



**Leeds**  
CITY COUNCIL

Originator: J.Bacon

Tel: 0113 2224409

---

**Report of the Chief Planning Officer**

***Plans Panel North and East***

**Date: 6<sup>th</sup> April 2016**

**Subject: 16/00329/FU Construction of 5 two bedroomed houses at Trust Office, Sutton Approach, Leeds LS14.**

**APPLICANT**

Just Design Homes Limited-  
Mr Darren Hirst

**DATE VALID**

27<sup>th</sup> January 2016

**TARGET DATE**

9<sup>th</sup> April 2016

---

**Electoral Wards Affected:**

**Killingbeck & Seacroft**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

**RECOMMENDATION: REFUSE for the following reason:**

The local planning authority considers the proposed development would by virtue of the layout, orientation of dwellings and extent of associated hard standing which when viewed in context with the spatial characteristics of the plot and the relationship to its surroundings represents an overdevelopment resulting in harm to the visual amenity of the site and character of the area. Furthermore, it is considered that the proposed development would by reason of its layout, building footprints and off-street parking requirements offer the future occupants of the proposed dwellings with inadequate private amenity space and poor ground floor outlooks to the rear resulting in an overall sub-standard level of accommodation prejudicial to the interests of residential amenity. Accordingly, the proposed development is contrary to the City Council's Core Strategy (2014) policy P10, the saved UDP Review (2006) policies GP5 and BD5 and the guidance contained within the Neighbourhoods for Living (SPG) and NPPF.

## **1.0 INTRODUCTION:**

- 1.1 This planning application is brought to Plans Panel North and East at the request of Ward Cllr Graham Hyde who wishes Plans Panel to consider the location in relation to housing density and site layout against the existing houses on Collins Road.
- 1.2 This application is a resubmission following the refusal of planning permission for nine self-contained flats at the site (Ref: 15/00737/FU). The refusal was also a resubmission following an earlier refused application proposing six terrace houses (Ref: 14/05763/FU).

## **2.0 PROPOSAL:**

- 2.1 This planning application proposes 5 x 2 bedroom dwellings with associated car parking. The dwellings are arranged in two blocks comprising a terrace of 3 and a pair of semi-detached dwellings. The dwellings are positioned perpendicular to Sutton Approach and are served by a driveway access that extends alongside the rear garden boundaries of No.23 Sutton Approach and 2-10 Collin Road. The proposed dwellings stand around 21m from the rear wall of those neighbouring dwellings and stand away from the southern site boundary at a range of 2.9-6.4m. Each dwelling has a front and rear garden and they are served by seven off-street parking spaces.
- 2.2 The proposed dwellings are two storey in height and are to be constructed of brick with a tiled hipped roof over. The dwellings elevate to a height of between 4.9m (to eaves) and 7.1-7.9m (to ridge). The dwellings have kitchen and living rooms at ground floor and to bedrooms and a bathroom at first floor.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is 0.11ha in area and is cleared. The site lies to the eastern side of Sutton Approach, to the rear of No.23 Sutton Approach and Nos.2–10 Collin Road. Domestic timber fencing relating to these houses stands adjacent to the site's northern boundary with two metre high wooden fencing standing along the site's eastern and western boundaries. A 2m high palisade fence aligns the site's southern boundary which serves to prevent access to an embankment leading down to the adjacent railway line. There are mature trees and vegetation on the embankment and a footbridge provides pedestrian/ cycle access to the residential areas of Halton beyond.
- 3.2 The application site is largely level however due to the topography of the area the south-west corner of the site is lower than the public footpath along Sutton Approach.
- 3.3 The area is residential in character comprising mature small scale brick built two storey terrace and semi-detached dwellings. The layout of these properties are characterised by having gardens to the front and rear with some containing ancillary buildings (e.g. sheds, outbuildings etc).

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

- 4.1 15/00737/FU Erection of 9 self-contained flats- Refused (29/05/15) on grounds based on the over-development of the site (evidenced through the tandem arrangement of the blocks and extent of hardstanding) and was considered harmful to the site appearance and wider character. The applicant lodged an appeal but the appeal was dismissed by the Inspector- a summary of which was provided to the Panel at the last meeting.

14/05736/FU Two blocks of three terrace houses- Refused (05/12/14).

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

- 5.1 The applicant initially sought pre-application advice in June 2014 (Ref: PREAPP/14/00523) for a residential development at this site comprising 5 two bed terrace and 2 three bed semi-detached dwellings. The applicant was advised that the scheme could not be supported due to concerns about the layout, overdevelopment, design and amenity. In addition, questions were raised about the site's former allotment use.
- 5.2 Planning application Ref: 14/05736/FU proposed two blocks of three terrace houses but this was refused in December 2014 on grounds relating to the site's former use as an allotment and that the proposal would represent and an overdevelopment of the site (harm to visual amenity of site and character of the area; compromise the residential amenity of future occupiers and adjacent neighbours and inadequate parking facilities).
- 5.3 Following the refusal of this planning application the applicant sought further pre-application advice prior to the submission of this application. Through discussions planning officers accepted that this unallocated site has not been used as allotments (no formal tenancy or licence agreement exists) and would not therefore prejudice the availability of allotment land and the re-development of the site could be supported in principle. In total, four alternative site layouts were submitted for consideration and these comprised arrangements of houses and flats. The final version was similar to that proposed under this current application and the applicant was informed that the layout did not reflect the character of the area with a shortfall in amenity space. The applicant was advised that the proposal for 9 flats could not be supported.
- 5.4 Planning application Ref:15/00737/FU proposed two blocks of nine self-contained flats but this was refused in May 2015. The applicant appealed the decision but this was dismissed. Since the appeal decision the applicant has had no further dialogue with Planning Services and has only sought to address highway deficiencies following the receipt of highway consultation responses. Notwithstanding this, the agent has been advised that the application cannot be supported as fundamentally it has not addressed the previous reason for refusal which was also supported by the Planning Inspector.

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

- 6.1 The application was advertised by site notice posted adjacent to the site dated 12<sup>th</sup> February 2016. Letters of representation have been received from 4 households in response to the public notification process.
- 6.2 3 letters express support to the proposals on the following summarised grounds:
- Site currently just empty and attracting youths; security issue; houses built will be deterrent for people walking over land and in adjacent gardens.
  - Proposal in keeping with area in terms of character and style of house already on estate.
  - More houses reduce current demand.
- 6.3 1 letter of objection received expressing the following summarised grounds:
- Plans do not fit with rest of properties, too close to other houses; roads not suitable for more traffic; children play on the area approaching the site; on-street parking a problem.
- 6.4 Cllr Hyde has also requested a Panel determination for the reasons stated in para. 1.1.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

- 7.1 None.

### **Non-statutory:**

- 7.2 Highways: Detailed layout amendments requested.
- 7.3 Flood Risk Management: No objection. Condition recommended.
- 7.4 Contaminated Land: No objection but further information requested.
- 7.5 Yorkshire Water: No objection, subject to retention of 4m easement from the public sewer which crosses the site.
- 7.6 Network Rail: No objection in principle however an advisory note relating to development abutting a railway is provided, including some issues which should be a condition of any planning permission.
- 7.7 Waste Management: No objections.

## **8.0 PLANNING POLICIES:**

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

### Local Planning Policy

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

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

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

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

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

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

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

### National Planning Policy

8.6 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

- 8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (para.58, NPPF).

#### DCLG - Technical Housing Standards 2015

- 8.9 This document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently progressing to adopt the national standard, building on work already done in developing the Leeds Standard which is applied to all Council schemes and which seeks to influence private sector development to achieve better quality housing. As the work, however, is at an early stage within the local plan process little weight can be attached to it at this stage.
- 8.10 The proposal utilises two different house-types, both two storey in height and offering a total of 3 bedspaces. The housing standards require such a property type to provide 70sqm of gross internal floorspace. It is calculated that the proposed terrace dwellings (plots 1-3) have a floorspace of 60.5sqm each, falling short of the standards by 9.5sqm. The semi-detached property types (plots 4-5) have a floorspace of 66.7sqm each, falling short of the standards by 3.3sqm. The implications of these shortfalls are discussed within the residential amenity section (para. 10.9) of the appraisal.

### **9.0 MAIN ISSUES**

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

### **10.0 APPRAISAL**

#### Principle of development:

- 10.1 The application site is vacant and has been cleared of all vegetation and is greenfield in appearance. The site lies to the southern portion of the William Sutton residential estate which is bordered to the south by a railway embankment. Whilst allotment land lies to the east an earlier investigation into the application site's history (through previous application 15/00737/FU) uncovered no evidence of previous allotment use and accordingly re-development of the land would not prejudice existing allotment land availability. The presence of the surrounding residential estate coupled with the absence of any existing landscape features and that the site has a frontage to Sutton Approach it is considered that support could be given, in principle, to the residential

development of this urban site subject to it being otherwise acceptable in planning, design and access terms.

Impact on design, visual amenity and character:

- 10.2 The variety of proposals advanced by the applicant for the re-development of this site (either through a formal planning application or pre-application discussions) have consistently raised planning officer concerns about the amount of development proposed and how the development responds to the surrounding built character.
- 10.3 In the consideration of the recent planning appeal (Ref:15/00737/FU) the Planning Inspector observed that *'the area is characterised by semi-detached and terraced properties in an estate layout with small enclosed front gardens fronting onto the pavement, forming a consistent building line. The Inspector noted that rear gardens of properties back onto each other with the rear gardens of No.23 Sutton Approach and 2-10 Collin Road backing onto the appeal site. The Inspector considered the density of the existing estate is relatively low with a spacious feel and mature vegetation in the rear gardens'*. The Inspector also observed that *'whilst there is a variety of housing styles in Leeds, this particular estate has a consistent character which is locally distinctive, formed by small properties with enclosed gardens fronting onto the road and back to back larger rear gardens'*.
- 10.4 This resubmitted development proposal is influenced by the dimensions of the site and involves the laying out of a private access road that extends deep into the site to facilitate what the applicant considers makes most efficient use of the land. The proposed dwellings will front on to this private access road and will stand side-on to Sutton Approach (adopted highway), presenting only a side elevation to the site frontage. The built development extends deep into the site and it is considered that the layout and orientation of the dwelling blocks are at odds with the prevailing building line and character of the area. Moreover, due to the number of dwellings proposed and the vehicular access requirements there is a high proportion of hard standing and built development to the detriment of the visual appearance of the site.
- 10.5 The orientation of the dwellings means that the rear elevations of plots 1-5 stand only around 2.3-6m from the southern boundary and face onto a 2m high security fence that demarcates the adjacent railway embankment. Such an example serves to illustrate the space constraints at the site. When seen in context to its surroundings the proposed layout is considered to be cramped and as the appeal Inspector previously observed *'the proposal would be highly visible from Sutton Approach which appears to be regularly used by walkers to access the footpath which runs to the south of the railway line providing access to the open space. The proposal will also be visible in views through gaps in between the houses on Collin Road and highly visible to users of the allotment gardens.'* Accordingly, whilst this resubmitted proposal involves fewer dwelling units than previous schemes the proposed layout, the orientation of dwellings and the associated areas of hardstanding are considered to be contrary to the consistent character previously identified and that due to the amount of development proposed results in cramped form of development detrimental to the appearance of the site.

### Impact on residential amenity:

- 10.6 The proposed residential development is clearly, in use terms, compatible with nearby residential properties. The application site lies beyond the rear garden boundaries of No.23 Sutton Approach & 2-10 Collin Road and it is considered that there is sufficient separation distance from the proposal to ensure that no undue overlooking, overshadowing or dominance impacts will arise for those neighbours. However, it is to be recognised that a development has the potential to not only impact on its surroundings and the occupants of houses adjacent to the site but through poor design fail to provide the future occupants of the development with a satisfactory standard of living accommodation in terms of outlook and usable private outdoor amenity space.
- 10.7 The City Council's residential design guide includes a schedule of minimum separation distances from window aspects to avoid issues of overlooking, overshadowing or overbearing. Typically, a living/dining room window requires a minimum distance of 10.5m to a property boundary. Proposed plots 1-5 have these primary aspect windows to the rear elevation and due to the layout will face onto the existing high security fencing from a distance of only 3.4 to 4.5m and onto third party land that they have no control over. Consequently, the outlook from the windows serving the habitable rooms to the rear elevation is considered inadequate.
- 10.8 The proposed dwellings will each have garden areas to the front and rear and the applicant has calculated the overall private external amenity provision on this basis. However, such an approach is not agreed and that the private outdoor amenity space should not include the open garden areas to the front or small incidental areas to the side. The usability of the private space provided must be taken into account, not just the quantity. Generally, the private amenity provision should be a minimum of 2/3 of the total gross floor area of the dwelling but the proposal falls well short. The application site lies within an estate where the provision of garden areas to serve residential properties is not only characteristic but also generous in terms of provision and it is therefore expected that adequate outdoor private amenity space is provided.
- 10.9 In addition to the provision of reasonable level of outdoor space there is also the need to ensure the internal accommodation being offered is adequate. On this issue the government recently introduced the optional national technical housing standards (March 2015) and these state the minimum quantum of accommodation for dwellings as well as room heights and sizes. However, the guidance which accompanies this document also makes it clear local authorities are only permitted to refer to the national standards through the introduction of an appropriate local plan policy. As specified in para. 8.9, the national space standards do not currently form part of the adopted development plan and thus little weight which can be given to it. The two bedroom house-types proposed fall short of the stated minimum internal floorspace at a range of 4.7% to 13.5% and given the concerns about the cramped form of development and the provision of substandard private amenity space and window outlooks these shortfalls further illustrate the constrained nature of the development but in themselves are not reasons to refuse the proposal.
- 10.10 Overall, this resubmitted proposal would result in a substandard level of accommodation for future occupiers by virtue of inadequate levels of outlook and insufficient private amenity space to the detriment of future occupier residential amenity.



### Highways implications:

- 10.11 The application site is located within an established residential area and future occupiers would have good access to the shopping and community facilities situated nearby as well as access to existing bus services.
- 10.12 The proposed development is served by a private access road off Sutton Approach that runs along the northern portion of the site offering access to individual in-curtilage parking bays and two visitor bays. Overall, it is considered that the proposal will provide an adequate level of off-street parking and is not considered to adversely impact on the operation of the highway or road safety.
- 10.13 The proposed dwellings have individual bin storage facilities with a collection point situated adjacent to the site's entrance to Sutton Approach. The proposed cycle storage facilities are generally sited in convenient locations for the intended users although the position of the facility serving the mid-terrace dwelling (plot 2) requires resolving and this issue could be dealt with by planning condition.

### Other matters:

- 10.14 In regard to the flood risk and drainage matters, it is recognised that the site lies upstream of the Dunhills estate where serious flooding problems associated with the Wykebeck watercourse have occurred. Consequently, severe restrictions to surface water discharges would need to be applied and appropriate planning conditions could be imposed to ensure the development does not add to downstream flood risk issues. The dwellings will not encroach the easement for the public sewer that crosses the site and is not considered impinge on this infrastructure.
- 10.15 In respect of land contamination matters, officers have reviewed the submitted phase 1 desk study report and are presently considering further information relating to potential contamination risk within the proposed garden areas and gas protection measures associated with the development. Nevertheless, it is considered that such details could be dealt with by planning condition.
- 10.16 Due to the close proximity of the proposal to the adjacent railway embankment safeguards would be necessary to ensure that the operational requirements of the railway are met and these could be appropriately dealt with by planning conditions.

## **11.0 CONCLUSION**

- 11.1 Whilst the principle of developing this site for dwellings is considered acceptable in this location however the amount of development proposed results in a range of conflicts that remain unresolved through this resubmitted scheme. Overall, it is considered that the proposal results in an overdevelopment of the site that fails to respect the local built character and is of detriment to its visual appearance as well as prejudicial to future occupier amenity. Accordingly, this proposal is recommended for refusal.

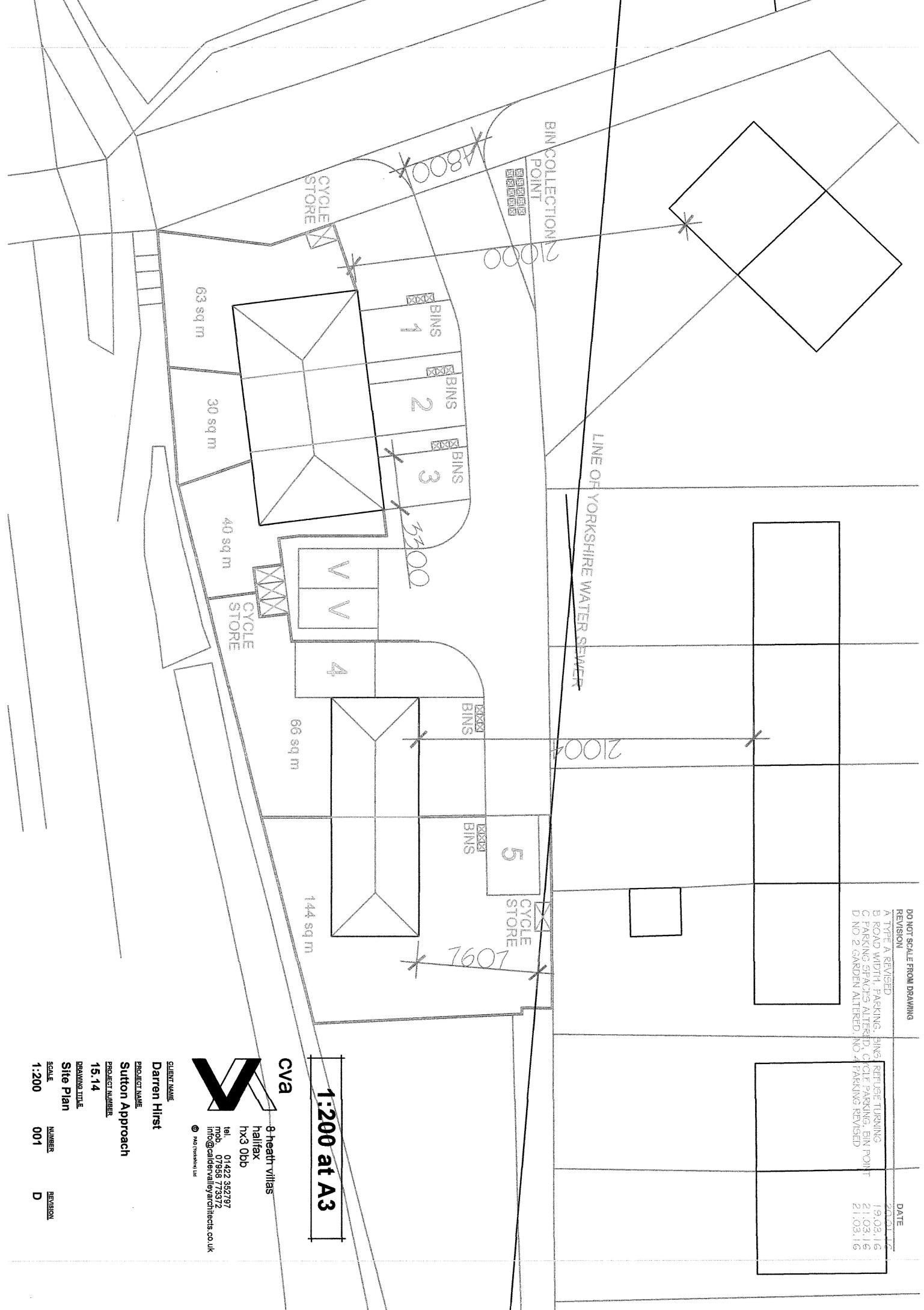
### **Background Papers:**

Application and history files.

Certificate of Ownership signed by the appointed planning agent on behalf of the applicant dated 15<sup>th</sup> January 2016.

DO NOT SCALE FROM DRAWING

REVISION	DATE
A TYPE A REVISED	20.01.17
B ROAD WIDTH PARKING, BINS	19.03.16
C PARKING SPACES ALTERED, CYCLE PARKING, BIN POINT	21.03.16
D NO 2 GARDEN ALTERED, NO 4 PARKING REVISED	21.03.16

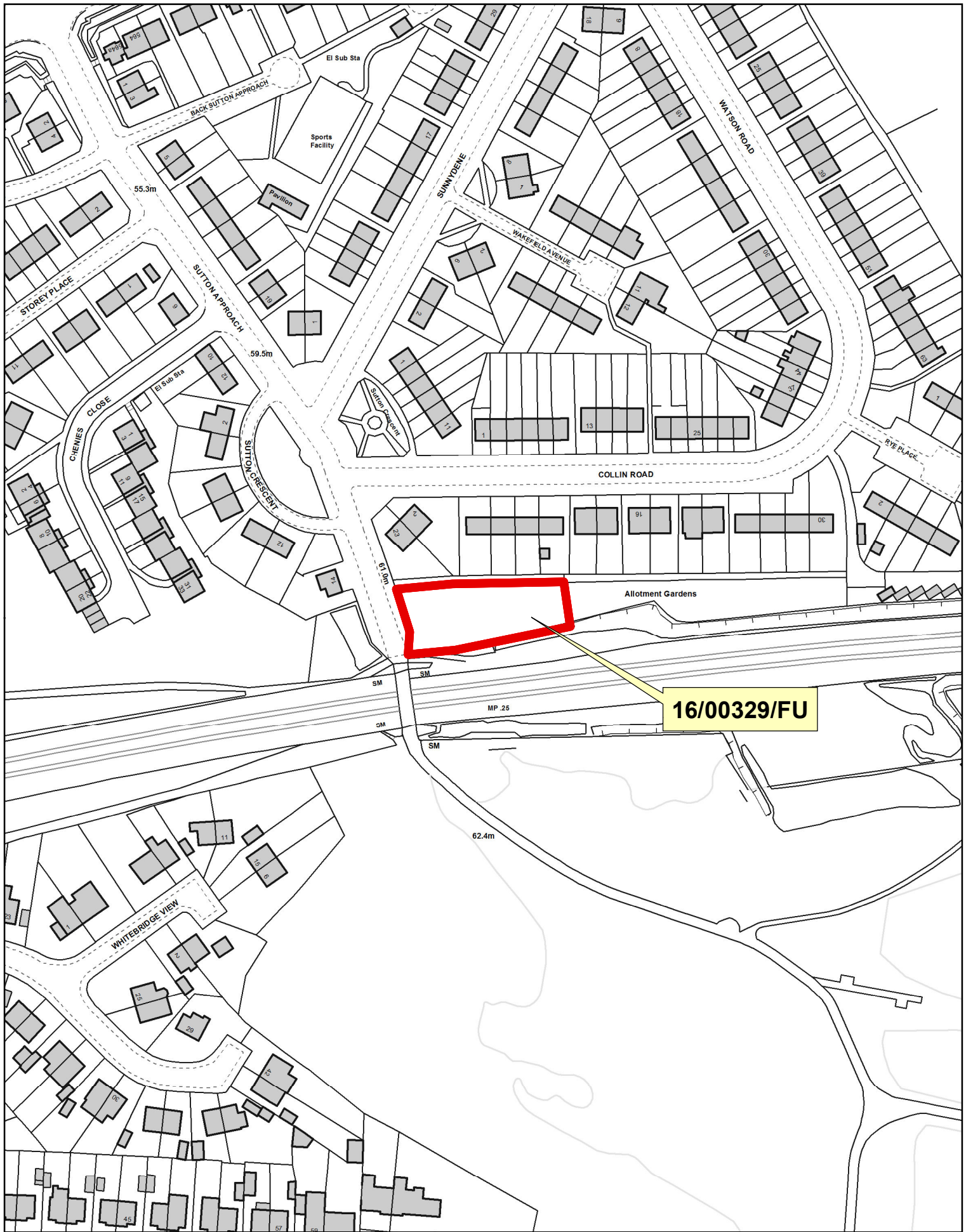


1:200 at A3

**CV/a**  
 8 health villas  
 halifax  
 hx3 0bb  
 tel. 01422 352797  
 mob. 07958 773372  
 info@caldervalleyarchitects.co.uk  
 Calder Valley Architects Ltd

CLIENT NAME  
**Darren Hirst**  
 PROJECT NAME  
**Sutton Approach**  
 PROJECT NUMBER  
**15.14**

DRAWING TITLE  
**Site Plan**  
 SCALE  
**1:200**  
 NUMBER  
**001**  
 REVISION  
**D**



# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

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

SCALE : 1/1500

