



SOUTH AND WEST PLANS PANEL

Meeting to be held in the Civic Hall on
Thursday, 17th May, 2018
at 1.30 pm

MEMBERSHIP

Councillors

S Arif	J Bentley	B Anderson	T Leadley
C Gruen (Chair)		P Wadsworth	
P Gruen			
S Hamilton			
E Nash			
D Ragan			
N Walshaw			

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

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 12 APRIL 2018</p> <p>To confirm as a correct record, the minutes of the meeting held on 12 April 2018.</p>	3 - 8
7	Horsforth		<p>APPLICATION 18/01138/FU - 238 WEST END LANE, HORSFORTH LEEDS, LS18 5RU</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a detached dwelling.</p>	9 - 22
8	Beeston and Holbeck		<p>APPLICATION 18/00367/FU - LAND AT 245 ELLAND ROAD, BEESTON, LEEDS</p> <p>To receive the attached report of the Chief Planning Officer regarding an application for the change of use of land to car sales, siting of portacabin and storage container and fencing.</p>	23 - 34
9	Kirkstall		<p>APPLICATION 17/07502/FU - TOTAL RIVERSIDE GARAGE, KIRKSTALL ROAD, BURLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for works to southern boundary and addition of new fencing.</p>	35 - 44

Item No	Ward	Item Not Open		Page No
10	Middleton Park		<p>APPLICATION 17/07450/FU - LAND AT SISSONS LANE, MIDDLETON, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for 18 affordable dwellings to vacant site.</p>	45 - 58
11	Ardsley and Robin Hood		<p>APPLICATION 17/05126/OT - LAND OFF FALL LANE AND MEADOWSIDE ROAD, EAST ARDSLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for mixed use development.</p>	59 - 84
12	Ardsley and Robin Hood		<p>APPLICATION 17/07967/FU - THE BUNGALOW, MOOR KNOLL LANE, EAST ARDSLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a single storey rear extension, side extension and access ramp.</p>	85 - 94

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

To all Members of South and West
Plans Panel

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

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

Our reference: SW Site Visits
Date: 08/05/18

Dear Councillor

SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 17th May 2018

Prior to the meeting of the South and West Plans Panel on Thursday 17th May 2018 the following site visits will take place:

Time	
09.25 am	Depart Civic Hall
09.45am	17/05126/OT - Outline application for mixed use development – Land off Fall Lane and Meadowside Road, East Ardsley - Depart 10.00 am
10.15 am	17/07450/FU - 18 Affordable Dwellings to Vacant Site – Land at Sissons Lane, Middleton – Depart 10.30 am
10.45 am	18/00367/FU - Change of Use of Land to Car Sales, Siting of Porta Cabin, Storage container and Fencing – Land at Former 245 Elland Road, Beeston – Depart 11.00 am
11.25 am	18/01138/FU - One detached Dwelling – 238 West End Lane, Horsforth – Depart 11.40 am
12 Noon	Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 09.25am. Please notify Steve Butler (Tel: 224 3421) if you wish to take advantage of this and meet in the Ante Chamber at 09.20 am.

Yours sincerely

Steve Butler
Area Planning Manager

This page is intentionally left blank

SOUTH AND WEST PLANS PANEL

THURSDAY, 12TH APRIL, 2018

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, S Arif,
D Blackburn, D Congreve, M Coulson,
R Finnigan, P Gruen, D Ragan, C Towler
and R Wood

95 Exempt Information - Possible Exclusion of the Press and Public

The Panel was advised that Agenda Item 7 – Application 17/05126/OT – Land off Fall Lane and Meadowside Road, East Ardsley had an appendix which contained information relating to financial matters and was considered to be exempt under Access to Information Procedure Rule 10.4 (3)

96 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest.

Councillor C Gruen informed the Panel that she had been involved in discussions with regard to Agenda Item 9, Application 17/08056/FU – Land and premises opposite to 60 to 68 Half Mile Lane and would not take part in the discussion or voting on this application. Due to this a nomination was sought for a Member to Chair the Panel for the duration of that item.

RESOLVED – That Councillor P Gruen take the Chair for Agenda Item 9, Application 17/08056/FU – Land and premises opposite 60 to 68 Half Mile Lane.

97 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Bentley and P Davey.

Councillor D Blackburn and Councillor P Gruen were in attendance as substitutes.

98 Minutes - 15 March 2018

RESOLVED – That the minutes of the meeting held on 15 March 2018 be confirmed as a correct record.

99 Application 17/05126/OT - Land off Fall Lane and Meadowside Road, East Ardsley

Draft minutes to be approved at the meeting
to be held on Thursday, 17th May, 2018

The report of the Chief Planning Officer presented an outline application for a mixed use development for a medical centre, retail, six flats and fifteen dwellings on land off Fall Lane and Meadowside Road, East Ardsley.

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

The following was highlighted in relation to the application:

- The proposals had been presented to Panel at the meeting held in February 2018. Members had not been supportive of the application and had expressed concerns regarding the housing mix, design and layout, lack of amenity space and lack of contribution for affordable housing/greenspace. There had been some small amendments to the proposals since.
- The site is situated between two larger developments and has remained undeveloped despite having previous planning approvals.
- There had been 10 letters of objection for the proposals and 2 letters of support. It was largely felt that this area of wasteland needed redevelopment.
- It was recommended that the application be refused. The design was not considered up to more modern standards but could be considered reflective of the wider estate and previous developments.

The applicant addressed the Panel. The following was highlighted:

- A mixed residential scheme had been approved for the site in 2008. This did not happen due to the economic downturn and a new developer had been sought ever since.
- This scheme had been developed following consultation with the local community. There had been an expressed desire for a new health centre and chemists provision.
- The proposals had been supported by planning officers and was due to be delegated for approval until it was informed that due to viability issues it would be referred to Panel.
- There were case law examples of other schemes with similar viability and the District Valuer had confirmed that the scheme was not viable with contributions for greenspace and affordable housing contributions.
- A payment of £95,000 towards off site greenspace provision had been made in 2008 with regard to the previous application. Correspondence from a planning officer at that time indicated there had been an over provision of greenspace provision and it was felt no further provision was acceptable.
- Had the plans been approved in December as was initially indicated, work would already have commenced on the site. A chemist was in place to move on the site as soon as ready and negotiations had taken place with a health provider.
- Adjacent schemes had 3 and 4 storey properties on site and the views that the housing mix was not appropriate was untenable.

- Further to questions from the Panel, the applicant indicated that the £95,000 contribution made in 2008 for a children's play area had not been spent. He also confirmed that he had received correspondence regarding the over provision of greenspace and a contribution towards education. It was further mentioned that the applicant would be willing for further negotiation with regard to areas of concern, but other options included appeal if the scheme be refused or the removal of the health centre provision and chemist for more housing provision and this would not reflect the desires of the local community.

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

- There was concern that the Panel had not seen the correspondence referred to.
- With regard to this application there had not been any payments towards public assets. The scheme would normally be liable to greenspace and affordable housing contributions but the District Valuer had confirmed that this would not be viable.
- The scheme was liable for a Community Infrastructure Levy contribution in the region of £100,000
- There would be no financial obligations from the development of the health centre. It was clear that there was a local need for this provision.
- With regards to design, what had previously been approved in 2008 was not necessarily acceptable now and changes to the layout could improve this.
- The previously approved scheme was similar in layout and provision of health centre and chemist provision.
- It was suggested that the application be deferred to allow the Panel to receive further clarity on the correspondence that had been referred to. It was reported that there were other concerns that had led to the recommendation for refusal. A deferral would be more appropriate if the applicant was committed to further negotiation regarding the layout and design.
- Concern that there had not been any significant change following the views expressed when consideration was given to the position statement at the February meeting.
- Further clarification was sought regarding the occupation of the health centre.

RESOLVED – That the application be deferred for officers to provide clarity on the context of letters referred to with regard to over provision of greenspace etc. To explore further with the applicant what had been agreed with regard to the occupation of the commercial units. To engage further with the applicant with regard to revisions to the housing mix and layout. The application to be re-advertised with particular regard to the housing to the East.

100 Application 17/08353/FU - Site of former Merry Monk Public House, Kirkstall Hill

The report of the Chief Planning Officer presented an application for the development of twelve dwellings with access and parking at the former Merry Monk Public House site at Kirkstall Hill.

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 proposal was for twelve houses which would be 2 bedroom quarter houses in three blocks.
- Objections had been received from a local Ward Councillor and local residents. These objections included the small garden sizes, highway safety and public rights of way.
- The site was a brownfield site and surrounded by housing at all sides.
- The house sizes all exceeded minimum standards. Half of the gardens would meet or exceed size standards.
- The scheme had been amended to give one more parking space. This would allow 1.33 spaces per property.
- There had not been any objections from highways.
- The site was in a sustainable location with good public transport links.
- The application was recommended for approval.

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

- Internal soundproofing would be covered under building regulations.
- Quarter houses had shown to be popular in other areas and there was a demand due to affordability.
- It was felt that the proposed development was n fitting with the area.

RESOLVED – That the application be approved subject to conditions specified in the report 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.

Councillor P Gruen took over as Chair of the meeting.

101 Application 17/08056/FU - Land and premises opposite 60 to 68 Half Mile Lane.

Draft minutes to be approved at the meeting
to be held on Thursday, 17th May, 2018

The report of the Chief Planning Officer presented an application for the variation of Condition 12 (stone sample panel) of approval 13/03007/FU to vary the walling material in relation to the development of six pairs of semi-detached two storey dwellings on land and premises opposite to 60 to 68 Half Mile Lane.

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

Further issues highlighted included the following:

- The application was originally approved in 2014.
- The applicant wants to amend the condition relating to the material for the external walls of the houses.
- The condition for stone walls was imposed by Panel.
- Members were shown samples of stone and artificial stone at the site visit.
- The officer view was that the condition be amended to allow artificial stone and that the application be approved.

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

- Members were asked to agree on the principle of artificial stone and for this to be reflected in the variation to the condition.
- The Panel was advised that the quality of artificial stone had improved since the original decision and it was suggested that Ward Members be consulted regarding the materials to be used.
- Members were broadly supportive of samples of artificial that had been seen.

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

Stone/artificial stone sample to be discharged in discussion with Ward Members.

102 Date and Time of Next Meeting

Thursday, 17 May 2018 at 1.30 p.m.

This page is intentionally left blank



Originator: Susie Watson

Tel: 0113 378 7972

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th May 2018

Subject: 18/01138/FU – One detached dwelling at 238 West End Lane, Horsforth, Leeds, LS18 5RU

APPLICANT

Mr & Mrs J and J Hanley

DATE VALID

1 March 2018

TARGET DATE

20 May 2018

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Application recommended for refusal on the following grounds:

1. The Local Planning Authority considers that the proposed development would be harmful to the established pattern of development and the character of the area and, given its scale and massing, would appear visually intrusive and incongruous. As such the proposal is contrary to Policies H2, P10 and P12 of Leeds Core Strategy, with policy GP5 of the Leeds Unitary Development Plan (Review 2006), with the guidance contained within Leeds City Council's Neighbourhoods for Living Supplementary Planning Guidance and with the policies and guidance set out in the National Planning Policy Framework.
2. The Local Planning Authority considers that the application would, given its location, scale, massing and design, have an adverse impact on neighbouring living conditions as a result of overlooking, dominance, overshadowing and increased noise and disturbance. As such the proposal is contrary to Policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006), to Policy P10 of Leeds Core Strategy and with the guidance contained within Leeds City Council's Neighbourhoods for Living Supplementary Planning Guidance and the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application seeks planning permission for the erection of a detached dwelling on land to the rear of 238 and 240 West End Lane.
- 1.2 This application is brought to Panel at the request of the Panel Chair, Councillor Gruen as she is of the opinion the nature of conflicting views and perspectives mean the proposal is sensitive.

2.0 PROPOSAL

- 2.1 This application proposes a 5 bedroom dwelling with an attached guest suite on land that currently forms part of the rear gardens of 238 and 240 West End Lane. Access to the proposed dwelling would be via the existing driveway to the side of number 238. The existing garage and side porch to number 238 would be demolished to access the site. Parking for number 238 would be retained on the existing hard standing in its front garden. The proposed new dwelling would have a detached double garage to the rear of its site as well as a hard standing for cars to park and turn.
- 2.2 The proposed dwelling would be located primarily in the rear of the garden of number 240 and its main garden area and driveway / parking area would primarily be within the part of the site that currently forms part of the rear garden of number 238. The proposed dwelling would be located at right angles to this existing pair of properties with a side elevation facing their rear elevations and the main front elevation extending parallel to the boundary with number 242 West End Lane. It would be 4.8m from the boundary with number 240 and a minimum of 4.3m (and a maximum of 5.3m) from the boundary with number 242. The property would have an overall frontage length of 24m with the main dwelling having a width of 14.5m and measuring 9.2m high (2 storeys plus rooms in the roof). Attached to the main dwelling would be a single storey element to be used as a guest suite. This element would be located 2.7m from the boundary with 38 Southway and would have a height of 4.4m (2.4m to eaves).
- 2.3 A contemporary approach has been taken with regard to the design and this is reflective of the design and character of the dwellings in the locality, as are the proposed materials of painted render with stone detailing and a grey slate roof. Windows and doors would be composite and grey powder coated aluminum.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is currently part of the rear gardens of 238 and 240 West End Lane, a pair of large semi-detached dwellings set in substantial grounds. They are located on edge of the built up limits of Horsforth - the land opposite the site to the west is open countryside and designated as Green Belt. The properties on this part of West End Lane are substantial detached and semi-detached properties set within generous landscaped gardens. The predominant walling material is painted render with stone detailing and a mix of slate and tiled roofs.

4.0 RELEVANT PLANNING HISTORY

- 4.1 *238 West End Lane*
13/03882/FU – two storey side / rear extension with first floor rooflight to side; new glass lantern roof over existing sun room and porch to front – approved October 2013.

- 4.2 *240 West End Lane*
07/03160/FU – two storey side extension, single storey rear extension and porch to front – approved July 2007.
- 07/00832/FU – part single storey part 2 storey side extension, porch to front and conversion of loft to form room in roofspace – approved March 2003.
- H27/44/82 – sun lounge to rear – approved April 1982.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The plans have been revised during the course of the application in order to address Highways concerns and to amend the location / extent of driveway within the grounds of the proposed dwelling, thereby removing the driveway from the front and side of the proposed dwelling.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was advertised by a site notice posted on the 16th of March 2018 and neighbour notification letters dated the 2nd of March 2018.
- 6.2 In response to the original submission 8 letters of representation were received from local residents and one from Horsforth Town Council.
- 6.3 Horsforth Town Council object to the application and consider that the proposed dwelling would overlook adjacent properties and amenities.
- 6.4 The letters from local residents also raised objections, which are summarised as follows.
- Position of dwelling is incongruous to surroundings and contrary to established character and visual amenity.
 - Scale and bulk will dominate and result in visual intrusion to neighbours.
 - Noise and disturbance to neighbours due to location of driveway and house.
 - Lack of garden for proposed dwelling.
 - Will overlook neighbours and overshadow garden at 242.
 - Removes most of the garden to existing dwellings and provides insufficient space around the proposed dwelling.
 - Plans do not show existing mature trees in neighbouring gardens some of which would be directly affected.
 - Increased traffic detrimental to highway and pedestrian safety.
 - Width of access doesn't meet minimum standards.
 - Not comparable to development at 1 Southway – previously developed land, served by an existing access road and comprehensively planned with regard to local character.
 - Drainage is an issue in the area and more buildings and hard surfaces will worsen problems.
 - Contrary to policies of the Core Strategy, Unitary Development Plan, Neighbourhoods for Living, Leeds Street Design Guide and NPPF.
 - There is no material planning justification for the applicant's desire to fulfil their dream of building a new home and this does not outweigh the harm to the character of the area and neighbouring amenity. Financial challenges of an applicant are irrelevant to planning policy.

- The other justification for the development (the need to support an aging parent) is also questioned as it is already fulfilled as they live adjacent to each other.

6.5 The plans were then revised to address Highways concerns and to amend the location / extent of driveway within the grounds of the proposed dwelling, removing the driveway from the front and side of the proposed dwelling. The neighbours were re-consulted on this and 7 further representations have been received from local residents. Again, these raise objections which are summarised as follows.

- The revised plans do nothing to address the previous objections but do give rise to new objections
- Removing the proposed drive from the front of the property reduces intrusion from lights, noise and pollution to 238, 240 and 242 but does nothing to prevent overlooking.
- The revisions move the noise and disturbance from vehicles from the boundary with number 242 West End Lane to the area in close proximity to 40 Southway.
- The practicality of the design is questioned – are occupants going to carry shopping etc. from cars all the way to the front of the house? If constructed as proposed it will only be a matter of time before requests are made for additional driveway.
- The revised proposals move the driveway closer to the side of 238 and remove any access to the rear garden other than through the property. The side door of 238 also exists directly onto the proposed driveway.
- There are discrepancies in the number of parking spaces required by the applicant. This should be clarified.
- Joining the 2 drives together merely adds to the problem of cars coming out safely.
- The leniency on highway requirements is questioned. Why is the Highway Department allowing a visibility splay of 2.4m x 23m when the requirement of Leeds Street Design Guide is 2.4m x 25m?
- The driveway does not meet the minimum 3.3m width as the boundary has been measured from the boundary fence but should be from the side gutter of 236.

6.6 With regard to the revisions Horsforth Town Council have commented that they continue to object and repeat their previous comments which still stand.

6.7 Ward Members have also been consulted on the plans but no formal comments have been received.

7.0 CONSULTATION RESPONSES

7.1 Highways originally objected on the grounds of narrowness of the access, inadequate visibility and reduced turning space for 238. The plans have since been revised and additional information provided and this objection has been overcome. On the revisions Highways have advised that the annex to the proposed dwelling must remain ancillary and that a revised plan is required showing the repositioning of a wall at the end of the proposed driveway. They confirm that West End Lane is now 20mph and that the visibility of 2.4m x 23m shown on the plans is acceptable.

7.2 Flood Risk Management has no objection to this development and advice that the site is probably viable to infiltrating SuDS. Conditions relating to the submission of a feasibility study and drainage scheme are recommended.

7.3 Horsforth Civic Society objects to the application and is concerned by its “garden grabbing” nature. It is a substantial new house that will be close to other houses and

will overlook some. Very little green space is provided for the new house and left for 238 and 240.

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

- H2 – new housing on unallocated sites.
- P10 – high quality design.
- P12 – local distinctiveness to be conserved.
- T2 – accessibility and highway safety.

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

GP5 - development proposals should resolve detailed planning considerations.

BD5 – protection of amenity.

LD1 – protection of vegetation.

8.4 The following Supplementary Planning Policy documents are relevant:

- Neighbourhoods for Living
- Street Design Guide
- Horsforth Design Statement

National Planning Policy

8.5 The National Planning Policy Framework (NPPF) sets out the Governments Planning Policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.

8.6 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.

9.0 MAIN ISSUES

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highways safety

10.0 APPRAISAL

Principle of Development

- 10.1 The application site lies within an established residential area and is unallocated in the adopted Core Strategy and is also not allocated within the emerging Site Allocations Plan. Policy H2 of Leeds Core Strategy relates to residential development on unallocated sites. This policy contains 3 criteria:
1. the number of dwellings should not exceed the capacity of local infrastructure,
 2. the location should accord with accessibility standards, and
 3. Green Belt policy is satisfied.
- 10.2 The site is not within the Green Belt and the location does accord with accessibility standards detailing distances to local amenities, transport links, schools and employment. The scale and form of the development is such that it is not considered to put any undue pressure on local infrastructure including the highway network, schools and health services. The proposal is therefore considered to comply with these 3 criteria.
- 10.3 The NPPF annex specifically excludes domestic garden curtilages from the definition of previously developed land. As such, the site should be regarded as Greenfield. The Local Planning Authority therefore has a responsibility to make an assessment of relevant factors, for example, the impact of the proposal on the character of the area and neighbour amenity which is referred to in paragraph 53 of the NPPF.
- 10.4 In addition to the 3 criteria listed above, Policy H2 of the Core Strategy also states that greenfield land:
- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area, or
 - b) May be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sport & Recreation Assessment (PPG17Audit).
- 10.5 The site is a private residential garden and as such part b) is not of relevance but part a) is. In this case it is considered that the site makes a valuable contribution to the spatial character of the area and this is discussed in more detail under 'visual amenity' below. It is considered that the scheme does not comply with policy H2 of the Core Strategy.

Visual amenity

- 10.6 Current guidance on design matters aims to raise the standards of urban design and to create safe and distinctive places that have their own identity but respond to and reinforce local character. The NPPF states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design". It also states that development which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".
- 10.7 The City Council's adopted Supplementary Planning Guidance 'Neighbourhoods for Living' was produced to complement the Unitary Development Plan and specifically to provide developers in the Leeds area with further clarity with regard to:

- The themes and principles of residential design

- The character and essence of Leeds
- Submission requirements and analysis based process.

- 10.8 On page 10 of this document it is stated that “developing in existing urban areas requires a response to context”. This requirement is promoted further in the *use* principles set out on page 15 where it is set out that proposals should “relate the site to its particular neighbourhood or character area and consider how particular attributes or activities can be strengthened”.
- 10.9 In the *form* section local character is discussed and it is stated (page 40) that a key objective is “to ensure that proposals respect the local character by enhancing the positive attributes whilst mitigating negative aspects”. It goes on to state that “the site context should be analysed in detail to determine its positive and negative characteristics” ...and “a more thorough analysis will be expected in sensitive areas, such as conservation areas or adjoining listed buildings. A development should reinforce or enhance the positive aspects of the locality.”
- 10.10 It is not considered the development proposed respects the form and character of the locality. The site lies in a suburban residential area with a relatively low density. Many of the dwellings, especially on this section of West End Lane, stand within large gardens, and almost all dwellings are located towards the front of their plots facing onto a road frontage. The layout and position of the proposed dwelling within the plot means it would have no road frontage and would therefore be out of character with the development in the surrounding area.
- 10.11 The siting of a dwelling in the rear garden as proposed would reduce the size of the existing rear garden and be uncharacteristic and contrary to the established pattern of development in the locality. The long rear gardens of the application site and adjacent dwellings, and their open and green nature, are highly valued positive contributors to the character of the locality and provide a sense of spaciousness that the proposal would erode. Whilst not visible from the public highway, the proposed dwelling would be highly visible in views from neighbouring houses and gardens and would, given its scale and massing, appear visually intrusive and incongruous in a garden setting.
- 10.12 In light of the above it is considered that the proposal fails to respect the historic form of development in the locality and local distinctiveness and as such is out of keeping with the established character. It is therefore harmful to visual amenity and contrary to policy GP5 of the Leeds Unitary Development Plan, to policies H2, P10 and P12 of Leeds Core Strategy, to the advice set out in ‘Neighbourhoods for Living’ and to policies contained within the NPPF.
- 10.13 Despite the above concerns with regard to the placing of a dwelling on this site and its impact on character, there are no concerns with the design of the dwelling itself. This is a contemporary approach that respects the design of the dwellings in the locality.

Residential amenity

- 10.14 UDP policy BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
- 10.15 Supplementary Planning Guidance ‘Neighbourhoods for Living’ sets out a series of minimum distances to be used as a guide when planning new developments to help ensure sufficient amenity is provided to both the proposed development and also to any existing neighbouring development. However, a proposal is not necessarily acceptable just because it meets these guidelines. Regard must also be had to local character.

Furthermore, it is also questioned whether it is appropriate to use these guidelines as the development does not have a traditional layout. These guidelines are often more appropriate for new developments / estates where a proposal is not being imposed on an established development.

- 10.16 The proposed dwelling would be located a minimum of 4.3m (and a maximum of 5.3m) from the boundary with number 242 West End Lane and would have an overall length of 24m, 14.5m of which would be 9.2m high (2 storeys plus rooms in the roof). Windows in this elevation would be between 4m and 5.3m from the boundary and at first floor level would serve a study and landing area. Guideline distances set out in Neighbourhoods for Living advises that such windows should be a minimum of 7.5m from the boundary to prevent any adverse overlooking. The proposal would seriously impact on the privacy of number 242 from first floor windows and also number 240, as a proposed bedroom window faces directly towards this property at a distance of only 4.8m from the boundary. The proposal therefore does not comply with these guidelines with the SPG.
- 10.17 Number 242 would also be seriously dominated by the proposed dwelling due to its scale and massing and proximity to the common boundary. For these reasons and given the orientation of the sites to one another the proposed dwelling would also cast considerable shade to the garden at 242, including to its main outside seating area. This would have an impact on the residential amenity of this property and therefore does not comply with policy GP5 of the UDP.
- 10.18 The proposed access would be to the side of number 238, via the existing driveway which runs immediately along the outer side wall of this dwelling and immediately adjacent to the side of number 236. Such a proposal would therefore result in an increase in noise and disturbance to the occupiers of these neighbouring houses from additional pedestrian and vehicle movements. Furthermore, there would be a significant increase in noise and disturbance to neighbouring properties, including to numbers 238 and 240 with their reduced gardens, resulting from the domestic activities associated with the proposed dwelling given the more intensive use of this rear garden area.
- 10.19 In order to try and overcome concerns about the impact of vehicle movements on neighbouring properties the extent of the driveway has been reduced. It was originally proposed to run along the rear boundary with 238 and 240 and then along the common boundary with number 242. Whilst this would reduce some noise associated with vehicle movements to some properties, it would have only a minimal impact on noise and disturbance from the site. It must also be questioned if this is a realistic solution as the front of the property is some distance from the parking areas.
- 10.20 In light of the above it is considered that the proposal conflicts with policies GP5 and BD5 of the Leeds Unitary Development Plan, to Policy P10 of Leeds Core Strategy and to guidance set out in 'Neighbourhoods for Living'
- 10.21 Despite the significant intrusion into the rear gardens of numbers 238 and 240 West End Lane, the proposal would retain gardens of sufficient size for these existing dwellings and would also provide a garden of sufficient size to serve the proposed dwelling, when assessed against guidelines set out in Neighbourhoods for Living. These guidelines recommend that private gardens should be a minimum of 2/3 of the gross floor area of the dwelling with a minimum depth of 10.5m from ground floor living rooms.

Highways

- 10.22 In relation to highway safety, the plot is of sufficient size to accommodate a vehicle turning area, off-street car parking and a satisfactory means of access. Sufficient parking (2 spaces) is retained for number 238 on the existing hard standing in its front garden.
- 10.23 Highways have confirmed that West End Lane is now 20mph and that the visibility of 2.4m x 23m shown on the plans is acceptable. This is 2m shorter than the requirement set out in the Leeds Street Design Guide (LSDG) (requires 2.4m x 25m) but Highways have advised that this is appropriate in this instance.
- 10.24 When looking right out of the driveway sightlines of 25m are achievable, however when looking left it is only possible to see for 23m. Despite this, vehicles approaching from the right will be driving on the side of the road nearest the site therefore it is more important visibility to the nearside kerb is achievable in this direction. Vehicles approaching from the left will be driving on the left hand side of the road (opposite side of the road to the site) where a sightline of 23m is achievable to the nearside kerb. Visibility of 2.4m x 25m is however achievable to the centre line of the road meaning oncoming vehicles would be visible for the desired 25m.
- 10.25 The adjacent property has visibility splays of 2.4m x 8m which is considerably less than those of proposed site and the standards in the LDSG. Notwithstanding the above paragraph section d of paragraph 3.120 of the LDSG states "Relaxations may be considered if the full recommended standards are not achievable" and in this situation relaxed standards are seen to be appropriate. In this case, it is not considered that an objection over 2m of visibility when looking left out of this site can be justified for the reasons stated above.
- 10.26 At the access onto West End Lane the proposed dwelling would share an access with number 238. It is not considered that this would result in any additional conflict as the area of shared space is purely for vehicles to enter and exit the site and not for the parking of vehicles.
- 10.27 In light of the above the Highways Department do not raise objections as the proposal would not prejudice the pedestrian or highway safety. The proposal therefore complies with Policy T2 of Leeds Core Strategy.

Other matters

Representations

- 10.28 The comments made by local residents are summarised in the 'Public/Local Response' section above and it is considered that the planning issues relevant to this application have been discussed in above appraisal. However, and notwithstanding this, the following points, raised by neighbours, require further comment (neighbour comments in *italics*).
- *Plans do not show existing mature trees in neighbouring gardens some of which would be directly affected.*
These trees are not within the application site and whilst some of the branches do overhang the site they are unlikely to be directly affected by the proposed development. If the application were to be progressed with a recommendation of approval then it would be appropriate to condition tree protection measures and the submission of an arboricultural method statement.

- *Drainage is an issue in the area and more buildings and hard surfaces will worsen problems.*
Flood Risk Management have been consulted on the application and do not consider that the proposal would adversely affect drainage in the area. There is no evidence to suggest that, if approval were to be recommended, surface water drainage could not be adequately controlled by conditions.
- *There are discrepancies in the number of parking spaces required by the applicant.*
The application form submitted with the application advises that 10 parking spaces would be provided for both the existing dwelling at 238 and the proposed new dwelling. The applicant has since clarified that the existing dwelling would retain 2 parking spaces on its driveway to the front and that 3 spaces would be provided within the site of the new dwelling.

10.29 Correspondence has also been received from the applicant in response to the objections raised. One of the issues raised in this is that the proposal is not detrimental to character as there are a number of garden land developments in the immediate vicinity. The 'garden' sites referred to are detailed below along with planning officer comments on them.

10.30 252 West End Lane

It would appear that this property was approved under applications:

- H27/201/87 – outline application to layout access and erect detached house with double garage to nursery garden – approved December 1987.
- H27/37/88 – 5 bedroom detached house with detached double garage to nursery garden site – approved March 1988.

Whilst this property is built in a 'backland' location it would appear to have been built on the site of a former nursery garden. It is also not considered to be directly comparable to the current application site given this dwelling is situated further from its boundaries with a greater amount of space around it. Access to it is also not immediately adjacent to the side of neighbouring properties. It was also approved a significant time ago with different planning policies than today.

10.31 2a Southway

It would appear that this property was approved under application:

- H27/154/79 – laying out of access and erection of 3 bedroom detached dormer bungalow with detached garage – approved June 1979.

Again this property was approved a significant time ago with different planning policies than today. It also appears to have built on the site of a former nursery garden.

10.32 254 West End Lane

This property was approved under applications:

- 27/176/02/OT – outline application to erect detached house – approved October 2002.
- 27/82/03/FU – 5 bedroom detached house with detached double – approved May 2003.

This is not considered to be comparable to the application proposal as it is located on a plot with a road frontage onto West End Lane. Access to it is also directly off West End Lane and not along the side of neighbouring properties.

10.33 *Four Corners, West End Lane*

The only planning history that can be found in relation to this property is an extension in 2004. The property therefore appears to have been built prior to 1974. For this reason and due to the fact it has a road frontage, it is not considered comparable to the current application.

10.34 *1 Southway*

This is a recent development of 4 houses (15/06872/FU) and is not considered comparable to the development proposed as part of this application. The site of 1 Southway was previously developed land, where a dwelling was demolished to allow for 4 houses. The 4 houses are served by an existing access road and all have a frontage facing onto this. This development was comprehensively planned in order to respect to local character e.g. the road form and layout reflects that on the opposite side of the entrance to Southway off Brownberrie Lane. It should be noted that this application was originally refused, as officers considered that 4 houses was cramped and incongruous to local character, but was allowed on appeal.

11.0 CONCLUSION

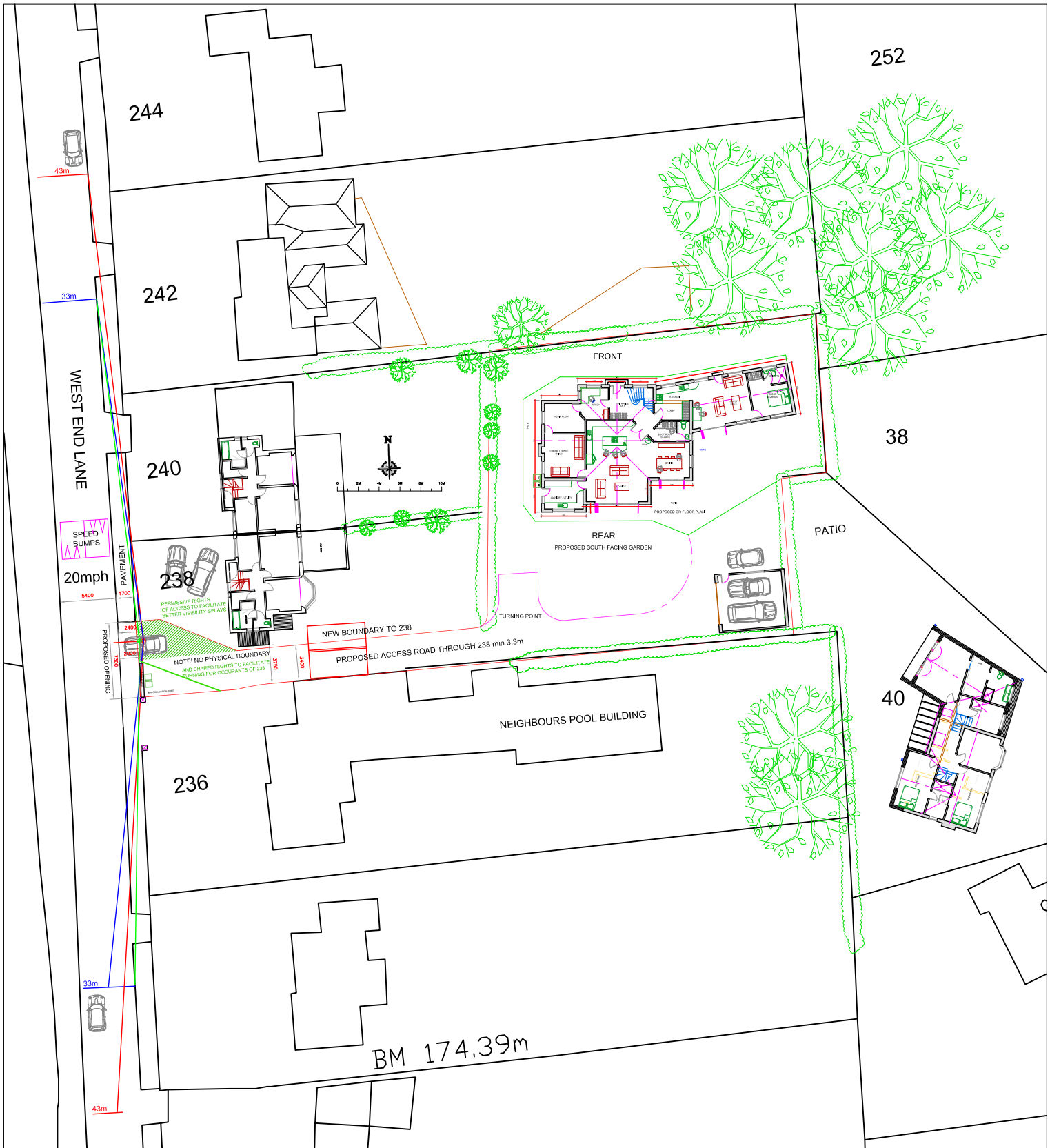
11.1 This application raises significant and serious concerns with regard to its impact on both visual and residential amenity. It is considered that the proposal is inappropriate to local context and character and would be highly intrusive to neighbouring properties, having a harmful impact on their living conditions as a result of dominance, overlooking, overshadowing and an increase in noise and disturbance. For these reasons the proposal is considered to be contrary to both local and national planning policy, hence the recommendation of refusal.

Background Papers:

Planning application file: 18/01138/FU

Planning application file: 12/04631/FU

Certificate of ownership: signed by applicant.



CLIENT
MR. & MRS JAMIE HANLEY

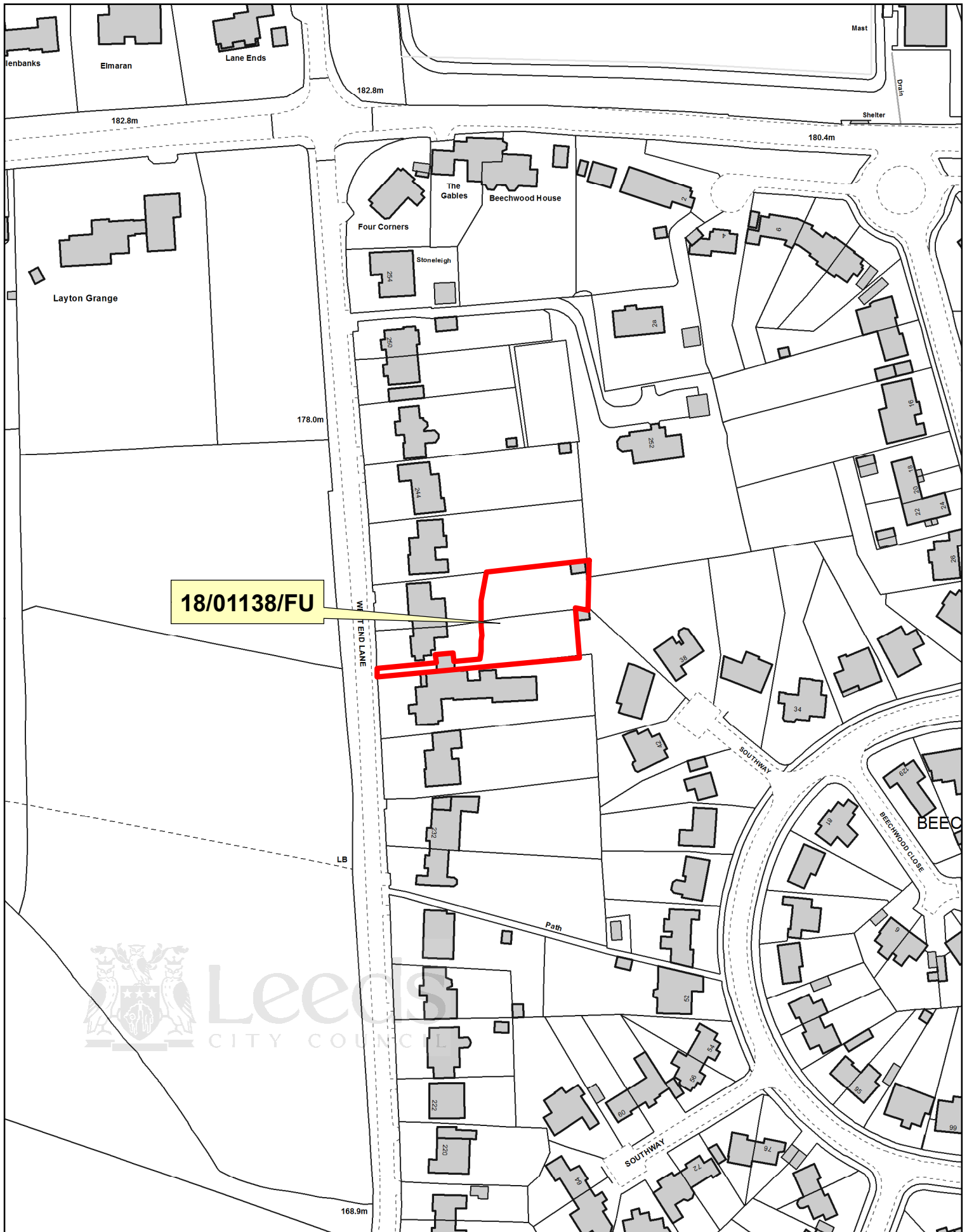
PROJECT
238 / 240 WEST END LANE
HORSFORTH LS18 5RU

TITLE
LOCATION PLAN

SCALE 1:500  DATE 12/02/18

DRAWN PMS CHECKED TBA

2842 05 



SOUTH AND WEST PLANS PANEL



This page is intentionally left blank



Originator: Ian Cyhanko

Tel: 0113 3787953

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th May 2018

Subject: Planning Application 18/00367/FU- Change of use of land to car sales, siting of porta cabin and storage container (to accommodate a generator) and fencing on land at 245 Elland Road, Beeston, Leeds

APPLICANT

Mr S Spencer

DATE VALID

17.1.2018

TARGET DATE

18.5.2018 (PPA)

Electoral Wards Affected:

Beeston and Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve subject to the following conditions

1. Temporary 3 year use.
2. List of plans to be approved.
3. Details of fencing to be submitted and approved by the LPA.
4. Maximum of 20 cars to be displayed on site for sale.
5. Scheme to control noise emitted from generator to be approved in writing by the LPA. The scheme shall limit noise to a level equal to the existing background noise level (L90)
6. Delivery of vehicles to be restricted between the hours of 09:00 and 19:00 Monday to Friday.
7. Hours of use restricted to 09:00 and 20:00 on Monday to Fridays, 09:00 and 16:00 on Saturdays and 10:00 and 14:00 on Sundays
8. Car and Servicing Management Plan to be approved by LPA.

1.0 INTRODUCTION

- 1.1 This application is to be considered by Plans Panel due to an outstanding objection from Highways.

2.0 PROPOSAL

- 2.1 The proposal is for the change of use of land for car sales, and siting of a site office, storage container and wc.
- 2.2 The remainder of the site (approximately 3/4 of it) would be used for parking on match days at Elland Road Football Ground which lies opposite. The applicant has stated this would occur less than 28 days a year, and therefore does not require planning permission, and doesn't form part of this application.
- 2.3 The proposed car sales element is located at the rear of the site and it is stated only a maximum of 20 car would be displayed. A portacabin office building (6.1m x 3.05m) and wc is proposed on this part of the site. This part of the site is to be divided from the rest of the site by 2m high 'mesh security fencing'.
- 2.4 On the vacant, occasion parking use section of the site; it is proposed to site a 'metal shipping container' which is 6.1m x 2.44m and 2.59m in height. This container is to be used for storage and will house a 'silent' generator. The container will also store ancillary equipment which is required for the occasional match day parking use.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a cleared site which lies on the southern side of Elland Road, directly opposite Leeds United Football Stadium. Historically the site accommodated a building used for the servicing of coaches. This building has been demolished, apart from one wall, approximately 4m in height which now acts as the rear boundary wall of the site. The site slopes upwards south to north, and lies between a Subway food outlet and Public House on the Elland Road frontage. Residential properties lie adjacent to the site, to the south and west on Heath Crescent and Heath Grove. This section of the Elland Road corridor (where the application site lies) is commercial in character with most business's offering services which appear to mainly serve the patrons attending football games, such as A3 and A4 uses.

4.0 RELEVANT PLANNING HISTORY

- 4.1 16/04390/FU. Part single and part two storey building comprising 3 retail units (A1) and a children's day nursery with roof top nursery garden area and with car parking. Approved 23.1.17 (consent not implemented)
- 4.2 06/00533/FU. Two/ Three storey block of 16 flats with 18 car parking spaces. Appeal Allowed 11/01/2007
- 4.3 21/374/04/FU. Single storey non-food retail unit with 15 car parking spaces Refused 06/07/2005

- 4.4 21/195/01/OT. Outline application to erect retail unit. Withdrawn 30/07/2002
- 4.5 21/196/01/OT. Outline application to erect A3 food and drink use unit
Withdrawn 30/07/2002

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application has been amended since it originally submitted due to Officer concerns on the impact on adjacent residential occupiers. An area of hard-standing for the siting of a hot food van has been omitted from the scheme, and the proposed storage container has been reduced in size, and sited directly behind the large garage at 1 Heath Grove (so it is not visible to the occupiers of this property). A proposed WC has also been relocated from the front of the site. It is now proposed within the rear enclosed car sale compound.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Three site notices were posted around the site on 25th January 2018. To date three objections have been received to the application.
- 6.2 The points raised in the objections are highlighted below.
- Proposal will place additional traffic on a very busy road
 - No need for additional retailers/ food outlets in this location
 - Competition with existing food take-aways
 - Odour caused by food being cooked in a van
 - Noise caused by outside seating area
 - Proposal will create litter
 - Proposal will contribute to ill health and obesity
 - Additional traffic on Elland Road
 - Increased risk to highway safety
 - Increase in traffic will worsen air quality

7.0 CONSULTATION RESPONSES

Statutory:

7.1. Highways:

Object and recommend refusal, unless the applicants funds the relocation of a pedestrian crossing. The proposal is contrary to safety advice of the Local Transport Note (LTN) 2/95, which recommends a 5m minimum distance between the point of access and a pedestrian crossing. Turning right into the site from Elland Road would likely have adverse impact on the safety of pedestrians using the zebra crossing. The Transport Statement refers to the minimal number of traffic associated with the development proposals and the adequate visibility splays at the site access onto Elland Road and makes no mention of the potential conflict between vehicles and pedestrians as a result of vehicles waiting to turn right into the site.

7.2 Health and Safety Executive

The HSE does not advise on safety grounds, against the granting of planning permission in this case.

Non-Statutory:

7.3 Air Quality

Objections have been received on Air Quality concerns, and that the proposal will worsen air quality in this locality. The Air Quality Team have confirmed that there is no Air Quality Management Area in this location.

7.4 Contaminated Land

The proposed end use of the development is considered low sensitivity with no breaking of ground or soft landscaped areas proposed. Based on the available information, we have no objection to planning permission being granted and have no further comments to make with regards to this planning application

7.5 Environmental Health

The proposed generator is likely to produce a low frequency sound. If it operates at night then it could certainly cause problems to nearby residents even if there is a reasonable distance, therefore recommend planning condition which deals with sound insulation. Note- the applicant has confirmed the generator would only be in use during daytime hours when the car sale office is open and in use.

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) and the Natural Resources and Waste Development Plan Document (2013 together with any made neighborhood plan.

8.2 The site is unallocated both through the adopted UDP and advanced SAP.

Adopted Core Strategy

8.3 The following Core Strategy policies are considered most relevant:

Policy SP1: Location of development

Policy P10: Design

Policy P11: Conservation and Listed Buildings

Policy P12: Landscape

Policy T1: Transport Management

Policy T2: Accessibility requirements and new development contributions

Saved Policies - Leeds UDP (2006)

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

GP5: Development Proposals should resolve detailed planning considerations.

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 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.

9.0 MAIN ISSUES

- 9.1 The main issues to consider in the determination of this application include the following:
- Principle of Development
 - Amenity Considerations
 - Design/ Appearance
 - Highways/ Parking
 - Air Quality
 - Other Issues

10.0 APPRAISAL

Principle of development

- 10.1 The proposal is for the use of land for Car sales (Sui Generis). The site lies unallocated in the Leeds UDP and in the advanced SAP. There are no policies concerning such uses within the adopted Core Strategy. The site lies along a commercial corridor, with many differing uses serving Elland Road FC, with residential

properties located to the rear, and the side of the site. There are other car sales uses located nearby on Elland Road. The proposal seeks to develop a vacant brownfield site, with a new business.

- 10.2 It is considered that a car sales use can co-exist in harmony with the adjacent residential properties, in this location given the type and function of other surrounding land uses, which are considered to be more intensive and noisy. This will be explored in full in the amenity section of this report. The application is therefore considered acceptable in principle, subject to normal development control considerations.

Amenity Considerations

- 10.3 It is not considered that the proposal would have an adverse impact on the living conditions of any adjacent occupiers. The site lies on a busy road, between a Public House and a Subway take-away to the frontage onto Elland Road, opposite Leeds United football Ground. The rear of the site (where the proposed car sales use, and portacabin sales office is located) is separated from the properties beyond (located on Heath Crescent) by a brick wall which is approximately 4m in height. This would screen all the structures and cars on the site from the view of these residential properties. The dwellings located on Heath Grove and Heath Crescent at the nearest point, are located approximately 15m away from the site.
- 10.4 The applicant is seeking consent to open between the hours of 09:00 and 20:00 on Monday to Fridays, 09:00 and 16:00 on Saturdays and 10:00 and 14:00 on Sundays. There is no concern with regard to these sought after opening hours. Given the character of this locality, and the openings hours of adjacent land uses (which operate until 23:00) the sought after opening hours are not considered to be unreasonable or late. It is not considered that the proposed use is intensive or noisy, as it relates only to the display and sales of cars, not repairs or servicing etc.
- 10.5 The proposed metal storage container has been reduced in size, and is aligned to be sited behind the large garage at 1 Heath Grove, so it is not visible to the occupiers of this property. This element of the proposal will not have any impact on the occupiers of this property in terms of dominance or over-shadowing, due to the garage acting as a screen. The submitted plans do indicate this container would contain a generator, which the applicants have confirmed would power the sales office, is silent, and would only be used during daytime opening hours. The container is to store ancillary equipment which is required for the occasional match day parking use, such as fold away chairs, cones and other paraphernalia required to direct and organise match day parking, it is not considered this use could create any amenity issues for adjacent residents.
- 10.6 Environmental Health have recommended a condition which places a duty to limit noise (from the generator) to a level equal to the existing background noise level (L90) when measured at the nearest noise sensitive premises, given the lack of information submitted on the proposed generator. Subject to this condition, it is therefore not considered that the proposal would have any adverse impact on the living conditions on adjacent occupiers.

Design/ Appearance

- 10.7 The proposal includes two pre-fabricated structures these are located within the site, away from the immediate frontage with Elland Road. Such structures are typically associated with the function of car sales. The site lies along a commercial corridor

which include other car sales use, although these are located in purpose built showrooms. Given the derelict state of the site at present, it is considered the proposal would improve and tidy the condition of the site. However, due to the pre-fabricated nature of the proposal, it is considered that only a temporary consent would be appropriate. The applicants have agreed to this, and requested 3 year consent, this would be conditioned on the approval of the application.

- 10.8 The proposed wc, is located at the very rear of the site, between the office and existing brick 4m high wall, and is to be screened by new mesh fencing. Due to its siting will be screened from view. The proposed mesh fencing which is to be located within the site, to separate the car sales area, is considered to be appropriate given the site location and use. This form of fencing is considered to be an improvement when compared to palisade fencing for example, however the application doesn't contain drawings of this fencing, other than a written description, so full details will be conditioned on the approval. It is considered the proposal does comply with policy P10, given the temporary nature of the structures and temporary consent sought.

Highways

- 10.9 Highways have raised objections to the application, due to the proximity of the pedestrian crossing and the existing access into the site. The Local Transport Note (LTN) 2/95 published by the Department of Transport recommends methods for designing and installing all types of crossings, including zebra crossings, puffin crossings, toucan crossings and pelican crossings. This document states a minimum of 5 metres between pedestrian crossings and conflict points at uncontrolled junctions. The existing access into the site is located approximately 3m away from the pedestrian crossing which lies adjacent to the site.
- 10.10 The pedestrian crossing caters for pedestrian movements in both directions along Elland Road. Highways have stated that there is potential conflict between pedestrians using the crossing and vehicles waiting to turn right into the site. A single vehicle would overhang the pedestrian crossing and obstruct drivers to pedestrians who are on the pedestrian crossing. Highways state the risks to highway safety for pedestrians exist whether the permission is temporary or permanent and as such the zebra crossing needs to be moved to allow vehicles turning right into the site to do so without resulting in detrimental impact to pedestrian safety.
- 10.11 Highways also state it should be noted that when the site is used for match day parking there is heavy Police presence and in addition Traffic Management measures are in operation at Elland Road thereby resulting in the characteristics of this section of the highway network operating in a different way to a typical day. Highways objects to the proposals as they are likely to result in adverse impact to highway safety. Highways have requested the pedestrian crossing is relocated and this is funded by the applicant, this is estimated to cost circa £20 000. To address the highways concerns, the applicants have produced a Transport Statement, which makes the following points.
- The existing site access is historical and was present prior to the pedestrian crossing being implemented by LCC in 2007. As such the presence of the site access and potential redevelopment of the site should have been considered when the location of the pedestrian crossing was consulted upon and designed. Failure of this been done, should not be at the expense of the applicant, in respect of funding its re-location.

- The developer has confirmed that the vehicles to be sold on the site will be driven onto the site with trade plates or delivered on a recovery truck, as such no car transporters will be required to access the site.
 - The developer has also chosen to enter into a private agreement with Forge Recycling to collect their waste, as such the largest vehicle requiring access to the site will be the Forge Recycling refuse truck which is 7.4m in length and therefore there will be no reserving out, onto Elland Road.
 - 2.4 x 90m visibility splays are achievable. Elland Road is subject to a 30mph speed restriction and as such, in accordance with the DMRB, visibility requirements are 2.4 x 90m.
- 10.12 The applicant have stated in their supporting statement that generally locating a second-hand car is now largely done online and only a final, test drive and collection, visit to the actual sales office is required. It is considered that the vehicular trips associated with a second-hand car sales business will be minimal.
- 10.13 The submitted TA illustrates that given the area of the site proposed to be used for car sales is only 0.0387 of a hectare (387 sq m), based on the daily trip rates obtained from TRICs, the vehicular trip generation forecast by the proposals would be minimal. In fact the TRICs data suggests one arrival and one departure per day on weekdays, this may increase slightly over the weekend, and however the surrounding highway network will be much quieter. In view of this, and the fact the access is existing, and pre-dates the installation of the crossing, the temporary nature of the site, it is considered unreasonable and unnecessary to place a duty on the applicants to relocate the nearby pedestrian crossing due to the high cost levels involved with this, and the low trip generation the proposal would create. A restriction to displaying a maximum of 20 vehicles at one time, can be conditioned on approval to ensure the business does not expand, to ensure vehicle numbers to the site remain low. A condition is also proposed which relates to car park management and servicing.

Air Quality

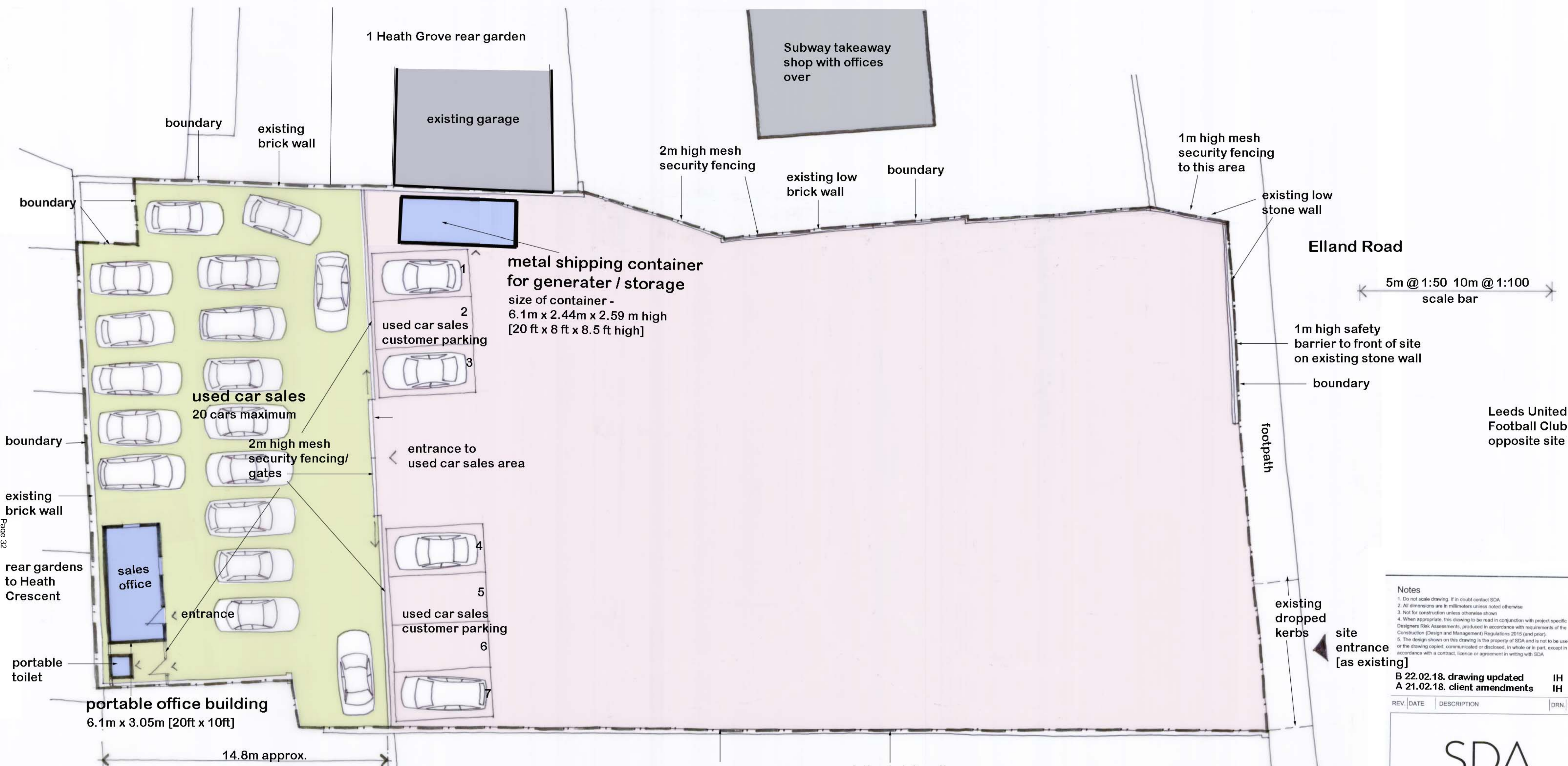
- 10.14 Objections have been received to the application on Air Quality concerns, and that the proposal will worsen air quality in this locality. The Air Quality Team have confirmed on the previous application that there is no Air Quality Management Area in this location, however in response to concerns raised about Air Quality with the nearby Park and Ride scheme, and the new Police Station, diffusion tube monitoring began at 273 Elland Road in August 2016, and in the first 4 four months of data (August to November 2016) but the result for that period is 25 $\mu\text{g}\cdot\text{m}^{-3}$. Although an increase may result with further winter monitoring (concentrations are always higher in winter months) It is not considered that there is any likelihood of the annual average for a full year exceeding the Air Quality objective of an annual average of 40 $\mu\text{g}\cdot\text{m}^{-3}$ and as such there is no reason to declare an Air Quality Management Area in this location. It is not considered the proposed use, which has a very low trip generation would increase air quality levels beyond 40 $\mu\text{g}\cdot\text{m}^{-3}$. It is considered the impact of this proposal on air quality would be negligible.

Other Issues

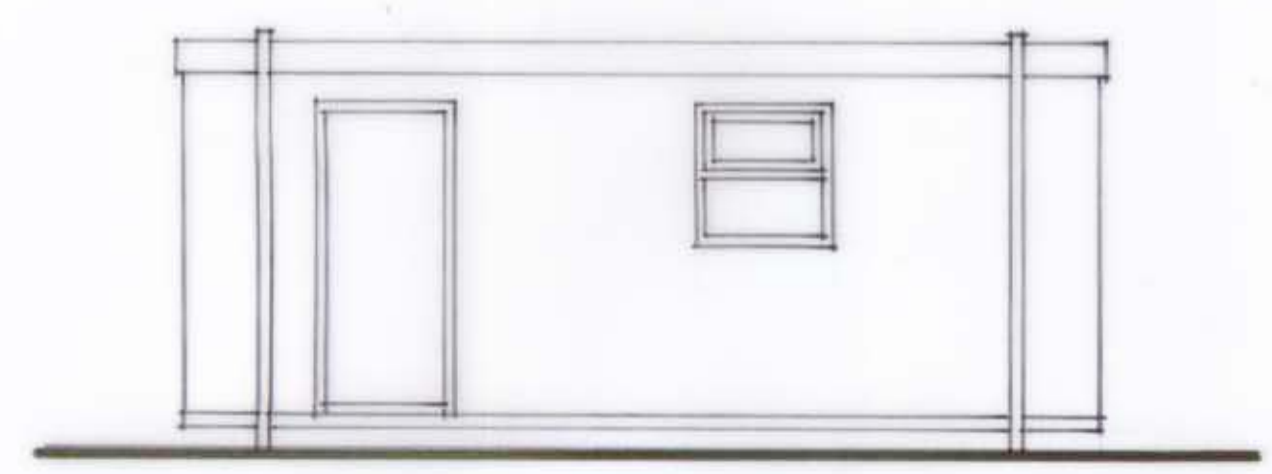
- 10.15 The majority of the points raised in the objections relate to the proposed hot food take-away, which was previously included in the application, but has now been omitted from the application.

11.0 CONCLUSION

It is recommended that planning permission is granted, for a temporary period of 3 years, due to the pre-fabricated nature of the structures on-site and subject to other conditions which are listed at the beginning of this report.



PROPOSED SITE PLAN
scale 1:100



PROPOSED FRONT ELEVATION OF PORTABLE OFFICE BUILDING
scale 1:50

Notes
 1. Do not scale drawing. If in doubt contact SDA
 2. All dimensions are in millimeters unless noted otherwise
 3. Not for construction unless otherwise shown
 4. When appropriate, this drawing to be read in conjunction with project specific Designers Risk Assessments, produced in accordance with requirements of the Construction (Design and Management) Regulations 2015 (and prior)
 5. This design shown on this drawing is the property of SDA and is not to be used or the drawing copied, communicated or disclosed, in whole or in part, except in accordance with a contract, licence or agreement in writing with SDA

B 22.02.18. drawing updated IH
A 21.02.18. client amendments IH

REV	DATE	DESCRIPTION	DRN	CKD

SDA ARCHITECTS

MANOR MILLS MANOR ROAD LEEDS LS11 9AH
 T: +44 (0)113 288 1000 F: +44 (0)113 288 1001
 mail@sdapartnership.com www.sdapartnership.com
 LEEDS LONDON CALIFORNIA

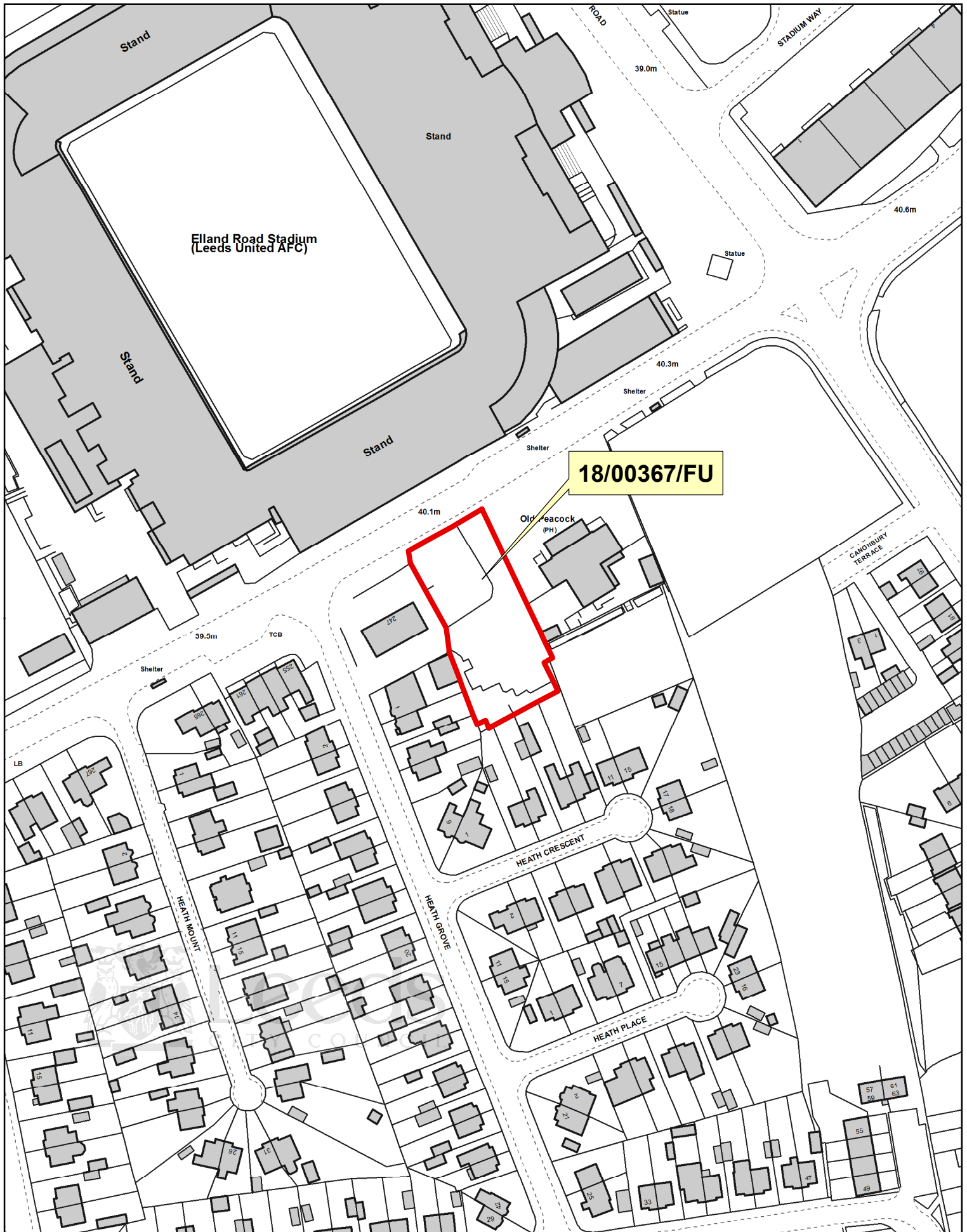
PROJECT
Proposed used car sales area, 245 Elland Road, Leeds

TITLE
Proposed site plan and elevation of portable office

STAGE
Planning

JOB No. A1H0013	DWG No. SK1	REV. B
SCALE 1:50 / 1:100 @ A1	DATE January 2018	
DRAWN I.Heaton	CHECKED	

BSI REGISTERED FS 56715 UKAS QUALITY MANAGEMENT



SOUTH AND WEST PLANS PANEL



This page is intentionally left blank



Originator: Michael Doherty
Tel: 0113 37 87955

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 17th May

Subject: Application number 17/07502/FU– Total/BP, Riverside Garage, Kirkstall Road Leeds, LS4 2QD - Works to southern boundary and addition of new fencing

APPLICANT
Mr N Patel

DATE VALID
15TH November 2017

TARGET DATE
10th January 2018

<p>Electoral Wards Affected: Kirkstall</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. The proposed gabion baskets must follow the profile of the bank and not further constrict the channel. The works must also not protrude any further than the upstream banking to avoid additional constriction of the channel.
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 - The gabion baskets shall be set into the bank of the channel and shall not encroach into the river.
 - The proposed fencing shall allow water to flow through it
 - The fence shall be kept clear of debris at all times.

The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme.

5. Prior to the commencement of development a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities
 - b) Identification of biodiversity protection zones
 - c) Measures to avoid or reduce impacts during construction to include pollution avoidance measures and prevention of materials entering adjacent water courses
 - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
 - g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

6. Prior to the commencement of development a Method Statement for the control of Himalayan Balsam and Giant Hogweed (hereafter referred to as the Target Species) shall be submitted to and approved in writing by the LPA. The agreed Method Statement shall thereafter be implemented in full.
7. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
8. Prior to the commencement of engineering works to install the gabions, a landscaping scheme shall be submitted to and approved in writing by the LPA. The landscaping scheme shall include for the re-planting of trees, shrubs, climbers etc. as appropriate. A long term maintenance scheme shall also be submitted for approval.
9. Prior to commencement of engineering works details of methods to enhance bird and bat nesting in the development site shall be submitted for approval.

1.0 INTRODUCTION

- 1.1 The application is brought before Plans Panel at the request of Cllr Illingworth who raises concerns regarding the wider impacts of the proposals upon nature conservation and flood risk due to the location of the development on a river bank in an area of known flooding risk. The proposal is considered by Cllr Illingworth to result in higher risk of flooding and to harmful loss of biodiversity, both of which will have wider impacts than just the application site.

2.0 PROPOSAL:

- 2.1 The applicant seeks consent for works to the southern boundary and addition of new fencing, including works to insert structural gabions to the river bank. The Design and Access Statement advises that these works are required to contain and secure a

landslide that has occurred at the rear of the site. The statement also advises that similar works were carried out to the neighbouring property at 471 Kirkstall Road, under application 14/05224/FU.

- 2.2 The proposals seek to extend the existing forecourt area to the southern side of the site, adjacent to the river Aire. The hard standing will be extended and finished in tarmac with a new boundary fence. The additional area will amount to 101 sq metres in area with a 33m length of area of earth banking being stacked with 1 cubic metre gabions. The existing earth slope will therefore be replaced with gabions stacked 3 high, 4 deep at the bottom and 2 deep at the top forming a stepped embankment. New palisade fencing will be installed on top of this, 1.3m in height, running along the site boundary, this has been chosen to match existing boundary treatments in the area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a filling station and small supermarket sited on Commercial Road. The filling station is accessed from the main highway and features a number of petrol pumps and a forecourt area to the front of a convenience store. An existing hand car wash is in situ close to the boundary with a shipping container and car port area for valeting. The site lies directly adjacent to the river Aire with a goit running close to the southern boundary. The area to the south of the highway is wholly commercial with the filling station and a car sales lot to the neighboring site. The Grade II listed 'Dry House', a two-storey stone building with a hipped roof of natural slate lies to the west. It features stone mullioned windows and a number of cast iron tie bar end plates located to the side and front elevations. The structure was constructed in the early 1800s as part of the Burley Mills woolen mill complex and has been renovated housing a wedding dress outlet (A1) and an office (B1).
- 3.2 The site backs onto The Goit, a 1-2m wide water channel which connects two sections of the River Aire and would originally have served the water wheels associated with historic mills. The area to be converted is an area of shallow banking which is vegetated by tall, competitive vegetation with a small number of young, semi-mature trees. There were a number of typical species of plants that grow here such as nettle and willowherb, but also Himalayan Balsam and giant hogweed.
- 3.3 Today, whilst not used by mills anymore, The Goit serves as an important wildlife corridor serving the wider area. The site is close to the Leeds-Liverpool Canal SSSI but given the scale and nature of the development is not considered to impact on the SSRI. There are a number of Leeds Nature Areas also in the area, the nearest being Kirkstall Valley LNA which is 50m to the south.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None for the site, although 14/05224/FU was approved on 29/10/14 and gave permission for raised gabions and parking area to the rear of number 471 Kirkstall Road.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application has been considered on its merits with no prior pre-application submitted. Nature Conservation, Flood Risk and the Flood Alleviation Team have all been consulted and raised no objections to the proposals subject to the attachment of pre-commencement conditions. The applicant is aware of the need for the

attachment of pre-commencement conditions in order to ensure the impact upon ecology is limited.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Cllr Illingworth has raised an objection to the scheme raising concerns with the following,
- The application amounts to “land grab” for marginal land which increases the developable area at the expense of biodiversity. This is incompatible with the Councils strategy on biodiversity.
 - Flood Risk – this is an important location for the Leeds Flood Alleviation Scheme where the river burst its banks in 2015. The highly permeable gabions will allow water to penetrate into the sand and gravel aquifer that is now being mapped along the valley floor and increase the risk of flooded basements along Kirkstall Road.
 - The application is therefore premature and should be deferred until the FAS2 scheme is known in greater detail.
- 6.2 Site notices were posted around the application site on 08.02.2017 along with the publication of a newspaper advertisement on 13.12.2017 (Development affects the setting of a listed building). The publicity period for the application expired on 29.12.2017.
- 6.3 Other than Cllr Illingworth’s comment, no other responses have been received.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways –No objections subject to conditions
- 7.3 Flood Risk –No objections subject to conditions
- 7.4 Nature Conservation – No objections subject to conditions.
- 7.5 Flood Alleviation Team – No objections subject to conditions

8.0 PLANNING POLICIES:

Development Plan

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

Adopted Core Strategy

- 8.2 The following core strategy policies are considered most relevant

P10 Seeks to ensure high quality design
P11 Conservation
G9 – Biodiversity Improvements.

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 Documents

Leeds Street Design Guide (2009)
Biodiversity and Waterfront Development – December 2006.

Neighbourhood Plans

Kirkstall Neighborhood Plan: this is being prepared by the Kirkstall Neighbourhood Forum and is currently at the Engagement stage so carries no weight in decision making. Current intentions however include restricting development in highest flood risk areas (which includes The Goit), requiring high quality design, developing the public rights of way network and the creation of Kirkstall Valley Park.

9.0 MAIN ISSUES

- Principle
- Design, Appearance, Amenity
- Highways and Parking
- Flood Risk
- Nature Conservation
- Conclusion

10.0 APPRAISAL

Principle

10.1 The site lies within a highly sustainable location close to Commercial Road with good transport links. The site is not allocated within the emerging Site Allocations Plan (SAP).

10.2 The proposals seek to erect a new boundary fence, extend the area of hardstanding and carry out structural works to the river bank. The application does not seek a change of use, retaining the use of the area for a filling station. The site lies within a highly sustainable location close to Commercial Road with good transport links. It is considered the principle of the scheme is acceptable subject to all other material planning considerations.

Design, Appearance, Amenity

10.3 The area is wholly commercial in character and appearance with various commercial uses in the immediate locality, including a car sales lot, wedding dress outlet and B1 office use, along with a larger office park to the North West which houses The Home Office and Immigration facilities.

10.4 The scheme seeks to install 1.3m high palisade fencing to the boundary which is not considered to create harm in this instance. At present the site features a hand car-

wash close to the boundary with an existing wire fence supported by concrete posts, to be replaced as part of the scheme, with existing palisade fencing close to the eastern boundary with the car sales use. The works are to be carried out to the rear boundary, set away from the highway and thus create a limited impact upon visual amenity.

- 10.5 The proposed river bank works and gabion baskets will not be visible, installed to a sloping bank down to the Goit and river running at the rear of the site. The proposed fencing, measures 2.0m in height and lies set away from the Grade II Listed Dry House and thus is not considered to adversely affect the setting of a listed building. Furthermore existing gates have been installed to the Dry House, approximately 1.5m in height, providing additional separation from the listed building and application site.
- 10.6 In summary the design, character and appearance of the scheme is considered acceptable with the proposals providing structural support to the river bank.

Highways and Parking

- 10.7 The scheme extends the area of hardstanding and thus the space around the forecourt area for vehicles to manoeuvre. It is not anticipated highway safety will be affected by the scheme and thus the proposals are considered acceptable.
- 10.8 As the scheme seeks consent for specialist works to the riverbank it is likely that large plant and construction equipment will be required. As the site lies close to Commercial Road a condition is attached which requires, prior to commencement, details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) to be submitted to and approved in writing by the Local Planning Authority in order to prevent an adverse impact upon highway safety during construction works.

Flood Risk

- 10.9 The proposals include specialist structural works to the riverbank area in order to support the extended hardstanding and boundary fence. Consultations have taken place with Flood Risk, The Environment Agency and The Flood Alleviation Team and the applicant has submitted a Flood Risk Assessment.
- 10.10 The Flood Alleviation Team advise that as part of the Flood Alleviation Scheme stage 2 project there will be a requirement to construct flood walls at this location in the future. Due to the scale and nature of the development scheme then no objections are raised provided that there is no encroachment into the Goit or the River Aire channel and that ground levels are not raised higher than existing. The Flood Alleviation Team will consult directly with the applicants with regards to the proposed flood wall.
- 10.11 The Environment Agency have also reviewed the documentation and comment that due to the proposal to use the Goit to maintain conveyance during high flows as part of FAS2 project then channel constriction cannot be recommended. Due to the measures detailed in the Flood Risk Assessment then permission can be recommended provided these measures are implemented. This should include:
- The gabion baskets being set into the bank of the channel and not encroaching into the river.
 - The proposed fencing allowing water to flow through it.
 - The fence shall be kept clear of debris at all times.

- As well as this, and separate to the planning process an Environmental Flood Risk Activity Permit will be required prior to any works commencing.
 - An 8m easement is generally required to the sides of the riverbank which should be kept clear of permanent structures such as buildings – this is to allow access to the riverbank for improvements or maintenance.
- 10.12 The NPPF advises that when determining planning applications then LPA's should ensure that flood risk is not increased elsewhere. This is followed up by the approach taken within the Council's Strategic Flood Risk Assessment and Local Flood Risk Management Strategy. The site lies within the Environment Agency's flood zone 3 where the chance of flooding in any given year is 1 in 100 (1%) or greater. The development itself is classified as being a "Less Vulnerable" development within the NPPG, which are generally acceptable within flood zone 3.
- 10.13 As the gabion baskets do not encroach into the river, they will be set into the bankside, then there will be no increase in flood risk. The fencing is also permeable so flows can travel through the fencing rather than being diverted elsewhere. A condition is recommended to ensure that this fencing is kept clear of debris and build up at all times.
- 10.14 The NPPF and NPPG therefore clearly accept that this type of development is acceptable in flood risk areas, and given the specialist conditions recommended by the above consultees it is considered the scheme is acceptable subject to the works being carried out in line with the above advice along with discharging the relevant conditions prior to commencement. Whilst the intention to install future flood defences of this area are noted it is not considered that this development would hinder those defences from being proceeded with.

Nature Conservation

- 10.15 As the site lies in close proximity to the river along with an area of agricultural land and the Goit nature conservation have been consulted on the scheme. The applicants have also provided an Ecological Survey with a Habitat Survey being carried out in November 2017. This survey notes that the proposal would lead to the loss of a very small area of typical bankside vegetation but that this is unlikely to result in any significant adverse impacts on local wildlife or the function of local habitat networks.
- 10.16 The survey found no evidence of otters, voles or badgers. Due to the size of the site, and scale and nature of works then the impact on birds and bats was considered to be minimal. Compensatory planting would be required in the form of new tree planting along the Goit or along the banks of the River Aire (to the east), and would provide an opportunity for clearance of non-native species. The use of native climbers should also be considered to cover the gabion baskets to provide both cover and food.
- 10.17 The submitted Report is considered to be comprehensive and identifies areas of improvement or restriction which can be adequately conditioned for. These conditions include the need for a Construction Environment Management Plan which will demonstrate how the construction works will be carried out without adversely impacting on the Goit or River Aire. Biosecurity measures are also needed to prevent further spread of Himalayan Balsam and other invasive species. With regards to improvements to the flora and fauna conditions could require the use of bird and bat boxes to be fixed to the gabions, and new planting.

10.18 It is considered that subject to the above conditions the scheme does adequately address the impact of the proposal on biodiversity in and around the site, and consequently it is considered that no harmful impact will arise as a result.

11.0 CONCLUSION

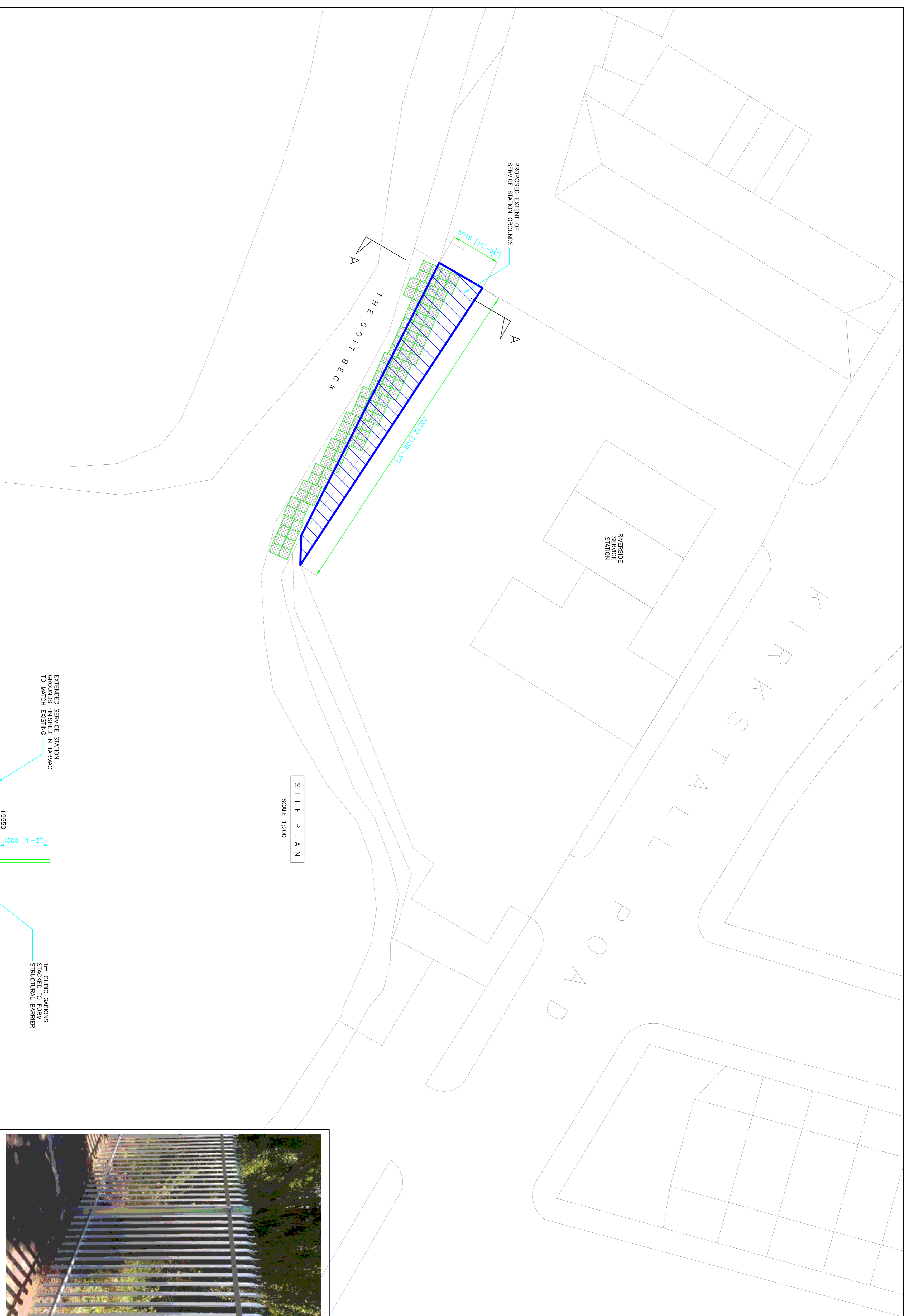
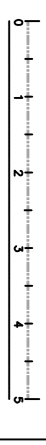
11.1 In light of the above, the application is considered to be acceptable. The development would deliver structural works to the river bank supporting the land and avoiding landslip in the event of flooding, and is not considered to be harmful to the character and appearance of the area, highway safety or nature conservation subject to appropriate planning conditions.

Background Papers:

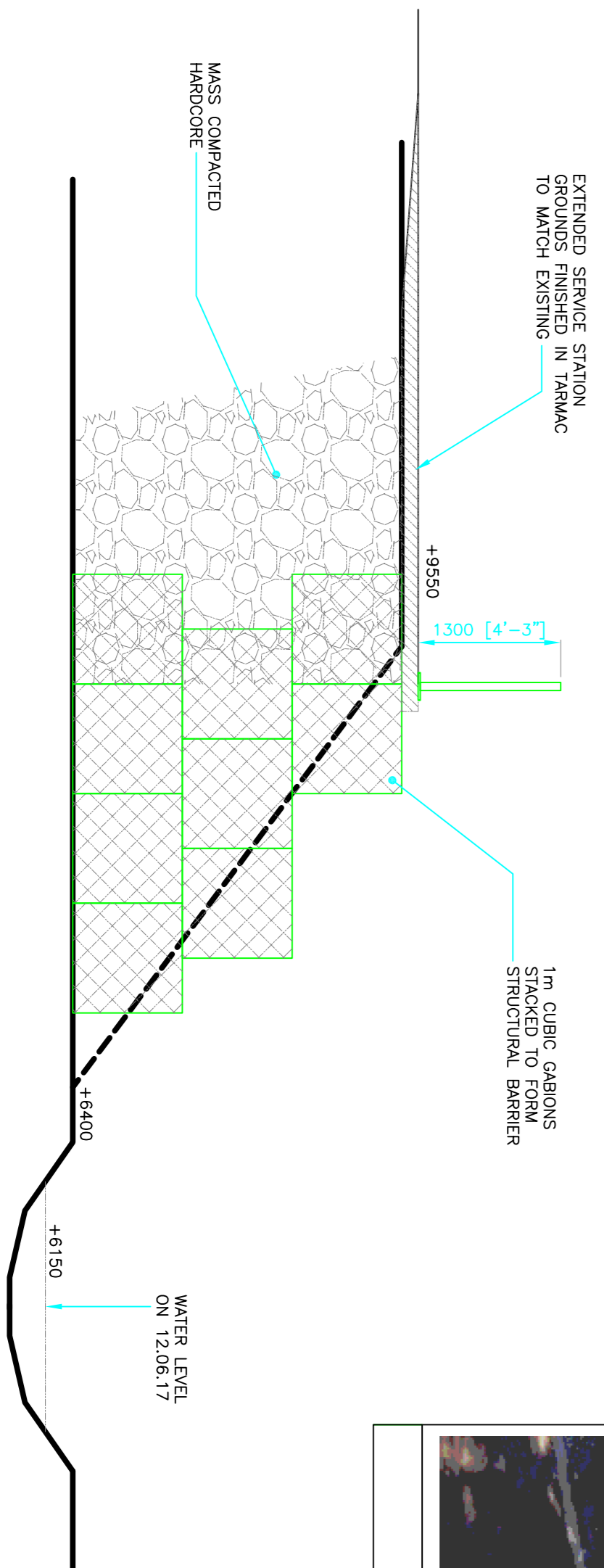
Certificate of ownership: signed by applicant.

Planning application file. 17/07502/FU

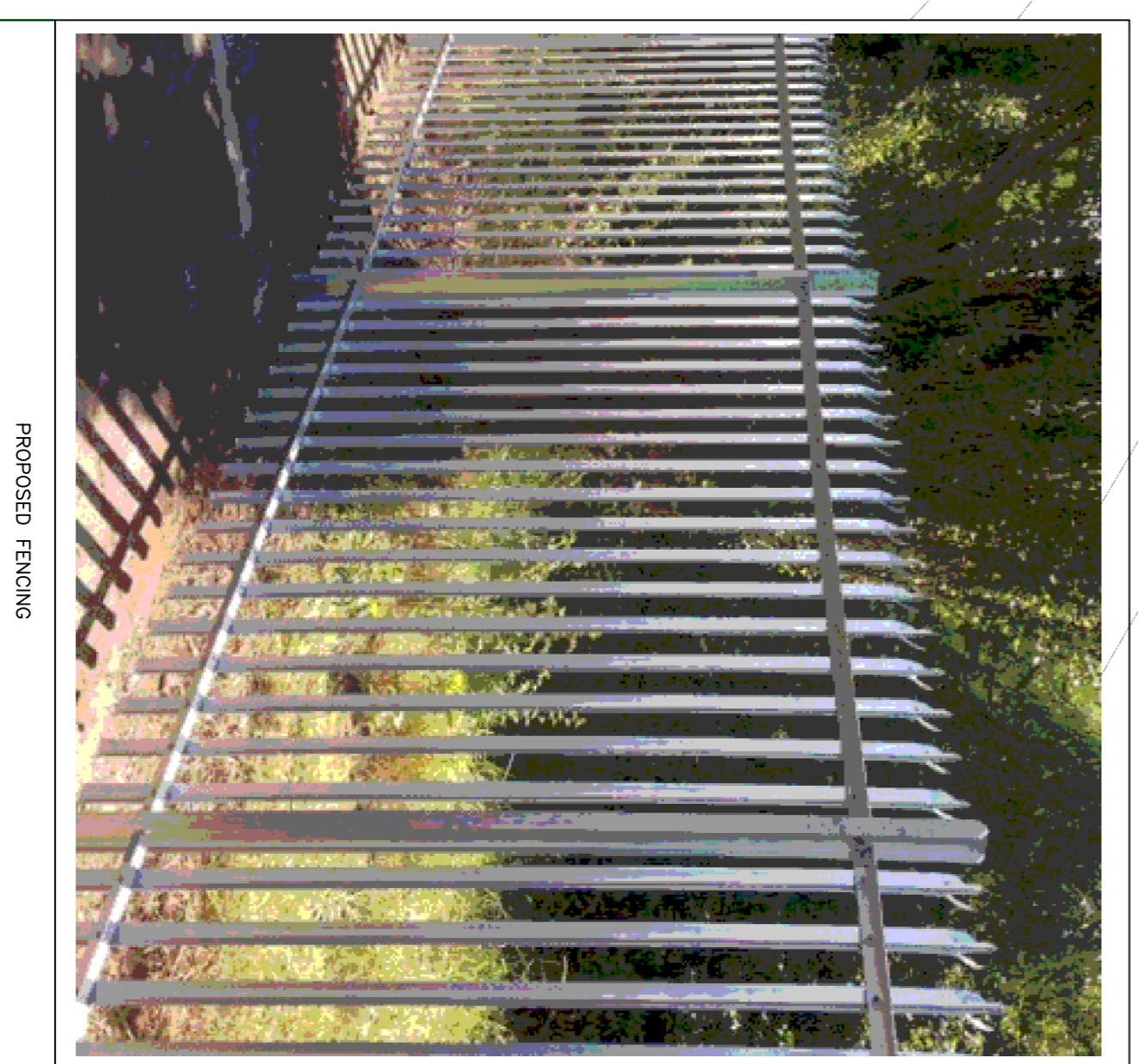
Note:
 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS & CODES OF PRACTICE
 ALL DIMENSIONS TO BE CHECKED ON SITE.
 DO NOT SCALE FROM THIS DRAWING.



S I T E P L A N
 SCALE 1:200



TYPICAL SECTION A-A
 SCALE 1:100



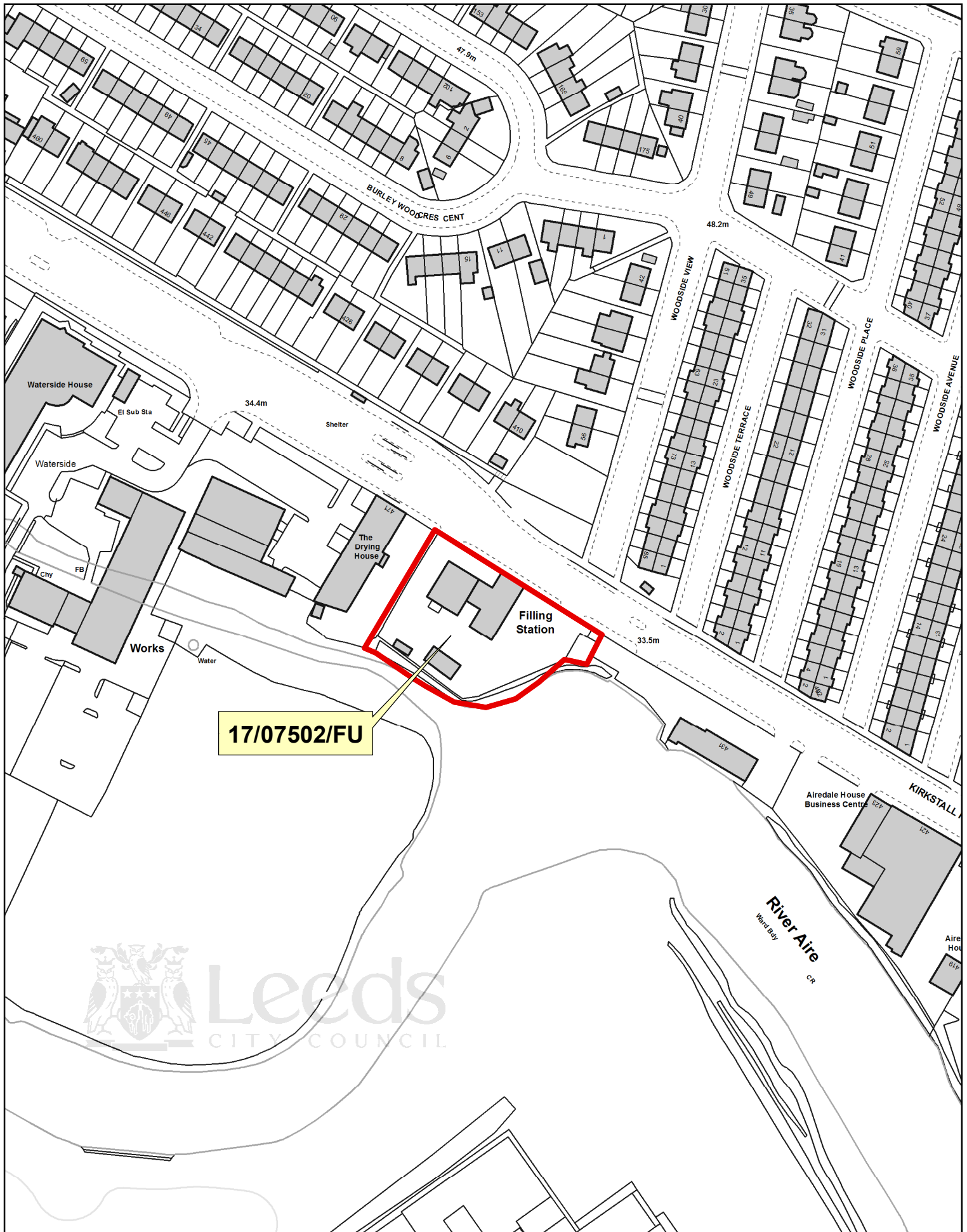
PROPOSED FENCING

P R O P O S E D

Rev:	Revision:	Date:
Client:	M.R. N. PATEL	
Project:	RIVERSIDE SERVICE STATION, LEEDS, LS4 2DD.	
Title:	PROPOSED BOUNDARY TREATMENT	
Scale:	1:200@A1	
Date:	JUNE 17	
Drawing No:	17140-1	
Revised:		

KMS CONSULTANTS & ASSOCIATES LTD
 M - 07939 545 564 T - 0845 111 0945
 E - kmsconsultants@kms.com

© Copyright KMS Consultants & Associates Ltd



SOUTH AND WEST PLANS PANEL





Originator: Victoria Hinchliff
Walker
Tel: 0113 2224409

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th May 2018

Subject: Application number 17/07450/FU – 18 affordable dwellings to vacant site.
Land at Sissons Lane, Middleton, LS10

APPLICANT	DATE VALID	TARGET DATE
Leeds Federated Housing Ltd	22 nd November 2017	21 st February 2018

Electoral Wards Affected:
Middleton Park

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Grant approval subject to conditions set out below:

1. 3 year time limit.
2. Approved plans.
3. Details of all external walling and roofing materials to be submitted prior to building works.
4. Details of drainage scheme to be submitted prior to commencement of works.
5. Phase 1 desk study to be submitted prior to commencement of works (plus associated land contamination conditions).
6. Details of landscaping scheme (hard and soft) to be submitted prior to building works.
7. Details of landscape management scheme to be submitted prior to occupation.
8. Cycle parking to be provided as shown on plans prior to occupation.
9. Details of electric vehicle charging to be provided and installed prior to occupation.
10. Construction practice (details of construction layout, parking, storage, hours).
11. Maximum driveway gradient.
12. Provision of off-site highway works (layout for adoption of northern road, lighting column relocation/upgrading, footway widening, provision of dropped kerbs etc.).
13. Submission of details of footway crossing/reinstatement.

1. INTRODUCTION

2. PROPOSAL

- 2.1 The application is for 18 new dwellings to the site, to be provided and operated by Leeds Federated Housing as affordable housing. The houses are arranged around the perimeter of this square site with 6 pairs of semi-detached properties and 2 blocks of three terraced properties. Each house is laid out with two off-street parking spaces, either to the front or the side, a front garden area (with the exception of the two mid-terrace properties) and rear garden areas which are all provided with sheds.
- 2.2 The properties are two storey in height although block D properties have rooms in the attic space served by rooflights. Corner properties have gable style roofs, whilst end and side properties have hipped roofs. Contrasting bricks are proposed to be used with artstone for window headers and cills.
- 2.3 All properties have low level fencing around front garden areas. No landscaping is indicated although it is noted that all front and rear gardens will be seeded and incorporate paved patios and paths, with driveways being tarmac.

3. SITE AND SURROUNDINGS:

- 3.1 The application site sits within Middleton estate to the south of the Ring Road. The site is rectangular and bounded by Sissons Lane to the east, Sissons Drive to the west, Acre Road to the south. The north is demarcated by an unnamed access road that serves the rear of a number of commercial units that front Sissons Avenue. These units consist of a hot foot take away, a newsagents and off-licence and a café. The units are all domestic in scale and appearance with a large forecourt area to the front and have the appearance of garden areas to the rear with low level fencing, hedging and shrubs.
- 3.2 The site is a cleared site, previously being housing and is current level and grassed over. There are no boundary treatments, although there are a number of street lights around the edges. To the south across Acre Road is a large area of public open space. The surrounding area is residential, although to the south western corner, on the junction of Sissons Lane and Acre Road is the site of the former Tivoli building, a former cinema.
- 3.3 Housing in the area reflects a couple of different styles. The units that bound the site to the north include two Swiss-style Chalet bungalows either end of a larger middle, gable roofed property. These are all rendered with red tiles. Properties to the east and west are semi-detached, or short run terraces, with hipped roofs, constructed in red brick with grey or red roof tiles. To the south there is a smaller area of more modern development built in buff brick featuring gable roofs and projections. The one unifying feature is the two storey nature of the houses and the tendency towards small front gardens demarcated by hedging or low timber fencing. This is reflective of the "garden village" style development for which Middleton is known.
- 3.4 The site lies close to local facilities with Middleton Primary School being 250m walking distance away. Shops and other services are scattered throughout Middleton and include the local centre at Middleton Circus, which includes the Aldi, as well as the larger centre facilities at Middleton Ring Road which includes an Asda. Doctors surgeries are available on Middleton Park Avenue with a purpose built health centre as well as other smaller surgeries within Middleton itself. Bus stops are available on

Acre Road and Middleton Park Avenue which will be within walking distance of the site.

4. RELEVANT PLANNING HISTORY:

- 4.1 PREAPP/17/00333 – Meeting held with agent and follow up advice given. Comments were based on a layout similar to that proposed in this application and were generally positive with some design suggestions.
- 4.2 22/206/04/DN – Determination to demolish 5 blocks of flats. Prior Approval Not Required 07/06/04.

5. HISTORY OF NEGOTIATIONS

5.1 Following submission the applicants have revised the scheme following officer advice. This included the following:

- i) Gable ends on corner plots being too dominant.
- ii) Small garden sizes for corner plots.
- iii) Clarification on front garden boundary treatments.
- iv) Contrast in brickwork.
- v) Drainage queries.
- vi) Adoption of the lane to the northern boundary of the site.
- vii) Comments on Secured by Design.

5.2 In response to these comments the developers have offered the following:

- i) Small adjustment to plot layout to increase garden size.
- ii) Low level fences to all front garden boundaries which can be backed by hedging.
- iii) Confirmation that garden areas meet the minimum 2/3 of total floorspace requirement.
- iv) Contrast in brickwork will be subtle and approval of final brick types can be conditioned.
- v) Additional drainage advice offered.
- vi) Revised red line including the lane to the North. Site layout adjusted to provide adoption requirements.
- vii) Happy to obtain secured by design accreditation.

5.3 These revisions are the basis on which this report is based.

6. PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised via site notice (08/12/17) and an advert in the Yorkshire Evening Post (13/12/17). No responses from the general public have been received.

6.2 Ward Members have been briefed on the proposal and have raised concerns regarding the homes being available for local people but are otherwise supportive.

7. CONSULTATION RESPONSES:

7.1 Highways Development Management: Following revisions to the layout the scheme is considered to be acceptable subject to conditions.

7.2 Landscape Team: Revised documents provide sufficient clarification at this stage regarding landscape/boundary treatment and the proposal is therefore supported subject to conditions.

7.3 Design Team: Revisions to scheme appear acceptable, materials will need to be conditioned for to ensure appropriate colour bricks. Two tones of brick are acceptable subject to them both being red bricks rather than buff colours.

7.4 Contaminated Land Team: No objections subject to conditions.

7.5 WYCA: The site is located within the recommended 400m from the nearest bus routes that operate on Acre Road. There is a 10 minute frequency service that operates from Acre Road. Improvements to bus stop 10016 on Acre Road are requested at cost of £10,000. Funding of sustainable travel incentives also requested. An appropriate contribution would be £8,910.

7.6 Yorkshire Water: No objections subject to conditions.

7.7 Flood Risk Management; Require confirmation of runoff rate and who will be responsible for adoption and maintenance of foul and surface water sewers onsite.

7.8 West Yorkshire Police: Comments made on detailed security issues.

7.9 Coal Authority: Standing advice applies.

8. PLANNING POLICIES:

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

8.2 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

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

- Policy SP1 – Location of development. Site is located within Main Urban Area.
- Policy H1 – Housing allocations: The site is allocated for housing in the Site Allocations Plan draft, reference HG2-160 under phase 1.

- Policy H2 – Housing on unallocated sites.
- Policy H3 – Housing density (40 dph).
- Policy H4 – Housing mix.
- Policy H5- Affordable housing.
- Policy P10 – Design
- Policy G4 – Greenspace.
- Policy T2 – Highway Safety

Saved Policies - Leeds UDP (2006)

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

- Policy GP5 - Development Proposals should resolve detailed planning considerations.
- Policy BD5- Amenity and new buildings
- Policy LD1 – Landscaping around sites.

Natural Resources and Waste Local Plan 2013

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

Relevant supplementary guidance:

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

- Parking SPD – adopted 2016
- Street Design Guide – adopted 2009
- SPG13 Neighbourhoods for Living adopted 2003
- Middleton Masterplan 2009 (provides guidance on design principles for development in Middleton and Belle Isle).

National Planning Policy Framework (NPPF)

8.6 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), introduced March 2014,

replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the NPPF is a presumption in favour of Sustainable Development. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in the consideration of this application.

- Paragraphs 6 – 17: Achieving sustainable development. Paragraphs 11 – 17 deal with the presumption in favour of sustainable development.
- Paragraphs 47 – 55: Delivering a wide choice of high quality homes. Deals with not only the allocation and delivery of housing but also issues of design, mix, tenure and affordable housing.
- Paragraphs 56 – 68: Requiring good design.
- Paragraphs 69 – 78: Promoting healthy communities.
- Paragraphs 186 – 207: Decision taking. Paragraph 204 deals with planning obligations and the three tests that they should meet including being:
 - (a) Necessary to make the development acceptable in planning terms.
 - (b) Directly related to the development.
 - (c) Fairly and reasonably related in scale and kind to the development.

8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 196 of NPPF). The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

9. MAIN ISSUES

9.1 Principle of development.

9.2 Accessibility of site.

9.3 Design and layout.

9.4 Landscaping.

9.5 Obligations.

9.6 Other issues.

10. APPRAISAL

Principle of Development

10.1 The site is not allocated within the Unitary Development Plan, but it is however indicated to be a phase 1 housing site, suitable for older persons housing/independent living in the draft Site Allocations Plan. The site has good accessibility to services,

facilities and to public open space and is located within an existing residential area. Although currently greenfield, the site has previously been occupied by flats, these being demolished in recent years in preparation for the re-development of the site.

- 10.2 The site is therefore considered to be in a sustainable location and under policy H2 (housing on unallocated sites) it would meet the criteria for allowing housing development. Whilst the emerging SAP policy identifies the site as suitable for older peoples housing and some weight is given to this consideration, the delivery of 100% affordable housing on this site is given more weight than this emerging policy. This is due to local need for affordable housing as well as the constraints of the site in terms of viability (discussed later).

Accessibility of Site

- 10.3 The site is considered to be in an accessible location with good access to nearby bus stops that provide a high frequency service, and also good access to nearby shops, health facilities, schools etc. The location of the site is therefore considered to be sustainable and suitable for residential development.
- 10.4 It is acknowledged that provision of school places within Middleton has raised questions in the past due to high demand levels. Given the limited scale of this development it is not considered that the new residents would place undue burden on school places, and additional funding for school provision can be gained via Community Infrastructure Levy monies in accordance with any plans for expansion that the Education Department has.
- 10.5 The layout is considered to be acceptable in terms of the road layout and access points, and each property has been provided with 2 off-street car parking spaces. The proposal also demonstrates secure cycle parking within sheds in each garden. This is adequate and would comply with the requirements of the Street Design Guide and the Parking SPD.
- 10.6 Footway widening and crossings will be required as a result of the development, and the roadway to the north of the site will need to be laid out to adoptable standards to ensure properties accessed off this road can safely do so. There may also be a need to relocate some of the lighting columns currently existing on the site. These works can be dealt with via a s278/38 Agreement.
- 10.7 In order to provide facilities for alternative forms of transport there is a requirement for electric vehicle charging points to be provided on each driveway where this is practicable. This can be provided for via a planning condition and would ensure that the proposal complies with policy T2 of the Core Strategy, and guidance within the Parking SPD.

Design and Layout

Layout

- 10.8 The proposed dwellings have been laid out around the edge of the rectangle, all facing outwards. This is similar to many existing blocks of housing in the local area and it also ensures that rear gardens back onto each other and are secure.
- 10.9 The site is arranged with 4 pairs of corner dwellings, a row of three terraces to each long side, and a semi-detached pair to the short sides. The houses are well spaced with good distances between each block. The houses are also set back from the road edge to provide defensible space in front of the properties.

- 10.10 The density provided here is high at 50 dwellings per hectare (dph) which is over the recommended density for the area of 40 dph. To require this density would entail the loss of approximately 3 dwellings, which given the viability issues of this site (see below) would likely render the scheme unviable.
- 10.11 Notwithstanding this the scheme is considered to provide sufficient distances between the properties, and good levels of private amenity space. It is not therefore considered that the higher density results in a poor layout or poor design in this instance.
- 10.12 Parking spaces have in the main been provided to the side of properties, the exceptions to this being the two mid-terrace houses where parking is to the front. The size of the site does constrain the parking somewhat so that parking is largely to the roadside, rather than being set back, so this will lead to expanses of hard standing. This is however interspersed with front gardens which will be demarcated by low level railings, and do allow space for the provision of hedging and other planting. This arrangement is therefore considered to be acceptable given the constraints of this site.
- 10.13 The Middleton Masterplan gives an indication of the expected layout of housing, which includes a front garden, provision of gates and low boundary treatments, and parking to the side of the houses. Whilst there are some minor issues with this layout, as noted above, it is not considered that this results in a harmful design, or one that is out of keeping with the character of the local area.

Scale

- 10.14 All the properties are to be 2 storey in height, with two having attic rooms served by rooflights (plots 1 and 2 on the north west corner of the site). The predominant character of the area is for two storey properties so this would fit in with local character. The height of the houses varies from 7.6 to the ridge at the lowest point to 8.5m at the highest point (on blocks 1 and 2). This raises no concerns with regard to the scheme fitting in with the local area or the Middleton Masterplan.

Appearance

- 10.15 The houses have a simple styling and elevational treatment, with larger windows to the ground floor, use of string coursing and heads and cills to windows. The main difference comes with roof form, blocks A and B having hipped roof forms (although with gable projections) whilst blocks C and D have a gabled roof form. The gabled forms are therefore on the corner plots with the hipped forms on the sides so there is coherence to the overall effect.
- 10.16 The properties are proposed to be built in brick with contrasting brick colours to the bottom and top halves. It is considered that this could work well, providing that red bricks are sourced to ensure the materials are in keeping with the traditional materials used in Middleton. A condition to see samples of these and roofing materials will help to ensure a good quality finish.

Amenity

- 10.17 The corner plots are angled properties that have their main living areas to the front of the house. These areas achieve a distance of 7m and 8.5m maximum to the front garden boundary. The plots to the sides have varying front garden depths of between 3m and 6m, although it should be noted that these longer outlook distances are onto car parking.

- 10.18 Looking at the rear garden areas, where kitchen and dining rooms are located, the corner plots have more constrained outlook distances due to the triangular nature of their gardens. The distances here are about 8m. The side properties have longer rear garden areas achieving 10m depth. No windows are proposed in side elevations other than bathroom windows or doorways.
- 10.19 Although the outlook from main habitable room windows (living areas) is somewhat constrained on some of the plots, the arrangement of living rooms at the front is not unusual and there is an area of defensible space, and with the exception of the two mid-terrace plots, residents will be looking over their front garden areas. Outlook to the rear is slightly constrained on the corner plots, but again this is not untypical for a housing layout of this type and results from the shaping of the gardens which cannot feasibly be done any other way. With regard to outlook therefore the proposal is considered acceptable and would comply in the main with the recommendations given in Neighbourhoods for Living.
- 10.20 One area of concern is the relationship between the new houses on the northern boundary and the existing properties at Sissons Stores, which are commercial to the ground floor but have residential above. Plots 3 and 4 on the northern edge are the closest properties and these are located 10m from the boundary of the gardens of the commercial units (these gardens have approximately 5m depth). Plots 1, 2, 5 and 6 are angled so that they do not face directly towards the commercial units. A distance of 15m will therefore exist at first floor level from the residential element of Sissons Store to plots 3 and 4. This is under the recommendation in Neighbourhoods for Living of 22m. In assessing the harm this may cause it is important to note that at ground floor level views into the rear garden areas would be inhibited by the road and the hedging that exists around the rear garden areas. At first floor level it would be bedroom windows (and this appears to be the case for the Store as well) which are less likely to give rise to issues of overlooking due to the nature of use of such rooms. Consequently it is not considered that this issue would give rise to undue harm that would justify refusing the scheme. Consideration has been given to moving the houses further back into their plots, but this would start to then impact on the adjacent plots 2 and 5 making plots 3 and 4 appear much more dominant and intrusive in the rear garden areas.
- 10.21 With regards to overshadowing due to the orientation of the site there will be some overshadowing of rear garden areas of plots 10 – 15 on the southern boundary, this in the main caused by the house on the plot. The length of garden in plots 12 and 13 should ensure that the top end of the gardens receives sunlight (and of course the main living room windows are on the south so will receive good levels of sunlight. Plots 10, 11, 14 and 15 are angled so there will be some sunlight during the suns track.
- 10.22 To the northern boundary the concern arises from the position of these plots to the commercial units rear garden areas. The 10m distance to the boundary of these gardens should ensure that any main shadow falls across the road itself rather than the garden spaces, and the shadowing caused by the corner plots will be angled away from the two end commercial units. It is acknowledged that the situation with regard to overshadowing, especially on the southern boundary, is not ideal, however the harm caused is not considered sufficient to merit refusal.
- 10.23 Turning to matters of internal space the housing units provide the following amount of accommodation:

Size of Property	Floor Area (sq metres)	Nationally Described Space Standards (sq metres)
4 bed 6 person	132	106 – 112 (if 3 storeys)
3 bed 5 person	93	93
2 bed 4 person	79 - 89	79

- 10.24 As can be seen above the units all comply with or exceed the Nationally Described Space Standards which the Council is currently looking to adopt. At the moment little weight can be attached to these space standards however they provide a useful tool to analyse the quality of internal living space for residents. The internal layouts demonstrated on the floor plans show clear and simple spaces laid out in a logical form and allowing for wheelchair circulation to take place. Staircases too would have little trouble being adapted to take stairlifts and entrance doors are shown to be level and accessible. Units are therefore considered to provide good quality living space for their intended residents.
- 10.25 Calculations demonstrate that the garden areas for all plots all comply with the two-thirds total floorspace recommendation set out in Neighbourhoods for Living. The smallest garden area is 64 sq m, which is still 2 sq m above minimum requirement. The largest area is just under 120 sq m. The garden areas, although in some areas slightly constrained by shade, will be suitable and provide good private amenity space for occupants.
- 10.26 To conclude then the design of the scheme has addressed the constraints of the site and the requirements of the Middleton Masterplan. Whilst there are some concerns over overshadowing to some of the plots, given that the scheme is providing 100% affordable housing and will bring much needed housing to this local area, it is considered that on balance the proposal is acceptable and would comply with Policy P10, GP5 and to guidance in Neighbourhoods for Living and the Middleton Masterplan.

Landscaping

- 10.27 Little indication has been given of the intended landscape strategy for the site, beyond the following details:
- i) Low level hoop top railings to front gardens which can be backed by hedging.
 - ii) Garden areas to be grass seeded.
 - iii) Higher timber fencing will demarcate rear boundaries to provide privacy.
 - iv) Patio areas and paths will be block paved.

v) Driveways and parking spaces will be tarmac.

10.28 There are no existing trees or other landscaping on site which will be impacted. It is considered that as a starting point the above details are acceptable and this should now be worked up into a full landscaping scheme and management plan. This can be dealt with via a condition and would ensure compliance with policies P10, LD1 and Land 2.

Obligations

10.29 As a residential development of 18 units the scheme triggers requirements for affordable housing and greenspace. The scheme is already intended to be 100% affordable housing which will be owned and operated by Leeds Federated Housing so the policy requirements here have been exceeded. With regard to greenspace the site is too small to allow for on-site greenspace in accordance with policy G4 and so a commuted off-site sum in lieu would be required.

10.30 The greenspace contribution would amount to £67,264.47 including an off-site fixed play facility. Due to the nature of the scheme (and the requirement to gain funding for the proposal) a Viability Assessment has been submitted by the applicants which has been reviewed in-house in line with Housing Growth protocols. The assessment carried out was based on 18 units proposed as affordable rent products (at 80% market rent).

10.31 The assessment demonstrated that the viability appraisal provided by Leeds Federated Housing was accurate with regards to cash flows and inputs and demonstrated that the development costs will restrict any surplus available for off-site greenspace payments. Furthermore the site has also been appraised in terms of a commercially oriented housing scheme and this concludes that the site is not viable for a commercially motivated equivalent housing scheme. The proposal by Leeds Fed is therefore likely to be the best available for the site.

10.32 On this basis it is not considered reasonable to request the greenspace sum, or to request other financial contributions suggested by WYCA as these would render the scheme unviable. It is considered in this instance that the need to provide this housing should outweigh the requirements of policy G4 and guidance on sustainable transport provision.

Other Issues

10.33 Matters regarding drainage and land contamination have been considered and can be adequately dealt with through suggested conditions to ensure that the site is fit for purpose and will not result in localised flooding or surface water run-off.

10.34 A construction management plan is suggested as a condition due to the location of the site within a residential area and close to a play area. This will cover matters such as the hours of construction, parking of vehicles, storage etc.

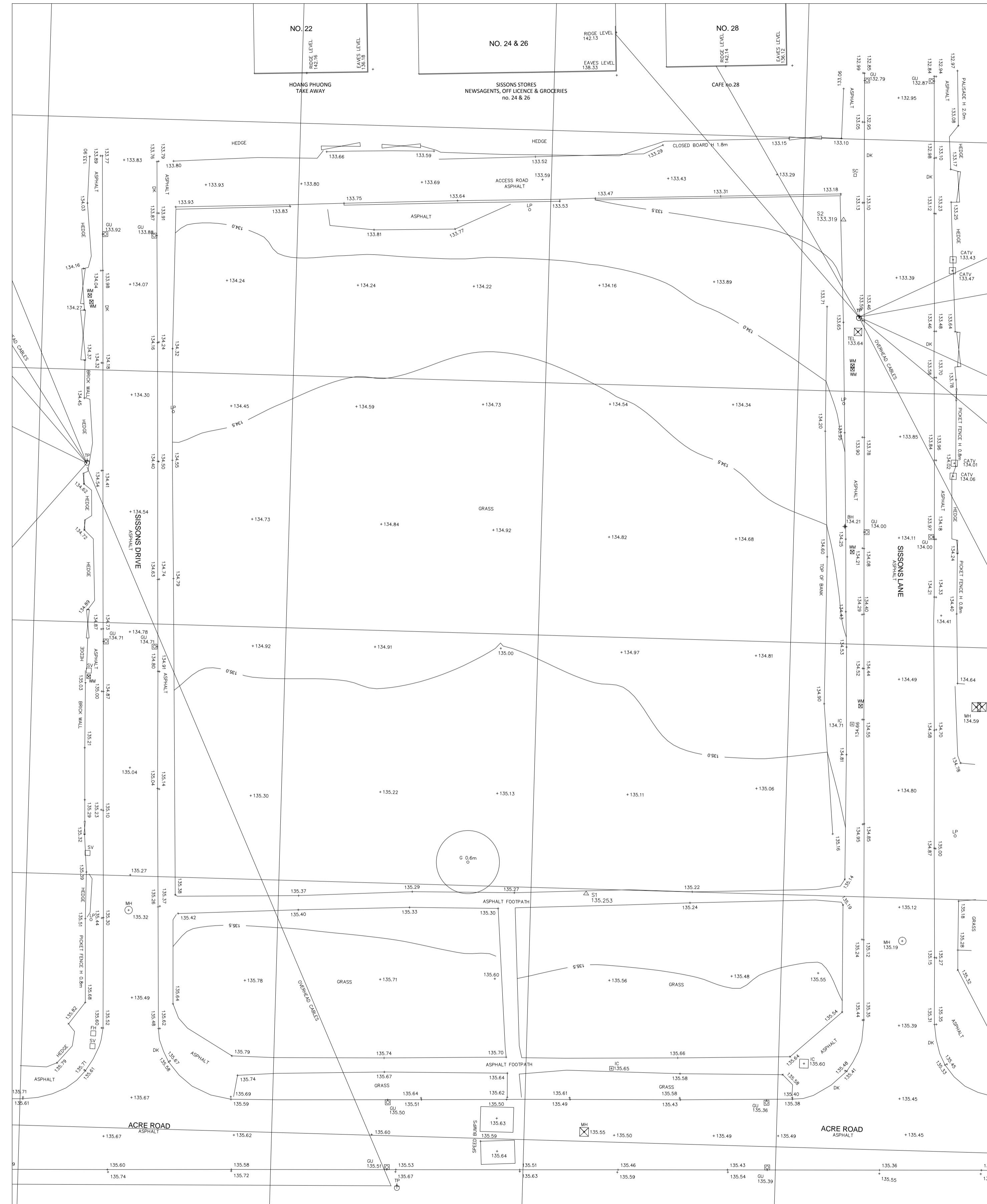
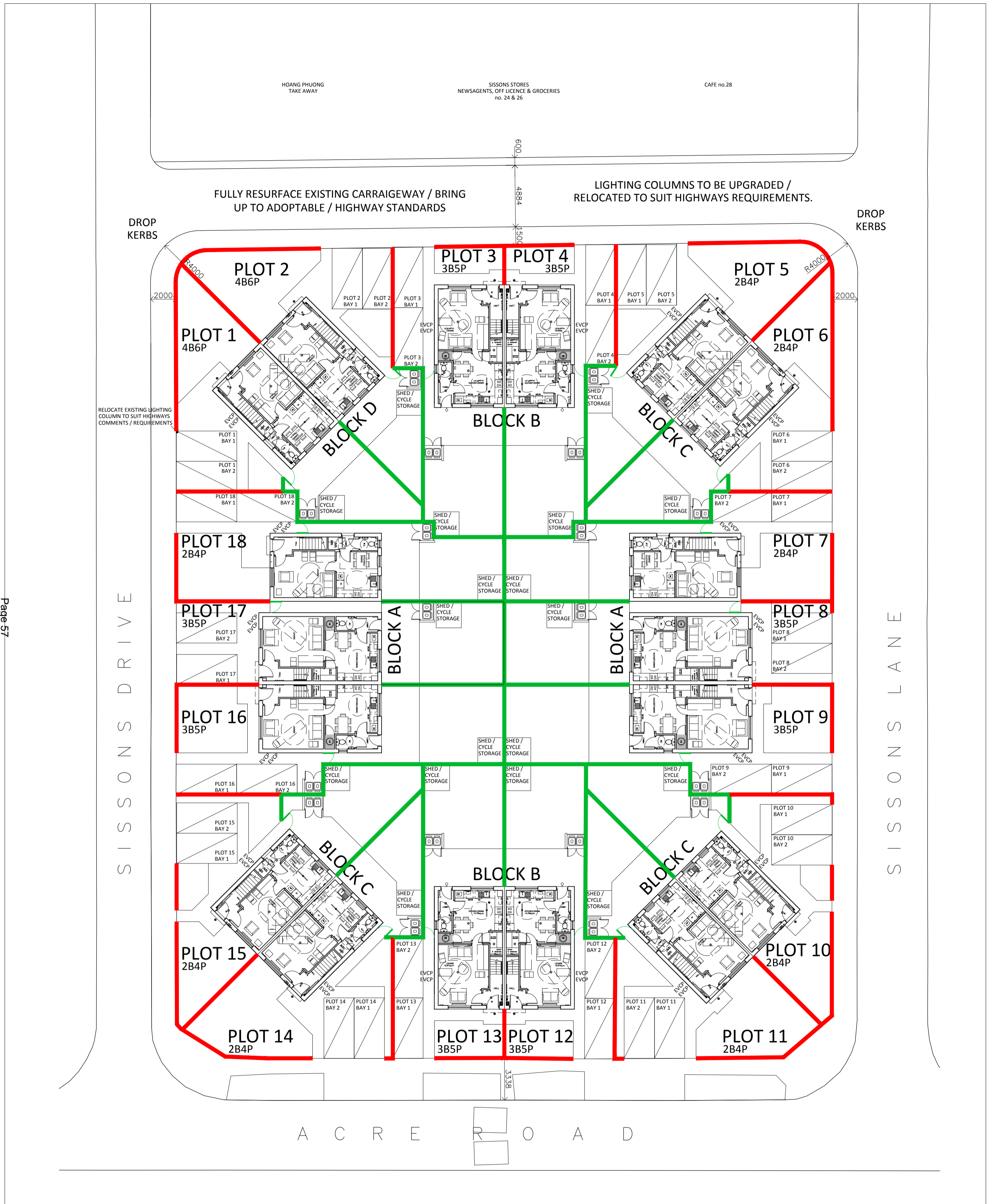
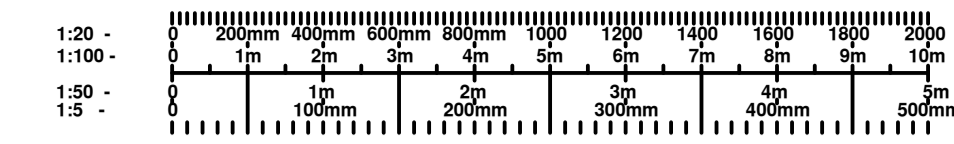
10.35 Member concerns raised are around the need for a local lettings policy for this site, which would restrict housing offers to local residents, or those with local connections. It is not considered that this can be a matter pursued via a planning application as it would conflict with Housing Legislation including the Councils own priority waiting list system. It is however a matter that the Housing team are taking forward with the applicants. Legal Comment required.

11. CONCLUSION

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



PROPOSED SITE PLAN
1:200

EXISTING SITE PLAN
1:200

LANGTRY-LANGTON ARCHITECTS
8 Oak Mount
Bradford
West Yorkshire
BD8 7BD
T. +44 (0)1274 498226
F. +44 (0)1274 548416
E. enquiries@langtry-langton.co.uk

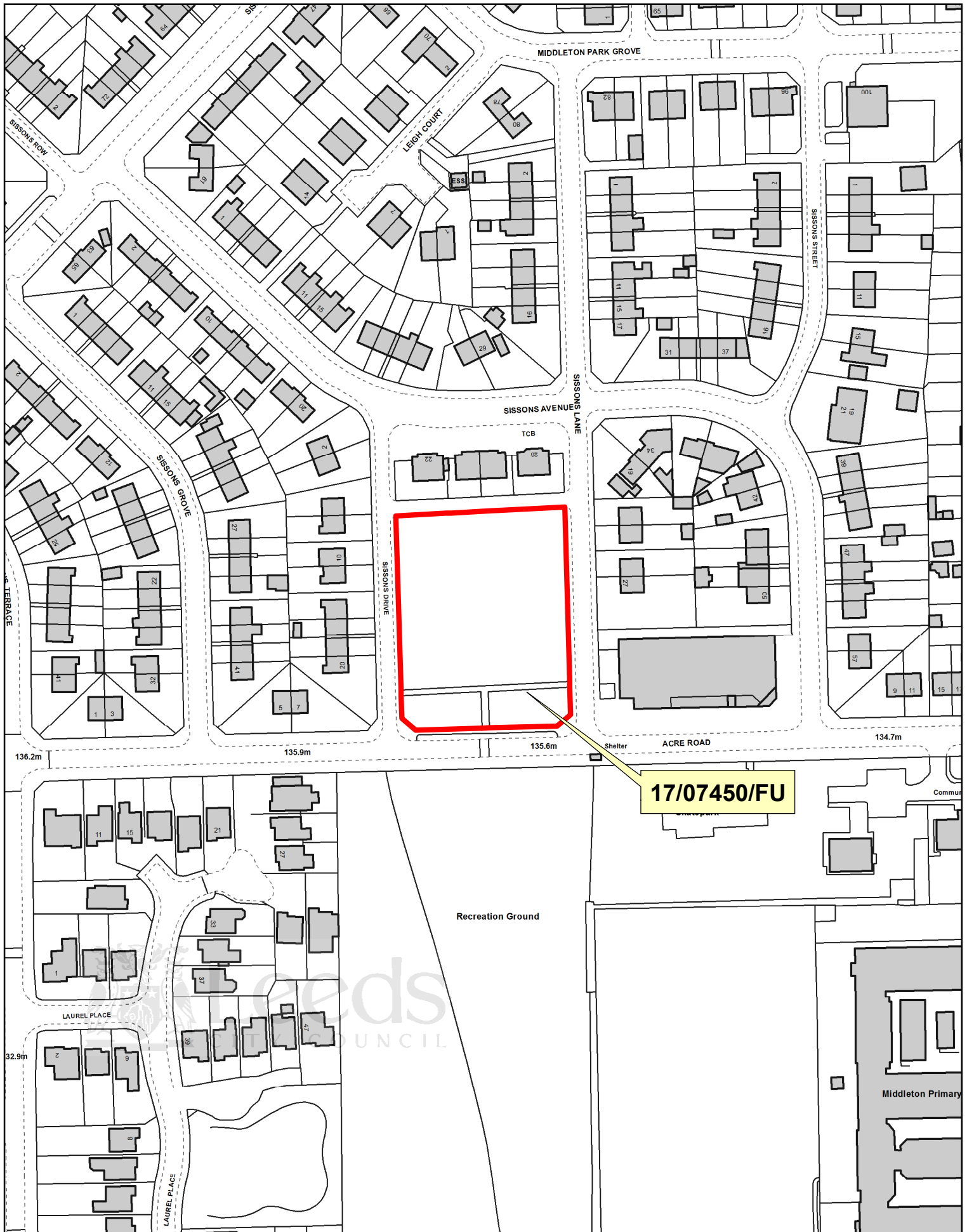
All work to be carried out in accordance with the requirements of the Building Regulations and the Water Authority Regulations currently in force.
Do not scale from this drawing. Architect to be notified of any discrepancies.
Verify relevant dimensions on site before commencing work or preparing shop drawings.
This drawing is copyright.

REV	DATE	AMENDMENT
A	21.03.18	REQUESTED HIGHWAY AMENDMENTS TO NORTHERN BOUNDARY; - 4m KERB RADII AND DROP KERBS ADDED. - LIGHTING COLUMN NOTE ADDED. - 600mm MARGIN ADDED. - PATH WIDTH INCREASED TO 1500mm. ELECTRICAL VEHICLE CHARGING POINTS (EVCP) ADDED TO ALL PLOTS. BOUNDARY TREATMENTS & SOFT LANDSCAPING ADDED TO FRONT GARDENS.

PROPOSED HARD AND SOFT LANDSCAPING
- ALL FRONT AND BACK GARDENS TO BE SEEDED.
- ALL DRIVEWAYS / PARKING BAYS TO BE TARMACADAM.
- ALL PATHWAYS AND PATIOS TO BE PAVED.
- CLOSE BOARDED TIMBER FENCING TO THE REAR.
- ALL PROPERTIES TO HAVE TIMBER BIN STORES.
- ALL PROPERTIRS TO HAVE LOW LEVEL FENCING TO THE FRONTS.
- SOFT LANDSCAPING TO FRONT GARDENS / TO ACT AS A SOFTENING SCREEN FOR CAR PARKING. FULL DESIGN TBC.

PROJECT
**New Housing Development
Acre Road, Middleton, Leeds
for
Leeds Federated H.A. Ltd**
DRAWING TITLE
**Existing and Proposed
Site Plans**

PROJECT NO.	DRAWING NO.	REVISION
16039	SK01	A
STATUS	Planning	CHECKED CR
SCALE @ A1 1:200	DATE June '17	DRAWN CR



SOUTH AND WEST PLANS PANEL





Leeds
CITY COUNCIL

Originator: Victoria Hinchliff
Walker
Tel: 0113 2224409

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th May 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: Defer and delegate approval subject to the following conditions and to completion of a legal agreement concerning the laying out and maintenance of open space/landscaping within the site:

1. Outline Permission Time Limit.
2. Reserved Matters – landscaping.
3. Details of walling and roofing materials to be submitted for approval.
4. Details of hard surfacing.
5. Submission and approval of a surface water drainage strategy (to take account also of Network Rail requirements as well as LCC requirements).
6. Construction Management Plan to be submitted for approval. This should include for the requirements of Network Rail.
7. Details of external lighting prior to installation.
8. Details of proposed footpath crossings to be submitted.
9. Laying out and retention of disabled parking.
10. On street parking controls.

11. **Maximum access gradient.**
12. **Provision of cycle and motorcycle parking – details to be submitted for approval.**
13. **Details of vehicle access to be submitted for approval.**
14. **Submission of Remediation Statement.**
15. **Amendments to remediation statement if needed.**
16. **Submission of verification reports on completion.**

1. Introduction

1.1 This application has previously been reported to Plans Panel on 12th April 2018 at which meeting Panel Members resolved that the application be deferred for officers to provide clarify on the context of letters referred to with regard to over provision of greenspace etc. and to explore further with the applicant what had been agreed with regard to the occupation of the commercial units. Officers were also asked to engage further with the applicant with regard to revisions to the housing mix and layout. The application was to be re-advertised with particular regard to the housing to the East.

2. Matters Considered Since Previous Panel Meeting

2.1 Officers have met with the applicant and their agent and have considered the following matters:

- Housing mix – number of bedrooms per house.
- Scale – review of proposal for three storey in context of site.
- Layout – review of layout in context of site.
- Appearance – review of elevational treatment of houses.
- Greenspace – viability and need for greenspace provision.
- Commercial units – likely occupation and interest in units.

2.2 These issues are dealt with in the appraisal below. The previous report to plans panel is appended for information on site and surroundings etc.

3. Appraisal

Housing Mix

3.1 The main issue with the previous housing layouts was the inclusion of a room at ground floor that could feasibly be used as a fourth bedroom rather than as a “study”. The view was therefore taken that these three bed houses should realistically be described as four bed houses which skewed the housing mix away from that required by Policy H4.

3.2 To overcome this the internal layout of these properties has been amended to make that spare room a lot smaller and therefore unsuitable for use as a bedroom. These properties can now be properly classed as three bedroom properties.

3.3 Policy H4 Housing Mix aims to ensure that new housing is of a range of types and sizes to meet the mix of households expected over the Plan Period. On smaller developments achievement of an appropriate mix to meet long term needs is not overriding, the form of development and character should also be taken into account.

House Type and Size	Number of Units	H4 Target	H4 Maximum	H4 Minimum
Flats – 1 Bed	2	10% = 2	50% = 10	0% = 0

Flats – 2 Bed	4	50% = 10	80% = 16	30% = 6
House – 3 Bed	7	30% = 6	70% = 14	20% = 4
House – 4 Bed	8	10% = 2	50% = 10	0% = 0

3.4 The table above demonstrates that whilst this development predominantly provides 3 and 4 bed houses this is still in line with the maximum target figures under policy H4 and the provision of the smaller 1 and 2 bedroom units is also welcomed. The number of 2 beds is under the minimum recommended, however as this is a small site and there are other factors weighing in the balance then it is not considered that this should result in a refusal of this scheme.

Design Issues

3.5 With regard to scale concern has previously been raised regarding the three storey nature of the proposed units. In assessing this a further site visit has been carried out to assess the overall character of the area. The land that the site sits upon falls away from Fall Lane, away to the east, land then climbs again to the north and the south so in effect the Meadow Side estate sits within a dip. Consequently a lot of the earlier Victorian properties built to the north and south have views out over the site and are readily apparent when standing within the site.

3.6 The Meadow Side estate is a mixture of two and three storey houses. Immediately to the east of the site are three storey blocks of flats that back onto the railway lines (which themselves sit within a cutting). This strong line of development continues along the railway line, with flats giving way to three storey houses further to the east. Other properties on the estate are a mix of 2, 2 and a half and three storey units, or split storey units with two storeys on one side and three on the other. The properties that lie opposite the site to the north east are of this type.

3.7 The site itself also has varied levels, Fall Lane to the west sits higher upon the bridge, and there is then a sloped embankment that falls from Meadow Side Road into the site. Consequently anything built inside the site will be lower than the road, and partially screened by the embankment and any planting upon it.

3.8 To the west is the new Miller Homes estate which has very obvious 4 storey flats immediately adjacent to Fall Lane and which are clearly very visible from the site. Older properties in the vicinity are mostly two storey, but many have attic rooms and dormers, and the older terraces are higher than modern day two storey properties.

3.9 Given this site context it is felt that the proposed three storey properties will be appropriate for this site, and to convert them to two-storey units may make them appear somewhat squat given the height of neighbouring properties. The three storey units will be taller than those to the north east side of Meadow Side however due to the level set down they are unlikely to appear overly dominant. This is a gateway into the wider estate and given the dominance of 3 storey units across this estate then the scale of the proposed development is considered to be acceptable.

3.10 Turning to matters of layout and the use of ground floor integral garages and lack of surveillance issues that were raised following the site meeting the agent raised a number of points concerning how the layout was arrived at. The layout in the main is dictated by highway setting out and the need to provide a suitable turning head. Other factors constraining the layout were the height of the road bridge, and overlooking from the four storey flats on the Miller Homes site as well as levels across the site. This led to the laying out of houses on an east west axis along a single estate road. The reason for turning some of the houses around to face the north east was to address the properties to the other side of Meadow Side Road rather than presenting backs to them

- 3.11 The applicant has looked to remove integral garages where possible, but there are still several properties with them, and the expanse of garages is added to by the addition of garages facing onto the estate road which serve properties facing Meadow Side. It is acknowledged that this is not ideal, however it is now understood how the layout has been arrived at and the potential impacts of alternatives which would not necessarily bring about improvements. As it is the layout does not result in negative impacts for surrounding neighbours in terms of overlooking, overshadowing or overdominance and consequently it is not felt that there would be sufficient justification to merit refusing the scheme on those grounds.
- 3.12 With regards to appearance, it was felt that in the main the houses were acceptable but could be improved, particularly in relation to the corner plot on the access road, and the articulation of the commercial units. The applicant has therefore amended these elevations to improve the overall appearance of the scheme on visual amenity grounds.

Greenspace

- 3.13 As noted previously the scheme has been deemed to be not viable if the usual financial obligations are placed onto any approval. Further to this the applicant has noted that previous correspondence with the Council regarding the Meadow Side Estate demonstrated that a contribution towards off-site greenspace was made in association with the wider estate (this current site then being a part of the site and intended for occupation by a pub and commercial units).
- 3.14 Further to this the applicant also notes that in the 2008 application for the laying out of 12 flats, surgery, pharmacy, nursery and retail units a condition for greenspace requirements was applied. In seeking to discharge this the applicant was advised that due to the provision of greenspace associated with the wider Meadow Side Estate then no further provision was due and the condition was discharged.
- 3.15 It is further noted that the site lies in close proximity to extensive tracts of public open space. To the north and south of the site is the Green Belt boundary. To the north is a long linear area of open space through which the Leeds Country Way runs, along with a bridleway. To the south across the railway line is a further area of open space. The site is therefore well served with greenspace which is readily accessible.
- 3.16 Considering all these factors together it is considered that in this instance the proposal can be approved without the provision of greenspace.

Commercial Units

- 3.17 The proposal involves two commercial units at the ground floor of the flats building. These are being offered for the provision of a health centre/doctors surgery and a pharmacy. Currently the applicant is in talks with potential occupiers of both spaces but due to confidentiality details cannot be made public. The occupiers of the spaces are not a matter for this planning application to consider, what needs to be considered is whether the uses are appropriate. As previously considered the need for a health centre has been raised by many locals in the East Ardsley area, on both this and on other applications. There does therefore seem to be a demand for such a facility, and it is welcomed as part of this application.
- 3.18 Concerns have been raised about what happens if the use does not get taken on. With regard to the health centre a condition restricting the use of the unit to this particular use is recommended, firstly this provides some certainty that the unit will be used for that purpose (any other use would need to be assessed via a further planning application), and secondly it enables the council to control any other uses with use class D2 as some of these will have very different customer patterns leading to potential highways or amenity issues. A condition enables the council therefore to review any alternative use for appropriateness prior to any such use commencing.

3.19 With regard to the pharmacy use as an A1 use this is not as controllable, however the use of the unit as a small newsagents etc. would be considered appropriate and again has been cited by local residents as something they would like to see happen. Therefore it is not considered necessary to restrict this use by condition. It is also noted that commercial uses have previously been granted on this site.

4. Conclusion

4.1 In considering this application in more detail, and taking into account the additional information that has been submitted, coupled with the amendments, the proposal is seen to comply with relevant planning policies (P10, GP4, T2, H2, H4, H5, GP5, LD1) and can be recommended for approval subject to conditions.

Background Papers

Application file – 17/05126/OT

Certificate signed as applicant.

Appendix – previous report to Plans Panel 12/04/18.

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 8th 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 8th 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 5th 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 8th 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 8th 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 8th 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.

10.34

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

The flats fall below the NDSS and fall short of the

minimum space standards for 1 bedroom, 2 person flats by 8m² and 2 bedroom, 4 person flats by 6m². 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 6m² (and 18m² in the case of No.21). The 4 bed dwellings fall slightly below the NDSS by 6m². 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 6m² or 7m². 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 63m² to 123m². 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 (63m²) and Plot 14 (70m²) which fall below the required 76m².
- 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. Officer 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.	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 leisure and retail	Within 5 min walk to a bus stop offering a 15 min frequency service to a major transport interchange. Or, where appropriate, 10 min walk to a rail station offering a 30 min frequency service	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) Outwood station is located 1.4 miles from the site (25 minute walk). (Does not comply)

- 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 12th November 2014 with the charges implemented from 6th 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 (2170m²) 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.

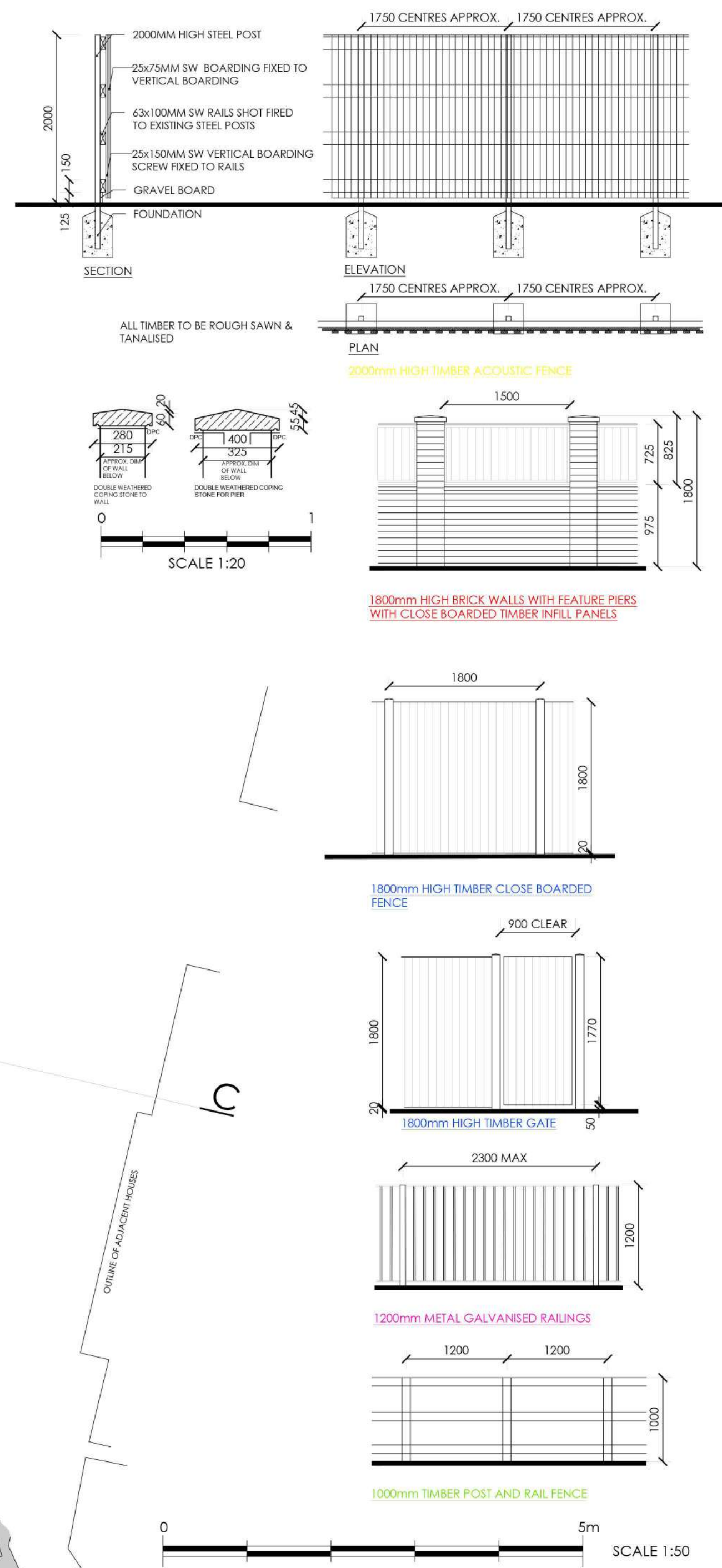
Background Papers:

Planning application file: 17/05126/OT

Certificate of ownership: signed by applicant.

MEADOW SIDE ROAD, EAST ARDSLEY

FENCE DETAILS



NOTES

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**
- RETAINING WALLS
 - GATE POSTS / PIERS
- BOUNDARY**
- 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**
- PEDESTRIAN & 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

COPYRIGHT RESERVED

THIS DRAWING IS COPYRIGHT AND THE INTELLECTUAL PROPERTY OF LOROC ARCHITECTS LIMITED. THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORITY.

DO NOT SCALE
NO DIMENSIONS TO BE SCALED FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT / ENGINEER / CONTRACTOR

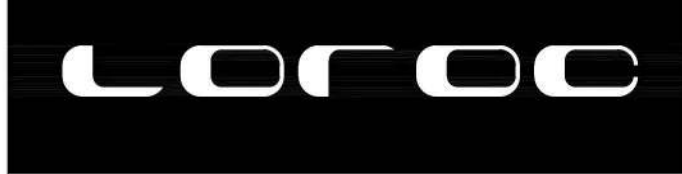
ALL INFORMATION ON THIS DRAWING IS SUBJECT TO A FULL AND COMPREHENSIVE TOPOGRAPHICAL SURVEY AND CONFIRMATION OF RELEVANT TITLE.

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

PILOT NUMBER	INT. NET FLOOR AREA (SQ FT)	BACK GARDEN FLOOR AREA (SQ FT)	BACK GARDEN AS % OF INTERNAL FLOOR AREA	NUMBER OF BEDROOMS
1	692	N/A	N/A	2
2	455	N/A	N/A	1
3	692	N/A	N/A	2
4	692	N/A	N/A	2
5	455	N/A	N/A	1
6	692	N/A	N/A	2
7	1245	984	79%	4
8	1245	902	72%	4
9	1245	1047	84%	4
10	1245	1040	83%	4
11	1235	902	72%	4
12	1245	902	72%	4
13	1235	1000	80%	4
14	1245	840	67%	4
15	1245	1110	89%	4
16	1235	1471	119%	4
17	1235	874	70%	4
18	1235	877	71%	4
19	1235	764	61%	4
20	1235	975	79%	4
21	1235	1015	82%	3

SITE AREA = 93143 SQ M / 1.46 ACRES

REV	DESCRIPTION	DRWN/CHKD	DATE
H	REVISED SITE LAYOUT	BC	12.03.18
G	NON RESIDENTIAL UNITS REMAINED AS REQUESTED BY LCC PLANNING	JC	15.12.17
F	LCC HIGHWAYS UPDATES TOP LAYOUT	BC	04.10.17
E	CLIENT REVISIONS	JT	31.08.14
D	CLIENT REVISIONS	JT	04.08.14
C	REVISED SITE LAYOUT	JT	20.07.14
B	APARTMENT PARKING RECONFIGURED	JT	01.03.14
A	SITE LAYOUT REVISED IN LINE WITH PLANNING CONDITIONS	JT	19.02.14



CLIENT	JFC PLANT
PROJECT	MEADOWS SIDE ROAD, EAST ARDSLEY, LEEDS
TITLE	SITE PLAN
SCALE	1/250 @ A1
DATE	11/15
DRAWING NO.	1446-101
REVISION	H
DRAWN BY	JC
CHECKED BY	-

PURPOSE OF ISSUE

PLANNING
 BUILDING REGS
 TENDER
 APPROVAL
 COMMENT
 CONSTRUCTION

LOROC ARCHITECTS
WHITEHALL WATERFRONT
2 RIVERSIDE WAY LEEDS LS1 4EH
T: 0113 233 7755 F: 0113 243 4806 W: www.loroc.co.uk

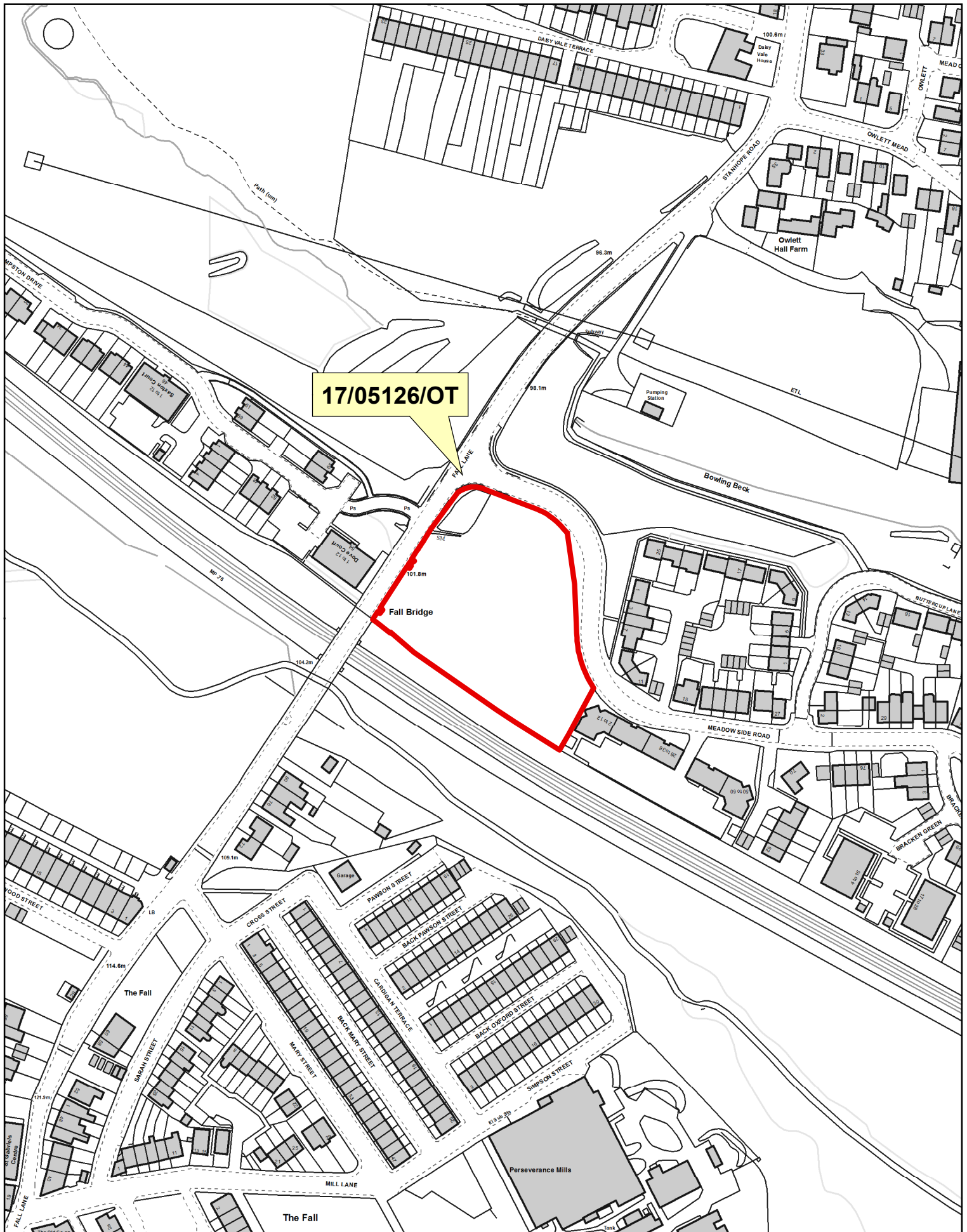


Page 82

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

CDM 2015 PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING:
NOT OBVIOUS ■ UNUSUAL ■ DIFFICULT TO MANAGE

CONSTRUCTION USE MAINTENANCE DECOMMISSION



SOUTH AND WEST PLANS PANEL



This page is intentionally left blank



Originator: Kathryn Moran

Tel: 0113 378 9796

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th May 2018

Subject: 17/07967/FU – Single storey rear extension, side extension and access ramp at The Bungalow, Moor Knoll Lane, East Ardsley, WF3 2DT

APPLICANT
Mr D Troops

DATE VALID
4 December 2017

TARGET DATE
18 May 2018

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: Application recommended for approval subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The external walling and roofing materials shall match those existing.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any extensions or alterations are constructed.

1.0 INTRODUCTION

- 1.1 The application seeks consent for a single storey rear extension to accommodate additional living accommodation (a wheelchair accessible bed sit) for the applicant's brother.
- 1.2 This application is brought to Panel at the request of Councillor Renshaw, on the grounds that the dwelling is located within the Green Belt and the proposed development will result in further encroachment of Green Belt land and harm to the openness of the Green Belt. Councillor Renshaw recognises the property has been significantly extended previously and considers that the necessary adaptations could be made to the property without further development.

2.0 PROPOSAL

- 2.1 The application seeks consent for a single storey rear extension to accommodate additional living accommodation (a bed sit) for the applicant's relative. The extension has been designed to provide some independent living accommodation within the existing dwelling.
- 2.2 The proposed rear extension is 5.8m (w) x 7m and is 2.4m in height to eaves with a pitched roof (3.2m to ridge). A small lobby/kitchen area is also proposed plus an access ramp to the side of the dwelling. The proposed extension to the dwelling would result in an increase in volume of 160m³.
- 2.3 The application has been revised since first submitted. Originally a single storey extension was proposed to the front of the dwelling to accommodate living accommodation, a garage for two parking spaces and a side extension to accommodate a workshop. However to address officers concerns the scheme was revised to omit the front and side extensions and provide a rear extension instead.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a detached dormer bungalow and associated curtilage. The property is constructed from re-constituted stone. The property has a side driveway which leads to the rear curtilage area. The site has a stone wall frontage onto Moor Knoll Lane and the side and rear boundaries are separated from adjacent open land by timber fencing.
- 3.2 The site lies in the Green Belt, north of the main settlement of East Ardsley. The rear curtilage area of the property has no obvious garden, and has been previously (unlawfully) used for the storage of vehicles. There is a lawned garden to the front of the property. The applicant's own the adjacent area of land which is used as stables and the grazing of horses.

4.0 RELEVANT PLANNING HISTORY

- 4.1 H23/371/78 – Cattery comprising 40 kennels (residential and breeding). Approved 10.07.78
- 4.2 H23/496/91 - Alterations and extension to form dining room to front of detached bungalow. Approved 18.12.91

- 4.3 09/04425/FU - Retrospective application for 2.1m high gates to front. Approved 16.12.09.
- 4.4 13/01439/FU – Retrospective application for stable block and ménage. Approved 20.6.13.
- 4.5 14/02308/CLE - Certificate of existing lawfulness for use of dwelling as a residential property including the extensions to the property ,and the use of out buildings as stables and associated operational development. Approved 23.5.14. 15/07312/FU – Change of use of residential rear garden as motor vehicle sales. Refused 17.2.16 for the following reason:

'The proposed development lies within the defined Green Belt, where there is a presumption against inappropriate development. The development would have a significant impact on the openness of this Green Belt location, due to the visual clutter and urbanisation that it creates, contrary to paragraph 89 of the NPPF. The applicant has not demonstrated any Special Circumstances to why this development should be permitted, which would outweigh the harm caused to the openness of the Green Belt. The proposal is inappropriate development within the Green Belt and therefore contrary to saved policy N33 of UDP (Review) 2006 and advice contained within the NPPF (2012) on protection of the Green Belt.'

The above decision was appealed and the Planning Inspector subsequently dismissed the appeal. The unauthorised use was also subject to an enforcement notice. Enforcement officers were satisfied the notice has been complied with and the enforcement case was closed in February 2017.

- 4.6 17/05059/FU – Single storey front/side extension to provide garages. Withdrawn.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant has revised the scheme during the course of the application. The proposed extension was originally located to the front of the existing dwelling. A much larger extension was also proposed to accommodate a workshop and garages for vehicle storage. The extension was reduced in footprint to accommodate only the accommodation for the applicant's relative. The proposed extension was also re-sited to the rear of the property. As such the front garden is to remain as existing.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 A Site notice posted on 15 December 2017 and Press Advertisement in Yorkshire Evening Post published on 13 December 2017.
- 6.2 No responses have been received.
- 6.3 Ward Councillors have been notified of the application. Councillor Renshaw has expressed concerns regarding further extensions to the dwelling due to its Green Belt location.

7.0 PLANNING POLICIES

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds 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.
- 7.2 The following Core Strategy policies are considered most relevant
- SP1 – Location of development in main urban areas on previously developed land.
P10 – High quality design.
P12 – Good landscaping.
T2 – Accessibility.
- 8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:
- GP5 - Development Proposals should resolve detailed planning
BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings
N32 – Designation as Green Belt
N33 – Sets out the restrictions that apply to development within the Green Belt.
- 8.4 The following Supplementary Planning Policy documents are relevant:
- Householder Design Guide:
- Policy HDG1 of the Householder Design Guide requires all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality with particular attention to be paid to the roof form and roof line, window details, architectural features, boundary treatments and materials.
- Policy HDG2 of the Householder Design Guide requires development proposals to protect the amenity of neighbours and states that proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.
- Policy HDG3 restricts extensions within the green belt to 30% of the original house volume. Proposals which exceed 30% or which harm the character, appearance or openness of the green belt are inappropriate
- 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.
- 8.14 Section 9 Protecting Green Belt Land - The NPPF sets out clear principles with regard to what is appropriate development in the green belt, which is effectively restricted to agriculture and essential facilities. Extensions to existing buildings can be acceptable in the green belt provided that they do not result in disproportionate additions over and above the size of the original building.

9.0 MAIN ISSUES

1. Principle of development (impact on Green Belt)
2. Design and character
3. Residential Amenity
4. Highways Safety

10 APPRAISAL

Principle of Development (Impact on the Green Belt)

- 10.1 The application site is located within the Green Belt thus careful consideration needs to be given to the impact the development will have on the openness of the Green Belt and whether the proposed development is inappropriate in the Green Belt.
- 10.2 Paragraph 88 of the NPPF states that *'when considering any planning application, the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other*

harm, is clearly outweighed by other considerations’. Paragraph 89 identifies exceptional circumstances when local authorities could regard the construction of new buildings as appropriate development in the Green Belt including:

‘the extension or alteration of a building provided that does not result in disproportionate additions over and above the size of the original building.’

- 10.3 RUDP Policy 33 states that approval will only be given in the Green Belt in very special circumstances including limited extensions to existing dwellings. The adopted Householder Design Guide Supplementary Planning Document states that *‘in order to be considered as limited development all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. Development proposals which exceed 30% or which harms the character, appearance and openness of the Green Belt are considered to be inappropriate development.’* This policy is considered to define the ‘limited’ extensions as defined in the NPPF.
- 10.4 It is evident that the property has been extended previously. A review of the planning history of this site established that the dwelling was built in the 1970s. Works to extend the dwelling were carried out in 2009/2010. The works never received planning approval due to the uplift in volume exceeding 50% (threshold set by adopted Green Belt policy at this time). Whilst the applicant applied for permission in 2009 (09/04425/FU), the scheme was revised and consent was granted for 2.1m high gates to the front only.
- 10.5 The extensions and alterations carried out in 2009 resulted in an uplift in volume of more than 50% of the original volume. In 2014 the applicant submitted an application for a Lawful Existing Development Certificate to seek confirmation that the works were immune from enforcement action, having been carried out 4 years prior to submission of the application. This evidence, together with the Council’s own records, were considered and the Council accepted that the works were immune from enforcement action. Therefore a certificate was granted on 23 May 2014 (14/02308/CLE).
- 10.6 From photographic records it is clear that the dwelling has been substantially altered and enlarged since 2009. The original dwelling has been extended from its original volume (303m³) to 600m³ (approximately). It is also noted that in 2009 there were outbuildings located to the rear of the dwelling. These outbuildings had a footprint of 84m². It is not clear whether the outbuildings had permission but appear to be lawful by virtue of having been in place for more than 4 years. According to the planning records the outbuildings had been removed by 2014/2015.
- 10.8 The application now proposed will result in a further uplift in volume of 160m³, above the existing dwelling which has already been extended. Therefore the application is contrary to NPPF para 89, RUDP N33 and HDG3 in that it results in a substantial increase in volume over and above the existing dwelling.
- 10.9 The agent has provided a statement on behalf of his client which sets out the details of this application. In summary it states that the extension has been specifically designed to provide the space and amenities needed to enjoy a reasonable lifestyle whilst providing a degree of supervision and independence from the rest of the family. The application has been revised following discussions with the Planning Officer with the extension relocated and the garage omitted. It also states that the extension has been designed to be subordinate to the existing house which sits in a very large site. It states the existing bungalow comprises 10.5% of the original site

area and the proposed extension would comprise 3.48% of the site area. There were previously outbuildings to the rear of the dwelling which have been removed and the footprint of the proposed extension is 56% of the footprint of these outbuildings. It also states that the applicant's relative has given notice on his current property.

- 10.10 The proposed extension will accommodate a wheelchair accessible bed sit for the applicant's relative with bed room, living room, bathroom and kitchenette. The applicant has provided information regarding the relative's medical condition to demonstrate the need for the additional accommodation. Based on the medical evidence provided by the applicant it is considered there are very special circumstances to allow an extension to a dwelling in the Green Belt.
- 10.11 The rear single storey extension would not increase the height of the building, although the footprint of the dwelling building will be enlarged to the rear and to the side by virtue of the access ramp. The extension, given its position to the rear of the dwelling, would not be visible in public views from Moor Knoll Lane. On balance, the proposed development is considered acceptable. The benefits of the scheme (providing additional wheelchair accessible accommodation) are noted and it is not considered the extension would significantly harm the openness of the Green Belt in this location. The medical need is considered to outweigh any harm to the Green Belt. Therefore, due to the very special circumstances in this case (the medical need for the accommodation), it is not considered the proposal conflicts with the aims of the NPPF (para 88) to justify a refusal of the application. To ensure no further extensions to this dwelling can be undertaken without permission a condition is recommended to remove Permitted Development rights.

Design and Character

- 10.12 Consideration has been given to the impact the extension will have on the design and character of the existing building and wider area.
- 10.13 The extension is appropriately designed, using materials which respond positively to the stone dwelling. The ground floor extension is modest in height and located discreetly at the rear of the property.
- 10.14 The proposed ramp will be located to the side of the dwelling and set back from the front building line. This part of the dwelling is largely screened from the street by the high level planting along the front boundary.
- 10.15 The proposed extension is considered to represent high quality design which relates well to the host property in accordance with Core Strategy P10 and RUDP Policy BD6 and HDG1. In light of this no harm will result to the design and character of the property or wider area.

Residential Amenity

- 10.16 Consideration has been given to the impact the extension will have on the privacy of neighbouring properties. The extension is located away from neighbouring properties ensuring that no overlooking or loss of privacy are anticipated.
- 10.17 Consideration has been given to the impact the extension will have in terms of overshadowing and dominance. The extension is located a significant distance from neighbouring properties ensuring that issues of overshadowing or dominance are anticipated. The proposed development complies RUDP GP5 and HDG2.

Highways

10.18 The proposed extension will not have any impact on on-site parking within the site or raise any highways safety concerns.

11.1 **CONCLUSION**

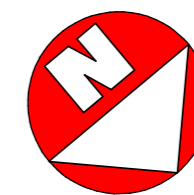
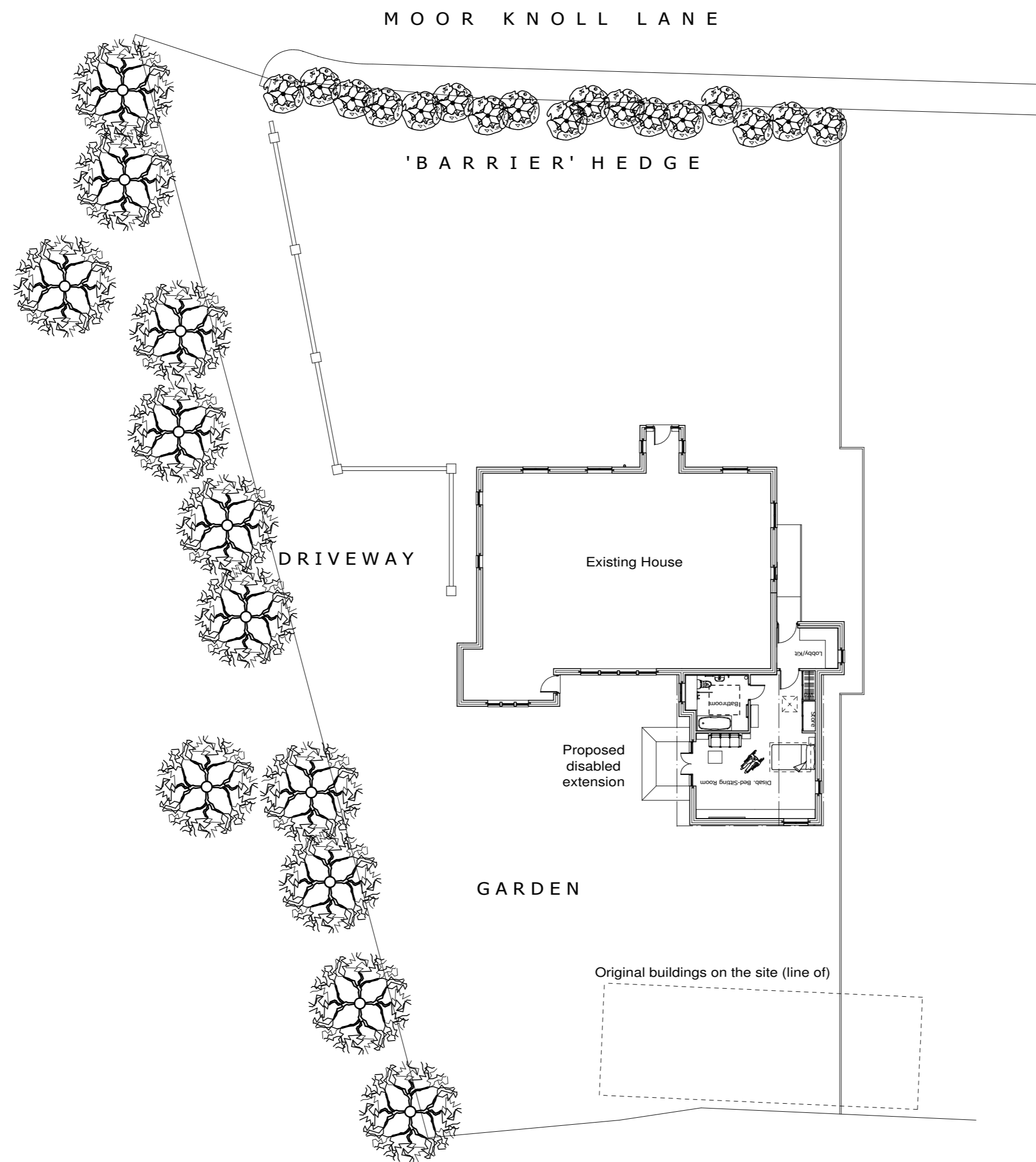
11.1 It is recognised that the dwelling has already been significantly extended and any further extensions would generally be resisted given the property is located within the Green Belt. However the applicant requires the additional accommodation for a relative with medical needs. It is considered there are very special circumstances to allow this property to be extended. This is supported by medical evidence provided by the applicant. The proposed extension is located to the rear and would not be visible from public or private views. On balance it is considered that the application is acceptable and is recommended for approval.

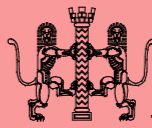
Background Papers:

Planning application file: 17/07967/FU

Certificate of ownership: signed by applicant.

DO NOT SCALE FROM THE DRAWING
ALL DIMENSIONS TO BE CHECKED ON
SITE PRIOR TO ANY CONSTRUCTION OR
FABRICATION AND ANY DISCREPANCIES
IMMEDIATELY REPORTED TO THE ARCHITECT



 Tim Bennett Dipl.Arch. RIBA Chartered Architect
27 Melbourne Street, Morley, Leeds LS27 8BG
Tel. 07875 267938 email timbennett6@hotmail.com

PROJECT 'The Bungalow', Low Wood House,
Moor Knoll Lane, East Ardsley: WF3 2DT
Workshop and garage extension:

THESE ARE NOTIFIABLE WORKS UNDER CDM AND ASSOCIATED
HEALTH AND SAFETY LEGISLATION THE TERMS OF WHICH MUST
BE FULLY COMPLIED WITH AT ALL TIMES

CLIENT David and Tracy Troops, 'The Bungalow',
Low Wood House, Moor Knoll Lane, East Ardsley:

ORIGINAL DATE July 2016

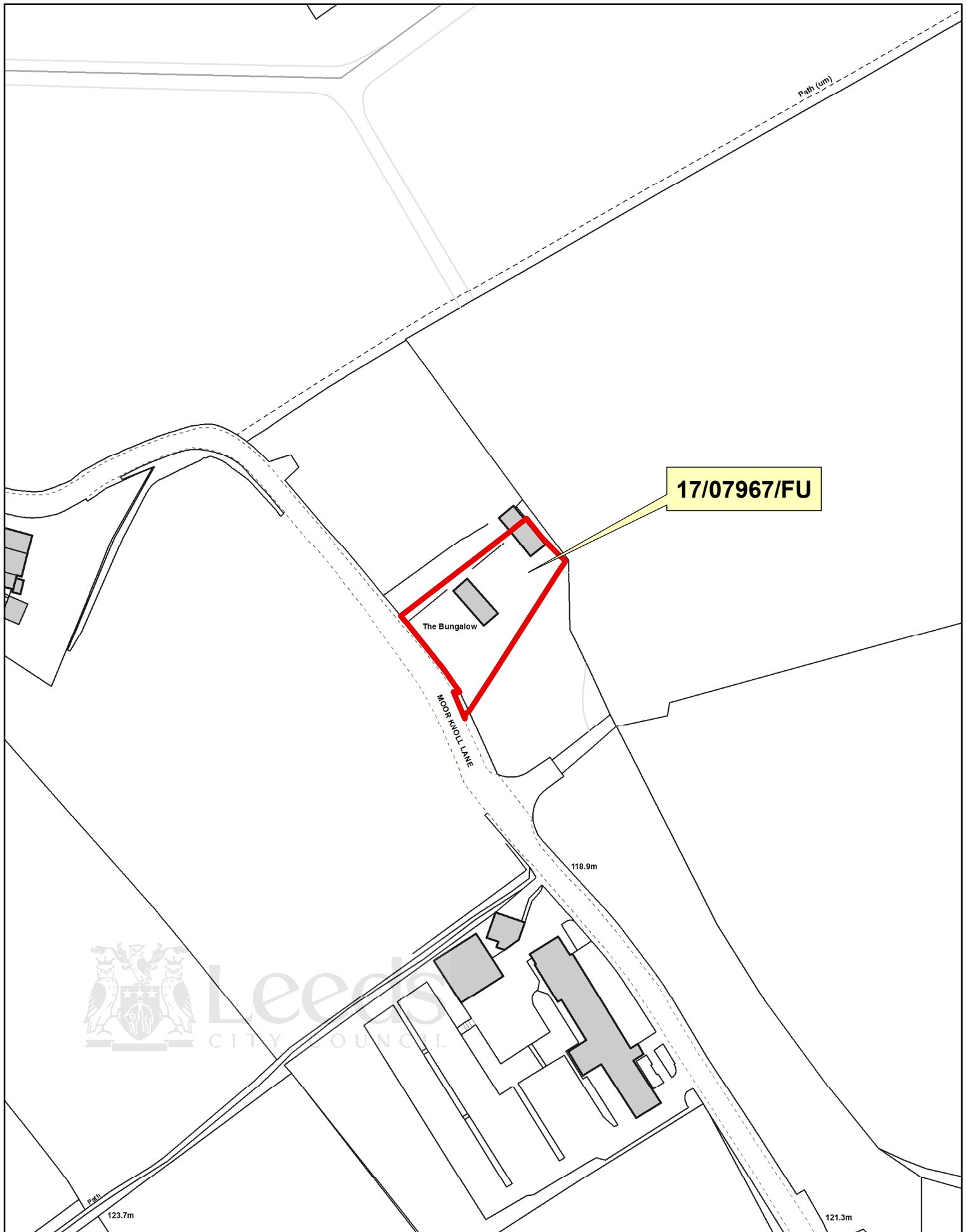
DRAWING Proposed site plan:

DATE Feb 2018

SCALE 1:200

NUMBER 17/9/8

REV.



SOUTH AND WEST PLANS PANEL

