



Report of the Chief Planning Officer

PLANS PANEL WEST & SOUTH

Date: 8th November 2012

Subject: APPLICATION 12/03373/FU – DEMOLITION OF CHURCH, LAYING OUT OF ACCESS AND ERECT 14 DWELLINGS, CHURCH OF THE NATIVITY, WESTERTON ROAD AND WATERWOOD CLOSE, WEST ARDSLEY

APPLICANT

Stonebridge Homes Ltd & The Diocese of Leeds

DATE VALID

15 August 2012

TARGET DATE

14 November 2012

Electoral Wards Affected:

Ardsley & Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

DEFER AND DELEGATE to the Chief Planning Officer for approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- **Greenspace contribution £ 39,972.22**
- **Provision of Metro Cards £ 6,275.00**

In the circumstances where the Section 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. Time Limit on permission
2. Plans to be approved
3. Details of existing and proposed ground levels and finished floor levels to be agreed.
4. Submission of walling and roofing materials.
5. Sample panel to be erected.
6. Details of fences and walls to be provided.
7. Construction Management Plan, including provision for contractors during construction
8. Provision of visibility splay onto Waterwood Close
9. Provision of sight lines onto Westerton Road.
10. Laying out of areas to be used by vehicles.

11. Retention of garages
12. Submission and implementation of landscaping details.
13. Submission of surfacing materials.
14. Development to be carried out in accordance with approved drainage details.
15. Reporting of unexpected contamination.
16. Submission of verification reports.
17. Removal of permitted development rights for additional windows in gable ends.
18. Sustainable construction.

Reasons for Approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within the NPPF and it is considered that the scheme provides for a good quality residential scheme. The application site is in a reasonably sustainable location and is a derelict brownfield site, therefore the principle of residential development is acceptable. No highways and drainage issues are raised and the scheme offers an acceptable level of amenity to future occupiers and will have no detrimental impact on the amenity of other nearby occupiers or to the visual amenity of the locality. The application is considered to comply with the policies as set out in the development plan and constitutes a sustainable form of development.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Panel member Councillor Finnigan who has stated that residents have concerns about the cumulative impact of this and other nearby proposed developments.
- 1.2 The application site is unallocated for any purpose in the development plan, but is a derelict brownfield site in a reasonably sustainable location . Therefore, there is no objection in principle to housing. The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance. The form of the houses, as two storey, constructed in brickwork and concrete roof tiles, is considered to be in keeping with the area, and would not adversely impact on the amenities of nearby residents.
- 1.3 As such, the application is recommended for approval. The application is considered to comply with policies GP5, GP7, BD5, H3, LD1, N2, N4, N12, N13, N25, N38B, T2, T5, T6, T24 of the UDP (Review 2006), and relevant supplementary and national planning policy guidance. As such the application is recommended for approval.

2.0 PROPOSAL:

- 2.1 The full planning application is to demolish the church building and erect 14 detached houses on the site. The two storey houses would be in the form of 8 detached houses and 6 semi-detached houses. Three pairs of semi-detached houses, and one detached house would front onto Westerton Road. The other 7 units would be off Waterwood Close, with three detached houses fronting onto Waterwood Close, and four detached houses served off an access road, to the rear of the site.
- 2.2 The houses would be constructed in brick and concrete roof tiles. The houses would have gable ended roofs.
- 2.3 The 14 houses would be provided in a mix of two, three & four bed houses, with the provision of 28 no. car park spaces. The proposals will result in a net residential density of approx 44 dwellings/ hectare.

2.4 A narrow strip of land between Waterwood Close and the application site is in third party ownership, and does not form part of the application site.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is within the village of West Ardsley, some 5 miles south of Leeds City Centre. The site comprises a rectangular area of land occupied by a church building and car park of approximately 0.32ha (0.79acres). The existing redundant Church building, with its associated outbuildings/ structures, all of which are to be demolished. The boundaries are clearly defined by existing site features, including fences.

3.2 The site is surrounded almost totally by other residential developments and existing housing stock. To the north, east & west of the site, the housing stock is more traditional in form, generally of brick construction with tile roofs. Houses to the west and north are mainly suburban hipped roofed semi-detached houses, whilst houses to the east are tightly spaced detached houses. To the south west of the site exists a more recent development of individual lower density housing. The houses are predominantly two storey.

3.3 To the south of the site, beyond No.8 Waterwood Close, is a paddock and various structures in connection with an unauthorised builder's yard, (subject to an Enforcement Notice). This area has outline planning permission for residential development and a reserved matters application for 12 dwellings was approved at the October Plans Panel meeting.

3.4 The prevailing character of surrounding development is pre/post war suburban housing, with external materials comprising varying ages & extent of more traditional materials, such as brick, render, slate & concrete tiled roofs.

4.0 RELEVANT PLANNING HISTORY:

4.1 None in relation to this site.

4.2 12/02974/RM - Application at land to the south of Waterwood Close to erect 12 detached dwellings. This application was approved at the October Plans Panel meeting.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The layout of the scheme has been revised to improve the layout. These changes are as follows:

(i) enhancement to the footpath along Westerton Road, by widening the footpath to 2m.

(ii) dwellings along the Westerton Road frontage resited so they form a continuous frontage with adjoining houses along Westerton Road.

(iii) increase in garden sizes for the dwellings fronting onto Westerton Road.

(iv) narrower house type provided so that increased garden size can be provided.

(v) boundary treatments improved.

(vi) house type to junction of Waterwood Close and Westerton Road improved to provide greater interest at this prominent plot.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by Site Notice on 24th August 2012.
- 6.2 Letters of representation have been received from four local householders, and from one Morley resident. These are objections to the proposal, on the following grounds:
- 6.3 There are 1000+ properties for sale within a 3 mile radius of our postcode therefore we fail to understand councils inability to prove a 5 year supply of housing in this area. Overdevelopment of the area, when taken with other developments. The semi rural character will be changed to that of an estate. The density of the development is not in keeping with the character of the area. Family housing will impact on local schools, hospitals and public amenities. Cumulative impact of this and other developments in the immediate and wider locality. What will this mean to the drainage and water supply in the area? Impact on Traffic /nuisance parking and corresponding impact on safety. The parking facilities for residents living on the Westerton road are very limited, with majority / all the cars being parked on the road side making it a very busy road, especially at peak times. Frequent instances where the vans / cars owned by people living on Westerton road have been parked on the street leading into the Waterwood close cul-de-sac. The developers have claimed that the visitors can use off street parking on the street leading into Waterwood Close, turning an otherwise quiet cul-de-sac into a busy noisy estate. The bus service is infrequent. Metro Cards will not encourage bus use. Children play on the road leading into Waterwood Close and the increase in the number of kids due to this proposed development of church land and land adjoining Waterwood Close will only cause more potential safety issues with the increase in vehicle traffic to and from the new estates. The traffic flows are greater than that submitted in the Transport Statement. Parking on the south side of the stretch of Westerton Road from Haigh Moor Road to the Smithy P.H. should be prohibited. Impact on 8 and 9 in respect of the parking and access arrangements. Disruption from construction traffic. Overlooking of adjoining property. Houses in the North East Corner of the site will overlook property with 3 properties having direct views into a large sun lounge window and southerly and westerly facing lounge patio doors. The 21 metres glass to glass criteria has been met with the present design. These together with the houses which are to be built on the extension of Waterwood Close will completely destroy any privacy as there will be 27 windows looking directly into the house. It is considered that there are so few objections as little consideration was given to the objections raised in respect of the Waterwood Close proposal.
- 6.4 Ed Balls M.P. has been contacted by one of the objectors, and he has asked that the representations of his constituent be taken into account. The main thrust of the objections is that both proposals (this proposal, and the one to the south, off Waterwood Close, would represent overdevelopment of the area, with increased traffic and on street parking, and detriment to the character of the area.
- 6.5 Ward members have been advised of the proposal, and of the draft Section 106 Agreement. Members have requested that any Section 106 monies (not including the TravelCard contribution) should be spent on greenspace in the locality, and not on education enhancements, despite their concerns at the pressure on schools in the area.

7.0 CONSULTATIONS RESPONSES:

STATUTORY

7.1 None

NON-STATUTORY

7.2 Highway Authority – No objections to the revised plans.

7.3 Flood Risk Management – No objection

7.4 Metro - No objections. Request for MetroCards for future residents.

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. 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 including housing.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008)

No regional policies are relevant to this proposal, which is reserved matters submission in respect of the scale, appearance and landscaping of the proposed development.

8.3 Unitary Development Plan Review (adopted July 2006)

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy GP7: Use of planning obligations.
- Policy GP11: Sustainable Design Principles.
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings.
- Policy H4: housing proposals on unallocated sites.
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development should be provided.
- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces

- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development
- Policy N25: Site boundaries should be designed in a positive manner.
- Policy LD1: landscape schemes should meet specific criteria of good design.

8.4 Supplementary Planning Guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG 11: Contributions For School Provision From Housing Developments;
- SPG13: Neighbourhoods for Living;

8.5 As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- Affordable Housing SPD (2009);
- Sustainable Design and Construction SPD (2011); and
- Street Design Guide.

8.6 National Planning Policy Framework

Delivering a wide choice of high quality homes

Requiring good design

Promoting healthy communities

Protecting Green Belt land

Conserving and enhancing the natural environment

NATIONAL PLANNING POLICY:

8.7 The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

EMERGING CORE STRATEGY:

8.8 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

9.0 **MAIN ISSUES**

9.1 It is the considered view that the main issues are:

- Principle of development
- Highway Safety
- Impact on Visual Amenity
- Residential Amenity
- Section 106 Agreement
- Representations

10.0 APPRAISAL

Principle of development

UDP considerations - Policy H4

10.1 Proposals for housing on land not specifically identified for that purpose in the UDP are considered against Policy H4. This policy states that on sites not identified for that purpose in the UDP but which lie within the Main and Smaller Urban Areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, development will be permitted provided it is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP. Paragraph 7.2.15 of the UDP states that although most H4 sites will be in the Main and Smaller Urban areas, proposals are also likely to be acceptable in other locations which are demonstrably sustainable. "Judgments will be made on the basis of consideration of the availability and frequency of bus and train services to service centres, and on the range of services available locally, including shops, health facilities and schools".

10.2 The current site falls outside the Main and Smaller Urban Areas as defined, therefore a judgment needs to be made as to whether the location is demonstrably sustainable.

10.3 Whether this site provides a demonstrably sustainable location for residential development under Policy H4.

10.4 In respect of the outline application on the adjoining site on Waterwood Close, Highways commented that the site is reasonably sustainable and meets the accessibility criteria in the Council's emerging Core Strategy and the RSS and is in a location which meets the aims of the Council's Policy on promoting sustainable travel.

10.5 Whilst the site is approximately 3km from the nearest designated town centre of Morley, it is located in West Ardsley which is classed as a smaller settlement within the Core Strategy (Preferred Approach October 2009).

10.6 The location meets the criteria for walking, cycling and public transport with local shops, health centre and primary schools all being within an acceptable walking distance of the site and Morley Town centre, local High Schools, Industrial estates/Business Parks and the Railway stations of Morley and Outwood being within an acceptable cycling distance of the site. There are a number of bus stops, again, well within acceptable walking distances, which provides the following services:

Public Transport Accessibility

10.6.1 The nearest bus stops provide for routes travelling in both directions on Westerton Road and Haigh Moor Road. The bus stops are located approximately 150m east and west of the Site boundary.

- 10.6.2 All of the bus stops are well within the desirable 400m (5 minute) walk distance from all of the proposed dwellings and therefore comply with Leeds City Council (LCC) policy guidance.
- 10.6.3 The Westerton Road bus stops benefit from a shelter and the latest timetable information and are served by the 425 service between Wakefield, Morley and Bradford. The 425 service runs hourly in each direction.
- 10.6.4 The Haigh Moor Road bus stops benefit from a pole and plate and the latest timetable information and are served by the 117, 153 and 205 services. The 117 provides an hourly service to Wakefield, Ossett and Leeds. The 153 provides an two hourly service to Morley and Castleford, whilst the 205 provides an hourly service to Pudsey and Dewsbury.
- 10.6.5 Based on RSS guidance on measuring accessibility in urban areas 'any public transport service with a frequency of one bus every 10-15 minutes is thought of as offering a good level of service'. The guidance continues to advise that when multiple services operate down a corridor the frequencies may be summed to give a total frequency for the corridor.
- 10.6.6 Ideally, a higher frequency of services to the nearest major public transport interchanges (i.e. Leeds/Wakefield) should be provided however, in this instance given the close proximity of a number of bus stops to the site serving multiple destinations and all within a maximum walk distance of approximately 200m it could be considered appropriate to sum the frequencies as described above.
- 10.6.7 On this basis the site could be considered to be served by at least 4 buses per hour (albeit to differing public transport interchanges) with additional services provided by the 153.
- 10.6.8 Based on the Cilty Council's draft Core Strategy Accessibility Standards the site is located within 180m of local services such as newsagents/post offices which is within the 15 min walk guidance, within 900m of Westerton Road Primary School which is within the 20 min walk guidance and within 1.4miles of Woodkirk High School which is within the 30 min direct walk guidance. Also within the draft standards access to Employment and to Town/City Centres should be within a 5 min walk to a bus stop offering a 15 min frequency to a major public transport interchange. In this instance, as detailed above a number of bus services operate in the vicinity of the site serving Castleford Town centre and Leeds, Wakefield and Bradford city centres equating to a service every 15 minutes to differing public transport interchanges.
- 10.6.9 Given the small scale of the development and that the site meets all other accessibility indicators although the level of frequency is not ideal, it is considered that a highways reason for refusal on accessibility alone could not be substantiated.
- 10.7 The site meets the general sustainability criteria and is within an established urban area with existing footpaths and street lighting. These factors would make walking, cycling and Public Transport an attractive alternative mode of transport to the private car.

Local schools

- 10.8 In respect of local schools, Children's Services has estimated that 14 dwellings would generate an estimated three pupils across all school years. The potential impact would be on Westerton Primary and Blackgates Primary Schools. The

Ardley/Tingley Planning area will be over capacity by 2013/14. Blackgates Primary school has recently increased its admission number, and had a small amount of surplus capacity but is now close to capacity and will be over capacity by 2013/14 and would be unable to accommodate pupils generated from this site.

- 10.9 Leeds planning policy as set out in SPG11, 'Contributions for School Provision from Housing Developments', sets a trigger of 50 new dwellings before a financial contribution is required towards education provision. East Plans Panel considered the above issues in respect of the outline housing proposal on the adjoining site, and no objections were raised on these grounds, although this application is an incremental addition to development in the area.

Local character

- 10.10 The site is currently occupied by a redundant single storey, part brick, part timber church building, of very limited architectural merit. The remainder of the site was until recently occupied by a car park and open grassed areas. The character of the surrounding area is described in section 3.0 of this report and the proposal is described at section 2.0. From the descriptions given it is considered that the houses in terms of their general form and proportions sit comfortably with the established residential character of the area. The spatial setting of the dwellings also has regard to the areas character. As such there would be no adverse impact on local character with the construction of housing, which would be compatible with the area.

Highway safety

- 10.11 In respect of cumulative impact of this development (and the 12 houses subject of the recent grant of planning permission on the adjoining site) on the highways network, Highways Officers have made the following comments:
- 10.12 Waterwood Close is constructed as a Type 2 Street based on parameters in the Street Design Guide i.e. 5.5m carriageway flanked by 2m wide footways this could serve upto 200 dwellings. Waterwood Close currently serves 9 dwellings. 12/02974/RM has approval for 12 dwellings off Waterwood Close and 12/03373/FU seeks approval for 7 dwellings off Waterwood Close with a further 7 dwellings taking direct access off Westerton Road. This would result in 30 properties in total taking access from Waterwood Close.
- 10.13 With regards to traffic generation, an automated traffic count was carried out on Westerton Road in May/June 2012 which showed a daily two way flow of 4640 vehicles and a PM peak (5-6pm) two way flow of 465 vehicles.
- 10.14 Based on a daily trip rate of 8 per dwelling (this can range on average between 6-10 per dwelling) this would result in 168 additional vehicle movements per day which represents an increase in traffic on Westerton Road of 3.6% and based on a PM peak trip of rate 0.8 this would result in 17 additional vehicle movements in the peak hour representing an increase of 3.6%.
- 10.15 Taking into account daily and seasonal fluctuations in traffic this increase would not be material to the operation of the highway network.
- 10.16 Additionally, this application has the benefit of both widening the footway along the Westerton Road frontage and improving visibility at the junction of Waterwood Close and Westerton Road to meet current standards.

- 10.17 The revised internal layout of the estate conforms to the current highways guidance (Leeds Street Design Guide). The parking arrangements are acceptable, all houses have at least two off street parking spaces

Impact on Visual Amenity

- 10.18 The two storey dwellings along the Westerton Road frontage have been resited so they would be on the same building line as the adjoining houses along Westerton Road, either side of the Westerton Road junction. The dwellings would be spaced in a similar manner to both the detached houses to the east of the site and the semi-detached houses opposite and to the west. Plot 7 has been redesigned to provide additional interest to the prominent corner by the provision of openings in the gable end, at ground floor and first floor level.

- 10.19 The layout and materials match the surrounding, and reinforce the local character.

Residential amenity

- 10.20 It is considered, in view of the size of the site and the distance from neighbouring properties, that appropriate separation distances (in line with the guidance set out in Neighbourhoods for Living) from existing dwellings could be achieved. Plot 1 would sit adjacent to the predominantly blank elevation of the adjoining existing house to the east, and would not project into the rear aspect of that property. In addition, Plots 10 -13 would be located 10.5m from the rear boundary with existing bungalows/dormer bungalows to the east, which complies with guidance in respect of distances to boundaries. The dormer bungalow to the rear of the site has extended the property under permitted development and has openings facing towards the boundary with the application site. To prevent ground floor overlooking into these windows, the applicant is proposing a 1.8m high close boarded fence to the boundary. Although the distance between the two sets of windows (13.5 – 14m) from secondary, to secondary is less than the 15m normally expected, it is considered that as the new houses are 10.5m from the boundary, it would be unreasonable for the development to be prejudiced by the erection of a permitted development extension, with openings so close to a site boundary.

- 10.21 The other properties closest the application site is 8/9 Waterwood Close. Plot 14 does not project into the rear aspect of this property, and Plot 13 to the rear of the site faces towards Plot 14, rather than towards No.8/9. It is considered there would be no dominance or overlooking of the nearest property.

Section 106 Agreement

- 10.22 A draft Section 106 Agreement accompanies the planning application, which contains the following provisions:
- (i) A sum of £39,972.22, in lieu of local greenspace enhancements;
 - (ii) A sum of £ 6275.00 in respect of provision of TravelCards for future residents.

- 10.23 New tests relating to the legality of planning obligations have been introduced by way of new secondary legislation in the form of the Community Infrastructure Levy (CIL) Regulations introduced by Central Government as of 6 April 2010 which impact on planning obligations.

- 10.24 Whilst the focus of the CIL is to give local authorities the ability in future to levy a charge on a wide range of development proposals within their area the regulations also introduce a new legal test relating to the use of planning obligations based on the existing policy tests. The effect of this is that it will be unlawful for a planning obligation to be taken into account in a planning decision to authorise development if the obligation is not:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development (test (b)); and
- (c) fairly and reasonably related in scale and kind to the development

10.25 These legal tests have been applied to the obligation in the S106 agreement which the applicant is to enter into as part of the application. The requirements are directly related to the development as they will secure enhancements which will meet the needs of the residents of the development and are reasonably related to the scale and kind of development. As such, the obligations are considered to be compliant with the three new legal tests. The contributions are in accordance with policy and the development would not be considered acceptable without these obligations.

10.26 There is no provision for affordable housing, as the threshold for affordable housing is 15 units and above, and no contribution towards local schools, as the threshold for such contributions is 50 units and above.

Representations

10.27 Issues in relation to cumulative impact of the two local developments are addressed in the report. Sustainability issues in respect of local facilities were considered by East Plans Panel in relation to the planning application on land at Waterwood Close, and no objections were raised, and permission was granted. This proposal adds a further 14 dwellings, and the cumulative impact is one that needs to be considered.

11.0 CONCLUSION

11.1 The site is previously developed brownfield land, in a reasonably sustainable location. Therefore, there is no objection in principle to housing on the site.

11.2 The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance.

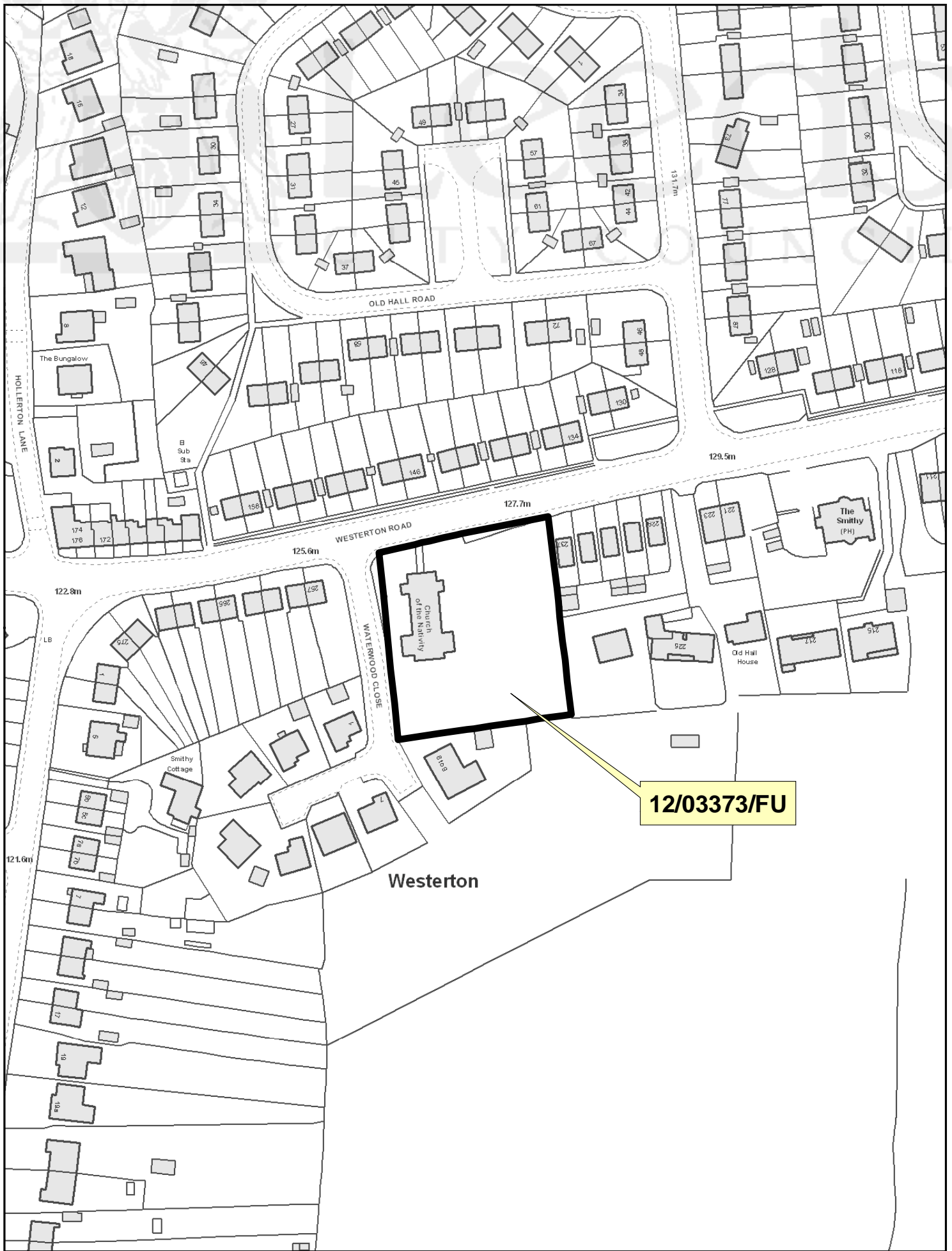
11.3 The form of the houses in the amended layout of 14 dwellings, as two storey, constructed in mainly brick, is considered to be in keeping with the immediate area, and would not adversely impact on the amenities of nearby residents.

11.4 It is considered that the cumulative impact of the proposal is not so great that the proposal could reasonably be refused. As such, the planning application is recommended for approval.

12.0 Background Papers:

Application file

Certificate of Ownership: The Diocese of Leeds



SOUTH AND WEST PLANS PANEL

