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Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 19th May 2011

Subject: Application 11/00915/FU – Three storey residential care home with basement car parking, laundry, kitchen and stores at Grove Lane, Headingley, LS6.

APPLICANT
TCWP 008 Ltd

DATE VALID
7th March 2011

TARGET DATE
6th June 2011

Electoral Wards Affected:

Chapel Allerton



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

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

- (a) Public Transport Contribution – £21,189**
- (b) Metro Bus Stop Contribution – £10,000**
- (c) Travel Plan and Monitoring Fee – £2500**

1. Time limit for implementation.
2. Plans to be approved.
3. Wall and roof materials.
4. Details of means of enclosure to basement car park, including design, materials and colour of proposed entrance shutter and details of boundary treatments/railings to open sided panels around the edge of the car park.

5. Surfacing materials.
6. Preservation of existing trees.
7. Method statement for protection of trees during construction and carrying out of development in relation to trees.
8. Submission of landscaping scheme, including boundary treatments and management plan for 5 years.
9. Implementation of landscaping scheme.
10. Details of construction of landscaped terrace above the roof of the basement car park area, to include planting details.
11. Laying out of vehicular areas.
12. Provision of cycle parking, motorcycle parking and mobility scooter charging points in accordance with approved plans.
13. Provision for contractors during works, including measures to prevent mud on local highways.
14. Scheme for the operation of the proposed basement car park, including measures to ensure that access to the basement car park for staff and visitors remains available at times when the security shutter is closed.
15. Site to be developed with separate systems for foul and surface water drainage.
16. Details of foul and surface water drainage proposals and implementation of drainage scheme.
17. Submission of contaminated land reports.
18. Submission of amended contaminated land reports in the event that unexpected contamination is discovered.
19. Submission of verification report in relation to any remediation works.
20. First floor lounge window in eastern elevation to be obscure glazed.

Reasons for approval: It is considered that the proposed development would reflect the scale and character of surrounding developments and would take the opportunity to improve the character and quality of the area. On balance, it is considered that the proposed development would provide an appropriate level of amenity for future occupiers, and not detract from the amenities of neighbouring residents or from highway safety in the locality. The application is considered to comply with policies GP5, N12, N13, N23, N24, N25, BD5, T2, T2C, T2D, T5, T6, T7A, T7B, T24 and LD1 of the Leeds UDP Review, as well as guidance contained within Leeds City Council's Neighbourhoods for Living SPG, Street Design Guide SPD, Travel Plans SPD, Public Transport and Developer Contributions SPD and PPS1 and, having regard to all other material considerations is considered acceptable

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel at the request of Councillor Dowson on the grounds of the size of the building and the impact on neighbouring residents in terms of overlooking and overshadowing. Councillor Dowson has requested a site visit, and has asked that Members view the site from the garden of one of the neighbouring properties on Cherry Grove to the east.
- 1.2 Permission is sought for a 76 bedroom care home on the site of a former petrol filling station on Grove Lane in Headingley, which is now vacant. Permission was granted in 2007 for a development of 34 apartments on the site, however this permission has now expired.

2.0 PROPOSAL:

- 2.1 Full permission is sought for a 76 bed care home on the vacant site of a former petrol filling station. The building would be predominantly two-storey in appearance, but would also incorporate three storey gable features and dormers in its design, serving a third floor of accommodation within the roofspace. A lower ground floor level is also proposed within the eastern part of the building, providing ancillary facilities including the kitchen and laundry, staff facilities and a basement car park for staff and visitors.
- 2.2 The proposed building would be built in an L-shaped layout, and would be constructed of brick with render at first floor level, a tiled roof and timber doors and windows. While the proposed building does include accommodation within the roofspace, and incorporates some three storey gable elements in its design to the front and rear, it would appear predominantly as a two storey structure with the rooms in the roofspace served by dormers, and two storey bay window features to the front, rear and eastern side elevations.
- 2.3 The main vehicular access point for the care home is proposed in the north eastern corner of the site, with 3 parking spaces close to the entrance and an access drive running alongside the eastern elevation of the building and leading to the proposed basement car parking area, where 17 spaces are proposed for staff and visitors, together with cycle and motorcycle parking and a charging point for electronic scooters. A second access point leading to 6 further parking spaces is proposed in the north western part of the site. An existing lay-by to the front of the site is proposed to be retained for use by ambulances.
- 2.4 Two main areas of amenity space are proposed within the site for future residents. The first, to the south of the building, would consist of a landscaped terrace area which would be situated on the flat roof of the underground car park, and would be landscaped and lawned with paths and patio areas for residents. A path would lead through the site from this terrace area to a second landscaped area within the far western part of the site, where a second patio area and possible summerhouse are proposed. As well as screen planting along the site frontage and landscaping within these amenity areas, larger sections of woodland planting are proposed within the south eastern part of the site, adjacent to the basement car park, and on the land immediately outside the southern boundary of the site, which is also within the applicant's ownership. These planting areas are intended to provide screening of the development in more distant views and to provide a landscaped 'buffer' between the built development and the open rural land to the south to help to assimilate the development into the landscape.

- 2.5 A draft Section 106 Agreement has been submitted to cover the following matters:
- Public Transport contribution – £21,189
 - Upgrading of bus stop adjacent to site – £10,000
 - Travel Plan and monitoring fee – £2500

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a former petrol filling station and vehicle repair garage located on a triangular shaped site. The former buildings have now been demolished and the site is currently vacant and is relatively overgrown and unkempt in appearance. The site slopes gradually downhill from Grove Lane towards the open land and playing pitches to the rear.
- 3.2 The site is located within a predominantly residential area close to the junction of Grove Lane and Meanwood Road to the east. There are two storey residential properties to one side (Cherry Grove to the east) and on the opposite side of Grove Lane to the north, and a pair of semi-detached properties close to the western boundary of the site. The land to the rear of the site is open, and includes a protected playing pitch to the south east, an area of proposed public greenspace to the south, and an Urban Green Corridor designation which includes the application site. There are important mature street trees to the Grove Lane frontage and a number of important off-site mature trees towards the rear on the Greenspace and playing pitch, some of which are protected by a Tree Preservation Order (TPO). The site is also visible in wider views from dwellings on Ridge Terrace and from public areas on an elevated area of land around 300m away to the south west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Permission was granted in September 2007 for a residential development of 34 flats with car parking and landscaping (application 07/03240/FU). This permission has now expired. The development proposed at that stage comprised a courtyard of three storey buildings with associated amenity spaces and car parking, including an undercroft parking area with decked amenity space above.
- 4.2 All other planning history for the site relates to its former use as a petrol filling station.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions regarding the proposed development were held between the applicant and agent and planning, highways, landscape and design officers prior to the submission of the application. The scheme was revised during the course of these discussions to move the proposed building away from the southern boundary and align it more with the site frontage, and to reduce the scale and massing of the building by lowering the eaves and incorporating the second floor accommodation within the roofspace with dormers and gables rather than within an additional third storey as was originally proposed.
- 5.2 Following receipt of the application for the reduced scheme, some minor changes have been made to the internal highways layout, and to provide additional screen planting around the parking spaces and bin store to the front of the site.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

6.1 Councillor Dowson has raised concerns regarding the building's height and proximity to the houses on Cherry Grove to the east, and the impact of the development on neighbouring residents in terms of overlooking and overshadowing of their properties as a result. She has requested that the application be reported to Panel in the event that officers are minded to approve it, and that a site visit be carried out by Panel Members.

Woodhouse Ridge Action Group

6.2 Object to the proposals as currently submitted, but advise that they would have no objection to the principle of the development, subject to the following matters being resolved:

- Visual impact not sufficiently mitigated by screen planting as is required by UDP policy N24 and Council policy guidance. Building is large scale and replaces a much smaller building. Only limited scope for planting within the site due to large footprint of building and its shape.
- Character and specification of proposed landscape planting fails to take account of site's location within an Urban Green Corridor – contains too many ornamental species where there should be higher proportions of native trees. Size of trees proposed is too small – should contain a mix of smaller and larger, heavy standard plants.
- Inadequate planting to Grove Lane frontage, which is locally characterised by residential properties with front gardens, continuous hedging and front walls.
- Inadequate screening to eastern boundary – should have a native hedge with intermittent native trees.
- Grass verges to front of site should be retained and not converted to tarmac with bollards as happened at adjacent site.
- Application should be accompanied by a legal agreement requiring the dedication and management of the adjacent field as public greenspace, with a planting scheme for woodland and wildflower meadows, with paths through.
- No blue line shown on application plans, although it is understood applicant owns land to south (designated as proposed public greenspace in UDP).

Other public response

6.3 The application has been advertised as a major application by site notice and press notice. 6 letters of objection and two letters of comment have been received, raising the following concerns:

- Other residential properties in area are similar heights, this is too high, and will dwarf neighbouring properties and dominate the landscape. Does not respect size, scale and spacing of neighbouring properties. Contrary to UDP.
- Development too high and too close to properties on Cherry Grove to the east – will overlook and overshadow, and will be overbearing to neighbouring residents. Might be acceptable if it were 1 or 2 storeys.
- overshadowing will result in neighbouring residents having to use artificial lighting – impact on energy consumption.
- Close to busy road – is it a suitable location for a care home. Where will visitors park?
- Hedge on southern boundary is insufficient to screen development – will take a long time for saplings to grow to screen a development of the height proposed.
- Screen planting proposed in field to south of site – would like assurance that there is no prospect of a future application to extend the care home into this field, and that the field is secured as green space.

- Concern regarding building on green field/sports pitches to rear of site – currently used by local people for recreation.
- Impact on drainage/capacity of existing sewers.
- Submitted drawings include part of neighbouring property within red line boundary.
- Impact on property values.

7.0 CONSULTATIONS RESPONSES:

Statutory

Highways

- 7.1 No objections in principle, subject to a number of changes to the proposed internal layout and the carrying out of off-site highway works, for which a Section 278 Agreement would be required.
- 7.2 Revised plans have been received in the light of the comments received, and the agent has confirmed their agreement to the off-site highway works identified. The highways officer has advised that they have no objections to the revised plans, subject to conditions and the submission of a S278 Agreement to cover the off-site highway works.

Yorkshire Water

- 7.3 No objections, subject to conditions.

Non-statutory

Flood Risk Management

- 7.4 No objections, subject to conditions.

Contaminated Land

- 7.5 No objection subject to conditions.

West Yorkshire Police

- 7.6 Advice provided on design of entrances, boundaries etc to optimise security.

Transport Policy/Travelwise

- 7.7 No objections – Travel Plan and monitoring fee of £2500 to be part of Section 106 Agreement.

Public Transport

- 7.8 Based on the number of bedrooms proposed, a contribution of £21,189 is required towards public transport improvements, in accordance with the 'Public Transport Improvements and Developer Contributions' SPD.

Access Officer

- 7.9 Suggestions were made regarding the plans as originally submitted. Revised plans have been received, addressing these comments, therefore no objections.

Metro

- 7.10 Contribution of £10,000 requested to cover the cost of upgrading the bus stop to the north of the site on Grove Lane to provide a Real-Time Information display.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The site is within an Urban Green Corridor as designated in the UDP. The land immediately to the south of the site, where the off-site buffer planting is proposed, is designated as proposed public greenspace in the UDP, and the playing fields to the south east are designated as protected playing pitches. A number of off-site trees adjacent to the southern boundary of the site are protected by a Tree Preservation Order (TPO). The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- N12 – Urban design
- N13 – Design and new development
- N23 – Design of incidental open space around new developments
- N24 – Buffer planting on developments adjacent to open land
- N25 – Design of boundary treatments
- BD5 – New buildings and amenity
- T2 – Highway safety
- T2C – Travel plans
- T2D – Public transport contributions
- T5 – Access for pedestrians and cyclists
- T6 – Access for disabled people
- T7A&B – Secure cycle and motorcycle parking
- T24 – Parking provision
- LD1 – Landscaping

Relevant supplementary guidance

8.3 The following Supplementary Planning Guidance (SPGs) and Supplementary Planning Documents (SPDs) are relevant to the consideration of the application:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- SPD – Street Design Guide
- SPD – Public Transport and Developer Contributions
- SPD – Travel Plans

Government Planning Policy Guidance/Statements

8.4 The following Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) are relevant to the consideration of the application:

- PPS1 – Delivering Sustainable Development

9.0 MAIN ISSUES

1. Principle of development
2. Design, visual amenity and landscaping
3. Residential amenity
4. Highways
5. Section 106 obligations
6. Other issues

10.0 APPRAISAL

Principle of development

10.1 The site was formerly occupied by a petrol filling station and vehicle repair garage consisting of several buildings and a canopy with extensive areas of hardstanding, and as such is considered to constitute previously developed land. The principle of residential development on the site has been established via the granting of planning permission for flats in 2007, and whilst this permission has now expired, it is considered in the light of the above that the principle of a care home development on the site is acceptable, subject to all other material planning considerations, as discussed below.

Design and visual amenity

10.2 The concerns regarding the height and scale of the proposed development and its impact on the streetscene are noted. The site is located within a mixed streetscene which includes two storey semi-detached and terraced properties to the north of the site on the opposite side of Grove Lane, a relatively wide road. Properties on Cherry Grove to the east include 2 storey conventional detached houses immediately to the east of the site's eastern boundary, with three storey flats further east on Grove Lane at the junction with Meanwood Road.

10.3 Permission was granted in September 2007 for the development of 34 flats on the site. The building proposed at that time was of a contemporary three storey design incorporating pitched roof sections with rooflights and higher flat-roofed three storey elements projecting through the eaves into the roof. The building as approved had an L-shaped footprint, with the blocks running parallel with the southern and western boundaries of the site and parking areas to the front, between the building and Grove Lane, and within an undercroft basement garage area. The eaves heights of the approved flats building and the care home now approved are broadly similar, with some variations due to the differences between the siting of the proposed buildings and the variations in levels within the site. However, the roof pitch as approved was shallower than that of the care home now proposed and the overall height of the building lower as a result. Whilst this permission expired in 2007, it was granted relatively recently and is considered to provide a reasonable indication in terms of parameters for a redevelopment of this site.

10.3 Whilst the care home would have accommodation over three storeys, the building would be predominantly two storey in its scale and design, with most of the rooms on the upper floor served by dormers, and three storey sections being restricted to intermittent gable features rather than the dominant elements in the building's design as they are in the flats on Cherry Grove to the east. The eaves height of the proposed building would be 6.2m to the north elevation. Although the proposed building would be higher than the buildings immediately to the east of the site, the wider streetscene incorporates a greater variety of building heights and designs, including three storey flats further to the east as well as the two storey houses to the north and east. In this context, it is not considered that the proposed development is such that it would appear incongruous or unduly prominent by virtue of its height or scale.

10.4 The design of the proposed building includes features which are characteristic of others in the streetscene, including bay windows and forward-projecting gables, and materials which reflect those used on surrounding buildings. Whilst the building frontage facing onto Grove Lane would be almost 68m long, a variety of measures have been included in order to minimise the massing and presence of the building

within the streetscene, including design features such as gables, dormers and bay windows, the use of a varied palette of materials, including stone window features and the use of render at first floor level, and the setting back of the eastern section of the building further back into the site by around 3m. It is considered that the design and layout of the building would reflect the scale and character of surrounding development, and that the proposals take the opportunity to improve the character and quality of the streetscene and the wider area in this respect.

- 10.5 Woodhouse Ridge Action Group have raised a number of concerns regarding the proposals for landscaping and planting within and around the site. The site is adjacent to an area of open land and playing fields to the south, and any building proposed on the site would be visible from these areas, and also in wider views across the open land from the elevated land further away to the south west. Policy N24 of the UDP states that where development proposals abut open land, 'their assimilation into the landscape must be achieved as part of the scheme', and that if existing landscape features would not achieve this, a landscaped 'buffer' area will usually be required to deal positively with the transition between the built development and the adjacent open land.
- 10.6 The proposals as submitted include the provision of a 10m wide area of 'buffer' planting within the area of land immediately to the south of the proposed building, which is within the applicant's ownership, with the aim of screening the development from the playing fields/open land immediately to the south and the elevated ridge further away to the south east, and helping to assimilate the development into the landscape. This planting would be of a 'woodland' character, and incorporate a mix of 'understorey' planting to provide shorter term cover and screening, together with larger trees which will grow to maturity to provide screening in the longer term. The proposals include the retention of the TPO trees to the south of the site. Following discussions with the landscape officer regarding the design and scale of this planting and the nature of the species proposed, revised plans have been received which show an area of planting which the landscape officer has advised would be of an appropriate density and character to achieve an appropriate transition between the development and the rural land to the south, and it is considered that the proposals would comply with the requirements of policy N24 in this respect.
- 10.7 In response to the indicative landscaping proposals as originally submitted, concerns were raised by both the landscape officer and Woodhouse Ridge Action Group regarding the nature and character of some of the planting proposed within the site, which was considered to be inappropriate in its character in certain areas, or to be insufficiently large or dense to provide screening of parking areas for example. Following discussions with the landscape officer, revised indicative landscaping plans have now been submitted to include species which are now considered to be more appropriate to the purposes for which they are proposed, with denser species included around the parking areas and bin storage area to the front of the site and ornamental species confined more to the residents' amenity areas. The indicative details submitted are now considered to be appropriate in terms of both the character and appearance of the site and the aims of the site's inclusion within a designated Urban Green Corridor. Conditions are recommended requiring more specific details of individual species, planting densities, and the management and maintenance of the landscaping within and around the site. It is also recommended that details of the proposed terrace area to the rear of the building, which would be created over the roof of the proposed underground parking area, be submitted for approval by condition to ensure that this is appropriately laid out and that the construction of this area is sufficient to allow the establishment and continued survival of planting to this area.

10.8 In the light of the above, it is considered that the design and scale of the building, and the layout and character of the landscaping proposed would be acceptable, and that the proposed development would not appear as an incongruous or unduly prominent feature within the Grove Lane streetscene or within wider views of the site across the open land to the south. It is considered that the proposed development would improve the character and quality of this derelict site, and the proposals are considered to be acceptable in this respect.

Residential amenity

- 10.9 The concerns of neighbouring residents, particularly those on Cherry Grove to the east of the site, with regard to the size of the proposed building and the impact on their amenity in terms of overlooking, overshadowing and overdominance, are noted.
- 10.10 The nearest neighbouring properties to the site are those on Cherry Grove to the east. The alignment of the proposed building with Grove Lane to the north means that the eastern section of the building facing Cherry Grove would be situated at an angle in relation to the rear elevations of these neighbouring properties, with the rear sections of the proposed building stepped in further away from the common boundary. Neighbourhoods for Living recommends a separation distance of 7.5m between bedroom windows and site boundaries. At their closest point, the bedroom windows in the eastern elevation would be at least 9m from the eastern boundary at first floor level and 9.6m at second floor level, with other bedrooms being further away as the building steps away from the eastern boundary. According to the submitted plans, the proposed bedroom windows in the eastern elevation would all be over 20m from the rear elevations of properties on Cherry Grove. Whilst it is noted that the building would be slightly higher than the two storey properties to the east, and would incorporate rooms in the roofspace, it is considered on balance, in view of the additional separation distances proposed, which are over 1.5m in excess of those recommended in Neighbourhoods for Living, and the angling of the building away from the boundary, which would go some way to preventing direct views into neighbouring properties, that it would be difficult to justify refusal of the application on the grounds of overlooking.
- 10.11 The closest windows to the eastern boundary of the site would be the lounge windows proposed at ground and first floor levels in the rear section of the building's eastern 'wing', which would be only 7.2m from the boundary at their closest point, which is less than the 10.5m recommended in Neighbourhoods for Living in relation to 'main' room windows. As these windows are secondary windows serving these lounges, rather than the primary sources of light and outlook, it is considered on balance that concerns regarding overlooking in this respect could be satisfactorily overcome by the use of appropriate boundary treatments at ground floor level and the use of obscure glazing in the first floor windows. Conditions to this effect are recommended as part of any permission.
- 10.12 The proposed building would be predominantly two storey in its design, and whilst it would have a greater roof height overall than the flats approved in 2007, the eaves height of this part of the building, at around 7m, would be similar to the previously approved building. The approved flats building was proposed to run almost parallel to the eastern boundary, at a distance of around 9.6m away on average. In addition, the height and massing of the building as approved would have remained relatively constant along this projection, with high vertical elements and flat-roofed dormer features projecting above the eaves into the roof. In comparison, it is considered that the orientation of the proposed care home building at an angle to the eastern

boundary, and its design and layout, with the rear sections stepped further away from the boundary and the roof height gradually stepped down, would serve to break up the scale and massing of the building. On balance, it is considered that in view of the predominantly two storey appearance and height of the building and its design, siting and orientation in relation to neighbouring properties to the east, it would not be of such a height or proximity to neighbouring dwellings as to constitute an overbearing or overdominant feature, and it is considered that any increase in overshadowing of neighbouring properties would be marginal and insufficient to justify refusal of the application on these grounds.

- 10.13 In terms of the relationship between the proposed building and other neighbouring properties to the north and west, it is considered in view of the height of the proposed building and the separation distances between the building and neighbouring dwellings, that any increase in overlooking or overshadowing would be marginal and insufficient to warrant refusal on these grounds.
- 10.14 It is considered that the design and siting of the proposed building is such that it would provide an appropriate level of outlook from all bedrooms and from communal lounge and dining areas. Two main outdoor amenity areas are proposed for residents, one to the rear of the building, where a landscaped terrace is proposed above the roof of the basement parking area, and a second in the western part of the site, where additional planting is proposed to provide screening of this area for use by residents. Ramps and paths are proposed between these two garden areas, together with numerous other paths throughout the site to provide access to amenity areas for future residents. It is considered that the layout of the scheme and the proposed amenity areas would ensure that future residents have access to a variety of outdoor spaces, and would provide an appropriate level of amenity in this respect.

Highways

- 10.15 Following the receipt of revised plans addressing a number of minor concerns in relation to the proposed internal layout of the site and the basement parking area, the highways officer has advised that they have no objections to the proposals, subject to conditions and the provision of off-site highway works, which would be addressed via a separate Section 278 Agreement. Subject to the recommended conditions therefore, it is considered that the proposals are acceptable in this respect and would not detract from highway safety.

Section 106 Agreement

- 10.16 The applicant has agreed to provide contributions of £21,189 towards public transport improvements and £10,000 towards the upgrading of the bus stop to the north of the site to provide a real-time information display. These matters, together with the submitted travel plan and monitoring fee (£2500) are to be covered by Section 106 Agreement.
- 10.17 In terms of the Section 106 Agreement, on 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:

(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; and
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.

- 10.20 According to the draft guidance issued for consultation in March 2010, 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 relate to the provision of contributions towards public transport improvements, a travel plan and monitoring fee and the upgrading of a bus stop adjacent to the site.
- 10.21 Officers are of the view that its provision is necessary to make the development acceptable in planning terms. The public transport improvements and travel plan requirements have been calculated and provided in accordance with the Council's *Travel Plans and Public Transport Improvements and Developer Contributions* SPDs, and it is considered that the nature and scale of the development proposed is such that the requirement for the upgrading of the bus stop to the north of the site is fairly and reasonably related to the development in accordance with UDP policies encouraging sustainable travel and improved access for pedestrians. The proposed obligations are physically and functionally related to the development site and the level of provision offered is considered to be fairly and reasonably related to the proposed development.
- 10.22 Woodhouse Ridge Action Group have requested that a legal agreement be submitted to cover the laying out of the open space to the south of the site as public greenspace, including the provision of woodland planting, wildflower meadow and paths through the site. The Council's UDP policies and SPG guidance in relation to the provision of Greenspace refer only to the requirement for such provision as part of residential schemes of 10 dwellings or more (C3 use class), whereas the proposed development is for a care home on the site (C2 use class). Whilst it is noted that the land to the south of the site is designated as proposed public greenspace in the UDP, it is not considered that there is any policy justification for the requirement of greenspace provision as part of the development, and such a requirement would therefore not meet the tests for planning obligations set out above and has not been requested in this instance.

Other matters

- 10.23 Concerns regarding the impact of the proposed development on drainage are noted. Neither Yorkshire Water nor the Council's Flood Risk Management section have raised any objections to the proposals on this basis, therefore it is not considered that refusal of the application on these grounds could be justified.
- 10.24 In response to concerns that the submitted site plan included part of a neighbouring site, the plans have been revised to exclude this land. The location plan has also been updated to include the land to the south, which is also within the applicant's ownership, within a blue line boundary, in response to concerns raised by local residents.
- 10.25 Concerns have been raised that the development of this site could lead to pressure for the open land to the south to be developed in the future. With the exception of the proposed 'buffer' planting outside the southern boundary of the site to provide screening of the development, no works are proposed to this land to the south as

part of this application. Any application for proposals to develop the land to the south would need to be considered on its own merits and in the light of relevant planning policy, guidance and other material planning considerations. At present the land to the south is identified in the UDP as a potential site for greenspace provision, therefore regard would need to be had to this designation in the event that an application for the development of this site were to be submitted.

- 10.26 Concerns regarding the impact of the proposed development on property values are not material planning considerations and cannot be given any weight in the determination of this application.

11.0 CONCLUSION

- 11.1 It is considered that the proposals would provide a well-designed development which would reflect the scale and design of surrounding properties and would take the opportunity to improve the character and quality of the area. It is considered on balance that the scheme would not detract from the amenities of neighbouring residents or from highway safety in the locality, and it is considered that the proposals would provide an appropriate level of outlook and amenity for future residents. The scheme would provide contributions towards public transport improvements in the local area, and the upgrading of a bus stop to the north of the site, and would include a travel plan and provision for its monitoring and evaluation, in accordance with Council policy and guidance. The proposed development is therefore considered to comply with relevant policies in the Leeds UDP, together with local and national planning guidance, and it is therefore recommended that the application be approved, subject to the conditions set out above.

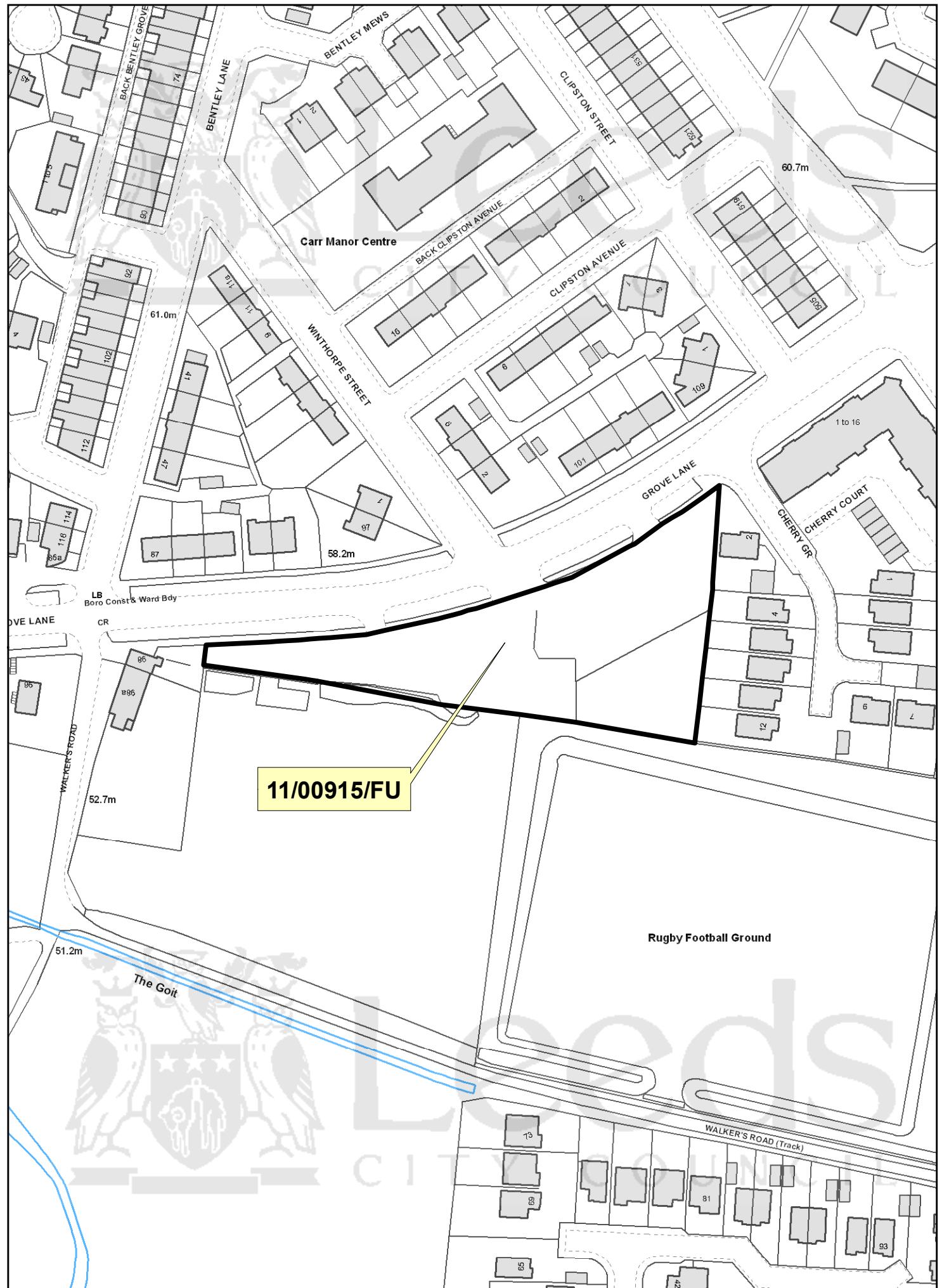
Background Papers:

Application file and history files 07/03240/FU.

Certificate of Ownership: Signed on behalf of applicant.

11/00915





EAST PLANS PANEL

