



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 20<sup>th</sup> June 2019

**Subject: 18/01609/FU - Demolition of Bramham House, retention of front facade and redevelopment to form care home, with 8 close-care dwellings, 6 close-care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane at Bramham House, land between Bowcliffe Road and Freely Lane, Bramham.**

APPLICANT	DATE VALID	TARGET DATE
LCC, Yorkshire Ambulance Service National Health Trust, Freely Lane Ltd & The Fisher Partnership Ltd	12 March 2018	TBC

#### Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- Affordable Housing – 14 close-care units, restricted for occupation by over 55's and Class C3(b);
- Off-site Greenspace contribution of £29,222.61
- Residential Metro Cards - £4,950; and
- Local Employment Initiatives.

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

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Panel as there has been a refinement in the amount of Greenspace contribution that is required as part of this application. The report also addresses a number of other matters which are material to the consideration of the application, given the passage of time since the application was previously reported to Panel.
- 1.2 Members may recall that this application was previously reported to Panel on 13<sup>th</sup> December 2018, where Members resolved to accept the recommendation for approval of the application, subject to the completion of a Section 106 Agreement. During the course of post Panel discussions, the Greenspace figure has been reduced to what was previously reported to Panel. The reasons for the lowered sum are set out in more detail below. Officers therefore consider it is necessary to report and seek approval for a reduced sum from the Plans Panel and to note other material considerations relevant to the application. It is also worthy to note that appraisal within the previous report remains material and accurate, save for the elements reported in this report.

## **2.0 MAIN ISSUES**

Greenspace  
Compliance with Core Strategy Selective Review policies  
Bramham Neighbourhood Plan  
Affordable Housing  
Sustainability and Climate Change  
Representations

## **3.0 APPRAISAL**

- Greenspace
- 3.1 Policy G4 of the Core Strategy requires the provision of green space of 80 square metres per residential unit for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720m from a community park, and for those which are located in areas deficient of green space. Further to this, Members will be aware that a number of Core Strategy policies are in the process of being reviewed in order to bring them up to date. In this respect, hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/ beginning of March 2019 and the Inspector's Main Modifications were issued on April 10<sup>th</sup> 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant.
- 3.2 One such policy which has been reviewed is Policy G4. The amended policy still requires the provision of on site green space on residential developments of 10 dwellings or more based upon the size of each dwelling, or where this quantity of green space is unachievable or inappropriate on-site, equivalent off-site provision, financial contribution or combinations thereof should be sought. In overall area terms, the amended policy is less onerous than the adopted policy.
- 3.3 Based upon the proposed 24 dwellings, the development would require that 1,920 square metres of green space is provided on site according to the adopted Policy G4. However, under Policy G4 of the CSSR the requirement would be 1,138 square metres and this is based upon the following calculation:

<u>Size of Unit</u>	<u>No. of Units</u>	<u>Required Provision</u>	<u>Total</u>
2 bedroom	6	33m <sup>2</sup>	198m <sup>2</sup>
3 bedroom	8	44 <sup>2</sup>	352m <sup>2</sup>
4 bedroom	6	54m <sup>2</sup>	324m <sup>2</sup>
5 bedroom	4	66m <sup>2</sup>	264m <sup>2</sup> +
			<u>1,138m<sup>2</sup></u>

- 3.4 The applicant has provided a plan to show what areas of proposed green space are within the site. The shows an area measuring 2,000m<sup>2</sup> located adjacent to the access road which leads down towards the care home and close care units. It is mainly covered in mature trees and partly sloped. Another area measuring 1,700m<sup>2</sup> and shown as green space provides a pedestrian link from the site down towards Bowcliffe Road and into the village centre. In total, these areas of green space measure 3,700m<sup>2</sup> and are in addition to the private gardens created for the dwellings and the communal private garden to the care home. Ordinarily, the authority would seek that green space is open, usable and not covered in trees, thereby creating shaded areas. However, in this particular set of circumstances which are unique to this particular site, officers would not wish to see any further trees removed from the site to create open areas of green space as such trees make a positive and valuable contribution to the character of the site and wider conservation area, as well as the setting of the unlisted Bramham House. Moreover, directly opposite the site is the Bramham recreation ground and children's playground which would cater for the needs of any future occupants. It would therefore be entirely appropriate and pragmatic in terms of application of the policy position and factual green space delivery to retain the trees on site and to accept that such areas do add to the typology of green space in the locality and would be a complimentary addition to the green spaces that are already available given the unique nature of this development site.
- 3.5 In recognising that the area of green space on site comprises mainly mature trees, a commuted sum was requested to seek contributions towards off site green space within the local vicinity. The previous Panel report indicated that a sum of £126,519 would be required. However, if Members recall, officers advised that this was a starting point and therefore likely to be reduced. In re-assessing the required contribution it is evident that the calculation should solely be based on the C3 dwellings (the 10 dwellings proposed on the upper part of the site) and should not be based on the care home and the Class C3(b) units (close care dwellings). This appears to be consistent with the approach taken for similar developments within the authority, including an extra care affordable housing scheme in Boston Spa which was approved by this Panel at the meeting on 5<sup>th</sup> July 2018.
- 3.6 The revised green space contribution has therefore been recalculated as £29,222.61. Regard should be had of CSSR Policy G4 which looks at factors which consider the type of green space to be provided on site, including local surplus and deficiency; mix of dwellings and need for play facilities; practicality of on-site delivery and policies and proposals of a Neighbourhood Plan. The pre-text of this policy recognises that such green space can be a combination of provision on site and as a commuted sum. In this instance, a combination of some green space on site and a commuted sum would satisfy the requirements of CSSR Policy G4. It is also relevant to note that the revised policy is less onerous than the previous policy in terms of the quantum of green space sought on site, and this is a factor which officers have had regard to. The area of green space is also in addition to the contribution which would be spent off site.

- 3.7 The contribution would be secured as part of a planning obligation within a Section 106 Agreement, with a clause indicating that the contribution would be spent on a green space project within the parish of Bramham. As such, this would be necessary to make the development acceptable in planning terms; would directly relate to the development; and would be fairly and reasonably related in scale and kind to the development given the points set out above. The matter is therefore an issue of whether it complies with the green space policy and not associated with the viability of the scheme.

Compliance with Core Strategy Selective Review Policies

- 3.8 As noted above, a number of Core Strategy policies are in the process of being reviewed in order to bring them up to date. In this respect, hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/ beginning of March 2019 and the Inspector's Main Modifications were issued on April 10<sup>th</sup> 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant. For this application, the following policies are relevant:

H9 – Minimum Space Standards  
H10 – Accessible Housing Standards  
G4 – Greenspace provision  
EN1 – Carbon Dioxide reduction  
EN2 – Sustainable Design and Construction  
EN8 – Electric Vehicle Charging Infrastructure

- 3.9 With regard to H9, the previous report concluded and advised that the proposal complied with this policy with required to the Minimum Space Standards. In terms of H10, the application was reported to Panel on 13<sup>th</sup> December 2018 showing the detailed designs of the dwellings. However, since then Policy H10 has gained more weight. The applicant has confirmed that they are happy to consider accessibility further through detailed design and the imposition of a planning condition. The proposed care home has also been designed to cater for the needs of an array of disabilities with the incorporation of wider doors, a lift within the building and dining and lounge areas on each floor.
- 3.10 Compliance with Policy G4 has been addressed within the previous section of this report (paragraphs 3.1 – 3.7).
- 3.11 With regard to Policy EN1, the applicant has confirmed that a number of measures will be incorporated into the scheme. These include the use of more insulated glazing; installation of high efficiency condenser boilers; carefully designed fabric of the home to reduce thermal bridging; use of solar PV panels to run showers and reduce electrical needs of the properties; a heat and ventilation system to recycle exhausted air within the building; log burning stoves in lieu of gas or electric fires; and waste pipe heat exchangers. Subject to a condition to demonstrate compliance with Policy EN1, the proposals are considered to be acceptable.
- 3.12 Policy EN2 requires that residential development of 10 or more dwellings where feasible are required to meet a maximum water consumption standard of 110 litres per person per day. In response to this policy the applicant has confirmed that the dwellings will be designed to encourage rain water collection and the use of various low-flow technologies including restricted water flow taps and showers.

### Bramham cum Oglethorpe Neighbourhood Plan

3.13 Since the Panel meeting on 13<sup>th</sup> December 2018, the Bramham cum Oglethorpe Neighbourhood Development Plan (2017-2033) has been made. It is therefore part of the development plan and as such carries full little weight in the determination of planning applications. Relevant policies include:

- CF1: Protect and enhance existing community facilities
- HOU1: Housing type and mix
- H1: Non-designated heritage assets
- H3: Development in the Conservation Area
- H5: Key views

3.14 In terms of the assessment of the application against these polices, these can be addressed as follows:

Policy CF1: This seeks to protect and enhance existing community facilities and includes a list of such facilities including Braham Pavilion, Bramham Playing Field and the Playground. The site is located immediately adjacent to these facilities and it is not considered that the development would be harmful to the function of such facilities, and indeed new residents would benefit from such local amenities.

Policy HOU1: This policy supports the provision of starter homes; home suitable for the elderly; 1-2 bedroom homes; and family homes. The provision of a care home, the close care cottages and flats and the private family homes are considered to satisfy the requirements of this policy.

Policy H1: The Bramham Conservation Area Appraisal and Management Plan (CAAMP) identifies the application site as an opportunity for enhancement. Bramham House is also identified as a Positive Building Bramham. The impact therefore on the non designated heritage asset has been assessed with the previous report, and therefore it can be concluded that the development complies with Policy H1.

Policy H3: This policy requires that development proposals within, or affecting the setting of the defined Conservation Area must respond sensitively and creatively to its historic environment, character and appearance. The impact on the Bramham Conservation Area has been assessed with the previous report, and therefore it can be concluded that the development complies with Policy H3.

Policy H5: This policy requires development proposals to demonstrate consideration of visual impact and careful design so that they will not significantly harm identified key views where seen from publicly accessible locations. No key views are considered to be harmed and therefore the development is considered to comply with Policy H5.

### Affordable Housing

3.15 Core Strategy Policy H5 identifies the affordable housing policy requirements. The affordable housing requirement is 35% of the total number of units, which equates to 8.4 units. In total, 14 affordable dwellings are proposed and this has not changed since the previous Panel meeting. This would equate to 58% provision on site and is well in excess of the 35% policy requirement. In terms of the split between the type of affordable units to be provided, the 8 semi-detached cottages would all be

for discounted sale, while the 6 apartments would be for discounted rent, both of which would be set at 20% below market rates. Such provision would satisfy the requirements of Policy H5 and the guidance on affordable housing set out within the NPPF. The provision of these affordable houses would be secured through a S106 agreement.

#### Sustainability and Climate Change

- 3.16 Members will be aware that the Council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources. Some of these issues have been discussed above.
- 3.17 Core Strategy EN1 requires all developments of 10 dwellings or more to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 3.18 The applicant has confirmed that a number of measures are being considered and proposed as part of the scheme. These include the use of more insulated glazing; installation of high efficiency condenser boilers; carefully designed fabric of the home to reduce thermal bridging; use of solar PV panels to run showers and reduce electrical needs of the properties; a heat and ventilation system to recycle exhausted air within the building; log burning stoves in lieu of gas or electric fires; and waste pipe heat exchangers. A condition requiring the inclusion of such renewable energy installations and securing at least 10% on site energy consumption from renewable energy could reasonably be imposed if the application were to be approved.
- 3.19 Core Strategy Policy EN2 requires residential developments of 10 or more dwellings (including conversion) where feasible to meet a maximum water consumption standard of 110 litres per person per day. The dwellings will be designed to encourage rain water collection and less water consumption with flow reducing / aerating taps and shower heads; dual flush WCs; 6-9 litres per minutes showers; use of small shaped baths; 18 litre maximum volume dishwashers; and 60 litre maximum volume washing machines. It is considered that the proposed development complies with the aims of EN2.
- 3.20 With regard to emerging policy EN8, the applicant has confirmed that electric vehicle charging points would be provided at each property and for each parking space; this can be subject to a planning condition.

#### Representations

- 3.21 Since the Panel meeting in December, further representations have been received from 2 local residents raising the following concerns:
- Previous report recommending approval shows bias and conflict of interest;
  - Lack of affordable housing, with preference for over 55's development;
  - Unsuitability of the site for the elderly;
  - Excessive destruction of natural habitat;
  - Traffic concerns;
  - Impact on Conservation Area caused by widening of Freely Lane;
  - Applicants should buy the wildlife area next to Bramham Beck on Bowcliffe Road and donate this to the community;

- Impact of noise from the motorway on future residents;
- Exploratory work on the site has been carried out;
- Development does not meet BS 8300-1: 2018 in terms of accessibility for all.

3.22 In response the concerns raised by residents, many of these issues have been considered and addressed in the report dated 13<sup>th</sup> December 2018. The appraisals of these representations and the conclusions reached are the same. In terms of accessibility, the applicant has confirmed that this will be addressed and considered as part of a planning condition.

#### **4.0 CONCLUSION**

4.1 The revised Greenspace contribution is considered to be acceptable while the proposal complies with the policies contained within the CSSR and the made Bramham cum Oglethorpe Neighbourhood Plan. All other aspects of the development remain the same as those agreed by the Panel in December. The development is therefore compliant with relevant policies of the development plan, as well as with national policy. It is considered to represent a sustainable form of development. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The application is recommended for approval.

4.2 In addition to the conditions listed within the 13<sup>th</sup> December 2018 Panel report, and in view of the further issues discussed above, the following conditions should be imposed on any grant of planning permission:

- Details of Development to comply with accessibility requirements set out in CSSR Policy H10.
- Renewable energy sources on site to provide minimum 10% on site.
- Details of solar PV panels.

#### **Background Papers:**

Application file 18/01609/FU

Certificate of Ownership: Certificate B signed



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 13<sup>th</sup> December 2018

**Subject: 18/01609/FU - Demolition of Bramham House, retention of front facade and redevelopment to form care home, with 8 close-care dwellings, 6 close-care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane at Bramham House, land between Bowcliffe Road and Freely Lane, Bramham.**

APPLICANT	DATE VALID	TARGET DATE
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#### Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

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## Conditions

1. Time limits
2. Plans to be approved
3. Details of materials
4. Landscaping scheme and implementation
5. Trees to be retained and protected
6. Tree protection
7. Replacement of trees
8. Arboricultural Method Statement
9. Landscape Management Plan
10. Ecological and woodland management plan
11. Biodiversity environmental management plan
12. All hardstanding areas sealed and drained
13. Gradient of driveways
14. Gradient of access road
15. Retention of garages for parking
16. Details of cycle storage
17. Implementation and retention of visibility splays
18. Details and standard of access road to care home and implementation
19. Provision of off-site Highways works through s278 Agreement (including widening of Freely Lane and junction improvement works)
20. Infiltration feasibility study
21. Surface water drainage details
22. Interim drainage details
23. Details of acoustic fencing
24. Mitigation measures outlined in Noise Impact Assessment implemented
25. Details of boundary treatments
26. Existing and proposed ground and finished floor levels
27. Contamination details and remediation
28. Construction Method Statement
29. Programme of archaeological recording
30. Scheme for charging facilities for battery powered vehicles

## **1.0 INTRODUCTION:**

- 1.1 The application is presented to North and East Plans Panel as this is a major and sensitive development. Furthermore, the Ward Member, Councillor Alan Lamb has requested that the matter should be brought before Members for determination as it is a major application which is of a significant scale relative to the village and results in material planning issues other than the impact on neighbour amenity such as the protection of habitats, location and nature of affordable housing, highways and access concerns, management plan for development traffic, impact on trees and other features, public transport accessibility and provision of brown bins.
- 1.2 The site relates to a redundant site on the edge of the village of Bramham which is part owned by the Council (LCC) and the Yorkshire Ambulance Service National Health Trust. The site is allocated for housing within the development plan. The proposals involve redevelopment for a mixed residential, care home and close-care scheme, and is considered to represent a sustainable form of development and is thus recommended for approval.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site, comprising Bramham House and its landscaped grounds lies to the south of Bramham village between Bowcliffe Road and Freely Lane. The land comprises a number of protected trees and slopes down in a series of steps from east to west. Part of the site to the front of the house was formerly occupied by an ambulance station (now demolished). The former ambulance station and the House share the current sole vehicular access from Freely Lane which is a single track road. The total site area is 2.6ha, although the developable area is much less owing to the significant tree cover and overall topography.
- 2.2 In terms of adjacent land uses, on the opposite side of Freely Lane is the Bramham Recreation Ground which comprises a large playing pitch, incidental greenspace, the clubhouse, car park and a children's play area. Adjoining this is a relatively new housing development comprising two small cul-de-sacs (Fossards Close and Freely Fields) which are constructed from Magnesian limestone with red pantile roofs. To the south west lies Bramham Lodge and a collection of new build residential dwellings, together with two more established detached dwellings fronting onto Freely Lane. Immediately to the south of the site and within the village envelope is an area of protected Greenspace. To the west of the site and set down at a much lower level and separated by dense, mature planting is Bowcliffe Road. On the western side of Bowcliffe Road is a recent residential development of 14 houses on the former timber yard site. This comprises a mix of two and three storey houses constructed from stone, brick and render. Beyond the north west and northern boundaries is the more historic part of the village, which comprise stone dwellings and a number of village services. Immediately backing on the site to the north are several detached dwellings, separated from the site by stone walling and fencing. The site is also located within the Bramham Conservation Area and Bramham House is identified as an "Opportunity for enhancement" within the Conservation Appraisal.
- 2.3 In terms of connectivity, the site is located between Freely Lane to the east and Bowcliffe Road to the west. However, owing to the gradient of the site, the only vehicular access is from Freely Lane, which runs from the south east from Aberford Road. Freely Lane is a narrow lane in parts with no through vehicular access to the village. Towards the end to the north west, Freely Lane turns into Almhouse Hill, a steep pedestrian route which leads into the village. There is no vehicular access from Bowcliffe Road, although a pedestrian path does exist which leads up into the site.

## **3.0 PROPOSAL:**

- 3.1 The proposal relates to the redevelopment of this site to provide mixed residential form of development comprising a care home with associated close care housing and private Class C3 housing. Due to the continuing decline of Bramham House, the developer has indicated that it is not feasible to convert the building and therefore proposes a façade retention scheme, supplemented by a significant amount of new build together with a substantial extension projecting northwards to form a 60 bed care home. Therefore, save for the front façade of Bramham House, all the buildings on site are proposed for demolition.
- 3.2 In association with the care home, a number of close care dwellings are proposed which comprises 8 semi-detached houses and 6 apartments. These would be within Class C3(b) of the Use Classes Order (*up to six people living together as a*

*single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems*). The semi-detached houses each comprise 3 bedrooms and are two storeys with accommodation within the roof. The semi-detached dwellings are located towards the northern part of the site and result in the removal of a number of trees and are set at an angle from the main access road and accessed via a private driveway. The apartment building is located towards the lower end of the site and comprises 6 apartments, with a mix of 1 and 2 bedroom apartments. The apartment building is split level owing to its position and topography, meaning that from the front elevation it appears as a two storey building and from the rear is three storeys.

- 3.3 Access to the care home and close care housing will be via the existing access road which currently exists from Freely Lane. A number of car parking spaces are proposed for the houses and the care home in the form of open parking courts.
- 3.4 An additional access is proposed further to the south east along Freely Lane which will lead into the upper part of the site where 10 dwellings (Class C3) are proposed. These are all 4 or 5 bedroom detached dwellings and feature either integral or attached garages.
- 3.5 Owing to the site topography and significant level of tree cover, the design approach taken differs between the upper and lower parts of the site. The ten dwellings on the upper level are more traditional with pitched roofs and are proposed to be constructed from Magnesian limestone with a red pantile roof, not too dissimilar to the dwellings on the opposite side of Freely Lane. The close care semi-detached dwellings have more of a cottage style appearance and again traditional in design. However, the extension to the retained Bramham House façade is mixed, displaying a traditional or pastiche design behind the retained façade and a more modern and contemporary three storey extension to the front (north). Materials to the more modern extension include an ashlar stone with the use of a vertical metal cladding, such as zinc, for the upper floor, with a standing seam roof.
- 3.6 Proposals also involve the widening of part of Freely Lane to enable the two way passing of vehicles on what is currently a narrow lane. This is one of the site requirements that is set out within the Planning and Development Brief. The scheme also includes improvements to the footpath which leads down onto Bowcliffe Road.

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

- 4.1 Apart from the submission of pre-application enquiries over a number of years, there has been only one formal planning application submitted relating to the site:
- H31/390/91 – Alterations and extension to form lounge, with four bedrooms over to rear of residential care home: Approved.
- 4.2 A number of complaints have been received relating to the site with regard to issues associated with anti-social behavior and vandalism. Whilst not a planning matter, this has resulted in the need for the site to be patrolled regularly.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 A pre-application submission was submitted in 2017 by the current developer and advice provided on that scheme based upon the merits of that particular scheme. The general content of the scheme was essentially the same as currently submitted, albeit the layout was different and included a greater amount of development. The advice has been taken into consideration by the current applicant and this is reflected in the current submission with a reduced and amended form of development.
- 5.2 Discussions have been on-going with the applicant over the submitted scheme which have resulted in submission of further information and amended plans. These discussions have centred around issues associated with the design, layout, impact on trees, noise, affordable housing and other obligations, as well as the widening of Freely Lane and other technical highway matters.

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

- 6.1 The application was advertised as a major development. Site notices were posted around the site on 13<sup>th</sup> April 2018 and through publication in the Yorkshire Evening Post in a notice dated 4<sup>th</sup> April 2018. Following receipt of a revised plan, further site notices were posted on 6<sup>th</sup> July 2018. To date, objections have been received from 7 separate properties, with multiple objections coming from residents at those properties. The objections can be summarised as follows:

- Access road not suitable and dangerous for increase in traffic;
- Location not accessible enough by bus – staff have to drive creating traffic;
- Commercial use of Freely lane will lead to unacceptable increases in traffic;
- Some 75% of the area of the site is designated as Priority Habitat Deciduous Woodland on LCC's Leeds Habitat Network;
- Destroy the amenity and peaceful enjoyment of the current residents of the houses at the northern boundary;
- Widening of Freely Lane which is required will remove the existing character of the lane;
- Construction traffic could cause disruption and prevent residents from accessing their property;
- No evidence is presented to demonstrate the need for elderly care facility;
- Bramham House should be retained and converted;
- Traffic noise has now been measured at levels that are dementia-exacerbating and stroke and heart attack inducing;
- Parking provision is inadequate and mostly under tree canopies;
- Lost opportunity to meet local housing needs;
- Not well located in relation to pedestrian access to local transport and facilities – not suitable for old people;
- Pedestrian access from Bramham village centre involves steep climbs – inaccessible for wheelchairs;
- Developers should consider the primary access to be off the larger, existing road, Bowcliffe Road;
- Flood risk on Freely Lane;
- The proposed extent and scale of development doesn't respect the footprint of the existing buildings;
- Result in a permanent loss of mature wildlife – birds, owls, bats;

- Doesn't relate well to the geography and history of the place and the lie of the land;
- Scale of development is significant;
- Does not confirm with Council's adopted policies;
- Doesn't sit with the pattern of existing development;
- Provision of brown bins;
- Applicant's statement of community involvement contains inaccurate information;
- Location and nature of affordable housing;
- Lack of affordable housing;
- Damage to a heritage asset.
- Concerns over the Council being part landowner and that as negotiations over the sale of site has taken place, then this may have predetermined the content of the scheme and prejudiced the proper assessment of material considerations.
- Not in conformity with the emerging neighbourhood plan;

6.2 1 letter of support from the Elmet & Rothwell Liberal Democrats stating:

- Good use of a site that cannot properly remain undeveloped – support further progress in ratio of affordable homes, support the advance widening of Freely Lane, more proactive approach to the remaining green space proposed, additional car parking around the playing-field pavilion.

6.3 **Ward Members:** Cllr Lamb in addition to requesting that the application is reported to Panel for determination, raises concerns over the protection of habitats, location and nature of affordable housing, highways and access concerns, management plan for development traffic, impact on trees and ensuring there is an ongoing plan for maintenance of trees and other features, public transport accessibility and provision of brown bins.

6.4 **Bramham Parish Council:** The Parish Council are supportive in principle but have a number of material objections. The Parish Council also recognise the pressing issues surrounding social care provision and would like to be able to express support for the scheme. However, concerns are raised over the following:

- Lack of affordable housing;
- Loss of habitat; and
- Safety, access and car parking.

6.5 Following further consultation the Parish Council note that the revised plans do not address their previous concerns. In order to make the development acceptable, the Parish Council seeks additional car parking around the pavilion in order to mitigate on-street parking and that the following obligations are secured through a s106 agreement:

- Affordable housing at 35% of total units (including the assisted living units);
- Travel, traffic and parking management plan plus ongoing monitoring;
- Necessary off-site highway works;
- Leeds Metro contribution towards MetroCards for care home staff;
- Maximisation and future maintenance of on-site Greenspace and habitat; and
- Provision of local employment agreement (jobs for the village).

## 7.0 CONSULTATION RESPONSES:

### Statutory

#### 7.1 LCC Highways

A number of consultation responses have been provided since the submission of the original application due to negotiations which have taken place and the submission of amended plans and further information in response to concerns which were initially raised. In terms of traffic impact, the proposed development is considered to be acceptable. With regard to the private housing proposed, the adopted road is indicated as a blocked paved construction which is considered to be acceptable. The gradient of the access road and driveways can be secured by conditions.

7.2 In terms of the care home and close care housing, the site access now includes sightlines of 2.4m x 43m and is regarded as being acceptable to serve the proposed development. The access road should also be brought up to a suitable standard suitable for serving the care home complex. Advice is also provided on the required numbers of electric charging vehicles spaces, to be secured through a conditions.

7.3 In terms of accessibility, the site does not meet all (but does meet some) of the Core Strategy Accessibility Standards provided for under Core Strategy Policy T2 and Appendix 3. The site is located within the required 5 minute walk (400m) of bus stops within the centre of Bramham Village. However, the service frequency from these stops (services 173, 174, 770 & 771) does not comply with the requirement of a bus every 15 minutes or better to a major public transport interchange (defined as Leeds, Bradford or Wakefield).

7.4 However, the local services within Bramham Village that are located within the designated 1200m walking distance of the site, are limited. Bramham Primary School/Medical Centre is also located within the designated 1600m of the site. The nearest secondary school (Boston Spa High School) is located outside of the recommended 30 minute walk distance (2400m).

7.5 A number of conditions are recommended relating to the provision of electric charging points / car parking spaces, gradients and the delivery of the widening of Freely Lane and junction improvement works.

### Non-statutory

#### 7.6 LCC Conservation Team

The physical condition of Bramham House is recognised of being in a very poor condition and therefore the scheme to retain the front façade is considered to be acceptable from a conservation perspective. Concerns were raised over the design of some of the new build properties, but following the submission of revised plans and designs, the amended proposals are considered to be acceptable.

#### 7.7 LCC Nature Team

The submitted report underestimates the amount of woodland cover that will be lost. Therefore it is difficult to come to a conclusion on the level of loss of biodiversity, apart from knowing it will be negative. Functional woodland (trees/shrubs and ground flora) cannot realistically be retained in private garden space therefore the 0.25ha. of woodland retained in private gardens needs to be

shown as formal gardens and the figure added to the total woodland area to be lost. The new woodland creation of 0.26ha. cannot realistically be achieved as some of this is in private garden space. Based on the above it is likely that at least 0.8ha. of woodland cover will be lost directly or indirectly (conversion to private gardens) which is closer to 40% of the total woodland cover. It is not possible to arrive at a conclusion that there will be adequate biodiversity protection and enhancements (as per Policy G9) on the basis of this scale of woodland cover loss.

7.8 LCC Landscape Team

Concerns are raised over the extent of tree loss from the site which go beyond the original Planning and Development Brief for this site. Four of the close care units will result in the removal of a number of mature trees while the proposed apartment block is located close to the woodland. The submitted woodland management plan will also need a more sensitive approach.

7.9 Housing Growth Team

The principle of accepting the close care dwellings which would be occupied by over 55's and at either reduced rental levels or reduced sales levels can be considered appropriate for securing an appropriate level of affordable housing on site.

7.10 Flood Risk Management

Concerns are raised over the submitted Flood Risk Assessment and Drainage Review. Details of existing drainage layouts together with pipe sizes and gradients should be provided. Consideration should also be given the hierarchy of surface water drainage and an analysis of the soils conditions should be undertaken to determine the extent of any use of infiltration drainage systems for surface water drainage of the site. Data suggests that a substantial part of the site may be highly compatible for infiltration drainage. Conditions are therefore recommended requiring the submission of a feasibility study into the use of infiltration drainage; the submission of a surface water drainage scheme; and the submission of details and a method statement for interim drainage measures during site works.

7.11 West Yorkshire Police

No objections raised.

7.12 LCC Environmental Studies Transport Strategy Team

Due to the site of the proposal's proximity to the A1(M), a Noise Report was requested which details the current (school term-time) noise climate at the site (both daytime and night-time) with proposed mitigation measures (as appropriate) to ensure that the proposal complies with the noise standards included within BS 8233. This was submitted by the applicant and the Environmental Studies Team were consulted further and advised that the mitigation measures relating to window specifications and the ventilation strategy as set out within the submitted Noise Impact Assessment should be delivered. Also details of acoustic fencing would also be required. These can be secured through planning conditions.

7.13 LCC Neighbourhoods and Housing (Air Quality)

No objections to this proposal on the grounds of local air quality with respect of the local air quality management regime. Local air quality data indicates that the relevant air quality objectives will not be breached either at the development site or elsewhere as a result of the proposed development. Electric vehicle charging points should also be delivered and secured by a planning condition.

7.14 LCC Public Rights of Way

The proposal does not appear to affect the bridleway and therefore no objections are raised.

#### 7.15 West Yorkshire Combined Authority

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. It is recommended that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site. The payment schedule, mechanism and administration of the fund would have to be agreed with Leeds City Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £4,950.00. This equates to Bus Only Residential MCards.

#### 7.16 LCC Contaminated Land

A Phase 1 Desk Study recommended that a Phase 2 Site Investigation is carried out. Soil sampling for asbestos would be prudent following demolition of the remainder of the structures which are proposed for demolition. Depending on the outcome of the Phase 2 site investigation a Remediation Statement may be required. This could be secured through a planning condition.

### **8.0 RELEVANT PLANNING POLICIES:**

#### The Development Plan

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), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.

8.2 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan. The majority of the site presently forms unallocated 'white land' on the Policies Map. The southern part of the site is presently designated as a protected playing pitch under saved policy N6 of the Unitary Development Plan Review (2006). The following documents and policies are relevant to the determination of this application:

- The Leeds Core Strategy (Adopted November 2014) (CS);
- Saved UDP Policies (2006), included as Appendix 1 of the CS;
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).

8.3 The following Core Strategy (CS) policies are relevant:

- 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

- Spatial policy 8 Economic Development Priorities
- Policy H1 Managed release of sites
- Policy H3 Density of residential development
- Policy H4 Housing mix
- Policy H5 Affordable housing
- Policy P8 Housing for independent living
- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P11 Conservation
- 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 EN1 Climate change – carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN5 Managing flood risk
- Policy ID2 Planning obligations and developer contributions

8.4 The Core Strategy sets out a need for circa 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the Core Strategy. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area. The Council is also carrying out a selective review of part of the Core Strategy (for Examination in February 2019) that will include housing policy that presently sets the target requirement and annualised need. The Council has a housing land supply of 4.79 years.

8.5 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

- H3/1A.33: Sit is allocated for housing.
- GP5: General planning considerations.
- N19: Development in conservation areas
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt or open countryside
- N29: Archaeology.
- BD5: Design considerations for new build.
- BC7: Use of traditional materials in conservation areas
- ARC5: Archaeology
- T7A: Cycle parking.
- LD1: Landscape schemes

#### Natural Resources and Waste Local Plan (NRWLP)

8.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g.

minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

- Policy General 1 – Sustainable Development;
- Policy Air 1 – Management of Air Quality Through Development;
- Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
- Policy Water 1 – Water Efficiency;
- Policy Water 2 – Protection of Water Quality;
- Policy Water 6 – Flood Risk Assessments;
- Policy Water 7 – Surface Water Run Off;
- Policy Land 1 – Contaminated Land;
- Policy Land 2 – Development and Trees.

#### Site Allocations Plan

- 8.7 The site is proposed as a housing allocation under site reference HG1-51, with an indicative capacity for 30 units.

#### Core Strategy Selective Review

- 8.8 Further to the SAP, the Core Strategy Select Review intends to give effect to a reduction in the housing requirement for Leeds through the amendment of Core Strategy Spatial Policy 6. The Council's Executive Board approved the Publication Draft of the CSSR on 7th February 2018. It was the subject of public consultation up until the end of March. In April the Council considered the consultation responses received and a draft plan has been submitted to the Planning Inspectorate with an Examination in Public expected to be in early 2019.

#### Supplementary Planning Guidance / Documents

- 8.9 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:

- Neighbourhoods for Living SPG and addendum
- Street Design Guide
- Parking Standards
- Travel Plans

#### Bramham Conservation Area Appraisal

- 8.10 The Conservation Area Appraisal and Management Plan (CAAMP) was approved as a material consideration in the determination of planning decisions on 19<sup>th</sup> April 2010. The CAAMP identifies the planning application site and specifically Bramham House, noting:

*“Bramham House was built in 1806 by a local vicar, Robert Bownas. The property was sold to the City Council after the second world war and became a children's home. Although it is now vacant and in a poor state of repair, its grounds play an important role in the conservation area; stretching between Bowcliffe Road and Freely Lane, the mature trees and vegetation are an important part of the landscape of the village.”*

8.11 The CAAMP identifies the site as an opportunity for enhancement, while a key short range view is identified along Freely Lane. Bramham House is also identified as a Positive Building within Character Area 3 with key characteristics is this particular area being the large open areas with mature tree planting; Bramham House is a high status dwelling set within a large plot; properties are constructed from course magnesian limestone, and properties have a simple appearance. The Management Plan also identifies opportunities for future management and enhancement, including:

- Sensitive new development in the conservation area
- Protect surviving historic architectural forms
- Protect archaeological remains
- Infill and backland development
- Development affecting the setting of the conservation area
- Tree management
- Appropriate boundary treatments
- Respect Bramham's public realm

#### Neighbourhood Planning

8.12 The emerging Bramham cum Oglethorpe Neighbourhood Development Plan (2017-2033) is currently in the process of being developed pre-submission draft) and is therefore not a made plan. It therefore carries very little weight in the determination of planning applications. Relevant policies include:

- CF1: Protect and enhance existing community facilities
- LR2: New sports and leisure facilities
- HOU1: Housing type and mix
- H3: Development in the Conservation Area
- H5: Key views
- Appendix 3: 31% of respondents fully support proposals for development at Bramham House.

#### National Planning Policy Framework (NPPF)

8.13 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.14 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.15 Paragraph 8 of the NPPF advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

8.16 Paragraph 11 advises Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date\*, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

\* This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the

Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- 8.17 Paragraph 12 advises the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 8.18 Paragraph 14 advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
  - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 8.19 Paragraph 47 advises planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 8.20 Paragraph 48 of the NPPF advises that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 8.21 Paragraph 49 goes on to advise in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-

making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.22 Paragraph 91 of the NPPF advises planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

8.23 Paragraph 109 of the NPPF advises development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.24 Paragraph 193 states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

8.25 Paragraph 194 states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

8.26 Paragraph 195 states:

*“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should*

*refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

- 8.27 Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Planning Practice Guidance

- 8.28 In respect of planning obligations (including Section 106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

#### Conservation Area:

- 8.29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

#### DCLG - Technical Housing Standards 2015:

- 8.30 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 considering incorporating the national space standard into the existing Leeds Standard via the local plan process (Draft Core Strategy Review Policy H9), but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

#### Planning and Development Brief - Bramham House

- 8.31 Over the years since the Council, in conjunction with the co-owners (the Ambulance Service) made the decision to dispose of the site, a number of development briefs were published to guide prospective developers who have expressed an interest in purchasing and developing the site. The latest version of the brief, is dated February 2015, and has been made available to the current prospective developer. The main points from the brief which seek to guide developers to an appropriate form of development can be summarised as follows:

- Residential development would be an acceptable use;
- Bramham House should be retained, refurbished and re-used;
- Development should preserve or enhance the character and appearance of the Bramham Conservation Area;
- A high quality design is necessary;
- Use of traditional materials;
- Retain important landscape features, including mature trees;
- A secondary access to the upper part of the site is appropriate as well as the retention of the existing access from Freely Lane;
- Affordable housing (35%) and Greenspace will be necessary; and
- Freely Lane will need to be widened at the developers expense.

8.32 It must be pointed out that as the Planning and Development Brief has not been the subject of public consultation, very limited weight can be attached to it in the assessment and determination of this planning application.

## 9.0 MAIN ISSUES:

Principle of Development  
 Highways and Transportation  
 Design & Heritage Matters  
 Drainage and Flood Risk  
 Trees & Ecology  
 Impact on Living Conditions  
 Land Contamination  
 Other Matters  
 Section 106 Obligations and CIL  
 Consideration of Objections

## 10.0 APPRAISAL

### Principle of Development

- 10.1 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. Therefore, the starting point for the assessment of this application is primarily the adopted Core Strategy and saved policies within the Unitary Development Plan (Review 2006). In this respect, the application site is allocated for housing under saved UDPR Policy H3/1A.33 with a target of 30 dwellings. This allocation is brought forward and recognised within the advanced Site Allocations Plan and therefore allocated under Policy HG1-51. Therefore, the principle of residential development on the Bramham House site is considered to be acceptable.
- 10.2 The application submission is a mixed development comprising residential development under Class C3 and a care home with associated close care cottages and apartments under Class C2 and C3(b). In total the proposal includes 10 four and five bedroom detached houses, a 60 bedroom care home, 8 close care three bedroom cottages and 6 close care one and 2 bedroom apartments. Therefore, the proposed development is not entirely traditional housing in the pure sense of the terminology as defined within Class C3. However, the mix of housing and care facilities are considered to be appropriate for this site for a number of reasons.

- 10.3 Firstly, it is recognised that out of the 33 Wards within Leeds, the Wetherby Ward to which the site is located, contains a population which demographically is the oldest in Leeds. It could therefore be concluded that there is an increased demand for this type of residential accommodation within the Ward of Wetherby, set against the backdrop of an ageing population nationally. This is evident in the past few years where the local planning authority has dealt with an increasing number of developments designed specifically for the elderly.
- 10.4 Secondly, the site is set within an existing village setting, and whilst Bramham has a limited range of services and facilities, it does have a post office and village shop, a medical centre, 2 public houses, a parish church, a village hall, a sports pavilion, a primary school, a senior citizen's centre, and a play area. There are also bus services, albeit limited, to Wetherby, Leeds and Harrogate. Having regard to factors including the size of the village, the range and type of facilities within Bramham, the very modest size and nature of the development, and the particular extent to which the Accessibility Standards are appropriately met, the proposed development is considered to be acceptable overall in policy T2 terms, in the specific circumstances of the development.
- 10.5 Finally, after several decades of neglect and dereliction and in the absence of any other appropriate form of development to safeguard a viable re-use of Bramham House, the current proposal would secure a number of benefits. One of these primarily being finding a viable new use for the site including more importantly the reclamation of the front façade of the heritage asset. The proposal therefore provides an opportunity for enhancement as set out within the Bramham Conservation Area Appraisal and Management Plan. Whilst the full retention and conversion of Bramham House would have been more desirable, due the passage of time and significant period of neglect, the building is beyond practical repair, as evidenced by the submitted structural survey and comments made by the Council's conservation officer.
- 10.6 Even if the site was not allocated for housing in the development plan, then guidance within the NPPF would be relevant. The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 10.7 The Council does not currently have a five year land supply but will soon have one upon adoption of the revised Submission SAP. The Council's current supply is 4.79 years. The site is already allocated for housing in the development plan. The lack of a 5 year supply is far from being a determinative factor but is one that supports the approval of the development, applying the balance under paragraph 11(d) of the NPPF.
- 10.8 That said, the site is an allocated site in the development plan. The site comprises Bramham House, a substantial property built in the early nineteenth century and also include a substantial ambulance depot, which has since been demolished, with a large area of hardstanding that now remains. As such, the site could be regarded as been previously developed land.

- 10.9 In light of the fact that the site is allocated for housing in the UDPR and advanced SAP, and in combination with other matters including the scale and form of the development, it is considered to represent a sustainable development and would therefore comply with the overarching aim of the NPPF. The proposed uses are considered to be in conformity with the site allocation and together with other material planning benefits that the proposal will deliver, is considered to be a sustainable form of development and acceptable in principle.

#### Highways and Transportation

- 10.10 The planning application has been submitted in full given its location within the Conservation Area and the need for a full package of information to make a proper assessment. The submitted plans show that a new vehicular access will be created on Freely Lane, to the south of the existing access point. An additional vehicular access point is considered necessary to serve the upper section of the site and will serve 10 detached market houses and will be laid out and constructed to adoptable standards, save for the end section which will serve 4 of the houses in the form of a private drive. A turning facility for refuse and delivery vehicles will be formed approximately at a third of its length from Freely Lane. Each of the detached houses will have either integral or attached garages plus two off-street car parking spaces on each driveway.
- 10.11 The existing vehicular access point from Freely Lane which leads down towards the lower section of the site will be re-used and will serve the 60 bedroom care home and 14 close care cottages and apartments. Each of the cottages will have its own car parking area while the apartments will have the use of parking bays located sensitively nearby. The care home would be served by a number of parking bays in a large forecourt area located to the front of the proposed care home. A turning facility will also be provided towards the end of the access, which would enable service and refuse vehicles to turn and leave the site in forward gear. The existing walls either side of the access will need to be removed and relocated to accommodate the necessary visibility splays.
- 10.12 The original access point to Bramham House on Bowcliffe Road has not been in use for many years, and owing to the site topography is not considered suitable for vehicular traffic given the steep gradient and the likely tree loss which would be required to re-construct and appropriate engineered road into the site. However, proposals include improvements to make this a suitable pedestrian route to and from Bowcliffe Road and as an alternative to using the steep Almshouse Hill into the village centre.
- 10.13 The application is accompanied by a Transport Statement (TS), the scope of which was agreed with Highways Officers at the pre-application stage. The TS seeks to inform on and assess the key highways related implications of the proposed development and is a less detailed report than a Transport Assessment which is generally required for larger scale developments. The TS describes the site and the local highway network, describes and considers the accessibility to the site, discussed the development proposals and assesses the likely trip generation and resultant impact on the local highway network, as well as any highways works that are necessary to facilitate and mitigate the impact of the development. Further information has been submitted by the applicant following discussions and negotiations with the Council's Highways Officer which has mainly been in response to technical matters over the access points, car parking areas and the Freely Lane road widening. Indeed, the proposed widening of Freely Lane, which will include land secured for such an eventuality, will enable two way passing of

vehicles which is currently not possible along parts of its length. This is considered a necessary part of the development given the increase in vehicular trips that will be likely, including those associated with the 10 market houses, as well as staff, visitors and deliveries/collections to the care facility. This is also a requirement of the Planning and Development Brief, although this does carry little weight in the decision making process for the reasons previously set out.

- 10.14 The NPPF, at paragraph 109, advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.
- 10.15 Following consideration of the submitted TS and additional information, it is considered that the proposed site access points are acceptable to serve the proposed development. It is also considered that the impact on the local highway network would not be severe. The number of car parking spaces are also considered to be acceptable, while a scheme for electric vehicle charging points would be required and this would be secure through a planning condition.
- 10.16 Furthermore, a number of off-site highway works would be required as part of the development, including the widening of Freely Lane and junction works, and these would be secured through a planning condition requiring a s278 Agreement. At the time of writing this report, the submitted Freely Lane road widening drawing does not fully accord with the Council's drawing included within the Planning and Development Brief. Therefore, it is anticipated that a revised plan will be submitted before the Panel meeting, and in any event could be secured through the imposition of a Grampian condition. It would also be desirable to achieve such road widening before any construction commences on site given that there is only one vehicular route into the site.
- 10.17 With regard to the site's accessibility, it is noted that the site does not fully meet all of the Core Strategy Accessibility Standards. Below is the Accessibility Standards table derived from Policy T2 and Appendix 3 of the Core Strategy and an indication of whether the proposed development meets these standards:

	<b>Accessibility Standard</b>	<b>Site</b>	<b>Meets Standard</b>
<b>To Local Services</b>	Within 15 min (1200m) walk	Some local services are available in Bramham Village, including a post office and general store, church, medical centre, and 2 public houses.	Yes
<b>To Employment</b>	Within 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Bus stops are located within Bramham village within a 400m walk, although the buses do not offer a 15 min frequency.	No
<b>To Health Centre</b>	Within 20 min (1600m) walk or a 5 min walk to a bus stop offering a direct service at a 15 min frequency	There is a Medical Centre within a 500m walking distance from the centre of the site, although this is down the steep Almhouse	Yes

		Hill. The improved footway to Bowcliffe Road would reduce the walking distance to 400m.	
<b>To Primary School</b>	Within 20 min (1600) walk or a 5 min (400m) walk to a bus stop offering a direct service at a 15 min frequency	Closest primary school is Bramham Primary School on Clifford Road at 1120m walking distance from the centre of the site.	Yes
<b>To Secondary School</b>	Within 30 min (2400m) direct walk or 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Closest secondary school is Boston Spa High School, beyond the 2400m walking distance	No
<b>To Town / City Centres – defined as Leeds, Bradford and Wakefield</b>	Within a 5 min (400m) walk to a bus stop offering a direct 15 min frequency service	Closest bus stops located in centre of village are within 400m walk but do not offer a 15 min frequency.	No

- 10.18 It can be seen from the table above that the development satisfies the standards in terms accessibility to local services, a health centre and a primary school. The development consequently fails the standards with regards to accessibility to employment facilities, a secondary school and to a town / city centre.
- 10.19 The site clearly does not meet all the Accessibility Standards set out within CS Policy T2. However, as previously stated, the standards should not be read in isolation and should be taken into consideration in the wider planning balance, having regard to other material planning considerations such as the designation of the site, the delivery of housing, including affordable housing, as well as an opportunity to enhance the site as set out within the CAAMP. In this regard, the proposal would deliver 14 close care affordable homes and lead to the part retention of a heritage asset.
- 10.20 Policy T2 of the Core Strategy sets out the accessibility requirements with regard to new development. Appendix 3 of the Core Strategy contains the specific Accessibility Standards to be used across Leeds (see para. 2.3 below). However, the failure of development to meet these standards in full does not necessarily mean that there arises a conflict with policy T2 in overall terms. In the specific circumstances of development and in some instances (as indeed is considered to be the case here) policy T2 may be considered to be satisfied in overall terms, albeit some accessibility requirements are not fully met.
- 10.21 Furthermore, it is also worth noting that the site is located within a built-up context, with housing located to the east, west and north, and is set within the village envelope. Therefore, given the scale of the proposed development and the above factors, it is considered that the proposal is, on balance, acceptable from an accessibility perspective.
- 10.22 Whilst the Parish Council have noted the impact on Freely Lane and the additional traffic that would be generated by the development, officers do not consider that it is necessary to provide additional car parking to the pavilion, as the Parish Council suggests. It is not the role of a developer to solve what may be an existing parking problem on a different site, but to merely cater for the needs of its own development and to mitigate any potential impact. That said, the application

includes the widening Freely Lane and this will help with the two way passing of vehicles and the free flow of traffic overall. It is also worth noting that the pavilion was recently granted planning permission to extend its existing car park with the introduction of a grasscrete type surface.

### Design & Heritage Matters

- 10.23 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 130 states:

*“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,*

- 10.24 Policy P10 of the Leeds Core Strategy (LCS) deals with design and states 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. Developments 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.
- 10.25 As the site is within a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the guidance on development within consideration areas is set out within paragraphs 193-196 of the NPPF. Core Strategy policy P11 and saved UDP policy N19 reflect this special duty and seek to ensure that development is appropriate to its context and preserves the city’s heritage assets.
- 10.26 The Bramham Conservation Area Appraisal and Management Plan (CAAMP) identifies the application site as an opportunity for enhancement. Bramham House is also identified as a Positive Building within Character Area 3 with key characteristics is this particular area being the large open areas with mature tree planting; Bramham House is a high status dwelling set within a large plot; properties are constructed from course magnesian limestone, and properties have a simple appearance. The Management Plan also identifies opportunities for future management and enhancement.
- 10.27 Although not formally adopted for development management purposes for the assessment of planning applications, the Bramham House Planning and Development Brief can be used to generally assess whether development proposals accord with the development principles contained within this document.

- 10.28 Owing to the challenging topography, the development proposals of the site have been split into elements, with the upper section of the site close to Freely Lane being proposed for 10 detached market houses, with the lower section of the site being proposed for a care home with associated close care dwellings. One of the major aspirations for the development of the site has been the retention and conversion of Bramham House, and this has always been the starting point for any proposed development on this site. However, it is important to point out that Bramham House and the associated grounds have been vacant and neglected for a number of years, possibly up to circa. 30 years. Consequently, Bramham House has suffered severe effects with it now being rendered completely unsafe to enter the building. Indeed, much of the roof has now collapsed has not been wind and water tight for many years. This has therefore significantly affected its structural stability and potential for conversion.
- 10.29 The application is accompanied by a structural survey which reveals that the building is severely dilapidated and has suffered from the ingress of water over a period of many years. In its current condition it poses a health and safety risk and will continue to deteriorate further. There are no reasons to dispute and depart from the information that has been provided. It may even be concluded that the state of the building and the costs associated with any conversion scheme which have been financially prohibitive to the point that conversion has been unviable may have prevented the site from being developed in the past. The applicant has also submitted information on a confidential basis to demonstrate that the conversion of the building is unviable. The information provided concludes that it would cost a further £1,050,000 to convert the building to an appropriate conservation led standard. To retain Bramham House and deliver it to a conservation/heritage standard in order to maintain viability the total land price would need to reduce by circa £1,178,000 (i.e. the lower section would be at a negative value). This therefore concludes that the conversion of Bramham House would not be a viable option, and is perhaps one of the reasons why the site has not yet been developed.
- 10.30 Notwithstanding the identified structural problems, the applicant has identified that it is possible to retain the front façade of Bramham House. This would be retained with a new construction of steel frame with concrete floors, concrete stairs, and new roof introduced to enable its conversion. This is considered to be pragmatic way forward in seeking to preserve some element of the heritage asset and this approach is supported by the Conservation Officer. The rebuilding of Bramham House will take the form of a traditional design with the use of traditional window detailing and materials. The new build element behind the front façade would rise the three storeys, in scale with the original, and will comprise an entrance foyer, kitchen and staff facilities, the main lounge / dining area and a number of bedrooms, all with en-suite bathrooms. The two upper floors will comprise additional bedrooms.
- 10.31 A more modern, contemporary three storey extension is proposed to the side of the front elevation, on a similar footprint to the former ambulance depot which has since been demolished. The rear elevation faces the existing retaining wall and embankments between the main plateaus of the site. The extension is therefore single aspect to the lower floors, and will be constructed from ashlar stone with a metal clad upper floor which is slightly recessed back. The modern extension will be set at a lower level to the rebuilt Bramham House.
- 10.32 In accordance with the Framework the local planning authority must consider the impact of a development upon the significance of a designated heritage asset, and where harm is identified a clear and convincing justification is required. Where

development will lead to less than substantial harm this harm must be weighed against the public benefit of the proposal. In terms of the impact of the loss of the substantial part of Bramham House and the proposed extensions, it is considered that the harm that is caused to the setting of the conservation area and this positive building is clearly less than significant, however there is a clear and convincing justification for the development, including a number public benefits that will arise. This include the retention of the front façade and its rebuilding using similar proportions, architectural details and reclaimed stone. The scheme will also provide a long term viable use for the site as a whole which will contribute to the character and appearance of the conservation area.

- 10.33 Looking at other elements of the proposed development, the ten detached market houses and considered to be sympathetic to the character and appearance of the area. Their scale, siting, design, including the use of chimneys, and materials ensures that they are in keeping with the character of this part of the village. In terms of other the close care dwellings, following negotiations, these have been amended to have more of an appearance akin to cottages and will be back into the site, so as not to be too prominent. The apartment block by contrast has been designed in a more contemporary theme, at the request of planning and conservation officers, to reflect the approach taken to the more modern front extension to the care home. Such an approach is considered to be acceptable.
- 10.34 Whilst the development will result in the loss of a significant amount of trees, those which form the landscape buffer to the west, adjacent to Bowcliffe Road, will be retained, together with a significant number of other trees including a number along Freely Lane, the rear of plots 1-6 as well as a number towards the centre of the site. The development will also be supplemented by additional tree planted which will seek to enhance the landscape quality of the site and add younger trees to the mix of older trees overall. Whilst Policy G4 requires Greenspace to be provided as part of any residential development, it is considered that any such provision on site would result in further tree removal. Furthermore, given the close proximity of the site to the existing greenspace and children's play are directly opposite the site on Freely Lane it is considered that further provision on site is not essential. Instead, a commuted sum is sought which would be directed towards existing Greenspace facilities within the village and this would be secured through a planning obligation as part of the Section 106 Agreement. At the time of writing this report, the applicant has not confirmed acceptance of the figure quoted at the head of this report.
- 10.35 In summary, the proposed design approach will seek to make the site an attractive and well integrated development. It will seek to preserve and enhance the character and appearance of the conservation and is done in such a way that it reflects the guidance within the CAAMP. Whilst the retention and conversion of Bramham House is not successfully achieved through this proposal, it is considered that sufficient evidence has been provided to demonstrate that a façade retention system is the most appropriate solution for ensuring that an important part of the heritage asset is retained, and will be the focal point of the development.
- Drainage and Flood Risk
- 10.36 Core Strategy Policy EN5 relates specifically to flood risk and states that the Council will manage and mitigate flood risk by utilising a number of measures. With relevance to the residential developments these include:
- Avoiding development in flood risk areas, where possible, by applying the sequential approach and mitigation measures outlined in the NPPF;

- Protecting areas of functional floodplain from development;
- Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigation where appropriate;
- Reducing the speed and volume of surface water run-off as part of new build developments;
- Making space for flood water in high flood risk areas;
- Reducing the residual risks within Areas of Rapid Inundation.

- 10.37 In terms of the Natural Resources and Waste Local Plan, Policy WATER 3 requires that development is not permitted on the functional floodplain, while Policy WATER 4 states that all developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site. Within Zones 2 and 3a proposals must pass the sequential test, make space within the site for storage of flood water and not create an increase in flood risk elsewhere. Policy WATER 6 provides technical guidance on what flood risk assessments need to demonstrate in order for the LPA to support new development. Finally, Policy WATER 7 relates to surface water run-off which seeks to ensure that there is not increase in the rate of surface water run-off to the exiting drainage system with new developments. New Development is also expected to incorporate sustainable drainage techniques wherever possible.
- 10.38 The planning application is supported by a Flood Risk Assessment and Drainage Review. The site is indicated to fall within Flood Zone 1 which comprises land assessed as having less than a 1:1000 annual probability of river or sea flooding. In accordance with the National Planning Policy Framework (NPPF) Table 1, all uses of land are appropriate in Flood Zone 1. A Flood Risk Assessment (FRA) is required for all sites in excess of 1 hectare within Zone 1 and all sites within Zones 2 and 3.
- 10.39 A watercourse is present adjacent the western boundary, known as Bramham Beck. Public sewer records obtained from Yorkshire Water indicate combined and surface water public sewers exist within Almhouse Hill Lane, to the north of the site and a further combined public sewer in Bowcliffe Road to the west of the site. A CCTV survey has been undertaken which identifies the site is positively drained via an on-site combined system which exits the site through the western boundary, which one would assume connects to the existing combined sewer in Bowcliffe Road.
- 10.40 The applicant has indicated that the initial drainage strategy would be to discharge surface water via infiltration techniques. BGS data indicates a part of the site may be compatible for infiltration drainage, this will be subject to on site soakaway tests being undertaken to confirm viability. Should infiltration methods not be deemed feasible following soakaway tests, the second consideration should be to discharge surface water to Bramham Beck located east of the site which is not considered a viable option due to constraints of accessing and crossing third party land. It is therefore proposed to discharge surface water to the existing site drainage network within the site which ultimately discharges to the combined public sewer located in Bowcliffe Road, surface water discharge to the public sewer will be restricted to the level of run-off to that from the existing use of the site less a 50% reduction in the existing discharge.
- 10.41 In order to assess the existing discharge from the site, details of the existing drainage layout together with pipe sizes, gradients and connection points as well

as a plan showing the measured impermeable areas of the existing site should be undertaken or alternatively discharge surface water at the calculated greenfield run-off rate. On-site surface water attenuation will be required due to the restricted discharge rate.

- 10.42 Therefore, the site is located outside of a flood risk area, and has no history of being been known to flood. No objections have been received from the statutory consultees, subject to the use of conditions requiring a drainage scheme to be agreed.
- 10.43 Subject to the use of conditions, it is considered that the development can be adequately drained, and the site itself is not at undue risk of flooding nor would unduly increase the risk of flooding elsewhere and is therefore policy compliant in these regards.

### Trees and Ecology

- 10.44 Policy P12 of the Core Strategy and saved UDP policy LD1 seek to ensure that the quality and character of Leeds' landscapes are retained. Policy LAND 2 of the Natural Resources and Waste Local Plan (NRWLP) seeks to conserve trees wherever possible and also introduce new tree planting as part of creating high quality environments. Character Area 3 within the CAAMP lists ways to retain the character of the area and includes the retention of mature tree cover. The CAAMP also notes that mature trees which make a positive contribution to the character of the conservation area should be retained whenever possible, and that opportunities should be taken to plant young trees to ensure continued existence of tree cover in the future. The Planning and Development Brief requires that any applicant commissions a tree survey and report on the condition and merits of existing trees, and that healthy and visually significant trees, tree groups and woodland should be retained as part of any development proposals.
- 10.45 The application is supported by a Tree Survey. Arboricultural Report, an Arboricultural Impact Assessment and an Arboricultural Method Statement. The tree survey revealed a total of 139 items of vegetation (93 individual trees, 43 groups of trees, 1 hedge and 2 woodlands). Of these, 7 trees and 2 woodlands were identified as retention category 'A', 58 trees and 14 groups were identified as retention category 'B', 18 trees, 26 groups and 1 hedge were identified as retention category 'C' and 10 trees and 3 groups were identified as category 'U'.
- 10.46 Due to the densely wooded nature of the majority of the site it is clear that there is little scope for development without the removal of trees. The approach taken seeks to retain the highest quality areas of tree cover wherever possible and this to some extent has dictated the site layout. As a result no category 'A' trees/groups will be removed in order to accommodate the proposals. However, a number of B and C category trees are proposed for removal to accommodate the development, although some are required for removal due to defects and problems with their health due to decades of lack of management. Most notable areas of tree loss are towards the northern section of the site to accommodate the proposed care houses. However, these are located primarily away from the Freely Lane and Bowcliffe Road frontages. Indeed, the layout enables the woodland planting to be retained along the western side of the site abutting Bowcliffe Road and some most of the trees along the Freely Lane frontage to the north of the existing access point.
- 10.47 Some tree removal will also take place along Freely Lane to facilitate the additional vehicular access into the upper portion of the site to serve the 10 detached houses

as well as plots 1 and 10, either side of the entrance. However, the row of mature Sycamore and Ash, Horse Chestnut and Turkey Oak trees to the rear of plots 1-6 will be retained with a stepped barrier in place to provide added protection. Trees and vegetation to the south of the rebuilt Bramham House would also be retained as would many large mature trees within the centre of the site, including a mix of Beech and Sycamore trees.

- 10.48 From the consultations section above, it is clear that the Council's Landscape Officer has concerns over the extent of tree loss as a result of the proposed development. However, in order to bring forward a viable development proposal for this site, it is considered that some tree loss, while unfortunate, is inevitable. The layout therefore seeks to retain important trees, groups and trees and woodland areas around the edge of the site, and important trees within the centre. It is considered that the level of tree removal, given the overall merits of the case, can be accepted. Policy LAND 2 of the NRWLP advises that where removal of trees is agreed in order to facilitate development, suitable replacement tree planting should be provided on a minimum three for one basis. Such planting would normally be expected to be on site. Where in certain circumstances on-site planting cannot be achieved, off-site planting will be sought, or where the lack of suitable opportunity for this exists, an agreed financial contribution will be required for tree planting elsewhere. In this instance, given the existing level of tree cover retained and footprint of new development proposed, it would not be possible to achieve a three for one replacement tree planting on site. However, it is considered that a contribution towards off-site planting is appropriate which could be utilised to plant new trees at suitable locations within the village. At the time of writing this report, the applicant has not agreed or disagreed with this approach, and therefore may be included as one of the planning obligations. This would not preclude additional planting within the site though as part of any comprehensive landscaping scheme which would be secured and delivered through a planning condition.
- 10.49 In summary therefore, the level of tree removal can be considered to be acceptable given the above factors, and therefore compliant with CS Policy P12, Policy LAND 2 of the NRWLP and guidance within the CAAMP.
- 10.50 In terms of ecology, Policy G8 states that development will not be permitted which would seriously harm any sites designated of national, regional or local importance or which would cause any harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan Priority species and habitats. Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Wildlife Habitat Network. The majority of the application site is not the subject of any planning policy designation for its nature conservation interest, save for part of the woodland along the western edge of the site which is designated as a Leeds Wildlife Habitat Network. The site of the proposed development was previously occupied by buildings and has become overgrown due to general neglect over the past two decades.
- 10.51 The application is accompanied by a bat survey and a Preliminary Ecological Appraisal. This was subsequently supplemented with an Ecological Impact Assessment and a Preliminary Woodland Management Plan. The bat survey concludes that bat roosts exist within the roof structure of Bramham House while the woodland area and trees support the foraging for bats in the area and therefore mitigation will be required. This includes proposals for new bat boxes to be located

within retained trees and/or within new buildings. These would be secured through a planning condition. A bat license would also be required.

- 10.52 The ecology survey also identifies the lack of any other protected species on site, but does recommended the provision of bird boxes in addition to bat boxes. The presence and retention of the woodland area to the west of the site which is within the Leeds Wildlife Habitat Network is an important element which will be retained as part of the proposals.
- 10.53 Concerns are raised by the Council's Nature Conservation Officer over the impact of the development on ecology and specifically the amount of woodland that is considered to be lost. Some of these concerns relate to how the tree loss is calculated and the Nature Conservation Officer advises that the woodland area that is proposed to be retained to the rear of plots 1-6 should not be included within the calculation as it would not be classed as a functional woodland. However, these trees are clearly retained as part of the development and would be the subject of qualified arboricultural woodland management under the suggest planning conditions. Access to this area is achievable and in any event residents would not be permitted to remove these trees without permission. Indeed, the layout has been amended to provide sufficient distances from the rear of the houses on plots 1-6 to these important trees.
- 10.54 In conclusion, whilst it is recognised that there is a reasonable level of tree loss as part of the proposals and consequential loss of habitat, the impact is considered not be so significant as to warrant withholding planning permission. Moreover, the Leeds Wildlife Habitat Network would be retained along the western boundary, with some element of tree removal to facilitate some development taking place. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 15 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.

#### Impact on Living Conditions

- 10.55 Based upon the submitted plans, it is considered that an appropriate development on this site could be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance and loss of sunlight and daylight. The residents who could be potentially most effected would be those located on and adjacent to Freely Lane and Almhouse Hill. The proposed close care cottages, and in particular those on plots 15-18 have the potential to impact on the living conditions of Beech Court and Iona on Almhouse Hill located to the north of the site. The proposed cottages are semi-detached and feature lounges with dining areas on the ground floor and windows which serve bedrooms on the upper floor. There is also a bedroom within the roofspace of each of the cottages, served by rooflights to the front and rear. The proposed cottages meet the minimum distances within Neighbourhoods for Living, with plots 15 and 16 being 11m from the rear boundary and plots 17 and 18 10.5m from the rear boundary with Beech Court. It is also noted that Beech Court is set a slightly oblique angle to the boundary, thereby further mitigating any potential impact. While the proposal will inevitably leads to substantial trees loss in this location to accommodate the close care affordable cottages, the dwellings would be positioned so that they do not result in significant impacts on the living conditions of neighbours in terms of dominance, overlooking and loss of light.

- 10.56 The two dwellings towards the south west fronting Freely Lane known as The Gables and Beech House are located a significant distance from the new detached dwellings and would be screened and separated by the large mature trees that would be retained as part of the scheme. The newer properties within Fossards Close and Freely Fields have the potential to be affected. However, both no. 1 Fossards Close and No. 1 Freely Fields are set at right angles to the road with their gable ends orientated towards the development site and therefore the impact on these properties would be limited. Headley House (opposite nos. 1 and 2 Fossards Close) faces the development site, although no new houses are proposed opposite this within the site. Instead, Headley House faces the access road and is set at a slightly oblique angle. While the use of the access point will be intensified, the limited number of vehicles visiting the care home, including staff and deliveries, as well as the close care cottages, is not considered to be significant to the extent that it would adversely affect the living conditions of residents.
- 10.57 Other properties on Bowcliffe Road and on Freely Lane (The Gables and Beech House) are a significant distance away from the new dwellings and separated by dense woodland and vegetation. Therefore, the impact on those properties will be extremely limited.
- 10.58 In terms of the amenity to be afforded to potential future residents of the development, based upon the submitted details, it is considered that a well-designed layout in the manner shown would give new residents a pleasant and attractive living environment. All of the proposed market dwellings and close care cottages comply with the National prescribed Minimum Standards. Each detached house and cottage have private garden areas which would be of the required size. Whilst the close care apartments do not have their own dedicated space per say, there are numerous incidental landscaped spaces on the site which would be of benefit to those residents. Both residents of the cottages and apartments would have the ability to use the facilities within the nursing home and would draw upon the staff from the nursing home to cater for any additional needs that will be required.
- 10.59 In terms of the care home itself, each of the 60 bedrooms would have their own en-suite bathroom, while residents would have the amenity of the lounge and dining area, with all meals provided within the building. There would also be a landscaped south facing communal garden located to the rear of the nursing home which would provide a peaceful and tranquil place for residents to enjoy. Therefore, all residents would benefit from a satisfactory standard of amenity.
- 10.60 Some of the objections raised by neighbours relate to the impact on the amenity of future residents from the nearby A1(M) motorway in terms of noise impacts. In this respect the applicant has submitted a Noise Impact Assessment and officers within the Environmental Studies Team have been consulted. It is advised that the submitted information is accepted and that the mitigation measures put forward in the report should be fully implemented. These include measures relating to window specifications and the ventilation strategy. Also details of acoustic fencing would also be required, all of which can be secured through planning conditions. It is also worth noting that a recent development for 14 houses has been granted which is now built out and occupied. This is located on the former wood yard site on Bowcliffe Road and is much nearer to the motorway than the Bramham House site.

#### Land Contamination

10.61 The Council's contaminated land team recommends Phase II site investigation be carried out, together with any necessary remediation statements, in recognition of the sites former uses. The applicant has responded to this point to confirm that they accept the need for the use of Grampian conditions in this regard in view of the more sensitive residential end use proposed. It is not considered that contamination would preclude the grant of planning permission on this previously developed site and it is therefore policy compliant in this regard, subject to the use of conditions.

#### Other Matters

10.62 It is also worth noting other factors to take into consideration in the planning balance. In this respect, the proposed development, and specifically the care home and close care cottages may result in employment generation, and will have the potential to create jobs for local people. These could be nursing staff, kitchen staff and ancillary services. These jobs could be delivered through the applicant's best endeavours through a planning obligation. The development would also result in economic benefits

#### Section 106 Obligations and CIL

10.63 The heads of terms for the S106 agreement would be as follows:

- Affordable Housing (14 close care units);
- Off-site Greenspace contribution of £126,519.
- Residential Travel Plan fund £4,950 (£495 per dwelling); and
- Local Employment Initiatives.

10.64 From 6 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 all of the following:

- (i) necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise 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.

10.65 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Affordable Housing Units: Taking all material planning considerations into account and having regard to Core Strategy Policy H5, the proposed 14 close care units to be occupied by the over 55's are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

- Off-site Greenspace contribution of £126,519. A scheme for the provision, management and maintenance of the Greenspace is required to ensure that the associated land is made available for all residents in accordance with Core Strategy Policy G4.
- A contribution towards a Sustainable Travel Fund is required to reduce the reliance on the use of the private car and to encourage other sustainable forms of transport, such as use of buses, walking and cycling in accordance with the guidance within the NPPF and policies within the development plan.
- Local Employment Initiatives are considered to be necessary in order to make best endeavours to employment local people within the construction of development and longer term within the care home in order to reduce car journeys and to promote jobs for local people in the interests of sustainability.

10.66 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre for Class C3 residential institutions and £5 per square metre for the care home element with Class C2 (plus the yearly BCIS index). As the close care units would be affordable, they would benefit from a CIL exemption. This information is not material to the decision and is provided for Member's information only.

#### Consideration of Objections

- 10.67 The issues raised by the objections received have been considered within the relevant sections of the report. Comments raised by one resident, noting that the Council being part landowner and that as negotiations over the sale of site has taken place, that this may have predetermined the content of the scheme and prejudiced the proper assessment of material considerations are unfounded. Indeed, the local planning authority has had no involvement in the procurement process or land sale and has solely assessed the planning application on its individual planning merits, having regard to the development plan and other material planning considerations only.
- 10.68 Concerns relating to the widening of Freely Lane and its harm to the character of the lane are noted. However, the proposed road widening scheme is clearly set out within the Planning and Development Brief and will provide much needed benefits, including improvements to pedestrian safety. The visual impact can be mitigated by further planting.
- 10.69 Comments relating to the lack of information to demonstrate a need for the elderly care facility are noted. However, this particular proposal has been assessed on its individual merits and the principle of a care facility on this site, in conjunction with other dwellings is considered to be appropriate and having regard to a wide range of factors in the overall planning balance.

### **11.0 CONCLUSION:**

11.1 Applying paragraph 11(d) of the NPPF the proposed development is considered to be sustainable, having regard to its nature and scale, site specific factors and other material planning considerations such as the delivery of benefits, primarily being the delivery of a care facility and the retention (in part) of a designated heritage asset. It is also the fact that the site is a UDPR housing allocation, as well as a proposed allocation under the advanced SAP.

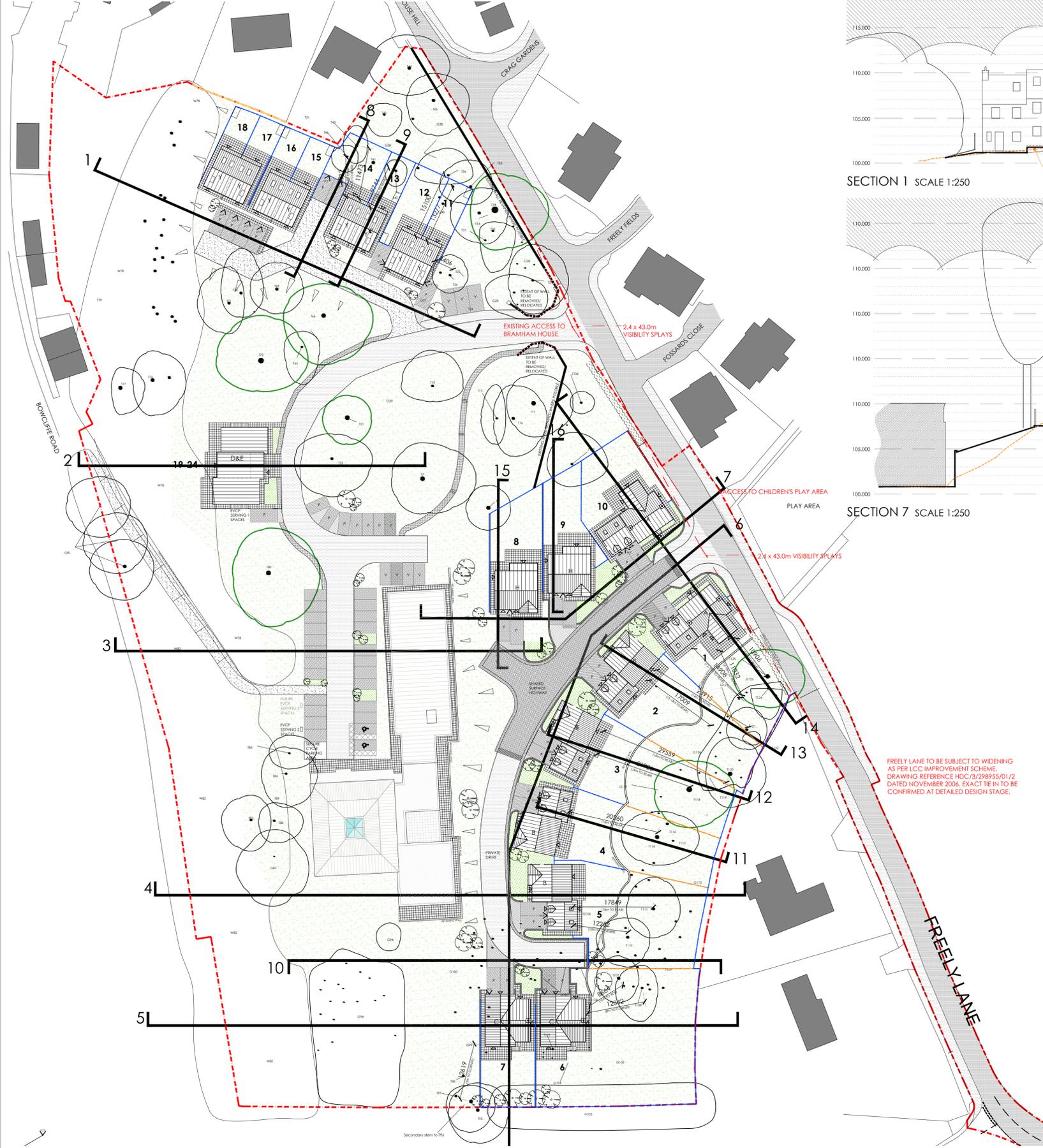
- 11.2 The site is allocated for housing in the development plan and therefore the proposal accords with this allocation. The scheme would result in the partial re-use / retention of a heritage asset and would secure a viable long term use of the site which has remained derelict for a significant number of years. Indeed, the absence of any alternative and appropriate form of redevelopment may well result in the complete deterioration of the front façade of Bramham House and it is therefore critical that the site is developed sooner rather than later.
- 11.3 The development is compliant with relevant policies of the development plan, as well as with national policy and the emerging neighbourhood plan. It is considered to represent a sustainable form of development. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The application is recommended for approval.

**Background Papers:**

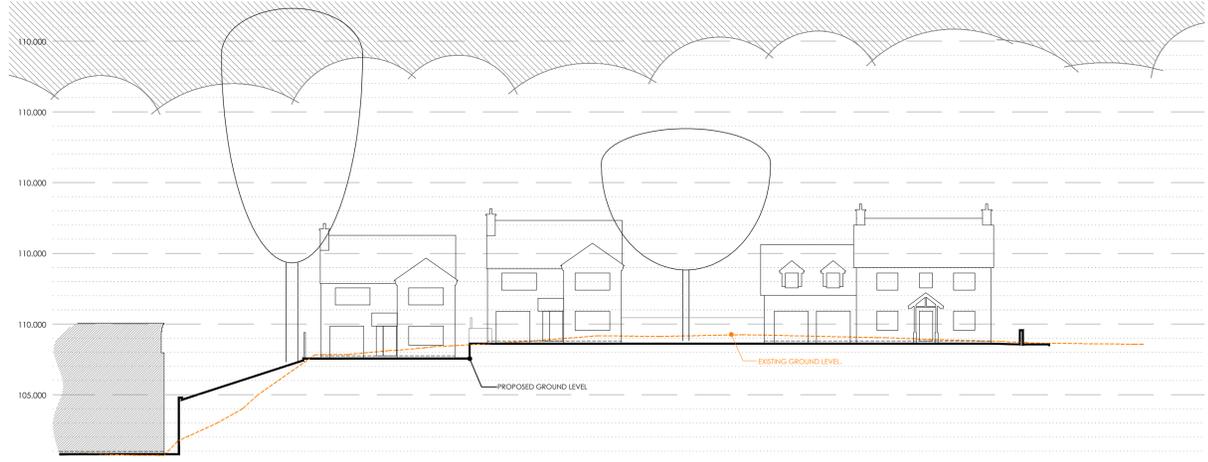
Application file 18/01609/FU

Certificate of Ownership: Certificate B signed

# BRAMHAM HOUSE, BRAMHAM



SECTION 1 SCALE 1:250



SECTION 7 SCALE 1:250

### GENERAL KEY

- ▲ PEDESTRAIN & VEHICULAR ENTRANCES/S
- ⌋ GATE
- ➔ SIDE WINDOW TO HABITABLE ROOMS (LOUNGE, DINING, KITCHEN, BEDROOM, ETC.)
- ➔ VEHICLE CHARGING POINTS
- BOUNDARY
- EXISTING SEWERS & EASEMENTS
- RETAINING WALLS
- EXISTING BUILDINGS
- ⊙ PROPOSED TREES TO INCLUDE SPECIES SUCH AS SILVER BIRCH, MOUNTAIN ASH & NATIVE CHERRY - REFERENCE LANDSCAPE ARCHITECTS DRAWINGS FOR SPEC'S.
- ⊙ EXISTING TREES / SHRUBS / HEDGES TO BE REMOVED - REFERENCE ARBORICULTURALISTS DRAWINGS.
- ⊙ EXISTING TREES / SHRUBS / HEDGES TO BE RETAINED - REFERENCE ARBORICULTURALISTS DRAWINGS.
- ⊙ ROOT PROTECTION ZONES - REFERENCE ARBORICULTURALISTS DRAWINGS.

### BOUNDARY TREATMENTS

- 1000mm HIGH STONE WALL
- 1800mm HIGH STONE WALL WITH TIMBER PANEL INFILLS
- 1800mm HIGH TIMBER CLOSE BOARDED FENCE ON RETAINING WALL
- 1800mm HIGH TIMBER CLOSE BOARDED FENCE
- 1000mm HIGH POST & RAIL FENCE
- 2000mm HIGH ACOUSTIC TIMBER FENCE

### GROUND TREATMENTS

- TARMAC TO ESTATE ROADS, PAVEMENTS / FOOTPATH, PRIVATE DRIVES AND DRIVE - UNLESS OTHERWISE STATED
- BRINDLE SETTS TO MEWS COURTS / ACCESSWAYS AND DRIVES - UNLESS OTHERWISE STATED
- TURFED AREAS - ALL REAR GARDENS TO BE TURF
- PAVING SLABS TO PATHS & PATIOS
- WOODCHIP FOOTPATH
- LOW LEVEL SHRUBS TO INCLUDE SPECIES SUCH AS BOX, COTONEASTER, EUONYMUS, BERBERIS & MAHONIA, INTERSPERSED WITH LARGER SHRUB PLANTING TO INCLUDE SPECIES SUCH AS HAWTHORN, BLACKTHORN, CHERRY, CORNUS & ELDER REFERENCE LANDSCAPE ARCHITECTS DRAWINGS FOR SPEC'S.

### SERVICES

- FOUL DRAINAGE
- SURFACE WATER
- TELECOMS
- ELECTRICITY
- WATER
- GAS / LPG

### HOUSE TYPES KEY

- HOUSE TYPE A - 5 BED, 2 STOREY DETACHED HOUSE WITH INTEGRAL GARAGE @ 193.7m<sup>2</sup> / 2085ft<sup>2</sup>
- HOUSE TYPE B - 4 BED, 2 STOREY DETACHED HOUSE WITH INTEGRAL GARAGE @ 164.8m<sup>2</sup> / 1774ft<sup>2</sup>
- HOUSE TYPE C - 4 BED, 2 STOREY + ROOM IN ROOF SPLIT LEVEL DETACHED HOUSE WITH INTEGRAL GARAGE @ 200m<sup>2</sup> / 2153ft<sup>2</sup>
- HOUSE TYPE D - 1 BED APARTMENT @ 46.7m<sup>2</sup> / 503ft<sup>2</sup>
- HOUSE TYPE E - 2 BED APARTMENT @ 65.8m<sup>2</sup> / 708ft<sup>2</sup>
- HOUSE TYPE E2 - 2 BED APARTMENT @ 69.4m<sup>2</sup> / 747ft<sup>2</sup>
- HOUSE TYPE H - 4 BED, 2 STOREY DETACHED HOUSE WITH INTEGRAL GARAGE @ 129.5m<sup>2</sup> / 1394ft<sup>2</sup>
- HOUSE TYPE Y - 3 BED, 2 STOREY SEMI HOUSE @ 93.5m<sup>2</sup> / 1006ft<sup>2</sup>

### NOTES

THIS DRAWING IS BASED ON SURVEY DRAWING NO. PSS 366-1B, PREPARED BY PEAK SURVEYING SERVICES AND. ORDINANCE SURVEY INFORMATION. IT IS SUBJECT TO CONFIRMATION OF BOUNDARIES / RIGHTS OF WAY / EASEMENTS AND CONSULTATION WITH THE LOCAL AUTHORITY, DESIGN TEAM AND PUBLIC UTILITIES, ETC.



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

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

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

REV	DESCRIPTION	DRWN/CHKD	DATE
E	FREELY LANE WORKS UPDATED IN LINE WITH BRIAN G HALL DRAWINGS. EVCP BAYS WIDENED AND 2 EXTRA NOTED. SECURE CYCLE PARKING AREA & SHEDS TO PLOTS 11-18 NOTED.	RH	02.10.18
D	FREELY LANE WORKS UPDATED IN LINE WITH BRIAN G HALL DRAWINGS. VISIBILITY SPLAYS SHOWN; PLOT 5 MOVED BACK 1m TO ACHIEVE 1:12.5 DRIVEWAY GRADIENT; EVCP NOTED TO CARE HOME	RH	21.07.18
C	SITE ENTRANCES UPDATED & ESTATE ROAD ALTERED TO SUIT A TYPE 3D ROAD IN LINE WITH HIGHWAYS COMMENTS. HOUSE TYPES & APARTMENTS UPDATED IN LINE WITH CONSERVATION COMMENTS. 1.8m CLOSE BOARDED FENCE SHOWN TO REAR OF PLOTS 3-6.	RH	14.06.18
B	EXTENTS OF ACOUSTIC FENCE REDUCED.	RH	13.03.18
A	BOUNDARY TO REAR OF P14-18 AMENDED IN LINE WITH NEIGHBOURS COMMENTS	RH	16.01.18



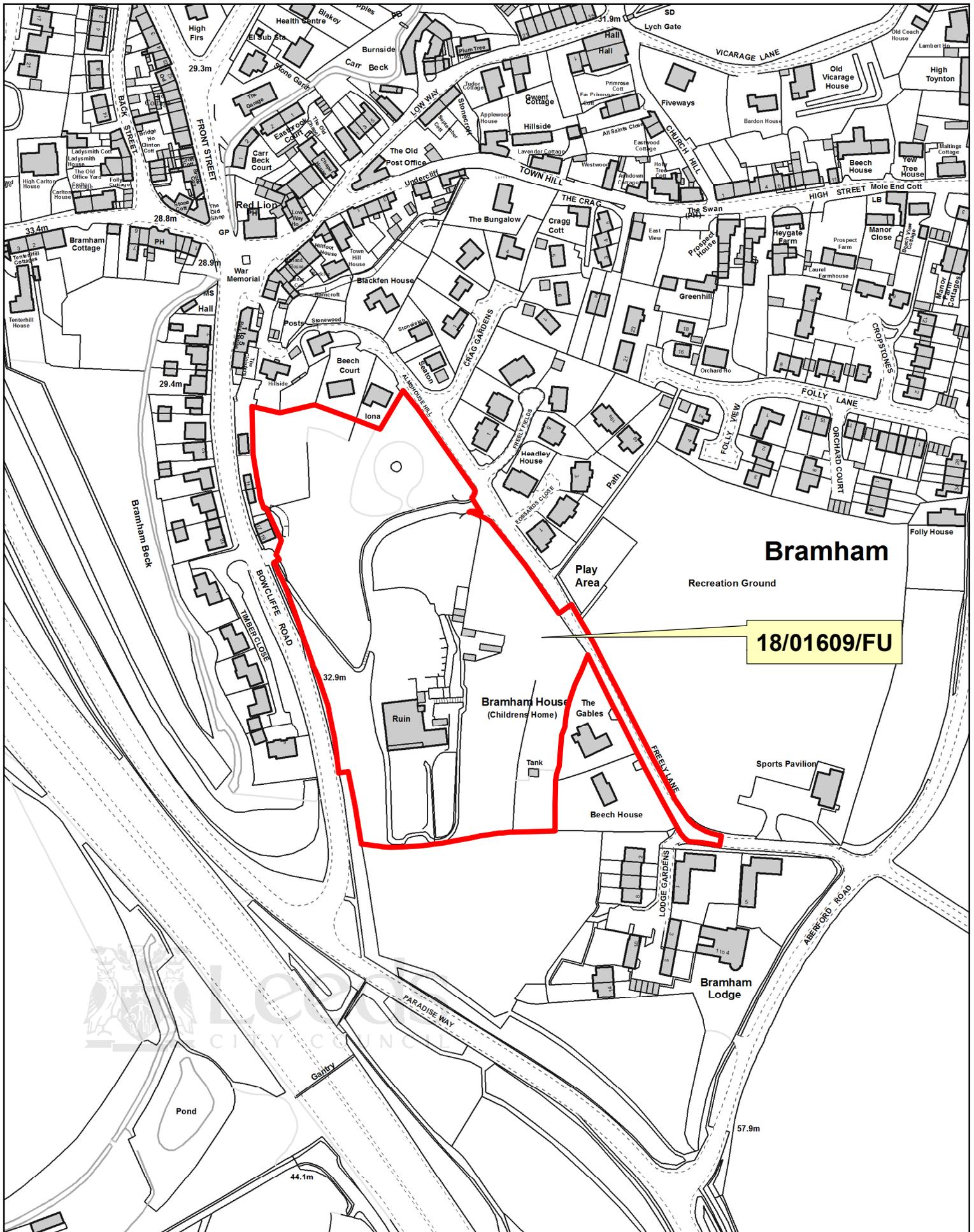
CLIENT	FREELY LANE LIMITED		
PROJECT	BRAMHAM HOUSE		
TITLE	SITE PLAN		
SCALE	1:500/ 1:250 @ A1	DATE	09/17
DRAWING NO.	1497-102	REVISION	E
DRAWN BY	RH	CHECKED BY	JC
PURPOSE OF ISSUE	<input checked="" type="radio"/> PLANNING <input type="radio"/> APPROVAL	<input type="radio"/> BUILDING REGS <input type="radio"/> COMMENT	<input type="radio"/> TENDER <input type="radio"/> CONSTRUCTION

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

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

CONSTRUCTION USE MAINTENANCE DECOMMISSION

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# NORTH AND EAST PLANS PANEL

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

SCALE : 1/2500

