



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 15th March, 2018
at 1.30 pm

MEMBERSHIP

Councillors

S Arif	J Bentley	B Anderson	R Finnigan
D Congreve		R Wood	
M Coulson			
P Davey			
C Gruen (Chair)			
D Ragan			
C Towler			

Agenda compiled by:
Andrew Booth
Governance Services
Civic Hall
Tel: 0113 37 88665

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 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> <p>No exempt items or information have been identified on the agenda</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 - 8 FEBRUARY 2018</p> <p>To confirm the minutes of the meeting held on 8 February 2018 as a correct record.</p>	3 - 8
7	Armley		<p>APPLICATION 17/03519/FU - 20 CONFERENCE ROAD, ARMLEY, LEEDS, LS12 3DX</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of a dwelling into a 4 bedroom house of multiple occupancy (Class Use C4)</p>	9 - 18
8	Weetwood		<p>APPLICATION 17/06373/FU - LEEDS BECKETT UNIVERISTY, HEADINGLEY CAMPUS, CHURCH WOOD AVENUE, WEST PARK, LEEDS, LS6 3QS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing teaching building and surface car park, and development of a teaching and research building, with health clinics, multi-purpose exercise, an indoor 60m athletics track, campus general teaching, ancillary offices, café and public space.</p>	19 - 38

Item No	Ward	Item Not Open		Page No
9	Pudsey		<p>APPLICATION 17/03052/FU - FORMER MUSGRAVE COURT RESIDENTIAL HOME, CRAWSHAW ROAD, PUDSEY, LS28 7UB</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a new build residential care home.</p>	39 - 58
10	Horsforth		<p>APPLICATION 16/05076/FU - THROSTLE NEST VILLA, NEW ROAD SIDE, HORSFORTH, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the installation of biomass hoppers to rear of garage with associated flues; solar panels to roof of garage and extension of garage to enclose fuel storage hoppers.</p>	59 - 76
11	Adel and Wharfedale		<p>APPLICATION 17/07765/FU - 27 CRESKELD LANE, BRAMHOPE, LEEDS, LS16 9EP</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for new gates to front.</p>	77 - 82
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday, 12th April at 1.30 p.m.</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.

To all Members of South and West
Plans Panel

Planning Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: Steve Butler
Tel: 0113 224 3421
steve.butler@leeds.gov.uk

Our reference: SW Site Visits
Date: 05/03/18

Dear Councillor

SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 15th March 2018

Prior to the meeting of the South and West Plans Panel on Thursday 15th March 2018 the following site visits will take place:

Time	
10.40 am	Depart Civic Hall
11.00 am	Leeds Beckett University, Headingley Campus, Church Wood Avenue, West Park, LS6 3QS - Depart 11.20 am
11.35 am	27 Creskeld Lane, Bramhope, LS16 9EP – Depart 11.40
12.00 Noon	Return Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10.40am. Please notify Steve Butler (Tel: 224 3421) if you wish to take advantage of this and meet in the Ante Chamber at 10.35 am.

Yours sincerely

Steve Butler
Area Planning Manager

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SOUTH AND WEST PLANS PANEL

THURSDAY, 8TH FEBRUARY, 2018

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, S Arif, J Bentley,
D Congreve, M Coulson, R Finnigan,
P Gruen, C Towler, N Walshaw and
R Wood

79 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

Councillor J Bentley informed the Panel that he had been involved in discussions with regard to Agenda Item 8, Former site of West Park Centre, Spen Lane, west Park, Leeds and would leave the meeting during the discussion and voting on the application.

80 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors P Davey and D Ragan.

Councillors P Gruen and N Walshaw were in attendance as substitutes.

81 Minutes - 11 January 2018

RESOLVED – That the minutes of the meeting held on 11 January 2018 be confirmed as a correct record.

82 Application 17/06814/FU - UNIT , Ledgard Way, Armley, Leeds, LS12 2ND

The report of the Chief Planning Officer presented an application for a variation of condition 3 (opening hours) of approval 16/03208/FU to allow opening hours Monday to Thursday 10:00 to 01:00, Friday and Saturdays 10:0 to 02:00 and Sunday 10:00 to 00:00 at Unit 2 Ledgard Way, Armley, LS12 2ND.

The application had been deferred at the January meeting to allow for further negotiation with the applicant for further negotiation to reduce hours of opening particularly throughout the daytime.

Site plans and photographs were displayed and referred to throughout the discussion of the application.

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

Draft minutes to be approved at the meeting
to be held on Thursday, 15th March, 2018

- Following the last meeting there had been a meeting with the applicant and owner of the Steam Complex. The applicant was unwilling to amend the proposed hours of opening.
- Further objections had been received on behalf of Ward Councillors and the local MP. These included the following:
 - There was a significant increase in opening hours and it was not possible to enforce these.
 - There should have been consultation with Ward Councillors and local people.
 - The premises was too near to the local primary school.
 - The area was in need of positive regeneration and the use of this site could prevent others from moving into the area.
 - The signage was too large and intimidating.
- Further to concerns regarding the premises being close to the primary school and to housing, it was reported that the opening hours were later than those of the school opening and due to the location no-one would have to directly pass the site.
- Following discussions with the applicant, the signage was likely to be changed.
- Although there had not been any revisions to the application, it was recommended for approval as there were no legitimate planning reasons for refusal.

Following further discussion which included concerns regarding the condition of the outdoor smoking shelter and whether enforcement could be used to remove this, it was suggested that the application be approved with a temporary time limit.

RESOLVED – That the application be granted for a temporary 12 month period to allow monitoring of its operation and also subject to conditions outlined in the report.

83 Application 17/06427/FU - Former site of West Park Centre, Spen Lane, West Park, Leeds

The report of the Chief Planning Officer presented an application for 50 dwellings with associated access, highway and landscaping at the former site of the West Park Centre, Spen Lane, West Park, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

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

- The site abutted the West Park Conservation Area.
- The existing vehicular access point would be closed with a new entrance to be formed off Spen Lane.
- Most properties would have at least two off road parking spaces.
- Affordable housing units would be spread throughout the site.

- The majority of properties would be 2 storey with a small block of 2.5 storey properties.
- Representations had been made from local Ward Councillors due to highway safety concerns and access to the site.
- The site was brownfield and had been allocated for housing in the Site Allocation Plan.
- The application was recommended for approval.

A local Ward Councillor addressed the Panel with concerns and objections to the application. These included the following:

- The area suffered from congestion during peak traffic times. This caused rat running through other streets.
- Following public consultation there had been a preference to have access to the site from the southern boundary. The applicant had claimed this was not possible due to the location of water mains although Yorkshire Water had stated that this would not be a problem.
- The plans submitted were not adequate. There should be more public consultation to provide a better scheme for the site.

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

- A traffic survey had been carried out on Spen Lane. This development would generate less than two vehicles per minute during peak traffic periods.
- There were other issues that prevented an access to the southern part of the site including siting of electrical facilities and land ownership issues.

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

- The proposed access arrangements had been assessed by Highways and were felt to be suitable. To create an access from the Butcher Hill roundabout would potentially reduce safety there.
- Concern regarding houses falling below national space standards. It was reported that the few that didn't were only just below guidelines.
- Ward Councillors had expressed a desire for a new children's play area to be funded from off-site greenspace contributions.
- The applicant would make arrangements for maintenance of on-site greenspace. It was requested that this information should be made clear to any prospective buyer of property on the site due to associated costs.
- There would be compensatory tree planting.
- A request for the stone plaque that related to the former school on the site be retained within the development along with retention of the stone gate posts on site.
- The applicant would be looking to commence works in April/May 2018 should the application be granted.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer subject to the conditions in the report and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- Affordable housing – 8 units on site
- Travel plan and travel plan monitoring fee - £2,500
- Residential travel plan fund - £24,557.50
- Provision of shelter to bus stop on Spen Lane opposite the site (£10,00), and addition of real-time display to existing bus shelter on Spen Lane south of the new site access (£10,000) – Total £20,000
- Commuted sum in lieu of shortfall in on-site greenspace - £31,997
- 10 year management sum for off-site tree planting within the playing fields to the south east, including replacement of any trees that die in the first 5 years (£12,311)
- Local Employment

Application approved subject to the addition of an informative to remind any future purchaser that the greenspace on site would be maintained by a management company

Additional condition to ensure stone plaque related to former school use is retained on development

(Councillor J Bentley left the room during the discussion and voting on this item)

84 Application 17/05126/OT - Position Statement - Land off Fall Lane and Meadow Side Road, East Ardsley

The report of the Chief Planning Officer presented the Panel with a position statement for an outline planning application for a mixed use development at land off Fall Lane, East Ardsley.

Members were asked for their views on the acceptability of the proposals. The site was currently vacant and had previously been used as railway sidings and had previously been identified as employment land.

The proposals were for 15 dwellings, 6 flats, a medical centre and retail unit with associated parking.

There was not proposed to be any contribution for off-site greenspace or affordable housing. The proposals had been assessed by the District Valuer and it had not been considered viable to meet these obligations. Members views were sought on this and also the housing mix and layout.

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

- The proposed housing mix would consist of 10 x 4 bedroom dwellings and 5 x 3 bedroom dwellings. It was suggested that 8 x bedroom and 7 x 3 bedroom dwellings would be more appropriate.
- The applicant had indicated that there was someone willing to occupy the health centre but as planning permission had not yet been granted was unable to give more detail.
- Based on evidence from the Employment Land Review, this site was not considered to be needed or likely to be used as employment land.
- A representative from the District Valuer explained the criteria used for the viability appraisal. The viability had been calculated to leave a profit of 17.5%. This would not be viable with affordable housing or greenspace contributions.
- It was felt that there were too many one bedroom flats.
- Concern regarding lack of school space in the area and the overall sustainability of the site.
- In response to questions outlined in the report, the following was discussed:
 - The housing mix was not supported.
 - It was not accepted that the site was unviable and there was concern regarding the justification for a 17.5% profit. It was felt that further information would be needed in relation to viability.
 - There was no support for the design or the layout and reference was made to avoiding the design mistakes of the adjoining site. It was suggested that a site visit would be useful. There were also concerns that car parking for the medical centre area would be inadequate.

RESOLVED – That the report and discussion be noted.

85 Date and Time of Next Meeting

Thursday, 15 March 2018 at 1.30 p.m.

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Originator: Aaron Casey

Tel: 0113 378 7995

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 15th March 2018

Subject: Planning Application 17/03519/FU – APPEAL by White Owl Properties against the decision of Leeds City Council to refuse planning permission for

Change of use of a dwelling house into a four bedroom House in Multiple Occupation (Class Use C4) at 20 Conference Road, Armley, Leeds, LS12 3DX

The appeal was allowed 22 January 2018

Electoral Wards Affected:

Armely

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 following appeal decision.

1.0 BACKGROUND

- 1.1 This application sought planning permission for the conversion of a dwelling house in the C3 use class to a 4 bedroom House in Multiple Occupation (HMO). No external alterations to the property were proposed.
- 1.2 Officers assessed the application against the adopted Development Plan policies and focus was placed on Core Strategy Policy H6 (part A) which deals specifically with the change of use of housing into HMO's.
- 1.3 Officer recommendation was to grant planning permission and a view was expressed within the Panel Report (dated 3 August 2017 Panel meeting) that the loss of the family house would not have a detrimental impact on the character of the area, create any undue levels of housing imbalance by reason of the concentration of HMO's within the immediate area resulting in the loss of community cohesion and that the

change of use would not have any undue harm with regard to the demand for on-street parking, mainly due to the fact the number of bedrooms remained unchanged.

- 1.4 Contrary to the Officers recommendation of approval, Members of South and West Plans Panel resolved to withhold planning permission for the below reason:

The Local Planning Authority considers that the proposal, would make a significant contribution, (when considered cumulatively) to the existing high concentration of houses in multiple occupation and other similar forms of housing in this part of the City, which would further erode the housing balance within the area. The loss of a family house would cause harm to the character of the area; the loss of community cohesion; and an increase in the demand for on street parking. As such the proposal would be contrary to the Council's objectives to avoid high concentrations of houses in multiple occupation and to avoid the local housing and population imbalance and to achieve sustainable communities. Therefore the proposals fail to accord with the aims of Leeds Core Strategy Policy H6, saved Unitary Development Plan Policy GP5 and paragraph 17 of the National Planning Policy Framework (2012).

- 1.5 The application was consequently refused planning consent on 14th August 2017.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The Inspector identified the main issues to be:

- The housing balance in the local area;
- The character of the surrounding area; and
- Highway safety and parking.

3.0 SUMMARY OF COMMENTS BY THE INSPECTOR

Housing Balance

- 3.1 Regarding to the loss of a family dwelling; the Inspector gave weight in his decision to the Appellant's statement that the property was marketed for one year as a single family dwelling and in that time no interest was shown by any persons to purchase the property. In addition he cites the Council's assessment in the Panel Report regarding the number of HMO properties within the local area, which showed there is not a high concentration of HMOs in the immediate locality (rather the assessment that there is a wider Ward issue adding to the proliferation of conversions to HMO's).
- 3.2 Based on Council Tax data (supplied by the Local Planning Authority in their Statement of Case defending the appeal) the Inspector noted that less than 10% of properties on Conference Road are currently in HMO use. Therefore, the Inspectors considered the immediate area surrounding the appeal property has a low concentration of HMOs. He also noted that whilst there are undoubtedly other HMOs in the wider area, he found that the proposal would not result in an undue imbalance of the housing mix of its surrounding area and would not harm community cohesion nor would it place pressure on local services and facilities and accordingly that the change of use was a Policy compliant form of development in respect of Policy H6 of the Core Strategy and saved Policy GP5 of the UDP as well as the relevant sections of the NPPF.

Character and Appearance

- 3.3 The Council's refusal reason indicates that the proposed loss of a family dwelling would harm the character of the area. The Inspector noted that the proposal would not alter the external appearance of the property and that the proposed change of use would retain the property in residential use and therefore its character would remain the same.
- 3.4 The Inspector does acknowledge that the potential change in the activity patterns of the occupiers of the appeal property may alter due to the proposed change of use and there would likely be increased comings and goings. However, he reaches a view that such changes would be minimal and differ little from that of a single family four bedroom dwelling. As a result, this would have no material impact on the character of the property, its surrounding area or neighbouring occupiers and limited weight is applied to the Council's assertion regarding a harmful impact to local character.
- 3.5 The Inspector concluded that the proposed change of use would have no significant impact on the character or appearance of the surrounding area and is compliant with Policy H6 of the Core Strategy and saved Policy GP5 of the UDP as well as the relevant guidance contained within the NPPF.

Highway safety and Parking

- 3.6 The Inspector noted no off-street parking provision on Conference Road and the adjacent streets. The on-street parking is unrestricted and at the time of his site visit, there was ample space available for parking on nearby streets close to the appeal property and that the proposed change of use would not result in any increase in the amount of accommodation which the property would provide.
- 3.7 The Inspector sets out that the property as existing is suitable for use as a single family dwelling which reasonably could accommodate up to five people within its four bedrooms. As a HMO, the property is identified as providing accommodation for four independent adults. Whilst this change in occupiers may introduce the potential for an increase in the number of vehicles connected with the property, he notes that the area is well-connected to local services and facilities. As such, it is reasonable to consider that not all future occupiers of the property as a HMO would own a private car. Limited weight was applied to the comments of neighbouring occupiers with regard to the potential adverse impact on parking and highway safety in the absence of any supporting evidence.
- 3.8 The Inspector determined that the potential of the proposed change of use to increase the number of vehicles seeking on-street parking in the area would be limited and therefore demand for such parking would not materially increased.

Other matters

- 3.9 With regard to the potential for additional noise and disturbance, and an increased in waste generation and statement made by objectors that the future occupiers will engage in criminal activities. The latter issue is speculation and the Inspector notes this. There is no requirement for details of future occupiers to be divulged. Conditions can adequately deal with bin storage and waste concerns to make the proposal acceptable in planning terms.
- 3.10 In terms of noise and disturbance; the Inspector notes that the proposal does not

intend to increase the amount of accommodation available at the property, by either extensions or increasing the number of bedrooms. It is acknowledged in the appeal decision that the use of the property as a HMO may differ from that of a single family dwelling in terms of increased comings and goings by occupiers. However, on the basis of the evidence before the Inspector, he finds that noise and disturbance from the increased internal use by individual adults within a HMO, would not be significantly greater than that resulting from a single family in the four bedroom appeal property.

CONCLUSIONS

- 3.11 The Inspector concluded that change of use to a 4 bed HMO would have not have a detrimental impact on the areas housing balance or influence on character and appearance with no material impact on general amenity or highway safety. Conditions have been imposed relating to time limits, compliance with the approved plans and prior to development details of cycle parking facilities and bin storage to be provided and retained.

IMPLICATIONS

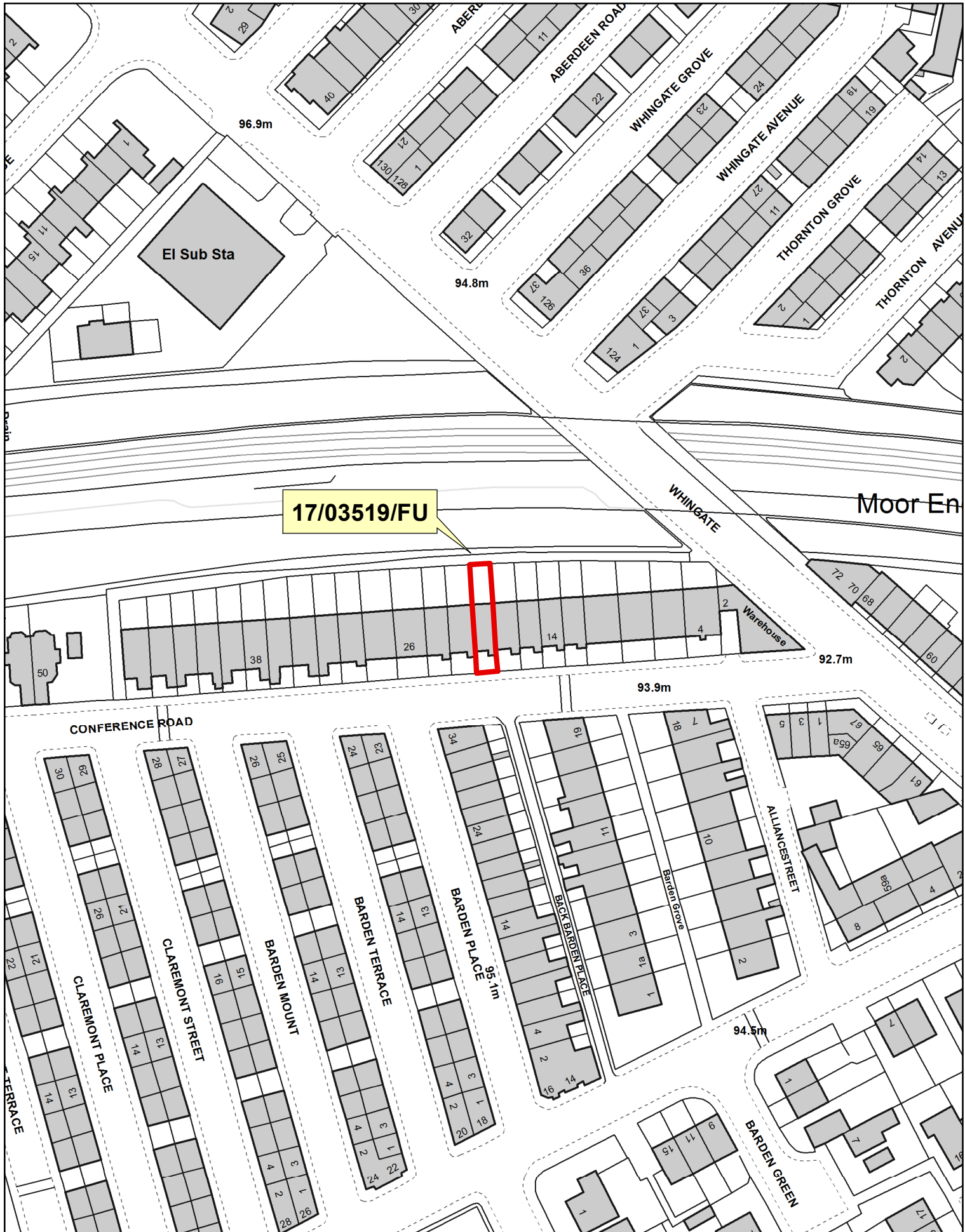
- 4.0 Whilst the Armley ward is identified in the Officers Delegated Report of this application, as beginning to show detrimental impacts associated with high concentrations of HMO's the Inspectors decision indicates that that to demonstrate a high concentration as required by Policy H6 then that needs to be taken from the immediate area rather than applying a ward wide assessment.
- 4.1 Whilst H6 is void of any definition of what constitutes a high concentration the appeal decision strongly suggests that focus needs to be on the immediacy of the quantum of conversions of family housing rather than a ward wide blanket approach to attribute undue harm to housing balance by using a wider area assessment. Each case still needs to be assessed on its merits and without a clear definition of high concentration then it remains planning judgement. It seems to Officers that the meaning of high concentration in H6 is clearly not meant as a ward wide reaction but this has being in part the application of the policy in the case of No.20 and perhaps other HMO applications in Wards identified as showing increasing levels of conversions to HMO's and flats. A separate Appeal Decision, dated 28th December 2017 at 54 Longroyd Grove, Beeston, LS11 (ref 17/02702/FU) supports this assertion, and costs were awarded to the appellants (despite the appeal being dismissed on other grounds) as the LPA referred to high concentrations of HMO's within the general LS11 area, rather than the immediate locality,
- 4.2 This appeal decision indicates a four bedroom HMO would be no more harmful than a family house and future assessments of applications for four bedroom HMO's would need to bare this in mind. However, a proposal which increased the number of bedrooms through a HMO proposal could still be regarded by the LPA to have a greater impact on the character of an area. This is due to the increased activities and the way the property operates with multiple unrelated residents who would be independent from each other, and this can be regarded as falling outside what can be regarded as being within the same operational realms as a family home in respect of comings and goings as well as, noise and disturbance.
- 4.3 All HMO occupiers would in all likelihood not own a private vehicle; the Inspector notes this and any therefore assessment of future applications for conversions to a HMO would need to address this likelihood. It may be difficult to argue undue

exacerbation of on-street parking in areas where the house types/age do not offer off-street facilities i.e. older terraced properties where the LPA are most likely to receive applications for HMO's conversion.

Background Papers

Planning Application File

Inspector's Decision Letter

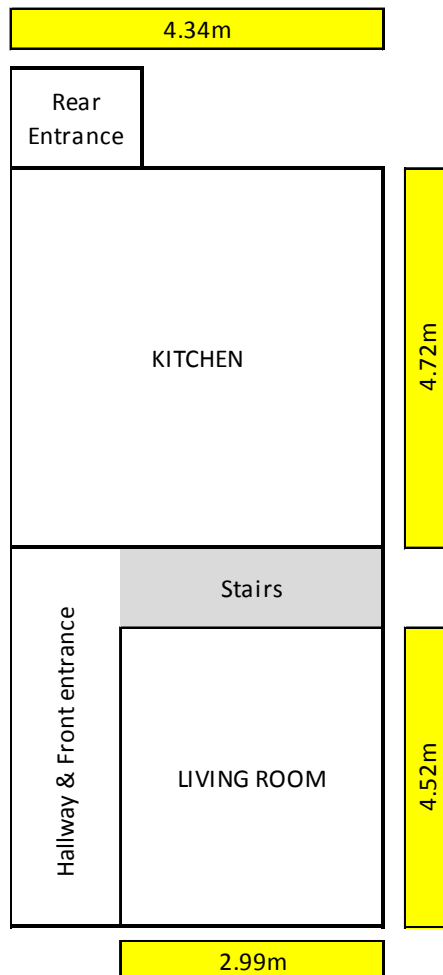


SOUTH AND WEST PLANS PANEL



20 Conference Road, Armley, LS12 3DX

Ground Floor:



Entrance Hallway:

Access via a front entrance door with an original stained glass window above, original ceiling mouldings and cornice, dado rail, central heating radiator, laminated wood floor, stairs to the first floor.

Living Room: 9' 10" x 14'10" (2.74m 0.25m x 4.52m)

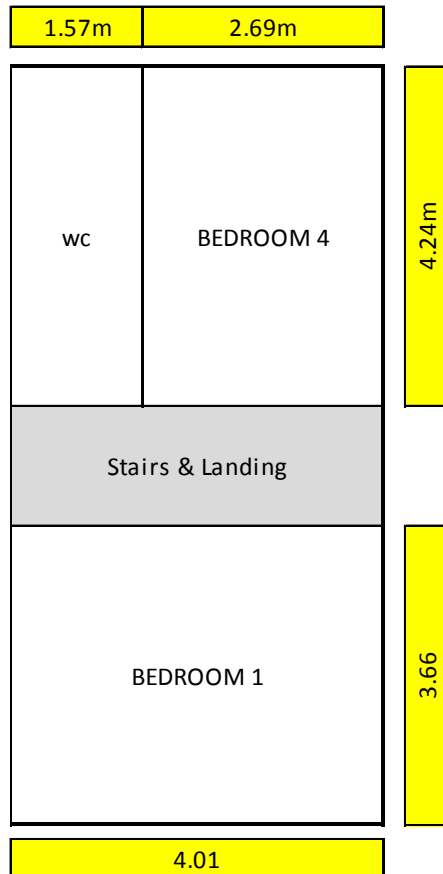
Double glazed bay window to the front elevation, original ceiling coving, a fire surround with a tiled back and an inset coal effect living flame gas fire, television point with connections for Sky, deep skirting boards, dipped and stripped internal door, central heating radiator

Fitted Dining Kitchen: 14'03" x 15'06" (4.34m x 4.72m)

Double glazed window to the rear elevation, a modern yet contemporary range of fitted wall, drawer & base units, display shelving, complimentary work surfaces, a stainless steel double sink and drainer unit with a mixer tap, a modern range style oven with gas burners, a contemporary extractor hood above, plumbing for an automatic washing machine, space for a fridge / freezer, dining area, access to the cellars, inset ceiling lights, original ceiling coving, dipped and stripped internal doors, central heating radiator

20 Conference Road, Armley, LS12 3DX

1st Floor:



Landing:

Access to the first floor accommodation, stairs rising to the second floor.

Bedroom One: 12'00" x 13'02" (3.66m x 4.01m)

Two double glazed windows to the front elevation, central heating radiator, laminated wood floor.

Bedroom Four: 8'10" x 13'11" (2.69m x 4.24m)

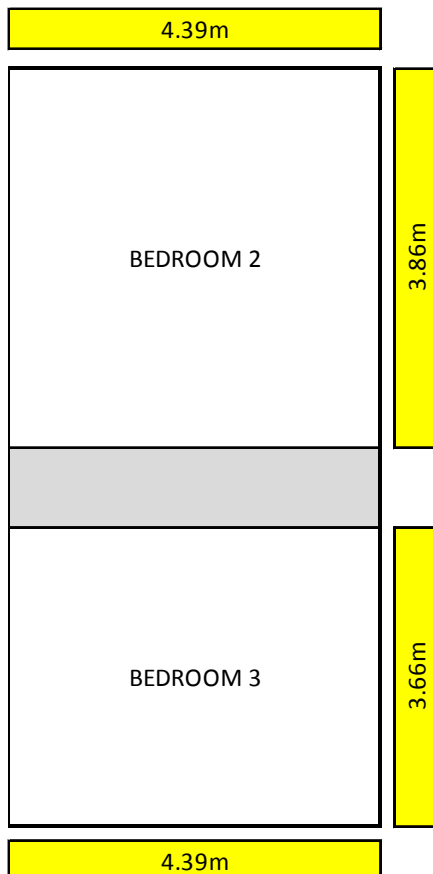
Double glazed window to the rear elevation, central heating radiator, laminated wood floor, ceiling coving.

Bathroom / WC: 14'00" x 5'02" (4.27m x 1.57m)

Double glazed window to the rear elevation, a white suite comprising of a shower bath with a plumbed shower above, a wash basin set onto a vanity stand, a low flush WC with a concealed cistern, half panelled and painted walls, original Victorian tiled flooring, central heating radiator, storage cupboard

20 Conference Road, Armley, LS12 3DX

2nd Floor:



Bedroom Two: 14'05" x 12'08" (4.39m x 3.86m)

Double glazed dormer window to the front elevation, laminated wood floor, central heating radiator, storage to the eaves, inset ceiling lighting

Bedroom Three: 14'05" x 12" (4.39m x 3.66m)

Double glazed Velux window to the rear elevation, storage to the eaves, central heating radiator.

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Originator:	Ryan Platten
Tel:	0113 378 7956

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 15th March 2018

Subject: APPLICATION 17/06373/FU – Demolition of existing teaching building and surface car park, and development of a teaching and research building, with health clinics, multipurpose exercise, an indoor 60m athletics track, campus general teaching, ancillary offices, and a cafe and public space at Leeds Beckett University Headingley Campus, West Park.

APPLICANT	DATE VALID	TARGET DATE
Leeds Beckett University	4 th October 2017	22 nd March 2018

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

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified below and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- **A contribution towards future highways infrastructure and other measures necessary in the locality to be used in the event that the development results in adverse highways impacts in the ten years following first use of the development - £70,000**
- **Travel Plan Obligations and Monitoring Fee - £3,157**

- 1) Time limit for commencement of development – 3 years
- 2) Development to be carried out in accordance with the approved plans.
- 3) External materials to be agreed
- 4) Cycle/ Motorcycle parking details
- 5) Travel Plan details

- 6) Parking and turning provision details
- 7) Laying out of hard surfaces
- 8) Car Park and Servicing Management Plan
- 9) Construction Method Statement
- 10) Electric vehicle charging points details
- 11) Hard and soft landscaping details
- 12) Replacement of any tree/shrub/hedge which becomes damaged
- 13) Tree protection measures
- 14) Tree replacement strategy and landscape management plan
- 15) Protection of nesting birds
- 16) Noise measures details
- 17) External lighting details
- 18) Drainage scheme details
- 19) Contaminated Land details

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel as a result of the significance of the proposal to both Leeds Beckett University and the city as a whole.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to demolish an existing teaching building and car parking area and erect a new two storey teaching and research building with feature indoor athletics track above at the University's Headingley Campus. The new building will provide a focus for the University's School of Sport. It will be situated in the centre of the campus adjacent to the existing outdoor athletics track and sports pitches and facilities to the west and the indoor tennis centre, swimming pool and sports arena to the north. The proposal does not aim to increase the campus population, whether in respect of students, staff or visitors, but will rather update, replace and consolidate existing facilities.
- 2.2 The building will be two storey in scale (with a part third storey above) and centred around a full height internal atrium. The building will have a predominantly metallic palette with the lower two storeys to be clad in concave aluminium panels interspersed with glazing. The concave nature of the panels will allow depth and relief to be added to the elevations. The design follows a contemporary interpretation of the verticality of the existing historical buildings on site whilst allowing a contrast to the heavy weighted historical fabric. The third storey running track will be the principle architectural feature of the building. The running track block will be clad in aluminium panels with a red anodised finish including a muscular pattern.
- 2.3 The building will include the principal research laboratories, changing and recovery facilities, teaching space and a community café at ground floor level. The first floor will include meeting rooms, offices, IT suites, teaching spaces (physiology, exercise and psychology) and a balcony area for spectators to view the outdoor athletics track. At second floor level a new indoor 60m (83m length in total) athletics track will be created alongside further teaching spaces (human behaviour) and a rooftop walking track.
- 2.4 The buildings primary entrance point will be from the north east corner which will open out onto a new landscaped public realm. The building will also provide access from the north to those related sports facilities to the north and to the west where the

central atrium will open out towards the outdoor athletics track. Alongside the new public realm created, existing areas of soft landscaping to the south west and a protected tree belt to the south will be retained, albeit with the loss of one tree being required from the group of protected trees in question (TPO Reference 1989/47). Further trees, which do not benefit from protection but nevertheless have amenity value, are also lost to the northern edge of the site. However, the proposal includes for new tree planting around the building and in addition to this the University has committed to replacing lost trees on a 3:1 ratio (3 provided for every 1 lost) within the wider campus to supplement the wider sites woodland/ parkland setting.

- 2.5 The proposal will lead to the loss of 175 general car parking spaces at the campus. The proposal will allow for 88 new general car parking spaces to be created around The Acre prior to the commencement of the next academic year in 2018. Eight Disability Discrimination Act (DDA) compliant car parking spaces will be provided in close proximity to the new building. New electric vehicle charging points will also be incorporated adjacent to the new building and across the wider campus. The proposal will also lead to the loss of 24 existing cycle spaces at the campus. These facilities will be replaced by 92 new cycle parking spaces.
- 2.6 In addition to the above the University has committed to introduce a new car parking management plan at the campus, prior to the commencement of the new academic year in September 2018. A number of key parameters have been agreed with the Council for inclusion within the plan and the University has committed to engage with local resident groups and ward members on the proposals. This work will feed into the University's existing wider Travel Plan, with a new development specific Travel Plan being proposed which will include negotiation to include a Car Club at the campus.
- 2.7 In order to offer the Council and local residents confidence in respect of the car parking proposals which form part of the development, the University has committed to provide a fund of £70,000 to the Council to tackle any related issues which arise within the vicinity of the campus (i.e. on neighbouring streets) as a result of the car parking changes proposed. The University has further committed to set up a working group to involve all relevant parties, including local resident groups and ward members, to feed into this process.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located within the Leeds Beckett University Headingley Campus. The campus includes a total of eight listed buildings formally laid out around a central greenspace known as 'The Acre'. The campus was the subject of further development in the 20th century included the addition of extensive athletics and other sports facilities. The campus is set in the wider attractive parkland setting of Beckett Park. The main vehicular access to the campus is via Church Wood Avenue with a secondary vehicular access from St. Chads Drive.
- 3.2 The application site currently includes a two storey concrete framed building, known as the Design and Technology building, constructed in the 1960's, a car park and soft landscaped areas. The Design and Technology building, along with five other facilities across the campus, provide teaching and research facilities for the University's School of Sport which is nationally and internationally renowned with a history dating back to 1933. This existing arrangement is not considered fit for purpose in what is a highly competitive educational and research environment.

- 3.3 The application site is bordered to the west by the existing outdoor athletics track and field, to the north by Carnegie Hall, to the east by the Grade II listed James Graham building, considered by many to be the centre piece of the site, and to the south by the Grade II listed Fairfax Hall and the Carnegie Village student accommodation buildings. Immediately to the south of the building is a group of protected trees (TPO Reference 1989/47).
- 3.4 The campus currently includes a total of 852 car parking spaces. 673 of these spaces are within the part of the campus controlled by an entrance/exit barrier with the remaining 179 spaces being situated in the pay and display car park to the north east corner of the campus. Planning permission was granted in October 2017 for a temporary modular building at the campus ((LPA Approval Reference 17/04320/FU) which is required to facilitate the demolition of the existing building and construction of the new building proposed. This temporary modular building will lead to the temporary loss of 41 car parking spaces at the campus.
- 3.5 The campus includes a number of community sports and fitness facilities including a swimming pool and tennis centre. These facilities are well valued by the local community and are used by local schools, sports clubs and community groups etc.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A temporary two storey modular building to be positioned in the existing car parking area between Leighton Hall, Macaulay Hall and Bronte Hall was approved at the Campus in October 2017 (LPA Reference 17/04320/FU).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal was the subject of pre-application discussions (LPA Reference PREAPP/17/00374) which commenced in June 2017. The proposal has been amended positively to respond to Council concerns raised during these discussions in respect of design and heritage matters.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notice and a notice in the local press. A total of 66 written representations have been received in response.
- 6.2 Councillor Sue Bentley (Weetwood Ward) has objected to the application. Councillor Bentley notes that she has no objection to the University enhancing its buildings and recognises the benefits the development would bring. However, Councillor Bentley notes a number of significant concerns which are summarised below:
- The loss of car parking at the site will have huge impacts on neighbouring streets which already suffer from on-street car parking problems as a result of parking from university staff and students;
 - There are concerns that the West Park area is being used as an overflow car park for staff and students accessing the City Centre campus by shuttle buses provided to the Headingley Campus;
 - The highways submission offers no confidence in respect of existing and proposed car parking numbers given the discrepancies which exist in the submission;
 - There are walking and cycling routes, in addition to those identified by the University, which could also be upgraded; and,

- The University has a responsibility as a good neighbour to ensure that sufficient car parking exists at the campus to allow for the existing campus population and future growth.

6.3 In addition to the above Councillor Bentley has noted her support for the approach to create a fund through a section 106 agreement to be spent on necessary highways improvements/ measures which may be required as a result of the development.

6.4 The West Park Residents Association, the Weetwood Residents Association and 61 local residents/ members of the public have also written in objection to the proposal. The planning reasons for objection can be summarised as follows:

- The applicant has failed to engage with local resident groups following an initial meeting in September 2017;
- The supporting information is lacking in a number of respects, particularly in relation to car parking matters;
- The proposal will result in additional overspill car parking in surrounding residential neighbourhoods, which will add to existing problems relating to parking congestion and highway safety and further harmfully impact on the character of the area in this respect;
- The proposal will lead to increased visits to the site by taxi which are causing problems on local street;
- The loss of car parking close to existing community facilities is a concern;
- The construction of the building will inevitably lead to a further loss of car parking at the site;
- The use of floodlights at the new facilities could lead to light pollution;
- The sharp outline and bland modernity of the building proposed will be harmful in key views
- There are concerns that the proposal will lead to the loss of public routes through the site; and,
- The proposal would lead to the loss of greenspace at the site.

6.5 It is noted that a notable proportion of objectors have stated that they do not object in principle to the University upgrading its facilities.

6.6 Leeds Civic Trust has written in support of the proposal, but has noted concern in relation to the loss of car parking spaces at the campus. A single local resident has written in support of the proposal. A further single local resident has offered general comments in relation to the proposal.

7.0 CONSULTATION RESPONSES:

7.1 LCC Highways – No objections subject to conditions and s106 agreement.

7.2 LCC Travelwise – No objections subject to conditions.

7.3 LCC Landscape – No objections subject to conditions.

7.4 LCC Nature – No objections subject to conditions.

7.5 LCC Conservation – No objections subject to conditions.

7.6 LCC Contaminated Land – No objections subject to conditions.

- 7.7 LCC Flood Risk and Drainage - No objections subject to conditions.
- 7.8 West Yorkshire Police – No objections.
- 7.9 Sport England – No objections.

8.0 PLANNING POLICIES:

Local 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 DPD.

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:

- General Policy – Sustainable Development and the NPPF
- Spatial Policy 1 – Location of Development
- Spatial Policy 8 – Economic Development Priorities
- Spatial Policy 11 – Transport Infrastructure Investment Priorities
- Policy P9 – Community Facilities and Other Services
- Policy P10 – Design
- Policy P11 - Conservation
- Policy P12 – Landscape
- Policy T1 – Transport Management
- Policy T2 – Accessibility and New Development
- Policy G2 – Creation of New Tree Cover
- Policy G6 – Protection and Redevelopment of Existing Greenspace
- Policy G8 – Protection of Important Species and Habitats
- Policy G9 – Biodiversity Improvements
- Policy EN1 – Climate Change
- Policy EN2 – Sustainable Design and Construction
- Policy EN5 – Managing Flood Risk
- Policy ID1 – Implementation and Delivery Mechanisms
- Policy ID2 – Planning Obligations and Developer Contributions

8.3 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
- BD5 – Design of new buildings
- N14 – Presumption in favour of listed buildings
- N25 – Development and Site Boundaries

8.4 The most relevant policies from the Natural Resources and Waste Local Plan are outlined below.

- General Policy 1 – Sustainable development

Water 1 – Water Efficiency
Water 7 – Surface Water Run-Off
Land 1 – Contaminated Land
Land 2 – Development and Trees

Supplementary Planning Documents and Guidance

8.5 Relevant supplementary planning documents and guidance are outlined below:

- Designing for Community Safety SPD (May 2007)
- Public Transport Improvements and Developer Contributions SPD (August 2008)
- Street Design Guide SPD (August 2009)
- Sustainable Design and Construction SPD (August 2011)
- Far Headingley, Weetwood and West Park Neighbourhood Design Statement SPD (September 2014)
- Travel Plan SPD (February 2015)
- Parking SPD (January 2016)
- Accessible Leeds SPD (November 2016)

Neighbourhood Plans

8.6 None

Other Relevant Local Documents

8.7 Other relevant local documents include:

- Guideline Distances from Development to Trees (March 2011)

NPPF

8.8 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.

8.9 The overarching policy of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both plan-making and decision-taking.

8.10 The NPPF includes a number of topic areas which address how sustainable development can be achieved. These include, amongst others, section 1 (Building a strong, competitive economy), section 4 (Promoting sustainable transport), section 7 (Requiring good design), section 8 (Promoting healthy communities), section 11 (Conserving and enhancing the natural environment) and section 12 (Conserving and enhancing the historic environment).

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- (1) Principle of Development;
- (2) Wider Benefits;
- (3) Design, Character and Heritage;
- (4) Car Parking Provision;
- (5) Other Highway Matters;
- (6) Impact on Neighbouring Amenity;
- (7) Community Infrastructure Levy (CIL).

10.0 APPRAISAL:

Principle of Development

- 10.1 The proposal to replace an existing outdated building at the campus with a new fit-for-purpose modern building within the same D1 (non-residential institutions) planning use is considerable acceptable in principle.

Wider Benefits

- 10.2 The city of Leeds is the regional capital and the main economic driver for Yorkshire and the Humber. The Council's Core Strategy and the Leeds Growth Strategy recognise the significant economic, social, cultural and strategic importance of the city's universities and other education institutions to supporting this role. The Core Strategy states that central to the city's potential growth in key sectors are the city's excellent universities, higher education establishments and first-class culture and sport. There is little doubt that Leeds Beckett University, including its well renowned sports and sports science teaching and research programmes, will be a key driver for such potential growth in years to come. In addition to this the University is also the fourth largest employer in the city and the campus provides for a range of well used community uses and sports and fitness activities.
- 10.3 The university and higher education environment is increasingly competitive and institutions are constantly striving to update and improve their facilities to continue to attract students and staff. It is clear that many of the existing teaching and research facilities scattered around the campus utilised by the University's School of Sport are not fit-for-purpose. The proposal will allow the University to create a much needed hub for the School of Sport whilst also adding to the sports and research 'offer'. This will allow the University to successfully compete with other national and international institutions looking to attract the same potential students and staff by providing modern, state of the art facilities.
- 10.4 The University already provides a well-used and appreciated community offer to local schools, community sports clubs and groups, and the general public. The proposal will look to supplement this through the introduction new gym, health clinic facilities and a community café. The proposal will also provide enhanced facilities for the British Heart Foundation outreach service which provides services and care within the local community.
- 10.5 These identified wider benefits of the proposal are considered to be significant within the context outlined above.

Design, Character and Heritage

- 10.6 As is noted in the Sites and Surroundings section of this report, the historic core of the campus includes a total of eight listed buildings laid out around the central greenspace known as The Acre. Later 20th century development, which included the addition of athletics and other sports facilities, added to this to form the campus as laid out today. The wider site sits in an attractive parkland setting including extensive areas of protected woodland.
- 10.7 The application site is situated to the north west of The Acre within close proximity of two listed buildings; the Grade II listed James Graham Building and the Grade II listed Fairfax House. The unlisted Carnegie Building to the north of the application site is also a building of substantial architectural and historic merit. The Council has a duty to have special regard to the desirability of preserving the letting of listed buildings under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council's Core Strategy and the NPPF also recognise the importance of preserving the historic environment including the setting of listed buildings. The application site also includes a number of unprotected trees, which nevertheless have amenity value, which need to be removed (24 individual trees and a grouping of 8 trees) and sits adjacent to a group of trees to the south which are protected by way of a Tree Preservation Order, one of which will need to be removed.
- 10.8 The existing Design and Technology building at the site is a 1960's two storey concrete framed building typical of its time. The building is relatively modest in size and has good space around it. However, the building is not particularly attractive and, in terms of its external appearance, does little to complement those architecturally and historically significant buildings which surround it. The demolition of the building is considered acceptable.
- 10.9 The new building proposed is much larger than the building which it replaces. Nevertheless it is considered that the building is respectful of immediate neighbouring buildings and the character of the wider campus and spaces. The changes to the positioning of the building negotiated through the pre-application process to move the building away from the Carnegie Building to the north and allow the creation of a green avenue between these buildings is a positive response to the concerns raised. The area of landscaping retained between the new building and the Grade II listed James Graham building and the retention of a group of protected trees, other than the removal of a single category 'C' tree, between the new building and the Grade II listed Fairfax Hall will allow the setting of both buildings to be suitably preserved.
- 10.10 Further to the above, whilst considerable in footprint, the building is of a scale and massing which is considered appropriate for its siting and the contemporary design and use of modern materials and detailing will allow the building to complement neighbouring buildings appropriately. The buildings rhythm and fenestration patterns being heavily influenced by the surrounding historic buildings and these are positive features of the building. Whilst it is inevitable that a building of the size proposed will have some impact on the setting of the neighbouring listed and important unlisted buildings, it is not considered that these impacts are any more than minor within the this context. It is further considered, in light of the relevant NPPF approach, that the significant public benefits of the development are recognised to outweigh any minor harm which would be created.
- 10.11 The building works with the level differences at the site in order to provide the principle entrance to the north east corner with the building opening up positively towards the existing athletics track and sports fields to the west. Important short and

long range views will be protected. The new building is intended to be an iconic, signature building. The view of the Council's Design Team is that the building is of the highest architectural merit and would be viewed as an iconic building not just in Leeds but also regionally and further afield. As argued by the applicant, the building, and in particular the rooftop running track feature would form a contemporary iconic feature which would become part of the University's wider brand. The high design value of the proposed building should not be understated, nor should the potentially wider impacts that may result in respect of the University's or the city's wider image.

- 10.12 The new landscaped areas proposed, both hard and soft, are considered to complement the building. Whilst it is always regrettable to lose trees, including a number of unprotected specimens with high and good amenity value and a category 'C' tree within the group of TPO trees to the south of the building, the University has committed to replacement planting of trees on the application site and within the wider campus on a 3:1 ratio (3 provided for every 1 lost) in accordance with the Council's Natural Resources and Waste DPD policy Land 2. This is considered to be an enhancement in the longer term which will help to supplement the parkland/ woodland setting of the campus. This will also allow for any loss of biodiversity or ecological value at the site to be replaced and enhanced within the wider campus.
- 10.13 The new building will achieve a BREEAM Excellent rating in compliance with Leeds Core Strategy policy EN2 and the Council's Sustainable Design and Construction SPD. The proposal has also been designed with crime and safety in mind and West Yorkshire Police have no objections to the proposals. In conclusion therefore the proposal is considered to represent a positive design solution which is in accordance with the relevant local and national policies and will meet the requirements of the relevant legislation.

Car Parking Provision

- 10.14 The campus has generated longstanding concerns in respect of car parking provision from local ward members, residents and the Council. Given the amount and nature of the objections received in relation to the current application, which overwhelmingly cite this as the main concern of local residents, it is helpful to outline some of the background to these concerns as part of this appraisal and note the relevance of this background to the consideration of the current planning application.
- 10.15 As is described in the Sites and Surroundings section of this report, the main vehicular access to the campus is via Church Wood Avenue, with a secondary vehicular access from St. Chads Drive. The streets surrounding the campus are predominantly residential in nature.
- 10.16 Since before the turn of the century Leeds Beckett University has been committed to the promotion of sustainable transport for staff, students and visitors to the Headingley Campus. This is a worthy objective which is in accordance with the Council's own aims and recognises the unsustainable nature of large scale car travel in respect of local transport infrastructure, congestion, air pollution etc. In April 2000, when no parking restrictions existed on campus this resulted in 3,536 vehicles a day entering the campus. The campus was perceived as easily accessible by private car and this led to significant congestion and traffic safety issues in and around the campus. This also resulted, when drivers were unable to find a space at the campus, in significant numbers of cars being parked on surrounding residential streets which, at the time, were largely without any parking restrictions.

- 10.17 In 2002 the University launched a Transport Strategy employing a number of different measures to encourage greater use of sustainable transport. Later in 2007 the University introduced a Travel Plan for the campus including measures to introduce controlled permit parking within the University campus, at a charge to users, and the installation of a separate pay and display car park. The transition from what was essentially a parking free-for-all at and around the campus to the introduction of permit parking during these years inevitably led, as a consequence, to additional on-street 'overspill' car parking on neighbouring residential streets by staff, students and visitors.
- 10.18 In response the Council, partly funded by the University in some instances, introduced a number of parking restrictions in the following years around the campus. The time taken to introduce these measures, as is common to the process, was a source of further, considerable frustration to local residents. Nevertheless the result today is that many of the streets within the immediate vicinity of the campus now have some form of parking restrictions in place. There do remain certain streets without any or with only partial restrictions in place – largely as a result of the Council considering that these streets wouldn't necessitate parking restrictions due to their width/ layout. There is also evidence that the parking restrictions installed have pushed some of the problem further out, to the east of Otley Road (A660) for example. As is noted by the large number of objections from local residents citing car parking on surrounding streets, and some further afield, as a significant problem, there remains a significant number of cars parked on some local streets which are recognised by the Council to be visitors to the Headingley campus. It is further recognised that this is a source of great frustration for some local residents.
- 10.19 It is noted that every travel planning mechanism includes a 'carrot and stick' approach. This, by its very nature, will include incentives to car users to use more sustainable forms of transport and disincentives to use their cars. The difficulty is always in finding the right balance that does not push significant problems elsewhere. The Council recognises the frustration of local residents, and shares much of the frustration with the time taken to implement appropriate car parking restrictions on streets within the vicinity of the campus. It is also recognised that there is further work to do on this. However, it is also recognised that the University has made a number of significant financial contributions towards sustainable transport infrastructure, including funding physical infrastructure, public transport routes over the past two decades which are thought to total in the region of £1 million. The cost of implementing the University's Transport Strategy, including cycling facilities and shuttle buses between the Headingley and City Centre campuses, is also in the region of £250,000 per annum. Overall the various measures introduced by the University since 2002 have had some success in reducing the total number of vehicular trips to the campus. The University continues to aspire to furthering these objections – for example by aiming to reduce single occupancy vehicular trips to the campus from 54% of the total in 2015 to 44% of the total by 2021 - and has committed to work with the Council and local residents in respect of these objectives as part of the current planning application.
- 10.20 It is important to note at this point that the Council should not consider the current planning application as a vehicle to address all the perceived problems associated with off-street car parking around the campus. The above background is offered for information and context to Plans Panel Members. However, it is appropriate, within the scope of the current planning application, to consider any additional impacts that may occur as a result of the development proposed in this respect and come to a balanced view in relation to these matters – specifically whether the proposal in itself is likely to lead to a significant increase in 'overspill' car parking on surrounding

streets. It is also appropriate to consider how the proposal feeds in to the longer term vision to address car parking matters at the campus and indeed, the University has stated that they would consider it appropriate to take this approach.

- 10.21 First of all it is important to note that the new building and facilities will replace and supplement existing facilities rather than provide any additional capacity at the campus. The overall population of the campus will therefore remain largely unchanged. It is recognised there are some discrepancies between the Universities car parking figures and those calculated by the Council. It is considered appropriate to consider the figures as have been calculated by the Council following a thorough assessment by the Council's Highways Officers. The University has accepted this as an appropriate approach.
- 10.22 As noted in the Sites and Surroundings section of this report campus currently includes 852 car parking spaces, of which 673 spaces are provided in the barrier controlled part of the campus and 179 spaces are provided in a pay and display car park (according to the Council's calculations). The spaces provided in the pay and display car park will remain unaltered as part of this proposal and therefore the Council's assessment will focus on the barrier controlled car parking spaces. It is further noted that the 673 spaces in the barrier controlled area would be reduced by 41 to 632 as a result of an existing planning permission (LPA Approval Reference 17/04320/FU) for a temporary period (up to October 2022) to facilitate for the development now being considered.
- 10.23 The proposal put forward under the current planning application would lead to the loss of 175 spaces but introduce 88 new spaces within the barrier controlled area. This would lead to a reduction of car parking spaces in the barrier controlled area of the site from 673 to 586 (a loss of 87 spaces in total) permanently at the site and a temporary reduction in car parking spaces from 673 to 545 spaces (a loss of 128 spaces) for a temporary period until the development is brought into use. The provision of the pay and display car park will remain unchanged.
- 10.24 In the present academic year (2017/18) the University allocated a total of 632 car parking permits (537 to staff, 70 to student residents and 25 to tenants) and accommodates up to 60 visitors per day to the barrier controlled area. Not all of those car users with permits visit the site at the same time and information provided by the University notes that the average number of vehicles accessing the barrier controlled parts of the site between December 2015 and August 2017 was 307 per day. As would also be expected, the peak usage of the campus by car users varies throughout the year. The peak usage of the campus over the study period was during May 2017 where an average of 455 vehicles accessed the barrier controlled part of the site per day.
- 10.25 The University is therefore confident that, even during peak usage, the barrier controlled areas of the site will have an appropriate level of spare car parking capacity – with projected figures of approximately 131 spare spaces (586 minus 455) per day on a permanent basis and 90 spare spaces per day during the aforementioned temporary period using the Council's own calculations. The Council's Highways Team considers, after careful review of the figures, that the necessary confidence has been attained to strongly suggest that the campus will continue to have sufficient car parking capacity within the barrier controlled area both after the development is completed and during the construction phase. It is again important to note at this point that, as the overall campus population and therefore car trips to the campus is not projected to change, these car parking arrangements in the barrier controlled area (and also in the pay and display car

park) would provide for sufficient car parking capacity. This leads therefore to the conclusion that the development proposal will not lead to a significant increase in 'overspill' car parking on surrounding streets.

- 10.26 It is nonetheless noted that parking demand can be subject to change. It is further noted that the university is looking to further reduce vehicle trips to the site as part of its future travel planning measures and that as part of this process is looking to introduce a new car parking management plan (CPMP) which aims to make more efficient use of the existing car parking in response to the longstanding concerns of local residents and ward members relating to car parking at the site. The parameters of this CPMP have been agreed by the Council so that some confidence can be gained as to the likely impacts of this exercise, but even so the full impacts of such a potentially significant change are difficult to predict. As a result, in order to offer the Council further confidence that the proposal will not lead to additional 'overspill' car parking on surrounding streets the University has committed to put forward a fund of £70,000 to the Council to tackle any related issues which arise within the vicinity of the campus as a result of the car parking changes proposed. This fund would be refunded to the University, in part or in full, at the end of a ten year period depending on whether any issues did arise.
- 10.27 Further to the above the University has also committed to set up a working group to involve all relevant parties, including local resident groups and ward members, to feed into this process in recognition of the longstanding nature of local concern. The University will also look to introduce new incentives to use sustainable transport for staff, students and visitors, including, amongst other measures, providing two new bus services - one linking both University campuses and one linking the Headingley Campus to the Kirkstall Brewery student accommodation site in Kirkstall.
- 10.28 In conclusion it is considered, after careful consideration of all the matters raised that the development proposal, with the proposed measures to be put in place and secured by way of planning conditions and a section 106 legal agreement, will not lead to significant additional off-campus car parking in the surrounding streets or wider area.

Other Highway Matters

- 10.29 The proposed layout of the new building, landscaping and access arrangements are all considered acceptable and the proposal raises no significant road safety concerns. The proposal will allow for servicing and deliveries to the new building with suitable turning provision and access and will maintain such arrangements for existing buildings in the vicinity. The proposed amendments to existing pedestrian and cycle routes are also acceptable with a considerable increase in cycle parking spaces (92 new spaces versus 24 lost) overall. The proposal will also introduce new vehicular charging points across campus and the University has committed to exploring the introduction of a new car club installation at the campus and car sharing initiatives, amongst other measures as part of the Travel Plan submitted in support of the application.
- 10.30 The Council's Highways Team is satisfied that subject to appropriate worded planning conditions the construction phase of the development can be suitably managed. Preliminary discussions have already taken with the applicant with regards to suitable routes to the site for construction traffic and measures which are likely to be necessary. It is noted that, if granted planning permission, construction works will commence in April 2018 and that the most intensive works will be undertaken during the summer months when attendance at the campus is at its

minimum in order to prevent heavy construction traffic at peak times of the year. The University have also committed to discuss this process with local resident groups.

Impact on Neighbouring Amenity

- 10.31 The proposed building will be situated a significant distance from the nearest residential properties outside the campus (over 120m to those properties on Ancaster View and Ancaster Crescent) and as a result it is not anticipated the building will lead to any significant impact on neighbouring amenity in terms of overshadowing or a loss of outlook or privacy in respect of these neighbours. It is further noted that the application site is separated from residential properties outside the campus by other substantial buildings. The proposal will be situated to the north of existing student accommodation at the campus but will retain a mature tree belt between the buildings and it is not considered likely to significantly impact upon these neighbours in any of the aforementioned respects.
- 10.32 Noise and lighting assessments have been submitted with the application and conclude that the proposal will not lead to any adverse impact on neighbours in these respects. It is noted that noise and disturbance, including from light pollution, has in the past led to issues with neighbouring properties during large events at the athletics track but it is not anticipated the proposal will add significantly to this.
- 10.33 As is noted above, the proposal does not form part of a wider strategy to increase the campus population and therefore comings and goings to the campus are unlikely to significantly increase. The community offer will be increased at the site and so a modest increase in journeys could be expected outside daytime working hours but it is not considered that this will have a noticeable effect on residential neighbours.
- 10.34 As a result it is not considered that the proposal will significantly impact on neighbouring amenity.

Community Infrastructure Levy (CIL)

- 10.35 The Council's Community Infrastructure Levy Charging Schedule was adopted on 12th November 2014 with the charges being implemented from 6th April 2015. This application meets one of the relevant CIL exemptions in that the University is a registered charity and as such benefits from charitable relief.

11.0 CONCLUSION

- 11.1 The proposed development would allow for the replacement of an existing unattractive building with outdated facilities with a new contemporary building which would become the new hub for the University's School of Sport. In doing so the building would allow for modern, fit-for-purpose facilities for the School of Sport in a single location located close to the other relevant related facilities at the campus.
- 11.2 The development would allow the University to continue to be competitive nationally and internationally and continue to be an important driver to the growth of Leeds in this key sector and support the growth of the city's fourth largest employer whilst providing a number of additional community facilities in addition to the existing well valued offer.
- 11.3 The proposed building represents a contemporary design solution considered to be of the highest architectural quality with a rooftop running track feature that would

become iconic not just in Leeds but also within the wider region. The building would also have excellent sustainable credentials achieving a BREEAM 'Excellent' rating. Importantly the proposal, whilst having a minor impact on the setting of listed and important unlisted buildings, has been designed in such a way as to mitigate against any significantly harmful impacts, whilst respecting the character of the wider campus. It is considered that any minor harm which does occur in respect of the listed buildings would be outweighed by the public benefits of the proposal. Whilst trees will be removed to facilitate the development, including a single protected tree, replacement trees will be provided at the campus at a ratio of three replacement trees for every one lost. The proposal will also provide for appropriate hard and soft landscaping areas.

- 11.4 The campus has generated longstanding concerns in respect of car parking provision from local ward members, residents and the Council following the aspirations of the University to move towards more sustainable forms of transport for its staff, students and visitors. However, it would not be appropriate to seek to solve all the perceived problems through the current planning application but instead the proposal should demonstrate that it will not significantly add to areas of concern which are the subject of ongoing discussion and negotiation between the University and the Council outside of the planning process. In this respect the proposal has demonstrated, to the Council's satisfaction, that it will not lead to significant increases in overspill car parking on surrounding streets which may in turn lead to highway safety or amenity issues. Furthermore the University has committed to work with the Council, local ward members and local residents to look at these issues as part of its future proposals for a car parking management plan at the site, the parameters of which have been agreed in principle with the Council. In addition, in recognising the concerns of the Council and local residents, the University has committed to providing a fund to the Council to address any issues which do arise as a result of the development. Whilst this may be perceived as a 'belt and braces' approach it is nevertheless considered appropriate and will allow the Council considerable control over such matters.
- 11.5 In addition to the above, the proposal does not raise any road safety concerns within the campus. The proposal will introduce a significant increase in cycle parking at the site, new electric vehicle charging points across campus with a number of further measures proposed as part of the ongoing sustainable transport aspirations of the University to encourage more sustainable transport choices. It is considered that the construction phase of the development can be appropriately managed and controlled by way of appropriately worded planning conditions.
- 11.6 The proposal is not considered to be likely to significantly harm the amenity of residential neighbours both outside and within the campus.
- 11.7 In conclusion it is considered that those factors weighing in favour of the scheme far outweigh those factors weighing against. The comments and concerns of Councillor Sue Bentley, the West Park Resident's Association, the Weetwood Resident's Association and local residents and members of the public have been considered and taken into account, as have those comments in favour of the scheme. It is considered that the applicant has responded positively to these concerns which are addressed in the above appraisal. It is therefore recommended that Plans Panel defer and delegate the approval of the planning application to the Chief Planning Officer subject to the successful completion of the legal agreement.

Background Papers:

Application file – 17/06373/FU

27th Floor City Tower Piccadilly Plaza Manchester M1 4BT 7PU
 T: +44 (0)161 233 8900 E: manchester@sheppardrobson.com

CLIENT
Leeds Beckett University



TITLE
Proposed Location Plan

STATUS PURPOSE FOR ISSUE
S2 Information

REV. DATE AMENDMENT
 P01 27/09/2017 Planning Submission

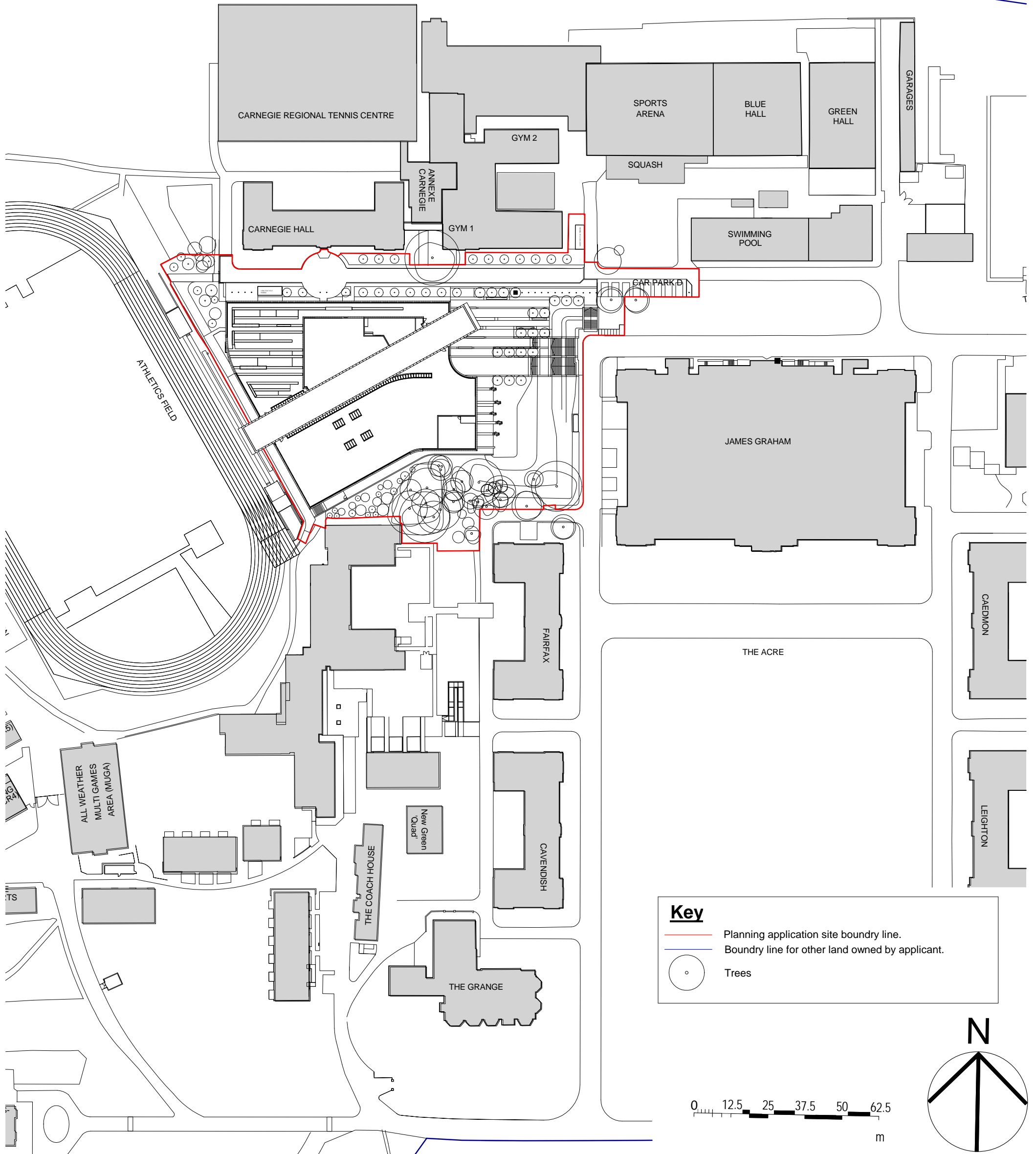
PROJECT
Carnegie Teaching & Research (CTAR)

SCALE@A3 DATE ORIGINATOR CHECKED AUTHORISED
1 : 1250 26/09/2017 DS ASM JJ

STATUS
Stage 3 SR NO. **5688**

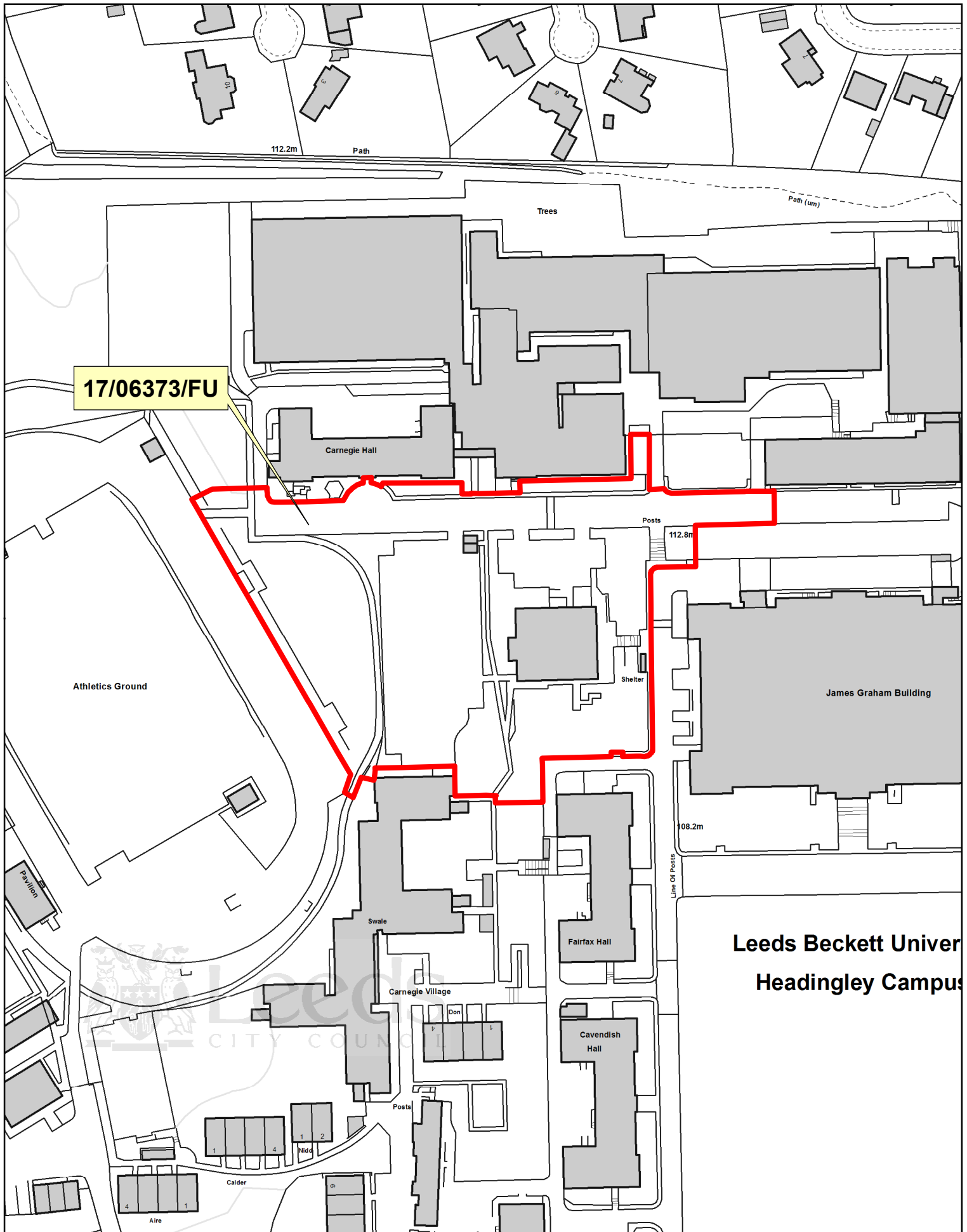
DRAWING NO. REV.
HCCTAR-SRA-10-XX-DR-A-00-852 P01

LEEDS BECKETT HEADINGLEY CAMPUS BOUNDRY EXTENTS BEYOND EXTENTS OF THIS PLAN.



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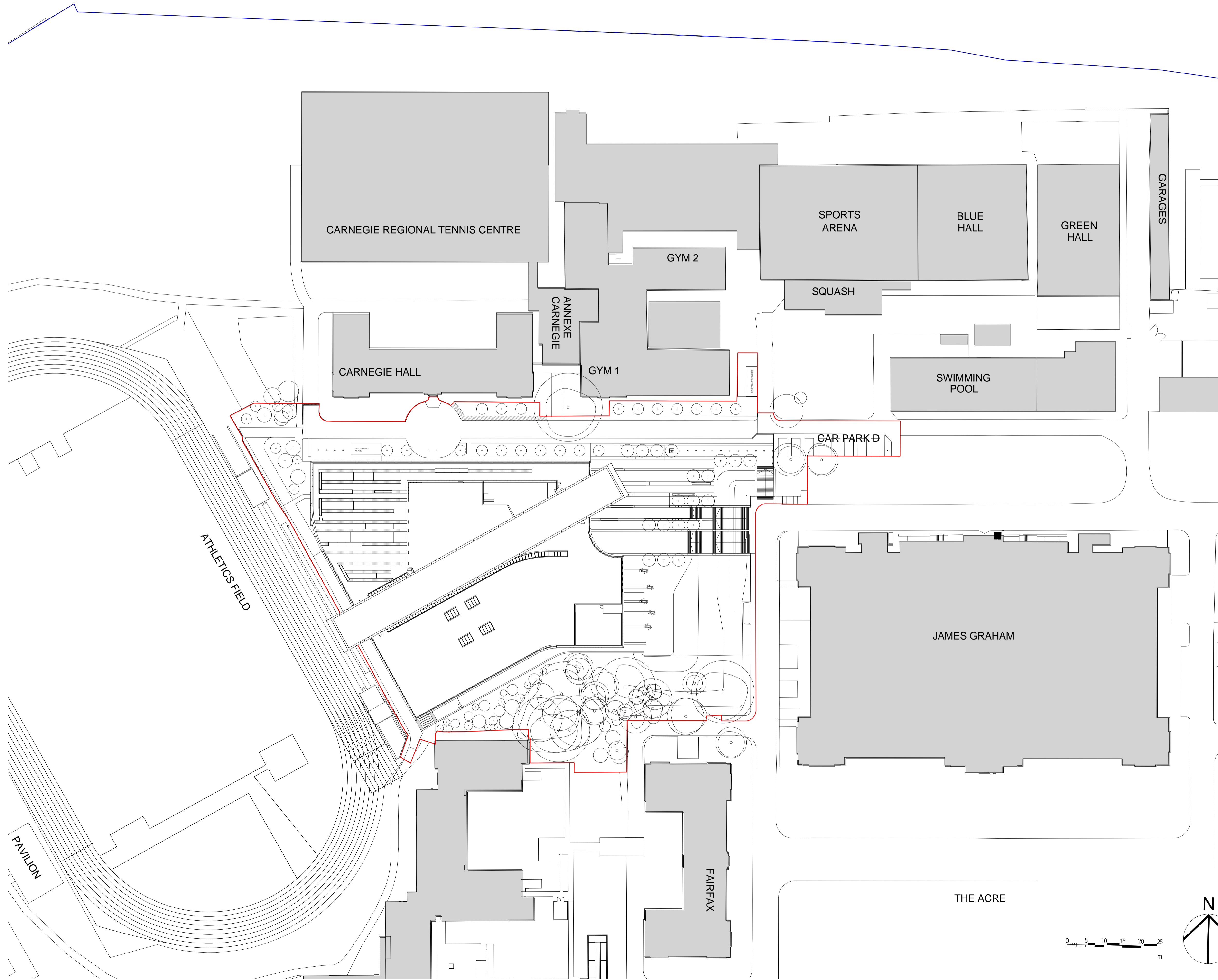
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SOUTH AND WEST PLANS PANEL



LEEDS BECKETT HEADINGLEY CAMPUS BOUNDRY EXTENTS BEYOND EXTENTS OF THIS PLAN.



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Key

- Planning application site boundary line.
- Boundary line for other land owned by applicant.
- Trees

REV.	DATE	AMENDMENT
P01	27/09/2017	Planning Submission

KEYPLAN

CLIENT

Leeds Beckett University



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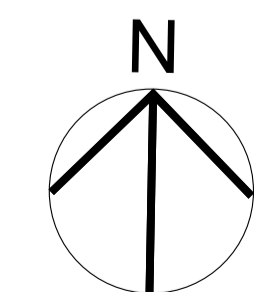
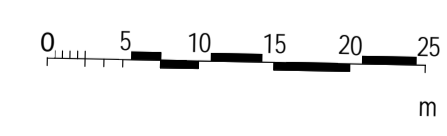
PROJECT
Carnegie Teaching & Research (CTAR)

SCALE@A1	DATE	ORIGINATOR	CHECKED	AUTHORISED
1:500	26/09/2017	DS	ASM	JJ

Proposed Site Plan

Stage 3

STATUS	PURPOSE FOR ISSUE	SR NO.
S2	Information	5688
DRAWING NO.	REV.	
HCCTAR-SRA-10-XX-DR-A-00-853	P01	



LEEDS BECKETT HEADINGLEY CAMPUS BOUNDRY EXTENTS BEYOND EXTENTS OF THIS PLAN.

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Originator: Victoria Hinchliff Walker
 Tel: 0113 3788027

Report of the Chief Planning Officer

SOUTH AND WEST PANEL

Date: 15th March 2018

Subject: Planning Application 17/03052/FU - New Build Residential Care Home on land at the Former Musgrave Court Residential Home, Crawshaw Road, Pudsey, LS27 7UB.

APPLICANT	DATE VALID	TARGET DATE
Angela Swift Development Ltd	15/05/17	14/08/17 (extension of time till 13/10/17)

Electoral Wards Affected:
Pudsey

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1. This application was originally reported to Plans Panel on 15th January 2018. At that meeting Panel Members resolved that the application should be deferred to negotiate further with the applicants with regard to the massing and dominance of the proposed building.
- 1.2. Since that meeting further negotiations with the developer have been undertaken, the outcome of which is outlined below. The developers also undertook a public consultation meeting held on 26th January at the Owlcotes Meeting Room.
- 1.3. Revised plans were submitted on 5th February and additional neighbour letters sent out. The amendments include the re-configuration of the roof to drop the overall height. The majority of the third floor is therefore now within the roof space, the aim is to achieve a reduction in height without impacting on the number of bedrooms or services that the home will offer. Through the use of a partial flat roof element within the roof form the overall drop in the ridgeline has been 2.3m, this has also been achieved by setting the whole building 300mm lower down in the site. A further three stacked parking bays have also been provided for staff parking. These bays

would be grass seeded (with plastic mesh reinforcement) as they are located within a landscaping area close to the access point.

2.0 Public Response to Revisions

- 2.1. One resident has withdrawn his original objection to the proposal, particularly with reference to an “ongoing criminal enquiry”. The resident points out that such comments were made at the previous panel meeting, but it is now known that this was erroneous and an apology has been issued.
- 2.2. Following revisions a further 9 letters of objection have been received raising the following concerns:
- 2.3. Stuart Andrew MP advises that residents remain concerned and ask that the following concerns are dealt with:
 - Full investigation into road access and junction issues of Radcliffe Lane and Crawshaw Road.
 - Consultation with Emergency Services should be carried out.
 - Concerns over drainage, sewerage, water supply and water pressures.
 - Is an 86 bed care home required in the area.
- 2.4. A further 8 objections from residents received raising following issues:
 - A positive contribution to further reduce the mass (height) of the building has been made even though it is still a three storey building. Does the ridge still exceed that of the highest ridge of any surrounding building.
 - Reversing of service vehicles has not been addressed.
 - What will happen with construction traffic, cranes etc.
 - Revisions fail to address issue of massing and dominance with only concession being a reduction of overall height.
 - Scale still dwarfs neighbouring buildings.
 - New 60 bed extension at the Grove so may not be a need for so many beds.
 - Size of home is more than double that of other homes in Pudsey and Outer West Leeds. Therefore question why this business model can only work on such a large scale.
 - Proposal is still overly dominant and not in keeping with Conservation Area.

3.0 Appraisal

- 3.1. The reduction in height brings the overall height down to 10.8m and brings it in line with many two storey height buildings and removes a significant amount of roof mass. The ridgeline now sits below that of the adjacent Salters Garden development, although it is still above other properties, 2.6m higher than Crawshaw Park, 1.6m above Crawshaw Villa and 3.2m above St Lawrence Terrace (due to levels changes).
- 3.2. The changes that have been achieved do reduce the overall scale and massing of the property and result in a less dominant form than previous, particularly in relation to other properties. The distances from these properties will also ensure that the scale of the building is reduced visually, and it will also be broken up and screened by the tall trees around the site.

- 3.3. The objections of residents are noted, however many of these stem from the size of the property and the highway impacts. As previously stated the number of bedrooms is a matter for the applicant, and results from the need for an economically viable size of property. There is a need across Leeds for such accommodation and it is not considered that there is an oversupply in this area, such a matter would be managed by supply and demand factors in the private sector.
- 3.4. The highway issues were discussed at the previous panel meeting and Members did not request any further negotiations on this matter. However an additional three parking spaces are proposed for staff parking which ensures that the proposal is compliant with parking policy for care homes.
- 3.5. On balance it is considered that the proposal will bring about a valuable form of housing for elderly people in the local area, and has satisfactorily addressed matters of highway safety, parking, amenity, scale, massing and the impact on the Conservation Area. It is therefore recommended that the application be approved subject to the conditions as set out in Appendix 1.

18. Details of any air conditioning/extraction systems to be submitted.
19. "No Waiting" restrictions to be provided around the access to ensure larger vehicles can access the site safely. A scheme is to be provided and then implemented.
20. Details of electric vehicle charging points.
21. Approved sightlines to be implemented.
22. Vehicular areas to be properly laid out.
23. Reinstatement of redundant footpath crossings and appropriate installation of vehicle crossings.

1.0 INTRODUCTION

This application is made in full for a new build residential home to the site of a previously cleared residential home. The application has been brought to Plans Panel at the request of ward Councillor Coulson in light of the concerns expressed by residents about the appropriateness and scale of the development and its impact on the character of the area and on highway safety. The request sets out reasons for the referral based on material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore it is appropriate that the application is reported to Panel for determination.

2.0 PROPOSAL

- 2.1 The new build will provide residential care for elderly people (86 bed spaces) comprising of the following accommodation:
 - Ground floor – 26 bedrooms for single occupants each with en-suite facilities. Kitchen, dining room, hair salon, lounge and café as well as 2 rooms for staff.
 - First floor – 32 bedrooms for single occupants each with en-suite facilities. Two lounge areas and dining room as well as a nurses station and drugs room.
 - Second floor – 28 bedrooms for single occupants each with en-suite facilities. Lounge, dining room and activity suite.
 - Loft space – laundry and staff room.
 - Floors are reached via 2 staircases or 2 lifts, the housing for which are in the loft space.
- 2.2 The building is therefore part 2.5 storey, part 3 storey, and is L shaped, featuring prominent gables and hipped roofs. Traditional design features such as stone heads and cills are utilised and the regular pattern of doors give the appearance of terraced housing.
- 2.3 The building sits within this square site with the building to the east and south. Car parking is provided to the north and west, with an access taken off Crawshaw Road. 27 car parking spaces are provided to the front which includes 1 car share space, 1 electric vehicle space and 2 disabled bays. The parking layout also includes for an ambulance bay adjacent to the main entrance, motorcycle and cycle parking.
- 2.4 The remainder of the site is set out as landscaping with amenity and garden areas laid out to the eastern and southern boundaries, and deep landscaped strips to the front of the car parking on the western side. The garden layout includes both formal and informal areas, and includes a terraced area for seating, lawns, and a herb

garden. Ground floor bedrooms and communal rooms have doors that open out onto either communal areas, or smaller more private amenity space.

- 2.5 The care home footprint covers 32% of the total site area, roads and parking take up 22% and amenity space and landscaping account for 46% of the site area. The positioning of the building has been designed with guideline distances in mind including required 7.5m from a bedroom window to a boundary and 10.5m from a living area to a boundary.
- 2.6 The building is oriented so that the main entrance, which sits in the crux of the L shape faces northwest. Car parking is located in the main area of shade to the north, with gardens making the most of their southerly aspects.
- 2.7 The building will be built out of stone with a slate style roof.
- 2.8 It is anticipated that the home will be run by 1 manager and 1 administrator, 8 daytime carers, 5 night time carers, 2 domestics and 2 catering staff. Due to the staffing of the building on a 24 hour basis then approximately 80 people could be employed on a full and part time basis.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a cleared site in Pudsey which was formerly the site of the Council-owned, 36-bed Musgrave Court residential care home until its closure in 2014. The buildings on the site, which were part two-storey, part single storey pitched roofed artstone structures constructed in the mid-1970s, were cleared in 2016 and the site disposed of by the Council as surplus to requirements. Prior to this, in 2015, a group Tree Preservation Order was applied to the trees on site. Currently, the site is void and empty of structures aside from the two hard surfaced areas which previously formed the car parking.
- 3.2 The site lies on the south-eastern side of the Pudsey Conservation Area (CA), adjacent to the boundary of Character Area 3 (Pudsey Park). Although excluded from the CA, the site is bounded to the north, south and west by older development which falls within it. The predominant construction material is natural stone, with this being present to the large Victorian Crawshaw Villa to the west and other large detached and semi-detached 19th century villas on the western side of Crawshaw Road, as well as to the more modest terraced houses on St. Lawrence Terrace to the south. Further east, to the side and rear of the site, more modern infill in the form of inter-war semi-detached housing to Crawshaw Park / Crawshaw Rise and the modern Salters Garden apartment complex to the north nevertheless respects this general palette of materials.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Aside from the applications for the construction of the former care home building (ref: H25/5/76/), its demolition (ref: 16/01593/DEM) and the protection of the perimeter trees, the planning history of the site is limited to a 2008 application for erection of single storey front and rear extensions to the premises, which was approved. A variation of Condition 4 of this application (protection of trees) was subsequently approved when it transpired that construction of the front extension would interfere with the root protection zones of three trees, necessitating their removal. The extension, and removal of the trees, were implemented shortly prior to the closure and demolition of the facility.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Prior to submission of this application the applicants undertook a pre-application enquiry (reference PREAPP/17/00031). Advice given at that time was that the proposal was acceptable in principle. Further advice was given on design, character, parking etc.
- 5.2 During the application process the applicant has been willing to undertake amendments in response to neighbouring residents concerns. This has included reducing the height of the roof and changing from a gabled to a hipped form in order to reduce the massing and altering the materials to all stone. The applicant has also worked with officers to address highways concerns.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was publicised by a major site notice for development affecting the character of a conservation area (posted 09/06/17) along with an advert in the Yorkshire Evening Post (posted 07/06/17). Members of the public who wrote in were also notified by letter of revisions to the scheme (24/10/17 and 09/11/17).
- 6.2 To date there have been 21 objections and 2 letters of representation received. This includes one petition with 6 signatures and one letter signed by 10 people.
- 6.3 The letters of representation raised the following issues:
- Council demolished care home only 2 years ago so why is there now a need for a new home.
 - Inaccuracies in the planning application – incorrectly states that Radcliffe Lane is on a bus route – it is not and this has implications for traffic (does not get gritted in winter).
 - St Lawrence Terrace no a suitable alternative access route as it is a private road.
 - Prefer a 2 storey home.
 - More car parking should be allocated on plot.
 - No planning notices posted on Crawshaw Road.
- 6.4 Planning matters raised in the objection letters are as follows:
- Development contravenes planning policy due to detrimental effects on residents, highway safety and the conservation area.
 - Development does not respect local context or spatial pattern.
 - Unneighbourly form of development due to building size and siting.
 - Insufficient parking provision on site.
 - Existing parking issues on street on Crawshaw Road.
 - Significantly alter fabric of the area and result in overdevelopment.
 - Additional traffic will create a bottle neck and safety concerns on Crawshaw Road due to the single track nature of this road.
 - Site access not in accordance with acceptable standards.
 - Proposal results in direct contravention of basic Human Rights including the right to peaceful enjoyment of all their possessions.
 - Materials not suitable (use of render inappropriate).
 - Construction traffic likely to cause road blockage issues due to single track nature of road.
 - Height of building will block light and affect privacy. Too dominating.

- Previous development has increased traffic on local roads including conversion of a child care centre to flats, conversion of a children's home to flats and building of new flats.
- Site notices removed.
- Traffic will impact on local schools, fire brigade and ambulance access.
- Impact of design on conservation area. Design is stock design used on other Angela Swift Developments.
- Height of building is excessive and would dwarf surroundings.
- Waste collection is under-catered for, and there is no suggestion that any specific provision has been made for separating waste and recycling. There will also be medical waste.
- No provision shown of mechanical plant/extraction systems.
- Appears to be very little space for storage inside the building.
- Poor access in case of emergency.
- Public footpath between Crawshaw Road and Crawshaw Rise will feel very enclosed due to proximity of building.
- Overestimate of the reliability of local public transport.

6.5 Following revision of the scheme a number of residents confirmed that the revisions did not address their concerns and their objections still stood. One comment was also made regarding restrictive covenants that apply to the land, however this is not a planning consideration. Several commentators also raised concerns about the internal workings of the building in terms of emergency evacuation etc. These are matters that would be addressed through Building Regulations and the oversight of the care home by the Care Commission.

6.6 A number of objectors have also stated that they support the re-development of the site, and would support a smaller scale care home of no more than 2 storey height.

7.0 CONSULTATION RESPONSES

7.1 Highways: The proposal provides 27 parking spaces for 86 bedrooms which is a ratio of 1 parking space per 3.2 beds. The Councils Parking SPD has an expected provision of 1 space per 3 beds, in this respect the application is 2 parking spaces short. On balance however the level of car parking is considered adequate. "No waiting" restrictions will be required at the access along with conditions for cycle parking, electric vehicle charging, sightlines etc.

7.2 Travel Wise Team: The submitted Travel Plan meets the criteria of LCC and a travel plan review fee of £2,500 will be required. This should then form an approved document/condition.

7.3 Flood Risk Management: The proposals for surface water drainage are acceptable. Greenfield rates of run-off are proposed with attendant attenuation storage for on-site containment of excess run-off as per the requirements of the Councils Minimum DC Standards for Flood Risk. A condition of the final drainage scheme is required.

7.4 Land Contamination: A Phase 2 report has been submitted which suggests that further site investigation may be required. Conditions on this are required. Gas monitoring is noted to be ongoing at the site.

- 7.5 Nature Team: No significant nature conservation concerns arise from this application. A condition restricting works to, or removal of, hedgerows, trees and shrubs during nesting season is requested.
- 7.6 Landscape Team: The proposals (as revised) are acceptable from a landscaping perspective subject to conditions for tree protection and ongoing landscape management.
- 7.7 West Yorkshire Police: The developer has forwarded the security measures and considerations to be included in this development. These security measures meet and in some cases exceed the Police preferred standard.
- 7.8 Public Rights of Way: A claimed footpath surrounds the site on its north and eastern boundary. The footpath appears to be fenced off from the site with the erection of hooped fencing. No objection is raised to this provided the fencing does not encroach onto the footpath.

8.0 PLANNING POLICIES

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) the Natural Resources and Waste Development Plan Document (2013) the Aire Valley Leeds Area Action Plan (adopted Nov 2017) and any made Neighbourhood Development Plans.
- 8.2 The site is not allocated in the Development Plan, however it does lie within a Main Urban Area, Regeneration Priority Area and lies adjacent to a Conservation Area.

Adopted Core Strategy

- 8.3 The following Core Strategy policies are considered most relevant:
- Spatial Policy 1 – location of development.
 - Spatial Policy 4 – regeneration priority areas (includes West Leeds Gateway).
 - Spatial Policy 6 – housing requirement.
 - H1 – managed release of sites.
 - H3 – housing density (40 dwellings per hectare).
 - H8 – housing for independent living.
 - P10 – design.
 - P11 – conservation.
 - P12 – landscaping.
 - T2 – accessibility requirements.

Saved Policies - Leeds UDP (2006)

- 8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:
- GP5: Development Proposals should resolve detailed planning considerations.
 - BD5 – Amenity
 - LD1: Landscaping

Natural Resources and Waste Local Plan

8.5 The following policies are of relevance:

- Water 1 – Water efficiency.
- Water 6 – Flood risk.
- Water 7 – Surface water run-off.
- Land 1 – Contamination.
- Land 2 – Development and trees.

Submission Draft Site Allocations Plan (SAP)

8.6 The site is allocated in the Draft Site Allocations Plan as a housing site that is suitable for older persons housing or independent living. The site reference is HG2-75 and it is allocated within phase 1.

Relevant supplementary guidance:

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

- Neighbourhoods for Living SPG
- Street Design Guide
- Parking Standards

National Planning Policy Framework (NPPF)

8.8 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014 replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.9 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.

8.10 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).

8.11 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. Chapter 12 (conserving and enhancing the historic environment) provides that LPA's should identify and assess the particular significance of any heritage asset that may be affected by a development.

9.0 MAIN ISSUES

9.1 The main issues to consider in the determination of this application include the following:

- Principle of development.
- Design and impact on conservation area.
- Impact on highway network.
- Impact on residential amenity.
- Other matters.
- Contributions/obligations

10.0 APPRAISAL

Principle of development

- 10.1 The application site was previously occupied by a residential care home and consequently this application seeks to replicate that same use. The site is located within the Main Urban Area and lies close to Pudsey Town Centre (100m to north). The site is also in an existing residential area and close to public open space (Pudsey Park lies 60m to the west). The site is also brownfield land, having previously been developed, although the site is now cleared.
- 10.2 Consequently no objection is raised to the principle of residential care development on this site. Such development is wholly suitable for the site, and would accord with all relevant policies in the Core Strategy and Unitary Development Plan regarding the location of development, good use of resources and housing development.
- 10.3 Furthermore the site is proposed to be allocated in the draft Site Allocations Plan for elderly residential care/independent living and whilst this is not adopted policy yet does indicate the suitability of the site for such use.

Design and impact on conservation area

Spatial Context

- 10.4 The site is a square shaped site lying to the east of Crawshaw Road. The former care home building was of a rough cross shape that sat in the middle of the site. Housing around is a mix but with noticeable character areas. Immediately opposite the site to the west is a large 2 storey, triple fronted stone built house which is gable end onto Crawshaw road (Crawshaw Villa). Immediately to the south of Crawshaw Villa is a modern day semi-detached property, two storey's in height built in buff brick, whilst immediately north and west are further modern day properties set well back from Crawshaw Road. Beyond this are older properties, ranging from more modest bay fronted terraces, to grander villas. These are predominantly stone built and again are set well back from Crawshaw Road.

- 10.5 To the northern boundary of the application site is a two and half storey modern courtyard style, flat development with parking to the rear (Salters Gardens) which have been built adjacent to an older, flat fronted stone property. Moving further up Crawshaw Road there are then Victorian terraced properties which are bookended by large gable features, and have modest front garden areas. Crawshaw Road is very much characterised by its tree lined frontage and deep set gardens. The road terminates at the north where the leisure centre car park is located.
- 10.6 Immediately to the south of the site is St Lawrence Terrace which runs north/south and features a row of older terraced houses with steps up to the front entrances. These are sited gable end onto the application site, and are high two storeys. A smaller cottage lies adjacent to this terrace. To the east of the terrace is a day centre building operated by the Council, which is a single storey building over a large footprint, with steeply pitched roof.
- 10.7 To the east of the application site are the lower density, semi-detached properties of Crawshaw Park and Crawshaw Rise, both of which roads terminate on the eastern border of the site. These properties are distinct from properties to the west, in that they feature red brick, render and red clay roof tiles. The terminating properties are mostly gable end onto the site, although one pair of properties are angled towards the sites north eastern corner. In amongst the red brick housing, to the immediate north east corner of the site is a short terrace of older, stone buildings of three storey height.
- 10.8 The site itself is surrounded by a number of mature trees, mostly to the northern and western sides and trees are a predominant feature of the locality. The general character of the area then is one of mixed density residential properties, set in good spaces with mature tree growth being prominent. Properties are mostly 2 storey, although some of these are high 2 storey (Victorian properties) and some do have rooms in the attic area.
- Layout, Scale and Massing*
- 10.9 The proposed new build benefits from not having to fit into any pre-existing building line due to the variety in properties around. The design has therefore been influenced by local character and by the needs of the unit. The result is a building that sits on 2 axis – reflecting the north/south and east/west orientations of nearby terraces. Part of the building is set well back from the road reflecting buildings across the way with long front gardens. This area is used for parking but is set behind a landscaped frontage, which retains most of the trees currently on site.
- 10.10 The building is set in off the boundaries, the closest point being the northern gable end which comes within 1.3m of the northern boundary. To the west the building is set in off the boundary by between 9.7m to 11.6m. To the south the building is set in between 8m and 9.7m. Trees along the boundaries are being retained where they are in good health. The eastern gable is then 6m from the roadside boundary.
- 10.11 The building proposed is three storeys high which is higher than buildings around the site. Salters Garden to the north sits on slightly higher ground level such that the new build will sit 2m higher at its highest point. At the closest point the new build is 8m high whilst Salters Garden is 9.5m high (the buildings are not however directly adjacent to each other). The main build then steps up to 12.7m high which is mitigated against by a drop in levels on the site. This border is also screened by tree growth.

- 10.12 To the opposite side of the site St Lawrence's Terrace is set much lower due to a levels drop. These buildings are just over 9m in height. The new build measures 8.5m to eaves and 13.7m at the ridge. This part of the building is located about 20m from the properties on St Lawrence Terrace. Again there are mature trees between on the boundary.
- 10.13 To the eastern side, Crawshaw Park houses are noticeably lower, but also very different in style, being modern day semi-detached properties with hipped rooves. Their overall height is 9m and they are sat very marginally lower than the site level. The eaves on this side are 6m high, with the nearest ridge line being 10.9m high, with the roof scape then stepping up as you move away to the west. There is a good distance between the new build and properties on Crawshaw Park of 19m with no direct overlooking due to the angling of the semi-detached properties.
- 10.14 Crawshaw Villa to the western side is 9.8m high. The new build on the gable end closest to the Villa will be 8m with the ridge at 13.5m with the roof form hipped away from the Villa. Levels between these two sites are similar.
- 10.15 The massing of the building has been articulated so that the main roof forms over each of the 2 axis are broken up visually. Gable protrusions provide a break in the solid eaves line, whilst to the ends, and within the corner element, lower levels are used to provide steps down from the main height. On the eastern elevation the use of small, flat roofed dormers further break up the eaves line. The trees around the site are predominantly maple and are themselves high at between 12m and 17m.
- 10.16 It is acknowledged that this building is higher than properties around it, however it is also significantly larger in footprint than other buildings, and set well within its own site, with good screening by existing tree growth. It is considered that the build responds well to the site, and to properties around it in terms of its layout and siting, and that the visual impact is reduced by the articulation of the elevations. It is considered that the site can take a 3 storey building which reflects the greater height achieved by the larger dwellings around when compared to smaller dwellings.

External Appearance

- 10.17 The building has been designed to reflect the rhythm of older terraced properties around it, with regularly spaced doors at ground floor level, which allow access out to small amenity spaces from bedrooms, and with the use of gables to provide steps in the facades. Windows therefore appear larger at ground floor level due to the incorporation of doorways, with windows at second floor level not having a header to give them a lesser appearance. This reflects the hierarchy and cadence of the older Victorian properties around.
- 10.18 The use of stone is considered wholly appropriate, most of the older buildings are in stone, so this will enable the building to fit in well. Roofing materials are to be slate or slate appearance tiles, which again will fit in well with the surroundings.
- 10.19 The design, siting and massing of the proposal is considered to be reflective of its context and to provide a suitable response to the site needs. Therefore there are no concerns on the grounds of design and character.

Impact on Conservation Area (CA)

- 10.20 The CA boundary wraps around the site on two and a half sides, and takes in all of Salters Gardens, the western side of Crawshaw Road, and St Lawrence Terrace. The new build must therefore be sympathetic to the CA character, and should

preserve or enhance the appearance of the CA. The original building in no way reflected the heritage around the site and could not be considered remotely sympathetic, in much the same way as the Radcliffe Day Centre to the south is not sympathetic to the CA. The development therefore provides a good opportunity to enhance the edge of the CA.

- 10.21 As noted above the development is considered to be acceptable in terms of its scale, massing and appearance, and it reflects well some of the historical character around it, both in terms of the architectural features and the use of materials. The site layout provides a suitable setting, and importantly retains the trees, which whilst not themselves within the CA, do provide a very valuable setting.
- 10.22 The proposal is therefore considered to preserve and enhance the character and appearance of the CA and provides a good transition from the uncharacteristic Crawshaw Park side, to the historic properties on the western side.

Impact on highway network

- 10.23 No objection is raised to the use of Crawshaw Road by vehicles accessing the Care Home, the type of use, and the fact that a similar use operated from this site is considered unlikely to result in harm to the safe movement of traffic on this road or at the junction.
- 10.24 The care home will be located in an accessible location, close to a town centre which has reasonable public transport connections. This is likely to lead to reduced car use by visitors and staff in comparison to other care homes located in more residential areas. Notwithstanding this there is still an expectation that relevant parking provision will be provided within the site.
- 10.25 In this instance, the application proposes 27 parking spaces for 86 bedrooms, a ratio of 1 parking space per 3.2 beds. The Parking SPD expects provision at 1 space per 3 beds so the proposal is 2 spaces short. To justify this the applicants have provided detailed information regarding their other care homes and the levels of parking provision that they operate with. The information submitted provides 65 days' worth of analysis and indicates that the proposed care home could be expected to generate demand for around 16 staff and visitor cars at peak times. Visiting professionals, deliveries and other vehicles will also need to be accommodated but the developers clearly anticipate some spare capacity.
- 10.26 Highways officers have looked at the TRICS database and identified other residential care homes outside of London and the parking provision that they have. This demonstrates that many care homes are meeting an average of 1 space per 3 beds. Four care homes looked at had an under-provision of car parking with one achieving 7.1 beds per parking space, this was in a more rural location than the current proposal before us.
- 10.27 Around Leeds other similar care homes include the following:
- Sunnyview House off Manor Road in Beeston – 81 bed residential home provided with 28 car parking spaces. 15 of these were to be laid out as overspill parking to be used only if necessary. (Ratio of 2.9 if all spaces used).
 - Former Shaftesbury Hotel site on York Road, LS9 – 84 bed care home with 22 parking spaces. (Ratio of 3.8).

- The Grove care home, Pudsey – new 63 bed care home in grounds of an existing (40 bed) care home. 33 parking spaces provide throughout site. (Ratio of 3.1).
- Bentley Arms, Wakefield Road, Oulton – 74 bed care home with 19 dedicated parking spaces, and 19 shared with adjacent sports club. (Ratio of 1.9 based on all car parking available).
- Grove Park Care Home, Headingley - 77 bed care home with 26 parking spaces. (Ratio of 2.9).
- Fairway Hotel, Foundry Approach, Harehills, 56 bed care home with 17 car parking spaces. (Ratio of 3.3).
- Victoria House, Low Grange Crescent, Belle Isle – 38 bed extension to existing 41 bed care home with 26 parking spaces for entire site. (Ratio of 3).
- Wetherby – 58 bed care home and 8 extra care flats with 14 car parking spaces, plus 4 for extra care flats. (Ratio of 3.7).

10.28 As can be seen similar applications over the years have yielded similar levels of car parking to that proposed here. On balance therefore it is considered that the level of car parking provided is adequate and all other highway matters having been addressed no objection is held. Conditions regarding the control of on street parking in the vicinity of the site are recommended to ensure that larger vehicles can access the site safely.

Impact on residential amenity

10.29 As noted previously the siting of the building has been thought about in relation to neighbouring properties and to reflect the guidance given in Neighbourhoods for Living on matters of space and privacy. The building comes closest to the boundary on the northern boundary and on the western boundary. To the north the building will sit between the rear of Salters Garden and the properties on Crawshaw Close so it is not directly aligned with any garden or private areas. A group of trees along this boundary is to be retained which will provide further screening. There are several windows to this gable elevation including a secondary lounge window at first floor, a secondary bedroom window at first floor, and an activity suite at second floor level. Given the positioning, screening, and nature of the use it is not considered that these would give rise to concerns regarding overlooking.

10.30 On the western boundary the gable end faces towards the gable end of Crawshaw Villa. Windows in this elevation are small secondary bedroom windows and corridor windows. The distance between the two properties is 17.8m with 6.5m between the gable end and the site boundary. Whilst 6.5m is slightly under the recommended distance for bedroom windows to a site boundary it is recognised that the windows are secondary in nature, face out onto Crawshaw Road and are unlikely to result in overlooking. Were this considered to be a problem these windows could be obscure glazed, however it is not felt that the situation merits such a condition in this instance.

10.31 The eastern elevation is set a good distance away from the boundary and at first and second floor levels all rooms are bedrooms which would comply with the distance recommendations. Again existing trees will provide some screening, and properties have outbuildings (garages) to this boundary so there will be no direct overlooking of private amenity space.

- 10.32 The southern elevation has a slightly closer relationship to the boundary, however this borders a communal garden for the day centre to the eastern end, and the gable end of St Lawrence Terrace to the western end. Trees between the new elevation and St Lawrence Terrace will be retained which will screen direct views. There is a 20m distance between the two built forms which will again restrict overlooking views. There are some lounge windows to this elevation, even at first floor level. These are situated towards the south eastern corner and will look directly down the edge of the day centre and the roadway of St Lawrence Terrace. It is not considered that given the site characteristics this would lead to overlooking that would cause harmful loss of privacy.

Other matters

Landscaping

- 10.33 A number of mature trees surround the site, some of which are within the site, some on the boundary or beyond. These make a significantly positive contribution to the character of the Conservation Area. A landscaping scheme has been drawn up which demonstrates that in total 5 trees will be removed, 2 adjacent to the vehicle access, which are both category C trees, 2 to the south east which will fall within the new footprint of the building (both are small and category C trees). A further tree will be removed from the southern boundary which is a category U tree (and therefore in poor health).
- 10.34 The landscape scheme also includes for new tree planting including the following:
- 3 Cherry Plum trees to the vehicle access area on the western boundary.
 - 5 Pyrus Chanticleer trees to the car parking area between bays.
 - 3 Pyrus Chanticleer trees to the southern boundary around the lawn and terrace area.
 - 5 Magnolia's to the western boundary in front of the gable end.
- 10.35 As well as new tree planting the landscape scheme also includes:
- A range of specimen shrubs including hydrangea, Japanese Maple, smoketree, Mexican orange blossom planted around car parking area and in amenity spaces.
 - Ground cover shrubs to wider areas including hosta, hebe, lamium etc.
 - Yew hedging to the western boundary behind stone wall and railings. Hedging to other boundaries particularly southern boundary.
 - Ornamental bulbs underneath existing trees of woodland favouring species.
 - Hard surfacing to the car parking and vehicle access area will consist of three different types of permeable block paving in different colours to demarcate bays, driveways and pedestrian routes.
 - Patio and terrace areas in Yorkstone.
- 10.36 The proposed landscape scheme has been very well considered providing both a good screening function, but also providing high quality landscaped amenity spaces for residents use. The new planting will add to and enhance the existing such that biodiversity and the visual amenity afforded by landscaping at the site will be enhanced. Conditions 10 to 12 of the list above seek to ensure that an appropriate landscaped setting for the building is provided.

Contributions/obligations

- 10.37 A Travel Plan has been submitted which is in accordance with the Travel Plan SPD. This will need to be conditioned for.
- 10.38 Due to the nature of the proposal no other obligations arise from the development.
- 10.39 The development is liable for Community Infrastructure Levy at £5 per square metre. This results in a liability of £19541.99. This is provided for information only and is not a material planning consideration.

11.0 CONCLUSION

- 11.1 It is acknowledged that the new proposal is a much bigger building than the previous care home in terms of height, however the size of the site allows for a higher building to be placed within it without it appearing overly dominating or out of place. The scheme has been well designed with a good quality landscaping scheme that will mitigate and enhance the site, and the proposal is considered to represent an improvement to the character of the conservation area.
- 11.2 No technical highway objections are raised to the proposal as the level of parking provision is considered adequate in light of its sustainable location. It is not considered that the traffic generated by the proposal will cause harm to highway safety and the access arrangements to and from the site are considered to be acceptable.
- 11.3 The home will provided care for elderly people which is in high demand across the district. The location is good in that it is sited within walking distance of the town centre and has good transport links. It is also sited close to nearby open space and located within an attractive area.
- 11.4 It is considered that the proposal provides a valuable need, utilising brownfield land. Consequently it is recommended that approval be granted subject to the conditions outlined above.

Background Papers:

Planning application file: 17/03052/FU

Certificate of Ownership: Signed by applicant.



SOUTH AND WEST PLANS PANEL



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Originator: Ben Field

Tel: 0113 3787951

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 15th March 2018

Subject: Application number 16/05076/FU – Part retrospective application for the installation of biomass hoppers to the rear of garage with associated flues; solar panels to roof of garage and extension of garage to enclose fuel storage hoppers at Throstle Nest Villa, New Road Side, Horsforth, LS18 4LS

APPLICANT

Mr Mike Scott

DATE VALID

12th August 2016

TARGET DATE

31st May 2017

**Electoral Wards Affected:
Horsforth**

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. Commencement within 3 years
2. Development in line with approved plans
3. No materials other than ENPlus A1 accreditation wood pellets sourced from virgin timber and conforming to European Standard ENplus certificate UK001 shall be used to fuel the two Eco-PK 100 Biomass 99kW biomass boilers hereby approved.
4. The external walling and roofing materials of the garage extension shall match those existing and the works to that building shall be completed within 6 months.
5. The delivery of the wood pellets and the loading of the hoppers and the collection of waste produced by the boilers shall only take place within the site and shall be carried out only between 09.00 hours – 17.00 hours Monday to Friday and not at any time on Saturdays, Sundays, Bank Holidays and Public Holidays.
6. Deliveries of fuel to the site and the collection of waste shall take place within the site only and in accordance with the approved Fuel Delivery Plan and shall be made by vehicles of maximum 6 tonnes unladen weight.

1.0 INTRODUCTION

- 1.1 The application is presented to Plans Panel due to the local interest in the development and at the request of the three Horsforth Ward Councillors, on the grounds that the proposal affects more than neighbouring properties as it is unsightly, out of keeping with the rest of the area and produces smoke and odour that would suggest that this is polluting the Newlay and Newlathes areas of Horsforth to the detriment of local residents.
- 1.2 The request sets out reasons that are material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore it is appropriate for the application to be considered by Plans Panel.
- 1.3 The application was previously presented to Plans Panel on the 5th October 2017 where all elements of the scheme were discussed. During the meeting concern was raised over smoke drifting into neighbouring gardens through the startup phase of the boiler operation and its subsequent impact on the amenity of residents. Subsequently the application was deferred in order to explore other options in the setup of the biomass system, namely increasing the height of the flues in order to negate these concerns. During the meeting it was suggested that an option would be to run the flues along the top of the roof then up the side of the Villa to discharge above the eaves.
- 1.4 The applicant has since been exploring all options to amend the scheme in light of the comments and suggestions. A site meeting has also taken place attended by the applicant, a representative of the boiler installation company, Horsforth Ward Councillors and Planning and Environmental Health Officers from the Council. With regards to the option suggested at panel it has been concluded that it is not technically feasible to run the existing flues along the roof of the garage and up the side of the building to above eaves height. This is because bends would be required in the flues which would result in insufficient air being drawn through the system for efficient combustion, which is vital to reduce emissions. The length of flue required would also result in cooled gases emerging which would then tend to fall downwards rather than dispersing upwards. As such it is considered this option should not be implemented.
- 1.5 The other possible amendment to the setup would be to increase the height of the current flues straight upwards, however it is uncertain whether this would have a positive impact on the dispersion of the emissions. It could also have a negative impact given the variations in wind speed and direction. It may have no impact at all compared to the dispersion of the current setup. It is also important to note that the modelling work that has been presented for the existing setup indicated that acceptable concentrations would be experienced at sensitive locations in the vicinity of the plant. Therefore given the unknown factors and the lack of any technical advice to indicate that an increase in flue height is necessary it is considered it would be inappropriate to request that the applicant implements such alterations. In addition, the increase in flue height would to some extent have a detrimental impact on the special character and appearance of the Conservation Area.
- 1.6 However during the site meeting the applicant and the representative of the boiler installation company informed the attendees that further tweaks have taken place to the current setup in order to make the system even more efficient. This involved setting up the system so the existing flues are heated prior to the full operation of the boiler. This would further aid the dispersion of the emissions from the flues upwards

and reduce the possibility of the smoke sinking to ground level and into neighbouring gardens.

- 1.7 In light of the above findings and the existing technical advice it is considered the existing set up is acceptable. As such the application has been brought back to Plans Panel for consideration of the existing set up with a recommendation for approval.

2.0 PROPOSAL:

- 2.1 The applicant seeks retrospective planning permission for development in connection with the installation of two biomass boilers (which in themselves do not require permission as they have been sited within an existing building and such internal works are deemed not to constitute development requiring planning permission by the Planning Act) comprising two flues and wood pellet hoppers. In addition approval is sought for solar panels to the roof of the garage. The installation serves a large residential property known as Throstle Nest Villa which consists of 13 bedsits/studios and 3 self-contained flats. A single storey rear extension to the garage is also proposed to enclose the existing hoppers within the garage.
- 2.2 The two biomass boilers (Eco-PK 100 Biomass 99Kw and a 3000 litre buffer tank) have been installed within the existing garage which is an ancillary building to the main Throstle Nest Villa. Two black flues rise through the flat garage roof vertically above the boilers. They each protrude 1.5m above the roof level, giving an overall ground to flue tip height of 4.9m. In certain circumstances flues can be constructed to a site for the purposes of serving a biomass system without the need for planning permission as detailed in Schedule 2 Part 14 – Renewable energy of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) providing they meet certain conditions which includes the capacity of the boilers that they serve to produce heat will not exceed 45Kw thermal. However in this instance the flues are not permitted development therefore require planning permission as the capacity of the boilers that they serve to produce heat will exceed 45kw thermal.
- 2.3 The boilers are located in a designated smoke control area therefore require approval by Defra as an exempt appliance. A requirement on gaining exemption is that they are installed in accordance with the manufacturer's installation manual and conform to Building Regulations. The application supporting information confirms the boilers have the required exemption from Defra as an exempt appliance and therefore can be used within a smoke control area so long as the permitted fuel type is used (ENPlus A1 wood pellets) and the appliance is maintained in accordance with the manufacturer's guidelines. A condition is being proposed restricting the fuel used to ENPlus A1 wood pellets only. Officers from the authority's Building Control Department have visited the site and inspected the development and have confirmed that the boilers have been installed in accordance with the installation manual and also conform to Building Regulations. As such the boilers are considered to be exempt within the smoke controlled area. As the boilers have been installed within an existing building they do not in themselves constitute development needing planning permission.
- 2.4 The external metal hoppers store the wooden pellets and are stainless steel but have been clad partly in timber and are located externally abutting the rear elevation of the garage. The hoppers are not permitted development due to flats (as opposed to dwellinghouses) not having permitted development rights for external structures. They measure 2.8m high, 6m in width and 1m in length. By comparison the garage

has a height of 3.43m and a width of 6.67m. Pipework connects the external hoppers to the boilers. However this is not visible from external vantage points due to the location of the hoppers which abut the rear elevation of the garage and the timber cladding surrounding them. It is proposed that the hoppers will be fully enclosed within an extension to the rear of the existing garage which will be constructed out of stone and render to match the garage.

- 2.5 The hoppers are filled with wood pellets which are bulk blown into the hoppers directly from a delivery vehicle parked within the Villa grounds. It is anticipated that the hoppers will need to be filled a maximum of 8 times a year.
- 2.6 The boilers which have been installed are only capable of burning wood pellets of the ENPlus A1 accreditation that are registered on the government biomass supplier source list (BSL). Any other products would not allow the boilers to work effectively as an exempt appliance as the fuel needs to be fed via an internal auger into the boiler on a daily basis and only these pellets have the consistency to allow this. The pellets are generally made from compacted sawdust or other wastes from sawmilling and other wood product manufacturing process. The pellets are extremely dense with a low moisture content (below 10%) enabling them to be burned very efficiently. This also removes the risk of storing pellets with a higher moisture content that could lead to degradation and associated anaerobic activity, smoke and odour.
- 2.7 The array of 16 solar panels has been positioned on the flat roof of the garage, which due to their projection of 0.3m above the garage roof requires planning consent. This is because Schedule 2 Part 14 – Renewable energy Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states development is not permitted if the solar equipment would protrude more than 0.2m beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope.

3.0 SITE AND SURROUNDINGS:

- 3.1 Throstle Nest Villa is a large building housing 13 bedsits/studios and 3 self-contained flats which is located within expansive grounds off the A65 in Horsforth. The site is located within Newlay Conservation Area in which the property is highlighted as a positive structure within the Newlay Conservation Area Appraisal and Management Plan. It is accessed by a driveway to the front (east) leading to parking spaces and also an access driveway leading to the rear of the site. To the south of the site there is a garage/outbuilding which is the location for the biomass system and associated flues, hoppers and solar panels. To the north of the site there is a grassed/garden area and to the west there is an area of hardstanding. The neighbouring properties along Newlay Wood Crescent to the south abut the side boundary of the site with their rear gardens facing onto the side elevation of the garage/outbuilding. Given the topography of the area the host site is in an elevated position in relation to these neighbouring sites. The neighbouring properties along Throstle Nest View to the west abut the rear boundary of the site with their rear gardens facing onto the rear elevation of the garage/outbuilding. However there is a wall and substantial mature hedge which forms the boundary treatment between the host site and these neighbours meaning that the garage is not visible from those sites.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS

5.1 During the processing of the application negotiations between officers and applicant have been ongoing. These have been mainly in relation to noise and odour emissions. As such Officers requested that Air Quality and Noise Assessments took place. The applicant has also adjusted the operational settings of the boiler to rectify the initial acknowledged smoke and odour problem encountered when the system was first installed. Further negotiations have taken place with respect to further reducing the visual impact of the hoppers by fully enclosing them within an extension to the existing garage.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notices which were posted on 2nd September 2016 and 13th December 2016 and expired on 3rd January 2017. The application was also advertised in the Yorkshire Evening Post on 2nd September 2016 which expired on 23rd September 2016.

6.2 52 letters of objection were received concerned with the following matters:

- The works are very obvious and out of keeping with the character of the original building, locality and Conservation Area
- Smoke and odour is a nuisance and is affecting the health of neighbouring residents
- Cannot enjoy gardens or have windows or doors open
- Has an impact on the environment and nature conservation
- This is more about money saving rather than taking the community into consideration – there are other options to provide hot water and heat
- Any approval would set a precedent
- No safety information has been provided as to how the boiler is to be maintained – it is a fire, health and safety hazard to neighbouring properties
- Affected the property value of neighbouring sites and has increased maintenance through cleaning and the installation of clean air purification systems.
- Pellets have to have less than 30% water content to prevent decomposition, which will have a health and safety impact. The increase in the storage area for the hoppers raises significant risk of carbon monoxide build up
- The site is within a smoke controlled area and the development needs to conform to the Clean Air Act.
- The configurations of the buildings around the boiler are keeping fumes at a low level
- The Air Quality report is flawed
- The noise from the delivery of the pellets causes a great disturbance – delivery during the day will not negate this
- The deliveries will cause a danger to passing pedestrians and there are concerns if it is feasible to deliver from within the site.
- The waste from the boiler will be harmful to health
- The applicant has not consulted the neighbouring residents and nobody from the Council has visited neighbouring residents either.
- The screening with trees will have an impact on neighbouring sites
- The renewable energy benefits are negated by the transport and production of the pellets
- Whilst we should move forward with renewable energy this should not be to the detriment of a protected area
- There is a precedent set for a refusal of a similar application to a Nursing Home

6.3 15 letters of support were received concerned with the following matters:-

- There was some smoke and odour when the system was first installed but this has been rectified
- Now no smoke or odour is detected
- Heating and hot water now available – the old system was inadequate
- The system is needed to ensure comfort to the residents
- Air quality and noise assessments demonstrate no harmful impact
- This form of heating is environmentally friendly and supported by government policy
- The A65 creates air pollution 24hrs a day
- The largest power station in the UK at Drax is currently being converted to burn biomass pellets
- The cladding screens the hoppers with the look of a garden fence
- The arguments relating to health issues directly relating to the boiler are unfounded

6.4 Ward Members have been consulted regarding the application and objection comments have been received from Cllr Cleasby, Cllr Collins and Cllr Townsley raising the following points:-

Cllr Cleasby

- The site is in a Conservation Area and smokeless zone
- The proposal creates fumes, smoke and odour
- The flue height is inadequate
- The appliance is not on the Defra exemption list
- The boilers are not being operated as per the manufacturers guidance and the flues do not meet Defra guidance.
- There is a concern about deliveries
- There is a fire risk as it is so close to neighbouring properties.
- There is an example of another biomass system that was refused, why is this application being treated differently.

Cllr Collins

- Any change to the Conservation Area must only be accepted if the character of the Conservation Area is enhanced, or at the very least maintained
- Planners need to ensure that any changes are sustainable and will not degrade in character or appearance
- Planners should need to consider other future potential changes and not accept something because it is currently 'hidden'
- The current design of the biomass boiler does not enhance the conservation setting
- Planners must also ensure that if any system such as this is accepted then sufficient conditions are put in place in order to ensure that the systems are maintained regularly and properly to prevent them becoming a risk to health

Cllr Townsley

- The system is unsightly, totally out of keeping with the rest of the area
- It gives off a very unpleasant smell and would suggest that this is polluting the Newlay and Newlaithes areas of Horsforth.

A further update meeting took place between Planning and Environmental Health Officers and Horsforth Ward Members to discuss the scheme on the 21st September 2017 and concerns raised in relation to health and safety, Air Quality and

monitoring, the comparison with a previous biomass application elsewhere in the city.

- 6.5 Horsforth Town Council - No objections to the extension itself, but does have concerns regarding the feasibility of the fuel delivery plan given the position of the porch.

7.0 CONSULTATION RESPONSES:

- 7.1 Conservation – It is considered the character and appearance of the Conservation Area will be preserved.

- 7.2 Environmental Health – Noise from the boilers is unlikely to result in a reduction in residential amenity so long as they are restricted to daytime use.

Environmental Health have considered Air Quality Assessments and have visited the site a number of times and consider the emissions from the boiler are insignificant in terms of impact on air quality parameters.

As such the Environmental Health Team find no material reason to object to the application.

- 7.3 Highways – No objections to the current arrangements whereby fuel deliveries are accommodated within the site. However deliveries must not take place directly from the A65 or require vehicles to be reversed into the site from the A65.

8.0 PLANNING POLICIES:

- 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.

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

- 8.4 The application site is within Newlay Conservation Area but has no other specific allocations or proposals.

Adopted Core Strategy

- 8.5 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 - Design
Policy P11 – Conservation
Policy EN3 – Low Carbon Energy
Policy T2 – Highway Safety

Saved Policies - Leeds UDP (2006)

- 8.6 The following saved policies within the UDP are considered most relevant to the determination of this application:

Policy GP5 - Development Proposals should resolve detailed planning considerations.

Policy BD5- Amenity and new buildings

Policy BD6 – Alterations and extensions

Policy N19 – Development in conservation areas

Natural Resources and Waste Local Plan 2013

- 8.7 Energy 3: Proposals for low carbon energy and supporting infrastructure will be supported in principle. However, the proposals must demonstrate the facility has potential to connect to an outlet; the development has addressed Waste 9; and, the proposal should demonstrate the potential to contribute towards CHP.
- 8.8 Waste 9: Environmental and amenity aspects such as appearance, noise, dust, litter, odour, drainage, vermin and gas emissions.
- 8.9 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant supplementary guidance:

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

Horsforth Design Statement (approved as a material consideration November 2010)
Newlay Conservation Area Appraisal and Management Plan (approved as a material consideration 10th November 2008)

National Planning Policy Framework (NPPF)

- 8.11 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), introduced March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the NPPF is a presumption in favour of Sustainable Development. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in the consideration of this application.
- 8.12 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

- 8.13 The NPPF states that Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 of the NPPF states that LPA's should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 8.14 Paragraph 137 relates to development within conservation areas stating that new development should preserve and enhance and make a positive contribution to the area.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual amenity and the Conservation Area
3. Residential amenity
4. Highway Safety
5. Representations

10.0 APPRAISAL

Principle of development

- 10.1 The National Planning Policy Framework (NPPF) sets out 12 core principles, within paragraph 17, that identify the 'roles that the planning system ought to play'. The guidance contained in the sixth principle outlines that the use of renewable resources should be encouraged. National policy sets a context for a rapid transition towards renewable and low carbon energy generation.
- 10.2 Paragraphs 18 and 93 reiterate the importance of the delivery of low carbon energy and that it is essential to the three elements (environmental, economic and social) that form sustainable development. Local Planning Authorities are strongly encouraged to support energy efficiency improvements to existing buildings (paragraph 95), take positive steps towards the production of low carbon and renewable energy in plan making (paragraph 97) and should not require the applicant to demonstrate need (paragraph 98).
- 10.3 As previously discussed, the proposed biomass facility is considered to be a renewable low carbon energy source. The Natural Resources and Waste Local Plan (NRWLP) and the Core Strategy (CS) support the development of renewable and low carbon energy. In this case, policy Energy 3 (of the NRWLP) and policy EN3 (of the CS) are relevant, which are outlined in the policy section of this report. Tackling climate change is a strategic priority for the Council.
- 10.4 The biomass installation has replaced the previous gas-fired heating system at the property is supported by the above policies subject to being assessed against the environmental impacts listed in Waste 9 (noise, odour and gas emissions).

- 10.5 There has been an example of a biomass system being refused to a Nursing Home (13/04844/FU) within the Crossgates and Whinmoor ward in 2014, which was subsequently dismissed at appeal. A revised position of the boilers and flues was negotiated and a subsequent application (15/00937/FU) was approved in 2015. Whilst this application was initially refused due to residential and visual amenity concerns it is not possible to draw direct comparisons between schemes as each application is determined on its own merits. Therefore it is important that each application is independently considered with the site specific factors highlighted and addressed. As such in considering the current application the authority has scrutinised the environmental, visual and residential impact of the system through site specific information in order to provide an appropriate recommendation. It is also noted that there have been other examples of biomass systems which have been approved within the Leeds City Council boundaries, each determined on their own merits.

Impact on visual amenity and the Conservation Area

- 10.6 Section 72 of the Planning (Listed Building and Conservation Areas) act 1990 requires special attention to be given to the desirability of development within Conservation Areas, preserving or enhancing the appearance or character of the Conservation Area. There are four elements to the proposed scheme that are required to be considered in terms of design and the impact on the appearance or character of the conservation area. These relate to the hoppers, the garage extension, the flues and the solar panels. The biomass boilers are housed within the garage and therefore are not visible.
- 10.7 As background the site is within Newlay Conservation Area and within the appraisal document the site is located within character area 5. Throstle Nest Villa is highlighted as a positive structure within the Conservation Area Appraisal, with the neighbouring properties to the West along Throstle Nest View highlighted as neutral structures. It is noted that the southern boundary of the site which abuts the rear gardens of the properties along Newlay Wood Crescent also marks the boundary of the Conservation Area. These properties and all the properties located along Newlay Wood Crescent are not within the Conservation Area. The A65 to the north of the site also forms the boundary to the Conservation Area. The few properties within this character area follow the style of the rest of the conservation area involving the following characteristics:
- Fine locally produced sandstone and gritstone
 - Slate roofing
 - Fine detailing where present
 - Large detached properties set into their own expansive grounds
- 10.8 The proposal is in excess of 20m from the road of Newlay Wood Crescent to the south and given the buffer of the properties along the street allows for only a fleeting glimpse of the flues and solar panels from this vantage point. Whilst only a glimpse of the hoppers can be seen from this vantage point, given their general appearance and prominent view from other areas a garage extension is proposed to enclose them. The garage extension will be the same height and width as existing and will be constructed in stone and render to match. A condition is being proposed to restrict the materials used to match the existing garage. Therefore from this vantage point it is considered the extension to the garage will not be detrimental to and will preserve the character and appearance of the existing outbuilding, main building and streetscene. Given the location of the hoppers they appear screened from view by the main building when observed from the main A65 to the North and the

proposed rear extension to the garage will not be prominent. Similarly given the mature boundary treatment to the West and the buffer of the properties along Throstle Nest View the hoppers nor the proposed garage extension will be visible when observed from this streetscene. As such the proposal will preserve the special character and appearance of the Conservation Area. The proposal is therefore considered to comply with Policies P10 (design) and P11 (Conservation) of the Core Strategy, N19 (Conservation) of the UDPR and to guidance in the Newlay Conservation Area Appraisal and Management Plan.

- 10.9 Turning to the flues, they protrude from the roof of the garage to the rear, are modest in height and are painted matt black. When viewed from the streetscene of Newlay Wood Crescent they do not dominate the site and surroundings given their colour and height which allows them to merge in with the stonework of the main building in the background. As such it is considered the proposed flues do not have a detrimental impact on the area when viewed from this streetscene. Given the location of the development in relation to the A65 to the North and the high boundary treatment and buffer of the properties to the West the flues are not overtly visible when viewed from these streetscenes and the special character of the Conservation Area is preserved. The proposal is therefore considered to comply with Policies P10 (design) and P11 (Conservation) of the Core Strategy, N19 (Conservation) of the UDPR and to guidance in the Newlay Conservation Area Appraisal and Management Plan.
- 10.10 The solar panels are located to the flat roof of the garage, are modest in size, do not protrude substantially above the roof and are not overtly visible from surrounding vantage points and so preserve the special character of the Conservation Area.
- 10.11 Whilst the proposal is in close proximity to the neighbouring residential sites to the south in particularly their rear gardens, it does not have a detrimental impact on the visual amenity when viewed from these sites. This is because the hoppers will be enclosed within a garage extension, which respects the width, height and side building lines of the outbuilding. In addition the extension will be constructed in materials to match the existing garage.
- 10.12 The flues are relatively narrow and merge in with the main building in the background when viewed from these neighbouring sites and the solar panels only extend slightly above the flat roof of the garage.
- 10.13 Given the distance to the Western boundary, the mature boundary treatment and the scale of the development the hoppers and proposed rear extension to the garage, flues and solar panels are not overtly visible from the neighbouring sites along Throstle Nest View.
- 10.14 Whilst the main building is highlighted as a positive building within the Conservation Area, the development is located to the rear of the existing ancillary outbuilding. Given the position and scale of the flues, hoppers and solar panels they have a limited impact on the character and appearance of the main building and the wider Conservation Area. The construction of the single storey rear extension to the garage will further reduce this impact.
- 10.15 In addition the Conservation Team have been consulted on the scheme and consider that the flues, solar panels and garage extension makes a limited impact on and therefore preserves the character of the outbuilding, the principle building on the site and the wider Conservation Area.

- 10.16 As such given the size, scale and location of the development it does not have a detrimental impact on the character and appearance of the host site, surrounding sites or streetscenes and preserves the special character of the Conservation Area. The proposal is therefore considered to comply with Policies P10 (design) and P11 (Conservation) of the Core Strategy, GP5, BD6 and N19 of the UDPR and to guidance in the Newlay Conservation Area Appraisal and Management Plan.

Residential amenity

- 10.17 There are four main elements which need to be addressed in relation to the impact on the residential amenity of the occupants of neighbouring sites and Throstle Nest Villa. These are air pollution and any potential nuisance caused by smoke and odour, noise, overshadowing and dominance, and the needs of the residents of Throstle Nest Villa for whom the installation currently provides heating and hot water.
- 10.18 The boiler is located in a designated smoke control area therefore requires approval by Defra as an exempt appliance. The supporting information and confirmation that it has been installed in accordance with the manufacturer's instructions and conforms to Building Regulations confirms that the ECO-PK 100 Biomass 99 kW boilers which have been installed have the required exemption. This means that they can lawfully be used within a smoke control area so long as the permitted fuel is used (wood pellets) and the appliance is maintained in accordance with the manufacturer's guidelines. As set out above, the boilers in themselves do not need planning permission. Consideration needs to be given however to whether the flues are high enough to disperse the emissions generated so that they do not have a detrimental impact on the residential amenity of neighbouring properties. It has been acknowledged by the applicant that when the system was first installed a degree of smoke and odour was generated during the initial operational period. This was due to the operational times of the boilers being set to a time when there was no demand from the buffer tank. This resulted in the boilers being fuelled, ignited but then closed down before the pellets had fully combusted. This resulted in the wood pellets smouldering within the boiler, which is what caused the initial wood-burning odour and smoke.
- 10.19 However since that time the applicant has consulted the UK distributors and installation teams to rectify this. The settings have been altered so that the operational period for the boilers are only when there is a demand and therefore allows them to work efficiently. It is also important to note that the biomass boilers are alternated in terms of their operation so that both boilers are never in operation at the same time. Since these changes have been made officers from the Planning and the Environmental Health departments have visited the site and witnessed the cycle of the boilers from start up to full operation. During the site visit no smoke was observed and a negligible amount of odour for no longer than a period of a minute or so was detected.
- 10.20 In addition a site specific Air Quality Assessment was conducted at the request of the authority to clarify the emissions of any pollutants. The Environmental Health team have appraised the assessment and do not have any concerns regarding the results of the report (i.e. that national Air Quality Objectives will not be breached and impacts on air quality from the system are more than likely to be insignificant). As such it is concluded that emissions from the system are considered to be acceptable in terms of what is scientifically known about the effects of each pollutant on health and on the environment.

- 10.21 Therefore whilst the default position of Environmental Health colleagues would be to request that flue heights terminate 1m above the ridge of properties within a radius calculated by 5x stack height of the flue in order to negate the nuisance from smell or odour, in this instance it has been demonstrated through assessments, alterations to the boilers operation and through officer site visits that the development only produces negligible amounts of odour and smoke, if any, which is limited to the start-up phase (a minute or so) and quite normal for this type of appliance. As such and combined with the difference in land levels between the host site and the neighbouring sites along Newlay Wood Crescent to the south it is considered that a larger stack height is not required in this instance. The boiler is sufficiently efficient such that the existing flues effectively disperse the exhausts away from the surrounding area for the system not to create a nuisance to residents in relation to smoke and odour.
- 10.22 With regards to noise the applicant was requested to undertake a noise assessment of the system to clarify the extent of any issues. The boiler is in operation for a total of 6 hours per day during the winter in two 3 hour sessions, one in the morning and one in the evening and 3 hours a day in one session during the summer. This is achievable due to the large 3000 litre buffer tank that has been installed which can store all the daily hot water requirements for the property. An Environmental Health Officer and Planning Officers have visited the site on a number of occasions and have witnessed the boilers cycle from start up to full operation. Whilst there is a slight soft hum, it is relatively quiet close up and the tonal penalties applied in the BS4142:2014 are considered to be appropriate. A BS4142:2014 assessment is a comparison of the specific noise source (plus any additional corrections for tonality, impulsivity, intermittency or any other readily distinguishable characteristics) against the prevailing background noise level (L90). Corrections for tonality can be added depending on the level of perceptibility of the noise source at the façade of the nearest noise sensitive premises, a correction of 0, 2, 4 or 6 dB can be applied. Application of tonality is associated with extraction/plant equipment or other machinery which may produces tones. It is therefore considered that the noise levels from the boilers are in compliance with LCC noise criteria and the impact on the living conditions of occupiers of nearby properties is considered to be low. Furthermore Environmental Health agrees that the boilers need only be in use for 4/5 hours per day yet provide sufficient heating and hot water throughout the day. Given the thermal capabilities of the water tank it is unlikely the use of the boilers would be required during night time periods. As such it is considered the noise generated by the boilers does not have a detrimental impact on the residential amenity of the occupants of neighbouring sites nor the occupants of Throstle Nest Villa.
- 10.23 In addition to the noise generated by the boiler it is noted that noise is also produced during the delivery of the wood pellets. This is because the hoppers are filled by blowing the pellets from the delivery vehicle. Whilst this method can be noisy it only occurs during daytime hours, within certain time periods and on a very infrequent basis of 8 times a year. During a delivery run on Monday the 13th February a 6 ton truck was used which arrived at 13.01hours, took 13 minutes to set up the delivery system, took 32 minutes to deliver 5.6t and left the site just before 14.00 hours. As such given the limited time taken, the very infrequent basis and a condition imposed that deliveries only take place between 0900 – 1700 (Monday to Friday) it is considered the process of filling the hoppers does not have a detrimental impact on the residential amenity of neighbouring residents.
- 10.24 As such it is considered that the development is capable of and has been demonstrated to operate effectively in its current setup without having a detrimental

impact through air pollution and noise impact. However notwithstanding any grant of planning permission any breaches in the operation of the boiler and system as a whole in the future would be subject to the powers of further legislation namely the The Environmental Protection Act 1990 Section 79 and The Clean Air Act 1993 Part 1 rather than Planning legislation.

- 10.25 Turning to overshadowing and dominance, the proposed garage extension will be single storey, will be the same height and width of the existing garage and will respect its side building lines. In addition it will be stepped away from the side/rear boundary with the neighbouring sites along Newlay Wood Crescent and will be constructed predominantly in line with the existing garage to the neighbouring site at No 1 Newlay Wood Crescent. In addition given the orientation of the sites the Throstle Nest Villa and the proposed extension are positioned to the north of these properties. As such the garage extension will not lead to an increased overshadowing or dominance impact than the existing garage.
- 10.26 Given the modest size of the flues and solar panels and their location to the north of the neighbouring sites along Newlay Wood Crescent they do not result in a overshadowing or dominance impact on these sites.
- 10.27 Given the distance to the Western boundary, the mature boundary treatment and the modest size of the development there is no overshadowing or dominance impact on the neighbouring sites along Throstle Nest View.
- 10.28 In addition to considering the impact that the development has on the amenity of neighbouring sites, it is also appropriate to consider that the installation provides heat and hot water to the residents of Throstle Nest Villa. The previous boilers serving the property were 39 and 51 years old, were inefficient and did not produce enough hot water to heat the property. Subsequently the boilers were considered redundant and had to be shut down for safety reasons leaving no main supply of heating in the property in May 2016. Whilst the applicant considered alternative options such as replacement gas boilers, electric heating, air and ground source heat pumps and tanked oil and gas he decided to install a biomass system due to it being a logistical and sustainable option. The boiler was subsequently installed to restore the required service to the flats and bedsits. The loss of the boiler would require an alternative system to be installed and a loss of hot water and heating to residents during installation of such.
- 10.29 In addition to deciding on the most sustainable option, consideration has been given to the feasibility for the exhausts from the boilers to be discharged through the existing chimneys to the Villa. The applicant has stated that this is not feasible as:

“The existing chimneys in the house are not easily accessible, as they are located in the middle of the building. Even the old gas boiler, situated in the basement did not have suitable access to the chimney and required an additional fan assisted flue to an exterior window at basement level. Apart from the access issue to the existing chimney, the design of the flue/chimney is required to facilitate the draw and therefore there are certain restriction on lengths, corners and the climb of the chimney to allow for these criteria. Furthermore, in order to achieve this, the flue would need to breach the exterior wall of the main property and then enter the chimney, which as noted above, is located in the middle of the building. This solution, should it be actually feasible, would be far more technical and prone to short and long term issues, if it were even possible to be implemented. From the feedback I have received, I would also struggle to find any contractor that would take the responsibility of installing this option. None of these issues address the

added visual impact that such a chimney extension would create, that I would assume would conflict with Conservation”.

The Council's Building Control Officers concur that routing the flues to the boilers through existing chimneys on Throstle Nest Villa is not feasible.

- 10.30 It is important to note that even if it had been feasible to route the flues through the existing chimneys to the Villa, an application has been submitted with flues which discharge through the garage and therefore Officers have considered the application as such. Through the consideration of all material planning issues it is considered that the flues which discharge through the garage are acceptable.
- 10.31 Overall, it is considered that the proposed development does not result in significant adverse impact on the living conditions of occupiers of nearby properties or those occupants residing within Throstle Nest Villa. The proposal is therefore considered to comply with Policies P10 of the Core Strategy and GP5 of the UDPR.

Highways

- 10.32 The system requires the delivery of wood pellets via truck up to 8 times a year. The applicant has demonstrated that these deliveries take place from within the site with the truck accessing the site from the driveway via the A65. The site is large which also allows the delivery vehicle to access and exit the site in a forward gear. It is considered this arrangement is acceptable and should continue as deliveries taking place directly from the A65 or requiring vehicles to be reversed into the site from the A65 would lead to road safety issues by obstructing site lines and blocking footways. A condition regarding deliveries is recommended above.
- 10.33 For all the above reasons the scheme is considered acceptable in highway terms. The proposal is therefore considered to comply with Policy T2 of the Core Strategy.

Representations

- 10.34 The material planning issues raised in the representations have been covered above. With regards to the following matters.
- Any approval would set a precedent – *It should be noted that each application is considered and determined on its own merits irrespective of what has been approved or refused elsewhere.*
 - Property values are affected and maintenance costs have increased – *Whilst the authority is sympathetic to these concerns the perceived impact on property prices or maintenance costs is not a material planning consideration therefore cannot be taken into account when considering the proposal.*
 - The applicant has not consulted neighbouring residents – *Whilst the Authority would encourage the discussion of applications between the applicant and neighbours this is a civil issue. As such this is not a valid issue to take into consideration when determining the application. The LPA undertook appropriate publicity regarding the application.*
 - Nobody from the council has visited neighbouring residents – *Officers do not visit every neighbouring site during an application process to discuss a scheme. However if there is a need to visit a neighbouring site this is arranged on a case by case basis. During this application process Officers have visited the site on a*

number of occasions and it was clear that any concerns raised by neighbouring residents could be fully assessed from the application site.

- *Future maintenance of the system – It should be noted that the future maintenance of the system is not for the Planning Department to arrange or implement. Nor is it a material planning issue to be considered when determining the merits of the application. It is the responsibility to the applicant to ensure that the boilers are maintained and continue to operate safely.*

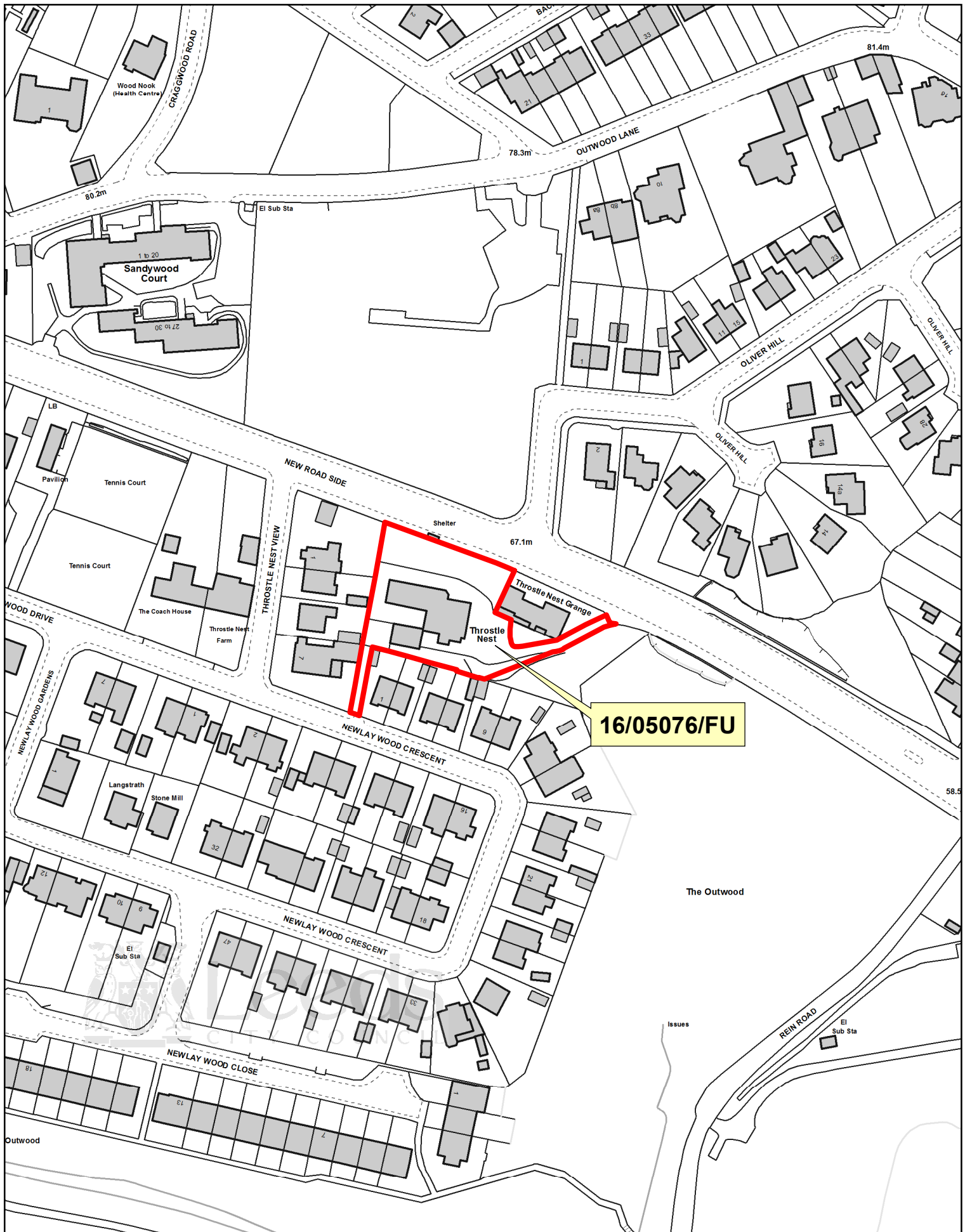
11.0 CONCLUSION

- 11.1 To conclude, the development is considered to be sustainable development producing low carbon energy which is supported in principle by the Development Plan and national planning policy. The proposal preserves the character of the Conservation Area and is not detrimental to the visual amenity of the area. It does not have a detrimental impact on the residential amenity of neighbouring sites and it enhances the residential amenity of the occupants of Throstle Nest Villa. The proposal does not conflict with environmental protection legislation and it does not raise any issues in relation to highway safety. The proposal is therefore considered to comply with development plan policies, and the NPPF, and taking all other material considerations into account including representations received, it is recommended to Members for approval subject to the conditions set out.

Background Papers:

Certificate of ownership: signed by applicant.

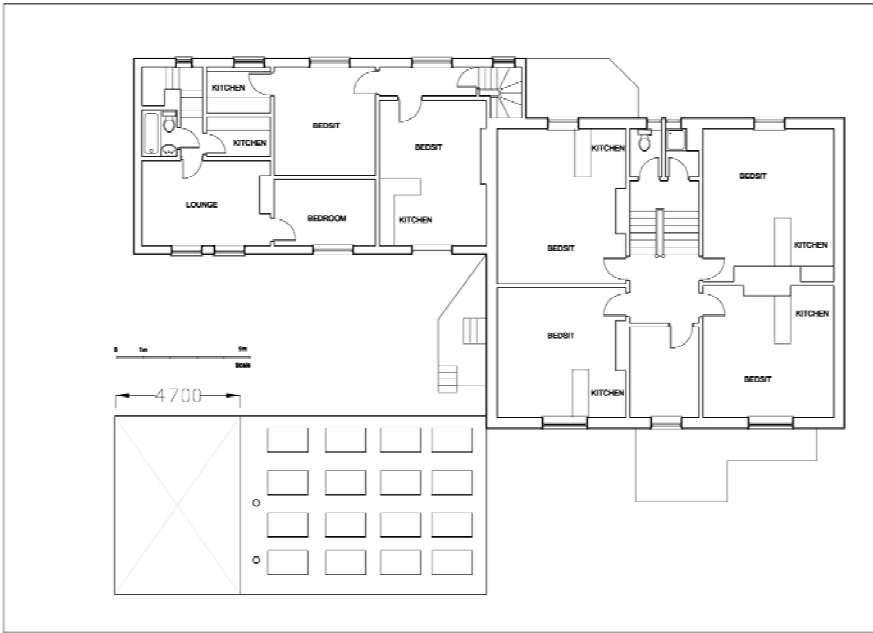
Planning application file.



16/05076/FU

SOUTH AND WEST PLANS PANEL





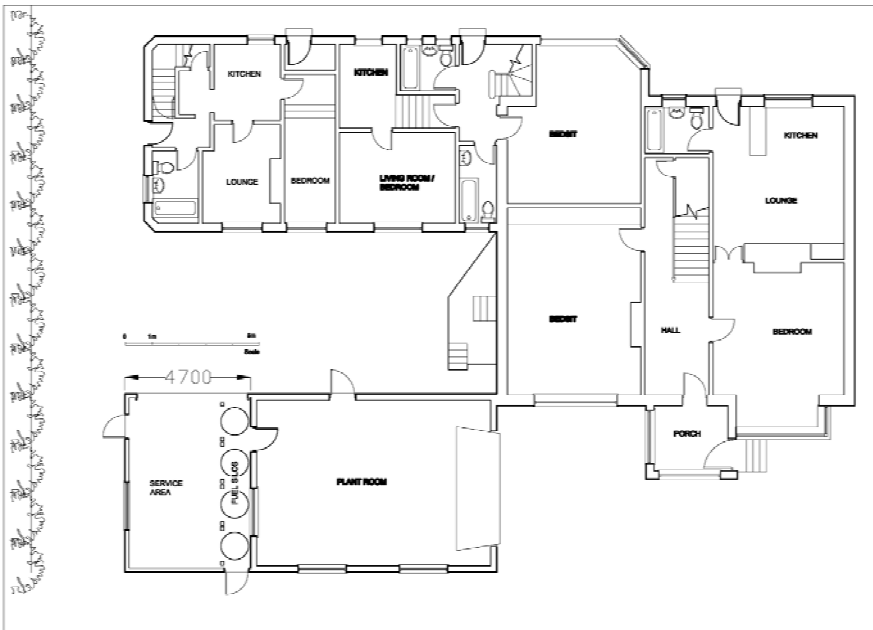
ROOF PLAN



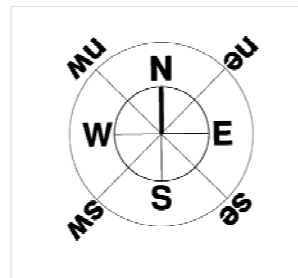
SOUTH ELEVATION



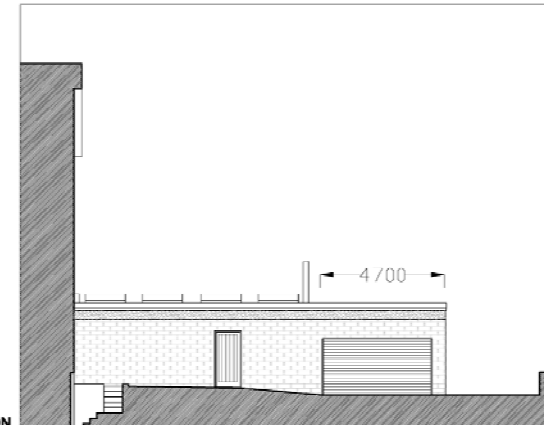
WEST ELEVATION



FLOOR PLAN



NORTH ELEVATION



REV:	DATE:	REVISION NOTE:
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PROJECT NAME:		THE CASTINA PARTNERSHIP,
CLIENT:		6 SPATH LANE,
DRAWING TITLE:		HANDFORTH,
PROPOSED SERVICES: AREA EXTENSION TO		WILKINSLOW,
ENCLOSE EXISTING PUEL BUILD		CHESHIRE, SIO DON.
DRAWING NUMBER:	SCALE:	
AT6 015 P 005		
DRAWING OWNER:	EDEN BEAN LIMITED	T / F: 01628 829494
DRAWN BY:	EDEN BEAN LIMITED	EDEN BEAN LIMITED
CHECKED BY:	CASTLECH@GMAIL.COM	
DATE:	11/05/14	

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 PLEASE NOTE
 The architect must verify all dimensions on site before proceeding on work or provide
 manufacturing drawings. The architect must verify all dimensions on site for construction and provide
 all the necessary drawings. The architect must verify all dimensions on site for construction and provide



Originator: Tony Clegg
Tel: 0113 378 5531

Report of the Chief Planning Officer

South and West Plans panel

Date: 15th March 2018

Subject: Application 17/07765/FU – Erection of gate, 27 Creskeld Lane, Bramhope

APPLICANT	DATE VALID	TARGET DATE
Mrs. P. Davey	24.11.2017	19.01.2018

<p>Electoral Wards Affected:</p> <p>Adel and Wharfedale</p> <p><input type="checkbox"/> Yes Ward Members consulted</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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RECOMENDATION: GRANT PERMISSION subject to the following conditions:

1. Commencement within 3 years
2. Approved plans

1.0 INTRODUCTION

1.1 The application has been brought to Plan Panel as the applicant is a member of Council and this proposal therefore falls outside the scope of the officer Delegation Agreement

2.0 PROPOSAL

2.1 The application proposes to erect a gate to the drive entrance to the house from Creskeld Lane and Breary Lane East. The gate has a curved top with wrought iron infill to the upper section and the lower part (to a height of 1.2m) is solid timber. At the middle point the fence is 1.8m high reducing to 1.6m at either end.

3.0 SITE AND SURROUNDINGS

3.1 The application relates to a house on a corner plot at the junction of Creskeld Lane and Breary Lane East. The house stands in a mature well landscaped residential location comprised mainly of larger houses set in generous gardens. The house is principally rendered with a tiled roof and a half-timbered gable feature to the front. The property boundary comprises a low stone wall backed with shrubs. This is typical of houses in the vicinity which tend to have low boundary walls with no or open railing gates to drives. The site is located within Bramhope Conservation Area.

4.0 PLANNING HISTORY

4.1 The site has the following planning history:

16/04605/FU Part two storey, part single storey side/rear extension, first floor window to front and widening of vehicular access with new gates - approved

5.0 HISTORY OF NEGOTIATIONS

5.1 In the course of discussions with officers, the applicant has agreed to amend the proposal from the fully solid gate originally proposed to the gate which has open railings to its upper part. A solid timber gate was also removed from the above approved house extension application.

6.0 PUBLIC/LOCAL RESPONSE

6.1 **Representations:**

Bramhope and Carlton Parish Council – No comments

Letter of support from a local resident – Welcomes the investment being made in the property and notes that the gate would prevent car headlights shining into the house and provide additional security and privacy.

7.0 CONSULTATION

7.1 Arthington Parish Council – The proposed large 'solid' wooden gates (1.6m in height) are in a very prominent position within the Conservation Area which would result in them having an even greater visual impact. As such they would not serve to enhance or preserve the appearance and character of the Conservation Area. Gates which have some 'openness' or which are 'fenestrated', especially in the upper half, would help to respect and preserve the dominant 'open' character of this part of the Conservation Area.

8.0 PLANNING POLICY

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 currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be had to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local Planning Policy

8.2 The Core Strategy forms part of the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

P10 - Seeks to ensure that new development is well designed and respect its context.

P11 - Conservation – historic areas will be conserved and enhanced.

8.3 The following saved UDP policies are also relevant:

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

BD6 – All alterations and extensions should respect the scale, form, detailing and materials of the original building.

BC7 – Development in Conservation Areas

Relevant Supplementary Planning Guidance/Documents:

8.5 Householder Design Guide (HDG). The following extracts from the HDG are relevant:

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

- i) the roof form and roof line;
- ii) window 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.

Bramhope Conservation Area Appraisal and management plan 2011

National Planning Policy

8.4 The National Planning Policy Framework (2012) (NPPF) 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 NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.4 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.

MAIN ISSUES

Design and Appearance and impact on the character of the Conservation Area.

10.0 APPRAISAL

10.1 As originally proposed the 1.6 m high solid timber gate was considered out of character with the surrounding character of predominantly open boundary frontage treatment.

The Bramhope Conservation Area Appraisal states that 'It will be encouraged that new boundary treatments within Bramhope Conservation Area are consistent with the traditional nature of those already in existence. Positive existing boundary treatments will be valued and retained where possible.

This revised proposal is a compromise on that and retains an open design to the upper half. It is considered that this successfully resolves this matter and that the gate in its amended form will be compatible with the surrounding character and will serve to preserve the character of the Bramhope Conservation Area.

A solid gate of 1m height could be erected with the benefit of Permitted Development rights so the proposal is not substantially greater in terms of visual impact than a gate not requiring planning permission.

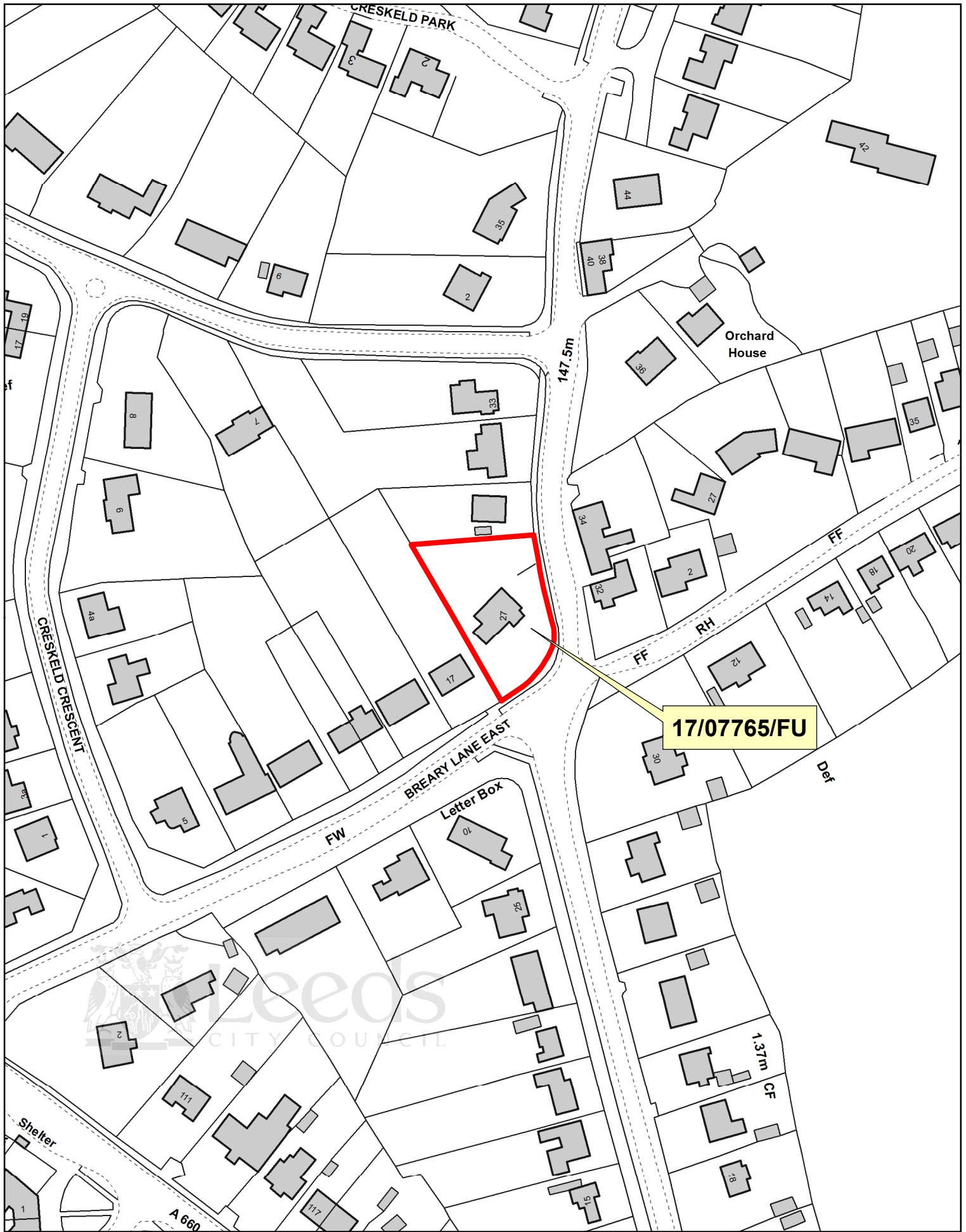
11.0 CONCLUSION

11.1 The proposal is considered to accord with the Development Plan and other policies referenced above and will serve to preserve the character of the Bramhope Conservation Area, and approval is recommended.

Background papers:

Planning application file: 17/07765/FU

Certificate of Ownership: Signed by applicant.



SOUTH AND WEST PLANS PANEL



IT IS NOT TO BE USED BY ANY THIRD PARTIES FOR ANY PURPOSES WITHOUT THE EXPRESS PERMISSION OF STUDIO J ARCHITECTS LTD.

NOTES

PLEASE DO NOT SCALE DIRECTLY FROM THIS DRAWING

MAIN CONTRACTOR TO CHECK ALL MEASUREMENTS ON SITE PRIOR TO CONSTRUCTION.

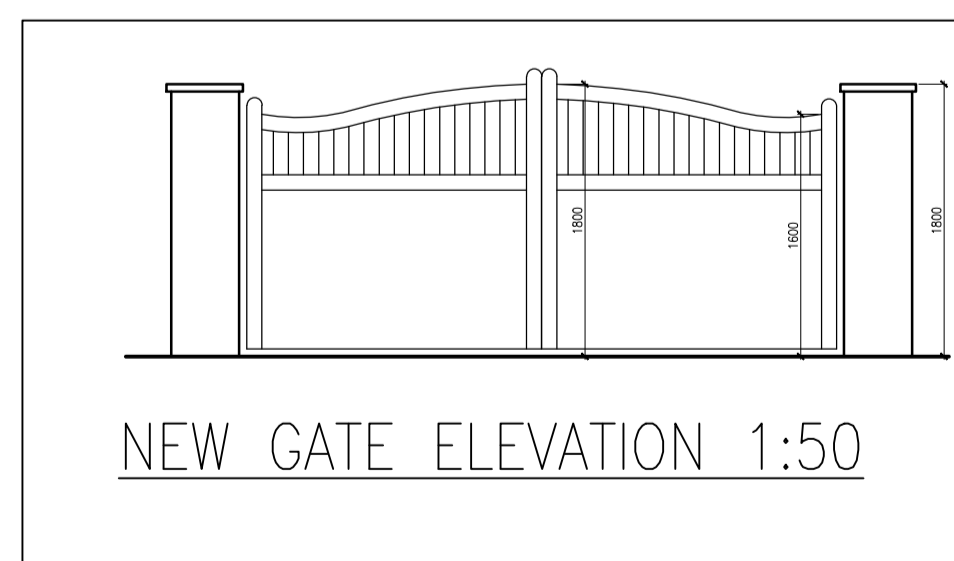
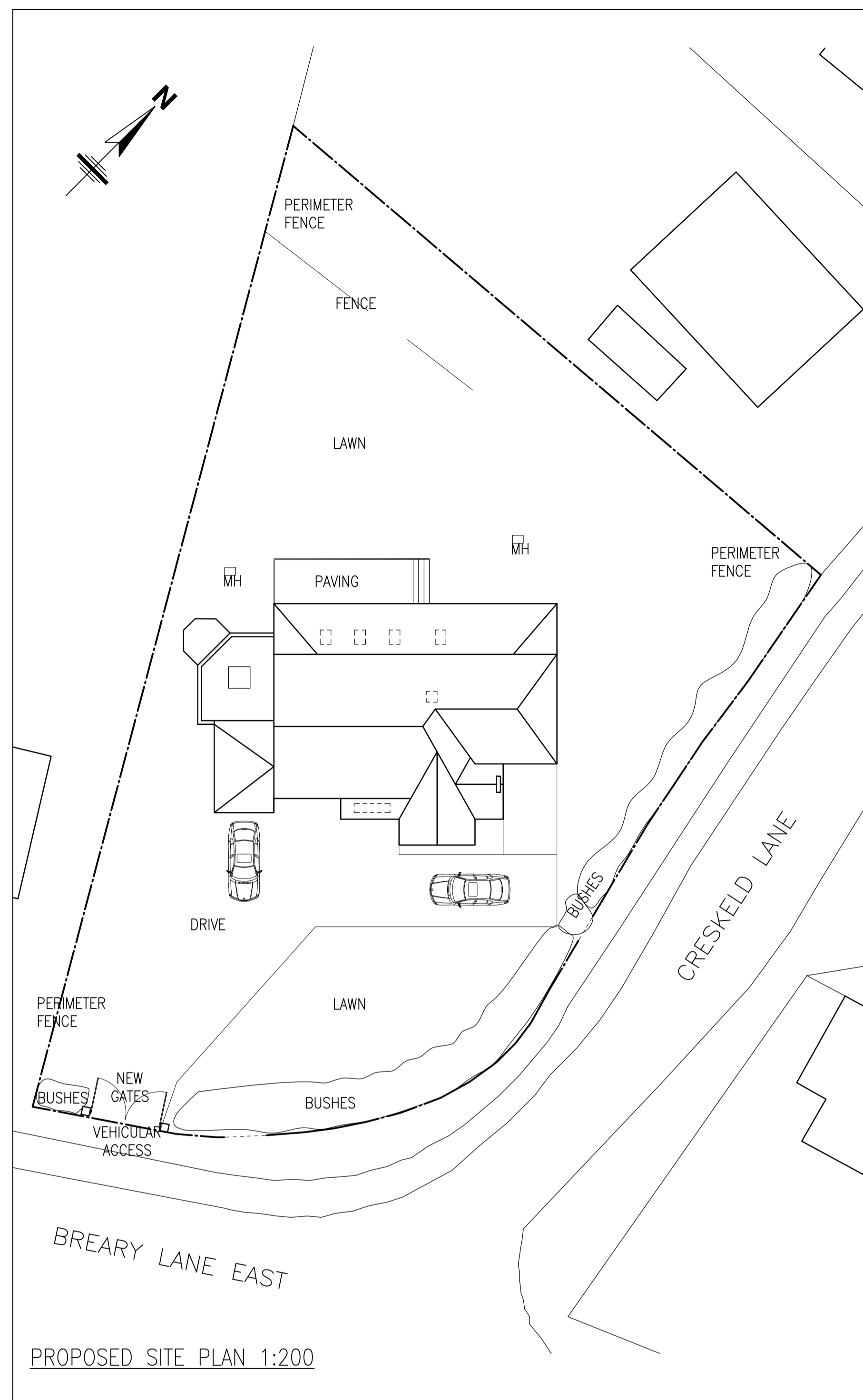
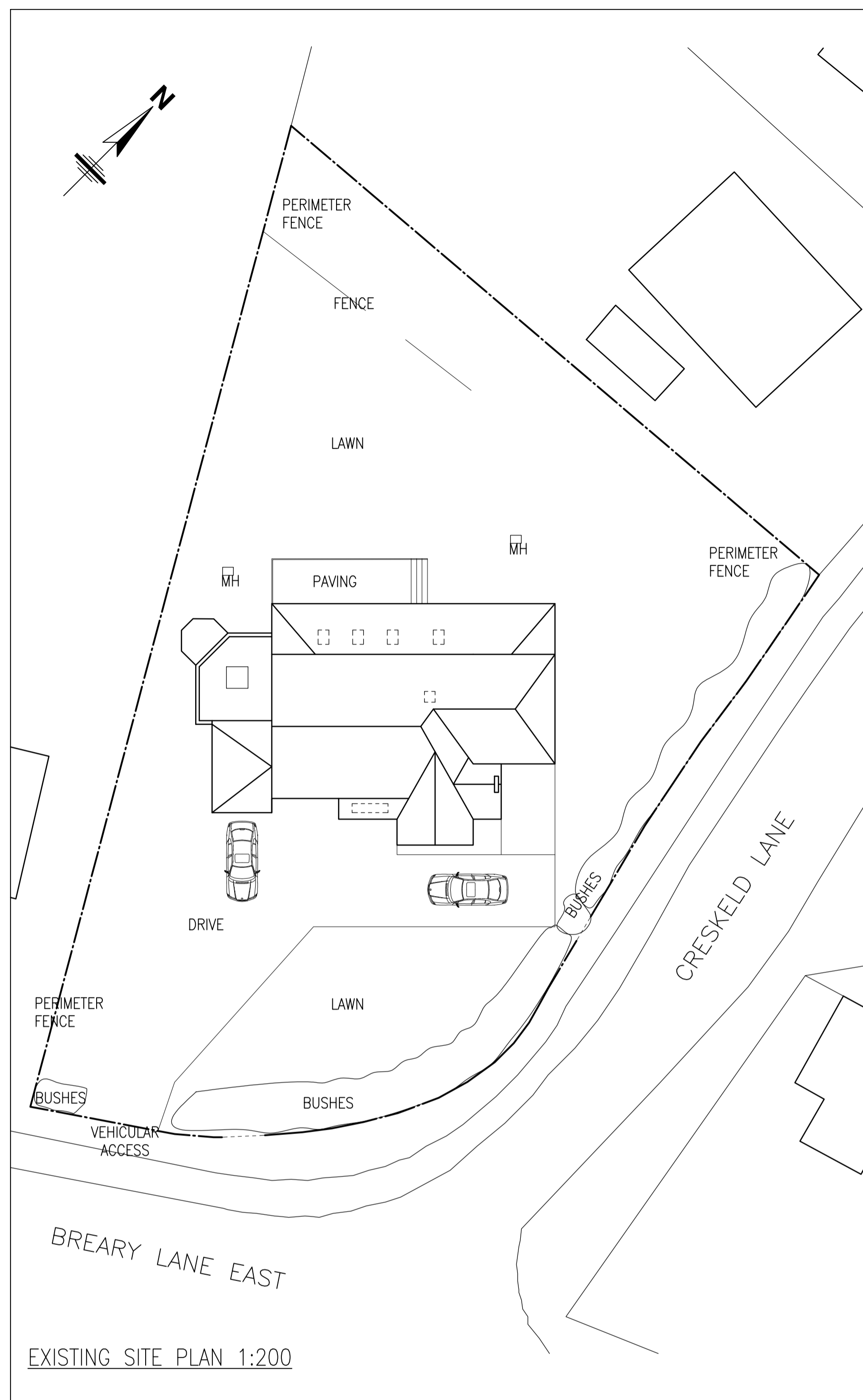
THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED VIA THE ORDINANCE SURVEY PLAN AND SUBJECT TO A DETAILED SITE SURVEY.

THE LAYOUT OF THE GARDEN IS AN INDICATION ONLY. ALL MEASUREMENTS (POSITIONS OF WALLS, PATHS, MANHOLES) MUST BE CHECKED ON SITE AND NOT TAKEN FROM THIS DRAWING.

STRUCTURAL ENGINEER TO PROVIDE ALL STRUCTURAL DETAIL DESIGN AND CALCULATIONS, WHERE REQUIRED.

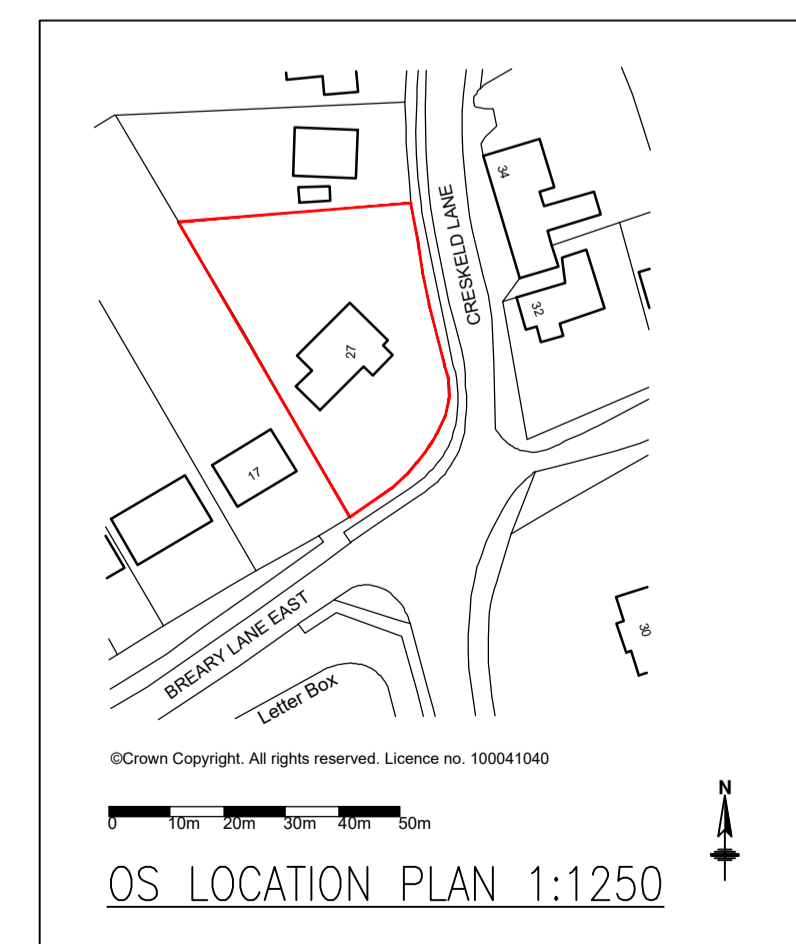
MAIN CONTRACTOR TO ENSURE ALL MECHANICAL AND ELECTRICAL SPECIFICATIONS ARE IN LINE WITH APPROVED DOCUMENTS PARTS B, L, F & P AND INSTALLED BY COMPETENT PERSONS.

ALL NEW LIGHTING TO USE ENERGY EFFICIENT BULBS (WITH APPROPRIATE IP RATINGS FOR BATHROOMS & EXTERNAL USE).



External Materials – Outline Specification

- New gate to drive to be solid timber, to bottom, with vertical wrought iron infill to the top, with stone posts to sides.



FOR PLANNING	
<small>REVISIONS</small> A 05-02-18 GATE ELEVATION REDESIGN	
PROJECT 27 CRESKELD LANE	
DRAWING TITLE NEW GATE PLANS & ELEVATIONS	
DRAWING NO 272-020	SCALE VARIES@A1
DRAWN BY J.BUTTERWORTH	DATE 24-11-16
Studio J Architects Duke Studios 3 Sheaf Street Leeds LS10 1HD Tel: 0113 2449905	
Studio J Architects	