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## **SOUTH AND WEST PLANS PANEL**

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**Meeting to be held in the Civic Hall, Leeds on  
Thursday, 18th October, 2018 at 1.30 pm**

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### **MEMBERSHIP**

#### **Councillors**

K Brooks	C Campbell	B Anderson	A Hutchison
M Gibson		J Shemilt	
C Gruen (Chair)			
S Hamilton			
J Heselwood			
D Ragan			
P Wray			

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**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><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members’ Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	

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6			<p><b>MINUTES - 20 SEPTEMBER 2018</b></p> <p>To confirm as a correct record, the minutes of the meeting held on 20 September 2018.</p>	5 - 10
7	Farnley and Wortley		<p><b>APPLICATION 18/01111/FU - ASHFIELD WAY, WHITEHALL INDUSTRIAL ESTATE, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of Conditions 1, 5, 6 and 18 of previous approval 11/01809/FU to amend the site layout and to extend the hours of operation to 0700-1900 (Monday to Friday) and 0800-1700 (Saturday)</p>	11 - 24
8	Pudsey	10.4(3)	<p><b>APPLICATION 17/08294/FU - LAND OFF TYERSAL CLOSE, TYERSAL, BRADFORD</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the construction of 22 dwelling houses and associated works.</p>	25 - 60
9	Middleton Park		<p><b>APPLICATION 18/00846/FU - FORMER SITE OF BENYON CENTRE, RING ROAD, MIDDLETON, LEEDS</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the construction of a mixed use retail led development comprising retail (Use Classes A1, A2, A3 and A5), leisure (Use Class D2), non-residential institutions (Use Class D1) and bookmakers (Sui Generis) with associated access, parking and landscaping</p>	61 - 78
10	Farnley and Wortley		<p><b>APPLICATION 18/02140/FU AND 18/02141/LI</b></p> <p>To receive a position statement regarding an application and a listed buildings application for conversion of mill buildings, demolition of Listed Buildings to provide 30 dwellings and the construction of 82 new dwellings (112 dwellings in total) with associated access and landscaping</p>	79 - 94

Item No	Ward	Item Not Open		Page No
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 22 November 2018 at 1.30 p.m.</p> <p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	
2				
a)				
b)				

**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

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- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

## **CONFIDENTIAL AND EXEMPT ITEMS**

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

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

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

### **9.2 Confidential information means**

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

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

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

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

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

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

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

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

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



To all Members of South and West  
Plans Panel

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

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

Our reference: SW Site Visits  
Date: 08/10/18

Dear Councillor

**SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 8<sup>th</sup> Oct 2018**

Prior to the meeting of the South and West Plans Panel on Thursday 8<sup>th</sup> Oct 2018 the following site visit will take place:

Time	
09.45 am	Depart Civic Hall
10.05 – 10.15	<b>18/00846/FU</b> - Construction of a mixed use retail-led development comprising retail (use classes A1, A2, A3 and A5), leisure (use class D2), non-residential institutions (use class D1) and book makers (sui generis) with associated access, parking and landscaping. - <b>Land at the former Site of Benyon House, Ring Road Middleton, Middleton, Leeds, LS10</b>
10.35 – 10.45	<b>Visiting 263 Whitehall Road in connection with application below first-</b>
10.55 – 11.05	<b>18/01111/FU</b> – Variation of conditions 1, 5, 6 and 18 of previous approval 11/01809/FU to amend the site layout and to extend the hours of operation to 0700 – 1900 (Monday-Friday) and 0800 – 1700 (Saturday) - <b>Whitehall Industrial Estate, New Farnley.</b>
11.15 -11.40	<b><u>POSITION STATEMENT</u> - Application 18/02140/FU and 18/02141/LI</b> – Planning and Listed Building Applications for conversion of mill buildings, demolition of Listed Buildings to provide 30 dwellings and the construction of 82 new dwellings (112 dwellings in total) with associated access and landscaping - <b>Stonebridge Mills, Stonebridge Lane, Wortley, Leeds</b>
12.00am	<b><u>Return to Civic Hall</u></b>

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Please notify Steve Butler (Tel: 3787950) if this should cause you any difficulties as soon as possible. Otherwise please meet in the Ante Chamber at 10.30 am.

Can members please be aware that for the two sites on Whitehall Road, as they are both operational sites we will view them from the roadside. Sturdy shoes are recommended for the Stonebridge Mills site as it is overgrown.

Yours sincerely

Steve Butler  
Group Manager  
South and West

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 20TH SEPTEMBER, 2018**

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

Councillors B Anderson, K Brooks,  
M Gibson, S Hamilton, J Heselwood,  
A Hutchison, D Ragan, J Shemilt and  
P Wray

### **19 Declarations of Disclosable Pecuniary Interests**

There were no declarations.

### **20 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor C Campbell.

### **21 Minutes - 16 August 2018**

**RESOLVED** – That the minutes of the meeting held on 16 August 2018 be confirmed as a correct record.

### **22 Application 18/03233/FU - 7 Bankfield Gove, Burley Leeds**

The report of the Chief Planning Officer presented a retrospective application for a rear dormer window at 7 Bankfield Grove, Burley, Leeds.

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

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

- The application had been referred to Panel at the request of Ward Councillors as it was felt that a similar development could have been erected without consent under permitted development.
- An application was approved in 2010 for a two storey side extension and an extension to the rear. This was without a dormer.
- Following a retrospective application in March 2017 it was negotiated to retain the side gable extension with the condition that the dormer be removed due to over dominance and overlooking.
- This most recent application had been submitted to keep the works in their entirety.
- The adjoining property had a dormer but did not have a rear extension.
- It was recommended that the application be refused due to overlooking and over dominance caused by the unauthorised dormer.

A local Ward Councillor addressed the Panel in support of the application. Issues highlighted included the following:

- It was not felt that the dormer was harmful enough to recommend its demolition.
- The dormer could have been built under permitted development rights prior to the side extension. The applicant should not be penalised because of the sequence of events.
- The applicant did not purchase the property until 2014.
- The penalty of having to remove the dormer was worse than leaving it in place. Removal could make the roof look worse.

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

- The property next door had erected a dormer under permitted development rights. The application did not have the permitted development rights due to having the two storey side extension.
- The possibility of obscure glazing to prevent the overlooking. It was reported that this has been explored but as the main and only window this would prevent any outlook.

Following further discussion it was suggested that the application would be suitable with a condition to provide obscured glazing on the dormer. A motion was made to approve the application with a condition that the window to the dormer to have obscure glazing. This was seconded and subsequently voted on but did not receive the support of the Panel. A further motion was made to support the officer recommendation to refuse the application.

**RESOLVED** – That the application be refused as per the officer recommendation.

### **23 Application 18/03999/RM - Land between Gelderd Road**

The report of the Chief Planning Officer presented a reserved matters application to construct four B1, B2 and B3 industrial and warehousing units with associated park and servicing areas at land between Gelderd Road, Asquith Avenue and Nepshaw Lane North, Gildersome.

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

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

- Outline approval was approved in April 2015 which included the use of the site and access arrangements. This approval included conditions for noise mitigation and traffic arrangements.
- There was a small area of housing that was within the site – Belle Vue Terrace. Mounding had been built up behind these properties along with acoustic fencing.

- Proposed design of the units was shown – materials to be used would be subject to conditions.
- There had been digging out of the site which would lessen the visual impact from Belle Vue Terrace, particularly when landscaping had matured.
- There was sufficient distance between the units and residential properties.
- Shadow surveys had been carried out.
- There had been additional objections submitted which had not raised any new issues and were mainly due to noise and traffic which had all been resolved at the outline application stage. There were no concerns from Highways.
- Members were reminded that they were only being asked to consider appearance, scale, layout, landscaping and internal access.
- The application was recommended for approval subject to conditions as outlined in the report and a further condition for provision of shower facilities.

A local resident and Parish Council representative addressed the Panel with concerns and objections to the application. These included the following:

- Residents of Belle Vue Terrace were concerned regarding the scale of the proposals. They would be overbearing and block sunlight.
- With the approved application in 2015, Unit 5 was positioned further away from residential properties and there would be a car park buffer zone. Loading bays were now positioned directly behind houses and HGV vehicles would be accessing these.
- The existing fencing and planting would not prevent any noise disturbance.
- The Panel was urged to reject a 24 hour 7 day operation on the site and to see if the distance from houses could be increased.
- In response to questions from the Panel, the following was discussed:
  - There had been changes to the proposed layout since outline permission was approved. However, the layout plan tabled as part of the outline Approval was indicative only.
  - 24 hour 7 day operation was not proposed at the outline planning stage. This issue was considered and a condition regarding background noise levels was considered appropriate at the time to retain flexibility for future occupiers.
  - The landscaping and fencing was not sufficient. Although this was addressed at the Outline Stage and had yet to be completed or established.
  - There would have been more objections to the application but there had been technical problems accessing the website to submit these. Members were however aware of the concerns of local residents.
  - Consultation with the applicant.

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

- The applicant was progressing the 2015 outline application. The land had been identified in the UDP for employment.
- Lidl had agreed to take on one of the units and this would create up to 500 jobs.
- There had been extensive discussion with the Council regarding the development of the proposals.
- Approval of this application would help to secure occupiers for the remaining plots and creation of more jobs.
- The proposed layout had no greater impact on residents than the indicative layout shown at the time of the 2015 outline approval and noise from the development should remain low.
- In response to questions from the Panel, the following was discussed:
  - Residents had been notified of the application and the applicant's plans to progress work in November 2018. The applicant would start landscaping works earlier than usual to meet concerns of the residents.
  - The distance between Unit 3 and the Belle Vue terrace was 52 metres.
  - The proposed occupiers of the units operated on a shift working basis and it would not be possible to move away from a 24 hour 7 day operation.
  - There had not been any further consultation since the submission of the reserved matters application. There had been no further requests for consultation from Ward Members or Gildersome Parish Council.
  - Since the outline application, the floor space on site had been significantly reduced and this would mean less car parking and less traffic.
  - The proposals had been drafted in consultation with occupiers of the units.

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

- The layout had been designed based on the needs of the applicant and occupiers and offered benefits to the layout as seen in the outline application. Due to a change in levels and landscaping the development would not be visible from properties at Belle Vue Terrace.
- Sound levels could be monitored at the site and enforcement action taken if necessary.
- There was an agreement that construction works should not start before 8.00 a.m.

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

**24 Date and Time of Next Meeting**

Thursday, 20 October 2018 at 1.30 p.m.

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Originator:	John Hall
Tel:	0113 3787644

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

**Date: 18<sup>th</sup> October 2018**

**Subject: 18/01111/FU** – Variation of conditions 1, 5, 6 and 18 of previous approval 11/01809/FU to amend the site layout and to extend the hours of operation to 0700 – 1900 (Monday-Friday) and 0800 – 1700 (Saturday) - **Whitehall Industrial Estate, New Farnley.**

APPLICANT	DATE VALID	TARGET DATE
B W Skip Hire Ltd	16.02.2018	22.05.2018

<p><b>Electoral Wards Affected:</b></p> <p><b>FARNLEY &amp; WORTLEY</b></p> <p><input type="checkbox"/> Yes      Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity      <input type="checkbox"/></p> <p>Community Cohesion      <input type="checkbox"/></p> <p>Narrowing the Gap      <input type="checkbox"/></p>
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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. In accordance with approved plans.
2. Development to start within 3 years.
3. Provision and retention of cycle storage.
4. Installation and use of oil interceptor.
5. Installation and use of drainage scheme.
6. Installation and use of wheel-washing facilities.
7. Submission of an acoustic assessment report prior to any crushing taking place.
8. Management of pest control.
9. Submission and approval of scheme to repair existing waste storage building prior to permission being implemented.
10. Construction of site office.
11. Storage of any household, putrescible or malodorous waste to be contained in waste storage building only and held for no longer than 7 days.
12. Area to be used by vehicles to be laid out, drained, surfaced and sealed.
13. Operating hours – including ‘final hour’ restriction.
14. Operating hours - for any crushing and screening.

15. No-working on Sundays, Bank Holidays, Public Holidays, Christmas Day or Good Friday.
16. Restricting height of stockpiles.
17. No burning of waste materials.
18. No lighting fitment.
19. Liquid storage tanks to be located within a bund.
20. Open-top loaded wagons shall be sheeted or netted.
21. Unexpected contamination.
22. Importing soils.
23. Landscape Management.

## **1. INTRODUCTION**

- 1.1 Councillor Ann Blackburn for the Farnley and Wortley Ward has requested that this planning application be determined by the South and West Plans Panel. Her objection relates to the proposed amendment to the operating hours (and associated noise nuisance) and the increase in vehicle movements (and associated noise and dirt).
- 1.2 Given that this application relates to S73 of the Town and Country Planning Act, the only matters to be determined when considering the planning application is the acceptability of the new conditions being sought.
- 1.3 That said, in order to fully understand the context of this planning application it is considered useful for the current situation regarding the applicant's main waste management business located at 263 Whitehall Road, Lower Wortley to be explained. Members are advised that a separate planning application (ref. 18/04081/FU) at 263 Whitehall Road is currently pending consideration.
- 1.4 The BW Skip Hire Ltd (BWS) waste transfer and recycling facility at 263 Whitehall Road accepts both inert demolition and construction waste as well as general skip waste. Under the terms of the current Environmental Permit issued by the Environment Agency, BWS are permitted to manage (stockpile, sort and process) inert construction and demolition waste externally in the open air. However, it is the case that all general skip waste must be managed within a building for pollution prevention reasons.
- 1.5 Presently, the existing waste transfer building at 263 Whitehall Road is not large enough to fully accommodate all of the incoming general skip waste accepted at the site. The Environment Agency has noted that a proportion of the incoming general skip waste has been deposited in the open air, on the site's concrete apron, which is located outside of the waste transfer building. BWS has therefore submitted a planning application to the Council to extend the existing waste transfer building at 263 Whitehall Road (application ref. 18/04081/FU). BWS suggest that a larger building would provide accommodation of a sufficient size to enable general skip waste to be managed inside rather than outside.
- 1.6 The proposed building extension at 263 Whitehall Road, if approved, would occupy site areas currently used by BWS for the storage and processing of inert construction and demolition waste. The displacement of this waste stream to another part of the site at 263 Whitehall Road is not feasible given existing site and operational constraints. Notwithstanding this, BWS wish to separate the bulk of their inert waste recycling business from their general waste recycling business. Therefore, in order to deliver this, BWS are seeking planning permission to relocate the majority of their inert waste recycling business (i.e. inert demolition and construction waste) from 263 Whitehall

Road to another site at Ashfield Way on Whitehall Industrial Estate, New Farnley. This is the basis of the current planning application under consideration.

- 1.7 The site at Ashfield Way – the application site - is a safeguarded waste management site in the Leeds adopted development plan. The application site already benefits from planning permission for use as a waste transfer station (ref. 11/01809/FU) and operated under that permission for a number of years. The site has now been acquired by BWS, who wish to carry out waste transfer operations in a manner different to that permitted. The planning application under consideration seeks to vary four of the planning conditions attached to extant permission ref. 11/01809/FU. These relate to the site layout, landscaping, a landscape management plan and the operating hours.

## **2. PROPOSAL**

The planning application proposes to vary the following conditions attached to planning permission ref. 11/01809/FU:

### *Condition 1 – Approved Plans*

- 2.1 BWS propose to amend the existing site layout by re-arranging the location of stockpiles and re-siting the vehicle parking area, the office and the weighbridge. The overall general site layout would not change, with the processing activity (loading, crushing and screening) still taking place at the rear of the site. The proposed plans show a revised site layout to take account of the changes proposed. It is therefore proposed to amend the approved plans list relating to the site.

### *Condition 5 and 6 – approved landscaping and landscape maintenance*

- 2.2 The approved soft landscaping area to the site's frontage would be retained. However, BWS propose to construct a 1 metre high perimeter bund along the rear boundary of the site. This is shown on the proposed site layout plan and a revised landscape management plan is also proposed. It is therefore proposed that these changes are incorporated into the approved plans list.

### *Condition 18 – approved operating hours*

- 2.3 BWS propose to amend the operating hours. The approved operating hours are currently 8am to 4pm (Monday-Friday) and 9am to 3pm (Saturdays). The proposal is to operate from 7am to 7pm (Monday-Friday) and 8am to 5pm (Saturday). There would continue to be no site operations on Sundays, Public Holidays, Christmas Day and Good Friday. It is therefore proposed that these changes are reflected in an amended condition.
- 2.4 Despite the proposed changes, the purpose of the site operations would largely mirror what is already permitted by planning permission ref. 11/01809/FU. The site operator would import inert construction and demolition waste onto the site to be screened and sorted into stockpiles using a trommel screen (i.e. a mechanical screening machine). BWS has no immediate plans to carry out crushing of material on the site, but want the option to do so in the future. BWS anticipate that a trommel screen, crushing plant, 2 no. 360 excavators, a telescopic handler and a loading shovel will be based at the site. Any waste deemed as 'contamination' within inert loads (e.g. wood, plastic etc.) would be quarantined in the waste storage building pending removal off site. BWS intend to re-clad and repair the waste sorting building as part of this planning application.

## **3. SITE AND SURROUNDINGS**

- 3.1 The application site forms a vacant brownfield land and an existing safeguarded waste management site on the established Whitehall Industrial Estate. Other commercial and industrial uses are located on the industrial estate, including other waste management uses. The frontage is formed by Ashfield Way, from where access is gained. The rear of the site faces woodland on rising ground. Access into and egress out of the Whitehall Industrial Estate is taken from Whitehall Road East. Cobden Primary School lies approximately 200m north-east of the proposed site (out of sight) and residential areas lie approximately 250m away to the north, east and west of the proposed site.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 An unauthorised waste transfer station operated on the site prior to December 2011. The terms of approval in two retrospective planning permissions were not complied with. Legal notices were issued, a planning appeal took place, which was dismissed, and the then-operator was prosecuted by the Environment Agency in 2008.

11/01809/FU – Waste transfer station – Approved 22.12.2011

07/02716/FU – Variation of condition 1, 2 and 17 of application No. 24/449/01/MIN, approved drawings, completion time and carrying out of landscaping – Refused 09.01.2008

ENF/1095/05/MIN – Breach of Condition Notice served in relation to a failure to install approved access to specification and failure to provide wheel cleaning equipment

24/449/01/MIN – Detached sorting building and detached vehicle maintenance building to waste transfer station – Approved 06.02.2003

ENF/474/99/MIN – Enforcement action relating to the unauthorised tipping of waste materials on land

24/95/99/MIN – Detached waste transfer station with detached workshop – Approved 02.05.2000

*Other operators on the estate*

13/01471/FU – Change of use from trailer hire and servicing depot to car and van hire depot – Approved 17.06.2013

07/04828/FU – Variation of condition 2 of permission reference 24/325/92/FU (reduction to approved site area boundary) – Approved 09.10.2007

24/295/00/MIN – Change of use of warehouse to waste transfer station and recycling centre – Approved 14.12.2000

#### **5. HISTORY OF NEGOTIATIONS**

- 5.1 Under the extant 2011 planning permission, a waste transfer station is approved to operate between the hours of 8am - 4pm (Monday-Friday) and 9am - 3pm (Saturday). These hours allow for all aspects of waste transfer operations, including the ability to crush and screen material. The current applicant had initially sought to extend the operating hours to 7am - 7pm (Monday-Friday) and 8am - 5pm (Saturday), with no restriction on crushing and screening.

5.2 The Council's Environmental Health department do not object to the applicant's proposed operating hours but several objections on this issue have been received from local residents and ward members. Most objections relate to the potential for noise and the associated perceived harm to general amenity and the living conditions of occupants of nearby property. For the avoidance of doubt, an acoustic assessment report has not been submitted by the applicant. At the request of Councillor Ann Blackburn, officers have negotiated at length with BWS to secure an application which restricts certain operations to certain hours within the overall proposed hours applied for.

#### *Crushing and Screening Operations*

5.3 Screening and crushing operations are considered to form the noisiest aspects of the proposed development. As such, officers have successfully negotiated with the applicant to secure an application which restricts screening and crushing operations as follows - 8am to 5pm (Monday-Friday) and 9am to 2pm (Saturday) and, not at any other time. It should be noted that these hours are not significantly different from the current permitted hours for crushing and screening. This recommended restriction includes an extra hour on a weekday (4pm – 5pm) and the loss of an hour on a Saturday (finishing at 2pm instead of 3pm).

#### *The Final Hour*

5.4 BWS has also agreed to further restrict the use of the site in the final hour of the proposed working day. Therefore, between the hours of 6pm and 7pm (Mon-Fri) and 4pm and 5pm (Sat), no waste management operation other than associated vehicle access/egress and the unloading of skips from those vehicles will take place. For the avoidance of doubt, BWS has confirmed that skips would not be emptied during this final hour.

#### *Legal Agreement Considerations*

5.5 Given BWS' intention to relocate the inert demolition and construction waste operations from their existing facility at 263 Whitehall Road to Ashfield Way, officers requested BWS to consider entering into a Unilateral Undertaking to voluntarily agree to limit operations relating to the processing of inert waste at 263 Whitehall Road. In effect, this would ensure that all inert waste processing would take place at Ashfield Way rather than at Whitehall Road, or both sites.

5.6 BWS consider the use of a legal agreement in this way to be inappropriate and are not in a position to accept such a proposition. They contend that, operationally, it is essential that their business retains the ability to store and bulk-up some inert waste material at Whitehall Road since it is inevitable that limited volumes of inert waste will still be received at Whitehall Road within mixed skip loads. However, BWS has identified that this material would be transferred to other sites for further processing.

5.7 Officers consider that it would be unreasonable to require this as part of granting permission for this application given that some or all mixed waste skips collected from business and residents and then delivered to Whitehall Road will contain full loads or fractions of inert construction/demolition waste. Officers therefore agree with the applicant that use of a legal agreement in this particular instance would not be appropriate.

## **6. PUBLIC/LOCAL RESPONSE**

6.1 The planning application was advertised by a major site notice. Notices were posted in the locality on 7<sup>th</sup> March 2018 and in the Yorkshire Evening Post on 4<sup>th</sup> April 2018.

6.2 10 letter of representation have been received from members of the public objecting to the proposal for the following reasons:

- Noise impact in connection to longer operating hours;
- High levels of dust;
- Vehicles depositing dirt and debris onto the public highway; and
- Highway safety at the junction of Ashfield Way and Whitehall Road.

6.3 Of the 10 objection letters, 2 objections are from Councillors Ann and David Blackburn (Farnley and Wortley Ward). Their principle concerns relate to the perceived impact on general amenity and the living conditions of occupiers of nearby property from noise nuisance and the perceived impact on amenity and safety arising from depositions and/or accumulations of dirt/debris on the public highway. The Councillors are aware of the negotiations undertaken by officers, including the operational restrictions secured at paras. 5.3 - 5.4 and the limitations set in 5.5 - 5.7 of this report.

6.4 Councillor Gibson initially expressed concern regarding the potential for noise nuisance. He has since offered his support to the planning application provided that the restriction on crushing and screening operations (as identified in para. 5.3) is imposed on any grant of planning permission.

## 7. CONSULTATIONS RESPONSES

### 7.1 Statutory

Environment Agency	No objection
Coal Authority	No objection
Highways	No objection
Yorkshire Water	No comments

### 7.2 Non-statutory

Environmental Health	No objection
Ecology team	No objection
Contaminated Land	No objection subject to conditions and directions
Landscape team	No comments.

## 8. PLANNING POLICIES

### Local

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 73 of the Town and Country Planning Act provides that LPA's can determine applications to develop land without compliance with conditions previously attached to a permission. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

8.2 The policy guidance in Annex 1 to the revised National Planning Policy Framework (NPPF) is that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the revised NPPF. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised Framework. Due weight should be given to them, according to their degree of consistency with the revised Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). All policies outlined below are considered to align with the revised NPPF and National Planning Policy for Waste (NPPW).

8.3 The adopted Leeds development plan consists of:

Leeds Core Strategy (Adopted 2014, Reviewed 2016)  
Leeds Natural Resources and Waste Local Plan (Adopted 2013/15)  
Saved policies of the Leeds Unitary Development Plan (Reviewed 2006)  
Aire Valley Leeds Area Action Plan (Adopted 2017).

8.4 The following development plan policies, supplementary development documents and national guidance as outlined below are considered to be relevant to this application.

#### Core Strategy 2014

Spatial Policy 1: Location of development  
Spatial Policy 9: Provision for offices, industry and warehouse employment land and premises;  
Policy EC3: Safeguarding existing employment land and industrial areas;  
Policy P10: Good design.

#### Unitary Development Plan Review 2006 Saved Policies

Policy GP5: Refers to detailed planning considerations and loss of amenity.

#### Natural Resources and Waste Local Plan 2013/15

Waste 1: Self-sufficiency for future waste management in Leeds  
Waste 2: Safeguarding existing waste management capacity  
Waste 3: A city wide network of waste management sites and facilities;  
Waste 4: Waste management facilities – permanent uses;  
Waste 5: Waste uses within existing industrial areas;  
Waste 9: Waste management facilities - potential issues and impacts;  
Water 1: Water efficiency;  
Water 4: Development in flood risk areas;  
Water 6: Flood Risk Assessments;  
Water 7: Surface water run-off;  
Land 1: Contaminated Land; and,  
Land 2: Development and Trees.

#### National Policies

NPPF (2018): Presumption in favor of sustainable development.  
NPPW (2014): Determination of planning applications, waste hierarchy (Appendix A) and Locational Criteria (Appendix B).

## **9. MAIN ISSUES**

- 1) Principle of the development
- 2) Visual Impact
- 3) Highways
- 4) General Amenity
- 5) Use of Planning Conditions
- 6) Representations

## **10. APPRAISAL**

### Principle of Development

- 10.1 The principle of the development on the application site has already been established by the extant planning permission (ref. 11/01809/FU). The purpose of this assessment is therefore not to reopen the merits of the extant permission but instead, consider the acceptability of the conditions that are proposed for amendment. It is worth noting, however, for ease of reference, that the application site is a safeguarded aggregate recycling site under policy Waste 2 of the adopted development plan. It is therefore safeguarded for its intended purpose for the duration of the plan period, until 2026. It is also worth noting that, under policy Waste 5, the proposed site is located within an identified preferred location for waste management uses.

### Visual Impact relating to the proposed amendments

- 10.2 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”. Policy P10 of the Core Strategy seeks to ensure that new development is of high quality and is appropriate to its context. Furthermore, Policy Waste 9 of the NRWLP states that applications for waste management purposes must demonstrate that the visual impact of a proposed development has been addressed in a manner so as to make them acceptable to the Council.
- 10.3 It is considered that the proposed amendments to the site layout would not result in any visual impact above that already approved by the extant planning permission. In the interests of visual amenity and pollution prevention, it is considered necessary for the external appearance of the existing building on the site to be improved so that it is fully contained and visually enhanced. It is therefore recommended that a new condition be imposed on any planning permission (condition 9) to ensure that a scheme is submitted to demonstrate how this can be achieved.

### Highways Impact relating to the proposed amendments

- 10.4 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety; this principle is also noted within policy Waste 9 of the NRWLP.
- 10.5 The applicant estimates that there would be approximately 30 to 40 loads arriving at the proposed site per day. Numbers would vary depending upon season and movements would comprise a mixture of skip wagons and larger bulk carriers. The number and type of vehicle movements is not considered to be dissimilar from the previous site user (another waste management business) and the situation on the industrial estate and access onto the public highway has not altered. A wheelwash facility is in place on site but is currently situated beneath an old trommel, which remains



on the proposed site. Once the old trommel has been removed by the applicant, the wheelwash will be retained on site for use in cleaning the wheels of skip wagons and other HGV's. As such it is unlikely that mud and debris will be dragged or deposited onto Ashfield Way and/or the public highway (Whitehall Road East). The concerns of members of the public and Members have been taken into account, however, it is not considered that the current proposal to amend planning conditions would result in a greater highway impact than already approved. The Council's Highways team have raised no objections to the proposals.

#### General Amenity Impact relating to the proposed amendments

- 10.6 Development should seek to prevent problems of environmental intrusion and protect general and residential amenity. This is also identified and required within Appendix B of the NPPW, policy P10 of the Core Strategy, policy Waste 9 of the NRWLP and saved policies GP5 and BD6 of the UDP.
- 10.7 There is scope for noise, mud, dust and odour to be generated by this type of operation. Whilst it is recognised that an Environmental Permit would be required for the site, that would seek to restrict the likelihood of pollution incidents, it is also necessary to ensure that in planning terms, the proposed use of the site – as proposed to be amended - is designed to minimise the potential for such environmental impacts upon sensitive receptors.

#### *Noise*

- 10.8 The extant planning permission (ref. 11/01809/FU) allows waste management operations to take place between the hours of 8am - 4pm (Monday to Friday) and 9am - 3pm (Saturday). The applicant is seeking to extend the hours to 7am - 7pm (Monday to Friday) and 8am - 5pm (Saturday). The Council's Environmental Health team has assessed the proposal in terms of the increased potential for noise and has stated that it is unlikely that the proposal would cause significant harm. They concluded by saying;

*“There are no residential [sp] houses in the close vicinity and the transport links do not pass by residential dwellings”.*

- 10.9 Notwithstanding this, several objections received from residents and ward members refer to the potential for noise nuisance. Officers have therefore applied a precautionary approach and in accordance with the agreements provided for at paras. 5.3 and 5.4 of this report, it is recommended that a planning condition/s be imposed on any grant of planning permission to restrict crushing and screening operations and the operations to take place in the final hour of the working days.
- 10.10 For the avoidance of doubt, other than crushing and screening, the main source of noise is likely to comprise loading and unloading of skip wagons, the forming of stockpiles and HGV movements. Whilst these activities by their very nature will inevitably cause a degree of noise, full regard should be had to the location of the development within an active industrial estate and with no houses being located in the immediate vicinity, it is unlikely that the proposal to amend condition would result in significant harm to living conditions.
- 10.11 That said, the applicant has voluntarily submitted a 'Noise Control Strategy' which contains the following clause;

*“If a complaint is received regarding noise, the complaint will be investigated and a record kept. If the complaint is found to be justified by the local authority, the*

*operation causing the problem will be modified or will cease until a control measure is put into place”.*

10.12 It is considered that all reasonable restrictions have been negotiated with BWS to ensure that the impacts from noise are mitigated to allow the operating hours to be extended.

#### *Mud and Dust*

10.13 BWS has submitted a ‘Dust Control Strategy’ and ‘Vehicle Movement Plan’ setting out measures to control dust and mud respectively. Compliance with these documents is recommend to be conditioned as part of any grant of planning permission. Officers consider that, providing these documents are adhered to by the site operator, impacts from dust and mud can be mitigated. As a contingency, the documents include clauses which state that if a complaint is received regarding mud or dust, providing the complaint is found to be justified by the local authority, the operation causing the problem will be modified or will cease.

10.14 The position of stockpiles around the loading, crushing and screening area and the construction of the perimeter bund will assist in reducing or containing any dust within the site. To mitigate dust drift, palisade fencing with ‘scaffnet’ or equivalent will be erected along sections of the site boundary. Additionally, the wheelwash facility referred to in para. 10.5 will assist in reducing instances of mud on the road.

10.15 In taking account of the above assessment, it is considered that operational impacts can be minimised and controlled through good site management and enforced by robust planning conditions to ensure that adjacent businesses and other nearby sensitive receptors are not significantly harmed. That said, the operational control of processes or emissions at waste sites are subject to a separate pollution control regime, regulated by the Environment Agency. In taking a decision on this planning application, as with all planning applications, the Council is directed by para. 183 of the revised NPPF to assume that the Environment Agency’s regulatory regime will operate effectively. Should an Environmental Permit for the proposed use of the land be issued by the Environment Agency, it would then be up to the applicant to abide by its terms and if not, enforcement action should be taken by the Agency to ensure compliance with the issued permit.

#### Use of Planning Conditions

10.16 The main powers relating to local planning authority use of conditions are in sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990. Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose “such conditions as they think fit”.

10.17 The NPPG states that the purpose of imposing planning conditions on planning permissions is to enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

10.18 Paragraph 54 of the revised National Planning Policy Framework states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”.

- 10.19 Paragraph 55 of the revised National Planning Policy Framework states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”.
- 10.20 The applicant proposes the variation of conditions no. 1, 5, 6 and 18 of permission ref. 11/01809/FU, which has been assessed above as being acceptable to the Council and its relevant consultation bodies. Other conditions, as stipulated above, are recommended or have been amended to ensure that improvements are made to the site and its management routine.
- 10.21 The application of the recommended planning conditions to any approval is therefore considered to meet the tests set in para. 55 of the NPPF.

#### Other issues raised in the Representations

- 10.22 An objection was made alleging that BWS frequently flout their operating hours at their waste management site at 263 Whitehall Road and that there is a risk the same could happen at the proposed site. Members are advised that an application cannot be refused on the basis that an applicant may in the future breach planning conditions attached to a planning permission. If the site operator was found to be breaching a planning permission this would then become a separate enforcement matter for the Council to resolve with the operator. The Council's Minerals and Waste Planning Team monitor waste sites throughout the district to ensure compliance with planning controls. Likewise, should there be a breach of any future Environmental Permit then it would be for the Environment Agency to enforce through its regulatory controls.
- 10.23 An objection was made on the grounds that residents are already experiencing noise nuisance from an existing waste management operator on another part of the Whitehall Industrial Estate and that granting planning permission for the proposal currently under consideration will only add to the problem. Whilst it is understood and appreciated that this is a concern, Members are advised that the planning application currently under consideration must be judged on its own merits. Any perceived or founded complaints in connection with other sites elsewhere have to be addressed separately.
- 10.24 Finally, some representations made reference to the wording of the 2011 permission which stated the operating hours were conditioned in “*in the interests of residential amenity*”. The representations go on to say that, since little has changed on the ground, extending the operating hours would be in direct conflict with the 2011 assessment. However, the revised NPPF at para. 47 is clear in identifying that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. Para. 8.1 of this report which relates to Section 73 of the Town and Country Planning Act is also very relevant. Officers have assessed the current proposal and recommend to Members that the proposed amendments to the planning conditions are acceptable in this instance.

## **11. CONCLUSION**

- 11.1 The planning application relates to a vacant, brownfield site at Whitehall industrial estate which is safeguarded in the adopted development plan as an existing waste management site for aggregate recycling purposes. The proposed site already benefits from planning permission for waste transfer operations (ref. 11/01809/FU). The proposal seeks to amend planning conditions linked to this permission to enable operating hours for waste transfer operations to be extended and to carry out minor

changes to the site layout and landscaping. The officer assessment demonstrates that the proposal to amend the conditions is unlikely to result in significant harm to sensitive receptors, including local residents and users of the public highway. As the proposal does not conflict with any relevant local or national planning policies and it is considered that there are no material considerations that would outweigh local or national planning policy in this particular instance, a recommendation for approval is made subject to the proposed schedule of planning conditions.

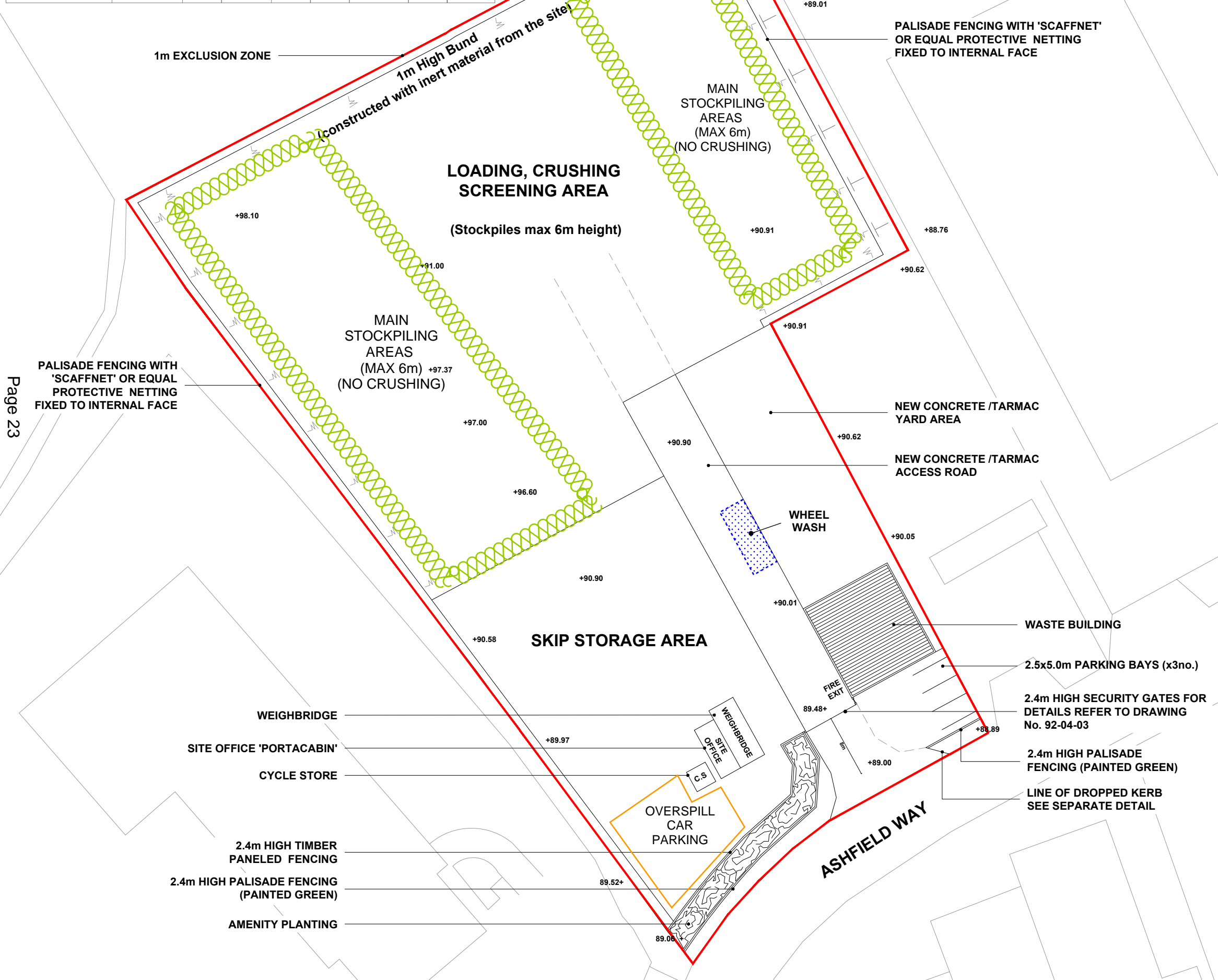
**Background Papers:**

Application file: 18/01111/FU

# BWS, Ashfield Way

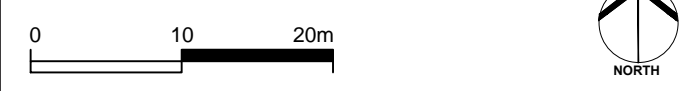
**FIGURE 1**  
Site Layout

Species	Common Name	Height/ Spread (m)	Foliage	Habit	Container	Root	Density per sqm	Percentage Mix
<b>Shrubs</b>								
<i>Photinia x fraseri</i> 'Red Robin'	Red Tip	5 / 2.5	Evergreen	Bushy	2L	C	0.75	25%
<i>Viburnum tinus</i> 'Variegata'	Laurustinus	2.5 / 2.5	Evergreen	Bushy	2L	C	1	25%
<i>Crataegus monogyna</i>	Hawthorn	4-8 / 4-8	Deciduous	Bushy	-	Bare Root	1.5	25%
<i>Corylus avellana</i>	Hazel	4-8 / 4-8	Deciduous	Bushy	-	Bare Root	1.5	25%

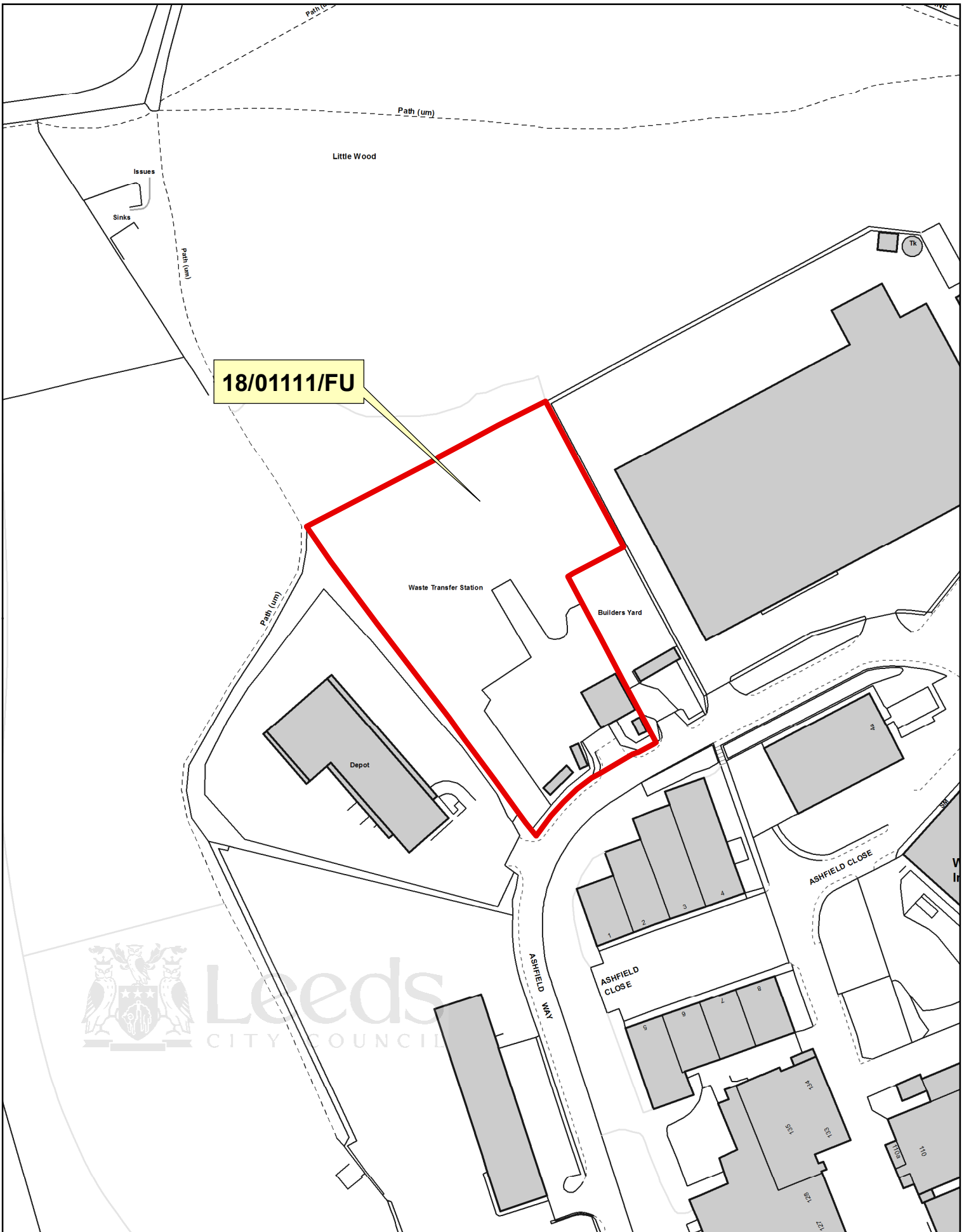


**KEY**

- Site boundary
- Existing building
- Site layout
- Amenity Planting  
Shrub species mix as specified



Date	By	Paper	Scale	QA	Rev
FEB 2018	EK	A3	1: 500	CS	A



Leeds  
CITY COUNCIL

# SOUTH AND WEST PLANS PANEL





**Leeds**  
CITY COUNCIL

Originator: Andrew Perkins  
Tel: 0113 3787974

## Report of the Chief Planning Officer

### SOUTH AND WEST PANEL

Date: 18th October 2018

Subject: Application 17/08294/FU – Construction of 22 dwelling houses and associated works - Land off Tyersal Close, Tyersal, Leeds

#### APPLICANT

SLJ (Wakefield) Ltd

#### DATE VALID

3<sup>rd</sup> January 2018

#### TARGET DATE

4<sup>th</sup> April 2018 (EOT until 26<sup>th</sup> October 2018)

Electoral Wards Affected:  
Pudsey

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

## RECOMMENDATION:

**DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:**

1. Offsite Green Space Contribution of £82,212.13 to be spent on sport and recreational facilities at Tyersal Park
2. Viability re-test after 15th dwelling sale and any additional moneys over an above agreed profit level given as a commuted sum towards off site Affordable Housing

1. Standard time limit of 3 years to implement.
2. Plans to be approved.
3. Samples of all external materials to be submitted and approved.
4. Separate Highway Authority approval for the specification and construction details of the approved highway layout and enter in to an agreement under Section 38 of the Highways Act 1980.
5. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 15 (6.6%)
6. Visibility splays shown on the approved plan.
7. Cycle/motorcycle parking and facilities to be submitted and approved.
8. Electric Vehicle Charging Points to be submitted and approved.
9. All areas shown on the approved plan to be fully laid out, surfaced and drained.
10. Provision of bin stores implemented in full before the use commences.
11. Construction management plan
12. Drainage scheme to be submitted and approved
13. A plan shall be submitted to and approved in writing demonstrating integral bat roosting features within buildings; and bird nesting features.
14. A Phase II Desk Study to be submitted and approved.
15. Remediation works shall be carried out in accordance with the approved Remediation Statement.
16. Any soil tested for contamination and suitability for use
17. Remove PD rights for outbuildings and extensions due to garden sizes and for conversion of garages due to need to ensure each plot retains adequate parking off-street.
18. Full details of Landscaping scheme and Implementation.
19. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of areas of landscaping not within individual plots for the lifetime of the development.
20. Replacement planting for die back for five years.
21. Remove PD rights for rear dormer windows to plots 1 to 7.

## **1.0 Introduction**

- 1.1. This application was originally reported to Plans Panel on 19<sup>th</sup> July 2018. At that meeting Panel Members resolved that the application should be deferred to negotiate further with the applicants with regard to clarity on housing mix, size of houses and the house prices put forward by the applicant. In addition to these points, clarity was also needed over the area of land to the East of the access road which appeared to be neither in the applicants red line boundary or the garden of the adjacent third party property. This report should be read in conjunction with that presented to Panel on 19 July and which is attached to this report.
- 1.2. Since that meeting further negotiations with the developer have been undertaken, the outcome of which is outlined below.
- 1.3. Revised plans were submitted on 24<sup>th</sup> August, showing the onsite green space area removed and an additional four units provided with one Affordable unit. As such neighbour notification letters have been issued as a duty of care and site notices displayed to Tyersal Avenue and Tyersal Close, dated 30<sup>th</sup> August, to advertise this change. The overall expiry date of these notifications was 22<sup>nd</sup> September.

## **2.0 Public Response to Revisions**



2.1. Following revisions a further 8 letters of objection have been received raising the following concerns:

- Concerns over the current state of the land and listing of the land as Green Belt.
- Increase in number of units would lead to overdevelopment of Tyersal.
- Concerns over the lack of infrastructure currently serving Tyersal.
- Concern over plots 4/5 retaining at least 10.5m to the rear boundary, overlooking from Velux windows towards number 55 and 57 Tyersal Road.
- Red Kites spotted in and around the site.
- No correspondence sent about the Panel date.
- Garages of plots 3 and 6 appear closer than the original plan.
- Loss of existing mature trees on site and potential impact on wildlife.
- Development would increase traffic, lead to loss of privacy and noise and disturbance.

### 3.0 Consultation Responses to Revisions

3.1 Nature Team - There should be no significant nature conservation concerns with this application. The Red Kite survey is adequate to conclude this species will not be affected. However, in order to provide biodiversity enhancements a condition should be attached.

3.2 Highways – No objections, the proposed layout is now acceptable subject to conditions already specified and a further condition in regard to the maximum gradient to access.

### 4.0 Appraisal

4.1 As noted above, there have been two changes since this application was last presented to Members. The changes which have taken place are the increase in four dwellings, the removal of onsite green space and alteration to the proposed housing mix.

4.2 The Housing mix would now consist of a wider range of dwelling sizes, comprising of three – six bedroom homes. A change from the previous reported scheme which consisted of 4 – 7 bedrooms.

4.3 The Housing mix would now consist of the following:

House Type	Number of Bedrooms (including playroom and study)
Semi Detached x 8 (4 pairs)	Three Bedrooms
Semi Detached x 4 (2 pairs)	Four Bedrooms
Semi Detached x 8 (4 pairs)	Five Bedrooms
Detached x 1	Four Bedrooms
Detached x 1	Six Bedrooms

4.4 The revised proposal delivers a mix of housing (3-6 bed accommodation) which meets the objectives of policy H4 (which is concerned with Housing Mix).

4.5 Clarification has been sought from colleagues within Local Plans who have confirmed that according to the Strategic Housing Market Assessment 2017, this suggested proportionately Outer West Leeds has a slightly lower stock of 4 and 5+

dwellings than the rest of Leeds and that there is a need for varied sizes of houses to this area of West Leeds. It is not considered that the mix of houses comprising of 3 – 6 bedrooms would not be harmful to the overall delivery of homes in this area, and would be in accordance with the Strategic Housing Market Assessment 2017.

- 4.6 The increase of dwellings has been achieved by reducing the size and scale of the dwellings to the North of the site which has changed from two, semi-detached houses and two, detached houses to four, semi-detached houses and one detached house. The dwellings to the East of the site have also been altered to facilitate an extra unit. The changes are from three detached houses and one semi-detached house to three semi-detached houses.
- 4.7 The majority of dwellings still comply with 10.5m minimum rear garden depths, as required by SPG13 (Neighbourhoods for Living), it is noted that plots 8,11,12, 15 & 16 do not comply with the required 10.5m, the lengths of these differ from 9.6m – 10.3m. However, these are still considered to provide a good level of garden space, given the dwellings size and that the proposed gardens would comply with two thirds the total floor space requirement. In addition, these dwellings boundaries would join the side boundary of number 77 Tyersal Avenue, which benefits from a garden 84m long. This garden area is enclosed by fencing 1.8m high, as such no impact upon loss of privacy is considered to be created by this aspect. Therefore the shortfall is considered acceptable.
- 4.8 The dwellings proposed to the East of the site facing the rear elevations of dwelling fronting Tyersal Avenue measure 8.5m high. The existing dwellings measures 7.1m high. The land slopes down from the West to the East and as such these proposed dwellings would sit lower than the existing dwellings to Tyersal Avenue. All dwellings remain two storeys in height, with living accommodation provided in their roof spaces.
- 4.9 The revised dwellings vary in size. The table below highlights the differences of the proposed floor spaces of the dwellings on this scheme, when compared to the Department for Communities and Local Government - Technical housing standards – nationally described space standard. The government’s Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage.

Number of bedrooms	Proposed units size (Sqm)	DCLG Minimum Standard (Sqm)
3 ((including study)	95 - 103	90
4 (including playroom)	163 - 182	103
5 (including study)	192 – 216	116
6 (Including playroom and study)	237	129

- 4.10 As demonstrated in the table above the size of accommodation proposed, would still exceed the minimum space standards. In summary the proposal would provide a good level of amenity for occupants.

- 4.11 During the previous Panel meeting Members raised concerns over a parcel of land located to the East of the proposed access road, which isn't in the ownership of the applicant. The owners of this parcel of land cannot be identified. This said, the applicant has committed that they will maintain this piece of land within the wider management of the site, which would tidy the appearance of it.
- 4.12 Discussions were held after the last Panel meeting in regard to the provision of onsite green space. From these discussions it was considered an improvement to the proposal to remove the onsite green space and provide a commuted sum instead. This decision was taken given that this land fell within Greenbelt and after concerns were raised by Members and Members of the public over the safety and use of this Green Belt land, which would have been formalised as use of public open space. As such, none of the proposal now falls within Green Belt land.
- 4.13 The off-site green space contribution has been calculated at £82,212.13. Discussions have taken place with the relevant ward Members and it has been confirmed that this money would be spent on improving sports and recreational facilities within Tyersal Park. An alternative scenario has been discussed with ward Members in regard to providing two affordable units and an offsite contribution of £20,000. This option has been rejected by ward Members who consider that the offsite greenspace currently proposed would go towards regenerating Tyersal Park, in the form of sports and recreational facilities.
- 4.14 In response to Members comments this revised scheme has been accompanied with a revised Viability Appraisal. The changes to house types should be read in conjunction with the viability assessment attached within the appendix below.
- 4.15 The information in Appendix 1 of this report has been identified as being exempt from publication in accordance with Access to Information rule 10.4(3) because it is commercially sensitive relating to the business affairs of the Council and third parties, publication of which at this time may prejudice the Council's negotiating position if published at this stage. It is therefore considered that the public interest in maintaining the exemption at this time outweighs the public interest in disclosing the information.
- 4.16 In response to Members concerns previously the scheme has been revised to include one affordable dwelling (plot 15). The District Valuer has confirmed that a profit of 7.23% would be delivered from the current proposal which gives one Affordable Housing unit, CIL payment and offsite green space contribution. This is below the norm of expected of usual profit level, the expected minimum profit return is 17.5% and what would be expected on a development of this size.
- 4.17 The further objections raised by local residents are noted, however many of these stem from the overall development of this site and subsequent highway impacts. The objections relating to the harm of protected bird species has been formally addressed by the submission of a Red Kite survey, confirming that this species would not be affected by the proposal.
- 4.18 On balance it is considered that the proposal has satisfactorily addressed matters of housing mix, design, scale and protected species. It is therefore recommended that the application be approved subject to the conditions as set out above and the signing of a legal agreement.



- 36. Any soil tested for contamination and suitability for use
- 37. Remove PD rights for outbuildings and extensions due to garden sizes and for conversion of garages due to need to ensure each plot retains adequate parking off-street.
- 38. Full details of Landscaping scheme and Implementation.
- 39. Landscape management plan to include public open space.
- 40. Replacement planting for die back for five years.

## 1.0 INTRODUCTION

- 1.1 The application is brought before Plans Panel at the request of Ward member Cllr Seary who has objected to the application on prematurity grounds as the land is allocated for housing in the current Site Allocations Plan and Core Strategy, however is unallocated in the former UDP. The early release of this site could impact upon deliverability of other sites within the Site Allocations Plan and on the provision of housing across the wider district.

## 2.0 PROPOSAL

- 2.1 The proposal creates a total of eighteen dwellings consisting of;

House Type	Number of Bedrooms (including playroom and study)
Semi Detached x 6 (3 pairs)	Four Bedrooms
Semi Detached x 6 (3 pairs)	Five Bedrooms
Detached x 5	Six Bedrooms
Detached x 1	Seven Bedrooms

- 2.2 The scheme creates dwellings to the North, East and West of a new cul-de-sac formed off Tyersal Close. To the North of the site, public open space (4600 sqm) will be provided that adjoins to the end of Tyersal Avenue. The dwellings are two storey in height, with accommodation in the roof space.
- 2.3 Parking is to be provided within the curtilage of each plot. At least two to three off street parking spaces are provided per unit. Three visitor spaces would be located close to the entrance of the site, which would be accessed from Tyersal Close.

## 3.0 SITE AND SURROUNDINGS

- 3.1 The application site is a Greenfield site at the edge of Tyersal and is located within the settlement boundary; it is effectively a large field with some existing tree and shrub planting. The character of the surrounding area is largely residential. At the site entrance on Tyersal Close, the houses adjoining the proposed access are principally bungalows with the exception of the dwelling at 4 Tyersal Mews, which is a more contemporary styled two storey dwelling with main facing windows looking towards the site. The western boundary of the site adjoins the rear gardens of 43-75 Tyersal Avenue whilst the northern and eastern boundary adjoins the Green Belt.
- 3.2 The area is suburban and residential in character which features a slope from the front of the site to the rear of the site. The site is located within the Main Urban Area and with the Leeds Bradford Corridor regeneration area.

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

- 4.1 25/88/02/OT – outline application to erect residential development. Refused due to development of greenfield land and lack of provision for affordable housing and greenspace.
- 4.2 H25/460/76/ - renewal of outline permission to erect residential development. Approved.

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

- 5.1 The current scheme has been the subject of many negotiations after concerns were raised by Officers in relation to the initial design, external space provided and the overall design of the site which was heavily parking space dominated. The initial proposal also lacked any public greenspace on or off site.
- 5.2 Following on from these comments a meeting was held and subsequently revised plans provided. The main changes involved a reduction from 23 to 18 units, redesign of the dwellings, greater space given around the units and more planting provided in compliance with N24 Green Belt buffer requirements and on site Greenspace provided to the North of the site.

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

- 6.1 Site notices were posted around the application site on Tyersal Close and Tyersal Avenue on 17.01.2018. In addition to this neighbour notification letters were also issued to surrounding dwellings, along with the publication of a newspaper advertisement on 10.01.2018 (Major Development Notice). The publicity period for the application expired on 11.05.2018. Following revisions of the application these were re advertised through a site notice posted 20.04.2018 and neighbour notification letters sent 17.04.2018. The expiry date of this re notification was 11.05.2018.
- 6.2 In total ten letters of representation have been made to the original application. These consist of eight objections and two letters of support. The letters of objection raise the following concerns,
- Highways safety access and increase in traffic
  - Site already cleared before application determined / loss of habitat and trees
  - Lack of Greenspace
  - Overall design of the units
  - Encroaching onto protected Green Belt
  - Lack of affordable housing
  - Proposed materials out of character
  - Loss of privacy to dwellings fronting Tyersal Avenue and Tyersal Close
  - Lack of public transport to this area
  - Noise levels
  - Use of the public open space

The two letters of support relate to,

- Redevelopment will improve the area and bring this 'scrub land' back to a reasonable use

Cllr Seary has raised an objection to the scheme raising the following concerns:

- The land is unallocated in the former UDP. It is allocated for housing in the current Site Allocations Plan and Core Strategy, the Site Allocations Plan as yet not approved by a Planning Inspector. The early release of this site could impact upon deliverability of other sites within the Site Allocations Plan.

## 7.0 CONSULTATION RESPONSES

- 7.1 Travel Wise Team – No objections, a Travel Plan is not required, the threshold for a Travel Plan is 50 units
- 7.2 Housing Growth Team – Four units should be identified for Affordable Housing, we would welcome a discussion over the housing mix.
- 7.3 Flood Risk – No objections to the proposed development, provided that a surface water drainage condition is included with any grant of planning permission.
- 7.4 Nature Team – No objections, There should be no significant nature conservation concerns with this application. However, in order to provide biodiversity enhancements a condition should be attached.
- 7.3 Coal Authority – No objections, the application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted
- 7.4 Environmental Studies Transport Strategy Team – No objections - The revised site plan eliminates the risk of rail noise intrusion, but care should be taken to ensure that internal noise levels within the proposed development comply with those laid out in BS 8233, and that daytime garden noise levels meet WHO guidelines.
- 7.5 Highways - No objections, the access route to the site is narrow but Tyersal Close forms a loop and the site can be accessed from 2 directions and meets with the technical guidance set out for adopted highways serving up to 200 dwellings in the Street Design Guide. Conditions should be attached to any approval.
- 7.6 West Yorkshire Police – No objections. The gaps between the gables of the individual houses will include timber gates at 1.80m high to protect the rear garden areas and these have been indicated on the plans. The rear garden areas will be protected and screened by vertical boarded 1.80m high timber fences with the fence posts on the inside. The houses will be fitted with intruder alarms. The developer is encouraged to achieve secured by design certification.
- 7.7 Children Services – No significant impact is anticipated from this proposal for the following reasons, provided by Children Services.

### **Estimated demand generated by the proposed development**

Based on 23 dwellings we would estimate that this proposed development would generate approximately 6 primary school age child in total (1 per year group) and 2 secondary school age pupils in total (0.5 per year group).

### **Impact on primary places**

The primary school nearest to the proposed development is the Co-op Academy Beckfield (formally Pudsey Tyersal Primary School), which is situated approximately 0.4 miles walking distance from the site. The school has a Published Admission Number of 30 which means it can admit up to 30 children each year in to reception. The proposed development and the Co-op Academy Beckfield are very close to the Leeds-Bradford border and there are also three Bradford primary schools (Fearnville, Thornbury Academy and Carrwood) within a reasonable walking distance of the site. The next nearest Leeds primary school is Pudsey Bolton Royd which is 1.5 miles walking distance from the proposed development.

The site is also very close to another housing development (Tyersal Lane, Tyersal) which is currently under construction which may also lead to increases in local schools.

Based on current data, it is anticipated that the primary pupil yield from this proposed development could be accommodated within existing local schools without the need for any additional places. However the numbers of children on roll at schools may change over time so it isn't possible at this stage to be specific about which school(s) may be able to accommodate any primary aged children in years 1-6 generated by the proposed development. There is a site allocated for housing at Tyersal Court that includes land identified for school provision, which if it came forward for development in the future would mean that there is the potential for additional primary school places to be developed in the area should the need arise.

### **Impact on secondary places**

Current secondary projections suggest that demand is expected to outstrip the total available number of school places in the west of the city from 2019 onwards.

Although any additional demand from new housing will exacerbate this situation further, the anticipated pupil yield from this proposed development is very small and is therefore unlikely to have a significant impact.

- 7.8 Local Plans – Initial objections over housing mix and housing capacity for the site. Since this comment though the site has been reduced in number and the applicant has provided a statement regarding housing mix (referred to in appraisal section below). The site lies within the regeneration priority area of the Leeds Bradford Corridor.
- 7.9 Contaminated Land – The Phase 1 submitted identifies that a phase 2 investigation is required. Conditions are recommended.
- 7.10 Landscape – Objections raised originally, revised tree information and a robust landscape scheme have been received. No additional comments have been received to date.

## **8.0 PLANNING POLICIES**

### National Planning Policy Framework

- 8.1 Para 49 Presumption of sustainable development



Para 56	Importance of Good Design
Para 61	Importance of connections between people and places
Para 63	Raising the standard of Design
Para 72	Duty to ensure availability of school places
Para 73	Access to high quality open spaces
Para 80	Purposes of the Green Belt
Para 87	Development of Green Belt, only in special circumstances
Para 89	Appropriate types of development in the Green Belt

### Core Strategy

8.2 The following core strategy policies are considered most relevant

SP1	Location of Development
SP4	Regeneration Priority Programme Areas – includes Leeds Bradford Corridor
SP6	Housing requirement and allocation of housing land
SP7	Distribution of housing land and allocations.
H1	Managed release of sites
H2	New housing development on non-allocated sites
H3	Density of residential development
H4	Housing mix
H5	Affordable housing
G4	New greenspace provision
EN5	Managing flood risk
T1	Transport management
T2	Accessibility requirements and new development
P10	Design
P12	Landscape
N24	Transition between development and the Green Belt

### Saved Policies - Leeds UDP (2006)

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
BD6	All alterations and extensions should respect the scale, form, detailing and materials of the original building.
N25	Landscape design and boundary treatment
T7A	Cycle parking guidelines

8.4 Supplementary Planning Policies

Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria are set out including a requirement to meet BREEAM standards.

Natural Resources and Waste Development Plan Document

Neighbourhoods for Living – A Guide for Residential Design in Leeds

National Technical Housing Standards (not adopted)

SPG Neighbourhoods for Living

SPD Parking

Leeds Street Design Guide

Designing for Community Safety – A residential Design Guide

## 9.0

### MAIN ISSUES

- Principle of Development
- Layout and Design
- Amenity and Spacing Considerations
- Highways and Parking
- Landscaping and Trees
- Greenspace
- Planning Obligations and Community Infrastructure Levy
- Representations
- Conclusion

## 10.0

### APPRAISAL

#### Principle of Development

- 10.1 The site is a vacant Greenfield site, which is unallocated within the Leeds UDP however, the site is allocated for housing within the Site Allocation Plan through the Core Strategy of which it identifies the site as phase 1 delivery with a potential capacity of 27 units. The NPPF acknowledges that development proposals should accord with the development plan, but also has regard for flexibility to rapid change and demand.
- 10.2 The reason this application is to be considered at Plans Panel is the objection from Cllr Seary on prematurity grounds. The site is allocated as Phase 1 within the Site Housing Allocations Plan (HG2-70, Tyersal Lane). The site assessment carried out for the Draft site Allocation Plan notes that the site sits within the Main Urban Area Extension and within the Leeds Bradford Corridor Regeneration Priority Area. The site is not considered to be wholly accessible in relation to accessibility criteria, with public transport not meeting the 15 minute criteria that is recommended. However there is good provision of local schools and capacity on local road networks. On balance therefore the site is proposed under phase 1 as being better than other greenfield sites, and contributing to the aims of the Regeneration Priority Area.
- 10.3 The SAP Housing Background Paper recognises the significance of maintaining a 5 Year Housing Land Supply (YHLS). It specifies the circumstances where phasing could be altered. In particular, Paragraph 6.3 explains that "... Phases are not time limited but movement between phases will happen when the Council is no longer able to maintain a 5YHLS and needs to supplement its deliverable pool of sites from the next phase in the Plan period". Therefore the release of this proposed phase 1 site would not adversely impact this site and significant weight must be attributed to the benefit of bringing forward a deliverable site in the absence of a 5 Year Housing Land Supply and providing much needed housing to this suburb of Leeds. The proposal wouldn't be considered premature given the highly advanced stage of the Site Allocation Plan and the fact that it is to be allocated for housing, it would be considered premature if it was safeguarded in the SAP. There was limited objection to the proposal in the consultation on the draft SAP. Significant weight can therefore be attributed to the proposed allocation.

- 10.4 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It advises that the distribution and scale of development will be in accordance with the following principles:
- i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs with the scale of growth having regard to the settlement's size, function and sustainability.
  - ii) In applying (i) above, the priority for identifying land for development will be as follows: (a) – Previously developed land and buildings within the Main Urban Area/relevant settlement; (b) – Other suitable infill sites within the Main Urban Area/relevant settlement; and (c) – Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.
  - (iii) For development to respect and enhance the local character and identity of places and neighbourhoods.
- 10.5 The application site is considered to be an extension to the main urban area of, Tyersal, Leeds which lies directly adjacent to the west, south and east of the site. It is therefore considered to fulfil the general objectives of policy SP1.
- 10.6 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations, Sustainable locations, Preference for brownfield and regeneration sites, the least impact on Green Belt purposes, Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes, The need for realistic lead-in-times and build-out-rates for housing construction, The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation, and Generally avoiding or mitigating areas of flood risk.
- 10.7 In response to these considerations, it is considered that the proposal is located in a sustainable location, as an extension to a main urban area, which is already served by local amenities and public transport. Spatial Policy 6 does express a preference for brownfield and regeneration sites and it is accepted that this site is Greenfield and is adopted within the Site Allocation Plan. It is accepted that neither application of Policy SP1 above, and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites.
- 10.8 The proposal complies within general objectives policies H1 and H2 which are concerned with new housing developments. This is due to the fact the proposal protects Green Belt land, delivers a sizable number of units. The proposal also delivers a mix of housing (4-7 bed accommodation) which meets the objectives of policy H4 (which is concerned with Housing Mix). It is noted that that the proposal would deliver larger homes with no 2 – 3 bedroom properties evident. The reasoning behind this is that the applicant carried out a consultation exercise within the

community prior to submitting this application which highlighted the demand for larger homes in this area. The policy does set out that development should include an appropriate mix of dwelling types and sizes taking account of the nature of the development and the character of the location, on these grounds it is not considered that the mix of houses is harmful to the delivery of homes in this area.

- 10.9 The scheme delivers a density of 20.45 dwellings per hectare. Policy H3 states in Fringe Urban Areas a density of 35 dwellings per hectare should be sought so the proposal does fall short of this. However the pre-revision proposal for 23 houses was considered to take the density calculation too high. The revised proposal therefore allows for greater space around dwellings which will enhance amenity and reflect the larger size of the properties being proposed (in terms of bedroom numbers).
- 10.10 It is considered the site is located within a sustainable location, within a suburban area, with access to public transport. It is therefore considered the proposals meet the requirements of policies contained within the Core Strategy and is therefore acceptable in principle, subject to all other material planning considerations.

#### Layout and Design

- 10.11 The site would create a new suburban residential complex that retains the character of the general form of development which lies on the opposite side of Tyersal Close and Tyersal Avenue, which contains a mixture of housing types and ages.
- 10.12 The layout has been subject to much negotiation between Officers and the applicant. The scheme has been amended to address the previous concerns which related to spacing, design and layout. The layout of the scheme is considered to be relatively generous in terms of the spacing between the dwellings, rear garden sizes, and the density of the development. Most dwellings have side driveways, which provide a good degree of visual relief throughout the scheme. The majority of dwellings comply with 10.5m minimum rear garden depths, as required by SPG13 (Neighbourhoods for Living), it is noted that plots 9 and 10 do not comply with the required 10.5m, the lengths of these are 9.6m. However, these are still seen to provide a good level of garden space, given the dwellings size and that the proposed gardens would comply with two thirds the total floor space requirement. Therefore the shortfall is considered acceptable.
- 10.13 The proposal includes a full landscaping scheme which shows planting throughout the site and the site boundaries, and is considered acceptable. It is considered that the scheme accords with the general design principles of the adopted SPG 13' Neighbourhoods for Living- A Guide for Residential Design', with regard to minimum spacing standards and general design principles.
- 10.14 The actual elevation details of the dwellings are relatively simple and all include heads and cill details to the windows. All dwellings are two storeys in height. All eighteen of the dwellings feature front bay windows with canopies to the front which adds detail and interest to their main elevations. Seven dwellings feature integral garages which have ground floor surveillance and eleven feature detached garages to the rear/side.
- 10.15 The LPA consider that either artificial stone or brick would be acceptable in this location, given the diversity of materials in this area. The applicant has specified artificial stone. An appropriate condition will be worded giving the choice to the applicant of either artificial stone or brick. The roofs would be covered in concrete

tiles, also secured by condition, matching the appearance of the dwellings within the immediate vicinity in terms of height and general form which is considered to preserve the character and appearance of the wider street scene.

- 10.16 During the course of consideration of the application amendments have been requested in terms of the roof height and the dominance which was viewed to be created by this which was viewed as out of character. After revisions have been secured, the overall height of the dwellings have been reduced. The proposal would now match the roof pitch of surrounding dwellings and follow the context of the area. The proposal is considered compliant with policy P10 of the Core Strategy and GP5 of the saved UDP.
- 10.18 The dwellings vary in size. The table below highlights the differences of the proposed floor spaces of the dwellings on this scheme, when compared to the Department for Communities and Local Government - Technical housing standards – nationally described space standard. The government’s Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage.

Number of bedrooms	Proposed units size (Sqm)	DCLG Minimum Standard (Sqm)
4 (including study)	163	130
5 (including study)	166 – 216	134
6 (Including playroom and study)	238 - 332	138
7 (Including playroom and study)	301	138 (6 Bedroom)

- 10.19 The size of accommodation proposed would exceed the minimum space standards. In summary the design, character and appearance of the scheme is considered positive and thus acceptable with the proposals providing a good level of amenity for occupants. Conditions are attached which require the submission of appropriate, sympathetic materials prior to commencement.

Amenity and Spacing Considerations

- 10.20 The proposed row of dwellings to the east of the site would retain at the closest 12.5m to the rear boundary and 42m to the rear elevation of the dwellings fronting Tyersal Avenue.
- 10.21 To the north, the proposed row of dwellings would retain 9.6m at the closest to the rear boundary. It is acknowledged that this would fail to achieve 10.5m, however the dwellings boundary would join the side boundary of number 77 Tyersal Avenue, which benefits from a garden 84m long. This garden area is enclosed by fencing 1.8m high, as such no impact upon loss of privacy is considered to be created by this aspect. The first floor bedroom windows to this plot would retain at least 7.5m to the rear boundary, compliant with SPG 13 Neighbourhoods for living. The row of

dwellings to the east would overlook towards Greenbelt and open fields. Therefore, no impact of overlooking is seen to be created by this aspect.

- 10.22 When considering the amenity of future residents, the proposal has been revised during the planning stage and as a consequence the numbers of dwellings have been reduced which has resulted in larger gaps between the dwellings, that would comply with the recommended distance as specified within SPG 13 Neighbourhoods for living, 3.5m from side to side. This creates a spacious development which would follow the context of the area. An average distance of 21m would be retained from the front of dwellings to the west to the front of the dwellings to the east of the cul-de-sac. The garden sizes of all plots are also considered to comply with two thirds total floor space, as recommended in the SPG13.

#### Highways and Parking

- 10.23 Highways colleagues have been consulted and raise no objections, subject to conditions. Highways have commented that the access route to the site is narrow but Tyersal Close forms a loop and the site can be accessed from 2 directions and meets with the technical guidance set out for adopted highways serving up to 200 dwellings in the Street Design Guide, it would therefore be difficult to justify an objection to the proposal. The submitted vehicle tracking shows that an 11m x 2.5m 4-axle refuse vehicle could access the site from either direction and the revisions to the layout are acceptable.
- 10.24 Each dwelling would provide at least two/ three off street parking spaces in addition to a detached/integral garage which would also provide a bike store area. Parking on-street could however cause an issue with obstruction/congestion and consequently it is recommended that p.d. rights to convert the garages to non-vehicular use be applied so that the issue can be assessed properly to ensure each plot retains sufficient off-street parking. It is considered that the proposal complies with policy T2 of the adopted Core Strategy.

#### Landscaping

- 10.25 The site lies adjacent to the Green Belt to the North and East boundary. These boundaries are approximately 134m and 131m in length. This application includes landscaping buffers along these boundaries consisting of beech and native hedging to provide a degree of assimilation to the adjacent Green Belt land.
- 10.26 Policy N24 which is concerned with landscaping buffers to the Green Belt, allows for this buffer to be located on Green Belt land, which falls within the red line boundary of the site. It is considered that the proposal complies with policy N24 and would provide a good degree to assimilation between the proposed built environment and adjacent Green Belt.
- 10.27 The site did originally benefit from numerous mature trees which were evident for a number of years. During the consideration of the application the site has been cleared with the majority of trees removed. The trees in question did not benefit from any protection and as such these could be removed without any prior notification.
- 10.28 The details of the proposed landscape including plants/ trees, their sizes, and density of planting has been provided through a revised plan. As such a full detailed landscaping scheme has been provided which is deemed acceptable, a condition

will be attached stating that the development shall be carried out in line with the Landscape Management Plan, provided by FDA landscape.

### Greenspace

- 10.29 The proposed layout originally didn't include any on site or offsite Greenspace provision. Following the advice of Policy G4 of the adopted Core Strategy which states on-site provision should equate to 80 sq m per unit. Local Plans have calculated the cost of providing this amount of greenspace offsite at £67,264.47
- 10.30 The applicants have stated that making a commuted sum of £67,264.47 would render the scheme unviable, and the level of profit would be further reduced.
- 10.31 Subsequently, the applicants have offered an area of land to the north-west of the site, which has been purchased by the applicant. The application has been amended to include this land which lies in the Green Belt. In order to comply with Green Belt policies and to preserve its openness, this land would need to be left undeveloped and not formally laid out. The public open space would feature a sweeping path linking this new development to Tyersal Avenue with meadow grass and various tree planting to soften its impact upon the Green Belt and to comply with policy N24.

### Affordable Housing/ CIL Contribution/ Viability Issues

- 10.32 The application has been supported by a Viability Appraisal, which includes making a full CIL contribution of £143,730. The District Valuer has concluded that making this CIL contribution provides no scope to deliver Affordable Housing and that the scheme is unviable as the profit expected would be below the accepted industry norm. The District Valuer has confirmed that a scheme with Affordable Housing and CIL payments would deliver a scheme with a 2.82% profit. A profit of 9.35% would be delivered from the scheme with only CIL payments taken, this is below the norm of expected of usual profit level, the expected minimum profit return is 17.5%. The report on the appraisal is provided as an appendix for information.

## **11.0 CONCLUSION**

- 11.1 In reaching a recommendation to approve the proposed development, 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 and in this case, it is determined that the proposed development is in accordance with the development plan and there are no overriding material considerations to indicate otherwise. The application is therefore recommended for approval.
- 11.1 In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development as set out within the NPPF. This proposal is considered to represent sustainable development as set out in the NPPF. Members are therefore recommended to grant planning permission for the proposal subject to the conditions set out at the start of this report.

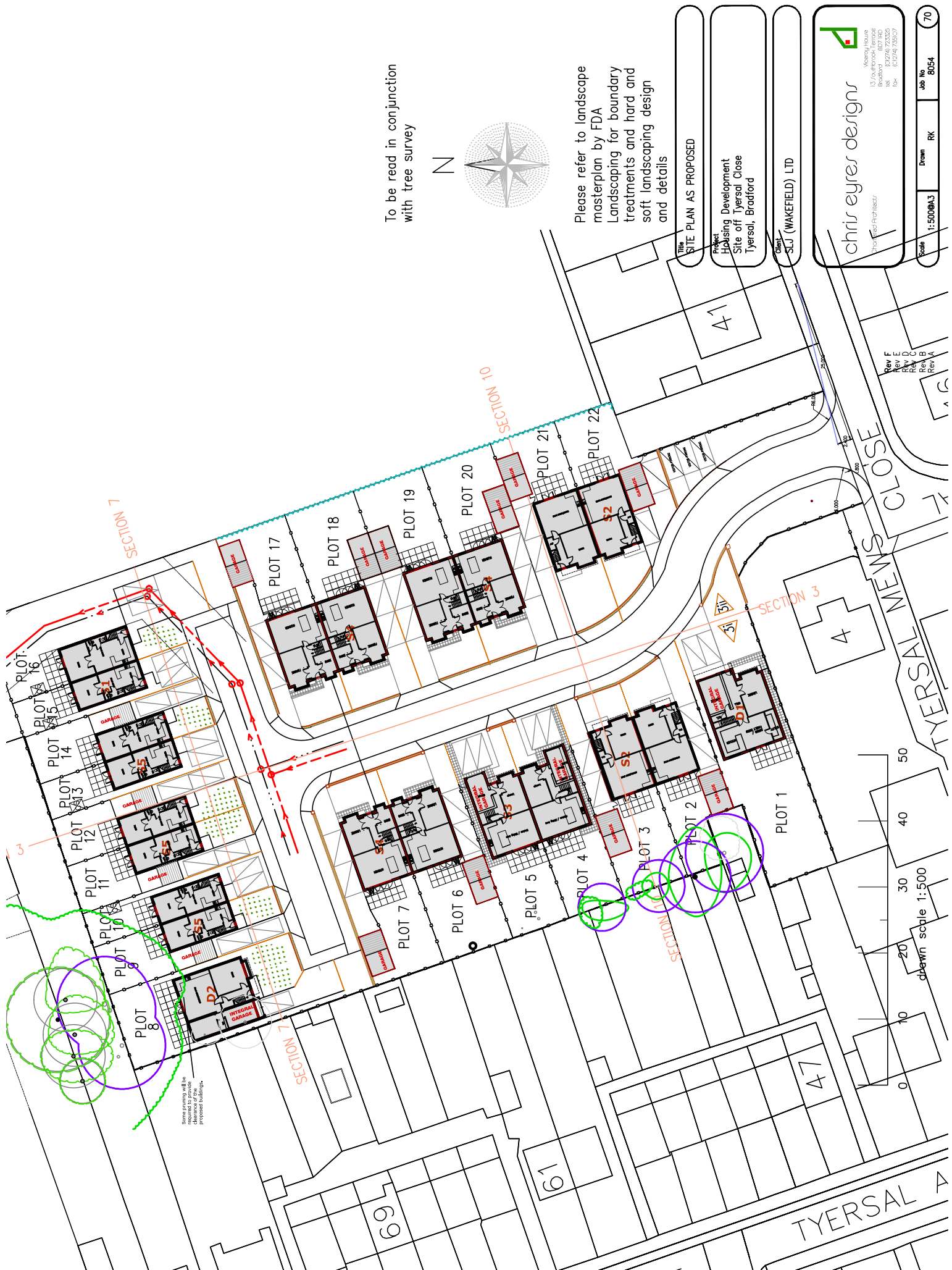
### **Background Papers:**

Certificate of ownership: signed by applicant.

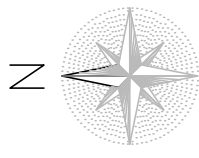
Planning application file. 17/08294/FU








To be read in conjunction with tree survey



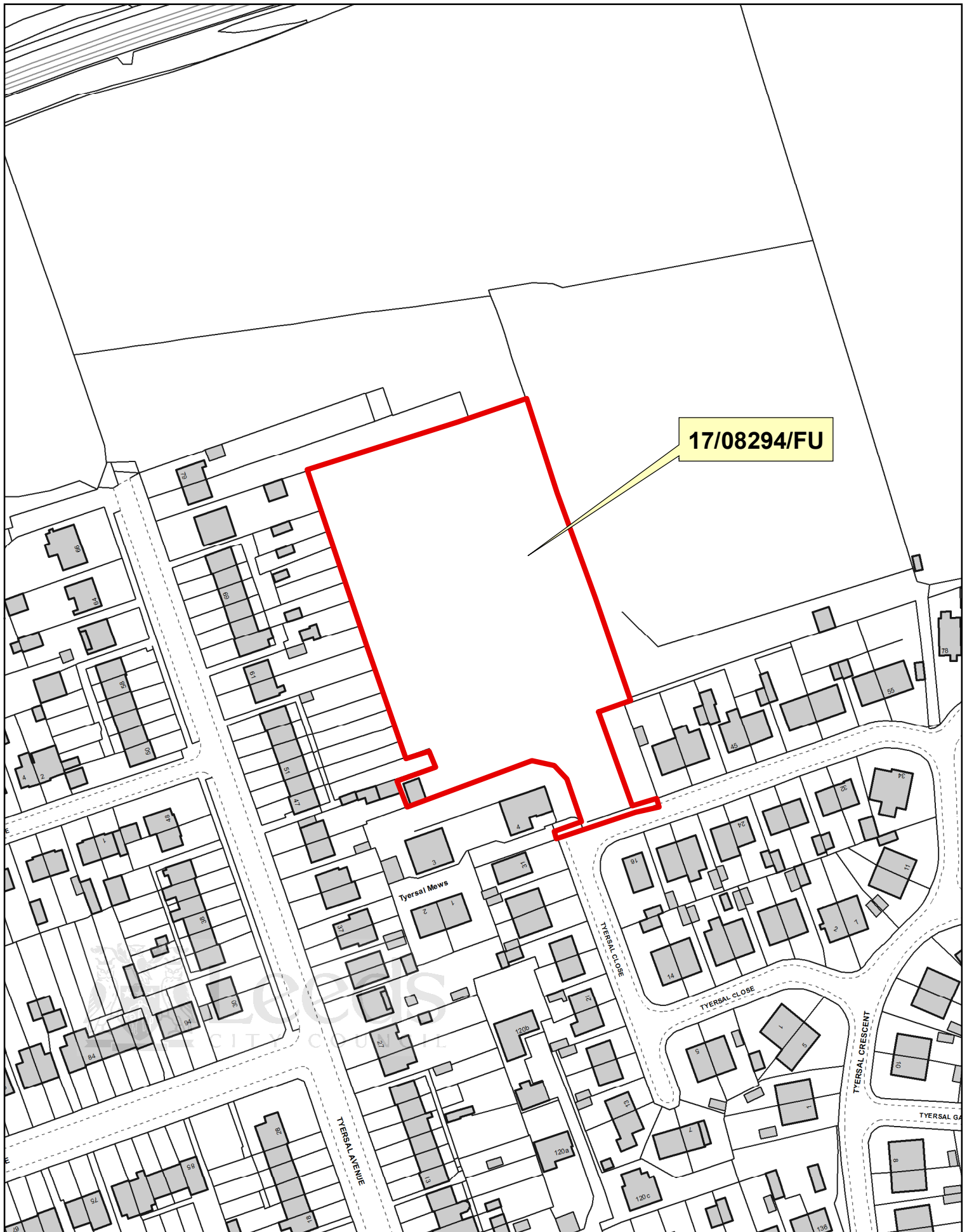
Please refer to landscape masterplan by FDA Landscaping for boundary treatments and hard and soft landscaping design and details

<b>Site</b> SITE PLAN AS PROPOSED	
<b>Project</b> Housing Development Site off Tyersal Close Tyersal, Bradford	
<b>Client</b> SLJ (WAKEFIELD) LTD	
 chris eyrer design chris eyrer architect Wakefield House 13, Owlbrook Terrace Bradford BD7 1BD Bradford BD7 1BD Tel: 01274 735027 Fax: 01274 735027	
Scale 1:500@A3	Drawn RK
Job No 8054	70

Rev F  
Rev E  
Rev D  
Rev C  
Rev B  
Rev A

Some details will be required to provide absence of the proposed buildings.

drawn scale 1:500



17/08294/FU

# SOUTH AND WEST PLANS PANEL



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Originator: Ian Cyhanko  
Tel: 0113 3787953

**Report of the Chief Planning Officer**

***SOUTH AND WEST PLANS PANEL***

**Date: 18<sup>th</sup> October 2018**

**Subject: Planning Application 18/00846/FU** - Construction of a mixed use retail-led development comprising retail (use classes A1, A2, A3 and A5), leisure (use class D2), non-residential institutions (use class D1) and book makers (sui generis) with associated access, parking and landscaping. - **Land at the former Site of Benyon House, Ring Road Middleton, Middleton, Leeds, LS10**

APPLICANT	DATE VALID	TARGET DATE
Commercial Development Projects Ltd	16.2.18	31.7.18

**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: Refuse planning permission on the following grounds**

**1) The proposal (in this edge of center location) will result in a significant adverse impact on Middleton Town Centre, therefore harming the viability and vitality of this town centre location. The proposal is therefore contrary to paragraph 89 and 90 of the NPPF and policies SP2 and P8 of the Core Strategy.**

**2) The proposal will result in the loss of a brownfield site within the Main Urban Area that is proposed to be allocated for a mix of housing and general employment uses within the Site Allocations Plan. The loss of this site to retail would risk the need for further Green Belt releases to meet the Council's housing requirement. The proposal is therefore premature, in line with Paragraphs 48-50 of the NPPF, and contrary to policy SP1.**

## 1.0 INTRODUCTION

This application is brought to Plans Panel due to the scale of the development, at the request of local Ward Members who consider the application to be of local significance due to the potential for job creation.

## 2.0 PROPOSAL

2.1 The proposal is for a new major, retail led scheme, of 9 units which vary in size. The scheme would be anchored by two new large A1 stores proposed at present to be Lidi and B&M stores. The proposal comprises of the following

Unit	Floor area (sq M)	Use Class	Current proposed Occupier (if known)
1	1950	A1	Lidi
2	116.13	A1	Costa Coffee
3	139.5	Sui generis	Vets
4	167.23	A1	Greggs
5	92.9	A1	Subway
6	92.9	A5	Domino's Pizza
7	278.71	A1	Jack Fulton
8	130.01	A1	Card factory
9	157.93	A1, or D2 or Bookmakers	unknown
10	557.42	A1 or D2	unknown
11	2322.58	A1	B&M
12	557.4	A1	B&M garden centre

2.2 The range of uses included with the proposal allows for the delivery of a Bookmakers (sui generis use). It is not known if this use will definitely occupy one of the units, or which unit. The applicant is seeking flexibility on the possible provision of such a use. The applicants have stated that they would accept a condition which limited the maximum floorspace of this use to 167.2 sq m, which will ensure only one unit could be occupied by this use.

2.3 Similarly at this point in time it is not known if a D2 Leisure use will occupy one or more of the units. The applicants have suggested that this use is subject to a

condition that requires the D2 use to be a maximum 557.4 sq m of floor space, which is the largest unit other than the two A1 units (Lidi and B&M).

- 2.4 The units are typically 8-9m in height, and are of simple modern design, typical of those found in retail parks. Materials consist of white rendered walls, with a grey base, silver Alucobond cladding panels, or composite cladding panels and with full height powder coated aluminium double glazed shop frontages to all units.
- 2.5 Landscaping is proposed both on and off-site.
- 2.6 It is proposed that access to the new store will be via the existing access off the roundabout. The scheme proposes 283 car parking spaces. Disabled and parent and child parking spaces (25 in total) will be spread throughout the site but in each case close to the entrance of the retail units in question. 11 staff spaces are proposed, as well as 4 motorcycle parking spaces. 9 spaces for Electric Vehicles are also proposed.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The size comprises of an area of land which is 5.9 acres in size, which broadly is rectangular in shape. The site was previously occupied by Benyon House which was originally constructed as a bus garage but for many years was the former Leeds Industrial Cooperative Society head office warehouse and distribution centre. This building was demolished in 2013 and the site has been vacant since that time.
- 3.2 Traditional post-war, red-brick built suburban dwellings lie to the north and east of the site, situated along Middleton Ring Road and Dolphin Road. This form of housing is relatively spaciouly laid out in regular patterns, with large gardens and grass verges to the highways. The site is elevated from Dolphin Road by around 2-3m, and supported by a brick retaining wall.
- 3.3 To the south-east of the site lies a car garage and directly to the south, a Council run waste and recycling depot, and a new modern Asda Supermarket and Petrol Station. To the west lies a round-about, and beyond this, Middleton Town Centre. To the north lies Middleton Ring Road, with housing beyond.
- 3.4 There are a number of protected trees which lie along the site boundaries, namely along the northern and eastern site boundary. A mature hedgerow which existed along the northern boundary to the site, adjacent to Middleton Ring Road was removed by the applicants in 2016.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 This application is a resubmission of a previously refused application 16/06310/FU, which for was a similar scheme, anchored by Lidi and B&M. That application was refused planning consent under delegated powers on 8.9.17, due to the loss of protected trees and the impact on adjacent residents with regard to noise and activity due to the proposed location of a service yard/ delivery area.
- 4.2 Prior to the 2016 application, planning application (ref 09/01727/FU) proposed a single storey (Tesco's supermarket) retail food store of 6,092 sqm gross with 351 car parking spaces.

4.3 An application was then submitted on an adjacent site by Asda Stores Ltd and Officers decided that both applications, which were for foodstores of a similar scale, should be considered together. As a result, the Tesco application was not considered by Plans Panel until 23rd February 2010. At that meeting Members resolved to refuse the application whilst granting approval for the Asda store.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 In order to address concerns regarding the impact the Application might have on the existing B&M store, the applicants agreed to fund an independent retail study, to ascertain the likelihood of the existing B&M unit within Middleton Town centre being re-let. This was done to allow an assessment on whether the proposal would have a 'significant' adverse impact on the Middleton Town centre, in accordance with paragraphs 89 and 90 of the NPPF. The results of this study are covered in paragraphs 10.11- 10.16 of this report.

5.2 The application has also been amended since submission, to address Officers concerns on design, by introducing design features to break up the mass of some blocks. This has been achieved through the use of materials, design features such as piers and parapets being introduced, and an increase in the use of glazing. Officers also raised concerns to the appearance of the rear elevation of the A1 Unit (Lidi store) which faces onto Middleton Ring Road, due to its mass, design and blandness. This elevation has been amended to include pier details and high level glazing.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application was publicised by 5 site notices which were posted around the site on 23<sup>rd</sup> March 2018. An advert was also placed in the local press on 30<sup>th</sup> March 2018. All 24 objectors to the previous application (ref 16/06310/FU) were notified of this re-submitted application.

6.2 To date, 9 individual letters of objections have been received to the application including one from the adjacent Asda store. 2 letters of support have been submitted. The points raised in the objections from local residents are highlighted below.

- Application should be refused again.
- Noise survey is out of date and flawed.
- Do not require more retail stores in the locality.
- B&M already exists on the adjacent site.
- Site should be developed for leisure purposes.
- Middleton is saturated by supermarkets.
- Will have an adverse impact on Middleton Town Centre, leaving empty units.
- Will attract anti-social behaviour in late evening hours.
- Middleton require a retail mix, not just budget stores.
- Stores of this type will harm Middleton reputation.
- Development will be occupied by chain stores, not independent local traders.
- Will increase traffic in the area, which is already congested.
- Will increase noise levels in the area.
- Adverse impact on house prices.
- Increase in air pollution.



- Will impact of small local business's which can't compete with big chains stores.
- Uncertainty on who will occupy the development, only 2 retailers are named.
- Would be better as 'green' land or affordable housing.
- Should include restaurants, there is a shortage in Middleton.
- The grounds why the previous Tesco application was refused still stand and are valid.
- The claim the proposal would create 145 new jobs is misleading.
- The proposed stores are uninspiring and will add nothing to the local area.
- Middleton needs entertainment/ eating/ drinking establishments.
- Poor behaviour of applicants to remove trees and hedging from the site.
- No need for another Book-maker/ Betting Shop.
- Will not enhance a sense of community cohesion or spirit
- Plans are unsympathetic to the character of the locality.
- Revisions have not taken on board objectors comments.
- Since arrival of Asda and Aldi, footfall in Middleton Park Circus has declined significantly.
- The Council should not give into threats from B&M they will vacate Middleton unless this development goes ahead

#### 6.3 Asda Stores Limited have objected on the following grounds

- Site is proposed for 'employment' use through the Site Allocation Plan.
- There is no change in circumstances since the previous Tesco's application was refused.
- Will have adverse impact on viability and vitality Middleton Town Centre.
- Closure of B&M will result in 43% of all trade loss from Middleton Town Centre.
- Will impact on other stores due to loss of linked trips from visitors to B&M.
- No evidence to support the claim the site is not viable for employment purposes.

#### 6.4 Leeds Civic Trust have objected on the following grounds.

- A site of this size should include a residential component.
- No reason why a retail development cannot include first floor apartments.
- A mix use scheme would ensure the site is used throughout the day, while helping to meet the need for more housing.
- There is a recent tendency for discount supermarkets of this format, single storey structures with expanses of parking.
- This model is easy and cheap to roll out, and does little to contribute to the vitality of the Towns and town centres.
- This form of development ignores good practise of the first decade of this century when schemes integrated apartments into retail or leisure schemes.
- Development turns it back onto Middleton Ring Road.
- Area would benefit from active frontage on this elevation.

#### 6.5 The points raised in the letters of support are cited below

- Site needs redeveloping.
- Proposal will create jobs.
- Previous application should not have been refused.

## 7.0 CONSULTATION RESPONSES

### Statutory:

- 7.1. Highways:  
No objection. The proposal utilises an existing access and it is considered there is no highway safety or capacity issues. The application is supported by a full TA and on balance a short of 17 parking spaces, against adoptable standards is considered to be acceptable.

**Non-Statutory:**

- 7.2 Local Plans  
Given the increased uncertainty surrounding the re-occupation of the B&M unit in Middleton Centre, as a result of the unfavourable trading conditions for Budget/Discount retailers, it is considered that there is a material change in circumstances from the previously refused application. As with the previous application the decision on whether the proposal will result in a significant adverse impact (thus requiring refusal in accordance with para 89 of the NPPF and P8 of the Core Strategy) rests on the likelihood of the B&M unit being re-occupied, that likelihood has now significantly reduced, thus tipping the balance to the extent that we now consider that the application is likely to have a significant adverse impact.

An additional material change is that the hearing sessions for the Site Allocations Plan Examination in Public have not concluded and closed. As such moderate material weight can be given to the fact that this application would result in the loss of a brownfield site within the Main Urban Area of Leeds which is proposed to be allocated for housing and general employment. This could potentially put increased strain on the Green Belt in order for the Council to meet its housing requirements without the use of this site. As such the proposal is premature and contrary to paragraphs 48-50 of the NPPF.

- 7.3 Contaminated Land  
No objections subject to condition which relate to a duty to report unexpected contamination and the importation of soil.
- 7.4 Coal Authority  
The application site does not fall within the defined high risk area and there is no requirement for the CA to be consulted.
- 7.5 Landscaping  
Raised concerns. The proposal now seeks to retain most of the TPO trees but the proportion of planted areas to build form/ hard surfacing seems low. Have recommended conditions which relate to new planting, landscape maintenance and tree protection.
- 7.6 Travel Wise  
A review fee of £5000 is required and should be secured by a S106 agreement. Electric charging points should be provided within the development and secured by planning condition.
- 7.7 Flood Risk Management  
No objections subject to conditions which relate to a drainage scheme (to include drainage drawings, summary calculations and investigations).
- 7.8 Environmental Health

The proposal has re-sited the service yard away from the residential properties on Dolphin Road, when compared to the previous approval. No objections subject to conditions which prohibit deliveries in the late evening/ night hours.

## **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) Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (2013) as well as any made Neighbourhood Plans.

8.2 The site is identified on the Local Plan Policies Map as a Protected Area of Search.

### **8.3 Adopted Core Strategy**

The following Core Strategy policies are considered most relevant:

- SP1 Location of Development
- SP2 Hierarchy of Centre and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture' states:
- P1 Town and Local Centre Designations', designates Leeds' Town and Local Centres.
- P2 Acceptable Uses in and on the Edge of Town Centres'
- P5 Approach to Accommodating New Food Stores across Leeds
- P6 Approach to Accommodating New Comparison Shopping in Town and Local Centres
- P8 Sets out the catchments for undertaking Sequential and Impact Assessments
- T1 Transport management
- T2 Accessibility requirements and new development
- P10 Design
- P12 Landscape
- ID2 Planning obligations and developer contributions

### **8.4 Saved Policies - Leeds UDP (2006)**

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

- GP1 Land use and the proposals map
- GP5 General planning considerations
- N25 Landscape design and boundary treatment
- T7A Cycle parking guidelines

### **8.5 Submission Draft Site Allocations Plan (SAP) (February 2017)**

Within the Submission Draft Site Allocations Plan, the application site (SAP reference MX2-13) is identified as a 2.48 -hectare site with a capacity for 37 residential units and 1.24ha for employment. It is identified as a Phase 1 site.

### Relevant Supplementary Guidance:

- 8.6 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are most relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:
- Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria are set out including a requirement to meet BREEAM standards.
  - Street Design Guide – Supplementary Planning Document
  - Travel Plans – Supplementary Planning Document
  - Public Transport – Developer Contributions
  - Parking – Supplementary Planning Document

### National Planning Policy Framework (NPPF)

- 8.7 The National Planning Policy Framework (2018) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.8 One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development. However, 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.
- 8.9 With regard to retail development, the NPPF advises at Paragraph 85 that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Paragraph 86 advises that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The issue of the Sequential Test is considered in the report below.
- 8.10 The NPPF sets out in paragraph 89 that when assessing applications for retail and leisure developments outside of town centre, an impact assessment will be required if over 2,500 sqm or a locally set threshold, which in Leeds is set at 1,500 sqm through Policy P8 of the Core Strategy. This should include an assessment of a) the impact on investment in centres, and b) the impact of the proposal on town centre vitality and viability. Paragraph 90 instructs local planning authorities that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.
- 8.11 The NPPF also provides guidance in relation to design and states that the Government attaches great importance to the design of the built environment. Good

design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 8 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. Paragraph 124 states good design is a key aspect of sustainable development. Paragraph 130 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 8.12 The NPPF sets out in paragraph 50 that prematurity grounds for refusal will seldom be successful where a Plan has not been submitted for Examination. However, in the case of SAP, we are at a far more advanced stage of preparation, given the hearing sessions have now closed. As such prematurity grounds for refusal can be advanced with some expectation of success. The NPPF then states *“Where planning permission is refused on grounds of prematurity the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”*. This is in order to satisfy the tests of refusing applications on prematurity grounds as set out in paragraph 49. In the view of officers, the approval of this proposal would result in the loss of a highly sustainable and policy compliant mixed use housing site that adheres to Core Strategy and NPPF objectives of reducing development in the Green Belt.

## **9.0 MAIN ISSUES**

- 9.1 The main issues to consider in the determination of this application include the following:
- Principle of Development
  - Design/ Layout
  - Landscaping
  - Noise Issues/ Impact on Residential Amenity
  - Highways/ Parking
  - Economic Development
  - Community Levy Infrastructure (CIL)
  - Other Issues
- 9.2 The Council must also consider representations received as part of the public consultation exercise.

## **10.0 APPRAISAL**

### Principle of Development

- 10.1 This application proposes to redevelop a previous employment site to a predominantly retail-led use. The site is identified as an allocated site for Mixed Use through the emerging Site Allocations Plan (ref MX2-13). In the past planning permission has been refused for retail development. However, this was in 2009 and prior to the adoption of the Core Strategy. There are two aspects to the principle of this application. The first is whether the loss of employment use is acceptable and the second is whether a new retail development is acceptable.

- 10.2 The issue regarding the loss of employment falls under the planning auspices of Policy EC3. This policy states change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non-employment uses will only be permitted where:
- i) The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period ('employment needs' are identified in Spatial Policy 9), Or
  - ii) Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses,
  - iii) The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site'.
- 10.3 Only one criteria of policy EC3 has to be met. Given the proposal will create approximately 140 jobs, it is considered criteria (iii) applies, and this policy is met.
- 10.4 The second issue is whether the site is a suitable location for the level of retail described in the application. The Core Strategy and NPPF both adopt a town centres first approach requiring that retail development should be located within existing town centres. The NPPF states that for A1 retail developments to be considered to be in-centre, they must be located within the Primary Shopping Area of a designated centre. If the proposal is located outside of the Primary Shopping Area but within 300 metres of it, the proposal is adjudged to be Edge of Centre. Sites beyond this 300 metre boundary are considered to be Out of Centre.
- 10.5 The Unitary Development Plan does not define Primary Shopping Areas. However it does define Primary and Secondary Shopping Frontages for Middleton Town Centre. The NPPF defines a Primary Shopping Area as a "*Defined area where retail development is concentrated*". It can therefore be said that the protected shopping frontages define a very similar approximation of a Primary Shopping Area. Whilst the draft Site Allocations Plan has not been adopted, it does define Primary Shopping Areas and is therefore considered a helpful material consideration in determining the status of the site's location.
- 10.6 The draft Site Allocation Plan has material weight as it has now been through the Examination stage, is based on up-to-date survey data and, with regards to Primary Shopping Area designations, has received very little objection. Crucially, the proposed Primary Shopping Area reflects the designated protected shopping frontages within the Unitary Development Plan. Therefore, as the proposal site is within 300m of both the adopted protected Shopping Frontages and the proposed Primary Shopping Area boundary it is considered appropriate in this case to define the site as Edge of Centre. As a result, the proposal is not considered in-centre development and in accordance with policies SP2 and P8 of the Core Strategy and Chapter 7 must pass a Sequential and Impact Assessment before the application is approved.
- 10.7 Policy P8 advises if a sequential and an impact assessment is needed. It is considered that following the guidance of policy P8 both sequential and impact tests are required on this application. Given the scale of the scheme, it has been confirmed that it is has been evidenced that a comparably-sized sequentially preferable site within the parameters listed in P8 cannot be found. The application is therefore considered to have passed the Sequential test of the Core Strategy and NPPF.

- 10.8 With respect to the Impact Assessment, officers are of the view that the assessment has been partially satisfied. NPPF paragraph 89 sets out two elements to the test: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 10.9 In addressing part a) of the assessment the applicant was asked to provide further evidence. This has now been provided and officers are of the view that this satisfies part a), in demonstrating that there will be no adverse impact arising from the proposal on existing, committed and planned public and private investments within centres in the catchment area of the proposal. With regards to part b) officers are of the view that the test has been clearly satisfied with regard to all centres, with the exception of one – Middleton Town Centre. The impacts on Middleton Town Centre are discussed in more detail below.

#### Impact on Middleton Town Centre

- 10.10 As with the previous applications on the site, the severity of the projected impact upon Middleton Town Centre rests largely on the likelihood of the re-occupation of the existing B&M Bargains unit that will be vacated as a result of the new development. Colleagues in Policy stated in their initial response on the 2nd July 2018:

*“...concerns persist as to the likelihood of the re-occupation of the existing B&M Bargains unit in Middleton Town Centre, which is likely to be rendered vacant by the proposal development. For the previous application the applicants submitted further information on the likely future occupiers of that unit. Whilst this assessment is less than a year old, it includes an occupier (Poundworld) that has since entered administration. This potentially casts some new light on the state of the discount retailer market. The LPA feel that the assessment of the B&M unit therefore requires updating, and are proposing to commission an independent assessment of the likelihood of the re-letting of the existing B&M unit. This aspect of the application is crucial to assessing the retail impact of the scheme.*

*Should the unit remain vacant over the long-term the projected impact upon Middleton Town Centre is predicted to be in the order of 42%. This would constitute a significant adverse impact and would justify the refusal of the scheme. The Council therefore consider that it is crucial that it can put together as accurate a picture as possible on the likelihood of re-occupation of this unit. The Council will not be able to arrive at a view on this application until this evidence forms part of the assessment picture.”*

- 10.11 Since that time CBRE have been appointed to assess the likelihood of the B&M unit being re-occupied. They conclude that:

*“In conclusion, based on the landlord’s aspirations on a new rent for the subject unit, I believe there would be some demand, albeit relatively limited. I would expect interest at approximately £50,000 per annum in order to attract a national occupier and I would factor in a void period of 18 months with a further incentive package of 18 months on the basis of a 10-year lease with a 5th year tenant break option.”*

- 10.12 In light of the above, officers consider this casts significant doubt on the re-occupation of the existing B&M unit. It also raises concerns relating to the impact that would be had on the rest of Middleton Town Centre if its main anchor store is vacant for circa 18 months. Clearly, 18 months is a projected estimate and the actual length of

vacancy could be longer or shorter than this, but it is of note that the estimate of 18 months is not disputed by the applicant. Since Officers informed the applicants of the intention to refuse the application on grounds relating to the impact on Middleton Town Centre, B&M have then written to the Leader of Council, Councillor Judith Blake, in a letter dated 19<sup>th</sup> September 2018, stating their intention to vacate the unit at Middleton Town Centre, in any event, once the lease expires in October 2019. There is no certainty this would occur, and this would have no bearing on the outcome on this application. It is considered the demand for the existing B&M unit (if vacated) would be greater without a new retail development being located on the adjacent Benyon House site and the development of the Benyon House site as proposed in this application would reduce the likelihood of the current B&M unit being re-occupied.

- 10.13 The state of the discount retail market is in significant flux. A range of operators have either entered administration, undergone a Company Voluntary Arrangement (CVA) or have the potential to enter into such arrangements in the near future. Combined with the fact that the B&M unit is a large unit that does not lend itself easily to subdivision, this means that there are a very limited number of operators who would be interested in occupying this unit. As part of their study CBRE contacted 16 high street operators, including Boots, Wilkinsons, etc, all of whom stated they would not be interested in the unit. Two potential occupiers are quoted in the CBRE report, and of those, only one is an A1 retailer, the other being a gym operator which would not drive the level of footfall currently seen with the B&M Bargains unit within Middleton Town Centre.
- 10.14 During the consideration of the previous application, the LPA considered that Middleton Town Centre is performing well. Officer's view at that time was that the B&M Bargains Unit was an attractive one, owing to its visible location on the ring road and access to a large surface car park to the front of the store. However, the vitality of the centre currently relies upon the B&M unit to drive footfall and spend. As previously stated, should that unit not be re-occupied the impact upon Middleton Town Centre will be significantly adverse. In our view there is now significant doubt about that re-occupation, and given that the unit generates 42% of the turnover of the centre, the failure to re-occupy the unit with a store of a similar footfall and turnover would have a significant adverse impact on Middleton Town Centre.
- 10.15 In the Officer's Report for the previous application on the site, one of the stated factors weighing in the application's favour was that the boundary for the Town Centre of Middleton is proposed to be expanded to include the Asda superstore. This would have the effect of increasing the overall turnover of the centre, thus reducing the % impact of the proposed development on the centre. However, at that time it was considered likely that the B&M unit in the existing centre would remain occupied and trading, whereas now, for reasons set out above, officers are of the view that this unit is likely to remain vacant potentially over the long-term, thus having a significant adverse impact on Middleton Town Centre. This remains the case whether we draw the boundary to include Asda or not. Whilst the draft SAP is a material consideration, the Impact test in the NPPF can only be applied against the adopted boundary of the town centre, as defined within the UDPR. In any event, whether Asda is including within the boundary or not, it is the view of officers that the proposal will have a significant adverse impact on the existing centre of Middleton by reducing trade, footfall and diminishing consumer choice, thus reducing the vitality and viability of the centre.



- 10.16 Similarly whilst the previous Officer's Report stated that the location of the proposal would have a positive impact on linked trips to the existing centre, this isn't considered to mitigate the impact of the likely long-term closure of the B&M unit.

#### Prematurity

- 10.17 The development of this land for retail uses is contrary to the proposed allocation for this site for housing and general employment as set out within the Site Allocations Plan. The SAP Examination hearings have now concluded and no significant unresolved objections exist regarding the proposal to allocate the proposal site for a mix of housing and general employment uses. In accordance with paragraph 48 of the NPPF officers are of the view that moderate weight can be given to this proposed allocation. Whilst paragraph 49 of the NPPF requires proposals to be either of a substantial scale or of a cumulatively significant impact to justify refusal on prematurity grounds. It is the Council's view that the harm that would be done to the Council's attempt to deliver housing on sustainable brownfield sites, in order to reduce impact on the Green Belt would be dealt a significant blow if such sites could be lost to other uses until the Site Allocations Plan was adopted.

#### Retail Policy Conclusion

- 10.18 Given the increased uncertainty surrounding the re-occupation of the B&M unit in Middleton Centre, as a result of the unfavourable trading conditions for Budget/Discount retailers, it is considered that there is a material change in circumstances from the previous application. As with the previous application the decision on whether the proposal will result in a significant adverse impact (thus requiring refusal in accordance with para 89 of the NPPF and P8 of the Core Strategy) rests on the likelihood of the B&M unit being re-occupied. In our view that likelihood has now significantly reduced, thus tipping the balance to the extent that we now consider that the application is likely to have a significant adverse impact. There are significant concerns about a) the likelihood of the re-occupation, and b) the length of time that re-occupation will take and the impact that would be had on footfall in the centre in the meantime. Therefore in accordance with para 89 of the NPPF and SP2 and P8 of the Core Strategy, it is recommended that the application should be refused on retail impact grounds.
- 10.19 In addition, due to the impact upon the proposed mixed use allocation within the draft Site Allocations Plan (and the weight that can be given to that Plan given its stage of preparation), it is considered that this application is premature and should be refused in accordance with paragraphs 48-50 of the NPPF.

#### Design/ Layout

- 10.20 The proposal is for a modern retail development on a cleared brownfield site. The NPPF confirms at Paragraph 8 that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. Indeed paragraph 124 of the NPPF states good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 10.21 The objectives of the NPPF in this regard are reflected in Core Strategy Policy P10, which confirms that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function with the expectation that new development delivers high quality design that respects and enhances existing

landscapes and streets and respects the character and quality of surrounding buildings. In addition, Policy P12 seeks to secure high quality landscape design to ensure that the character, quality and biodiversity of Leeds's townscapes and landscapes are conserved and enhanced.

- 10.22 The application site is situated in a highly prominent location on a main thoroughfare, Middleton Ring Road and adjacent to a roundabout, and adjacent to an Asda supermarket, and Middleton Town Centre. As part of the pre-application enquiry, the main concern raised by Officers on the design, was the fact the rear elevation of the proposed Lidi store, was predominately blank, and some 77m in length faced onto the highway, which is the main site frontage, and the scheme was an inward facing development which lacked interaction with the existing surroundings. The requirement to retain trees along the northern boundary of the site, with Middleton Ring Road was considered to be imperative, given the fact they would screen the rear of the A1 Unit (Lidi Store) and are of high public amenity value. However, most of the trees and hedgerow along this boundary were removed prior to the TPO being placed on the site, which has secured the retention of 7 individual trees and 3 groups.
- 10.23 Since the submission of this application, the rear elevation of the Lidi store has been amended, at the request of officers in an attempt to address these concerns. The amendments include high level glazing and pier columns, to reduce the mass of this elevation. This majority of the facing materials to this building are composite cladding panels, with brick only to a very small base plinth, which appear to be 2-3 courses high. The cladding panels (RAL 7016 and 9006) are contrasting grey colours, and have been amended from a white colour, due to Officer Concerns which relate to robustness and longevity.
- 10.24 The appearance of the A1 Unit (Lidl store), which is the company's current standard design and presents full height glazing along the frontage and a small return frontage to the car park, is considered acceptable. The appearance of the Lidl store is typical of other modern Lidl's stores and match's their corporate identity. The mass of the larger buildings is broken up by varying materials, and brick piers. Although it may be considered preferable for the development to have an active frontage onto Middleton Ring Road, this would remove the relationship between the store and car park. It is considered the design of the scheme derived from the requirements of the functional requirements of the occupiers. The applicants have previously rejected suggestions made by Officers with regard to re-orientating the layout of the site or use an increased amount of brick as a facing material.
- 10.25 Amendments have also been made on some other units, including the A1 Unit (proposed B&M store) to increase the detailing on the front elevation and increase the amount of glazing, in order to improve its appearance and reduce the mass. This unit has facing materials of brick to the lower wall sections and brick piers which house render panels.
- 10.26 The design of the other units is too functional, and typical of similar retail schemes, with units having large open floor-plates. The buildings vary in height from approximately 6-8m. The buildings have a similar appearance with plinths, composite cladding and render panels as facing materials, steel roofing's systems and elements of glazing. The smaller units 2-6 have facing materials of brick to the level which is level with the top of the ground floor windows, which does aids their quality and robustness. Units 7-10 have brick piers and a low level brick plinth. The overall design of the complex is considered functional and fairly unremarkable. The site is effectively a standalone site, and there is no distinct architectural character within the locality

that any redevelopment scheme would need to respect. The adjacent Asda store is of a modern design and large mass, having facing materials of composite cladding.

- 10.27 The comments made by Leeds Civic Trust regarding the layout and the fact it is not a real mixed use scheme with no residential component are noted. Although it is preferable to have a retail scheme which of a traditional high-street format, with parades of commercial units and 1<sup>st</sup> and/ or 2<sup>nd</sup> floor flats above, it is not considered the proposal could be refused on such grounds. This format of retail development has been accepted on other sites within Leeds in recent years at the former Denson Marden site, Armley Road, and the former Belgrave Works site, Staningley Road, and is typical of similar schemes within inner-city and suburban locations.
- 10.28 Assuming the principle of development was considered acceptable, it is considered that the amendments to the scheme are, on balance now sufficient to comply with adopted design policies subject to specified conditions.

#### Landscaping

- 10.29 The site is subject to a Tree Preservation Order on 7 individual trees and 3 groups of trees. The TPO was made on the site in 2016, after the LPA became concerned that trees and mature hedgerows around the site perimeters were being removed from the site, to clear the site in anticipation of future development. By the time the TPO was served/took effect, a mature hedgerow which existed along the site frontage to Middleton Ring Road was removed. The trees and shrubs, which exist upon the site are mostly located along the east, north and western boundaries and peripheral areas of the site. The majority of trees on site were part of an amenity landscape around the fringes of the Benyon House building which previously occupied the site. The previous application (16/06340/FU) sought to remove the majority of the protected trees, and the application was refused on these grounds.
- 10.30 The proposal now only seeks to remove one group of the trees (G1) which consists of 4 'Crack Willow' species and two individual protected trees (T13 and T16) which are a Rowan and a Cherry tree. All of these are rated as category 'U', which is defined as '*Trees cannot realistically be retained as living trees in context of current land use for longer than 10 years*'. It is considered the retention of the majority of the TPO trees could provide a good degree of assimilation between the proposed new development and existing surrounding environmental. On balance, it is not considered the proposal could be resisted due to the loss of TPO trees. The majority of the trees are situated round the site edges, with the exception of G1, and its retention would significantly hinder the developable area of the site. The proposal does include replacement planting. Although the landscaping officer has raised concerns regarding the amount of landscaping proposed, and the space around some of the proposed planting for trees, in terms of the capacity for root growth, it is considered the landscaping scheme is acceptable, subject to conditions.
- 10.31 The Landscape Officer has stated that the landscaping scheme does not appear to consider drainage within the site. A drainage solution for the site is not yet finalised and the Flood Risk Management consultation response notes that a pre-commencement condition should be applied requiring details of a surface water drainage scheme, therefore it is considered that this matter would be considered as part of a Discharge of Planning condition application (if the application was considered acceptable in all other respects).
- 10.32 Concerns have also been raised regarding the size of the root zone per tree, of a minimum of 12M<sup>3</sup> per tree. The applicants have confirmed that a soil volume of 19 m

cu is proposed for car park planting. Again, this could be addressed through a planning condition, assuming the principal of the application was considered acceptable.

#### Noise Issues/ Impact on Residential Amenity

- 10.33 One of the two reasons for refusal of the previous 2016 application was due to the adverse impact on nearby residential occupiers (who reside on Dolphin Road), due to the proposed hours of use, and location of a service/ delivery yard. This previous application proposed to locate this service area 19m away from the residential properties situated on Dolphin Road, and use the area for deliveries and loading between the hours of 07:00 and 23:00. The topography of the site meant this service area was approximately level with the first floor of the properties located opposite on Dolphin Road.
- 10.34 This application has sought to overcome this reason for refusal by re-locating the service area away from the north-eastern boundary of the site and Dolphin Road. This service yard (for the units other than Lidi) has been located to the southern boundary of the site, adjacent to the Council run waste and recycling centre. It is not considered this adjacent land use is sensitive in respect of noise, and the residential properties on Dolphin Road nearest the site, are now buffered from the activity which would occur within the central parking area of by Units 11 and 12. There is also a landscaping buffer proposed, beyond the rear of units 11 and 12 and the highway of Dolphin Road, which will provide further mitigation to the residential properties located opposite.
- 10.35 Environmental Health have raised no objections to the application subject to delivery hours being conditioned between the hours of 07:00 - 20:00 Monday to Friday and between the hours of 08:00- 20:00 Saturday, Sunday and Bank Holiday Mondays. The applicant has agreed to this condition. Environmental Health have also stated the proposed D1 use should be restricted to uses within the use class (D1), to include only day nurseries, doctors surgeries and places of worship. Other uses may not be suitable, nor longer hours of opening, and be more intensive in their use of the site.
- 10.36 Asda have objected to the proposal (as summarised in para 6.3) and have submitted their own noise survey in support to their objection. This survey concluded that during night time hours, deliveries would be audible to properties situated opposite the site at 73 Ring Road, and dispute the recorded noise level, 10m from a drop down tail gate from a HGV. Asda state this noise level is 88 dBL (at a 10m distance) and the applicants in their survey state the noise level if 79 dBL. Colleagues in Environmental Health have commented on this, stating that ACP (who are representing Asda) assert the Lmax data has been under reported by 9 dB. However, without an extensive desktop or practical research into HGV unloading it would be difficult to comment on which is the most accurate data. It is considered this concern is overcome by prohibiting deliveries during the night, and this could be controlled by a planning condition should planning permission be granted.
- 10.37 A condition would also be imposed which relates to opening hours between 07:00 – 22:00, on all of the units. The site is not considered to be in a particularly noise sensitive location. The nearest adjacent residential properties lie to the east of the site and as stated above, the rear of units 11 and 12 face towards these properties. The adjacent Asda store is open 24 hours.
- 10.38 Highways

The proposal utilises an existing access from the roundabout at the Ring Road/ St Georges Road/ Sharp Lane roundabout, which previously served Benyon House. Highways have raised no objection to this proposed means of access. The volume of additional traffic the proposal would create, has been a reoccurring theme, within the objections received. The submitted Vehicle Trip Generation numbers at peak times are highlighted below (which just included linked trips) is highlighted below, which has been illustrated through the submitted Transport Assessment is highlighted below.

Peak House	Non-Food Retail Units			Lidi Food Stores			Total		
	Arr	Dep	Tot	Arr	Dep	Tot	Arr	Dep	Tot
Weekday PM peak Hour 16.00-17.00	43	54	97	45	47	92	88	101	189
Saturday peak hour 13.00-14:00	98	95	193	104	112	216	202	207	408

- 10.39 It is widely accepted that new retail developments typically generate very little wholly new traffic; based on research undertaken at comparable developments, the proportion of trips observed as 'new' at comparable new developments. Instead, the majority of trips to retail developments tend to comprise existing journeys on the network, for which shopping is the main trip purpose and for which the proposed development becomes the destination, rather than another, existing site. The site lies in a large established residential area, and it is considered that the proposal will function mainly as a local facilities for existing residents, who live within an accessible catchment of the site. It is also important to note that the previous use of Benyon House would have created traffic along the local highway network. It is also considered the number of linked trips to this development would be high, given its location adjacent to Middleton Town Centre, and the existing Asda Supermarket.
- 10.40 The application is supported by updated accident data analysis and Highway Officers have stated it is considered acceptable and it is unlikely that there are road safety concerns associated with the proposals. A review of the personal injury accidents that have occurred on the local highway network within the vicinity of the site has been undertaken. A total of 11 accidents occurred over the five year study period. The majority of the accidents resulted in injuries of slight severity with the data suggesting that road layout, inadequate or masked signs or poor or defective road surface were not contributory factors in any of the accidents. All accidents recorded were of an isolated nature, with failure to judge the path or speed of another vehicle, failing to look properly or undertaking a poor turn or manoeuvre typically highlighted as likely contributory factors. On this basis, there are no existing safety issues that would be exacerbated by changes in traffic flows associated with the development
- 10.41 The internal layout has been devised with three separate service/ delivery areas, which will avoid conflict with parked vehicles. According to the Parking SPD circa

300 spaces would be required on site, which indicates the proposed parking provision falls short by circa 17 spaces. On balance it is considered the proposed parking is likely to adequately serve the site, and the proposal complies with policy T2.

#### Economic Development

- 10.42 The applicants have stated the A1 unit (Lidi store) will create 40 jobs for local people and the A1 unit ( B&M store) will provide approximately 50 jobs once operational. In total, with the other units, it is anticipated the entire development will create approximately 180 jobs. This in an area that suffers from a higher than average (national and local) unemployment and deprivation. The Index of Multiple Deprivation 2015 shows that the majority of the Middleton Park Ward being within the top 10% most deprived areas in the Country. It is important to note that many of the jobs at B&M would be re-located from the existing Middleton site, and therefore are not all 'new' jobs.

#### Community Infrastructure Levy (CIL) and Section 106

- 10.43 The CIL contribution from this development is £647,739.84., however this is not a material planning consideration and is provided for information only.

#### Other Issues

- 10.44 Some of the points raised in the objections are not material planning consideration and carry no weight in the decision making, of this application. Such matters include the calibre of the A1 operators who could occupy the units, impact on property prices and competition between differing retailers.

### **13.0 CONCLUSION**

- 13.1 It is considered that on balance, this revised application has overcome the previous reasons for refusal which relate to loss of protected trees and the impact on adjacent residents with regard to noise caused by deliveries and loading. However it is now considered that there is a material change in circumstances relating to retail impact, from the previous application. As with the previous application the decision on whether the proposal will result in a significant adverse impact (thus requiring refusal in accordance with para 89 of the NPPF and P8 of the Core Strategy) rests on the likelihood of the existing B&M unit in Middleton town/Town Centre being re-occupied.
- 13.2 Officers now consider that this likelihood has now significantly reduced, thus tipping the balance to the extent that it is now considered that the application is to have a significant adverse impact on Middleton Town Centre. Therefore in accordance with para 89 of the NPPF and P8 of the Core Strategy, it is recommended that the application should be refused on retail impact grounds. It is not considered the benefits of the scheme in terms of economic investment outweighs this harm.



Originator: Ian Cyhanko
Tel: 0113 247 4461

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date:** 18<sup>th</sup> October 2018

**Subject:** **POSITION STATEMENT** - **Application 18/02140/FU and 18/02141/LI** – Planning and Listed Building Applications for conversion of mill buildings, demolition of Listed Buildings to provide 30 dwellings and the construction of 82 new dwellings (112 dwellings in total) with associated access and landscaping - **Stonebridge Mills, Stonebridge Lane, Wortley, Leeds**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Stonebridge Mills Limited	23 <sup>rd</sup> January 2018	PPA 30 <sup>th</sup> November 2018

<p><b>Electoral Wards Affected:</b></p> <p><b>Farnley and Wortley</b></p>  <p><input type="checkbox"/> Yes    Ward Members consulted</p>
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<p><b>Specific Implications For:</b></p> <p>Equality and Diversity    <input type="checkbox"/></p> <p>Community Cohesion    <input type="checkbox"/></p> <p>Narrowing the Gap    <input type="checkbox"/></p>
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**RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions raised at section 9 of this report.**

**1.0 INTRODUCTION:**

- 1.1 This report is brought to South and West Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the scheme and make comment. Officers will detail the extent of demolition and conversion works of the Listed Buildings, the layout / design of the new build element.
  
- 1.2 This report is based on a draft alternative layout, which has reduced the number of new build properties by 16, when compared to the original layout, and an increase of 2 conversion units (generated by the retention of buildings 10 and 11). The application

has not yet been formally amended with these revisions, as the applicants are awaiting the comments from Members and outcome of this panel meeting, prior to finalising the revisions and formally amending the application. Any revisions will be re-advertised and under-gone a further round of consultation.

## 2.0 PROPOSAL

2.1 The revised proposal is for the conversion of 9 buildings into 30 units, and 82 new build properties.

2.2 The conversion element, seeks to vertically divide the existing buildings to provide houses, as oppose to apartments. The following units are proposed through the conversion scheme.

- Buildings 1 & 2 7 x 3 storey units
- Building 3 3 x 3 storey units
- Buildings 10 & 11 2 x 2 storey units
- Building 12 1 x 3 storey units
- Building 13 2 x 3 storey units
- Building 14 6 x 2 storey units
- Building 15 9 x 2 storey units

2.3 The proposal also seeks to retain both the stone Water Tower and Mill Chimney, which exist upon the site, and part of the Mill Pond, and adjacent stone walls and cobble surfacing.

2.4 The new build element of the scheme comprises of the following

Property Type	Internal floor area Sqm	Number of units
2 bed 2 storey (Heritage type)	70	7
4 bed 2 storey (Heritage type)	126	4
2 bed 2 storey	70	6
3 bed 2 storey	96	31
4 bed 2.5 storey	122	30
4 bed 3 storey (integral garage)	126	4



- 2.5 The new build properties comprises of two elements. There are 11 properties which face towards the retained Listed Buildings. These are described by the applicants as a 'Heritage' property type, and have a different design to the other new build properties. The 'Heritage' properties contain design features such as sash timber windows, stone cills and heads, dentils and parapet details to the roof, and are of a traditional design.
- 2.6 The remainder of the new build properties are of a modern design with facing materials of render and brick. Designed with slim-line aluminium windows, and some properties have dormers. Four properties are three storey in height with integral garages.
- 2.7 The applicants have confirmed they are not proposing any S106 contributions. The application at present is not fully policy compliant however, the applicant has raised viability as a reason why the application should be granted despite this. This is detailed in Section 9 of this report. At the time of writing this report, the applicants have not confirmed if they would agree a S106 agreement which included a Training and Local Employment clause, or a Travel Plan Monitoring fee.

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

- 3.1 Stonebridge Mills consists of a complex of traditional industrial buildings located on the south east side of Stonebridge Lane/ Silver Royd Hill. The Farnley / Wortley Beck runs along the south eastern boundary of the site with the Leeds Ring Road beyond. Access into the site is off the bend on Stonebridge Lane/ Silver Royd Hill and suffers from limited visibility for traffic turning out of the complex. The site is inward facing, with much of the development centred on a mill pond, within the site.
- 3.2 The majority of buildings on the site are of stone construction but there are some brick and cladding buildings. Within the site are a mill chimney, a water tank tower, a mill pond and adjoining the site entrance a row of three cottages. Much of the site is undeveloped, and covered in trees and other vegetation.
- 3.3 There are a number of Listed Buildings within the complex. These are located in the northern part of the site and are:
- The Old Mill, Engine House and Boiler House (10095)
  - Row of workshops to the north fronting Stonebridge Lane (10097)
  - The Mitre House and 2 cottages to the south west fronting Stonebridge Lane (10098)
  - Row of 3 cottages to the North West fronting Silver Royd Hill (10099)
- 3.4 The site has had a history of industrial activity since the early nineteenth century and was gradually developed over the next 100 years or so and operated as a textile mill. Textile working ceased in 1980 and since then the buildings have been let out for largely for light industrial purposes with some office and residential use in the cottages close to the entrance. The site is unique as it illustrates the development of a range of industrial processes and how people lived and worked on the site from the early C19 to the mid-C20. There is a significant protected tree belt along the north-eastern boundary of the site, which is essentially a woodland.
- 3.5 The site is now run down with several units vacant and in need of investment. The Listed Building are on the Leeds City Council's own 'Buildings at Risk' register 2018. Building at Risk is a listed building at risk from neglect and decay rather than

alteration. The Buildings at Risk Survey is complete and it has found that 120 listed buildings are at risk which is 4.8% of the total of listed buildings in the city. 4 buildings on this list, are contained within the Stonebridge Mills complex. The site is allocated as a Phase 1 Housing site through the Site Allocation Plan (SAP).

3.6 The site has several constraints, which restrict the developable area of the site. The main constraints include

- Restricted vehicular access
- TPO Tree belts through the site
- Part of the land within the site is within the Flood Plain
- Derelict Listed Buildings in need of repair
- Landmark Mill chimney is need of repair
- Existence of a large mill pond, which is integral to the setting of the Listed Buildings

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

4.1 The site has had previous consent (Planning and Listed Building) for a Tesco supermarket, which was originally gained planning consent on 3<sup>rd</sup> April 2003 (24/192/00/OT). This consent was renewed through application (07/07851/OT) which was approved on 8<sup>th</sup> December 2008.

4.2 Following this approval, Reserve Matters details were approved in 2011 (11/00897/RM) – Reserve matters for a supermarket with car park approved. This consent was never implemented and has now lapsed.

4.3 A further application for a significantly larger Tesco's supermarket (ref 11/03820/FU) was refused planning consent on 8.9.2011, on retail impact grounds and the fact it would prejudice regeneration opportunities in nearby local centres.

4.4 Parallel applications to convert some of the Listed Buildings into 17 apartments were approved at this time (ref 11/03828/LI and 11/03826/FU) on 9.5.2011. These consent have not been implemented.

4.5 Listed Building consent was approved on 8.6.2011 for demolition of a number of Listed Building on site. This consent also, has not been implemented.

4.6 Planning Application (13/02788/EXT) Extension of time period for planning permission 07/07851/OT to layout access and erect supermarket and new buildings/change of use of existing buildings for a mix of uses. Approved 12.09.2013. It is important to note that this consent has now lapsed.

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

5.1 The scheme has been revised since its original submission, following discussions and design workshop with Officers. Since its original submission the following amendments have been made to the Planning and Listed Building Applications.

- Partial retention of Mill Pond.
- Retention of cobble streets, stone wall and copings around the Mill Pond and adjacent Listed Buildings.

- Retention of internal features within the Listed Buildings such as staircases, ceiling and walls.
- Retention of Listed Buildings (Buildings 10 and 11- the oldest upon the site).
- Retention of stone Water Tower.
- Retention of full height of stone Mill Chimney (following re-build due to repair).
- Omission of 16 new build properties.
- Removal of house types with integral garages (only 4 units are now proposed).
- Elevational amendments to the design of the new build properties.
- Wooded area along the north-eastern boundary of the site removed from the rear gardens of plots 12-39 and left undeveloped as a nature area.

## 6.0 PUBLIC/LOCAL RESPONSE:

6.1 Leeds Civic Trust have made the following representation

- The proposal requires a re-plan. A sense of enclosure should be provided to the Mill Pond, with a new terraced block.
- Welcome the retention of the Mill Chimney and Water Tower
- Chimney should be retained to its full height
- Setts and Stone on site should be re-used in hard landscaping/ parking

*It is important to note this representation was received on the originally submitted scheme, and it is considered that the revisions have addressed each one of these issues raised by the Civic Trust.*

### Ward Members.

6.2 Councillor Ann Blackburn has objected to the application on the following grounds.

- The development is over-intensive
- All the mill pond should be retained
- Wooded areas should not be included into gardens
- Wooded areas are precious to wildlife, it is a nature area
- The design does not enhance the site

6.3 Councillor David Blackburn has objected on the following grounds

- The developer is trying to cram the maximum number of houses onto the site
- The mill pond should be retained as its original size, as is the case at Winker Mills in Armley
- The reduction in height of the Mill chimney is not necessary, any structural issues should be rectified.
- Any new buildings should be in harmony with the protected buildings, the pond, and wooded area
- More is needed to protect the natural aspects of the site instead of intensify the site with housing of a design that does nothing to enhance the location

### Public Representations

6.4 5 objections have been received to the application. The points made in these objections are highlighted below.

- The chimney and water tower should be retained at their full height, both are local landmarks.

- The mill pond has a variety of wildlife which should be retained, it could become a real feature of the site and benefit to future occupiers
- The cobble surfacing should be retained, they are integral to the setting of the Listed Buildings
- Location of access results in demolition of buildings, it be better placed off the round-about on the ring road.

## 7.0 CONSULTATION RESPONSES:

### Highways

- 7.1 Currently Highways cannot support the submitted application and require improvements to the pedestrian route towards the bus stops on Pudsey Road including footway and informal pedestrian crossing works, also an informal crossing point on Stonebridge Lane west of the Ring Road to connect to Ryecroft Primary School and a pedestrian link (probably stepped) on to Silver Royd Hill. The latest site layout has still to be reviewed and amendments are required to the Transport Assessment. Highways raise no objection to the proposed means of access.

### Environmental Studies

- 7.2 No objection, the road traffic noise should not be unduly intrusive at the site of this proposal, and there is no requirement for a Noise Report in relation to Stonebridge Lane traffic.

### Contaminated Land

- 7.3 No objections, subject to conditions.

### Landscaping

- 7.4 No objection in principle. Any trees to be removed should be re-planted at a 3:1 ratio. Retained planting should be external to private gardens and managed by a separate management company to ensure consistent and effective retention and management. Existing planting and open spaces / Greenspace should be managed in accordance with an agreed long-term landscape and ecology management plan.

### Nature Conservation

- 7.5 It is imperative that the woodland along the northern boundary does not form part of private garden space or become a "no-man's land" that could be "gardened" in the future. The best design solution would be to have houses facing forwards to this woodland (from across an access road) or side-on. Having a degree of informal access into this woodland strip is essential in order to allow local residents to value the woodland and its ground flora and other wildlife in order to allow it to be managed positively in the long-term by a third party i.e. it will need to be managed as part of the Biodiversity Enhancement & Management Plan.

### Flood Risk Management

- 7.6 No objections subject to conditions.

### Yorkshire Water

- 7.7 No objections subject to conditions.

### Environment Agency

- 7.8 No objection subject to conditions, which relate to biodiversity enhancements, and minimum floor levels to avoid flood risk. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA).

### Local Plans

7.9 No objection to the principle of the application. The site is unallocated on the Leeds Policies Map, however the site is within the designated Strategic Green Infrastructure (Policy SP13); part of the site is designated as an Urban Green Corridor (Policy N8), Greenspace (Policy N1) and Leeds Habitat Network (Policy G9). The site comprises of a proposed Phase 1 Allocated site within the Site Allocation Plan, HG2-205 with a capacity of 75 and is at a highly advanced stage. The site requirements as described through the SAP are

- Highway Access to Site: Public Transport improvements, footway improvements on Stonebridge Lane. Significant alteration to Ring Road roundabout to provide vehicular access to the site unless suitable alternative access to Stonebridge Lane can be gained.
- Local Highway Network: This site will have a cumulative effect upon junctions on the A6110. The development will be required to contribute to measures to mitigate the cumulative impact of this and other allocated sites affecting this section of the Outer Ring Road. In addition, a review of TRO's and traffic calming on Stonebridge Lane/Silver Royd Hill/Pipe and Nook Lane will be required.
- Ecology: An Ecological Assessment of the site is required. Provide a biodiversity buffer (not private garden space) to the northern, southern and eastern boundary
- Listed Buildings: The site includes a Listed Building. Any development should preserve the special architectural or historic interest of Listed Buildings and their setting. An assessment of the historic significance of the existing buildings should be undertaken to inform development on this site. The
- Listed Building, other positive buildings and the existing mill pond should be retained as part of the development.
- Gas Pipelines: The site is affected by a gas pipeline. Detailed design layout should have regard to the building proximity distance required
- Insert Flood Risk site requirement: 'A small part of the site is affected by flood risk. A sequential approach should be taken to the layout of the site so that no housing or other more vulnerable development is located in the zone 3 high flood risk part of the site'.

Local Plans also confirmed they considered the amount of on-site greenspace is policy compliant with policy G4.

### Coal Authority

7.10 The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted.

### Health and Safety Executive

7.11 Recommend a consolation is carried out with Northern Gas Networks.

### West Yorkshire Police

7.12 The development should meet secure by design standards.

### Travel Plan

7.13 The Travel Plan is acceptable and the s106 agreement should include contributions for the review fee of £2630 and a Residential Travel Plan Fund of £62,370. Planning conditions should secure electrical charging points.

Conservation

7.14 On balance the extent of the demolition works are accepted, subject to justification. Most of the demolition was approved through the previous Tesco's scheme and the most conspicuous buildings are to be retained.

7.15 Historic England

Did object to the original submitted application, due to the extent of demolition works and loss of the Mill Pond. It is considered the revisions do overcome many of the issues they raised. Not received comments as yet, on the revised scheme.

7.16 District Valuer

If the high level of abnormal costs (£2.72 million) is accepted (this would need to be reviewed by a Quantity Surveyor) the original submitted scheme of 126 units would be able to provide 13.49% provision of Affordable Housing. This calculation also includes contributions towards Public Transport, in-line with adopted policy.

**8.0 PLANNING POLICIES:**

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

Development Plan

8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.

Relevant Policies from the Core Strategy are:

- Spatial policy 1 Location of development
- Spatial policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 Distribution of housing land and allocations
- Policy H1 Managed release of sites
- Policy H3 Density of residential development
- Policy H4 Housing mix
- Policy H5 Affordable housing
- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P11 Heritage
- Policy P12 Landscape
- Policy T1 Transport Management
- Policy T2 Accessibility requirements and new development
- Policy G1: Enhancing and extending green infrastructure
- Policy G4 New Greenspace provision
- Policy G8 Protection of species and habitats
- Policy G9 Biodiversity improvements
- Policy EN2 Sustainable design and construction

Policy EN5 Managing flood risk  
Policy ID2 Planning obligations and developer contributions

Relevant Saved Policies from the UDP are:

GP5: General planning considerations.  
N23/ N25: Landscape design and boundary treatment.  
N29: Archaeology.  
N35: Agricultural land  
N37A: New development within SLAs  
BD5: Design considerations for new build.  
ARC5: Archaeology  
T7A: Cycle parking.  
LD1: Landscape schemes.

Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.  
MINERALS3 – Surface Coal resources  
AIR1 – Major development proposals to incorporate low emission measures.  
WATER1 – Water efficiency, including incorporation of sustainable drainage  
WATER4 – Effect of proposed development on flood risk.  
WATER6 – Provision of Flood Risk Assessment.  
WATER7 – No increase in surface water run-off, incorporate SUDs.  
LAND1 – Land contamination to be dealt with.  
LAND2 – Development should conserve trees and introduce new tree planting.

Draft Site Allocations Plan

- 8.3 The Examination in Public of the draft Leeds Site Allocations Development Plan Document commenced on 10 October 2017. Public hearings were held in two stages, with Stage 1 comprising matters of legal compliance, green space, infrastructure, site selection, Housing Market Characteristic Areas, Gypsies and Travellers, and Travelling Showpeople, and (subsequent) Stage 2 comprising housing. The housing session commenced 9 July 2018 and concluded on 3 August 2018. This completes the SAP sessions. The Inspectors will soon be issuing an Interim Note and reporting thereafter.

Supplementary Planning Guidance and Documents

- 8.4 The following SPGs and SPDs are relevant:
- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds  
Street Design Guide SPD  
Parking SPD  
Travel Plans SPD  
Sustainable Construction SPD

National Planning Policy

- 8.5 The revised National Planning Policy Framework (NPPF), published in July 2018, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.6 Relevant paragraphs are highlighted below.

Paragraph 12	Presumption in favour of sustainable development
Paragraph 34	Developer contributions
Paragraph 59	Boosting the Supply of Housing
Paragraph 64	Need for Affordable Housing
Paragraph 91	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 108	Sustainable modes of Transport
Paragraph 110	Priority first to pedestrian and cycle movements
Paragraph 111	Requirement for Transport Assessment
Paragraph 117	Effective use of land
Paragraph 118	Recognition undeveloped land can perform functions
Paragraph 122	Achieving appropriate densities
Paragraph 127	Need for Good design which is sympathetic to local Character and history
Paragraph 130	Planning permission should be refused for poor design
Paragraph 155	Inappropriate development in areas at risk of flooding should be avoided
Paragraph 163	Planning decisions should not increase flood risk elsewhere
Paragraph 170	Planning decisions should contribute to and enhance the natural and local environment
Paragraph 175	Protection and mitigation for biodiversity
Paragraph 190	Impact of proposal on heritage asset
Paragraph 192	Enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

#### Nationally Described Space Standards

8.7 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

## 9.0 MAIN ISSUES

### Demolition of Listed Buildings

9.1 The proposal includes the restoration and demolition of several Listed Buildings. The previous Tesco approval, included the demolition of Listed Buildings which are again proposed through this application. The table below, highlights which buildings are to be retained (when compared to the Tesco's approval).

Building No	Tesco approval	Current application
1-3	Retained	Retained



4-5	Demolished	Demolished (to allow access into site)
6-7	Demolished	Retained
8-9	Retained	Demolished
10-11	Retained	Retained
12-13	Retained	Retained
14	Retained	Retained
15-24	Demolished	Demolished
Water Tower	Demolished	Retained
Mill Chimney	Retained	Retained
Mill Pond	Partial retention	Partial retention

9.2 This matrix maybe somewhat misleading as it details the loss of 15 buildings, and the retention of 9, which implies most buildings are to be demolished. However most of the buildings proposed for demolition are relatively small and in a serious state of disrepair, some could be described as ruins. The most conspicuous, larger and visible buildings within the site are proposed for retention and conversion. These include the buildings which abut Stonebridge Lane, both chimney towers, the former cottages and the 3 storey mill buildings (buildings 1-3).

9.3 When compared to the Tesco's approval, the additional buildings proposed for demolition are Buildings 8-9. The rear of these buildings abut Stonebridge Lane and provide a sense of enclosure to the site. The applicant has stated the rear walls of these buildings would be retained to still provide the enclosure to Stonebridge Lane. The Conversation Officer, on balance has raised no objection to the proposed demolition works. Buildings 8-9 are in a poor structural state of repair, and it is considered other elements of this proposal (which were not proposed through the approved Tesco's application) such as the retention of the Water Tower, outweigh the harm caused by the demolition of Buildings 8 and 9.

9.4 The retention of stone Water Tower, is very much welcomed and supported. It is a local landmark, and one of the most visible parts of the site, which significantly contributes to its local identity, partly due to the writing upon the tower, and the number of vehicles which pass it each day on the adjacent Ring Road. It is considered that this proposal does present a real opportunity for the long term preservation of Listed Buildings, by a developer who has a track record in delivering heritage schemes. Other developments which are either on site, or nearing completion by Rushbond include

- First White Cloth Hall- Kirkgate
- Former Majestic – City Square
- Upper Wortley Primary School
- Former York Road Library

Previous consents for the listed buildings to be converted have never materialised, and the buildings are becoming increasingly 'at risk'.

### **Do Members accept the proposed demolition of the Listed Buildings?**

#### Layout of New Build Properties

- 9.5 The layout of the new build element of the scheme has been subject to much discussion with Officers. The layout has been amended to have house types grouped together to provide a degree of constituency and patterning throughout the site. To maximise the number of properties which can be developed on the site, the new-build properties are terraced in predominantly blocks of 3 and 4 units. No detached or semi-detached properties are proposed. All the properties have frontage parking, which does create a car dominated scheme, which is characterised by hard surfacing.
- 9.6 The layout with regard to parking, is contrary to the design advice of the adopted SPG 'Neighbourhoods for Living' which states parking on new residential schemes should '*use discreet and innovative solutions for car parking*' and '*set parking behind the front of the dwellings*'. This adopted guidance explicitly states '*avoid vehicles dominating the frontage*'. The scheme is fairly dense and has been devised to maximise funds. The applicants have stated this quantum of development is essential to generate funds to allow the restoration of the Listed Buildings and to preserve the two landmark chimneys and partial retention of Mill Pond. It has been confirmed that all the new build properties meet with the minimum spacing standards as described in the DCLG 'Technical Housing Standards- Nationally described space standards'.

### **Do Members accept the quantum of new build properties, layout and consequent amount of frontage parking within the scheme?**

#### Bio-diversity and Ecology

- 9.7 The site has a high ecological value 'Priority Habitats' (pond and deciduous woodland). Trees occupy the majority of the site, with the buildings only occupying a small part of the site towards the northern boundary. The original proposal (as submitted) sought to include the protected wooded area located along the north-eastern boundary of the site into the rear garden of plots 12- 39. The Nature Conservation Officer objected to this arrangement, stating in reality the land would be become domesticated, and lose its ecological value, and should be retained in its current form as a nature trail. It is considered given the fact the rear gardens of these properties are north-east facing, the future occupiers of these properties would be highly likely seek to develop the end of their gardens (where they benefit from the longest hours of sunshine) into a useable garden areas, constructing patio/ decked areas etc. This is the same location as the Tree Preservation Order (TPO) wooded area.
- 9.8 The developers have now (in response to these concerns) removed this area from the rear gardens of plots 12-39, and propose to now leave the area undeveloped and gated, it would not be publically accessible. This would leave an isolated linear area of land, being surrounded by rear gardens, from both the proposed development and the existing properties located on Silver Royd Drive. This has the potential to leave the properties vulnerable to crime and attract anti-social behaviour, although the land would be secured with no access.
- 9.9 Another option would be to re-orientate the properties so they faced onto this wooded area, meaning a total re-design of the layout. However this would mean only one side of a new spine road would have dwellings located of it, significantly reducing the net

developable area of the site, and thus the number of new build properties, which has a direct impact on the viability of the scheme and funds available to restore and convert the Listed Buildings.

- 9.10 It is worth noting that the site is proposed as Phase 1 Housing Allocation HG2-205 through the SAP, which is at a highly advanced stage. The SAP states the site has the potential for 75 units, and does state that an Ecological Assessment of the site is required, in support of a planning application and a housing development should provide a biodiversity buffer (not private garden space) to the northern, southern and eastern boundaries. It is now considered the proposal does follow this advice.
- 9.11 Negotiations with Officers have secured the partial retention of the Mill Pond. This was considered very important to preserve the setting of the Listed Buildings which are situated around it, with will provide a recreational and ecological function within the site.

**Do Members accept the layout which leaves the wooded area along the north-eastern boundary un-development with no public access, to protect its ecological value and promote bio-diversity?**

Affordable Housing

- 9.12 The proposal does not propose any Affordable Housing contribution. The development would normally require a contribution of 15% on-site. This equates to 16.8 units of the total of units on site (including the conversion element) and 12.6 units of the new build element alone. The application has been supported by a Viability Appraisal, which has been submitted to justify the lack of planning gain contributions.
- 9.13 The Financial Appraisal has been reviewed by the District Valuer, who has concluded that based on the originally submitted scheme (which included an additional 14 units) the scheme could deliver affordable housing provision at 13.49%, which equates to 17 units.
- 9.14 It is important to note that the Viability Appraisal was conducted on the original submission which included an additional 14 units. It is therefore highly likely that the scheme would deliver a lower profit level on the revised layout, especially now part of the Mill Pond is to be retained along with associated stone walls and cobbled streets. However it is considered the quality of the development of this revised scheme is greater (when compared to the original submission) which would attract higher sale prices, particular on the units situated around the retained part of the Mill Pond, and the proposed new build 'Heritage' properties. Without a revised Viability Appraisal It is unknown whether the uplift in sale prices would totally compensate for the loss of 14 units, and therefore what exactly the impact is, on viability. The revised scheme would need to be supported by an updated Viability Appraisal.

**Do members accept the conclusions of the District Valuer?**

**Do members wish to express any comment at this time if a updated viability statement is submitted for a revised scheme (with fewer new build properties) should result in a nil or reduced contribution towards Affordable Housing?**

- 9.15 Highways have stated they would seek a contribution of £2,500 per unit, towards improvements to the A6110, which are detailed in full in the Leeds Site Allocation Plan Draft Submission. Also, in accordance with the Travel Plans SPD, the following contributions are also been sought

- Bus stop improvement £10,000
- Residential Travel Fund £62,370

9.16 The developers have declined to make any highways and public transport contributions citing viability issues. It is important to note the District Valuer report, which states Affordable Housing provision at 13.49% could be delivered, did base their calculations based on all of the sought after highway contributions being made.

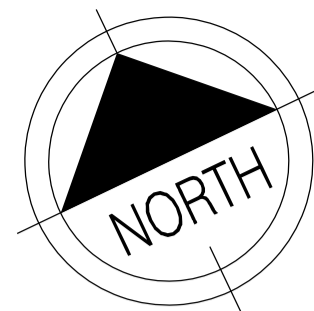
**Do Members accept the non-provision of the sought after highway and public transport contributions?**

## **Conclusion**

Member's views are sought on the following issues

- **Do Members accept the proposed demolition of the Listed Buildings?**
- **Do Members accept the quantum of new build properties and consequent amount of frontage parking within the scheme?**
- **Do Members accept the layout which leaves the wooded area along the north-eastern boundary un-development with no public access, to protect its ecological value and promote bio-diversity?**
- **Do members accept the conclusions of the District Valuer?**
- **Do members wish to express any comment at this time if a updated viability statement is submitted for a revised scheme (with fewer new build properties) should result in a nil or reduced contribution towards Affordable Housing?**
- **Do Members accept the non-provision of the sought after highway and public transport contributions?**





Architects are to be notified of any discrepancies.  
Contractors must check all dimensions on site.  
This drawing is subject to copyright laws and is for use on this project only.  
This drawing is to be used solely for the information as titled only.  
For other information refer to the latest revision of any cross referenced drawings.  
To be read in conjunction with relevant design standards/protocols.

For full landscape details, please refer to landscape architect drawings and information  
For existing trees to remain, and for positions of newly planted trees, please refer landscape architect information and Ecology consultant information

Proposed 'CribLock' retaining structure to rear gardens of dwellings 51 - 75.  
Please refer to engineers drawings for construction details

15-6053 Stonebridge Mills, Wortley				
Schedule of Accommodation				
New Build Dwellings				
Plot	No. of Beds	Type	Garage Area (Inc. Garage)	Area (Excl. Garage)
1	4	4C	N/A	108m <sup>2</sup>
2	4	2B(1)	N/A	70m <sup>2</sup>
3	3	3B(1)	N/A	97m <sup>2</sup>
4	4	4D(1)	N/A	126m <sup>2</sup>
5	2	2B(1)	N/A	70m <sup>2</sup>
6	3	3B(1)	N/A	97m <sup>2</sup>
7	4	4B(1)	N/A	106m <sup>2</sup>
8	2	2B(1)	N/A	70m <sup>2</sup>
9	4	3B(1)	N/A	97m <sup>2</sup>
10	4	4E(1)	N/A	117m <sup>2</sup>
11	4	4E	N/A	117m <sup>2</sup>
12	3	3B	N/A	97m <sup>2</sup>
13	3	3B	N/A	97m <sup>2</sup>
14	4	4D	N/A	106m <sup>2</sup>
15	2	2B	N/A	70m <sup>2</sup>
16	3	3B	N/A	97m <sup>2</sup>
17	4	4D	N/A	106m <sup>2</sup>
18	4	4C	N/A	108m <sup>2</sup>
19	2	2B	N/A	70m <sup>2</sup>
20	3	3B	N/A	97m <sup>2</sup>
21	3	3B	N/A	97m <sup>2</sup>
22	2	2B	N/A	70m <sup>2</sup>
23	3	3B	N/A	97m <sup>2</sup>
24	4	4B	N/A	106m <sup>2</sup>
25	4	4D	N/A	106m <sup>2</sup>
26	2	2B	N/A	70m <sup>2</sup>
27	2	2B	N/A	70m <sup>2</sup>
28	4	4E	N/A	117m <sup>2</sup>
29	4	4E	N/A	117m <sup>2</sup>
30	2	2B	N/A	70m <sup>2</sup>
31	3	3B	N/A	97m <sup>2</sup>
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35	3	3B(1)	N/A	97m <sup>2</sup>
36	2	2B(1)	N/A	70m <sup>2</sup>
37	3	3B(1)	N/A	97m <sup>2</sup>
38	3	3B(1)	N/A	97m <sup>2</sup>
39	2	2B(1)	N/A	70m <sup>2</sup>
40	2	2B(1)	N/A	70m <sup>2</sup>
41	4	4D(1)	N/A	126m <sup>2</sup>
42	4	4E	N/A	117m <sup>2</sup>
43	3	3B	N/A	97m <sup>2</sup>
44	2	2B	N/A	70m <sup>2</sup>
45	3	3B	N/A	97m <sup>2</sup>
46	4	4D	N/A	106m <sup>2</sup>
47	4	4D	N/A	106m <sup>2</sup>
48	2	2B	N/A	70m <sup>2</sup>
49	3	3B	N/A	97m <sup>2</sup>
50	4	4D	N/A	106m <sup>2</sup>
51	4	4D	N/A	106m <sup>2</sup>
52	3	3B	N/A	97m <sup>2</sup>
53	3	3B	N/A	97m <sup>2</sup>
54	4	4D	N/A	106m <sup>2</sup>
55	4	4D	N/A	106m <sup>2</sup>
56	3	3B	N/A	97m <sup>2</sup>
57	3	3B	N/A	97m <sup>2</sup>
58	4	4D	N/A	106m <sup>2</sup>
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60	3	3B	N/A	97m <sup>2</sup>
61	3	3B	N/A	97m <sup>2</sup>
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115	4	4D	N/A	106m <sup>2</sup>
116	4	4D	N/A	106m <sup>2</sup>
117	4	4D	N/A	106m <sup>2</sup>
118	4	4D	N/A	106m <sup>2</sup>
119	4	4D	N/A	106m <sup>2</sup>
120	4	4D	N/A	106m <sup>2</sup>

REV	DATE	DESCRIPTION	DRN	CKD
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PROJECT NAME:		STONEBRIDGE MILLS		
PROJECT ADDRESS:		STONEBRIDGE MILLS WORTLEY		

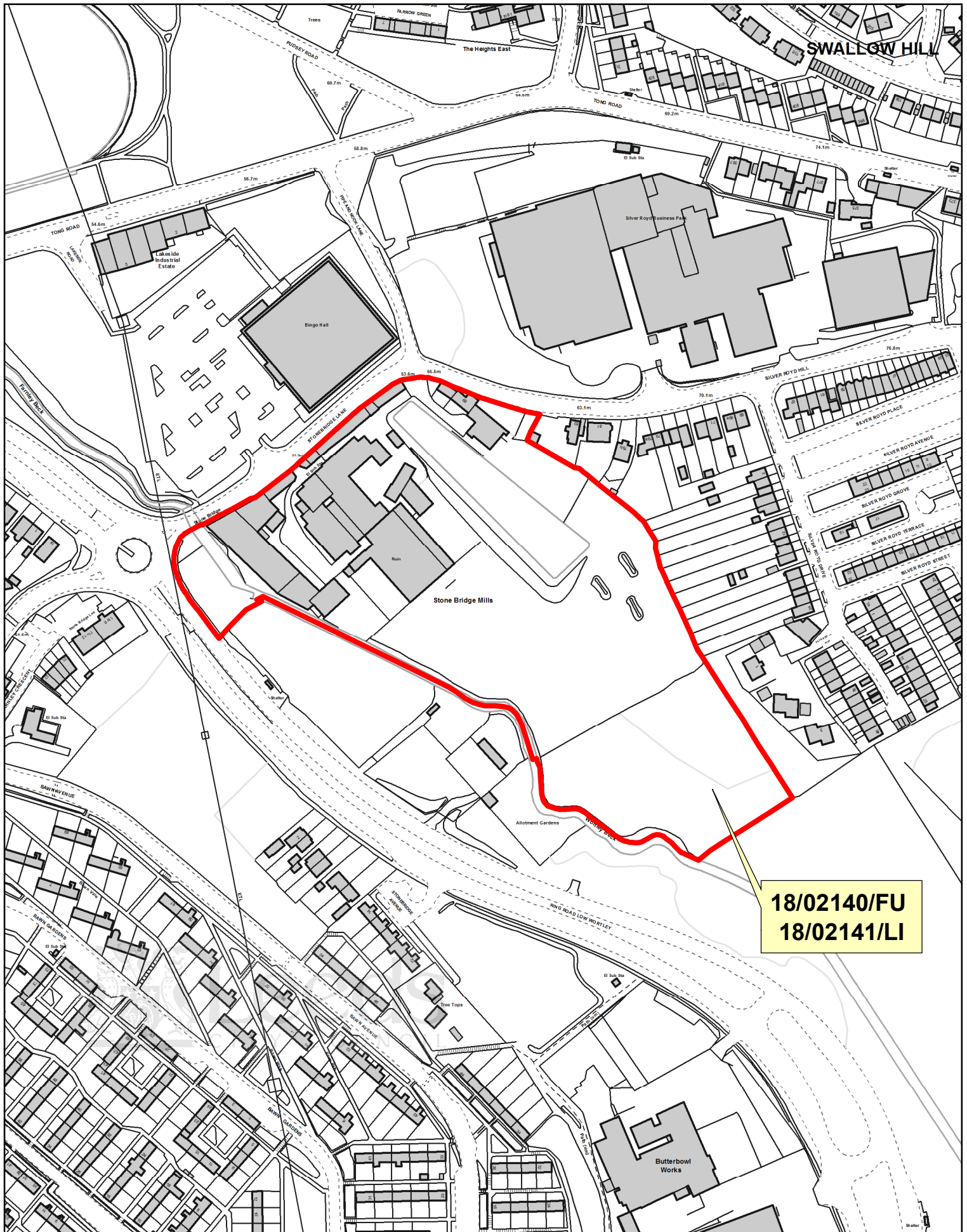
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Jan 2018	1:500	A1

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# SOUTH AND WEST PLANS PANEL

