



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 9th November 2017

Subject: Application number 17/03692/FU – Demolition of existing extensions, shed and garages at Low Wood and Four Gables and erection of 8 new dwellings with associated landscaping and parking at Clarence Road, Horsforth, LS18 4LB

APPLICANT

Barnardo's

DATE VALID

7th June 2017

TARGET DATE

8th September 2017

Electoral Wards Affected:

Horsforth

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. Stone panel to be erected on site
5. Samples of surfacing materials to be submitted
6. Feasibility study into use of infiltration drainage to be submitted
7. Details of surface water drainage to be submitted
8. Means of vehicular access to and from the site shall be shown on the approved plans
9. Details of proposed sight lines shall be submitted for approval
10. Details for proposed method of closing off and making good all redundant accesses
11. Details of cycle/motorcycling parking
12. Retention of garages
13. Condition survey of Clarence Road to be submitted
14. Provision for contractor during construction
15. Vehicles spaces to be laid out

16. Details of proposed Traffic Regulation Order to be submitted including the adopted section of Clarence Road and the provision of a new turning head
17. Formal closure of existing adopted turning space in front of Four Gables to be obtained
18. Submission and implementation of landscaping
19. Arboricultural method statement
20. Landscape management plan
21. Protection of existing trees/hedges/bushes during construction
22. Preservation of retained trees/hedges/bushes
23. Provision for replacement trees/hedges/bushes
24. Details of any proposed asbestos removal to be submitted
25. Fencing and walling to be provided in line with approved plans
26. Details of proposed construction hours to be submitted
27. Details to prevent noise, dust and odour to be submitted
28. No site clearance of vegetation during bird nesting season of March to September without bird nesting survey
29. New windows on Four Gables to be obscured glazed

1.0 INTRODUCTION

- 1.1 In November 2016 Plans Panel approved a residential development which involves conversion of existing office buildings to flats and new houses to form a total of 22 units subject to a section 106 agreement for affordable housing, provision and maintenance of greenspace and contribution to a bus stop at this site. The planning application number for this development is 15/07633/FU. This section 106 agreement is still not complete and is on hold until this new planning application has been determined. This planning application is to demolish extensions to the main office buildings and erect 8 new houses. The application is brought to Panel due to the fact that it made the decision on the previous scheme.
- 1.2 Consideration of this application was deferred at the Plans Panel on 5th October 2017 to seek clarification from the applicant over their intentions for the future use of the office buildings. In reply the applicant has set out the following:

As we understand it the scheme is policy compliant as submitted and thus there is no basis for planning gain. Accordingly any unilateral undertaking will be outside the requirements of the planning system and thus we are advised that it may be construed by the Charity Commission as contrary to the provisions of the Charities Act and perhaps even the Bribery Act. Our Counsel do not recommend that we engage in any discussion that might prejudice the wider operation or reputation of our organisation and thus we should request that the scheme proceeds to committee at the next opportunity. I would like to represent Barnardo's at the meeting to explain both our position and how beneficial the proceeds of the scheme will be for children and young people.

- 1.3 Accordingly, the applicant has requested that the application be determined on the basis of the submitted scheme.

2.0 PROPOSAL:

- 2.1 As explained above Panel has approved a scheme for conversion and new build at this site. There are two existing buildings on the site known as 'Four Gables' and 'Low Wood' and were until recently used as offices and are now vacant. The previous application involved conversion of these two buildings to form 12

apartments. The application also involved the demolition of a large extension attached to Four Gables and the demolition of an annex attached to Low Wood. There was also demolition of an existing garage close to Low Wood and a garage and shed behind Four Gables. The previous scheme had a new build element which was an annex to Low Wood to create 3 apartments and 7 new houses in the grounds of both buildings.

- 2.2 This application now involves 7 new houses within the grounds of both buildings which are in the same position and of the same design as the previous scheme which Panel approved. This involved 1 four bedroom detached house plus 6 four bedroom semi-detached houses. The proposed houses will have the car parking within the curtilage of the properties. The new houses will be constructed from stone and slate and will all be two storey. The houses will have gables to the front elevation taking on design elements from the existing buildings on the site.
- 2.3 The difference between this scheme and the previous scheme is that one detached house is proposed in the position of the previously approved annexe adjacent to Low Wood. This new house will be two storey on the elevation facing into the site and three storey to the rear. It will be 6 metres to the eaves and 8.5 metres to the apex on the front elevation and 9 metres to the eaves and 11.5 metres to the apex at the rear. The property will have four bedrooms and its design will match the other houses in terms window form, roof form and materials of stone and slate. There is a single storey flat roof part to the rear with the flat roof element being used as a sitting area. This part will have rendered walls.
- 2.4 The car parking for the offices will be the same as proposed on the previous scheme. This will be 13 car parking spaces for Four Gables and 13 car parking spaces for Low Wood.
- 2.5 There will be 8 trees that need to be removed as part of the scheme which are individually covered by a Tree Preservation Order and three groups of trees also covered by a Tree Preservation Order. These trees were also approved for removal as part of the previous approval.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located at the end of Clarence Road, there are two large buildings on site along with tennis courts, landscaping and trees. Four Gables which was recently in office use but is now vacant is a 3 storey building. The building is constructed from stone and render and has small dormers in the roof space. It has two gables to the front elevation and takes the form of a detached villa. There is a three storey flat roofed extension to the side which will be demolished as part of the scheme. The current car park for this building is located to the east between this building and number 24 Clarence Road. The other building currently on the site is Low Wood which was also used for offices until recently. This building also takes the form of a villa and is 3 storey. This building has a part single storey and part two storey building to the side which will be demolished as part of this scheme. This building has car parking to the front. To the rear of this building is an extensive garden area which is covered in trees.
- 3.2 Both Four Gables and Low Wood were constructed between 1851 and 1908 with the modern extensions subsequently added to the buildings. Both buildings are positive structures within the Newlay Conservation Area.

3.3 At this lower end of Clarence Road there are a few large residential houses with substantial grounds. Closer to New Road Side the properties are cottages and semi-detached houses all facing onto Clarence Road. The Froebelian school is also on Clarence Road on the other side from the application site. There is a pedestrian access track beyond the application site on Clarence Road linking it to Newlay Lane. To the north of the site is Newlaithes Gardens which are semi-detached houses which have their rear gardens backing onto the application site. These houses are two storey and have a variety of extensions to the rear. The boundary treatment along here is mixed.

4.0 RELEVANT PLANNING HISTORY:

4.1 15/07633/FU – change of use of existing office building to apartments and 7 new houses to form 22 dwellings – approved by Plans Panel on 24th November 2016 and awaiting completion of s106 agreement

4.2 PREAPP/15/00451 – application to convert existing buildings and build 7 dwellings to a maximum of 22 units. Issues raised by officers included:

- principle of development
- highways and parking
- conservation area
- trees
- landscaping

5.0 HISTORY OF NEGOTIATIONS

5.1 During the processing of the application negotiations between the officers and applicant have been ongoing. These have been in relation to highway matters and revised plans have been received to cover this matter.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by a major site notice which was posted on 7th July 2017 and expired on 28th July 2017. The application was also advertised in the Yorkshire Evening Post on 28th June 2017 which expired on 21 July 2017.

6.2 Councillor Cleasby has commented stating:- As this is an established historical conservation area that is residential in nature, there is no reason to allow a change of use to employment. Virtually all offices in the Ward are populated beyond the parking capacity of their neighbourhood. Cllr. Townsley and I have tried for years to get resident only parking in this neighbourhood. The nearby school has been a problem for years in this regard. The owners have neglected the site for some time causing concern and alarm with residents. The historical use of this site is residential. Councillor Cleasby also believes that there should be no permitted development rights attached to the offices if the dwellings are approved.

6.3 Horsforth Town Council – neither supports nor objects to the application

6.4 16 letters of objection have been received from 9 properties concerned with the following matters:

- No consultation with neighbours
- The OS base used is inaccurate and does not include existing extensions
- Overlooking
- Noise and light pollution from the car parks

- Lack of affordable housing
- Impact on existing wildlife
- Manipulation of the planning rules as the offices can be converted to flats at a later date and avoid payment of affordable housing
- No evidence that conservation officer involved in previous application
- Who will maintain the wall on the rear boundary
- Wildlife surveys now two years out of date
- Removal of trees
- Privacy from Four Gables
- Impact on security from proposed car parks on garden boundaries
- Noise pollution from offices in summer when office windows are open
- Noise pollution from offices cars/traffic
- Tree inaccurately plotted on the plan, looks like it is to be removed but it is in residents garden
- Children need to play safely in our gardens without being overlooked
- Urge a clause that the offices should never be converted into living accommodation
- The site was allocated for 5 dwellings in the issues and options plan
- No justification for a fivefold increase in houses in the SAP
- Site should be considered for older persons housing/independent living
- Policy H4 states there should be a mix of housing on sites
- Welcome removal of modern annexes
- Proposed replacement building on Low Wood not in line with conservation area
- New windows will impact on privacy
- Future management of tree on the site
- The previous application is not legally approved suggesting the obligations and the s106 requirements cannot be agreed.
- No continued demand of offices within the area.
- Previous scheme had conservation officer's objections, members were advised verbally that the conservation officer was happy with the scheme but after freedom of information request there is no evidence to back this up. Members and the planning panel were therefore misled.
- No comment from conservation officer on this current scheme
- The two units B should be reoriented to face the street scene as more appropriate for conservation area and less impact on residents to the rear
- Villas on plot 9 and 10 do not conserve or enhance the conservation area
- Overdominance and overbearing
- New unit A over 20 metres in height, 3 storey and will be unduly prominent and will overlook
- Require a condition to remove permitted development rights for conversion of offices to houses so planning permission required and affordable housing sought
- The distance between the new house and our property is inaccurate on the plan
- The new unit A is almost identical in stature to the existing property of Low Wood. To have 2 buildings side by side on such a small site is not in keeping with the Victorian era and will damage the conservation areas appearance.
- Overshadowing
- All windows facing towards Newlathes Crescent should be opaque due to inadequate distances
- New wall/fence required on the boundary to protect privacy
- Tree reports now two years old and trees have grown significantly since then
- No maintenance on the site since the applicant vacated the site
- All comments in relation to the previous application should be taken on board
- Application doesn't make clear the proposed hours of office use

6.5 Ward Members have been consulted regarding the application and so far no comments have been received

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objections subject to the imposition of appropriate conditions.

7.2 Landscape team – No objections subject to the imposition of appropriate conditions.

7.3 Contaminated land – No objections subject to the imposition of appropriate conditions.

7.4 Conservation officer – The scheme will enhance the conservation area, accordingly no objections are raised.

8.0 PLANNING POLICIES:

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.

8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

Development Plan

8.3 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 development plan.

The application site has no specific allocations or proposals other than being in the Conservation Area.

Adopted Core Strategy

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

Spatial Policy 6 – Housing requirement and the allocation of housing land

Spatial Policy 7 – Distribution of housing land and allocations

Policy H1 – Managed release of housing sites

Policy H2 – Housing on non-allocated sites

Policy H3 – Density of residential development

Policy H4 – Housing mix

Policy H5 – Affordable housing

Policy P10 - Design

Policy P11 – Conservation

Policy P12 – Landscape

Policy T2 - Accessibility requirements and new development

Policy G4 – New green space provision

Policy G8 – Protection of important species and habitats

Policy ID2 – Planning obligations and developer contributions.

Saved Policies - Leeds UDP (2006)

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

Policy GP5 - Development Proposals should resolve detailed planning considerations

Policy N18A – Conservation areas and demolition

Policy N18B – Conservation areas and demolition

Policy N19 – New building within Conservation areas

Policy N20 – Conservation areas and retention of features

Policy T7A – Cycle parking guidelines

Policy T7B – Motor cycle parking

Policy BD2 – Design and siting of new buildings

Policy BD5- Amenity and new buildings

Policy BC7 – Development in conservation areas

Policy LD1 – Landscaping schemes

Natural Resources and Waste Local Plan (January 2013)

- 8.6 The following policies are considered relevant:

WATER 1: Water efficiency

WATER 2: Protection of water quality

WATER 6: Flood risk assessments

WATER 7: Surface water run off

LAND 1: Contaminated land

LAND 2: Development and trees

Site Allocations Plan

- 8.7 The site is allocated in the SAP as a phase 1 site under HG2-44 with a site capacity of 25 units. The site is considered suitable for older persons housing/independent living due to be located within the urban area.

Relevant supplementary guidance:

- 8.8 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan and Core Strategy 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:

Neighbourhoods for Living SPG

Affordable housing

Designing for community safety – a residential guide

Public Transport Improvements and Developer Contributions

Street Design Guide

Parking

Horsforth Design Statement

Newlay Conservation Area

Horsforth Design Statement (November 2010)

Newlay Conservation Area Appraisal and Management Plan (November 2008)

Guideline Distances – Development to Trees

National Planning Policy Framework (NPPF)

- 8.9 The National Planning Policy Framework (NPPF), published on 27th 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 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.
- 8.14 Paragraph 137 relates to development within conservation areas stating that new development should preserve and enhance and make a positive contribution to the area.

9.0 MAIN ISSUES

1. Principle of development
2. Conservation area, design and massing
3. Highway safety
4. Affordable housing
5. Greenspace
6. Residential amenity
7. Trees
8. Ecology
9. Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan but is identified as a phase 1 housing site within the emerging Site Allocations Plan. Members have previously accepted the principle of development for residential development on this site in November 2016 as well as much of the detail for example in relation to trees and car parking. Whilst this application must be considered on its own merits, the previous resolution of Panel should be afforded significant weight. Since that Plans Panel decision the Site Allocation Plan has been submitted for Examination in public and hearings are due to commence on 10 October 2017 and so it now carries more weight in the decision making process.
- 10.2 The site is within the Site Allocation Plan as a phase 1 site with a site capacity of 25 dwellings. Objections have been received to this proposed allocation as this is a five-fold increase on its proposed capacity set out in the issues and options document. The reason for this increase was that the site had been reassessed in light of the existing building becoming available for conversion. This application is now for 8 dwellings which is below the site capacity of 25 in the SAP. The reason for this is the fact that the 25 dwellings took into account the conversion of the two buildings on the site to residential which is no longer forms part of the proposal. The applicant is intending to market the buildings for offices which is the existing use. Without the buildings for conversion to residential the land surrounding these buildings is limited for development. The site has constraints such as trees and the conservation area and to insist on a development of larger than 8 houses would put further pressure on the trees plus the houses would not be in keeping with the characteristics of this part of the conservation area. In light of all of these matters a scheme of 8 dwellings within the curtilage of the two offices building is considered to be an acceptable proposal.
- 10.3 The Site Allocations Plan also identifies the application site as being suitable for older person's housing/independent living however it is not allocated for such. This site requirement has been added to all of the sites within the SAP which are located in the urban area. The applicant has previously submitted information as to why this site is not suitable for elderly accommodation including the site constraints such as retention of the existing building and trees whilst operators tend to seek larger sites so resident's facilities and amenity space can be provided. The site is not level so may not be suited for the needs of elderly people. The nearest bus stop is 200m away and the site topography and steep approach to the nearest bus stop do not make it an attractive route for the elderly. These reasons were previously accepted by Panel in November 2016. These reasons are still valid for this application and it is considered that if the site was to be used for elderly persons/independent living housing the conversion of the existing buildings on site would be more appropriate. The new houses proposed are family houses and not for the elderly persons/independent living market. To provide elderly persons/independent living accommodation would involve smaller properties which are not a characteristic of this part of the conservation area.
- 10.4 For all the above reasons it is considered that the principle of development on the site is still considered acceptable and is in line with emerging planning policy.

Conservation area, design and massing

- 10.5 Section 72 of the Planning (Listed Building and Conservation Areas) act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. There are two elements to the proposed scheme which need to be considered in terms of design and the impact on the conservation area. These relate to the demolition of existing buildings and the proposed new build. The demolition of the existing building has been previously approved in principle by Plans Panel and the new build for plots 2 to 8 has similarly been approved in principle by Plans Panel. Therefore the additional element of the scheme not previously considered relates to the replacement of the apartment block adjacent to Low Wood with a single house. The previously resolution of Panel carries weight in the determination of this application.
- 10.6 As background, the site is within Newlay Conservation Area and within the appraisal document the site is located within character area 1. Both Four Gables and Low Wood are identified as positive structures within this conservation area. This part of the conservation area is characterised by Victorian villa development and represents Newlay's 'historical core'. The detailing of these structures involves the following characteristics:
- Locally produced ashlar sandstone
 - Slate roofing
 - Villas of 2 and 3 stories
 - Set within expansive grounds
 - Variations on detached and semi detached
 - Decorative details
 - Gothic details are common
 - Enhanced by partial or full render

Whilst demolition of the existing building and some of the new build have previously been accepted by Panel the basis for these decisions is set out for Members further information.

i) Demolition of existing buildings.

- 10.7 Panel have previously approved the demolition of the existing buildings in November 2016. This decision related to a three storey flat roof extension attached to Four Gables. This is a later addition to the building and its design detracts from the design of the main building. Its removal will improve the visual amenity of this building and will have a positive enhancing impact on the conservation area.
- 10.8 The second building to be demolished is a building attached to Low Wood. The building is single storey to the front and two storey to the rear. Its design and appearance does not match the main building and its removal will also have a positive enhancing impact on the conservation area. There are also two garages and a shed which need to be removed to facilitate development of the site. These buildings have no merit in the conservation area and their loss will enhance the visual amenity of the conservation area and complies with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the NPPF.
- 10.9 Overall the demolition of all these structures is considered acceptable.

ii) New build

- 10.10 The previous Panel resolution related to one detached house and 6 semi-detached houses. This was based on the following details. The proposed detached house has

a single gable to the front and matches the existing gables on Four Gables property which is adjacent. The property will be two storey in height and will be traditional in appearance using materials which match the surrounding area. Its appearance in design terms is also as a villa and blends into the existing street scene.

- 10.11 The semi-detached houses design appear as one villa property which matches the characteristics within the conservation area described above. They have gables and bay windows to the front which match the gables on 'Four Gables'.
- 10.12 All of the new proposed properties stand within their own grounds and are separated from the other properties by trees or gardens. The layout is characteristic of the surrounding conservation area which consists of villa properties and is a characteristic mentioned with the Newlay Conservation Area Appraisal. Whilst the properties themselves and gardens are not to the same scale as the existing villas and gardens in the conservation area they are in similar proportions to one another and appear as a scaled down version of the existing area.
- 10.13 Objections have been received that plots 2 and 3 are not in keeping with the conservation area as they do not have their main frontage onto Clarence Road and have a side gable onto the street scene which is generally not a feature in the conservation area. This is generally the case although there are other examples of side gables onto the street scene including number 22 and 24 Clarence Road located close to the site. The side gable will generally be hidden from view by existing and proposed trees on this section of Clarence Road. If the property was turned round these trees could be under threat as the houses would not have sufficient light and outlook from their front rooms. By having a side gable this mitigates this concern. Also the rear windows would overlook properties on Newlathes Gardens where-as there are no such overlooking issues from a side gable.
- 10.14 The materials for the development include natural split faced stone with natural stone ashlar window surrounds with slate roofing tiles. The windows will be white UPVC heritage vertical sliding sash conservation windows. These materials are considered acceptable for the proposed location within the conservation area.
- 10.15 As well as these 7 houses which were approved in November 2016 the difference between the previous scheme and this current planning application involves the replacement of an apartment block with a single house. This house will be of similar proportions to the apartment block that was approved. It will incorporate design features off the other proposed houses with materials to match. It will also appear as a villa within its own grounds which is a feature of this part of the conservation area. To the rear there is a modern flat roofed extension which is generally not a design feature of this part of the conservation area. However, it is located to the rear of the property and will not be generally visible in the conservation area and so is considered acceptable.
- 10.16 There are two car parking courts proposed for the existing offices which in visual amenity terms are not ideal. However these are set back from the street scene and existing and proposed trees will generally shield these car parks from views in the conservation area so are acceptable. These car parks were also approved in principle in the previous decision from November 2016.
- 10.17 Overall it is considered that the new build is in line with the characteristics of the existing conservation area and therefore the development is acceptable as it both preserves and enhances the appearance and character of the conservation area

and thus complies with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the NPPF. It also complies with policies P10 and P12 of the Core Strategy.

Highways

- 10.18 The offices will be reduced in size due to the extensions that will be demolished so the traffic generated by the office use will be reduced. The introduction of 8 new houses along with the reduced office floorspace will not generate traffic that will have a greater detriment than the existing offices in terms of traffic generation.
- 10.19 There are two existing accesses off Clarence Road one serving Four Gables and the other one serving Low Wood. The existing access to Low Wood will remain and this will serve the existing offices, two of the new semi-detached houses and the new detached house.
- 10.20 The existing access for Four Gables will be altered and will be the access to one of the semi-detached houses only. A new access further along Clarence Road will be formed to provide access to a new car park for the existing offices and the new access will be wider than the existing access improving visibility. The remaining houses will have accesses direct onto Clarence Road itself. All these accesses are considered acceptable on this part of Clarence Road.
- 10.21 All the accesses will have controlled gates so that the parking is for the sole use of the occupants and offices. There are a couple of visitor's car parking spaces which are not beyond the gated control so visitors can park without having access to the main car park which is considered adequate for this scale of development.
- 10.22 The scheme also proposes a condition regarding details of a Traffic Regulation Order in the form of new waiting restrictions on Clarence Road to prevent on street car parking to the front of the development which is required due to the proposed development. The precise nature of this is not known at this stage until a scheme has been drawn up but it will help to keep access to this part of Clarence Road clear off parking vehicles.
- 10.23 A direction will also be attached rather than a condition suggesting that the surface on the path leading to Newlay Lane is improved, however due to the steepness of this path it is not considered appropriate to encourage the use of this path.
- 10.24 For all the above reasons the scheme is considered acceptable in highway terms and complies with policy T2 of the Core Strategy.

Residential amenity

- 10.25 The scheme needs to be assessed in relation to the distances between existing properties and the new properties and the distances between the new properties themselves.
- 10.26 As mentioned earlier the layout in terms of all the houses and the location of the car parking has not changed since Panel previously approved the scheme. The OS survey base has now been updated to include all the extensions that are on the properties to the rear. Whilst these were not on the original OS base officers had taken them into account in the previous recommendation.

- 10.27 In terms of the proposed layout previously approved by Panel the distances between the new properties are in excess of the guidelines required within Neighbourhoods for Living. The proposed gardens areas are also greater than the required guidelines in Neighbourhoods for Living. Garden lengths are acceptable except for the rear garden length of plot 4 which is just short of 10 metres in length when the requirement is 10.5 metres. However boundary planting is proposed which will prevent detrimental overlooking into the garden to the rear.
- 10.28 In terms of distances to existing houses there is a row of semi-detached houses to the rear of the site on Newlathes Lane. Residents along here have objected to the scheme and are concerned regarding the impact of the new development in terms of overlooking, overdominance and overshadowing.
- 10.29 In terms of the proposed semi-detached houses on plots 2 and 3 this has its end gable facing towards the rear of these existing semi-detached houses. The closest property (number 27) has a kitchen window which is situated 10.6 metres away from this gable when the required distance is 9 metres. Members may recall visiting this kitchen window at the site visit last year. This property therefore complies with the distances in Neighbourhoods for Living.
- 10.30 As mentioned above the detached house (plot 4) has a shorter garden than guidelines required but due to new boundary treatment this should not have a detrimental impact on residential amenity. There is 17.5 metres to the nearest window which is a kitchen and this is in excess of the guidance within Neighbourhoods for Living.
- 10.31 In relation to the four semi-detached houses (plots 5 to 8) which have their rear elevations facing towards Newlathes Gardens. These gardens lengths are between 18 and 20 metres long, well above the required 10.5 metres.
- 10.32 The existing property to the east of these properties (number 22 Clarence Road) faces onto the end gable of the proposed semi-detached house on plot 8; however the distance between is well in excess of the distance required in Neighbourhoods for Living.
- 10.33 The change since the previous scheme involves the new house next to Low Wood which also complies with distances with Neighbourhoods for Living. This proposed house is 0.5 metre higher and 2 metres nearer to the existing properties on Newlathes Gardens than the scheme approved by Plans Panel. However, the nearest distance between this property and number 21 to the rear is 21 metres and this is corner of building to corner of building. The distances between window to window is greater than the 18 metres required from the ground floor window at number 21 and the bedroom window on the new property. There will therefore be no detrimental impact in terms of overlooking and privacy.
- 10.34 The development meets the required distances to prevent overlooking and overdominance of the new houses on the existing houses in line with guidance within Neighbourhoods for Living.
- 10.35 In terms of overshadowing the proposed houses are south of number 22 and 24 Clarence Road so there is potential for some limited overshadowing from plot 5 to 8 during the middle part of the day. As this is for a limited time it will not have a detrimental impact on residential amenity. These four plots are a significant distance away from the properties on Newlathes Gardens so they impact on overshadowing is limited.

- 10.36 In terms of the new detached house on plot 4 this is east of numbers 29 and 31 Newlaites Gardens. There will be some overshadowing to the rear garden of this property but this will be limited in a morning and there is considerable existing overshadowing of these gardens caused by the trees that exist close by which will be retained as part of this development.
- 10.37 Plots 2 and 3 are the closest houses to the properties on Newlaites Gardens especially numbers 29 and 31. The new plots will be east of these gardens and there will be overshadowing in the morning. However the greatest overshadowing will be to kitchen windows and the small garden areas in front of these kitchen windows. The main garden areas will only have limited overshadowing for a small amount of time during the morning which will not have a detrimental impact on residents.
- 10.38 Finally in relation to plot number 1 this is a significant distance away from the houses on Newlaites Gardens. Any overshadowing caused will be for a limited time in a morning and will not have an unduly detrimental impact.
- 10.39 Overall it is considered that the scheme will not have a detrimental impact on the residential amenity of both surrounding existing residents and proposed residents in terms of overlooking, privacy, overdominance and overshadowing and complies with policy GP5 of the Unitary Development Plan and Neighbourhoods for Living.

Trees

- 10.40 The impact on the trees is the same impact as the previous application as the position of the development has not changed. This decision was based on a total loss of 8 trees to facilitate the development with 6 of these being category B trees and 2 being category U trees. There is also the removal of two group of category U trees and one group of category C trees. All of these are covered by a tree preservation order.
- 10.41 Negotiation had been ongoing during the previous application to ensure that a profitable development can be accommodated on the site with the minimum loss of trees. The scheme had been revised to ensure that the most important trees on the site remain and their long term health is ensured. Whilst there is some tree loss there are a large number of trees that will remain on the site and these along with proposed replanting will help to create a very attractive setting for the proposed development.
- 10.42 The layout has also been revised to ensure that the new buildings can be erected ensuring that there is no detrimental impact on the trees during construction and the long term health of the relevant trees.
- 10.43 Overall the scheme is acceptable in terms of the impact on trees.

Ecology

- 10.44 A bat survey and phase 1 habitat survey have been submitted as part of the previous application. Its conclusion is that only birds are present on the site and it recommends that vegetation clearance should take place outside of the bird nesting season and a condition can be attached to control this.

Affordable housing and greenspace

- 10.45 As this application relates to only 8 houses it is below the threshold required for the provision of affordable housing. Objections have been received that the applicant may apply for a permitted development change of use from offices to residential once this application has been approved and the extensions demolished. This would result in an overall housing development of a number which would, if subject to one permission, require the provision of affordable housing. There is no evidence that this will happen, but in any event, the planning regime through permitted development rights allows it.
- 10.46 In terms of greenspace provision, this is only required on developments of over 10 houses. Having said that, if the offices are changed to apartments pursuant to permitted development rights then there is a significant area of land behind Low Wood which would meet the requirements of greenspace provision in any event.

Representations

- 10.47 The majority of the issues raised in the representations have been covered above except for the following matters.
- No consultation with neighbours – *The NPPF does advise that applicants consult neighbours regarding proposed development, however the application has been advertised by site notices and neighbour consultation letters and neighbours have had opportunity to comment on the proposal*
 - The OS base used is inaccurate and does not include existing extensions – *The OS base has been updated and is now correct*
 - No evidence that conservation officer involved in previous application – *the conservation officers comments were fully considered in assessing the previous application*
 - Wildlife surveys now two years out of date – *The previous application was decided in November 2016 and little has changed in wildlife terms since the last decision*
 - Privacy from Four Gables – *this is remaining as offices and does not require planning permission so is not a matter to be discussed as part of this application*
 - Impact on security from proposed car parks on garden boundaries – *The car parks will be gated and the proposed houses overlook these car parks so there will be surveillance*
 - Noise pollution from offices in summer when office windows are open – *The offices do not require planning permission*
 - Noise pollution from offices cars/traffic - *The offices do not require planning permission*
 - Tree inaccurately plotted on the plan, looks like it is to be removed but it is in residents garden – *The tree on the plan is a new tree to be planted on the application side. The trees in residents gardens will not be affected*
 - Children need to play safely in our gardens without being overlooked – *This comment is in relation of overlooking from the offices which do not require planning permission as it is an existing use*
 - Urge a clause that the offices should never be converted into living accommodation – *There is no planning justification for this request*
 - Policy H4 states there should be a mix of housing on sites – *This is a small scheme of 8 houses and smaller houses would be out of character with this part of the conservation area and increase traffic along Clarence Road.*
 - Future management of tree on the site – *condition attached for landscape management plan*

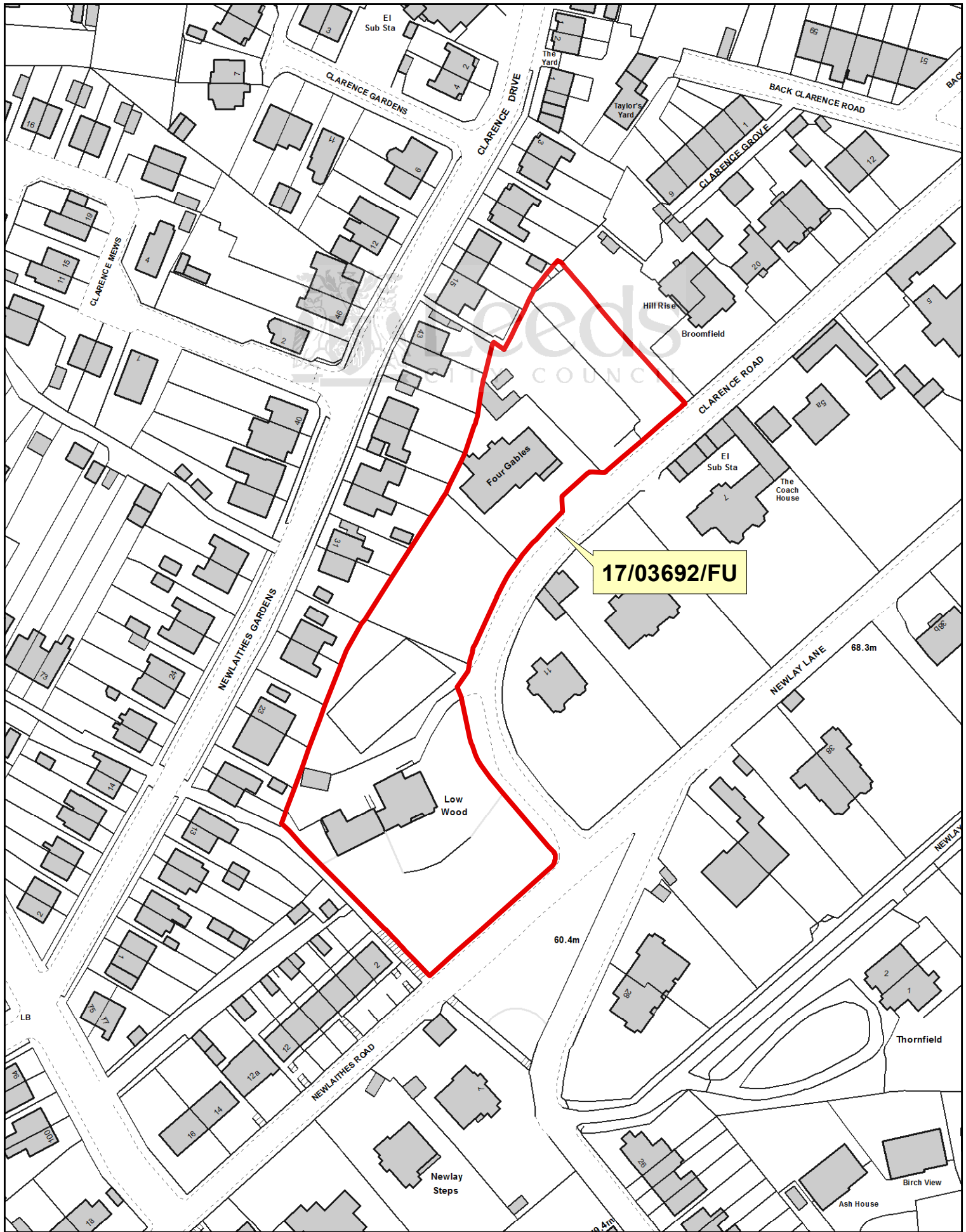
- The previous application is not legally approved suggesting the obligations and the s106 requirements cannot be agreed – *the s106 agreement is on hold pending the outcome of this planning application*
- No continued demand of offices within the area – *this is not relevant to the determination of the application*
- Previous scheme had conservation officer's objections, Members were advised verbally that conservation officers were happy with the scheme but after freedom of information request there is no evidence to back this up. Members and the planning panel were therefore misled. – *this is not relevant to the assessment of this application*
- No comment from conservation officer on this current scheme – *there is now*
- New unit A over 20 metres in height, 3 storey and will be unduly prominent and will overlook – this property is two storey on one side and three storey on the other. – *the property is 8.5 metres to the front elevation and 11.5 metres to the rear*
- Require a condition to remove permitted development rights for conversion of offices to houses so planning permission required and affordable housing sought – *no planning justification for this*
- The distance between the new house and our property is inaccurate on the plan – *amended layout corrects this*
- All windows facing towards Newlaithes Crescent should be opaque due to inadequate distances – *no requirement to do this as meet or exceed distances in Neighbourhoods for Living*
- New wall/fence required on the boundary to protect privacy - *no requirement to do this as meet or exceed distances in Neighbourhoods for Living*
- Tree reports now two years old and trees have grown significantly since then – *last consent was in November 2016 when members visited the site and saw the trees, there has not been significant growth since this time*
- No maintenance on the site since the applicant vacated the site – *this is not relevant to the assessment of the application*
- Application doesn't make clear the proposed hours of office use – *offices do not require planning permission so no hours of use need to be submitted*

11.0 CONCLUSION

- 11.1 To conclude it is considered that the principle of the development accords with local and national planning policy, that the development given its scale, design and location will enhance the conservation area and surroundings, that there will not be any harm in terms of highway safety and that there will be no harm to residential amenity, and that the impact on trees and ecology is considered acceptable. As such the proposal is considered to comply with the terms of the development plan when read as a whole and is therefore recommended for approval, subject to conditions.

Background Papers:

Certificate of ownership: signed by applicant.
 Planning application file.



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1250





Notes | Sketch schemes may be based on plan information of unknown origin and is subject to verification and survey. Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Use figured dimensions only. Ensure digital versions are plotted at 'Actual Size'. Building areas are liable to adjustment over the course of the design process due to ongoing construction detailing developments. Subject to statutory approvals and survey. The bar above is to check that the drawing has been printed to scale.

Accommodation Schedule		NIA Area (m ²)
Low Wood to remain as existing		
Type A		
1	4 Bed, detached, 2 storey	238.5
Type B		
2	4 Bed, Semi detached, 2 storey	124
3	4 Bed, Semi detached, 2 storey	124
Type C		
4	4 Bed, detached, 2 storey	154.5
Four Gables to remain as existing		
Type B		
5	4 Bed, Semi detached, 2 storey	124
6	4 Bed, Semi detached, 2 storey	124
7	4 Bed, Semi detached, 2 storey	124
8	4 Bed, Semi detached, 2 storey	124
Total Building Area		1137
Site Area		1.69

KEY

- Proposed trees to be removed
- Proposed new tree
- Electric Car Charging Point
- Cycle Store
- Bin Store comprising 240litre General / Recycle & Garden waste
- Bin Store comprising 4 No 1100 litre
- Root protection zone for trees 70-74

Rev	Date	Description	Drawn	Checked
C	07/08/17	OS plan updated & cycle storage lockers added & extra EV charging points added	AH	AH
B	27/07/17	Disabled car parking / visitors spaces / cycle stores / electric charging points & bin stores highlighted	AH	AH
A	23/05/17	Existing Properties updated	AH	AH

Project **Barnardo's, Clarence Road, Horsforth, Leeds, LS18 4LB**
 Drawing **Proposed Site Plan**
 Client **Barnardo's**
 BIM Suitability Description **SUITABLE FOR INFORMATION** BIM Suitability Code **S2**

Status **Planning** 2 Riverside Way 175-185 Grays Inn Rd
 Date **02/05/17** Whitehall Waterfront Bloomsbury
 Drawn **YA** LEEDS ■ LONDON □
 Checked **AH** LS1 4BH W1X 8JJE
 Scale (A2) **1:500** 1 0113 819 8041 1 020 781 20677
 Project Operator Discipline Drawing No. Rev
0483 - EA - A - P903 - C

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