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## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 07<sup>th</sup> April 2016

**Subject: Application 16/00162/FU - Demolition of existing cottage and erection of a new build dwelling, detached garage and retaining walls, Old Forge Cottage Lane, Wike, LS17 9JU**

#### APPLICANT

Mr Stephen Cirell

#### DATE VALID

14.01.16

#### TARGET DATE

08.04.16 (Agreed Extension)

#### Electoral Wards Affected:

Harewood

Yes

Ward Members consulted  
(Referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE APPROVAL to the Chief Planning Officer, subject to amended access details and amended elevations, the specified conditions below (and such other conditions as he may consider appropriate), and the submitted unilateral undertaking under S106 to secure the following:**

- a) Not to construct any additional extensions, roof alterations or outbuildings.
- b) To build the dwelling to Passivhaus standards.

**In the circumstances where the undertaking has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Standard time.
2. Plans to be approved.
3. Laying out and retention of parking area.
4. External materials, surfaces and finishes to be agreed (including stone sample panel and roof slate sample).
5. Details of windows and doors (including depth of reveals).
6. Rainwater goods to be black and affixed by means of rise and fall brackets.
7. Biodiversity enhancement features (bird and bat roost features).

8. Boundary treatment to be agreed and retained.
9. Secondary window to first floor of east elevation to be obscure glazed.
10. Chimney constructional detail to be agreed.
11. Garage door details to be agreed.
12. Removal of permitted development rights (means of enclosure and new windows).
13. Landscaping scheme and implementation of landscaping scheme.
14. External lighting only to be in accordance with an agreed scheme.
15. Infiltration drainage study.
16. Drainage scheme and implementation.
17. Contaminated land conditions.
18. Archaeological recording and watching brief.

## **1.0 INTRODUCTION**

- 1.1 The application proposes the demolition of a dwelling in the Green Belt and the construction of a replacement dwelling to be built to Passivhaus standards. Passivhaus [Passive House] is an energy performance standard first developed in Germany in the 1990s. The proposed dwelling is significantly (80%) larger than the current house and is therefore inappropriate development in the Green Belt as set out in the policies under Section 9 of the National Planning Policy Framework (Framework). Significant weight should be given to this harm as is required by the terms of the Framework.
- 1.2 Proposals for a different design of dwelling, although broadly similar in scale and footprint, were dismissed under application reference 14/05078/FU on a non-determination appeal. The appeal was dismissed on the basis that the proposal represented inappropriate development in the Green Belt that would encroach into the countryside without demonstrating the necessary very special circumstances to outweigh the identified harm. Principally this was because of a failure of the applicant to demonstrate that the fall-back position, following the grant of a certificate of lawfulness for extensions and garage, was realistic or financially viable, thereby limiting the weight that the Inspector could give to it. A subsequent reapplication was refused under delegated powers for similar reasons, notwithstanding the submission of additional evidence. No appeal has been pursued in respect of that refusal. Instead the applicant has sought to work with officers to negotiate on the current resubmission with additional information and amended plans.
- 1.3 This application now proposes an improved design of dwelling and, critically, provides the necessary additional evidence in order to allow full weight to be given to the fall-back position. In giving significant weight to that fall-back position it is considered that the necessary very special circumstances have now been demonstrated because other considerations are now considered to clearly outweigh the harm by way of inappropriateness and encroachment. Approval is therefore recommended.

## **2.0 PROPOSAL:**

- 2.1 The existing dwelling known as Old Forge Cottage, a traditional stone built two-storey dwelling with stone slate roof is proposed to be demolished. It is proposed to be replaced by a dwelling built to the Passivhaus energy performance standards, which would be built in a mixture of reclaimed and new stone, with 'new slate in dark grey' to the roof, white painted timber and stained timber windows and doors. A garage is proposed to the south of the dwelling at the end of an internal driveway running parallel to the adjacent track.

- 2.2 The dwelling has a double pile rectangular plan form with living, dining, kitchen and utility rooms and office to the ground floor, and three bedrooms (one en-suite) and family bathroom to the first floor. The roof takes the form of two dual pitches resulting in two matching gables to the east and west side elevations with a central dummy chimney the front (southern facing) roof. Unlike the most recently refused scheme, which was unbalanced, the front elevation has simply symmetry with two three-light, and one, two-light casement window to the first floor and two patio style doors either side of the front entrance door. To the front doorway is a dual-pitched roof open porch, supported on two posts. There are six window openings to the rear elevation and the west elevation has three window openings and a utility door. The east elevation displays two single-pane casement windows, one to each floor, and a ground floor pair of French doors.
- 2.3 The entrance and utility doors are to be finished in a stain whereas other doors are to be painted white. Stone boundary walls to the eastern boundary are to remain with existing timber fencing replaced. A new half-height stone wall is to be built along the southern boundary, with native shrub planting to the western boundary and a close boarded timber fence to the northern boundary.
- 2.4 As part of the Passivhaus credentials of the scheme the application also proposes a row of photovoltaic (PV) solar panels within the grounds of the house, to the rear, adjacent to the boundary. The submitted site plans shows 19 PV panels alongside the rear fence.
- 2.5 Cubic content calculations supplied show an existing cubic content of 364.7 cubic metres. The proposed dwelling and garage are shown at a cubic content volume of 657.1 cubic metres, resulting in an 80% increase.
- 2.6 The application is accompanied by the following supporting documents:
- Existing and proposed volume calculations
  - Existing and proposed plans
  - Supporting statement
  - Design and access statement
  - Geo-environmental Desk Top Study
  - Structural Survey of existing cottage
  - Quotations for the CLP scheme and Passivhaus costs

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to an unoccupied two storey cottage in a state of disrepair which is located within Wike, a small residential hamlet which is washed over by the Green Belt. The dwelling is constructed from locally sourced sandstone and has a gabled, stone slate roof. The property is typical of an agrarian vernacular style and has a simple shape and form. It has a central front door, with windows either side, and chimneys on each gable which results in a balanced appearance. The property has been extended to the rear with a lean-to addition and a dormer window to gain head-height above.
- 3.2 Old Forge Cottage is set just off Forge Lane and residential properties lie to front and both sides. The property has a large rear garden which includes a stone built, historic barn. This has permission to be converted into a dwelling and these works are substantially completed. An application to alter the boundary between the barn and Old Forge cottage was subsequently approved and which resulted in the current plot

size. Public Footpath No.23 (Harewood) runs east/west to the south of the site along the access track to the dwelling.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 15/04281/FU Demolition of existing cottage and erection of a new build dwelling, detached garage and retaining walls [Old Forge Cottage] **Refused**.
- 4.2 14/05078/FU Demolition of existing cottage and erection of new dwelling with detached garage [Old Forge Cottage] **Non determination appeal dismissed**.
- 4.3 14/05113/CLP Certificate of lawful development for two storey rear extension, single storey rear extension, porch to front and detached garage to side [Old Forge Cottage] **Approved**.
- 4.4 14/06093/FU Variation of condition 2 of planning permission 14/01312/FU [adjacent barn] to amend the boundary **Approved**.
- 4.5 14/01312/FU Change of use and extension of barn to form one dwelling [adjacent barn] **Approved**.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following the dismissal of the non determination appeal under application reference 14/05078/FU and the delegated refusal of subsequent application reference 15/04281/FU, senior officers have met with the applicant to discuss amendments to the design and form of the proposed dwelling, and to give informal advice on the information required to support a reapplication.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was publicised by site and press notices. In response one letter of objection has been received [not objecting to the scale or design of the house] raising the following concerns:
- Whilst there are no objections to the proposed dwelling there is concern over the access road on the south side, which leads through to three other properties and the Village Golf Course.
  - The proposed half height stone wall on the south side has no dimensions as to width and it appears to get narrower towards the entrance.
  - The Council as Local Highway Authority advise that the first 10 metres from the road must be of a minimum width of 4.8 metres wide, reducing to 3.3 metres minimum from the remaining private road.
  - There is concern over access for emergency and service vehicles. Any approval should allow for the dimensions Fire Service advice of 3.7 metres width.
- 6.2 Ward Councillor Rachael Procter has been briefed on the proposals and has requested that the application be considered at Plans Panel, due to concerns over the design of the dwelling and its impact on openness. Concern was also expressed over the landscaping and surfacing materials, and the need for natural roofing materials.

6.3 Harewood Parish Council has responded to notification of the application to advise that it does not object to this application.

## **7.0 CONSULTATION RESPONSES:**

### **Statutory:**

7.1 Health and Safety Executive: Do not advise against the grant of planning permission on safety grounds in this case.

### **Non-statutory:**

7.2 LCC Highways: No objections in principle subject to amended plans detailing the use of the existing access road.

7.3 LCC Flood Risk Management: No objection: The British Geological Survey data indicates that this site area is highly compatible with infiltration Sustainable Urban Drainage Systems (SUDS). Surface water would not be allowed to the public sewer without definitive proof that the specific local conditions do not support a soakaway. A feasibility study into the use of SUDS and surface water drainage scheme should be required by condition.

7.4 LCC Public Rights of Way: No objection: Public Footpath No.23 Harewood crosses the site on its southern boundary. The demolition of the existing cottage and the erection of the new dwelling do not affect the right of way, as long as the footpath is not obstructed or encroached upon in any way. Care should be taken when entering and exiting the development for pedestrian's safety when they are using the public footpath.

7.5 LCC Contaminated Land: No objection subject to conditions to cover requirements should any unexpected contamination be found and to ensure any imported soil is free from contamination.

7.6 West Yorkshire Archaeological Advisory Service: Note that the site lies within a known area of archaeological potential and requests that a recording and watching brief be required by condition.

## **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 (2014), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013). The following sections are most relevant:

### Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds District. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

Spatial Policy 1      Location of Development

Policy T2              Accessibility requirements and new development

Policy EN1	Climate change
Policy EN2	Sustainable design and construction
Policy EN5	Managing flood risk
Policy G1	Enhancing and Extending Green Infrastructure
Policy G9	Biodiversity improvements
Policy P10	Design
Policy P12	Landscape

Saved Policies of the Leeds Unitary Development Plan Review (2006):

8.3	GP1	Land use and the proposals map
	GP5	General planning considerations
	BD5	Amenity and new buildings
	LD1	Landscape schemes
	N23/N25	Landscape design and boundary treatment
	N33	Green Belt
	N37	Special Landscape Area

Relevant Supplementary Planning Guidance:

- 8.4 Natural Resources and Waste Local Plan (adopted).  
Street Design Guide (adopted).  
Parking SPD (adopted).

National planning policy guidance:

- 8.5 The National Planning Policy Framework was published on 27<sup>th</sup> March 2012 and sets out the Government's planning policies for England and how these are expected to be applied alongside other national planning policies. In this case the following sections are most relevant:

Section 7 Requiring good design  
Section 9 Protecting Green Belt land  
Section 10 Meeting the challenge of climate change, flooding and coastal change  
Section 11 Conserving and enhancing the natural environment  
Section 12 Conserving and enhancing the historic environment

Decision-taking  
Annex 1 Implementation

**9.0 MAIN ISSUES:**

- Green Belt
- Design
- Privacy and Amenity
- Highways
- Biodiversity

**10.0 APPRAISAL:**

Green Belt

- 10.01 Paragraph 90 of the Framework sets out the five purposes the Green Belt serves:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

10.02 The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (Para 87). It sets out that that substantial weight should be given to harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations (Para 88).

10.03 With regard to the replacement dwelling Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, with the exception of a closed list of categories of development, which provides for the replacement of a building provided the new building is in the same use and is not materially larger than the one that it replaces. Saved Leeds UDP Review (2006) policy N33 allows for replacement dwellings in the Green Belt, provided the replacement dwelling would have no greater impact on openness or Green Belt purposes (Appendix 5). With regard to the proposed solar panels, paragraph 91 of the Framework states that when located in the Green Belt elements of many renewable energy projects will comprise inappropriate development, and that in such cases developers will need to demonstrate very special circumstances if projects are to succeed. Such very special circumstances may include the wider environmental benefits associated within increased production from renewable energy sources.

10.04 The supplied calculations of the replacement dwelling proposed describe an 80% increase in cubic content. Clearly this is materially larger and therefore the application must be regarded as inappropriate development in the Green Belt that is harmful by definition and substantial weight should be given to that harm. The replacement dwelling has an increased footprint and larger overall scale, and as reasoned by the Inspector under the non-determination appeal for a similar scale of dwelling, this would lead to a greater prominence and impact. The greater bulk of the dwelling would cover an increased area and would thereby reduce openness, one of the essential characteristics of the Green Belt. This greater spread of the building also creates conflict with one of the five purposes of including land in the Green Belt that seeks to safeguard the countryside from encroachment.

10.05 In support of the proposals a fall-back position is claimed. A certificate of lawfulness application has been granted for extensions (two-storey rear and single-storey side extensions, porch and detached garage), under case reference 14/05113/CLP, that would result in a similar form of development in terms of overall spread and size. Under the non-determination appeal outlined above (15/04281/FU) the Inspector was not however satisfied that there was any realistic prospect of the fall-back proposals being implemented, due to uncertainty over the ability of the dwelling to be extended given its state of disrepair, and in the absence of any evidence to demonstrate the financial feasibility of such works as opposed to rebuilding. In the absence of substantive evidence to demonstrate that there was a significant probability of the extensions being constructed should the appeal fail this limited the weight that the Inspector could attach to the fall-back position.

10.06 Under subsequent planning application reference 15/04281/FU new evidence was submitted; a structural survey was carried out by Shepherd Gilmour and this confirms that the existing building is structurally sound, although in need of significant modernisation and repair. The survey confirms that the main structural walls of the dwelling are in good condition and that there is no sign of subsidence or significant movement, confirming that the existing cottage is capable of being extended in the way described in the lawful development certificate. The applicant also obtained quotations for the constructing of the lawful development certificate scheme (between £246,000 and £336,000) and these were also submitted in support of application reference 15/04281/FU, but did not provide costings for the proposed Passivhaus dwelling. These are now supplied at an estimated cost of between £250,00 and £300,000, based on a Passivhaus cost for one-off detached dwellings in the region of £1,500 per square metre and a proposed floor space of 156 square metres.

10.07 The applicant is perfectly open about and accepts the fact that as the building is materially larger than the one it replaces and that it is therefore inappropriate development in the Green Belt. A case for very special circumstances is advanced which principally relies on the fall-back position and the Passivhaus credentials of the proposed replacement dwelling. In support of the case for very special circumstances, in relation to the fall-back position, the applicant cites the case of *R v Secretary of State for the Environment ex parte Ahern [1998]*, where counsel for the applicant derived three propositions for tests which he submitted it was necessary for the decision maker to apply, and the court then proceeded to assess the lawfulness of the Inspector's decision letter in that case by reference to those tests. They were:

(a) *whether there is a fall-back use, that is to say whether there is a lawful ability to undertake such a use* [in this case certificate of lawfulness 14/05113/CLP provides for that ability];

(b) *whether there is a likelihood or real prospect of such a use occurring* [in this case the structural survey and quotations evidence that there is a reasonable prospect of the CLP works taking place]; and

(c) *if the answer to (b) is "yes", then a comparison should be made between the proposed development and the fall-back use* [in this case they are broadly similar in terms of spread and scale].

10.08 In determining application reference 15/04281/FU under delegated powers, in questioning the lawfulness of the fall-back position (with specific regard to the roof alterations) no weight at all was given to the fall-back position. As the applicants supporting statement highlights this is contrary to the Inspectors approach in relation to the non-determination appeal, where the Inspector stated simply that other factors '*limits the weight*' that could be given to the fall-back position. The inspector clearly stated that there was '*no dispute regarding the availability of the fall-back position or the lawful ability to undertake it*'. It was simply that the absence of sufficient evidence to indicate that there was a significant probability that the extensions would actually be built limited the weight that could be given to it.

10.09 In view of the structural survey which now demonstrates the fall-back position can practicably be implemented, in terms of structural integrity, and given the information on costs of the fall-back scheme versus the proposed dwelling, which demonstrate broadly similar costings (albeit there may be a tax advantage to rebuilding, offset by an uplift in resale value due to the Passivhaus design), and given that the applicant bought the plot with the specific intent of building a Passivhaus with the comfort of the fall-back position granted under the certificate of lawfulness, it is now considered that



the fall-back position has been sufficiently evidenced to demonstrate that there is a reasonable prospect of it being built if the current application were to fail. In light of these considerations and given that the fall-back position is similar in terms of spread and size, significant weight should be therefore now be afforded to the fall-back position.

- 10.10 In addition to the fall-back position the application proposes a dwelling built to Passivhaus standards, as was the case with application reference 15/04281/FU. The applicant puts much store by the virtues of such a design comprising 'other' considerations in the balance of considerations, so as together with the fall-back position to clearly outweigh the harm and comprise the necessary very special circumstances required to justify approval. It was reasoned by the Council under application reference 15/04281/FU that there would be some sustainability benefits of such a design, sustainability being a central strand of the Framework, and that some weight could be given to this consideration in favour of the proposal. The weight given was however limited by the lack of any need for the dwelling to be located in the Green Belt, or for the size of dwelling proposed.
- 10.11 Turning to the consideration of the proposed sustainable building design, and without wishing to detract from the virtues of the Passivhaus system, it has been around for a long time, but it is fair to say that there are few examples that have been built in Leeds. Whilst the presumption in favour of sustainable development does not apply in this instance because Green Belt policy indicates that permission should be restricted (footnote 9 of the Framework), the Passivhaus design should be encouraged, and ought to attract some weight in the balance of considerations. The solar panels proposed are to the rear of the site and being ground mounted they do not therefore unduly impact on openness, or cause harm to Green Belt purposes, and they are not therefore necessarily inappropriate development in this case. However, the key consideration is that significant weight can now legitimately be given to the fall-back position in view of the new evidence. It is considered that, on balance, with significant weight given to the fall-back position, which would not result in a Passivhaus design, these considerations now clearly outweigh the harm by way of inappropriateness and harm to openness and Green Belt purposes, so as to comprise the necessary very special circumstances to justify approval of the application.

### Design

- 10.12 The dwelling proposed and dismissed on appeal under application reference 14/05078/FU was considered by the Inspector to be acceptable in design terms. Whilst located prominently on a bend the Inspector reasoned that, whilst larger and closer to the road, the design, scale and proportions of the proposal would be compatible with residential properties in the vicinity and that the materials to be employed would be appropriate to the surroundings. The Inspector was also of the view that the garage would be a modest secondary structure and that it would not result in overdevelopment. The appeal dwelling had a symmetrical front elevation with chimneys at each gable, with two rear hips formed in the roof.
- 10.13 The dwelling proposed and refused under delegated powers under case reference 15/04281/FU was for a different design of dwelling being a Passivhaus design. Reason for refusal 2 of that application was given as follows: "*The Local Planning Authority consider that the proposed replacement house, by virtue of its size, form, proportions and detailed design fails to respect the agrarian character of its location and would harm the character and quality of the area. The application is thus contrary to Core Strategy policy P10 saved UDP Policy GP5 as well as section 7 of the National Planning Policy Framework*". The refused dwelling had no chimneys and was

unbalanced on the front elevation by a first floor Juliet balcony, and a deep rear projection with an awkward, shallow and expansive roof, that was so shallow it was almost flat.

- 10.14 Following negotiations with officers at pre-application stage the current application now introduces a central chimney, deletes the first floor Juliet balcony, and this brings with it a return to the simple symmetry that is displayed by the existing cottage. Instead of the awkward shallow rear roof pitch it now proposes a more comfortable double gabled arrangement, which would be visible in views of the side elevations. Whilst this may have increased the mass of the replacement dwelling's roof, this has been compensated for by adjustments in floor space, and in design terms it is considered to be better, and better to the point where the design would not result in unacceptable injury to visual amenity. The applicant has however been asked to consider chimneys at each gable (as opposed to one centrally located), which is more compatible with the existing roofscape and the former cottage. The applicant has also been asked to consider a more solid and traditional porch detail, as opposed to the open and more modern style shown.
- 10.15 Whilst the design does incorporate two ground floor patio style doors which is unusual to the front elevation of a traditionally detailed dwelling, as a south facing elevation these are an inherent part of the Passivhaus credentials of the proposal in terms of solar gain, and on balance these credentials are considered to justify this aspect of the design in this case, subject of course to the requirement under the proposed S106 agreement to actually build the dwelling to Passivhaus standards. Subject to the minor changes above and the conditions recommended at the header of this report, in recognition of the Passivhaus nature of the replacement dwelling the proposal is considered to be acceptable and policy compliant in design terms.

#### Privacy and Amenity

- 10.16 Saved policy GP5 notes that extensions should protect amenity whereas policy BD6 notes that "*all new buildings should be designed with consideration given to both their own amenity and that of their surroundings*". Criterion (iii) of Core Strategy Policy P10 Design also seeks to protect residential amenity. The proposal raises no significant concern in this respect.
- 10.17 As was reasoned under earlier application 15/04281/FU for a similar footprint, layout and window arrangement, although neighbouring dwellings lie to all sides of the proposed house these are set a sufficient distance to prevent harm though any unreasonable overdominance, overshadowing or overlooking. No objections have been received in this regard and the proposed accommodation and garden space would provide an acceptable level of amenity space for future occupants.
- 10.18 The new house would result in additional mass close to the common boundary with Prospect View to the east, however it is set some distance from the main windows and garden area of this property and its impact would not be unacceptable. There is a side facing secondary bedroom window to the east elevation which would however be set 3.0m from the common boundary, and which thus does not comply with Neighbourhoods for Living. No objection has been received with regard to this window and as it is a secondary outlook an obscure glazing condition could reasonably be imposed and would address this particular concern.
- 10.19 The largest impact will be upon the proposed barn conversion to the rear of the replacement dwelling. The new house will extend 3.0m closer to the common boundary and will also include rear facing windows which are closer to the garden of

the barn. However, the two houses retain an adequate separation distance to prevent harm through overdominance or overshadowing and the rear windows retain at least 7.5m to the common boundary. This means that the upper floor bedroom windows comply with the requirements of Neighbourhoods for Living, and whilst the ground floor windows do not retain sufficient distance, these can be screened by the provision of boundary treatment. A condition should be imposed preventing the insertion of further windows, to ensure the proposal is policy compliant in these regards.

### Highways

10.20 Core Strategy Policy T2 addresses accessibility standards. Saved UDP policy GP5 states that “development proposals should seek to resolve detailed planning considerations including highway safety”. In accessibility terms a one-for-one replacement does not raise any accessibility concerns. The works proposed will create one secure parking space within the garage and additional parking and turning space in front and to the side of the dwelling, which is sufficient to meet its needs. The proposal does not affect Public Footpath No 23 (Harwood). Highway Officers have however raised concern regarding the arrangement/location of the access drive, and have requested that this element of the scheme is reconsidered. There is however scope to return the access and parking arrangement to an arrangement closer to that which was considered on appeal and which did not raise any objections from the Inspector. The recommendation is therefore subject to amended plans in this regard, and subject to such amended plans the proposal would be policy compliant in highways terms.

### Biodiversity

10.21 Core Strategy policy G9 and the Framework seek to secure not only biodiversity protection but habitat creation. Under policy G9 development is required to demonstrate that there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement. The design of new development should provide for the enhancement of existing habitats and provide new opportunities. Policy G9 also requires that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network (Core Strategy Map 18).

10.22 With regard to the above it is considered reasonable and commensurate with the level of development proposed to require bird and bat roost opportunities. These can easily be installed by way of bat tiles/boxes and bird boxes, to be located within or on the replacement dwelling and/or within the grounds. A condition is therefore recommended to require a scheme of biodiversity enhancement measures. In relation to the Leeds Habitat network the proposal would not impact on the integrity and connectivity, and is therefore also policy compliant in these regards.

## **11.0 CONCLUSION**

11.1 The application now proposes an improved design of dwelling over that which was refused under 15/04281/FU and it addresses the design reason for refusal of that application. It provides the necessary additional evidence in terms of the likelihood or realistic prospect of the fall-back position occurring, in order to allow significant weight to be given to it. In giving significant weight to that fall-back position and some weight to the Passivhaus design, it is considered that these considerations clearly outweigh the harm by way of inappropriateness, harm to openness and Green Belt purposes through encroachment, and that the necessary very special circumstances have therefore now been demonstrated to justify approval of the application. Approval is

therefore recommended subject to amended plans and the S106 undertaking and conditions as set out above.

**Background files:**

Application case files 16/00162/FU  
Signed undertaking under S106.

Certificate of Ownership – Certificate A completed

# A Passivhaus at the Old Forge Cottage, Wike

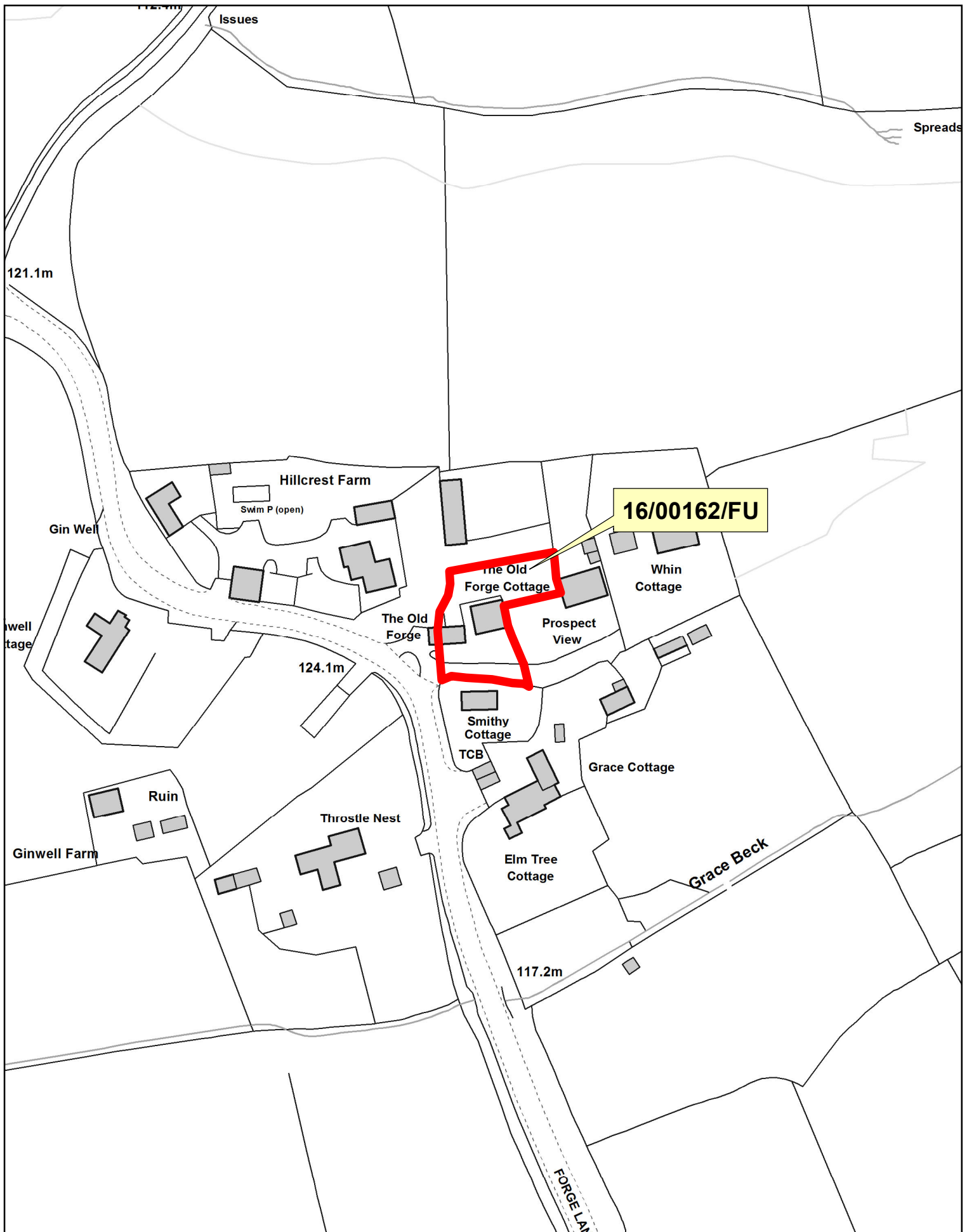


As Proposed Site Block Plan

1:200 @ A3

# Planning Submission





# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

