
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 19th October 2017

Subject: APPLICATION 17/05065/FU - Retention of brick substation housing at Spofforth Hill, Wetherby.

APPLICANT

Bellway Homes Limited

DATE VALID

31/07/2017

TARGET DATE

20/10/17 (Agreed extension).

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1.0 INTRODUCTION

- 1.1 The application seeks retrospective planning permission for the retention of an electricity substation which serves the approved housing development. The application is reported to North and East Plans Panel at the request of Ward Councillor John Procter, following Panel consideration of the Pelican crossing at the August meeting, at which it was resolved to reaffirm the importance the Panel places upon Community Liaison Forums (CLF's) established under planning permissions for large residential developments.

2.0 PROPOSAL:

- 2.1 The application seeks planning permission for the retention of a single storey electricity substation which is square in footprint and with a hipped roof. The building measures 4.040m square with a resultant floor area of 16.5m². The building is constructed in Crest Old Saxon Blend brick and roofed in Sandtoft double pantiles. The front elevation has two louvered access doors.

3.0 SITE AND SURROUNDINGS:

- 3.1 The substation is located within a recently approved development of over 300 houses. It is sited to the south side of the approved main boulevard, between approved plots 49 and 50 to the rear of properties fronting Spofforth Hill, and more specifically, to the rear of the dwelling No 64 Spofforth Hill named Hillcrest on Ordnance Survey Maps. The bridleway which traverses the Spofforth Hill housing site north / south, broadly centrally within the housing development passes to the west of the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 17/9/00183/MOD: Non Material Amendment to 15/07291/RM new substation between plots 49 and 50. Refused on the 28th July 2017. *Under such an application the planning merits of the proposal are not considered. The only issue for consideration is whether the proposal results in a material change to the development permitted.*
- 4.2 15/07291/RM: Reserved Matters application for residential development of up to 325 dwellings, access and associated works including open space and structural landscaping, including addition of pelican crossing to Spofforth Hill: Approved subject to conditions on 29th July 2016.
- 4.3 13/03051/OT: Outline application for up to 325 dwellings, including means of access: Approved subject to conditions and S106 Legal Agreement on 02nd April 2015.
- 4.4 PREAPP/15/00388: Pre-application enquiry for proposed reserved matters applications for a residential development of 325 dwellings.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The retrospective application follows refusal of earlier application reference 17/9/00183/MOD. The refusal was not based on the planning merits of the proposal; simply that it did not fall within the scope of the council's guidance on what matters are capable of being considered as non material amendments. Following the issue of the refusal notice the applicant is now seeking retrospective planning permission in order to regularise the building's unauthorised status.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site notice placed at the entrance to the bridleway on Spofforth Hill and the immediate neighbour was notified in writing. The statutory publicity period expired on 30th August 2017. At the time of writing the report one letter of objection has been received from a neighbour on the opposite side of Spofforth Hill. No material planning objections to the substation itself are raised; the objection is simply to the retrospective nature of the application and expresses concerns that conditions of the reserved matters approval are being breached.
- 6.2 Ward Councillor John Procter has requested that the application be considered by the Panel due to the visual impact of the proposal and concern that there has been a lack of consultation with local residents, and considers that the site is inappropriate because there are better sites.
- 6.3 Wetherby Town Council comment that they have no objections to the application.

7.0 CONSULTATION RESPONSES:

- 7.1 LCC Highways: There are no highway objections to the retention of the substation.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013), and any made Neighbourhood Development Plans. The following policies are the most relevant in this case.

Core Strategy

- 8.2 Policy T2 Accessibility Requirements and New Development
Policy P10 Design

Saved Policies of the Leeds Unitary Development Plan Review (2006):

- 8.3 Policy BD5 Design of New Buildings
Policy GP5 General Planning Considerations

Relevant Supplementary Planning Guidance:

- 8.4 Neighbourhoods for Living SPD (Adopted as a material planning consideration).

National planning policy guidance:

- 8.5 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied alongside other national planning policies. In this case the most relevant sections are:

Section 7 Requiring good design.
Decision taking.

9.0 MAIN ISSUES:

- Principle
- Design and Siting
- Residential Amenity

10.0 APPRAISAL:

Principle

- 10.1 The application proposes the retention of a brick built substation to provide for essential utility services to serve the approved housing development. The substation is a minor structure in the context in which it has been built (a residential development of over 300 houses), and subject to consideration of the detailed design and siting, and any impact on neighbouring residential amenity which follows below, the application is thereby acceptable in principle.

Design and Siting

- 10.2 Policy P10 of the Core Strategy addresses design considerations and states that development should respect and enhance streets, spaces and buildings, according to the particular local distinctiveness and wider setting of the place, with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and where development is appropriate to its context and respects the character and quality of surrounding buildings, and the streets and spaces that make up the public realm and the wider locality. Saved UDPR policy BD5 seeks to ensure that new buildings should be designed with consideration to their own amenity and that of their surroundings. Saved UDPR policy GP5 seeks to resolve detailed planning considerations which includes design. Paragraph 56 of the National Planning Policy Framework (NPPF) states that the government attaches great importance to the design of the built environment, and that 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 64 states 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.
- 10.3 In relation to these policy considerations the proposed building makes use of good quality brick and roofing materials which have already been considered by the Spofforth Hill CLF and found to be acceptable for use on the wider housing development, with dark green painted access doors. The building is of a simple design, to be expected of the function of such structures. It has been constructed off the main boulevard approved under the masterplan for the site, and is balanced by an approved garage serving Plot 49, which has a similar hipped roof form on the opposite side of the bridleway. There are no highway objections to the siting of it and in the context it has been built the structure would not be harmful to visual amenity or the character of the area. It is of an appropriate design, scale, form and siting to house the substation, and it is therefore policy compliant in these regards. No third party objections to the design or siting of the proposal have been received following publicity given to the application.

Residential Amenity

- 10.4 Criterion iii) of Core Strategy Policy P10 seeks to protect residential amenity. Saved UDPR Policy GP5 also seeks to avoid problems of loss of amenity. In considering these policy considerations the structure is of single storey construction, measuring 4m in height to the ridge. The structure is more than 6m from the rear boundary of the garden of the nearest dwelling on Spofforth Hill, No 64, which is located to the south of the building. The dwelling itself is located more than 14m to the south of the building when measured at its closest point. Across this distance and in view of the small scale of the application building there are no impacts of overbearing or any impact on daylight levels. The proposal would not harm neighbouring residential amenity and it is therefore policy compliant in this regard. It is worth noting that the occupiers of dwellings nearest to the sub-station have not objected to it and that no material planning objections to it have been received.

11.0 CONCLUSION

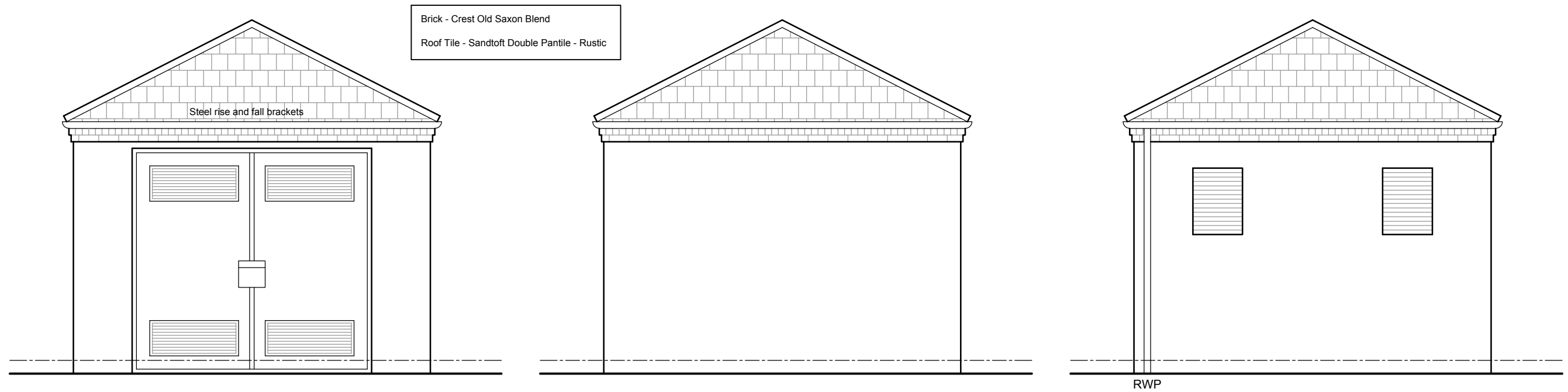
- 11.1 The substation is appropriately designed, sited and finished and it does not harm local character or visual amenity. It does not materially detract from the overall quality of the development and does not adversely affect neighbouring residential amenity. No third party objections to the building have been received, the application is policy compliant, and had planning permission been sought prior to its construction approval

would have therefore been recommended. It is therefore recommended that retrospective planning permission should be granted.

Background files:

Application file: 17/05065/FU

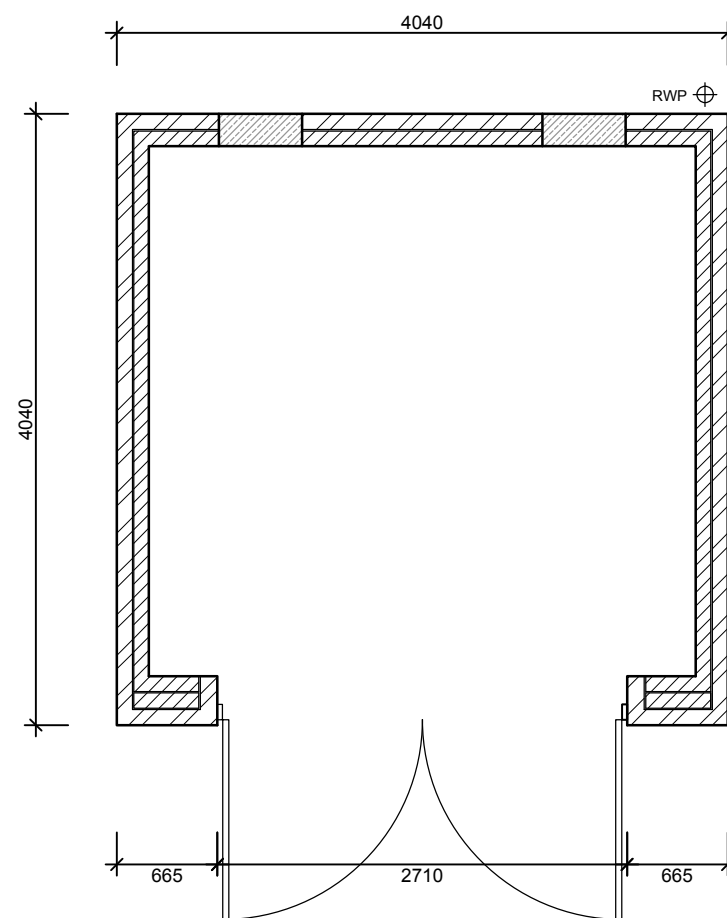
Certificate of ownership: Certificate A completed



Front elevation 1:50

Side elevations 1:50

Rear elevation 1:50



Floor Plan 1:50

Rev...

Drawing Title

Spofforth Hill, Wetherby
Substation Details

Bellway

(Yorkshire Division)
(a member of the Bellway Plc Group of Companies)

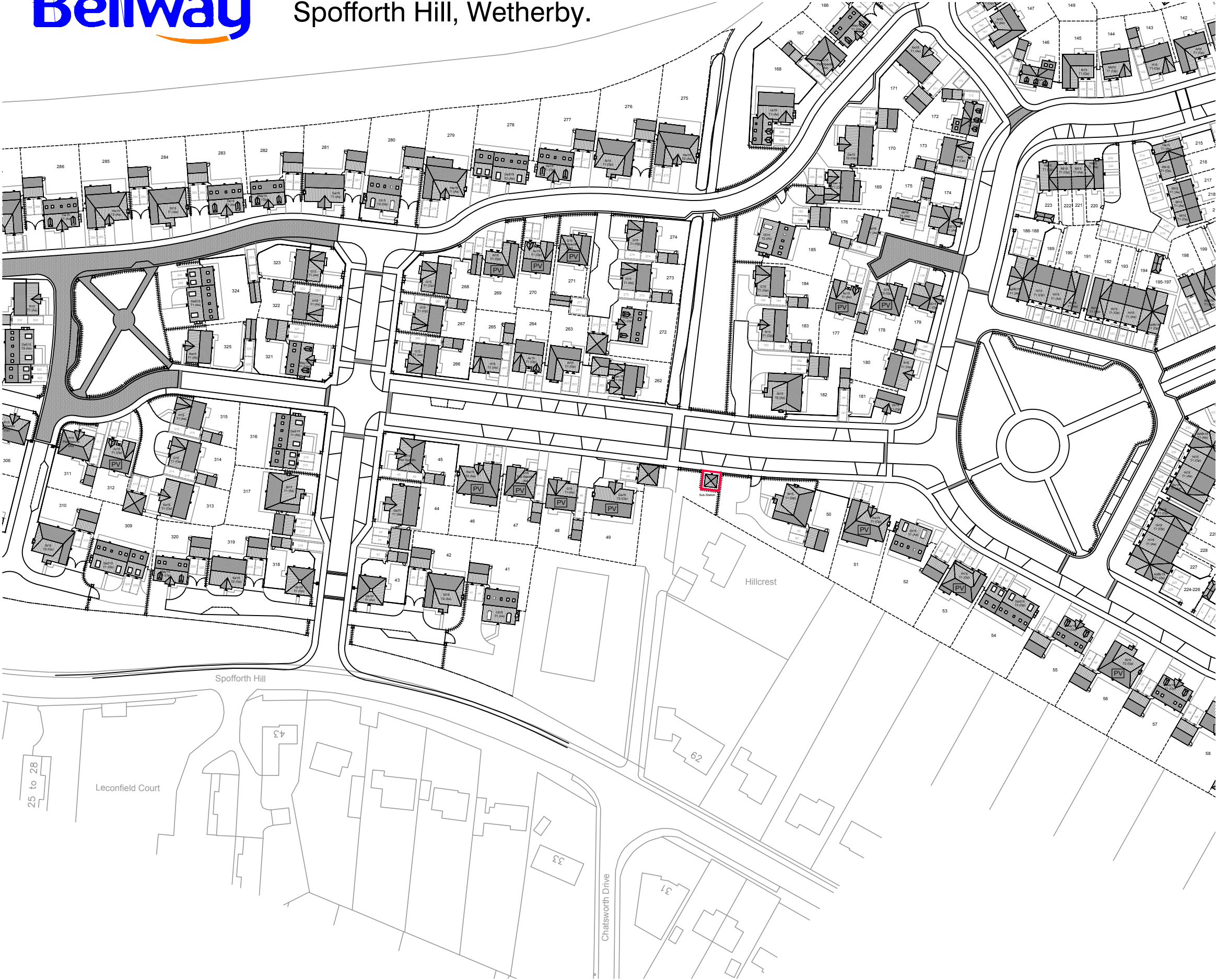
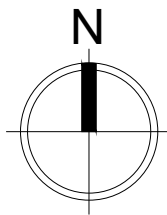
2 Deighton Close, Wetherby, West Yorkshire
LS22 7GZ
Tel 01937 583 533 Fax 01937 586 147
www.bellway.co.uk

Scale	1:50 @ A3	Drawn	LB
Date	Jun 2017	Checked	

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Spofforth Hill, Wetherby.



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Development

**Spofforth Hill,
Wetherby**

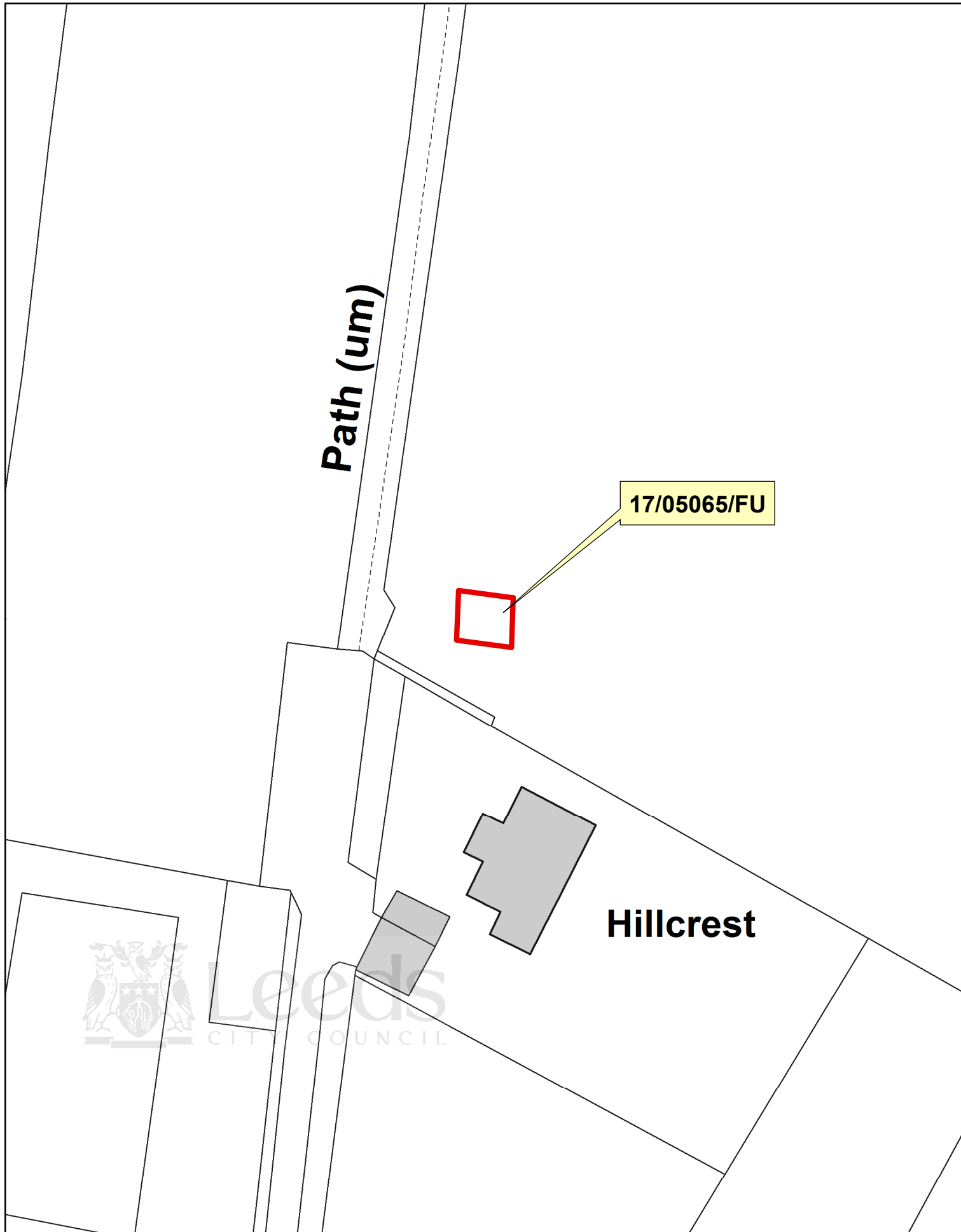
Drawing Title

**Sub-Station
Location Plan**

(Yorkshire Division)
(a member of the Bellway Plc Group of Companies)
2 Deighton Close, Wetherby, West Yorkshire
LS22 7GZ
Tel 01937 583 533 Fax 01937 586 147
www.bellway.co.uk

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Date	July 2017	Checked	-

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NORTH AND EAST PLANS PANEL

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SCALE : 1/500

