



Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 16th June 2017

Subject: Application 16/05800/FU - Partial demolition of redundant outbuilding and erection of three detached dwellings on land at 13 Carlton Lane, Rothwell, LS26 0DH.

APPLICANT

C Tull and I Garbett

DATE VALID

19/09/16

TARGET DATE

14/11/16

6 months – 02/06/17.

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Standard time limit of 3 years to implement
2. Plans to be approved
3. Construction Management Plan
4. Construction Hours
5. Contaminated Land Reports
6. Remediation Survey
7. Verification Reports
8. Unexpected Contamination
9. Removal of Asbestos during Demolition.
10. Protection of Existing Trees.
11. Landscape Scheme to be submitted.
12. Landscape Management Plan – including for area not to be developed.
13. Replacement of Dead Trees within Five Years.
14. Details of Bin and Waste Storage.
15. Vehicle Space Laid Out Prior to Occupation.
16. Provision for Contractor Parking.
17. Submission of Drainage Scheme.
18. Walling and roofing materials to be submitted for approval.

1 INTRODUCTION

- 1.1 Application made in full for the erection of three detached dwellings. The existing outbuilding will be demolished. The application has been brought to Plans Panel at the request of Cllr Golton who has concerns regarding the potential use/development of the remainder of the site, that this could result in an overdevelopment of the wider site and how access would be obtained and the implications of Lay Garth. This issue is addressed in the appraisal section below. The issues raised by Cllr Golton are material planning considerations and raise concerns affecting more than neighbouring properties.

2 PROPOSAL

- 2.1 The application site is 0.41ha in size and is surrounded by residential development to all sides. Currently the site is the garden area for numbers 13 and 13a Carlton Lane and includes a large outbuilding to the rear of number 13. The proposal is to demolish part of this, and to sub-divide the garden to provide amenity space for number 13, and to erect a further 3 detached dwellings in the remainder of the garden area.
- 2.2 With regards to the demolition element the outbuilding is made up of a number of structures added to over time and is part 2 storey, part single storey. The intention is to remove all the single storey elements, leaving the 2 storey part which will remain as garaging for number 13. A section of wall along Lay Garth is also proposed to be removed to allow for vehicle access to the new dwellings, and a length of wall either side of this opening will be lowered in height from 2m to 0.8m. The demolition of the outbuilding elements would, if not included in a planning application, be subject to the prior approval procedure to consider the method of demolition and the restoration. The lowering of the wall however does require permission due to its height and its location within a conservation area.
- 2.3 Three detached houses will be laid out within the current rear garden area which will be oriented at right angles to 13 Carlton Lane. These will be located on a new access road which comes off Lay Garth and in through the new wall opening. A new double garage and parking spaces will be provided for 13A Carlton Lane, and each new dwelling will have an integral garage and 2 external parking spaces. The access road provides a turning head in front of plot 3 and the existing boundary wall will be amended to provide visibility splay lines for exiting the site.
- 2.4 Each plot comes with its own amenity area, with the land to the front of the properties being retained with trees to provide landscaping and screening, the frontage area seems to be divided between the three plots. A parcel of land to the north of the site, at the end of Lay Garth Court and to the north of plot 3, will remain undeveloped and outside of the curtilage of the 3 proposed development plots. The land is in the ownership of the applicant and suggested condition 12 requires details of the management of this parcel of land to be submitted to the local planning authority for approval.
- 2.5 Two types of house are proposed, Type A which is a 4 bedroom house with large integral garage, and Type B which is slightly larger in size and with a slightly more rectangular shape. Both are similar in terms of their elevations, featuring large windows with stone surrounds, Juliet balcony to front bedroom over garage and bay windows to the ground floor living rooms.

3 SITE AND SURROUNDINGS

- 3.1 The site lies close to the centre of Rothwell, and is made up of garden space originally associated with 13 Carlton Lane, an attractive triple fronted red brick building which at some point has been subdivided into two units. This property appears to have been built around the turn of the Century (1900's). Number 13 (and 13a) face onto Carlton Lane and has three ground floor bay windows, and two gabled features with a small, ornate dormer sitting within the hipped roof. To the rear of the house, on the eastern border is an outbuilding, which has been added to several times and is now part two storey, part single storey. The rest of the site is laid out as garden with lawns, planted areas, and significant tree coverage to all boundaries.
- 3.2 To the east of the site are Victorian terraces whose rear gardens form the side boundary of the site. To the west and north is a modern estate (early 1980's) accessed off Lay Garth which runs along the western boundary before terminating on the northern boundary where the road becomes Lay Garth Court (accessing 2 houses). The Lay Garth estate has a very different feel to the more traditional area of Rothwell, with varied houses that all have timber clad first floors sitting on top of simple brick ground floors. These properties have open-plan frontages and a more squat, horizontal character than the Victorian terraces. The Lay Garth boundary has a 2m high red brick wall with trees behind.
- 3.3 To the south across Carlton Lane there are large, red-brick Victorian Villas of varying design, as well as a converted former school building off Windmill Lane.
- 3.4 The north of the site has a small protrusion northwards on the eastern side, the north-west corner being where Lay Garth Court terminates. Number 2 Lay Garth Court wraps around the top corner of the site with its side and rear garden area. There appears to be an access from Lay Garth Court into the site which is gated off although this has obviously not been used for some time. The boundary treatment here is post and rail fencing heavily overgrown with shrubs and trees. Although it appears as if part of the site has been taken by the development of Lay Garth, historical maps demonstrate that the garden area associated with number 13 has always been of this shape.

4 RELEVANT PLANNING HISTORY

- 4.1 14/04170/FU Residential development for eight detached dwellings and associated landscaping, new garage and access to 13a Carlton Lane. Refused on following grounds:
- i. Detrimental to character of Conservation area.
 - ii. Poor design not reflective of local area.
 - iii. Poor amenity as a result of proximity of plots 1 and 2 to number 13, proximity of plots 3, 4 and 7 to the Victorian terraced houses, and proximity of plot 8 to 2 Lay Garth Court, along with very limited garden areas.
 - iv. Unacceptable loss of trees which are protected.
- 4.2 22/61/04/FU Change of use of detached house to 6 flats and the erection of 3 storey block of 12 flats. Refused on following grounds:

- i. New flats prominent in streetscene due to size and design, harmful to Conservation Area.
- ii. Loss of protected trees.
- iii. Material, harmful increase in use of Lay Garth/Carlton Lane junction where visibility is restricted.

4.3 22/110/02/FU and 22/109/02/CA Twenty four flats in two 3 storey blocks. Both refused for reasons of harm to Conservation Area, poor design, loss of trees, and harm to highway safety due to use of junction.

5 HISTORY OF NEGOTIATIONS

5.1 PREAPP/16/00192 was submitted with a proposal for 5 houses accessed from both Lay Garth and from Lay Garth Court. At that time the principal of residential development was accepted, however it was felt that 5 properties would result in harm to the Conservation Area character especially given the suburban form of the properties. It was recommended that in order to satisfactorily accommodate trees on site that the number of properties be reduced to three with just one access road. No concerns were raised with regard to the use of the junction at pre-app stage.

5.2 Following this the application was submitted with a proposal for 5 detached dwellings and including separate garages for number 13A, and plot 3. Plots 4 and 5 were proposed to be accessed off Lay Garth Court, with the remaining three plots accessed off a separate new access drive. This was revised to provide a scheme of 3 plots with amended access, removal of separate garaging for plot 3, and no access off Lay Garth Court to properties. The northern portion of the site is now shown not to be developed and is not included within garden space of one of the properties.

6 PUBLIC/LOCAL RESPONSE

6.1 The application was publicized by means of a Site Notice (Conservation Area) posted on 14/10/16, press advert in YEP (12/10/16) and neighbour letters sent out on 28/09/16. Following revision to the scheme neighbour letters were sent out to objectors on 31/03/17.

6.2 Member Responses to original scheme:

- Cllr Bruce feels a good job could be done, however raised concerns regarding traffic and parking on Lay Garth. Feels access should come off Carlton Lane, not Lay Garth.
- Cllr Golton noted that the scheme was of high quality and sympathetic in design terms but that the number of properties being accessed off Lay Garth was too many and should be reduced.

6.3 Member Responses to revised scheme:

- i. Cllr Golton requests the application be considered by Plans Panel. The revised plans proposed three properties but leaves a significant piece of land detached and undesignated and appearing to be intended for future development. This would mean the site could still be developed for more than three houses and would undoubtedly involve further access off Lay Garth which are the issues that have led to the revision in the first place

6.4 Public Response: The original submission generated 3 letters of support and 11 letters of objection raising the following concerns (note - some residents have submitted more than one letter):

- i. Lay Garth Court is a narrow service road giving access to no's 1 and 2 only. There are no footpaths and it is not wide enough for such. Only one vehicle can access the road at any one time, and the access is partially blind. New accesses would result in driveways being blocked off. The new driveways are also very narrow and could result in residents parking on Lay Garth or Lay Garth Court.
- ii. Loss of current outlook and quality of life, making properties on Lay Garth look very dated.
- iii. Loss of trees and shrubs.
- iv. Properties are squeezed in, not typical of character.
- v. Lay Garth is narrow and often used by people turning due to lack of a turning facility at Butcher Lane traffic lights. Constant traffic on Carlton Lane will make getting out of Lay Garth more difficult, especially when Aldi opens.
- vi. New development should be accessed from Carlton Lane.
- vii. Large family houses mean more vehicles per house. No accommodation for visitor parking (already an issue on Lay Garth). This will cause issues for larger vehicles such as refuse wagons and emergency vehicles.
- viii. Loss of privacy, particularly due to loss of trees.
- ix. Three storey houses not in keeping with surroundings.
- x. Application site has been left to become run down.
- xi. New houses do not bear any resemblance to Lay Garth properties.

6.5 Following revisions to the scheme a further 6 objections were received:

- i. Changes do not address previous concerns raised. Access should still be off Carlton Lane.
- ii. Tree issues not addressed.
- iii. Issues of refuse vehicles not addressed.
- iv. Room left for further development at Lay Garth Court.
- v. Trees along Lay Garth not maintained properly – who will have liability following development.
- vi. No details regarding boundary treatments. Concerns that all current vegetation will be removed allowing full view of the new properties.
- vii. Cars driving towards the new development will shine light into our windows, particularly if boundary treatments are removed/changed.

6.6 Comments of support include the following:

- Development will help restore the existing buildings and the overgrown land at the rear. Site will look much improved.
- Same developer as the old school across the road which is very high quality.
- One of the better development proposals in Rothwell.

6.7 A number of objectors raise concerns regarding lack of consultation with residents on Lay Garth. Neighbour letters were sent out to properties that adjoin the site (to all boundaries), and site notices were put up in accordance with the requirements of the Development Management Procedure Order.

7 CONSULTATIONS RESPONSES

7.1 Highways: No objections subject to conditions. The site is considered to be accessible via alternative modes of transport. Buses run every 20 minutes and the bus stops are only a 5 minute walk from the site. The site is accessible in terms of education facilities, convenience stores and large supermarket. Overall therefore the site is considered as accessible. Initial concerns were raised with regard to

layout in relation to access and parking, however following revisions no objections are raised subject to conditions. The revised plans show that each dwelling provides 2 acceptable off-street parking spaces. A bin collection point is shown on the plans and this store should accommodate all waste and recycling bins. Conditions should include for details of waste collection, vehicle space to be laid out, provision for contractors during construction.

- 7.2 Landscape: In review of revisions which have reduced the number of units and amended the road layout it is now considered that the proposal now hits a reasonable balance in terms of development and tree retention. Some trees will need to be removed however the most significant frontage trees will be retained and replacement tree planting and a landscape management plan will be required as part of the landscape scheme. Conditions should include tree protection, landscape scheme and landscape management plan.
- 7.3 Flood Risk Management – Surface water discharges should be restricted to greenfield rates of discharge via condition.
- 7.4 Contaminated Land – Documentation required regarding presence of asbestos in outbuildings. Additional info submitted and updated comments awaited.

8 PLANNING POLICIES

Development Plan

- 8.1 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 and made Neighbourhood Development Plans.
- 8.2 The central portion of the site is designated for economic uses under policy E4:47.
- 8.3 The following Core Strategy policies are relevant:
SP1 – Location of development (site is within smaller urban area of Rothwell).
H2 – New housing development on non-allocated sites.
P10 – High quality design.
P11 – Conservation.
P12 – Landscaping.
T2 – Accessibility requirements.
G9 – Biodiversity improvements.
EN5 – Managing flood risk.
- 8.4 The following saved UDP policies are relevant:
GP5 – General planning considerations
LD1: Detailed guidance on landscape schemes.

Natural Resources and Waste Local Plan

GP1 – Positive approach that reflects the presumption in favour of sustainable development.
Water 7 – Surface water run-off.
Land 1 – Contamination.
Land 2 – Trees.

Supplementary Planning Documents/Guidance

- 8.5 Street Design Guide (adopted)
- 8.6 Parking SPD (adopted)
- 8.7 Rothwell Conservation Area Appraisal (approved as a material consideration May 2010):
- i. Site lies within Character Area 4 (Southern Suburbs). The whole of the site is within the Conservation Area boundary, with Lay Garth properties being outside the CA. Number 13/13A is designated as a positive building, as are all the properties on Victoria Terrace and many along Carlton Lane itself. The nearest listed building is the former school on the opposite side of Carlton Lane. The Lay Garth boundary is recognized as being an original field boundary dated back to the medieval strip field system.
 - ii. The Appraisal notes that architecturally the area is defined by the large villa properties concentrated along Royds Lane and Carlton Lane, and the adjacent terraced developments. The use of red brick, stone detailing, the importance of chimneys and roofscape, as well as porch canopies etc. serve to unify both the terraced and the villa forms. Boundary walls and gateways are important as are mature trees in garden areas.

National Planning Policy

- 8.8 The National Planning Policy Framework (NPPF) and accompanying National Planning Policy Guidance (NGGP) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in on the consideration of this application.
- 8.9 The NPPF at Paragraph 7 advises that there are three dimensions to sustainable development – economic, social and environmental. The social role includes the objective of supporting strong, vibrant and healthy communities by providing a supply of housing required to meet the needs of present and future generations.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing applications, the NPPF states at paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.12 Paragraph 49 of the National Planning Policy Framework states the following:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 8.13 The Council is now in the position that it does not have a 5 year housing supply.
- 8.14 For decision-taking this means:
- i. Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - (b) Specific policies in this Framework indicate development should be restricted.
- 8.15 Paragraph 134 deals with heritage assets and sets out *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

Community Infrastructure Levy

- 8.16 This proposal generates/is likely to generate a CIL requirement of £2,600.00. Due to the small scale nature of the proposal then no specific infrastructure requirements are associated with this application. This is presented for information only and should not influence consideration of the application. Consideration of where any CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

9 MAIN ISSUES

- Principle of development
- Design and layout and impact on character of Conservation Area.
- Highways and accessibility
- Landscaping and trees
- Residential amenity
- Other issues

10 APPRAISAL

Principle of development

- 10.1 The proposal utilises an area of land that is currently garden space for number 13 and 13a Carlton Lane and sits within one of the major settlement areas with access to the local town centre, supermarket, schools and other facilities. The site is classed as greenfield land due to its garden nature, however this does not preclude development subject to an assessment of the impact the development of the site would have on local character. The site is quite a significant green area within the locality, however it is very much screened by tree's such that views into and across the site are generally not possible to any great extent. The site is also little viewed except by residents using Lay Garth, and occupants of Victoria Terrace. It is not therefore considered that the loss of the area would have a detrimental impact on

spatial character, or the loss of an important visual open space within the streetscene.

10.2 Policy H2 of the Core Strategy deals with housing on unallocated sites, such as this one. This policy states:

“New housing development will be acceptable in principle on non-allocated land, providing that:

- i. The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,*
- ii. For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,*
- iii. Green Belt Policy is satisfied for sites in the Green Belt.*
- iv. In addition, greenfield land:*
 - a) 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, or*
 - b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.” (Core Strategy 2014, p77).*

10.3 Given this is a small development of three houses then it is not considered to exceed the capacity of local infrastructure, it is not in the green belt, and as discussed above the site does not have intrinsic value as amenity space. The site does make a contribution to the historic spatial character of the area as it represents the medieval form of strip farming with the boundary wall to Lay Garth being one of the historical field boundaries. This is not immediately apparent as the development of Lay Garth itself has disrupted the old field boundary lines, however the form of the development being of a linear nature, and the retention of the boundary wall on Lay Garth do retain the essential character of the strip field and the boundary lines.

10.4 The proposal is therefore considered to provide a small quantum of housing in a sought after area, which does not harm the spatial or historic character of the area and would represent sustainable development. The proposal is therefore considered to comply with policy H2 and with the NPPF in terms of housing provision.

Design, Layout and Impact on Conservation Area

10.5 The site has been laid out in a linear form with housing facing towards Lay Garth, this reflects the linear nature of the garden area, picking up on the medieval field pattern. The single point of access minimises the intrusion into the boundary wall which is an important element in preserving the old field boundaries. This layout also reflects the terraces on Victoria Avenue and provides a sensible relationship with those properties, whereby rear gardens back onto rear gardens.

10.6 The houses are all two storey, and have a simple treatment with mullioned stone surround windows and gable feature to the front. The front also features bay windows which is characteristic of the older historic villa's in the area. The site does sit on a transition between the older historic area and newer, modern estates, and consequently the simplistic approach is deemed appropriate, picking up on features in the historic part but without providing a pastiche that would look out of

place with the Lay Garth properties. The retention of the trees is considered important to spatial character and the layout manages to achieve this in the whole.

- 10.7 The houses also sit lower than the existing villa at number 13, and the terraces on Victoria Avenue, but are higher than the modern properties on Lay Garth, this again reflects the change in character but also ensures that the property at no. 13 is still seen as the primary property on the site.
- 10.8 The proposal sees the lowering of the existing boundary wall along Lay Garth and its complete removal in one section to enable removal. The boundary wall is a significant feature due to its emphasis of the strip field system, however it is acknowledged that it will not be entirely removed, and in the main is to be retained. The small sections of lowering and removal will not remove the linear boundary feature such that it would be detrimental to the historic character, and as discussed elsewhere it is not considered appropriate to provide the access at another point.
- 10.9 The design and layout of the development results in less than substantial harm being caused to the heritage asset whilst having the benefit of delivering a small number of houses. The proposal therefore is considered to preserve and enhance the Conservation Area and provides good design for this important spatial site. The proposal is therefore considered to comply with Policies P10 (design) and P11 (conservation) of the Core Strategy, and to guidance in the Conservation Area Appraisal. The proposal is also considered to meet the test set out at para. 134 of the NPPF. Conditions regarding materials, boundary treatments etc. are recommended to ensure the character of the Conservation Area is maintained in terms of the detail of the proposal.

Highways and Accessibility

- 10.10 With regard to accessibility the accessibility standards for housing development do not apply as these relate to schemes for 5 houses or more. However, there are bus stops located just five minutes away, and the town centre itself is within walking distance and provides good access to local shops, services and facilities. The site is also within walking distance of primary schools, and Rodillian High School is located a 32 minute walk away which is considered acceptable. In term of its location and impact on local infrastructure therefore the proposal is considered to be good.
- 10.11 The revised plan for 3 properties will utilise one access point coming off Lay Garth, this is deemed to be acceptable in terms of highways standards and would not lead to unsafe movements on Lay Garth or Carlton Lane. Each property provides two off-street parking spaces and there is sufficient room within the site allowed for larger vehicle movements, and bin storage etc. Highways officers have no objection to the proposed scheme and have recommended conditions that details of waste provision are provided (to ensure any bin storage is fit for purpose), that vehicle areas be laid out prior to occupation, and that details of contractor parking are provided (to ensure Lay Garth is not blocked during construction phase). These conditions are all considered to be necessary and reasonable and are recommended above.
- 10.12 A number of residents have raised concerns regarding the use of Lay Garth for the access point to the new dwellings, and have asked that an access be provided off Carlton Lane directly. In response to this there is already an access off Carlton Lane to number 13 and this will be retained to continue to provide access and parking for no. 13. Number 13a will now be accessed off the proposed new

driveway, as will the other properties. To provide access to the new houses off Carlton Lane would mean either using the existing driveway by number 13, or creating a new one to the side of 13a.

- 10.13 By using the existing driveway the remainder of the outbuilding at the rear would need to be removed (itself an important historic feature), and the access would then run along the rear boundary of the site, along rear gardens of Victoria Avenue. This would prevent any screening planting along the boundary, and would shift the houses further west into the protected tree area along Lay Garth. It is considered that this would be detrimental in terms of loss of trees, and impact on no. 13 in terms of the number of vehicles that would be using the access next door to it.
- 10.14 To put an access in adjacent to 13a would result in two access points (the new one and Lay Garth) very close to each other potentially leading to traffic accidents. Again as well an access here would result in the loss of trees to the front corner of the site which would be detrimental to the character of the conservation area. Any other form of access would result in larger changes to layout and the relationships between the proposed and existing properties. Ultimately, it is for the local planning authority to reach a view on the application proposal before it rather than to look at alternative forms of development.
- 10.15 Whilst the fears of residents in terms of traffic increase are acknowledged it is considered that the proposal before us represents a good balance in terms of retaining the historic spatial character, maintaining tree cover, and providing safe access. The site will be contained, and given the layout it is unlikely that overspill parking would occur except occasionally. The small scale nature of the proposal means that the amount of on-street parking that potentially could occur would be very limited and is not considered detrimental to the highway safety of other residents. The proposal complies with guidance in our Parking SPD and with policy T2 of the Core Strategy.

Landscaping and Trees

- 10.16 As noted above the site is bounded by trees to most sides and these are considered to be an important part of the character of the area. Trees within the site are protected in relation to the Conservation Area designation. An arboriculture report has been submitted by the applicants and this identifies that trees on this site have a significant impact on local treescape and provide good visual amenity, with occasional trees having a high quality impact. Trees are predominantly mature and include numerous species but are predominantly sycamore. The site is also covered by a Tree Preservation Order which again highlights the importance of the impact the trees on this site have.
- 10.17 13 trees were identified for removal due to health and safety issues, or to allow other trees to achieve greater growth and stature. An arboriculture method statement has also been submitted which identifies which trees will need to be removed for either tree issues, or to enable the development. In the main trees along the Lay Garth boundary area retained with trees to the Victoria Avenue boundary being removed.
- 10.18 A tree planting plan has been provided which suggests that new tree planting will infill areas along the Lay Garth boundary where trees have been removed, and also re-instate planting along the rear boundary with species such as alder, bird cherry and sweet gum proposed. New tree planting is also proposed to the front of 13 and 13a, along with hedging to the front and side boundaries. On the whole the

removal of trees is considered to be proportionate to the site, with the layout of the houses reflecting the priority of trees in determining siting. The new tree planting scheme is considered to suitably replace lost trees, and should ensure a more managed approach to tree growth in the future, using suitable native species that better reflect the setting, and the needs of occupants. The implementation of hedging is also welcomed, providing a greener setting along Carlton Lane, providing valuable biodiversity benefits, and helping to reduce roadside pollution levels. Subject then to the imposition of conditions to enable all of this, the proposal is considered to comply with policies P12 and G9 of the Core Strategy and with policy LAND 2 of the NRWLP.

Residential Amenity

- 10.19 The application proposal needs to be assessed in terms of its potential impact on both the intended occupiers and those who live around the site. With regard to the intended occupiers new houses should ensure adequate outlook, good amenity space provision, and suitable internal space inside the properties. With regard to internal space Leeds does not have any formally adopted provision as yet, however the Nationally Described Space Standards provide a good indication of whether or not a property is achieving a good level of space. Although these carry little weight in a planning decision, they do allow us to assess if a house is appropriate for its intended end use.
- 10.20 With regard to space standards, the proposal provides the following (size does not include garage provision):

<u>House Type</u>	<u>Accommodation</u>	<u>Size (m²)</u>	<u>Space Standard Size (m²)</u>	<u>Difference (m²)</u>
Type A	2 storey, 4 bed, 8 person	183	124	+59
Type B	2 storey, 4 bed, 8 person	182	124	+58

- 10.21 As can be seen the proposed houses offer a very good level of internal space, the floor plans also demonstrate that they would provide suitable provision for adaptation e.g. installation of lifts or stair lifts, if necessary, and could be adapted for wheelchair provision as well.
- 10.22 Externally the houses are sited so that the closest distance to the rear boundary is 10m, and to the front boundary 22m. Numbers 13 and 13a retain a garden depth of 15m. This layout ensures that each occupant will have adequate outlook and amenity space. Each property is roughly east-west oriented so will receive sunlight to the rear in the morning, and the front in the evening. The number of trees around the site will create some overshadowing, however distances to trees are generally such that they would not directly overshadow windows, and there should be a good mix of sunny and shaded areas provided for each occupant.

- 10.23 With regard to neighbouring properties, the new houses are located a good distance away from all neighbours. No. 2 Lay Garth Court is sited 20m away from plot 3, whilst the distance between the rear elevation of plot 3 and that on Victoria Terrace is in excess of 21m. No. 1 Lay Garth is 37m plus from plot 1. It is therefore considered that the proposals will not give rise to any concerns regarding loss of outlook, or overlooking. With regard to overshadowing the new properties would only impact on the areas to the Victoria Avenue side, most overshadowing would fall within the garden areas of the new houses, with the exception of winter time when shadows are longer. The gardens of Victoria Avenue will however already be overshadowed by trees along this boundary, the removal of existing, and replacement with more appropriate species should improve the situation for these occupants.
- 10.24 The proposal is therefore considered to offer a good level of amenity for new occupants, as well as protecting the existing amenities of neighbouring residents, and is compliant with policy P10 (design) of the Core Strategy and GP5 (amenity) of the UDP. The proposal also complies with Neighbourhoods for Living.

Other Issues

- 10.25 Drainage – the site is green-field site and consequently surface water run-off rates need to be restricted. A condition is recommended for submission of a surface water drainage scheme to achieve this. The proposal will then comply with policy WATER 7 of the NRWLP and EN5 of the Core Strategy.
- 10.26 Contamination – primary sources of contamination come from potential asbestos within the outbuilding to be demolished and a low risk of coal gas below ground. These matters can be adequately dealt with through submission of appropriate reports, and consequently conditions are recommended to cover this. The proposal will then comply with LAND 1 of the NRWLP.
- 10.27 Representations – one of the concerns raised by members of the public following revision of the scheme is the potential future use of the land to the north of plot 3, which is to be left separate. The applicants have indicated that this may, or may not, come forward in future for separate development, or that it may be left as is. Whilst not ideal the planning system cannot force the applicants to do something with this land, whether that be incorporation into the garden area of plot 3, or plans for development. Even if the land were incorporated into garden area there would be nothing to prevent a future occupier from applying for permission to develop that site. Any application submitted to consider development on this site would require full consideration of all issues including access, design, impact on amenity, loss of trees etc. Any applicants would need to ensure that all concerns raised by the Council on the initial scheme for 5 houses were overcome, and that future development does not impact negatively on the other three plots. The area in question is still within the red line boundary, and consequently a condition regarding the long term management of landscaping within this area is recommended to ensure that the site does not become overgrown and dangerous.

11 CONCLUSION

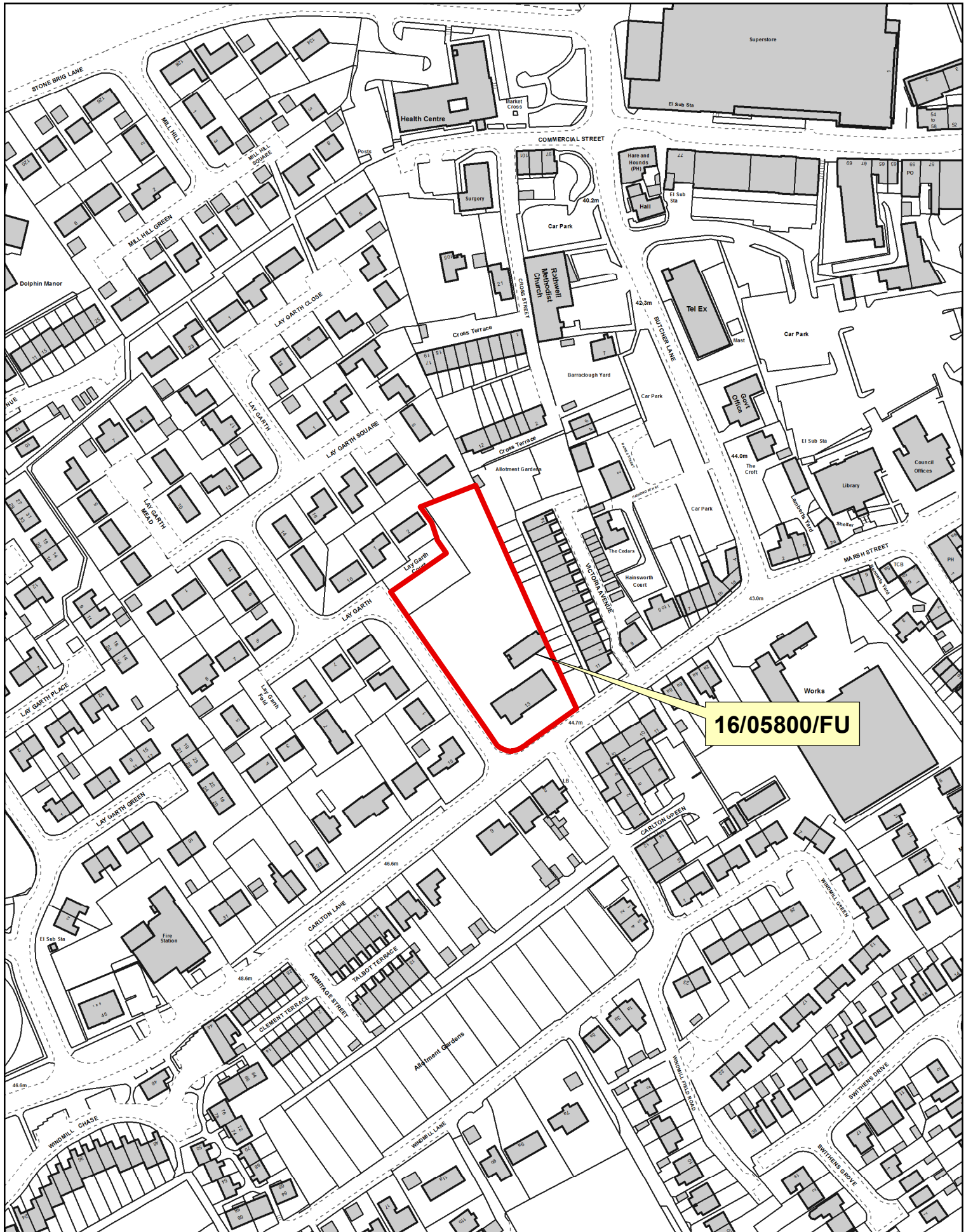
- 11.1 As outlined above this is a well-designed scheme, offering a small scale development within a major settlement, close to local facilities. It reflects the character of the Conservation Area well, whilst preserving its character and provides good levels of amenity. The proposal is considered to comply with development plan policies, and the NPPF, and taking all other material

considerations into account including representations received, the application is recommended to Members for approval subject to the conditions set out.

Background Papers

Application file - 16/05800/FU

Certificate of Ownership – Certificate B served notice on Ian Garbett and Christine Tull of 13a Carlton Lane, Rothwell.



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2000





Revisions
 A 11/4/17 JW Driveways amended

project
3403 - Lay Garth, Rothwell

drawing title
Site Plan - 3 Homes

drawing number
3403(1)069A

scale drawn/Checked date
 1:200 @ A1 JW / JW 29/03/17

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