



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 23<sup>rd</sup> January 2014

Subject: 13/03451/FU– Demolition of Existing House and Erection of Three Dwellings at Rigton Gardens, Scarsdale Ridge, Bardsey, Leeds LS17 9BP.

#### APPLICANT

Berkeley DeVeer

#### DATE VALID

13<sup>th</sup> August 2013

#### TARGET DATE

8<sup>th</sup> October 2013

#### Electoral Wards Affected:

Harewood

Yes

Harewood  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Sample of all walling and roofing materials to be submitted.
4. Construction of stonework shall not be commenced until a sample panel of the stonework to be used has been approved in writing by the Local Planning Authority.
5. Areas used by vehicles to be laid out, surfaced and drained.
6. Existing trees on site shall be protected during the construction period.
7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
8. Hard and soft landscaping works shall be carried out in accordance with the approved details.
9. Details of all walls and fences shall be submitted.
10. Details of contactors parking and loading and unloading of materials and equipment shall be submitted.
11. Phase I Desk Study to be submitted.
12. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified.

13. Remediation works shall be carried out in accordance with the approved Remediation Statement.
14. Details of the existing drainage layouts of the site, together with pipe sizes, gradients and connection points, as well as a plan showing the measured impermeable areas of the site shall be submitted.
15. Details of surface water drainage system shall be submitted.
16. The gradient of the drive shall not exceed 1 in 12.5 (8%).
17. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%)
18. The garages hereby approved shall be kept available and used solely as garages for the parking of motor cars.
19. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected.
20. The en-suite windows in the side elevation of Plot 4 shall be obscure glazed.
21. No development, demolition or site clearance shall take place until a copy of the Natural England Licence issued in respect of Common Pipistrelle bats has been submitted to the LPA.
22. Provisions shall be made available for bird nesting opportunities for House Martins within the proposed buildings and elsewhere on-site.
23. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive, unless otherwise agreed in writing with the LPA.
24. Retention of turning and servicing area.

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel at the request of Councillor Rachael Procter who has also requested a site visit. The Councillor is concerned that the proposed dwellings will have a harmful impact on the character of the area.

## **2.0 PROPOSAL**

- 2.1 The application seeks permission to demolish an existing dwelling on the site and to construct three dwellings. Two of the proposed dwellings (Plots 4 and 5) will be incorporated into, and will be accessed off the recently approved development of Rigton Croft to the west, while the dwelling named 'Southlands' will be accessed off Scarsdale Ridge.
- 2.2 The proposed 5 bedroomed two storey dwellings on Plot 4 and 5 will be detached pitched roof structures which will measure 6m wide, 5.7m in depth and 8.5m in height. The vehicular access to two of the dwellings (Plots 4 and 5) will run through the recently approved scheme for 3 new dwellings to the west, with access taken from Scarsdale Lane.
- 2.3 Both dwellings of Plots 4 and 5 will feature detached garages to the front. The garage will measure 5.6m x 5.7m and 4.1m in height.
- 2.4 The dwelling named Southlands will be a two storey hipped roofed structure with an attached garage which will extend forward of the building line. The main body of the dwelling will measure a maximum of 10.4m in depth, 12.7m in width and 8.6m in height. The attached garage will extend 7.5m forward of the front elevation of the building and will measure 6.9m in depth and will feature a bedroom in the roof-space.

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

- 3.1 Bardsey is located between Leeds and Wetherby and generally has a rural character with many buildings within the area of architectural and/or historical merits. The village is split into six principle residential areas which are isolated from each other with agricultural land located between each residential area. The age of buildings within the wider area stem from various historical periods but the bulk of the built development is from the 1920's onwards.
- 3.2 The application site comprises of a large detached house located on northeast corner of this substantial plot with a detached storage building north of the dwelling. The garden appears overgrown with trees and shrubs located on the perimeter. The site slopes up gradually from northeast to southeast with the neighbouring dwelling of Brocks Bank (to the north) located at a higher level to the site and the dwelling of Glenmore (to the south) is located at a lower level. There is a dwelling located to the west (Rigton Croft) which has approval to construct three more dwellings within its garden.
- 3.3 Properties in the immediate vicinity are large detached dwellings located in medium to large plots. The dwellings in the area take various forms, scale and design. Space between dwellings is a common characteristic of the area and the level of tree coverage and other planting give the area a leafy residential character.

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

- 4.1 Permission for the demolition of the dwelling on the site and the erection of a four bedroomed detached dwellings was approved in 2004 (ref: 31/73/04/FU).
- 4.2 In April 2012 an outline planning application was submitted, by the same applicant, for residential accommodation in the garden land of 'Rigton Croft' (located to the west of the site) proposing to demolish the existing dwelling and the construction of four new dwellings. The application referred to access only with the layout; scale; appearance and the landscaping of the site remaining as matters that would have been assessed at a reserved matters stage. The outline permission (12/00595/OT) was refused planning permission for the below reason:

*The proposed development is considered to be significantly harmful to the character and appearance of the immediate area by virtue of the number of properties proposed within the existing plot resulting the erosion of the open nature of the immediate area on Scarsdale Lane. This over intensification of the existing plot would therefore result in adversely altering the spatial character of this immediate section of Scarsdale Lane where openness is an intrinsic feature. Therefore, the proposal is considered to be contrary to Leeds Unitary Development Plan (review 2006) policies GP5, H4, BD5, N12, N23 and with guidance set out in Supplementary Planning Guidance - Neighbourhoods for Living(adopted 2003), the Bardsey Village Design Statement (adopted 2002) and with guidance contained within The National Planning Policy Framework (2012).*

- 4.3 The refusal was the subject of an appeal and the Inspector allowed the appeal and considered that given the size of the plots, the proposal would not be out of character with the spatial pattern of development in the locality.

4.4 In 2013 a full planning application (Ref: 13/00768/FU) was submitted which proposed a similar scheme to that approved under the Outline permission but with the retention of the existing property on the site and three additional dwellings. The 2013 scheme was approved and was similar to the scheme approved by the inspector.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The original scheme proposed four new dwellings, three of which were fairly narrow and closely positioned to each other. It was considered that these dwellings were not in keeping with the character and the special setting of the area. The proposed rear elevation of the dwelling Southlands was also a concern as it had an overcomplicated mix of roof shapes and heights, which would have resulted in the dwelling appearing incongruous from the street. Through negotiations the applicant has reduced the number of dwellings and, although, the dwellings are larger they have a greater separation distance in-between. The front elevation of the Southlands has also been simplified.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised by site notice posted on 30.08.2013

6.2 Bardsey Parish Council objection to the proposal on the following grounds;

- The density of the development is too high and the space between buildings is limited.
- Parking provision are inadequate
- The additional traffic will cause highway safety issues along the narrow Scarsdale Lane.

6.3 2 Objection letters have been received raising the following comments;

- The three new dwellings in addition to the four approved on the adjacent site will significantly increase traffic on the narrow roads serving the site.
- Electricity power in the area often fails and the additional dwellings will add to the problems.
- The design of the dwellings is unacceptable and will have an adverse impact on the character of the area.
- More development on this site will result in further rain water runoff on to the neighbouring dwelling Glenmhor.

6.4 One letter of support received, which states that the proposal will enhance the character of the area.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways- No objection, as no additional dwellings will serve Scarsdale Ridge and the private drive will serve less than five dwellings.

7.2 Land Contamination- No objection, subject to conditions.

7.3 Mains Drainage- No objections, subject to conditions being imposed that ensure the proposed drainage meets minimum standards.

7.4 Nature Conservation- The Ecology Survey has identified a bat roost at the property and also nesting House Martin birds. Conditions will be required to ensure protected species are not harmed as a result of the works.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) 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 currently comprises the Leeds Unitary Development Plan (Review 2006) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

### Local Planning Policy

8.2 Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

- Policy GP5 - refers to development proposals should seek to avoid loss of amenity.
- Policy H4 - refers to housing on other sites not identified in the UDP.
- Policy BD5 - refers to new buildings be designed with consideration to both own amenity and surroundings.
- Policy N12 – refers to urban design
- Policy N13 – refers to design of new buildings
- Policy N23 – Open space and retention of existing features which make a positive visual contribution.
- Policy N25 – refers to boundaries around sites
- Policy N26 – Requirement to provide landscaping details.
- Policy LD1 – Landscaping
- Policy T24 – Parking
- Policy T2 – highway safety
- Policy T5 - safe and secure access for pedestrians and cyclists should be provided to new development.

### Supplementary Planning Guidance/Documents

8.3 Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.

8.4 Street Design Guide Supplementary Planning Document (Main Report) was adopted in August 2009 and includes guidance relating to highway safety and design.

8.5 The Bardsey Village Design Statement (VDS, 2002):\_Page 13 of the VDS lists a number of general guidelines and priorities of the village, some of these include;

- The scale, design and material of any redevelopment or new development must be appropriate to the area in which it is located.
- New dwellings should not generally be above two storeys in height. Roofs should be proportioned to the bulk of the building and usually gabled.
- Suburban house types should be opposed.
- Monotonous repeat of house types should be avoided.

- New developments should provide a range of house types and size. Respecting local distinctiveness in design.

### Emerging Local Development Framework Core Strategy

- 8.6 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination.
- 8.7 The Core Strategy has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014). The Inspector is due to produce a schedule of Main Modifications by 31 January 2014.
- 8.8 The following draft policies from the Core Strategy are considered relevant to the application:
- Spatial Policy 1: Location of new development
  - H2: New Housing Development on Non-Allocated Sites
  - H8: Housing for Independent Living
  - P10: Design
  - P12: Landscape
  - T2: Accessibility Requirements and New Development
  - EN1: Climate Change
  - EN2: Sustainable Design and Construction

### National Planning Policy

- 8.9 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.10 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.11 Paragraph 50 of the NPPF states that authorities should plan:
- "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)"

8.12 Para 49: Presumption in favour of sustainable residential development.

8.13 Para 56: Government attaches great importance to design of the built environment.

8.14 Para 58: Policies and decisions should aim to ensure developments:

- function to ensure quality over the long term;
- establish strong sense of place, creating attractive, comfortable places;
- optimise potential of site to accommodate development ;
- respond to local character and history ;
- create safe and accessible environments;
- visually attractive (architecture and landscaping).

8.15 With regards to biodiversity, the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

## **9.0 MAIN ISSUES**

- Principle of Development
- Townscape /Design and Character
- Impact on Residential Amenity
- Highway Safety
- Nature Conservation
- Public Representations

## **10.0 APPRAISAL**

### Principle of the Development

- 10.1 The garden site does not constitute previously developed land (Brownfield) as the definition of garden areas was revised to exclude land in built-up areas such as residential gardens. Policy H4 of the Unitary Development Plan Review (2006) deals with residential development on unallocated sites and regards developments that lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies.
- 10.2 The application site does not lie within a Main Urban Area but falls within the village of Bardsey which can be regarded as a village with public transport and road links to commercial centres including Wetherby. Therefore, it is considered that the application site is in a reasonably sustainable location.

- 10.3 Given the fact that the site is in a sustainable location and that the scheme is for just two additional dwellings, it is not considered that this particular proposal would be harmful to the overall housing policy of the Council in seeking to direct residential development to the main urban areas, brownfield sites and the regeneration areas in particular. Furthermore, the Inspector in a recent Appeal for a residential development on the adjacent site (see Planning History) accepted the principle of a small scale residential development within a garden area. Therefore, the proposal is considered acceptable and to comply with the initial parts of policy H4 provided that it also complies with all other relevant policies.

#### Townscape / Design and Character

- 10.4 The National Planning Policy Framework states that “good design is indivisible from good planning” and 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”. This focus on good design is replicated within local policies and the creation of high quality residential development which responds positively to its context is strongly encouraged. The scale, design and material of any redevelopment or new development must be appropriate to the area in which it is located.
- 10.5 The dwellings proposed are two storey in scale which have a traditional form and design. Plots 4 and 5 will be incorporated into the recently approved dwelling of Rigton Croft with their main aspects facing the Scarsdale Lane and their rear elevations facing Scarsdale Ridge. The front aspect of the dwelling named Southlands will face Scarsdale Ridge.
- 10.6 The properties within the area offer an array of scale, massing, design and architectural styles that represent their period of construction. The separation distance maintained between dwellings as well as the building lines are also varied. As well as the design and character of the existing buildings in the area, consideration should also be given to the fact that design, scale and density of the development that has been approved on the adjacent site is relatively also varied.
- 10.7 The density, scale and style of the proposed dwellings are similar to the dwellings approved on the adjacent site, which Case Officer’s report described as being of a style and scale comparable to the older properties in the area rather than the 20<sup>th</sup> century developments. The varied scale, design and layout of the proposal dwellings also conforms with the Bardsey VDS which states that new dwellings should avoid a repeat of house types and that a range of house types and sizes should be developed. Furthermore, a good separation between each property is proposed creating a layout that would not appear overly congested within the context of the area. Therefore it is considered that the proposal will sit in union with the other dwellings within the area and the adjacent approved development and it is not considered that the proposal will have an adverse impact on the character of the area.
- 10.8 The comments made by the Parish Council that the close proximity of the garage of Southlands to the neighbour’s boundary conflicts with the special character of the area, is noted. However, it is considered that the gap of 11m will be maintained from the proposed garage and the rear wall of the neighbouring dwelling, which will adequately preserve the special character of the area.
- 10.9 Whilst the Council resisted additional residential development at Rigton Croft to the west, this was the subject of an appeal with the Inspector allowing the development, concluding that it was compatible with the spatial pattern and density of development



in the locality. Given this appeal decision on the adjacent site, it is considered that it would be difficult to resist the principle of additional residential development on this particular site, especially given that it has been designed to reflect the design and scale of the permitted scheme to the west and given similar separation distances which are proposed between the new houses, similar to others in the locality.

#### Impact on Residential Amenity

- 10.10 In order to be considered acceptable new residential development must provide adequate standard of living for those occupying the new dwellings. Care must also be taken to ensure that the existing residential amenity of those living close to the development is not unreasonably affected.
- 10.11 It is considered that an acceptable standard of living will be provided for the future occupants of the site and the standard of living proposed falls in line with the guidance provided within the SPG Neighborhoods for Living. The dwelling will be served by adequate off street parking spaces, safe access and adequate private garden space to the rear. Internally, all bedrooms and living space will be served by windows with adequate outlook.
- 10.12 The development, within the context of the local area, proposes a layout that enables acceptable spacing between dwellings without creating any infringement onto the residential amenity of future occupants of the proposed houses on the adjacent development or neighbouring dwellings. Separation distances to the boundaries and main aspects are considered to be acceptable and are in the most compliant with those detailed in guidance.
- 10.13 It is not considered that the proposed front and rear elevation windows would offer outlooks that would infringe on the privacy of future occupants or that of existing residents of neighbouring properties. This is because separation distances of more than 11m would exist between the front and rear elevation windows and the front and rear boundaries of the plots. Whilst the windows in the side elevations are secondary in nature of which the first floor windows will be conditioned to be obscure glazed. Due to the high boundary treatment enclosing the site, the ground floor windows proposed within the side elevations of the dwellings will not overlook neighbouring dwellings.
- 10.14 The proposal is not expected to raise concerns relating to overshadowing or over-dominance. The two dwellings in close proximity to the proposal is Brocks Bank and Glenmhor. The proposed side aspect of Southlands will be positioned close to the dwelling of Brocks Bank, with the attached garage of Southlands being positioned on the shared boundary. As Brocks Bank is located in an elevated position, only the roof of the garage will be exposed above the rear boundary treatment of Brocks Bank with a separation distance of more than 11m being maintained from its rear elevation. Therefore, it is considered that the exposed roof of the proposed garage will not significantly overshadow or appear dominant from Brooks Bank. The main elevation of Southlands will be set 5m away from the shared boundary which, due to the differences in ground levels, is considered adequate separation distance to ensure the living conditions of the occupants of Brook Banks is not significantly harmed.
- 10.15 Plot 4 will be constructed close to the neighbouring dwelling of Glenmore. Due to the differences in ground levels, Glenmore will be positioned below the ground level of Plot 4. The side aspect of Glenmore features no prominent windows that will have significant views of Plot 4. Therefore, it is not considered that the proposal dwelling will appear dominant from Glenmore. As Glenmhor is positioned to the south of Plot 4, no significantly overshadow concerns are expected to arise.

### Highways Safety

- 10.16 No additional dwellings are proposed off Scarsdale Ridge, whilst the access point off Scarsdale Lane has been accepted as part of the scheme to redevelop the adjacent site of Rigton Croft. Therefore, it is not considered that the proposal will have an adverse impact on highway safety. The Highways Officer has raised no highway safety concerns in relation to the scheme. Each dwelling will be served with at least two parking spaces which is considered adequate to ensure the development does not raise on street parking issues.

### Nature Conservation

- 10.17 The Ecology Survey has identified a bat roost at the site and has also identified House Martin birds nesting on the site. The Nature Conservation Officer has assessed the scheme and has raised no objection subject to conditions being imposed to ensure adequate measure are taken to protect the identified wildlife during and after the construction period. Subject to the recommended biodiversity conditions listed at the head of the report being imposed, it is considered that the proposal does not pose a significant risk to bats or House Martin birds that are known to reside within the site.

### Public Representation

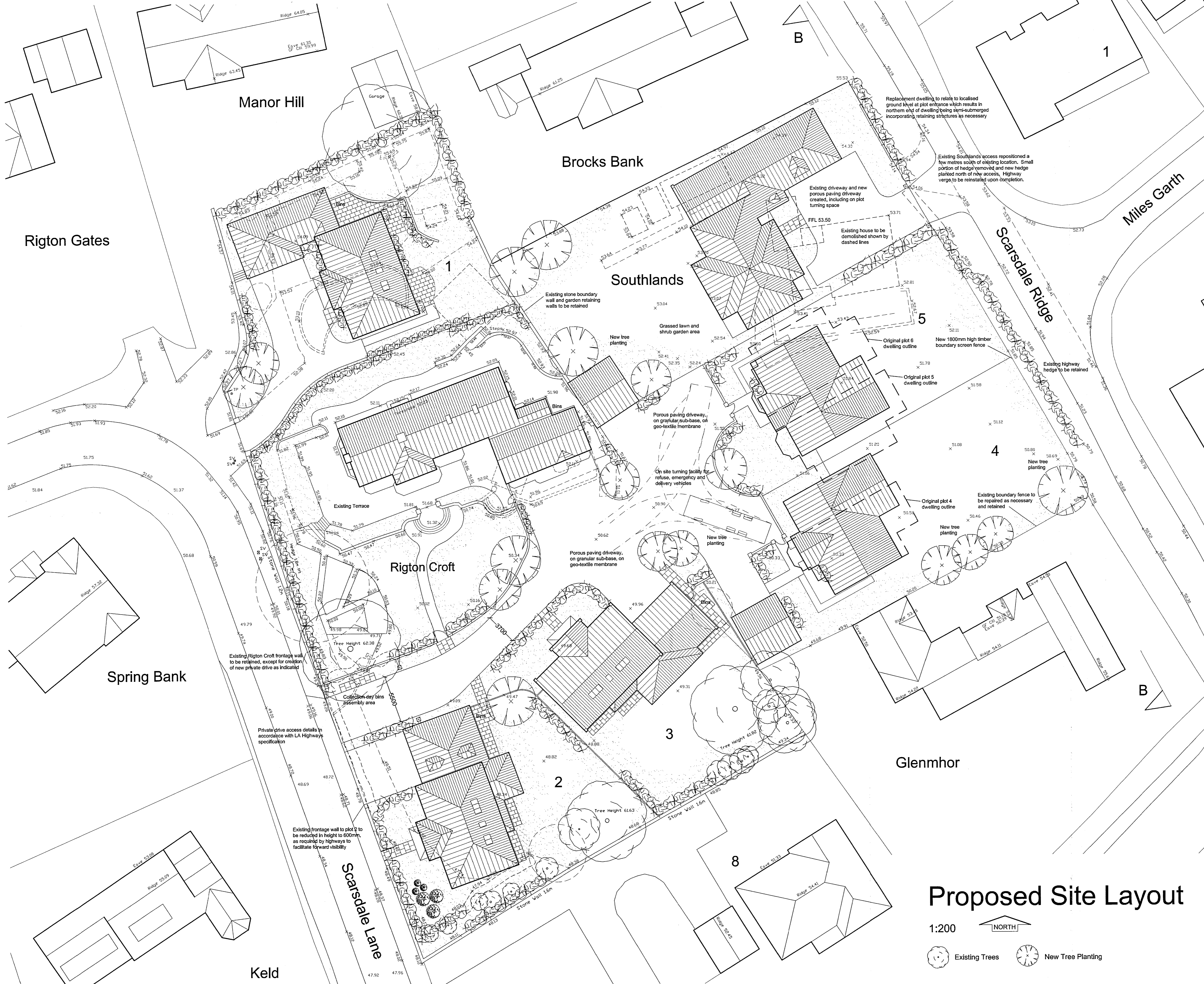
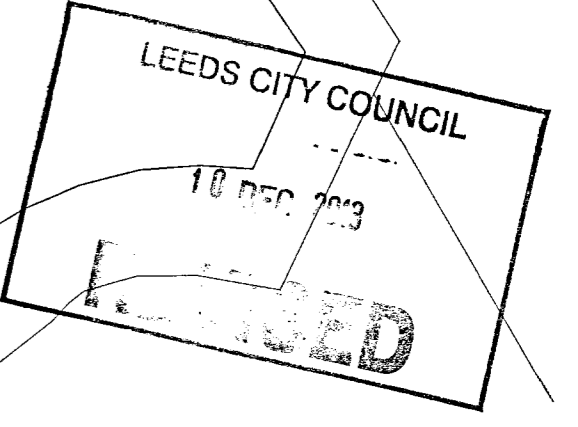
- 10.18 The objection raised by the Parish Council relating to the density of the development being too high, has been noted. It is agreed that the layout of the dwellings originally proposed was unacceptable and resulted in a cramped form of development. Therefore, the scheme has been revised to show the number of dwellings reduced and a greater separation distance maintained between dwellings.
- 10.19 The comment made by the Parish Council that the proposed parking provisions are inadequate, is unreasonable. More than two off street parking space will be available for each of the three dwellings which is considered adequate to meet the parking needs of future occupiers. The Highways Officer has also assessed this issue and has raised no concerns.
- 10.20 The concerns raised by the Parish Council and members of the public that the additional traffic will cause highway safety issues along the narrow Scarsdale Lane, has been discussed in the report. The Highways officer has assessed this issue and has raised no concerns.
- 10.21 The concerns raised that the proposal will have a negative impact on the character of the area, has been addressed in the report. It is not considered that the proposal will have a significant impact on the character of the area.
- 10.22 The concern raised that electricity power in the area often fails and the additional dwellings will add to this issue, is unreasonable. It is not considered that the proposal will directly lead to the electricity power in the area failing and this issue can easily be dealt with by electricity service providers.
- 10.23 The concern raised that further development of the site will lead to surface water running towards Glenmhor, is noted. This issue has been evaluated by Mains Drainage, who has raised no concerns. Furthermore, the scheme proposes to improve drainage within the site which will ensure surface water runoff is properly managed.

## **11.0 CONCLUSION**

11.1 The applicant seeks permission to demolish a detached dwelling and to construct three dwellings on this garden site. It is considered that the proposal is acceptable in principle and will not harm the character of the area. Furthermore, it is considered that the proposal will not have a significant detrimental impact on neighbouring residential amenity or upon highway safety. Therefore, it is recommended that permission should be granted.

### **Background Papers:**

Application file: 13/03451/FU and files 12/00595/OT and 13/00768/FU.  
Certificate of Ownership: Signed by Agent Guy Townsend on behalf of the applicant Berkeley DeVeer.



- Rev G - Southlands redesigned as required by the Ward Councillor - 08/12/13 - sj
- Rev G - Southlands redesigned and repositioned as required by planning authority - 18/11/13 - sj
- Rev F - Southlands roof plan revised - 12/11/13 - sj
- Rev E - Southlands repositioned and site entrance gates omitted as recommended by planning officer - 08/11/13 - sj
- Rev D - Southlands rear roof amended to tip - 24/10/13 - sj
- Rev C - plot 6 omitted, Southlands garage size and roof revised, plots 4 & 5 new design - 11/10/13 - sj
- Rev B - plot 5 redesigned to integral garage type, plot separation distances revised to exceed planning officers requirements - 30/09/13 - sj
- Rev A - Project name details - 23/07/13 - sj

Issue Status		
Planning		

Drawing No.	Scale @ A1	Drawn
502/07H	1:200	sj
Date		Checked
July 2013		

Drawing Title
Site Layout Proposal

Client
Berkeley DeVeer

Project
Residential Development
Rigton Gardens
Scarsdale Lane/Ridge
Bardsey

**J A** JENNESON ASSOCIATES

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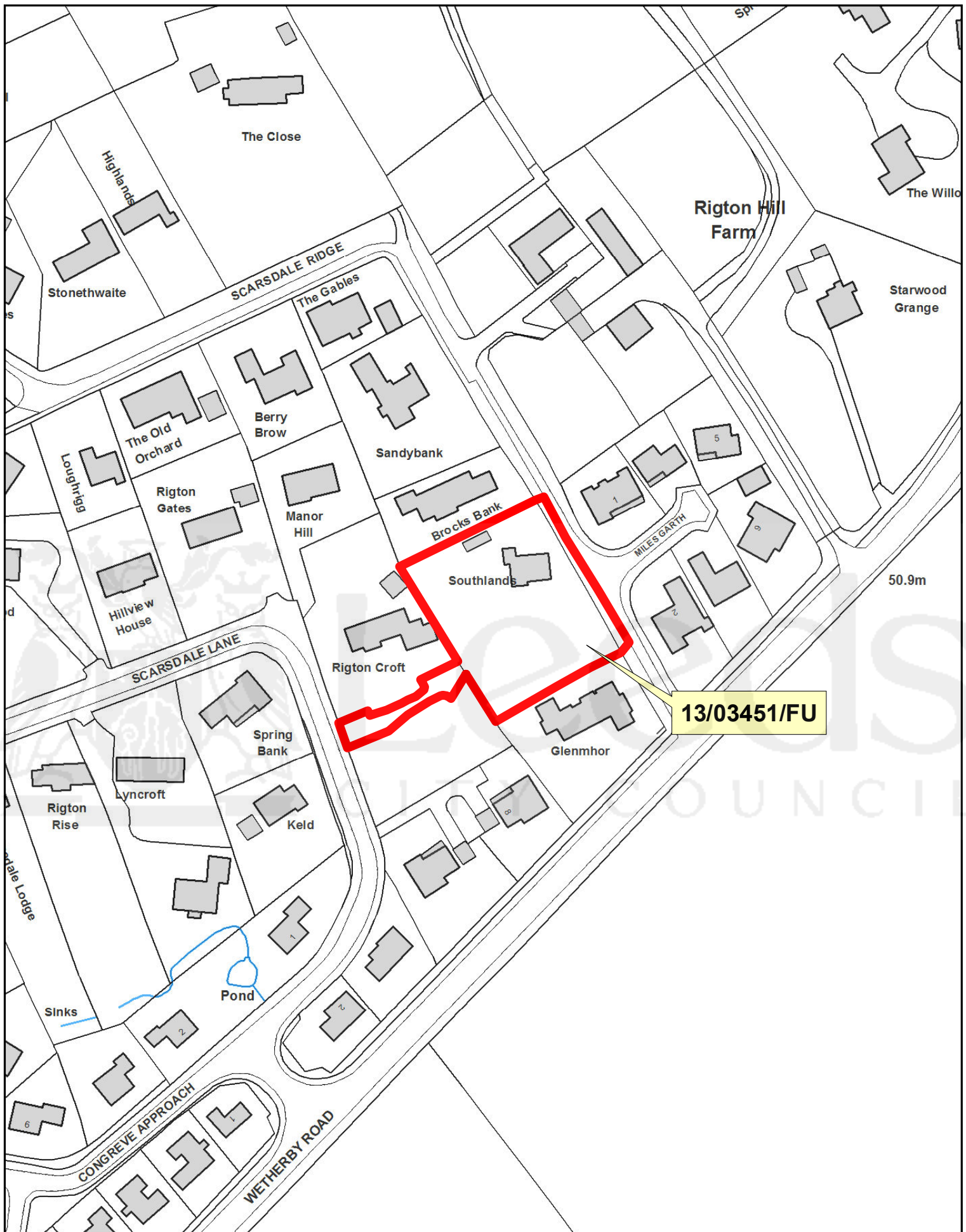
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# Proposed Site Layout

1:200



- Existing Trees
- New Tree Planting



# NORTH AND EAST PLANS PANEL

