



Report of the Chief Planning Officer

Plans Panel North and East

Date: 27th November 2014

Subject: 14/03535/FU - Detached dwelling at 19 Dunrobin Avenue, Garforth.

APPLICANT

Mrs Joyce Emery

DATE VALID

12th June 2014

TARGET DATE

Subject to negotiation

Electoral Wards Affected:

Garforth & Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission
2. In accordance to approved plans
3. Construction method statement
4. Submission of details of external walling and roofing materials
5. Submission of full details of boundary treatments
6. Drainage scheme to provide on-site storage/restricted discharge rates
7. Area used by vehicles to be laid out
8. Reinstatement of footpath crossings
9. Driveway to serve to No.19 Dunrobin Avenue to be laid out
10. Details of the proposed site levels
11. Details of building foundation design
12. Submission and implementation of landscape details
13. Provision for replacement of trees
14. Submission of contaminated land information
15. Submission of an amended remediation statement
16. Submission of a verification report

1.0 INTRODUCTION:

- 1.1 This planning application is presented to Plans Panel at the request of Ward Councillor Mark Dobson who supports residents' concerns about the application proposal and also the impact the development would have on existing drainage infrastructure.

2.0 PROPOSAL:

- 2.1 The application seeks permission for a detached dwelling in the side garden of No. 19 Dunrobin Avenue. The proposed dwelling is positioned in broad alignment with the existing adjacent dwellings and will face onto the public highway. The proposed dwelling has front and rear gardens with a driveway laid out to the side. Due to the displacement of the existing parking provision of No.19 the proposal also includes the laying out of a driveway to the side of that property.
- 2.2 The proposed dwelling is two storey in height, to be constructed in brick with a dual pitched tile roof over. The dwelling is to accommodate three bedrooms and includes a single storey forward projection to the front and a cut-out section to its north-western rear corner to avoid the mine shaft which is present in the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site forms part of the side garden of a two storey semi-detached dwelling (No.19). The site lies within a cul-de-sac and fronts onto the vehicular turning head. Dunrobin Avenue contains a mix of detached and semi-detached dwellings. The dwellings are all two storey in height and of similar age and style. There is variation in the appearance of these dwellings with some being gable fronted and others having traditional roofs that pitch front to back. The dwellings are constructed of brick with concrete tiled roofs and incorporate cladding or vertical hung tile panels to the front elevation. A number of the dwellings also have projections to the front which either accommodate porches, garages or converted habitable rooms. No.17 Dunrobin Avenue has extended to the side side at two storey height.
- 3.2 The application site is mainly laid out as lawn with planting but contains a detached pre-cast double garage and large driveway to the front. The application site contains a capped mine shaft that is located centrally within the site. A 1.8m high close boarded fence demarcates the site's southern and western boundaries and a public footpath runs adjacent. The footpath runs westwards leading to neighbouring streets (Arundel Street, Bodiham Hill, Carisbrooke Lane) and to Aberford Lane. This footpath also aligns the playing fields of East Garforth Primary School which lies to the rear of the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/04866/FU One pair of semi-detached dwellings to garden site- Withdrawn (17/01/13).
- 4.2 33/206/00/FU Two storey side extension to No.17 Dunrobin Avenue- Approved (14/08/00)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The initial enquiry to develop the application site was received back in 2011 (Ref: PREAPP/11/00590) which proposed a detached dwelling. The Case Officer advised that whilst a new dwelling on the site would be acceptable in principle amendments were required to reduce the overall footprint to bring the dwelling further away from the side boundaries.
- 5.2 Following the above advice a planning application was submitted proposing a pair of semi-detached dwellings at the site (Ref: 12/04866/FU). The application raised further issues in respect of ground stability due to the presence of a capped mine shaft on site and over-development concerns (manifested in the dwellings being positioned too close to boundaries; loss of landscaping to the front and an excessive building footprint). The application was subsequently withdrawn to give the applicant time to address these issues.
- 5.3 Prior to the submission of this latest application, a revised scheme identifying the location of the mine entry on site and a revised proposal involving a single dwelling was submitted for informal planning consideration. The Case Officer informed the applicant that whilst the principle of a single dwelling was acceptable the dwelling was still overly large in scale, positioned too close to the site boundaries and that it projected too far forward at the site.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 2 site notice displays posted dated 27th June 2014 and 14 neighbour notification letters sent out 20th June 2014. Letters of representation were received from 9 separate households expressing objection to the development proposals on the following summarised grounds:
- Loss of privacy from overlooking.
 - Impact on light and outlook from existing dwellings; compromises existing views; impairing light and views.
 - Overdevelopment of site and out of character with density of other dwellings along street; parking forced to the front which is detrimental to character and appearance of streetscene; parking to front restricts landscaping; altering the building line.
 - Loss of garden space to No.19- to harmful to existing occupiers/ future occupiers.
 - Presence of mine shaft on site- potential structural damage/ collapse of houses/ street- Who would be responsible if this occurs/ or stop occurring on site/ professional on-site supervision during works? Reference to mine shaft collapse in Egremont in 2012. Why were Wimpey (original builders) never allowed to build on this land? Only to be used for gardens? What impact has recent weather had on stability of mine capping? Question the appropriateness and safety of development at the site.
 - Question the relevance and validity of the submitted geo-environmental report due to lack of information: no data to identify subsoil depth and structure; no evidence that shafts were infilled; no details of the results of probe drilling exercise and who undertook the work; have not identified the exact position or diameter of shaft or defined the depth/ size/ shape of the cap.
 - Absence of detailed measurements on foundation design; previous conversation with Coal Authority suggested depth of cap would be

approximately 9m; no reference to support/ underpinning of existing property or during digging works.

- Can the existing drainage infrastructure withstand added pressure of new residence?
- Proposed dwelling increase pressure of on-road parking; with dropped kerbs all round- unsafe environment, especially for children; lack of parking force visitors to park on neighbouring streets/ front of other properties; No.19 has no parking following loss of garages/ no on-street parking available.
- Construction work on site would put users of adjacent footpath (incl. schoolchildren) at risk; building disruption (dirt, noise etc).

6.2 On receipt of revised plans further letters were sent out to notify those contributors of the revised plans received. In addition, Ward Members consulted directly with local residents requesting that any further comments be directed to the department. At the time this report was prepared, a total of 7 further letters had been received. The main comments as originally reported were for the most part repeated by residents who had already comments on the application.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 The Coal Authority: Satisfied that the revised site layout avoids building over the mine entry and the proposed foundation design to prevent surcharge loading mitigates the risk posed by the recorded mine entry on site. No objection subject to a condition imposed requiring the foundation design to form an integral part of development.

Non-statutory:

7.2 Highways: No objection. Conditions recommended.

7.3 Flood Risk Management: In view of known issues with drainage infrastructure in the area on-site surface water storage and restricted discharge rates are required.

7.4 Contaminated Land: No objection. Conditions recommended.

7.5 Public Rights of Way: No objection. Public Footpath No.18 Garforth runs beyond western boundary of site and the route is not affected by proposal.

7.6 Yorkshire Water: Separate systems for foul and surface water should be developed. The local public sewer network does not have capacity to accept additional discharge of surface water. SUDS should therefore be considered and connecting into a suitable watercourse may be possible. As a last resort, surface water may discharge to the public surface water sewer network, subject to providing evidence that 1. Other means of surface water have been considered and discounted 2. Surface water discharge from the existing site positively communicates with the public sewer (e.g. same points and rates of discharge). Discharges must be like for like and take into account climate change and a minimum reduction of 30%.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- H2: New housing on non-allocated sites.
P10: Seeks to ensure that new development is well designed and respect its context.
EN5: Seeks to manage and mitigate flood risk.
T2: Seeks to ensure that new development does not harm highway safety.

The following saved UDP policies are also relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
BD5: Seeks to ensure new development protects amenity.
LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

Supplementary Planning Guidance: Neighbourhoods for Living (SPG13, adopted).

National Planning Policy

8.3 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.

8.4 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.

8.5 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design.

9.0 MAIN ISSUES

1. Principle of development
2. Ground stability and safety
3. Impact on design, visual amenity and character
4. Impact on residential amenity

5. Drainage issues
6. Highway implications
7. Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 The proposed detached dwelling is positioned within the side garden of No.19 Dunrobin Avenue and represents an infill development within the cul-de-sac. National planning policy recognises the role gardens play in defining the character and appearance of an area, however, it does not seek to prohibit all development at gardens sites but discourage developments which are considered to be harmful to the overall character and appearance of a locality.
- 10.2 Whilst the sense of open space which currently exists would be reduced by introducing a new dwelling onto this site it is considered that there is sufficient space to the side of No.19 Dunrobin Avenue to accommodate a dwelling that could be compatible with the character and appearance of neighbouring dwellings within Dunrobin Avenue. In the light of this, it is considered that support could be given, in principle, to the residential development of this urban site subject to it being otherwise acceptable in planning, design and access terms.

Ground stability and safety:

- 10.3 The presence of the mine shaft within the site is clearly a key consideration and is no doubt the reason why the original cul-de-sac was set out to exclude a property within the application site boundary. Whilst the original reason for not building in close proximity to the mine shaft is understood, this does not preclude this site being sterilised in perpetuity if an acceptable design solution can be developed which can also be realised from a technical building perspective.
- 10.4 Ordinarily it is not necessary for a planning application to secure detailed proposals relating to proposed construction methods as the requirements under building regulations are best placed to consider these matters. Notwithstanding this, the issue of ground stability and the impact development could have on such matters is a material planning consideration and in the context of this site does need to be considered further.
- 10.5 As part of the submission, the applicant has submitted detailed information relating to the proposed foundation design and has already undertaken survey work to establish the work conditions at the site including the position of the mine shaft itself. This information has been assessed by the Coal Authority which in these circumstances is the most appropriate body to consider the implications of the development on the site and is the statutory consultee.
- 10.6 The Coal Authority is satisfied with the level of information that has been provided and raises no objection to the development subject to the submitted foundation details being conditioned as part of any approval. Whilst it is understood that one local resident in particular is not satisfied with the information that has been provided, in the circumstances where the relevant statutory consultee has assessed the information provided and is in agreement with the findings made, officers are content the issue of ground stability has been adequately considered.

Impact on design, visual amenity and character:

- 10.7 The proposed dwelling reflects the layout arrangement of other properties to this part of Dunrobin Avenue with a garden to front, driveway to side and a private garden to the rear. The dwelling will stand in broad alignment with existing dwellings to either side and adopt a similar building height/ proportions, appearance and external materials. These factors will help the dwelling assimilate into the street view and ensure the dwelling is not unduly obtrusive within the street scene.

Impact on residential amenity:

- 10.8 The proposed dwelling has been designed so that its main windows face out towards the cul-de-sac to the front or over the rear garden area. In this respect the development is not considered to give rise to any overlooking or loss of privacy issues due to the building's position within the plot and the separation distances which are achieved. Similarly, the building's siting and relationship with the neighbouring properties either side is relatively generous due to the presence of the capped mine shaft and the adjacent public footpath. The dwelling stands 6m to the south of the property at No.19 and 3-3.5m to the north of the extended No.17. Accordingly, no significant loss of light or overshadowing issues are considered to result.
- 10.9 For these reasons the proposed development is not considered to give rise to any undue amenity issues for existing residents and the level amenity afforded for the new occupier in terms of outlook and garden size is also considered to be acceptable. Furthermore, the remaining garden to serve No.19 is considered to be entirely adequate in size and usability. Accordingly the residential amenity impacts of the development are not objected to.

Drainage issues:

- 10.10 In regards to drainage matters, officers within the Flood Risk Management team have sought to secure improvements to the proposed drainage solution at the site following the comments made by Yorkshire Water given their knowledge of the flooding issues within the wider Garforth area. The local ground conditions indicate the soils are clay so are not suitable for infiltration drainage systems. Accordingly the need for on-site storage attenuation is considered necessary so as to restrict the level of flow received by the existing network and in the absence of a nearby watercourse.
- 10.11 The applicant has agreed to this requirement in principle and the infrastructure to meet the necessary reductions in the rate of discharge are considered appropriate and can be accommodated within the confines of the application site since it would only be serving a single house. Accordingly no objection is raised to the development on the grounds of its impact on local drainage/ flooding issues subject to the detailed drainage scheme being secured by condition.

Highways implications:

- 10.12 The proposed development would displace the existing parking arrangements for No. 19 and accordingly a replacement double depth driveway is shown to be provided to the side of this property. Similarly, a double depth driveway would be provided for the new dwelling. As these arrangements are comparable with the facilities associated

with other properties within the cul-de-sac, no highway objection is raised to the development.

Other matters:

- 10.13 Nearby residents have also expressed concern about the disruption caused during construction, pointing to the time taken to complete the newly constructed dwelling adjacent. It is accepted that nearby residents will suffer some degree of disturbance during construction works, however, this will be in the short-term and it would be unreasonable to withhold planning permission on this basis. A construction working hours condition is however proposed to offer residents with some protection from unreasonable working hours.
- 10.14 In respect of land contamination matters, officers are content for the development to progress although the submission of a further report(s) will be necessary, given previous mining activity in the vicinity. This additional work can however be adequately secured through an appropriate planning condition.

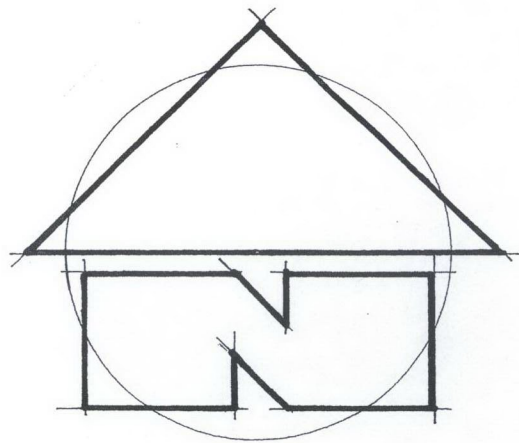
11.0 CONCLUSION

- 11.1 It is considered that the proposed development is acceptable in principle and responds to the character and appearance of the area. The structural stability of the development has been assessed by the appropriate statutory consultee and the response in terms of design and foundation type is considered to be acceptable. In addition, the proposed development would not prejudice the residential amenity of neighbouring properties whilst providing a good standard of living accommodation and outdoor amenity space for the future occupants of the development without prejudicing the interests of highway safety. It is therefore recommended that approval be granted subject to the specified conditions.

Background Papers:

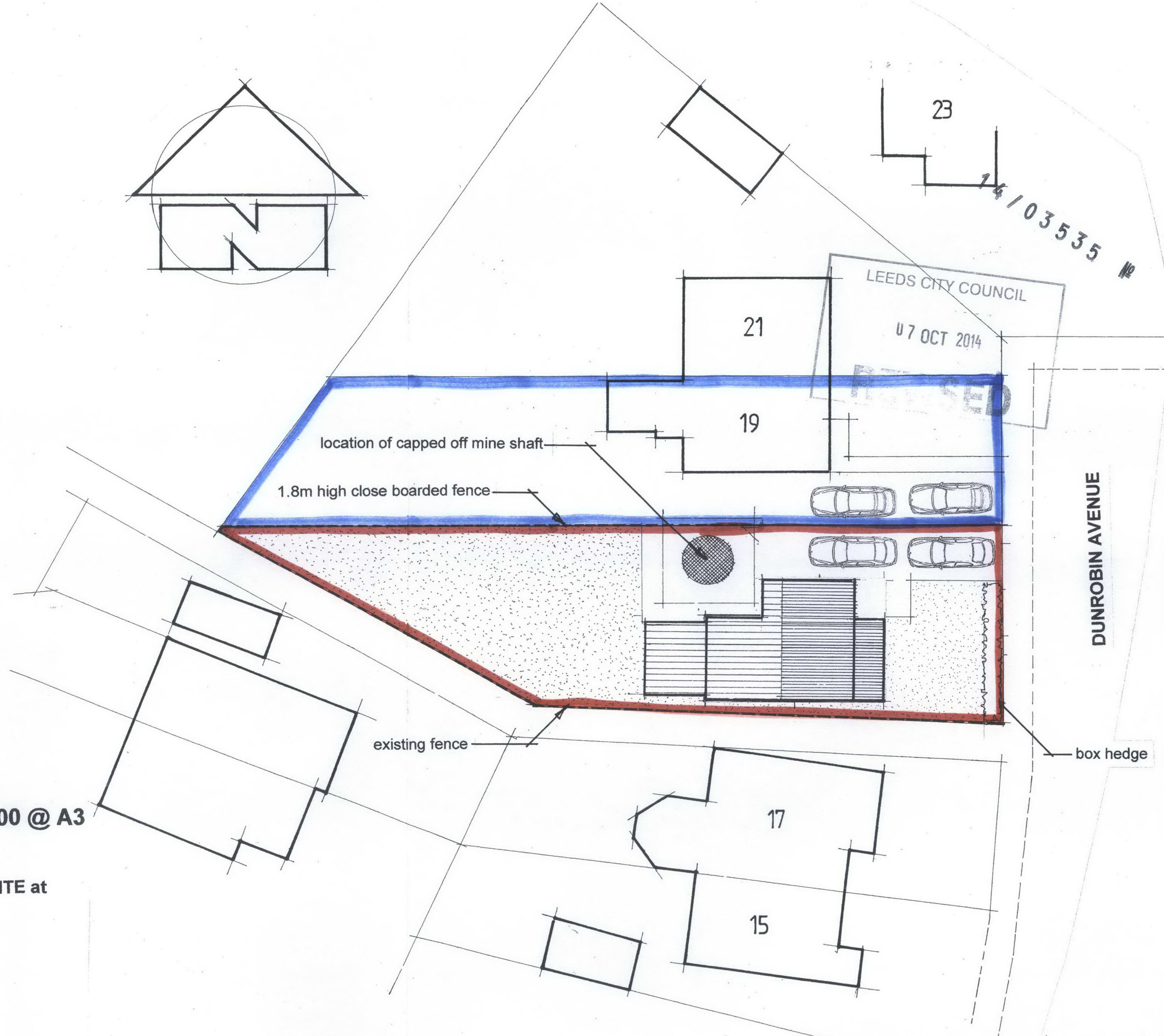
Application and history files.

Certificate of Ownership signed by the appointed planning agent on behalf of the application dated 12th June 2014.



23
14 / 03535

LEEDS CITY COUNCIL
07 OCT 2014
APPROVED



location of capped off mine shaft

1.8m high close boarded fence

DUNROBIN AVENUE

box hedge

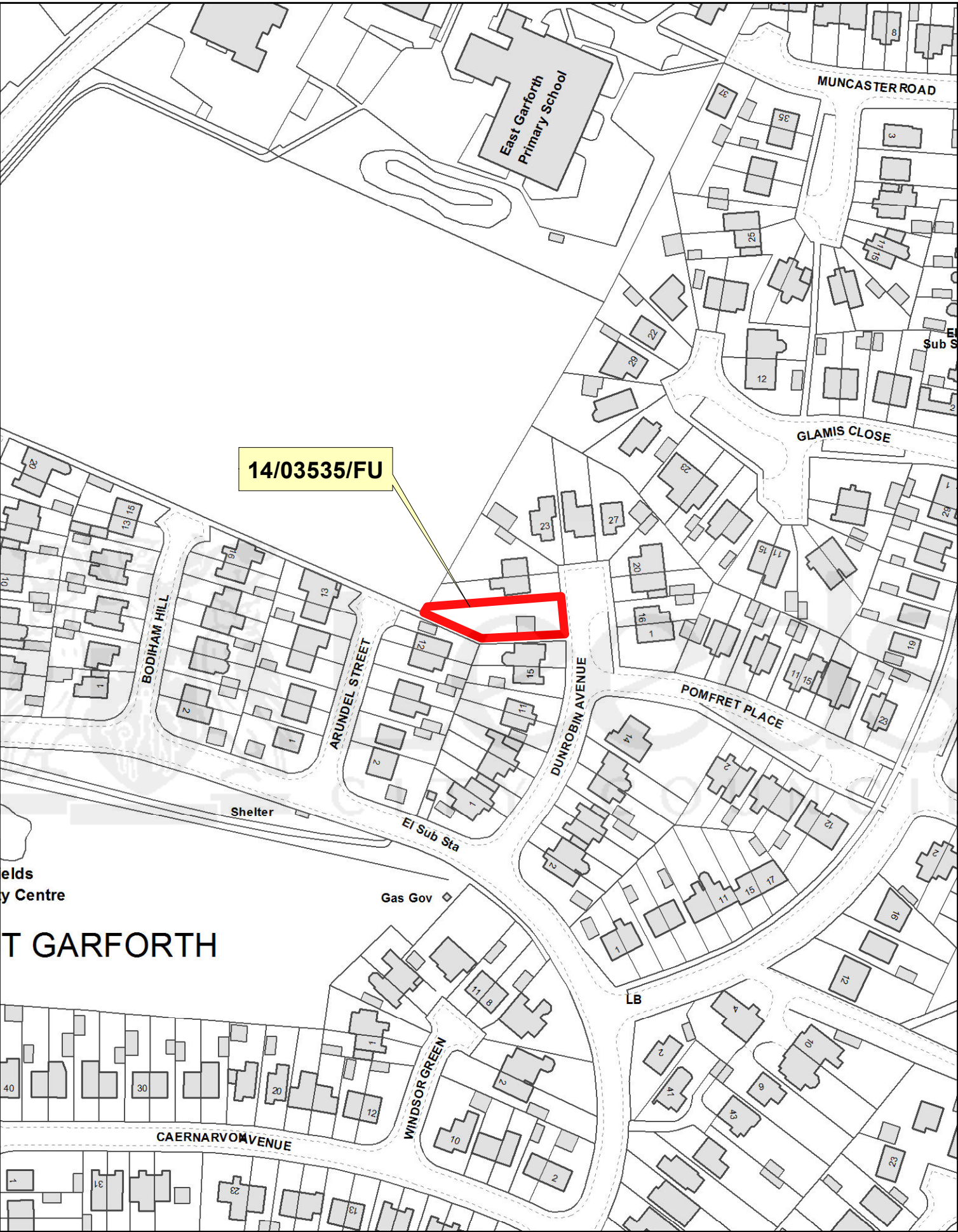
existing fence

PROPOSED SITE LAYOUT 1/200 @ A3

**PROPOSED THREE BEDROOM
DETACHED DWELLING TO GARDEN SITE at**

**19 DUNROBIN AVENUE
GARFORTH
LEEDS
LS25 2NN for**

Mrs JOYCE EMERY



elds
y Centre
T GARFORTH

NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2014 Ordnance Survey 100019567

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

SCALE : 1/1500

