



Leeds
CITY COUNCIL

Originator: Shameem
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Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 17th September 2015

**Subject: APPLICATION 15/03417/FU– One detached house and one pair of
Semi detached houses on land adjacent to 141 King Street
Drighlington, BD11 1EJ.**

APPLICANT
Miller Homes Limited
Yorkshire

DATE VALID
9th June 2015

TARGET DATE
23rd September 2015
(extension requested)

Electoral Wards Affected:

Morley North

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 conditions referred to in the report below

Conditions:

1. Time limit on permission
2. Plans to be approved
3. Details of fences and walls to be provided
4. Statement of Construction Practice
5. Laying out of areas to be used by vehicles
6. Adoption of highway (Section 38 works)
7. Minimum internal dimensions of garages
8. Submission and implementation of landscaping details
9. Landscape Management Plan
10. Protection of retained trees and hedges

11. Preservation of retained trees and hedges
12. Provision for replacement trees and planting as necessary
13. Submission of walling and roofing materials
14. Submission of surfacing materials
15. Flood Risk management details to be submitted
16. Surface water drainage works to be approved and implemented
17. Surface water drainage scheme to be implemented in accordance with approved scheme
18. Development to be carried out in accordance with approved drainage details
19. Reporting of unexpected contamination
20. Submission of verification reports
21. Coal Site Investigation works

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel (South and West) at the request of Ward Councillor Finnigan as he has concerns about the highways impact on what is already a problematic location.

2.0 PROPOSAL:

- 2.1 Proposed is a residential development consisting of three units comprising of the following:-
 - Two units in the form of semis on plots 1 and 2 sitting adjacent to the south east boundary with the vehicular access running adjacent to this
 - Adjacent to the other side of the vehicular access is a landscaping scheme in the form of replacement trees and hedging
 - The private drive leads to hardstanding within the middle of the site which provides car parking spaces for plots 1 and 2
 - Beyond this hardstanding area is a detached dwelling with an attached garage and a rear garden to the rear and side
 - The site has a group of trees which are the subject of a Tree Preservation Order (TPO). These are proposed to be removed with a replacement landscaping scheme.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is currently vacant and extends approximately 0.12 acres facing King Street. The North west boundary has a gravel entrance to adjacent properties with existing hedge and vegetation with a further dwelling (namely 141 King Street) located behind this vegetation/hedging and trees. Towards the northeast is a mix of residential and commercial buildings. Towards the rear of the site the area is open (application for residential development is currently under consideration with access further along King Street). The site currently has a group of trees subject of TPO No.5.1984. The general character of the immediate vicinity is predominantly residential.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/01954/FU One detached house and two pairs of semi detached
Refused 10.10.2014
Reasons for refusal:-
(i) Loss of four protected mature trees, not offset by a
landscaping proposal of sufficient nature
(ii) Poor landscaping scheme
(iii) Unacceptable layout
- 4.2 14/01904/FU Demolition of Moorside Building Supplies and construction of
Residential development comprising 42 dwellings (Revised Plans
Received 2nd March 2015) on land at 37 -39 King Street.

The Moorside Buildings Supplies site abuts this application site to the rear and is referred to in the site and surroundings section above. Application 14/01904/FU is proposed for Phase 3 as part of the wider allocation in the Public Draft Site Allocations Plan and is currently under consideration. It will be scheduled to be presented to South and West Plans Panel for consideration. Access to the PAS site beyond will be through this Moorside Buildings site and not through this application site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Whilst no negotiations have taken place with officers, the applicant has sought to address the previous reasons for refusal for application 14/01954/FU. The applicant has reduced the number of units from five to three units.

6.0 CONSULTATION RESPONSES:

- 6.1 Coal Authority
Recommend condition requiring site investigation works prior to commencement of development. Consequently any remediation works if required.
- 6.2 Mains Drainage
Conclusions of flood risk assessment report are acceptable and drainage proposals should be carried out in accordance with this. Drainage conditions recommended. Developer aware of FRM requirement of £1,500 contribution towards downstream improvement works as set out in the FRA.
- 6.3 Contaminated Land
No objections recommend conditions and directions.
- 6.4 Highways
No objections in principle however revisions requested. Revisions considered acceptable, highways confirm no objections.
- 6.5 Forward Planning and Implementation
Application site is proposed for Phase 3 as part of a wider allocation in the Public Draft Site Allocations Plan. However the Publication Draft Site Allocations Plan allocates sites on a strategic basis and details, such as the greenfield and brownfield status of specific

parts of larger sites, may need to be considered through the planning application process. This application site has specific characteristics which have to be considered on their own merits, with the application site (unlike the wider allocation) being a brownfield infill site

Policy SP1 of the Core Strategy identifies that the first priority for development will be brownfield sites, followed by infill sites, and as such there is a good rationale for considering this part of the site as distinct from the wider proposed Phase 3 allocation and allowing it to come forward now.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Application advertised by site notice posted on site 3rd July 2015.
No local representations have been received.

7.2 Drighlington Parish Council

Representation raises the following:-

- (i) Development does not do anything for the access onto King Street, the left hand blind bend 35m northeast of the proposed access means an accident will occur if the development goes ahead.
- (ii) Miller Homes are trying to gain access to land behind which they are trying to build on.
- (iii) No mention of top water storage to elevate flooding downstream.
- (iv) Where are children going to go to school up to under 11, as local schools are full?
- (v) If you take all the proposed developments that are coming through this could be on average 66 children needing school places. Where do they go if schools are full?
- (vi) On the whole other local services are also under strain due to numbers.

7.3 Local Ward Member representation

Councillor Finnigan has raised concerns regarding the highways impact on a problematic location.

8.0 PLANNING POLICIES:

Planning Policies:

8.1 Development Plan

The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

The site is unallocated in the Development Plan.

8.2 Relevant Policies from the Core Strategy are:

SP1 – Location of development in main urban areas on previously developed land.

SP6 – Housing requirement and allocation of housing land.

SP7 – Distribution of housing land and allocations.

H1 – Managed release of housing sites.

H2 – New housing development on non-allocated sites.

H3 – Housing density.

H4 – Housing mix.

P10 – High quality design.

P12 – Good landscaping.

T2 – Accessibility.

8.3 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations

N25 – Landscaping

BD5 – General amenity issues.

LD1 – Landscaping

Car Parking Guidelines

8.4 Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

LAND2 – Development should conserve trees and introduce new tree planting.

8.5 Supplementary Planning Documents

Street Design Guide

Neighbourhoods for Living

8.6 Draft Site Allocations DPD

Site is allocated as part of a wider phase 3 housing allocation.

8.7 Technical Housing Standards 2015

The housing standards are a material consideration in dealing with applications however, limited weight is attached given the early stage within the local plan process in moving towards adoption.

The proposal consists of 3, three bedroomed dwellings with one being 5 bedspace and two being 4 bedspace. The housing standards require 95.5msq for 3 bedroomed (5 bedspace) and 86.5sqm for 3 bedroom (4 bedspace).

The proposed 3 bedroom (5 bedspace) detached dwelling (Darwin) has a floor area of 85sqm and falls short of the standards by 10.5sqm The proposed 3 bedroom (4 bedspace) semi detached dwellings (Hawthorn) have a floor space of 77sqm per unit and falls short of the standards by 9.5sqm.

8.8 National Planning Policy

The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

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.

9.0 MAIN ISSUES:

- 9.1 Principle of development
- 9.2 Visual amenity
- 9.3 Highways
- 9.4 Landscaping and trees
- 9.5 Residential amenities
- 9.6 Housing standards requirements
- 9.7 Community Infrastructure Levy (CIL)
- 9.8 Representations received

10.0 APPRAISAL:

10.1 Principle of Development

10.1.1 The application site is proposed for Phase 3 as part of a wider allocation in the Public Draft Site Allocations Plan. The Publication Draft Site Allocations Plan allocates sites on a strategic basis and details, such as the greenfield and brownfield status of specific parts of larger sites, need to be considered through the planning application process.

10.1.2 The site is currently vacant but has previously been occupied by a residential property. This property has been demolished and the site has been vacant for some time now and there is very little evidence of the previous use left. The majority of the site is overgrown. The site is located centrally within an existing residential area close to the, limited, services that the centre provides. Whilst access to schools etc is not optimal, given the location, previous use, access to buses and the small scale nature of the proposal then the development is considered to be sustainable in nature.

The application site has specific characteristics which have to be considered on their own merits, with the application site (unlike the wider allocation) being a brownfield infill site.

10.1.3 Policy SP1 of the Core Strategy identifies that the first priority for development will be brownfield sites, followed by infill sites, and as such there is a good rationale for considering this part of the site as distinct from the wider proposed Phase 3 allocation and allowing it to come forward now. The redevelopment of the site for residential purposes would therefore comply with policies SP1 (i) H1, H2 and T2 of the adopted Core Strategy.

10.2 Visual Amenity

- 10.2.1 The site proposes 3 units in total in the form of a pair of semis and a detached house. The semis are positioned to the front of the site following the building line of the adjacent similarly designed terraced rows. The vehicular access to the detached dwelling that is positioned towards the rear of the site and car parking to the rear is adjacent to the semis. To the other side of the access is a landscaping scheme which contributes positively towards the streetscene generally and the visual amenity of the area generally.
- 10.2.2 The site faces dwellings on the opposite side of King Street that has dwellings positioned on the street frontage with no setback. The proposed pair of semis are slightly set back from the frontage allowing for some private defensible space and soft landscaping. The elevational treatments reflect that within the immediate surroundings.
- 10.2.3 A soft landscaping scheme is proposed along the northwest boundary which offsets the hard standing required for the access and the car parking area. This also provides screening to the adjacent driveway and dwelling at number 141 King Street. This landscaped area contributes positively to the overall character and visual amenity of the area.

10.3 Highways

- 10.3.1 The proposal is small scale in nature resulting in just 3 additional units which would all access onto King Street. The number of vehicles resulting is not considered to significantly increase vehicle numbers on local roads.
- 10.3.2 Vehicular access to the site is proposed in close proximity to a bend in the King Street carriageway where forward visibility is obscured by the presence of a building directly on the corner. The site does not appear to have an established access with King Street. Whilst the proposed access would not be provided with sightlines as advised in the Street Design Guide, the results of LCC surveys from 2014 recorded speeds generally consistent with the speed readings referred to in the Highway Statement submitted. Therefore, it is accepted that vehicles travelling towards the site around the bend will typically be approaching at speeds of less than 30mph. A site visit assessed the available visibility to be around 2.4m x 35m – 40m towards the bend and approximately 2.4m x 60m - 65m in the opposite direction. These splays would be considered adequate if MfS visibility guidance is used for the purposes of the assessment and, in the light of the particular circumstances or conditions in the vicinity of the site, it would be appropriate to consider the MfS guidance in this case. For these visibility splays, the end of the stone wall on the southeast boundary should be demolished as set out in the submitted drawing.
- 10.3.3 The applicant has revised the submitted plan to address the concerns raised. Highways have no further objections and in highway and pedestrian safety terms, the proposal is considered acceptable and would comply with policy T2 of the Core Strategy

10.4 Landscaping and trees

- 10.4.1 The site has within it a number of trees, and there are also a number of trees on the edges of the site which impact on the proposal. A number of these are protected with a group TPO and are of significant stature and beauty. The TPO consists of T1

(Sycamore), T2 (Ash), T4, T5, T6, T7 (Ash trees), T8, T9, T10 (Hawthorn trees). T1 is on the eastern boundary. T2, T4, T5 and T7 are off site (outside of the red boundary). There are also hedges to the north west and north east boundaries. Four trees T6, T8, T9 and T10 which are within the site are shown for removal, whilst others will have their root protection zones covered by hardstanding areas. The Tree survey submitted verifies the condition of the four trees within the low level category.

10.4.2 Whilst the trees form an important landscaping backdrop to the streetscene, and provide a welcome break in what would otherwise be a very building dominant area. The loss of the trees, per se, is not objected to as they are mostly ones that are starting to die back.

10.4.3 A landscaping scheme has been submitted for the site, which provides three native trees to the northeast of the boundary, and a further three along the northwest boundary. These trees are positioned adjacent to the gravel entrance to neighbouring dwelling number 141 King Street. Additional small ornamental trees and shrub planting are proposed in the landscaping scheme on the northwestern boundary, and to the front of the pair of semi dwellings facing King Street. This scheme is considered acceptable, as it offsets the loss of the trees, contributes towards softening the development and contributes towards, the visual enhancement of the streetscene.

10.4.4 The areas of hardstanding have potential to impact negatively on root zones of existing trees, this can be overcome through the use of appropriate engineering techniques and this matter could be conditioned for.

10.5 Residential Amenities

10.5.1 The layout of the site results in the plots having adequate outlooks and adequate sized garden areas providing sufficient space for private amenity space and in accordance with guidelines within the Neighbourhoods for Living SPG. The landscaping scheme and boundary treatments provide adequate screening to existing surrounding dwellings. Plots 1 and 2 (the semis) are positioned close to the boundary with the adjacent dwelling number 147 King Street, which has been extended with windows in the side elevation. There is a driveway between the dwelling and the application site which serves number 145 King Street which is set further back off the main road. The proposed close boarded fencing at a height of 1.8m and the retention of the sycamore tree on the boundary provides adequate screening. The width of the driveway provides sufficient space between the proposed semis and the existing dwelling and it is not considered that the proposal will have a detrimental impact on the residential amenities of this existing dwelling.

10.5.2 On balance the proposed layout and design is acceptable and is not considered to have a detrimental impact on the occupants of the proposed dwellings and existing neighbouring dwellings. The proposal satisfies the requirements of policies GP5 of the UDP and policy P10 of the Core Strategy, as well as to guidance within Neighbourhoods for Living.

10.6 Housing standards requirements

10.6.1 The draft Leeds housing standards are a material consideration in dealing with applications although of limited weight given the early stage in moving towards adoption of the standards through the local plan process.

10.6.2 The floorspace for the semis fall short of the required standards by 9.5sqm and the detached dwelling falls short by 10.5sqm. This shortfall for both housetypes is considered minimal and does not warrant a reason for refusal as the standards have limited weight at this stage of the local plan process.

10.7 **Community Infrastructure Levy (CIL)**

10.7.1 The development is CIL liable in accordance with the CIL Regulations (2010).

10.8 **Representations received**

10.8.1 The representations received raise the following concerns:-

- Access – this is addressed in the highway section of the report.
- Miller Homes looking to access land behind. An application by Miller Homes on land to the rear is currently under consideration and has a separate access along King Street.
- Drainage concerns raised are addressed by conditions for further details to be submitted.
- Local service issues are considered within the Principle of Development section of the report.

11.0 **CONCLUSION:**

11.1 The Planning Act requires planning applications that comply with the terms of the development plan to be considered favourably. The principle of the development accords with the Core Strategy and the design and layout of the development is in line with the Councils Neighbourhoods for Living SPD. These factors should be given significant weight in reaching a decision.

11.2 In light of the above, it is considered that the proposal of one detached house and one pair of semi detached houses as part of application 15/03417/FU is acceptable.

Background Papers:

Application files 15/03417/FU

Certificate of ownership:

Notice served to owner Mr J Hirst

Broadbottom Farm, Broadbottom Lane Hebden Bridge

HX7 8PD

Notice served 27.04.2015

