



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 14th January 2016

Subject: Application number 15/05230/FU – Erection of a block of 11 older persons flats at Flower Court, Burley Lane, Horsforth, Leeds

APPLICANT

Leeds & Yorkshire Housing
Association

DATE VALID

10 September 2015

TARGET DATE

15th January 2016

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

APPROVE subject to the specified conditions

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Sample panel of stonework to be erected
5. Samples of surfacing materials to be submitted
6. Fencing and walling to be implemented in line with approved plans
7. Areas for parking to be implemented before occupation
8. Approved visibility splays to be implemented before occupation
9. Maximum of gradient to driveways
10. Gates to be set back from highways
11. Approved visibility splays/sightlines
12. Provision for contractors during construction
13. Footpath crossing details to be submitted
14. Landscaping scheme
15. Tree protection during construction
16. No removal of trees except those shown to be retained
17. Replacement of any dead/dying trees
18. Landscaping management scheme to be submitted

19. Surface water drainage details to be submitted and approved
20. Details of foul water drainage to be submitted and approved
21. Details of bat boxes, bird boxes and measures for hedgehogs to be submitted
22. Phase 2 site investigation to be submitted
23. Amendment of remediation statement if required
24. Submission of verification reports
25. Details of imported soil
26. Details of external storage to be submitted

1.0 INTRODUCTION

- 1.1 The application is for 11 two bedroomed flats in a two storey building with additional flats in the roof. The scheme is affordable rented flats for older persons and is linked to another application on this agenda for 2 Semi Detached houses. The scheme is brought to Panel due to the large number of objections to the scheme and the fact the land is currently owned by Leeds City Council.

2.0 PROPOSAL:

- 2.1 The application is for 11 older person flats which will be for the affordable rental market. All of the 11 flats will have two bedrooms. The building will be two storey to the eaves with additional rooms in the roof space for the vast majority of the building the building, with a smaller two storey part on Regent Road. The higher part of the building will have dormer windows which will be situated within the eaves lines. There will be 4 flats on the ground and first floor with 3 flats within the roof space.
- 2.2 The building will be situated on the corner of Burley Lane and Regent Road and will take the form of an L shaped building. The original scheme had the building at the pavement edge but the amended plans now have the building set back from the pavement edge by 2.5 metres.
- 2.3 On Burley Lane the building will be 7 metres to the eaves and 12 metres to the apex and on Regent Road 7.2 metres to eaves and 12 metres to the apex. The two storey smaller element will be 6.2 metres to the eaves and 8.6 metres to the apex. There will be an area of amenity space to the rear of the proposed building for use of the residents.
- 2.4 Originally the scheme had the car park to the rear of the site with 7 car parking spaces, this was extended to 17 car parking spaces but involved loss of more trees and involved more of the existing amenity space. The amended plans for consideration still show 17 spaces but the car park covers approximately half of the land to the rear with the other half left landscaped. There will be 15 car parking spaces on this land and two spaces at the side of the building on Burley Lane. The access to this car park is off Regent Road. Overall the scheme now involves the loss of 7 trees.
- 2.5 The materials originally were sandstone with fibre cement roof and artstone heads and cills along with grey aluminum windows. These have been changed to a natural slate roof with painted white surrounds and white aluminum windows.
- 2.6 There is a linked application for two houses to the south of the site with an area of woodland to remain to the rear which will have a management plan for long term management covered by a condition. The application for the houses is also on this agenda under application number 15/05321/FU.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site along with the piece of land with the linked application for two houses is an rectangular area of land which at the moment is covered with trees and bushes and used for informal purposes such as walking dogs and children playing. The land at the moment is not managed and suffers from overgrown vegetation and litter.
- 3.2 The site has Burley Lane to the north, Regent Road to the east with the proposal for the Semi Detached houses to the south of the site. On the western side of the site is an existing two storey block of sheltered accommodation.
- 3.3 On the opposite side of Burley Lane are the end gables of a row of Victorian terraces which are two storey. On the opposite side of Regent Road at the top end of the site is the end gable of a row of terraced houses again two storey with rooms in the roof and dormers. Slightly south of these are two stone cottages with windows to the front elevation.
- 3.4 The site slopes significantly with its highest point being to the north on Burley Lane and the lowest point Featherbank Lane.
- 3.5 The site is within the conservation area and the trees on the site are also covered by a tree preservation order.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/05231/FU – two semi detached houses – also on this agenda

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by site notice posted on site on the 25th September 2015 and an advert was placed in the Yorkshire Evening Post on the 24th September 2015 The second set of plans were readvertised by a site notice on 20th November 2015 with the final amendments not advertised.
- 5.2 Publicity expiry date was the 4 December 2015.

Councillor Cleasby objects to the proposal as the block of flats is too large for the area in particular at the end of the site as proposed with inadequate parking for 'todays' residents. Roadside parking will lead to congestion on the narrow roadways and lead to further blocking of pavements which already occurs due to commuter parking.

Horsforth Civic Society is neither objecting or supporting the development Supports provision of dwellings for the elderly in Horsforth but concerned that the development does not have adequate parking.

Horsforth Town Council – neither supports nor objects to the application

There have been 60 objections to the scheme concerned regarding the following matters:

- Inadequate parking for the number of flats
- Will lead to on street parking
- Weekday parking already excessive due to local businesses

- Double yellow lines required for full length of west side of Regent Road to junction of Burley Lane
- On site parking for construction vehicles is required
- The woodland must be properly managed
- Negative impact on the conservation area
- Loss of a valuable green space area used by the community
- Increase in traffic on surrounding highway network which is already very dangerous
- Loss of ecology in the woodland
- It is not identified for development in the Horsforth Neighbourhood Plan map or the Core Strategy/site allocations document
- Other sites within Horsforth more suitable for housing
- Development for this site has not been adequately justified
- Impact on trees covered by a TPO
- Impact on light to other properties
- Building feels oppressive and impacts on the standard of living
- Needs condition to ensure that flats are permanently for elderly occupants
- Three storey building within a two storey area
- Building too tight being edge of pavement
- Block views
- Overlooking of gardens and windows
- Contravene the objectives of having a conservation area
- Materials not in keeping with the traditional stone in the area
- Area would benefit from this site becoming a play area
- Land should be classed as village green
- Common Pipistrelle bats are present on the site
- Impact on underground stream that may run through the site
- Design out of keeping with
- Design out of keeping with area

In terms of the revised plans the site notice expired on 4th December 2015.

Cragg Hill and Woodside Residents Group object to the scheme due to:

- The overall scale of the proposal is not in keeping with the positive structures and development in the conservation area
- Highway officer suggest 1.5 spaces per flat plus visitors so still insufficient parking
- Would welcome any opportunities to enhance the woodland
- Loss of one of last green islands in Horsforth
- Should be used as play area

There have been a further 11 letters of objection to the revised plans concerned with the following matters:

- Welcome the movement of the building from the pavement boundary but the mass and scale is over dominant.
- Height of building still over dominant
- Cutting down trees to add more parking in the conservation area shouldn't be allowed
- Still inadequate number of car parking spaces
- Additional number of car parking spaces take up more of the green space
- Revisions don't address the original objections.
- Changes marginal and don't address objections

6.0 HISTORY OF NEGOTIATIONS

- 6.1 There were two pre application meeting involving Ward Members as well as officers. The original scheme involved 15 flats in this location with 9 houses which has now been reduced to two Semi Detached houses to allow for the greenspace on the corner of Featherbank Avenue and Regent Road to remain and for more retention of the trees on the site.
- 6.2 During the processing of this application the applicant held a public consultation and amended plans where submitted after comments made at this event.

7.0 CONSULTATION RESPONSES:

Highways – no objections now to 17 car parking spaces and conditions
Main drainage – suggest internal ground floor level raised slightly and conditions
Yorkshire water – conditional approval
Contaminated land – conditional approval

8.0 PLANNING POLICIES:

Development Plan

- 8.1 Section 38 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 comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The application site has no specific allocations or proposals.

Adopted Core Strategy

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant

Spatial policy 1: Location of development
Spatial policy 6: Housing requirement and allocation of housing land
Spatial policy 7: Distribution of housing land and allocations
Spatial policy 11: Transport infrastructure investment priorities
Policy H2: New housing on non-allocated sites
Policy P10: Design
Policy P11: Conservation
Policy P12: Landscape
Policy T2: Accessibility requirements and new development
Policy EN2: Sustainable design and construction
Policy EN5: Managing flood risk

Saved Policies - Leeds UDP (2006)

- 8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development Proposals should resolve detailed planning considerations.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

Relevant supplementary guidance:

- 8.5 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

Street Design Guide SPD

Neighbourhoods for Living SPG

Horsforth and Cragg Hill Conservation Area Appraisal and Management Plan

National Planning Policy Framework (NPPF)

- 8.6 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.
- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to

boost the supply of housing, local planning authorities must identify and update annual a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

9.0 MAIN ISSUES

1. Principle of development
2. Conservation area, design and massing
3. Highway safety
4. Residential amenity
5. Trees and amenity space
6. CIL
7. Ecology
8. Representations

9.1 APPRAISAL

1. Principle of development

9.2 The site is unallocated in the Core Strategy for residential development so policy H2 is applicable which deals with sites that are not allocated for development. This states that new housing development will be acceptable in principle on non-allocated land providing it meets a number of criteria which are

i) *The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.* The 11 flats will not exceed the capacity for local infrastructure in the area.

ii) *for developments of 5 or more dwellings the location should accord with the accessibility standards in table 2 of appendix 2.* The proposal does involve more than 5 dwellings but it also complies with the accessibility standards within the core strategy.

iii) *green belt policy is satisfied for site in the green belt.* The site is not located within green belt.

in addition greenfield land:

a) *should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area.* The discussion in the following paragraphs discusses this matter in more detail and concludes that the scheme complies with this criteria.

b) *may be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sports & Recreation Assessment (PPG17Audit).* It does not concern a piece of land that is designated greenspace.

9.3 It is considered that the scheme complies with policy H2 of the Core Strategy and the principle of development on the site is considered acceptable.

2. Conservation area

9.4 The site is situated within Horsforth and Cragg Wood Conservation Area. Within the Conservation Area appraisal the site is situated within character area 3 which is Cragg Hill and Victorian Villa development. There are two main types of properties identified within this area which are Victorian villas and terraced rows. The properties on Regent Road and Burley Lane in this area tend to be terraced rows of houses. These traditional characteristics include the two storey eaves height, use of regular coursed sandstone with stone or welsh slate and chimney stacks. Developments are back of pavement with the main elevation facing towards the road and are quite ornate employing door hoods and monolithic lintels.

9.5 As well as these characteristics both Regent Road and Burley Lane have important mid distance views and the terraced houses on Regent Road and Burley Lane are positive buildings within the Conservation Area.

9.6 In terms of the proposed building it is two storey to eaves height having a similar height to the terraced properties on either side. It is 0.5 metre higher than the properties on Burley Lane and 1 metre higher than the properties on the top end of Regent Road. The Conservation Area Appraisal states that the characteristic in this area is two storey to eaves which this building generally follows. In terms of its overall height it does have a larger roof height than the surrounding properties with it being overall 0.5 metre higher than the properties on Burley Lane and 1.7 metres higher than properties at the top end off Regent Road. However, the site does slope away from Burley Lane and this height does not look out of place or proportion with the surrounding houses.

9.7 The Conservation Area Appraisal states that the properties in this area are edge of pavement and face towards the road. The original plans did have the building on the edge of pavement but after a public consultation the building was moved further into the site and has a 2.5 m set back. This does allow for a small stone boundary wall which is a characteristic of the villa type properties within this part of the conservation area. The building does face out onto the road in line with other properties in the area.

- 9.8 In terms of materials the appraisal states that materials should be stone and slate and have chimney stacks. Whilst the original materials are stone the proposed roof was proposed to be fibre cement. The roof is large on the scheme and it is considered that a natural material of slate is required in line with the appraisal. The scheme does incorporate chimney stacks into the design.
- 9.9 The proposed windows are curved at the top and take on board the design of the windows on a row of cottages on Burley Lane which will be seen in the same view as the proposal. The plans have been changed to show painted surrounds to these windows to reflect the painted surrounds on the existing row of cottages. The majority of windows in the area are white so the aluminium windows have also been changed to white to reflect the majority of properties in the Conservation Area.
- 9.10 The dormers take on board this curved design and are within the eaves area of the proposal which in design terms is considered acceptable and preferable to larger dormers higher within the roof space.
- 9.11 There is a flat roof two storey element to the proposal on the inner side of the L shaped building. This will be constructed from cladding and houses the lift, staircases and corridors. Whilst the design is modern and materials are not in line with the conservation area it is hidden from view from the street scene and is subservient to the main building. For these reasons it is considered acceptable.
- 9.12 The Conservation Area Appraisal also states that there is a well maintained green space at the corner of Regent Road and Featherbank Lane which enhances the character and appearance of the conservation area. This application includes land away from this junction and the area of well maintained greenspace area will remain. This application site is not well maintained at the moment and does not add any positive visual amenity to the conservation area. A plan within the conservation area appraisal shows a map from 1894 and this shows that a building was present on this corner in the past.
- 9.13 For all these reasons it is considered that the proposal complies with the conservation area appraisal and will enhance this part of the Conservation Area.

3. Highways

- 9.14 A total of 17 car parking spaces for 11 older persons flats is sufficient to accommodate residents and visitors and a highway refusal on this ground would be difficult to defend at appeal. The traffic generated from these 11 flats will be small and should not have a detrimental impact on the highway network. This number of spaces should ensure that there is not overspill onto the highway network and there should be no detrimental impact in terms of highway safety to both pedestrians and vehicles.

4. Residential Amenity

- 9.15 There are two elements to residential amenity, both the impact of the development on the residential amenity of existing residents and the amenity of the proposed occupiers.
- 9.16 In terms of the existing residents the existing properties on Burley Lane to the north of the site have no principal windows on the side elevations so there is no impact in terms of privacy. There will be windows from the new properties that will overlook the gardens of these properties. However, these gardens have very low walls and are already overlooked by the existing houses and passers by on the street scene. Plus there is a distance of over 12 metres from these windows to these gardens.

For these reasons it is considered that there will be no additional impact in terms of residential amenity to these properties.

- 9.17 In terms of the terraced houses to the top of the site these have windows on the side gable but these are non-principal windows and there is a distance of 12 metres which is adequate to prevent a detrimental impact in terms of privacy. In terms of the garden of this property this is also overlooked by other surrounding properties and a distance of 12 metres will ensure that there is no detrimental impact.
- 9.18 Finally in terms of 18 and 20 Regent Road these properties face onto the street scene and are directly opposite the development. There is a distance of 12 metres from the front of these properties to the new development which is adequate for distance to a blank gable. In this instance there are small secondary windows to a dining room/kitchen with the main window and patio doors round the corner so it is considered there will be no detrimental overlooking from these windows.
- 9.19 In terms of overdominance/overshadowing, the houses on Burley Lane as mentioned above have side gables facing towards the development. The gardens are also an adequate distance to ensure that there is no detrimental impact on residential amenity. In terms of number 18 and 20 Regent Road these properties do have principal windows looking towards the development, however, the building has been lowered in height in this area and the 12 metre distance is considered acceptable.
- 9.20 Overall it is considered that the scheme will not have a detrimental impact on existing residents in terms of residential amenity.
- 9.21 In terms of the proposed residents for the same reasons as above there should not be any detrimental impact in terms of privacy due to proximity of windows and distance between windows and gardens.
- 9.22 There is a communal garden to the rear of the site and this will not be overlooked from other properties in the vicinity. This communal garden is an adequate size for the number of residents proposed and the size of properties.
- 9.23 Overall it is considered that there will not be a detrimental impact on the residential amenity of proposed residents.

5. Trees and amenity space

- 9.24 The land currently has trees on it that have a Tree Preservation Order and is used informally for recreation by residents in the area. However, it is not allocated for formal greenspace and it is also not proposed greenspace in the current site allocations document. Historically there have been buildings on this site with a house previously existing in the proposed location of these two semi detached houses with the rest of the land to the rear and south being the houses private gardens.
- 9.25 As part of the two schemes there are a number of trees that will be lost, this scheme involves the loss of 7 trees with an overall loss of 11 trees out of an existing 31. The trees that are lost are situated on the edge of the area of trees and have the least visual impact on the area. Four of the trees are categorised as U which they are off a condition that cannot realistically be retained as living trees and the rest are categorised as C trees which are low quality. As part of the package for development the developer will take responsibility for the long term management of

the tree'ed area. These are situated on the edge of the area of trees and have the least visual impact on the area. As part of the package for development the developer will take responsibility for the long term management of the tree area. This will be available for use not only by the residents of the scheme but also nearby residents. Whilst some of the trees and land is lost for the development this has to be balanced against the fact the land is not managed at the moment. This scheme will ensure the long term management of the area is ensured and that access to the land will be improved.

9.26 For these reasons the scheme in terms of trees and amenity space is considered acceptable.

6. Bats/ecology

9.27 An ecological survey has been submitted with the application which shows that the site is not linked to wildlife corridors as it is surrounded by roads and built development. Gardens and street trees form tenuous links between the site and nearby parks/ woodland and would only be used by highly mobile species such as birds and bats. The site occupies poor habitats of generally low ecological value.

9.28 The development will involve the loss of the rough neutral grass and dense/continuous scrub land but the survey shows that neither of these two habitats have any ecological value.

9.29 The development will also involve the loss of some of the broadleaf woodland on the site but the survey shows that at the moment this it is off poor quality, with spare understory and lack of management which has resulted in the accumulation of litter and fly tipped rubble.

9.30 There is one tree on the site which shows activity of bats and this is to be retained as part of the development.

9.31 As there are trees on the site that are to be lost these are likely to be used by nesting birds so it is recommended that a condition is attached so that there shall not be any clearance of vegetation between the breeding season of 1st March and 31st August inclusive.

9.32 Hedgehogs could also be affected by the proposal and there is a suggestion that there is a small hole in the proposed fences to allow movement of hedgehogs across the development.

9.33 Finally the site would benefit from a suitable management regime and useful wildlife habitat such as bat boxes, nesting boxes and deadwood piles should all be incorporated into the woodland to be retained.

9.34 Overall it is considered that the scheme would not have a detrimental impact on ecology in fact with the proposed long term management of the woodland area it will improve the ecology on the site.

6. CIL

9.35 As the scheme proposed is for social housing it is exempt from CIL.

7. Representations

9.36 The majority of the comments raised by the representations have been covered in the above report. Other matters not covered include the following

On site parking for construction vehicles is required. A condition will be attached to ensure that parking for construction vehicles and staff will be within the site.

The site is not identified for development in the Horsforth Neighbourhood Plan or the Core Strategy/site allocations document. The site is also not identified for greenspace and as shown above it complies with policy H2 of the Core Strategy which relates to development of non allocated sites.

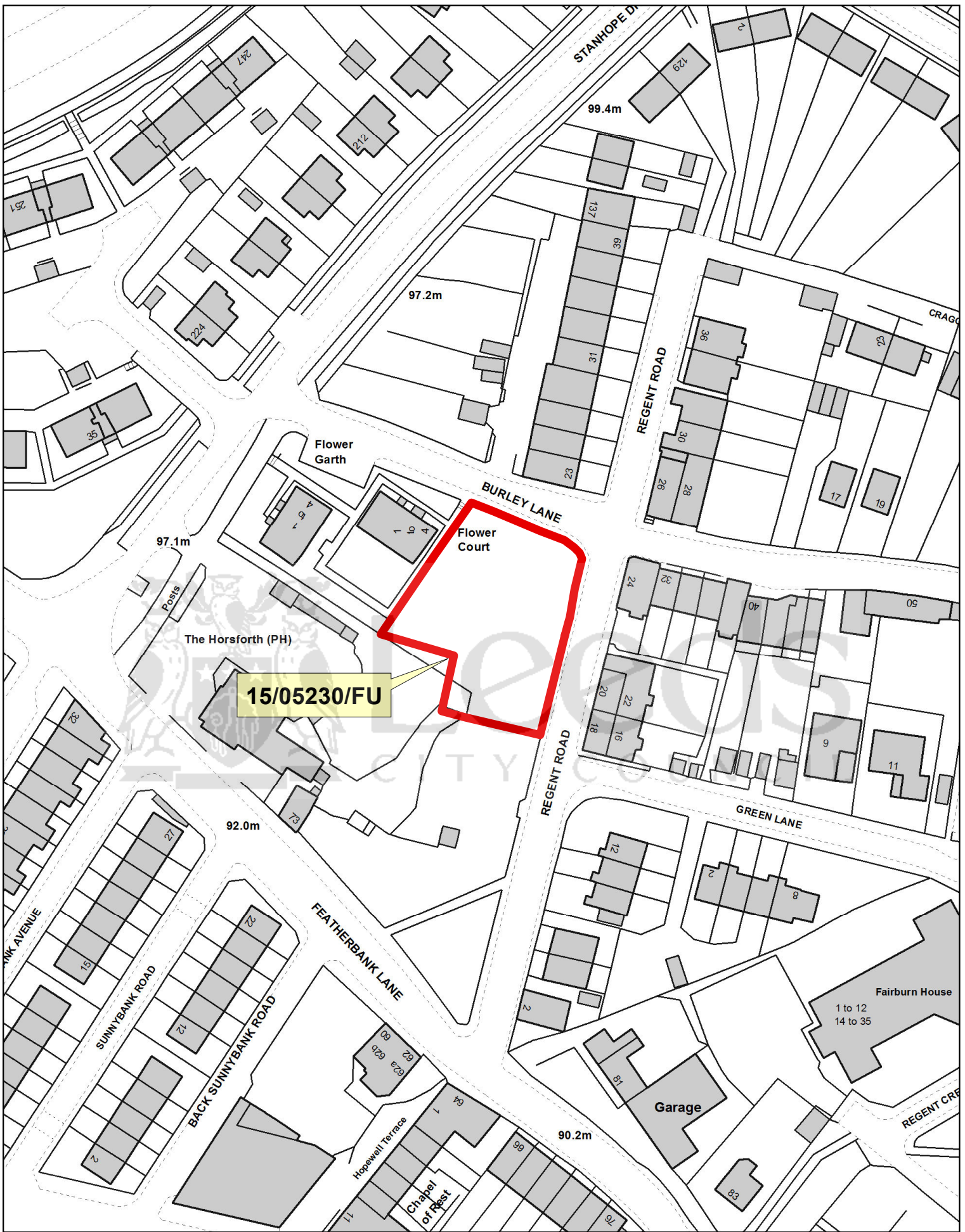
10.0 CONCLUSION

10.1 To conclude it is considered that the development for 11 elderly affordable flats given its scale, design and materials is in keeping with the surroundings and the Conservation Area and will not be harmful to neighbouring living conditions or highway safety. It is acknowledged that the scheme does have some negatives in that it involves the loss of some open land and a number of trees. However this has to be balanced by the fact that the proposal is for affordable social houses which is a need within the locality. The scheme will also improve an area of unmaintained amenity space which will have a positive benefit on both the trees remaining on site and ecology. The flats are also in line with the floorspace requirements for two bedroomed flats. As such the proposal is considered to comply with the relevant development plan policies referred to in the planning policies section above and the application is therefore recommended for approval, subject to conditions.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1000

