



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 3rd November 2016

Subject: 16/02799/FU – Conversion of existing detached house into two dwellings at The Close, Scarsdale Ridge, Bardsey, Leeds, LS17 9BP

APPLICANT

Mr P Beaumont

DATE VALID

4th May 2016

TARGET DATE

29 June 2016

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reason:

The Local Planning Authority considers that the proposed new dwelling on the site would lead to the intensification in vehicle movement along Scarsdale Ridge, where the visibility at the junction with Wetherby Road is severally substandard. Due to the substandard visibility, it is considered that the proposal would result in unsafe vehicle movements at the junction causing harm to highway safety and the safe and free flow of vehicular traffic. As a consequence the proposed use of the access would be contrary to Policy T2 of the Core Strategy, saved Policy GP5 of the Leeds UDP (Review 2006) and with the advice given in the NPPF.

1.0 INTRODUCTION:

- 1.1 The application seeks permission to subdivide a single dwelling to form two dwellings. The key issue in this case is highway safety and the intensification of use of the junction of Scarsdale Ridge with the A58. This junction has limited visibility that falls significantly below local and national standards. The site is located in the Green Belt and it is considered that the proposal complies with planning policies and guidance in all other respects.

- 1.2 It is understood that the applicant is seeking to sub-divide the house to provide accommodation for his son and young family. The applicant and his wife will remain in one of the units whilst his son and family will occupy the other part. Whilst there is some sympathy for the applicant's intentions and circumstances it is a long established planning principle that the personal circumstances of any individual will rarely outweigh adopted planning policy or guidance.
- 1.3 The application is reported to Plans Panel at the request of Cllr Stephenson and Cllr R Procter. The Councillors consider that the highways comments fail to recognise that the Scarsdale Ridge already provides access to a significant number of properties and that new dwellings have been approved off the street over the years. Whilst the Councillors acknowledge that planning policy relating to highway safety has recently changed, it is highlighted that the highway itself hasn't changed nor has the visibility at the junction. Ward Members also consider that over the years there have been a number of new housing schemes approved off the private road, which contradicts the advice that Highways have provided for this scheme.
- 1.4 In relation to the concern raised by Ward Councillors relating to the previous housing developments approved off this private road, history searches have revealed that there are three refusals for new housing on the application site (app ref's: 31/220/05, 31/270/83 and 31/446/77). The first two involved an access reason for refusal. There are also a number of refusals for new dwellings on the other plots on the street. Recently, a housing development was approved at Rigton Gardens (app ref: 13/03451/FU) proposing the demolition of existing house and erection of 3 detached houses and associated work. Access for two of the dwellings was proposed off Scarsdale Lane with the existing access for the replacement dwelling being retained. Therefore, the scheme did not propose any new dwellings being served off Scarsdale Ridge.
- 1.5 Within the last 20 years the only example that could be said to be inconsistent, is at Rigton Hill Farm (31/310/97/FU, 31/429/03 and 31/382/03). The new housing development within the Farm was judged on the basis that the established agricultural use would have generated some vehicle activity. However, the application created an access onto Scarsdale Ridge rather than use the established access onto the A58. Therefore, extra traffic will have been introduced to Scarsdale Ridge. However, there appears to be some highway benefit in allowing the new access off Scarsdale Ridge, as it would have been considered to be an improvement from the established access via the A58 where the visibility was much more substandard.

2.0 PROPOSAL:

- 2.1 The proposal is to convert a large detached dwelling to form two dwellings, within this Green Belt location. The site will be subdivided with one of the dwellings being allocated a triangular shaped garden to the front. Each dwelling will have a separate access with a new door being inserted in the side elevation of the building. The site features two access points and these will be allocated to each of the dwellings.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a large dwelling located on a large landscape domestic plot within the Green Belt. The dwellings on the street are varied in size, scale and design. Scarsdale Ridge is a narrow private drive that serves around 20 other dwellings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 ENQ/11/00744- Outbuilding to rear. Permitted Development
- 4.2 H31/247/87/- Detached rendered concrete block double garage, to side of detached house. Approved
- 4.3 H31/258/86/- Laying out of access road, alterations, including new stair case and to form family room, utility room, entrance. Approved
- 4.4 31/220/05/OT - Outline application for one detached dwelling house to garden site. Refused
- 4.5 H31/446/77/ - Outline application to erect detached house, to garden of existing detached house (site area 0.17ha (0.42acres)). Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Cllr Stephenson asked for a senior officer review of the application in light of the objections to the development raised by Highway officers (see paragraph 7.1 below). The conclusion reached in the review was that there are good planning reasons to offset the concerns raised in respect the road not being lit, not having footways and there being limited opportunities for two way passing. With regard to the latter there appeared to be scope to provide an additional passing place in the grass verge that belongs to the application property. It was also observed that due to the nature of Scarsdale Ridge vehicles move at slow speeds along the road and with the generous grass verges there is plenty of space for vehicles and pedestrians to pass each other safely. However, it was noted that the junction of Scarsdale Ridge and the A58 had very limited visibility to the north east that would particularly affect vehicles turning right on to the A58. It was also clear that traffic often travels at significant speeds along this section of road. This was an area of significant concern and it was concluded that the Highway objection to this aspect could not be set aside or mitigated. It was requested that the opinion be sought from a senior Highways officer who confirmed that visibility at the junction was significantly sub-standard and that the technical highway objection to the grant of planning permission remains. The senior Highways officer also confirmed that there were no measures that could be reasonably put in place on the A58 to overcome this concern.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site Notice Posted on 27.05.2016/ Neighbour Notification Letters Posted 13.05.2016
- 6.2 The Parish Council raises no significant issues with the division of the dwelling, but comments that the new dwelling within the green belt could be deemed as an inappropriate form of development.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways Officer raises the following concern;
 - The visibility at the junction where Scarsdale Ridge meets Wetherby Road is significantly substandard conflicting with both local policy and guidance and national guidance. There have been a number of personal accidents recorded on Wetherby Road in the vicinity of Scarsdale Ridge.

- Scarsdale Ridge does not have any footways, is not lit and doesn't have two way passing for much of its width. Therefore, in line with the guidance contained within the street design guide, the street is not suitable for accommodating any further development. The gradient of Scarsdale Ridge is quite steep especially on approach to the application site which is situated on a 90 degree bend.
- In addition to the above Scarsdale Ridge is a private drive. The council's Street Design Guide SPD states that 'Any development serving more than 5 dwellings (or an existing Private Street or Drive which does or will serve more than 5 dwellings after completion of the development) should be designed to adoptable standards and offered for adoption'.

As a result of the above the application is considered to be in conflict with local policies GP5 and T2 and the NPPF, and the guidance in the Street Design Guide and Manual for Streets.

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.

Development Plan

- 8.2 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.

- 8.3 The following Core Strategy policies are relevant:

General Policy – Presumption in favour of sustainable development
 SP1 – Location of development in main urban areas on previously developed land
 P10 – High quality design
 P12 – Good landscaping
 H2 – New housing on non-allocated sites
 T2 – Accessibility

- 8.4 The following saved UDP policies are relevant:

GP5 – development proposals should resolve detailed planning considerations.
 N32 – Areas designated as Green Belt within the Proposals Map
 N33 – development in the Green Belt.
 N37 – development in Special Landscape Areas should not seriously harm the character and appearance of the landscape.
 N37A – development in Special Landscape Areas should have regard to the character of the landscape in which it is set.
 BD6 – alterations and extensions should respect the scale, form, detailing and materials of the original building.
 GB4 of the Leeds UDPR states that planning permission for change of use of a building in the Green Belt will not be granted unless, amongst others, the following criteria are met;

1. *The physical changes to the building and its curtilage would maintain and enhance the openness, character and appearance of the Green Belt.*
2. *The building can be shown to be in a generally sound physical condition and is of a size, structural form and materials suitable for the intended after use without needs of substantial re-building or extension.*
3. *Safe access for the building without harming the character and appearance of the countryside.*
4. *No significant additional expense to public utilities.*
5. *Withdrawal of permitted development rights.*
6. *The building not of a scale which would produce a hamlet in the Green Belt.*
7. *Residential use would not seriously harm the local economy.*

Supplementary Planning Guidance/Documents

8.5 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)
- Street Design Guide SPD

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 Paragraph 89 of the NPPF states that the Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, exceptions to this are:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.9 Paragraph 90 of the National Planning Policy Framework states that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These developments are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

8.10 The NPPF also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

DCLG – National Minimum Space Standards

8.11 This document sets a nationally-defined internal space standard for new dwellings. 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 its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

9.0 MAIN ISSUES:

- Principle of Development/ Impact on the Green Belt
- Amenity of the Occupiers
- Highway Safety

10.0 APPRAISAL:

Principle of Development/ Impact on the Green Belt

- 10.1 The proposal is to re-use this single dwelling as two dwelling within this Green Belt location. The key policy guidance in terms of change of use of buildings within the Green Belt is contained within National Planning Policy Guidelines (NPPF). Paragraph 89 of the NPPF states that Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, Paragraph 89 and 90 of the NPPF goes on to set out the categories of development which are not inappropriate in the Green Belt. The types of development acceptable in the Green Belt include the re-use of buildings provided that the buildings are of permanent and substantial construction and also that they preserve the openness and the character of the Green Belt.
- 10.2 In light of the guidance provided by the NPPF, consideration needs to be given to whether the building to be re-used is of a permanent and substantial construction. In this regard, judging by the nature of the building and its construction, the building is undoubtedly of a permanent and substantial construction.
- 10.3 The other question that needs to be answered is whether the change of use of the site would harm the openness and the character of the building. There are no additional extensions proposed to the building and the building itself is currently used as a dwelling. Therefore, it is not considered that the dwelling itself will be harmful to the openness of the dwelling. The garden space allocated for the new dwelling is already

used as a garden. Therefore, there will be no additional land that needs to be domesticated. There will however be a threat of additional outbuilding, fences and garages that may be erected on site to serve the new dwelling, which will have an impact on openness. To overcome these concerns, conditions can be imposed to restrict these types of developments.

Amenity of Occupiers

- 10.4 The proposed scheme offers a good standard of amenity for the future occupants of the two dwellings, with separate access into the site for vehicles and to both dwellings. Each internal room will be of a good size served with windows with good outlook. The garden areas will also be of a sufficient size with areas that are private. Ample parking spaces have also been provided for both dwellings.

Highway Safety

- 10.5 The proposed dwelling would be served off a private road which comes off the busy A58 Wetherby Road. The Highways Officer has assessed the scheme and has raised a number of concerns. Highways have objected to the proposal on the basis that Scarsdale Ridge does not have any footways, is not lit and doesn't have two-way passing for much of its width. It was also noted that the gradient of Scarsdale Ridge is quite steep especially on approach to the application site which is situated on a 90 degree bend. It is also noted that the number of properties served by Scarsdale Ridge is greater than 5 which is the threshold required by the Street Design Guide. Finally there is a 50mph speed limit on this section of Wetherby Road and in such circumstances a visibility splay of 2.4m by 160m would be required at the junction of Scarsdale Ridge and Wetherby Road.
- 10.6 Whilst it is noted that the private road is not built to adoptable standard, it was observed by Planning Officer that traffic movement on the private road is relatively slow and that there were ample passing places for vehicles moving through the private road and also grass verges for people to use if they came across a car. The applicant has also indicated that there is potential to create additional passing places to the front of the site if required. In light of the observations made on site by Officer's and the offer of providing a vehicle passing place to the front of the site by way of improvement to the quality of private road and that only one additional dwelling is being proposed, it is considered that the highway concerns relating to the private road itself can be set aside in this instance.
- 10.7 However, it is considered that the issues with regards to the visibility at the junction cannot be overlooked particularly as there have been some personal injury accidents on Wetherby Road in the vicinity of Scarsdale Ridge. Highways colleagues have visited the site and have estimated that the visibility length at the junction, to the north east, is in order of 70m. This falls significantly short of the required distance of 160m which is the recognised local and national standard. Therefore, it is considered that the intensification use of this junction highway safety issues and would pose a risk to vehicle users. It is therefore considered that the proposal conflicts with Core Strategy Policy T2, with saved UDP Policy GP5 and with the NPPF.

11.0 CONCLUSION:

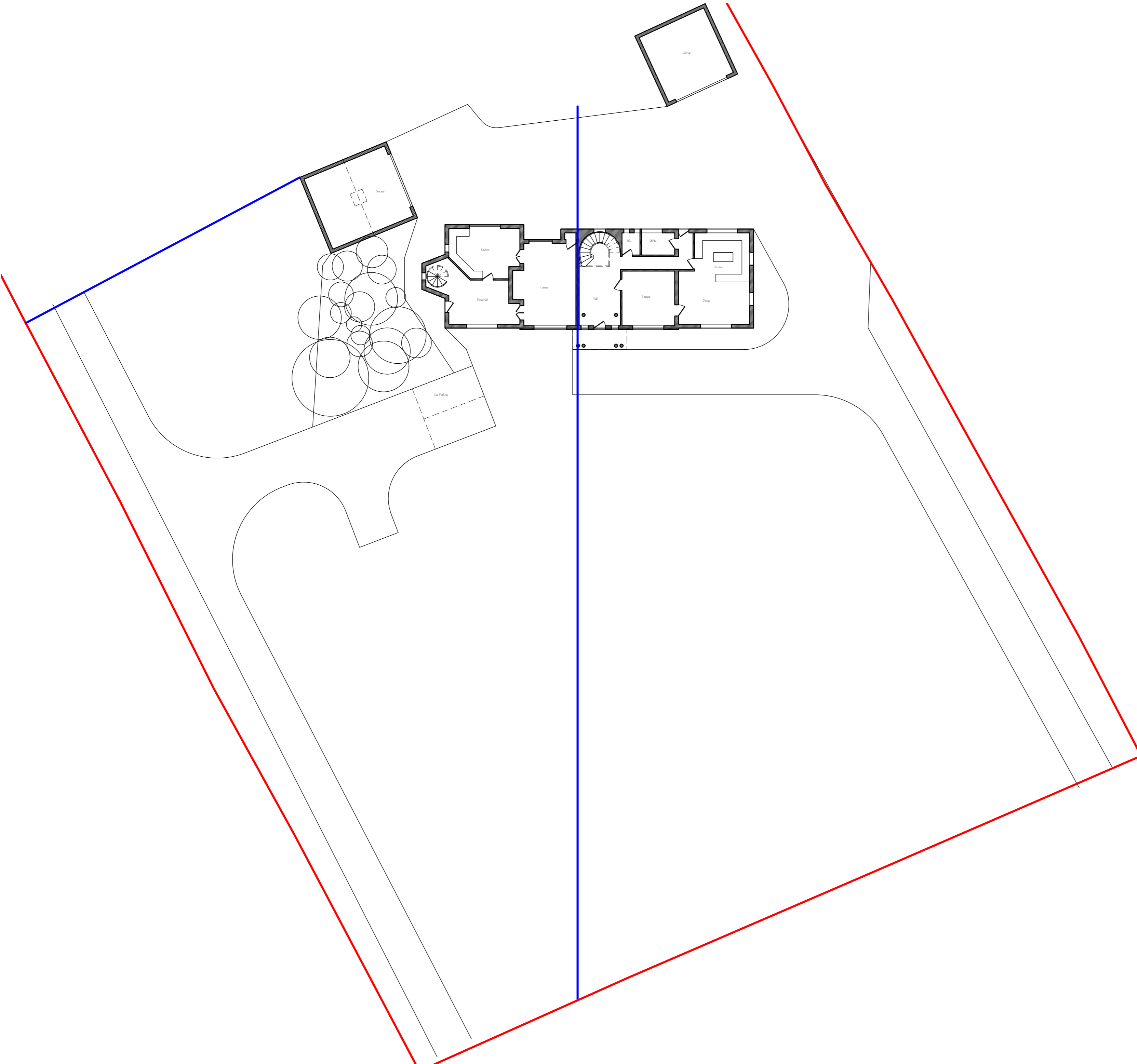
- 11.1 It is considered that the principle of dividing the plot to form two dwellings is acceptable in this Green Belt location. However, it is considered that the access to the private road from Wetherby Road is substandard and causes highway safety issues. The personal circumstances of the applicant's family are noted, and whilst there is some

sympathy for them, these matters are not such weight and importance to outweigh the genuine concerns about highway safety. Therefore, it is recommended that the application should be refused.

Background Papers:

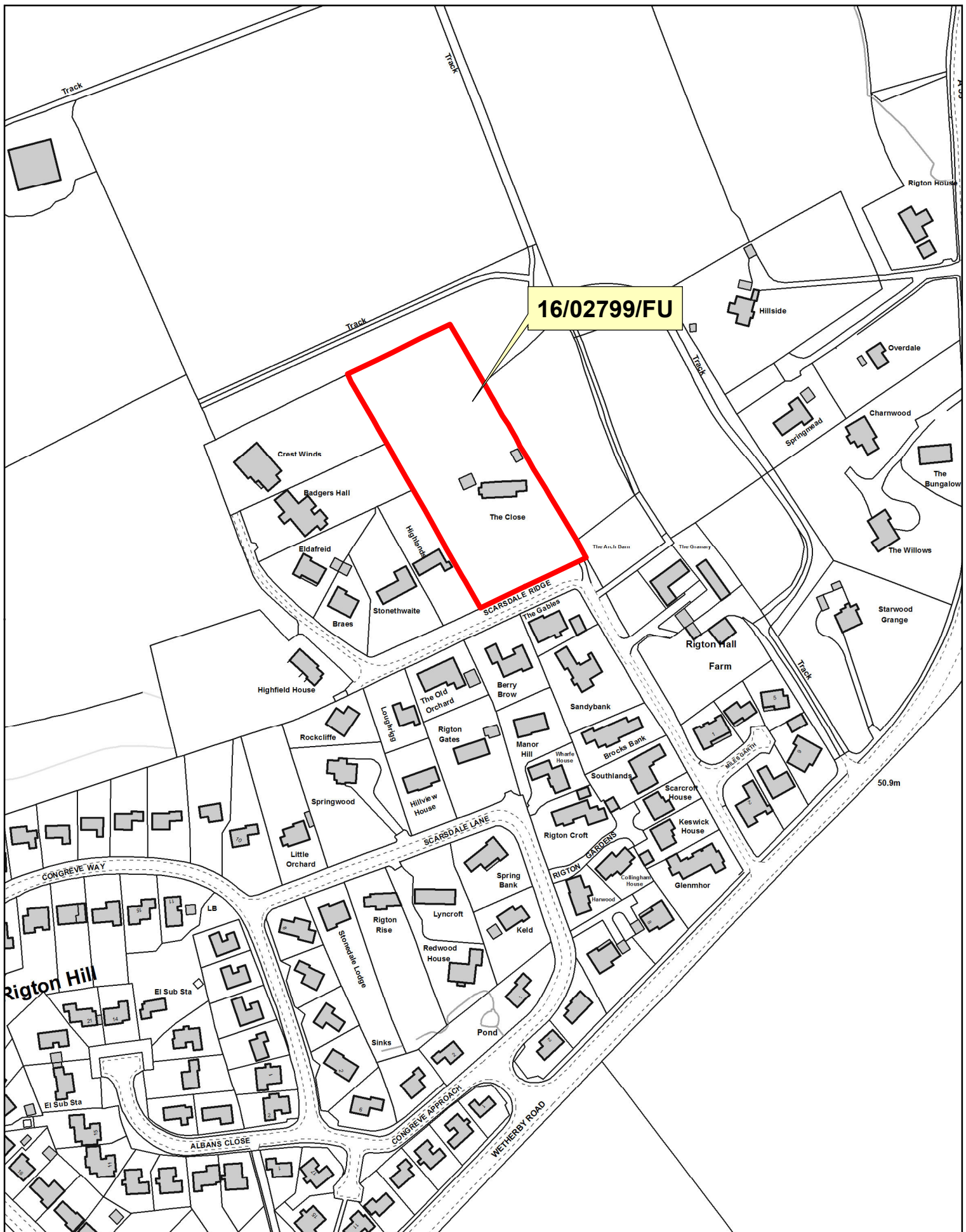
Application files: 16/02799/FU

Certificate of ownership: Signed by Agent on behalf of Applicant



Mr P Beaumont
The Close, Scarsdale Ridge, Bardsey
Proposed Block Plan scale 1:200 2-05-2016 drwg. no.2359-04-02

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NORTH AND EAST PLANS PANEL

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