



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 30th January 2014

**Subject: 13/03007/FU: Residential development for 6 pairs of semi-detached two storey dwellings (12 in total) at land and premises opposite 60 to 68 Half Mile Lane, Stanningley, Pudsey.**

#### APPLICANT

Chartford Lunn LLP

#### DATE VALID

2<sup>nd</sup> July 2013

#### TARGET DATE

1<sup>st</sup> October 2013

#### Electoral Wards Affected:

**Bramley and Stanningley**

Yes

Bramley and Stanningley  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for APPROVAL subject to the specified conditions and the completion of a S106 Agreement within three months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to cover the following obligations:**

- 1. Greenspace contribution - £30,337.55**
- 2. Provision of parking restrictions on Half Mile**
- 3. Easement – details of location, restrictions and access for maintenance**
- 4. local employment in construction of housing**

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 to be retained 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. If, within a period of five years any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place.
10. Details of all new walls and fences shall be submitted.
11. Details of contractors parking and loading and unloading of materials and equipment shall be submitted.
12. Local Planning Authority to be notified in writing immediately where unexpected significant contamination is encountered during any development works.
13. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use.
14. Visibility splay to be provided as shown on approved plan
15. Details of proposed works at new access point to be submitted.
16. 17. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected or insertion of windows.
18. Full details of method of construction for house 4 regarding the wall and easement.
19. Restriction on what can be built and grown with the easement area.
20. Full details of section of wall to houses 11 and 12 to be submitted and to be built to eurocode standard
21. Surface water scheme and implementation.

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel as the last application was submitted to West Plans Panel on 7<sup>th</sup> August 2008 and also with regard to the local interest in the site.

## **2.0 PROPOSAL**

- 2.1 Full planning permission is sought for 6 pairs of semi-detached two-storey properties (12 in total). The application has been revised since it was originally submitted with the layout amended but the number of units proposed remains the same; they key change is the location of plots 5 – 12.
- 2.2 The revised scheme proposes the construction of 12 houses served by a single vehicular access, which joins Half Mile Lane at the northern end of the site close to the junction with Fernbank Avenue. The access road will then run southwards through the site adjacent to the western boundary ending in a cul-de-sac towards the southern end of the site.
- 2.3 The houses will be located to the northeast, east and south of the access road and all the dwellings proposed are 3 bedroom dwellings and two-storeys in height.
- 2.4 Four pairs of semi-detached properties plots 5 – 12 will run down the length of the site parallel to the eastern boundary. Plots 11 and 12 are L-shaped semi-detached property. The gardens are to the rear of the plots which go upto the back wall.
- 2.5 Two pairs of semi-detached properties plots 1 – 4 are proposed at the southern end of the site fronting onto Half Mile. These houses are two-storeys high with a two-storey front gable feature. These houses will have garden areas to both their front and rear.

Pedestrian access to these plots is off Half Mile lane with parking accessed off Half Mile for plots 1 and 3; Plots 2 and 4 would have vehicular access from the rear.

- 2.6 The proposed plots 1 – 10 are standard designed semi-detached properties with a projecting front gable.

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

- 3.1 Historical maps indicate that in the mid 19<sup>th</sup> century the application site was in use as a sandstone quarry. This use appeared have ceased by the late 19<sup>th</sup> century and the site was subsequently backfilled.
- 3.2 At present the land is disused and has an overgrown and unkempt appearance. However until recently the site was used as a paddock for grazing horses and formed an attractive visual amenity for surrounding residents. At the southern end of the site are a number of sheds; these appear to be largely disused.
- 3.3 Half Mile Lane bounds the site to the east and north, Half Mile to the south and a public footpath and private road serving existing residential properties to the west.
- 3.4 The site is flat but is at a considerably lower level than Half Mile Lane, which is retained by a high wall running the length of the eastern boundary.
- 3.5 The surrounding area is residential with varying house styles and building materials. To the east, two-storey brick semi detached houses along Half Mile Lane face onto the site from a higher level. Opposite the site to the south is a terrace of three brick two-storey houses. To the south west is a cluster of traditional two-storey stone houses. A new stone, detached house, 2A Half Mile, has a curtilage along a substantial part of the western boundary. This house is of substantial size and is two-storey with habitable rooms and dormer windows in the roof space. The side elevation faces directly onto the site.
- 3.6 The surrounding houses are largely two storeys with the adjacent new house to the west at 2A Half Mile being higher at 2.5 storeys.
- 3.7 There is a public right of way running along the western boundary of the site and is not owned by LCC. This is very overgrown and very hard to access. It does not form part site of red line boundary for the application.

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

- 4.1 08/01386/FU: application was submitted to Plans Panel on 7<sup>th</sup> August 2008 but was withdrawn. Planning permission was sought for laying out of access road and erection of 9 three bedroom and 3 four bedroom houses, with landscaping. The key issues raised were the principle of development and the release of the site.
- 4.2 07/05553/FU: Planning permission refused on 21 December 2007 for laying out of access road and erection of 10 three bedroom and 4 four bedroom houses with landscaping. The six reasons for refusal concerned, firstly the principle of development given this is a Greenfield site, secondly the resulting substantial loss of a visual amenity and failure to demonstrate that this open space site is surplus to requirements, thirdly insufficient useable amenity space and public open space areas, fourthly dominance of hard surfaced areas, fifthly over-dominance of the proposed three storey houses and sixthly the scheme is an over-development of the site.

4.3 24/270/05/FU: Planning permission refused on 8 August 2006 for a part single and part two storey medical centre with pharmacy and 67 car parking spaces. The three reasons for refusal concerned sustainability given the proposed use and the distance from public transport, the loss of a Greenfield site and the resulting substantial loss of visual amenity and the proposed design of the development not being of sufficiently high quality.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The scheme as submitted originally was not supported predominantly from a highways point of view as an over engineered layout and there were considered to be some visual and residential amenity issues.

5.2 Following discussions with the agent, a revised scheme was submitted with the internal road relocated to the eastern boundary rather the over-engineered S style road and therefore handing plots 2 -12 to nearer the eastern and north eastern boundary rather than the western boundary with the rear gardens backing onto this boundary. Subject to some further minor alterations following further consultations the revised layout was considered acceptable.

5.3 During the consultation process the issue of the retaining wall on the eastern boundary arose. The maintenance of the wall is required in relation to the highway above and therefore access to the wall is required for its long term maintenance which has for the last 15+ years being carried out by LCC but LCC is not the owner of the wall. Following discussions with colleagues in bridge and structures, it was agreed that a 3m easement should be provided from the wall and that would result in restriction of what future occupiers could put or grow in this area and that a condition be imposed regarding the construction methodology for plot 4 to be carried out in agreement with LCC. The applicant accepted this and will form part of the S106 and conditions

5.4 An incident that occurred in early December where a car crashed through a newly built wall opposite the junction off Fernbank Avenue on the NE corner of the site onto the site and landed in the area where unit 12 is proposed. As a result of this and subsequent discussions with highways colleagues it was determined that there was a duty of care on the authority regarding road safety. The suggested solution is that the wall be built to a eurocode standard to be agreed by the LPA and it would be paid for by the developer.

## **PUBLIC/LOCAL RESPONSE:**

6.1 Ward Members: Ward Members briefing have been held and they been kept informed on the application and related issues and they have also attended a site meeting with local residents.

6.2 The application has been advertised by site notice for a major development affecting a right of way on 19<sup>th</sup> July 2013. The application was also advertised in the press on 18th July 2013.

6.3 The layout as originally submitted received 18 letters of representation, 17 objecting, 5 of these letters from one household and one letter with general comments. The points raised are:-

- Why build on greenspace/Greenfield other sites available?
- Concerns regarding access to two houses on Half Mile
- Highway safety issues already exist and the development will have further accumulative impact upon highway safety
- site is in a poor state, never maintained
- too many houses on the site
- loss of vegetation on the site

6.4 Site meeting was held on 18<sup>th</sup> November with approximately 15 local residents and all three Ward Members. We walked around and discussed all issues raised and the following comments resulted from this meeting which were:-

- Can all the houses be accessed off the main access and not off Half Mile
- There are too many houses on the site
- Concern about highway safety on half mile lane, already bad and this will make the situation worse. Possible traffic calming and no right turn
- Bats have been seen on the site and in the locality
- Vegetation along the boundary of the site should be retained as a screen for amenity and visual amenity.
- Streetscene requested for Half Mile Lane to show the real streetscene (what will be seen from the half mile properties)
- It was suggested that a meeting may be held with Ward Members, officers and a representative of the local residents

6.5 Following further discussions, final revised plans and additional photomontages have been received and re-consultation and notification was sent out on Tuesday 14<sup>th</sup> January. Any further representations received will be updated verbally at Plans Panel.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways- No objection to revised scheme subject to conditions.

7.2 Land Contamination- No objection, subject to conditions.

7.3 Mains Drainage- No objections, subject to conditions.

7.4 Yorkshire Water – no objection subject to conditions.

7.5 Public Rights of Way – no objection.

7.6 Metro – commented that good pedestrian access to and from the site and to and from bus stops should be taken into consideration and provision of metrocards for residents.

7.7 Design - no objection to layout or design.

## **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 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. The site is unallocated. The 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 N12 - refers to urban design
  - Policy N13 - refers to the design of buildings having regard to the character and appearance of their surroundings
  - Policy BD5 – refers to design with regard to amenity issues.
  - Policy LD1 – refers to landscape provisions
  - Policy T2- New development should not adversely affect the highway network
  - Policy T24 – parking guidelines

### 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.

### 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

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).

## **9.0 MAIN ISSUES**

- 9.1 The key issues to consider in determining this application and related policies are as follows and should be afforded significant weight in consideration of this application and are considered in section 10:-
- Principle of Development (H4, NPPF paras 49, 50)

- Layout, Design and Landscape (GP5, N12, N13, LD1, NPPF paras 56 and 58)
- Impact on Residential Amenity (GP5 and BD5)
- Highway Safety (T2, T24 and GP5)
- S106 Obligation

## 10.0 APPRAISAL

### Principle of the Development

- 10.1 The site does not constitute previously developed land (Brownfield). 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. The site is not allocated for greenspace and is privately owned land.
- 10.2 The application site does lie within the Main Urban Area with good public transport and road links to commercial centres including Bramley and Farsley. Therefore, it is considered that the application site is in a relatively sustainable location for residential development.
- 10.3 Given the fact that the site is in a sustainable location creating 12 family houses 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. In this respect the proposal is considered to comply with the initial parts of policy H4 and therefore the proposal is acceptable in principle provided that it also complies with all other relevant policies. Overall it is considered that the site can be supported for residential development given the housing demand for the city and the site is not protected as greenspace.

### Layout, design and Landscape

- 10.4 Layout – the layout has been revised since the original submission and is in line with previous layouts which were considered acceptable with properties 1 – 4 creating a frontage onto Half Mile and then the remaining plots running alongside the eastern boundary with the access and road running along the western boundary.
- 10.5 Design – the house designs are considered to be acceptable which are standard designed semi-detached properties apart from an L-shaped semi which is to be located at the entrance of the site. The proposed materials are facing brick and some small areas of render, whilst it is accepted that surrounding residential development is of mixed design and materials the design of the properties has picked up local characteristic with their scale and use of projecting gable. It is considered appropriate to conditions this use of materials.
- 10.6 Landscape – the site has a number of trees and vegetation on and around the site. Some are self-seeded some are within the public right of way which does not form part of the application site. Some of the species are in poor health and would be removed as part of the application and some trees particularly on the N and NE



boundary and around the entrance to the site shall be retained. A landscape plan has been submitted showing trees to be lost, to be retained and replacement trees.

- 10.7 It is considered that the site presents certain constraints with its shape, difference in levels to the road and the retaining wall to the highway and therefore the revised scheme as submitted is considered on balance that the layout, design and landscaping is acceptable.
- 10.8 The application is over 10 units and an off-site greenspace contribution is required and this will be covered by a S106.

#### Impact on Residential Amenity

- 10.9 The semi-detached houses on plots 5 to 12 run along the eastern boundary, plots 7 and 8 are the nearest properties to 2A Half Mile of which the side elevation is approximately 13 metres that the new houses will not appear as significantly over-dominant when viewed from this property neither will they have a detrimental impact on the privacy and amenity of its occupants.
- 10.10 The new houses on plots 5 to 12 are approximately 24 metres away from the front boundaries of the houses opposite on Half Mile Lane and are set at a significantly lower level. The height to ridge level of the new houses will be approximately 2 metres lower than the ridge levels of the existing houses so this combined with the difference in ground levels and separation distances, means that the proposed houses should not significantly affect the amenity of occupiers of houses on Half Mile Lane.
- 10.11 At the southern end of the development, the proposed two storey houses on plots 1 to 4 mainly plots 3 and 4 are 15 metres away from the front boundaries with the properties opposite on Half Mile. The houses will be built up slightly but approximately 1 – 1.5m. However the separation distance between the existing and proposed houses is over 15 m and is considered to be acceptable and will not appear over-dominant.
- 10.12 Bathrooms windows are proposed on the side elevations of the proposed house; it is considered appropriate to obscure glaze these via a condition.
- 10.13 The proposed garden sizes for the dwellings are approximately 30 sq m and slightly below the guidance contained within Neighbourhoods for Living. However given the context and the nature of the site they are considered acceptable.

#### Highways Safety

- 10.14 The proposed access located at the north of the site is considered to provide adequate visibility on to Half Mile Lane. The wall will be set back and the footway will be widened in order to achieve an improved visibility splay.
- 10.15 The site provides two parking spaces per house plus visitor parking, in line with UDP policy. In addition each dwelling shows individual cycle storage provision.
- 10.16 The issue of traffic calming measure has been raised by local residents for Half Mile Lane. It is considered that the development of 12 dwellings would generate no more than approximately 9 vehicle movements in the AM and PM peak traffic periods. There have been just two recorded accidents (both classified as slight) in the last five year period and it would be difficult to justify the funding of extensive traffic calming

works from the proposed development on this evidence. If a 20mph limit or Zone was to be introduced on Half Mile Lane it would require the provision of approximately six traffic calming features. Highways have a programme for 20mph Zones for the next financial year and it is considered more appropriate to consider Half Mile Lane as part of this programme than to introduce an isolated scheme which may push traffic onto other less suitable routes as Half Mile Lane still retains a function as a local distributor route.

- 10.17 Parking to plot 4 is accessed via the proposed section of new highway although pedestrian access will still be available from Half Mile. There is some likelihood that occupants of plot 4 would wish to park in front of the property on occasion, it is considered necessary to prohibit parking on the radius of the junction adjacent to plot 4 in order to protect visibility from the junction of Half Mile and Half Mile Lane on the development side of the road. The development would need to fund a parking restriction at this junction and should be secured through obligations set out in the s106 Agreement that would be required as part of any approval.
- 10.18 An easement for maintenance is required adjacent to the retaining wall supporting the Half Mile Lane highway on the eastern boundary of the site. Therefore the details regarding the construction of the foundations to plot 4 in relation to the retaining wall is conditioned. Section 106 obligations will be required in order that the construction of plot 4 is agreed and that restrictions can be enforced on what can be placed within the easement, no structures will be permitted within the easement and roots of trees/vegetation which could have a negative impact on the foundations of the retaining wall or prevent access and any alterations to existing ground levels should be controlled:-
- Trees, shrubs or structures will not be placed in the easement strip, unless otherwise agreed with Leeds City Council Bridges Section.
  - Foundations for new buildings will not detrimentally affect the existing retaining wall abutting the highway. The developer will provide LCC Bridges Section with sufficient structural details of the development to agree in principle that the proposals are acceptable.
  - Consideration needs to be given to the choice and future availability of material used in the easement strip. It may not be possible to replace expensive and difficult to source materials on a like for like basis if they have to be removed for maintenance work. Leeds City Council will not be liable for carrying out any remedial works to make good any element in the easement strip other than the original surface finishing materials, subject to availability and cost.
  - The ground levels shall not be altered during the course of construction without prior consent of LCC Bridges section.
  - Finished ground levels at the back of the retaining wall abutting Half Mile Lane shall be approved by LCC Bridges section.

In addition, the retaining wall would also be affected by plot 4, conditions should be attached to any approval requiring details of the retaining wall to be agreed as set out below.

10.19 Below are the proposed planning obligations required and have been raised with the developer.

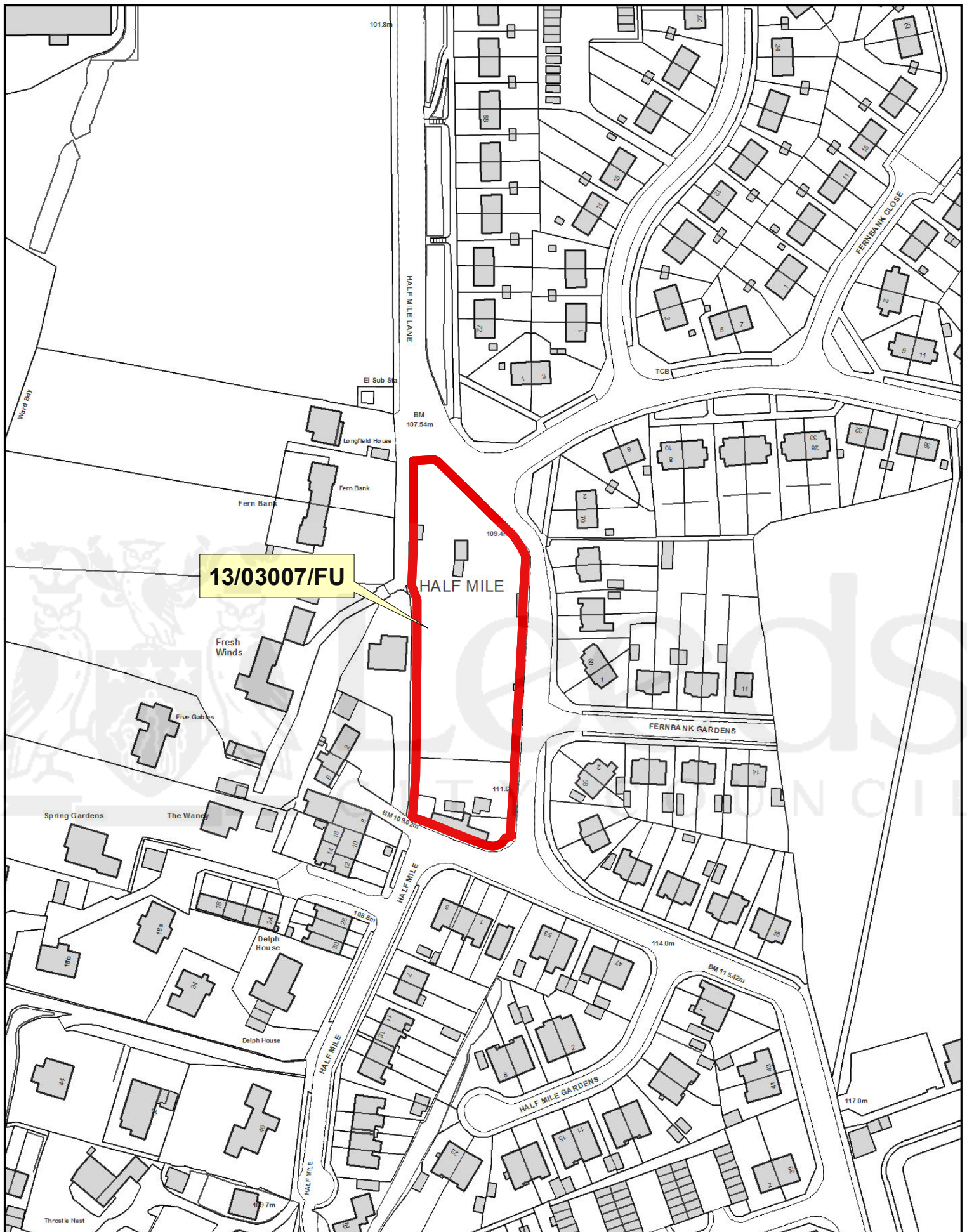
- Greenspace - £30,337.55
- Provision of parking restrictions on Half Mile
- Easement – detail of location, restriction and access for maintenance.

## **11.0 CONCLUSION**

11.1 It is considered that the principle of housing development on this site is acceptable and that the proposed scheme is acceptable with regard to its layout and design, highways safety and its impact upon residential amenity. The application therefore is recommended for approval subject to the signing of the S106 and the attached conditions

### **Background Papers:**

Application file and history files: 13/03007/FU and 07/05553/FU and 08/01386/FU  
Certificate of Ownership: Signed by Agent Walker Morris Solicitors.



13/03007/FU

# SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

