
Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 12th April 2018

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

APPLICANT

Mr Andrew Roberts

DATE VALID

6th December 2017

TARGET DATE

7th March 2018

Electoral Wards Affected:

Bramley and Stanningley

☐ Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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

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

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

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

1.0 INTRODUCTION

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

2.0 PROPOSAL

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

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

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

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

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

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

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

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

3.0 SITE AND SURROUNDINGS

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

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

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

4.0 RELEVANT PLANNING HISTORY

- 4.1 The most relevant planning history is summarised below:

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

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

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

5.0 HISTORY OF NEGOTIATIONS

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

6.0 PUBLIC/LOCAL RESPONSE

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

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

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

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

7.0 CONSULTATION RESPONSES

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

8.0 PLANNING POLICIES

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) the Natural Resources and Waste Development Plan Document (2013) the Aire Valley Leeds Area Action Plan (adopted Nov 2017) and any made Neighbourhood Development Plans.

8.2 The site is unallocated on the UDP Policies Map.

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

Adopted Core Strategy

8.4 The following Core Strategy policies are considered most relevant:

Policy P10: Design

Saved Policies - Leeds UDP (2006)

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

GP5: Development Proposals should resolve detailed planning considerations.

Relevant supplementary guidance:

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

National Planning Policy Framework (NPPF)

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

8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission

must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

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

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

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

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

12.0 RESPONSE TO REPRESENTATIONS

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

13.0 PLANNING OBLIGATIONS

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

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

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

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

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

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

14.0 CONCLUSION

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

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

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

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

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

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

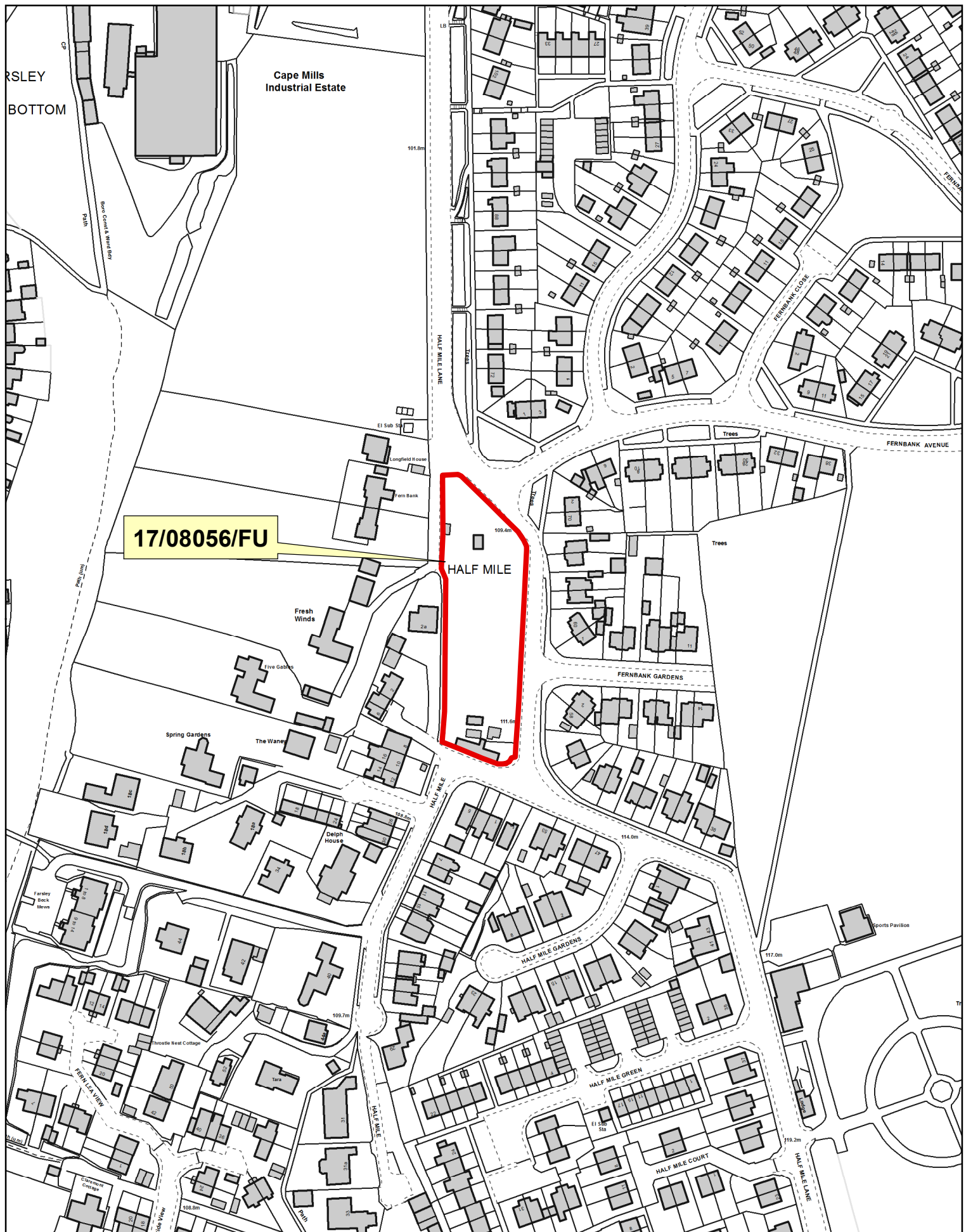
No construction shall take place until a sample panel of the external walling (stone or artificial stone) and roofing materials has been approved in writing by the Local Planning Authority. The panel shall be erected on site to establish the colour of the external walling (stone or artificial stone)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

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

Background Papers:

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

Certificate of Ownership: Certificate B signed.



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/2000





- KEY.
- 215mm wall 950mm max. high
 - 215mm screen wall with fence infill
 - retaining structure
 - screen fence 1800mm high
 - 450mm high timber knee rail
 - rollings
 - Bin Store
 - Bicycle shed
 - Existing Tree
 - Proposed Tree
 - Existing Tree to be felled
 - title boundary
 - Line of highway retaining wall easement

SCHEDULE OF HOUSE TYPES

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

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

D - LPA/Highway Requirements - January 2014

C - LPA/Highway Requirements - November 2013

Chartford Lunn

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

Residential Redevelopment
Half Mile
Farsley
Leeds
LS

Development Plan

| | |
|-------|-----------------------------|
| Area | Dwg sheet CH/43/002 D |
| Date | March 2012 |
| Scale | 1/200 @ A1 |