
Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 5th February 2015

Subject: 13/01537/FU – Nine detached dwellings with access road and alterations to existing bungalow at land to rear of 20 -30 Syke Lane, Scarcroft, Leeds.

APPLICANT

Mssrs Kiernan

DATE VALID

8th April 2013

TARGET DATE

3 June 2013

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer subject to the following conditions and to seek amendments to the proposed dwellings on Plots 8 & 9:

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 including sample of retaining wall.
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. Retention of trees around edge of site, adjacent to Green Belt boundary.
8. Construction methodology detailing works within or close to root protection areas to be submitted.
9. 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.
10. Hard and soft landscaping works shall be carried out in accordance with the approved details.

11. Details of all walls and fences shall be submitted.
12. The visibility splay shown on the approved plan shall be implemented and retained for the lifetime of the development.
13. The visibility splay shall be kept clear of all obstruction.
14. Details of contactors parking and loading and unloading of materials and equipment shall be submitted.
15. Details of a scheme detailing surface water drainage works shall be submitted and implemented.
16. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected.
17. Contamination
18. If remediation is unable to proceed as approved the LPA to be notified and an amended or new Remediation Statement to be submitted.
19. Remediation works shall be carried out in accordance with the approved Remediation Statement.
20. Details of existing and proposed ground and finished floor levels.

1.0 INTRODUCTION:

- 1.1 The application is reported to Plans Panel at the request of Councillor Rachael Procter on the basis that the scheme represents an overdevelopment of the site and the large retaining wall to the entrance of the site appear dominant and out of character within the area.

2.0 PROPOSAL:

- 2.1 The proposal seeks permission to construct nine dwellings on this previously developed site. Due to the level differences the site appears as a "bowl shape" with the central portion of the site (the quarry floor) being lower than the land closest to the boundary line. The land around the boundary slopes up approximately 8m from south to the north. The layout of the dwellings follows the contours of the site, and the dwellings closest to the southwest boundary step up gradually from the south to the north and the dwellings closest to the north-eastern boundary slopes down from the north to the south. The dwellings are all different in design and scale and have varying heights and have each been designed in a bespoke manner to address the site topography. Materials include the use of natural stone and slate. The trees around the edge of the site and abutting the Green Belt boundary are proposed for retention. The access to the site will be taken off Syke Lane and will be constructed between the applicant's dwelling No.26 and the block of flats No.28 and 30 Syke Lane.
- 2.2 The existing bungalow which is within the red line boundary will be modified in order to make way for the access road. The modification proposed includes the demolition of the garage and carport and a 1.8m reduction in the width of the bungalow itself. The flat roof rear extension will be replaced with a hipped roof structure which will be 1m smaller in terms of its depth and will be fairly similar in terms of its width and separation distance from the neighbouring dwellings.
- 2.3 The proposed dwellings are largely two and a half storey structures with rooms in the roof space. The rear elevations of Plots 1, 2, 3, 4, 5 have been recessed into the hillside so that they appear as single storey structures, particularly from the adjacent dwellings and the Green Belt. The garden areas of these dwellings are at upper ground floor level and include the green roofs of the integral garages. Many of the dwellings also feature solar panels. Most of the dwellings feature rooms in the roof space.

- 2.4 Plot 1 measures 10m in height 12.5m in width and 7m in depth. The dwelling has a lower ground floor which features a garage with a green roof that has been raised to the garden level so that it can be used as a garden area.
- 2.5 Plot 2 measures 10m in height 9.2m in width and 7m in depth. The dwelling has a lower ground floor which features a garage with a green roof that has been raised to the garden level so that it can be used as a garden area.
- 2.6 Plot 3 is situated towards the northern boundary and measures 10.4m in height, 8.4m in width and 8m in depth. The dwelling has a lower ground floor which features a garage with a green roof that has been raised to the garden level so that it can be used as a garden area. The lower ground floor also features two bedrooms.
- 2.7 Plot 4 is also situated towards the northern boundary and measures 9.4m in height, 9m in width and 6.4m in depth. The dwelling has a lower ground floor which features a garage with a green roof that has been raised to the garden level so that it can be used as a garden area. The ground floor also features a bedroom and kitchen. Whilst bedrooms are also located at ground floor level and also within the roof space.
- 2.8 Plot 5 will appear as a single storey structure from the open Green Belt (to the north and east), and will feature a lower ground floor level garage, kitchen and study. Bedrooms and the main living space will be at upper ground floor level whilst bedrooms will also be situated within the roof space. At its maximum the dwelling will measure 10m in height, 8m in depth and approximately 10m in width.
- 2.9 Plot 6 will be a two storey structure measuring approximately 8.8m in height, a maximum of 10m in width and 10m in depth. The property features a single integral garage, garden area to the rear and rooms in the roof space.
- 2.10 Plot 7 measures 10m in height and width and has a width maximum of 11m. The property features a double integral garage and rooms in the roof space.
- 2.11 Plot 8 will be a two storey structure measuring approximately 10m in height and width and 12m in depth. The property features a double integral garage with garden areas to the north and south.
- 2.12 Plot 9 has a maximum width of 11m which has been broken by the varying heights and the juxtaposition of the gable at either end. The property will have a maximum height 9.2m and 12.6m in depth.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to an former quarry/ industrial site located off the residential road of Syke Lane with the residential estate of Moss Syke located to the west, and the open Green Belt located to the north, northeast and northwest. Dwellings in the area are varied in terms of the scale, design and size. The site itself can be best described as a 'bowl' shaped piece of the land with the quarry floor being lower than the land it surrounds. The top of the land features a mature belt of trees which are protected by a Tree Preservation Order.

4.0 HISTORY OF NEGOTIATIONS:

- 4.1 There has been an extensive period of negotiations that have taken place over the years with regards to the design of the scheme and concerning the harm to TPO trees. The Design Review Panel held on the 5th February 2014 found some difficulty in understanding the layout of the scheme given the variations in ground levels throughout the site and how the overall design concept will impact on visual amenity. Therefore, the applicant was advised to submit a 3D model to help officers and Ward Members better understand the scheme. Cllr Rachael Procter still has concerns over the density of development.
- 4.2 There were also discussions held with Landscape Officers and Highways with regards to aspects of the scheme relating to highway safety and tree protection and revised drawings were submitted to overcome the issues.

5.0 RELEVANT PLANNING HISTORY:

- 5.1 The following applications are relevant;
- 06/05431/RM- Laying out of access road and erection of 12 houses (Refused)
 - 31/266/03/OT- Outline application to erect residential development. (Approved)
 - 31/135/02/OT- Outline application to erect residential development. (Refused)
 - H31/448/88/- Outline application to lay out access and erect residential development to industrial site. (Approved)
 - H31/168/83/- Change of use of builders yard to workshops and builders store. (Approved)

6.0 PUBLIC LOCAL RESPONSES:

- 6.1 The application was publicised by site notices posted 19.04.2013
- 6.2 Bardsey Parish Council- No objection raised and comment that the application appears to make innovative use of a somewhat awkwardly sloping, brownfield site.
- 6.3 Scarcroft Parish Council supports the application, particularly the part-earth sheltered dwellings with high sustainability.

7.0 CONSULTATION RESPONSES:

Statutory Consultations:

- 7.1 None

Non-Statutory Consultations:

- 7.2 Highways
Highways initially raised no objections to the principle of development and commented that further revisions were required to the layout which included showing forward visibility splays, 20mph speed limits and works to highway verge to provide adequate visibility splays. The applicant submitted revised the drawings to overcome the concerns raised.

Since the adoption of the Core Strategy, Highways Officers note that the site does not meet the Core Strategy accessibility standards and is in conflict with Policy T2.

Landscape Officer

- 7.3 The Landscape Officer raised no significant concerns relating to the impact of the development of the TPO Trees. (Meeting 21/5/2013)

Mains Drainage

- 7.4 No objection, subject to conditions

Yorkshire Water

- 7.5 No objections are raised, subject to conditions.

Contaminated Land Team

- 7.6 No objections, subject to conditions

8.0 PLANNING POLICIES

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 As of 12 November 2014 the development plan comprises the following:
The Leeds Core Strategy (CS) Saved UDP Review (2006) Policies included as Appendix 1 of the Core Strategy, the Natural Resources and Waste Plan DPD (adopted January 2013) and any Neighbourhood Plan (once adopted).
- 8.3 The following Policies are considered to be of relevance.
- Policy P10: New development for buildings and spaces which relates to design, and alterations existing buildings should be based on a thorough contextual analysis to provide good design appropriate to its scale and location.
 - Policy H2: Relates to new housing development on non-allocated sites.
 - Policy T2: Accessibility Requirements and new developments.
- 8.4 Saved Policies (Appendix 1 CS)
- Policy GP5 Relates to general amenity considerations including environmental intrusion and highway safety.
 - Policy BD5 Relates to consideration of the impact of the development on its surroundings.
 - Policy N24: Development proposals abutting the Green Belt.
 - LD1: Landscape schemes.
 - BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- 8.5 The following Supplementary Planning Guidance and Documents are relevant;
- Leeds City Council Householder Design Guide (Draft).
 - The Street Design Guide.
 - Neighbourhoods for Living: A guide for residential design in Leeds.
 - Greening the Built Edge.

National

National Planning Policy Framework:

- 8.6 From 27 March 2010 The National Planning Policy Framework (NPPF) took the place of the PPS's and PPG's and is now a material consideration when making planning decisions. The NPPF sets out the range of the Government's planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so.
- 8.7 Para 49 – Housing application should be considered in the context of the presumption in favour of sustainable development.
- 8.8 Para 56 – Good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 8.9 Para 64 – permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
- 8.10 Para 109 gives advice regarding how the planning system should contribute to and enhance the natural and local environment.

9.0 MAIN ISSUES

- 1. Principle of Development
- 2. Visual Amenity and Character
- 3. Impact on Residential Amenity
- 4. Landscaping
- 5. Highway Safety

10.0 APPRAISAL

Principle of Development

- 10.1 The application site has been previously used as a quarry and more recently for industry and therefore the site is considered to constitute previously developed land (brownfield land) under the relevant criteria in the National Planning Policy Framework (NPPF). The site is located adjacent to an established residential area and within a relatively short distance to a number of small local centres such as Collingham and Shadwell. The proposal represents a small scale infill development on part of the site between existing houses. The remaining part of the site sits abutting the Green Belt boundary. However, the site is within the village envelope, and given the absence of any significant brownfield sites within the village, the proposals is considered to represent a much more sustainable alternative to meeting housing needs by building on Greenfield sites in the area. Furthermore, outline planning permission has previously been granted for residential development on this site. As such, it is considered appropriate in principle for residential development subject to addressing the more detailed issues in relation to siting, design, scale, character, amenity and highway safety.

Visual Amenity and Character

- 10.2 This is a particularly challenging site with a significant difference in ground levels, a number of TPO trees around the boundary that require protection along with a significant amount of potentially contaminated soil that requires to be removed. Therefore, the applicant has had to be more innovative with the layout and design of the scheme. Taking into account the site constraints, the fact that the proposed residential use of the site is far more appropriate in this residential area than the lawful industrial use of the site and the fact that the locality is surrounded by dwellings that are varied in scale and design, it is considered that the some flexibility should be offered when considering the design and scale of the dwellings.
- 10.3 In attempting to provide a development that ties in with the differences in the ground levels within the site, the applicant has proposed bespoke designs for each of the dwellings and a variation in scale and form with some dwellings recessed into the hillside which softens the impact of the development from public view. The enclosed cul-de-sac formation along with their irregular forms and their varying heights of the dwellings, gives the development a rural '*hillside hamlet*' feel. Although this is not a characteristic of Scarcroft, it is a good solution that helps overcome the site constraints whilst providing adequate living accommodation. The use of similar stone and fenestration along with its traditional features such as pitched roofs and simple forms of windows heads and cills, will give the development a traditional appearance and will bring an element of visual conformity to the development. Therefore, the design of the scheme is considered acceptable.
- 10.4 The dwellings proposed maintain adequate separation distance from each other and allow for sufficient space to the front and rear. This, along with their varying heights and forms of the dwellings, ensures the scheme does not appear cramped and an overdevelopment of the site.
- 10.5 Although, the dwellings are larger than those neighbouring the site and are arranged in an informal manner which is quite different to the layout of the other dwellings in the area, the proposal will not appear to harm the character of the area. It is considered that the design and material of the dwellings when compared to the other dwellings in the vicinity of the site, allows the larger scale and the informal arrangement of the dwellings to be tolerated within the streetscene. The site is also positioned behind the houses on Syke Lane and some distance away from the main highway, this further reduces the prominence of the development from streetlevel. Moreover, the fact that the development is much more visually compatible with the surrounding area when compared to the current state of the site adds further weight to the acceptability of this scheme.
- 10.6 The comment made by the Ward Member that the large retaining walls proposed will appear dominant and out of character with the area, is noted. As already mentioned this is a particularly challenging site and the retaining walls are a necessary component of the development and should be tolerated given the site being the only brownfield site in the area and is much more sustainable than developing on green field sites. Having said this, the stone built retaining walls will add character to the development and will serve as a reminder of the former use of the site as a quarry .

Impact on Residential Amenity

- 10.7 The layout of the development is within general conformity with the aims and objectives of SPG Neighbourhoods for Living and the living amenities offered to the future occupiers of the proposed dwellings are considered acceptable. None of the individual houses will be significantly overlooked by the new or existing properties and

the space around the houses are considered acceptable in terms of visual amenity and layout.

- 10.8 Due to the separation distances the windows will maintain, the proposed dwellings will not significantly overlook any of the neighbouring properties. Plot 1 which will be the closest property to the dwellings on Moss Syke will have a bedroom and a secondary living room window facing Moss Syke. As these windows will maintain a separation distance of up to 10m from the boundary with the Moss Syke and there will be some mature vegetation present along the boundary, it is considered that the windows in question will not raise overlooking concerns. Similarly, due to the 10m separation distance coupled with the fact that the dwelling will appear as a single storey bungalow from Moss Sykes, it is considered that dwelling on Plot 1 will not harm the residential amenity of Moss Sykes by way of overshadowing or over-dominance. The separation distances the other dwellings will maintain from Moss Sykes will be greater than Plot 1, therefore these do not raise issues of overshadowing, over-dominance or overlooking.
- 10.9 Plots 8 and 9 adjoin the residential dwellings to the south, which front onto Syke Lane. The houses on these plots are slightly elevated above the rear garden areas of several properties within Syke Lane. Plot 8 is a two storey dwelling that features a projecting 2 storey gable on its southern elevation. The main part of the house is 8.0m from the boundary with the neighbour, while the gable is 7.5m from the same boundary. This distance is less than ideal and it is considered that negotiations need to continue with the agent to either increase the separation distance or to remove the gable feature completely. It is proposed to deal with this by seeking to defer and delegate the application to the Chief Planning Officer to allow such negotiations and amendments to progress in order to reduce the impact on neighbours.
- 10.10 Likewise, the house on Plot 9 has a double garage whose side gable wall backs onto the rear garden of two properties within Syke Lane. This gable feature gives rise to an overly dominant addition which would be harmful to the living conditions of neighbours. It is considered that a hipped roof to the garage would result in a more sympathetic and neighbourly roof form. Again, this could be achieved through negotiations with the agent should Members resolve to defer and delegate to the Chief Planning Officer.
- 10.11 The separation distances the other dwellings proposed are considered to maintain, are adequate to ensure they do not significantly overshadow, over-dominate or overlook the dwellings on Syke Lane.
- 10.12 The alterations proposed to No.26 Syke Lane are all single storey in nature and will not cause harm to neighbouring dwellings by way of overshadowing or over-dominance. There are no new windows proposed that directly overlook neighbouring dwellings. Therefore, no overlooking issues are expected to arise as a result of the development.
- 10.13 Consideration has also been given to the close proximity of the access road to the dwellings of 28 and 30 Syke Lane and 26 Syke Lane and the harm the development will cause by way of vehicles coming and going from the site. As the residential development represents a less intensive use when compared to the lawful industrial use of the site, it is considered that levels of noise generated from the vehicle noise associated with nine dwellings will be less harmful to the residential amenity of the local when compared to the industrial vehicles that could potentially use the site.

Landscaping

- 10.14 It is considered that the trees on the site are located a good distance away from the development and the risk of harming trees on the site is considered minimal, this is provided that conditions are attached that ensures the trees are protected during the construction period and that no level changes occur within the RPA of the trees. The relevant conditions have been suggested at the head of the report. Furthermore, the retention of the trees around the edge of the site which help assimilate the development into the countryside, particularly given that three sides of the site share a boundary with the Green Belt. Furthermore, given the difference in levels, the properties towards the northern end of the site would only appear to be single storey, and coupled with the retention of trees, the development would not be prominent

Highway Safety

- 10.15 On the whole, it is considered that the development poses no significant risk to highway safety nor is it considered that the addition of nine dwellings will raise the levels of traffic in the area to a degree which would be harmful to highway safety. Furthermore, adequate parking provisions have been proposed with each of the dwellings being served with a minimum of two parking spaces. The Highways Officer did not raise significant concerns with regards to highway safety. The highways officer asked for additional information showing the visibility at the access point and the forward visibility splays within the site. The revised plans were submitted showing the information requested and is considered to be acceptable in this regard.
- 10.16 Whilst Highways Officers raise no objections to the access, parking and visibility aspects of the scheme, concerns are raised over its sustainability credentials. It is noted that the application does not meet the accessibility standards set out within the recently adopted Core Strategy, and therefore is in conflict with Policy T2. In response, whilst acknowledging the issues and concerns raised by Highways Officer, it is considered that this particular site is suitable for residential development, taking into account a number of factors that need to be weighed in the balance. In particular, the site can be regarded as a previously developed site given its historical use as a quarry, a builders yard, and more recently as workshops and builders store. One of the core planning principles within the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Given that this site is not of high environmental value, the development represents an appropriate re-use of a brownfield site within an established residential area.
- 10.17 Furthermore, the site could also be lawfully used for commercial purposes and therefore regard has to be taken on this possibility. This in itself, could give rise to noise and nuisance problems towards the occupants of existing residents within Syke Lane and Moss Syke. Moreover, the site also does not make a positive contribution to the character of the area, and therefore if the site is not developed for residential purposes, questions are raised over what form of development is appropriate for this site.
- 10.18 In summary, whilst the site does not fully accord with the accessibility standards set out within the Core Strategy, the proposal results in the redevelopment of a previously developed site for only nine dwellings. Footways along Syke Lane provide direct access to the local public house and to the bus stops on the A58 with links to Wetherby and Leeds city centre achievable and is therefore sustainable insofar as it relates to the redevelopment of a brownfield site.

11.0 CONCLUSION

- 11.1 The scheme has been considered against all relevant policies of the Leeds Core Strategy, UDPR and the NPPF and taking into account all other material considerations. Whilst the proposal does not fully comply with accessibility standards, this is balanced against the re-use of a brownfield site and its current lawful use for commercial purposes. The design of the dwellings and their layout will not harm the character of the area or raise highway safety concerns. Furthermore, it is not considered that the proposal will harm neighbouring residential amenity, subject to amendments to Plots 8 and 9. Outline planning permission has also been granted on this site for residential development. Therefore, it is recommended that the application is deferred and delegated to the Chief Planning Officer to seek amendments to Plots 8 and 9.

Background Papers:

File: 13/01537/FU

Certificate of Ownership: Mssrs Kiernan



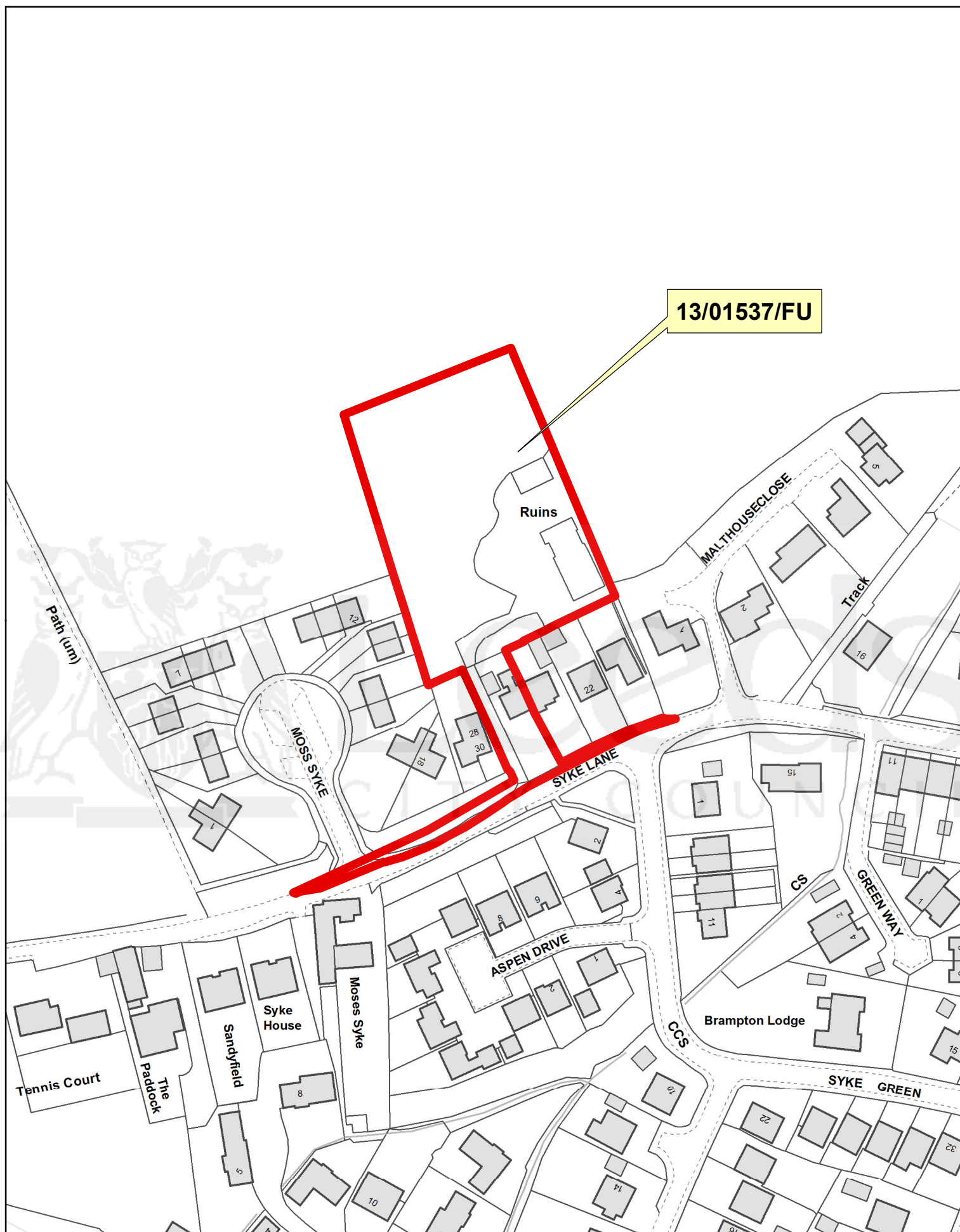


MESSRS KIERNAN
RESIDENTIAL DEVELOPMENT
LAND TO REAR OF 20-30 SYKE LANE, SCARCROFT.
PROPOSED SITE PLAN

DATE : FEB 2013 SCALE : 1:200 @ A1
DRAWING NO. : 1291/P01

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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

