



**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 11 August 2011**

**Subject: APPLICATION 11/01716/OT – Outline application for specialist care village including new access, Land at Bradford Road, Gildersome, Leeds.**

**APPLICANT**

Gildersome Developments  
Ltd

**DATE VALID**

27<sup>th</sup> April 2011

**TARGET DATE**

22<sup>nd</sup> June 2011

**Electoral Wards Affected:**

**Morley North**

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 he might consider appropriate) and the completion of a legal agreement to include the following obligations;**

- (a) Restrict occupation of buildings to those people with PWS**
- (b) Travel Plan and Monitoring Fee – £2,500**

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

1. Standard Outline time limit.
2. Matters reserved
3. Development in accordance with approved plans
4. Materials to be submitted and approved
5. Hard surfacing details to be submitted
6. Visibility splay to be laid out
7. Car parking layout to be submitted
8. All surfaces to be hard surfaced drained and sealed

9. Details of bin storage
10. Landscaping details to be submitted
11. Landscaping Implementation
12. Preservation of existing trees
13. Replacement planting
14. Details of drainage scheme
15. Hours of construction
16. Land contamination desk study to be submitted
17. Remediation report

**Reason for approval:** The principle of development is considered to be acceptable as the proposal is needed within the wider area, does not harm the residential amenity of the area or create harm to highway safety. As such, the application is considered to comply with policies GP5, BD6, H4, H9, T2 and T24 of the UDP Review, as well as guidance contained within PPS1 and PPS3, and having regard to all other material considerations, the application is recommended for approval

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel (East) at the request of Councillor Tom Leadley due to the contentious nature of the application and local sensitivity regarding the proposals.

## **2.0 PROPOSAL:**

- 2.1 The proposal is an outline application for a specialist care village specifically for people with Prader Willi syndrome (PWS). At this point it is considered important to outline the syndrome and its characteristics.

### Prader Willi Syndrome

1 The Prader Willi Syndrome (PWS) affects both males and females and appears to be present in all races. It is characterised by extreme floppiness at birth caused by low muscle tone and is usually so severe that tube feeding is necessary at birth, and up to several weeks afterwards.

2 Poor sucking ability and sleepiness mean that babies often show little interest in food and there is a subsequent failure to thrive in the early months of life which can sometimes continue to the toddler stage.

3 Immature sexual development is often evident from birth, especially in males. Following the failure to thrive phase, from early childhood interest in food and appetite increase markedly and over eating can result.

4 This, usually together with low muscle tone, can cause severe and life-threatening obesity unless a life-long lower-calorie diet is followed. This is true of everyone with PWS - there are no exceptions.

5 Later in life the presence of varying degrees of learning disability and immature emotional and social abilities all become apparent.

6 It is thought that most of the symptoms of PWS result from a dysfunction of the hypothalamus which controls many of the hormone functions of the body. It is important to note that PWS is not an eating disorder; it is genetic in origin, is due to an abnormality on gene number 15 and is therefore, in the main, present at the time of conception.

7 PWS-like symptoms can be acquired by damage to the hypothalamus during a person's life. This may be as a result of a head injury or from a tumour, or from surgery following the removal of a tumour.

8 In these cases the person does not have any of the physical characteristics of PWS but acquires some of the behavioural and appetite problems which are associated with the syndrome.

9 There are a number of characteristics associated with the syndrome

#### Physical

- generally short stature with very small hands and feet
- curvature of the spine
- undescended testes in males
- absent or irregular periods in females
- excessive daytime sleepiness and disordered night time sleep patterns
- repeated momentary cessation of breathing whilst asleep
- squint and other visual impairments
- high pain threshold with decreased sensitivity to altered temperatures
- easy bruising
- poor body thermostat
- thinning of the bones in both males and females, due to a lack of sex hormones

#### Psychological

- a delayed or underdeveloped emotional and social level
- emotional outbursts of rage or prolonged crying
- obsessive / compulsive behaviour
- skin-picking
- argumentative or oppositional behaviour
- stubbornness
- difficulty in adapting to changes in routine
- manipulative behaviour
- attention-seeking behaviour
- depression and anxiety

#### Medical complications occurring frequently in those who are overweight

- Heart disease
- breathing problems
- diabetes mellitus
- excess fluid in the tissues
- inflammation and infection of tissues under the skin

2.2 It will provide a dedicated care facility for the syndrome for the whole of the West Yorkshire Area as no such facility currently exists. Within the proposal, there will be different levels of care from independent living units through close care and high dependency units to a larger main care unit.

2.2 The application seeks to confirm the principle of development and the access to the site with all other matters reserved. This includes scale, although an indication is given within the design and access statement where two to two and a half storey is proposed.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located on the Southern side of the old Bradford Road within an island of land bounded to the South by the A650. To the North and East the site there are residential properties and to the West of the site there is an existing residential care home. The site is not designated within the UDP and is currently undeveloped.
- 3.2 The site is reasonably accessible by public transport, located as it is close to a number of bus services and it is located adjacent Junction 27 of the M62 motorway making it easily accessible by the private car. There is however little in the way of shops located within the local vicinity.
- 3.3 The surrounding area is predominantly residential in character with a mix of differing traditional properties and the whilst the site falls within Drighlington Parish Council, the sites Eastern boundary forms the boundary with Gildersome Parish Council and as a result, both Councils were consulted on the application.

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

- 4.1 23/342/05/OT: Outline application to layout access and erect 2 storey 40 bedroom residential home with 18 car parking spaces. Refused 25 April 2006.
- 4.2 This application was the subject of an appeal (6 November 2006) and the appeal was dismissed. The inspector concluded that as the application, whilst not providing dwellinghouses, it was nevertheless providing housing for a section of the community, and that the applicant had not shown why the proposal needed to be on this Greenfield site. Furthermore she concluded that the site, whilst having good public transport links, lacked local shops and services that made the site unsustainable. She did highlight the fact that there were schools and employment sites nearby but that these would be of little interest to residents of a residential care home.

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

- 5.1 Pre-application discussions have taken place with the agents for the application to consider whether the principle of development of the site would be acceptable. Informal officer opinion was that given the nature of the proposal and the specific requirements of the syndrome, that the development of the site for this purpose may be acceptable.

### **6.0 CONSULTATION RESPONSES:**

#### Statutory Consultations:

- 6.1 Coal Authority – No objection  
Highways – No objection subject to conditions

#### Non Statutory Consultations:

Contaminated Land – No objection subject to a conditions.

### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice on 20 May 2011 and by 17 neighbour notification letters on 11 May 2011. There have been 23 letters of representation received of which one is a letter of support and the issues raised are as follows.

- a) There will be a risk to the general public due to the unpredictable nature and aggression of residents
- b) The location is close to major retail outlets and would be poorly sited given the residents requirements to be away from such places
- c) There will be an increase in traffic leading to road safety issues
- d) There will be an increase in noise and disruption from both increased road use and residents
- e) There has been a lack of community involvement
- f) There is already too much on street parking
- g) There will be overlooking from the 2.5 storey buildings
- h) The development will have a detrimental effect on property values
- i) The site is green belt land
- j) Building works would cause large scale disruption to the residents
- k) There are no elevational drawings
- l) A lack of notification of the development has been evident
- m) If there are not enough PWS sufferers will other "high dependency" users be housed instead
- n) There will be a reduction in wildlife
- o) The plans do not show the new residential properties on the site.
- p) Views will be obstructed

7.2 Drighlington Parish Council – No objection  
Gildersome Parish Council – No response

## **8.0 PLANNING POLICIES:**

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). 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. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal. The following policies from the UDP are relevant:

- Policy GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- Policy BD5 seeks to ensure that all new buildings should be designed with consideration to both their own amenity and that of their surroundings.
- Policy H4 provides for residential development on unallocated sites.
- Policy H9 refers to residential developments for elderly, ethnic minorities and disabilities will generally be supported.
- Policy N12 seeks to ensure that development should respect fundamental priorities for urban design.
- Policy N13 seeks to ensure that the design of new buildings should be of high quality and have regard to the character and appearance of their surroundings.
- Policy T2 ensures that new development is adequately served by the existing highway network and does not create or add to problems of safety or efficiency.

- Policy T24 indicates the levels of parking provision and new development - this should reflect guidance contained within Appendix 9 of volume 2 of UDP.
- Policy LD1 ensures that proposed and existing landscaping enhances the area. proposals should not create new, or exacerbate existing, highway problems.

National Policy/Guidance:

- PPS1 Delivering Sustainable Development
- PPS3 Housing

## **9.0 MAIN ISSUES:**

- Principle of Development.
- Access and highways safety considerations.
- Impact on residential amenity.

## **10.0 APPRAISAL:**

### The principle of development .

- 10.1 The application site is an unallocated piece of land that is currently used as grazing land. The land to both East and West has been recently developed to the West with a residential Nursing home and to the East by a development of 8 dwellinghouses. The previous history of the site shows that in 2006, an application for a residential care home was refused and also dismissed at appeal primarily on the grounds that the site was a Greenfield site that was unsustainable for the use proposed and no evidence had been put forward as to why the development needed to be located on the site. The proposal that is now under consideration is for a specific use that requires a site that provides specific requirements for its users. It is located within an area (West Yorkshire) that currently does not provision for people with PWS and as detailed within the submission there appears to be a likelihood of a genuine need with the average figures of people with the syndrome bearing this out.
- 10.2 As a result, its location with both good public transport links and also a location close to the motorway network means that it will serve the area well in terms of transport links. In terms of sustainability, the site is not located close to shops and facilities which was raised as an issue within the refusal of the previous application. However with the specific case of PWS, the proximity of these very shops may lead to users being tempted to break strict dietary routines that would be detrimental to this facility. As such, the development provides specific circumstances that overcome the previous reasons for refusal.
- 10.3 The previously refused application was considered against housing policy in that it involved a development of a Greenfield site in advance of brownfield land. In this case, whilst the arguments of the lack of a five year housing supply are put forward that would negate the Greenfield reason for refusal, it is considered that even if there was a five year supply, the specific circumstances of this proposal would seem to override a Greenfield reason for refusal and consequently the application is acceptable in principle.
- 10.4 The site is acceptable for this use but there may be issues if other uses within the C2 use class were then carried out on the site as the specific circumstances would not exist. As such, the use as a residential care home would still be

subject to the sustainability arguments of the previous application and for this reason, it is considered appropriate to agree a Section 106 agreement to tie down the use of this site to this specific use

#### Access and highways safety considerations

- 10.5 As well as principle, the other matter requested for approval is access and it is confirmed by the Highway Authority that the proposal shows an acceptable access with adequate visibility splays. The indicative parking layout still shows a slight shortfall on the previously agreed provision of 27 car parking spaces plus ambulance parking (26 car parking spaces are indicated on the plan). However, this matter can be dealt with by a condition that required full details of the parking layout to be submitted for approval. In light of this information, there is no significant harm to the free and safe use of the highway and the proposal is acceptable in terms of highways.

#### Impact on Residential Amenity

- 10.6 Whilst the site is located in a predominantly residential, the use on the adjoining site is one of a similar nature and it is likely that activity would be similar to that already in place. Representation has been made that there will be increased traffic, noise and disruption 24 hours a day from the proposal. It is clear that there will be an intensification of the use but there does not seem to be any reason why noise levels should increase beyond a reasonable level. The comings and goings will be to a minimum during unsocial hours and the properties are residential in nature and should therefore be relatively quiet during those hours. Furthermore their will be care on site should issues arise and as a result, it is considered that there will be no detrimental harm to residential amenity created by the proposal. Other representations have raised concern about construction disturbance but this site is no different from any other in that it is inevitable that there will be disruption and inconvenience to local residents. However to exercise some control, a condition will be attached to limit the hours of operation during the construction period

### **11.0 CONCLUSION:**

- 11.1 On balance, it is considered that subject to appropriate conditions as discussed above, the proposal is acceptable, it is therefore recommended that the applications be approved.

#### **Background Papers:**

Application files 11/01716/FU

#### **Certificate of ownership:**

Signed as owner

# PROPOSED DEVELOPMENT GILDERSOME, LEEDS

11/01716 №



EXISTING RESIDENTIAL  
CARE HOME

EXISTING PRIVATE  
RESIDENTIAL DEVELOPMENT

PLANNING SERVICES  
27 APR 2011  
DEVELOPMENT DEPARTMENT

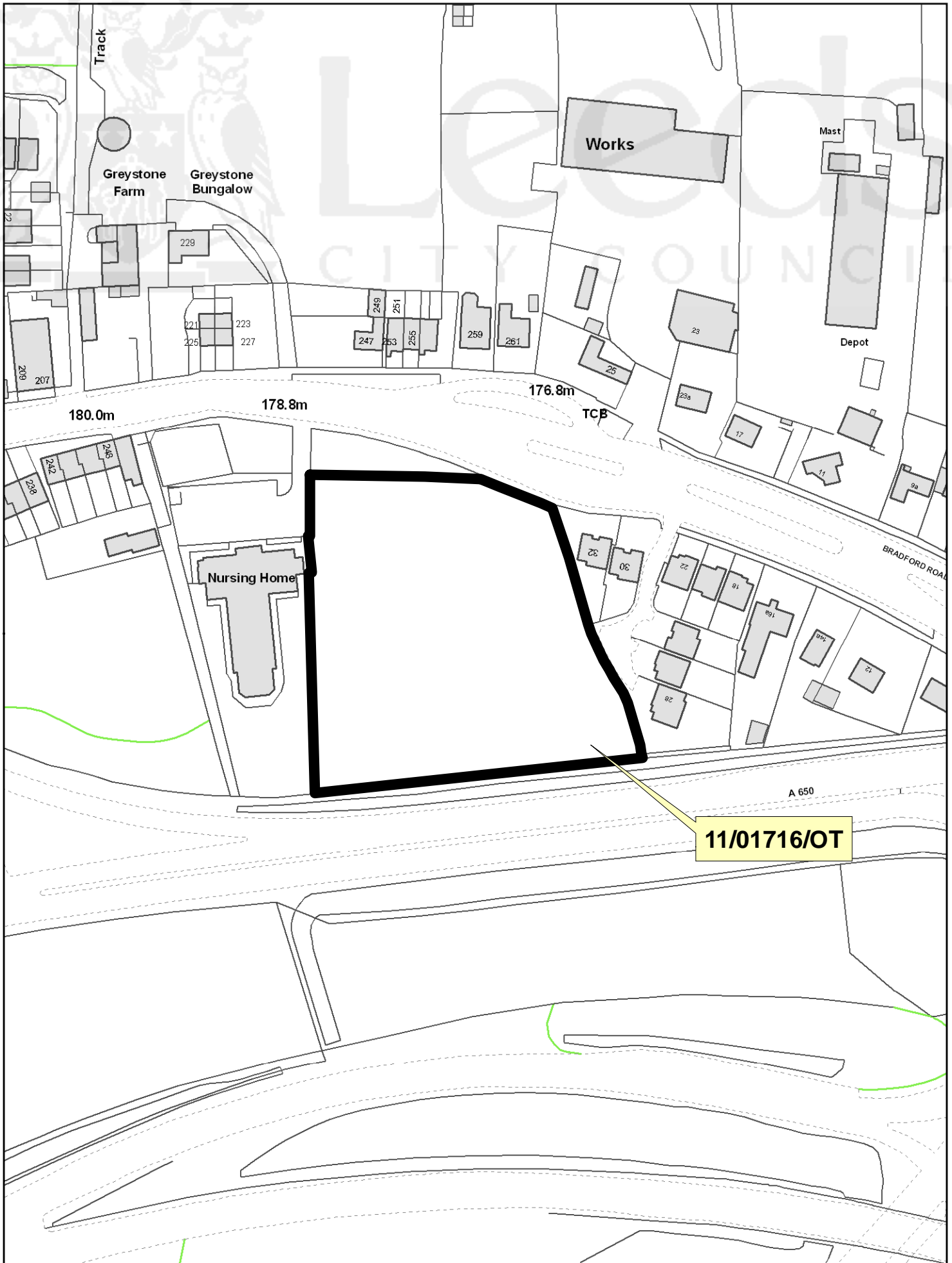
PRELIMINARY FOR INFORMATION PURPOSES ONLY

PROJECT PROPOSED DEVELOPMENT BRADFORD ROAD, GILDERSOME, LEEDS	
TITLE INDICATIVE SITE LAYOUT PLAN (PRELIMINARY)	
DATE OCT 10	SCALE 1:500@A3
DRAWING NO. SK004	

A 650

+C





# EAST PLANS PANEL