
Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 23 July 2020

Subject: Application number 19/06632/FU – Demolition of car storage facility and construction of a dwelling at CT Cars Garage adjacent Highfield Stables, Carlton Lane, Guiseley, LS20 9PE

APPLICANT

Mr and Mrs J & H Thornton

DATE VALID

25th October 2019

TARGET DATE

20th December 2019

Electoral Wards Affected:
Otley and Yeadon

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: 'Minded to' approve subject to the following conditions:

1. Commencement within 3 years
2. Development in line with approved plans
3. External materials to be approved
4. Vehicle spaces to be laid out
5. Hardstanding to the front to be permeable
6. Statement of Construction Practice to be approved
7. Electric Vehicle Charging Points to be provided
8. Cycle/motorcycle and bin store details to be approved
9. Front boundary treatment not to exceed 1m height above highway
10. Surface water and foul water drainage works to be approved
11. Inclusion of water butts
12. Noise insulation scheme to be approved
13. Hard and soft landscape scheme to be approved
14. Phase I Desk Study and if necessary Phase 2 site investigation to be approved
15. Amended remediation statement to be approved
16. Imported soil tests to be approved
17. Removal of asbestos to be approved

18. Removal of permitted development rights for extensions and outbuildings

1.0 INTRODUCTION

- 1.1 The application is presented to Plans Panel at the request of Councillor Colin Campbell, on the grounds that the proposal will have a detrimental impact on the openness of the Green Belt and it is in an unsustainable location. The application is now the subject of an appeal against the Council's non-determination of the application. A determination of the application cannot now be made by the Council as a result of the appeal, and a resolution of the Panel is therefore sought as to the decision the Council would have made on the application had it been able to do so.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for the demolition of an existing vehicle storage and office building and the construction of a detached dwelling with associated landscaping and parking.
- 2.2 The scheme will allow for a family home comprising of kitchen/dining/living areas, utility room, WC, office and one bedroom at ground floor and three bedrooms and two bathrooms at first floor. There will be garden areas to the front, side and rear and off street parking facilities for three vehicles. The materials will be stone to the elevations and slate to the roof.

3.0 SITE AND SURROUNDINGS:

- 3.1 The existing building has a lawful use as a commercial business for vehicle storage and office located within the Green Belt along Carlton Lane in Guiseley. It has a gated entrance directly off Carlton Lane leading to a tarmaced forecourt and further area of hardstanding beyond. Given the topography of the area the site slopes downwards slightly from the rear to the front. The building is stepped away from all site boundaries which are characterised by low stone walls to the front (south) and side (east), fence to the other side (west) and mature conifer hedge to the rear (north). The building was originally a barn in agricultural use which gained consent to change to a commercial use in 2006 and is constructed in blockwork which is painted green with a corrugated metal roof. There is a small stable abutting the site to the east, open fields to the west and an agricultural shed and open fields to the north. Beyond Carlton Lane and fields to the south there is a group of buildings of residential and agricultural use which all have access points to Carlton Lane in relatively close proximity to the host site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/02356/FU - Retrospective application for change of use of farm building to vehicle storage and office – Approved 02.10.2006
- 4.2 H29/194/87/ - Detached stables and barn, with toilets, tack room and hay loft to field. - Approved 26.10.1987

5.0 HISTORY OF NEGOTIATIONS

- 5.1 During the processing of the application negotiations between officers and the agent have been ongoing. These have been to address the comments made by the

Highway's Officer in relation to details of the gates, site lines, bin stores and cycle storage.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice which was posted on 12th November 2019 and expired on 3rd December 2019.
- 6.2 1 letter of objection was received concerned with the following matters:
- The composition of the existing building may contain asbestos therefore the demolition may be harmful to humans and animals within the immediate vicinity.
 - The current use is commercial with a proliferation of vehicles therefore is not agricultural as the application form suggests.
 - The proposal may have an impact on the water supply pipework.
 - The land is within the Green Belt therefore residential development would appear to be at odds with this.
 - Concern that the proposal will lead to surface run off of water and leeching of foul water given the topography of the land.
- 6.3 Cllr Colin Campbell has also objected to the proposal raising the following points:-
- The proposal for the building of a house along with garden and parking area would be an incongruous intrusion into this important area of Green Belt, resulting in loss of openness contrary to local and national planning policy
 - The proposal could cause traffic safety issues on the already busy Carlton Lane.
 - The proposal is some distance from any services or bus route therefore the site not in a sustainable location.
 - Any pedestrian trying to access the site would be in danger as there is no safe footpath in the area.
- 6.4 Bramhope and Carlton Parish Council – Objects as the proposal does not comply with Green Belt Policy as it will have a greater impact on the openness of the Green Belt as it is higher and contains a significant number of windows, new doors etc in comparison to the existing building.

7.0 CONSULTATION RESPONSES:

- 7.1 **Highways** – Initially required further information relating to the site lines, access gates, bin and cycle store. The applicant submitted an amended scheme with the required changes which addressed the highways concerns.

In addition they stated that whilst the site is not located in a sustainable area with no close access to public transport or suitable pedestrian links, the Core Strategy guidance applies to developments of 5 or more dwellings. A highways objection would be hard to justify on accessibility / sustainability grounds given that it is for a single dwelling only.

Therefore no objections subject to conditions relating to a method of construction practice, electric vehicle charging points, waste collection are provided.

- 7.2 **Flood Risk Management** – It would need to be shown that surface and foul water can be adequately discharged from site. Therefore no objections subject to conditions.

- 7.3 **Contaminated Land** – No objections subject to conditions relating to the submission of a desk top study and subsequent remediation statement if required, the removal of possible asbestos, and the importing of soil.
- 7.4 **Environmental Studies – Transport Strategy** – Given its proximity to Leeds Bradford Airport noise insulation methods will be required. This can be controlled by condition.

8.0 **PLANNING POLICIES:**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), The Core Strategy Selective Review (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Local Plan (2013 and 2015).
- 8.3 The application site is designated Green Belt but has no other specific allocations or proposals.

Adopted Core Strategy

- 8.4 The Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) is the development plan for the whole of the Leeds district. The following Core Strategy policies are considered most relevant:

General Policy – Sustainable Development and the NPPF
Spatial Policy 1 – Location of Development
Spatial Policy 6 – The Housing requirement and allocation of housing land
H2 – New housing development on non allocated sites
H9 – Minimum Space Standards
H10 – Accessible Housing Standards
P10 – Design
P12 – Landscape
T2 – Transport
EN5 – Managing Flood Risk
EN8 – Electric Vehicle Charging Infrastructure
G9 – Biodiversity Improvements

Adopted Site Allocations Plan

- 8.5 HG1 – Identified Housing Sites
HG2 – Housing Allocations

Natural Resources and Waste Local Plan

- 8.6 Water 1 – Water Efficiency
Water 7 – Surface Water Run-Off
Land 1 – Contaminated Land
Land 2 – Development and Trees

Saved Policies - Leeds UDP (2006)

- 8.7 The following saved policies within the UDPR are considered most relevant to the determination of this application:

GP5 – Requirement of Development Proposals
BD5 - New Buildings
N32 – Green Belt
N33 and Appendix 5 – Green Belt
N25 – Boundaries
LD1 – Landscape Design

Relevant supplementary guidance:

- 8.8 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:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
SPD – Street Design Guide

National Planning Policy Framework (NPPF)

- 8.9 The National Planning Policy Framework (NPPF), published February 2019, and the National Planning Practice Guidance (NPPG), introduced 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. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.10 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.11 The following parts of the NPPF have been considered in the consideration of this application. Paragraph 127 of Part 12 'Achieving well designed places', paragraphs 143 -145 of Part 13 'Protecting Green Belt Land' and paragraph 170 of Part 15 'Conserving and enhancing the natural environment' is applicable to this proposal.

9.0 MAIN ISSUES

1. Principle of development
2. Visual amenity and the Green Belt
3. Residential amenity

4. Highway safety and sustainable location
5. Flood Risk Management
6. Climate Emergency
7. Representations

Other Issues

8. CIL
9. Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated within the Site Allocations plan within a rural location in the Green Belt but has an existing building of a lawful commercial use. As such it is considered the site is previously developed land (as defined in the NPPF).
- 10.2 Policy H2 of the Core Strategy includes a number of criteria that new housing development on non-allocated land should meet and states *“New housing development will be accepted in principle on non-allocated land providing that (i) the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as condition of development (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3, (iii) Green Belt Policy is satisfied for sites in the Green Belt.*
- 10.3 The proposal is for a single dwelling and whilst the site is located some distance from amenities, educational and health infrastructure and public transport facilities, an additional dwelling in this location will not exceed their capacity. In turn although the proposal falls short of accessibility standards for new development, these standards relate to the construction of 5 or more dwellings. Given the existing site use it is considered that the principle of the development is acceptable in this instance. The circumstances of this will be discussed within the report. The proposal will replace the existing building on the site with a detached dwelling of similar scale and design which will not have a greater impact on the character and openness of the Green Belt which will satisfy Green Belt policy.
- 10.4 As such it is considered the proposal for residential development in this location is acceptable in principle subject to all other material planning considerations.

Visual amenity and the Green Belt

- 10.5 The application site comprises land which has a current lawful use as a vehicle storage and office facility since 2006 therefore the building is no longer in agricultural use. National Planning Policy allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land. In addition national and local policy allows the re-use of buildings provided they are of permanent and substantial construction, therefore the conversion of the existing building to a dwelling could also be an option in this instance.

- 10.6 Although the scheme will result in the demolition of the existing building the new dwelling will be positioned in approximately the same location within the site but on a smaller footprint. It will also be comparable in design by retaining the cat slide roof characteristic of the existing building and will be of similar scale being only 1.06 metres higher. This increase in height is very modest over the existing building and given the low profiled roof design it will not dominate the plot or surroundings. Therefore nor will it result in an increase in sprawl within the site or have a detrimental impact on the openness of the Green Belt. The dwelling will also be constructed in coursed stonework and slate to the roof which will be an appropriate material palette and will be an improvement on the materials used for the existing building.
- 10.7 As such it is considered the proposal will not have an increased detrimental impact on the character and appearance or on the openness of the Green Belt than the existing development. It will also be of an appropriate scale and design and will utilise materials which will not be detrimental to the character and appearance of the site or streetscene.
- 10.8 The proposal is therefore considered to comply with section 12 achieving well designed places and section 13 Protecting Green Belt Land of the NPPF, Policy P10 of the Core Strategy, saved policies GP5, BD5, N33 and Appendix 5 of the UDPR.

Residential amenity

- 10.9 Consideration has been given to the impact the development will have on the residential amenity of future occupants of the proposed dwelling and the occupants of neighbouring properties.
- 10.10 In order to provide a sufficient level of residential amenity there must be an acceptable level of outlook and amenity space for the enjoyment of the occupiers within the site. The site must also be protected from being overlooked and from overlooking other sites.
- 10.11 The development of the plot has been appropriately designed to ensure the amenity of future occupants is not compromised. The dwelling will be constructed over two floors which incorporate kitchen/dining/living areas, utility room, WC, office and one bedroom at ground floor and three bedrooms and two bathrooms at first floor. It is considered the dwelling will have rooms which are adequate in size conforming to the Local Authority's adopted space standards and will also provide a sufficient level of light and outlook. The proposed dwelling is positioned within the plot to allow a garden area to the front and generous private garden area to the side and rear with enough off street parking for at least three vehicles. As such it is considered the scheme will provide an acceptable level of amenity for future occupants of the development.
- 10.12 Changes to national planning policy and the building Regulations in 2015 enable Local Authorities to require the provision of accessible dwellings as part of new residential development so to meet the needs of residents. Leeds Core Strategy policy H10 (Accessible Housing Standards) was formally adopted through the Core Strategy Selective Review process in September 2019 which requires new build residential dwellings to meet accessible housing standards. The dwelling will have a step free principal entrance and a step free downstairs with access to a WC, kitchen, living area and bedroom. Easy access will also be achievable to the outdoor area with further adaptations easily made in future if necessary.

- 10.13 Given the site is located in close proximity to Leeds Bradford Airport it is important that the property is sufficiently insulated from external noise for future occupants to enjoy a good standard of residential amenity. A condition is therefore being proposed requiring a noise insulation scheme to be submitted to and approved in writing by the Local Planning Authority prior to the building works commencing.
- 10.14 Given the location of the site, distance to neighbouring properties and because the dwelling will be constructed on approximately the same footprint and will be comparable in height and form to the existing building, it is considered the proposal will not lead to any issues in relation to the living conditions of occupiers of nearby properties.
- 10.15 Overall, it is considered that the proposed development will enable a good level of amenity for future occupants without having an adverse impact on the amenity of the occupants of nearby sites.
- 10.16 The proposal is therefore considered to comply with Policies P10, H9, and H10 of the Core Strategy and saved policies GP5 and BD5 of the UDPR.

Highway Safety and sustainable location

- 10.17 The proposed scheme will replace an existing use of a car storage business with one detached family dwelling. It is considered a single family dwelling will generate less comings and goings than could be generated by a commercial use on this site. Whilst Carlton Lane is relatively narrow and there have been accidents recorded at several locations along the whole length of the road, none have been recorded in close proximity to the site. The nearest recorded accidents for the last six years are 750m to the west and 1000m to the east therefore this site should not be associated with these accidents.
- 10.18 The site has good visibility sight lines and the proposed entrance gates will be set back from the road and open inwards therefore negating the possibility of vehicles overhanging the highway when waiting to enter the site.
- 10.19 The proposal also provides three vehicle parking spaces within the site and a turning facility to enable vehicles to enter and exit in a forward gear. Bin and cycle stores are also provided within the site.
- 10.20 Whilst the proposal is in a location with no direct public transport links from the site, it is relatively close to the centre of Guiseley being 1.5 miles away and is considered on balance that the new dwelling is acceptable in this respect, also having regard to the established commercial use of the existing building on the site.
- 10.21 Whilst a residential use would be likely to lead to a different pattern of trips to a commercial use, the comings and goings of a single family dwelling are likely to be less frequent than those associated with a commercial use.
- 10.22 The Highway Authority has advised that an objection would be difficult to justify on sustainability grounds due to the location of the building.
- 10.23 As such subject to conditions the scheme is considered acceptable in highway terms. The proposal is therefore considered to comply with Policy T2 of the Core Strategy.

Flood Risk Management

- 10.24 Given the site is previously developed land with an active use which generates both surface and foul water discharge it is considered the proposal is acceptable in flood risk management terms providing the surface water runoff does not exceed the sites existing runoff rate. This should be achieved by the use of infiltration drainage through SuDS (Sustainable drainage systems) however if this is a non viable option an alternative method for the surface water disposal would need to be provided by the developer. Given the location of the site there are no public sewers in the nearby vicinity or any sewers on the site, however the existing building uses a cess pit on site for the foul drainage. The dwelling proposes to utilise the existing system however it will need to be demonstrated that the proposed foul drainage arrangements are appropriate. A condition is therefore being proposed which requires full details of surface and foul water drainage to be submitted to and approved by the Local Planning Authority prior to the commencement of building works.

Climate Emergency

- 10.25 The proposal relates to a minor development and does not meet the thresholds for compliance with Core Strategy policies EN1 (Climate Change – Carbon Dioxide Reduction) and EN2 (Sustainable Design and Construction). The proposal does however relate to the re-development and efficient use of previously developed land. The development will also provide Electric Vehicle Charging Points. The inclusion of water butts and ensuring the hardstanding to the front will be permeable will be secured by planning condition. Furthermore, the proposal will result in a net increase in vegetation and soft landscaping at the site in particular in relation to new lawn area replacing the majority of hardstanding. A hard and soft landscaping scheme (secured by planning condition) will have biodiversity and carbon capture benefits. Overall, the proposal is not considered to raise any notable concerns in relation to the Council's Climate Emergency declaration.

Representations

- 10.26 The material planning issues raised in the representations have been covered within the report above.

CIL

- 10.27 The Community Infrastructure Levy (CIL) Charging Schedule was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £90 per square metre of chargeable floorspace. However the applicant intends to submit a self build exemption prior to commencement therefore this scheme will generate no contribution to CIL. This is not a material planning consideration and is presented for information purposes only.

11.0 CONCLUSION

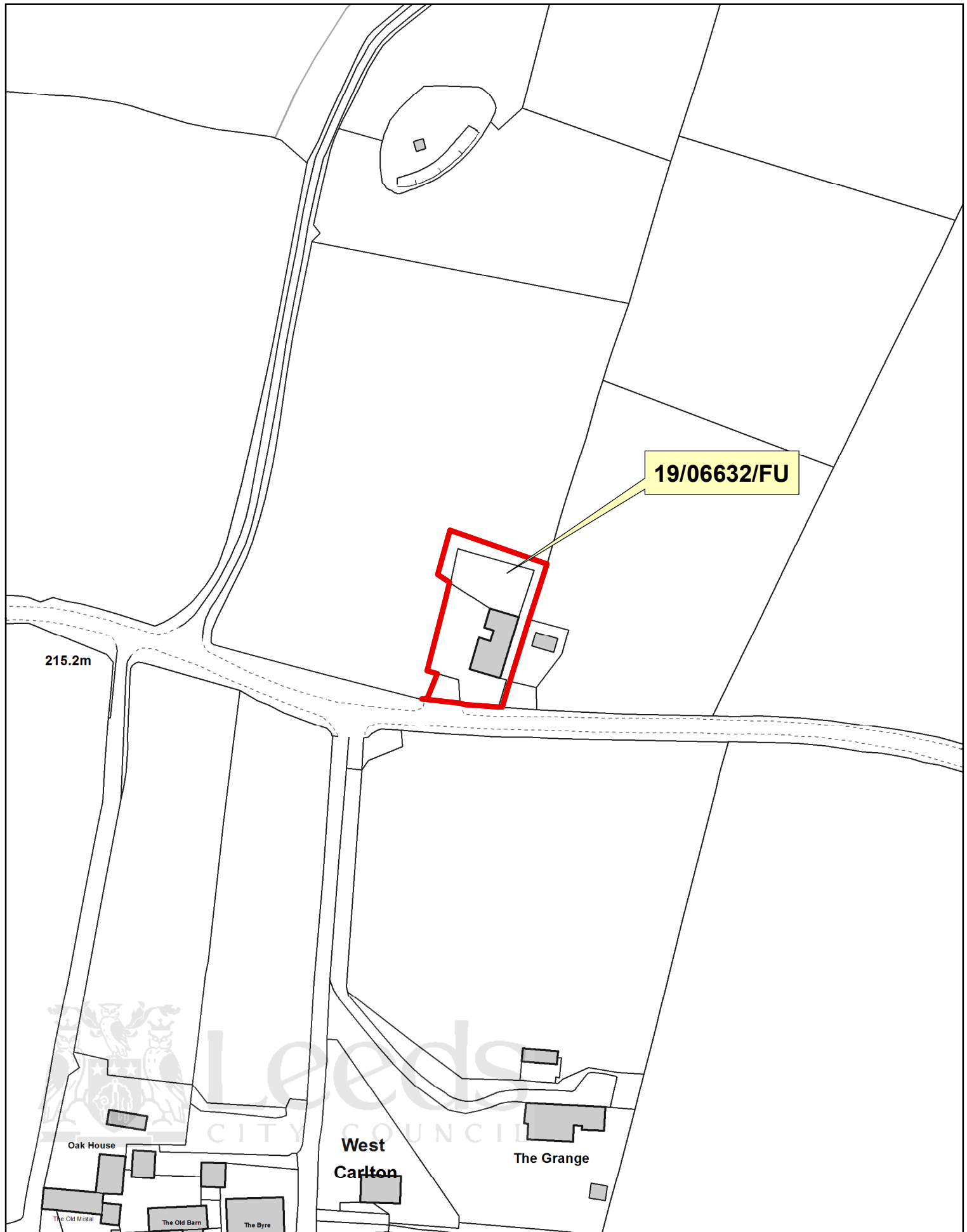
- 11.1 To conclude, the principle of residential development on this previous developed site is considered acceptable. The proposal will provide a development that is visually appropriate to its setting and wider locality, paying due care to the character and openness of the Green Belt. The dwelling will provide an appropriate level of amenity for future occupants whilst preserving the amenity of occupants of

neighbouring sites. Given the existing use it is considered that on balance a residential development in this location is acceptable and will not have a detrimental impact on highway safety. The proposal is therefore considered to comply with development plan policies and the NPPF and taking all other material considerations into account including representations received, it is recommended to Members for approval subject to the conditions set out.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



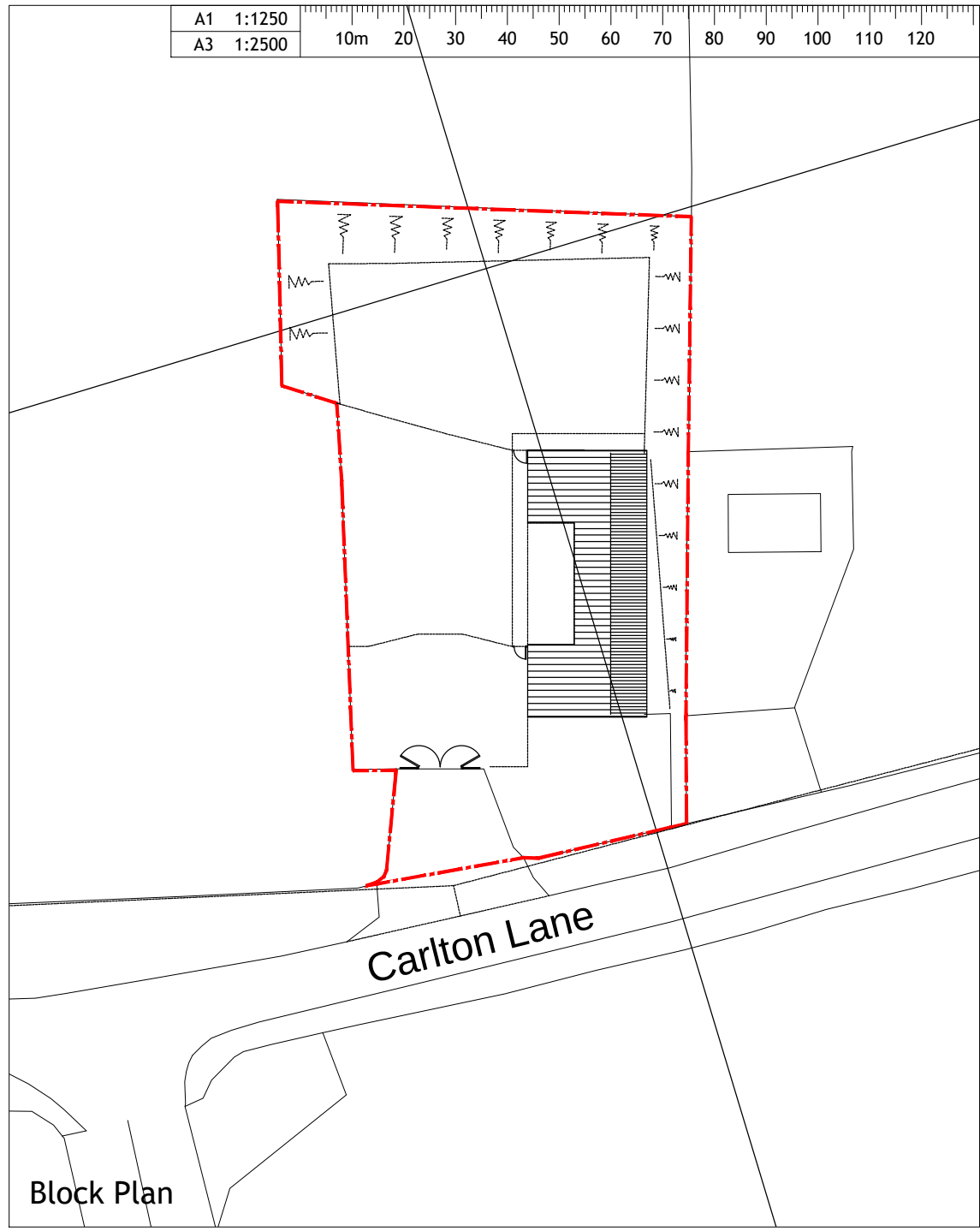
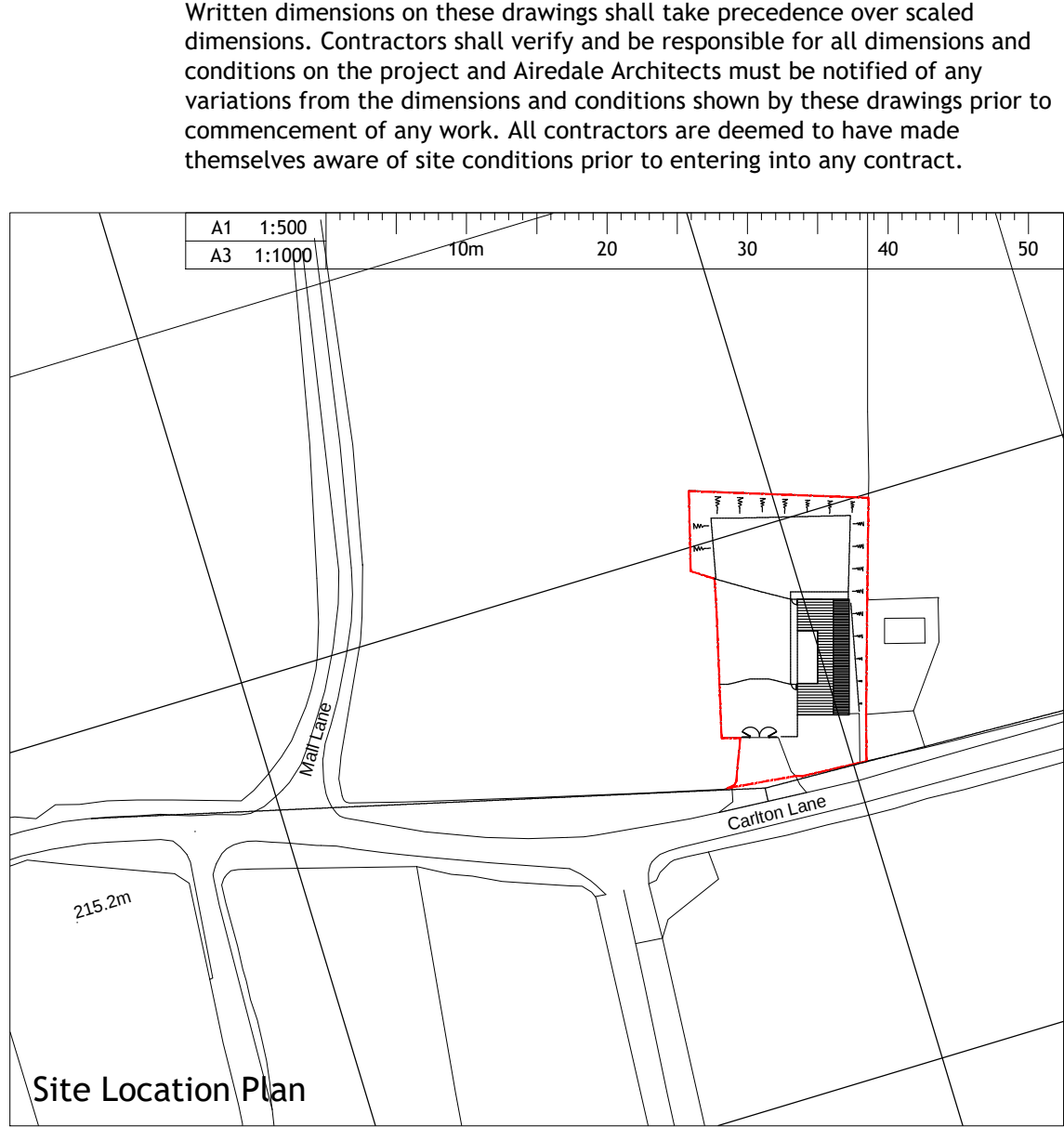
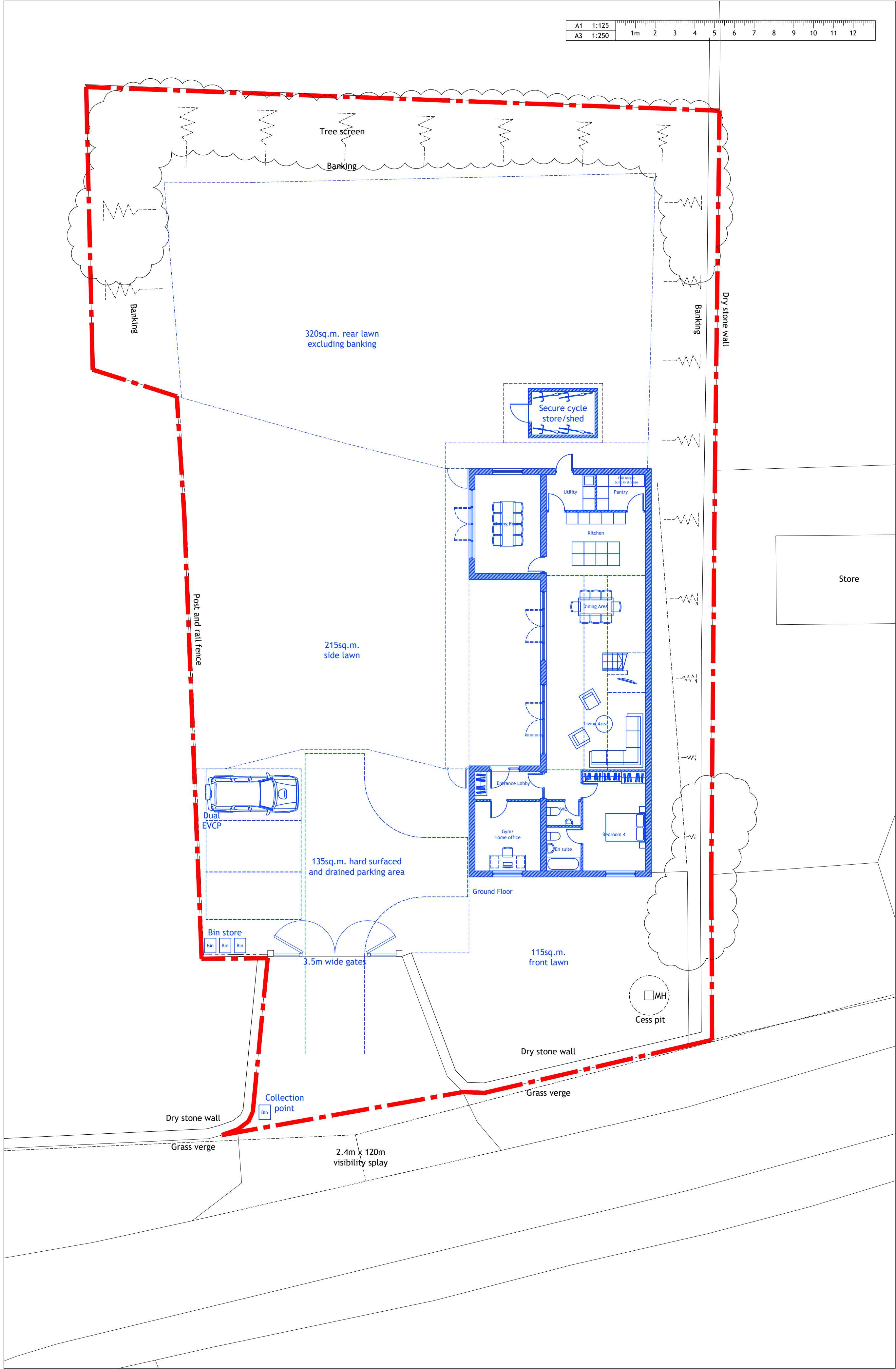
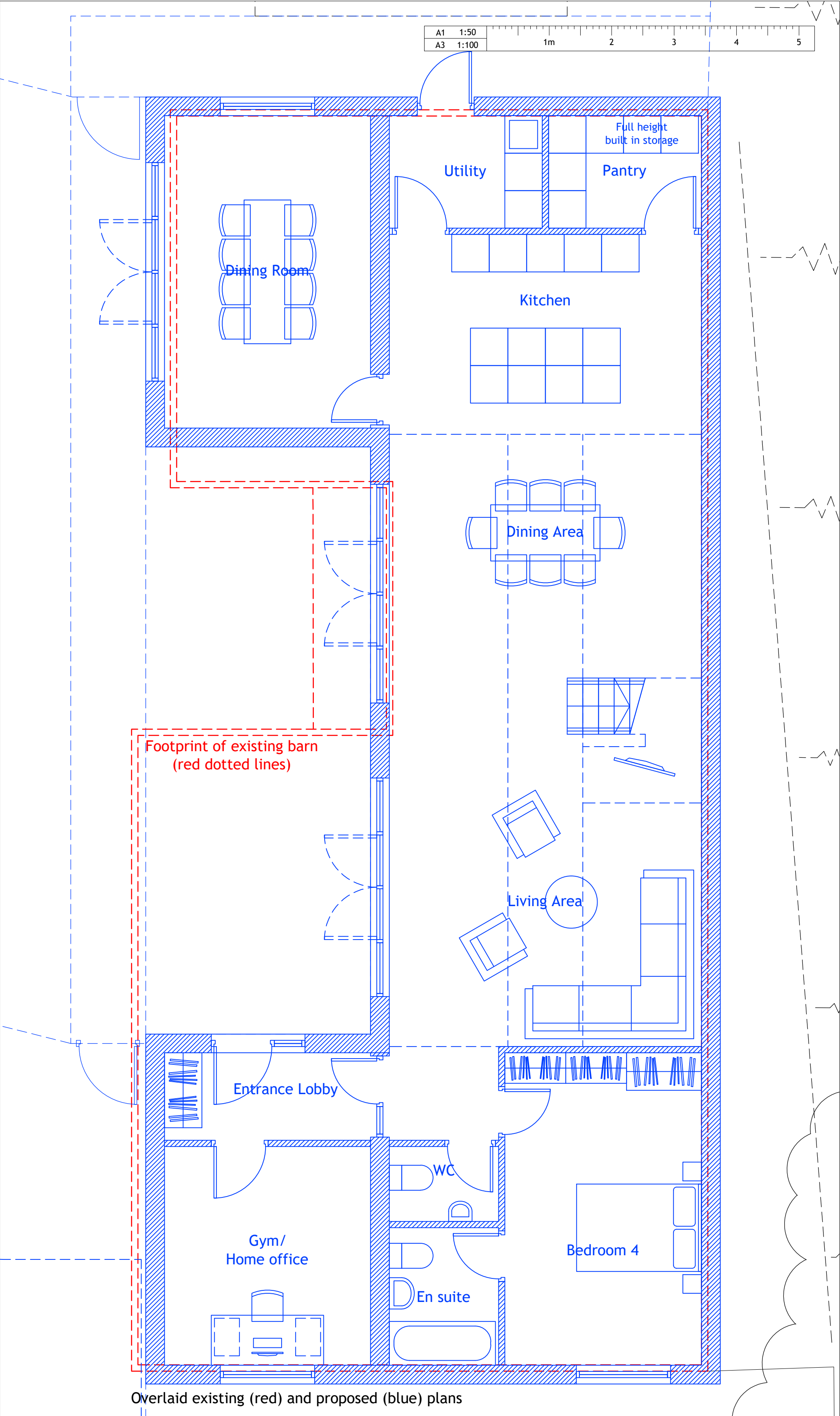
SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500





Written dimensions on these drawings shall take precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the project and Airedale Architects must be notified of any variations from the dimensions and conditions shown by these drawings prior to commencement of any work. All contractors are deemed to have made themselves aware of site conditions prior to entering into any contract.

A	EXTERNAL WORKS UPDATED FOLLOWING HIGHWAYS DEPT COMMENTS	21.11.19	ML
REV	DESCRIPTION	DATE	DRAWN

airedalearchitects

5A Chapel Lane, Bingley, BD16 2NG
office@airedalearchitects.com 01274 551140
www.airedalearchitects.com

CLIENT	Mr and Mrs Thornton		
ADDRESS	Highfield Stables, Carlton Lane Guiseley, Leeds, LS20 9PE		
PROJECT	Conversion of barn to family dwelling		
DRAWING	Proposed Site Plan		
DRAWN	ML	DATE	Sept 2019
DWG No.	1998/04A		
STATUS	PLANNING		