
SOUTH AND WEST PLANS PANEL

Meeting to be held in the Civic Hall, Leeds on
Thursday, 14th January, 2016
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar	J Bentley	A Castle	R Finnigan
M Coulson		R Wood	
C Gruen (Chair)			
J Heselwood			
E Nash			
A Smart			
C Towler			

**Agenda compiled by:
Andrew Booth
Governance Services
Civic Hall
Tel: 0113 24 74325**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 10 DECEMBER 2015</p> <p>To confirm as a correct record, the minutes of the meeting held on 10 December 2015</p>	3 - 10
7	Ardsley and Robin Hood		<p>APPLICATIONS 15/05445/FU & 15/05446/FU - FORMER SITE OF 183 HAIGH MOOR ROAD, TINGLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a retrospective application for detached house and realignment of plot boundary and an application for a detached garage and realignment of plot boundary.</p>	11 - 24
8	Horsforth		<p>APPLICATION 15/05230/FU - LAND ADJACENT TO FLOWER COURT, BURLEY LANE, HORSFORTH</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a residential development of 11 older persons flats.</p>	25 - 38

Item No	Ward	Item Not Open		Page No
9	Horsforth		<p>APPLICATION 15/05231/FU - LAND ADJACENT TO FLOWER COURT, BURLEY LANE, HORSFORTH</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for two semi-detached houses.</p>	39 - 50
10	Otley and Yeadon		<p>APPLICATION 15/06698/FU - 5 PRINCE HENRY ROAD, OTLEY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of an existing bungalow and construction of two detached dwellings.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	51 - 60

Legal & Democratic Services

Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
andy.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
2016

To:

Members of Plans Panel (South and West)
Plus appropriate Ward Members and Parish/Town Councils

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY , 14 JANUARY 2016

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 09:50 **15/05904/FU – Demolition of Existing House and Construction of Two Detached Dwellings – 5 Prince Henry Road, Otley – Leave 10.15.** (if travelling independently meet outside front of site off Prince Henry Road).

- 2 10:30 **15/05230/FU – Residential Development of 11 Older Persons Flats – Land Adjacent Flower Court, Burley Lane, Horsforth and 15/05231/FU – Two Semi Detached Houses - Land Adjacent Flower Court, Burley Lane, Horsforth, Leave 10.50.** (if travelling independently meet outside front of site off Burley Lane).

- 3 11:10 **15/05445/FU – Retrospective Application for Detached House and Realignment of Plot Boundary – Former Site of 183 Haigh Moor Road, Tingley and 15/05446/FU – Detached Garage and Realignment of Plot Boundary - Former Site of 183 Haigh Moor Road, Tingley, Leave 11.40.** (if travelling independently meet at site of 183 Haigh Moor Road)

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 09.20 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.15 am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 10TH DECEMBER, 2015

PRESENT: Councillor C Gruen in the Chair

Councillors J Akhtar, J Bentley, A Castle,
M Coulson, R Finnigan, J Heselwood,
S McKenna, E Nash and R Wood

71 Late Items

Members received an additional paper with relation to Agenda Item 7 – Application 15/05904/FU – Former White Bear, Dewsbury Road, Tingley which included representations from a local Ward Councillor.

72 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors A Smart and C Towler.

Councillor S McKenna was in attendance as a substitute.

73 Minutes - 19 November 2015

RESOLVED – That the minutes of the meeting held on 19 November 2015 be confirmed as a correct record.

74 Application 15/05904/FU - Former White Bear, Dewsbury Road, Tingley, WF3 1JX

The report of the Chief Planning Officer presented an application for the demolition of a public house and erection of two storey restaurant with drive through and associated car parking and landscaping.

Members attended a site visit prior to the hearing and site plans and photographs were displayed and referred to during the discussion on the application.

Further issues highlighted in relation to the application included the following:

- The site was located at Tingley roundabout close to the junctions of Dewsbury Road and Bradford Road.
- There had been a history of similar applications at the site that had been refused.
- There was an ongoing appeal from the applicant regarding a previously refused application.

- The proposal was for a mixed class use of A3 restaurant/café and A5 takeaway/drive through.
- There would be an agreement with the applicant for payment for improvements to bus stops.
- The site was brownfield and was largely surrounded by residential properties.
- The building on site had previously been used as a pub/restaurant and was now vacant and in a poor state of repair.
- Proximity to residential properties was shown.
- Protected trees on the site would be retained.
- Access arrangements to the site were shown including pedestrian access. The site was a main pedestrian access for students at Woodkirk Academy.
- Members were shown a previous application that was dismissed on appeal. The Inspector had not considered that the principle of the development was the main issue but the harm to residential amenity. The applicant had sought to address this concern through revised applications.
- Access to the site could be obtained from both Bradford Road and Dewsbury Road with exit only on to Dewsbury Road. These would both require visibility improvement works.
- There would be 40 parking spaces on site with spaces for 12 bicycles.
- The floor space would be half that of the existing building.
- There had been 317 letters of objection and 4 letters of support. Objections focussed on highway safety, harm to residential amenity, litter and there was also a land ownership issue. Objections had also been received from local Ward and Town Councillors.
- Members were informed that the site could still be used for use as a public house or supermarket for 24 hours a day without further permission.
- Following amendments to earlier applications which included moving the location within the site for the new building, the inclusion of acoustic fencing and reduced hours of operation on a weekend it was felt that these would have a reduced impact on amenity and the application was recommended for approval.

A local resident addressed the Panel with objections to the application. These included the following:

- This was the wrong location for this kind of operation. There had been thousands of complaints regarding this and similar applications due to the impact it would have on local residents.
- Car parking at the site was inadequate.
- Hundreds of children accessed the site on the way to and from school.
- The local authority had responsibility for public health and could refuse the application on these grounds.
- There had been no consultation between the applicant and the local community.
- The area was a traffic accident blackspot.

- Approval would breach guidance in the National Planning Policy Framework (NPPF) which stated applications of this kind should be sited in town or city centres.
- Capitol Park which was nearby would be a more suitable location.

A representative of Woodkirk Academy addressed the Panel with objections to the application. These included the following:

- The academy had a responsibility to protect the health and wellbeing of their students and promoted healthy diets as part of tackling childhood obesity.
- Fast food had an effect on children's behaviour, concentration and mood which could have an adverse effect on health and educational attainment.
- Risk of anti-social behaviour – both harmful to students and risk of their involvement.
- Additional traffic would also increase the risk on what was already a dangerous road to cross.

In response to questions from Members, the following was discussed:

- It was felt that the objections were material planning issues and the lack of sequential testing was also raised as it was not felt that this had been carried out on all suitable and immediate areas.
- There had been in excess of 6,000 objections to this application and others that had been submitted for the site.
- There had been inconsistencies across the various documentation with regards to issues such as car parking and opening hours. This had made it difficult for members of the public to understand.
- There was no benefit to children with regards to health, education and road safety.
- The operation of the public house at the site did not have an impact on nearby residents.
- Although the academy could not control children's eating habits out of school, there was a community responsibility to deal with anti-social behaviour that took place out of school.
- Students were not allowed off the school site during school opening hours and exit gates would be staffed to prevent this.
- Local residents would prefer to see this site re-used as a public house or a supermarket. There had also been discussion with the local CCG regarding the use of the site for a health hub.

The applicant's representative addressed the Panel. Issues highlighted included the following:

- Benefits of the proposals, should they be approved, included investment in the local economy and the creation of up to 65 jobs for local people.

- There had been substantial revisions to the plans following a lost appeal and these had now received the support of Council officers. The applicant was aware of residents' concerns and had sought to address these through revisions to the proposals. Revisions included moving the site of the building, no windows at the rear of the building to prevent overlooking and the provision of acoustic fencing.
- The applicant prided themselves on being a good neighbour and carried out litter patrols clearing all rubbish with patrols taking place 3 times a day.
- In response to questions from Members, the following was discussed:
 - Noise consultants had been engaged and were satisfied with the proposals.
 - Sequential testing had been completed for the area.
 - There had been some community consultation during earlier applications. The applicant was aware of community concerns to the proposals.
 - With regard to the disputed strip of land, this could only be resolved should the application be granted.

In response to questions and comments from Members, the following was discussed:

- There would be improvements to access and egress from the site. The Bradford Road access would be for incoming traffic only. The fallback position was that the current access arrangements may remain should the site be re-used for something else.
- There was no policy to determine the minimum distance that a hot food takeaway or fast food restaurant should be from a school.
- Tingley roundabout was the third worst accident blackspot across the city. It was not felt that these proposals would worsen this. Large gyratory roundabouts were common accident blackspots due to high volumes of traffic.
- The Bradford Road access to the site would be sufficient for a 7.5 tonne rigid vehicle in accordance with design standards.
- Parking at the site was felt to be sufficient and generous in comparison to other similar sites.
- Concern that customers would use residential areas for parking rather than circumnavigate Tingley Roundabout to come back down Dewsbury Road.
- Concern regarding the traffic and that the proposal was unsuitable for this site. When the previous pub/restaurant had first used the site there was much less traffic.
- The application had attracted opposition from schools, residents, Ward Councillors and the local MP. The Council had a responsibility for public health and childhood obesity was a significant problem. There was not enough parking at the site and there were road safety issues for school children crossing. The proposals would also harm residential amenity and undermine local residents' quality of life.
- Any other use of the site would add to the existing traffic.

Following a motion to refuse the application, Members went into private session to discuss reasons for refusal.

RESOLVED – That the public be excluded from the meeting during the consideration of the reasons for refusal on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as follows:

Under Schedule 12 Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(5) Information in respect of which a claim to a legal professional privilege could be maintained in legal proceedings. It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Where there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time.

Following the private session, Members were given a summary of the reasons for refusal that had been discussed.

RESOLVED – That the application be refused in principle with the decision deferred to the Chief Planning Officer to draft detailed reasons for refusal relating to the harm to residential amenity by virtue of the noise and disturbance from the coming and goings associated with customers visiting the premises at hours when residents might expect some respite particularly up to 11.00 p.m. at weekends.

Highways safety in relation to the operation of the two accesses.

And further consideration of the public health implications of the proposal particularly with regard to the proximity of Woodkirk Academy.

All of the above to be discussed with the Chair prior to the decision being issued.

75 Application 15/03540/RM - Nethertown Livery Stables, Old Lane, Drighlington, BD11 1LU

The report of the Chief Planning Officer presented a reserved matters application for 23 dwelling houses with landscaping and laying out of access roads and sewers at Nethertown Farm, Old Lane, Drighlington.

Site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- Outline planning was approved for the site in March 2015.

- The site was currently occupied by a farm and had a number of authorised and unauthorised buildings.
- The application was for 23 dwellings with an area of land set to one side as greenspace.
- The proposed dwellings equated to less than the maximum volume and height of what was approved at the outline application.
- There would be 15% affordable housing contribution which would equate to 3 dwellings.
- Each dwelling would have a different design with a mix of farmyard and courtyard styles to reflect the history of the site. This would also include bungalows.
- There would be off site highways works.
- The dwellings would be a mix of stone and brick. Materials would be conditioned. There would be a dry stone wall effect to the frontage.
- The application was recommended for approval.

A local Ward Councillor addressed the Panel with concerns regarding the application. These included the following:

- The outline application was based on 19 dwellings.. this application had an increase in floor space and volume.
- The outline application had planning benefit calculated via a Section 106 agreement prior to the introduction of the Community Infrastructure Levy. It was requested that the application be deferred so a recalculation could be made.
- In response to questions from Members the following was discussed:
 - The outline application was agreed so the site would be improved and unauthorised buildings be removed. This application did not reflect what was agreed at the outline application.

The applicant's representative addressed the Panel. The following issues were highlighted:

- Although the site was greenbelt, development was permitted providing there was no further impact on openness as the land had previously been developed.
- The proposals did not exceed the volume or height of the buildings that was agreed at the outline application.
- Although there were more dwellings they were generally of a smaller size and the layout was very close to the indicative layout of the outline application.
- In response to questions from Members, the following was discussed:
 - Affordable housing had been located where it had on the site in order to make it more affordable. These properties would likely be discount for sale properties.

Further to comments and questions from Members, the following was discussed:

- All properties would have at least two parking spaces with the exception of the middle property on the block of three affordable housing units.
- There was a preference for all affordable housing to be social rented.
- Further concern regarding the increase in dwellings following the outline application and the impact on openness.

RESOLVED – That the application be approved in principle with the decision deferred to the Chief Planning Officer for further negotiations to enlarge windows on two side gables of properties facing onto greenspace.

This page is intentionally left blank



Originator: Jenna Riley

Tel: 0113 247 8027

Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 14th January 2016

Subject:

APPLICATION 15/05445/FU: RETROSPECTIVE APPLICATION FOR DETACHED HOUSE AND REALIGNMENT OF PLOT BOUNDARY AT FORMER SITE OF 183, HAIGH MOOR ROAD, TINGLEY, LEEDS, WF3 1 EN.

APPLICATION 15/05446/FU: DETACHED GARAGE AND REALIGNMENT OF PLOT BOUNDARY AT FORMER SITE OF 183, HAIGH MOOR ROAD, TINGLEY, LEEDS, WF3 1 EN.

APPLICANT

Mr John North

DATE VALID

24th September 2015

TARGET DATE

14th December 2015

Electoral Wards Affected:

Ardsley & Robin Hood

Yes Ward Members consulted
(via Highways Consultation)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

REFUSE for the following reason:

15/05445/FU

1. The Local Planning Authority considers that the dwelling, due to the close proximity to the neighbouring property and garden of 185 Haigh Moor Road, would lead to a harmful overlooking impact and loss of outlook which would be significantly harmful to neighbouring amenity. In addition to this, the proposal, in providing an inadequate level of garden space for the new dwelling created, would also provide a poor level of amenity for future occupiers of the new dwelling created. The proposal has therefore failed to provide good amenity and protect existing amenity contrary to the wider aims of Leeds Core Strategy policy P10, Saved UDP policies GP5 and BD5 and the guidance contained within the Council's Neighbourhoods for Living SPG and the

National Planning Policy Framework.

2. The Local Planning Authority considers that the proposed dwelling, due to its size and scale, appears cramped in its plot, represents an overdevelopment of the site, and is harmful to the character of the area by virtue of its (1) harm to the setting of the neighbouring Grade II listed building at 183B Haigh Moor Road, (2) harm to the character of the cluster of non-designated historical buildings in the vicinity and (3) failure to achieve appropriate space about the building and appropriate separation distances to neighbouring buildings. As such the proposal would fail to meet the relevant legal test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and be contrary to the wider aims of Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, and N14 and the guidance contained within the National Planning Policy Framework.

15/05446/FU

1. The Local Planning Authority considers that the proposed garage, in taking up a significant part of the proposed garden space which already represents an under-provision when considered against the requirements of local planning guidance, would lead to further harm to the amenity of the future occupiers of the new dwelling which is the subject of planning application 15/05445/FU. The proposal has therefore failed to provide good amenity contrary to the wider aims of Leeds Core Strategy policy P10, Saved UDP policies GP5 and BD5 and the guidance contained within the Council's Neighbourhoods for Living SPG and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed garage, in addition to the dwelling proposed at the site, would represent built development which appears cramped in its plot, represent an overdevelopment of the site, and be harmful to the character of the area by virtue of its (1) harm to the setting of the Grade II listed neighbouring building at 183B Haigh Moor Road, (2) harm to the character of the cluster of non-designated historical buildings in the vicinity and (3) failure to achieve appropriate space about the building and appropriate separation distances to neighbouring buildings. As such the proposal would fail to meet the relevant legal test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and be contrary to the wider aims of Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, and N14 and the guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 These applications are brought to South and West Plans Panel at the request of Martin Sellens, Head of Planning Services, in the interests of transparency. There is a long and complex planning history at this site which includes on-going planning enforcement action which relates to the proposals now submitted.
- 1.2 Members of Plans Panel should be aware that Cllr Tom Leadley, locally elected ward member for Morley North, lives in the property adjacent to the application site and has submitted objections to the development in his capacity as a local resident.

1.3 Members are also reminded that as the report relates to two applications, two decisions are required to be made by Panel.

2.0 PROPOSAL:

2.1 The applicant has submitted two applications relating to the former site of No.183 Haigh Moor Road, Tingley, Leeds, WF3 1EN; the first of which (15/05445/FU) seeks retrospective consent for a detached house and realignment of the plot boundary. The plot boundary needs to be realigned because the red edge previously approved was inaccurate. The second application (15/05446/FU) seeks consent for a detached garage and realignment of plot boundary.

15/05445FU

2.2 The first application seeks retrospective consent for a detached dwelling which as built measures 9.8m in width, 7.07m in depth with a pitched roof measuring 5.46m to the eaves and 7.72m to the ridge. The dwelling is constructed out of stone with a slate tiled roof. The property is a detached 3 bedroom property with a pitched roof including porch, lounge, kitchen/dining room, utility and W/C to ground floor; landing area, house bathroom, three double bedrooms to the first floor, one of which has an en-suite.

15/05446/FU

2.3 The second application seeks consent for a detached garage and realignment of plot boundary to serve the detached house described above. The garage will measure 3.58m in width and 6m in depth with a pitched roof measuring 2.6m to the eaves and 3.78m to the ridge. In addition to this the proposal includes the laying of a new driveway with parking space for two cars. The alterations to the boundary involve re-building the existing 1.2m high stone wall along the eastern boundary.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is located off Haigh Moor Road to the rear of existing residential properties and is known as 'Commonside'. A neighbouring property known as 183B was previously a barn and was converted into a dwelling post 2007 after obtaining planning permission. It is noted that this neighbouring building is Grade II Listed. Neighbouring properties comprise of a cluster of buildings including houses and stables. The immediate area is mainly residential, however designated Green belt land and a special landscape area are located very close by including open fields and farmland beyond.

3.2 It is noted that at the time of site visit, development had commenced on site to in an attempt to implement the previously approved application 14/05475/FU. However because the red line boundary was inaccurate, the development cannot be constructed in accordance with the approved plans. The building erected had reached two storey level, the roof was finished and the first and second floor windows were fitted. Whilst the internal fit out was unfinished the dwelling was not far off from being completed. The access road off Clarke Road is currently unmade.

3.3 The application site is unallocated in the UDP.

4.0 RELEVANT PLANNING HISTORY:

4.1 As is noted in the Introduction to this report the application site has a long and complex planning history. The relevant planning applications are outlined below:

13/05674/FU	Alterations including two storey extension with chimney to side; raise eaves and roof height to part of existing rear extension	Refused 28.05.2015
14/02926/FU	Detached dwelling to site of semi-detached house	Refused 24.07.2014
14/05475/FU	Detached dwelling to site of semi-detached house	Approved 12.01.2015
15/00419/COND	Consent, agreement or approval required by conditions 3, 6 and 10 of Planning	Refused 22.07.2015
15/02989/FU	Variation of condition 2 (approved plans) of planning approval 14/05475/FU for MINOR MATERIAL AMENDMENT to allow increased footprint and repositioning of new dwelling	Refused 27.08.2015

4.2 The relevant planning enforcement cases are outlined below.

15/00303/NCP3	Breach of planning permission 14/05475/FU	On-Going
----------------------	---	----------

4.3 The relevant timeline of events for the site is as follows:

January 2015: Planning permission was granted at the site for the erection of a detached house to replace the pair of semi-detached houses at the site (**14/05475/FU**). This followed an earlier planning refusal (**14/02926/FU**) in 2014. Shortly after the applicant then applied to discharge the conditions attached to the planning approval (**15/00419/COND**) however the LPA were not satisfied with the detail and the request was refused.

March 2015: It was reported to the Council's Enforcement Team that the building was not being built in accordance with the approved plans. As such, an enforcement case was set up to investigate whether a breach of planning control had occurred. Investigations have since revealed that the dwelling as part built is wider, deeper, taller and further forward in the plot than the approved scheme (**14/05475/FU**). There are also a number of minor elevational detail differences.

August 2015: The applicant applied to vary condition 2 (relating to the approved plans) of previous planning approval (**14/05475/FU**) for a 'minor material amendment' to allow increased footprint and repositioning of new dwelling under application reference (**15/02989/FU**) in an attempt to try and regularise the unauthorised development. This application was refused as the amended proposal put forward was not appropriate to be considered as a 'minor material amendment'.

September 2015: The applicant has now submitted two applications which are the subject of this report and are brought to members of South and West Plans Panel for consideration as outlined in the Proposal section of this report. At the time of the

officer site visit, the detached dwelling house was near to completion; stone walls had been constructed up to roof height level, the ground and first floor windows had been inserted, the roof had been fully constructed using hung slate tiles and footings for the detached garage had been dug. However, works had ceased on the site following the issue of a Temporary Stop Notice which was served on the applicant on 18th August 2015 by the Planning Enforcement Team under planning enforcement reference **15/00303/NCP3**. The Temporary Stop Notice required the applicant to cease any further works internal or external on the detached two storey dwelling and detached garage.

Following investigations by the Planning Enforcement Team it was discovered that the dwelling has not been built in accordance with the previously approved plans **14/05475/FU**. Therefore the dwelling as constructed represents unauthorised development. The following differences were noted in comparison to the approved scheme:

- As built, the main ridge of the roof is 0.52m higher than the previously approved plans and 0.32m higher than indicated on the plans submitted.
- As built, the eaves height measures 5.46m which is 0.16m higher than the eaves height previously approved and indicated on the plans submitted.
- As built, the width of the extension measures 9.8m which is 0.785m wider than the previously approved plans.
- As built, the depth of the extension measures 7.070m which is 0.78m deeper than the previously approved plans.
- As built, the front elevation of the porch is sited 4.15m from the boundary wall shared with the adjacent neighbour at No.185 Haigh Moor Road. This is 2.49m closer to the adjacent neighbouring property No.181 Haigh Moor Road than the previously approved plans.

The Council is currently considering further actions in the form of formal enforcement action but before doing so it is prudent to await the outcome of the current planning applications.

5.0 CONSULTATION RESPONSES:

5.1 Highways No objections - subject to a revised red line plan, extended garage door width and details of proposed improvements to the access road as it is currently unmade.

Conservation Object to the proposals; the unauthorised building is more harmful to the undesignated heritage assets than the approved scheme, however, in terms of the impact on the designated heritage asset – i.e. the listed barn, the additional harm is minimal.

The additional harm to the heritage assets is due to siting, scale and design.

Flood Risk Management - no response received.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by Site Notice (affecting the setting of a listed building) and Neighbour Notification Letter. The neighbour notification letters were

posted out on 24th September 2015 and the site notice was posted on 09th October 2015. The publicity period expired on 23rd November 2015.

- 3 letters of objection have been received in relation to the retrospective application for detached house and realignment of plot boundary
- 1 letter of objections has been received in relation to the detached garage and realignment of plot boundary.

6.2 MP Comments:
None

6.3 Ward Member Comments:
Cllr Jack Dunn has objected to the application, Cllr Dunn has raised the following concerns:

- The application appears to be a deliberate disregard of the permission received.
- The applicant has been at the centre of more than one planning dispute and as such is well versed in planning procedures and has a first class planning consultant at his disposal so there should be no margin for error.
- The development will set a precedent which the applicant or others could use in future developments.
- Allowing the development when other applicants in the ward have been the subject of full planning enforcement action.
- Highlights the objection received from the local residents which gives a full account of why this development is not in accordance with the approved plans and as such requests that this application is refused.

6.4 Parish/Town Council Comments:
None

6.5 Community Forum Comments:
None

6.6 Objection Comments:
A total number of 3 objections have been received to the application:

- Cllr Jack Dunn
- Cllr Tom Leadley – local resident (No.181 Haigh Moor Road)
- Mr Allan Wood – local resident (No.185 Haigh Moor Road)

6.7 The letters of objection from the neighbours at No. 181 Haigh Moor Road and No.185 Haigh Moor Road raise the following concerns:

- Construction work started in March does not match approved plans
- Lack of speedy enforcement action
- The building is much larger and further forward than the approved plans, and the dwelling now includes concrete footings within the eastern boundary of the plot
- Reports of inaccurate plans and of earlier inaccurate plans and misleading information on the application forms.
- Highlight a need for more numeric detail and dimensions
- Concerns that the dwelling as built does not meet necessary minimum distances to boundaries and neighbouring properties contained within planning policy
- Previous approval cannot be a fall-back position as it cannot be built due to earlier inaccurate plans and the fact that the site is not big enough.
- Overdominance
- Issues of overlooking and loss of privacy

- Invasion of privacy in relation to principal windows and neighbouring private garden space
- Scale and massing of what is under construction
- Distances from the front porch wall and porch
- Overshadowing and loss of light
- Detrimental impact on the neighbouring barn conversion which is Grade II listed.
- Overbearing, oppressive and overdominant
- Overall harmful development which is out of place with the character of surrounding buildings
- Refers to a similar application within the city where the application and plans had typographic errors and the house had been built with in the wrong place and bigger than approved. As a result the house had been demolished and a legal dispute was on going between the applicants and their agent who were alleged to be responsible for the errors and therefore liable for consequential losses suffered by the applicant.
- Concerns regarding vehicle turning areas and lack of turning areas
- Bringing the new eastern boundary wall closer to the listed building at No.183b Haigh Moor Road which may be harmful
- Reports that the existing garage serving No.183b Haigh Moor Road is also not in accordance with the approved plans.

6.8 Support Comments:
None

6.9 Other Comments:
None

7.0 **PLANNING POLICIES:**

7.1 Core Strategy Policies
P10 - Design and Amenity
T1&T2 Accessibility and transport provision for development.

Relevant Saved UDP Policies
GP5 – General planning considerations
BD5 – General amenity issues.
N14 – Listed Buildings
N17 - Listed Buildings

7.2 Supplementary Design Guide
Neighbourhoods for Living SPG

7.3 National Planning Policy
The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published 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. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

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.

The aims of the NPPF include a presumption in favour of sustainable development and cites the three dimensions to sustainable development; which include an economic, social and environmental role which should be performed by the planning system.

The NPPF attaches great importance to the design of the built environment and encourages good design (NPPF56). Authorities are encouraged to refuse development of poor design where opportunities are not taken to improve the character and quality of an area and the way it functions (NPPF64).

Planning law states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF11)

Development Plan

The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

Because of the scale and nature of the development, there are no DPD policies which are relevant to the consideration of this application.

8.0 MAIN ISSUES:

- Sustainability/Principle of Development
- Fallback Position
- Residential Amenity
- Private Amenity Space
- Design/Character and Setting of the Listed Building
- Highway Safety/Accessibility
- Representations
- Other

9.0 APPRAISAL:

15/05445/FU - Retrospective application for detached house and realignment of plot boundary

Principle of development

9.1 The site has accommodated residential development for a substantial period of time, with records showing a small detached property was occupied at the site from 1938. The principle of new residential development at the site, which would represent a continuation of this long established use, is therefore considered acceptable as was demonstrated in granting the recent planning approval at the site (REF) in January 2015.

Fallback Position

The planning history of the site, including the findings of the on-going planning enforcement case, is detailed in the Planning History section of this report. It is noted that it is not an offence in itself to carry out works without first gaining the necessary

planning permissions, however the Council strongly advises against this for obvious reasons. Notwithstanding the retrospective nature of the application however, the current proposal must be assessed on its individual planning merits.

In considering the merits of the planning application submitted it is important to consider what, if any fallback position exists. It is well established that a fallback position, where it exists, is a relevant material planning consideration for any proposed scheme. As noted above it is clear that the dwelling erected on site has not been implemented in accordance with the approved plan and conditions in relation to application 14/03997/FU. As such the dwelling erected does not benefit from planning permission and therefore represents an unauthorised structure.

In normal circumstances the applicant would have a fallback position, in the form of the approved scheme, to which weight should be attached as appropriate. However, following the determination of planning application 14/03997/FU the submitted plans were found to be inaccurate. The inaccuracies in the plans show a larger application site than actually exists and therefore allowances were made for this during the consideration of the previous application. Following the discovery of these inaccuracies it is apparent that the dwelling approved under 14/03997/FU could not in practice be built out. It is therefore considered that the previous planning permission does not represent a viable fallback position and should be attached very little weight in the consideration of the current planning applications.

9.3 Design, Character and Setting of the Listed Building

The application site is situated on the edge of an existing established residential area. However the character of the application site itself is strongly defined by the wider rural setting in the Green Belt and designated special landscape area beyond. Indeed, the close proximity of the Grade II listed barn to the east and the neighbouring cluster non-designated historic buildings of the application site are examples of the rural heritage of the site.

The Leeds Core Strategy includes a number of policies relevant to conservation and design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design, policy P11 looks to conserve and enhance the historic environment and policy P12 looks to protect the character and quality of Leeds townscapes. Saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design and policy N14 sets out a presumption in favour of the preservation of listed buildings.

The NPPF suggests that local authorities should consider refusing permission for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' (paragraph 64). The NPPF sets out national planning policy in relation to heritage matters in section 12.

In addition to this Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve setting of listed buildings.

As is noted above, the principle of residential development at the site is considered acceptable. In considering the application in design and character terms one of the main considerations is whether the proposal would impact upon the setting of the

listed building or be harmful within the context of the other non-designated heritage assets at the site (i.e. the cluster of non-designated historic buildings).

The Council's Conservation Officer has advised that the proposed dwelling would be harmful to the setting of the Grade II listed barn to the east but that the harm created over the previously approved, although not implementable, scheme would be minimal. Greater harm would however be created in relation to the cluster of historical buildings (of which the listed barn forms part of) due to the size of the new dwelling proposed in what is currently a very modest plot.

In assessing harm to designated heritage assets the NPPF advises at paragraph 134 that the harm should be weighed against the public benefits of a proposal, including securing its optimum viable use. It is not considered that any such benefits exist. In assessing harm to non-designated heritage assets the NPPF advises at paragraph 135 that a balanced judgement should be reached in regard to the scale of any harm of loss and the significance of the heritage asset. It is considered that the cluster of non-designated historical buildings form an important feature of the local area in this respect and therefore the harm is considered to be significant.

This would be harmful to local character including to the setting the of neighbouring Grade II listed building and the non-designated historical buildings in the vicinity. In addition to this the failure to maintain adequate separation distances to neighbouring residential properties and provide for an adequate garden area represent poor design features which add to the overall view that the proposal represents an overdevelopment of the plot.

As such the proposal is therefore considered to fail the relevant legal test of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal is also considered to be contrary to the wider aims of Core Strategy policies P10, P11 and P12, saved UDP policies GP5, BD5, and N14 and the guidance contained within the National Planning Policy Framework in these respects.

9.4 Residential Amenity

Leeds Core Strategy policy P10 aims to protect general and residential amenity. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants and policy BD5 states:

'All new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight.'

The Council's Neighbourhoods for Living SPG looks to ensure development proposals provide a good level of amenity for future occupiers. Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

New residential development should look to provide a good level of amenity for future occupiers and protect the amenity of neighbours. This includes protecting privacy and outlook and ensuring that residential development provides for includes providing good quality outdoor amenity areas for the enjoyment of occupiers.

In terms of privacy, the windows in the front elevation of the dwelling do not meet the minimum distances necessary to comply with guidance. The porch window does not

meet the necessary distance of 4m to the highway, the ground floor 'main' windows do not meet the minimum distance of 10.5m the boundary and the first floor 'secondary' bedroom windows do not meet the minimum distance of 7.5m to the boundary. The combination of these substandard distances and the proximity and orientation of the neighbouring site at 181 Haigh Moor Road leads to significant concerns in relation to privacy with the private garden space of number 181 being particularly overlooked.

Whilst it may be possible to prevent overlooking from the ground floor windows through boundary treatment, the use of obscure glazing in first floor rear window serving the first floor bedrooms would fail to afford future occupiers with satisfactory living accommodation and outlook.

In addition to the above, the larger, two storey element of the dwelling as built measures only 5.7m from the shared front boundary and is also located on a higher land level; as such the dwelling has an overly oppressive impact on the outlook of the adjacent neighbouring site at 181 Haigh Moor Road. The proposal is therefore considered to be harmful to neighbouring residential amenity in respect of overlooking and a loss of outlook contrary to the Neighbourhoods for Living SPG and also policy GP5 and BD5 of the adopted UDP

It is also acknowledged that the increase in height of the dwelling has created some additional overshadowing of the garden space serving the neighbour at No.185 Haigh Moor Road. However, the level of additional shadow cast is not considered to be so significant as to warrant a reason to refuse the application.

In terms of private garden space provision it is considered that the dwelling as built when combined with the proposed detached garage fails to achieve an acceptable level of private amenity space for future occupants. Supplementary Planning Guidance document 'Neighbourhoods for Living' states that the garden area for new housing should represent 2/3rd of the total gross floor area of the dwelling. Using the council's measurements the dwelling has an approximate floorspace of 140m² and whilst the plans submitted suggest that there is ample room for a garage as well as the provision of adequate garden space for future occupants, in reality the footings dug for the garage are much closer to the house thus suggesting that there is a discrepancy between the size of the site and plans submitted.

In conclusion, given the limited garden space proposed, a significant chunk of which is to be taken up with the proposed detached garage, would be unacceptable and would provide insufficient private amenity space to serve the dwelling to the detriment of the amenity of future occupiers. The proposal is therefore also considered to be harmful to the residential amenity of future occupiers in this respect contrary to the Neighbourhoods for Living SPG and also policy GP5 and BD5 of the adopted UDP

9.5

Highway Safety

Both applications are considered acceptable in terms of their impact on highway safety. The application site is located in a sustainable location with good access and transport links. It is the view of the Highways Officer that in light of the previously approved application, a highways objection would be hard to justify.

The highways officer has requested that the door on the proposed garage is widened to 2.4m in width and that the red line should be extended to the adopted highway to include the full length of the access route from Haigh Moor Road. Additionally the Highways Officer has requested that the applicant provides details

of improvements to the access track as it is currently unmade. The agent has confirmed no improvements to the access track are proposed as part of the application and that they have edged the access route in blue as they have a right of access along the access route from Haigh Moor Road. It is therefore considered that the proposal complies with aims of policy T2 of the adopted Core Strategy.

9.6 Representations

It is acknowledged that the neighbours at No.181 and No.185 Haigh Moor Road have submitted lengthy objections in response to the application which seeks retrospective consent for a detached dwelling and realignment of plot boundary. The concerns raised by neighbours support the officer view that the larger dwelling as built is overly dominant and will have a detrimental impact on neighbouring amenity space and that there will be an unreasonable loss of privacy from first floor bedroom windows once the dwelling is occupied. These concerns are also supported by local ward Cllr Jack Dunn. Cllr Dunn highlights the applicant has been involved in previous planning disputes and that this development is also not in line with the approved plans. Cllr Dunn adds that the Council have taken enforcement action to remedy similar unauthorised development elsewhere in the city; the Council is currently looking into taking formal enforcement action.

9.7 Application 15/05446/FU – Detached Garage

The principal of the addition of a domestic garage to serve a new residential property at the site is considered acceptable in principle. In terms of design and character, the garage is of modest proportions with a pitched roof and is to be constructed out of matching materials; furthermore garages are a common feature of residential properties.

It is noted that the Councils Highways Team do not raise any objections to the proposal in terms of highway safety. However, the additional built form created by the introduction of the proposed garage to the side of the dwelling would add to the harm created in this respect with the resulting development leaving little relief between the proposed and neighbouring structures. Therefore, it is considered that within this context the garage would be harmful to both the setting of the listed building (the designated heritage asset) and the non-designated historical buildings and would appear cramped in the plot.

As highlighted previously under Section 9.4 of this report, in terms of private garden space provision it is considered that the larger dwelling as built when combined with the proposed detached garage fails to achieve an acceptable level of private amenity space for future occupants. Whilst the plans submitted suggest that there is ample room for a garage as well as the provision of adequate garden space for future occupants of the detached dwelling, in reality the footings dug for the garage are much closer to the house thus suggesting that there is a discrepancy between the size of the site and plans submitted. The proposal is therefore also considered to be harmful to the residential amenity of future occupiers in this respect contrary to the Neighbourhoods for Living SPG and also policy GP5 and BD5 of the adopted UDP.

10. **CONCLUSION**

10.1 **15/05445/FU - Retrospective application for detached house and realignment of plot boundary**

The proposal is considered to create a well-proportioned, family dwelling using high quality materials in a sustainable location which does not lead to any significant highway safety concerns; these are considered to be the positives of the application.

However, negatives of the proposal include harm to neighbouring amenity in the terms of overlooking, loss of outlook, overdominance, and inadequate level of garden space resulting a poor level of amenity for future occupiers of the new dwelling. Furthermore the proposal will lead to overdevelopment of the site, and is also considered harmful to the character of the area by virtue of its harm to the setting of the neighbouring Grade II listed building at 183B Haigh Moor Road, and cluster of non-designated historical buildings in the vicinity. The development also fails to achieve appropriate space about the building and appropriate separation distances to neighbouring buildings. The negatives of the proposal significantly outweigh the positives of the scheme.

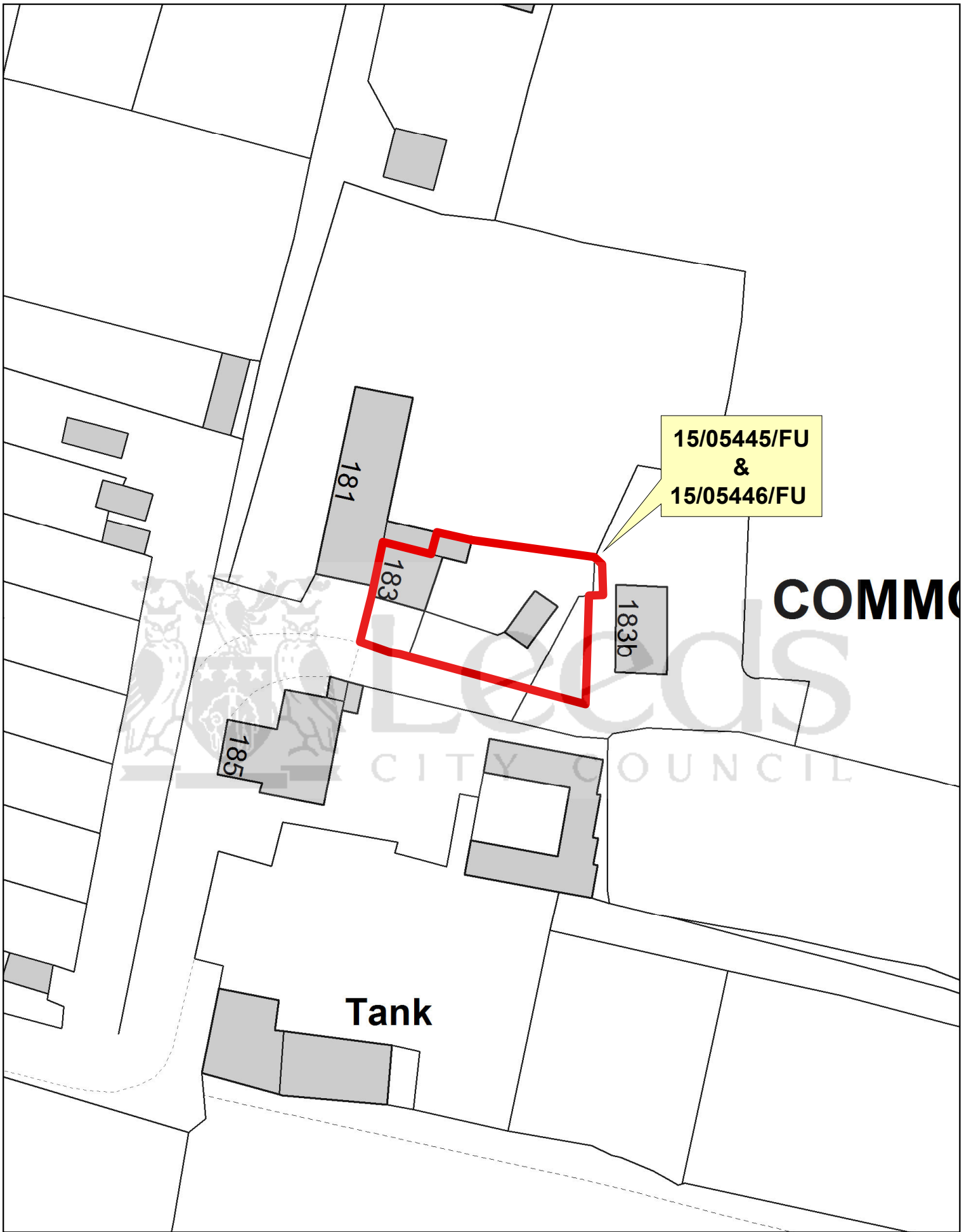
15/05446/FU - Detached garage and realignment of plot boundary

In conclusion, given the limited garden space proposed, a significant chunk of which is to be taken up with the proposed detached garage, the detached garage is considered unacceptable and would provide insufficient private amenity space to serve the dwelling to the detriment of the amenity of future occupiers.

- 10.2 Overall, the applications are considered unacceptable in planning terms and would be contrary to the aims of the relevant local and national planning policy and as such are recommended for refusal.

Background Papers:

Application files 15/05445/FU & 15/05446/FU



SOUTH AND WEST PLANS PANEL





Originator: Carol
Cunningham
Tel: 0113 24 77998

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 14th January 2016

Subject: Application number 15/05230/FU – Erection of a block of 11 older persons flats at Flower Court, Burley Lane, Horsforth, Leeds

APPLICANT	DATE VALID	TARGET DATE
Leeds & Yorkshire Housing Association	10 September 2015	15 th January 2016

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE subject to the specified conditions

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Sample panel of stonework to be erected
5. Samples of surfacing materials to be submitted
6. Fencing and walling to be implemented in line with approved plans
7. Areas for parking to be implemented before occupation
8. Approved visibility splays to be implemented before occupation
9. Maximum of gradient to driveways
10. Gates to be set back from highways
11. Approved visibility splays/sightlines
12. Provision for contractors during construction
13. Footpath crossing details to be submitted
14. Landscaping scheme
15. Tree protection during construction
16. No removal of trees except those shown to be retained
17. Replacement of any dead/dying trees
18. Landscaping management scheme to be submitted

19. Surface water drainage details to be submitted and approved
20. Details of foul water drainage to be submitted and approved
21. Details of bat boxes, bird boxes and measures for hedgehogs to be submitted
22. Phase 2 site investigation to be submitted
23. Amendment of remediation statement if required
24. Submission of verification reports
25. Details of imported soil
26. Details of external storage to be submitted

1.0 INTRODUCTION

- 1.1 The application is for 11 two bedroomed flats in a two storey building with additional flats in the roof. The scheme is affordable rented flats for older persons and is linked to another application on this agenda for 2 Semi Detached houses. The scheme is brought to Panel due to the large number of objections to the scheme and the fact the land is currently owned by Leeds City Council.

2.0 PROPOSAL:

- 2.1 The application is for 11 older person flats which will be for the affordable rental market. All of the 11 flats will have two bedrooms. The building will be two storey to the eaves with additional rooms in the roof space for the vast majority of the building the building, with a smaller two storey part on Regent Road. The higher part of the building will have dormer windows which will be situated within the eaves lines. There will be 4 flats on the ground and first floor with 3 flats within the roof space.
- 2.2 The building will be situated on the corner of Burley Lane and Regent Road and will take the form of an L shaped building. The original scheme had the building at the pavement edge but the amended plans now have the building set back from the pavement edge by 2.5 metres.
- 2.3 On Burley Lane the building will be 7 metres to the eaves and 12 metres to the apex and on Regent Road 7.2 metres to eaves and 12 metres to the apex. The two storey smaller element will be 6.2 metres to the eaves and 8.6 metres to the apex. There will be an area of amenity space to the rear of the proposed building for use of the residents.
- 2.4 Originally the scheme had the car park to the rear of the site with 7 car parking spaces, this was extended to 17 car parking spaces but involved loss of more trees and involved more of the existing amenity space. The amended plans for consideration still show 17 spaces but the car park covers approximately half of the land to the rear with the other half left landscaped. There will be 15 car parking spaces on this land and two spaces at the side of the building on Burley Lane. The access to this car park is off Regent Road. Overall the scheme now involves the loss of 7 trees.
- 2.5 The materials originally were sandstone with fibre cement roof and artstone heads and cills along with grey aluminum windows. These have been changed to a natural slate roof with painted white surrounds and white aluminum windows.
- 2.6 There is a linked application for two houses to the south of the site with an area of woodland to remain to the rear which will have a management plan for long term management covered by a condition. The application for the houses is also on this agenda under application number 15/05321/FU.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site along with the piece of land with the linked application for two houses is an rectangular area of land which at the moment is covered with trees and bushes and used for informal purposes such as walking dogs and children playing. The land at the moment is not managed and suffers from overgrown vegetation and litter.
- 3.2 The site has Burley Lane to the north, Regent Road to the east with the proposal for the Semi Detached houses to the south of the site. On the western side of the site is an existing two storey block of sheltered accommodation.
- 3.3 On the opposite side of Burley Lane are the end gables of a row of Victorian terraces which are two storey. On the opposite side of Regent Road at the top end of the site is the end gable of a row of terraced houses again two storey with rooms in the roof and dormers. Slightly south of these are two stone cottages with windows to the front elevation.
- 3.4 The site slopes significantly with its highest point being to the north on Burley Lane and the lowest point Featherbank Lane.
- 3.5 The site is within the conservation area and the trees on the site are also covered by a tree preservation order.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/05231/FU – two semi detached houses – also on this agenda

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by site notice posted on site on the 25th September 2015 and an advert was placed in the Yorkshire Evening Post on the 24th September 2015 The second set of plans were readvertised by a site notice on 20th November 2015 with the final amendments not advertised.
- 5.2 Publicity expiry date was the 4 December 2015.

Councillor Cleasby objects to the proposal as the block of flats is too large for the area in particular at the end of the site as proposed with inadequate parking for 'todays' residents. Roadside parking will lead to congestion on the narrow roadways and lead to further blocking of pavements which already occurs due to commuter parking.

Horsforth Civic Society is neither objecting or supporting the development Supports provision of dwellings for the elderly in Horsforth but concerned that the development does not have adequate parking.

Horsforth Town Council – neither supports nor objects to the application

There have been 60 objections to the scheme concerned regarding the following matters:

- Inadequate parking for the number of flats
- Will lead to on street parking
- Weekday parking already excessive due to local businesses

- Double yellow lines required for full length of west side of Regent Road to junction of Burley Lane
- On site parking for construction vehicles is required
- The woodland must be properly managed
- Negative impact on the conservation area
- Loss of a valuable green space area used by the community
- Increase in traffic on surrounding highway network which is already very dangerous
- Loss of ecology in the woodland
- It is not identified for development in the Horsforth Neighbourhood Plan map or the Core Strategy/site allocations document
- Other sites within Horsforth more suitable for housing
- Development for this site has not been adequately justified
- Impact on trees covered by a TPO
- Impact on light to other properties
- Building feels oppressive and impacts on the standard of living
- Needs condition to ensure that flats are permanently for elderly occupants
- Three storey building within a two storey area
- Building too tight being edge of pavement
- Block views
- Overlooking of gardens and windows
- Contravene the objectives of having a conservation area
- Materials not in keeping with the traditional stone in the area
- Area would benefit from this site becoming a play area
- Land should be classed as village green
- Common Pipistrelle bats are present on the site
- Impact on underground stream that may run through the site
- Design out of keeping with
- Design out of keeping with area

In terms of the revised plans the site notice expired on 4th December 2015.

Cragg Hill and Woodside Residents Group object to the scheme due to:

- The overall scale of the proposal is not in keeping with the positive structures and development in the conservation area
- Highway officer suggest 1.5 spaces per flat plus visitors so still insufficient parking
- Would welcome any opportunities to enhance the woodland
- Loss of one of last green islands in Horsforth
- Should be used as play area

There have been a further 11 letters of objection to the revised plans concerned with the following matters:

- Welcome the movement of the building from the pavement boundary but the mass and scale is over dominant.
- Height of building still over dominant
- Cutting down trees to add more parking in the conservation area shouldn't be allowed
- Still inadequate number of car parking spaces
- Additional number of car parking spaces take up more of the green space
- Revisions don't address the original objections.
- Changes marginal and don't address objections

6.0 HISTORY OF NEGOTIATIONS

- 6.1 There were two pre application meeting involving Ward Members as well as officers. The original scheme involved 15 flats in this location with 9 houses which has now been reduced to two Semi Detached houses to allow for the greenspace on the corner of Featherbank Avenue and Regent Road to remain and for more retention of the trees on the site.
- 6.2 During the processing of this application the applicant held a public consultation and amended plans where submitted after comments made at this event.

7.0 CONSULTATION RESPONSES:

Highways – no objections now to 17 car parking spaces and conditions
Main drainage – suggest internal ground floor level raised slightly and conditions
Yorkshire water – conditional approval
Contaminated land – conditional approval

8.0 PLANNING POLICIES:

Development Plan

- 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. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The application site has no specific allocations or proposals.

Adopted Core Strategy

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant

Spatial policy 1: Location of development
Spatial policy 6: Housing requirement and allocation of housing land
Spatial policy 7: Distribution of housing land and allocations
Spatial policy 11: Transport infrastructure investment priorities
Policy H2: New housing on non-allocated sites
Policy P10: Design
Policy P11: Conservation
Policy P12: Landscape
Policy T2: Accessibility requirements and new development
Policy EN2: Sustainable design and construction
Policy EN5: Managing flood risk

Saved Policies - Leeds UDP (2006)

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

GP5: Development Proposals should resolve detailed planning considerations.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

Relevant supplementary guidance:

- 8.5 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:

Street Design Guide SPD

Neighbourhoods for Living SPG

Horsforth and Cragg Hill Conservation Area Appraisal and Management Plan

National Planning Policy Framework (NPPF)

- 8.6 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published 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. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to

boost the supply of housing, local planning authorities must identify and update annual a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

9.0 MAIN ISSUES

1. Principle of development
2. Conservation area, design and massing
3. Highway safety
4. Residential amenity
5. Trees and amenity space
6. CIL
7. Ecology
8. Representations

9.1 APPRAISAL

1. Principle of development

9.2 The site is unallocated in the Core Strategy for residential development so policy H2 is applicable which deals with sites that are not allocated for development. This states that new housing development will be acceptable in principle on non-allocated land providing it meets a number of criteria which are

i) *The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.* The 11 flats will not exceed the capacity for local infrastructure in the area.

ii) *for developments of 5 or more dwellings the location should accord with the accessibility standards in table 2 of appendix 2.* The proposal does involve more than 5 dwellings but it also complies with the accessibility standards within the core strategy.

iii) *green belt policy is satisfied for site in the green belt.* The site is not located within green belt.

in addition greenfield land:

a) *should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area.* The discussion in the following paragraphs discusses this matter in more detail and concludes that the scheme complies with this criteria.

b) *may be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sports & Recreation Assessment (PPG17Audit).* It does not concern a piece of land that is designated greenspace.

9.3 It is considered that the scheme complies with policy H2 of the Core Strategy and the principle of development on the site is considered acceptable.

2. Conservation area

9.4 The site is situated within Horsforth and Cragg Wood Conservation Area. Within the Conservation Area appraisal the site is situated within character area 3 which is Cragg Hill and Victorian Villa development. There are two main types of properties identified within this area which are Victorian villas and terraced rows. The properties on Regent Road and Burley Lane in this area tend to be terraced rows of houses. These traditional characteristics include the two storey eaves height, use of regular coursed sandstone with stone or welsh slate and chimney stacks. Developments are back of pavement with the main elevation facing towards the road and are quite ornate employing door hoods and monolithic lintels.

9.5 As well as these characteristics both Regent Road and Burley Lane have important mid distance views and the terraced houses on Regent Road and Burley Lane are positive buildings within the Conservation Area.

9.6 In terms of the proposed building it is two storey to eaves height having a similar height to the terraced properties on either side. It is 0.5 metre higher than the properties on Burley Lane and 1 metre higher than the properties on the top end of Regent Road. The Conservation Area Appraisal states that the characteristic in this area is two storey to eaves which this building generally follows. In terms of its overall height it does have a larger roof height than the surrounding properties with it being overall 0.5 metre higher than the properties on Burley Lane and 1.7 metres higher than properties at the top end off Regent Road. However, the site does slope away from Burley Lane and this height does not look out of place or proportion with the surrounding houses.

9.7 The Conservation Area Appraisal states that the properties in this area are edge of pavement and face towards the road. The original plans did have the building on the edge of pavement but after a public consultation the building was moved further into the site and has a 2.5 m set back. This does allow for a small stone boundary wall which is a characteristic of the villa type properties within this part of the conservation area. The building does face out onto the road in line with other properties in the area.

- 9.8 In terms of materials the appraisal states that materials should be stone and slate and have chimney stacks. Whilst the original materials are stone the proposed roof was proposed to be fibre cement. The roof is large on the scheme and it is considered that a natural material of slate is required in line with the appraisal. The scheme does incorporate chimney stacks into the design.
- 9.9 The proposed windows are curved at the top and take on board the design of the windows on a row of cottages on Burley Lane which will be seen in the same view as the proposal. The plans have been changed to show painted surrounds to these windows to reflect the painted surrounds on the existing row of cottages. The majority of windows in the area are white so the aluminium windows have also been changed to white to reflect the majority of properties in the Conservation Area.
- 9.10 The dormers take on board this curved design and are within the eaves area of the proposal which in design terms is considered acceptable and preferable to larger dormers higher within the roof space.
- 9.11 There is a flat roof two storey element to the proposal on the inner side of the L shaped building. This will be constructed from cladding and houses the lift, staircases and corridors. Whilst the design is modern and materials are not in line with the conservation area it is hidden from view from the street scene and is subservient to the main building. For these reasons it is considered acceptable.
- 9.12 The Conservation Area Appraisal also states that there is a well maintained green space at the corner of Regent Road and Featherbank Lane which enhances the character and appearance of the conservation area. This application includes land away from this junction and the area of well maintained greenspace area will remain. This application site is not well maintained at the moment and does not add any positive visual amenity to the conservation area. A plan within the conservation area appraisal shows a map from 1894 and this shows that a building was present on this corner in the past.
- 9.13 For all these reasons it is considered that the proposal complies with the conservation area appraisal and will enhance this part of the Conservation Area.

3. Highways

- 9.14 A total of 17 car parking spaces for 11 older persons flats is sufficient to accommodate residents and visitors and a highway refusal on this ground would be difficult to defend at appeal. The traffic generated from these 11 flats will be small and should not have a detrimental impact on the highway network. This number of spaces should ensure that there is not overspill onto the highway network and there should be no detrimental impact in terms of highway safety to both pedestrians and vehicles.

4. Residential Amenity

- 9.15 There are two elements to residential amenity, both the impact of the development on the residential amenity of existing residents and the amenity of the proposed occupiers.
- 9.16 In terms of the existing residents the existing properties on Burley Lane to the north of the site have no principal windows on the side elevations so there is no impact in terms of privacy. There will be windows from the new properties that will overlook the gardens of these properties. However, these gardens have very low walls and are already overlooked by the existing houses and passers by on the street scene. Plus there is a distance of over 12 metres from these windows to these gardens.

For these reasons it is considered that there will be no additional impact in terms of residential amenity to these properties.

- 9.17 In terms of the terraced houses to the top of the site these have windows on the side gable but these are non-principal windows and there is a distance of 12 metres which is adequate to prevent a detrimental impact in terms of privacy. In terms of the garden of this property this is also overlooked by other surrounding properties and a distance of 12 metres will ensure that there is no detrimental impact.
- 9.18 Finally in terms of 18 and 20 Regent Road these properties face onto the street scene and are directly opposite the development. There is a distance of 12 metres from the front of these properties to the new development which is adequate for distance to a blank gable. In this instance there are small secondary windows to a dining room/kitchen with the main window and patio doors round the corner so it is considered there will be no detrimental overlooking from these windows.
- 9.19 In terms of overdominance/overshadowing, the houses on Burley Lane as mentioned above have side gables facing towards the development. The gardens are also an adequate distance to ensure that there is no detrimental impact on residential amenity. In terms of number 18 and 20 Regent Road these properties do have principal windows looking towards the development, however, the building has been lowered in height in this area and the 12 metre distance is considered acceptable.
- 9.20 Overall it is considered that the scheme will not have a detrimental impact on existing residents in terms of residential amenity.
- 9.21 In terms of the proposed residents for the same reasons as above there should not be any detrimental impact in terms of privacy due to proximity of windows and distance between windows and gardens.
- 9.22 There is a communal garden to the rear of the site and this will not be overlooked from other properties in the vicinity. This communal garden is an adequate size for the number of residents proposed and the size of properties.
- 9.23 Overall it is considered that there will not be a detrimental impact on the residential amenity of proposed residents.

5. Trees and amenity space

- 9.24 The land currently has trees on it that have a Tree Preservation Order and is used informally for recreation by residents in the area. However, it is not allocated for formal greenspace and it is also not proposed greenspace in the current site allocations document. Historically there have been buildings on this site with a house previously existing in the proposed location of these two semi detached houses with the rest of the land to the rear and south being the houses private gardens.
- 9.25 As part of the two schemes there are a number of trees that will be lost, this scheme involves the loss of 7 trees with an overall loss of 11 trees out of an existing 31. The trees that are lost are situated on the edge of the area of trees and have the least visual impact on the area. Four of the trees are categorised as U which they are off a condition that cannot realistically be retained as living trees and the rest are categorised as C trees which are low quality. As part of the package for development the developer will take responsibility for the long term management of

the tree'ed area. These are situated on the edge of the area of trees and have the least visual impact on the area. As part of the package for development the developer will take responsibility for the long term management of the tree area. This will be available for use not only by the residents of the scheme but also nearby residents. Whilst some of the trees and land is lost for the development this has to be balanced against the fact the land is not managed at the moment. This scheme will ensure the long term management of the area is ensured and that access to the land will be improved.

9.26 For these reasons the scheme in terms of trees and amenity space is considered acceptable.

6. Bats/ecology

9.27 An ecological survey has been submitted with the application which shows that the site is not linked to wildlife corridors as it is surrounded by roads and built development. Gardens and street trees form tenuous links between the site and nearby parks/ woodland and would only be used by highly mobile species such as birds and bats. The site occupies poor habitats of generally low ecological value.

9.28 The development will involve the loss of the rough neutral grass and dense/continuous scrub land but the survey shows that neither of these two habitats have any ecological value.

9.29 The development will also involve the loss of some of the broadleaf woodland on the site but the survey shows that at the moment this it is off poor quality, with spare understory and lack of management which has resulted in the accumulation of litter and fly tipped rubble.

9.30 There is one tree on the site which shows activity of bats and this is to be retained as part of the development.

9.31 As there are trees on the site that are to be lost these are likely to be used by nesting birds so it is recommended that a condition is attached so that there shall not be any clearance of vegetation between the breeding season of 1st March and 31st August inclusive.

9.32 Hedgehogs could also be affected by the proposal and there is a suggestion that there is a small hole in the proposed fences to allow movement of hedgehogs across the development.

9.33 Finally the site would benefit from a suitable management regime and useful wildlife habitat such as bat boxes, nesting boxes and deadwood piles should all be incorporated into the woodland to be retained.

9.34 Overall it is considered that the scheme would not have a detrimental impact on ecology in fact with the proposed long term management of the woodland area it will improve the ecology on the site.

6. CIL

9.35 As the scheme proposed is for social housing it is exempt from CIL.

7. Representations

9.36 The majority of the comments raised by the representations have been covered in the above report. Other matters not covered include the following

On site parking for construction vehicles is required. A condition will be attached to ensure that parking for construction vehicles and staff will be within the site.

The site is not identified for development in the Horsforth Neighbourhood Plan or the Core Strategy/site allocations document. The site is also not identified for greenspace and as shown above it complies with policy H2 of the Core Strategy which relates to development of non allocated sites.

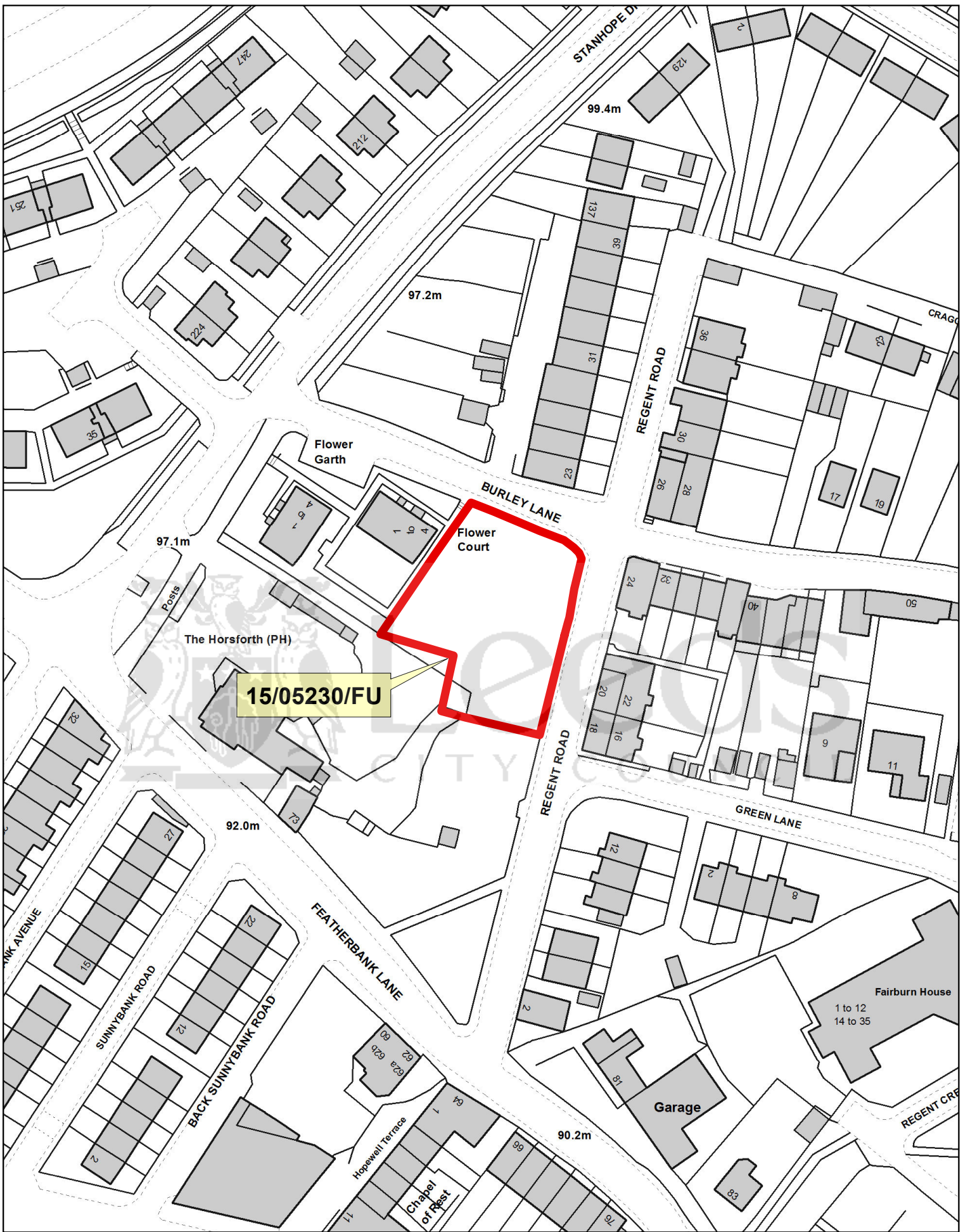
10.0 CONCLUSION

10.1 To conclude it is considered that the development for 11 elderly affordable flats given its scale, design and materials is in keeping with the surroundings and the Conservation Area and will not be harmful to neighbouring living conditions or highway safety. It is acknowledged that the scheme does have some negatives in that it involves the loss of some open land and a number of trees. However this has to be balanced by the fact that the proposal is for affordable social houses which is a need within the locality. The scheme will also improve an area of unmaintained amenity space which will have a positive benefit on both the trees remaining on site and ecology. The flats are also in line with the floorspace requirements for two bedroomed flats. As such the proposal is considered to comply with the relevant development plan policies referred to in the planning policies section above and the application is therefore recommended for approval, subject to conditions.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



SOUTH AND WEST PLANS PANEL



This page is intentionally left blank



Originator: Carol
Cunningham
Tel: 0113 24 77998

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 14th January 2016

Subject: Application number 15/05231/FU – Erection of 2 Semi Detached Houses at Flower Court, Horsforth, Leeds

APPLICANT	DATE VALID	TARGET DATE
Leeds & Yorkshire Housing Association	10 September 2015	5 November 2015

<p>Electoral Wards Affected:</p> <p>Horsforth</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
---	--

RECOMMENDATION

APPROVE subject to the specified conditions

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Sample panel of stonework to be erected
5. Samples of surfacing materials to be submitted
6. Fencing and walling to be implemented in line with approved plans
7. Areas for parking to be implemented before occupation
8. Approved visibility splays to be implemented before occupation
9. Maximum of gradient to driveways
10. Gates to be set back from highways
11. Approved visibility splays/sightlines
12. Provision for contractors during construction
13. Footpath crossing details to be submitted
14. Landscaping scheme
15. Tree protection during construction
16. No removal of trees except those shown to be retained
17. Replacement of any dead/dying trees
18. Landscaping management scheme to be submitted

19. Surface water drainage details to be submitted and approved
20. Details of foul water drainage to be submitted and approved
21. Details of bat boxes, bird boxes and measures for hedgehogs to be submitted
22. Phase 2 site investigation to be submitted
23. Amendment of remediation statement if required
24. submission of verification reports
25. Details of imported soil
26. Details of external storage to be submitted

1.0 INTRODUCTION

- 1.1 The application is for 2 Semi Detached houses with associated parking and gardens. The houses will be affordable rental units and are linked to 11 elderly persons flats which are also on this agenda. The application is brought to Plans Panel due to the large number of objections to the scheme and the fact that the land is currently owned by Leeds City Council.

2.0 PROPOSAL:

- 2.1 The application is for a pair of Semi Detached houses with parking and gardens. The houses will be two storey and will be three bedroomed. The houses will have a slight set back from the street by 2.5 metres and will have two car parking spaces each on a drive on either side of the property. They will have a garden each to the rear with a close boarded fence surrounding and separating them.
- 2.2 The scheme for the two houses will involve the loss of 4 trees.
- 2.3 The house on plot 1 will be 5.6 metres to the eaves and 8.2 metres to the apex with the house on plot 2 being 6.2 metres in height to the eaves and 8.9 metres to the apex. The materials originally were sandstone for the walls and fibre cement roofing but the roof has now changed to natural slate. The windows will now be white aluminum and white surrounds.
- 2.4 Both houses will be 5.8 metres by 9.6 metres in area with a rear garden length of just over 10 metres.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site along with the piece of land with the linked application for 11 flats is an rectangular area of land which at the moment is covered with trees and bushes and used for informal purposes such as walking dogs, children playing.
- 3.2 This site is about half way down Regent Road and has Regent Road to the east, the application site for the 11 flats to the north, woodland to the west and an area of informal amenity space to the south.
- 3.3 Directly across the road from the site are a pair of Semi Detached houses which have a significant setback in the street scene. On either side of these Semi Detached houses are Victorian terraces which are straight out on to the pavement.
- 3.4 The site slopes from the north to the south.
- 3.5 The site is within the conservation area and the trees on the site are also covered by a tree preservation order.

4.0 RELEVANT PLANNING HISTORY:

4.1 15/05230/FU – residential development for 11 older person flats on this agenda

5.0 HISTORY OF NEGOTIATIONS

5.1 There were two pre application meetings which involved Ward Members and Officers. The original discussions involved 15 flats and 11 houses.

5.2 During the processing of the application the applicant held a public consultation event and the plans were revised to take on board residents comments.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice posted on site on the 25th September 2015 and an advert was placed in the Yorkshire Evening Post on the 24th September 2015. The second set of plans were advertised by the way of a site notice on 20th November 2015. The final set of the amendments have not been advertised. The final publicity expiry date was 4th December 2015.

6.2 In terms of the original plans, Horsforth Town Council – neither supports nor objects to the application

There were 39 letters of objection concerned with the following matters:

- Inadequate parking for the number of flats
- Will lead to on street parking
- Weekday parking already excessive due to local businesses
- Double yellow lines required for full length of west side of Regent Road to junction of Burley Lane
- On site parking for construction vehicles is required
- The woodland must be properly managed
- Negative impact on the conservation area
- Loss of a valuable green space area used by the community
- Increase in traffic on surrounding highway network which is already very dangerous
- Loss of ecology in the woodland
- It is not identified for development in the Horsforth Neighbourhood Plan map or the Core Strategy/site allocations document
- Other sites within Horsforth more suitable for housing
- Development for this site has not been adequately justified
- Impact on trees covered by a TPO
- Impact on light to other properties
- Building feels oppressive and impacts on the standard of living
- Needs condition to ensure that flats are permanently for elderly occupants
- Three storey building within a two storey area
- Building too tight being edge of pavement
- Block views
- Overlooking of gardens and windows
- Contravene the objectives of having a conservation area
- Materials not in keeping with the traditional stone in the area
- Area would benefit from this site becoming a play area
- Land should be classed as village green
- Common Pipistrelle bats are present on the site
- Impact on underground stream that my run through the site

6.3 In terms of the revised plans

Cragg Hill and Woodside Residents Group commented:-

- The overall scale of the proposal is not in keeping with the positive structures and development in the conservation area
- Highways suggest 1.5 spaces per flat plus visitors so still insufficient parking
- Would welcome any opportunities to enhance the woodland
- Loss of one of last green islands in Horsforth
- Should be used as play area

There have been a further 5 objections (4/12/15) with the following concerns:

- Inadequate parking
- Traffic danger to children in the area
- Changes character of area, remove green space, habitats and woodland
- Design not in keeping with area, pitched roof is not in line with shallow pitched roofs in the area.
- Materials are unacceptable as not natural
- Three stories is too high
- Minimal consideration of sustainability, through the use if high performing materials and renewable energy
- More green space needed in the area

7.0 CONSULTATION RESPONSES:

Highways – conditional approval
Contaminated land – conditional approval
Main drainage – conditional approval

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. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

8.2 The application site is has no specific allocations or proposals

Adopted Core Strategy

8.3 The following core strategy policies are considered most relevant

Spatial policy 1: Location of development
Spatial policy 6: Housing requirement and allocation of housing land
Spatial policy 7: Distribution of housing land and allocations
Spatial policy 11: Transport infrastructure investment priorities
Policy H2: New housing on non-allocated sites
Policy P10: Design
Policy P11: Conservation
Policy P12: Landscape

Policy T2: Accessibility requirements and new development
Policy EN2: Sustainable design and construction
Policy EN5: Managing flood risk

Saved Policies - Leeds UDP (2006)

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

GP5: Development Proposals should resolve detailed planning considerations.
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1: Relates to detailed guidance on landscape schemes.

Relevant supplementary guidance:

- 8.5 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:

Street Design Guide SPD
Neighbourhoods for Living SPG
Horsforth and Cragg Hill Conservation Area

National Planning Policy Framework (NPPF)

- 8.6 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published 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. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient

land of the right type is available in the right places and at the right time to support growth and innovation.

- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annual a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

9.0 MAIN ISSUES

1. Principle of development
2. Conservation area, design and massing
3. Highway safety
4. Residential amenity
5. Trees and amenity
6. Ecology
7. CIL
8. Representations.

9.1 APPRAISAL

1. Principle of development

9.2 The site is unallocated in the Core Strategy for residential development so policy H2 is applicable which deals with sites that are not allocated for development. This states that new housing development will be acceptable in principle on non-allocated land providing it meets a number of criteria which are:

i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development. As this is for two dwellings it doesn't exceed the capacity of the local infrastructure.

ii) For developments of 5 or more dwellings the location should accord with the accessibility standards in table 2 of appendix 2. This is for two houses so doesn't exceed the 5

iii) Green belt policy is satisfied for site in the green belt. The site is not within green belt.

In addition greenfield land:

a) should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area, the discussion in the following paragraphs details more in relation to this issue and concludes that the scheme complied with this criteria

b) may be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sports & Recreation Assessment (PPG17Audit) it doesn't concern a piece of land that is designated greenspace

9.3 Overall it is considered that the proposal complies with policy H2 and the principle of development is considered acceptable.

2. Conservation area and design

9.4 The site is situated within Horsforth and Cragg Wood Conservation Area. Within the Conservation Area appraisal the site is situated within character area 3 which is Cragg Hill and Victorian Villa development. There are two main types of properties identified within this area which are Victorian villas and terraced rows. The properties on Regent Road and Burley Lane close to the application site are terraced rows. These traditional characteristics include the two storey eaves height, use of regular coursed sandstone with stone or Welsh slate and chimney stacks. Developments are back of pavement with the main elevation facing towards the road and are quite ornate employing door hoods and monolithic lintels.

9.5 As well these characteristics both Regent Road and Burley Lane have important mid distance views and the terraced houses on Regent Road and Burley Lane are positive buildings within the Conservation Area.

9.6 The proposed houses are two storey to the eaves in line with the Conservation Area appraisal, they also now have traditional materials of stone and slate and have the required chimney stacks. The developments are set slightly back from the pavement and have a small wall to the front in line with other properties in the area. Whilst this is not in line with the characteristics of the terraced houses the Victorian Villas within the conservation area do have small stone walls to the front. The window form takes on board the ornate design of cottages on Burley Lane and have now changed to

painted white windows to match the new development next door and are the prominent feature in the conservation area.

- 9.7 The application site along with the site for the flats is referred to in the Conservation Area as a positive greenspace feature. However, the photograph shows the amenity space to the south which will still be retained and the land that is to be developed is overgrown and does not add to the visual amenity of the conservation area.
- 9.8 Overall the design is in line with the characteristics of the area as detailed in the Conservation Area Appraisal and will enhance this part of the Conservation Area.

3. Highways

- 9.9 The Semi Detached houses both have a drive that can accommodate two car parking spaces. As the properties are three bedroomed two car parking spaces complies with the Councils Street Design Guide. For this reason there is no objection on highway ground.

4. Residential Amenity

- 9.10 The properties have adequate distance between the front elevation and the elevation of the two semi-detached houses opposite. There should be 21 metres and the distance is 22 metres and this ensures that there will be no detrimental impact in terms of privacy, overlooking, overdominance and overshadowing.
- 9.11 In terms of the properties themselves the rear garden should be 10.5 metres in length when the distance is 10.1 metres. However, there is the area of trees which will form part of the management plan area to the rear and the gardens are wide and are in excess of the area of garden required for this size of property. There is no detrimental impact on the proposed residents in terms of residential amenity.
- 9.12 There is also adequate distance between the windows of the proposed flats and the side gable of these proposed houses.
- 9.13 It is therefore considered that the scheme will not have a detrimental impact in terms of residential amenity.

5. Trees and amenity space

- 9.14 The land currently has trees that have a Tree Preservation Order on them and is used informally for recreation by residents in the area. However, it is not allocated for formal greenspace and it is also not proposed greenspace in the current site allocations document. Historically there have been buildings on this site with a house previously existing in the proposed location of these two Semi Detached houses with the rest of the land to the rear and south being the houses private gardens.
- 9.15 As part of the two schemes there are a number of trees that will be lost, this scheme involves the loss of 4 trees with an overall loss of 11 trees out of an existing 31. The trees that are lost are situated on the edge of the area of trees and have the least visual impact on the area. Four of the trees are categorised as U which they are off a condition that cannot realistically be retained as living trees and the rest are categorised as C trees which are low quality. As part of the package for development the developer will take responsibility for the long term management of the tree'ed area. This will be available for use not only by the residents of the

scheme but also nearby residents. Whilst some of the trees and land is lost for the development this has to be balanced against the fact the land is not managed at the moment. This scheme will ensure the long term management of the area is ensured and that access to the land will be improved.

- 9.16 For these reasons the scheme in terms of trees and amenity space is considered acceptable.

6. Bats/ecology

- 9.17 An ecological survey has been submitted with the application which shows that the site is not linked to wildlife corridors as it is surrounded by roads and built development. Gardens and street trees form tenuous links between the site and nearby parks/ woodland and would only be used by highly mobile species such as birds and bats. The site occupies poor habitats of generally low ecological value.
- 9.18 The development will involve the loss of the rough neutral grass and dense/continuous scrub land but the survey shows that neither of these two habitats have any ecological value.
- 9.19 The development will also involve the loss of some of the broadleaf woodland on the site but the survey shows that at the moment this it is of poor quality, with sparse understory and lack of management which has resulted in the accumulation of litter and fly tipped rubble.
- 9.20 There is one tree on the site which shows activity of bats and this is to be retained as part of the development.
- 9.21 As there are trees on the site that are to be lost these are likely to be used by nesting birds so it is recommended that a condition is attached so that there shall not be any clearance of vegetation between the breeding season of 1st March and 31st August inclusive.
- 9.22 Hedgehogs could also be affected by the proposal and there is a suggestion that there is a small hole in the proposed fences to allow movement of hedgehogs across the development.
- 9.23 Finally, the site would benefit from a suitable management regime and useful wildlife habitat such as bat boxes, nesting boxes and deadwood piles should all be incorporated into the woodland to be retained.
- 9.24 Overall it is considered that the scheme would not have a detrimental impact on ecology in fact with the proposed long term management of the woodland area it will improve the ecology on the site.

6. CIL

- 9.25 As the scheme proposed is for social housing it is exempt from CIL.

7. Representations

- 9.26 The majority of the comments raised by the representations have been covered in the above report. Other matters not covered include the following

On site parking for construction vehicles is required. A condition will be attached to ensure that parking for construction vehicles and staff will be within the site.

It is not identified for development in the Horsforth Neighbourhood Plan or the Core Strategy/site allocations document. It isn't identified but it is also not identified for greenspace and as shown above it complies with policy H2 of the Core Strategy which relates to development of non allocated sites.

10.0 CONCLUSION

- 10.1 To conclude it is considered that the development for two semi detached houses given its scale, design and materials is in keeping with the surroundings and the Conservation Area and will not be harmful to neighbouring living conditions or highway safety. The proposal will have some negatives in that it does involve the loss of open land and some trees covered by a Tree Preservation Order. However, the proposal is for affordable social houses which is a need within the locality. The scheme will also improve an area of unmaintained amenity space which will have a positive benefit on both the trees remaining on site and ecology. As such the proposal is considered to comply with the relevant development plan policies referred to in the planning policies section above and the application is therefore recommended for approval, subject to conditions.

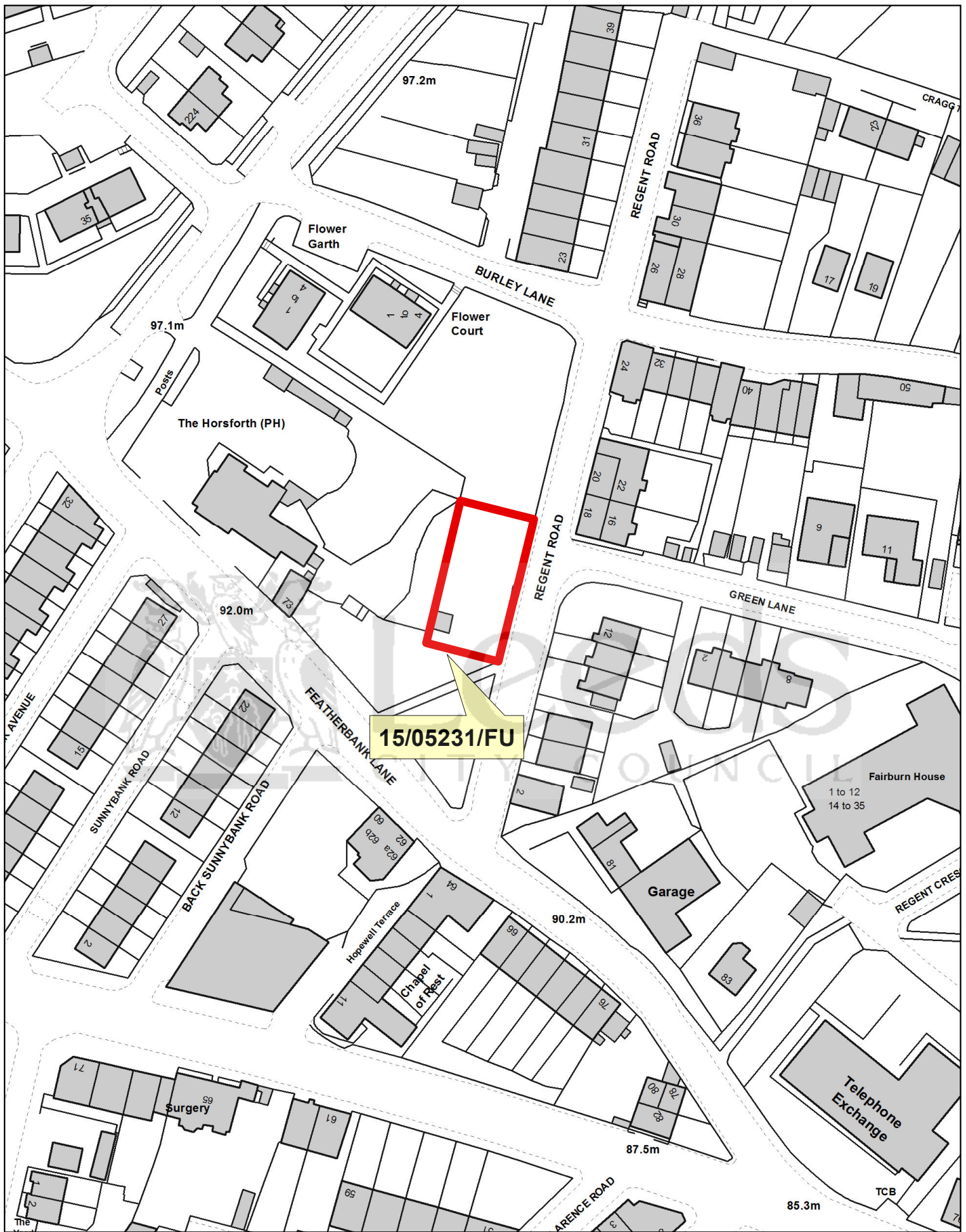
Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report



SOUTH AND WEST PLANS PANEL



This page is intentionally left blank



Originator: Susie Watson

Tel: 0113 2478000

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 14th January 2016

Subject: Application number 15/06698/FU – Demolition of existing bungalow and construction of two detached dwellings at 5 Prince Henry Road, Otley, LS21 2BE

APPLICANT	DATE VALID	TARGET DATE
Mr Billy Milner	6 th November 2015	1 January 2015

<p>Electoral Wards Affected:</p> <p>Otley & Yeadon</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
---	---

RECOMMENDATION
APPROVE, subject to the specified conditions.

1. 3 year time limit on full permission.
2. Development in accordance with the approved plans
3. Submission and approval of external walling and roofing materials.
4. Sample panel of stonework.
5. Sample panel of brickwork.
6. Full details of boundary treatments.
7. Submission of Phase II site investigation.
8. Amendment of remediation statement.
9. Submission and approval of verification reports.
10. Submission of details of imported soil.
11. Vehicular areas to be laid out, surfaced and drained.
12. Details of footpath crossing to be provided.
13. Gates to open inwards.
14. Roadside boundary to not exceed 1m in height.
15. Implementation of landscaping scheme.
16. Submission of landscape management plan.
17. Protection of trees, hedges / shrubs during construction.
18. Preservation of retained trees, hedges / shrubs.

19. Requirement to replace any failing trees/ hedges/ shrubs within 5 years of approval
20. No hard surfacing of front gardens.
21. No insertion of windows.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel in response to a request from Councillor Downes who objects to the application as he feels it is inappropriate to demolish a perfectly good detached house that is in character with the street scene to replace it with something out of character, inappropriate and cramped.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for the demolition of an existing bungalow on the site of 5 Prince Henry Road, Otley and its replacement with 2 detached dwellings. The proposed new dwellings would be 2 storeys. One would have 3 bedrooms and the other 4 bedrooms. Parking for 3 cars would be available on the driveway to the side of each property. One of the properties would be constructed of brick and the other stone and render.
- 2.2 The application follows on from a previous application (14/04798/FU) which was refused under delegated powers in October 2014 for the following reasons:

“The Local Planning Authority considers that the proposed dwellings would have an adverse impact upon the character and appearance of the locality. This would be due to the loss of an open area of garden land which contributes positively to the street scene and character of the area. Additionally, the creation of a cramped new development and the loss of mature boundary treatment would result in further harm to the spacious character and visual amenity of the existing street scene. The proposal is therefore contrary to policies contrary to UDP Policies GP5, BD5, N12 and N13 of the Leeds Unitary Development Plan (Review) 2006, Core Strategy Policy P10 and to the guidance contained in Supplementary Planning Guidance Neighbourhoods for Living, as well as to the guidance set out in the National Planning Policy Framework.”

“The Local Planning Authority considers that inadequate off-street parking on the driveways to the front of the proposed dwellings is proposed. Prince Henry Road is a narrow road with a high level of on-street parking occurring at certain times of the day. The proposal would result in additional pressure for on-street parking whilst removing the availability of such parking. The proposal is therefore contrary to policies GP5 and T2 of the Leeds Unitary Development Plan (Review) 2006 and to Core Strategy Policy T2.”

- 2.3 An appeal was subsequently submitted and during the appeal process the issues relating to car parking were satisfactorily clarified and this matter was therefore not contested at appeal.
- 2.4 The appeal was dismissed in April 2015.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within an established residential area that contains a mixture of house styles and types, ages and materials and comprises of the dwelling and garden for 5 Prince Henry Road. The existing dwelling is a modest brick and rendered detached bungalow that is set within a generously sized plot. Despite its

generous size, the existing property is set slightly further back from the road frontage than most other properties in the street and therefore relies on the land to the side in respect of its outlook and for external amenity space.

3.2 Access to the site is currently taken to the left hand side of the plot (when facing) and is a shared vehicular and pedestrian access. The driveway runs along the side of the dwelling and leads to detached timber garage. The main garden area is to the south of the dwelling and is primarily laid as lawn.

4.0 RELEVANT PLANNING HISTORY:

4.1 14/04798/FU - Demolition of existing bungalow and construction of two detached dwellings – refused October 2014. Subsequent appeal dismissed April 2015.

4.2 PREAPP/15/00703 – Demolition of existing bungalow and construction of two detached dwellings. Officers recognised that the size of the dwellings had been significantly reduced in scale and that 2 individual designs were now proposed. Bearing in mind these amendments and the Inspectors comments Officers were generally supportive of the proposal. These issues are discussed in more detail in the Appraisal section below. Ward Members were consulted on the pre-application enquiry with Councillor Campbell querying the rationale for demolishing a perfectly good house and requesting written measurements on the plans.

4.3 Application 12/01980/OT sought outline planning permission for a detached dwelling within the garden of 7 Prince Henry Road. This was refused in July 2012 on the grounds of the impact it would have on the character of the area.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Since the submission of this application the applicant has provided a layout plan with measured dimensions and has also revised the landscape scheme to replace an English Oak originally proposed for the front boundary with a Birch.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notices posted on 17 November 2015 and neighbour notification letters dated 11 November 2015. To date (17 December 2015) 13 representations have been received.

6.2 12 of the representations received object to the application. The objections raised are summarised as follows.

- Application 14/04798/FU refused 2 dwellings on the site. This proposal is not significantly different.
- There was a refusal for a dwelling at 7 Prince Henry Road.
- Will adversely affect neighbouring amenity due to invasion of privacy, overshadowing / loss of light and loss of outlook.
- Character of area is spacious plots. Proposal crams in 2 properties and will be over dominant and not in keeping with locality.
- 2 storey houses are out of character with bungalows in the area.
- Houses are not proportionate to the space around them.
- The design fails to reflect the 1930's design of existing properties.
- Will impact on views from neighbouring properties.
- Will devalue neighbouring properties.
- Noise disturbance during construction and from an additional occupied dwelling.

- No dimensions on plans.
- Demolition of a bungalow is wrong and unacceptable especially as the Minister for Planning says more bungalows are needed.
- Otley has a shortage of properties for older people and a larger than average older population.
- Concreting over gardens is an environmental issue; adversely affecting the water table and waterways.
- When the bungalow was bought it needed minimal repairs, now it is in a state of disrepair but this is not a reason to demolish it.
- Mature trees and hedges have been felled to allow for the proposal.
- It will damage trees on neighbouring properties.
- The proposed trees will compromise living standards in the new dwellings.
- Parking is already a problem on the street and insufficient parking is shown. It will cause more traffic issues.
- Driveways are insufficient width.
- Visibility from the driveway to plot A is a hazard.
- No details of materials are given.
- It is within 50m of a conservation area.

6.3 One of the other letters received states that they have no objections to the principle of what is proposed provided the builder is honest in their proposals and landscaping. They have concerns about the landscaping that has been removed from the site.

The other 2 letter support the application. The comments made are summarised as follows.

- The previous concerns have been addressed.
- 2 houses will make the street more attractive as the current dwelling needs updating.
- The houses will fit in as there is a mix of properties on the road.
- The houses are now different in design and similar to the house opposite, which is a modern design.

6.4 Councillor Downes objects to the application as he feels it is inappropriate to demolish a perfectly good detached house that is in character with the street scene to replace it with something out of character, inappropriate and cramped.

7.0 CONSULTATION RESPONSES:

7.1 **HIGHWAYS:** The proposal raises no specific road safety concerns and adequate off-street parking is to be provided. Conditions are recommended relating to vehicle spaces to be laid out, the footpath crossing, gates to open inwards, frontage boundary to not exceed 1m in height.

7.2 **DRAINAGE:** Flood Risk Management has been consulted on this application but to date no comments have been received. However, they did comment on the recent pre-application enquiry, advising that the site is located in flood risk zone 1 and there is no history of flooding in the vicinity. Their records indicate there are no watercourses or drainage assets within the site. Anyone wishing to develop this site should follow the surface water hierarchy part H3 of The Building Regulations 2000 revised 2002 edition and infiltration drainage should be investigated initially to see if methods such a soakaway can drain the surface water for the site. If tests show that this isn't feasible the surface water will discharge to the combined main sewer in Prince Henry Road.

8.0 PLANNING POLICIES:

National Policy

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues including housing, sustainable development, green belt, conservation, the local economy and design.
- 8.2 In respect of design it states that "good design is indivisible from good planning" and Local Authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted".

Local Policy

- 8.3 Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.4 The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan.

The Core Strategy (CS) was adopted by the Council on 12 October 2014. Relevant CS Policies:

- H2 allows for new housing on unallocated sites where there is no adverse impact on the capacity of existing transport, education and health infrastructure.
- P10 relates to design and requires new development for buildings and spaces, and alterations to existing, to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
- P12 aims to conserve and enhance townscapes and landscapes.
- T2 requires new development to be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Relevant Saved Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
 - BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
 - LD1 requires development proposals to protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.
- 8.5 The Natural Resources and Waste Local Plan (NRWLP) was adopted by the Council on 16 January 2015. Policy Land 2 is relevant:
- Policy Land 2 relates to development and trees and requires development to conserve trees wherever possible and introduce new tree planting. Where tree removal is agreed in order to facilitate development, suitable tree replacement should be provided on a minimum three for one replacement to loss. Such planting should be on site as part of an overall landscape scheme.

- 8.6 Supplementary Planning Guidance/ Documents
- Neighbourhoods for Living

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety

10.0 APPRAISAL

Principle of development

- 10.1 The site is not allocated within the emerging Site Allocations Plan. As such the proposal for residential use on the site should be assessed against policy H2 which relates to housing development on non-allocated sites. This contains 3 criteria:
1. the number of dwellings should not exceed the capacity of local infrastructure,
 2. the location should accord with accessibility standards, and
 3. Green Belt policy is satisfied.
- The site is not within the Green Belt and the location does accord with accessibility standards detailing distances to local amenities, transport links, schools and employment. The scale and form of the development is such that it is not considered to put any undue pressure on local infrastructure including the highway network, schools and health services.
- 10.2 The proposal is therefore considered to comply with policy H2 and is acceptable in principle subject to other material planning considerations.
- 10.3 In addition to the above, it should be noted that the NPPF specifically excludes domestic garden curtilages from the definition of previously developed land. As such, the site should be regarded as Greenfield. While this does not in itself preclude development, it does mean that there is no presumption in favour of its development. The Local Planning Authority therefore has a responsibility to make an assessment of relevant factors, for example, the impact of the proposal on the character of the area.
- 10.4 In this case, the impact on the character of the area is a key consideration and the previous application was refused as it was considered that it would have an adverse impact on the character and appearance of the locality. This was due to the loss of an open area of garden land which contributes positively to the street scene and character of the area, as well as the proposal resulting in a cramped, over-developed site with the loss of mature boundary treatments.
- 10.5 However, in the decision of April 2015, the Inspectorate found no reasons to preclude the principle of garden development on this site. They did, however, agree with the Council's viewpoint about the over-development of the site and the adverse impact it would have on the character of the area. These issues are discussed in more detail in the 'visual amenity' section below.

Visual amenity

- 10.6 Prince Henry Road has a varied character in that no 2 properties are identical in their design. There is a mixture of semi-detached and detached properties; bungalows and 2 storey houses; and a variety of materials have been used.
- 10.7 The previous proposal would have resulted in two large detached properties being sited in close proximity. The total separation between the two was 3m; with each of

the proposed dwellings only 1.4m from the common boundary to divide the two curtilages. There was also less than 2m retained to outer side boundary of each plot.

- 10.8 In respect of the previous proposals for this site, the Inspectorate was specifically concerned about the width of the dwellings to the size of the plots, with the dwellings filling almost the entire width with no room to retain or reinforce existing planting to the side boundaries. This together with the removal of the frontage hedge would, in their view create a harsh and dominant development. They also found the almost identical designs to be out of character.
- 10.9 It is considered that the revisions to the proposal that form this current application overcome the previous concerns. The proposed dwellings are now significantly smaller, allowing not only greater spatial separation between them but also to the side boundaries. This will allow for the retention and provision of landscaping to the front of the site whilst still providing adequate off-street parking. The proposed dwellings will now be situated 4.2m apart with 3.9m retained to the outer side boundary on plot A and 4.3m on plot B.
- 10.10 The dwellings are not only smaller now but are also of completely different designs, which is more in keeping with the character of the street scene. The existing street is made up of a mixture of properties in terms of their age, design and materials and it is considered that the scale and design of the dwellings now proposed is reflective of and in keeping with this existing character.
- 10.11 With regard to landscaping, substantial trees, including a copper beech, were removed from the site prior to the submission of the previous application. Further removal of planting to the southern boundary has taken place since the appeal decision. This planting contributed significantly to the visual amenity of the locality and in order to help make up for this loss a landscaping scheme has been submitted with the application. Additional landscaping was not possible with the previous application given the cramped nature of the proposals but given the revisions that have been made it is now possible to provide suitable tree planting to the site frontage. The roadside boundary hedge was previously proposed for removal to accommodate the development. This is now largely retained (a driveway access is to be provided to plot B) due to the revisions to the scheme.
- 10.12 It is considered that, in the interests of visual amenity and the character of the area, as much of the site frontage as possible should be retained as soft landscaping and conditions are therefore recommended to ensure that the roadside boundary planting is retained and that front garden areas are not laid as hard standing for the parking of vehicles.

Residential amenity

- 10.13 A number of objectors have cited concerns regarding loss of outlook, loss of privacy, dominance and overshadowing. However, separation distances between the proposed dwelling and existing neighbouring dwellings are sufficient to mitigate against such problems and comply with the distances set out in Neighbourhoods for Living. For example, there would be 13.2m and 14.2m to the common boundary with properties to the rear on Harecroft Road and 28m and 29m between the rear of the proposed dwellings and the rear of these neighbouring properties. Neighbourhoods for Living recommends a distance of 10.5m to a rear boundary and 21m between properties. Similarly, the property located opposite the site (8 Prince Henry Road) will be 21.5m from the front of plot A and 23.3m from the front of plot B.

B. This neighbouring property is situated 15m from the front boundary of the application site.

- 10.14 Sufficient amenity would also be afforded to future residents given the layout of the properties and the size of the gardens proposed.

Highway safety

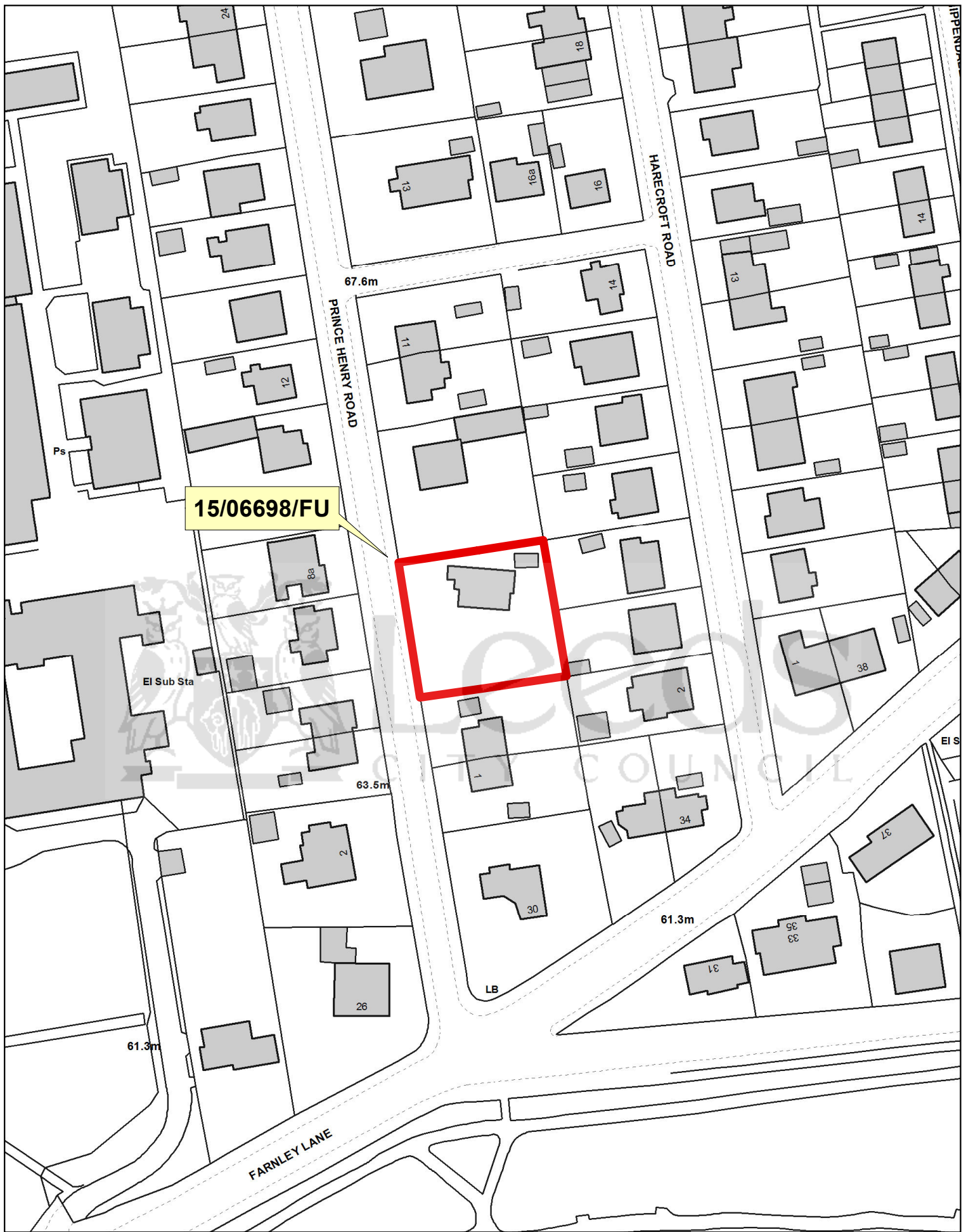
- 10.15 Prince Henry Road is narrow and it is therefore important that adequate off street parking space is provided for each property. Driveways are to be provided to the side of each house and will measure between 3.3m wide and 4.3m wide. The driveway to plot A will measure 17.4m long and to plot B 16.6m long. As such there will be off-street parking for up to 3 cars at each property.
- 10.16 Given the changes to the scheme with the front boundary now retained, it means that the ability for parking on-street to the front of the site is retained more or less as existing. Previously it would not have been possible for on-street parking to be retained in front of the site as this was required to access parking spaces in the front garden areas.

11 CONCLUSION

- 11.1 To conclude, it is considered that the changes made to the proposals for the redevelopment of this site have overcome the previous reasons for refusal. It is considered that this current scheme will be, given its scale and design, in keeping with the established character of the locality and will not be harmful to neighbouring living conditions or highway safety. As such the proposal is considered to comply with the relevant development plan policies referred to in the planning policies section above and the application is therefore recommended for approval, subject to conditions.

Background Papers

- Application files: 15/06698/FU & 14/04798/FU.
- Certificate A signed by applicant.



SOUTH AND WEST PLANS PANEL



This page is intentionally left blank