



Report of the Chief Planning Officer

Plans Panel North and East

Date: 3rd December 2015

Subject: 15/03785/FU Residential development comprising 5 dwellings at former depot, Green Lane, Garforth, Leeds LS25.

APPLICANT

Volfortis Investments

DATE VALID

6th July 2015

TARGET DATE

3rd December 2015

Electoral Wards Affected:

Garforth & Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to specified conditions:

1. Time limit on full permission (3yrs)
2. In accordance with approved plans
3. Submission of a construction management plan
4. Details of external walling and roofing materials
5. Details of boundary treatments
6. Details of landscaping and implementation
7. Details of proposed site levels
8. Permitted development restriction on extensions
9. Areas used by vehicles to be laid out
10. Details of reinstatement of footway/closure of existing access
11. Maximum driveway gradient restriction
12. Details of cycle storage facilities
13. Details of surface water drainage method
14. Details of a noise assessment report
15. Details of an intrusive site investigation (relating to coal mining legacy)
16. Submission of contaminated land report(s)
17. Submission of an amended remediation statement
18. Submission of a verification report
19. Testing of any imported soils

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

1.0 INTRODUCTION:

- 1.1 This planning application is brought to Plans Panel North and East at the request of ward Cllr Mark Dobson who objects to development at the site as the area is already busy near East Garforth station, drainage concerns, traffic movement and a flood area.
- 1.2 This application has been submitted following the refusal of planning permission for 11 flats at the site (Ref: 14/06747/FU). Whilst the principle of re-developing the site for residential purposes was considered acceptable in this location the level of development proposed was considered to be an overdevelopment of the site to the detriment of its visual appearance, future occupier amenity and parking conflicts. During the consideration of this latest application the amount of development has been further reduced with the type of residential accommodation altered from flats to dwellings.

2.0 PROPOSAL:

- 2.1 This revised planning application seeks permission for 5 dwellings comprising 3 four bedroom dwellings and 2 two bedroom dwelling formed in detached and semi-detached arrangements. The dwellings are positioned to front onto Green Lane and have front and rear gardens with driveways and open parking bays to the front and side.
- 2.2 The proposed dwellings are two storey in height with dual pitched roofs. Plots 1-3 include accommodation within the roofspace and are to have a dormer window inserted into the front roof plane. The proposed dwellings are to be constructed of red brick with artstone and brick detailing to window heads and cills. A light grey tiled roof is proposed above. The front elevations contain bay window and a canopy or porch to the front.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is triangular in shape, narrowing to its eastern end. The site formerly contained a commercial/ industrial building that has since been demolished with security fencing erected to three sides. A bare steel palisade fence aligns the rear boundary.
- 3.2 The site lies within a predominantly residential location although an office building stands immediately to the west with a cricket field to the south and a railway line abuts the northern boundary. The platform of the adjacent East Garforth rail station is visible to the north-east of the site. Two storey semi-detached dwellings stand to the south-east and 3 storey height dwellings are visible further to the west of Green Lane.
- 3.3 The site is level and contains some vegetation to its eastern end with established tree grouping aligning the site boundary with the railway platform.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/06747/FU Residential development of 11 flats (comprising 9 two-bedroom flats and 2 one-bedroom flats) with associated landscaping and car parking- Refused (16/03/15) on grounds relating to overdevelopment of the site.
14/04866/DEM Determination for demolition of former employment unit- Approved (18/11/14).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Planning application Ref: 14/04767/FU proposed a block of 11 flats but this was refused in March 2015. Whilst the principle of re-developing the site for residential purposes was considered acceptable in this location the level of development proposed was considered to represent an overdevelopment of the site to the detriment of its visual appearance, future occupier amenity and parking conflicts.
- 5.2 Following the refusal of the 2014 planning application the applicant sought further advice prior to resubmitting this application in order to establish an acceptable level of development at the site although agreement on this matter was not reached with the applicant. The original resubmitted proposal was for 9 flats but the applicant was advised the scheme could not be supported due to continued concerns about the overdevelopment, manifested through conflicts with the layout, design, future occupier amenity and parking arrangements. Accordingly, during the course of this application further amendments to the proposal were carried out. These changes resulted in a reduction in the overall dwelling unit numbers as well as the format they are to be delivered with dwellings now preferred to flats.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by site notice posted adjacent to the site dated 24th July 2015 and by neighbour notification letters sent out dated 10th July 2015. 15 letters of representation have been received in response to this public notification process with 6 registering objection, 7 expressing support for the original application proposal and 1 placing comment.
- 6.2 The grounds cited by the 6 letters of objection were based on the following summarised grounds:
- Parking problems in the vicinity of the train station; narrows carriageway and danger near curve in road and school run times; recent house/office developments resulted in on-street parking/blocking pavements/ obstructing bus route; insufficient parking for flats; existing traffic exceeds speed limit.
 - Already huge flooding problems around area and onto Ninelands Lane and development add water and waste- improvement of existing drainage system take precedence over new buildings; drainage infrastructure has insufficient capacity to deal with incidents of extreme rainfall with underlying soils not being effective for soakaways.
- 6.3 The 7 letters expressing support to the proposals are based on the following summarised grounds:

- Residential suburb, only improved by brownfield sites being replaced by housing which is desperately needed; former milk depot and yard an eyesore; outlook improved and visual enhancement;
- Parking problems nearby due to rail station; proposal will not significantly affect parking or traffic issues in vicinity;
- This particular part of Garforth not prone to flooding and development would not impact too heavily on existing drainage system; existing site was covered by building and a concrete forecourt- proposal will not change surface water run-off.
- Former depot/ commercial use caused lots of nuisance (incl. traffic; noise; anti-social behaviour).

6.4 Upon receipt of the latest revised plans and taking account of the significant changes to the original proposal a further period of publicity was carried out with a site notice re-posted dated 4th November 2015 and neighbour notification letters re-sent. 4 letters of representation were received in response to this additional re-notification process with 1 letter placing comment and 3 expressing support to the revised proposals.

6.5 The 1 letter placing comment offers the following:

- More agreeable to these (*revised*) plans compared to previous but point out Japanese knotweed growing on opposite side of railway line.

6.6 The 3 letters expressing support to the revised proposals are based on the following summarised grounds:

- Latest changes are an improvement with parking ratios more sensible and not have as much an adverse impact on traffic.
- Revised plans meet with approval despite dwellings now being positioned with outlook of property.
- Any possible effects on drainage system to be taken into account.
- Support application for 5 dwellings and any improvements to drainage system welcomed.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Coal Authority: No objection. Condition recommended.

Non-statutory:

7.2 Highways: No objection. Conditions recommended.

7.3 Flood Risk Management: No objection subject to conditions covering the surface water disposal method. The confirmation from Yorkshire Water that they have no objection and that there is spare capacity in foul sewer and noted.

7.4 Contaminated Land: No objection. Conditions recommended.

7.5 Network Rail: No objection in principle however an advisory note relating to development abutting a railway is provided, including some issues which should be conditioned through any planning permission.

7.6 Yorkshire Water: De-silting of foul water sewer in locality carried out and dealt with as an operational matter which the proposal will have a negligible impact and are content for building regulations to manage drainage.

8.0 PLANNING POLICIES:

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

Local Planning Policy

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

- H2: New housing on non-allocated sites.
- P10: Seeks to ensure that new development is well designed and respect its context.
- EN5: Seeks to manage and mitigate flood risk.
- T2: Seeks to ensure that new development does not harm highway safety.
- EC3: Safeguarding existing employment land/uses

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following policies are also considered to be relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
- BD5: Seeks to ensure new development protects amenity.
- T24: Parking guidelines
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

8.4 The following Natural Resources and Waste policies are also considered to be relevant:

- WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

8.5 Supplementary Planning Guidance:
Neighbourhoods for Living (SPG13, adopted).
Sustainable Urban Drainage (SPG22, adopted)
Street Design Guide (SPD, adopted)
Sustainable Design and Construction (SPD, adopted)

National Planning Policy

- 8.6 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (para.58, NPPF).

DCLG - Technical Housing Standards 2015

- 8.9 This document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.
- 8.10 The proposal utilises two different house-types. The proposed 4 bedroom house-type provides accommodation over three floors and the housing standards require between 103sqm and 121sqm for such a house-type (the lower figure is if occupied by 5 persons and the higher by 7 persons). The proposed 2 bedroom house-type requires between 70sqm and 79sqm of floorspace (eg. 3 persons or 4 persons). The proposed 4 bedroom house-type has a floorspace of 101sqm and falls short of the standards by a maximum of 20sqm. The proposed 2 bedroom house-type has a floorspace of 64.5sqm and falls short of the standards by a maximum of 14.5sqm. The implications of these shortfalls are discussed within the residential amenity section (para. 10.7) of the appraisal.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Flood risk and drainage
5. Highway implications
6. Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 National and local planning guidance encourages the effective re-use of previously developed land before greenfield sites are released. In this instance, this proposal will deliver housing in a residential location offering a good range of community facilities and with good access to bus and rail transport infrastructure. The application site contained a former commercial/ industrial unit and is considered to be 'brownfield' in status and its proposed residential re-use is considered compatible within the predominantly residential location and of visual benefit to its immediate surroundings. The residential nature of the surrounding area is such that its retention for a commercial use in accordance with policy EC3 is not necessarily desirable. As such, the general principle for the residential re-development of this site can be considered to accord with the general thrust of national and local plan policy and in particular would deliver much needed housing in a sustainable location.
- 10.2 Overall, it is considered that planning support should be given, in principle, to the residential development of this suburban site although its overall acceptability is subject to other material considerations being satisfactorily resolved.

Impact on design, visual amenity and character:

- 10.3 Green Lane contains a varied mix of house type and property designs with a two/ three storey office block standing immediately to the west of the site and a row of three storey height townhouses beyond. To the opposite side of Green Lane is an area of openspace with two storey pitched roof semi-detached dwellings adjacent. The proposed dwellings will face onto Green Lane, set back from the pavement edge and behind low walling in an arrangement considered reflective of other properties along the street. The proposed dwellings are of traditional appearance constructed to a brick finish with a dual pitch tiled roof and are considered compatible with the streetview and will add to the property mix along Green Lane. The semi-detached and detached nature of the proposed dwellings affords space between plots with off-street parking contained within individual curtilages and to the side of most of the dwellings which enables the creation of front gardens and ensuring the street scene is not being unduly dominated by the presence of motor vehicles. Overall, it is considered that the proposed layout strikes a good balance between providing a quantum of development in a respectful design that will contribute in a positive vein to the visual amenity of the site and the character of the area as a whole.
- 10.4 Overall, the development is considered to represent a visual improvement to the site which was previously occupied by industrial style buildings that were out of keeping with the predominantly residential surroundings of this part of Green Lane.

Impact on residential amenity:

- 10.5 The proposed residential development is, in use terms, considered compatible in this locality and the dwellings will be positioned away from those nearest neighbours along Green Lane. The proposed house types are generally two storey in height but there is a range of two and three storey buildings along this side of Green Lane and therefore the proposal is considered appropriate in this context. The site layout affords

adequate separation distances to the existing dwellings opposite as well as achieves good separation between the plots.

- 10.6 By virtue of the triangular shape of the site the plot depths decrease towards the east impacting on the available rear garden lengths. However, due to the detached and semi-detached nature of these properties the rear garden areas are relatively wide which is considered to adequately off-set the shortfall in depth. In the particular case of plot 5, where the site is at its shallowest, the dwelling is provided with a generous enclosed side garden to ensure future occupants have ample garden space to enjoy. Overall, whilst the rear garden depths generally fall short of the recommended design guidance distance they benefit in having no buildings to the immediate rear and have a relatively open outlook.
- 10.7 In addition to the provision of reasonable level of outdoor space there is also the need to ensure the internal accommodation being offered is adequate. On this issue the government recently introduced the technical housing standards in March 2015 and these state the minimum quantum of accommodation for dwellings as well as room heights and sizes. However, the guidance which accompanies this document also makes it clear local authorities are only permitted to refer to the national standards and these and this can only be done through the introduction of an appropriate local plan policy. As specified in para. 8.9, the national space standards do not currently form part of the adopted development plan and thus the weight which can be given to the specific document is very limited.
- 10.8 As referred to in para. 8.10 of this report, the four bedroom house-types proposed fall short of the stated minimum floorspace and depending on the number of future occupants (5 to 7 persons) will be short by a range of 2 to 20%. Similarly, the two bedroom house-types also fall short and again depending of the likely occupancy of the bedrooms would be short between of 8 to 22%. Whilst these shortfalls are not ideal, in the context of this application where the amount of both living and amenity space is not unduly cramped, it is not considered that the proposed house-types are demonstrably substandard and translate into amenity concerns for future occupiers.
- 10.9 The northern boundary of the site is slightly elevated by virtue of the railway line and will comprise a solid acoustic fence to mitigate rail noise. A detailed assessment of the likely noise impacts from the adjacent railway line to the internal and external space of the development could be appropriately secured by planning condition and any mitigation measures that may be deemed necessary could be incorporated to protect occupier amenity.
- 10.10 The presence of the adjacent office block and its side facing windows has influenced the position of plot 1 with the siting of the dwelling designed to help cloak views of the dwelling's immediate private areas in order to protect the privacy of future occupants.
- 10.11 Overall, the proposed development would not result in any adverse impact on the residential amenity of the occupants of neighbouring residential properties through overlooking, overshadowing or that the development that could be considered unduly dominant or overbearing.

Flood risk and drainage:

- 10.12 The application site does not lie within an identified flood risk zone and in view that the site is largely covered by hardstanding (a legacy of its former commercial use) it is not anticipated that the proposal would generate a greater level of surface water run-

off. Indeed the proposed redevelopment provides an opportunity for overall betterment with larger areas of the site capable to be naturally drained. At this stage the applicant has not indicated within the submission how soakaway drainage is to be accommodated but appropriate planning conditions are recommended to secure the necessary details of the surface water drainage scheme. Such a scheme will also include an assessment into infiltration methods, the use of sustainable drainage methods and achieving reductions to surface water discharge from the site. Nevertheless, representations from nearby residents report that the existing drainage infrastructure in this locality is insufficient and it is known that incidents of flooding have occurred downstream (along Fairburn Drive) back in July. Yorkshire Water have confirmed that they have undertaken works involving the de-silting of the existing foul sewer on three separate occasions (in 2014, July and November 2015) and these works are being dealt with as an operational matter. Overall, Yorkshire Water advise that owing to the small scale of the development and the existing site conditions (site largely covered in hardstanding) the proposal will not significantly impact on the existing infrastructure and are comfortable for drainage matters to be dealt with through the building regulations procedure. Conditions are nevertheless advanced by officers to provide a further level of comfort on this matter.

Highways implications:

- 10.13 The application site is located within an established residential area and future occupiers would have good access to the neighbourhood shopping and community facilities situated nearby as well as good access to existing rail services.
- 10.14 The proposal provides a suitable means of vehicular access into and out of the site and provides adequate off-street parking (through driveways and parking bays). And overall, the proposals are considered acceptable from a highways and accessibility perspective.

Other matters:

- 10.15 In respect of land contamination matters, the submitted phase 1 desk study report accompanying the application recommends that a phase 2 site investigation is carried out and contamination officers are content for this additional work to be secured through an appropriately worded planning condition.
- 10.16 The application site lies within a defined development high risk area where coal mining legacy potential poses a risk to the proposed development and therefore intrusive site investigation works should be undertaken prior to development. An appropriately worded planning condition could be imposed to cover this work.
- 10.17 Due to the close proximity of the proposal to the adjacent railway embankment safeguards would be necessary to ensure that the operational requirements of the railway are met and these could be appropriately dealt with by planning conditions.
- 10.18 This development is CIL liable and is likely to generate a CIL charge of £19,440. CIL is generally payable on the commencement of development. The payment of CIL is non-negotiable, except in exceptional circumstances, and consequentially is not material to the determination of the planning application. Accordingly this information is presented simply for Members information.

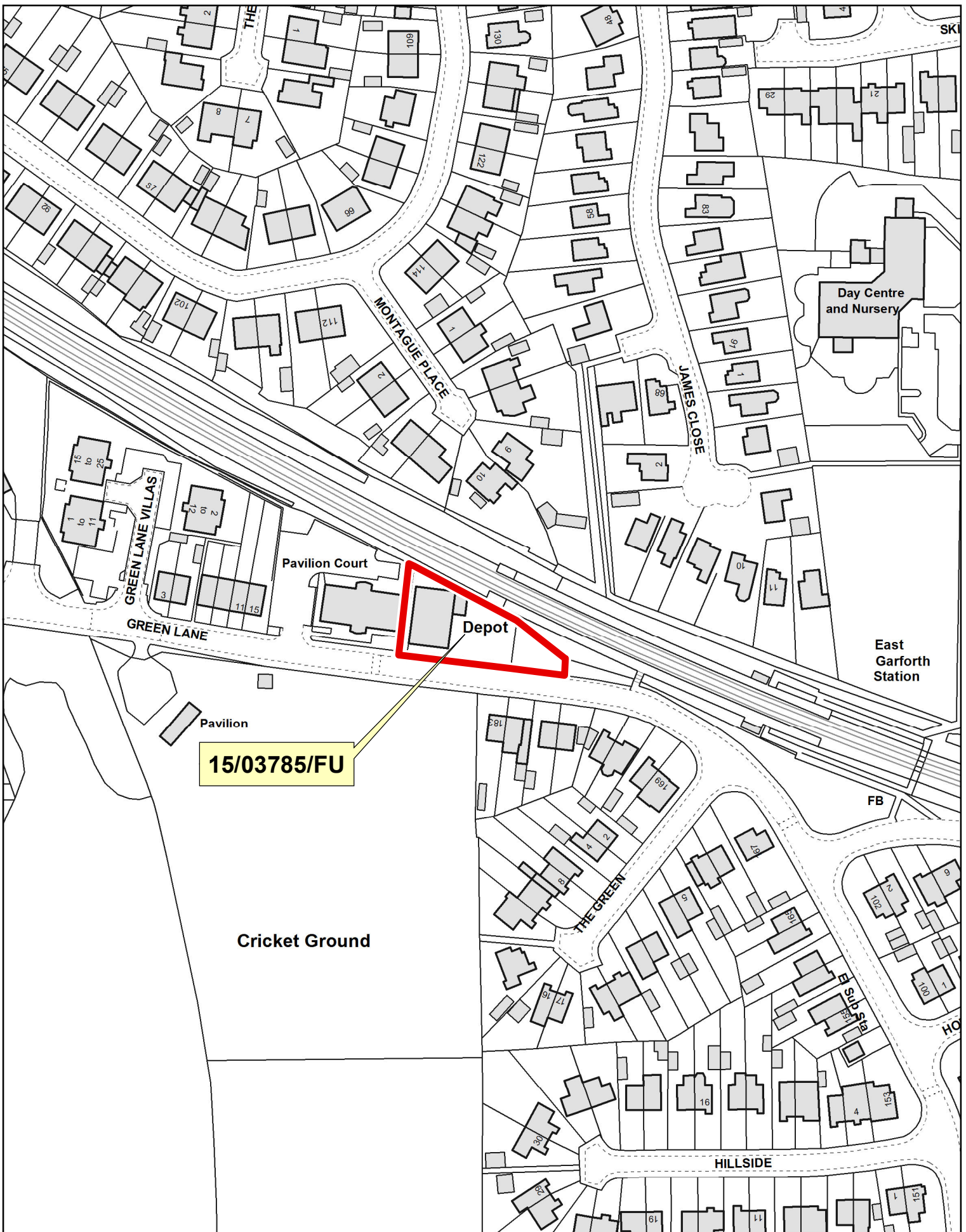
11.0 CONCLUSION

- 11.1 It is considered the proposed development is sound in principle and has addressed the reason for the refusal of the earlier planning application by reducing the number of units to five dwellings. As such, the proposed scheme is not considered to result in harm to the visual amenity of the site or the character of the area. Furthermore, it is not considered to significantly affect the living conditions of residents adjacent to the site, prejudice the interests of highway safety for pedestrians and other road users, or significantly impact on the existing drainage infrastructure. As a consequence, the application is recommended for approval subject to the stated conditions.

Background Papers:

Application and history files.

Certificate of Ownership signed by the appointed planning agent on behalf of the applicant dated 26th June 2015.



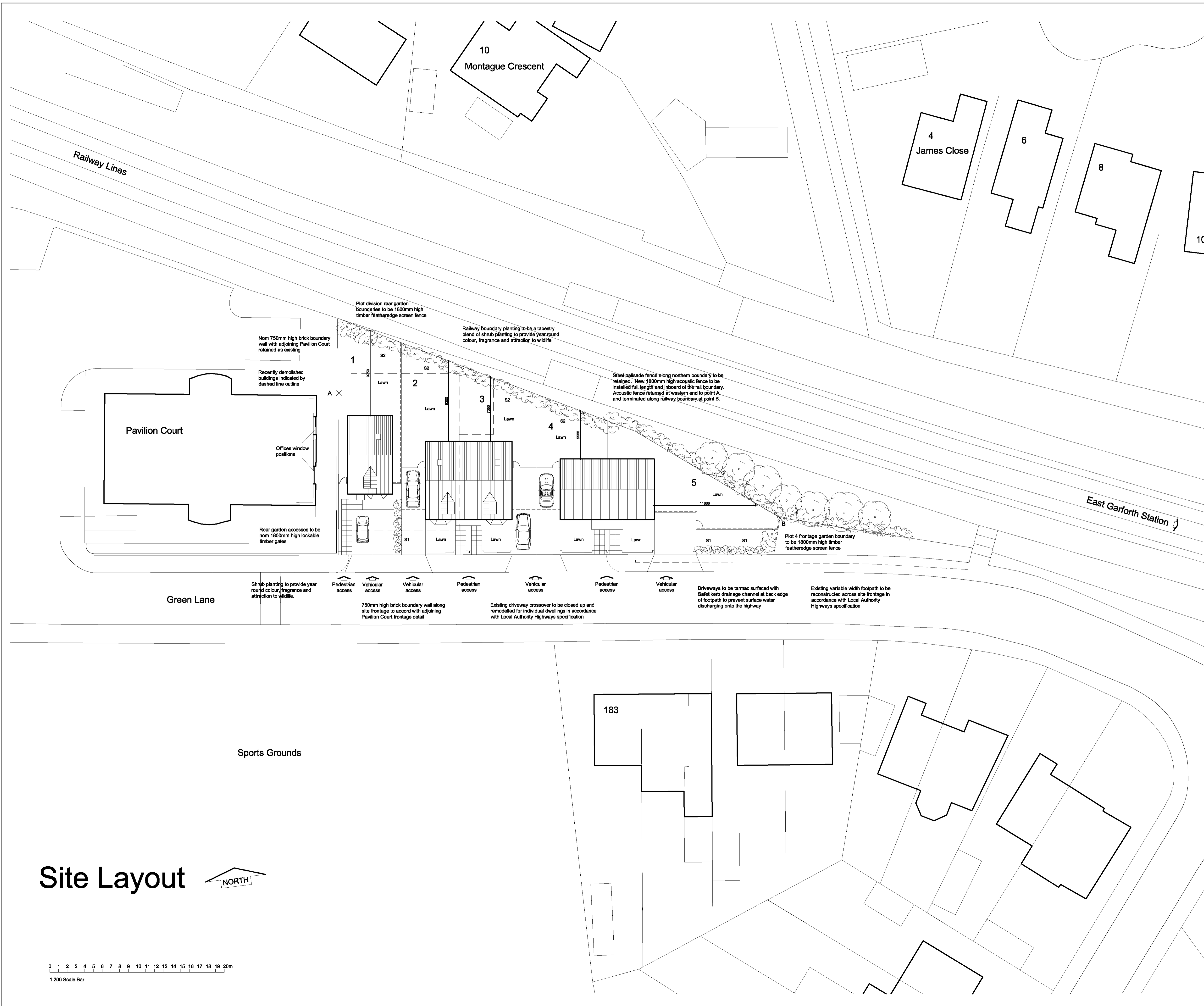
NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500





Shrub Planting

All shrubs to be 3L pot size and to be equally spaced at a density of 2 per m². Shrub planting to be into prepared beds with min 450mm depth of topsoil and mulched with 50mm composted woodchip to complete. Bed sizes are as noted on the site layout.

S1 - Site frontage boundary shrub planting

Shrub planting to be a streetscale tapestry combination to create interest, variety, year around colour and encourage wildlife. Shrubs to be planted in equal quantities along the total frontage. Individual shrub types planted in grouplets of min 2No plants and max 5No plants to suit the mix as follows:

- Buddleia Davidii "Royal Red"
- Buddleia Davidii "White Cloud"
- Malva frutescens
- Rosmarinus Officinalis (Rosemary)
- Viburnum Burkenwoodii

S2 - Railway boundary shrub planting

Shrub planting to be a linear tapestry combination to create visual screening, interest, variety, year around colour and encourage wildlife. Shrubs to be planted in equal quantities along the total frontage, with individual shrub types planted in grouplets of min 2No plants and max 5No plants to suit the tapestry mix as follows:

- Aucuba Japonica (variegated Laurel)
- Berberis "Darwinii"
- Buddleia Davidii "Royal Red"
- Buddleia Davidii "White Cloud"
- Cornus Alba "Sibirica" (red stems)
- Cornus Stolonifera "Flaviramea" (yellow stems)

S3 - Parking area climber planting

Planting omitted by revision dwg no 582 / 02B

S4 - Parking area shrub planting

Planting omitted by revision dwg no 582 / 02J

S5 - Public realm amenity shrub planting

Planting omitted by revision dwg no 582 / 02J

Trees

Heavy standard 14/16cm girth trees and RB pot size in singular quantities in the locations noted. Trees to be planted into 900 x 900 x 600mm deep pits, with further 150mm broken up at the base to aid drainage. Pits to be backfilled after planting with good quality organic rich topsoil. Trees to be double staked connected with awl horizontal bar and secured with single adjustable plastic tie, one third up main stem.

T1 Prunus "Pandora" (Flowering Cherry)
T2 Sorbus Aucuparia (Mountain Ash / Rowan)

Lawn Areas

All lawn areas are to be prepared for and laid with turf or grass seeded, as specified. Proposed tree, hedge and shrub planting to be as specified.

General Requirements

All garden and planting areas are to be cleared of builders debris, which is to be carted away from site. Burying waste materials on site will not be accepted.

Ground levels are to be made good as necessary with imported selected, graded and certified "clean" topsoil in sufficient quantity to establish levels as required. Rotate topsoil as necessary and ensure a minimum of 200mm thickness of topsoil to garden and planting areas.

All trees and plants to be as specified in BS3938 and general landscape operations to be in accordance with BS4428. Topsoil to be as specified in BS3982.

Future maintenance will be the responsibility of the Estate Management Company which will be wholly owned by the residents. Routine managed maintenance of both hard and soft landscaped areas will be enshrined within the company Articles of Agreement.

Rev K - plot 5 parking arrangement - 02/11/15 - sj
Rev J - scheme redesigned to individual dwellings - 30/10/15 - sj
Rev I - not used
Rev H - building depth reduced and setback within site to address planning authority requirements - 22/09/15 - sj
Rev G - pedestrian entrance details strengthened - 14/09/15 - sj
Rev F - redesigned to reduce building volume - 12/09/15 - sj
Rev E - totally redesigned - 15/08/15 - sj
Rev D - parking layout corrected - 02/02/15 - sj
Rev C - roof plan amended, acoustic fence added - 02/02/15 - sj
Rev B - building design, site layout and landscape revised to address planning authority observations - 30/01/15 - sj
Rev A - scheme redesigned - 14/11/14 - sj

Issue Status		
Planning		
Drawing No.	Scale @ A1	Drawn
562/02K	1:200	sj
Date		Checked
Sept 2014		

Drawing Title
Proposed Site Layout

Client
Volfortis Investments

Project
**Residential Redevelopment
Green Lane
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Site Layout

