

Town and Country Planning Act 1990

## Refusal of Full Planning Permission

Applicant:	EP Homes Ltd - Mr Cliff	Application Number:	18/05570/FU
Agent:	WYG Mr Mike Ashworth Arndale Court Headingley Leeds LS6 2UJ	Date Accepted:	31 August 2018
		Date of Decision:	6 December 2019

**Proposed Development At:** Land Off Fartown Pudsey

**Proposal:** Infilling of former railway cutting with inert material for future residential development

**Planning permission refused in accordance with the plans and specifications for the reason(s) set out below:-**

- 1) In the opinion of the Local Planning Authority the development proposal fails to demonstrate how the tipping of material and engineering of the land would provide for a suitable building platform for future housing and as such, the proposed development is considered to be contrary to adopted policy HG2 of the Leeds Site Allocations Plan.
- 2) In the opinion of the Local Planning Authority the development proposal does not adequately consider the impact of the levels of infill on non-designated heritage assets, contrary to policy P11 of the adopted Leeds Core Strategy Selective Review.
- 3) In the opinion of the Local Planning Authority the development proposal does not demonstrate how infilling of the land can be carried out in such a way as to protect the living conditions of nearby residents and as such is considered to be contrary to saved policy GP5 of the Leeds Unitary Development Plan.
- 4) The Local Planning Authority considers that the development proposal fails to demonstrate that a viable housing scheme cannot be provided on the site by using less infill material with fewer vehicle movements, contrary to policy Air 1 of the Leeds Natural Resources and Waste Plan and paragraph 153 of the NPPF. The proposal also involves the loss of trees and does not provide an adequate landscaping scheme which would mitigate against the loss of existing trees, contrary to policy Land 2 of the Leeds Natural Resources and Waste Plan.

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- 5) The Local Planning Authority considers that the development proposal fails to demonstrate that the proposed tipping and engineering works can be delivered without creating a highway safety problem. The proposal does not show how HGV's will be able to manoeuvre on site without conflicting with other operations, particularly tipping and wheel washing. It is not clear how adequate wheel washing facilities can be provided which do not drain onto the highway or block other traffic movements. Parking spaces for employees have not been provided within the site. Consequently it is considered that the proposal does not comply with Core Strategy policy T2 or saved UDP policy G5.
- 6) The Local Planning Authority considers that the development proposal fails to demonstrate that the proposed 5m fall in land levels will not lead to surface water draining onto Carlisle Road. It is also not demonstrated whether or not existing sewerage infrastructure can sustain the input from housing on this site. Consequently it is considered that the proposal fails to meet the requirements of policies Water 6 and Water 7 of the Leeds Natural Resources and Waste Plan.
- 7) The Local Planning Authority considers that the development proposal does not provide adequate access for maintenance of the adjacent former railway tunnel, leading to a potential problem of public safety in the future, contrary to saved policy G5 of the Leeds Unitary Development Plan.

### For information:-

- 1) In coming to a decision on this application the case officer has sought to work positively with the applicant/agent in accordance with the National Planning Policy Framework but the application has been refused as the proposal did not overcome the conflicts with policy as laid out in the Decision Notice.

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

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**This notice of decision relates to the following plans:-**

Plan Type	Plan Reference	Version	Plan Date	Received
Site Location Plan/Red Line/OS Plan	EW/01			10.10.2019
Elevation and Section	300			31.08.2018
Sections/Cross Sections	EW/02			23.07.2019
Other	SK002			10.10.2019

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, unless a valid Enforcement Notice exists for the same or substantially the same development. In this case the period for appeal is **28 days** from the date of this notice. You should use a form which you can obtain from [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) or by email from [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or by phoning 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

You must send one copy of the completed form to [planning.appeals@leeds.gov.uk](mailto:planning.appeals@leeds.gov.uk) or Appeals Administration, Planning Services, Leeds City Council, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB as well as to the Planning Inspectorate at the address on the form.

If you intend to submit an appeal that you would like examined by inquiry, you should notify the Local Planning Authority ([planning.appeals@leeds.gov.uk](mailto:planning.appeals@leeds.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) of your intention to appeal a minimum of 10 working days before the appeal is submitted to the Planning Inspectorate.

The notification form and further guidance is available at [www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal](http://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal)