
Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 1 September 2016

Subject: APPLICATION 16/01527/FU – Application for demolition of bungalow and the erection of a block of four, two bedroom flats at No.5 Crescent Gardens, Alwoodley, LS17 8DR.

APPLICANT

Mr M Glynn

DATE VALID

17 March 2016

TARGET DATE

12 May 2016

Electoral Wards Affected:

Alwoodley

☐ 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 following conditions

1. Time limit
2. Development to accord with approved plans
3. Samples external materials including the bin store
4. Landscaping scheme and implementation programme
5. Opaque glazing to side elevation windows
6. Closure of redundant access
7. Maximum access gradient
8. Area to be used by vehicles to be laid out
9. Management Plan for contractors
10. Pre-commencement; a feasibility study into the use of infiltration drainage methods to be submitted to, and approved by the LPA.
11. Pre-commencement; details of a scheme to deal with surface water.
12. Standard contamination conditions.
13. Details of boundary treatments

1.0 INTRODUCTION

- 1.1 This application seeks permission to demolish the existing dwelling that occupies the site and to construct a two storey block of four flats.

- 1.2 The application is brought to Panel at the request of Councillor Cohen as it is his view that the proposal would be harmful to the character and appearance of Crescent Gardens and that the increased quantum of residential units would have a detrimental effect on highway safety and decrease accessibility for emergency vehicles. Moreover, Cllr Cohen also raises matters of over-development and inadequate parking provision.

2.0 PROPOSAL

- 2.1 The proposed two storey block of apartments would comprise of 4 x 2 bedroom units; two to the ground floor and the remaining two at first floor. Each unit would have open plan dining, kitchen and living areas. In addition, each unit has a house bathroom and an en-suite. Externally 8 parking spaces are provided to the front and amenity space to the rear.
- 2.2 The building would be set approximately 12.0m into the site from Crescent Gardens. The proposed apartment block would be constructed of brick and render under a grey slate tiled roof. The building would have a central feature to the front that has a minimal projection. In terms of overall dimensions, the proposed building would measure 14.8m wide by 11.7m deep with an eaves and ridge height of 5.1m and 8.0m respectively.
- 2.3 The vehicular and pedestrian entrance into the site from Crescent Gardens would be repositioned centrally to the site frontage. The pedestrian entrance into the building would be to the ground floor front elevation into an entrance lobby; all apartments will be accessible from the lobby.
- 2.4 The rear garden area would provide the main communal amenity space to the apartments. No landscaping plan has been submitted as part of this application however the plans show the removal of one tree to the front (T1) with the two at the rear to be retained (T2 and T3). A 1.8m high acoustic fence is shown to be erected along the rear elevation but behind existing planting to avoid a stark element when viewed from Harrogate Road which sits at lower ground level.
- 2.5 Proposed approximate dimensions:
Width – 14.8m
Depth – 11.7m
Eaves – 5.1m
Ridge – 8.0m

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is located on Crescent Gardens, east of Harrogate Road and is characterised in the main by early 20th Century properties with two properties that are much more recent. The dwellings are set back from the highway behind low level stone or brick walls, railings and established planting. Tree coverage in union with the street grass verges and boundary planting present an attractive street of detached and semi-detached dwellings with good levels of spacing and with some variance in scale, form, materials and design.
- 3.2 Whilst off a main arterial route the character of the area is residential where properties appear domestic in scale and are set within relatively generous plots. Properties have soft landscaping to their fronts with areas of hard- standing to facilitate off-street parking. In close proximity to Crescent Gardens is a shopping

parade as well as a public house. Harrogate Road is a wide and busy arterial route to and from Leeds City Centre with good public transport links. The area is in the main urban area and is regarded as a sustainable location.

3.3 The application site comprises a detached hipped roofed bungalow with a box dormer to the rear. The building dates from circa 1920's and is constructed in red brick and render under a tiled roof. To the front is a garden with a punctuation within the front boundary wall allowing access into the sites driveway that leads to a detached garage. The front garden is shrubs with one small tree that whilst attractive is ornamental rather than being a significant amenity feature. To the rear is the private garden area bounded by mature and established hedging with two trees; one to the rear boundary and the other to the eastern boundary.

3.4 The application property is flanked by two storey detached properties of varying style, size and period with spacing between. The property to the north (right hand side when viewed from Crescent Gardens), is set at lower ground level whilst that to the South (left hand side) is set higher. To the west (rear) is Harrogate Road which is set at much lower ground level.

4.0 RELEVANT PLANNING HISTORY

4.1 H30/1115/77 - Alterations including new staircase, and to form enlarged kitchen and dining room and dormer window - Approved

5.0 HISTORY OF NEGOTIATIONS

5.1 The initial scheme was considered too wide and eroded the spacing between buildings whilst access widths, boundary wall height and minor landscaping required amendments to meet with Highways requirements. The front of the site also required softening with landscaping. Subsequent revisions have been submitted and form the scheme that is now before Members.

6.0 PUBLIC/LOCAL RESPONSE

6.1 The application has been advertised by site notice dated the 1 April 2016 and 10 neighbour notification letters were issued on 17 March 2016.

6.2 In response 11 letters of objection have been received and the concerns raised are summarised below:

- Detrimental impact on the character and appearance of Crescent Gardens by reason of design, scale and height.
- The parking levels are inadequate and the parking layout is harmful to the street-scene.
- Highway safety.
- Over-looking.
- Loss of light.
- Over-bearing form of development.
- Negative impact on property values.
- Drainage implications.
- Any changes of use to the application site should only be granted by agreement with neighbouring residents.
- Other applications for flats on nearby sites have been refused.

- If planning permission is granted then permit parking for existing residents only should be introduced.
- Further on-street parking could impede free access routes for emergency vehicles.

6.3 Councillor Cohen has also raised objections regarding the proposals impact on the character and appearance of Crescent Gardens and that the increased quantum of residential units would have a detrimental effect on highway safety and decrease accessibility for emergency vehicles. Moreover, Cllr Cohen also raises matters of over-development and inadequate parking provision.

7.0 CONSULTATIONS RESPONSES:

7.1 The following consultation responses have been received:

Highways

No objections subject to conditions.

Mains Drainage

No objections subject to conditions.

Contaminated Land

No objections subject to conditions.

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, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). The below are considered relevant to the assessment of this application:

Leeds Core Strategy:

8.2 Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
 Policy P10: Seeks to ensure that new development is well designed and respects its context.
 Policy T2: Accessibility requirements and new development
 Policy H2: Windfall sites for housing

Saved Leeds UDP:

Policy GP5: Seeks to ensure that development proposals resolve planning considerations, including amenity.
 Policy BD5: Seeks to ensure new development protects amenity.
 Policy LD1: Seeks to ensure that development is adequately landscaped
 Policy N23 : Refers to open space and the retention of existing features which make a positive visual contribution.
 Policy N25 : Refers to boundaries around sites

Supplementary Planning Documents:
SPG 13 – Neighbourhoods for Living
Street Design Guide
Parking

National Planning Policy (NPPF)

- 8.3 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 and promotes sustainable (economic, social and environmental) development. 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.
- 8.4 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.
- 8.5 Guidance on conditions is provided within the Planning Policy Guidance.

DCLG - Technical Housing Standards 2015:

- 8.6 The above 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 developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.
- 8.7 In this instance the proposal consists of 4 x 2 bedroom units therefore the housing standards require at the highest, minimum internal floor area 70 sq/m for 2 bed-spaces. The internal floor area of the units would be 70 sq/m at ground floor and 79 sq/m at first floor.
- 8.8 As such the proposal meets the standards at ground floor and exceeds them at first floor.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and appearance
- 3) Residential amenity
- 4) Highway matters
- 5) Landscaping
- 6) Other matters
- 7) Conclusion

10.0 APPRAISAL

Principle of Development

- 10.1 There is nothing in national or local planning policy that counts against the principle of the re-development of sites for flats. Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. The application site is located within a wider established area of a residential settlement and is in current use as a residential site with one detached property occupying the site with associated off-street parking and gardens. The site is close to local facilities and as such is considered to be in a sustainable location. The National Planning Policy Framework (NPPF) identifies one of its core principles as encouraging the effective use of land by reusing land that has been previously developed (Brownfield land). This application refers to residential development on land that has previously been developed in terms of the existing built structures and hard-standing areas; as such it can in the main be regarded as Brownfield.
- 10.2 The rear garden land is however classified as Greenfield and section 6 of the NPPF deals with the need of housing and para. 53 that LPA's should set out policies to resist inappropriate development of residential gardens, i.e. where development would cause harm to the local area. Thus, the emphasis on local character is still a paramount consideration when dealing with residential development on garden sites, as such the NPPF reflects the Council's approach in seeking to resist inappropriate development and placing emphasis on design and protecting the character of an area. It is however also important to note that each planning application must be judged on its own individual planning merits. In this instance it is considered that the principle of re-developing the site for further residential use is acceptable as the Brownfield land utilised would include the existing dwellings foot-print and hard-standing areas. The Greenfield land to the rear that would be lost would not be significant and the site would still retain a level of garden area akin to what currently exists thereby responding to the general theme of detached buildings in plots that offer garden spaces to the rear of similar size.
- 10.3 It is noted that the scheme involves the loss of a dwelling that can be regarded as family housing, however it is not considered that this is necessarily harmful to the residential character of the area as in principle apartments can still be occupied by families depending on the nature of the scheme and it adds to the housing mix of the immediate locality. The application site lies within the built up area and it is considered that the principle of a development of apartments on this site is acceptable and the provision of apartments would provide greater choice for residents within the area or those wishing to move into the area. Moreover, there is no policy context that would justify an in principle objection.
- 10.4 The proposed apartments are of a good size and the development would retain the garden area to the rear, thereby presenting a residential scheme responding to the area's particular residential context, albeit that the front would be given over to a formal parking area. To the front the parking facilities would dominate, but this can already be found in other properties, namely Nos 7 and 12 Crescent Gardens, although No.7 is set at lower ground to the street and behind close boarded gates and planting. The submitted site plan shows that landscaping would be introduced to soften the visual impact of the hard-standing area but no details have been submitted in terms of density and species. This can be secured by condition.

Character and Appearance

- 10.5 The National Planning Policy Framework states that good design is indivisible from good planning and authorities are encouraged to refuse development of poor design, and that fails to take the opportunities available for the improving the character and quality of an area and the way it functions. Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality.
- 10.6 The application which is under consideration is located on Crescent Gardens which is a relatively narrow street, lined with grass verges and in-plot planting and tree coverage. Crescent Gardens has an attractive and established residential character where properties are variable in design and size and are set within spacious plots with established landscaping. There are no other apartments on Crescent Gardens but this housing type is more evident along Harrogate Road within the immediate area.
- 10.7 The application proposes one apartment block that would read as two storeys and would comprise four apartments. There would be no private amenity space but there would be a communal garden area to the rear. The site would be laid out with the buildings main elevation addressing Crescent Gardens and to continue the immediate character of the area the building would be set back into the site to accord with the properties to the flanks. The proposed building, whilst not insignificant in size would respond to the domestic scale of other properties within the area and responds to context given the architectural variance of Crescent Gardens. The proposal would sit lower in height than both the flanking buildings and would retain good gaps between buildings to retain the spacious theme of Crescent Gardens.
- 10.8 Views of the rear of the proposal from the public realm along Harrogate Road would be evident but the domestic and residential appearance within a well-established residential area means that the increased scale of the building on this plot above the existing bungalow would not be unduly harmful.

Residential Amenity

- 10.9 Saved policy GP5 of the Leeds UDP (Review 2006) notes that extensions should protect amenity and saved policy BD5 of the UDP notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”.
- 10.10 The proposed building would be set back into the site generally in line with the flanking properties however would extend further into the site at the rear than the existing dwelling and would terminate in depth beyond the flanking properties. Therefore the proposal would be more obvious within the site and from the gardens of No.'s 3 and 7 than it would from street level. The scheme before Members is considered to avoid being an overly dominating form of development when considered from the rear elevations and rear gardens of the neighbours by reason of the spacing to the shared boundaries in union with the domestic scale of the proposed building. Moreover, given the size of the neighbouring rear gardens it is not considered that the scale of the proposals would unduly impact upon the living conditions of neighbouring occupants.
- 10.11 In terms of shading, levels of shade would clearly increase above those from the existing building on site given the increased size and height of the development above the existing property on site. During the early part of the day the resulting shade would fall towards No.3 but it is considered that the levels of shade would not be unduly harmful and the front elevation habitable room windows would still

receive the morning sun. During the apex of the day the majority of the increased levels of shade would fall towards No.7. The neighbours garden is relatively wide and the levels of shade and light reduction would not consume all of the garden or rear habitable room windows. As the day progresses the shade would move away from the neighbours garden and fall towards the side of No.7 away from amenity areas and habitable room windows. The application site and its flanking neighbours would have good opportunity to receive natural light throughout the day.

- 10.12 In respect of retaining acceptable levels of privacy; the front elevation glazing would gain outlooks onto the parking area and Crescent Gardens with the dwellings opposite being in excess of 30m from the facing windows of the proposal. Thereby exceeding the 18m (secondary windows i.e. kitchens and bedrooms) set out in Neighbourhoods for Living (SPG13). The side elevation windows serve en-suites and bathrooms and conditions can secure opaque glazing and no further windows to the sides. The rear elevation windows would serve bedrooms and living area and these would gain outlooks onto the communal garden area and Harrogate Road beyond, it is not considered that since the main road to the rear is a public area where people could reasonably expect to be seen there would be no undue harm.
- 10.13 The issue of noise and disturbance must also be given due consideration as an additional three households would be created. There is an existing driveway with a garage to the side of the existing dwelling. It is noted that the proposed parking area would be increased and would serve an increased number of vehicles given the increase in units. The properties on Crescent gardens can in the main accommodate several vehicles and whilst none have spaces for eight vehicles the proposed parking capacity is not considered to present an undue level of noise and disturbance. Moreover, with regard to noise and disturbance the increase of the number of dwelling units on site. The increase by three would clearly increase levels of noise and activity but the increased quantum is not so significant that the living conditions of neighbours would be unduly harmed. Officers accept that the proposal would result in greater noise and disturbance from occupation and vehicular activity however as a result of the separation distances between properties, the increased activity is unlikely to result in a significant harm to living conditions.
- 10.14 There would be a good sized communal garden area which is considered to be acceptable and in excess of the advice given in SPG13 – Neighbourhoods for Living, which advises that private amenity for flats should have a minimum area of 25% of the total gross floor area excluding vehicular provisions. The gross area of the building is some 344 sq/m with a usable garden area of some 279 sq/m. Therefore this equate to approximately 81%. In addition, the proposed layout shows provision for the storage of bins off the highway and away from the public realm.

Highway matters

- 10.15 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations.
- 10.16 As part of this application an assessment has been conducted by Highways who have raised no objections to the level of off-street parking facilities or the impact of the proposal on the free and safe use of the highway.

Other matters

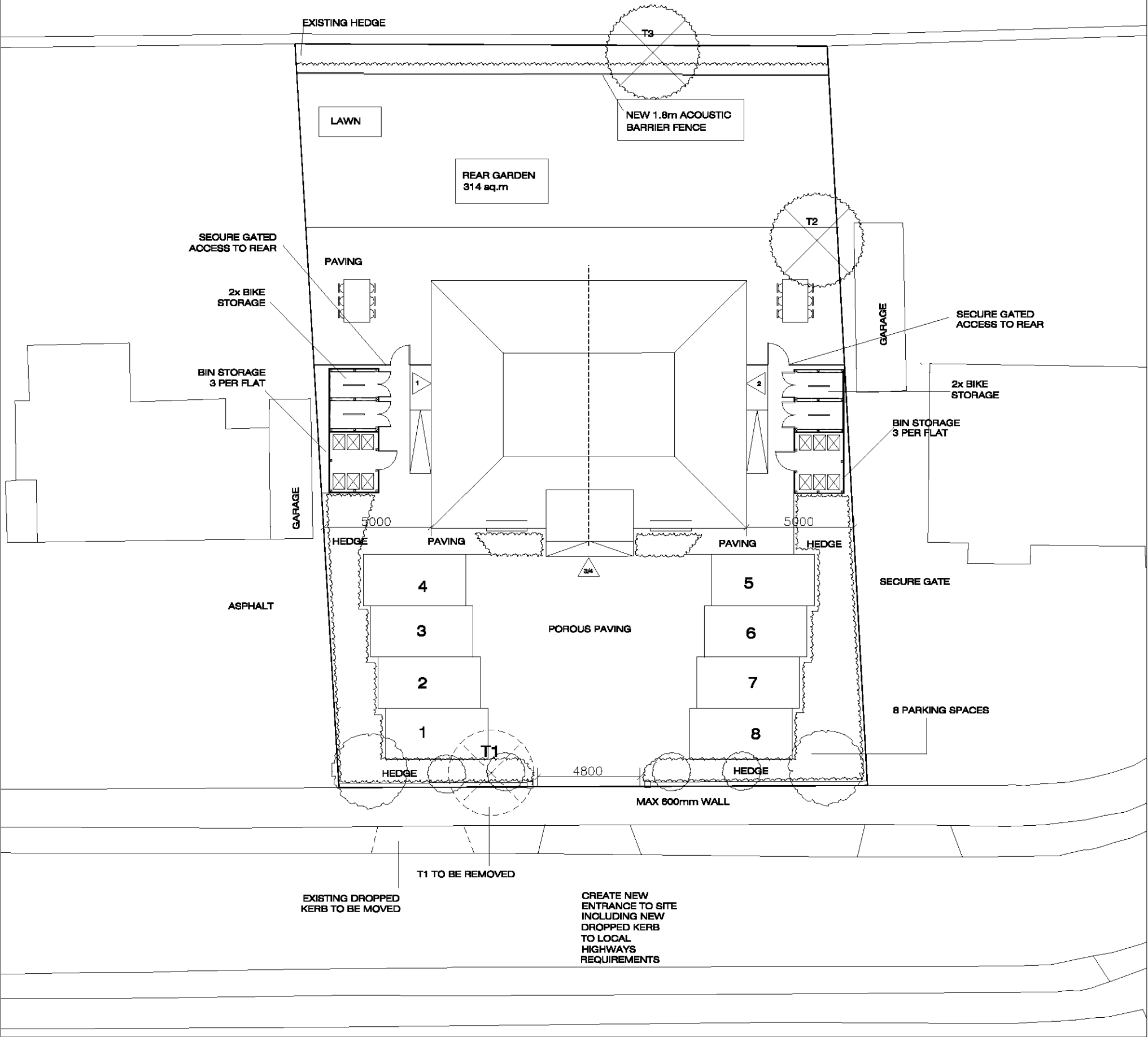
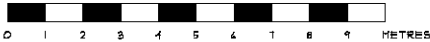
- 10.17 Eleven letters of objection from local residents and an objection from Cllr Cohen have been received. All the material planning matters that have been raised have been covered within this report. The points raised regarding any changes of use to the application site should only be granted by agreement with neighbouring residents is duly noted but the application is going through the correct and proper democratic channels and due process is being applied. Ultimately there is no change of use in planning terms anyway, the site is presently in residential use and the proposal is residential the only difference being the nature of that residential provision. The points regarding other schemes for flats being refused are again noted, but each application must be assessed on its own merits.
- 10.18 Drainage implications have been assessed by the Council Flood Risk Management Engineers and it is their findings that the scheme is not objectionable subject to conditions being imposed that secure details of a feasibility study for the use of infiltration methods and surface water drainage to be submitted to the LPA for written approval.
- 11.0 CONCLUSION**
- 11.1 In light of the above, it is considered that the principle of apartments on this site and within the immediate location is acceptable in policy terms and the impact on living conditions, highways and all other material planning matters is acceptable. As such the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to conditions approval is recommended.

Background Papers:

Application file

Certificate of ownership: Certificate A signed by the agent 9 December 2015

BLOCK PLAN - 1:200



E	14/07/16	PARKING LAYOUT AND HEDGE
D	24/06/16	PARKING LAYOUT AND DRAINAGE
C	03/05/16	NEW BIKE AND BIN STORE DESIGN
B	27/04/16	CHANGES TO PLANNING COMMENTS ON DISTANCE TO BOUNDARY
A	02/03/16	CYCLE STORE AND MORE DETAIL ADDED
Rev	Date	Comment

CRL architects

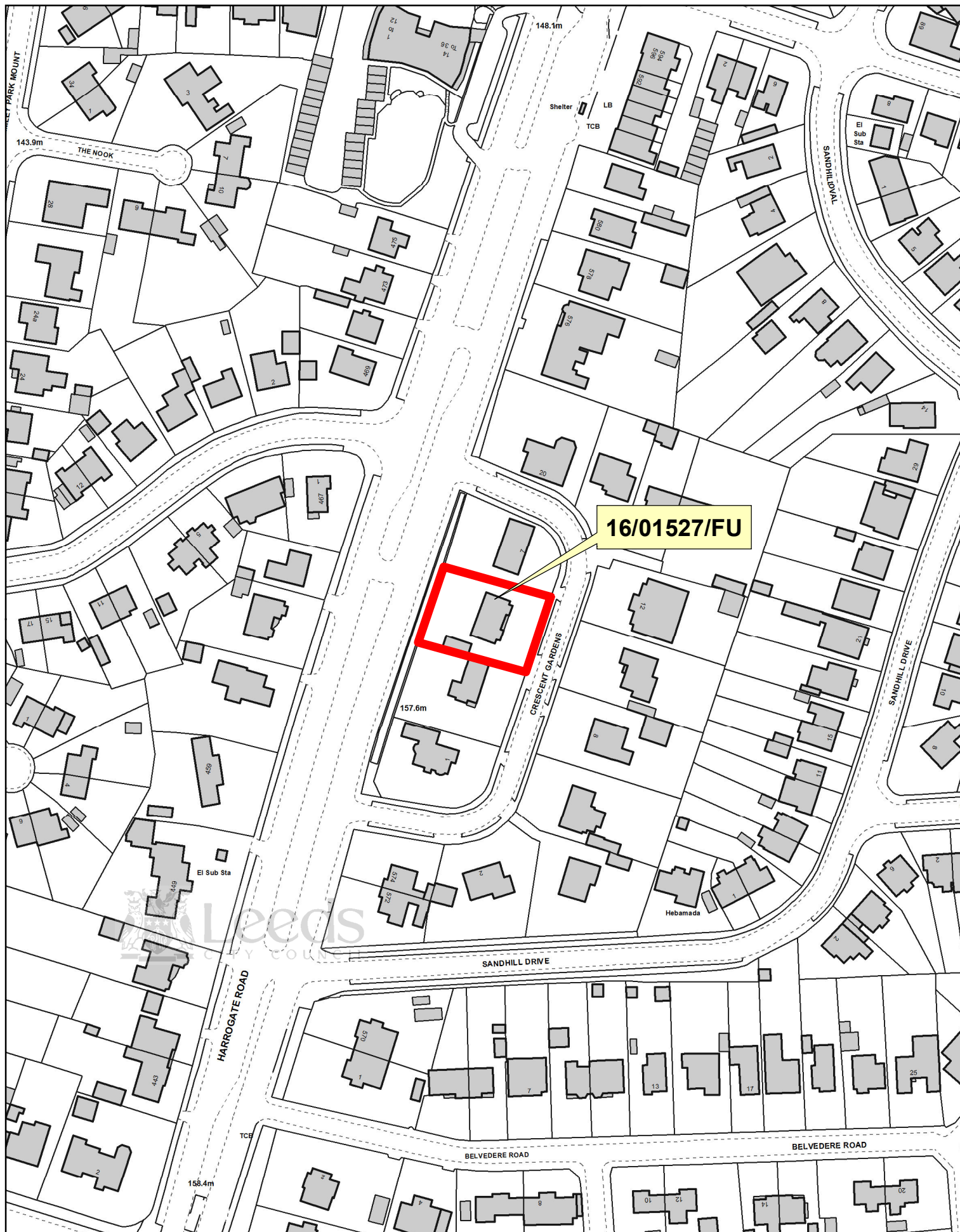
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Project:
5 CRESCENT GARDENS
ALWOODLEY, LEEDS, LS17 8DR

Title:
SITE PLAN

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