



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 1st December 2016

Subject: 15/06760/FU – Three detached houses with detached garages to vacant land at land between 11 and 37 Church Drive, East Keswick, Leeds LS17 9EP

APPLICANT

JWT Developments Ltd

DATE VALID

12 November 2015

TARGET DATE

7th January 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: For Members to note the report and to the agree the suggested reasons to contest the appeal.

Reasons to contest the appeal:

1. The Local Planning Authority considers that the proposed development for 3 detached dwellings, owing to their siting, size and separation distances from neighbouring properties would result in a cramped form of development which would be harmful to the spatial character of the area, contrary to Policy H10 of the Core Strategy, saved Policy GP5 of the Unitary Development Plan (Review 2006), guidance with SPG Neighbourhoods for Living and guidance within the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, owing to the separation distances to adjacent properties and location of the driveways close to the common boundary with neighbouring dwellings would be detrimental to the living conditions of such neighbours in terms of loss of outlook onto a side elevation in conjunction with the visual dominance of car parking in close proximity to neighbours front habitable rooms. A such, the proposal would be to contrary to Policy H10 of the

Core Strategy, saved Policies GP5 and BD5 of the Unitary Development Plan (Review 2006), guidance with SPG Neighbourhoods for Living and guidance within the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application for 3 detached houses was last reported to Plans Panel at the meeting on 2nd June 2016. Negotiations have been on-going with the applicant in order to propose an acceptable scheme. Members will recall that a site visit was undertaken and during discussions at the Panel meeting Members accepted that the site could be developed for residential use, but were concerned about the number and size of units, drainage, parking and openness of the site.
- 1.2 Following the Plans Panel meeting, the agent amended the scheme and reduced the number of proposed dwellings to two. However, whilst officers welcomed the reduction in the number of units, officers still had concerns over the siting and scale of these dwellings and therefore could not support the revised scheme. Following this, the agent then amended the scheme further to revert back to three detached dwellings. Once these plans were formally acknowledged, an appeal against the non-determination of the application was lodged with the Planning Inspectorate. Therefore, no decision can be made on this application and consequently the purpose of this report is for Members to agree to the suggested reasons upon which to defend the appeal. These are the reasons derived from the Panel's concerns from 2nd June meeting and are for Members agreement as reasons had the local planning authority had the opportunity to determine the application.
- 1.3 The suggested reasons to contest the appeal are based on officers understanding of Members concerns and what could be legitimately be justified at appeal. Officers do not have a substantive evidence base relating to issues associated with drainage and parking and therefore no reasons are suggested in respect of those matters.
- 1.3 The previous Panel report of 2nd June 2016 is appended for Member's information.

APPENDIX 1



Originator: Umar Dadhiwala

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 2nd June 2016

Subject: 15/06760/FU – Three detached houses with detached garages to vacant land at land between 11 and 37 Church Drive, East Keswick, Leeds LS17 9EP

APPLICANT

JWT Developments Ltd

DATE VALID

12 November 2015

TARGET DATE

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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
2. Development to comply with approved plans
3. Details and samples of materials
4. Details showing the material of the windows and doors
5. Details of permanent boundary treatment
6. Vehicle spaces to be laid out and hard surfaced
7. Details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking)
8. Protection of hedges
9. Submission of landscape scheme and implementation
10. No new windows in the side elevations of Plots 1 and 3 (facing the flats)
11. Details of feasibility study into the use of infiltration drainage methods
12. LPA to be notified if any contaminants are found on the site.
13. Any soil brought into the site to be tested for contaminants

1.0 INTRODUCTION

- 1.1 The application proposes to construct three dwellings with associated access point on the site. The application is reported to Plans Panel at the request of Cllr Rachael Procter who feels that the proposal will harm the character of the area.

2.0 PROPOSAL:

- 2.1 This application seeks approval for three detached dwellings within this greenfield site. The dwellings will be of a traditional design, constructed of stone and slate. The dwellings will be laid out on two floors featuring three bedrooms at first floor level and kitchen, dining, lounge and a study at ground level. The footprint of the dwellings will measure 8m by 7m. Each dwelling will be served by a drive which will lead to a single detached garage. Residential garden space will be located to the rear of the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located within the village of East Keswick and falls within the Conservation Area. The application site initially formed part of the grounds of St Mary's Church. In 1965 the church grounds were reduced in size and the remaining land has since been used for residential developments. The application site has remained open and undeveloped, however it now forms part of an established residential estate.
- 3.2 The site forms a relatively small area of open land between two blocks of 2 storey flats. The flats and open land are contained by hedges and other boundary treatments to the north, east and south and by Church Drive to the west. As such the land and flats appear to form part of a wider parcel of land. The surrounding dwellings are broadly similar in terms of scale and design. The eastern boundary of the site is overlooked by detached dwellings. The eastern boundary is landscaped with hedging approximately 2m in height.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/01482/LA: Outline application to erect residential development. Approved.
- 4.2 11/02553/EXT: Extension of time for planning application no. 08/01482/LA. Approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Concerns were raised by members of the public that the red line plan that was originally submitted was inaccurate. After querying this issue with the applicant, it was found that the red line plan was in fact inaccurate. A revised red line plan has been submitted which reduced the size of the plot and has resulted in Plot 3 being stepped back further into the site. In addition to the changes made to the red line plan, slight amendments have also been made to the design of the dwellings including the reduction in the size of the single storey front extension.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The receipt of the planning application has been publicised in the following way as affecting the character of a conservation area:

Site Notice Posted 27.11.2015

Press Advert Published 19.11.2015

Neighbour Notification Letters Posted 12.11.2016

6.2 21 letters of objections received and the following comments have been made:

- More affordable flats should be provided on site as opposed to detached dwellings.
- Affordable houses on to two bedroom housing should be provided on site which would be of benefit to the community.
- The red line plan is inaccurate.
- The design of the scheme with its sash windows and stone construction would appear out of character with the area.
- Reduction in on street parking for residents.
- The proposal will create off street parking issues.
- The proposal will harm the amenity of the neighbours
- The proposal will reduce light into the adjacent flats and dwellings.
- The statements made in the submitted Design and Access Statement that there is no reliance on the use of the car in the village, that there are good public services available in the village and that the proposal will improve the character of the Conservation Area; are not accurate.
- The layout of the dwellings will harm the character of the area.
- The proposal will raise overlooking issues.
- The scheme will reduce on street parking.
- the village cannot sustain more dwellings.
- A tree in the north east corner of the site will be removed.
- The proposal will reduce light and overlook the dwellings to the rear of the site.
- There is no need for three bedroom detached dwellings in the village.
- The dwellings should be single storey only, as per the previous approved scheme.
- loss of open space.
- Disruption during the construction period.
- Children will be put at risk due to construction traffic.

6.3 1 letter has been received commenting that the dwellings need to be designed in a sympathetic manner and that the Parish Council should be happy with the layout.

6.4 Parish Council make the following comments:

- The previous application proposed only two dwellings on the site.
- The redline boundary shown on the plans are inaccurate.
- Overdevelopment of the site
- The development will overshadow the neighbouring dwellings
- The design of the dwellings is inappropriate for its context
- The development of the site would lead to the residents of the flats having to park elsewhere on Church Street.
- There is no need for three bedroom detached dwellings in the village.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways originally raised concerns relating to the width of the drives stating that they should be 3m in width. The plans have been revised to show the driveway width to be 3m.
- 7.2 Drainage Officer- No objections, subject to conditions.
- 7.3 Land Contamination- No objection, 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.

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 site is unallocated in the Development Plan, and is adjacent to the Leeds Habitat Network.

- 8.4 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
P11- Conservation Area
P12 – Good landscaping
H2 – New housing on non-allocated sites
H3 – Housing density
H4 – Housing mix
G4 – On-site greenspace for major residential developments
T2 – Accessibility
EN5 – Managing flood risk

- 8.5 The following saved UDP policies are relevant:

GP5 – General planning considerations
N25 – Landscaping
BD5 – General amenity issues
LD1 – Landscaping
N19 – Development within the Conservation Area

Supplementary Planning Guidance/Documents

- 8.6 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
- Parking SPD

8.7 East Keswick Village Design Statement which emphasis the need for new developments to *'relate appropriately to its location'* (p14).

National Planning Policy

8.8 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.9 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.

DCLG – Nationally Described Space Standards

8.10 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
- Design, Character and Visual Amenity
- Residential Amenity
- Highways and Access
- Landscape
- Drainage
- CIL Liability

10.0 APPRAISAL

Principle of development

10.1 The principle of constructing dwellings on the site was established under a 2008 application and then again in 2011 (see Planning History section of the report). The

key planning policy change that has occurred since the 2011 approval has been the adoption of Core Strategy. Policy H2 of the document is an important consideration in so far as the principle of the development is concerned. The application site can be considered to be a non-allocated housing site as defined by policy H2 of the Leeds Core Strategy. The first part of policy H2 requires new housing development on non-allocated land to not exceed the capacity of local infrastructure. The site being located in an existing residential area with good road links to nearby local centres, suggests that the proposal for three dwellings on the site would not exceed the capacity of local infrastructure and therefore the proposal is considered to meet the aims of the policy in this respect.

- 10.2 The second part of policy H2 states, amongst other things, states that greenfield land should not be developed if it makes a valuable contribution to the visual and spatial character of an area. As this site has had recent permissions for residential development and that the proposal will form a natural infill between two blocks of flats, it is considered that the proposal will not harm the special character of the area and the proposal is acceptable in principle.

Design, Character, Visual Amenity

- 10.3 Sections 72 and 66 of the (Listed Buildings and Conservation Areas) Act 1990_(LBCA Act) identifies the general duty with respect to any buildings or other land located within a Conservation Area. The act requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area. National and local planning policy also requires development within Conservation Areas to preserve and, or in enhance its character.
- 10.4 It is considered that the proposed dwellings on this site will not be detrimental to the visual amenity and to the character of the Conservation Area. 'Church Drive' is a crescent shaped street with two blocks of flats located on either side of the street. The flats are built at an angle that exemplifies the crescent pattern. The application site is an open strip of land located at the top of the crescent and it is felt that, the site lends its self to accommodate residential dwellings in order to complete the building line.
- 10.5 Given the sensitive location of the application site within the Conservation Area, it is important that the design of the proposal relates sympathetically to the character of the area. With the exception of flats on either side, the immediate area is surrounded by traditionally designed brick built two storey dwellings. Similar to these dwellings, the proposed dwellings will be two storey traditionally designed pitched roofed structures. Therefore, it considered that the height and design of the dwellings are acceptable and will not harm the character and appearance of East Keswick Conservation Area, therefore preserving the character and appearance on the Conservation Area.
- 10.6 A number of objectors including the Parish Council have commented that the proposal constitutes an over-development of the site and the layout appears at odds with its context. The dwellings will maintain a gap of 3m in between each other, 8m to 10m from the rear boundary and 12m from the flats. It is considered that the separation distances are adequate to ensure the development fits in comfortably on the site allowing for adequate space to neighboring dwellings and the boundaries of the site. It is considered that the separation distances ensure that the proposal does not appear at odds with the special character of the area.

Residential Amenity

- 10.7 The development is considered to provide a reasonable standard of amenity for future occupants. All habitable rooms would receive adequate levels of daylight and sunlight, have a good level of outlook and the rooms are of a good size. Each dwelling will be served with two parking spaces which have been accepted by the Highways Officer as being of an adequate dimension.
- 10.8 The garden areas proposed are of a reasonable size and broadly meets the guidance provided with Neighbourhood for Living. The garden size of Plot 3 is slightly smaller than that recommended by guidance, but still would provide adequate safe private space for future occupants.
- 10.9 With regard to internal space standards the submitted plans show a scheme that meets the requirements set out by the technical guidance.
- 10.10 The development would not have a harmful impact upon the amenity of surrounding residents. There are no windows proposed in the side elevation of the dwellings. Therefore, it is not considered that the proposal harm the privacy of the adjacent flats. The front elevation windows will be set over 40m from the dwellings in direct line of sight, which is considered adequate distance to ensure the privacy of these dwellings will not be affected. The views out from the ground floor windows will be blocked by the 2m high hedges that are present on the rear boundary. There will be some overlooking of the dwelling beyond the rear boundary from the first floor windows in the rear elevation. Guidance contained within Neighbourhoods for Living recommends that bedroom windows need to be kept a minimum of 7.5m from boundaries of the site so as to avoid overlooking. Plots 1 and 2 will maintain 10m from the rear boundary and Plot 3 will maintain 8m. Furthermore, the dwellings will maintain a separation of 23m to 30m from the actual windows of the dwellings beyond the rear boundary. It is considered that the separation distances maintained between the bedroom windows and the properties beyond the rear boundary meets policy guidance and therefore it is considered that the windows in question will not raise overlooking issues.
- 10.11 The separation distance highlighted in the above paragraph also leads to the conclusion that the proposal will not give rise to issues of dominance or overshadowing and it is considered that the distances meets policy guidance. A number of the objectors have commented that the proposal will lead to a loss of light. It is considered that the separation distances the proposal will maintain from neighbouring dwellings suggests that the proposal will not lead to neighbouring dwellings experiencing a significant loss of natural light loss.

Highways

- 10.12 The proposal is acceptable in highways terms, as it provides the required level of off-street parking and satisfactory access. The Highways Officer has assessed the scheme and has raised no issues.
- 10.13 Many of the objectors have complained that the proposal will give rise to a loss of on street parking spaces as the neighbouring dwellings have no dedicated parking spaces and have to park on the road. There are no planning policy that seek to prevent the loss of on street parking therefore it is considered that the proposal cannot be refused on this issue. Furthermore, this site has had previous schemes approved for residential development and therefore loss of on street parking spaces have been previously accepted.

Landscape

- 10.14 A number of objectors have commented that the dwellings will result in a removal of a tree. As the tree in question is not significantly substantial in size, it is considered that its loss will not have a detrimental impact upon the character of the Conservation Area. There is also scope for additional planting to the front of the dwellings which will help contribute to the character of the area.

CIL Liability

- 10.15 The development will be liable for a payment under CIL and will be liable for approximately £28,980.

Public Representations

- 10.16 The objections received relating to the harm to the character of the area, loss of on street parking spaces, loss of light, impact on neighbouring residential amenity and tree loss has been addressed in the report. The issues raised by objectors and the Parish Council that have not yet been addressed in the report will be addressed in the following paragraphs.
- 10.17 Many of the objectors have commented the scheme should be providing affordable homes and apartments on the site. As this is a small development of only three dwellings, the Local Planning Authority has no policy grounds to insist on a certain type of housing to be developed.
- 10.18 The comments made that the sash windows and stone construction of the dwellings would appear out of character with the area, is noted. Considering the fact that the dwellings in the area are of a mix of design and that no single house type is dominant in the area, suggests that the stone built dwelling with sash windows will not harm the character of the conservation area.
- 10.19 A member of public highlights that the statement made in the submitted Design and Access Statement that there is no reliance on the use of the car in the village, that there are good public services available in the village and that the proposal will improve the character of the Conservation Area are all not accurate. This issue has been noted.
- 10.20 The comments made that the village cannot sustain any more dwellings, is noted. No evidence has been put forward that suggests that the addition of three new dwellings in the village will not put undue strain on local services and therefore these dwellings can be sustained in the village.
- 10.21 An objector has commented that the dwellings should be single storey only, as per the previous approved scheme. As has been discussed in the report, it is considered that two storey dwellings are acceptable on the site, in that this would be in character with the area.
- 10.22 The comments made that the proposal will result in a loss of open space, is noted. This site has not been identified as a Public Open Space, and indeed, permission has recently been granted for outline planning consent. Whilst it is noted that the land is in itself an area of open space, it is not publically accessible.

10.23 The comments made that the proposed construction works will cause disturbance, is noted. However, the disturbance caused during construction will be for a limited period and will not cause indefinite harm to the living condition of local residents.

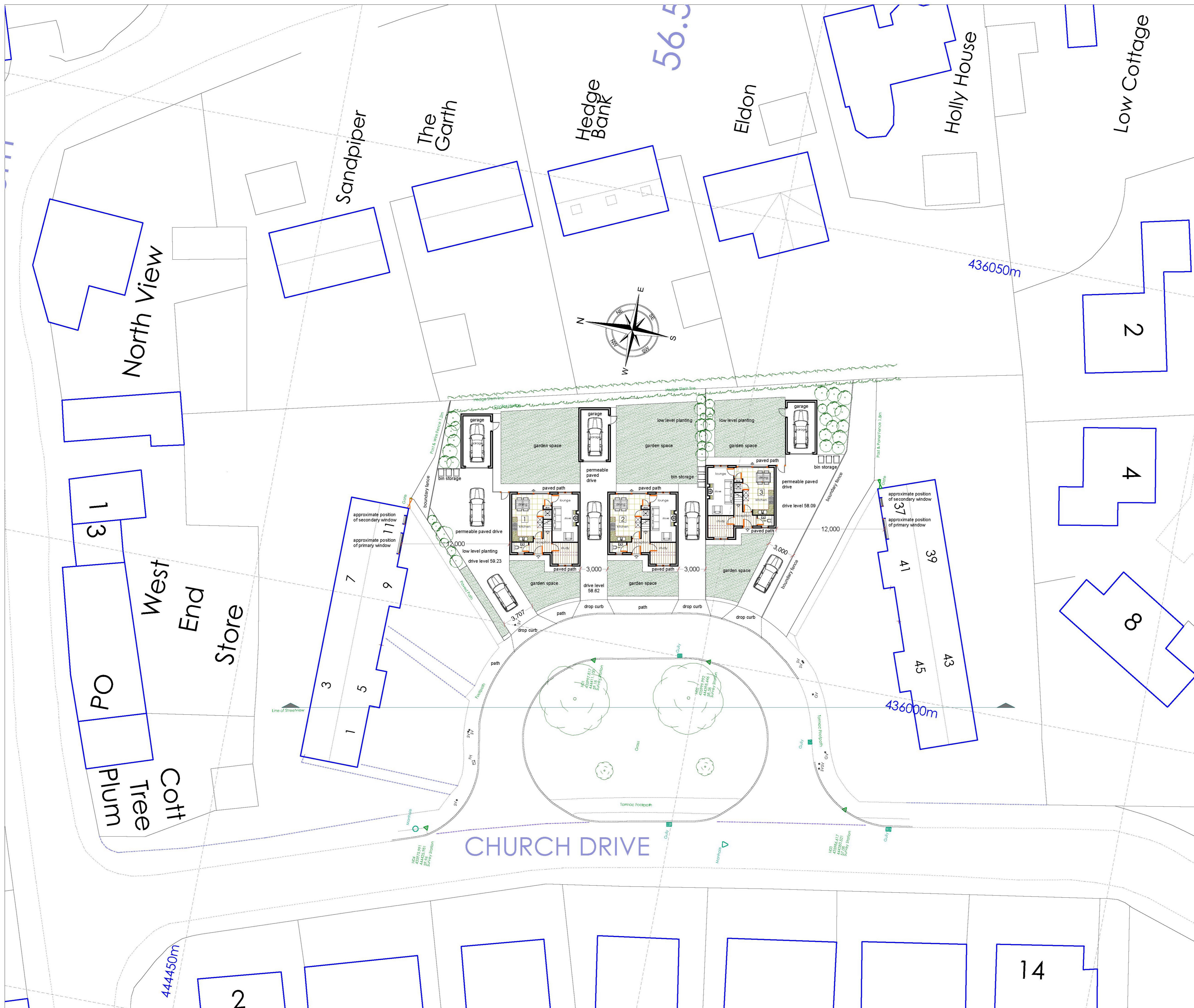
10.24 A member of the public has commented that children will be put at risk as a result of the construction traffic. It is not considered that construction traffic will directly put children at risk.

11.0 CONCLUSION

11.1 It is considered that the proposed development is acceptable in principle and will not have an adverse impact upon the character of the Conservation Area or upon the amenity of neighbours. There are no significant concerns relating to highway safety or to the loss of trees within the site. Therefore, it is considered that the proposal compiles with planning policy guidance and it is recommended that planning permission should be granted, subject to the conditions set out at the head of this report.

Background Papers:

Application files: 15/06760/FU, 08/01482/OT & 11/02553/EXT
Certificate of ownership: JWT Development LTD



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- 2) This drawing must be read in conjunction with the Specification/Bill of Quantities and related drawings. Any structural work must be carried out to the exact specification and requirements of the Client's appointed Structural Engineer, and any amendments must have his express prior written authority.
- 3) All structural work must be inspected at all relevant stages by the Structural Engineer and the Local Authority's Building Surveyor and comply with their requirements. Any costs and claims for damages, loss of trade, etc. incurred by failing to do so are the sole liability of the Contractor.
- 4) Any discrepancies between drawings and specification should be reported to the Designer prior to any work commencing.

B	OWNERSHIP BOUNDARY	07-03-16
A	REVISED	
REF	PLANNING REVISIONS	29-01-16
	REVISION	DATE

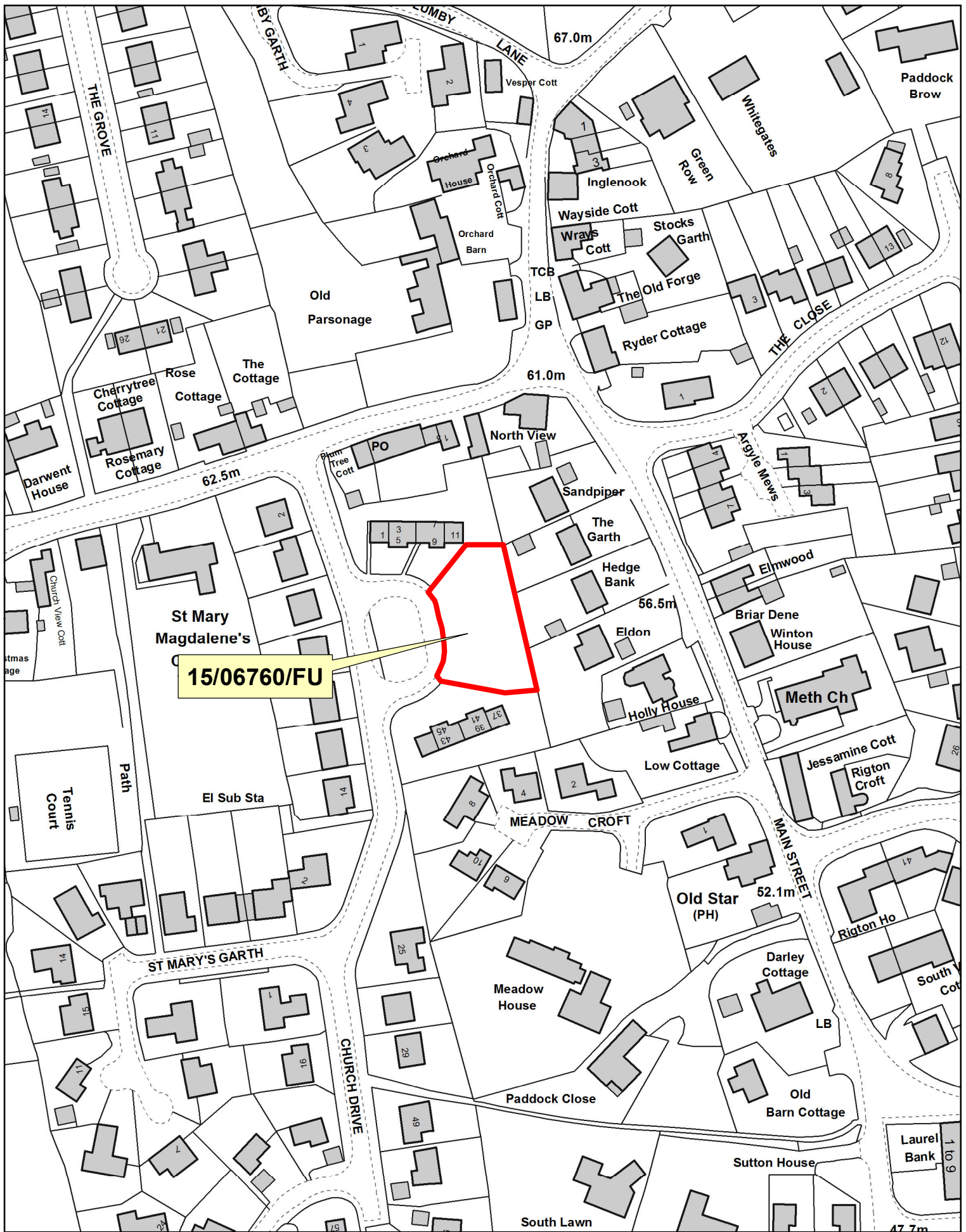
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PROJECT
Proposed residential development at Land between 11 & 37 Church Drive East Keswick LS17 9EP for JWT Developments Ltd

TITLE
proposed site plan.

DRAWN	prg	SCALE	1-200
CHECKED		DATE	oct 14
JOB No	1047	DRAWING No	02 B

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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

