



Originator: Andrew Perkins  
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## Report of the Chief Planning Officer

### SOUTH AND WEST PANEL

Date: 5<sup>th</sup> December 2019

Subject: 18/07832/FU; Demolition of existing units; erection of five detached dwellings with attached garages and associated external works. The Manor, Chapel of Rest, Stony Royd, Farsley, Pudsey, LS28 5JA.

#### APPLICANT

Mrs J Verity

#### DATE VALID

16<sup>th</sup> January 2019

#### TARGET DATE

13<sup>th</sup> March 2019 (EOT until 6<sup>th</sup> December 2019)

#### Electoral Wards Affected: Pudsey

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which members or officers might consider appropriate).**

1. Standard time limit of 3 years to implement.
2. Plans to be approved.
3. Samples of all external materials to be submitted and approved.
4. Means of access as shown on approved plan
5. All areas shown on the approved plan to be fully laid out, surfaced and drained.
6. EV charging points provided prior to occupation
7. Provision for contractors during construction
8. Drainage scheme to be submitted and approved
9. A Phase I Desk Study to be submitted and approved.
10. Site investigation report to be submitted for approval

11. Remediation statement to be submitted
12. Any soil tested for contamination and suitability for use
13. Method statement for protection of retained trees during construction
14. Hedge to northern boundary is retained and infilled where necessary
15. Full Landscaping (including trees, planting, surfacing and boundary treatments).
16. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of on-site open space and areas of landscaping not within individual plots for the lifetime of the development.
17. Height of existing conifer hedging is to be retained at 4m high
18. Details of stop netting including colour, design and management to be submitted prior to commencement
19. Replacement planting for die back for five years.
20. Removal of PD rights for extensions and outbuildings.
21. Flat roofs not to be used as balcony
22. Sustainable methods employed during construction

## **1.0 INTRODUCTION**

- 1.1 This application is brought before Plans Panel as a formal objection has been received from a statutory consultee, Sport England. The comments raised by Sport England are noted under section 7.1 of this report.

## **2.0 PROPOSAL**

- 2.1 The proposal is for five detached dwellings, located around a grassed oval of green space which would feature landscaping consisting of trees and hedges. The dwellings are two storey in height with pitched gable roofs and chimneys to the side.
- 2.2 Parking is to be provided within the curtilage of each plot. A minimum of two parking spaces are provided per unit, with some featuring three off street parking spaces. Three visitor spaces would be located along the access road which would feature a passing place to the northern side, accessed from Stony Royd.

## **3.0 SITE & SURROUNDINGS**

- 3.1 The application site is previously developed land, which lies on the western edge of Farsley and is sited adjacent to playing grounds, to the north boundary, with Farsley Cricket Club to the eastern boundary. The western side is open land which forms a buffer to the Ring Road that runs in a north/south direction.
- 3.2 The site is dominated by a large, sprawling single storey building which has been extended on various sides. The building to the eastern side of the site has a lawful D2 use class, which currently serves as a function room for the current funeral directors. To the west of this and attached, is the ancillary office, with a detached building located to the eastern side boundary which functions as the chapel of rest.
- 3.3 There is a small area of garden/landscaping which features ornamental trees to the south, whilst the north is a mix of hardstanding and outbuildings. There is also a hard surfaced beer garden to the northern side of the D2 unit and a car park to the southern side. The access road, comes in off Stony Royd, along the south of the

adjacent cricket pitch, which gives access to the car park and the funeral directors which also runs up the eastern boundary to give access to the field to the north.

- 3.4 The western and southern boundaries of the site are dominated by very high conifer hedging (approx. 12m) high, with lower hedging to the northern and eastern boundaries, the western boundary. Houses on Westway (to the south) are two-storey, semi-detached units of red brick, with use of render at first floor on some of them. A small cul-de-sac lies directly adjacent to the western boundary.
- 3.5 The site lies within Green Belt, and was part of a designated playing pitch under policy N6 of the Unitary Development Plan. However, that designation, in respect of the Site, has not been continued by Policy G6 of the Core Strategy and GS1 of the Site Allocations Plan (SAP) which is the up to date Policy in the Local Plan which designates Green Space. The wider area is residential in nature and character with this current site being the anomaly in the wider area.

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

- 4.1 PREAPP/17/00713 – Demolition of A4 drinking establishment and change of use of existing A1 undertakers to single residential use and erection of 4 two storey dwellings. Advice given

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

- 5.1 The current scheme has been the subject of numerous negotiations with Sport England after objections were received from them in regard to the potential of disturbance from the cricket pitch which is situated immediately adjacent to the application site; namely stray cricket balls. Sport England has maintained its objection which states that details of protective netting 25m high and 17m high must be provided to the southern and western boundaries of the cricket pitch and that management and maintenance of these are to be carried out by the applicant and not the cricket club.

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

- 6.0 Site notices were posted around the application site on Stony Royd, Westway and Alma Close on 24.01.2019. In addition to this neighbour notification letters were also issued to surrounding dwellings on 24.01.2018. The overall publicity period for the application expired on 26.06.2019.
- 6.1 In total five letters of representation have been made. These consist of five letters of general comment.
- 6.2 In addition to the above, Cllr Peter Carlill has raised an objection to the proposal, his comments are as follows;

*'Although I support the scheme in principle, I note the comments from Sport England and am aware of difficulties in the local area with ball strike to properties from the neighbouring cricket club, causing both danger to residents and damage to property, and impacts on the activities at the club which are concerned about having to scale back their matches.'*

*The current plans include the retaining of the concrete fence along the perimeter of the cricket club, which I believe is owned by the land in question and is in a poor state of repair so would need replacing.*

*In order to fully support the scheme I would need to see a form of suitable protective screen or planting (chosen with design consideration in mind) around the shared boundary with the cricket club, protecting residents, property and vehicles at the new development and the surrounding area, but also ensuring that the club does not come under pressure or possible legal action to reduce its activities which have a positive impact on the local community.'*

- 6.3 Cllrs Andrew & Amanda Carter have raised support comments to this scheme, their comments are as follows;

*'No objections to the planning application as such. However as regards the large fir trees we referred to they are within the site boundary and residents on Alma Close and Westway have raised issues with us about the height of these. It would be helpful therefore if the tree officers could recommend as part of the conditions that these fir trees are reduced to a manageable size. At the moment they are quite simply huge.*

*As regards the fence it seems to us there needs to be a site visit by officers. The wall of trees screening part of the Westway ends where the sight screens of the cricket ground are situated meaning that three or four houses do not have the benefit of anything other than the access road between the cricket ground and their gardens and this maybe needs inspecting.'*

6.4 General comments

- Who will be maintaining the fir trees and to what height will they be maintained at, concerns if these are removed which would cause overlooking.
- Visitors parking would interfere with privacy of residents to Westway
- Clarification over any future development plans
- Fir trees should be pruned to around 12ft to provide daylight to residents of Westway
- Safety of the site once demolition is started
- Who will be responsible for the stream which runs behind properties to Westway as if left may become over grown and block up.
- Would object to the plans of a ball net around the cricket pitch as it would be directly behind properties to Westway.
- Clarification over what would be happening with trees H1 & H5
- Highways safety access and increase in traffic
- Possible encroachment onto protected Green Belt

- 6.5 In addition to the above points Farsley Cricket Club have also raised general comments, their comments are as follows

*'We as a club have no objections to the proposed development in principle, but we must reiterate the comments from both Sport England and Cllr Carlill. While ball strikes are a -rare occurrence, there is nonetheless a potential risk due to the proximity of the dwellings to the cricket club.*

*We would like a clear understanding of the potential risk to our sporting activities if the application is approved.*

*The concrete fence that provides a boundary between the club and proposed site belongs to the land referenced in the proposals. We would like a clear understanding of who is responsible for the maintenance of that fence if the application is approved.*

*To fully support the plans, we would like know what suitable protective screening around the boundary of the cricket field is proposed to minimise the risk of ball strike to residents, property and vehicles.*

*We would also like assurances that we as a club do not come under pressure - or possible legal action - to reduce our sporting activities.*

*We feel that if it is found precautions need to be taken to mitigate the risk of ball strike, a planning condition should be placed on the application requiring protections such as a permanent ball stop netting to be erected to ensure the safety of residents and property.*

*We welcome new residents and neighbours and are a community-minded and spirited club. We would prefer to work with developers and officers before planning permission is granted to ensure a suitable outcome for all parties.'*

## **7.0 STATUTORY CONSULTATIONS:**

7.1 Sport England - The additional information consists of a revised boundary risk assessment. Sport England has shared this with the England Cricket Board (ECB). The comments of ECB have been summarised as:

- The revised risk assessment (LSUK.19-0282) version 2.0 now addresses the professional level of play that takes place at the adjacent cricket ground and takes into consideration that trees can be cut down, become diseased and die or blow over.
- Full ball stop mitigation design has not been provided, however, based on the revised Labosport risk assessment report, reference above, ECB is happy to advise that the following mitigation would be suitable:
  - West Orientation: 25m high
  - South Orientation 17m high
  - Design details and a management and maintenance plan which would be the responsibility of the developer in perpetuity are requested.

Sport England welcomes the revised risk assessment that now reflects the professional level of play that takes place at the cricket club. However, no details of the ball stop mitigation have been provided based upon the revised risk assessment. The applicant will need to provide details of the design and layout of the ball stop mitigation and this should include details of the management and maintenance plan which should be the responsibility of the developer. ECB have advised the height of the suitable mitigation in their comments above.

Given that no details of the ball stop mitigation have been provided including details of its management and maintenance based on the revised risk assessment, the cricket club will still be prejudiced by the proposed development for the reasons set out in Sport England's earlier representations (see below).

## **Sport England maintains its objection to this application.**

Sport England would be pleased to review the objection when we are provided details of the permanent, all year round, ball stop mitigation, including details of how this will be managed and maintained. Please note that this was requested in Sport England's objection of the 16 May 2019.

Whilst the ball stop netting/fencing could be dealt with by way of a planning condition, Sport England is aware from experience elsewhere that the ball stop netting/fencing can be up to 25 metres in height. For this reason, Sport England considers that the matter of the design and height of any required ball stop mitigation should be resolved prior to permission being granted in order for it to be acceptable to the local planning authority.

### **7.2 Yorkshire Water – No objections, subject to condition**

#### **NON STATUTORY CONSULTATIONS:**

- 7.3 Flood Risk – No objections to the proposed development, provided that an infiltration drainage condition is included with any grant of planning permission.
- 7.4 Environmental Studies Transport Strategy Team – Plots 4 and 5 (from submitted Drawing No. 101 - prepared by Barrett and Barrett) would be subjected to higher than acceptable daytime noise levels. We would suggest that some form of noise barrier be erected to the boundaries of these plots so as to screen them from road traffic noise from the Ring Road. A 2 metre high heavy duty close-boarded fence (or similar) should suffice.
- 7.5 Highways - No objections, now revised plans have been secured, subject to conditions
- 7.6 Contaminated Land – The Phase 1 report and asbestos survey which have been submitted require comments to be addressed. Given this Conditions are recommended.

#### **8.0 PLANNING POLICIES**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Core Strategy (as amended 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan, the Site Allocations Plan (July 2019) and any made Neighbourhood plan. (There is currently no Neighbourhood Plan in place for this area).
- 8.2 Relevant Policies from the Core Strategy as amended are:

Spatial policy 1 Location of development

Policy P10 - Design

Policy P12 – Landscape

Policy G1 – Green Infrastructure  
Policy G6 - Protection and Redevelopment of Existing green space  
Policy H1 - Location of new development  
Policy H2 - New housing development on unallocated sites  
Policy H3 – Density of residential development  
Policy H4 - Housing mix  
Policy H9 - Minimum Spacing Standards  
Policy H10 - Accessible Housing Standards  
Policy T1 - Transport Management  
Policy T2 - Accessibility requirements and new development  
Policy EN1 - Climate Change  
Policy EN2 - Sustainable design and construction  
Policy EN5 - Managing flood risk  
Policy EN8 - EV charging infrastructure

#### 8.3 Saved policies within the UDP

Policy GP5 - Development Proposals should resolve detailed planning  
Policy BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.  
Policy N24 - Transition between development and the Green Belt  
Policy N25 - Landscape design and boundary treatment  
Policy N32 – Designated Green Belt.  
Policy N33 - Relates to the scale and form of proposals within the Green Belt.

#### 8.4 Relevant DPD Policies are:

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

#### 8.5 Supplementary Planning Policies

Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria are set out including a requirement to meet BREEAM standards.  
SPG Neighbourhoods for Living  
SPD Parking  
Leeds Street Design Guide  
Designing for Community Safety – A residential Design Guide

#### 8.6 National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

Relevant paragraphs are highlighted below.

Paragraph 12	Presumption in favour of sustainable development
Paragraph 91	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 92	Supports the provision of community facilities
Paragraph 94	Need to create, expand or alter schools
Paragraph 117	Effective use of land
Paragraph 127	Need for Good design which is sympathetic to local Character and history
Paragraph 130	Planning permission should be refused for poor design
Paragraph 143	Inappropriate development within Green Belt
Paragraph 145	Exceptions to development in Green Belt

## 9.0

## MAIN ISSUES

- Impact on Green Belt
- Housing Policies
- Layout and Design
- Impact on Existing and Future Residential amenity
- Sport England
- Highways and Parking
- Landscaping and Trees
- Climate Emergency
- Other Issues
- CIL Contribution
- Representations
- Conclusion

## APPRAISAL

### Impact on Green Belt

- 10.1 This application is submitted to the LPA for demolition of the existing buildings and ancillary carpark, with redevelopment of the site by way of five detached dwellings which would be located within the Green Belt.
- 10.2 The dwellings would be located within a circle which would feature a central green area. The dwellings would be located broadly on the same foot print as the existing function room, officers and chapel of rest, although further to the west which is to alleviate potential disturbance from the cricket pitch to the north east.
- 10.3 In regard to the sites Green Belt status, Paragraph 145 of the NPPF states that LPA's should regard the construction of new buildings as inappropriate in Green Belt. However, various exceptions are considered not to be inappropriate including para 145 (g) paragraph 1 which states:
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the

openness of the Green Belt and the purpose of including land within it than the existing development.

- 10.4 Previously developed land is defined in the NPPF (2019) (Annex 2 Glossary) as Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The next test is to ascertain whether the proposed application would have a greater impact on openness and purpose of Green Belt. The proposal would remove the existing buildings in place of five detached, two storey dwellings.
- 10.5 It is recognised that these are not the only factors that can impact on openness. Other relevant factors could include the positioning of buildings within a site and whether a development will bring with it associated paraphernalia which may also impact on openness; for a residential development this can include garden structures, cars parked on driveways for example. In this instance, the development proposed would be for five dwellings which would be dispersed over parts of the site, some of which do not currently include buildings. Whilst these ‘dispersed’ buildings would generally be situated in locations which currently accommodate development, predominantly in form of hard standing as opposed to buildings they would be considered to have a lesser impact upon openness, than the current proposal by reduction of hard surface and reduction in the intensity of the site, both of these aspects are discussed in greater detail below.
- 10.6 The volume of existing and proposed buildings can be used to give an indication of whether or not the new development will have similar massing. The existing function room, offices and chapel of rest equates to a volume of 3295m<sup>3</sup>. The volume of the proposed dwellings, including garages would equate to 3639m<sup>3</sup>. Given this there would be an overall increase in volume of 344m<sup>3</sup>. Notwithstanding this, it is acknowledged that even though the volume would in fact increase there are other impacts to consider.
- 10.7 As noted above, the proposed five dwellings are considered a less intensive use than the current unrestricted D2 use, which creates high volume movements, due to the function room use. The proposed five dwellings would reduce this intensity and in turn reduce the overall impact upon the openness of the Green Belt. The scheme would remove around 75% of the existing areas of hard surfacing, which is not a characteristic of the Green Belt. The proposal would in turn remove this and replace with five dwellings, with the introduction of new landscaping, domestic gardens and a central green space.
- 10.8 Moreover, the core principles of the NPPF, states that the effective use of land should be encouraged by reusing land that has been previously developed; therefore there is a presumption that previously developed sites should be developed before Greenfield sites. The proposal will utilise previously developed land and thus accords with the principles set out in the NPPF. When considered as a whole against paragraph 145 the redevelopment is considered to have a lesser impact on the openness and thus preserve it and do not conflict with the purpose of the Green Belt.
- 10.9 It is acknowledged that the stop netting could have the potential to impact upon the openness of the Green Belt. As noted above the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this, as stated within paragraph 145, B are for the provision of

appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 10.10 In this instance, the proposed netting would be for an existing cricket club, therefore it would be considered appropriate within Green Belt which would preserve the openness and would not conflict with the purpose of the GB and therefore would meet this test. The extent of netting is limited to just the western side where balls could have the potential to impact on future residents, due to balls intruding into this area. It is considered that the proposed netting due to its position, design and colour would preserve upon the openness of the Green Belt and it is therefore considered to be appropriate and in accordance with relevant policy.

### Housing Policies

- 10.11 With regard to housing policies within the Core Strategy, the proposal complies with the general objectives of policies H2 and H3 which are concerned with new housing developments on unallocated sites. The proposal would deliver an appropriate number of units for this location and does not result in over development of this site.
- 10.12 In regard to policy H4 of the Core Strategy, which requires that developments should include an appropriate mix of dwelling types and sizes taking account of the nature of the development and the character of the location. Given the size of the proposal for five dwellings it is not considered that the mix of dwellings stated within supporting the table to H4 could be achieved, due to the small nature of the scheme and this deviation from policy is considered acceptable in this respect of which the proposal delivers five, four bedroom dwellings.

### Layout and Design

- 10.13 The proposal would create a small residential complex that would provide infill development adjacent to an existing residential area. The site features five detached dwellings with generous spacing in between, which creates an attractive character to the general form of development. The proposal includes a full landscaping scheme which shows planting throughout the site and to the site boundaries, which is considered acceptable. Given this, it is considered that the scheme accords with the general design principles of the adopted SPG 13' Neighbourhoods for Living- A Guide for Residential Design', with regard to general design principles and would respect the Green Belt character.
- 10.14 The actual elevational details of the dwellings propose a modern appearance which would feature a relatively symmetrical appearance with inset/overhang feature to the ground floor, front door way, which adds detail and interest. The dwellings glazing at both ground and first floor would be from the floor to ceiling, which reduces the ratio of solid mass to glazing. All dwellings are two storeys in height and each feature chimneys to their side gables. All of the dwellings also feature attached garages to the side with pitched roofs.
- 10.15 The proposed materials would consist of red brick to the external walls with blue/grey slate roof tiles to the roof. These materials would be considered acceptable in this location, given the diversity of materials in this area. Final details requiring samples, are to be conditioned to ensure an appropriate colour of brick and roof tiles to this area.

- 10.16 The proposal would be considered to follow good general design principles in that the proposed dwellings are two storey in height, constructed of brick and feature a pitched roof. The proposal is therefore considered compliant with policy P10 of the Core Strategy and GP5 of the saved UDP. Conditions are recommended which require the submission of appropriate, sympathetic materials prior to commencement.

#### Impact on Existing and Future Residential amenity

- 10.17 In terms of the residential amenity of future residents, the proposal has been assessed against the Council's Core Strategy policy H9, which relates to Minimum Spacing Standards and echoes those of the National Technical Housing Standards.
- 10.18 In this instance, the internal space for the proposed four bedroom dwellings plots 1 – 4 would equate to 178m<sup>2</sup> with plot 5 equating to 208m<sup>2</sup>. It is acknowledged that three of the bedrooms would exceed 11.5m<sup>2</sup> and in accordance with policy H9, this would potentially provide a four bedroom, seven person house, with the recommended floor space being 115m<sup>2</sup>. The proposal would be considered to provide a good level of internal living accommodation which complies with policy H9 of the Core Strategy.
- 10.19 In terms of impact on the amenity of neighbouring properties, Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. Furthermore, Policy BD5 advises that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight.
- 10.20 In terms of guidance for new residential development, the Council's Neighbourhoods for Living: A Guide for Residential Design in Leeds SPG sets out a range of standards relevant to the layout of development. The SPG recommends a minimum distance of 10.5 metres from a main ground floor (living room/dining room) window to the boundary, 12 metres from a main ground floor window and a side elevation, 7.5 metres from a bedroom or ground floor kitchen window to the boundary. A minimum of 2.5 metres from a tertiary window (kitchens and utility rooms excluding dining areas) to a boundary and 2.5m from a side (bathrooms, staircases and landings as well as blank walls) window to a boundary. In addition, with regard to amenity provision, the Design Guide sets out minimum distances and sizes for amenity space. It advises that as a general guide, private gardens should have a minimum area of two-thirds of the total gross floor area of the dwelling (excluding vehicular provision) and should be a minimum depth of 10.5 metres.
- 10.21 A distance of between 10.8m - 30m is achieved between the rear elevations of the proposed dwellings to their rear boundaries. All main and secondary windows are shown to be located predominantly to the front and rear elevations, posing no threat in regard to overlooking. It is acknowledged that the plots would feature a side window to the ground floor, serving a sitting room, in accordance with the SPG 13, 10.5m should be retained to the boundary. This distance is compliant from all plots except from plot 3 to 4 which retains 6.5m to the side boundary, it is considered acceptable given that this is a ground floor window which would be screened by the boundary treatment, for which details will be conditioned. Windows shown to the first floor side elevations are high level which would serve as bathrooms, and due to this use and height no concerns in terms of overlooking are considered to be created.

- 10.22 The proposed dwellings would all feature a flat roof addition to the rear, which would be accessed directly from two of the proposed bedrooms. Due to the elevated nature of this a condition is recommended which removes the right for future occupiers to use this area as a balcony, in the interests of preserving future residential amenity of these residents and due to the elevated nature of this area.
- 10.23 In regard to possible intensification of the site. The existing site currently holds a D2 use class which operates as funeral directors with attached function room. Given this existing use, the proposal of five dwellings is not considered to be over intensive and would in fact reduce the intensity of the site (as assessed above in relation to the green belt section). The location of the visitor parking spaces are not considered to create any disturbance to dwellings fronting Westway, due to the scale of development.
- 10.24 When considering the amenity of future residents, the proposal features significantly larger gaps between the dwellings, which would exceed the recommended distance as specified within SPG 13 Neighbourhoods for living, 3.5m from side to side. The dwellings would front over a central green area which is considered to provide an attractive vista. The garden sizes of all plots are also considered to exceed the recommended two thirds total floor space, as recommended in the SPG13.

#### Sport England

- 10.25 To the north east of the site a cricket pitch and pavilion is located, which is a designated greenspace in the Leeds Site Allocations Plan, protected by Leeds Core Strategy policy G6. As such Sport England (Statutory Consultee) have been consulted. Despite numerous discussions with both Sport England and the agent on behalf of the applicant, Sport England maintain an objection to the proposals and state:

*'The revised risk assessment (LSUK.19-0282) version 2.0 now addresses the professional level of play that takes place at the adjacent cricket ground and takes into consideration that trees can be cut down, become diseased and die or blow over.*

*Full ball stop mitigation design has not been provided, however, based on the revised Labosport risk assessment report, reference above, ECB is happy to advise that the following mitigation would be suitable:*

- *West Orientation: 25m high*
- *South Orientation 17m high*
- *Design details and a management and maintenance plan which would be the responsibility of the developer in perpetuity are requested.'*

- 10.25 Sport England have indicated that the only solution to this matter is erection of stop netting to the southern boundary, 17m high and the same to the western boundary but 25m.
- 10.26 In this case the LPA consider that the netting to the southern boundary is wholly unnecessary, given that this is an existing situation in which balls are leaving the ground and striking resident's property to Westway, and is not a situation created by this proposal. Given this is an existing situation which is currently resulting in ball strikes towards residents of Westway. The proposal of five detached dwellings would not materially affect the current situation, given that the access to the site would remain where it is which currently serves the funeral directors and function room, which runs

along the southern boundary. It would be unreasonable to make this development responsible for mitigating an existing situation suffered by a third party land owner, in which the proposal has no material impact upon.

- 10.27 The erection of stop netting to the western boundary, is considered reasonable in that some kind of netting to this boundary, would be required, in order to protect the amenity of future occupiers and more importantly to prevent the development prejudicing against the existing cricket pitch. However, the requested 25m high stop netting as specified by Sport England is considered to be unacceptable, in terms of the impact upon character, for reasons which are discussed below.
- 10.28 The applicant has provided elevational plans to show this in relation to the site. However, due to the required height of this netting this would be wholly inappropriate, as it would appear highly evident locally and out of the character (and would not preserve the openness of the Green Belt), resulting in an incongruous addition, being the highest structure within the immediate vicinity, which is further compounded by this site being located within an elevated position.
- 10.29 To address these concerns the applicant has proposed alternative ball stop netting 10m high to the entire side of the western boundary of the site, which is considered to be appropriate in height, whilst limiting its impacting upon the character of the area and would not be considered to impact upon the openness of the Green Belt. The netting would be functional and would not be highly visible given the height of 10m, compared to the previously requested 25m. The proposed netting would also be considered to improve the existing situation.
- 10.30 The net facility would also provide a net gain to overall pitch quality and provision for the cricket club, which would hopefully secure the clubs future viability.

#### Highways and Parking

- 10.31 Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision.
- 10.32 Highways have been consulted and raise no objections. Access would be directly from the private road from Stony Royd which would serve a total of five dwellings, complaint with Street Design Guide. Further to this each dwelling will also be provided with three off street parking spaces in the form of a driveway and garage space, in compliance with the Parking SPD. Subject conditions the proposal complies with policy T2 of the adopted Core Strategy.

#### Landscaping and Trees

- 10.33 The site lies within the Green Belt and to the northern boundary lies a hedge with fencing in between, which currently screens the built development from adjacent open land. A condition is recommended which specifies that the hedge to the northern boundary is retained and infilled in places which would be considered to provide a degree of assimilation to the adjacent Green Belt land in compliance with policy N24
- 10.34 The site currently benefits from a number of trees which are considered ornamental given their garden location. It is noted that the site does not benefit from any Tree Preservation Orders nor is it located within a Conservation Area. The application has been accompanied by a Tree Survey which has identified all trees site on site,

consisting of species such as a Weeping Willow, Apple Tree, Maple and Chusan palm. As part of the proposal a number of these existing trees are to be removed and replaced. The trees to be removed consist of three Eucalyptus trees, two Chusan palms, a Portugal laurel tree and an ash tree. The Weeping Willow, Apple Tree and two of the Chusan palms are all shown to be retained

10.35 The overall details of the proposed landscape including plants/ trees, their sizes will be conditioned and planting which will be required prior to commencement to ensure that an appropriate landscaping scheme is in place and that the retained trees are protected, during the construction phase.

10.36 The existing conifer hedging to south and west boundaries of the site which is currently (approx.) 12m high, has been shown to be reduced to 4m high and retained at this height for the life of the development, of which a condition is recommended to ensure this. This reduction is considered an overall benefit to both the residents of Westway, Alma Close and future residents of this development.

10.36 Give the above and subject to recommended conditions the proposal is considered to be in accordance with Policy LAND 2 of the Natural Resources and Waste Local Plan, Core Strategy Policy P12, saved UDP policy N37.

#### Climate Emergency

10.37 Members will be aware that the Council has recently declared a Climate emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.

10.38 The proposal would remove around 75% of hard standing to be replaced with of landscaping including trees and shrubs. This would be considered an overall enhancement to the site which in turn would contribute towards impacts of Climate Change by reducing surface water runoff and enhancing bio diversity.

10.39 With regard to policy EN8, the applicant has confirmed that electric vehicle charging points would be provided at each property, this also will be subject to a planning condition.

10.40 In addition to the above the applicant has also confirmed that the proposal would incorporate the following measures:

- Wall, floor and roof insulation to be higher level to exceed the current Building Regulation requirements
- All lighting to be low energy LED
- Improved air tightness to be achieved
- Sanitary ware to be low use water efficient type
- Gas boilers to be energy efficient condensing type
- External water butts to be provided for garden/external use
- Permeable paving to be installed
- Local building materials to be sourced, where available
- Local trades to be employed, where available at acceptable rates

- 10.41 The above points would be considered positive features which in turn would go towards helping towards impacts of Climate Change and would be conditioned as part of any approval.

#### Other Issues

- 10.42 Given the Green Belt location a condition is recommended to secure that no other extensions or outbuildings are erected to either of the dwellings by removing all permitted development rights in the interests of preserving the openness of the Green Belt.

#### CIL Contribution

- 10.43 The building falls within Zone 1 which incurs a CIL charge of £90 per meter square gross internal floor area. This equates to a total CIL charge of approximately £17,769.92. A CIL liability notice would be issued with the decision and is required to be paid prior on commencement. This is provided for information only, as it is not material to the determination of the application.

#### Representations

- 10.44 All letters of representation received and which are material considerations have been addressed in the above report. Comments received in regard to the potential of further development to north of the site, in this case, the application has been accompanied with a location plan which highlights a blue and red line. The blue line represents land which is in the applicant's ownership with the red line identifying the area of proposed development.

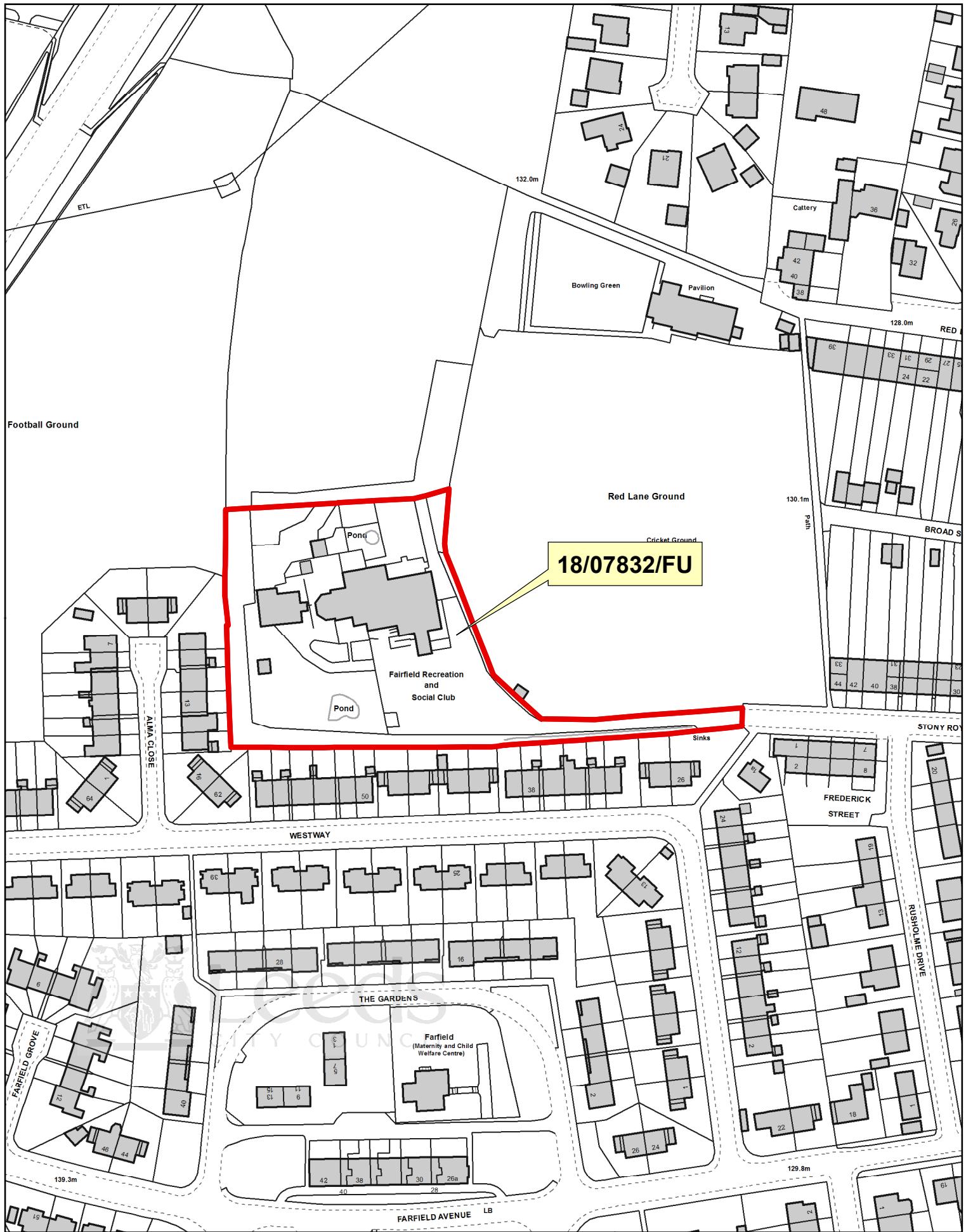
## 11.0 CONCLUSION

- 11.1 Given the above, weight must be attached to the fact that this application site is a previously developed site within the Green Belt and the proposed redevelopment is considered to fall within a green belt exception and is not therefore inappropriate in the green belt.. It is considered the site is located within a sustainable location, within a suburban area, with good access to public transport.
- 11.2 Subject to the imposition of appropriate planning conditions, it is determined that the proposal has the capacity to sufficiently protect and enhance the amenity of existing and proposed residents, as set out in the report above. Ball strike netting to the western boundary would mitigate against any ball strike and the remove of a large proportion of hard surface to be replaced by landscaping, is a positive feature.
- 11.3 The proposal offers good quality design and a layout which provides good levels of amenity space. It is considered the proposal will provide good levels of habitation in an attractive and peaceful setting. The housing proposed would act to improve the quality of the area above that of the existing industrial buildings.
- 11.4 Setting aside Sport England's objection the proposal is considered to comply with the relevant Development Plan polices and to constitute sustainable development. It is recommended that planning permission be granted subject to the conditions set out at the head of this report.

#### **Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file. 18/07832/FU



# SOUTH AND WEST PLANS PANEL

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