
Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 7th June 2012

Subject: APPLICATION 12/00646/FU – Demolition of 3 bungalows, laying out of access road and erection of 11 detached houses at 30-34 Barrowby Lane, Austhorpe, Leeds, LS15 5QE

APPLICANT

Stonebridge Homes Ltd

DATE VALID

24 February 2012

TARGET DATE

25 May 2012

Electoral Wards Affected:

Garforth & Swillington

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the signing of a S106 agreement covering:

1. Off-site greenspace contribution - £15,445.75

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit for permission
2. Development to be carried out in accordance with approved plans
3. Materials to be as specified
4. Boundary treatments to be as specified
5. Removal of pd rights for garage conversions.
6. Removal of pd rights for first floor windows in west side elevations of plots 1, 2 & 3.
7. Laying out of highway prior to occupation.
8. Final details of the off-site highway works to be agreed.
9. Landscaping scheme to be submitted

10. Landscape maintenance scheme
11. Preservation of existing trees
12. Protection of existing trees
13. Replacement tree planting.
14. Drainage works to be as specified
15. Bird boxes to be installed as specified
16. Bat boxes to be installed as specified
17. Amendment to remediation statement
18. Submission of verification reports
19. Statement of construction practice (include working hours)

Full details of the conditions (including any amendments as necessary) to be deferred to the Chief Planning Officer

Reasons for approval: In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR), as well as the emerging Core Strategy Draft 2012. The development therefore complies with policies GP5, GP7, BD5, N12, N13, N23, N25, H4, T2, T24 and LD1 of the UDPR. On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, highway safety, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillor Lyons who is a Ward Member in the adjacent Temple Newsam Ward. This request is due to the level of local interest and because he is concerned about the traffic implications of the development and is not satisfied a true highway assessment has been carried out. He considers that access should be provided via Thorpe Park and requests a Panel site visit.
- 1.2 Members should note that there is an extant planning permission for this site for a very similar form of development. In effect this planning application seeks to vary the design of the houses with minor alterations to their siting.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for the demolition of 3 bungalows on land at 30 – 34 Barrowby Lane, Austhorpe and for the erection of 11 dwellings on the site, within what was the domestic plots of the 3 dwellings to be demolished.
- 2.2 Access to the site is achieved off Barrowby Lane via a centrally positioned estate road that runs north to south and terminates at a turning head.
- 2.3 The dwellings proposed are all detached 4 and 5 bedroom properties and are a mixture of 2 and 2½ storey high. They have front and rear gardens and have both garaging and off street parking. 2 visitor spaces are also to be provided within the estate road.

- 2.4 The dwellings proposed are of traditional appearance and are to be constructed of brickwork with tiled roofs. All house types have pitched roofs, soldier coursing, detailing to the window heads and cills as well as incorporating bay windows and canopy porch features.
- 2.5 The site plan indicates the retention of the existing hawthorn hedge to the eastern boundary with the vegetation aligning the southern and western perimeter of the site retained too. The submitted landscaping proposals also provide some new planting to supplement existing hedges as well as new hedge, tree and shrub planting. Existing boundary trees which are subject to a TPO are also to be retained.
- 2.6 The proposal includes a plan which shows the installation of 3 speed features along Barrowby Lane. These features (speed humps) are identified as being located adjacent to the side of 34 Austorpe Avenue, to the rear of 48 Austhorpe Drive and to the side of 36 Barrowby Avenue.
- 2.7 It should be noted that the redevelopment of this site with 11 dwellings was originally approved in May 2008 (08/01087/FU). A further application was submitted in May 2011 (11/01963/EXT) seeking an extension of time to the 2008 application and was approved in August 2011. The 2011 application is a valid planning permission until 11 August 2014.
- 2.8 The current application is almost identical to the previous approval and basically constitutes a variation of house type and a slight alteration to the siting of some of the dwellings. These changes are being sought as a different housebuilder is now involved.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is situated to the end of Barrowby Lane, Austhorpe, which has in recent times been stopped up owing to the creation of Thorpe Park that is visible to the east and north of the application site. There is a tarmac turning head to the north of the application site.
- 3.2 The application site comprises of three domestic plots which until recently contained a detached dwelling in each. These properties were single storey in height, set back from Barrowby Lane and constructed of red brick and white render with sizable rear and front gardens, delineated by hedges. The application site falls gently in level from north to south. It is also to be noted that the application site contains a number of protected trees along the eastern and southern boundaries.
- 3.3 This part of Barrowby Lane has a semi-rural and open feel but is bounded by Thorpe Park to the north and east. The business park contains large office buildings but are set at lower levels which help to reduce their overall visibility from Barrowby Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/01963/EXT - extension of time for application 08/01087/FU for demolition of 3 bungalows, laying out of access road and erection of 11 houses – approved 11 August 2011.

This application sought permission to extend the time limit for the implementation of planning permission 08/01087/FU which was approved on 23 May 2008. The

proposal was exactly the same in form, design and layout as that already approved and the application sought only an extension of the time period. This application expires in August 2014.

4.2 08/01087/FU - demolition of 3 bungalows, laying out of access road and erection of 11 houses - approved 23 May 2008.

4.3 07/05932/FU - demolition of 3 houses and erect 14 dwelling houses - refused 3 January 2008.

This application was refused on the following grounds: design/layout fails to provide scope for complimentary landscaping; impact on protected trees; close proximity to trees affect residential amenity; Barrowby Lane unsuitable means of access & insufficient provision for visitor car parking.

4.4 Tree Preservation Order 29/2007, relates to 24-34 Barrowby Lane.

5.0 HISTORY OF NEGOTIATIONS:

5.1 An informal pre-application discussion took place with a Planning Officer prior to the submission of the application. This sought advice on varying the house types and adding an extra unit to the development.

5.2 Since the submission of the application the applicant, at the request of the Planning Officer, has altered the design of the house type for plots 7 and 8 by reducing the size of the dormer to ensure a more balanced dwelling in terms of its proportions.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised as a Major Development by site notices posted 2 March 2012 and in the Leeds Weekly News on 8 March 2012.

6.2 Councillor Lyons as formally objected to the application as reported in para. 1.1 of this report and requests both a site visit and Panel decision.

6.3 Former Councillor Hyde is also supportive of residents concerns (as reported below) and comments that he hoped the application, and in particular the concerns about access, can be heard by Panel Members.

6.4 In terms of comments from local residents, initially 23 letters from 17 households were received. Whilst all of these letters raise objections to the application many state that they do not object to the principle of the development but that it is the use of Barrowby Lane for access that is objected to. The main issues raised are summarised as follows.

- The access will cause chaos and danger.
- Barrowby Avenue is already used as a rat-run.
- Proposals will worsen the existing traffic situation – roads already dangerous.
- Barrowby Lane is not suitable for the additional traffic – its condition is already atrocious and it is narrow with no pavements. Especially dangerous for children.
- Thorpe Park should be used to provide access and Barrowby Lane blocked off.
- The submitted information does not address the highway problems.
- Speed bumps are not appropriate.
- It will devalue properties.

- The increased noise and traffic will spoil the area.
- Rural location not suitable for housing.
- There will be noise during development.
- Neighbour letters have not been sent.

- 6.5 George Mudie MP has been contacted by 2 local residents and has forwarded these letters to officers. These letters raise concerns about the use of the access road to serve 11 dwellings, that the building line encroaches on a bridle path and the level of objections. George Mudie MP hopes that appropriate action will be taken.
- 6.6 In addition to the above, a public meeting took place on 10th May 2012. This was held at the home of a local resident on Barrowby Lane and was attended by a significant number of local residents, Councillor Lyons and the Deputy Area Planning Manager. The purpose of the meeting was to help explain the proposals and answer any questions arising, especially with regard to access issues and the possibility of gaining access from Thorpe Park.
- 6.7 Since this meeting a further 95 letters from 46 households have been received. These state that local residents agree that the best solution to the concerns about the use of Barrowby Lane to access/egress the development is to rotate the plans 180 degrees and have access from Thorpe Park as there is already adequate infrastructure which ends only 45m from the site. The writers are not against the development as long as adequate measures are taken to resolve access issues. The entrance to the development should be via the pre-existing and more suitable road network, not their small country lane which would struggle to take extra traffic and have potential safety implications. Access to Barrowby Lane should be blocked off to all road traffic from the proposed development to prevent a 'rat-run' from Selby Road to Thorpe Park.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Coal Authority - No objections subject to a condition relating to the carrying out of appropriate intrusive site investigation works, to be undertaken to confirm coal mining conditions.

Non-statutory

- 7.2 Yorkshire Water - no objections and recommends 1 condition (submission of drainage details for approval).
- 7.3 Flood Risk Management - no objections subject to the drainage for the site being implemented in accordance with the submitted details.
- 7.4 Highways - no objections to the scheme given the site has a history of residential approvals and currently has an extant planning permission for 11 houses (11/01963/EXT). Therefore with this in mind a highway objection to this proposal would be difficult to justify. Off site highway measures to help reduce vehicle speeds/aid pedestrian safety will however be necessary full details of which should be secured by condition.

8.0 PLANNING POLICIES:

- 8.1 The development plan for the whole of the Leeds District comprises of the Regional Spatial Strategy and the Leeds Unitary Development Plan (UDPR) Review (2006). Relevant policies in the Local Development Framework must also be taken into

account. The Local Development Framework will eventually replace the UDPR but at the moment this is undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. The RSS aims to ensure that development is directed to the main urban areas where sustainable development can be achieved.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time although policy H2 (housing) is of relevance.

8.3 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- GP7 allows the use of legal agreements to secure contributions such as greenspace.
- BD5 requires new buildings to give consideration to both their amenity and that of their surroundings.
- N2/N4 relates to the provision of greenspace as part of residential development comprising of 10 units or more.
- N12 states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.
- N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.
- N23 incidental space around built development should provide a visually attractive setting.
- N25 refers to boundaries of sites be designed in a positive manner, appropriate to character of area.
- H4 relates to housing developments on unallocated sites.
- T2 states that development proposals should not create new, or exacerbate existing, highway problems.
- T24 parking provision to reflect the guidelines set out in UDP Appendix 9.
- LD1 requires development proposals to protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

8.4 Supplementary Planning Guidance / Documents

- Neighbourhoods for Living
- Designing for Community Safety
- Street Design Guide

8.5 National Guidance

- The National Planning Policy Framework (NPPF) seeks to achieve sustainable development and contains a presumption in favour of development that achieves this.

9.0 MAIN ISSUES

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 The redevelopment of this site with 11 dwellings was originally approved in May 2008 (08/01087/FU). A further application was submitted in May 2011 (11/01963/EXT) seeking an extension of time to the 2008 application. This was identical to the 2008 application and was approved in August 2011. This 2011 application is a valid planning permission until 11 August 2014.
- 10.2 The current application is almost identical to the previous approval and basically constitutes a variation of house type and a slight alteration to the siting of some of the dwellings.
- 10.3 For clarity, part of the site is brownfield and part of the site is considered to be greenfield, however given that the site has an extant planning permission for an almost identical scheme that can be implemented at any time until 11 August 2014 it is very difficult for the Local Planning Authority to raise any issues other than those relating to the visual appearance of the revised scheme and any impact the change in house types may have on neighbouring properties in terms of privacy, dominance and overshadowing. The principle of the development is therefore acceptable.

Visual amenity

- 10.4 As stated previously, the proposal is very similar to the previous approval and basically constitutes a variation of house type and a slight alteration to the siting of some of the dwellings. A similar approach has been taken to the design, with the dwellings having a fairly traditional appearance - all house types have pitched roofs, detailing to the window heads and cills as well as incorporating bay windows and canopy porch features.
- 10.5 The heights of the dwellings now proposed are, on average, lower than in the previous scheme. In the previous scheme the heights varied between 7.75m and 9.9m. The current range is between 7.5m and 9.1m high.
- 10.6 In the officer report for the original approval it was stated that, *"...the revised proposal is considered to be to be sufficiently positioned away from the perimeters of the site to ensure that it can be adequately blended into the existing character/appearance of Barrowby Lane. ...there is scope to introduce significant planting to maintain the spacious/vegetation dominated feel of Barrowby Lane. The proposed layout leaves adequate separation from protected tree groupings and the site perimeter to enable meaningful planting without hindering the usability of the garden area. The revised proposal has omitted the 3 storey house types which shall reduce the height of particular plots and further assist in assimilating the proposal into the locality."*

- 10.7 The current application also achieves reasonable separation distances to the site boundaries so given the above comments, that the site circumstances have not changed and that the site has an extant planning permission for an almost identical scheme that can be implemented at any time until 11 August 2014 the application is considered acceptable in respect of visual amenity considerations.

Residential amenity

- 10.8 As before, the current proposal is very similar to the previous approval in terms of its relationship with and implication for existing local residents and future occupiers. The conclusions made about residential amenity in the 2008/2011 scheme remain relevant, particularly as the site circumstances have not altered. The officer report stated “...the proposed development is positioned away from nearby neighbours, by virtue of the business park to north and east and the vacant garden plot adjacent (west). The layout of the development appears to offer adequate separation distance to prevent undue levels of overlooking. The garden plots are of sufficient depth to afford future occupiers with usable private amenity areas.”

- 10.9 The current plans / house types have been assessed in relation to the approved plans and to neighbouring land and property and there is very little difference between the proposals. As stated above, a similar approach has been taken to the design, with the dwellings having a fairly traditional appearance, and the heights of the dwellings now proposed are, on average, lower than in the previous scheme. It is also considered that adequate separation distances and garden plot depths / sizes are maintained.

Highway safety

- 10.10 As with the other considerations, there has been no change in circumstances in terms of highway issues and accordingly no objection has been raised from Highway officers. Given the site has an extant planning permission for 11 houses to be accessed from Barrowby Lane it is therefore considered acceptable in respect of highway safety considerations as the same access arrangement is proposed and off-site traffic calming measures will again be secured – final details of which are to be secured by condition.

- 10.11 A significant number of local residents have commented on the application, primarily objecting to the proposals on grounds of the use of Barrowby Lane as the access to the site. They state a preference for access to the site to be taken from within the Thorpe Park office development.

- 10.12 Utilising Thorpe Park to access the site has been given formal consideration by the applicant who states that the following issues have arisen as part of this investigation:

- Century Way, which is the access road through Thorpe Park is currently unadopted;
- the land which lies between the site and Century Way is in third party ownership. We therefore have no control over this land or any rights to cross it; and
- the southern boundary of the site is bounded by trees that are protected by a tree preservation order. There is insufficient space between these trees to form a new highway through, without jeopardising the well being of these trees.

For the above reasons and given the means of access to the site from Barrowby Lane has already been established by the approval of planning for the site, they conclude that access through Thorpe park is not a viable option.

- 10.13 In recognition that permission already exists to access the site from Barrowby Lane, officers are not in a position to recommend refusal because the applicant is not formally pursuing the Thorpe Park option.

Other matters.

- 10.14 S106 contributions -

Greenspace – The development is just above the threshold for developments requiring greenspace provision and accordingly an off-site contribution has been sought in recognition that it wouldn't be practical to make such a provision on-site. The applicant has agreed to this approach and a contribution of £15,445.75 will be secured by a S106 legal agreement.

METRO cards – In accordance with the request from METRO, 12 month travel cards will be offered to the occupants of the new dwellings.

The requirement to make the above contributions have been considered within the context of the three legal tests introduced by the Community Infrastructure Levy and are considered to be compliant.

- 10.15 Bats - A bat survey was carried out in August 2011 which included a detailed external and internal inspection of the three properties as well as summer evening and dawn activity surveys. It was considered that sufficient survey effort has been made to establish the presence or absence of bat roosts on the site and this survey work found evidence of a summer roost used by small numbers of non-breeding common pipistrelle bats. The report recommended the provision of temporary roosts during construction and permanent roosts in the new properties. The temporary roosts are in place on site and bat bricks and slates will be provided on 4 of the proposed new dwellings.

11.0 CONCLUSION

- 11.1 The application site circumstances have not changed and there has been no significant change in policy since the grant of planning consent 08/01087/FU that would suggest a different decision should now be taken. Accordingly, there appears no justification to conclude any different to that outlined within the previous permissions in that the proposed development will have due regard to the existing on-site protected trees/vegetation, to the visual amenity of the locality and to the amenity of neighbouring property. Furthermore, the proposal will provide adequate parking and access arrangements with suitable mitigation measures to ensure the development is not detrimental to highway safety. Allied to this, a S106 agreement will be provided to secure off-site greenspace enhancements and access to public transport via travel cards. As sufficient regard has also been given to nearby bat populations the application is recommended for approval.

Background Papers:

Application file 12/00646/FU

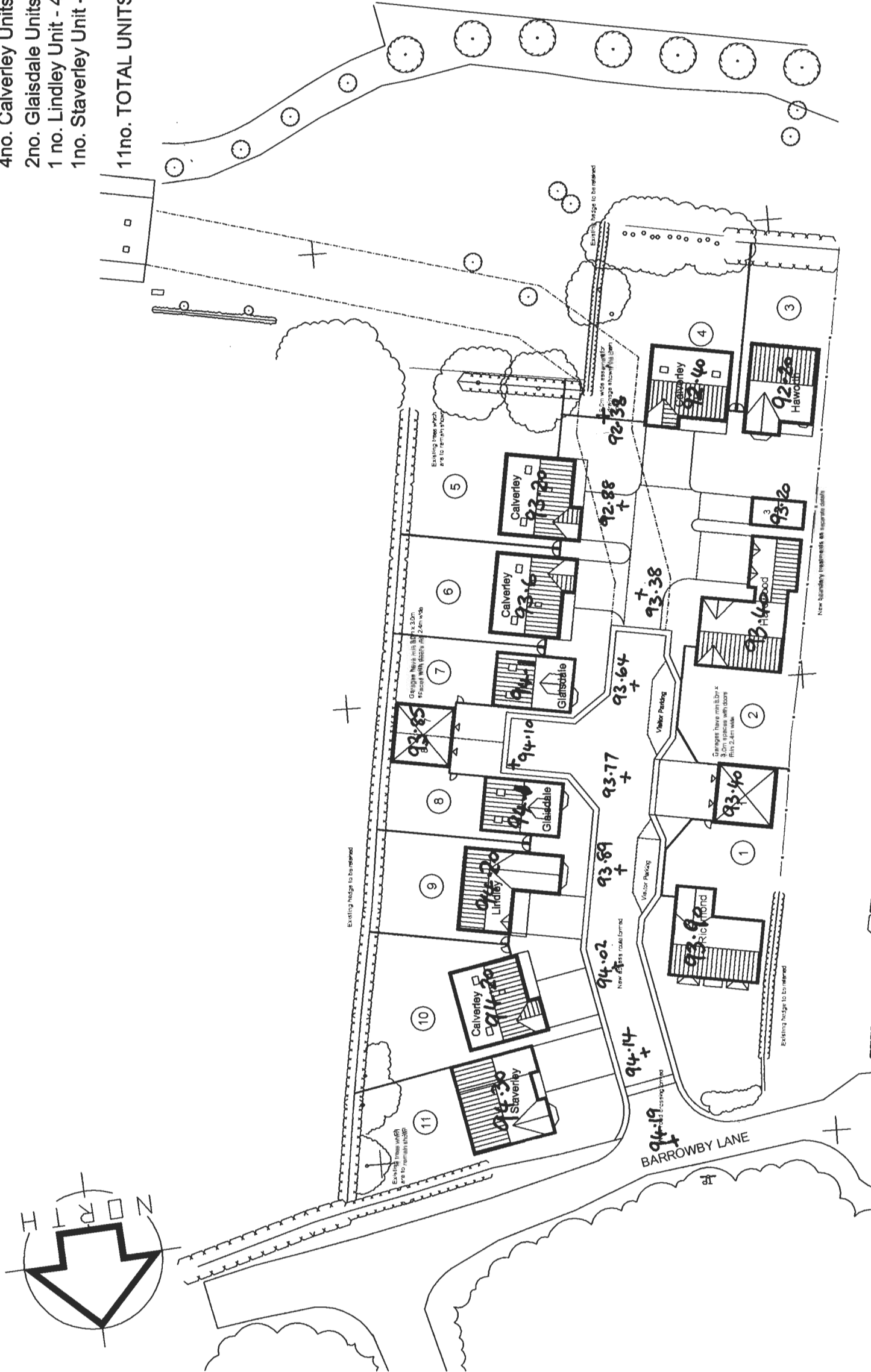
History files 11/01963/EXT, 08/01087/FU & 07/05932

Certificate of Ownership: signed as applicant.

ACCOMMODATION SCHEDULE

- 1no. Richmond Unit - 5 Bed 2 Storey Detached (plot 1)
- 1no. Harewood Unit - 5 Bed 2 Storey Detached (plot 2)
- 1no. Haworth Unit - 4 Bed 2 Storey Detached (plot 3)
- 4no. Calverley Units - 4 Bed 2 Storey Detached (plots 4,5,6 & 10)
- 2no. Glaisdale Units - 4 Bed 2 1/2 Storey Detached (plots 7 & 8)
- 1 no. Lindley Unit - 4 Bed 2 Storey Detached (plot 9)
- 1no. Staverley Unit - 4 Bed 2 Storey Detached (plot 11)

11no. TOTAL UNITS



Feasibility Site Layout

Proposed residential development at
30-34 Barrowby Lane, Austhorpe, Leeds, LS15 8QE.

Issue	Date	Detail
A	25.11.11	Amended scheme for 11 units shown as client requirements
B	25.01.12	Sales names for plots added, garages sizes amended, couple width drives to plots 9 & 11 shown, position of plots 7-9 adjusted, alternate type shown for plots 4,5,6 & 10 & minor changes to plot templates as client latest requirements

Scale (A3 Sheet)	Drawn By
1:500	P. Brotton

Date	Drawing no.
04.11.11	BL/SK01 B

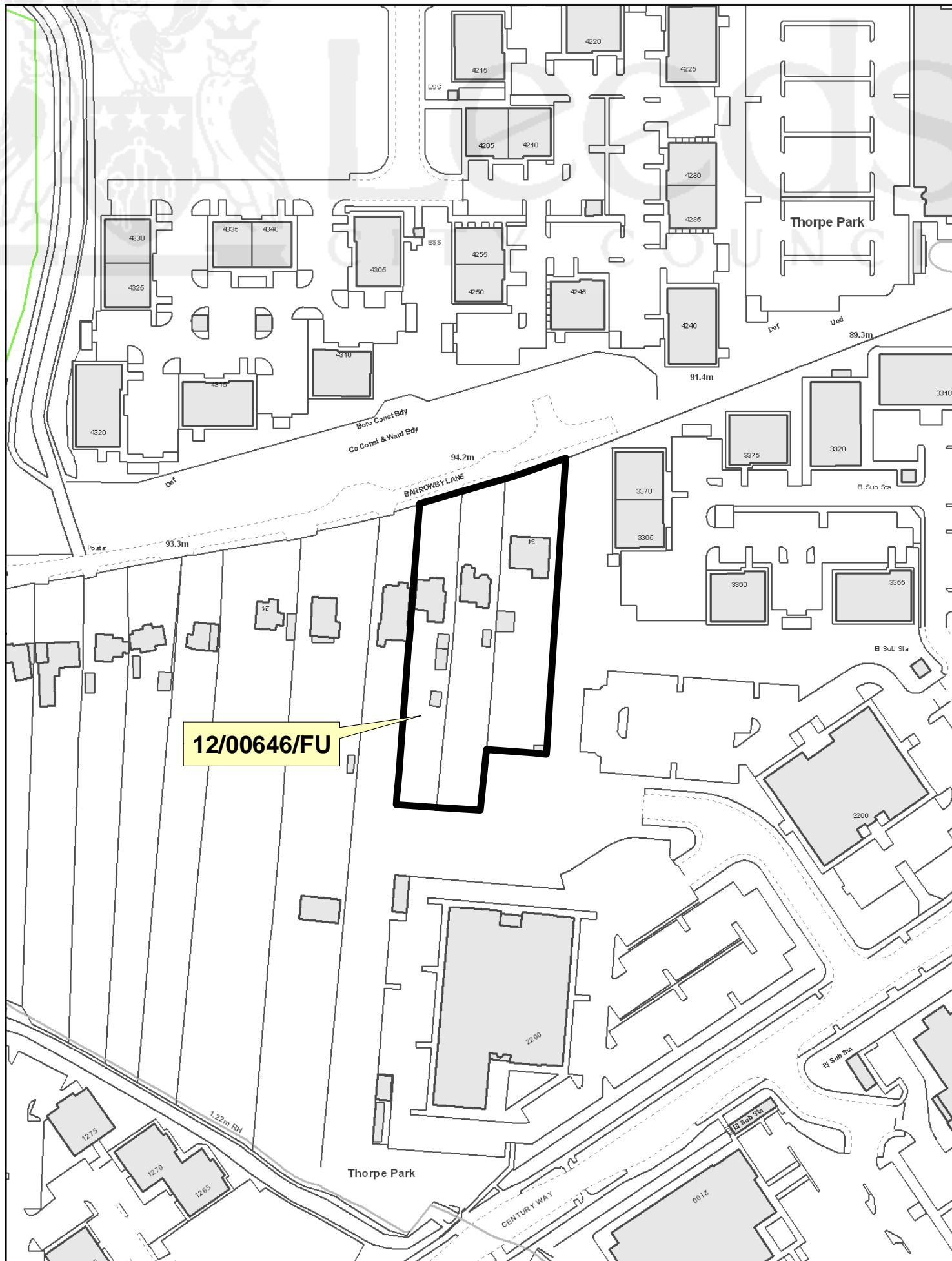
Project
Proposed Site Layout
30-34 Barrowby Lane, Austhorpe,
Leeds, LS15 8QE.

ARP ASSOCIATES
FOR.
STONEBRIDGE
HOMES LTD

INDICATIVE LEVELS

1154/10/SK01

SCALE 1:500.
JANUARY 2012.



12/00646/FU

EAST PLANS PANEL