



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9 April 2015

Subject: 15/00648/FU – Demolition of existing house and the erection of three storey block of two flats at, 264 Alwoodley Lane, Alwoodley, Leeds, LS17 7DH

APPLICANT	DATE VALID	TARGET DATE
Oak Developments	30 January 2015	27 March 2015

Electoral Wards Affected:

Alwoodley

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 following conditions:

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Samples of the external building and surfacing materials to be submitted.
4. Submission of arboricultural method statement to ensure ground disturbance is minimised and a methodology of works
5. Landscape scheme to be implemented and retained
6. Tree protection to the western boundary
7. Boundary treatments
8. Laying out of areas to be used by vehicles.
9. Maximum Access Gradient (1 in 8)
10. Maximum Driveway Gradient (1 in 8)
11. Cycle/motorcycle parking
12. Construction details of the footpath crossing
13. Submission of a feasibility study into use of infiltration drainage.
14. Submission of a scheme dealing with surface water
15. Opaque glazing to the side elevation windows
16. Details of all balustrades
17. No development shall take place until details of any installation and/or erection of

any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design and external appearance have been submitted to and approved in writing by the Local Planning Authority.

19. Works management plan
20. Restrictions to working times
21. Unless otherwise agreed in writing by the Local Planning Authority all mechanical plant shall be located within the building.

1.0 INTRODUCTION

- 1.1 This application seeks permission to demolish the existing dwelling that occupies the site and to construct a three storey block of two flats. This application responds to recent appeal decisions regarding scale and design as well the principle of apartments within this location and take greater reference in terms of the scale from a planning permission for a replacement five bedroom dwelling on this site (please see the planning history). There has, over the period of the numerous applications on this site to development apartments, been community and political interest in avoiding apartment development on Alwoodley Lane and the representations received against this application suggest that there is no change in feeling from those interested parties.
- 1.2 The application is brought to Panel at the request of Councillor Peter Harrand to allow the principle of apartments in this location, the traffic levels and highway safety to be considered by Members.
- 1.3 In 2009 planning permission was granted on this site for a the demolition of the existing dwelling on site and the construction of a 5 bedroom detached house. In light of the previously refused planning applications, and subsequent appeals that were dismissed the applicant has now sought to look at the approved 2009 dwelling and to present a scheme with dimensions that reflect it to achieve a development that has a domestic scale that responds to the immediate context.
- 1.4 Proposed approximate dimensions:
Width – 17.5m
Depth – 14.6m for the main body of the building with 6.3m at the basement level at the rear for a single storey element and a fully glazed cubic element.
Eaves – 5.6m to the front elevation and 8.5m at the rear (including the basement level)
Ridge – 9.4m to the front elevation and 12.4m to the rear.

Approximate dimensions of the approved re-placement house:
Width – 18.2m
Depth – 15.0m for the main body of the building with 6.0m at the basement/lower ground level.
Eaves – 5.1m to the front elevation and 7.3m at the rear (including the basement/lower ground level)
Ridge – 8.7m to the front elevation and 10.7m to the rear.

2.0 PROPOSAL

- 2.1 The proposed three storey block of apartments (with accommodation within the roof-space) would comprise of two apartments as well as the excavation of parts of the site to provide a basement car park, and various changes to the levels within the site to extend and realign the access drive leading to the basement area, and to provide access routes around the building. At basement level and ground floor would be apartment No.1. This apartment would have a living and dining area at basement level with access into the rear garden area. At ground floor the accommodation comprises another living area, study and three bedrooms each with en-suites and access to a patio area from a bedroom. Apartment No.2 occupies the first and second floor (roof-space) and comprises living areas, study, kitchen and three bedrooms each with en-suite. A patio area is proposed at first floor with access gained from apartment No.2's lounge and dining area. The parking and servicing area (bins/lift/store and staircase) would be at basement level and can be accessed via the lobby.
- 2.2 The building would be set approximately 10.0m into the site from Alwoodley Lane and have a ground level at the front some 2.8m lower than Alwoodley Lane. The front of the proposed building would be well back from the sites frontage, thereby being set further back than No.262 and forward of No, 266 Alwoodley Lane. The proposed apartment block would be constructed of brick and stone under a slate tiled roof. The hipped roof would have two gable features to the front. The rear elevation is dominated by extensive use of glazing including full height windows/patio doors, balconies and glazed balustrades. To the upper floors are gables that have full height glazing that is recessed centrally.
- 2.3 The vehicular entrance into the site from Alwoodley Lane would remain in its existing position and the access drive would continue to slope downhill alongside the front and western side elevations of the proposed building which would not change the existing situation. It is proposed to widen and realign the section to the front of the building to provide a pull-in area and allow the two-way passing of vehicles within the site. A new pedestrian access is proposed to the west of the existing site entrance.
- 2.4 As a result of the land levels and gradients within the site, apartment 1 (basement and ground floor) would actually be situated at a 'lower ground' level below the road to the front. A pedestrian entrance into the building would be accessed from the ground floor front elevation into an entrance lobby; both apartments can be accessed from the lobby.
- 2.5 The patio areas would provide the main private amenity space to the apartments but both would have access to a large communal garden area. A landscaping plan has been submitted as part of this application; this proposes additional tree planting in the rear garden and to the front of the site with other soft landscaping to the front and sides of the site.

3.0 SITE AND SURROUNDINGS

- 3.1 The application property is a two-storey detached house on the southern side of Alwoodley Lane in the suburb of Alwoodley, north Leeds. The house is of a brick construction, rendered to the rear elevation, with a tiled mansard roof and dormers to the upper floor, and is set back slightly from the road frontage. Access is via a

drive running gradually downhill along the front and side elevations of the property to a detached garage adjacent to the western boundary. The building is situated within an extensive plot, with a long rear garden sloping downhill from the rear of the building, towards the southern boundary between the site and the golf course to the rear.

- 3.2 The immediate area has a prevalence of substantial, detached residential buildings, spaciouly arranged in relatively large, mature gardens which is one of the key components in defining the character and appearance of the residential environment. Although a number of mature trees and much of the vegetation have now been removed from the application site, with the exception of a conifer hedge along the northern boundary, this is not representative of the surrounding area, where most properties retain their mature landscaped character. No. 262 to the west, has a landscaped rear garden including a number of mature trees and a conifer hedge which separates it from the application site.
- 3.3 Due to the steep gradients from Alwoodley Lane towards the north, down to the golf course to the south of the site, the application building, and its closest neighbours along this stretch of Alwoodley Lane, sit significantly below the level of the highway. Views of these properties are therefore confined to the upper floors and their roofs. This, together with the intermittent screening provided by the planting in the front gardens, has the effect of making these dwellings much less conspicuous in the views along the street than occurs elsewhere along Alwoodley Lane. This is a distinctive characteristic of this small stretch of Alwoodley Lane which distinguishes it from many of the other roads in the locality.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Reference 13/05711/FU for the redevelopment of the site 3 storey block of 3 flats with basement car parking. This application was refused for the below reasons relating to its design, scale and massing of the building and overly dominant roof-form,

The refusal was subsequently appeal (Ref. APP/N4720/A/14/2222928) and was dismissed. The Inspector concluded that:

“The site lies within the built up area and to my mind there is no fundamental objection to the principle of a development of apartments on this site. Indeed the provision of apartments would provide greater choice for residents....”

“...the building would be harmful to the character of the area because of its of design, scale and massing...contrary to Policy GP5 of the Leeds Unitary Development Plan Review 2006 (UDP) which seeks to avoid problems of environmental intrusion and with Policy N12 which sets out the fundamental priorities for urban design and Policy N13 which requires that the design of all new buildings has regard to the character and appearance of their surroundings..”

- 4.2 Reference 12/02060/FU for redevelopment of the site with a three storey block of three flats, with basement car parking. This application was appealed for non-determination and at the appeal the LPA gave its reasons for refusal had it been in a position to determine the application permission would have been refused for reasons relating to its scale and design causing harm to the character of the area; that by

reason of its height and depth it would be over-dominant and result in a loss of privacy; and harm to trees.

This appeal was dismissed with the Inspector concluding that:

“I have found that the proposal would result in no unduly harmful effects on highway safety, or on the living conditions of nearby residents with regard to privacy, noise and disturbance. Whilst it would have a harmful long term effect on the adjacent hedge and trees, the amended scheme would be unlikely to do so. Nevertheless, the harm that would be caused to the character and appearance of the area, and to the living conditions of adjacent occupiers with regard to outlook, daylight and sunlight provide compelling grounds to dismiss the appeal”.

The Inspector for this appeal also noted that:

“The proposal is for a substantial block of 3 flats over three storeys with a basement car park, and although it differs from the previous scheme, it has been drawn up with the previous appeal decision in mind. I have considered the appellant’s photographs of other properties nearby, and was able to see at my visit that there are examples of developments of flats in Alwoodley Lane and the other streets nearby, including High Winds on Harrogate Road. I also note the concerns of local residents regarding the loss of a family home, but consider that flats (such as those proposed) could be occupied by families, and need not necessarily detract from the residential character of the area, depending on the nature of the scheme”.

- 4.3 A previous application for the redevelopment of the site with a larger block of 3 flats was withdrawn in September 2011 (ref: 11/02987/FU) following concerns regarding the size and scale of the building, the lack of amenity for future residents, the impact on neighbouring residents and the access arrangements. Following the withdrawal of this earlier application and before the submission of that to which the above appeal related, discussions were held with the agent regarding a revised scheme. Concerns regarding the scale and massing of the proposed building were reiterated, and suggestions as to how these might be overcome, including considerable reductions to the size of the building, were discussed. In the light of concerns regarding the impact of the proposed development on the street-scene and neighbouring properties, the agent was advised that any subsequent application would also need to be accompanied by a landscaping scheme, and by details of how they intended to ensure that existing landscaping and screening along the site boundaries would be retained as part of the proposals.
- 4.4 Planning permission was granted in May 2009 to replace the existing dwelling with a larger 5 bedroom detached house, following a previous permission for extensions to the existing building in July 2006 (refs: 09/00992/FU and 30/642/05/FU).
- 4.5 A number of previous refusals for the redevelopment of this site and the adjacent site of No.266 with larger proposed developments of six and eight flats, and an application to redevelop both sites resulting in eight flats in two blocks was refused in September 2007 on the grounds that the development’s siting, scale, massing and design, including its projection into the rear garden areas, would be out of character and detrimental to the street-scene, and that the access width and gradient were unacceptable (ref: 07/04971/FU). A subsequent appeal was submitted (APP/N4720/A/07/2059074) and, although highway safety matters were resolved during the course of this, it was nonetheless dismissed on the basis that

the proposed development would unacceptably harm the character and appearance of this part of Alwoodley Lane.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Pre-application discussions have taken place with Planning Officers, the applicant and his agents. Various amendments were suggested and a final scheme was discussed between all parties and the scheme before Members responds to those pre-application discussions. Officers also agreed the principle of the development given the continuous findings of previous Inspectors and confirmed that the refusal of the previous scheme and the subsequent appeal decision referred to design, scale and massing issues.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application has been advertised by site notice dated the 13 February 2015 and 36 neighbour notification letters were issued on 9 February 2015 and the Parish Council have also been notified on the 9 February 2015.
- 6.2 Councillors Peter Harrand and Neil Buckley have raised objections. Cllr Harrand's as highlighted in para.1.2 and Cllr Buckley's as set out below:

The increase in traffic would be considerably more than by a factor of 3, as this is a well known phenomenon when houses are replaced by flats.

Replacing 1 dwelling by 3 dwellings would create a massive precedent; it is a matter of known fact that other parties are waiting interestedly upon this final decision.

A 3-storey building would be out of scale with existing 2-storey family homes.

Parking on the road would inevitably occur, notwithstanding the limited allocation of parking bays. No doubt soon to be followed inevitably by yellow lines and so on.

The development of flats in place of houses on Harrogate Road is something of a red herring, as this road is the arterial A61, with all its attendant noise and clamour. Alwoodley Lane remains a road of substantial, attractive, but *family* homes.

Flats and apartments almost by definition attract more transient individuals, who would not normally aspire to embed themselves in local life.

Cllr Buckley has also raised the point that he is given to understand that several householders are waiting for the final decision – if in favour, they would immediately submit similar schemes, which, if then successful, would result in the spoiling of this residential road.

Alwoodley Parish Council have also objected:

The Parish Council has an emerging Neighbourhood Development Plan in which we will be stating our objections to the demolition of large houses to be replaced by flats in the Parish. Therefore we have a strong objection to any such application on Alwoodley Lane which has, so far, retained its position as one of Alwoodley's prestigious roads and we would not want to see it blighted by the changes which have been allowed to happen elsewhere in the Parish.

The supporting documents are misleading in that they relate to the previous application for this property (13/05711/FU/NE).

There is very little in the present application to distinguish this from previous refusals, especially the reasons given by the Inspector:

"The effect of the proposal on the character and appearance of the surrounding area, the effect of the proposal on the living conditions of the adjacent occupiers with particular reference to outlook, daylight and sunlight, privacy, the likely long term effect on the adjacent hedge and trees, and noise and disturbance; and the effect of the proposal and the proposed access arrangement on highway safety in Alwoodley Lane" (Appeal reference APP/N4720/A/13/2190751 - Elaine Worthington, Planning Inspector appointed by the Secretary of State for Communities and Local Government, 26 June 2013).

The present proposal for flats is in itself unacceptable because it replaces one dwelling with two.

This is a particularly important part of Leeds in terms of landscape and housing quality, there are actually very few flats in the Parish and this development is quite contrary to the general aspect of the neighbourhood. The development cites examples in the plans, but these blocks of flats are located in Harrogate Road which is a busy dual carriageway, rather than Alwoodley Lane which is a single carriageway.

We are convinced that this is a test application which, if granted, could lead to repetition.

Over the course of time the volume of traffic on Alwoodley Lane has increased considerably and therefore an application for a property to be used for multiple occupation will lead to an increase in the amount of traffic at this location.

The increasing bulk of the property does not fit with the neighbouring properties, in particular those adjacent to the proposed development.

We also adopt the reasons given by the Inspector for the previous refusal almost all of which clearly apply to this application.

In addition to the above objections a number of local residents (x20) have raised objections and there have been representations offering support (x4). These are summarised below:

Objections

The design, scale and massing are not compatible within the character and appearance of the area.

- The proposal is not of a domestic scale.
- Loss of a family home.
- Loss of the rear garden.
- Flats are not appropriate on Alwoodley Lane and would erode the character and appearance of the area.

- Flats would harm the existing community stability.
- The scheme will generate additional traffic.
- Highway safety matters.
- Sets a precedent for similar development on Alwoodley Lane (i.e. No.266).
- The development is profit driven.
- Loss of ambience.
- Loss of living conditions to adjacent neighbours.
- The proximity of the vehicular access to the under-croft parking would be harmful to the occupants of No.262 (i.e. exhaust fumes and noise and disturbance).
- The planting schedule is not in English.
- Drainage issues.
- In 2008 an Inspector ruled that flats were out of character.

Support

The proposal is of scale and design that is in keeping with the character and appearance of the area.

There is no difference between two apartments and a pair of semi-detached properties.

The principle of apartments has been agreed by an Inspector at previous appeals.

Happy for a desirable property adjacent to No.266

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: No objections subject to conditions.

Mains Drainage: No objections subject to conditions.

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 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 following Core Strategy policies are considered to be relevant:

Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

Policy P10: Seeks to ensure that new development is well designed and respect its context.

Policy T2: Accessibility requirements and new development

The following saved UDP policies are also relevant:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD5: Seeks to ensure new development protects amenity.

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23 – Refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25 – Refers to boundaries around sites

Policy T24 – Refers to parking

National Planning Policy(NPPF)

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 and promotes sustainable (economic, social and environmental) development. 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 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and appearance
- 3) Residential amenity
- 4) Highway matters
- 5) Landscaping
- 6) Other matters
- 7) Conclusion

10.0 APPRAISAL

Principle of Development

10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. The application site is located within a wider established area of a residential settlement and is in current use as a residential site with one detached property occupying the site with associated off-street parking and gardens. The site is close to local facilities and as such is considered to be in a sustainable location. The National Planning Policy Framework (NPPF) identifies one of its core principles as encouraging the effective use of land by reusing land that has been previously developed (Brownfield land). This application refers to residential development on land that has previously been developed in terms of the existing built structures and hard-standing areas; as such it can in part be regarded as Brownfield. The garden land is however classified as Greenfield (following changes made in June 2010).

10.2 Section 6 of the NPPF deals with the need of housing and para. 53 states that

LPA's should set out policies to resist inappropriate development of residential gardens, i.e. where development would cause harm to the local area. Thus, the emphasis on local character is still a paramount consideration when dealing with residential development on garden sites, as such the NPPF reflects the Council's approach in seeking to resist inappropriate development and placing emphasis on design and protecting the character of an area. It is however also important to note that each planning application must be judged on its own individual planning merits. In this instance it is considered that the principle of re-developing the site for further residential use is acceptable as the Brownfield land utilised would include the existing dwellings foot-print, hard-standing areas whilst the Greenfield land that would be lost would not be significant and the site would still retain a substantial level of garden land thereby responding to the theme of large properties in plots that offer large garden spaces.

- 10.3 A previous appeal Inspector noted that the loss of a family home in this location was not necessarily harmful to the residential character of the area as apartments could still be occupied by families depending on the nature of the scheme. This point of principle for apartments on this site was also raised by another Inspector in the most recent appeal decision in November 2014 for the appeal against the refusal of application 13/05711/FU.

"The site lies within the built up area and to my mind there is no fundamental objection to the principle of a development of apartments on this site. Indeed the provision of apartments would provide greater choice for residents...."

- 10.4 The proposed apartments are of a scale that could easily accommodate a family and the development would retain the garden area to the rear, thereby presenting a residential scheme responding to the area's particular residential context. Moreover whilst Officers take full note of the comments made in representation that apartments would be harmful to the local character there is no policy context that would support the refusal of apartments in principle on the basis that Alwoodley Lane or any other area where apartments are not present or are the minority housing choice. This in union with previous Inspectors' findings that the principle of apartments on this site (dependent upon the nature of the scheme) puts Officers in no other position than to accept the principle of re-developing the site for housing, albeit as two apartments.

Character and Appearance

- 10.5 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". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality.
- 10.6 The application which is under consideration is located on Alwoodley Lane which is a wide street lined with grass verges and trees and has an attractive and established residential character where large properties are set within generous plots with mature landscaping. There is an array of house types and styles along the length of Alwoodley Lane which includes apartments. The character and appearance of the immediate area is distinct and the immediate locale should be the focus in terms of responding to character and appearance. The application site and the dwellings close to it on the southern side of this part of Alwoodley Lane are

set at lower ground level than the highway; the land descends towards the south and the golf course beyond the residential properties. As a result of the ground levels the dwellings on the southern side of the highway have their ground floors generally screened from the public realm leaving the upper floors and roof-slopes being the visible features along this part of Alwoodley Lane.

- 10.7 The application proposes one apartment block that would read as three storeys from the front elevation and would comprise of two apartments, one of which would utilise the basement level. Each unit would have private amenity space in terms of patio areas and a communal garden area to the rear. The site would be laid out with the main aspects of the building facing out towards Alwoodley Lane and to continue the immediate character of the area the building would be set down so that roof and first floor would be the only evident elements from the public realm on Alwoodley Lane. This would be further aided by the introduction planting along the front of the site which in union with existing tree coverage would further act to reduce the presence of the proposed building within the street-scene which would have an architectural vernacular at the front that is responsive to the domestic scale and the character of the immediate area.
- 10.8 Access into the side would be gained through two punctuations in the front boundary; the existing vehicular access would be retained whilst further to the west a pedestrian access would lead into the building and a communal lobby. The basement level would also allow access into the building. The proposed building is considered to represent development that is acceptable in its context by reason of the design, scale and massing. The flanking buildings are not insignificant in scale, and the resulting re-placement building responds to the domestic scale of its surroundings and would therefore sit comfortably with its neighbours.
- 10.9 In light of the above it is considered that the proposed building would appear from the street-scene as a building of simple architectural vernacular with an eaves and ridge height in general accordance with its neighbours and as such would sit well within the character of the immediate surroundings.
- 10.10 In terms of the rear elevation, this would appear taller than the front of the building and would have an extensive use of glazing thereby differing in character to surrounding dwellings. This point was noted by a previous Inspector when assessing the appeal against the refusal of application 12/02060/FU and it was concluded that the length of the rear garden in combination with the proposed additional planting to the southern boundary, it would be well screened and at some distance from the golf course to the south. Views of the rear of the proposal from the public footpath would also be taken from some distance away and in the context of the existing planting within the golf course. The Inspector was not persuaded that any undue harm would be caused to the character and appearance of the area in this regard and as such the level of glazing to the rear is accepted. This scheme before Members proposes a similar situation in terms the level of glazing proposed and the findings of the Inspector are considered to remain relevant in this instance. There is also a centrally placed cubic glazed feature which would provide the living/dining area of the basement level accommodation. The use of the glass on this element reduces the perceived bulk and provides a point of architectural interest. Moreover the use of grass roofs to the flat roofed elements to the rear assist in amalgamation of the built development with the landscaped gardens of the site and the trees to the neighbours plot at No.262.

Residential Amenity

- 10.11 Saved policy GP5 of the Leeds UDP (Review 2006) notes that extensions should protect amenity and saved policy BD5 of the UDP notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”.
- 10.12 The proposed building would be set back into the site and further in from the highway than the existing dwelling on site. The proposal would also extend further into the site at the rear than the existing dwelling and would terminate in depth beyond the flanking properties. The proposal would be more obvious within the site and from the flanking gardens of No.’s 262 and 266 than it would from street level. The proposed height, scale and massing is much more domestic than previous proposals for the re-development of this site that were refused as a result of their scale. The scheme before Members is considered to avoid being an overly dominating form of development when considered from the rear elevations and rear gardens of No’s 262 and 266. Moreover, given the size of the neighbouring rear gardens it is not considered that the scale of the proposals would unduly impact upon the living conditions of neighbouring occupants. The tree coverage along the boundary with No.262 would also provide a robust screen.
- 10.13 In terms of shading, levels of shade would clearly increase above those from the existing building on site given the increased scale of the development above the existing property on site. During the early part of the day the resulting shade would fall towards No.262 Alwoodley Lane, however it is considered that the existing and well established planting along the western boundary of the application site and No.262 would protect the living condition of the occupants of No.262. The application site and its flanking neighbours would have good opportunity to receive natural light during the apex of the day. As the day comes to a close the shade would fall more towards No.266. The submitted planting scheme shows that a 1.6m - 1.8m high hedge would be instated to the boundary with No.266, this would act in some way to absorb the shade but there would still be some shade that penetrates into the neighbouring garden area. The shade cast during the latter part of the day from resulting building towards No.266 would not be so significantly harmful to the living conditions of neighbouring occupants that withholding planning permission on this basis would be justified especially as for most of the day No.266 would continue to receive good levels of natural light.
- 10.14 In respect of retaining acceptable levels of privacy; the front elevation glazing would gain outlooks from the upper floor onto Alwoodley Lane with those at lower levels outlooks into the site. The side elevation windows would serve dressing rooms, en-suites, a kitchen and bedrooms, however they would be secondary bedroom and kitchen windows. In the interests of the privacy of the residents of the flanking properties these windows can be conditioned to be opaquely glazed. A much larger scheme considered by an Inspector at appeal (12/02060/FU) where extensive glazing and balconies were proposed found that:

“I have also considered concerns regarding the balconies on the rear elevation. These would be to some extent set back into the building with screens to their flanks, and any views from them over neighbouring properties would be oblique. As such I am satisfied that no undue overlooking of the neighbouring properties or their gardens would be likely to result. Whilst I accept that the proposed patio area for the ground floor flat would be elevated, I consider that this area could be

screened to its sides to limit the potential for overlooking from here to the neighbouring properties. Details of this could be secured via a condition”

In this instance there would be a raised patio area to the rear at ground floor to the western boundary and centrally to the building at first floor. Details of all balustrades and boundaries can be secured by condition to ensure adequate screening. To the second floor there would be small balconies to bedrooms and these balconies would be recessed into the roof and the roof would act to screen outlooks other than down into the garden area and to the golf course beyond. In respect of overlooking of the golf course to the rear the Inspector who considered 12/02060FU) was of the view that the golf course is “... *area of relaxation...*” and that “.... given the distances involved, the planting within the golf course, and since it is a public area where people could reasonably expect to be seen, I see no harm in this regard.” This current application gives no reason for Officers to take a differing view.

- 10.15 The issue of noise and disturbance must also be given due consideration as an additional household would be created. The proximity of the proposed ramp and basement parking entrance would be adjacent to No. 262. The proposed driveway would be dug into the ground to give access to the basement car park at a 1:8 gradient. No.262 is located 7.2m from the boundary and substantial planting separates the driveway from No.262. There is an existing driveway with a garage to the side of the existing dwelling on site which is located close to No. 262’s boundary. It is noted that the proposed driveway would extend further towards the rear than the existing, and would serve an increased number of vehicles given the increase in dwelling units by one. It is not considered that any undue levels of noise and disturbance would occur as a result of the driveways proximity to the western boundary. With regard to noise and disturbance the increase of the number of dwelling units on site by one is not considered to be so significant that the living conditions of neighbours would be unduly harmed. In para.15 of her finding the Inspector for the appeal against the refusal of 13/05711/FU noted

“...whilst I accept that the proposal would result in some vehicular activity at the side of the property, it seems to me that as a result of the separation distances and the amount of landscaping between the two properties, vehicular activity is unlikely to result in a significant harm to living conditions.”

- 10.16 There would be a good sized communal garden area as well as private amenity spaces which are considered to be acceptable and generally in line with the advice given in SPG13 -Neighbourhoods for Living, which suggests that private amenity for flats should have a minimum area of 25% of the total gross floor area excluding vehicular provisions. In addition, the proposed layout shows provision for the storage of bins off the highway and behind a hedge. Details of bin stores can be secured by condition.

Highway matters

- 10.17 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations.
- 10.18 As part of this application stringent assessment has been conducted by Highways and the applicant has been required to provide additional details in terms the proposed access, with greater details regarding the gradient of the access route to the underground parking and better access arrangements to the underground car

park. With regard to traffic impact Highways are not aware of the 'well known phenomenon when houses are replaced by flats that the increase in traffic would be considerably more than by a factor of 3' that Cllr Buckley raised in his representation.

- 10.19 The industry standard for estimating development related traffic is the TRICS database and the average trip rate using TRICS is around 0.7 for a house and around 0.4 for a flat, and for the increase in traffic to be considerably more than a factor of three would involve a development of more than the two apartments that are subject to this application. Notwithstanding this, if the worst scenario was taken of two family sized flats replacing a family dwelling the increase would still, in the technical view of Highways, to be less than a factor of three. Highways consider that the traffic impact of the development even if it were to be an increase of more than a factor of three, would not be at a level that could be regarded unacceptable with a suitable access.
- 10.20 Six parking spaces are proposed for two x 3 bedroom flats which is a higher parking requirement than the current Street Design Guide (2009) standards, and this does provide a space for every bedroom in this development. As far as junction visibility is concerned the access onto Alwoodley Lane meets current requirements and there have been no personal injury accidents in the vicinity of the site in the last five years.
- 10.21 The submitted plans indicate a 1 in 8 access route from Alwoodley Lane down to the basement parking level. Additionally the basement parking layout and entrance from the ramp is acceptable as a level entrance is indicated and all parking spaces are accessible. Therefore Highways have no objections. Conditions can secure a maximum access and driveway gradient of 1 in 8.

Landscaping

- 10.22 The submitted site layout plan shows landscaping scheme which indicates a good level of planting consisting of an array of species and type (i.e. bedding plants, trees, hedges, number, planting densities and specification of works) Planning conditions can secure that the landscaping scheme be implemented and retained. The existing garage, hard-standing and canopy structure within the application site located towards the western boundary have clearly been in situ for some time and would likely to have compromised root development of the planting. The proposed level of excavation required would not be insignificant and if no protection was in place then this may adversely affect the planting. A condition can be imposed for details of the full tree protection of the western boundary planting. Furthermore, the submission of a method statement to ensure ground disturbance is minimised and a methodology of works can also be secured by condition.

Other matters

- 10.23 As detailed earlier in this report both Councillors Peter Harrand and Neil Buckley have raised objections relating to the principle of development, loss of character, highway safety, traffic increase and precedent for further apartment development on Alwoodley Lane. These points have been echoed by the Parish Council and by the twenty objections from local residents and comments regarding include residential amenity (also covered above). In addition there are several points raised by objectors that will be dealt with below:

- Cllr Buckley has raised the point that he is given to understand that several householders are waiting for the final decision – if in favour, they would immediately submit similar schemes, which, if then successful, would result in the spoiling of this residential road.

This point is duly noted and Officers are not numb to the likely potential for subsequent applications for re-development of other sites on Alwoodley Lane. Any such applications would be assessed on their merits and against the material planning considerations and policies that this application has been assessed against. The Inspectors have established the principle of apartments, subject the nature of the scheme. Clearly schemes akin to those refused by the LPA and dismissed at appeal would give rise to significant concern.

- Flats and apartments almost by definition attract more transient individuals, who would not normally aspire to embed themselves in local life.

Apartments, especially in the rental market can represent transient habitation. In the instance of the development before Members however the apartment block proposes two planning units, units of a size that could in principle be large enough for family accommodation and one would suspect of a market value that may attract a more stable occupancy. Whether a resident wishes to embed themselves in the community is down to individual choice and Planning cannot say either way that the future occupants of the two apartments would choose to or not and this is not considered to be material in this instance.

- The development is profit driven.

It is usual business practice that development is conducted with a profit in mind but this does not in this instance detriment the planning merits of the scheme.

- The planting schedule is not in English.

It is usual for submissions to use Latin names.

- Drainage issues.

The matter of drainage has been considered by the Councils Drainage Engineers and subject to conditions no objections have been raised.

- In 2008 an Inspector ruled that flats were out of character.

The 2008 findings of the Inspector (dated 10 June 2008) stated that the scheme before him was out of character; the text of his conclusions does not state that flats in general were out of character. Para 15 of his findings states that:

“...I conclude that the proposed development would unacceptably harm the character and appearance of this part of Alwoodley Lane.....”

11.0 CONCLUSION

- 11.1 In light of the above and taking into account the findings of the Inspectors that dealt with the previous appeals, including the principle of apartments on this site within

the immediate location the application is considered to be acceptable in planning terms. As such the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to conditions approval is recommended.

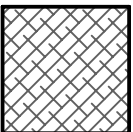
Background Papers:

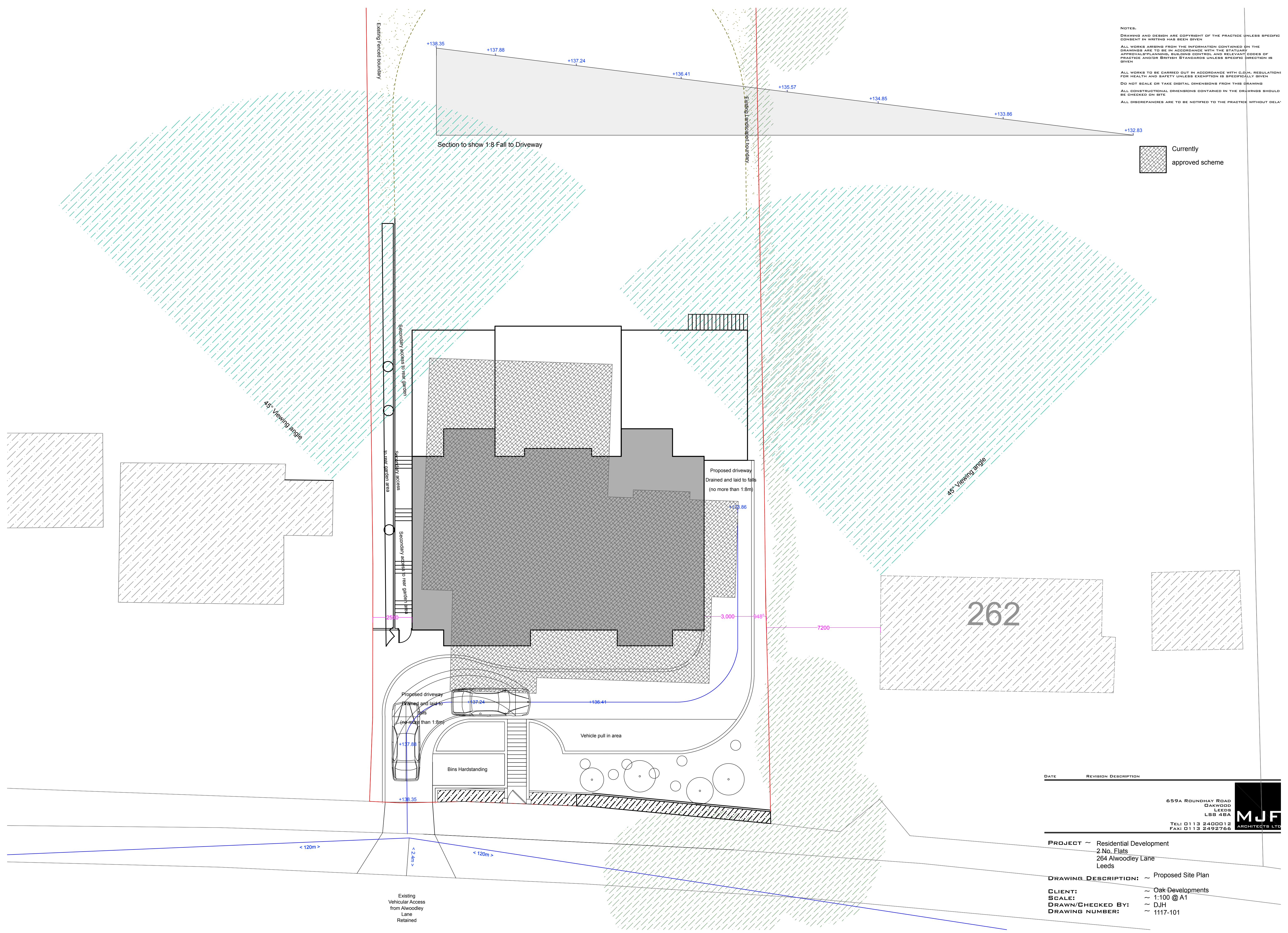
Application files

13/05711/FU and 9/00992/FU

Certificate of ownership: Certificate B signed by the agent

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 Currently approved scheme



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PROJECT ~ Residential Development
 2 No. Flats
 264 Alwoodley Lane
 Leeds

DRAWING DESCRIPTION: ~ Proposed Site Plan

CLIENT: ~ Oak-Developments
SCALE: ~ 1:100 @ A1
DRAWN/CHECKED BY: ~ DJH
DRAWING NUMBER: ~ 1117-101

