



## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 21<sup>st</sup> April 2016

Subject: 15/07679/FU – Demolition of existing house and erection of two houses at Eastergate, Elland Road, Churwell, Morley.

APPLICANT	DATE VALID	TARGET DATE
Mr Andrew Thompson	24.12.2015	18.03.2016

#### Electoral Wards Affected: Morley North

Y

Ward Members consulted  
referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION: Grant permission subject to the conditions specified below:

1. Full three year time limit.
2. Development in accordance with approved plans
3. Materials to be submitted and approved
4. Windows to side elevations to be obscure glazed
5. Internal sill heights of rear rooflights to be minimum 1.7 metres
6. Off-site highway works including provision of turning head and condition survey (repairs to road following construction).
7. Removal of permitted development rights for conversion of garages to each property.
8. Hard surfacing details to be submitted
9. Motorcycle/cycle parking to be provided
10. All surfaces to be hard surfaced drained and sealed
11. Submission of drainage scheme
12. Infiltration drainage feasibility scheme
13. Construction management plan (including Hours of construction and control of noise nuisance during construction)
14. Phase 2 site investigation to be submitted
15. Amended remediation statement.
16. Submission of verification reports.

## 17.Retention and protection of existing trees

### **1.0 INTRODUCTION:**

- 1.1 The application is for the demolition of an existing house and erection of two new houses. The application is being determined by Plans Panels at the request of Ward Member Councillor Robert Finnigan citing highway safety and overdevelopment as the reason for referral.

### **2.0 PROPOSAL:**

- 2.1 The proposal is for a residential development of 2 dwelling houses with integral garages and off street parking. Each property will have five bedrooms to the first floor, and a further two rooms located in the attic space, served by velux roof lights and a gable end window. The proposed houses feature a square bay to ground floor living room, a small extension at the rear ground floor, and chimney breast to one side.
- 2.2 The properties face directly onto the access lane and are brought forward of the existing property to create larger private rear gardens and the proposal is more in line with the neighbouring property than the existing property.
- 2.3 The properties are proposed to be built from red brick with slate tiles and each property provides at least two off street parking spaces.

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

- 3.1 The site lies to the East of Elland Road. The site is accessed up a private drive that is surfaced and kerbed with footpaths up to the access to the vacant church car park and the doctors' surgery. Beyond this, the road serves three residential properties including the application property.
- 3.2 The existing property is a dormer bungalow that sits towards the North East corner of the site. The house is bordered by various types of hedging around the property and by large trees to the front which are to be retained as part of the application.
- 3.3 Land to the south, in front of the site, is open fields but there are residential properties to all other sides. Open land to the South of the site is allocated as Protected area of Search (Saved Policy N34 of the Leeds UDP).

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

- 4.1 There is no previous planning history for the site.

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

- 5.1 There were no pre-application discussions concerning this proposal.

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

- 6.1 The application was advertised by site notice on 12<sup>th</sup> February 2016 and neighbour notification letters on 26<sup>th</sup> January 2016. To date 5 letters of objection have been received from this consultation from three separate addresses. The issues raised are as follows and are dealt with in the appraisal below:

Residents of the Hawthorns (neighbouring bungalow to the West)

- i) The replacement of one property with two would spoil the outlook of the area.
- ii) The properties take up most of the existing garden.
- iii) Due to the size of the properties, it would deny light and would overshadow and overlook our bungalow.
- iv) The access road is un-adopted and serves six residences with the possibility of a further property should the church be brought back into use and is therefore not appropriate to build large family homes in this location.

Residents of Orchard Lea (Property to the rear of the application site to the North East)

- v) If the development is permitted, views would be extremely limited and it would deny light and would overshadow and overlook our property.
- vi) It will harm the character and the appearance of the surrounding area.
- vii) The proposal will have a detrimental effect on the value of our property.

Residents of Parhelion (Property to the rear of the application site to the North West)

- viii) The access road is un-adopted and serves six residences with the possibility of a further property should the church be brought back into use.
- ix) There have been 7 previous planning approvals that have already affected our lives and privacy (*not on the application site but listed within the objection*).
- x) There will be a loss of light and privacy and the proposal will overlook and overshadow our home.
- xi) The proposal will bring an increase in noise and disturbance.
- xii) There will be an increase to the amount of traffic in the area.
- xiii) The properties will change the character and appearance of the surrounding area.

6.2 Local Ward Councillor Robert Finnigan has made comment raising the following issues and these are discussed in the report below.

- i) The proposal would raise issues of highway safety.
- ii) The proposal is overdevelopment.

## **7 CONSULTATION RESPONSES:**

### **Statutory**

7.1 None.

### **Non-Statutory**

7.2 Sustainability (Design) – No objections.

7.3 Contaminated Land team – No objection subject to conditions.

7.4 Highways – No objection subject to conditions.

7.5 Drainage – No objections subject to conditions.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

8.1 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.2 The site is unallocated in the Development Plan.

#### **Relevant Policies from the Core Strategy are:**

- SP1 – Location of development in main urban areas on previously developed land.

- P10 – High quality design
- P12 – Good landscaping
- T2 – Accessibility
- H2 – Housing proposals on unallocated sites
- H3 – Minimum housing densities
- G8 – Biodiversity improvements
- EN5 – Managing flood risk

**Relevant Saved Policies from the UDP are:**

- GP5 – General planning considerations
- N25 – Landscaping
- BD5 – General amenity issues.
- LD1 – Landscaping

**Relevant DPD Policies are:**

- GENERAL POLICY1 – Presumption in favour of sustainable development.
- WATER1 – Water efficiency, including incorporation of sustainable drainage
- WATER7 – No increase in surface water run-off, incorporate SUDs.
- LAND1 – Land contamination to be dealt with.
- LAND2 – Development should conserve trees and introduce new tree planting.

Supplementary Planning Documents

- Street Design Guide
- Neighbourhoods for Living
- Parking

National Planning Policy

- 8.3 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> 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.
- 8.4 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.

## 9.0 MAIN ISSUES:

1. The principle of development.
2. Design and character.
3. Access and highway safety considerations
4. Residential Amenity and housing standards
5. Representations

## 10.0 APPRAISAL:

### The principle of development.

- 10.1 The application site comprises part brownfield and part greenfield land but it is unallocated within the Leeds Development Plan. The Spatial Policies of the Core Strategy acknowledge the contribution of small and unidentified sites towards the delivery of the City's housing requirement over the plan period. They also present the principles against which such sites should be considered with an emphasis on a sustainable location within the Main Urban Area, Major Settlements or Smaller Settlements (as in this case), with access to local facilities and also, a preference for brownfield sites as well as sites that respect and enhance the local character and identity of places and neighbourhoods and have the least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation.
- 10.2 Within the balance of this application, it is acknowledged that the development of this site for residential purposes would make a very small contribution to housing delivery; it is within a major settlement and it is considered to be in a sustainable location with suitable access to local services (considered below). The site does partially meet the preference for brownfield development (the previous house part of the site) and whilst both Spatial Policy 6 and the NPPF identify a preference for brownfield development, this is not to the exclusion of Greenfield sites (the garden area) such that the application could not be refused for this reason.
- 10.3 With regard to Housing Policies within the Core Strategy, Policy H2 refers to new housing development on unallocated sites and advises that new housing development on such sites will be acceptable in principle providing that it does not exceed the capacity of transport/education/health infrastructure. Given that the scale of this application will be no greater than one additional dwelling it is not considered that such a small development would exceed the capacity of transport/education/health infrastructure such that it is not considered contrary to Policy H2 of the Core Strategy.
- 10.4 Policy H3 of the Core Strategy relates to density and advises that in smaller settlements a minimum density of 30 dwellings per hectare should be achieved unless there are overriding concerns concerning townscape, character, design or highways. This application will deliver an approximate density of 14 dwellings per hectare, which is well below the minimum standard set out in Policy H3. However, for the reasons established further in the report below, it is considered that there are overriding character issues in this locality, given the spacious nature of neighbouring properties, the site being surrounded by existing housing that inflicts constraints on the site and the fact that a large turning head to allow large vehicles (bin wagons etc.) that would warrant a lower density, such that a minimum 30 dwellings per hectare would be unlikely to be acceptable in this location. Indeed, the thrust of some of the representations is that the development is too much for the site and that a less intense

proposal should be presented. Accordingly, the proposal is not considered contrary to Policy H3 in this case.

- 10.5 Overall, whilst this is a mixed brownfield/greenfield site and there is a preference for brownfield development within both the Core Strategy and the NPPF, this is not to the exclusion of Greenfield sites such that there is no objection in principle to bringing forward the application site for residential development and it is not considered contrary to either Spatial Policies 1 and 6 of the Core Strategy or Policies H2 and H3.

#### Design and character

- 10.6 The proposal sits on a large site which appears capable of comfortably accommodating two properties complying with the space about dwelling guidelines and garden size areas as set out in the Neighbourhoods for Living SPG. This is demonstrated by the proposed layout which does not appear contrived but follows the established pattern of development.
- 10.7 The head of the access road is flanked by two imposing buildings; Shenstone House Surgery and All Saints Church, the bungalow on the existing site and the adjacent bungalow are the exception rather than rule in the case of scale and massing. Orchard Lea at the head of the access road is itself a large two storey building and the development to the East accessed off Harwill Croft are also two storey properties. The proposed dwellings are sited such that they respond better to the building line set up by the large adjacent bungalow and doctor's surgery; this allows a distance between the dwellings and Orchard Lea of almost 28m which exceeds the NFL guidelines by almost 8m.
- 10.8 The dwellings have taken design cues from All Saints Church with the introduction of tabled verges and the use of slate as a roofing material; rather than taking cues from the Doctor's surgery which when applied to a new building might appear as a pastiche.
- 10.9 The proposal is also looking at improving the access arrangements which appears to benefit both Hawthorn (the adjacent bungalow) and Orchard Lea the two storey house at the head of the access road, because it includes a turning head for vehicles. It is therefore considered that the site proposes a scheme that is be acceptable in terms of design and character.

#### Access and highway safety considerations

- 10.10 The scheme as submitted has been amended to bring the red edge around the whole of the access road up to the adoptable road. The scheme has adequate parking provision for both properties and the proposal introduces a turning head that is of sufficient size to allow for the turning of refuse vehicles or similar removing the need for vehicles of this size to access and leave the private road in a forward gear rather than the current arrangement of having to reverse back down to the main Elland Road. Currently there are three residential properties served by this access along with the doctors' surgery and the church car park which are both served off the kerbed metaled part of the road. As a result, it is now considered that there is no significant harm to the free and safe use of the highway and the proposal is acceptable in terms of highway considerations and introduces a positive benefit through the setting out of the turning head.

## Residential Amenity.

- 10.11 The site is located near to surrounding residential developments and as such it is necessary to consider that impact of the proposal in terms of residential amenity on that existing development.
- 10.12 To the North, there is an existing two storey property (Orchard Lea) that sits behind the proposal site. The house frontage is located approximately 14 metres from the boundary of the rear of the application site and the new property that sits in front of it is located a further 13.5 metres further forward giving a total distance between the existing property and the new of 27.5 metres. Guidance in Neighbourhoods For Living gives a minimum distance of 21 metres from main window to main window and therefore the location of the property in regard to these distances are substantially bigger than those required and as such more than acceptable in this regard. To the West there is a bungalow (The Hawthorns) that will sit side adjacent to a the side gable, with the side gable of the bungalow sitting 11 metres from the party boundary with the application site the proposal will not significantly harm the residential amenity of those neighbours either from overlooking, overdominance or by overshadowing.
- 10.13 Finally, the property to the North West that shares a party boundary with the application site, Parhelion, is actually located a considerable distance from the application property with a rear garden length of approximately 50 metres) and so any impact of this development will be to the end of this large garden only. However, as with the property at Orchard Lea the new properties are located 12 metres from the boundary in excess of the guidance distances given in Neighbourhoods For Living and should therefore not afford any overlooking to the properties to the rear. Comment has been made with regard to the three storey nature of the properties. There are indeed rooms within the roof space and these have roof lights to serve as windows. Given the location and height of these windows, it is considered worthy of including a condition to ensure the minimum internal sill height is above 1.7 metres so that any overlooking from these high windows is avoided. Additionally, windows to the side elevations shall be obscure glazed to avoid any overlooking issues.
- 10.14 The DCLG Technical Housing Standards 2015 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.
- 10.15 The proposal utilises the same house-type for both properties, both three storey in height and offering a total of 4 bedspaces. The housing standards require such a property type to provide 130sqm of gross internal floorspace. It is calculated that the proposed dwellings have a floorspace of 275 sqm each, therefore significantly exceeding the minimum amounts suggested and as such would comfortably comply with the National Housing Standards.

## Trees

10.16 There are mature trees set on the front boundary of the property that, whilst not protected, form a strong part of the character of the area. It would be hugely beneficial for their retention given that they are set well forward of the proposed dwellings and are set well to the sides of the proposed access and it is for this reason that conditions will be added to afford protection to these trees during construction.

## Representations

10.15 There have been five representations to this scheme from three members of the public and a Ward Members raising two issues. Most are dealt with in the points above but others are addressed as follows. Matters of house values at not material considerations for planning applications, the planning history of other properties is not relevant to the determination of this application which is determined on its own merits. Finally, whilst there will inevitably be some noise and disturbance during construction, it is not clear why the two new properties should create any undue noise over and above that that already exists.

## **11.0 CONCLUSION:**

11.1 On balance, it is considered that, subject to appropriate conditions as discussed above, the proposal is acceptable given that the principle of residential development is considered to be acceptable on a site situated in a sustainable location. The layout and scale of the proposal is appropriate in regard to its surroundings, it raises no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it is recommended that the application be approved.

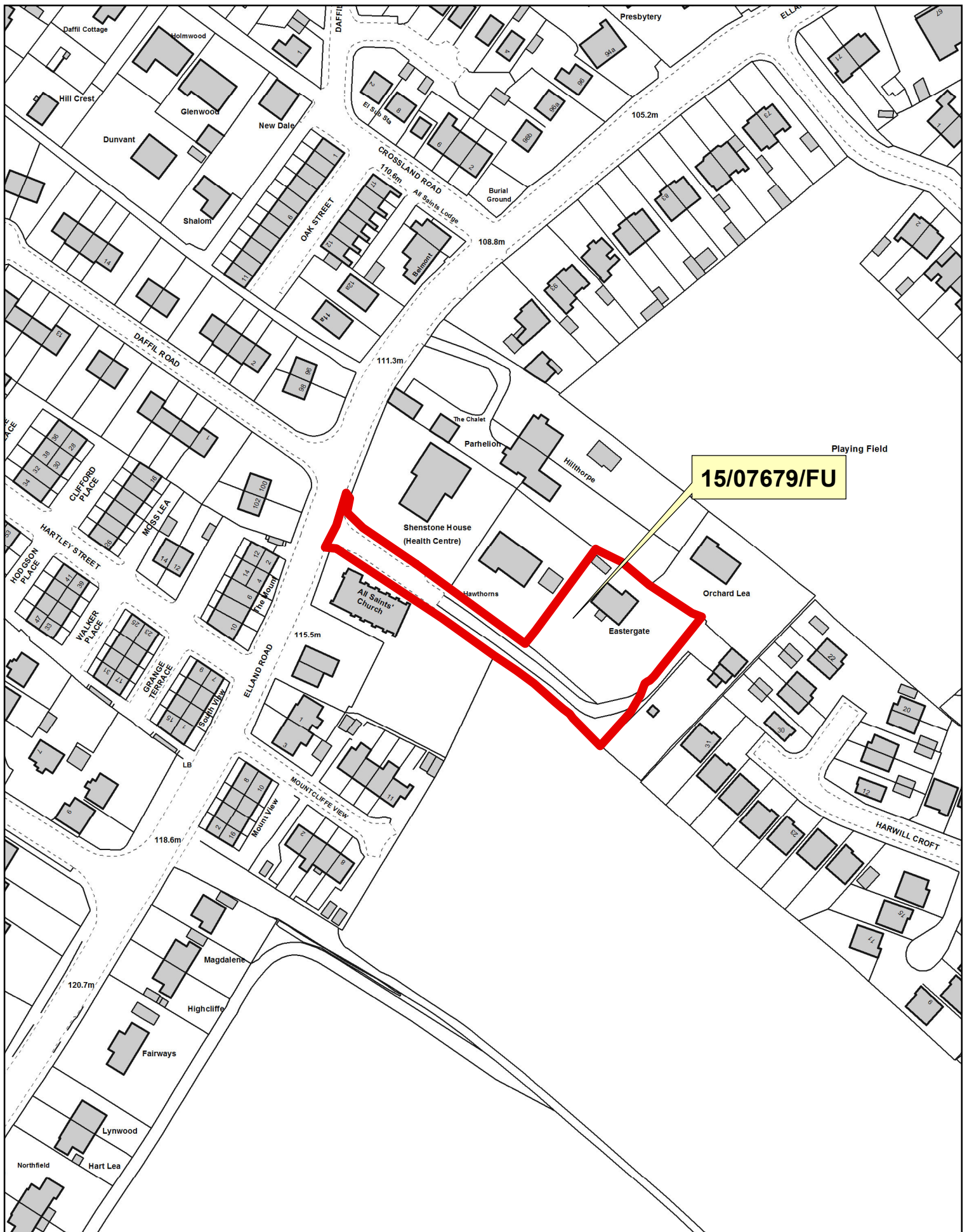
### **Background Papers:**

Application files 15/07879/FU

### **Certificate of ownership:**

Certificate A signed by owner





15/07679/FU

# SOUTH AND WEST PLANS PANEL

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