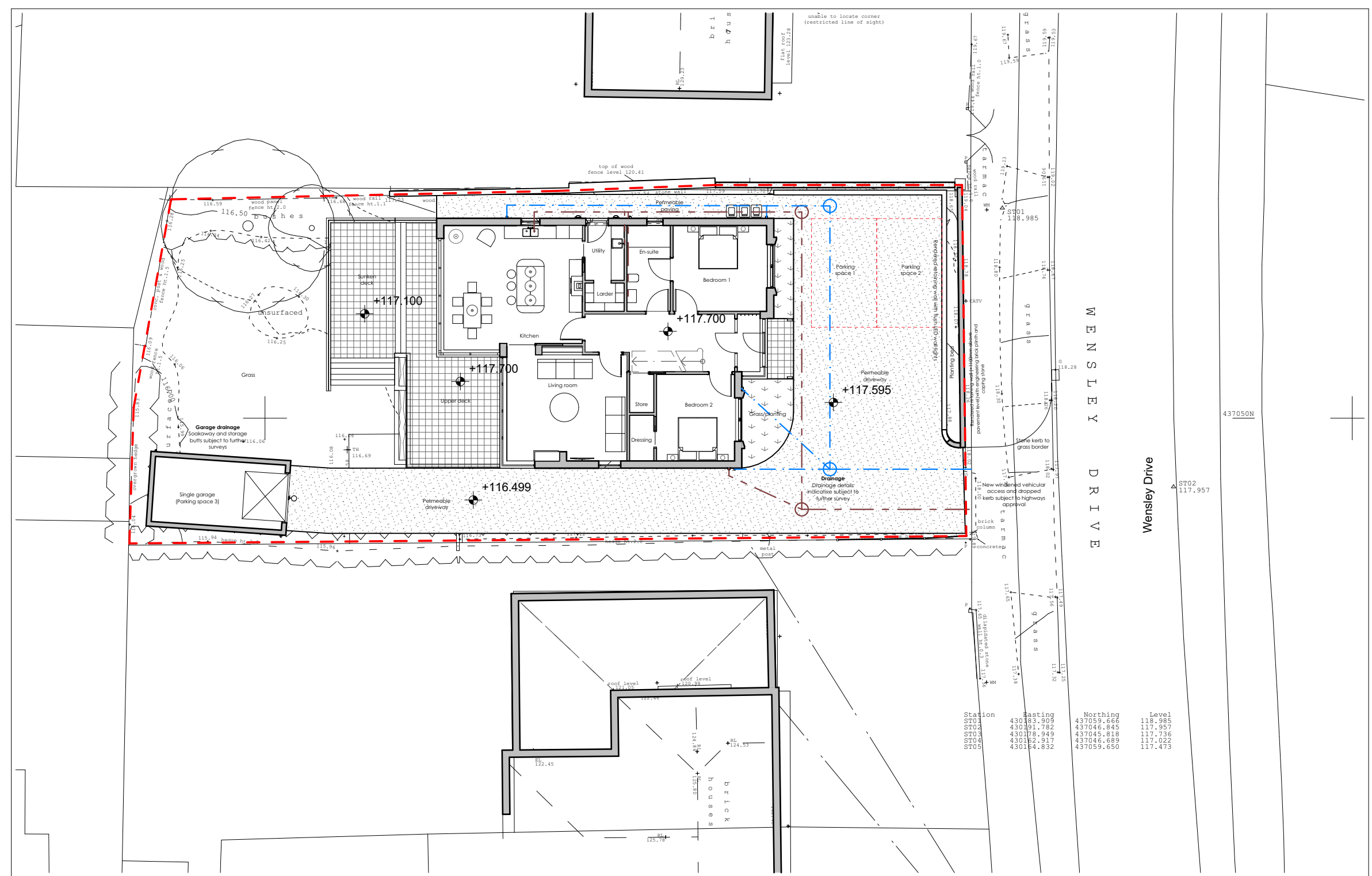
NORTH AND EAST PLANS PANEL





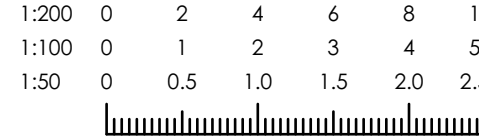
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0270	430391.782	437046.84
0270	430178.949	437045.81
0270	430182.917	437046.66
0270	430184.832	437059.86

GF-Ground Floor
1:100



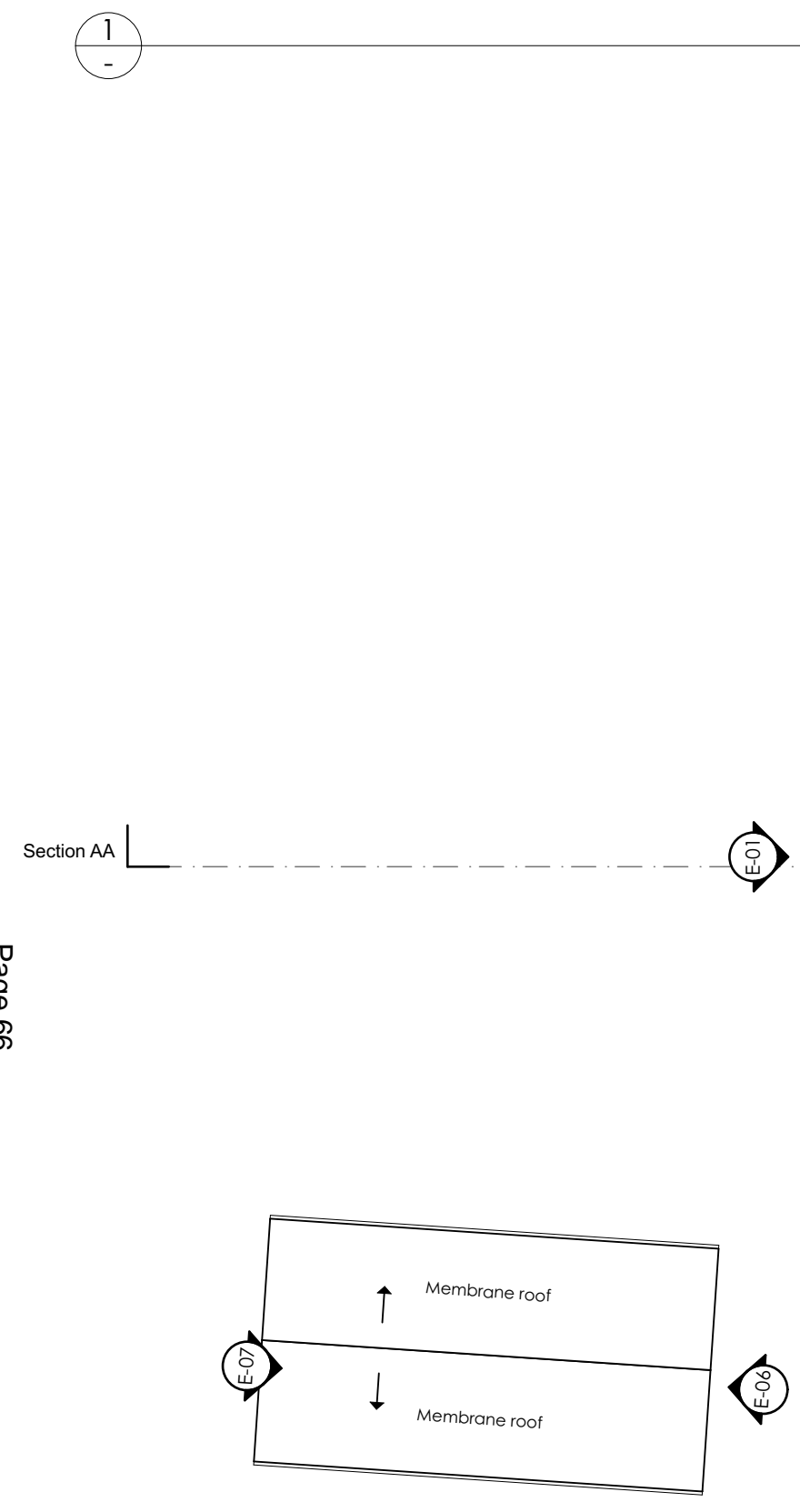
Site Plan
1:200

Notes:
 Please note that this drawing is based on a third party survey and is subject to a detailed building survey.
 Contractor to check all dimensions. Any discrepancies to be reported to the architect.
 Samples of roof and wall facing materials to be provided for approval by the architect and local authority.
 All structural details in strict accordance to Structural Engineers design and calculations.
 All foundation and drainage works to be carried out under the inspection of and approved by the Building Control Inspector.
 All changes to the existing structure are indicative only and subject to local authority approvals.

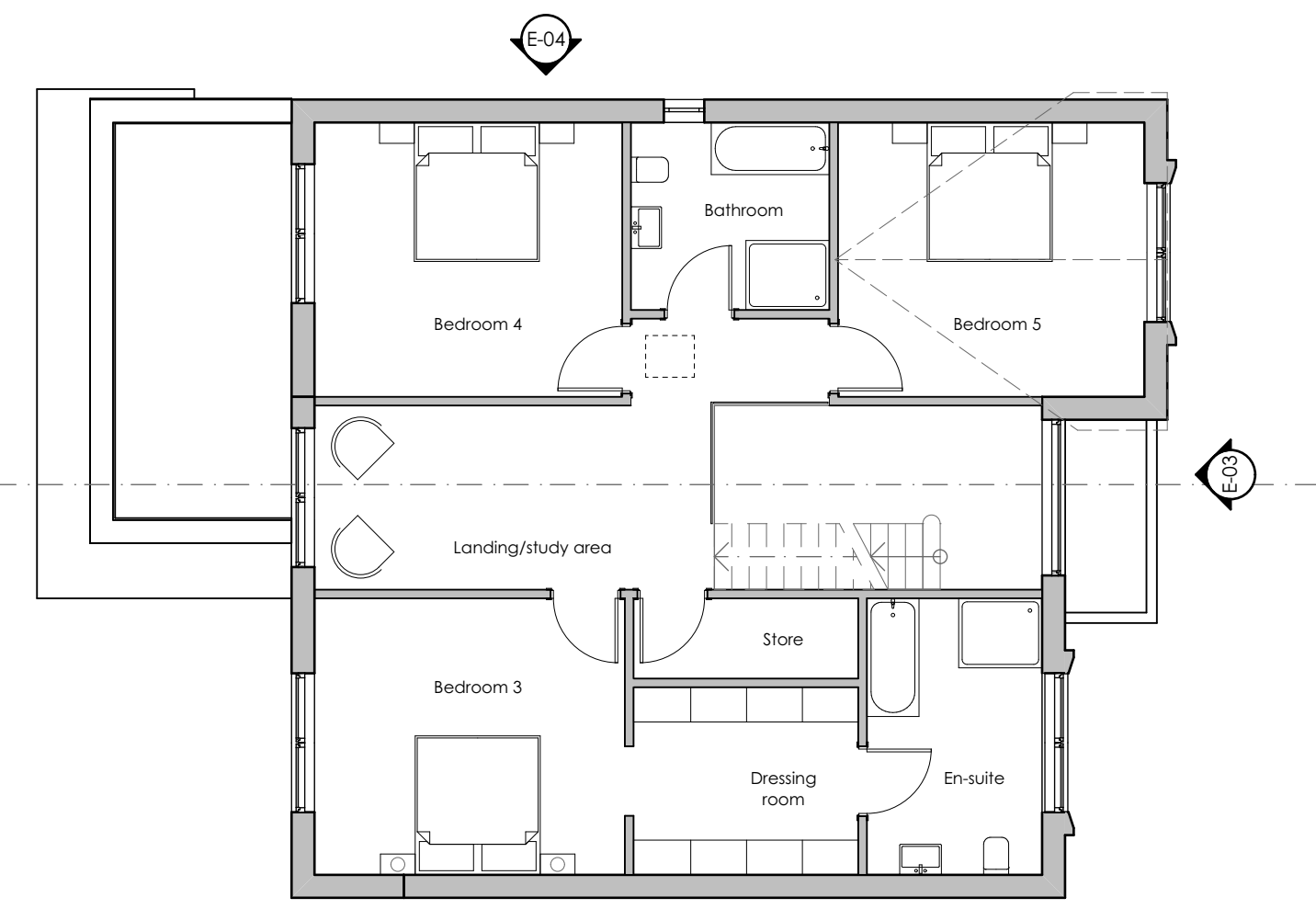


Construction staff and operatives must ensure the principle contractor has provided thorough and accurate information on all Health and Safety aspects relating to the designs identified on this drawing, including the review of:

The Designers note that the following health and safety risks have not been eliminated during the design process:



03-Roof
1:100



01-First Floor
1:100

No.	Planning amendments	24/08/2017
Description	Date	
Drawn by	OL	
Checked by	NS	

Client **FAYE & LESLEY**
 5 WENSLEY DRIVE
 CHAPEL ALLERTON
 Project name **LS7 3QP**
 Project number **0739**
 Date **07/07/2017**
 Scale **1/ 200 & 1 / 100 @ A1**

P004 revision **A**
PROPOSED PLANS

PRELIMINARY PLANNING BUILDING REG TENDER CONTRACT CONSTRUCTION 'AS BUILT'

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 ISSUED SUBJECT TO DUE DILIGENCE



Originator: S Woodham
Tel: 0113 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th November 2017

Subject: APPLICATION 17/03445/FU – Change of use of house (use class C3) to a house in multiple occupation (use class C4) at 20 Reginald Mount, Leeds, LS7 3HN

APPLICANT	DATE VALID	TARGET DATE
Mr R Mason	25 th May 2017	24 th August 2017

<p>Electoral Wards Affected:</p> <p>Chapel Allerton</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission (3yrs)
2. In accordance with approved plans
3. Details of cycle storage facilities to be submitted
4. Layout to be maintained in accordance with approved plans (i.e. no more than 4 bedrooms)

1.0 INTRODUCTION:

1.1 This application is presented to Plans Panel at the request of Ward Councillors Jane Dowson, Mohammed Rafique and Eileen Taylor who have raised concerns on high concentration of HMOs, parking and that HMOs can undermine the balance and health of communities.

2.0 PROPOSAL:

2.1 The applicant seeks planning permission to change the use of a property on Reginald Mount from a dwellinghouse currently occupied in the C3 planning use class to a small house in multiple occupation (HMO) (between 3-6 occupants) in the C4 planning use class.

2.2 No changes to the external or internal layout of appearance of the property or site are proposed as part of the application.

2.3 Planning permission is required as the property falls within the Council's Article 4 Direction area which controls changes of use from the C3 planning use class to the C4 planning use class.

3.0 SITE AND SURROUNDINGS:

3.1 20 Reginald Mount is a mature red brick mid-terrace house which accommodates four bedrooms. The property has a projecting bay window feature and a small front garden area with a step out to the pavement at the front and a small yard area to the rear.

3.2 Reginald Mount is situated in Chapel Allerton ward and forms part of a cluster of terraced streets comprising the Reginalds (Ave, View, Place and Mount) and the Sholebrookes (Place, View, Street and Mount). The area is predominately residential from terraced properties, semi-detached dwellings to flats. The local area is not recognised to have a significantly high concentration of HMOs and council records indicate that three other HMOs exist nearby along Sholebroke Place and one on Back Reginald Place.

4.0 RELEVANT PLANNING HISTORY:

4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notice.

6.2 A letter of representation received from Ward Councillor Jane Dawson, Mohammed Rafique and Eileen Taylor stating objection to the proposals on the following summarised grounds:

- Already high concentration of flats and Houses in Multiple Occupation (HMO) in the Chapel Allerton Area.
- To continue to introduce HMOs into Chapel Allerton, will undermine the balance and health of communities in our ward. Furthermore, Chapel Allerton has high levels of unemployment.
- There is already an issue with parking in the area and this will make the problem worse
- The HMO application (16/03731/CLE) was refused on Thursday 15th September 2016, therefore we should be consistent in our approach on this road

6.3 1 letter of objection received from the public stating objection to the proposed change of use and the grounds are summarised below:

- This is a family street with many young children who use the street/front gardens to play. A HMO will increase footfall and traffic.

- This street is already narrowed for traffic calming and has very limited parking available. More vehicles will cause risk to residents, both as traffic and as parked vehicles.
- This is a family area and the housing need locally is for large families
- The street has experienced two accidents

6.4 The applicant has written in support of his application.

7.0 CONSULTATION RESPONSES:

7.1 Highways: No objection, parking requirements of the existing and proposed use are similar.

8.0 PLANNING POLICIES:

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

Development Plan

8.2 The Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF
 Policy H6 – HMOs, Student Accommodation and Flat Conversions
 Policy P10 - Design

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

GP5 - Development control considerations including impact on amenity

Supplementary Planning Documents and Guidance

8.4 Relevant supplementary planning documents and guidance are outlined below:

- Parking SPD (January 2016)

Other Relevant Local Documents

8.5 Other relevant local documents include:

- LCC Advisory Standards for Houses in Multiple Occupation (January 2012)

National Planning Policy Framework

8.6 The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning

Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

- 8.7 Paragraph 50 of the NPPF states: “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”.
- 8.8 Paragraph 69 of the NPPF states that: “the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”.

Article 4 Direction – C3 to C4

- 8.9 The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.
- 8.10 The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.
- 8.11 Revised guidance contained within ‘Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 November 2010’ in relation to the use of Article 4 directions for this purpose was published by the government on the 4th November 2010. This guidance states that Article 4 directions can be used where the exercise of permitted development rights would ‘undermine local objectives to create or maintain mixed communities’.
- 8.12 The council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available. However it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.
- 8.13 The government published the report ‘Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report’ in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:
- Anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities
 - Negative impacts on the physical environment and streetscape
 - Pressures upon parking provision
 - Increased crime
 - Growth in private sector at the expenses of owner-occupation
 - Pressure upon local community facilities and

- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

8.14 In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 Direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.

8.15 The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area. Planning applications which are required by the Direction will be assessed against national and local planning policies.

9.0 MAIN ISSUES:

1. Housing Mix and Balanced Communities
2. Design and Character
3. Other matters

10.0 APPRAISAL:

Housing Mix and Balanced Communities

- 10.1 The existing property is occupied as a dwelling house under the C3 planning use class.
- 10.2 The application site is not allocated for any specific purpose within the city council's development plan and is located within the established residential area of Chapel Allerton with ready access to public transport links (along Chapeltown Road) and a number of shops and amenities. The conversion of the property to an HMO would retain its use for residential purposes and this would be compatible with the predominantly residential surroundings. On the case officer's site visit, the properties along Reginal Mount and adjacent streets appeared generally well kept with no obvious signs of HMOs or negative impacts on the physical environment and streetscape, including parking provision.
- 10.3 Core Strategy Policy H6 (HMOs, Student Accommodation and Flat Conversions) is the relevant local planning policy for this development proposal and Part A of that policy specifically relates to the creation of new HMOs. It is recognised that policy relates to HMOs occupied by all individuals and not solely those occupied by students. Part A of Policy H6 aims to ensure:
- (i) a sufficient supply of HMOs is maintained in Leeds
 - (ii) HMOs are located in areas well connected to employment and educational institutions associated with HMO occupants
 - (iii) the detrimental impacts through high concentrations of HMOs are avoided where this would undermine the balance and health of communities
 - (iv) to ensure that the proposal address relevant amenity and parking issues, and
 - (v) this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.

10.4 Broadly, the policy approach seeks to tackle types of accommodation that have resulted in housing and population imbalances in certain parts of the city. The

policy's wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities, are consistent with paragraph 50 of the NPPF (*at the time of the Core Strategy adoption the examining Inspector noted "the maintenance of mixed and diverse communities is a legitimate policy objective and accords with national guidance"*).

10.5 Having regard to the detailed criteria for Part A, Policy H6, the following observations in relation to this application proposal are set out below:

(i) A search of LCC Council Tax records and the database of HMO Licenses issued by LCC shows that there are HMOs in this part of Chapel Allerton from St Martins View along Chapeltown Road, Savile Drive and Scott Hall Road there are 43 HMO's within this location. The mentioned area has approx. 1500 properties; this means that only 2.9% of the total number of properties are identified as HMO's. This is in comparison with other areas of the city for which have been identified as being areas of high concentration HMOs areas such as Hyde Park and Headingley, Harehills and Beeston which often have HMO percentages ranging from 50% to 90%. In the immediate vicinity of the application site (including Reginald Mount, Reginald View, Reginald Place and Reginald Row) there appear to be approximately 50 properties only one of which the council's records note as being an HMO. Therefore this area would not be considered to be a high concentration HMO area.

Whilst some unlicensed properties could be present, the loss of this individual property from the existing family housing stock is not considered to have a significant impact on the availability of family housing in the area as the overwhelming majority of properties would still be available for families. Arguably, the conversion of the dwelling to form an additional HMO would assist in improving the choice of housing types and tenures in this part of Chapel Allerton and satisfies this policy criterion.

(ii) The property is situated along Reginald Mount which is close to Chapeltown Road which has good public transport services and a number of shops and amenities. There is also good access to the city centre that provides potential employment opportunities and educational institutions. Thereby, the proposal is considered to be in accordance with this particular policy criteria.

(iii) In assessing the impact on a 'community' Policy H6 should not be assessed on a single street basis but on a wider community area. As searches of the LCC Council Tax records, HMO License database and planning permission reveal most of the surrounding houses remain occupied by families, couples and single people with HMO properties lightly spread within the community. The application site does not fall within a part of the city that is recognised to have a high concentrations of HMOs, such as areas within Hyde Park, Headingley or Woodhouse where some streets contain up to eighty or ninety percent HMOs. Such circumstances led to the formation of planning policies over the past decade to address such severe housing and population imbalances. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers terraced housing which is generally suitable for family occupation. For these reasons, the proposal would not result in an unacceptable increase of HMOs in the locality which would undermine the balance and health of communities. Accordingly, this proposal is considered to satisfy this policy criterion.

- (iv) Leeds UDP Policy GP5 aims to protect amenity including neighbouring amenity. Core Strategy policy P10 aims to protect general and residential amenity and it is recognised that HMOs can impact on neighbouring amenity in a number of ways. The government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Response' notes that this can include through anti-social behaviour, noise and nuisance. This can result from an increased number, or different pattern, of comings and goings of up to 6 adults in a HMO (C4 use) compared to a family living in the same property or from the different lifestyles of a group of adults living together in a property rather than a family for example. In the subject property the internal layout would not be altered so the existing 4 bedrooms (all situated on the first and second floor) would remain. The overall intensity of its use would therefore unlikely to be materially different from occupation as a single family dwelling. There may be a different pattern of comings and goings, and occupants may lead different lifestyles, but it is not considered that in this instance the accommodation available would create unacceptable situation in terms of potential noise and disturbance concerns for adjoining residents such as to justify refusal on these grounds. The objection from a neighbouring property in this regard has been noted, but as set out above and in the previous sections are not considered to be of such significance or potential harm as to warrant a refusal.

It is considered the proposal would not result in a significant intensification in the occupancy of the property. The illustrated room configuration retains the existing internal arrangements and avoids an inappropriate juxtaposition of living and sleeping areas and potential harm to the amenity of occupiers through noise transmission. In addition, it is considered that each bedroom will be provided with adequate internal space and light penetration to the rooms. The applicant will also be made aware of the technical requirements as set out in the housing legislation through any informative on the decision notice should permission be granted.

The occupiers will have access to a small communal yard to the rear although the quality and usability of the space is somewhat limited due to its confined space. However, in view of the dense arrangement of properties that surrounds, this modest provision of amenity space is not considered to be out of character with the other terraced residences that exist within this part of Chapel Allerton. The proposal will have sufficient space to accommodate ancillary items such as bins and cycle storage and details of the cycle storage shall be secured by planning condition. A condition covering bin storage is not considered necessary as the proposal is not considered to differ greatly from the existing arrangements.

Reginald Mount contains an arrangement of terrace houses and the occupiers are entirely reliant on space being available on-street in which to park their vehicles. The identified property is a 4 bedroom dwelling which brings with it its own parking demand and this would be balanced against the parking requirements for a 4 bedroom HMO. On this basis, the Highway officer considers that a highway objection would be difficult to justify and officers concur with this assessment.

- (v) In regard to concerns relating to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs, the determination of this point relates to whether the area has an existing high concentration of HMOs. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers terraced housing which is generally suitable for family occupation. In this particular instance, it is not considered that the proposal would unacceptably reduce the stock of family housing in this street and the local area and this policy criterion is satisfied.

- 10.6 Overall, it is considered that the proposal would not make a significantly harmful contribution to wider housing mix and community balance concerns so as to justify a refusal. As such the proposal is considered to comply with Core Strategy Policy H6 and the guidance contained within the NPPF.

Design and Character

- 10.7 The proposal will not result in any external changes to the property or site layout and as such the proposal is not considered to be significantly harmful in design and character terms. As such the proposal is considered to be in compliance with Leeds Core Strategy Policy P10 in this respect.

Other Matters

- 10.8 Ward members also made reference regarding a previous HMO refusal ref 16/03731/CLE which is in close proximity to the site (1 Reginald Mount). This application was for a Certificate of Existing Lawful Use rather than for Planning Permission it was refused for the following reason:

“The Local Planning Authority considers that it has not been clearly demonstrated that, on the balance of probabilities, the last lawful use of the property before the Council's Article 4 Direction came into effect on 10th February 2012 was as a small HMO falling in the C4 planning use class. The use as a small HMO (C4) is therefore not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) as applied by Section 192(2) of the Act.”

- 10.9 In this instance this application was refused given the lack of evidence considered that the use of the premises as a C4 HMO has on the balance of probabilities not been sufficiently proven nor would it be possible for the applicant to provide such evidence. The consideration of Certificate of Lawfulness are distinct in that the planning merits are not considered and they are decided on the basis of the balance of probability as to the lawfulness of the proposal given the evidence submitted by the applicant. This case therefore has no weight in relation to the merits of the proposed change of use of 20 Reginald Mount.

11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report, it is concluded that the proposed change of use from a C3 dwelling to a C4 HMO along Reginald Mount would not result in an unacceptable increase of HMOs in the locality that would undermine the balance and health of the community and would not unduly impact on the residential amenity of highway network of the locality. It is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act, it is recommended that the application be approved subject to conditions.

Background Papers:

Application file – 17/03445/FU

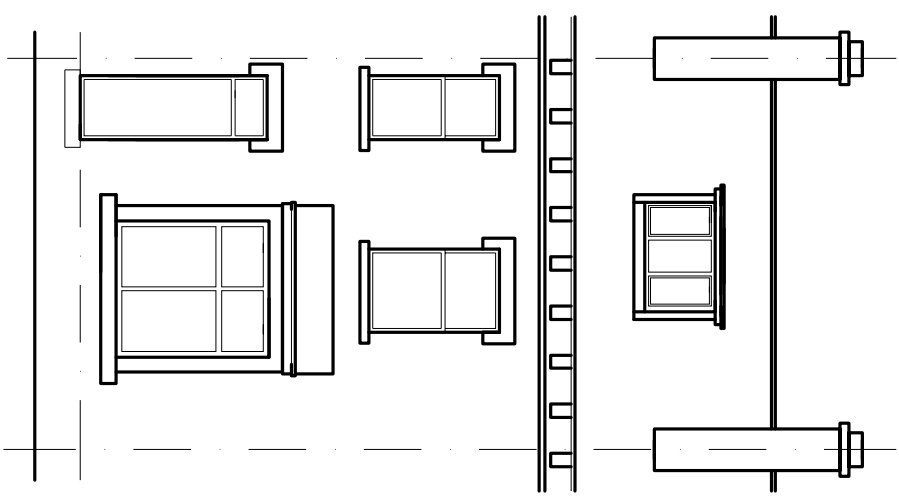
Certificate of Ownership – Certificate A signed by the agent.



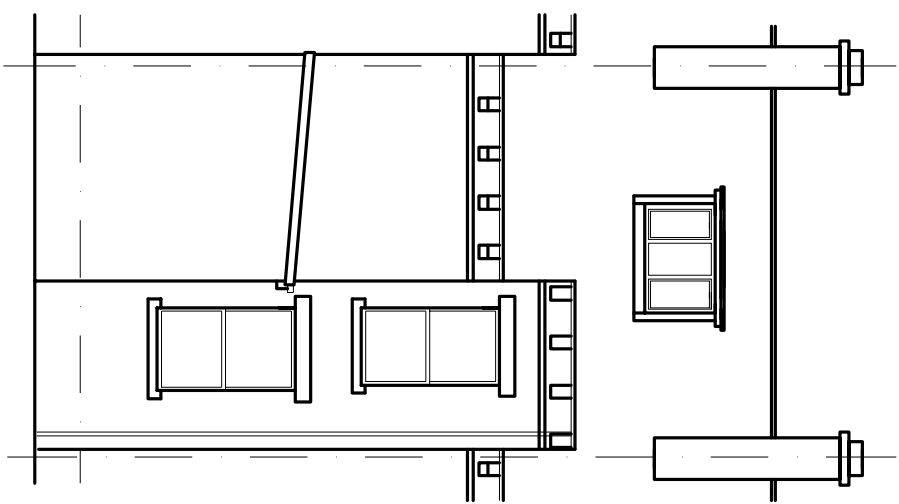
NORTH AND EAST PLANS PANEL



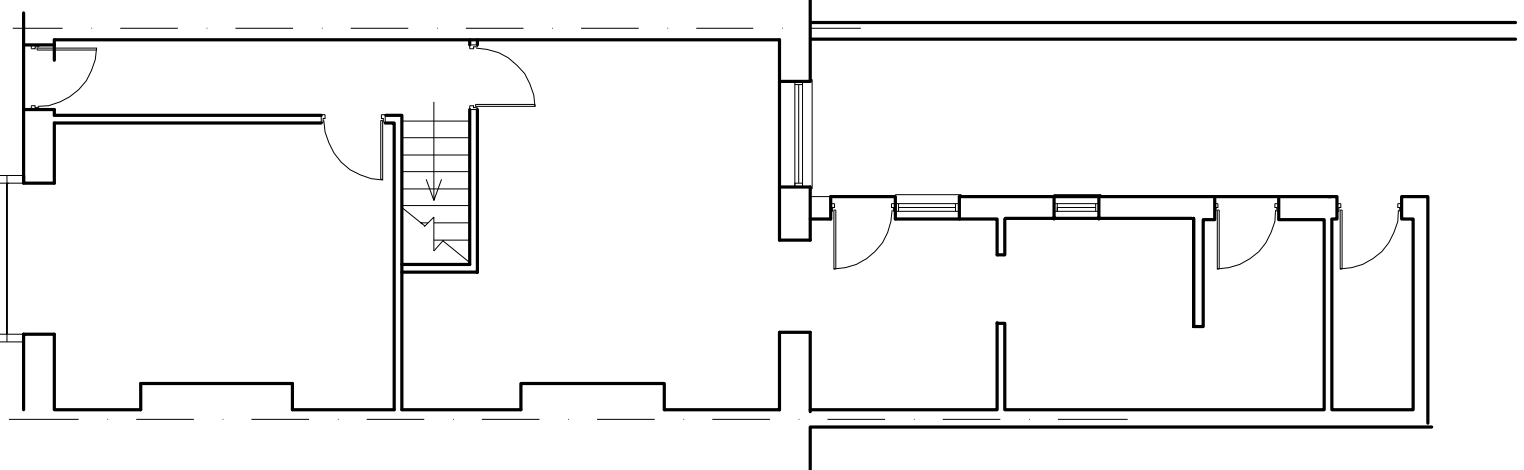
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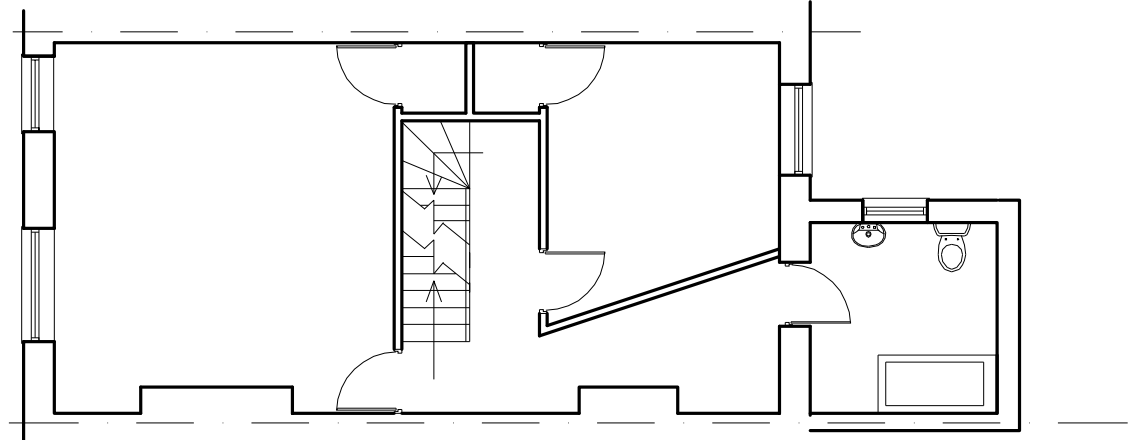
FRONT ELEVATION



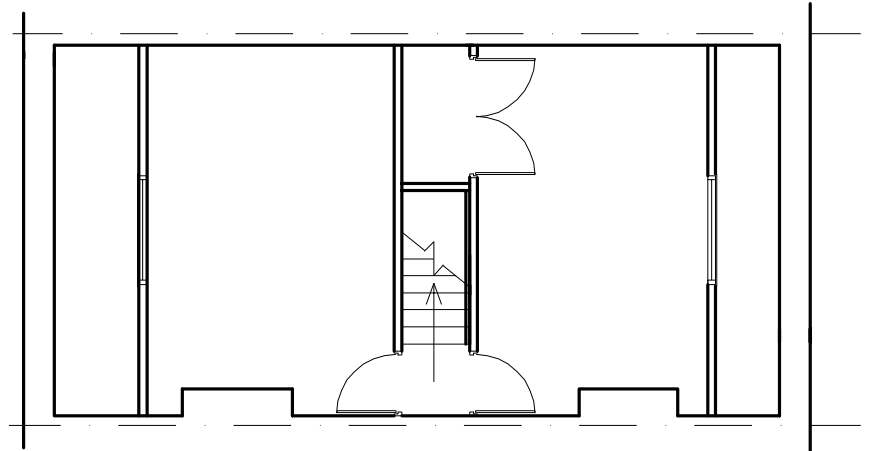
FIRST FLOOR ELEVATION



GROUND FLOOR

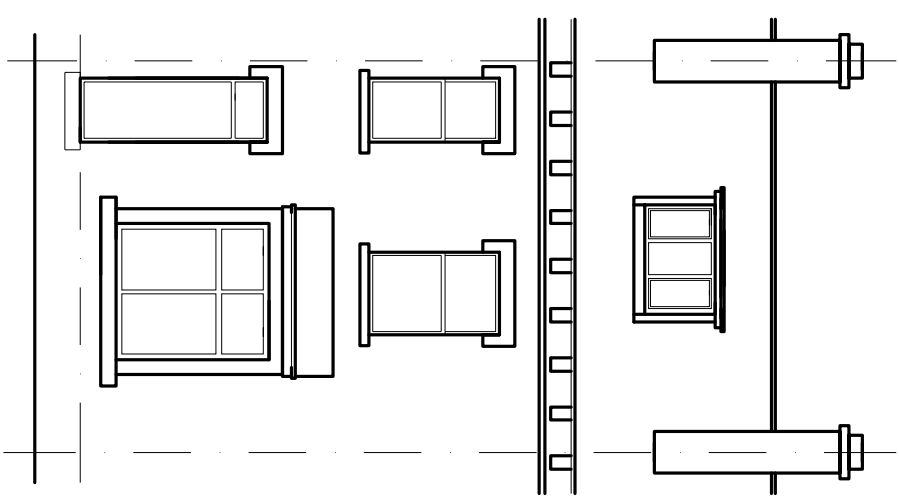


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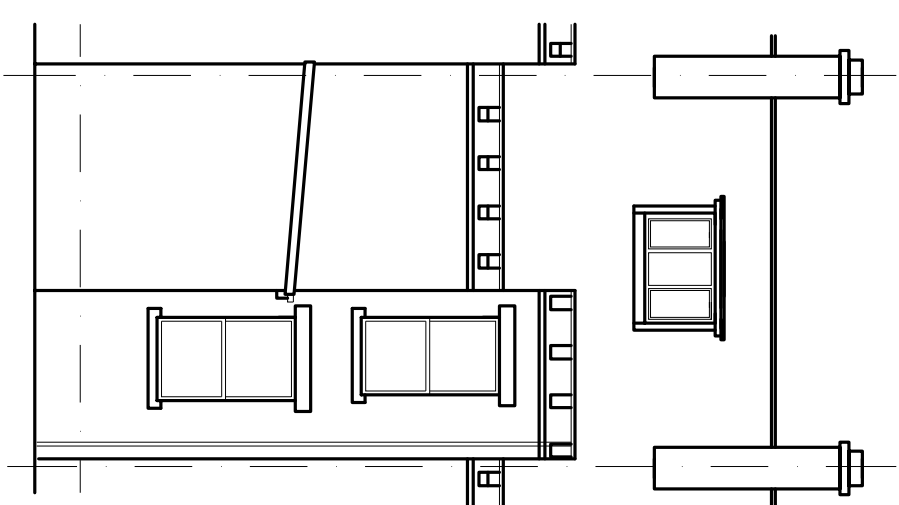


SECOND FLOOR

AS PROPOSED

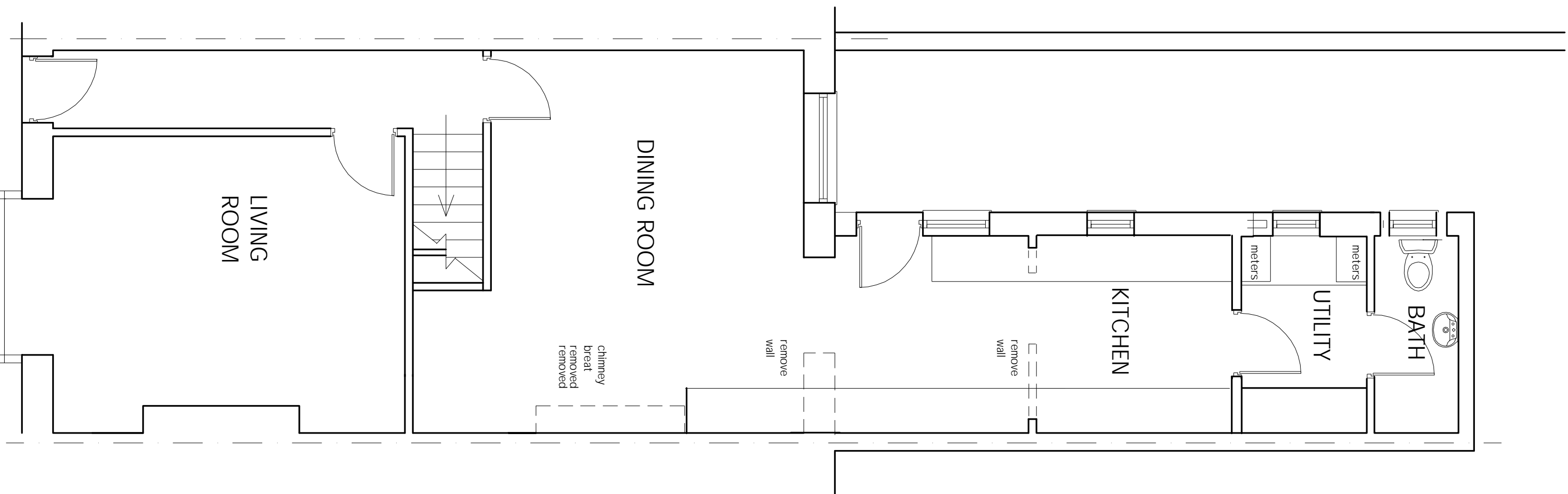


FRONT ELEVATION

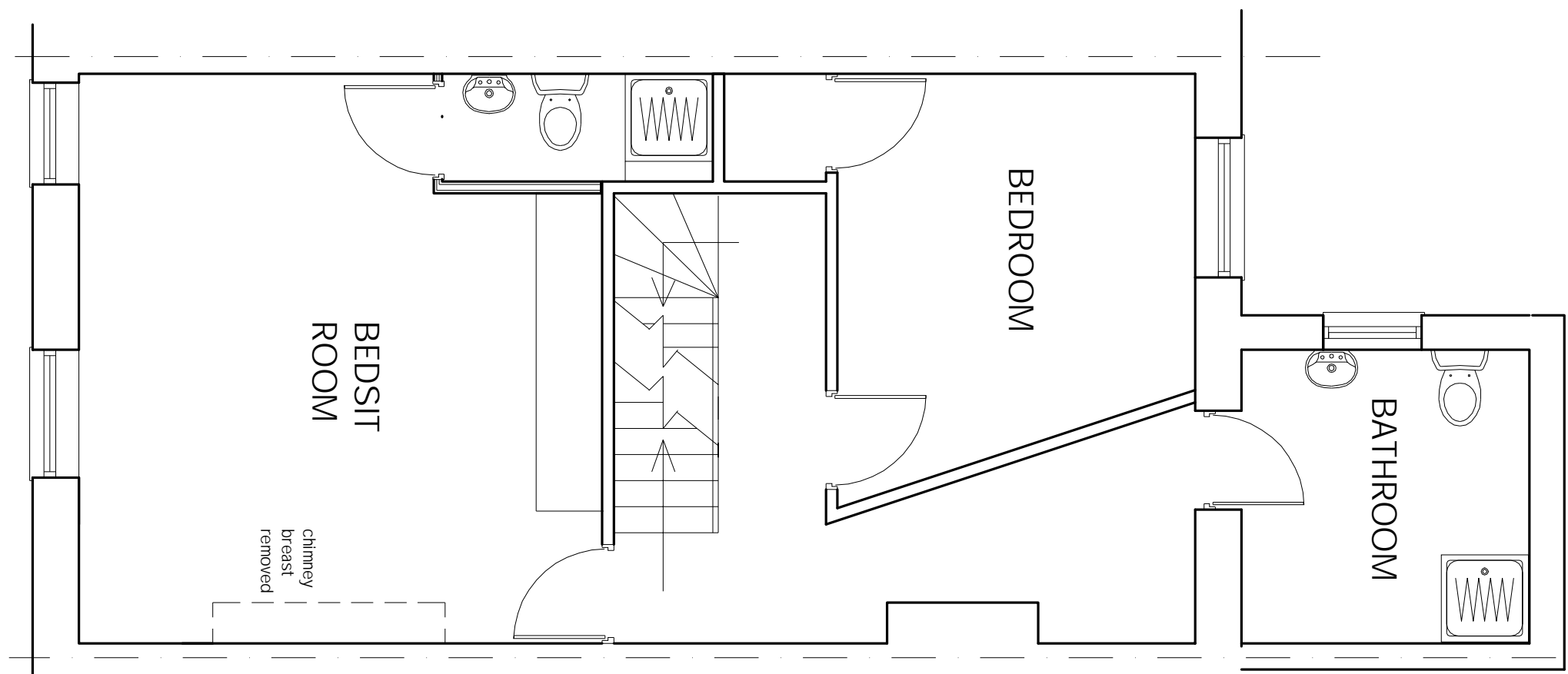


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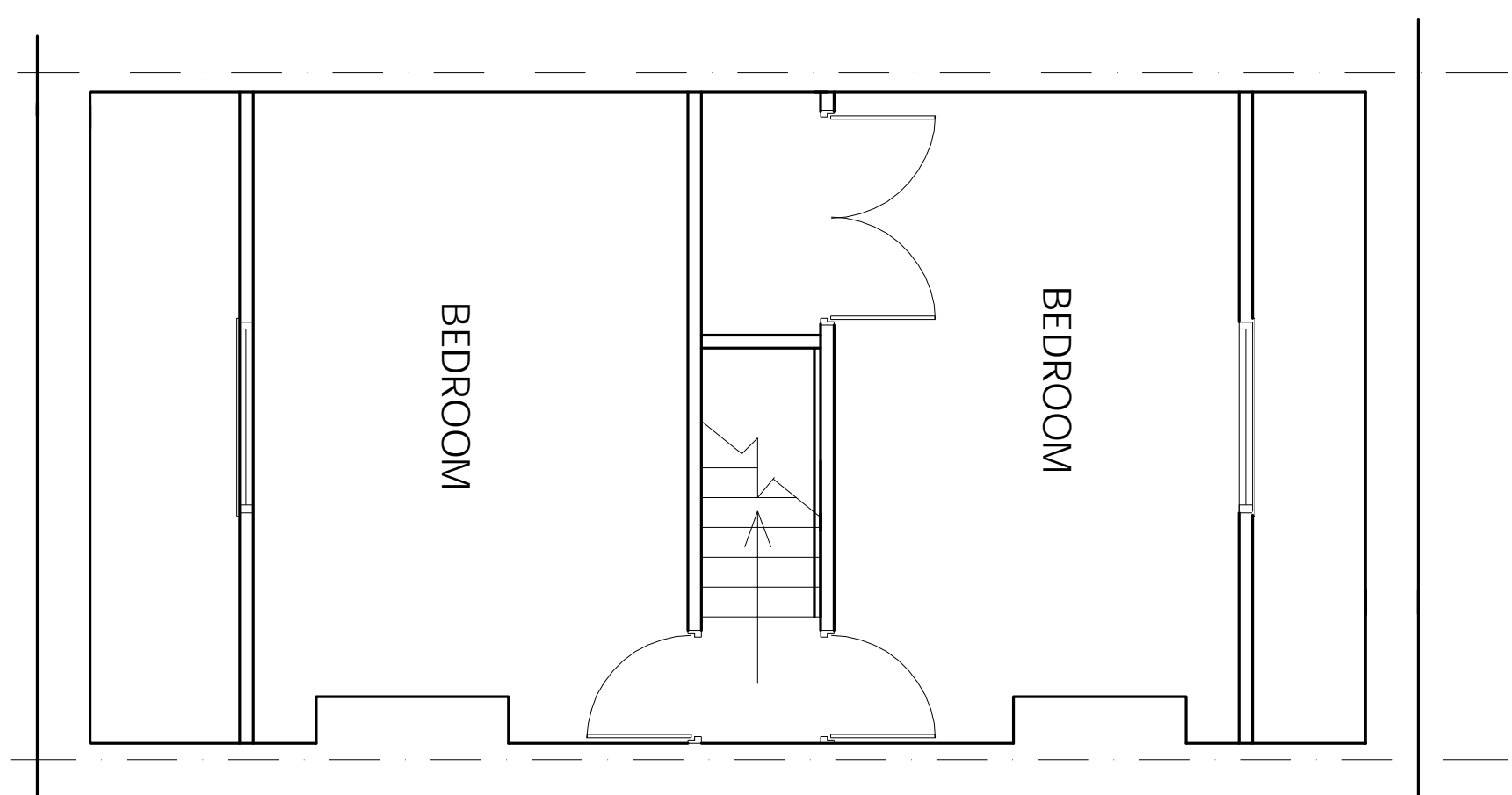
No external alterations



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR

MR MASON
MOD A - Downstairs front room changed to living room SEP 17

NOTES:-
All work to be carried out in accordance with the current Building Regulations.
All drawings are for information only and are not to be used for any other purpose.
Contract drawings prepared. Always work to written dimensions as a preference to scaling. Please query if in doubt.
This drawing is copyright and must not be reproduced or copied without permission.

DRAWING
PLAN AS EXISTING & PROPOSED
CHANGE OF USE TO HMO

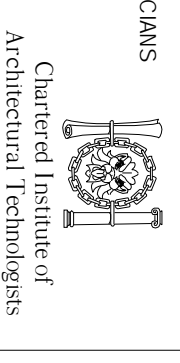
CONTRACT
20 REGINALD MOUNT
LEEDS

CLIENT
MR R MASON

DRAWING No. SCALE DATE
SR-1977-1, 1:50/1:100 MARCH 2017

SR Design

UNIT 1 DYSON STREET ARCHITECTURAL TECHNICIANS
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Originator- U Dadhiwala
Tel: 0113 247 8059

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th November 2017

Subject: 17/04161/FU – Two storey detached outbuilding to rear at 2A Allerton Park, Chapel Allerton, Leeds, LS7 4ND

APPLICANT	DATE VALID	TARGET DATE
Mr Alex Bauman-Lyons	26.06.2017	21 August 2017

<p>Electoral Wards Affected:</p> <p>Chapel Allerton</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Tree protection
4. Tree replacement scheme/ landscaping
5. The use of the building ancillary to the main building, and not as a separate dwelling.
6. Planning permission will be obtained before the first floor area is extended or altered.

1.0 INTRODUCTION

1.1 This application seeks permission to erect a two storey outbuilding to the rear of the site. This application has been brought to Plans Panel at the request of the local Ward Members, due to their concerns that the proposal constitutes an overdevelopment of the site and the consequent impact of the development upon the character of the Gledhow Conservation Area.

2.0 PROPOSAL

- 2.1 The proposal to construct a largely two storey wooden clad outbuilding measuring 7.2m in width and 4.3m in depth. The proposal will be 6.5m in height. The proposal has a rectilinear footprint and is of contemporary design, incorporating a sloping eaves line resulting in an unusual roof form. The internal layout includes a toilet facility and lounge area to the ground floor with a mezzanine floor above. A small patio area will be erected around building. The 'garden house' is shown to be sited to the rear of the dwelling; known as the White House.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a detached white rendered dwelling located on fairly large plot which is well landscaped with mature trees and shrubs. The existing dwelling is located within the Allerton Park section of the Gledhow Valley Conservation Area. The property has a contemporary form including large areas of glazing and a striking mono-pitched roof. It appears to have received planning permission in the mid 1990's, and the site appears to have been part of the larger nursing home which also included the neighbouring dwelling No.2 Allerton Park. Although the boundary of the application site is marked with trees and shrubs, the garden of the site is not particularly well screened from the garden of No.2.
- 3.2 Allerton Park is a tear-shaped and fairly secluded enclave of residential development. The Conservation Area Appraisal highlights that the streets looped shape is reminiscent of the road layout of Roundhay Park designed by George Corson. The houses on the street date mainly from the early 20th century when the land was sold off for individual villas. They are set well back from the road in generous plots. The architecture in the locality is varied comprising traditional and contemporary forms. Planted trees within the deep gardens and within the verge of Allerton Park provide a dominant feature of the area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 34/73/95/OT- Outline application to erect detached dwelling and ancillary studio. Approved
- 4.2 34/116/96/FU- 3 bedroom detached house. Approved
- 4.3 34/74/95/FU- 5 bedroom detached dwelling house incorporating granny flat. Approved
- 4.4 34/385/92 - Outline planning permission for residential development. Approved.
- 4.5 34/383/92 Outline planning permission for residential development granted. Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions have taken place in respect of the impact of the proposal on trees.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by Neighbour Notification Letters that were sent 05 July 2017. Site notices were posted on 21 July 2017 and was advertised in the Yorkshire Evening Post on 21 July 2017.

6.2 13 objection letters have been received. The following concerns have been raised:

- Overdevelopment of site and loss of garden area.
- The Conservation Area characterised by deep gardens, which this building will encroach upon.
- The building could potentially be used as a separate dwelling, as the building is large, and features a separate access, parking and bin storage.
- The proposal will raise issues of overshadowing, dominance and overlooking.
- The proposal is of poor design and will harm the character of the Conservation Area.
- Harm to trees
- Increase traffic.
- Noise and light pollution
- Impact upon wildlife
- Block light
- The drainage scheme is not feasible
- The revised plans do not overcome the concerns relating to trees
- The proposal will not allow for materials to be brought into the site

7.0 CONSULTATIONS RESPONSES:

7.1 Landscape
No objection, subject to appropriate conditions.

7.2 Conservation Officer
No significant concerns raised and comments that the proposal will not harm the character of the Conservation Area.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

Development Plan

8.3 The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood development plan.

The application site has no specific allocations or proposals other than being in the Conservation Area.

Adopted Core Strategy

8.4 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant:

Policy P10: Seeks to ensure that new development is well designed and respect its context

Policy P11: Seeks to ensure developments that affect designated and undesignated heritage assets conserve and enhance local character

Policy T2: Accessibility requirements and new development

Saved UDP policies:

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

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23: Refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25: Refers to boundaries around sites

Policy N19: Developments within conservation areas.

Relevant Supplementary Planning Guidance includes:

8.6 Supplementary Planning Guidance “Householder Design Guide” – that includes guidance that the design and layout of new extensions and that they should have regard to the character of the local area the impact on their neighbours.

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

- i) the roof form and roof line;
- ii) window details;
- iii) architectural features;
- iv) boundary treatments and;
- v) materials.

Extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

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

8.7 Gledhow Valley Conservation Area Appraisal- identifies this Allerton Park as being within Character Area 3. This document describes Allerton Park as a secluded enclave of residential development. The tear shape loop of the road and the early 20th century houses set back from the road on generous plots, are highlighted as being key features of this part of the Conservation Area.

National Planning Policy (NPPF)

8.8 The National Planning Policy Framework (2012) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system and promotes sustainable (economic, social and environmental) development. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.9 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para's 132 and 138 of the NPPF with regards to Heritage Assets states that,

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

8.10 Guidance on conditions is provided within the Planning Policy Guidance (NPPG).

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and impact on Conservation Area
- 3) Residential amenity
- 4) Landscaping
- 5) Public Representations

10.0 APPRAISAL

Principle of Development

10.1 The most significant concern raised within the objection letters relates to the potential use of the building as a separate dwelling. The proposal is described as a garden room which will be used ancillary to the main building. The Local Planning Authority has no reason to believe that the building will be used other than as an ancillary structure to the main dwelling and a condition will be attached to ensure this. A full planning application will be required to be submitted should the applicant intend to use the building as a dwelling, and such a application will be judged on its merits.

Character and Impact on Conservation Area

10.2 The proposal is to construct a two storey out building within the rear garden area. Although, such structures are not common in the area, consideration has been given to how it relates to the main building and the impact it has on the character of the Gledhow Valley Conservation Area.

10.3 The NPPF states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. The site is located

within the Conservation Area wherein national and local planning policy also requires new to preserve and, or enhance its character. Policy HDG1 of the Householder Design Guide states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

- 10.4 S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal lies within Gledhow Valley Conservation Area. In this area the character is that of detached dwellings and flats, set on large garden plots. The buildings are generally set back from the road with either stone wall and/or fences with mature planting defining the frontage. The garden plots are characterised by mature planting and large trees. The properties generally enjoy a generous spatial setting. As will be further assessed within the paragraphs below, these key characteristics of the Conservation Area will not be harmed as a result of the proposal. The application site will not be subdivided and a large part of the garden area will be retained. Therefore, from public view, the application site will continue to have a single dwelling set on a large plot. The outbuilding will appear as an ancillary structure from neighbouring dwellings and there will be limited views of it from the main highway. Therefore, in line with the guidance provided within the NPPF, it is considered that the proposal will conserve the local heritage assets and will not cause harm to its character of setting.
- 10.5 It is considered that the two storey structure, owing to its wooden cladding and glazing on the elevations as well as it being of a smaller scale when compared to the main building on the site, gives the proposal a lightweight subordinate appearance that will not appear to dominate the main building. Furthermore, these traits will allow the building to respect the scale, form, proportions, character and appearance of the main dwelling, and thus ensuring that the proposal will tie in well with the context of the site.
- 10.6 Given the unique contemporary design of the main building on the site, the proposal taking its own distinctive appearance allows the proposal to sit comfortably alongside the main building. Furthermore, the location of the building to the rear of the site (not particularly visible from public view), ensures that the proposal will not harm the character or the appearance of the Conservation Area. The Conservation Officer has assessed the scheme and as raised no concerns in relation to its impact upon the character the Conservation Area.
- 10.7 An objection received noted that the proposal will result in a substantial loss of garden, which the objector claim to be in conflict with the prevailing character of the area - that being defined by buildings sited on large plots. The application does not propose to sub-divide the plots and the existing garden area will be retained. Moreover despite the 7.2m by 4.3m footprint of the proposal, substantial garden space will be retained. The proposal will keep a distance of 10m from the boundary with the adjoining dwelling No.2 Allerton Park, around 7.5m from the rear boundary and 9.5m from northern boundary with the flat development. It is considered that the space retained between the boundaries of the site, is sufficient to ensure that the proposal will not appear as an over-development of the site nor will it harm the special character of the Conservation Area. Furthermore, the garden area that will be retained is sufficient to meet the needs of the occupants of the site and will comply with the guidance provided within the HDG in relation to garden sizes.

- 10.8 In light of the above, it is considered that the proposal will not harm the character and appearance of the Conservation Area (or the design main building) and therefore the proposal complies with P10 and P11 of the Core Strategy, with HDG1 of the Householder Design Guide, and with saved policy N19 and with the Conservation Area Appraisal. The proposal also complies with the guidance provided within the NPPF in particular those that relate to conserving heritage assets as outlined within Section 12 of the NPPF.

Residential Amenity

- 10.9 The proposal will retain a distance of 10m from the boundary with the adjoining dwelling No.2 Allerton Park, around 7.5m from the rear boundary and 9.5m from northern boundary with the flat development. It is considered that these separation distances are adequate to ensure that the proposal will not overshadow, over-dominate, block sunlight or overlook neighbouring dwellings.
- 10.10 There is a first floor window proposed that faces the adjacent dwelling No.2 Allerton Park. As this non habitable room window serves mainly to allow light at ground level. The internal mezzanine at first floor area is set away from the window in question and whilst also taking into account the separation distance of 10m that will be maintained, it is not considered that this window will harm the privacy of the adjacent dwelling No.2. The horizontal timber louvers on the window will also act to obscure some of the views from this window.
- 10.11 The windows facing the flat development to the north will be set 9.5m away from the common boundary. It is considered that the separation distance is adequate to ensure the proposal will not harm the privacy of the flats by way of overlooking. The window in the rear elevation serves a staircase (non-habitable room) and will be set approximately 8m away from the rear boundary. The nature of the window and the separation distance as well as taking in to account the trees that are present close to the rear boundary, it is considered that the proposed window in the rear elevation will not raise overlooking issues.

Landscaping

- 10.12 The trees within the site make a positive contribution to the character of the Conservation Area and therefore should be protected during the construction period by tree protection fencing, and by the use of appropriate construction methods that will protect tree roots. There are no trees to be removed to facilitate the development. The only tree proposed to be removed is tree T4, and this is due its poor relationship to the main building. The tree is said to be leaning heavily towards the existing building and has developed poorly. The applicant is in agreement that T4 should be re-placed to maintain amenity and screening in that area, and this will be achieved via a condition.
- 10.13 The closest point of the proposed building (north-eastern corner) to the nearest tree (T6) is approximately 8.7m, which is sufficient to ensure that the proposal will not harm the trees. The decking area will be suspended on raft foundations, which will be supported by one concrete pad positioned outside of all root protection areas of retained trees. The pad will measure 400mm x 400mm in width and will require excavations to a depth of 150mm (finished levels will be 300mm above ground level), and the use of raft foundations which will also be constructed above ground level, will ensure that the no root severance or ground compaction will occur. Furthermore, the plans show that the proposal will not significantly encroach within the root protection areas of the trees and will largely be placed outside the canopy of

the trees. The Landscape Officer has assessed the scheme and has raised no significant concerns with regard to the impact on trees, and has accepted the loss of T4 the removal of which is not directly linked to this development. A condition can be imposed to ensure the retained trees and hedges are fully protected during the construction period.

Public Representation

- 10.14 The comments made with regards to the impact of the development upon the character of the Conservation Area, overdevelopment of site, loss of garden area, overlooking, over-dominance, loss of light and with regards to overshadowing have all been addressed within the report.
- 10.15 The concern raised with regards to the potential for the site to be used as a separate dwelling has also been discussed in the report. It is considered that this issue can be overcome by conditions restricting the use of the building.
- 10.16 The concern raised relating to the loss of the trees, has been evaluated by the Landscape Officer who has raised no concerns in relation to the impact on retained trees and the loss of tree T4.
- 10.17 The concerns raised relating to the potential increase in traffic, is noted. It is not considered that the ancillary outbuilding will cause an increase in traffic.
- 10.18 The objection letters also comments that the development could potentially cause undue noise and light pollution. The proposed building, due to it being used as an ancillary outbuilding by a single household, is not considered to harm neighbouring amenity by way of noise or light pollution.
- 10.19 The concerns have also been raised that the proposal will harm local wildlife and cause nature conservation issues. It is considered that that modest development, which will not result in significant loss of garden land or any trees will not harm any protected wildlife that may reside within the area. Therefore, it is not considered that the proposal will raise nature conservation issues.
- 10.20 The concerns raised in relation to the feasibility drainage system, is noted. Given that the proposal is for a modest ancillary building to the site, it is considered that the effectiveness of the drainage system can be adequately dealt with at the Building Regulations stage of the application.
- 10.21 Concerns have also been raised that the contractors will find it difficult to bring in materials to the rear of the site. It is considered that there will be sufficient space to allow for materials to be brought into the site, whilst there may be less space available when the tree protection fence is in place to bring in materials; it is considered that the fence line can be altered or space can be made to bring in materials.

11.0 CONCLUSION

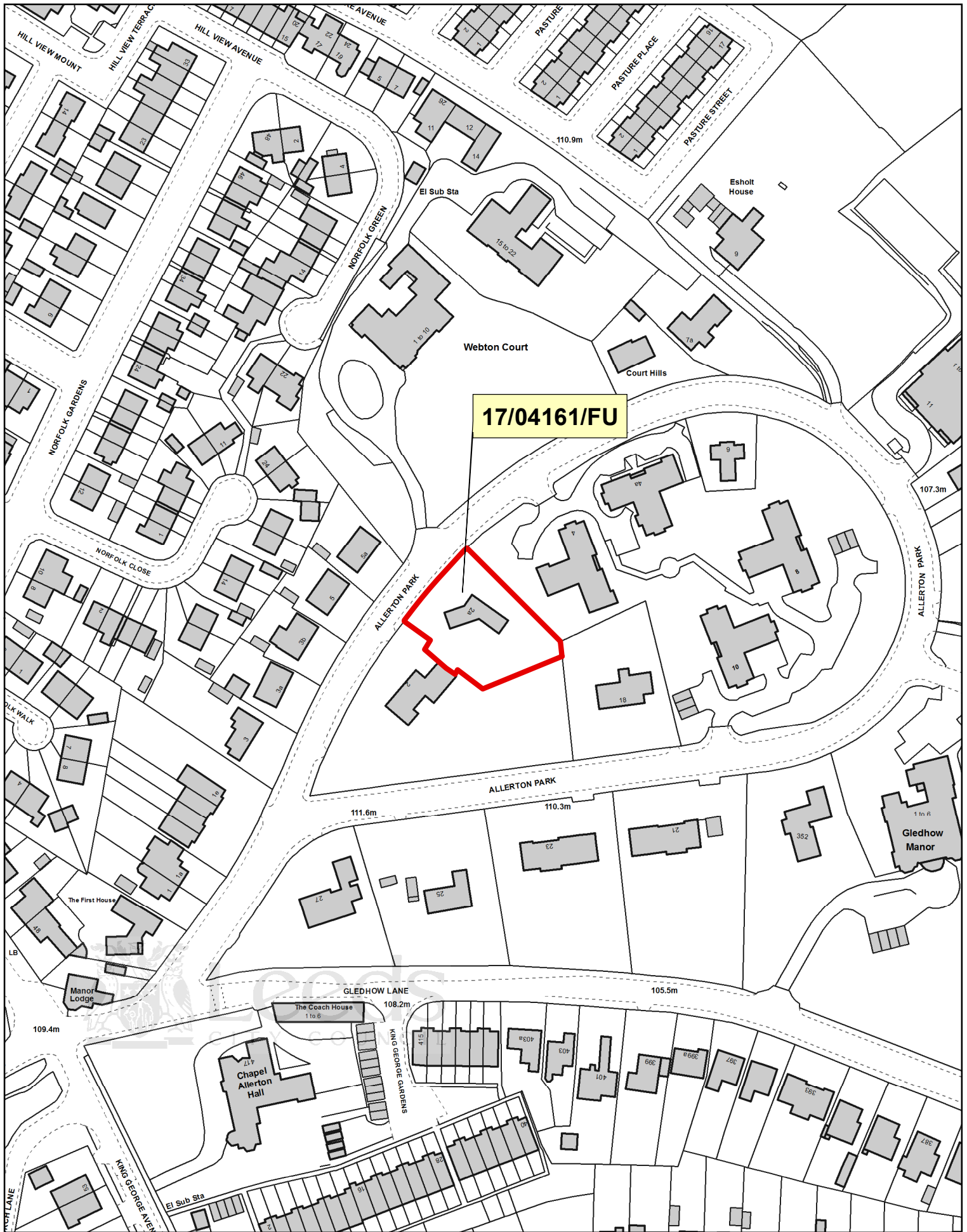
- 11.1 In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context and will not harm the character or the appearance of the Conservation Area. Furthermore, the Landscape Officer has found that the proposal will not cause harm to the trees around the site. As such, the proposed scheme is compliant with the relevant policies and guidance

detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

Background Papers:

Application file: 17/04161/FU

Certificate of ownership: Certificate 'A' signed by the Agent



NORTH AND EAST PLANS PANEL



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