

## **SOUTH AND WEST PLANS PANEL**

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**Meeting to be held in the Civic Hall, Leeds on  
Thursday, 12th April, 2018  
at 1.30 pm**

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### **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			

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2 To consider whether or not to accept the officers recommendation in respect of the above information.</li> <li>3 If so, to formally pass the following resolution:-</li> </ol> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	

Item No	Ward	Item Not Open		Page No
3			<b>LATE ITEMS</b>  To identify items which have been admitted to the agenda by the Chair for consideration  (The special circumstances shall be specified in the minutes)	
4			<b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b>  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.	
5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES - 15 MARCH 2018</b>  To confirm as a correct record, the minutes of the meeting held on 15 March 2018	5 - 10
7	Ardsley and Robin Hood	10.4(3)	<b>APPLICATION 17/05126/OT - LAND OFF FALL LANE AND MEADOWSIDE ROAD, EAST ARDSLEY</b>  To receive and consider the attached report of the Chief Planning Officer regarding an outline application for a mixed use development for medical centre, retail, six flats and fifteen dwellings.	11 - 52
8	Kirkstall		<b>APPLICATION 17/08353/FU - SITE OF FORMER MERRY MONK PUBLIC HOUSE, KIRKSTALL HILL</b>  To receive and consider the attached report of the Chief Planning Officer regarding an application for twelve dwellings with access and parking.	53 - 62

Item No	Ward	Item Not Open		Page No
9	Bramley and Stanningley		<p><b>APPLICATION 17/08056/FU - LAND AND PREMISES OPPOSITE 60 TO 68 HALF MILE LANE.</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of Condition 12 (stone sample panel) of approval 13/03007/FU to vary the external walling material in relation to the development of six pairs of semi-detached two storey dwellings.</p> <p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 17 May 2018 at 1.30 p.m.</p>	63 - 74
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#### **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.

## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.

- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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: 29/04/18

Dear Councillor

**SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 12<sup>th</sup> April 2018**

Prior to the meeting of the South and West Plans Panel on Thursday 12<sup>th</sup> April 2018 the following site visits will take place:

Time	
10.40 am	Depart Civic Hall
11.00 am	Site of Former Merry Monk Public House, Kirkstall Hill – Erection of 12 dwellings with access and Parking - Depart 11.20 am
11.35 am	Land Opposite 60-68 Half Mile Lane, Pudsey – Variation of Condition 12 re External walling – 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, 15TH MARCH, 2018**

**PRESENT:** Councillor C Gruen in the Chair

Councillors B Anderson, J Bentley,  
P Davey, T Leadley, D Ragan, C Towler,  
F Venner, N Walshaw and R Wood

### **86 Declarations of Disclosable Pecuniary Interests**

With regard to Agenda Item 8 – Leeds Beckett University, Headingley Campus; Councillor Bentley informed the Panel that he had been involved in discussion with the applicant but there was no case of pre-determination and he would be considering the application with an open mind.

Councillor Davey declared a pecuniary interest in Agenda Item 11 – 27 Creskeld Lane, Bramhope, Leeds as he was the applicant. He left the meeting during the discussion and voting on this item.

### **87 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor S Arif, D Congreve, M Coulson and R Finnigan.

Councillors T Leadley, F Venner and N Walshaw were in attendance as substitutes.

### **88 Minutes - 8 February 2018**

**RESOLVED** – That the minutes of the meeting held on 8 February 2018 be confirmed as a correct record.

### **89 Application 17/03519/FU - 20 Conference Road, Armley, Leeds, LS12 3DX**

The report of the Chief Planning Officer informed of an appeal decision following the decision of the Panel to refuse permission for the change of use of a dwelling house into a four bedroom House in Multiple Occupation at 20 Conference Road, Armley, Leeds.

The application was considered at Panel in August 2017 when it was refused for the following reasons:

*'The proposals will result in a concentration of HMOs within the street and adjacent streets causing harm to the character of the area; the loss of community cohesion; the loss of a family house and an increase in the*

Draft minutes to be approved at the meeting  
to be held on Thursday, 12th April, 2018

*demand for on street parking contrary to Policy H6 of the Core Strategy, Policy GP5 of the UDP and paragraph 17 of the NPPF'.*

The Inspector identified the following main issues:

- Housing balance in the local area
- Character of the surrounding area
- Highway safety and parking

He did not support the Panel view and felt that there was not a high concentration of HMOs in the immediate area. He also acknowledged that there were no proposed external changes to the property and use would not be dissimilar to that of a property in family occupation. There was also no evidence to indicate that the change of use would create any highways or parking problems.

**RESOLVED** – That the appeal decision be noted.

**90 Application 17/06373/FU - Leeds Beckett Univeristy, Headingley Campus, Church Wood Avenue, West Park, Leeds, LS6 3QS**

The report of the Chief Planning Officer presented an application for the demolition of an 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 and a café and public space at Leeds Beckett University, Headingley Campus, West Park.

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

The following issues were highlighted in relation to the application:

- The new building would be located to the west of the site and would maintain distances between other key buildings.
- Details of landscaping including tree planting and the public realm area.
- There had been objections from local residents and Ward Councillors. Loss of car parking was a concern and the impact that this would have on neighbouring streets. Footpath and cycle routes needed to be upgraded.
- It was considered that parking arrangements would be sufficient with 131 spaces when works were completed.
- The University had offered a sum of £70k to be held by the Council for future works that may be needed due to issues with car parking.
- There had not been any objection to the building or upgrading of facilities at the site.
- The application was recommended for approval.

Members supported the application but still had concerns regarding parking. The Panel heard from a representative of the University. It was acknowledged that there were historical problems with parking in the area and the Panel was informed that a liaison group had been set up with local resident associations. The University was committed to solving problems with parking in the area and had introduced a shuttle bus service to alleviate some of the problems. Further suggestions were made that the parking fees at the campus could be reduced or scrapped and that Headingley Stadium be approached regarding the use of overspill parking facilities.

In response to comments and questions, it was reported that liaison with residents could be included in the condition for the Car Park Management Plan and the standard approach for local employment opportunities during the construction phase be taken.

**RESOLVED** – That approval be deferred and delegated to the Chief Planning Officer subject to conditions outlined 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:

- 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

Ward Members for Kirkstall and Weetwood wards to be consulted on Heads of Terms of Agreement related to Highways matters. Due to short timescales involved, Panel accepted that if there was any dispute, to avoid delay, the Chair of the Panel had final discretion of such circumstances should occur.

**91 Application 17/03052/FU - Former Musgrave Court Residential Home, Crawshaw Road, Pudsey, LS28 7UB**

The report of the Chief Planning Officer presented an application for a new build residential care home on land at the former Musgrave Court Residential Care Home, Crawshaw Road, Pudsey.

Members visited the site when the application was originally reported to Panel in January 2018 and subsequently deferred to allow for further negotiation with regard to the massing and dominance of the size of the building. 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 roof height of the proposed building had been reduced.
- Further on-site parking space had been made available.

- Objections to the application – these included the number of bedrooms and the overall size of the home. It was felt something smaller would be more appropriate and in keeping with the conservation area.
- The new height of the proposed building was commensurate with surrounding two storey buildings.
- It was not considered that there would be any light pollution to existing properties.
- There would be conditions for the construction management plan.
- The application was recommended for approval.

The Panel was informed that under the public speaking protocol for Plans Panels that applicants and objectors were only able to address the Panel on one occasion unless there was a significant change to the proposals. As the proposals had only seen a reduction in height and massing it was felt that it was not necessary to hear from those who had made representations.

Members supported the amendments to the original proposal and felt that the necessary measures had been taken to satisfy concerns addressed at the meeting in January 2018.

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

**92 Application 16/05076/FU - Throstle Nest Villa, New Road Side, Horsforth, Leeds**

The report of the Chief Planning Officer presented an application regarding a part retrospective application for the installation of biomass hoppers to the rear of the 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.

Members visited the site prior to consideration of the application in October 2017 when it was deferred to allow for further negotiation on flue arrangements to take any smoke and fumes away from neighbouring properties.

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

Further issues highlighted included the following:

- Further explorations had not found a demonstrably better way to deal with emissions via the means of altering the flue system.
- The boiler system had been licensed by DEFRA and inspected by Building Control and found to be fully compliant with building regulations.
- An air quality assessment had not shown a breach of national air quality objectives.

- Further representations had been received in objection to the application.
- The application was recommended for approval.

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

- It was possible to increase the height of the flues but it was not known as to whether this would make a difference.
- Moving the boilers – this was considered but would not demonstrate that it would improve matters.
- There had been alterations to the system which would increase the initial heat when the boilers were first started and this would help with the dispersal of smoke and emissions.
- The Panel heard from an Environmental Health representative. It was reported that assessments for air quality and noise had been carried out and had only shown a negligible impact and not what would be considered to be a statutory nuisance. Further to suggestions regarding the heightening of the flues, it was reported that this could actually have a detrimental effect on how the smoke is dispersed. The smoke and odour was only evident for a couple of minutes when the boilers were first started up.
- Should there be an evident problem with excessive smoke and odour then enforcement could be taken.
- Some Members continued to express a level of concern that heightening of the flues should have been tried.

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

**93 Application 17/07765/FU - 27 Creskeld Lane, Bramhope, Leeds, LS16 9EP**

The report of the Chief Planning Officer presented an application for the new gates to the front of the property at 27 Creskeld Lane, Bramhope Leeds.

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

Members were informed that the application had been referred to Panel as it had been made by an Elected Member of Leeds City Council.

Further to a representation made by Arthington Parish Council, it was reported that there had been a revision to the original proposals for a solid wooden gate and the application was recommended for approval.

**RESOLVED** – That the application be approved as per the officer recommendation

**94      Date and Time of Next Meeting**

Thursday, 12 April 2018 at 1.30 p.m.



Originator: Kathryn Moran

Tel: 0113 378 9796

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 12<sup>th</sup> April 2018

Subject: 17/05126/OT – Outline application for mixed use development for medical centre, retail, six flats and 15 dwellings at Land off Fall Lane and Meadow Side Road, East Ardsley WF3.

**APPLICANT**  
Mr S Cunningham

**DATE VALID**  
9 August 2017

**TARGET DATE**  
15 December 2017

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

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION:** Refuse permission for the following reasons:

1. The Local Planning Authority considers the proposed development fails to provide a suitable mix of dwelling sizes to address housing needs due to the significant number of 4 bedroom dwellings. The scheme is therefore considered contrary to Policy H4 of the Core Strategy and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development is poorly designed. The scale of the proposed development is not compatible with the surroundings. The layout and design provide poor natural surveillance with consequent security issues. The proposed detached garages facing the internal road and the splayed design of Plot 21 appear incongruous and inappropriate within the streetscene. The proposal is therefore contrary to policy P10 of the Core Strategy, Neighbourhoods for Living (SPG) and the NFL Memorandum (2015), Designing for Community Safety (SPD) and the National Planning Policy Framework.

3. **The Local Planning Authority considers the proposed layout results in a lack of any communal amenity space and the consequent poor level of residential amenity for future occupiers. The proposal is therefore contrary to policy P10 of the Core Strategy, GP5 of the RUDP and the National Planning Policy Framework.**
4. **In the absence of a suitable Section 106 agreement the proposed development fails to provide the necessary review mechanism for contributions and/or obligations for the provision and delivery of affordable housing and without which the proposed development would fail to meet directly (and fairly and reasonably) related needs of the City and of prospective residents, contrary to the requirements of Policies H5, G4 and ID2 of the Leeds Core Strategy and the National Planning Policy Framework.**

## **1.0 INTRODUCTION**

- 1.1 This is an outline application for residential development, comprising 15 dwellings, 6 flats, a medical centre and retail unit and associated parking. The applicant seeks approval for access, layout, appearance and scale and wishes to reserve details of landscaping only. This application has been subject to a viability appraisal.
- 1.2 The application was reported to South and West Plans Panel on 8 February 2018 to seek the views of members on the lack of any planning gain to be delivered (affordable housing or Public Open Space) and the proposed design and layout of the development including the proposed housing mix. Members did not support the proposed development and raised the following concerns:
  - 1) Members did not accept the proposed housing mix. The general consensus was that there are too many 1 bed flats as they encourage a transient population. It was suggested the housing mix should be 8 x 4 bed dwellings and 7 x 3 bed dwellings.
  - 2) Members did not accept the development was unviable. Any subsequent submission would need further information to justify the position. Members did not accept that the site was unviable and justification was needed for the 17.5% profit.
  - 3) Members did not support the design or the layout and it was not considered the design mistakes on the wider site should be perpetuated on this site. A fundamental redesign was considered necessary.
- 1.3 The applicant has made some minor modifications to the proposed layout including the relocation of plot 16.

## **2.0 PROPOSAL**

- 2.1 Permission is sought to develop the cleared site adjacent to the existing Meadowside residential development. The proposed scheme is a mixed use development of 21 residential dwellings, a health centre and small retail unit, intended to be used as chemist.
- 2.2 The scheme includes a three storey building in the southern part of the site to accommodate the medical centre and retail unit at ground floor level, 2 x 1 bed flats and 4 x 2 bed flats on the upper floors. The proposed brick building has a pitched



roof utilising concrete tiles, with Juliette balconies at front second floor level. The ground floor incorporates glazed shopfronts to the front elevation at ground floor level. Visitor parking for 12 vehicles for the medical centre and retail unit are proposed as well as 6 residential spaces, one allocated for each flat.

- 2.3 The remainder of the site will be developed to deliver 14 three storey dwellings, arranged as two pairs of semi-detached dwellings and terraces of 3 and 4 dwellings, and 1 two storey dwelling. Each dwelling benefits from either integral or detached garages and off street car parking. Each dwelling also has a private rear garden.
- 2.4 The dwellings are arranged with the rear elevations of plots 7-12 and the mixed use block facing the adjacent railway line to the south and the front elevations facing the internal road. Proposed dwellings 14-16 will face the internal access road. Proposed dwellings 17-20 face Meadow Side Road. The front elevations of plots 16 and 17 and the detached garages for plots 17-19, sited to the rear of these dwellings, also face the internal road. Plot 21 has a splayed frontage with the front elevations facing onto Meadow Side Road and a side elevation facing the access road. The garages for plots 20 and 21 are located in between the nos. 20 and 21, but set back from the building line of the dwellings.
- 2.5 A 5.5m wide road runs through the site from the site access on Meadow Side Road, located to the south east of the site, to a turning head located adjacent to the North West site boundary. The road provides vehicular access to the retail/residential block and plots 7 -15 and the garages of plots 16-21.
- 2.6 The plan also shows landscaping including a row of trees, along the south, east and northern site boundaries and within the car park of the mixed use block. Landscaping is also proposed within the housing development with grassed verges adjacent to the off street parking spaces. However it is acknowledged that a full landscaping plan would be considered at reserved matters stage.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is located in East Ardsley at the junction of Fall Lane and Meadow Side Road. The site is a cleared site that sits at a lower level than Fall Lane. Fall Lane forms a bridge where it abuts the application site, and Meadow Side Road is also at a higher level, with an embankment down to the site. The site area is 0.58 ha.
- 3.2 The site abuts the Leeds – Sheffield railway line to the South, and a new residential estate abuts the South-East and Eastern boundaries. A three storey block of flats abuts the site. The wider area is predominantly residential in character. East Ardsley Primary school is located 0.5m from the site to the south west.
- 3.3 Land to the North of Meadowside Road is undeveloped, and falls away towards Dolphin Beck. Land to the West of Fall Lane has been developed as residential dwellings by Miller Homes (249 units).

### **4.0 RELEVANT PLANNING HISTORY**

#### The wider site

- 4.1 22/293/00/OT - Outline permission for mixed commercial and residential development – approved July 2001. The current application is on the site originally identified for commercial use. Siting was not approved, but the application indicated:

20 000 sq. ft offices;  
10 000 sq ft. family pub;  
4000 sq ft retail, in three units.

- 4.2 22/126/03/RM - reserved matters approval was granted for 320 houses and flats on the remainder of the site in February 2004.
- 4.3 22/3/05/OT - planning permission granted for variation of Condition 20 of permission 22/293/00

#### The application site

- 4.4 07/03388/FU – application for for laying out of access and erection of 3 storey block of 12 two bedroom flats, 2 storey nursery and single storey block comprising surgery and 4 retail units, with car parking and landscaping - withdrawn September 2007.
- 4.5 08/00541/FU - Permission was granted for laying out of access and erection of 4 storey block comprising 12 two bedroom flats ground floor surgery and pharmacy, detached 2 storey nursery and detached single storey block of 3 retail units, with car parking and landscaping in April 2008. This was never implemented and has now expired.
- 4.6 Pre-application discussions took place in June and July 2016 for residential development with retail (chemist) and a health centre. Officers were supportive of the principle of residential development and the medical centre and ancillary retail accommodation. Pre-application advice was provided advising that the layout should be revised to reduce the dominance of hard-surfacing and parking throughout the scheme, to increase the sizes of the gardens and to amend the elevation treatments of some of the blocks.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Pre-application advice was provided in July 2016. This identified some design concerns such as the ratio of hard to soft landscaping and the design and appearance of Plot 8 due to the integral garage. The proposed layout is very similar to the scheme considered at pre-application stage. Additional soft landscaping is proposed to break up the areas of hardstanding.
- 5.2 During the course of the application revisions have been made to the scheme including alterations to the windows and clarification of the proposed housing mix.
- 5.3 Following discussions at the Panel meeting on 8<sup>th</sup> February a revised site layout has been provided with Plot 16 relocated to front the access road instead of Meadow Side Road. The applicant also provided some further information regarding occupation of the development. The occupants of the Chemist are already known. There are also ongoing discussions with local health practices. However at this stage the applicant cannot confirm the occupiers at this stage due to Health Service procedure and protocols. The applicant has also advised that a developer and construction company is in place and ready to commence.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 Major Application site notices posted on 29 August 2017 and Press Advertisement in Yorkshire Evening Post published on 30 August 2017.

6.2 Eight objections (and two general comments) have been received raising the following issues:

- Further information on who will occupy the medical centre and chemists
- Question whether sufficient parking is proposed
- Concerns over access in and out of the estate
- Disruption should be kept to a minimum during construction
- Inadequate provision of parking
- Residents will park on Meadow side road and existing estate
- Further congestion in the estate
- Access located at a Hazardous junction on corner
- A convenience store is needed
- Anti social behaviour – groups congregating
- More homes are not needed in this area
- Additional infrastructure would be required for new residential properties
- The medical centre and chemist should be provided before the residential or there is a risk it will not be provided
- Parking is problematic between 7 and 8am and after 9pm
- Garages would not be used for parking
- Health centre should have ample parking
- Health centre is inadequate size for the need for the doctors
- If retail is used as a convenience store this could result in anti social behaviour and late night disturbance and litter
- Need for adequate access for emergency services
- The double yellow lines are not enforced
- Safety of children playing in the estate
- Land should be used as a play area for children, a park or for parking for the estate
- This is a ploy to build a business premises and a change of use would be sought
- Local health centres are not aware of the plans for a health centre
- Estate roads have blind bends
- Do not support mixed use – should be either medical centre or housing but not both
- Plans incorrectly labelled as retail and consulting room
- Thorpe Pharmacy should be given first refusal of the chemists
- Another pharmacy would compete with Thorpe pharmacy
- Another pharmacy is not needed
- Plans are vague and further clarification is needed regarding the pharmacy
- Retail is needed but not a chemist
- Detailed landscaping proposals and long term management required for the embankment
- Double yellow lines should be provided adjacent to the site
- Bollards should be provided to prevent parking on the pavement
- Further details of planting needed

6.3 Four representations supporting the scheme have been received including one which states the development will improve the appearance of the site.

6.4 Ward Councillors have been notified of the application. Ward Councillors requested clarification of who are the intended occupiers of the proposed Health Centre and

the chemist and also whether sufficient parking is to be provided as part of this scheme.

- 6.5 Councillor Mulherin provided comments prior to the Panel on 8<sup>th</sup> February, stating residents have had enough of the derelict site and the amenities proposed are long overdue. However the estate suffers from parking problems and the development must meet the minimum parking standards. The homes must also meet the minimum special standards.

## **7.0 CONSULTATION RESPONSES**

- 7.1 Highways: No objection subject to conditions
- 7.2 Flood Risk Management: No objection subject to conditions
- 7.3 Contaminated Land: No objection subject to conditions
- 7.4 Landscape Team: No objection subject to conditions
- 7.5 West Yorkshire Police: No objection
- 7.6 Coal Authority: No objection
- 7.7 Network Rail: No objection on the basis that the surface and foul water is collected and diverted away from the railway infrastructure. Appropriate conditions and directions are recommended.
- 7.8 Travel Wise: The development does not meet the threshold for a Travel Plan.
- 7.9 Housing Growth: The affordable housing requirement is 4 units

## **8.0 PLANNING POLICIES**

### Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.
- 8.2 The following Core Strategy policies are considered most relevant
- Spatial policy 1: Location of development
  - Spatial policy 6: Housing requirement and allocation of housing land
  - Spatial policy 11: Transport infrastructure investment priorities
  - P10 Seeks to ensure high quality design
  - P11 Conservation
  - P12 Landscape
  - H2 New housing development on un-allocated sites
  - H3 Housing Density
  - H4 Housing mix
  - H5 Affordable Housing
  - T2 Transport infrastructure

G4 On Site Greenspace Provision  
G9 Nature Conservation  
EN1 Climate change and carbon dioxide reductions  
EN2 Sustainable Design and Construction  
ID2 Planning obligations and developer contributions

Saved Policies - Leeds UDP (2006)

- 8.3 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  
Policy BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings.

- 8.4 The following Supplementary Planning Policy documents are relevant:

SPG Neighbourhoods for Living (2015)  
Leeds Street Design Guide (2009)  
Parking SPD  
Designing for Community Safety SPD (2007).

Submission Draft Site Allocations Plan (SAP) May 2017

- 8.5 The Site Allocations Plan Publication Draft was submitted to the Secretary of State on 5<sup>th</sup> May 2017.
- 8.6 The site has been allocated for employment use (ref EG2-20). However, following the consideration of representations received and the comments received in the Employment Land Review, Local Plans team propose to de-allocate EG2-20 and for the site to revert to 'White Land' with no specific designation.

National Planning Policy Framework (NPPF)

- 8.7 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.
- 8.8 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.
- 8.9 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 8.10 The NPPF establishes at Paragraph 7 that there are three dimensions to

sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

- 8.11 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.12 With specific regard to housing applications, the NPPF states in paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the to 20%.
- 8.13 Paragraph 49 of the NPPF states the following:
- 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*
- 8.14 In the appeal decision dated 8<sup>th</sup> June 2016 in relation to land at Grove Road, Boston Spa in accordance with APP/N4720/A/13/2208551, the Secretary of State took the view that on the basis of the evidence available to him at the time, the Council was unable to demonstrate a deliverable 5 year supply of housing land.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Housing density and mix
3. Affordable Housing
4. Provision of greenspace
5. Layout, Design and Appearance
6. Residential Amenity
7. Highways and Parking
8. Flood Risk
9. Contamination
10. CIL

## **10 APPRAISAL**

### Principle of Development

- 10.1 Core Strategy Policy P9 states that access to local community facilities such as health facilities is important to the wellbeing of a neighbourhood. New community facilities should be accessible by foot, cycling or public transport and where possible and appropriate, should be located in centres with other community uses.
- 10.2 From the responses received it is apparent that there is a local need for a medical centre in this location. The provision of the medical centre (82m2) in this location is therefore welcome.
- 10.3 The proposed retail unit is small scale (82m2) in size and is located outside a town centre or local centre. However, as the unit is below 200m2, no sequential assessment is required. The provision of retail accommodation, possibly for a chemist, is acceptable in principle in accordance with Policy P8 of the Core Strategy.
- 10.4 The site is not allocated on the UDP Proposals Map. This site is identified in the Publication Draft Site Allocation Plan as employment use (EG2-20). However, following the consideration of representations on the SAP and comments received on the employment land review, Local Plans officers propose a major modification to de-allocate the site for employment use and revert to 'White Land' with no specific land use designation.
- 10.5 On this basis the site is considered unallocated and as such should be considered against Core Strategy Policy H2. The policy states that the Council will support proposals for residential development providing that:
- i) *The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,*
  - ii) *For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,*
  - iii) *Green Belt Policy is satisfied for sites in the Green Belt*
- 10.6 The proposed development will provide housing and will appear as an extension of the existing housing estate. The number of dwellings proposed is not considered to exceed the capacity of transport, educational and health infrastructure. The application site comprises brownfield land outside of the Green Belt. The site is located within a smaller settlement, East Ardsley. It is noted that the site does not fully accord with the accessibility standards for development in smaller settlements set out in Appendix 3 of the Core Strategy (an assessment is set out in paragraph 10.40 of this report). However the provision of additional housing in this established residential location is considered acceptable in principle.
- 10.7 The proposal would make good use of previously developed land, in a way that would not exceed the capacity of local infrastructure. In view of these considerations the proposal is therefore acceptable in principle when considered against the guidance set out in the NPPF and adopted local planning policies in the round. Having regard to the absence of a 5 year land supply and the guidance at Paras 49 and 14 of the NPPF above, in the situation where the Council's housing policies are considered to be out-of-date, specific policies in the NPPF do not indicate development should be restricted in this case. The accessibility shortcomings of the site, for a relatively small development do not significantly and demonstrably

outweigh the benefits, when assessed against the framework as a whole. The provision of housing on this site is therefore deemed acceptable in principle.

#### Housing density and mix

- 10.8 Policies H3 of the Core Strategy sets out the minimum densities for housing development. In smaller settlements the minimum density should be 30 dwellings. The site area is 0.6ha with a net area of 0.5ha. This gives a density of 42 dwellings per hectare which exceeds the minimum density set out in H3. The proposed density is considered acceptable in this case given the proposed layout respects the local character and provides adequate private amenity space for future residents.
- 10.9 Core Strategy Policy H4 sets out the Council's preferred housing mix and sets a target of 75% to be houses and 25% to be flats. The proposed development will deliver 6 flats (29%) and 15 houses (71%). This does not comply with the Council's target however in this location is considered to provide an acceptable mix.
- 10.10 Following the discussion at Panel on 8<sup>th</sup> February with regards to the dwelling mix the applicant has revised the proposed housing mix is as follows:
- 2 x 1 bed flats (10%)
  - 4 x 2 bed flats (19%)
  - 7 x 3 bed dwellings (33%) (Plots 8,11,12,14,15,16 and 21).
  - 8 x 4 bed dwellings (38%) (Plots 7,9,10,13,17,18,19 and 20).
- 10.11 Dwellings 8, 11, 12, 14, 15 and 16 comprise living room, dining and kitchen at first floor level, 3 bedrooms at second floor level. The ground floor comprises integral garage, utility room and a study. It is recognised that the study at ground floor level could be used as a bedroom. Therefore these dwellings could be used as 4 bed dwellings. Plot 21 is a 3 bed house with living room, kitchen and dining room at ground floor and three bedrooms at first floor. The remaining dwellings are all four bedroom dwellings with kitchen and dining room/study at ground floor level, living room and bedroom at first floor level and three bedrooms at second floor level. The revised dwelling mix is not considered to respond to the concerns of members or comply with Core Strategy Policy H4 given the proportion of dwellings which could be used as 4 bed dwellings is 71%. It is not considered that the proposed development includes an appropriate mix of dwelling sizes to address long term needs. Whilst the Core Strategy accepts this is not overriding, there has been no justification provided of the proposed dwelling mix. As such the proposed development is not considered acceptable as it is contrary to the aims of Policy H4.

#### Affordable Housing

- 10.12 Core Strategy Policy H5 states that housing developments above a certain threshold should include a proportion of affordable housing, normally to be provided on site. The site is located within Zone 2 for which there is a requirement of 15% the housing to be affordable (for schemes of over 15 dwellings). This equates to 3 dwellings of the proposed 21 to be delivered as affordable.
- 10.13 Policy H5 recognises that applicant can choose to submit viability appraisals to verify that the affordable housing target cannot be met and in such case, affordable housing provision may be reduced accordingly. This is underpinned by the NPPF (para. 173) which highlights the importance of taking viability into account in decision making.



- 10.14 The applicant is not proposing to provide any affordable housing and a viability assessment has been submitted to demonstrate that it would not be viable to develop the site with any contribution towards affordable housing. This conclusion is supported by the District Valuer who was instructed to independently assess the viability of the development. A copy of the District Valuer's report is provided as an appendix to this report.
- 10.15 Officers sought the views of Panel members on the viability at the meeting on 8<sup>th</sup> February who expressed significant concern over the development of the site without any planning gain. Members questioned the sale price of the land. Whilst this figure is not known, the applicant placed a land value of £295,000 (£205,000 per acre). In the viability assessment the DV disagrees with this value and considers a land value of £270,000 (£182,432 per acre) is appropriate based on the location and the land value agreed on other comparable sites.
- 10.16 Members considered that a profit margin of 17.5% was too high when no affordable housing (or Public Open Space contribution) would be delivered. The DV adopted a 17.5% of revenue for the market housing and commercial accommodation and 7% for affordable housing. The DV considers these profit margins are well supported by other similar developments. For the purposes of the viability assessment the DV concluded a blended rate of 17.3% of the revenue should be applied. The DVs viability appraisal identified a profit of £654,357 (16.9%) would be achieved (without the inclusion of affordable housing, s106 contributions or CIL which would equate to £379,828).
- 10.17 Since the Panel meeting the applicant has stated that bank funding for residential development requires a profit of 20-25% of the Gross Development Value to be achieved. The applicant has also stated that Court and appeal decisions have set out that 17.5% profit is the minimum profit level and that they see no reason to reject the District Valuer's advice. On this basis the applicant is not offering any contributions towards affordable housing or Public Open Space.
- 10.18 The appraisal has been independently assessed by the District Valuer who concludes, after considering acquisition costs, build costs and rental and sales values in the area, it would not be viable to develop the site with any affordable housing provision or even a commuted sum. The District Valuer has stated that '*a planning compliant appraisal (with 15% on site affordable) generates a loss and therefore a policy compliant scheme is unviable.*' The District Valuer has also considered whether a reduced level of affordable provision would be viable but has concluded that the scheme is unable to provide any affordable housing. The District Valuer has suggested that a review and re-appraisal could be undertaken when market conditions change, if the commencement of works on site is delayed, which the applicant has agreed to.
- 10.19 Officers have considered the views of members on viability, however on the basis of the independent advice provided by the District Valuer, officers consider it would be unreasonable to recommend refusal on this basis. However a clawback clause in the s106 requiring review and re-appraisal of viability at an appropriate time is recommended.

#### Provision of Greenspace

- 10.20 Policy G4 of the Core Strategy identifies that on site provision of green space of 80 square metres per residential unit will be sought for sites of 10 or more dwellings that are outside the city centre and in excess of 720 metres from a community park,

or are located in areas deficient of green space. This means that the provision of green space is required from all eligible schemes in areas where there is a deficiency in green space, regardless of the distance from a community park.

- 10.21 In accordance with Policy G4, the 21 dwellings (6 flats and 15 houses) proposed would generate a requirement for 0.17 ha of green space. Whilst the policy refers to this being provided on site, the supporting text to the policy acknowledges that in some instances the provision of green space on site may not be appropriate. In this case it is recognised the site is constrained in terms of size (0.6ha) as well as its topography and it would be difficult to deliver the greenspace on site. As a result, the provision of an equivalent contribution toward greenspace, in lieu of the on-site requirement, is considered more appropriate.
- 10.22 The total cost of the commuted sum that is required in lieu of the onsite provision of green space for the proposed 21 dwellings £75,140.05. The District Valuer has assessed the applicant's viability appraisal, adopting a s106 greenspace contribution of £84,000 as calculated by the applicant. Although this is higher than the policy requirement, the District Valuer's conclusion is that the scheme is not viable if any green space contribution is required. At the Panel meeting members expressed concern that the scheme deliver a profit but would not deliver any Public Open Space. However as set out above with regards to the affordable housing, officers must consider the outcome of the independent viability appraisal and therefore it is not considered reasonable to recommend refusal of permission on this basis.
- 10.23 The applicant has also stated that the original development (the existing estate) provided over 10 acres of greenspace (although the amount required at the time was 3.33 acres). In 2008 the applicant also made a contribution of £95,000 towards greenspace and a play area. The applicant also states that to date these funds have not been spent. This information is noted, however officers have to consider the proposed development subject to this application rather than past decisions. As set out above officers accept that the scheme cannot deliver the requisite Public Open Space contributions for viability reasons. Whilst it is recognised the application does not comply with Core Strategy policy G4, it is not considered permission could be reasonably refused for this reason.

#### Layout, Design and Appearance

- 10.20 Policy P10 sets out the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF, which also highlights the importance of good design at paragraph 56.
- 10.21 The site has already been cleared and is considered to be an eye sore on the edge of the existing residential area. Therefore the principle of development of the site is supported in terms of improving the visual amenity of the area. The proposed layout is similar to the scheme considered at pre-application stage and during pre-application discussions, revisions were made to address initial concerns raised by officers.
- 10.22 The proposed development includes the provision of three storey properties and one two storey dwelling located on the corner of Meadow Side Road and the proposed site access. The scale of buildings have been designed to respond to the

local character of the area in terms of scale, appearance and materials. There are existing residential properties facing Meadow Side Road, opposite and adjacent to the application site comprising a mix of two and three storey blocks of flats, terraced and semi-detached houses. The existing properties are predominantly brick with concrete tiled roofs, some with front dormer features.

- 10.23 Members raised concerns over the height and scale of the proposed buildings, which are predominantly 3 storeys. It is recognised there are examples of 3 storey dwellings i.e. the flats located to the south of the application site, most dwellings are 2 or 2.5 storey houses including the properties directly opposite the site fronting Meadow Side Road. The proposed three storey buildings are considered to be excessive in terms of their scale. Properties of 2 or 2.5 storeys are considered to be more appropriate in this area, particularly facing Meadow Side Road. The proposed dwellings are considered generally compatible with the surrounding properties, in particular the block of flats located to the south east of the site.
- 10.24 With regards to the detailed design officers have identified some issues. The provision of integral garages for plots 8, 11, 12, 14, 15 and 16 results in no front windows at ground floor level. Neighbourhoods for Living (Update 2015) recognises the importance of providing active frontages with ground floor rooms and windows facing the street. The guidance, along with the SPD Designing for Community Safety, recognises that streets which have integral garages and no interplay between the outside and inside is not an appropriate response. Whilst it is recognised there are ground floor front facing windows in Nos. 7,9,10 and 13 which provide some natural surveillance for this part of the site, the prevalence of integral garages is not considered to be acceptable or comply with the guidance. The revised scheme has introduced another garage in Plot 16 which results in a row of three properties without any ground floor windows. The appearance of the integral garages was also raised as an issue by officers at pre-application stage and during the course of the application. However, this aspect of the scheme has not been revised.
- 10.25 The proposed layout, with the garages for flats 17-21 fronting the internal road, is unusual. There are other examples of single storey garages which form part of the street scene along Meadow Side Road. An extensive part of the street frontage within the new development, to the north of Plots 7,8 and 9 comprises garages rather than houses. This also results in a lack of natural surveillance and is also considered to represent poor design appearing incongruous within the proposed streetscene. This is not considered compatible with the existing area. There are examples of garages facing the street, however these are to the side of existing dwellings which is more typical in residential development.
- 10.26 Officers raised concerns regarding the form of Dwelling 21 in terms of its splayed frontage which is considered to appear as incongruous within the streetscene and the proposed development. The applicant has sought to justify the proposed design of dwelling 21 stating that it has been designed to address both the access road. Whilst officers note the applicant's justification the concerns remain and it is considered this property could be redesigned to relate appropriately within the streetscene.
- 10.27 The proposed dwellings have been designed to mirror the design of existing dwellings in this estate in terms of materials and detailing. Members considered that the existing estate is not an example of good housing design and past mistakes should not be repeated. The proposed dwellings and mixed use block are considered bland and uninspiring. As Core Strategy Policy P10 encourages high

quality design, it is not considered the proposed development complies with the policy. The site could potentially be developed to provide high quality residential accommodation and the design and layout as proposed does not achieve this.

- 10.28 The concerns of officers and members regarding the proposed design and layout have not been addressed and as such the proposed development is considered unacceptable in urban design terms. The proposed development does not comply with Core Strategy Policy P10 or guidance contained within the SPG Neighbourhoods for Living and the Update to the guide.

### Residential Amenity

- 10.31 Paragraph 17 of the NPPF places an emphasis on seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and building. Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. Furthermore, Policy BD5 advises that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight sunlight.
- 10.32 Consideration has been given to the Government's Technical Housing Standards Nationally Described Space Standards which deals with internal space within new dwellings and is defined as being suitable across all tenures. These standards can only be given limited weight in the decision at this stage on the basis that the standards have not yet been adopted as part of the local plan process and they must still be the subject of public consultation. However the standards are considered to provide a good indication of whether a residential unit is of sufficient internal size to meet the basic daily living needs of its occupants.
- 10.33 The proposed dwelling sizes are set out in the below table and considered against the Nationally Described Standards.

Plot	Accommodation	Size (m2)	National Space Standard Size	Difference
Flats 1, 3, 4 & 6	2bed 4person	64	70	-6
Flats 2 & 5	1bed 2person	42	50	-8
7	4bed 7person	115	121	-6
8	3bed 6person	114	108	+6
9	4bed 7person	115	121	-6
10	4bed 7person	115	121	-6
11	3bed 6person	114	108	+ 6

12	4bed 7person	115	121	-6
13	3bed 6person	114	108	+6
14	4bed 7person	115	121	-6
15	4bed 7person	115	121	-6
16	3bed 6person	114	108	+6
17	4bed 7person	114	121	-6
18	4bed 7person	114	121	-6
19	4bed 7person	114	121	-6
20	4bed 7person	114	121	-6
21	3bed 5person	111	93	+18

10.34 The flats fall below the NDSS and fall short of the minimum space standards for 1 bedroom, 2 person flats by 8m<sup>2</sup> and 2 bedroom, 4 person flats by 6m<sup>2</sup>. However the flats are considered to provide an acceptable standard of accommodation with adequate room sizes, storage and circulation space. The 3 bed dwellings exceed the NDSS by 6m<sup>2</sup> (and 18m<sup>2</sup> in the case of No.21). The 4 bed dwellings fall slightly below the NDSS by 6m<sup>2</sup>. If all of the dwellings are to be considered as 4 bed dwellings (with the exception of 21) all of the houses fall below the NDSS by either 6m<sup>2</sup> or 7m<sup>2</sup>. However the dwellings are considered to provide an acceptable standard of accommodation in terms of room sizes, circulation space and storage. The dwelling sizes are considered therefore considered acceptable and it is not considered a reason for refusal on this basis could be justified.

10.35 In terms of the site layout the Council's SPG Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings to ensure privacy between existing and proposed houses, which has an impact on layout. The most relevant to this site are the following:

- i) Private gardens should have a minimum of two-thirds of total gross floor area of the dwelling (excluding vehicular provision);
- ii) A minimum of 10.5 metres between main ground floor windows (living room/dining room) to the boundary;
- iii) A minimum of 7.5 metres between a secondary window (ground floor kitchen/bedroom) to the boundary;
- iv) A minimum of 4 metres from a ground floor main window or secondary window to a highway
- v) A minimum of 12 metres from a main ground floor window (living room/dining room) to a side elevation;
- vi) A minimum of 2.5 metres between a side elevation and the boundary.
- vii) Shared amenity space equating to one quarter of the proposed floorspace per flat

10.36 The proposed site layout has been assessed against this guidance:

- i) The proposed site layout is generally considered to comply with this guidance. The private rear gardens range in size from approximately 63m<sup>2</sup> to 123m<sup>2</sup>. The proposed garden sizes meet the guidance in that they equate to two thirds of the Gross Internal Area. There are two exceptions, namely Plot 19 (63m<sup>2</sup>) and Plot 14 (70m<sup>2</sup>) which fall below the required 76m<sup>2</sup>.
- ii) The dwellings all achieve 10.5m from the ground floor windows to the rear site boundary.
- iii) The dwellings achieve 7.5m from secondary windows to site boundaries.
- iv) Only plot 21 has side facing windows which are located at first floor level, 3.5m from the side boundary.
- v) A distance of 12m is maintained between ground floor windows to side elevations.
- vi) Dwellings 13, 15 and 19 do not maintain the required 2.5m to the side boundary. However these properties do not have side facing windows and therefore this does not raise any privacy issues.
- vii) Amenity space for the occupants of the flats is not provided due to the need for resident and visitor parking provision. It is considered the occupants of the flats would not benefit from an acceptable level of amenity.

10.37 There is a separation distance of 32m from the existing properties on the opposite side of Meadow Side Road and the three storey dwellings. A distance of 22m would be maintained between the neighbouring properties and the proposed two storey dwelling, plot 21. In terms of overlooking, the distances between the rear windows (which serve ground floor living areas and first floor bedrooms) and the rear boundaries comply with the 10.5m minimum recommended by 'Neighbourhoods for Living' (p.57).

10.38 It is considered that the proposed dwellings will provide an acceptable level of amenity for future residents and will not have a harmful impact on the amenity of existing neighbouring residents. However the amenity of the future occupants of the flats is considered poor due to the lack of any external amenity space. This element of the proposed scheme is therefore not considered to comply with Core Strategy P10 and UDPR Policy GP5 and the SPG Neighbourhoods for Living. An alternative layout which provides some communal amenity space is likely to be more supported by officers and members.

#### Parking and Highways matters

10.39 The proposed development has been assessed by highways officers who have raised no objections to the scheme subject to conditions and off site highways works. Officers have assessed the proposed development against the accessibility standards for smaller settlements set out in Appendix 3 of the Core Strategy:

Destination	Standard	Compliance of this site
To Employment	Within a 5 minute walk to bus stop/10 minute walk to a train station.	The site is within a 5 minute walk to a bus stop on Mary Street. (Complies)  Outwood station is located 1.4miles from the site (Does not comply).
To Primary Education and Health	Within a 10 minute walk to bus stop/10 minute walk to a train station.	The site is within a 5 minute walk to a bus stop on Mary Street. (Complies).

		Outwood station is located 1.4miles from the site (25 minute walk). (Does not comply).
To Secondary Education	Within a 10 minute walk to bus stop/10 minute walk to a train station.	<p>The site is within a 5 minute walk to a bus stop on Mary Street. (Complies)</p> <p>Outwood station is located 1.4miles from the site (25 minute walk). (Does not comply).</p>
To leisure and retail	<p>Within 5 min walk to a bus stop offering a 15 min frequency service to a major transport interchange.</p> <p>Or, where appropriate, 10 min walk to a rail station offering a 30 min frequency service</p>	<p>Within a 5 minute walk from the site there is a bus stop providing services to Leeds (1 per hour), The White Rose Centre (1 per hour) and Wakefield (1 per hour).(Does not comply)</p> <p>Outwood station is located 1.4 miles from the site (25 minute walk). (Does not comply)</p>

- 10.40 Officers have accepted that whilst the site does not fully meet the accessibility standards, on balance it would not be reasonable to refuse permission on this basis.
- 10.41 The location of the proposed vehicular access is considered acceptable. Some further amendments to the access are required including relocating the dropped kerbs and tactile paving further from the mouth of the junction.
- 10.42 The internal road layout which comprises a block paved shared space street and a TRO to protect the turning head is considered to be acceptable. Vehicle tracking has been provided which demonstrates the internal road layout is acceptable.
- 10.43 The proposed dwellings have sufficient parking (curtilage and garages). The proposed parking provision for the flats, retail unit and medical centre is also considered acceptable. However objections have been received from local residents regarding parking on Meadow Side Road. In order to address these objections officers recommend the extension of waiting restrictions to protect the junction. Conditions are recommended to address these matters.
- 10.44 Subject to conditions and a s278 agreement for the new access, it is not considered the proposed development will result in harm to the local highway network.

#### Other matters

- 10.45 The proposed development has been assessed by officers in Flood Risk Management who raise no objection to the proposal subject to a condition requiring submission of a drainage scheme for surface water drainage.

- 10.45 The proposed development has been assessed by officers in Contaminated Land. No objection has been raised although further information is required by condition.
- 10.47 Due to the proximity of the railway line to the rear of some of the properties a condition is recommended requiring submission of a noise insulation scheme to ensure that the dwellings achieve an acceptable standard of accommodation. A noise buffer running along the site boundary adjacent to the railway line is proposed to provide acoustic mitigation.

#### Response to representations

10. 48 As set out above, objections have been received raising concerns that future residents will park in Meadow Side Road. The proposed scheme provides sufficient parking for the future residents and the medical centre and retail unit. Therefore parking should be contained within the site and there should be no overspill onto Meadow Side Road. Subject to the conditions and required s278 agreement the proposed development is acceptable in highways terms.
- 10.49 Some local residents and ward Councillors have requested further details of the future occupiers of the medical centre and retail unit and there is some concern that these units will not be occupied and converted into commercial use. The applicant has confirmed that they have occupiers lined up however are not able to provide the details of these. It is anticipated that these units would be occupied and not left vacant. If that were to be the case any other use of the ground floor units other than as a health centre (D1) and retail (A1) would require planning permission and the suitability of another use would be considered.

#### Community Infrastructure Levy

- 10.50 The Community Infrastructure Levy (CIL) was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floorspace.
- 10.51 In this case the CIL charge based on the proposed residential floorspace (2170m<sup>2</sup>) would be approximately **£103,682.43**. This would be calculated as part of a future reserved matters application.

#### **11.1 CONCLUSION**

- 11.1 As set out above the application is not policy compliant given that no affordable housing or Public Open Space provision is proposed. However officers have had regard to the independent advice of the District Valuer which advises that a financially viable policy compliant cannot be delivered. Had permission been recommended for approval a s106 agreement for a clawback mechanism for a review of the viability would be required. Officers and members have significant concerns over the design and layout of the development and the amenity of the occupants of the proposed flats. Furthermore it is considered the proposed development provides too many 4 bed dwellings. For these reasons the application does not comply with adopted policies and is therefore recommended for refusal for the reasons set out at the head of this report.

#### **Background Papers:**

Planning application file: 17/05126/OT

Certificate of ownership: signed by applicant.





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MEADOW SIDE ROAD, EAST ARDSLEY

FENCE DETAILS

NOTES

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ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

PILOT NUMBER	REL. NET FLOOR AREA (SQ FT)	BACK GARDEN FLOOR AREA (SQ FT)	BACK GARDEN AS % OF INTERNAL FLOOR AREA	NUMBER OF BEDROOMS
1	492	N/A	N/A	2
2	455	N/A	N/A	1
3	492	N/A	N/A	2
4	492	N/A	N/A	2
5	455	N/A	N/A	1
6	492	N/A	N/A	2
7	1245	984	79%	4
8	1235	952	77%	4
9	1245	1047	84%	4
10	1245	1045	83%	4
11	1235	952	77%	4
12	1245	927	74%	4
13	1235	1100	89%	4
14	1245	940	75%	4
15	1245	1110	89%	4
16	1235	1471	119%	4
17	1235	874	71%	4
18	1235	877	71%	4
19	1235	754	61%	4
20	1235	975	79%	4
21	1200	1015	84%	3

SITE AREA - 0.915.43 SQ. M. / 1.46 ACRES

THIS DRAWING IS BASED ON SURVEY DRAWING NO. 1876/001, PREPARED BY STAMFORD GEOMATICS LTD. AND ORDNANCE SURVEY INFORMATION. IT IS SUBJECT TO CONFIRMATION OF BOUNDARIES / RIGHTS OF WAY / EASEMENTS AND CONSULTATION WITH THE LOCAL AUTHORITY, DESIGN TEAM AND PUBLIC UTILITIES, ETC.

BOUNDARY TREATMENTS

- 1800mm HIGH STONE WALL WITH FEATURE PIERS AND CLOSE BOARDED TIMBER INFILL PANELS
- 1800mm HIGH TIMBER CLOSE BOARDED FENCE
- 1800mm HIGH ACOUSTIC TIMBER FENCE
- 1200mm HIGH RAILINGS
- 1000mm HIGH TIMBER POST & RAIL FENCE

- RETAINING WALLS
- GATE POSTS / PIERS

- BOUNDARY
- EXISTING SEWERS & EASEMENTS

GROUND TREATMENTS

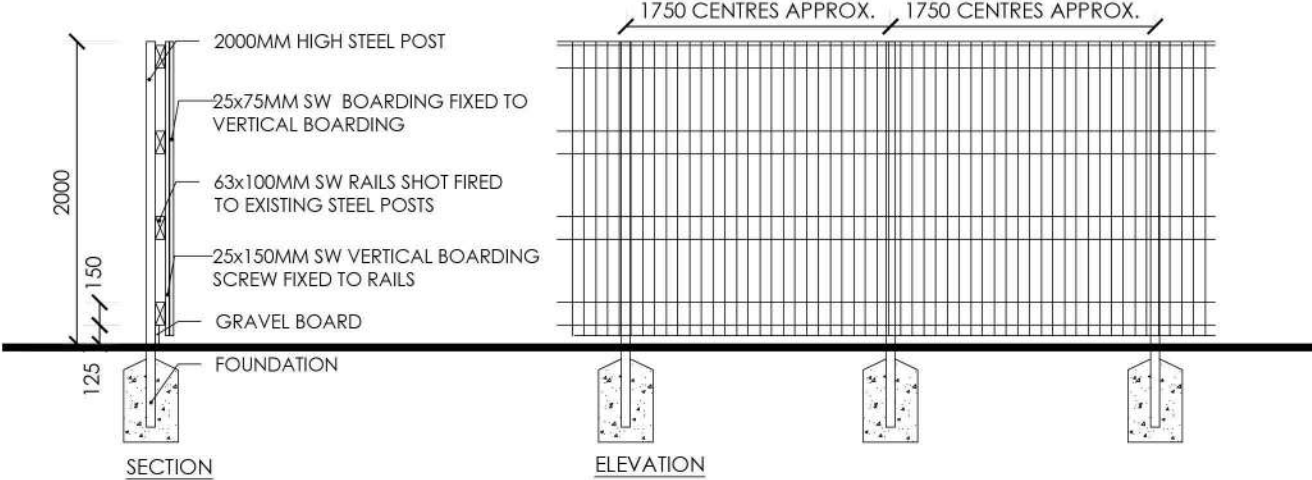
- BRINDLE SETS TO MEWS COURT
- TARMAC TO ESTATE ROAD, PAVEMENTS / FOOTPATH AND DRIVES - UNLESS OTHERWISE STATED
- TURFED AREAS - ALL REAR GARDENS TO BE TURF
- PAVING SLABS TO PATHS & PATIOS
- LOW LEVEL SHRUBS TO INCLUDE SPECIES SUCH AS BOX, COTONEASTER, EUONYMUS, BERBERIS & MAHONIA, INTERSPERSED WITH LARGER SHRUB PLANTING TO INCLUDE SPECIES SUCH AS HAWTHORN, BLACKTHORN, CHERRY, CORNUS & ELDER

GENERAL KEY

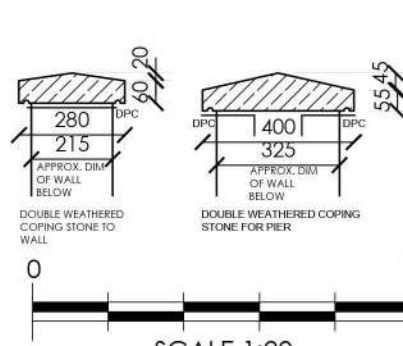
- PEDESTRAIN & VEHICULAR ENTRANCE/S
- GATE
- SIDE WINDOW TO HABITABLE ROOMS (LOUNGE, DINING, KITCHEN, BEDROOM, ETC.)
- PROPOSED TREES TO INCLUDE SPECIES SUCH AS SILVERBIRCH, MOUNTAIN ASH & NATIVE CHERRY
- EXISTING TREES / SHRUBS / HEDGES TO BE REMOVED.
- EXISTING TREES / SHRUBS / HEDGES TO BE RETAINED.
- ROOT PROTECTION ZONES

STOREY HEIGHTS

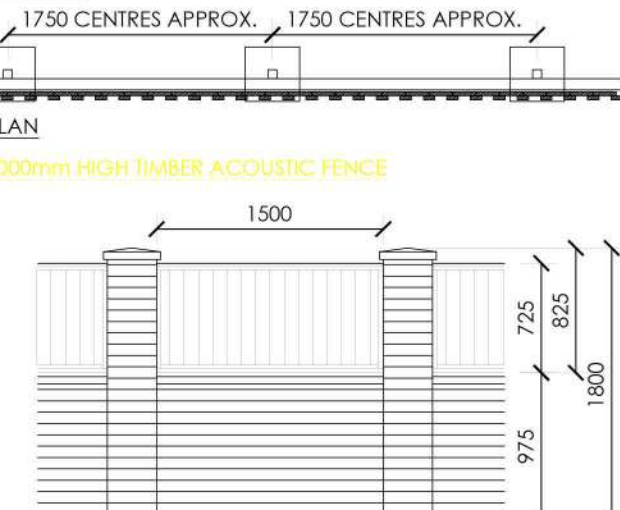
- 1 STOREY
- 2 STOREY
- 2.5 STOREY
- 3 STOREY



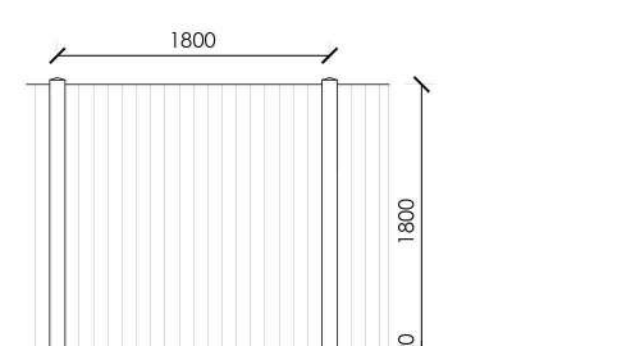
ALL TIMBER TO BE ROUGH SAWN & TANALED



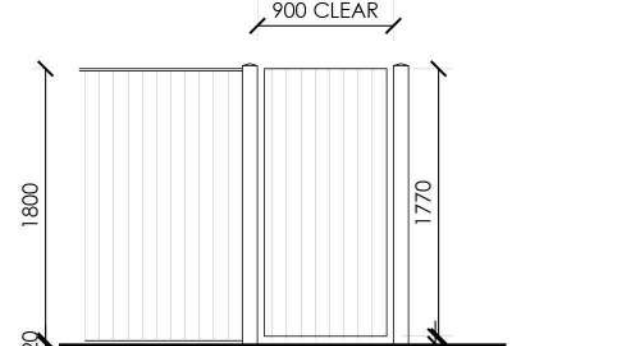
SCALE 1:20



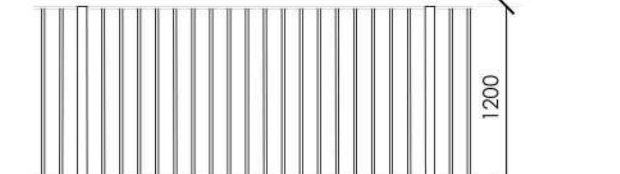
1800mm HIGH BRICK WALLS WITH FEATURE PIERS WITH CLOSE BOARDED TIMBER INFILL PANELS



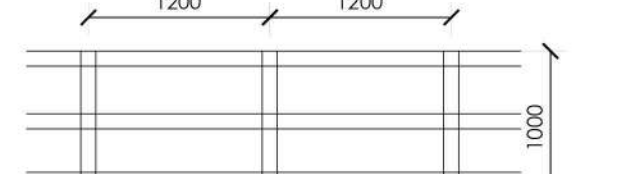
1800mm HIGH TIMBER CLOSE BOARDED FENCE



1800mm HIGH TIMBER GATE

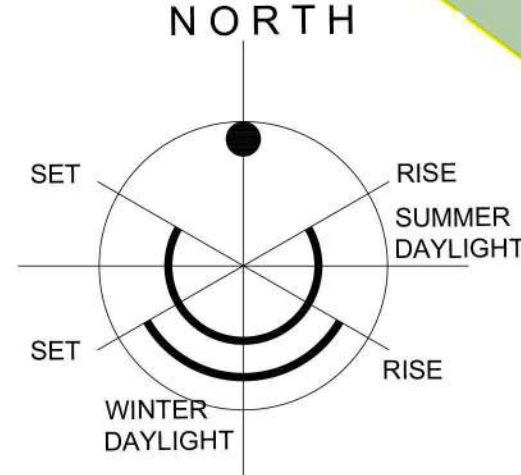


1200mm METAL GALVANISED RAILINGS



1000mm TIMBER POST AND RAIL FENCE

SCALE 1:50



SITE PLAN

SCALE 1:250

CDM 2015

PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING:

- NOT OBVIOUS
- UNUSUAL
- DIFFICULT TO MANAGE

AREA

CONSTRUCTION

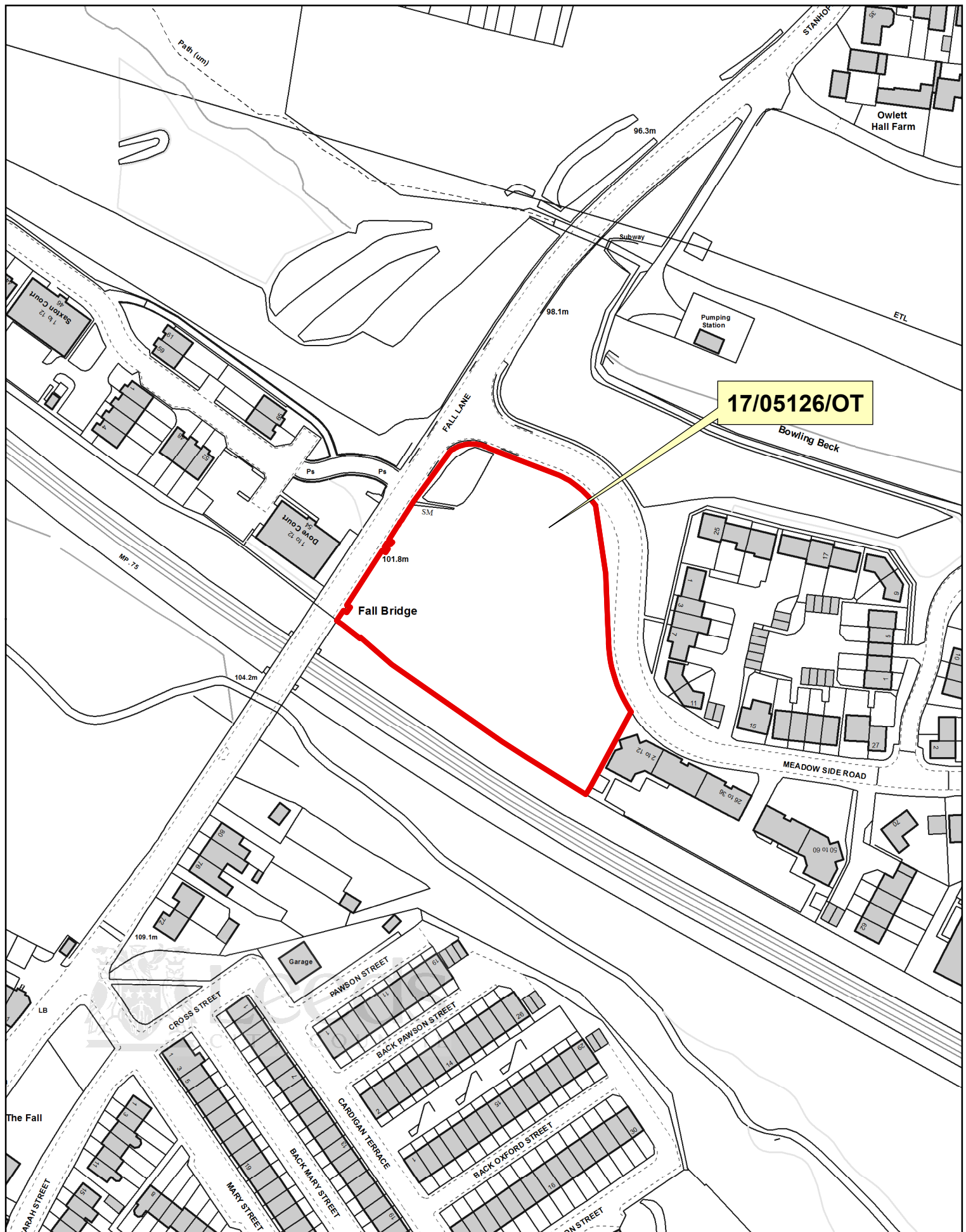
USE

MAINTENANCE

DECOMMISSION



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# SOUTH AND WEST PLANS PANEL

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

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SCALE : 1/1500



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Originator: Michael Doherty  
Tel: 0113 37 87955

## Report of the Chief Planning Officer -

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

Date: 12<sup>th</sup> April

Subject: Application number 17/08353/FU– Site of Former Merry Monk Public House, Kirkstall Hill, Twelve dwellings with access and parking

#### **APPLICANT**

Rouse Homes Ltd

#### **DATE VALID**

8<sup>th</sup> January 2018

#### **TARGET DATE**

09<sup>th</sup> April 2018

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

Yes

Ward Members consulted  
(referred to in report)

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

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

**RECOMMENDATION: GRANT PERMISSION** subject to conditions specified below and also the completion of a Section 106 agreement to include the following obligations:

Offsite greenspace contribution in the sum of £44,842.98 **SCHEME TO BE IDENTIFIED**

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

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. Sample materials to be submitted
4. Prior to the commencement of the development the applicant will submit for approval by the Local Planning Authority construction details of the proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site frontage. The crossings [and/or reinstatements] must be constructed in accordance with the approved details and be fully

implemented prior to the first occupation of the development to the satisfaction of the Local Planning Authority.

5. The approved details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be implemented in full before the use commences and shall be retained thereafter as such for the lifetime of the development
6. Highway Authority approval required via mini Section 278 agreement for proposed access over existing footpath
7. Electric vehicle charging points to be provided
8. Development shall not be occupied until all parking areas are fully laid out, surfaced and drained
9. Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.
10. No new building works shall commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority. Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately
11. Remediation works shall be carried out in accordance with the approved Remediation Statement.
12. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use
13. Remove PD rights
14. Full details of Landscaping scheme and Implementation.

## **1.0 INTRODUCTION**

- 1.1 The application is submitted seeking consent for a new residential development of twelve dwellings. The application is brought before Plans Panel at the request of Cllr Venner who raises concerns regarding design, external amenity space provided to potential occupants and potential impact on highway safety.

## **2.0 PROPOSAL:**

- 2.1 The proposals create a total of twelve dwellings consisting of twelve two bedroom 'quarter' houses, upon the currently vacant Merry Monk site.
- 2.3 The scheme creates three separate residential blocks consisting of 4 dwellings per block. Two dwellings sit to the front of the site adjoined by two properties at the rear, creating a self-contained quarter house arrangement. The properties are two storey in height and to be erected in brickwork with a pitched roof design finished in concrete tiles.
- 2.4 The internal layout of the properties creates an open plan ground floor living/dining area with a kitchen and ground floor WC accessed from the entrance hall. The first floor features two bedrooms with the adjoining dwellings of an identical layout creating an appropriate juxtaposition of internal rooms with bedrooms next to

bedrooms and thus minimising the potential for noise and disturbance between the dwellings.

- 2.5 Parking is to be provided centrally within the site with two new access roads taken from Kirkstall Hill serving a total of 15 spaces.

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

- 3.1 The application site relates to a vacant site which is located on the southern side of Kirkstall Hill. The site previously accommodated the Merry Monk public house which was demolished in 2017. A previous application (17/01721/FU) sought consent for 7 dwellings and was approved 22.06.2017.

The site is level, and cleared with a low brick wall to the front providing separation from the footpath and highway. The area is predominately residential with a mix of properties. Two residential maisonette blocks sit to the west of the site with two larger, high rise, residential blocks (Grayson Heights and Grayson Crest) beyond. A regular pattern of two storey, semi-detached, dwellings run along Kirkstall Hill to the north forming the Edens with a modern development of terrace properties to the south. The site lies in close proximity to Kirkstall District centre, which lies to the south.

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

- 4.1 Planning Application 17/01721/FU. Demolition of existing public house and construction of 6 semi-detached dwellings and one detached dwelling along with new access and parking. Approved 22.06.2017.
- 4.2 Planning Application 17/05214/COND. Consent, agreement or approval required by condition 7 of Planning Application 17/01721/FU. Approved 29.09.2017

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The site has been the subject of a previous application which sought consent for 7 dwellings, consisting of 6 semi-detached properties and 1 detached property. The application was approved, after subsequent amendments to the design and layout. The permission remains extant after the submission and approval of a discharge of condition application 29.09.2017.
- 5.2 The current scheme has been the subject of negotiations after concerns were raised by officers in relation to the initial design and internal space provided for potential occupants. The dwellings have been enlarged with high level windows provided to the side elevations to preserve privacy. A discussion was held with officers and the applicant regarding the possible construction of a larger, single, residential block split into self-contained dwellings however it was considered the design was inappropriate within the locality.

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

- 6.1 Cllr Venner has raised an objection to the scheme raising concerns with the following,

- Breaches of policy in relation to external amenity/garden space
- Highways safety, parking and congestion.
- Public Rights of Way

6.2 Site notices were posted around the application site on 26.01.2018 along with the publication of a newspaper advertisement on 10.01.2018 (Major Development Notice). The publicity period for the application expired on 16.02.2018

6.3 8 objections have been received from local residents and members which raise concerns with the following,

- Over Development
- Highways safety and Parking
- Size and scale
- Internal space standards
- External amenity space and private garden areas

## **7.0 CONSULTATION RESPONSES:**

7.1 Highways –No objections subject to conditions

7.3 Flood Risk –No objections subject to conditions

7.4 Landscape Team – Raised concerns which relate to lack of tree survey, lack of planting, and useable garden space

## **8.0 PLANNING POLICIES:**

### Development Plan

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

### Adopted Core Strategy

8.2 The following core strategy policies are considered most relevant

P10 Seeks to ensure high quality design  
H2 New housing development on un-allocated sites  
H4 Housing mix  
H6 Houses in multiple occupation and flat conversions  
T2 Transport infrastructure  
G4 On Site Greenspace Provision  
Saved Policies - Leeds UDP (2006)

8.3 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

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

### Supplementary Planning Policies

National Technical Housing Standards 2015  
SPG Neighbourhoods for Living, December 2003.  
Leeds Street Design Guide (2009)  
Kirkstall Neighborhood Plan

## **9.0 MAIN ISSUES**

- Principle
- Design and Appearance
- Amenity Considerations
- Landscaping and Trees
- Highways and Parking
- Greenspace
- Planning Obligations and Community Infrastructure Levy
- Conclusion

## **10.0 APPRAISAL**

### **Principle**

- 10.1 The proposed development is located within a residential area with good highways and public transport links. The development seeks to re-develop a vacant brownfield site. The site is not allocated within the emerging Site Allocations Plan (SAP) however the site is brownfield due to its former use as a Public House. The principle of developing this site is concerned with redeveloping a brown field site within an inner city area, for new housing. Policy SP7 of the adopted Core Strategy states that 45% of all new housing within Leeds should be located within the main urban area, and policy H1 states that within the first 5 years of the plan life, 65% of all new housing development should take place upon brownfield sites. It is considered that the proposal complies with these policies, and the objectives of the NPPF which regard to delivering sustainable development on previously developed land. The site is surrounding by housing to all sides and therefore the most appropriate form of development upon this site, is for housing.
- 10.2 Policy H2 of the Core Strategy, which states, the principle of new dwellings would be acceptable on non-allocated land, providing that, "The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development." Furthermore a previous, extant, consent is in place on the site to develop 7 dwellings granted in June 2017, and the site benefits from an extant consent. Therefore the principle of developing this site has housing has already been developed and is extant.
- 10.3 It is considered the site is located within a sustainable location, within a suburban area, with access to public transport. It is therefore considered the proposals meet the requirements of policy T2 and H2 of the Core Strategy and are therefore acceptable in principle, subject to all other material planning considerations.

## **Design and Appearance**

- 10.4 The current proposals seek to erect 12 dwellings over the site which consist of three separate blocks housing 4 'quarter' houses, each of the properties has two aspects. The site lies between a row of tradition styled two storey semi-detached properties, and a set of four storey high maisonettes and a further two high rise blocks beyond. The proposals form a more intensive form of development compared to that of the previous approval for seven dwellings (six semi-detached and one detached) however they are less dense form of housing when compared to the adjacent maisonettes and flats, which lie to the west of the site. It is considered that the scheme creates a visual transition between the higher density flats which feature limited external amenity space, and that of the regular patterned semi-detached dwellings. The design of the scheme takes inspiration from the regular pattern of the semi-detached dwellings and follows the front building line of the properties fronting Kirkstall Hill, albeit in a denser format.
- 10.6 The design and principle of the proposed 'quarter' houses' has already been accepted and constructed on other brown field sites within Leeds. Similar units have been erected as part of a Strata development (granted planning consent in August 2014) at Otter Island (approximately 3 miles away) which created blocks of 3 storey houses set in groups of 4, 6 or 8 units. The proposals form a similar arrangement with a lower height in groups of 4 and provide a dual aspect with outlook from two sides for occupants, providing good levels of natural light and surveillance, avoiding "dead" areas to the sides and rear of the blocks. There is also a similar modern scheme on Bradford Road in Stanningley, LS28 which was constructed around 2010.
- 10.7 The properties are considered of an appropriate design to be finished in red brick with concrete tiles matching the appearance of the dwellings within the immediate vicinity and thus are considered to preserve the character and appearance of the wider street scene. It is considered the properties have the appearance of a semi-detached property, with one side having a front facing gable. The dwellings include heads and cill details to the windows. The hipped roof design of the properties also is considered to reduce the mass of dominance of the proposal.
- 10.8 In summary the design, character and appearance of the scheme is considered positive and thus acceptable with the proposals providing a satisfactory level of amenity for occupants. Conditions are attached which require the submission of appropriate, sympathetic materials prior to commencement.

## **Amenity and Spacing Considerations**

- 10.9 The proposed blocks sit centrally within the site. Approximately 8.0m is retained from the rear boundary and the adjoining vacant parcel of land beyond and it is not considered that the proposal would prejudice any future developments on this site. Approximately 15.0m is retrained from the proposed block to the west of the site and the adjacent maisonettes which is considered to mitigate any issues of over dominance or overlooking. 4.6m is retained from the front façade of the three blocks and the front boundary providing adequate separation from the footpath and highway beyond. The front of the blocks are situated in-line with the existing semi-detached properties which lie to the east. A distance of 1.5m is retained from the block to the east of the site and the side boundary with approximately 5.7m retained to the side elevation of the nearest semi-detached dwelling considered to mitigate any issues of over dominance or overshadowing.

- 10.10 Leeds have adopted a set of Standards, based on the Department for Communities and Local Government Technical nationally described space standards, and this applies to Council Housing. When looking at private housing schemes it is appropriate to assess the scheme against either the Leeds Standard or the DCLG standard, both will carry limited weight at the moment due to the fact that we do not yet have adopted policy for private developers. However they do provide a useful guide against which to assess the practicalities and amenity provision of a housing scheme
- 10.11 The Access space standards require each individual dwelling measures 77m<sup>2</sup>, with a master bedroom 12.1m<sup>2</sup> and a second bedroom 9.1m<sup>2</sup>. These internal dimensions meet with the National Technical Space Standards which require a two bedroom, two story dwelling to measure a total of 70m<sup>2</sup> with a master bedroom of 11.5m<sup>2</sup> and a single bedroom 7.5m<sup>2</sup>.
- 10.12 Each property has its own garden area. These vary in size between the properties from 65m<sup>2</sup> to 32m<sup>2</sup> in size. Guidance contained within Neighbourhoods for Living SPD requests that new build dwellings should achieve an external garden area 2/3rds the gross internal floor area. In this instance the proposed dwellings measure 77m<sup>2</sup> with 2/3<sup>rd</sup> equating to 52m<sup>2</sup>. The majority of the proposed gardens meet with this requirement and are considered adequate to provide a satisfactory degree of amenity. The two dwellings to the rear of each block benefit from the larger gardens, these are approximately 8.0m in length. The 3 right hand, front facing, units have the smallest garden areas at circa 32m<sup>2</sup>. It is noted that garden areas do vary in size and do not all meet with the guidance of the adopted SPD 'Neighbourhoods For Living'. However due to the unusual format of the development and communal parking areas provides, the development is not considered a traditional housing format, and the small garden areas proposed to offer an amenity function to the future occupiers. It is important to note that the adjacent maisonette development do not offer private garden spaces.
- 10.14 A further condition is recommended to be attached to the scheme removing Permitted Development rights for the properties which prevents further extensions and outbuildings being erected without consent due to the limited space retained and thus preserves the external space as garden areas.

### **Landscaping and Trees**

- 10.15 Concerns have been raised in relation to the proposed planting to the front of the site in that the proposed planting beds should be made deeper in order to establish along with front gardens and continuous hedges. In this instance the adjacent maisonettes and high rise flats are devoid of planting with only a small area of grassland to the rear, fronting Kirkstall Hill. The former public house which occupied the site until 2017 was also devoid of planting with a red brick wall, beer garden and stepped access to the front. The dwellings to the frontage, facing Kirkstall Hill, feature new planting and soft landscaping to create a break from the footpath and highway beyond.
- 10.16 Amendments have been secured to the proposal which include areas of landscaping buffers around the side of the blocks, to provide a degree of privacy to the future occupiers of the development and communal parking areas. The proposed front garden areas create a visual break, and buffer between the development and highway however retain an emphasis on the front façade of the

residential blocks, allowing an open front boundary with a low brick wall topped with railings, similar to the existing front boundary of the maisonettes and provide good levels of surveillance. It is considered the amount of landscaping is appropriate given the function/ size of the development and the character of the locality.

- 10.17 A full landscaping scheme is recommended to be conditioned on the approval of the application. It is considered that further revisions to the landscaping could comprise the availability of car parking upon the site, which is required to ensure the development does not result in high levels of on-street parking.

### **Highways and Parking**

- 10.18 The development offers 16 parking spaces for 12 properties which equates to parking provision of 1.25 spaces per property. Highways have requested 16 parking spaces, however it is not considered the proposal could be refused solely due to lack of single parking space. As described in paragraph 10.15 providing further parking would reduce the amount of landscaping on-site. There also does not appear to be an issue within the immediate locality with regard to high levels of on-street parking.
- 10.19 The site is located in a sustainable location with good access to public transport on Kirkstall Hill/ Burley Road. The facilities of the Kirkstall District Centre are also within walking distance, and there are also shops, restaurants, bars, gyms etc. along Kirkstall and Burley Roads and its environs. It is not considered the proposal would be occupied by persons where car ownership levels are high due to the size and format of the dwellings proposed. Cycle parking is also proposed. It is considered that the proposal complies with policy T2 of the adopted Core Strategy.

### **Greenspace**

- 10.20 Policy G4 relates to the provision of onsite greenspace and in this instance requires 80 sqm of onsite greenspace per dwelling from all schemes with 10 or more dwellings that are located in areas deficient of green space. The proposals do not include any on site greenspace and thus an off-site contribution is required in lieu. It is not considered there is any scope to deliver green space on-site, due to the small brownfield windfall nature of the application site. The site has an area of 0.182 ha and the on-site green space requirement for 12 dwellings equates to 0.096, which is over half of the site areas. It is important to also note that requirements policy G4 are been reviewed through the Selective Core Strategy Review 2018, due to such issues with delivering on-site green space on smaller sites such as this.
- 10.21 Local Plans have calculated the cost of providing this amount of greenspace offsite as follows,
- Laying Out: £19,196.55
  - Off Site Maintenance: £14,564.31
  - On Site maintenance: £0
  - Off Site Fixed Play: £ 7,953.08
  - Professional Fees: £3,129.04
  - **Total: £ 44,842.98**

### **Planning Obligations and Community Infrastructure Levy**

- 10.22 The proposals create a total of twelve residential flats. The site falls within CIL Zone 2b which incurs a CIL levy of £45m<sup>2</sup> gross internal floor area.



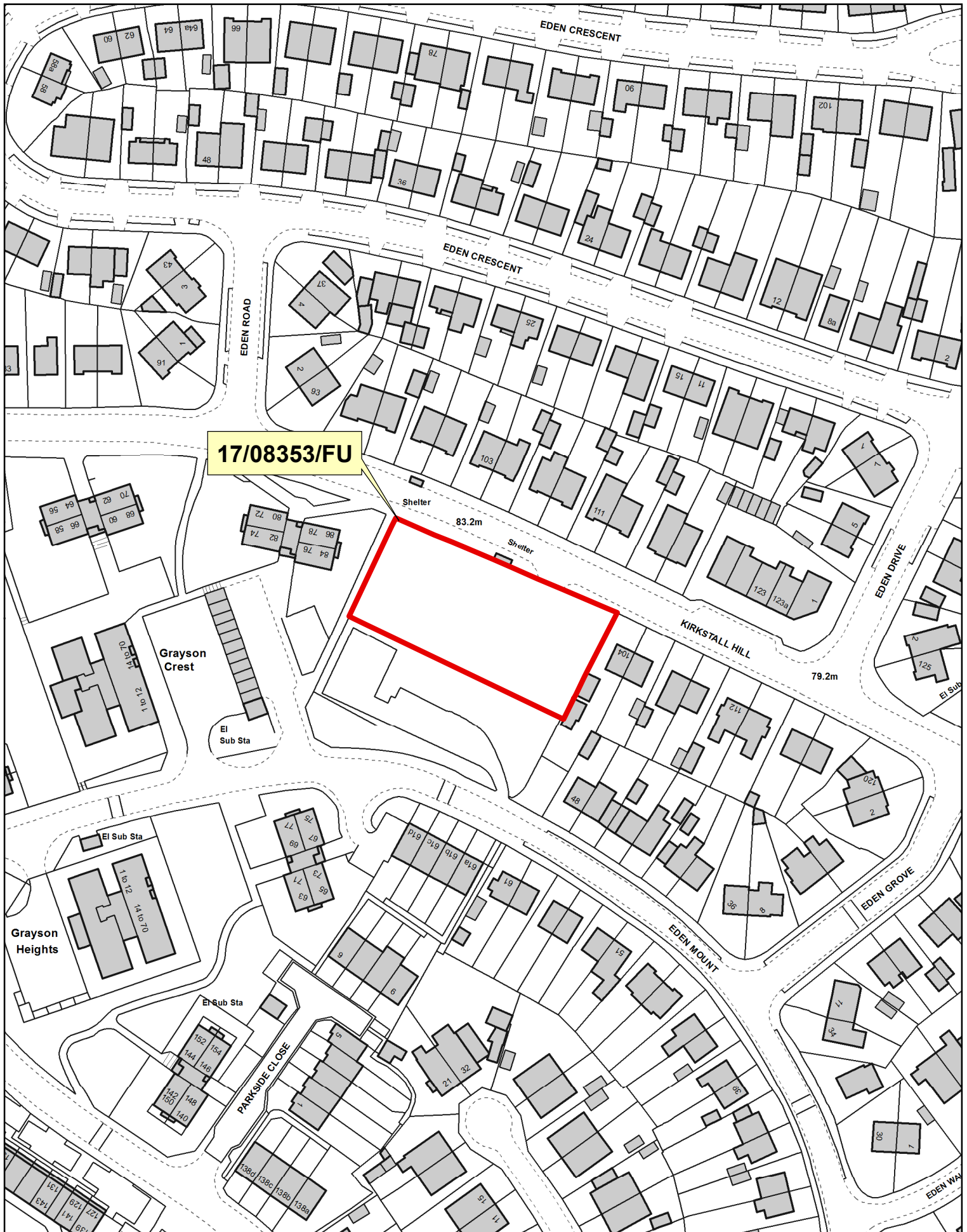
- 10.23 The scheme creates a total CIL levy of £35,032.24
- 10.24 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:
- (i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.
  - (ii) Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
  - (iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.
- All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

## **11.0 CONCLUSION**

- 11.1 In light of the above, the application is considered to be acceptable. The development would deliver a bespoke form of quality housing upon a brown field site, and the form of the development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety, subject to appropriate planning conditions.

### **Background Papers:**

Certificate of ownership: signed by applicant.  
Planning application file. 17/08353/FU



# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1250





Originator: Kate Mansell

Tel: 0113 378 8019

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 12<sup>th</sup> April 2018

**Subject: Planning Application 17/08056/FU** - Variation of Condition 12 (stone sample panel) of approval 13/03007/FU to vary the external walling material in relation to the development of six pairs of semi-detached two storeys dwellings on land and premises opposite 60 to 68 Half Mile Lane.

#### APPLICANT

Mr Andrew Roberts

#### DATE VALID

6<sup>th</sup> December 2017

#### TARGET DATE

7<sup>th</sup> March 2018

#### Electoral Wards Affected:

Bramley and Stanningley

☐ Y

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to conditions to cover those matters outlined below (and any others which he might consider appropriate) and the completion of a S106 Deed of Variation agreement to ensure that the following are secured as they were in the original planning permission 13/03007/FU:**

1. Greenspace contribution - £30,337.55
2. Provision of parking restrictions on Half Mile
3. Easement – details of location, restrictions and access for maintenance
4. Local employment in construction of housing

1. Development in accordance with the approved plans.
2. Bat Mitigation Method Statement in relation to boundary walls.
3. No site clearance in bird breeding season.
4. Bat roosting and bird nesting opportunities.
5. Driveway gradients to note exceed 1 in 12.5%
6. Visibility Splays
7. Cycle parking details

8. Laying out of areas to be used by vehicles to be surfaced and drained.
9. Contractors site plan.
10. Sample of all walling and roofing materials to be submitted.
11. Sample panel of external walling (stone or artificial stone) and roofing.
12. Sample of all surfacing materials.
13. Details of all new walls and fences shall be submitted.
14. Landscape details.
15. All trees on site that are shown to be retained to be protected.
16. Tree protection.
17. Tree replacement if new trees damaged/destroyed within 5 years.
18. Windows to all bathrooms to be obscured glazed.
19. Removal of Permitted Development Rights in relation to extensions/alterations.
20. Separate drainage systems.
21. Details of surface water drainage.
22. Phase 1 Risk Assessment
23. Details of any imported soil.
24. Details of a construction methodology for the retaining wall.
25. A risk assessment in relation to the existing retaining wall.

## **1.0 INTRODUCTION**

- 1.1 This planning application is presented to Plans Panel on the basis that it seeks to amend a condition that sets out a requirement for a sample panel of the external walling material to be constructed in stone as a facing material (Condition 12) that was imposed at the request of Plans Panel in determining the original planning approval for 12 dwellings on this site in accordance with 13/03007/FU. Plans Panel considered that application on 30<sup>th</sup> January 2014. The applicant is seeking to utilise artificial stone as an alternative.
- 1.2 Members are advised to note that this application originally proposed to vary Condition 7 (visibility splays) and Condition 12 but the applicant has decided to remove Condition 7 from this application to prevent any undue delay. An application to vary Condition 7 has been re-submitted as a separate application in accordance with 18/01601/FU, which is now pending consideration. It is also noted that this application was originally described as a variation to Condition 11 (sample of walling and roofing materials) but this was incorrect, as Condition 11 makes no reference to stone. The only reference to stone is set out at Condition 12 and the description of development has been updated accordingly.

## **2.0 PROPOSAL**

- 2.1 This application is a Section 73 Variation of Condition submission to vary Condition 12 (external materials sample) of planning permission 13/03007/FU, which requires the following:

*'No construction shall not take place until a sample panel of the external walling (stone) and roofing materials has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of external walling (stone) and the colour and type of jointing material. The materials shall be constructed in strict accordance with the sample panel(s), which shall not be demolished prior to completion of the development.'*

*In the interests of visual amenity and to ensure that the stonework harmonises with the character of the area, in accordance with adopted Leeds UDP Review (2006) policies GP5 and the National Planning Policy Framework’.*

The applicant wishes to amend the condition to amend the reference to stone on the grounds of the cost to the development as natural stone is approximately three times the price of artificial stone and the fact that the site does not lie within a Conservation Area with a variety of materials within the locality. The condition will be amended to refer to stone or artificial stone.

- 2.2 Plans Panel determined planning application 13/03007/FU on 30<sup>th</sup> January 2014. That report to Plans Panel makes the following reference to materials:

*‘The proposed materials are facing brick and some small areas of render, whilst it is accepted that surrounding residential development is of mixed design and materials the design of the properties has picked up local characteristic with their scale and use of projecting gable. It is considered appropriate to conditions this use of materials’.*

Accordingly, the applicant at that time (Chartford Lunn LLP) was proposing to utilise red brick and render. However, although the Panel Resolution makes no specific reference to the imposition of a condition pursuant to the use of natural stone, it is understood that the issue of natural stone was discussed in the course of that Plans Panel and the decision notice was subsequently amended to include reference to stone within Condition 12. There are, in fact, two conditions relating to materials; Condition 11, which seeks details and samples of all external walling and roofing materials and makes no reference to stone and then Condition 12, noted above, which requires the construction of a sample panel of external walling material in stone and a requirement that ‘the materials shall be constructed in strict accordance with the sample panel’.

- 2.3 At the time of writing this report, an exact artificial stone alternative has not been agreed but the applicant is seeking to amend the condition to remove the reference to solely stone in any event. The applicant is in the process of constructing a number of sample panels, which will be available for Members to view on site prior to the Plans Panel meeting.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 Historical maps evidently indicate that the application site was in use as a sandstone quarry in the mid-Nineteenth Century until the late Nineteenth Century, after which it was subsequently backfilled. The land then became disused albeit that prior to the granting of planning permission for residential development it was last used primarily as a paddock for grazing horses.
- 3.2 As noted above, planning permission was granted for the redevelopment of the site for 12 houses on 16<sup>th</sup> June 2014 following the Panel Resolution on 30<sup>th</sup> January 2014. In June 2017, the applicant did commence work on the access road pursuant to formal commencement ‘in the course of laying out or constructing a road or part of a road’ as defined by Section 56 of the Town and Country Planning Act.
- 3.3 The surrounding area is residential with varying house styles and building materials. To the east, two storey red brick semi-detached houses along Half Mile Lane face onto the site from a higher level. Opposite the site to the south is a terrace of three

brick two storey houses. To the south-west is a cluster of traditional two storey stone houses. A new stone-detached house at 2a Half Mile has a curtilage along a substantial part of the western boundary.

- 3.4 There is a public right of way running along the western boundary of the site that is evidently not owned by Leeds City Council. This has been very overgrown in the past and difficult to access although it has recently been cleared as a result of the applicant removing vegetation within his boundary. The footpath does not form part of the red line boundary of the application

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

- 4.1 The most relevant planning history is summarised below:

17/01628/COND: Discharge of conditions pursuant to 13/03007/FU including Conditions 11 and 12 (materials).

It is relevant to note that the Council have previously agreed a suitable material for the construction of this development, which is machine pitched 140mm stone course walling from Britannia Quarries, Morley. This is the same material used in the construction of 2a Half Mile Lane. Subsequently, the applicant has advised that this material is not affordable on this development, hence this current application.

13/03007/FU: Residential development for 6 pairs of semi-detached two storey dwellings (12 new dwellings in total).  
Approved: 16<sup>th</sup> June 2014 (agreed subject to a Section 106 legal agreement)

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

- 5.1 There was no formal pre-application discussion on this application.

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

- 6.1 The application was initially advertised by means of a site notice and a press notice in the Yorkshire Evening Post, published on 5<sup>th</sup> January 2018. Three objections to the application have been received from residents at 2A and 8 Half Mile Lane and 4 Farsley Beck Mews in relation to the change to the materials, which can essentially be summarised as follows:

Stone reflects the character and quality of the external façade as on all properties that reside to the southern boundary and it has always been a pre-requisite of all current residents on the western side of Half Mile Lane. The neighbour notes that all recent developments in Stanningley and Farsley have been constructed in natural stone and reference is made to the development of Varleys Yard (14 houses) at the end of Gladstone Terrace.

Natural stone must be used to maintain the development to be in keeping with the surrounding properties.

- 6.2 Ward Members have been made aware of the application although no formal representations or comments have been submitted.

#### **7.0 CONSULTATION RESPONSES**

There are no statutory or non-statutory consultation responses in relation to the proposed variation to the condition.

## **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 unallocated on the UDP Policies Map.

8.3 On the basis that works have commenced pursuant to planning permission 13/03007/FU, the assessment of this application relates purely to the use of materials on the grounds that the principle of residential development was established by the previous planning permission and it is not for consideration of assessment as part of this application.

### Adopted Core Strategy

8.4 The following Core Strategy policies are considered most relevant:

Policy P10: Design

### Saved Policies - Leeds UDP (2006)

8.5 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.

### Relevant supplementary guidance:

8.6 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. There is none directly relevant to the consideration of this application.

### National Planning Policy Framework (NPPF)

8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014 replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development. It is noted that a draft revised NPPF is currently out for consultation (5<sup>th</sup> March 2018 – 9<sup>th</sup> May 2018) albeit that it attracts no weight at this point in time.

8.8 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.

- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to design, the NPPF confirms at Paragraph 56 that the Government attaches great importance to the design of the building environment and good design is a key aspect of sustainable development.
- 8.12 With regard to the imposition of planning conditions, Paragraph 206 of the NPPF advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## **9.0 MAIN ISSUES**

- 9.1 The main issue to consider in the determination of this application is whether an artificial stone is an acceptable alternative to a requirement to only use natural stone to allow Condition 12 to be amended to remove the reference solely to stone and to include reference to artificial stone.
- 9.2 The Council must also consider representations received as part of the public consultation exercise.

## **10.0 APPRAISAL**

- 10.1 This application seeks to vary Condition 12 of 13/03007/FU to remove the specific reference to stone only. The applicant is seeking to construct the development in an artificial stone to be agreed. Accordingly, the applicant is seeking to amend Condition 12 to require the construction of a sample panel on site as follows:

*No construction shall take place until a sample panel of the external walling (stone or artificial stone) and roofing materials has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of external walling and the colour and type of jointing material. The development shall be constructed in strict accordance with the sample panel(s), which shall not be demolished prior to completion of the development.*

*In the interests of visual amenity and to ensure that the material harmonises with the character of the area.*



- 10.2 Core Strategy Policy P10 reinforces the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. Within the UDP, Saved Policy BD5 advises that new buildings should be designed with consideration of their own amenity. These policies reflect guidance within the NPPF.
- 10.3 In this case, the application site lies between two different material contexts. The majority of houses on Half Mile Lane to the immediate east of the application site and on the immediate approach to the site to the south-east are constructed in red brick with either grey or red tiled roofs. However, the houses to the west along the Half Mile cul-de-sac and including the dwelling at 2a Half Mile Lane are all constructed in natural stone, which sets the backdrop to the development when arriving in a southerly direction along Half Mile Lane. The boundary wall to the site is also in natural stone.
- 10.4 Whilst it is considered that natural stone is certainly an acceptable material within the context of the application site, this application must consider whether the condition limiting the development to natural stone is reasonable having regard to Paragraph 206 of the NPPF.
- 10.5 In this regard, it must be acknowledged that the site does not lie within a Conservation Area. Accordingly, there is not a Conservation Area Appraisal that specifies the use of a specific material in order to deliver a contextual response. Moreover, equally it could be argued that red brick is a contextual material given its predominance within the surrounding context and it is presumably for this reason that a red brick development was originally proposed as part of 13/03007/FU albeit that Members of the Plans Panel in 2014 did not consider red brick to be acceptable at that time.
- 10.6 In terms of recently approved development within the locality, the nearest development is that at Belgrave Works on Town Street, comprising the Lidl store and 9 new retail units. Town Street also comprises a mixture of stone and red brick development and in that case, the new retail units (excluding Lidl) are constructed in red brick. In their representation, one of the local residents makes reference to the development at Varley's Yard, Gladstone Terrace as being an appropriate quality of material. This development was approved in accordance with 13/00706/FU but the discharge of condition application in relation to materials (13/05308/COND) makes reference to artificial stone such that it is considered that this development is not constructed in natural stone.
- 10.7 Overall, whilst the recommendation of Panel Members to require that a sample panel be constructed on site in natural stone is fully understood given the proximity to traditional stone dwellings within the close vicinity of the site, it is considered that it is not a reasonable condition given the varied context. It is determined that an alternative material in artificial stone could reasonably be submitted that would equally deliver a development of an appropriate quality to ensure good design that is appropriate to its scale and function in accordance with Core Strategy Policy P10, Saved UDP Policy GP5 and guidance within the NPPF. On this basis, it is recommended that the variation of condition to allow consideration of a sample panel of artificial stone be approved.

## **12.0 RESPONSE TO REPRESENTATIONS**

- 12.1 Whilst the preference of those residents that have responded to this application for the use of natural stone is fully understood and acknowledged, the reasons for recommending a variation to Condition 12 are set out above.

## **13.0 PLANNING OBLIGATIONS**

- 13.1 The previous planning approval 13/03007/FU was subject to site-specific requirements to be secured via a Section 106 agreement as detailed below:

1. Greenspace contribution - £30,337.55;
2. Provision of parking restrictions on Half Mile;
3. Easement – details of location, restrictions and access for maintenance;
4. Local employment in construction of housing.

On the basis that a Section 73 approval results in the issue of a new permission, this application is subject to the completion of a Deed of Variation that re-secures the measures outline above.

- 13.2 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

- (i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.
- (ii) Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
- (iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

## **14.0 CONCLUSION**

- 14.1 This application is a Section 73 Variation of Condition submission to vary Condition 12 (external materials sample) of planning permission 13/03007/FU, which requires the following:

*'No construction shall not take place until a sample panel of the external walling (stone) and roofing materials has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of external walling (stone) and the colour and type of jointing material. The materials shall be*

*constructed in strict accordance with the sample panel(s), which shall not be demolished prior to completion of the development.*

*In the interests of visual amenity and to ensure that the stonework harmonises with the character of the area, in accordance with adopted Leeds UDP Review (2006) policies GP5 and the National Planning Policy Framework’.*

The applicant wishes to amend the condition to remove the reference to stone only on the grounds of the cost to the development as natural stone is approximately three times the price of artificial stone and the fact that the site does not lie within a Conservation Area with a variety of materials within the locality.

- 14.2 Having regard to Paragraph 206 of the NPPF and whether the condition limiting the development to natural stone is reasonable, it is concluded that given the varied context, an alternative material in artificial stone could reasonably be submitted that would equally deliver a development of an appropriate quality to ensure good design that is appropriate to its scale and function in accordance with Core Strategy Policy P10, Saved UDP Policy GP5 and guidance within the NPPF. On this basis, it is recommended that the variation of Condition 12 to allow consideration of a sample panel for an artificial stone be approved and Condition 12 be amended to the following:

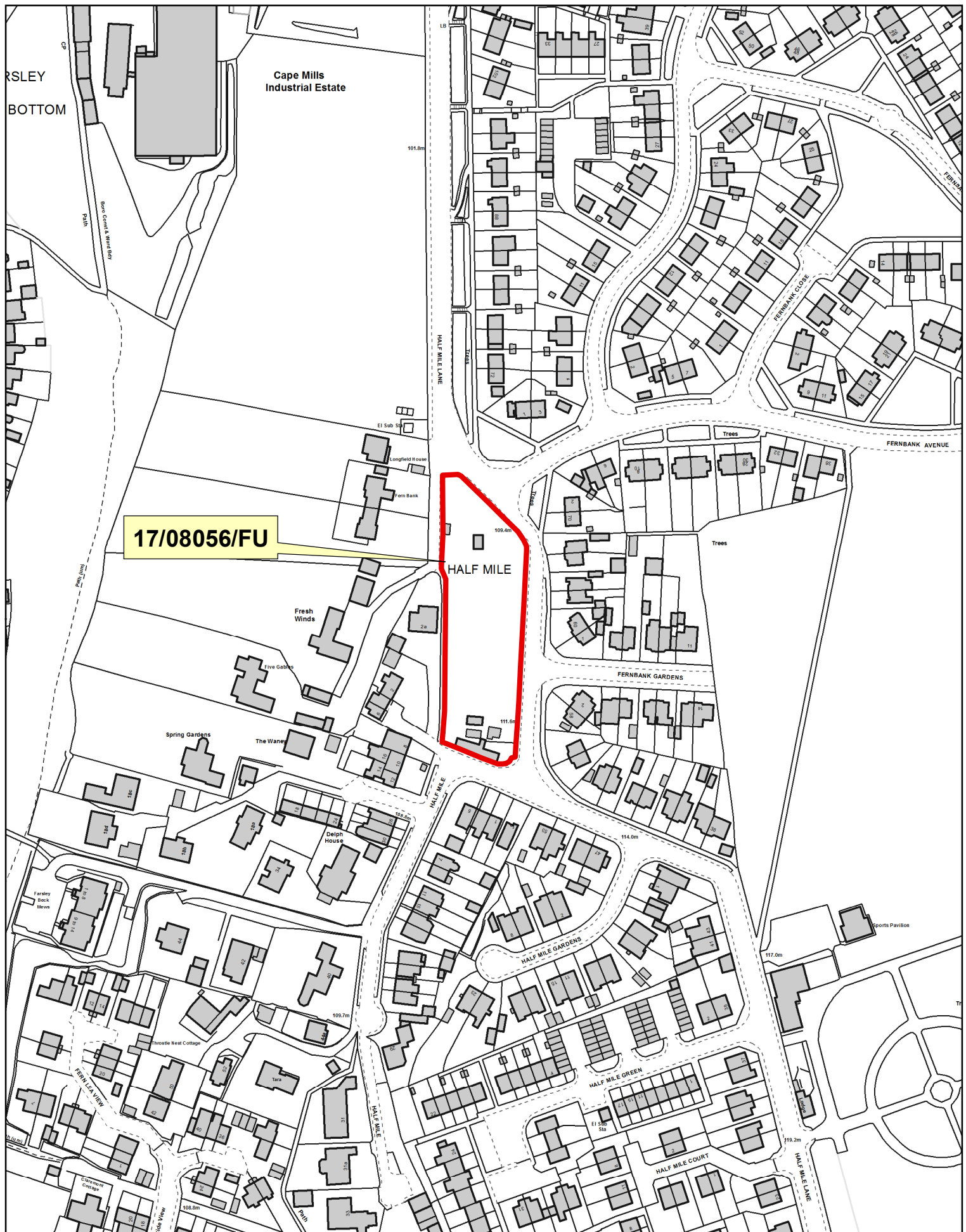
*No construction shall take place until a sample panel of the external walling (stone or artificial stone) and roofing materials has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of the external walling (stone or artificial stone) and the colour and type of jointing material. The development shall then be constructed in strict accordance with the sample panel(s), which shall not be demolished prior to completion of the development.*

*In the interests of visual amenity and to ensure that the material harmonises with the character of the area.*

**Background Papers:**

Application file and previous application: 13/03007/FU and 17/08056/FU

Certificate of Ownership: Certificate B signed.



# SOUTH AND WEST PLANS PANEL

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SCALE : 1/2000







KEY.

- 215mm wall 950mm max. high
- 215mm screen wall with fence infill
- retaining structure
- screen fence 1800mm high
- 450mm high timber knee rail
- rollings

Bin Store

Bicycle shed

Existing Tree

Proposed Tree

Existing Tree to be felled

title boundary

Line of highway retaining wall easement

SCHEDULE OF HOUSE TYPES

C - 3 bedroom, 2 bathroom semi detached house - 913sqft - 11 no.

A - 3 bedroom, 2 bathroom semi detached house - 936sqft - 1 no.

D - LPA/Highway Requirements - January 2014

C - LPA/Highway Requirements - November 2013

Chartford Lunn

Progress House  
99 Bradford Road  
Pudsey  
Leeds  
West Yorkshire  
LS28 6AT  
Tel 0113 236 2777  
Fax 0113 236 2888

Residential Redevelopment  
Half Mile  
Farsley  
Leeds  
LS

Development Plan

Area

Date March 2012

Scale 1/200 @ A1

Dwg sheet  
CH/43/002  
D

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