



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 3rd December 2015

Subject: 15/02681/FU – Demolition of existing surgery and construction of detached block of five flats and associated works at 150 Nursery Lane, Leeds, LS17 7AQ

APPLICANT

Dr Ian Bloomfield

DATE VALID

30 June 2015

TARGET DATE

10th December 2015
(Extension of time)

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 Standard 3 Year time limit
- 2 Plans to be approved
- 3 Materials to be submitted, approved and implemented
- 4 Submission of infiltration drainage methods to be submitted, approved and implemented
- 5 Submission, approval and implementation of surface water drainage scheme
- 6 Tree protection measures to be submitted, approved and implemented
- 7 Landscaping scheme including details of front boundary treatment, to be submitted approved and implemented
- 8 Details of alterations to means of access submitted, approved and implemented
- 9 Standard Contaminated Land Conditions
- 10 Site to be drained by separate system of surface water and foul water systems, details of which to be submitted approved and implemented.
- 11 Laying out of car parking prior to first occupation.
- 12 Details of bin store and cycle parking/storage to be submitted, approved and implemented

- 13 Restriction on delivery and construction hours to 08:00-18:00 Monday to Friday, 09:00-13:00 Saturdays and no deliveries or construction work to be undertaken on Sunday's or Bank Holidays.
- 14 Re-modelling of speed humps in Nursery Lane prior to first occupation.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Councillor Harrand and Councillor Cohen due to the levels of local concern at the proposals three storey nature that the new building will be out of keeping with the remainder of the streetscene, highway safety and potential loss of privacy for residents particularly to the rear of the site.

2.0 PROPOSAL

- 2.1 The proposal is for the demolition of the existing building on site which is presently in use as a doctor's surgery. This function has (will) become redundant as a result of the recently commenced development on King Lane that will replace this and a further doctor's surgery in the vicinity to provide up-to-date and modern facilities for patients.

- 2.2 The development proposed consist of a single block that will contain five flats over three floors. In order to maintain the scale of the street the second floor accommodation will be in the roofspace. The detailed breakdown of accommodation is as follows:

- Ground floor: two No. 2 bedroom flats measuring 67.3 m² and 68.7 m² each to have a living/diner and kitchen combined room and separate bathroom and storeroom. The main entrance is on the front of the building but with the main entrance door facing to the west in the side of a forward projection.
- First floor is a simple replication of the ground floor with flats consisting of the same floor spaces for flat 3 and 4.
- Second floor a 2 bedroom flat of more generous proportions measuring 93.7 m² but still having a combined living/dining/kitchen room.

- 2.3 In all cases the kitchen is indicated on the frontage overlooking the highway and this results in living room/dining room and bedroom windows located wholly on the rear overlooking the amenity space of the development and the car parking provision.

- 2.4 Externally the building will read as a single block with vertically orientated fenestration and the roof on both the front and rear elevations broken by gabled fronted dormer's which accommodate living space for flat 5. These as design elements help to break up what might otherwise become an overly dominant roof scape. The front projection that accommodates the entrance lobby and staircase is designed with a full height glazed feature central to the projection with four vertically orientated windows two at ground floor and two at first floor level either side of the central feature.

- 2.5 Materials to be used are indicated as multi red facing brick with dark red engineering brick plinth and courses, artstone cills and heads. The roof is shown to be of concrete plain tiles. Windows either painted timber (white) or UPVC (White)

Doors Painted Timber, Rainwater goods; Black powder coated aluminium, Fascia's Black UPVC and Soffits White UPVC. Notwithstanding this, details of materials can be controlled by condition.

- 2.6 Vehicular access is to the right of the proposed block when viewed from the public highway and seeks to use a modified version of the existing access point. Car parking, (9 spaces in total) is to the rear of the site utilising the existing hard surface but laid out in a more formal way than at present in order to de-mark the actual spaces provided. This is separated from the proposed flats by approximately 108m² of amenity space. This falls short of the minimum suggested level of provision for flatted development in the SPG Neighbourhoods for Living by approximately 50m².
- 2.7 The frontage of the building is proposed set back from the back edge of pavement by approximately 9 metres which is a similar distance of the existing surgery to the back edge of pavement. The rear elevation of the proposed block is set in by approximately 1 metre compared to the existing surgery so projects beyond the rear wall of number 152 Nursery Lane by 1 metre rather than 2 as the present building does. The western wall of the proposed block is shown as being in the same plane as the western wall of the existing surgery building and so comes no closer to the side elevation of 152 Nursery Lane than does the existing building on site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in a predominantly residential part of the city however to the south on the opposite side of Nursery Lane is Allerton High School the main entrance of which is off King Lane, however an access/egress gate does exist opposite the application site as does zig-zag yellow parking restriction on the carriageway with dropped kerbs and sight assistance pavers suggesting a strong pedestrian desire line near to the application site entrance.
- 3.2 To the immediate east is a public footpath connecting the housing development to the north with Nursery Lane and beyond that is a copse of trees that significantly contribute to the amenity of the street at this location. Nursery Lane itself is subject to speed restrictions in the form of speed humps for much of its length.
- 3.3 The present building on site appears to have originally been built as a bungalow, however there are skylights in the roof which suggests that accommodation is likely in the roofspace. The building otherwise consists of a single storey white rendered building topped with red pan tiles. A small extension appears to have been added to the western side of the original building however due to the render this is impossible to tell accurately and the projection could have been part of the original dwelling when it was constructed. A pedestrian access exists on the Nursery Road frontage and it is intended to retain this.
- 3.4 The front garden is presently manicured and in keeping with the predominantly residential character of this part of Nursery Lane. The area to the rear is laid out as hardstanding and forms the car park for the surgery. The properties to the west are traditional two storey residential properties however the existence of skylight windows in the roof slope of those properties suggests that they contain accommodation at roof level also. The front of the site is characterised by a low stone wall with hedging behind.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The only negotiations undertaken in connection with this site relate to those carried out during the processing of the application for planning permission. This has led to the scheme been reduced from 8 units down to 5. The overall height of the building reduced to match the height of the neighbouring properties, a reduction in car parking provision commensurate with the number of units now proposed and the provision of amenity space for the benefit of future occupiers.
- 5.2 The negotiations have also led to the re-arrangement of the external appearance of the block as it was considered that the detailed design of the revised block was unacceptable in visual amenity terms, the proposal now under consideration address these concerns.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice and letters issued to identifiable properties nearby the site (8 in total). This consultation exercise has been undertaken in connection with the original submission for 8 units then letters were sent out again in relation to the reduced proposal for 5 units. As a result 14 letters of objection have been received one letter of comment. The Parish Council have also issued two letters supporting the objections to the proposals on both occasions.
- 6.2 Comments/objections are:
- Nursery Lane is busy particular at beginning and end of school day
 - Loss of privacy due to increase in height of building
 - Much larger than existing building on site.
 - Height of ridge above existing properties
 - Design not in keeping with surroundings
 - Impact on wildlife particularly bats
 - Loss of light
 - Congestion/Traffic issues
 - Overloading of existing drainage/sewerage facilities
 - Car parking provision inadequate
 - Flats out of place amongst detached and semi-detached dwellings
 - Impact on Trees
 - Three stories not in keeping with the area.
 - No other flats in vicinity
 - Safety during construction
 - Increase in noise during construction
 - Safety of users of the public footpath
 - Car parking shortfall and visitors will seek to park on highway
 - If plans are approved objector will appeal
 - Density not in keeping with area
 - Only sensible plan for site is another bungalow or detached house
 - Car park is presently only used between 8 am to 5 pm whereas under proposed use it will potentially be used 24 hours a day.

- 6.3 One objector from Birkdale Rise has also provided a scaled cross section to show the relationships and distances between the proposed development and their property. This will be displayed at Plans Panel for members information.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways – No objection in principle but seeks refined access point to reduce potential for conflict between cars accessing/egressing the site and pedestrian users including users of the adjacent footpath. These drawings are now submitted and there are no objections subject to the re-modelling of the speed humps on the carriageway outside the application site – This can be controlled by condition.
- 7.2 Contaminated Land Team – No objection subject to the imposition of standard conditions and informatives.
- 7.3 Mains Drainage – No objections subject to the imposition of conditions.
- 7.4 Yorkshire Water – No objection subject to the imposition of 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 Core Strategy is the development plan for the whole of the Leeds district. Relevant policies in the Local Development Framework must also be taken into account. Planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy:

H2 – Housing on None allocated sites

P9 – Community facilities such as health centres should be lost only where suitable alternatives are provided

P10 – Design

P12 – Landscape

T2 – Accessibility requirements and new development

G2 - Creation of New Tree Cover – Seeks to protect ancient and Veteran Trees.

G9 – Biodiversity improvements

UDPR:

GP5 – Requirements of development proposals

BD2 – Design and siting of new buildings

BD5 – New buildings and amenity both their own and that of their neighbours

N25 – Development and site boundaries

The advice contained in the Councils SPG – Neighbourhoods for Living is also considered relevant to this development proposal.

The contents of the SPD – Street Design Guide is also considered to be relevant.

- 8.3 The Neighbourhoods for Living SPG lays down guidance as to the suitable level of amenity space that should ordinarily be provided for residential developments, As a general rule this level of provision is indicated at a minimum of 25 percent the gross internal floor space for flatted/apartment type dwellings.

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 accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 Section 7 (design) of the NPPF is relevant to the consideration of this application.

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.

9.0 MAIN ISSUES

- Principle of development
- Design
- Amenity
- Trees
- Highways
- Community Infrastructure Levy
- Housing Standards

10.0 APPRAISAL

Principle of Development

- 10.1 The site presently represents a community use that is located within a sustainable location. This will be lost as a result of this development should planning permission be allowed. However this is offset by the development for the doctors that presently

operate from this building of a new and modern health centre on King Lane approximately 175 metres away. This facility will offer better accommodation for the doctors and other health care professions that will operate from the new unit and result in better care for its users. Given that this is already underway as a replacement facility for this doctor's surgery the loss of this community facility is not seen to conflict with Policy P9 of the Core Strategy and so on this basis the principle of the redevelopment of the site for an alternative use is in accordance with the Local Plan.

- 10.2 The residential use is not objected to in principle. In the simplest terms the use of the land for residential use is commensurate with the predominant surrounding land use. Further the site is located in a sustainable location with schools, (new) health centre and established commercial centre all within reasonable distances of the site.
- 10.3 The main issue surrounding the principle of the development is the nature of the replacement building as flats rather than as traditional dwellings. There is nothing in local or national planning policy that counts against the principle of flat development. Whilst it is accepted that there is a pre-dominance of 'traditional' semi and detached dwellings in the locality, this is not in itself necessarily determinative as to what should or should not be allowed. The key consideration will be how the proposal sits in the streetscene and this is discussed below.

Design

- 10.4 The design within the confines of the scale of the building is considered acceptable. Amendments were sought to reduce the scheme from 8 units to 5 units and to improve the front elevation facing Nursery Lane. The scheme appeared to have been designed from the inside out with the location of windows relating to the internal floor patterns rather than to the external details of walls and roof shapes. This was drawn to the applicants' attention and amended drawings submitted that rectified this and also reconfigured the central element of the scheme so that a central glazed feature to offer a degree of interest and separation of the block was introduced. The use of gable features not only to help provide additional internal useable floorspace, but also as design elements help break up what might otherwise be a large monolithic expanse of roof and thereby be incongruous in itself. This elevation which is the most prominent public elevation is now considered acceptable.
- 10.5 The side elevations are as one might expect, simple in their form and functional. Their interest will come visually from the use of materials and the three-dimensional visual embellishments that will be seen from the ground from the front and rear elevations. The rear elevation is somewhat more regular in its pattern both in terms of its fenestration at ground and first floor level and at second floor level with its three regular sized and shaped gable features. However this is not considered to be a case of poor or bad design but reflects the functional use of the building and on a secondary elevation is perfectly acceptable as a design solution. Overall therefore it is concluded that the design is acceptable.

Amenity

- 10.6 This falls into four main categories each of which will be dealt with in turn; streetscene, overbearing impact and loss of light/outlook and loss of privacy and noise.
- 10.7 **Streetscene**; simply because the design is considered acceptable in itself does not automatically mean that the design on offer is acceptable in any particular location. The proposal is a three storey building and this is objected to by many of the objectors

to the scheme. However the developers have amended the original submission so that the scale of the building, in terms of its height in particular is commensurate with the scale of adjoining buildings. Likewise, by removing the eastern most part of the originally submitted scheme the width of the scheme whilst slightly wider than the present surgery building is not significantly wider than the adjoining pair of semi-detached dwellings and commensurate with its plot size is not out of proportion with the other pairs of semi-detached dwellings sitting in their plots. The revised design with a central feature and mirrored fenestration detail also reflect the semi-detached ethos of the pairs of semi-detached houses to the west of the application site.

- 10.8 The scheme also indicates that the front garden is to remain which helps assimilate the building into the suburban nature of this part of Nursery Lane which is helped due to the car parking being located to the rear and therefore out of the public realm. The retention of the original low stone wall will also contribute towards this. This aspect can be controlled by condition. The impact on the visual amenity of the streetscene is therefore considered acceptable.
- 10.9 **Overbearing Impact Loss of Light/Outlook;** the foot print of the proposed building is not significantly different to that of the surgery on the site at present. It is approximately 1 metre shorter on the rear and 1 metre wider to the east, the side that is furthest away from existing properties on Nursery Lane. Where it does differ however is in terms of its bulk and massing being over three stories rather than a bungalow with a relatively large roof. There is dense planting along the common boundary with number 152 Nursery Lane. If this planting were to be removed, the views from the rear garden space of 152 Nursery Lane of the application building would be no worse than that of a traditional dwelling or pair of semi-detached houses. The views from the rear garden of the adjoining property will alter, however this degree of change is not considered severe enough to justify a refusal of planning permission. The depth of gardens at the neighbours property is similar to the depth of land at the rear of the surgery and so there is plenty of space for the additional bulk and massing that will be created to be minimised within.
- 10.10 Residents that back onto the site have also raised several concerns most of which will be dealt with in the following discussion, however some of the concerns raised might be classed as falling within the concept of 'over-dominance'. Typically however there is circa 48 metres of separation between rear elevations and this is considered more than adequate to offset any overbearing impact that the presence of the proposed building might have on their amenities. And as will be seen in the discussion on overlooking and loss of privacy, the scheme exceeds the council's minimum space standards by some 7 metres so therefore a justification to refuse on this ground would be difficult to justify.
- 10.11 The building will cast shadows of varying degrees of intensity depending upon the time of year during the morning as the sun rises in the east this will, subject to vegetation cover and retention, cause shadows to fall on the rear patio area of number 152 Nursery Lane. The remainder of the day, the shadows caused by development will fall within the site itself. This limited impact is not considered severe enough to justify a refusal of planning permission.
- 10.12 The additional bulk of building, located within the site as proposed will not, it is considered, cause such a loss of outlook so as to justify refusal of planning permission. The building may alter the outlook for various residents, in particular those adjacent and those immediately behind the application site, however their private garden spaces are considered sufficiently generous so that large areas of that space will remain that are not unduly affected by views from it. Likewise views from windows

serving habitable rooms particularly in properties that back onto the application site are at such distances that the impact of those parts of the building that will be visible from those windows is not sufficiently detrimental to justify refusal of planning permission.

- 10.13 The shortfall of 50m² of amenity space for the future occupiers when compared to the suggested level of provision in Neighbourhoods for Living is considered to be an acceptable compromise between making provision of land that is actually useable and meeting the standards in the interests of the re-development of the site.
- 10.14 **Loss of Privacy;** A major concern that has been raised by local residents relates to the potential for loss of privacy due to the increase in height of a building that will have habitable room windows at a storey higher than the conventional height of first floor. i.e. the scheme being a three storey building with bedrooms and lounges on the second floor. This is always a concern when flats are been introduced into a more traditional housing area and the Councils document Neighbourhoods for Living seeks to address this although it gives no hard and fast rules as to what minimum spaces standards should be applied. Where the land is relatively flat, as is the case here, the generally accepted standard that is applied is that of adding 5 additional metres in distance between the rear elevation of the development and the common boundary with other residential properties to the minimum of 10.5 metres usually adopted for conventional housing. In this case, that would lead to a minimum requirement in this instance of 10.5 plus 10 metres for each floor giving a total of 20.5 metres to the common boundary to the rear of the site. The total distance in this case measures at 27 metres between the rear elevation and the common boundary of properties fronting Birkdale Rise. This therefore indicates that it would be difficult to justify a refusal on the grounds of loss of privacy to those properties and their garden spaces. One of the residents has submitted a cross section showing the relationship which clearly indicates that 48.5 metres exists window to window between the proposal and their upstairs bedroom windows. The cross section strips away the vegetation and show shows a “worst case scenario”. However at these distances it is considered that it would be difficult to justify a reason for refusal relating to loss of privacy in relation to those properties in particular given that the usual minimum distances that are normally considered acceptable are exceeded by such a significant amount. The distances involved, whilst it may reduce the amount of privacy perceived to be enjoyed by occupiers of those properties is reduced by the sheer distances involved.
- 10.15 The other relationship that also needs to be addressed is that of potential overlooking of the next door property at number 152 Nursery Lane. The relationship here is that which is similar to the pairs of semi's to the west where first floor windows serving habitable rooms are relatively close to the common boundary and so anyone standing in those windows will have a view over a proportion of the neighbouring rear garden. This is a situation that simply exists in the vast majority of residential developments and is unavoidable. There will be a degree of increased overlooking or at least the perception by the occupiers of the existing properties of being overlooked. In this instance the exiting vegetation is significant and a condition is recommended to be imposed that protection measures are implemented to retain as much of that vegetation as is possible, which given that the rear of the site is already in use as a car park should be significantly more achievable than otherwise might be the case. This combined once again with the generous depth of the neighbours' garden, means that on balance there is not sufficient justification for a refusal of planning permission for this reason.
- 10.16 **Noise;** whilst it is accepted that access and egress will be spread throughout the day and possibly at times over 24 hours it will on the whole be on a domestic scale.

Vehicles will access and leave the site over periods of time during the rush hour as differing residents have differing times to gain access to work/college and or school. The fact that there are five units on the site rather than say a two (in the case of a semidetached development) will not it is considered materially increase noise due to vehicular movements to and from the site. Likewise there is some amenity space indicated to be provided for future occupiers, however the use of this is not considered to result in an intensity of use that justifies a refusal of planning permission. Noise during construction, whilst not normally a material consideration can be controlled by condition to restrict construction times so that Saturday afternoons, Sunday's bank Holidays can retain the ethos of peace and quiet generally associated with them.

Trees

- 10.17 The site is characterised by the number of mature trees that are on the site and nearby in the adjacent copse. The provision of the car parking to the rear will not alter this relationship and so it is considered that there will be no detrimental impact on the trees that are on site at present. However during construction there should be tree and vegetation protection measures implemented to ensure that vehicles and storage of materials do not gain access to root protection areas or cause damage through physical contact with the trees and vegetation. That the rear area is already predominantly tarmaced over should mean that there are no significant building works that will adversely affect the viability of the trees and existing vegetation. However conditions relating to this are recommended to be imposed to ensure their maintenance.

Highways

- 10.18 Subject to the submission of a revised access drawing, there are no objections to the scheme from a highways perspective. The level of car parking on site complies with the Council's maximum standards and the site is located in a highly sustainable location making dependence on a motor vehicle a non-essential element of living there.
- 10.19 Concerns have been raised regarding the possibility of increased on street car parking as a result of this development. However two aspects inform this concern. Firstly the highway immediately outside the site is subject to parking restrictions because of the school. Yellow zig-zag parking restrictions exist which should control the highway immediately outside the application site and secondly, and more pertinently, the scheme meets the minimum off street parking standards that have been adopted by the Council and therefore this, tied in with its sustainable location would make refusal of planning permission on these grounds difficult to justify.

Community Infrastructure Levy

- 10.20 The development will be liable for a payment under the Community Infrastructure Levy. The payment of CIL is non-negotiable, except in exceptional circumstances, and consequentially is not material to the determination of the planning application. Based on the figures provided by the applicant it is likely that this development will generate a CIL payment in the region of £30,000 (this is subject to confirmation). Accordingly this information is presented simply for Members information.

Housing Standards

10.21 The floor layout plans suggest that the flats are all 2 bedroom 4 person size flats. According to the National Housing Standards this means that they should all provide a minimum floor space of 70m². Of the five only the second floor flat meets/exceeds this standard at 93.7m² and flats 1 and 3 and flats 2 and 4 fall short of this standard by 2.7m² and 1.3m² respectively. It is clearly up to the decision maker how much weight should be given to this shortfall, however it is recommend that given that Leeds has not yet adopted this standard into its Local Plan (or indeed any minimum internal space standard), and that the short fall is fairly limited that little weight should be given to this aspect in this instance.

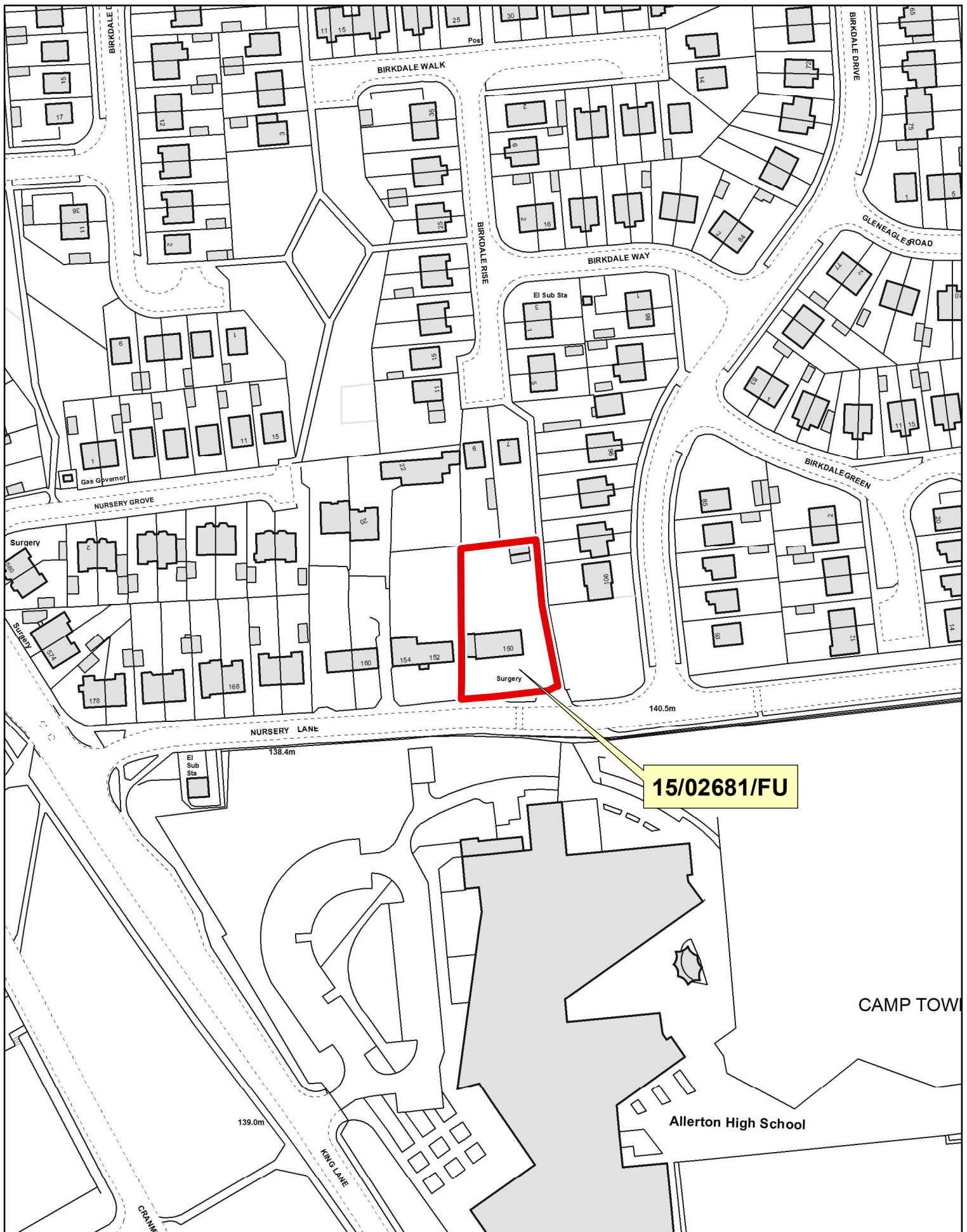
11.0 CONCLUSION

11.1 Given that it is considered that the principle of flatted development is accepted, that the design is acceptable and that the development meets or exceeds most of the policy requirements of the Core Strategy and the saved polices of the UDPR, it is considered that planning permission subject to the conditions at the head of this report, ought to be granted.

Background Papers:

Application files: 15/02681/FU

Certificate of ownership: Signed on behalf of the applicant by the agent as sole owner.



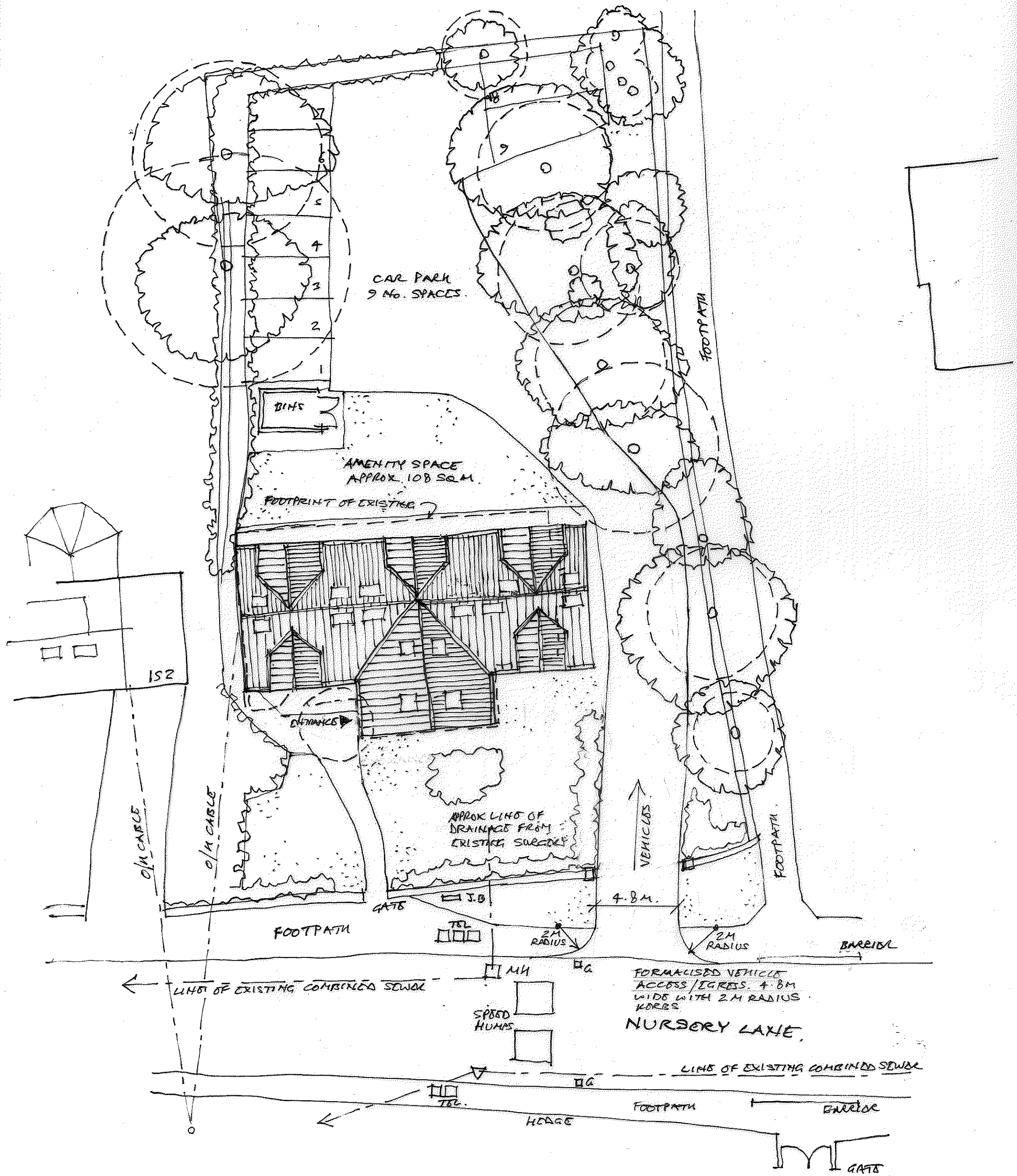
NORTH AND EAST PLANS PANEL

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Pearce Bottomley
architects

Pearce Bottomley LLP
Roman Ridge, Main Street,
Aberford, Leeds LS25 3AW
T: 0113 281 2000 F: 0113 281 2911
E: pbb@pbarchitects.co.uk
www.pbarchitects.co.uk

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Client/ Project
DR | BLOMFIELD

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ALWOODLEY, LEEDS

NEW RESIDENTIAL DEVELOPMENT

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