



**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 9<sup>th</sup> November 2017**

**Subject: Application number 17/06220/FU –Detached dwelling with associated parking on land adjacent to 20 Weston Ridge, Otley, LS21 2EG**

**APPLICANT**

LJS Macfield Properties Ltd

**DATE VALID**

21<sup>st</sup> September 2017

**TARGET DATE**

16<sup>th</sup> November 2017

**Electoral Wards Affected:**

Otley & Yeadon

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. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Area to be used by vehicles to be laid out
5. Detail of cycling/motorcycle facilities
6. Surfacing materials to be submitted.
7. Details of surface water drainage to be submitted
8. Phase 2 site investigation report to be submitted
9. Amended remediation statement if required
10. Verification report for remediation to be submitted
11. Details of importation of any soil
12. Details of waste collection provision
13. Details of boundary treatment to be agreed
14. Construction hours and parking of construction vehicles

## **1.0 INTRODUCTION:**

- 1.1 The application is for one detached dwelling with associated parking. The application is brought to Plans Panel at the request of Councillor Campbell due to impact on the street scene.

## **2.0 PROPOSAL:**

- 2.1 The application is for a detached three bedroom house in the side garden of an existing property. The house is shown to have a footprint of 8 metres by 8.9 metres and will be 4.59 metres in height to the eaves and 6.2 metres overall. The property will be constructed from red brick and red tiles to match the existing house next door and its roof form will be hipped on all four elevations.
- 2.2 The proposal includes two car parking spaces to the front and a garden to the rear. There will also be two car parking spaces to the front of the original property.
- 2.3 A previous application for a house on this site was refused in March 2017 and no appeal was made in relation to this refusal
- 2.4 The application was refused due to the impact on the street scene in terms of design. The design of the property has now changed with the roof design changing from a gable to hipped design and the materials changing from render to red brick. The property is the same size and in the same position as the refused scheme.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is a side garden to an existing semi-detached property. This area previously housed a garage and parking but is now fenced off from the existing property. The existing property is a red brick semi-detached house in a line of 5 pairs of similar semis. On the opposite side of the road the properties vary in terms of size, design and materials.
- 3.2 On the eastern side of the site is a hedge and an area of public open space before the road junction. To the rear of the site are residential properties that are separated from the site by the car parking for these properties. The area is residential in nature and is not located in a conservation area or green belt.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 16/07097/FU – Erection of one detached property refused 16<sup>th</sup> March 2017 for the following reasons

*The Local Planning Authority considers that the proposed dwelling due to its design, size, materials and location on this narrow plot of land will have a detrimental impact on the street scene and does not comply with policies H2 and P10 of the Adopted Core Strategy (2014) and the relevant paragraphs in the National Planning Policy Framework*

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Since the previous refusal officers have negotiated with the applicant in terms of the design of the proposal.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by a site notice which was erected on 13<sup>th</sup> October 2017 and expired on 3<sup>rd</sup> November 2017.
- 6.2 Councillor Colin Campbell has objected to the scheme concerned with the following matters:
- This part of Weston Ridge comprises a row of semi-detached houses with large front gardens (partly used for parking) and smaller rear gardens. The proposal removes the front garden space from the existing dwelling and replaces it with car parking while also removing the side and a substantial part of the rear garden to squeeze in an extra house.
  - The dwelling due to its design, size, materials and location on this narrow plot will have a detrimental impact on street scene and does not comply with policies H2 and P10 of the Core Strategy and the NPPF
- 6.3 Otley Town Council object concerned with the following
- The development will spoil the street view and look overcrowded
  - Overdevelopment of the site
  - Loss of garden
  - Loss of public amenity
- 6.4 One letter of objection concerned with
- Increased traffic due to building works will make traffic on this busy street worse and there are many young children living here and I feel it is already unsafe
  - A detached dwelling does not match the rest of the street which are semi-detached houses

## **7.0 CONSULTATION RESPONSES:**

Highways – No objections subject to conditions

## **8.0 PLANNING POLICIES:**

### Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Plan

### Core Strategy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered the most relevant;

Spatial policy 1: Location of development

Policy H2: Development of housing on non allocated sites

Policy P10: Design

Policy T2: Accessibility requirements and new development

Policy EN2: Sustainable design and construction

## Policy EN5: Managing flood risk

### Natural Resources and Waste Local Plan (January 2013)

8.3 The following policies are considered relevant:

WATER 1: Water efficiency  
WATER 2: Protection of water quality  
WATER 7: Flood risk assessments  
LAND 1: Contaminated land  
LAND 2: Development and trees

### Saved Policies - Leeds UDP (2006)

8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development proposals should resolve detailed planning considerations.  
BD2: Design of new buildings should complement and enhance existing views  
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

### Relevant supplementary guidance:

8.5 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

Street Design Guide SPD  
Neighbourhoods for Living SPG

### National Planning Policy Framework (NPPF)

8.6 The National Planning Policy Framework (NPPF), introduced in March 2012, and the National Planning Practice Guidance (NPPG), introduced in 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.

8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.

8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 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.

## 9.0 MAIN ISSUES:

1. Principle of development
2. Streetscene
3. Highways
4. Residential amenity
5. Representations
6. CIL

## 10. APPRAISAL:

### Principle of development

- 10.1 The site is unallocated in the Unitary Development Plan and the Core Strategy. Therefore Policy H2 from the Core Strategy is applicable which relates to new housing on non allocated sites. This policy states that a number of criteria need to be met including:
- i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure. *This application is for one house so will not have a detrimental impact on existing infrastructure. For these reasons the application complies with this part.*
  - ii) Should accord with accessibility standards. *The site is located within walking distance of bus stops on Weston Drive and is located in an existing residential urban area. The site therefore complies with accessibility standards.*
  - iii) Relates to site within green belt. *The site is not within green belt.*

The other two criteria relate to if a scheme is proposed on greenfield land which state:

- 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. *The site is the side garden to an existing residential property and does not make a valuable contribution to the 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. *The site is not designated green space*

- 10.2 Overall it can be concluded that the development complies with policy H2 of the Core Strategy and the principle of development for residential on this site is considered acceptable.

### Streetscene

- 10.3 The NPPF attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments

- ... add to the overall quality of the area
- ... respond to local character ... reflect the identity of local surroundings and materials
- ... are visually attractive

- 10.4 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 10.5 Policy P10 of the Core Strategy also deals with design stating that good design should be appropriate to its location, scale and function. Developments should respect and enhance ...streets, spaces. The policy progresses to sets out that:

Proposals will be supported where they accord to the following key principles:

- Size, scale and design are appropriate to its context and respect the character and quality of the surrounding buildings, the streets and spaces ... of the wider locality.
- The development protects the visual, residential and general amenity of the area

- 10.6 The site is the side garden of an existing semi-detached house. It is the end house in a row of five pairs of semi-detached houses and this property, and the semi-detached at the other end of the row, both have a similar space to the side. Both properties had a side extension and garage on these pieces of land and this has been demolished on the application site. Both properties also have an area of public open space beyond their boundaries. These 10 properties and their relationship with the street scene are unique in the immediate area and the spaces at either end of the row and the relationship with the public open space are in symmetry with one another. Accordingly the development will impact upon the spatial setting of the dwelling and the established spatial characteristics of the area. The issue is whether that impact is harmful.

- 10.7 In addition the building of a detached house at one end of this row will impact on the symmetry of this row of houses. However, the two ends of the row are well separated from one another and are not read together in the street scene due to the separation distances. This piece of land also did have garage on it until recently and a small extension on the side of the existing house. So this space was previously occupied by buildings and so the development of this land is not necessarily out of keeping with the street scene.

- 10.8 On the opposite side of the road the street scene is mixed with detached and semi-detached properties, bungalows and houses being constructed from a mixture of artificial stone, render and red brick.

- 10.9 The proposed design of the property is in keeping with the design of the existing row of semi-detached houses. Whilst it is a detached property the roof has changed since the previous refusal and now has a sloping hipped roof which matches the neighbouring property. The materials have also been altered from brick/render to all brick so the design and the materials now match the existing property and can be secured by condition.
- 10.10 Whilst the paving of front gardens for parking can have a negative impact on the streetscene a significant number of other properties in the locality have already done this. The existing property's front garden, whilst not formally laid out as parking, is hard landscaped with gravel and paving and does not contain any landscaping. Accordingly it is considered that it would be difficult to justify a refusal on this point. Furthermore suitable boundary treatment to sides of the parking area would help offset the visual impact of any parked cars.
- 10.11 On balance it is considered that the proposed house will appear acceptable in the streetscene and complies with policy P10 of the Core Strategy and the relevant paragraphs in the NPPF mentioned above.

#### Highways

- 10.12 The proposal is a small three bedroomed house so requires two car parking spaces. These spaces are provided to the front of the property and there are also two car parking spaces provided in front of the existing property. This ensures that there is adequate parking for both the existing and proposed property. The access to the new house and the existing are also acceptable and located an adequate distance from the nearest junction. The application therefore complies with policy T2 of the Core Strategy.

#### Residential amenity

- 10.13 The property will have a garden length between 8 and 8.9 metres which is less than the recommended distance in Neighbourhoods for Living, however to the other side of the boundary is a car park and there is adequate distances to the houses to the rear. The area of garden provided to the rear is also 99% of the proposed floorspace which is well in excess of the 66% that is required in Neighbourhoods for Living. The existing house garden to the rear that remains is 98% of the houses floorspace. Whilst the existing property is losing its side garden the rear garden remaining is in line with the garden sizes of the other semi-detached houses in this row. The application therefore complies with policy GP5 of the Unitary Development Plan.

#### Representations

- 10.14 The vast majority of the concerns from the representations have been addressed above except for the following:
- Increased traffic due to building works will make traffic on this busy street worse and there are many young children living here and it is already unsafe – *this is a temporary matter during building works and does not go to the principle of development. However a condition is attached to control hours of construction and parking of construction vehicles.*

#### CIL

10.15 The Community Infrastructure Levy (CIL) Charging Schedule was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £90 per square metre of chargeable floorspace. The amount for this scheme will be £8,721.31. In any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

## **11.0 CONCLUSION**

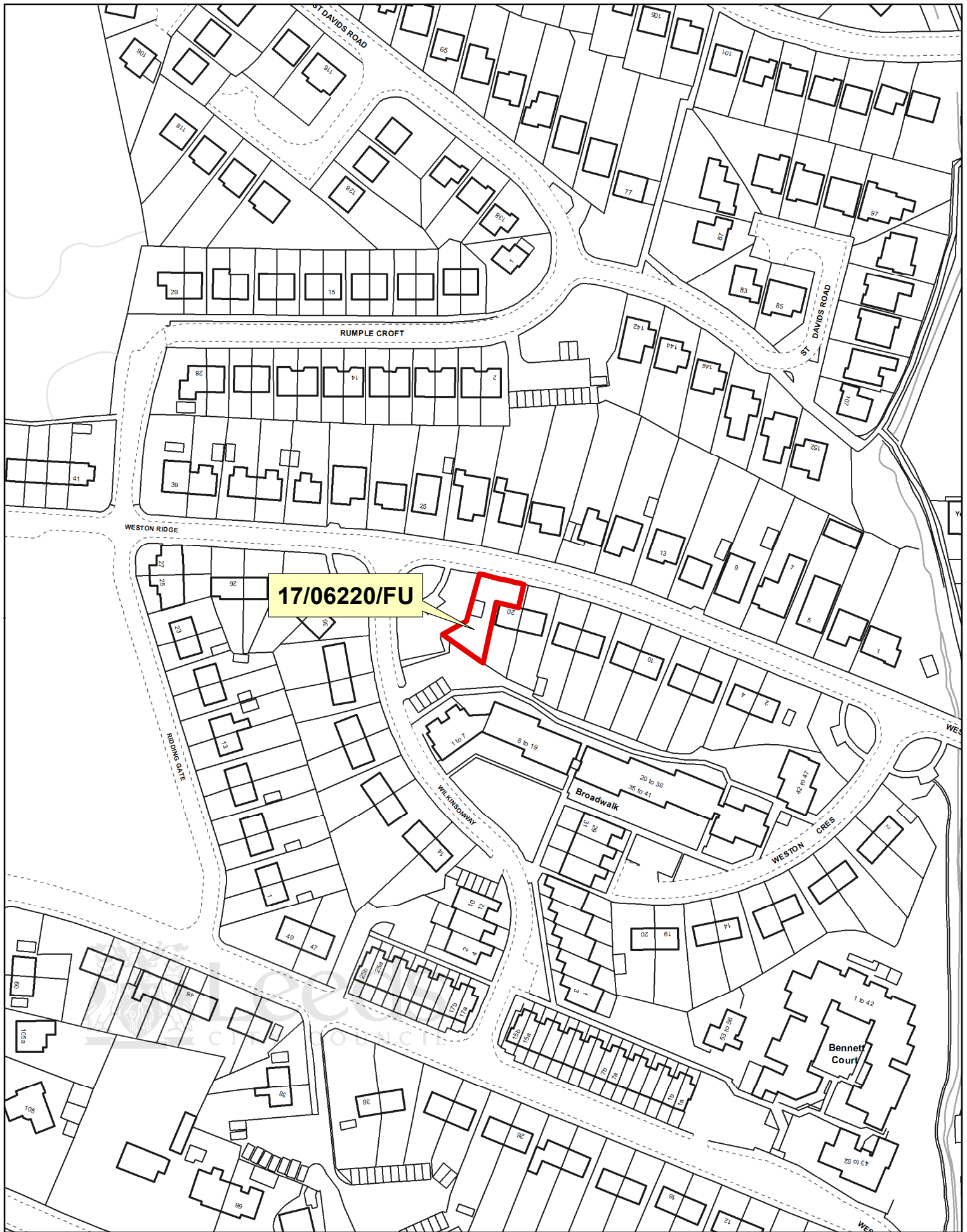
11.1 To conclude it is considered that this residential development is acceptable in principle and complies with the criteria within policy H2 of the Core Strategy. The application is considered acceptable in terms of design and impact on the street scene so complies with policy P10 of the Core Strategy. There will not be a detrimental impact on highway safety so the proposal complies with policy T2 of the Core Strategy and there will be no detrimental impact on residential amenity so complies with policy GP5 of the revised Unitary Development Plan. Overall the scheme is considered acceptable.

### **Background Papers**

Certificate of ownership: signed by applicant.

Planning application file: 17/06220/FU





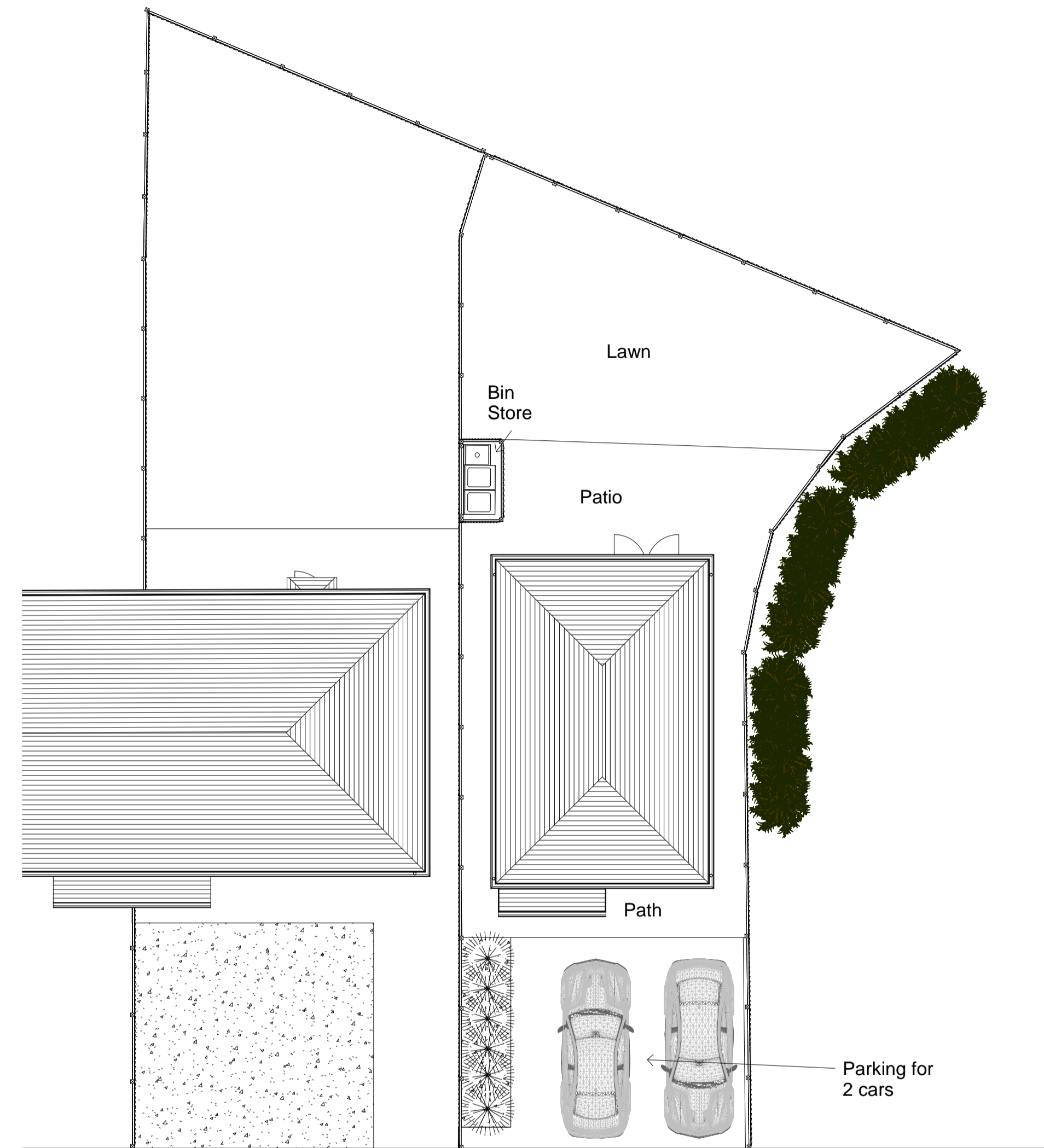
# SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500





1 Site  
1 : 100

**NOTES:**  
CONTRACTOR TO VERIFY ALL SIZES ON SITE BEFORE COMMENCEMENT.  
PLEASE DO NOT SCALE FROM THIS DRAWING

**Party Wall Act**  
Notices under the Party Wall Act are most likely required and are to be served by or on behalf of the building owner.  
For further clarification on the Party Wall etc Act 1996 contact:  
Caim Wharf Consultancy Ltd, 1st Floor,  
33 - 35 Cross Green, Otley, Leeds, LS21 1HD.  
T: 01943 468922 M: 07739 576181  
cw@caimwharf.com  
For further information on the Party Wall etc Act 1996:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/393927/Party\\_Wall\\_etc\\_Act\\_1996\\_...\\_Explanatory\\_Booklet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393927/Party_Wall_etc_Act_1996_..._Explanatory_Booklet.pdf)

**Building Contract**  
It is recommended that a formal written agreement is put in place between the building owner and the building contractor.  
A typical agreement that protects both owner and builder would be produced by the JCT.  
For further information on building contracts contact:  
Caim Wharf Consultancy Ltd, 1st Floor,  
33 - 35 Cross Green, Otley, Leeds, LS21 1HD.  
T: 01943 468922 M: 07739 576181  
cw@caimwharf.com

**CDM 2015 Regulations**  
The Construction (Design and Management) Regulations 2015 now applies in full to all construction work and the client must now appoint a Principle Designer and a Principle Contractor and the project must have a written construction phase plan.  
For further information on the CDM 2015 Regulations contact:  
Caim Wharf Consultancy Ltd, 1st Floor,  
33 - 35 Cross Green, Otley, Leeds, LS21 1HD.  
T: 01943 468922 M: 07739 576181  
cw@caimwharf.com

**GENERAL NOTES**  
Materials to match existing.  
These notes do not comprise a full specification. The drawings are for building regulation purposes only and are not working plans. They do not comprise of a complete specification for the whole of the works. Their primary function is to assist the local authority inspector to determine compliance in line with building regulation standards.  
Where further clarifications are required contractor shall refer to the client for details and instruction.  
All dimensions must be checked by the contractor and any discrepancies noted in writing to MAS Design Consultants Ltd.  
All works must be carried out in accordance with current Building Regulations, Codes of Practice and Planning Officers requirements.  
All materials must comply with current British Standards in situations used.

REV	Description	DATE
		

LJS MACFIELD PROPERTIES LTD

**PROPOSED DETACHED DWELLING**  
LAND ADJACENT  
20 WESTON RIDGE  
OTLEY  
LS21 2EG

**PLANNING**  
PROPOSED SITE PLAN  
Date 06/2017  
2459/A201/  
Scale @ A1 1 : 100