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Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 15 June 2017

Subject: 17/00009/FU- Demolition of existing house and the erection of a block of 12

flats at No.21 Allerton Park, Chapel Allerton, Leeds LS7 4ND

DATE VALID APPLICANT **TARGET DATE** 03rd January 2017 4th April 2017 Land And Property Investment Services **Electoral Wards Affected: Specific Implications For: Chapel Allerton Ward Equality and Diversity** Community Cohesion Narrowing the Gap Ward Members consulted Yes (referred to in report)

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

- 1. Time limit on full permission;
- 2. Development carried out in accordance with approved plans
- 3. Samples of the external building and surfacing materials to be submitted.
- 4. Detail of window and door details
- 5. Side windows to be obscure glazed.
- 6. Submission of arboricultural method statement
- 7. Tree protection
- 8. Tree replacement scheme
- 9. Details of any new boundary treatments including all railings, walls and fences
- 10. No insertion of additional windows in the side elevation.
- 11. Details of the proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site frontage.
- 12. Implementation of approved visibly splays and sightlines (2.4m x43m)
- 13. The gradient of the access route and access ramp not to exceed 1 in 10.
- 14. Cycle and motorcycle facilities
- 15. Details of bin storage facilities
- 16. Parking spaces to be laid out
- 17. Construction Works Management Plan

- 18. All car parking spaces to be made available for any resident of the development and to remain unallocated.
- 19. Electric Vehicle Charging Points to be provided on site
- 20. Any soil or soil forming materials brought to site to be tested for contamination.
- 21. Notified the LPA where unexpected significant contamination is encountered.
- 22. Removal of Asbestos from the site.
- 23. Suffice water drainage scheme to be submitted and implemented
- 24. Bat survey and mitigation measures to be provided.
- 25. No works to or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours)

1.0 INTRODUCTION

- 1.1 This application seeks permission to demolish the existing dwelling that occupies the site and to construct a block of 12 flats. This application has been bought to Plans Panel at the request of the local Ward Members, due to the large levels of public interest in the application.
- 1.2 The application is recommended for approval as planning policy does not count against the principle of flats, the scale of development and its spatial setting has regard to the prevailing character of the area, it meets the Councils guidance in respect of separation to neighbouring properties and the parking provision accords with guidelines.

2.0 PROPOSAL

- 2.1 The proposed block of 12 flats will appear as a two storey structure with basement level car parking. The structure will take a simple rectangular form with pitched roof. It will be rendered white whilst the larger glazed widows will give the structure a more contemporary feel. The footprint of the building will measure a maximum of 26m in width, 25m in depth; the building will be 9.2m height. The proposed 12 flats will be set on three floors with four 2-bedroom flats on the ground level. At first floor level four two bed flats and a 1-bed flat will be created. With the roof space, two 2-beds and a 1-bed flat will be created. Each habitable room will be served with windows.
- 2.2 The site will be accessed off Allerton Park, 7 parking spaces are proposed to the front of the site and 14 spaces at basement level. Garden areas are shown to the rear of the site.

3.0 SITE AND SURROUNDINGS

3.1 The application relates to a detached bungalow located on fairly large plot which is well landscaped with mature trees and shrubs. The existing dwelling is located within the Allerton Park section of the Gledhow Valley Conservation Area. It is a brick built, hipped roof bungalow augmented with transverse gables to its front. The property has a balanced form, and is not necessarily of particular historic significance. The wider streetscene of Allerton Park is mixed, and there are examples of some distinctly contemporary buildings, the redbrick, hipped roof application dwelling sits amongst other more discreetly positioned buildings. The neighbouring dwelling is a white rendered bungalow that features more modern windows and also dormers to the front. There are also two storey buildings on this side of the street.

3.2 Allerton Park is a tear-shaped a fairly secluded enclave of residential development. The Conservation Area Appraisal highlights that the streets looped shape is reminiscent of the road layout of Roundhay Park designed by George Corson. The houses on the street date mainly from the early 20th century when the land was sold off for individual villas. They are set well back from the road in generous plots. Planted trees within the deep gardens and within the verge of Allerton Park provide a dominant feature of the area.

4.0 RELEVANT PLANNING HISTORY:

4.1 H30/744/80/- Alterations and extension, to form one bedroom flat to side of detached bungalow.

5.0 HISTORY OF NEGOTIATIONS:

This application has been with Officers for some time and the scheme has evolved into the scheme now before Members. Multiple amendments have been negotiated by Officers in order to achieve a scheme that ties in better with Allerton Park. The number of flats has also been reduced from 14 to 12 which reduces parking needs and allows for an improved parking layout within the basement.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by site notice dated the 27 January 2017 and was advertised in the Yorkshire Evening Post on 27th January 2017. Following the submission of revised drawings the application was re-advertised. Site Notice was posted on 12th May 2017 and all original contributors were re-consulted with notification letters being set out on 9th of May 2017. On 22nd May 2017 further site notices were posted.
- 6.2 98 objection letters have been received and 1 letter making general comments. The following concerns have been raised.
 - Overdevelopment of the site.
 - The property will overshadow the dwelling on Gledhow Lane
 - Given the number of objection, the original application should have been refused.
 - Poor design and the harm caused to the character of the Conservation Area.
 - Harm to the special character of the area.
 - Loss garden area.
 - Impact upon wildlife
 - Too many flats in the street
 - The scheme will result in tree loss
 - Impact upon highway safety and the increase in on street parking
 - Drainage concerns
 - The proposal will lead to on street parking
 - Bin storage too close to the highway and should be set back
 - Overlook neighbouring dwellings
 - The approval of the scheme will set a precedent for other such developments
 - The scheme conflicts with local and national planning policies
 - Lack of community involvement on the part of the applicant
 - Insufficient number of site notices posted

- Planning permission to increase the scale of the neighbouring dwelling was refused, and similar planning policies should apply
- Noise and traffic
- Impact on local services
- Revised scheme does not overcome issues
- There is a large number of vacant flats in the area and further flats are not required.
- The proposal will cause drainage issues
- 6.3 19 support comments have been received. The following comments have been made;
 - The design of the building is of a good standard and the building will not harm the character of the area.
 - Allow local residents from to down size
 - The development will support the growing young professional community
 - Meet housing demand
 - No impact upon traffic
 - The development will be good for local business

7.0 CONSULTATIONS RESPONSES:

7.1 <u>Highways</u>

No objections subject to conditions.

7.2 West Yorkshire Police

Advises that video intercom systems have proven to reduced unauthorised access into apartment blocks and should be a serious consideration for resident safety and that the developer must ensure that letterboxes and robust enough to prevent attack, identity theft is now a major crime type.

7.3 The above advice will be imposed as an advisory note should permission be granted.

7.4 Mains Drainage

No objections subject to conditions.

7.5 Contaminated Land

No objection subject to conditions.

7.6 <u>Landscape</u>

No objection, subject to conditions

7.8 Conservation Officer

No objection The Conservation Officer was involved in the negotiations regarding alterations to the proposal following its initial submission.

7.9 Yorkshire Water

No objection, subjection to conditions

7.10 Nature Conservation Officer

Recommends that a bat survey is carried out in order to ascertain the level of bat activity within the site. With regards to nesting birds, a condition is recommended

that ensure No works to or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours)

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.
 - 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 H2: Relates to new housing on non-allocated sites
 - Policy P10: Seeks to ensure that new development is well designed and respect its context.
 - Policy P11 Seeks to ensure developments within the conservation area protects and or enhance local character
 - Policy T2: Accessibility requirements and new development

Saved UDP policies:

Policy GP5: Seeks to ensure that development proposals resolve detailed 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

Policy N19: Developments within conservation areas.

8.2 Gledhow Valley Conservation Area Appraisal- identifies this Allerton Park as being within Character Area 3.

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. NPPF 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 (PPG).

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.

Community Infrastructure Levy

8.9 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12 November 2014 and was implemented on the 6 April 2015. The development is CIL liable at a rate of £45 per square metre in Residential Zone 2B (subject to indexation), with a resultant liability in this case of £29,486.00. This information is provided for Members information only however and it is not material to the decision on this application.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and appearance
- 3) Residential amenity
- 4) Highway matters
- 5) Landscaping
- 6) Nature Conservation
- 7) Public Representations

10.0 APPRAISAL

Principle of Development

- 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 proposal also accords with policy H4 of the Core Strategy. 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 public transport routes and as such is considered to be in a sustainable location and the number of dwellings proposed does not exceed the capacity of transport, educational and health infrastructure, and the Highways Officer has not raised any concerns relating to whether the location of the site meeting the Accessibility Standards in Table 2 of Appendix 3.
- 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 be regarded as Brownfield. The garden land is however classified as Greenfield.
- 10.3 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, hard-standing areas whilst the Greenfield land that would be lost would not be significant and the site would still retain a substantial level of garden land thereby responding to the theme of large properties in plots that offer large garden spaces.

- 10.4 It is not considered that the loss of a family home in this location is necessarily harmful to the residential character of the area as apartments could still occupied by families depending on the nature of the scheme. The site lies within the built up area and there is no fundamental policy objection to the principle of a development of apartments on this site and the provision of apartments would provide greater housing choices within the localised area.
- The proposed apartment block is of domestic scale within the spatial context of the area. Moreover, the development would retain the substantial garden area to the rear and most of the tree cover, thereby presenting a residential scheme that responds to the areas particular residential context. Officers take full note of the comments made in representation by a number of local residents that more apartments one the street would be harmful to the local character; however there is no policy context that would support the refusal of apartments in principle on the basis that Allerton Park is over supplied with apartments. Therefore, Officers are of the view that the principle of development is acceptable.

Character and Appearance

- 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 which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. The site is located within the Conservation Area wherein national and local planning policy also requires new to preserve and, or in enhance its character.
- The proposal lies within Gledhow Valley Conservation Area. In this area the character is that of detached dwellings and flats. The detached property is not classed as a positive building within the conservation area, and therefore its loss will not be harmful to the local character. However, the surrounding properties are positive buildings therefore careful consideration still needs to be undertaken when determining the design of the proposal.
- Allerton Park, is lined with grass verges and trees and has an attractive and established residential character where large properties are set within generous plots with mature landscaping. There is a good degree of variance along the length of street in terms of architectural styles, with roof forms, heights and footprints also varying.
- The application proposes one apartment block finished largely in render under a slate roof. The building would read as a two storey structure with accommodation in the roof space and would comprise of twelve apartments, with basement level parking. There would be private amenity space to the rear which will be formed as a communal garden area. The site would be laid out with the main aspect of the building facing towards Allerton Park and to maintain the immediate character of the area the proposed building would be set well back into the site on a similar building line to the existing building. The proposed design, scale and height of the building is considered to respond to the locallised character of Allerton Park, where buildings

existing building exhibit single, double and three storey scales. Although; the footprint is larger than the existing as is the height, the variance in the scale of buildings in the area means that the increase in scale and massing will not harm the character of the Conservation Area. The proposal being set within a large plot, means that this level of development can be accommodated within the site without resulting in an over intensive or cramped use of the site or an undue loss of separation to the adjacent properties, thus retaining the streets sense of spaciousness.

- 10.10 The proposed hipped roof and the traditional simple shape and form of the building are contextually responsive to the traditional form of buildings in the area, whilst the white render is similar to the adjacent bungalow and render can also be found elsewhere on the street. It is considered that the resulting building would have an architectural vernacular at the front that is considered to respond to the scale and the character of the immediate area.
- 10.11 In addition, the submitted plans show the retention of the existing landscaping and conditions can secure details of a landscaping scheme and the preservation of the existing levels of 'green-screening'. The Landscape Officer has assessed the scheme and has concluded that the amount of tree cover that will be retained is acceptable and that the proposal will not be harmful to the trees within the site. This will mean that the well-established and robust planted coverage will continue to frame the site, responding to the leafy character of the area and will act to partially screen the side massing of the dwelling.
- 10.12 Access into the site would be gained through the existing punctuation in the front boundary; the existing vehicular access would be retained with seven parking spaces to the front of the site, with further parking being provided at basement level. The parking area will be sufficiently screened by planting and parking areas to the street frontage is not uncommon on the street. Therefore, this element of the scheme is not particularly problematic in terms of its impact upon the character of the Conservation Area.
- In light of the above, it is considered that the proposed building would appear from the street-scene as a building of modern architectural vernacular of a reasonable height and mass and would sit well within the character of the immediate surroundings. The Conservation Officer has assessed the scheme and has come to the same conclusion.

Residential Amenity

The proposed building would be set back into the site on a similar line to the existing dwelling on site. The structure will be a two storey scale and the closest element of the building to the side of No.23 will maintain a separation distance of 3.4m. This is considered an acceptable relationship. The element of the building that projects beyond the rear wall of No.23 will be set approximately 10m away from the boundary. In relation to No. 352 Gledhow Lane the structure will maintain 8m with much of the massing being softened by the mature trees and shrubs that lines the side boundary of the site. It is considered that separation distances are acceptable and that the building will maintain distances from the neighbouring dwellings that is adequate to ensure the scheme will not give raise to issues of overshadowing, overlooking, loss of privacy or over-dominance. The proposed windows will generally overlook the garden area of the application sight and will not offer direct views of the neighbouring dwellings. The windows in the side elevation are

secondary in nature that can be conditioned to be obscure glazed to avoid over looking.

- 10.15 The issue of noise and disturbance must also be given due consideration as 12 apartments would be created with parking at basement level. The proximity of the proposed ramp and basement parking entrance would be set adjacent to No. 352 Gledhow Lane thus there would be an increase of activity towards the eastern boundary. As the ramp leading down to the basement will be enclosed within the structure itself and will maintain a separation distance of 8m from the boundary, it is not considered that the use of the basement car park will have a harmful impact upon the amenity of the neighbours. It is also noted that the "comings and goings" from the site in general will increase, however, the associated traffic movement for 12 flats is not expected to be materially significant and not to a level that would harm the living conditions of the neighbouring residents.
- 10.16 There would be a good sized communal garden area provided which is considered to be acceptable and accord with 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 internal floor areas are also of a good size and meets space standards. Windows offering good light penetration and outlook for habitable rooms are provided. It is noted that the rooms in the roof space are served with rooflights. Due to the scale of the windows and the angle at which they are positioned on the roof, these windows will offer sufficient light into and outlook from the habitable rooms in the roof.

Highway matters

- 10.17 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations.
- 10.18 The proposal is for eleven two bedroom flats and a one-bedroom flat (12 flats in total) with 21 parking spaces provided. The number of proposed car parking spaces and the parking layout are considered to be acceptable.
- 10.19 The submitted plans indicate that the basement parking has a 7.5m aisle width that would accommodate larger cars and the access ramp has been indicated at a gradient of 1 in 10. The basement parking layout and entrance from the ramp are acceptable and all parking spaces are accessible. Therefore, it is not considered that the proposal will raise highway safety issues. The Highways Officer has assessed the scheme and has raised no issues.

Landscaping

The submitted site layout plan shows that there will be some smaller trees to the rear of the site that will be removed and also some hedges and shrubs to the front. However, a good level of landscaping and, more importantly, the larger trees within the site will be retained. The Landscape Officer has assessed the scheme and has raised no concern with regards to the level of tree removal and has concluded that the development will not harm the more mature trees within the site. A condition can be imposed to ensure the retained trees and hedges a fully protected during the construction period.

Nature Conservation

- 10.21 Bats are known to be active in the area. The Nature Conservation Officer has commented that confirmation is required as to whether there are bats within the site. It is considered that this information can be obtained via condition requiring a bat scoping survey being carried out. Where bats are found to be present then a mitigation measures can be taken.
- There are also concerns that the removal of trees and shrubs on the site may disturb nesting birds. In order to protect nesting birds, a condition has been attached to ensure no removal of hedgerows, trees or shrubs takes place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours) the works commences. Subject to this condition being attached the Nature Conservation there a no concerns relating to the potential harm to any birds that may be residing within the site.

Public Representation

- 10.23 The concerns raised by the members of the public relating to design, layout and the impact of the development upon the character of the Conservation Area have all been discussed in the report. These issues were also assessed by the Conservation Officer, who have raised no issues.
- 10.24 The concerns raised with regards to the scheme having an adverse impact upon neighbouring dwellings by way of overshadowing, dominance and overlooking have also been addressed within the report.
- The highways concerns were assessed by the Highways Officer who has raised no objection to the scheme.
- 10.26 The concerns raised with regards to the loss garden area, is noted. However, it is considered that the level of garden space that will be retained is adequate to serve the needs of the applicant and sufficient to ensure that the character of the area will not be harmed.
- 10.27 The concerns raised with regards to the impact upon wildlife, is noted. This issue has been evaluated by the Nature Conservation Officer, who has made comment on the potential presence of bats on the site. It is considered that this issue can be addressed by a condition requiring a bat survey being carried out and for the implementation of mitigation measures should bats be found within the site.
- The comments made that the bin storage too close to the highway, is noted. However, the bin storage area will be screened by existing landscaping and therefore will not have an adverse impact upon visual amenity or the Character of the Conservation Area.
- 10.29 The comments made that the proposal will set a precedent for other such developments in the area, is not supported. All applications are assessed on their own individual merits, and it is an accepted principle that there is no such thing as a precedent in Planning. If other schemes are submitted they will be assessed accordingly.
- 10.30 The comments made that the proposal conflicts with local and national planning policies, are not supported. It is considered that the proposal will not conflict with national or local planning policy guidance as discussed in the main body of this report.

- 10.31 Objectors have also commented that there has been a lack of community involvement on behalf of the applicant. Although the LPA and the National Planning Policy Guidance recommends that the applicants engage with the public, whilst the Council supports pre-application involvement between developers and the local community it is not a statutory obligation and therefore the application cannot be refused on this issue.
- The comments made that an insufficient number of site notices posted, is noted. One site notice was put up outside the site, which was felt to be adequate to advertise the application given that it is on a single aspect road. Over and above this, identifiable neighbours were sent letters and the application was also advertised in the press. The revised plans were also advertises and in all five site notices were posted around Allerton Park to publicise the revised scheme. In addition, all the original objectors were written too. It is considered that the level of advertisement of the application was adequate and exceeded the minimum statutory requirements for publicity.
- The comments made that the planning permission to increase the scale of the neighbouring dwelling was refused and that similar planning policies should apply to refuse this scheme, is noted. This application has been judged on policies relevant to the nuances of the particular development proposed and in this case the proposed scheme does not conflict with the policies relevant to it. The two schemes are different in that this is dealing with a redevelopment of the site and the other development was for extensions.
- 10.36 The concerns raised relating noise and traffic has been addressed within the report.
- 10.37 The objection relating to the impact on local services is noted. It is not considered that the proposal for an additional 11 dwellings in the area will not materially increase the demand on local services.
- 10.38 The comments made that there is a large number of vacant flats in the area and further flats are not required, is noted. It is not considered however that the proposal for further flats in the area can be objected too on this ground especially in the absence of any evidential data. Even so, the character of the flatted development in Allerton Park itself is likely to be different to flatted developments elsewhere even in relatively close proximity due to the generous nature of the units and site that is proposed.
- The issues raise relating to tree loss, is noted. This issue was assessed by the Landscape Officer who has raised no concerns with the amount of trees that will be removed. It is considered that the remaining trees will adequately preserve the leafy character of the Conservation Area.
- 10.40 Concerns raised with regards to the drainage issues that may result from the additional dwellings on the site, has been addressed by the Drainage Officer who has raised no concerns.

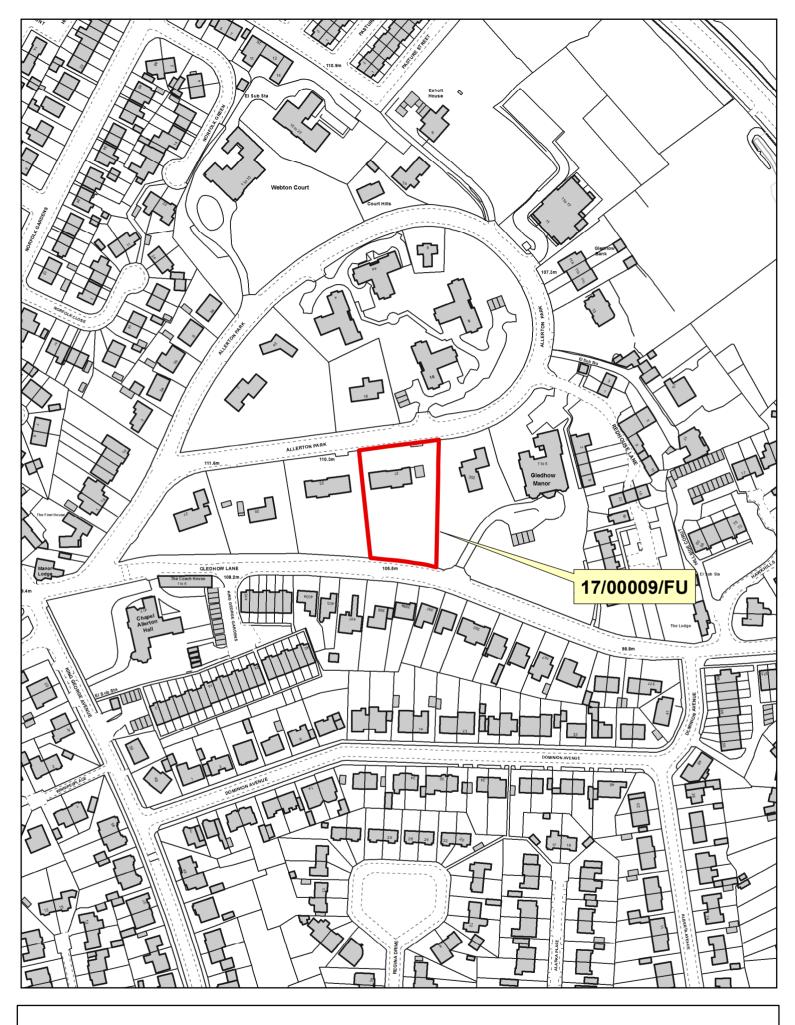
11.0 CONCLUSION

In light of the above, it is considered that the design, scale height and principle of the development are acceptable within the immediate context whilst Highways have found that the parking provision is acceptable and no specific highway safety concerns have been raised. As such, the proposed scheme is compliant with the

relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

Background Papers: Application file: 17/00009/FU

Certificate of ownership: Certificate 'A' signed by the agent



NORTH AND EAST PLANS PANEL

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SCALE: 1/2000



