



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 01st December 2016

Subject: 16/04922/OT – Outline application for residential development on land at Spencer House, Holywell Lane, Shadwell, Leeds, LS17 8EY.

APPLICANT

Mr Peter Wooler

DATE VALID

05th August 2016

TARGET DATE

05th December 2016
(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. Time limit (outline).
2. Matters reserved (Appearance, Landscaping, Layout, Scale).
3. Plans to be approved.
4. Materials (walling, roofing, windows, doors and surfacing).
5. Details of fences and walls to be provided.
6. Statement of construction practice including construction access.
7. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
8. Stopping up of existing access (Main Street) and reinstatement of footway prior to first use (retaining timber style gate detail).
9. Access details (Holywell Lane) to be agreed and implemented prior to commencement of works.
10. Laying out Retention of parking and turning areas.
11. No tree felling except in accordance with the submitted tree survey.
12. Protection of retained trees.
13. Details of levels to be agreed.
14. Biodiversity enhancement measures.
15. Infiltration drainage study in accordance with BRE Digest 365.

16. Surface water drainage works to be approved and implemented (at greenfield run-off rates of 5 litres per second if infiltration drainage techniques are not possible).
17. Maximum level of development to be 3 dwellings.
18. Reporting/remediation of any unexpected contamination
19. Verification of imported soil as contaminant free.

1.0 INTRODUCTION:

- 1.1 The application is presented to Plans Panel at the request of Cllr Rachael Procter, due to concerns over the impact of additional traffic on Holywell Lane and the proposed Conservation Area designation within which the application site is situated.
- 1.2 The application is in outline with means of access only requested to be considered. The application site is a greenfield site within an identified village, in a sustainable location, wherein a residential development is acceptable in principle in local planning policy terms. It is considered that the highway implications of the proposal do not give rise to undue highway safety concerns and as the application is acceptable in principle approval is therefore recommended.

2.0 PROPOSAL:

- 2.1 The application proposes a residential development in the rear garden ground of Spencer House, Shadwell. The application is in outline with means of access only requested to be considered. The access arrangements initially submitted had shown access to the site being from both the existing access serving Spencer House on Main Street and from the existing access on Holywell Lane. Following concern from highways that the existing access with Main Street is severely substandard in terms of forward visibility, and that therefore any increase in the use of this access would therefore be harmful to highway safety, the application has been amended to detail the closing of this substandard access. The application consequently now proposes access solely from Holywell Lane to serve the existing and proposed dwellings. Layout, landscaping, scale and appearance are matters requested to be reserved for later consideration.
- 2.2 The application is supported by the following documents:
 - Location Plan (detailing means of access).
 - Phase 1 Desk Study.
 - Great Crested Newt Survey.
 - Tree Survey.
 - Transport Assessment.

3.0 SITE AND SURROUNDINGS:

- 3.1 Spencer house is located within the village boundary of Shadwell. The application site comprises the rear (northern) garden ground of Spencer House, which is a substantial detached villa in the middle of Shadwell 'triangle' to the northwestern edge of the village. The garden ground is mature with significant tree specimens to all sides within which the site is laid to lawn. Trees to the front of the site lining Holywell Lane include some substantial specimens which make a significant contribution to wider amenity.
- 3.2 Spencer House currently has two vehicular accesses; one to the front with Main Street which has attractive stone gate piers and a timber gate, and one to the rear of the dwelling on Holywell Lane. The latter is that which the applicant uses for vehicular

access. To the east of the site beyond a tree line are the rear garden grounds of dwellings fronting the northeast section of Holywell Lane which wraps around the northern/northeastern boundaries of the application site. To the south are 41 and 43 Main Street and to the west and southwest is the further garden ground of Spencer House, beyond which is 37 Holywell Lane. To the north of the site beyond Holywell Lane is open agricultural land which is within the designated Green Belt and Special Landscape Area.

- 3.3 Whilst not within the extent of the existing Conservation Area and thus not currently covered by such a designation, the application site is within the proposed Shadwell 'Triangle' Conservation Area. The 2012 Conservation Area Appraisal and Management plan for the existing Conservation Area refers to 'The Holywell Triangle' as being part of the expansion of the village evident on the revised 1891 OS map, which sees the village expanded west of Gateland Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 No relevant planning history relating to the application site has been identified.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following highways concern over the retention of the existing access to Main Street, which is severely substandard in terms of forward visibility, the applicant has agreed to permanently close off this access via raising the footway and installing a pedestrian gate. Following conservation concern that the indicative cul-de-sac layout submitted with the application might be considered to be overtly suburban and inappropriate in the context of a proposed conservation area, this has been withdrawn, with layout requested to be a reserved matter.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by means of site notice. Immediate neighbours of the site were also notified directly in writing. In response 8 third party letters of objection have been received. Objection raised therein may be summarised as follows:

- The submitted traffic survey underplays usage of Holywell Lane and was conducted under too short a timeframe.
- Holywell Lane is narrow and has restricted visibility at both ends, with few passing opportunities, and it serves various uses including the golf club and playground.
- The proposal would increase traffic to an unacceptable level and would thereby be harmful to highway safety considerations.
- There is no pavement along Holywell Lane until the playground and the road is used by vehicles seeking to avoid the speed bumps on Main Street.
- The proposal would be harmful to the privacy and amenity of neighbours, by virtue of overlooking and overshadowing.
- The proposal would increase surface water run-off which would exacerbate the problems of standing water currently experienced by neighbours.
- The removal of trees would be harmful to wider amenity and any widening of the existing access would adversely impact on retained trees.
- The proposal would lead to a reduction in biodiversity through the loss of the garden habitat and trees, which have become a key part of Shadwell's ecology.
- The application site is within the Shadwell Triangle proposed Conservation Area and the proposal would be harmful to the character and appearance of the locality.

- The Neighbourhood Plan identifies at 4.3.2 that 'garden grabbing' is not an acceptable form of development within the village and the proposal would run contrary to that.

6.2 Shadwell Parish Council has been notified of the application and in response comments that: *“Holywell Lane is not a quiet country lane as Optima seems to say. The Parish Council agrees with comments made by residents re any increase in traffic on Holywell Lane. Access to the site is a major issue. Construction vehicles would not have easy access from Holywell Lane and would cause huge problems. The site is in the centre of the proposed Holywell Triangle Conservation Area. The area almost certainly would have been designated a Conservation Area had there not been cut backs in the Conservation Office of LCC. The Parish Council is currently working with Matt Bentley (Conservation Officer on this). Any development application in this area should be accompanied by a statement of how it meets Conservation requirements, so that it preserves and enhances the area. The number and size of houses are a concern. One of the objectives of the draft Shadwell Neighbourhood Plan (after consultation) is ‘to deliver the provision of retirement dwellings on an appropriate scale and in an appropriate location’. This objective should be taken into account in any building application in the parish. Environment. Concern over the loss of trees and its impact on the wildlife.”*

7.0 CONSULTATION RESPONSES

- 7.1 LCC Highways: No objection subject to the permanent closure of the vehicular access on to Main Street and the reinstatement of the footway.
- 7.2 LCC Flood Risk Management: Summary: Feasibility for infiltration drainage methods should be tested as records indicate the ground in this area is highly suitable for infiltration drainage. New driveways should be porous where possible and water butts should be considered. If infiltration drainage proven not to be possible then greenfield discharge rates into the nearby Yorkshire Water sewer should be achieved. The site is just under a hectare in size so a maximum discharge rate of 5 litres per second should be aimed for and appropriate attenuation employed if infiltration drainage is not possible. These requirements can be covered by condition.
- 7.3 LCC Contaminated Land: Summary: From a review of the submitted Desk Study no objections to planning permission being granted subject to conditions requiring any unexpected contamination found to be reported and the land remediated in accordance with details to be agreed and to require any imported soil to be verified as free of contamination.
- 7.4 LCC Conservation: Whilst not formally designated, the site in question is located within a newly proposed Shadwell Holywell Lane Conservation Area. A community-led project, the proposed conservation is at early stages of inception and is unlikely to be completed until mid-2017, even so with this work already programmed and commencing consideration should be given to the impact of any new development on this character. Holywell Lane as a mixed character with its housing, with a high number of its positive buildings dating from the early-late 19th century. The mature gardens and positive landscape setting also contribute positively to this character. Spencer House itself is a positive building which contributes to this character, though the site itself is located to the rear of the principal elevation. A conservation area's principle function is to inform positive developments within its boundaries. Whilst not questioning the principle of development concerns were raised in respect of the originally submitted layout. It was considered that the proposed buildings appeared to have a very suburban character and layout that fails to consider the positive context in

which they are located. Angled plots with a cul-de-sac feel are not sympathetic to the character of the area, which is predominately properties that directly address the principal streets. In summary whilst development may, or may not, be acceptable in this area the layout of the plot needs consideration and should be informed by the context and character of the area.

Following the removal of the layout and house plans from the submission the conservation concerns can be set aside. No concerns are raised in respect of the position of the proposed access and it is considered that any proposed development has regard to the character and appearance of the proposed conservation area and the positive buildings in the vicinity. Sensitive development can take place that would preserve the character of the proposed conservation area.

7.5 LCC Landscape: Following a review of the submitted tree survey no objections subject to conditions to protect retained trees.

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).

Local Planning Policy

8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 8	Economic development priorities
Policy H2	New housing on non allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy EN1	Climate change
Policy EN5	Managing flood risk
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements
Policy T2	Accessibility requirements and new development
Policy P10	Design
Policy P12	Landscape

8.3 The most relevant saved policies of the Leeds Unitary Development Plan (Review) are outlined below:

GP1	Land use and the proposals map
GP5	General planning considerations
N23/N25	Landscape design and boundary treatment
LD1	Landscape schemes

Supplementary Planning Guidance:

8.4 SPG10 Sustainable Development Design Guide (adopted).

SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Leeds Parking 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 relevant:

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

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

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 looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. The proposal is in any event in outline, with consideration of layout appearance and scale to be reserved.

9.0 MAIN ISSUES

1. Principle of development
2. Highways and access
3. Layout and local character
4. Trees and ecology
5. Drainage and flood risk
6. Impact on residential amenity
7. CIL

10.0 APPRAISAL

Principle of Development:

- 10.1 Core Strategy Spatial Policy 1 (Location of development) sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as

being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages.

- 10.2 The application site is an un-allocated site located within the Village of Shadwell. The site is within an established residential area of the village known as the Holywell Triangle. Core Strategy Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of local infrastructure and that for developments of more than 5 dwellings the location accords with the Accessibility Standards in Table 2 of Annex 3. Under policy H2 greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area.
- 10.3 In relation to the above criteria of Policy H2 and the definition of previously developed land in the NPPF (that excludes land in built-up areas such as private residential gardens); the site is considered to be a greenfield site. The application site comprises manicured lawn. There is no evidence in the submitted Great Crested Newt survey that they are present, and the site is not identified as being of significant conservation value in planning policy terms. The developable area of the site for a residential development, taking account of existing trees and their root protection zones cannot be seen in public views, and the proposed development site does not therefore make such a significant a contribution to the visual, historic or spatial character of the area so that its development could be seen to unduly conflict with Policy H2.
- 10.4 Whist located in the lowest tier of the settlement hierarchy the proposal is for a small scale development of up to 3 dwellings that would not exceed the capacity of local infrastructure and would be of an appropriate density in view of local character. It would make a modest contribution to housing delivery in the area and the proposal is therefore considered to be policy compliant and acceptable in terms of the principle of the development.

Highways and access

- 10.5 The application proposes access from Holywell Lane to serve the existing and proposed dwellings with no new access to the public highway being formed. Driveways of the proposed dwellings would take their access from the existing internal drive serving the existing dwelling Spencer House. Following the receipt of amended plans which show the permanent closure of the existing substandard access with Main Street and the reinstatement of the footway crossing, and the relatively minor alteration of the access with Holywell Lane to improve visibility of the internal access and existing passing place and conditions to secure access improvements, there are no highway safety objections to the proposed development.
- 10.6 In considering objection made to the use of Holywell Lane for access to the development the advice at paragraph 32 of the NPPF states inter alia that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". It is not considered that the additional traffic movement generated by three family dwellings would so significantly increase traffic movements along the lane that the application could be said to result in residual cumulative impacts that would be severe. Whilst the lane lacks a footway at this point traffic volumes as relatively low, and to require a footway would thereby be a disproportionate requirement, may also harm adjacent trees, and would be an urbanising feature in a semi-rural location. Sufficient space exists within the site to provide for parking and turning areas and subject to conditions to secure the above

improvements the proposal would not be unduly harmful to highway safety. The application is thereby policy compliant in this regard.

Layout and local character

- 10.7 The application proposes a residential development in the rear garden of Spencer House. This thereby preserves in its entirety the front garden of Spencer House and its setting in the most significant views of the dwelling that are enjoyed from Main Street. The main impact of the development as it is located in the rear garden will principally be in views from Holywell Lane, where views of the site are gained through a mature tree line.
- 10.8 The site is not within a designated conservation area. The site is however within the newly proposed Shadwell Holywell Lane Conservation Area. This is a community led project which is at the early stages of inception and is unlikely to be completed until mid -2017. Impact on local character is of course however an ordinary planning requirement under the Local Plan and NPPF. In considering the impact on local character it is noted that Holywell Lane is mixed in character with a number of positive buildings dating from the early to late 19th century. The mature tree line of the application site contributes positively to local character, and Spencer House is a building which makes a positive contribution to the locality in views from Main Street from where its principal elevation is seen. In view of the proposed conservation area designation the Council's conservation team have been consulted. Whilst raising no objection in principle to the development, concern was expressed over the indicative layout submitted with the application, in that it was considered to be overtly suburban with angled plots on a cul-de-sac.
- 10.9 In relation to the concern over the indicative layout expressed by conservation colleagues the indicative layout has been withdrawn so that layout is a reserved matter for consideration at reserved matters stage. Whilst the indicative layout sought to demonstrate that three family dwellings could be accommodated on this site it was recognised that the layout was a cause for concern in view of the proposed conservation area status of the site. The removal of the layout means that the application now simply seeks permission for the principle of development and means of access, consistent with the requirements of Article 5 of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. In terms of the principle of development, there are no conservation objections, as it is not considered that a small residential development in the rear garden would unduly harm local character or the character or appearance of the proposed conservation area. Of course detailed scale, appearance and layout and landscaping would require careful consideration at reserved matters stage.

Trees and ecology

- 10.10 Following meetings with the councils Landscape Architect the findings of the submitted tree survey are accepted. The submitted survey, which includes root protection zones, shows a developable area of land within which a residential development of up to 3 dwellings can be accommodated without harming trees which contribute to wider amenity value. A small number of trees are recommended for removal within the site but solely in the interests of good arboricultural management, to give better specimens a better environment in which to grow, and none are significant specimens that contribute to the wider amenity of the proposed conservation area.

- 10.11 A number of objectors comment on the value of the site for wildlife. The application site is not however the subject of any planning policy designation for its nature conservation interest. A great crested newt survey has been carried out and finds no evidence that the site is occupied or frequented by them. The site of the proposed development is manicured lawn which, whilst tree lined, is not of itself of significant nature conservation value. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 11 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.

Drainage and flood risk

- 10.12 The Local Plan and guidance within the NPPF seek to prevent development that is at risk of flooding or which increases the risk of flooding elsewhere. The site is not within a flood risk area and it has not been known to flood. The application is in outline only, so at this stage the balance between hard and soft landscaped areas is not known. The Council's Flood Risk Management Team comments that records indicate the ground conditions in the locality are highly suitable for infiltration drainage methods, and that these should be employed where feasible for the drainage of surface water from the dwellings, driveways, and any other hard surfaces. If infiltration drainage is not possible the advice is that an agreed greenfield surface water discharge rate of 5 litres per second should be sought, and that these requirements can be covered by condition. Subject to such conditions the proposal would not result in a form of development that is at undue risk of flooding, or which would increase the risk of flooding elsewhere, and is therefore policy compliant in this regards.

Impact on residential amenity

- 10.13 The existing and substantial mature boundary planting is such that it provides a good degree of screening for the occupants of existing and proposed dwellings. The proposal is for up to 3 dwellings and the site is of such a scale that it is clearly possible to accommodate the level of development proposed, whilst meeting the traditional guideline separation distances and outdoor amenity space requirement set out in Neighbourhoods for Living and without causing undue harm to neighbouring residential amenity or privacy. The precise layout, scale and appearance are however matters reserved for later considerations at which point neighbours would be given the opportunity to comment on the precise details.

Representations

- 10.14 A number of objectors and the Parish Council express concern over the impact of the proposal on highway safety, principally because of the narrow nature of Holywell Lane which lacks a footway, and this is one of the reasons given by Cllr Rachel Procter for the request for Panel consideration of the application. This concern has however been discussed above, and subject to the closure of the existing substandard access with Main Street it is not considered that the level of traffic generated by the proposal would result in harm to highway safety such that refusal would be justifiable in planning policy terms.
- 10.15 Objectors and the Parish Council express concern over 'garden grabbing' and point to the reference in the draft Shadwell Neighbourhood Plan (locations where development would be acceptable), where it is stated at 4.3.1 that *"the envelope of the village should not grow and that any development should be within the existing*

built boundaries, unless expressly specified in the Neighbourhood Plan.” At 4.3.2 it also states that “‘garden grabbing’ is generally undesirable as gardens are an essential part of Village character, and are important for bio-diversity, however, there are some gardens which might be big enough, and with good enough access, to allow one or two new dwellings to be sited, provided the landscape quality of the area is respected.”

- 10.16 It is considered that the application site is one such garden which is big enough to accommodate a small housing development and it is one that does not raise any overriding highway safety objections. Whilst the Neighbourhood Plan is at an early stage it is however considered that the proposal does not necessarily run contrary to the Plan’s aspirations.
- 10.17 The Parish Council also comments that *“One of the objectives of the draft Shadwell Neighbourhood Plan (after consultation) is ‘to deliver the provision of retirement dwellings on an appropriate scale and in an appropriate location’. This objective should be taken into account in any building application in the parish. Environment. Concern over the loss of trees and its impact on the wildlife.”* In this case the development is of a small scale, and it is not considered to be reasonable or proportionate to expect such a scale of development to deliver retirement accommodation. The only loss of trees recommended under the submitted tree survey is in the interests of good arboricultural practice to allow the higher category better specimens a better environment in which to grow. The use of conditions is recommended to require tree felling only in accordance with the submitted tree survey and to require tree protection measures for retained trees in accordance with the relevant BS standard.

CIL

- 10.18 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application is in outline only, and therefore the CIL liable floorspace would be calculated at reserved matters stage when layout, scale and appearance are known if planning permission is granted. This information is not material to the decision and is provided for Member’s information only.

11.0 CONCLUSION

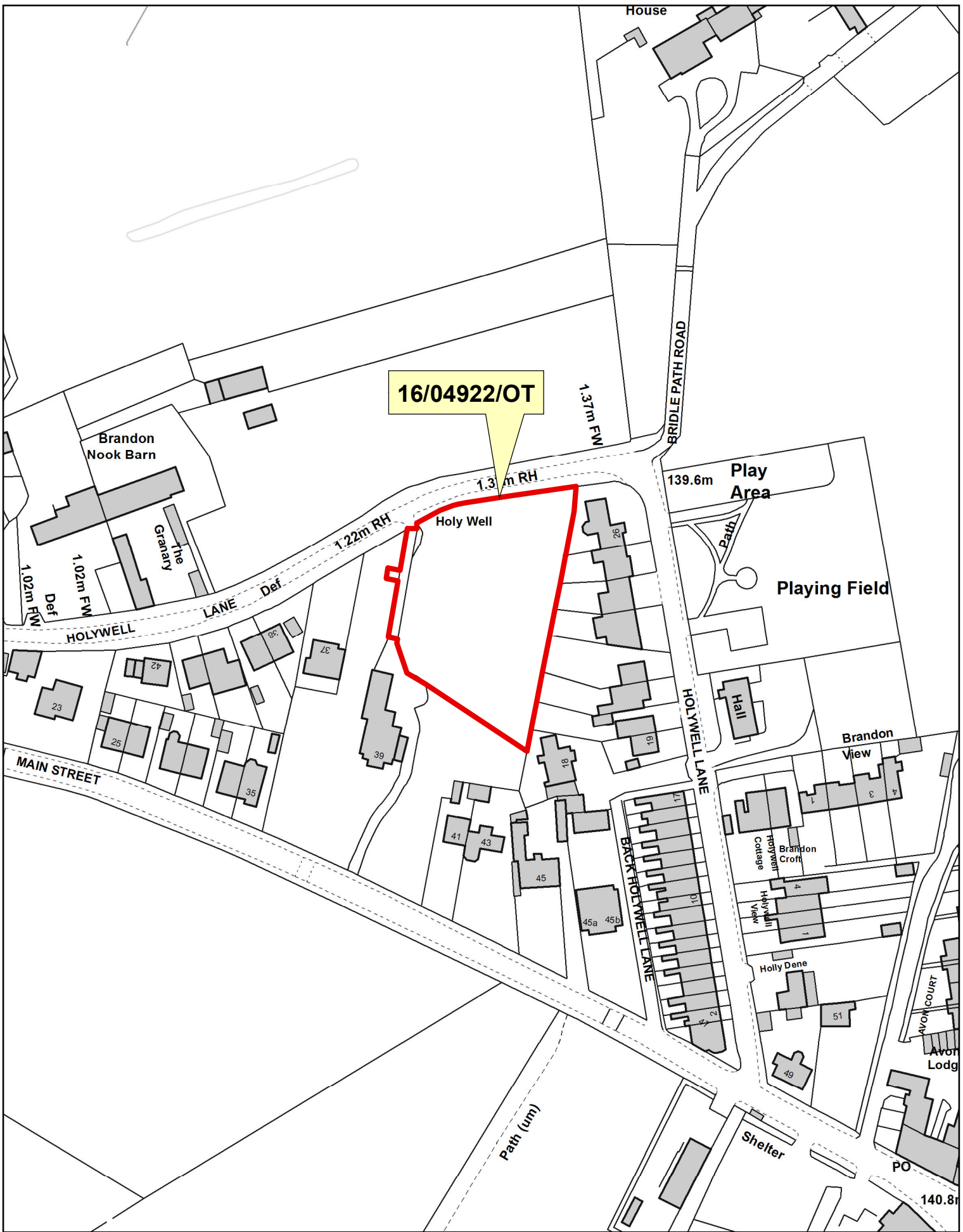
- 11.1 The application proposes a small residential development of up to 3 dwellings in a location where residential development is acceptable in principle in policy terms. Whilst the site is located within a proposed conservation area it is not yet the subject of such a designation. The development site is not one which is of wider nature conservation or recreational value and the scale of development would not exceed local infrastructure capacity or be unduly harmful to highway safety considerations. The site is not critical in terms of its contribution to the balance between built and open spaces and the development would not harm protected species of their habitat. Subject to conditions the proposal would provide biodiversity enhancement opportunities and the development would not be at risk of flooding, and subject to conditions to require infiltration drainage methods be considered would not increase the risk of flooding elsewhere. The proposal would deliver additional housing and it would not result in any unacceptable loss of amenity or privacy for any existing resident. The application is therefore policy compliant in principle and is therefore

recommended for approval subject to the conditions set out in the header of this report.

Background Papers:

Application file: 16/04922/OT

Certificate of Ownership: Certificate A completed.



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

