



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 04th August 2016

Subject: Application 15/06942/FU – Dwelling to vacant land, Land Adjacent to Beckfield, Station Lane, Thorner, Leeds, LS14 3JF

APPLICANT

Mr Gordon Peter Ford

DATE VALID

03.12.15

TARGET DATE

05.08.16 (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: GRANT PERMISSION subject to the specified conditions:

1. Standard time.
2. Plans to be approved.
3. Laying out and retention of parking area.
4. Maximum driveway gradient.
5. Highway condition survey.
6. External materials, surfaces and finishes to be agreed (including stone sample panel and roof slate sample).
7. Details of windows and doors (including depth of reveals).
8. Works to be outside bird nesting season unless inspected by ecologists and the LPA notified.
9. Boundary treatment to be agreed and retained.
10. Landscaping scheme and implementation of landscaping scheme.
11. Tree protection measures during construction and preservation of retained trees/hedges.
12. Biodiversity enhancement features (bird and bat roost features).
13. Infiltration drainage study.
14. Removal of permitted development rights (extensions, roof extensions, curtilage structures and means of enclosure).
15. Physical investigation on site prior to construction.
16. Contaminated land conditions (Phase II survey and verification reports).

17. Japanese Knotweed remediation scheme.

1.0 INTRODUCTION

- 1.1 The application proposes the construction of a detached single storey dwelling on an infill site in Thorner. The application is reported to the North and East Plans Panel at the request of Ward Councillor Rachael Procter, due to the Green Belt location of the site and impact of the dwelling, concern over retaining the existing building line, appropriate building design and appropriate boundary treatment.
- 1.2 The site is on land washed over by the Green Belt but which is clearly part of the Village of Thorner. New buildings are inappropriate development in the Green Belt, as set out in the policies under Section 9 of the National Planning Policy Framework (NPPF) and saved 2006 Leeds Unitary Development Plan Review 2006 (URDPR) policy N33, except for a closed list of exceptions which includes infilling within villages.
- 1.3 There is however a good body of evidence of previous planning approvals for a dwelling on the site, one of which remains extant. The building proposed is broadly similar in height, spread and volume so would have as similar impact on openness. These considerations are considered to comprise the necessary very special circumstances required to justify approval of a new dwelling in the Green Belt at this location and conditional approval of the application is therefore recommended.

2.0 PROPOSAL:

- 2.1 The application proposes a single storey, 3 bedroom detached dwelling with integral garage that is 'T' shaped in plan form. The dwelling would have a gable to the right hand side of the front elevation and the left hand side of the rear elevation. The axis of the main ridge would run in line with the existing dwellings either side (Beckfield to the north and Stonybeck to the south). The dwelling would measure 5.54m to the ridge and 2.65m to the underside of the eaves. The frontage of the dwelling measures 24.3m in length, and for the main body of the dwelling 9.3m in width, with the transverse gabled element measuring 13.3m in width and 9.3m in length. The dwelling would be finished in natural stone with a grey slated roof, hardwood windows and vertically boarded oak doors. An external chimney is proposed to the south east elevation to serve the lounge.
- 2.2 The application is accompanied by the following information and supporting documents:
- Site, layout and elevation plans
 - Statutory declaration
 - Evidence of historic approvals
 - Photographic evidence of foundations
 - Design and access statement
 - Phase 1 desk study
 - Tree survey and arboricultural report
 - CIL Self build exemption form

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located off Station Lane, Thorner which is a cul de sac and which was previously occupied by Thorner & Scarcroft Railway Station buildings and line, which have long since been demolished following closure. The site forms a vacant plot

between the existing dwellings of Beckfield to the north and Stonybeck to the south, both detached single storey dwellings. One is of stone (Stonybeck) whereas one is of brick (Beckfield). Beyond Stonybeck to the north is the Beechings, a two storey detached dwelling in brick and render finishes. The land to the west, on the opposite side of Thorner Lane behind a mature hedgerow, is in agricultural use. Beyond a line of trees to the eastern boundary of the application site is further agricultural land. The frontage of the site with Station Lane is currently open. Along Station Lane on the eastern side the frontages of existing dwellings are defined by a mix of low rendered brick walls, low brick walls and beech or coniferous hedging.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 PREAPP/15/00684 and PREAPP/13/00669 Advised evidence of planning permissions/implementation would need to be submitted to support a proposal for a dwelling given the location within the Green Belt.
- 4.2 H33/260/91 Outline planning permission for detached bungalow and garage to vacant site. Approved 29th October 1991.
- 4.3 H31/132/82 Four bedroom detached bungalow with integral double garage to plot 3. Approved 08th June 1982.
- 4.4 11114/WE/4697/J Planning permission and Building Regulations application for the erection of a bungalow and garage on plot 3 Station Road, Thorner. Approved 01st March 1972 (Permission granted by the former Wetherby Rural District Council).
- 4.5 11114/WE/4697/B Planning permission for 3 bungalows in outline at Railway Station, Thorner. Approved 08th August 1968 (Permission granted by the former Wetherby Rural District Council).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following initial submission there have been extensive negotiations to: a) trace the planning history of the site to evidence a fall back position and history of approval for a dwelling on plot 3; b) to address Ward Councillor concerns over the need to maintain the building line and secure an acceptable scale and design of dwelling, and; c) in relation to the need for arboricultural survey work and assessment with regard to trees within the site.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site and press notices and neighbours notified in writing. In response to these initial notifications five letters of objection and one letter of representation were received. Objections raised therein can be summarised as follows:
 - Whilst not objecting to the application, the boundary with Beckfield is incorrect from our deeds [now corrected with amended plans].
 - Knotweed has invaded the site and become well established and has been noticed on the land for at least 15 years. Whilst this has been treated previously there is evidence that it has not been eradicated and therefore before development takes place the land should be eradicated of the problem and certified free of infestation, otherwise adjacent properties would be put at risk.

- The plans [originally submitted plans] detail a large property that deviates from the building line between Beckfield and Stoneybeck and Bridge House and there is concern over the large number of side windows facing Stoneybeck, and the building to plot ratio is too high and not in keeping with the character of the area. It should be restricted to the 1970s approval.
- The proposed dwelling [originally submitted plans] is too large, greater than the area of the 1980s approval, and would be harmful to the openness of the Green Belt and the character of the area.
- The proposed dwelling would be harmful to neighbouring daylighting levels, residential privacy and amenity.

6.2 Ward Councillor Rachael Procter has been briefed on the proposals and has requested that the application be considered at Plans Panel because of the Green Belt location of the site and impact of a new dwelling, and the need to respect the existing building line and for appropriate boundary treatment to the front of the site which should be planted.

6.3 Thorner Parish Council has responded to notification of the application to advise that it neither objects nor supports the proposal, but that Japanese knotweed has been observed on the site and this should be dealt with by professionals, and seeking confirmation that the building line is consistent with the adjacent property.

6.4 Following the receipt of final internal layout and amended elevations, reflecting the reduced size of dwelling, a reconsultation exercise has been carried out. Any further comments received not already considered below will be reported at the meeting.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 None

Non-statutory:

7.2 LCC Highways: No objections subject to conditions, the site already has the benefit of a dropped footway crossing that would be suitable to provide access to a detached dwelling.

7.3 LCC Flood Risk Management: No objections. The applicant should investigate the potential for infiltration drainage solutions.

7.4 LCC Contaminated Land: Phase II study required and remediation/verification as required.

7.5 LCC Nature Conservation: No objections subject to biodiversity enhancement (bat roost and bird nesting features), and a requirement not to undertake works during the bird nesting season unless inspected by an ecologist and confirmed free of nesting birds.

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

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 |

Relevant Supplementary Planning Guidance:

- 8.4 Natural Resources and Waste Local Plan (adopted).
Neighbourhoods for Living SPD (adopted).
Parking SPD (adopted).
Thorner Village Design Statement SPD (adopted).

National planning policy guidance:

- 8.5 The National Planning Policy Framework was published on 27th 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

Decision-taking
Annex 1 Implementation

9.0 MAIN ISSUES:

- Green Belt and Principle

- Siting and Design
- Privacy and Amenity
- Highways
- Biodiversity
- Community Infrastructure Levy

10.0 APPRAISAL:

Green Belt and Principle

10.1 Paragraph 90 of the NPPF 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.*

10.2 The NPPF 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 any 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).

10.3 In support of the proposals for a bungalow a fall-back position is claimed. The applicant has supplied evidence in the form of a statutory declaration which states that the owners partially implemented the 1972 approval. Photographic evidence has been submitted which shows the foundations and the footway crossing required by condition 2 of the 1972 permission is evident on the ground. This all provides a sound basis on which to conclude, on the balance of probability, that the 1972 permission is valid. The cubic content of the 1972 permission and the 1980s permission cannot be determined with precision because plans are difficult to obtain for the 1970s approval and those for the 1980s permission cannot accurately be scaled. It is clear however that permitted development rights were not removed from either approval. However following the receipt of amended plans reducing the footprint of the dwelling, it remains broadly speaking of a similar scale to the 1972 permission yet smaller than the 1980s permission and it remains of single storey construction.

10.4 From the above there is an extant permission and a history of approval. There being a fall back permission and a likelihood of it being implemented were this application to fail, the proposal being broadly similar in terms of footprint, scale and spread, it would be difficult to demonstrate any undue harm to openness as a result of approval of this application. Neither permission granted previously removed permitted development rights, so were the fall back dwelling to be built it would enjoy full permitted development rights, whereas in this case the Council would be entitled to remove permitted development rights (for extensions, roof alterations and curtilage structures), as is recommended above, in order to enable future alterations to be managed so that they respect the Green Belt location and protect openness in accordance with policy requirements). It could also be viewed as a small infill site within a village, in terms of the NPPF this is one exception, and this is also referred to under UDPR policy GB2. That said it could equally be taken to be that the proposal would consolidate a ribbon of development (contrary to the relevant exemption in the

NPPF). However, taking the above considerations together and giving significant weight to the fall back position, it is considered that the necessary very special circumstances have been demonstrated to justify approval of the application in principle.

Siting and design

- 10.5 The siting of the dwelling initially raised concern from the Parish Council, neighbours and Ward Councillor. Taking on board these concerns the applicant was asked to set the building further back to better respect the established building line and spatial character. Initially the dwelling was sited to follow the front projecting garage of Stoneybeck, whereas now as amended it more closely follows the front elevations of the dwelling either site. Following a tree report to consider the impact on trees to the eastern boundary of the site which have clearly matured since the 1970s approval, it has been necessary to move the building slightly further west by some 1.5m in order to reduce the impact on them. On balance this is not unreasonable and the siting proposed would thereby meet policy in relation to spatial character and tree retention and protection.
- 10.6 The proposed dwelling is of simple 'T' shaped plan form creating a transvers gable to the front and rear elevations not dissimilar to adjacent bungalows. The dwelling would contain an integral garage and it would display a chimney to the southern gable. The building would be clad in natural stone in a similar manner to Stoneybeck to the south and would be roofed in a grey roofing slate. It is considered that the design responds to its context sufficiently well so as to be policy compliant in these regards.

Privacy and Amenity

- 10.7 Saved policy GP5 notes that extensions should protect amenity whereas policy BD5 notes that "*all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight*". Criterion (iii) of Core Strategy Policy P10 Design also seeks to protect residential amenity.
- 10.8 In terms of the impact on the privacy and amenity and daylighting of neighbouring dwellings the extant permission and the subsequent approval in the 1980s would have both resulted in a broadly similar impact. Two doorways are proposed to the northwest elevation and a set of folding doors to the southeast elevation. Neither would pose any undue harm to neighbouring privacy, subject to conditions to require the provision and retention of boundary treatment.
- 10.9 Whilst the dwelling would be to the south of Beckfield, it was designed to have an east west main aspect, in recognition of the approval of a dwelling on plot 3 to the south of it. A mature hedge is evident on the boundary of Beckfield and precise details of new boundary treatment to plot 3 can be required and secured by condition. Taking these factors into account there would be no undue loss of daylighting or privacy for the occupants of Beckfield. Being of single storey construction the proposed dwelling will not be overbearing on any neighbour, the roof adjacent to Stoneybeck rakes away from it, and being to the north of Stoneybeck the proposed dwelling would not unduly harm daylighting levels enjoyed by existing windows on the northwest elevation of it. The proposed curtilage would provide in excess of policy requirements for outdoor amenity space for future occupants and the proposal is therefore policy compliant in the above regards.

Highways

- 10.10 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”. Sufficient parking is proposed to meet the off street parking needs for a single dwelling. There is an extant approval for a single dwelling and the footway crossing has already been formed. As a single dwelling only is proposed, subject to conditions in relation to prior formation of parking areas and to set maximum driveway gradient, and to require a pre and post completion highway survey, there are no highway objections as the proposal would not harm highway safety and is policy compliant.

Biodiversity

- 10.11 Core Strategy policy G9 and the NPPF 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 site is within the Bat Alert layer, and Nature Conservation comments that the development should provide for the enhancement of existing habitats and provide new opportunities. A condition is therefore recommended in accordance with these policies to secure bat roost and bird nesting opportunities within the site. A condition is also recommended to ensure works take place outside the bird nesting season, unless an ecologist has certified beforehand and notified the Council that no nesting birds are present.

Community Infrastructure Levy

- 10.12 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The development is CIL liable, however a self build exemption claim has been received. This information is provided for Members information only.

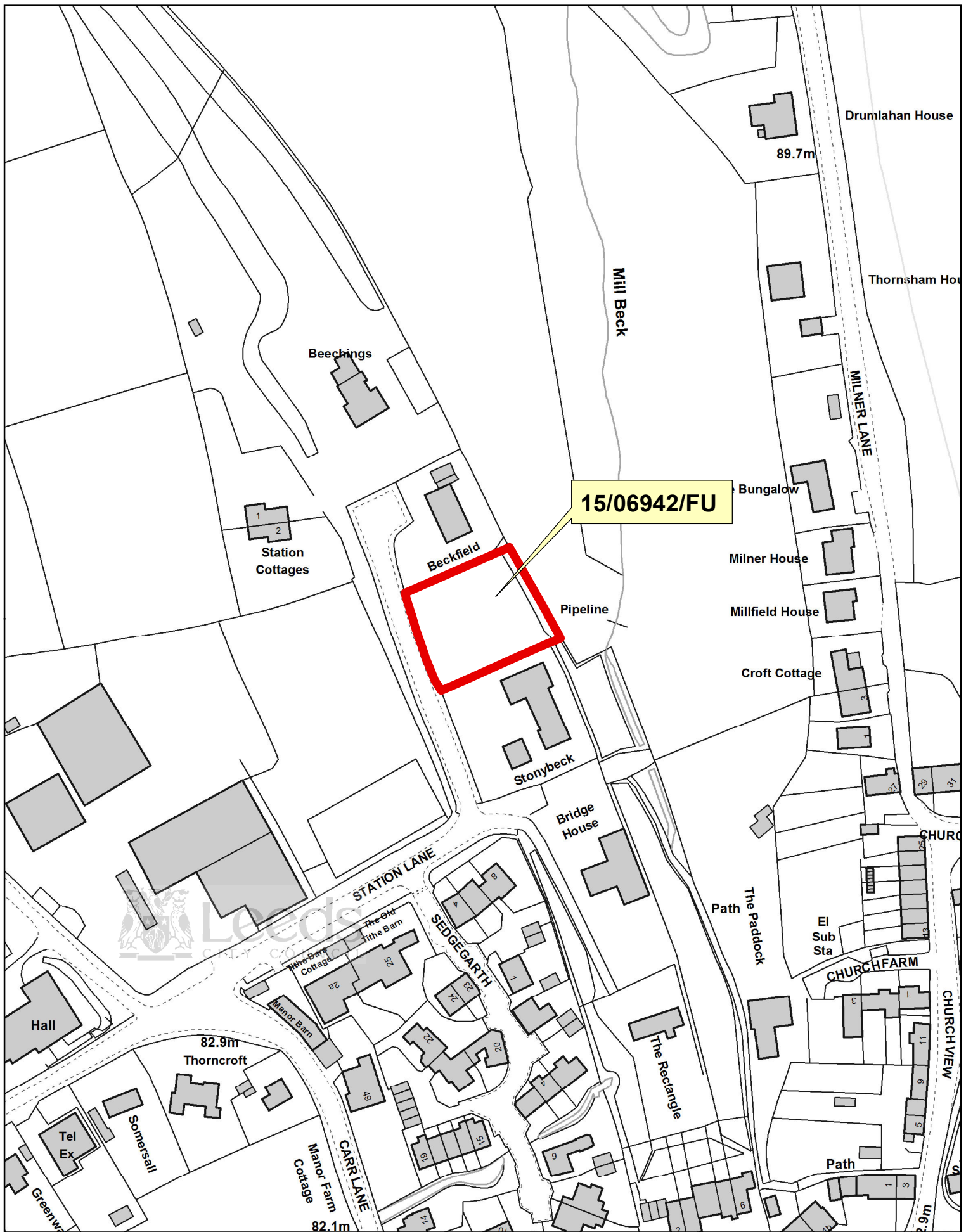
11.0 CONCLUSION

- 11.1 Subject to consideration of any further representations received prior to the meeting which raise new concerns not already considered above, the application is now supported by sufficient evidence of a realistic fall back position. Amended plans have reduce the footprint of the building to a scale that is in now keeping with the history of approval of dwellings on the site, and addresses concern over the building line by setting the building further back within the plot without causing undue harm to existing mature trees. Following the receipt of amended plans the proposal is now broadly similar in terms of spread, height and scale to the fall back position to which significant weight can therefore now be given. The fall back position and history of approval are considered to comprise other considerations which comprise the necessary very special circumstances in order to justify approval of the application and it is therefore recommended for approval.

Background files:

Application case files 15/06942/FU

Certificate of Ownership – Certificate B completed – Family of Mr E Bulmer notified.



NORTH AND EAST PLANS PANEL

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