



**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 18<sup>th</sup> July 2013**

**Subject: Application 13/00992/FU/NW – Two detached dwellings with associated landscaping – Land to the rear of 54 Weetwood Lane, Weetwood, Leeds, LS16 5NH**

**APPLICANT**

Park Lane Homes

**DATE VALID**

11<sup>th</sup> March 2013

**TARGET DATE**

6<sup>th</sup> May 2013

**Electoral Wards Affected:**

Weetwood

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**GRANT PLANNING PERMISSION subject to the following condition**

1. Three year time limit
2. Development to be carried out in accordance with the approved plans.
3. Walling and roofing, surfacing materials to be submitted and approved
4. Tree protection measures
5. Submission and implementation of a landscaping plan
6. Submission and approval of surface water drainage details
7. Areas to be used by vehicles to be laid out, hard surfaced and drained
8. Details of bat roosting and bird nesting opportunities to be provided
9. Method statement for the control of Rhododendron to be submitted.
10. No development shall commence until a 10m buffer from the banks of all watercourses on or adjacent to the site has been protected
11. Prior to the commencement of development a Biodiversity Protection & Enhancement Plan shall be submitted to and approved in writing by the LPA.

12. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
13. Prior to commencement, Coal Mining Risk Assessment and site investigation to be undertaken and agreed by LPA.
14. Construction details and methodology for the new access to be submitted and approved by the Local Planning Authority
15. Unexpected contamination shall be mitigated.
16. Any soil brought to site shall be screened for contamination
  
17. In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In approving these reserved matters 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 (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

GP5, BD5, N12, N13, H4, LD1 , T2 and T24.  
Neighbourhoods for Living

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 This application is brought to South and West Plans Panel at the request of Councillor Bentley due to the local interest in the proposal.

## **2.0 PROPOSAL:**

- 2.1 The application is for two detached properties within the large garden area to the rear of 54 Weetwood Lane.
- 2.2 The existing access and driveway off Weetwood Lane is retained in its current position and widened to meet highway requirements, and extended through the garden of the existing house to access the proposed two dwellings.
- 2.3 The design of the two properties comprises a large main element with a footprint of 14.3 metres by 8.7 metres and a height of 8.8 metres. This element contains the majority of the living and bedroom accommodation. A secondary garage element with accommodation over has a footprint of 10.2 metres by 6.8 metres and a height of 6.6 metres. The properties are to be constructed from stone and slate. Construction of the

properties involves a degree of excavation and some retaining walls to provide level platform areas.

- 2.3 A number of trees and landscaping are to be removed from the site with replacement planting proposed to strengthen and enhance areas of landscaping, particularly on the southern boundary of the site.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to the large garden area of the 54 Weetwood Lane. The existing property is a large brick and render property located towards the west of the site.

- 3.2 The site has an undulating appearance with a gradient which rises from the properties on Hollins Lane to the south to Weetwood Avenue to the north. A Group Tree Preservation Order covers the entire site providing protection to all trees on the site. The majority of A and B category trees are located at the entrance to the site and along the southern boundary. A large mature Oak tree is located within the centre of the site.

- 3.3 The wider area is characterised by a mixture of semi-detached and detached properties all set within generous garden plots. To the immediate south west of the site are red brick apartments on Linden Court.

- 3.4 The site is not within a conservation area though the entrance to the site abuts Far Headingley Conservation Area. The site is not designated within the UDP proposals map.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no relevant planning history.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Prior to the submission of the planning application pre-application discussion took place regarding residential development of the site. The applicant was advised that any development should respond sensitively to the tree and topography constraints to ensure the retention of the protected trees and landscaping and to prevent any adverse impact on the residential amenity of surrounding properties, particular the properties on Hollins Lane.

- 5.2 During the application process the development has been amended in response to concerns regarding the impact on the protected trees on the site, potential overlooking and dominance of the properties on Hollins Lane and improvements to the access to the site to sure a safe vehicular access can be achieved whilst protecting the important protected trees located in close proximity to the access.

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

- 6.1 32 letters of representation have been received to the publicity of this planning application to date. The following issues have been raised:

- The proposal will result in loss of privacy to the occupants of houses on Hollins Lane. The raised location of the properties will prevent any screening from being effective.
- The development will impact on nature conservation and biodiversity of the site.
- The development will erode an important area of greenspace locally.
- There will be a large loss of trees including those protected by TPOs.
- The proposed development will result in loss of outlook to the detriment of the amenity of neighbours.
- The development will result in the loss of a well-used local pedestrian route.
- The development will result in light and noise pollution.
- The access is in close proximity to Weetwood Primary School and would be detrimental to the safety of school children.
- The development is in close proximity to a beck which regularly overflows. The development will exacerbate this flooding.
- Run off from hardstanding will result in pollution to Meanwood Beck.
- Sewers locally will not be able to cope with the additional properties.
- The proposal does not provide 'essential' housing for Leeds.
- The site has never been cultivated as a formal garden.
- The land was previously sold with a covenant restricting housing builds on the site.
- Vehicular movements to and from the property will adversely impact on the residential amenity of properties on Hollins Lane.
- The size of the properties in addition to the extensive retaining walls will result in overly prominent development when viewed from Hollins Lane.

Councillor Bentley and Councillor Chapman have objected to the development raising the following concerns:

- The proposed properties are dominant and very large and they will both be built on ground much higher than the houses in Hollin Lane and consequently overlook the gardens and houses in that road.
- The topography of the site is difficult to appreciate unless seen from Hollin Lane and Weetwood Avenue as there is a large drop down from the latter into a valley between the two roads.
- A beck runs at the bottom of the valley and is subject to flooding and there are concerns about the impact this will have on Meanwood Beck which is prone to flooding in Meanwood.
- The present site is a green space and has had horses and cows grazing on it in the past and is not a garden in the conventional sense.
- The natural site is home to many species of birds, mammals, amphibians and bats as well as many mature trees and any development will have a major impact on all of these.
- Due to the topography the houses will need retaining walls to prevent land slippage
- Access to the properties will be via a road that will cause more water run off

- There are real concerns about the drainage as Yorkshire Water has told residents that the sewers are not fit for purpose
- The entrance to the site is proposed to be widened and each house will have two garages there will be extra vehicle movements in and out in addition to those of no. 54 adding to the traffic on Weetwood Lane
- The entrance is opposite the school's car park and just a few yards from the pedestrian crossing and Weetwood Lane is a busy distributor road at most times of day but more so at school time.
- Weetwood Primary School is renowned for its 'walking buses' to school as there is the possibility of several vehicles entering and leaving the site at school times.
- The proposed construction of this development will be huge and many trees will be felled in the process and no doubt other trees will be undermined by this.
- There are concerns about the trees to be removed on the high slope as it seems that they actually hold the earth in place.
- There is the possibility of former mine workings on the site.

## **7.0 CONSULTATIONS RESPONSES:**

Contaminated Land: No objections subject to conditions

Mains Drainage: No objections subject to condition

Highway Development Control: No objections

Nature Conservation: No objections subject to conditions

Coal Authority: No objection subject to condition

## **8.0 PLANNING POLICIES:**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

The relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD5: New buildings

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy H4: Windfall housing sites

Policy T2: Highways issues

Policy T24: Parking provision for new development

Policy LD1: Landscaping

### **Relevant supplementary guidance:**

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

### **DRAFT CORE STRATEGY**

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

### **POLICY P10: DESIGN**

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,

- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion.
- (vi) The development is accessible to all users.

#### SPATIAL POLICY 6: THE HOUSING REQUIREMENT AND ALLOCATION OF HOUSING LAND

70,000 (net) new dwellings net between 2012 and 2028 will be accommodated at a rate

Of:

- 3,660 per annum from 2012/13 to the end of 2016/17 (18,300)
- 4,700 per annum from 2017/18 (51,700)

Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

Guided by the Settlement Hierarchy, the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the

following considerations:

- i) Sustainable locations (which meet standards of public transport accessibility -see the Well Connected City chapter), supported by existing or access to new local facilities and services,
- ii) Preference for brownfield and regeneration sites,
- iii) The least impact on Green Belt purposes,
- iv) Opportunities to enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
- v) The need for realistic lead-in-times and build-out-rates for housing construction,
- vi) The least negative and most positive impacts on green infrastructure, green corridors, greenspace and nature conservation,
- vii) Generally avoiding or mitigating areas of flood risk.

#### NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible

local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

## **9.0 MAIN ISSUES:**

- 1) Principle of development
- 2) Design and Character
- 3) Residential Amenity
- 4) Trees and Landscaping
- 5) Highway Safety and Parking
- 6) Other issues
- 7) Local Representations
- 8) Conclusions

## **10.0 APPRAISAL:**

### Principle of development

- 10.1 The application site consists of a large detached property and substantial garden within an existing residential area close to local amenities and public transport routes. It therefore is considered that additional residential properties are appropriate in this context, provided that the proposals would not detract from the character and appearance of the area, the amenities of nearby residents or highway safety.

### Design and Character

- 10.2 Consideration has been given to the quality of the design and layout of the proposed development.
- 10.3 With regards to the proposed properties, taken in isolation, their design is considered to be of a good quality with appropriate architectural detailing and use of quality stone and slate materials. The site is screened from view from the wider street scene by both the surrounding properties and the mature trees and landscaping in and around the site such that any views of the new dwellings from public vantage points will be limited. Therefore, there will be no significant impact on the character and appearance of the wider area.
- 10.4 It is however noted that the new dwellings will be clearly visible from surrounding properties and therefore consideration has been given to the appearance of the proposed properties when viewed from these properties. Given the topography of the site, the properties will sit at an elevated position relative to the properties on Hollins Lane. As a result, it is inevitable that the dwellings will be visible from the rear facing windows and the rear garden of these properties and as such the open, landscaped character of the existing site will be altered. However, all mature trees and much of the existing landscaping are to be retained and additional landscaping is proposed, as a result it is considered that, whilst the views from the properties on Hollins Lane will change, the change in character could not be considered unreasonable within this predominantly residential location.
- 10.5 With regards to the layout of the proposal, whilst large properties, they are of comparable size to the large properties to the north and west of the site. As a result, the scale of the properties is proportionate to the existing character of development locally. Moreover, the subdivision of the site into three properties, the existing and two proposed, results in curtilages commensurate to the generous curtilages of



surrounding properties. The site comprises the extended private garden area of 54 Weetwood Lane. The site has been referred to as 'greenspace' by local residents in their representations. For clarity the site is not Greenspace that is publicly accessible and is not readily viewed from the public highway. As such the proposal would not harm local character or distinctiveness. The size of the proposed plots would be in keeping with the size of dwellings and curtilages in the local area.

- 10.6 Consideration has been given to the impact the widened access, access driveway and associated hardstanding will have on the character and appearance of the site. With regards to the widened access, whilst this involves the part demolition of the existing wall, the wall is to be rebuilt and stone gate posts retained and relocated. This will ensure that the character and integrity of the boundary wall will be maintained, preserving the character and appearance of Weetwood Lane and the adjacent Far Headingley Conservation Area.
- 10.7 It is acknowledged that the development involves the introduction of a degree of hardstanding to the site to create the access road, driveway and terracing. This will alter the character of the existing landscaped appearance of the site. However, the extent of hardstanding required has been kept to a minimum and with the retained and proposed trees and landscaping providing screening and softening to the hardstanding areas, any impact from the access road and driveway will not alter the existing landscaped character of the site to an extent whereby the development can be considered unacceptable.

#### Residential Amenity

- 10.8 Consideration has been given to the potential impact the development will have on the residential amenity of occupants of nearby properties and to the amenity afford future occupants of the dwelling
- 10.9 Given the topography of the site, it is clear that the properties which will experience the greatest impact from the development are located on Hollins Lane to the immediate south of the site. As such, it is important to fully consider the impact the new dwellings and access drive will have on the residential amenity of the occupants of these properties.
- 10.10 With regards to overlooking and loss of privacy, the property on plot 1 is located approximately 17 metres from the shared boundary and approximately 61 metres to the nearest property on Hollins Lane and the property on plot 2 is located approximately 19 metres from the boundary and 70 metres from the nearest property. These distances exceed those recommended in the Neighbourhoods for Living SPG. However, it is important not to simply apply distances without regard to the site specifics. The elevated positions of the properties increases the potential for both actual and perceived overlooking and therefore this needs to be considered. The generous distances between the boundary and the properties on Hollins Lane together with the strengthened landscaping will mitigate much of the potential overlooking. However, there was concern regards the effect of perceived overlooking resulting from the first floor gable end windows which serve the master bedrooms. To overcome this concern, the windows have been reduced from double to single pane windows and a condition imposed requiring the windows to be obscure glazed. The separation between the dwellings and properties on Weetwood Avenue to the north and east and Weetwood Lane to the west is sufficient to prevent any issues of overlooking or loss of privacy.

- 10.11 With regards to issues of overshadowing and dominance, again, given the properties elevated position careful consideration has been given to the impact the development will have on the properties on Hollins Lane together with all other surrounding properties. As discussed previously, the proposed properties are set a generous location away from both the shared boundary and rear elevations of the properties on Hollins Lane to the south of the site. This separation and site orientation will prevent any issues of dominance or overshadowing impacting adversely on the residential amenity and living conditions of the occupants of the properties on Hollins Lane. Again, the separation between the dwellings and properties on Weetwood Avenue to the north and east and Weetwood Lane to the west is sufficient to prevent any issues of overshadowing and dominance.
- 10.12 The development will introduce vehicular movements into the site, it is therefore important to consider the impact this will have on the amenity of nearby occupants from noise and light intrusion. The access road is located to the south of the site in close proximity to the shared boundary with the properties on Hollins Lane. However, at the nearest point, the properties are located approximately 48 metres from the access road, a sufficient distance to prevent any significant intrusion from vehicular movements. Moreover, the existing and proposed landscaping on the southern boundary will provide screening to the road further reducing any potential impact from vehicular movements.
- 10.13 The development will result in increased vehicular movements using the existing access onto Weetwood Lane. Consideration has therefore been given to any potential impact on nearby properties to the access, particularly 52 Weetwood Lane. At its nearest point, the access road is located approximately 8 metres from 52 Weetwood Lane and is screened to a certain extent by the mature trees lining the site entrance. This separation and screening will ensure that any impact from the increased vehicular movements generated by the additional two properties will not be significant. All other properties on Weetwood Lane are located away from the entrance, therefore no significant impact is anticipated.
- 10.14 Consideration has also been given to the amenity the development will offer the future occupants of the two new properties and the existing 54 Weetwood Lane. The three properties all retain a sufficient amount of useable outdoor amenity space and are not overlooked by each other or by surrounding properties. It is therefore considered that the development affords future occupants a good level of amenity and living conditions.
- 10.14 Overall, it is considered the proposed development will afford future occupiers with a good level of amenity with no significant detrimental impact on the amenity of surrounding properties.

#### Trees and Landscaping

- 10.15 The site is covered by a Group Tree Preservation Order, therefore careful consideration has been given to the impact the development will have on retained trees and the appropriateness of removing a number of trees and landscaping from the site.
- 10.16 With regards to the proposed tree removal, the majority of the trees to be removed are fruit trees and immature scrub. These specimens are not considered to be of great individual quality and their removal, subject to an appropriate replacement landscape scheme for the site, will not result in a significant impact on the overall wooded and landscaped character of the site. As part of the application process, a number of trees

originally marked for removal are now being retained, particularly the trees marked G115, ensuring any impact on the existing landscaping is minimised.

- 10.17 The most significant tree within the site is considered to be the mature Oak marked as T112. Both in terms of quality and amenity value, this tree is a significant positive attribute to the site and therefore it is essential that the development does not harm or conflict with this tree. As part of negotiations on the application, the property and associated hardstanding on plot 1 has been moved further west in order to prevent any conflict between the property and the tree and to remove the hardstanding entirely from the root protection area. In doing this, it is considered that the development will not adversely impact upon this important tree.
- 10.18 Careful consideration has been given to the impact the widened and improved access of Weetwood Lane would have on the protected trees which line the existing driveway into the site and contribute significantly to the sylvan character of Weetwood Lane. The widened access does not require the removal of any of the significant trees and is contained entirely within the existing retaining walls of the existing access road. Where the gradient of the driveway needs to be lessened, a suspended beam construction is proposed in order to span root protection areas of the protected trees to the immediate south of the driveway to ensure no damage or future compaction issues will result. A cantilevered bin store is proposed to prevent the need to locate this within the root protection areas of the trees to the north of the access road. Further to these construction methods, a number of mature holly trees to the north of the access road, originally marked for removal, are now to be retained. This ensures the combination of trees, which provides a strong tree belt in this location, will not be unduly weakened or eroded. In retaining the trees, views from the adjacent Far Headingley Conservation Area will not be adversely impacted upon.
- 10.19 The scheme includes proposals to plant 8 semi mature trees along the boundary with the properties from Hollins Lane to help soften the development and provide screening. A landscape buffer of scrub and hedge planting is also proposed along the boundary with properties adjoining from Hollins Lane. Overall, it is considered that the development appropriately responds to all the mature protected trees on the site, ensuring they will be retained and no undue pressure will result for future removal of these trees. Conditions are recommended requiring the submission of a detailed landscape scheme for the entire site and to ensure retention and protection of all trees marked to be retained.

#### Highway Safety and Parking

- 10.20 Consideration has been given to achieving an acceptable vehicular access to the site and to ensure vehicles can safely move around the entire site.
- 10.21 The widened access allows two cars to pass close to the entrance of the site and passing places are provided at regular intervals on the access road. This provision of passing places, particularly at the entrance to the site, will prevent any conflict between vehicles entering and leaving the site. The reduced gradient of the access driveway is acceptable
- 10.22 The setting in of the gate post and boundary wall at the entrance to the site provides an acceptable level of visibility ensure there will be no conflict between pedestrians on Weetwood Lane and vehicles exiting the site.
- 10.23 A bin store is provided close to the entrance to the site ensuring that refuse vehicles are not required to enter the site. However, the driveway to plot 2 provides a turning

area for larger vehicles which will allow larger vehicles, for example delivery and emergency vehicles, to safely enter and leave the site.

#### Other issues

- 10.24 The site is located within a Coal Mining Development Risk Area. Consequently, the Coal Authority has raised concern regarding the lack of a Coal Mining Risk Assessment and originally objected to the application on this basis. Further discussion has taken place with the Coal Authority who consider that a condition requiring site investigation and any required mitigation prior to commencement of development would acceptably address their concerns. It is recommended this condition is imposed.
- 10.25 It is recognised that the site provides a natural habitat locally and it is therefore important that any impact the development has on this is minimised and opportunities to enhance the habitat are taken. In light of this, at the recommendation of the Nature Conservation Officer, a number of conditions to protect the habitat and local water course are recommended to be imposed.
- 10.26 Mains drainage have been consulted regarding the proposal. It is recommended that consideration should be given to infiltration drainage methods. A condition is recommending requiring the applicant to consider this approach rather than solely relying on the public sewer to drain the site.

#### Letters of representation

- 10.27 It is noted that local residents have raised a number of concerns relating to the proposed development. These concerns largely relate to the loss of an important area of green space, impact the development will have on the character, protected trees and natural habitat of the site, impact on the residential amenity of surrounding properties and the impact on highway safety on Weetwood Lane. These are all relevant material planning issues and have been fully considered and, where necessary, the proposal has been amended to resolve issues of concern.

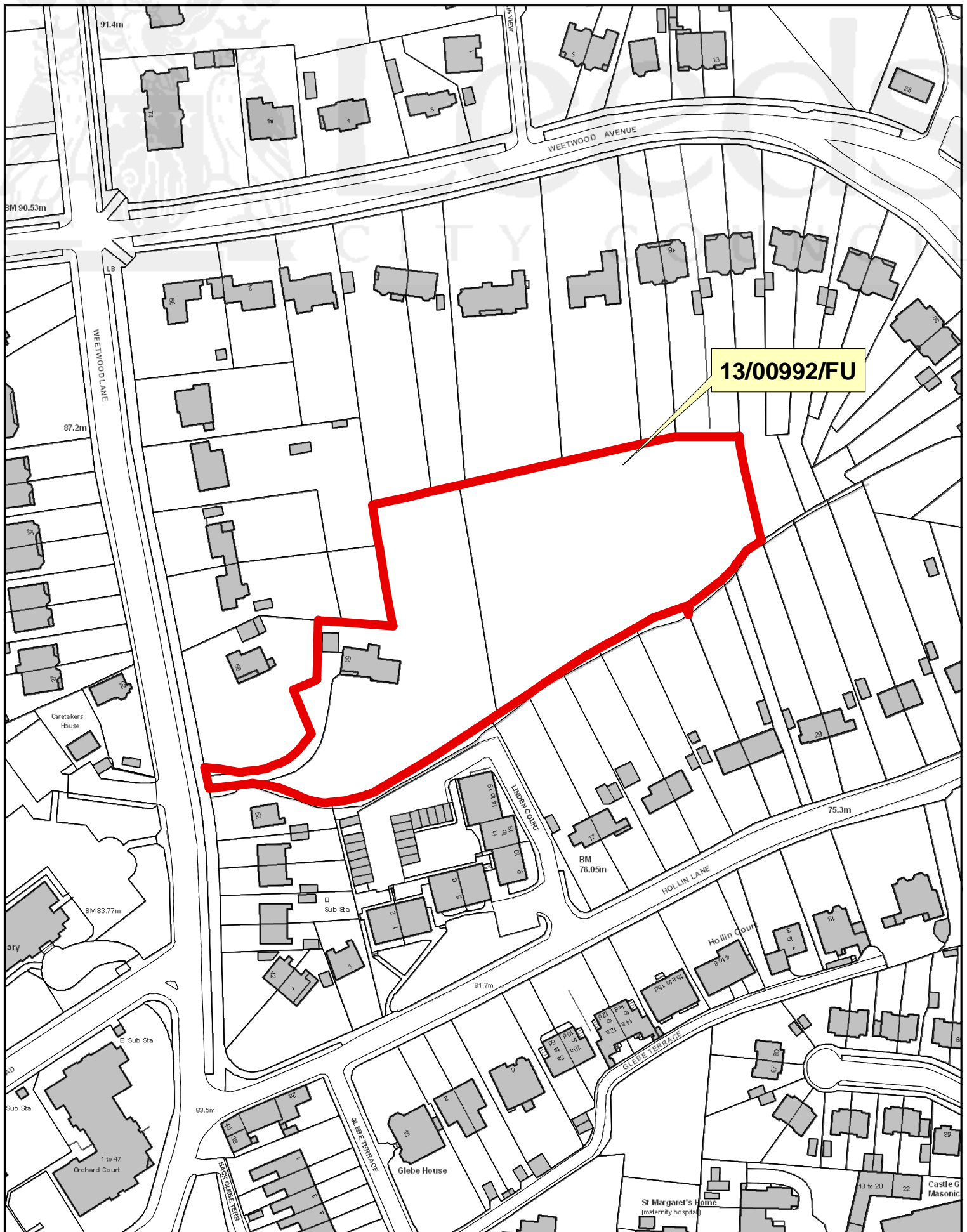
#### Conclusions

- 10.28 In conclusion, it is considered that the proposed development represents a good quality scheme which, whilst altering the character of the existing site, retains and protects the important protected trees within the site, maintains the residential amenity of the residents of nearby properties and preserves highway safety locally. In light of this, and with due regard to all other relevant planning considerations, it is recommended that planning permission is granted.

#### **Background Papers:**

Application and history files.  
Certificate of Ownership.





# SOUTH AND WEST PLANS PANEL