



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 27th March, 2014
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
(Chair)
R Grahame
M Harland
C Macniven
A McKenna
J Harper
M Lyons

C Campbell

J Procter
G Wilkinson

Whip's nominee

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the North and East Plans Panel meeting held on 20th February 2014 (minutes attached)	3 - 10
7	Burmantofts and Richmond Hill		APPLICATION 13/04249/FU - LAND AT THE JUNCTION OF EAST PARK ROAD AND CHARLTON GROVE BURMANTOFTS To consider a report of the Chief Planning Officer on an application for residential development of 30 one and two bed apartment units with associated landscaping and parking (report attached)	11 - 22
8	Harewood		APPLICATION 13/03881/FU - JEWITT LANE COLLINGHAM WETHERBY LS22 To consider a report of the Chief Planning Officer on an application for four detached houses to paddock	23 - 38
9	Moortown		APPLICATION 14/00321/FU - 495 STREET LANE LS17 To consider a report of the Chief Planning Officer on an application for a two storey side extension (report attached)	39 - 46

Item No	Ward	Item Not Open		Page No
10	Alwoodley		<p>APPLICATION 14/00852/FU - 6 SANDHILL OVAL ALWOODLEY LS17</p> <p>To consider a report of the Chief Planning Officer on an application for two storey, first floor and single storey extension and new first floor side window</p> <p>(report attached)</p>	47 - 54
11	Alwoodley		<p>APPLICATION 12/03841/FU - LAND ADJACENT 7 BROOKSIDE ALWOODLEY - APPEAL DECISION</p> <p>To consider a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged against the refusal of planning permission for detached bungalow to side garden plot</p> <p>(report attached)</p>	55 - 60
12			<p>DATES AND TIMES OF NEXT MEETINGS</p> <p>Thursday 17th April 2014 at 1.30pm Thursday 15th May 2014 at 1.30pm</p>	

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

This page is intentionally left blank

To all Members of North and East
Plans Panel

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: n&e pp site visits
Date 18th March 2014

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 27TH MARCH 2014

Prior to the meeting of the North and East Plans Panel on Thursday 27th March 2014 the following site visits will take place:

10.30am		Depart Civic Hall
10.45am	Moortown	495 Street Lane LS17 – two storey side extension – 14/00321/FU
11.15am	Harewood	Jewitt Lane Collingham LS22 – four detached houses to paddock – 13/03881/FU
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.30am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.25am**.

Yours sincerely

Angela M Bloor
Governance Officer

This page is intentionally left blank

NORTH AND EAST PLANS PANEL

THURSDAY, 20TH FEBRUARY, 2014

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, J Procter,
G Wilkinson, J Harper, M Lyons and
J McKenna

99 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

100 Late Items

There were no late items

101 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest, however in respect of application 13/04775/FU – Wetherby Golf Club, Councillor Wilkinson brought to the Panel's attention that he was a playing member of the club (minute 104 refers)

102 Apologies for Absence

Apologies for absence had been received from Councillor A McKenna who was substituted for by Councillor J McKenna

103 Minutes

RESOLVED – That the minutes of the North and East Plans Panel meeting held on 23rd January 2014 be approved

104 Application 13/04775/FU - Retrospective application for use of land as car park - Wetherby Golf Club, Linton Lane, Wetherby

Plans, drawings and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Draft minutes to be approved at the meeting
to be held on Thursday, 27th March, 2014

Officers presented the report which sought retrospective approval for the use of land as a car park at Wetherby Golf Club, Linton Lane LS23, which was situated in the Green Belt and a Special Landscape Area. The proposed overflow car park was located within a tree belt which was covered by a TPO

Members were informed that four conifer trees had been removed, although it was the view of the Council's Tree Officer that the removal of the conifers had not led to a significant impact on the remaining trees

In respect of Green Belt policy, the justification for the scheme was the need for additional car parking at the Golf Club which would also prevent parking on Linton Lane, which was extremely narrow, therefore there would be highway safety benefits to the proposals

It was acknowledged that the conifers should not have been felled; that there were no proposals for further removal of trees and a condition was proposed to require replacement by replanting of appropriate species

Members discussed the application and commented on the following matters:

- the possible sanctions for the removal of trees on Green Belt land. The Head of Planning Services advised this was a prosecutable offence, with severe financial penalties if the person responsible has benefitted financially from their action. Members were informed this was unlikely to have been the case here
- evidence on site that the conifers which had been removed had been burned, with concerns raised about this. Members were informed that it would be for the Tree Officer to investigate the incident and decide whether to pursue a prosecution
- the location of two containers and a bottle bank in the car park, which were taking up several car parking spaces and what action could be taken to remove them. It was reported these did not have planning permission and that an enforcement case could be opened
- the fact that the clubhouse and car park were located on a SHLAA site, with local residents being concerned that any extension of the car park would be an extension of the SHLAA site
- the possibility of tying the consent for the car park extension with the re-siting of the bottle bank and the resiting/ removal of the containers
- the need for some boundary treatment to demarcate the parking area and prevent cars coming too close to the trees
- that the car park extension should be properly surfaced and that tarmac should not be used
- the need for conditions to be reworded to require the applicant to carry out the necessary works prior to occupation

The Panel considered how to proceed, with concerns continuing to be raised about the loss of TPO trees and that a strong stance against this should be taken. The Head of Planning Services reiterated the process for determining whether a prosecution should be brought and confirmed that the Panel's views would be conveyed to the Tree Officer and Wetherby Golf Club. The suggestion was also made that if storage was required for golf buggies,

then a type more appropriate within the Green Belt and Special Landscape Area should be considered

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, with the following amendments:

Condition 2 – The details of the trip fence to be submitted prior to the use of the overspill car parking commencing

Condition 4 – The re-planting scheme to be submitted prior to the use of the overspill car park commencing, together with a timetable for implementation

and an additional condition requiring the removal/resiting of the containers and the bottle bank prior to the use of the overspill car parking commencing

In addition, the Chief Planning Officer be asked to write to the Golf Club conveying the Panel's views on the unauthorised felling of the trees and stressing this serious offence should not occur again

(Under Council Procedure Rule 16.5, Councillor Wilkinson required it to be recorded that he abstained from voting on this matter)

105 Application 13/05716/FU - Variation of condition 16 of approved application 13/01857/FU (residential development of 11 detached dwellings with associated access, parking, drainage and landscaping) to remove two proposed islands on Wetherby Road, currently part of the approved Section 278 Works at Castle Mona Lodge, Wetherby Road, Scarcroft

Further to minute 41 of the North and East Plans Panel held on 5th September 2013, where Panel agreed in principle to an application for 11 residential dwellings, with associated parking, landscaping and access, the Panel considered a further report of the Chief Planning Officer seeking approval to a variation of condition no 16 of that approval, in respect of off-site highway works

Plans, drawings and photographs were displayed at the meeting

Officers presented the report and informed Members that the full application for the scheme had included two pedestrian refuge islands and a ghost island right turn. The applicant now sought to remove the proposed pedestrian refuge islands as due to the width of the A58, it was not possible to accommodate them or increase the width of the road to achieve the works. The Panel was informed that these works although desirable, were not an essential requirement of the development

Members discussed the application with concerns being raised that the view of the Highways Officers had changed as it was felt that in September 2013, Highways considered that the islands were necessary. The Highways Officer in attendance was not Mr Hodgson, the Panel's usual representative, as he was on leave, and in response to the comments made, advised that having reviewed the need for the islands, he was satisfied there was not a requirement for them when considering the guidance; that although accidents had occurred on the A58, these had been further along; that the average

speed in this area was 33mph during the day; that pedestrian crossing points to access bus stops did exist further along and that a ghost right turn was entirely appropriate and in line with highways arrangements in the area

The Panel continued to discuss the matter, with the following issues being raised:

- the possibility of the S106 Agreement being amended in view of the proposed alterations, with a contribution towards other highway safety measures in the locality
- the process for evaluating the highway implications of applications; concerns that despite being considered by Panel and a site visit undertaken, this matter had only come to light once planning permission had been secured
- that accurate information should be provided
- the need for Ward Members to be consulted and their views obtained on the proposals

The Panel considered how to proceed, with the Chair suggesting that Mr Hodgson e-mail Members with his response regarding a change of view about the provision of islands on Wetherby Road in relation to the approved development

RESOLVED - To defer and delegate approval of the application to the Chief Planning Officer subject to a satisfactory response from the Panel's Highways representative; consideration as to whether any other highway safety measures were required within the locality, subject to compliance with the CIL Regulations and the inclusion of a Deed of Variation of the S106 Agreement in view of this being a S73 application to amend a previous condition and to impose any conditions which may still be relevant, all of these matters subject to Ward Member consultation and comments

106 Application 13/02352/FU - First floor extension to side -10 Shadwell Park Court, Shadwell, Leeds

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report and outlined the application which was for an extension over an existing garage being flush with the front elevation of the property and set in from the side boundary with the adjacent property. Members were informed that Officers had concerns about the design of the proposals and that an undesirable precedent could be set if the application was approved. Officers had advised that re-designing the application to provide a set back from the front elevation might be supported but the applicant required the application to be considered on its merits

The Panel heard representations from the applicant who provided information which included:

- the need for the extension due to a growing family
- the length of the time the application process had taken
- that indications had been made that the application would be approved by Officers
- errors in the report relating to the percentage increase the extension would afford

- relevant parts of the Householder Design Guide
- the shallow pitch of the roof and the problems this caused in trying to achieve what Officers now sought

Members considered the application and sought clarification from Officers on points made by the applicant

RESOLVED - That the application be refused for the following reason:

The Local Planning Authority consider that the proposed extension, owing to its overall width, lack of set back from the front elevation and lack of set down from the main ridgeline would result in an incongruous form of development which would fail to be subservient to the existing dwelling, would be harmful within the streetscene and detrimental to the character of the area, including the spatial separation of other dwellings in the locality. As such, the development is contrary to Policies GP5 and BD6 of the Council's Unitary Development Plan (Review 2006) and to Policy HDG1 of the SPD Householder Design Guide and to design advice contained within the NPPF

107 Application 14/00457/FU - Single storey side/rear extension - 477 Leeds Road, Scholes LS15

Plans, drawings and photographs were displayed at the meeting

Officers presented the report which sought approval to a single storey side/rear extension at 477 Leeds Road, Scholes LS15, which had been brought to Panel for determination as the applicant was an Officer who worked closely with Development Management Officers and administered Plans Panel meetings. Members were informed that the publicity period for the application had not yet expired but was being brought for determination to ensure the decision was issued in time

Members were informed that the property was located in the Green Belt and although being over the usual 30% threshold allowed in the Householders Design Guide, this limit was not definitive as the test was whether the increase was disproportionate. An appeal had been allowed for a similar form of development in close proximity to the subject site

Members discussed the application and commented on the following matters:

- the arrangements for car parking and concerns that a car parking plan had not yet been submitted
- that the photographs displayed showed that cars were parked partially and in some cases, wholly on the street
- the volume of the extension, which Officers confirmed as being just over 50% increase on the original house
- the poor quality of the plans which had been submitted
- that similar schemes had been granted approval

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the expiry of the publicity period and no objections being received that raised new planning issues and subject to the conditions set out in the submitted report

108 Application 13/03029/FU - New section of wall, increase in height to part of existing wall and timber pedestrian gate - Dene Cottage, Linton Lane, Linton LS22

Further to minute 55 of the North and East Plans Panel meeting held on 3rd October 21013, where Panel approved an application for a new section of wall, increase in height to part of existing wall and timber pedestrian gate at Dene Cottage Linton, LS22 subject to conditions including one requiring the new section of wall to be a dry stone wall, to consider a further report of the Chief Planning Officer

Plans and photographs were displayed at the meeting. Members had passed the site on their site visits prior to the meeting

Officers presented the report and informed Members that the applicant had undertaken works to the wall and had advised that although the wall appeared to be dry stone, this was not the case and that the mortar had crumbled away. As the applicant had re-pointed the existing section of the wall, its mortar joints were evident. Officers were seeking agreement not to enforce the dry stone condition as the new section of wall would not match and there would be visual discontinuity between the two elements

Members discussed the report and commented on the following matters:

- that the images shown on the photographs did not reflect what was on site
- that there was a planning history to the site
- the need for clarity on what was being agreed upon
- that a sample panel had not yet been provided by the applicant in order to discharge the planning condition
- the difference in the type of stone being used to construct the wall
- that lime mortar should be used
- that Ward Members should be consulted in respect of the sample panel to be agreed

RESOLVED - To note the report and to accept the recommendation to not take enforcement action against the non-compliance with condition 5 of the planning approval, as the use of mortar was considered to be acceptable instead of dry stone walling and to note the use of lime mortar was specifically requested. In respect of the consideration of a sample panel of walling, this to be deferred and delegated to Officers, subject to consultation with Ward Members

109 Application 13/00293/NCP3 - Appeal against enforcement notice requiring the dismantling of the development as built and its reconstruction in accordance with the plans and elevation drawings to planning permission 12/01887/FU - 41A Stainburn Crescent, Leeds

Members considered a report of the Chief Planning Officer setting out an appeal against an enforcement notice in respect of unauthorised development at 41A Stainburn Crescent LS17

It was the decision of the Inspector to allow the appeal as it was the view of the Inspector that the difference between the approved planning application and the partially built structures were not harmful. In reaching the decision a further condition was imposed

RESOLVED - To note the report and the appeal decision

110 Application 13/02873/FU - Appeal decision against refusal of planning permission for an amendment to the length of the first floor and window positions and window materials of the approved annexe building under planning application 12/01597/FU - 11 Old Park Road, Roundhay

Members considered a report of the Chief Planning Officer which set out the Inspector's decision following an appeal lodged against refusal for amendments to an approved scheme at 11 Old Park Road Roundhay

It was the decision of the Inspector to dismiss the appeal

Members were informed that the applicant had until 18th August 2014 to complete the 2012 permission and in view of the issues which had occurred on the site, Officers had written to the applicant to encourage him to complete the works and reiterating the approved dimensions. In the event the works had not been satisfactorily completed, the Council could consider serving an injunction. Members were informed that regular visits by Officers would be made to the site to monitor progress

The Panel discussed the report; commented on the costs incurred in dealing with this matter and queried whether these could be recouped. The Head of Planning Services advised that in planning appeals, only the cost of the appeal could be recouped. For this appeal, the matter had been dealt with by written representations and that for a costs claim, unreasonable behaviour in respect of the appeal would need to be demonstrated

RESOLVED - To note the report, the appeal outcome and the comments now made

111 Date and Time of Next Meeting

Thursday 27th March 2014 at 1.30pm in the Civic Hall, Leeds

This page is intentionally left blank



Originator: Andrew Crates

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 27th March 2014

Subject: Application 13/04249/FU – Residential development of 32 one and two bed apartment units with associated landscaping and parking on land at the junction of East Park Road and Charlton Grove, Burmantofts.

APPLICANT

Leeds City Council –
Regenerations Programme,
City Development

DATE VALID

18th September 2013

TARGET DATE

18th December 2013

Electoral Wards Affected:

Burmantofts and Richmond Hill

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 Chief Planning Officer subject to the conditions specified and the expiration of the further statutory publicity period, subject to no new significant issues being raised in representations.

1. Time limit
2. Plans schedule
3. External materials to be agreed
4. Surfacing materials to be agreed
5. Drainage details to be agreed
6. Flood risk measures
7. Contamination conditions
8. Parking areas to be provided and maintained
9. Closing off of redundant accesses
10. Maximum driveway / parking gradient
11. Construction method statement
12. Landscape conditions (implementation and management)

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

1.0 INTRODUCTION:

- 1.1 The Council is pursuing a £52m Council Housing Growth Programme across the city, including new build housing, primarily aimed at providing housing on brownfield sites. The application is presented to Plans Panel as a major development where the City Council is the applicant and where officers are minded not to require any additional planning obligations.
- 1.2 The wider Council Housing Growth Programme seeks to increase the amount of council housing in Leeds across the city by approximately 400 dwellings by 2018. Executive Board approved the commencement of a new build project to deliver approximately 100 new Council homes across the city over the next 3 years. The application site has been identified as the first site for the development under this project.
- 1.3 The application proposes 32 one and two bed flats, with associated landscaping and car parking. The scheme entirely comprises Affordable Housing units and is the first to come forward as part of the Council Housing Building programme. The development is to take place on a site allocated for housing purposes (phase 1) in the UDP Review. The application site is a 0.5ha brownfield site in East End Park, which historically comprised back-to-back properties, which were cleared in the early 1990s. The northern part of the allocation was developed with houses in two schemes in the late 1990s, though the rest of the site (the majority) has remained undeveloped until now.

2.0 PROPOSAL:

- 2.1 The proposal essentially involves the creation of one new street between East Park Drive and East Park Road (parallel to the street alignment of the former back-to-backs demolished in the 1990s). The buildings are all two-storey and include one long block of a terraced appearance on the northern side of the street which will contain 10 two bed flats on the ground floor and 10 one bedroom flats on the first floor. Two smaller blocks are to be located on the south side of the proposed street, each with 3 two bed flats on the ground floor and 3 one bed flats on the first floor. The ground floor units of the block on the northern side will benefit from rear garden areas for their exclusive use. The two blocks on the south side will benefit from a communal garden area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is a brownfield site, formerly occupied by back-to-back housing, cleared in the 1990s. The land has subsequently been grassed over and is bounded on the three sides by highways – East Park Drive, Charlton Grove and East Park Road. The highway boundaries comprise low level Armco barriers (motorway crash barriers). The northern part of the cleared area was re-developed in the late 1990s (land either side of Glensdale Grove). The dwellings immediately to the north of the current application site are semi-detached and two-storey in height. The north-western boundary of the application site comprises a 1.8 metre high close boarded fence. The site is set on a very slight fall to the south west. Other features of note

include the existing CCTV camera on a mast at the northernmost corner of the site and a bus stop on East Park Road, adjacent to the south west boundary.

- 3.2 The area surrounding the site is predominantly residential in character, comprising traditional terraced back-to-back properties (such as along the south east side of Charlton Grove), as well as some infill areas of later semi-detached and terraced areas of development. The Leeds to York railway line is located to the south of East Park Road and is in a deep cutting bordered by vegetation at this point.

4.0 PLANNING NEGOTIATIONS:

- 4.1 The applicant sought pre-application advice prior to submission of the formal planning application in order to refine the approach to the layout and design of the scheme.
- 4.2 A Statement of Community Involvement has been submitted with the application which states that a public exhibition event was held in August 2013 where the vast majority of comments were positive. The applicant has also engaged with Ward Members at both pre-application and post application stage. Planning officers have presented the scheme at the Inner East Area Committee Planning sub group and most recently attended a joint meeting with the applicant and Ward Members (Cllrs Asghar Khan and Maureen Ingham). The Ward Members present were supportive of the scheme and the layout and design of the development. Members are also keen to work with the applicant (ultimately the Council's Housing Management section) to ensure that the correct local tenancy policies are in place in order to prevent problems around noise and anti-social behaviour. Whilst a detailed landscape scheme is to be secured by condition, Members were keen to ensure that any tree or shrub planting was appropriate and would not result in onerous management and/or cost issues for the Council in the long term.

5.0 RELEVANT PLANNING HISTORY:

- 5.1 21/323/96/FU - 10 three bedroom semi-detached dwelling houses (south of Glensdale Grove) – Approved 2/10/97.
- 5.2 21/95/94/FU - 17 dwelling houses (south of Glensdale Mount) – Approved 8/8/95.

6.0 PUBLIC/LOCAL RESPONSES:

- 6.1 The application was advertised by site notices posted adjacent to the site dated 27th September 2013. The application was also advertised in the Yorkshire Evening Post edition of 10th October 2013. No letters of representation have been received in response to the public notification process.
- 6.2 By virtue of the increase of an additional two units in the scheme, the application is to be formally re-advertised. A verbal update will be provided to Members of any comments received. Subject to Members agreeing to the recommendation, it is proposed to delegate approval of the application to the Chief Planning Officer, subject to no new significant issues being raised.

7.0 CONSULTATIONS RESPONSES:

7.1 **Statutory:**

None

7.2 **Non-statutory:**

Yorkshire Water: - Initial objection relating to the impact of the development to existing on-site sewers (remaining following clearance of the former housing). This was later withdrawn on receipt of further details and clarification between the developer and Yorkshire Water.

Highways: - The latest comments state that the highway layout is generally acceptable. However, it is noted that by virtue of the location of the site, it does not quite meet all of the accessibility standards contained within the Core Strategy.

Flood Risk Management: - The details submitted with the application are considered acceptable and a condition is suggested requiring full details of the surface water drainage scheme to be submitted and approved.

Metro: - Residential MetroCards (scheme A) are sought to be secured for future residents at a cost of £462.00 per unit (£14,784 for 32 units).

Contaminated Land: - No objection, conditions are recommended.

8.0 PLANNING POLICIES:

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The adopted Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.

8.3 The application site is allocated as a Phase 1 housing site on the UDPR proposals map. In addition, the following policies are considered to be of relevance:

GP5: Requires development to address all general issues.

GP7: Use of planning obligations.

H11: Provision of affordable housing

H12: Affordable housing type to be negotiated

H13: Affordable housing to remain in perpetuity

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N12: Urban design principles to be followed.

N13: Design of new buildings to be high quality.

N23: Seeks to ensure incidental open space and existing landscape features are provided / included.

N38a: Prevention of flooding.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

T2: New development and highways considerations.

T5: Safe access for pedestrians and cyclists.

T7: Development and cycle routes.

T7A: Requirement for secure cycle parking.

LD1: Landscape schemes.

- 8.4 **Leeds City Council: Supplementary Planning Guidance / Documents:**
SPG4 Greenspace relating to new housing development (adopted).
SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications received after July 2008)
SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Designing for Community Safety (adopted).

Emerging Local Development Framework Core Strategy

- 8.5 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination.
- 8.6 The Core Strategy has now been the subject of independent examination (October 2013) and its policies therefore attract some weight, albeit limited by the fact that objections have been made and the Inspector's report has yet to be received (it is currently anticipated in Spring 2014). The Inspector has produced a schedule of Main Modifications. The following policies are considered to be of relevance:

SP1: Approach to the location of new development.

SP7: Distribution of housing land and allocations.

H1: Managed release of housing sites.

H3: Density of residential development.

H4: Housing mix.

H5: Affordable housing.

P10: Adherence to good design principles.

G3: Standards for open space, sport and recreation.

G4: New greenspace provision.

EN1: Climate change and carbon dioxide reduction.

EN2: Sustainable design and construction.

National Planning Policy

- 8.7 National Planning Policy Framework (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design. Acknowledges that viability is an important issue and should be taken into consideration as part of the decision making process. On 6th March 2014 the final version of the National Planning Policy Guidance (NPPG) was launched – practice guidance available through an accessible website. In the written ministerial statement which accompanied the launch Nick Boles MP stressed the importance of bringing brownfield land into use.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Planning obligations

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated as a Phase 1 housing site under UDPR policy H3-1A.18. The northern part of the allocation has already been re-developed with housing in the late 1990s, along Glensdale Mount and Glensdale Grove. Accordingly, the principle of residential development on the remainder of the site is considered to be acceptable.

Impact on design / visual amenity / character

- 10.2 The proposed development is to be located on a site which was previously occupied by linear terraces of back-to-back housing, following the morphology of the existing streets (Glensdales and Charltons) to the north and south of the site. The proposed new street would logically run across the site, parallel to the former and existing street pattern, linking East Park Road to East Park Drive.
- 10.3 The proposed buildings are all two storey in height and include one long block of a terraced appearance on the northern side of the street which will contain 10 two bed flats on the ground floor and 10 one bedroom flats on the first floor. Two smaller blocks are to be located on the south side of the proposed street, each with 3 two bed flats on the ground floor and 3 one bed flats on the first floor. The ground floor units of the block on the northern side will benefit from rear garden areas for their exclusive use. The two blocks on the south side will benefit from a communal garden area.
- 10.4 The detailed design of the block along the northern half of the site is relatively contemporary in its appearance, comprising a rhythmical pattern of twin two storey gables, linked by one-and-a-half storey entrance elements. The block is terminated at each end by a single two storey gable element. The design benefits from generous window proportions to both the front and rear elevations, which ensure adequate daylight penetration, as well as increasing the ratio of solid wall to window proportions, benefitting the overall appearance of the building. It is also noted that care has been taken to step up each element of the building to run with the very slight incline towards East Park Drive. Detailed samples of materials can be secured by condition. Nevertheless, the applicant is proposing brickwork to the external elevations, including a string course. The windows themselves are proposed to be grey uPVC with solid panels to the lower elements.
- 10.5 The detailed design of the two blocks on the southern half of the site is different in form, being more simple, but with single projecting gable elements in the centre of the front and rear elevations. However, the design of the windows and their detailing is the same as for the longer block, described above. The materials are also proposed to follow the same discipline as that for the longer block.
- 10.6 The proposed boundaries around the development include brick walls to the sides of private garden areas where these abut adjacent highways, dwarf wall, railings and piers around side garden areas and most of the communal garden areas around the blocks on the southern side. Railings and piers are proposed along the southern side of the proposed street.
- 10.7 The bin store areas for the block on the northern side of the site were initially proposed to be located internally. However, following discussion with the housing management section of the Council, concern has been expressed about the potential management and security implications of these areas. Consequently, the proposals now seek to locate bin store areas externally in purpose built timber bin stores. These

are proposed to provide sufficient space for landfill and recycling bins for each flat. It is noted that the ground floor flats have use of private garden areas and external communal space is provided adjacent to each rear entrance, which can accommodate green waste bins. For the south side of the development, similar bin stores are provided for landfill and recycling bins. However, the communal garden areas will be managed by the Council and there is therefore no need for green waste bins on site. At the time of writing, officers are seeking to negotiate revisions to the bin stores such that they comprise more robust brick walls to the side and rear elevations. The changes to the bin store provision have freed up space within the block and thus have enabled the provision of two additional flats.

- 10.8 One off street car parking space is provided for each flat within the scheme and there is also the ability to provide 6 visitor parking spaces within Charlton Grove, which currently has very low levels of on street parking. The allocated parking spaces on the northern side of the site are at right angles to the highway and in front of the proposed flats, meaning that the spaces are well overlooked. Buffer planting is also proposed to create an element of defensible space between the front of the building and the proposed parking spaces. Given that 20 flats are proposed within this block, officers have sought to break up the parking areas to avoid long runs of parking. The parking areas have therefore been broken down into runs of a maximum of four spaces, each separated by pedestrian paths, tree planting and bin stores. The off street spaces on the southern side of the site are accommodated within the landscape setting around the blocks.
- 10.9 Overall, it is considered that the layout and design of the development is now acceptable.

Impact on residential amenity

- 10.10 As discussed above, the development forms part of the Council Housing Growth Programme. Within this, the housing needs of older people and the response to the impacts of Welfare Reform through the provision of 1 bed properties was identified as a key housing delivery driver for the project. This has led to the development of a flexible one bed apartment, which on the footprint of a 2 bed apartment can be converted to a 2 bed should there be a requirement to do so in the future. The submitted proposals provide for 16 two bed units at ground floor level and 16 one bed units at first floor level, but these clearly have flexibility built in for the future. It has been stated that allocations of the completed units will respond to local demand at the time and officers will aim to ensure that balanced and mixed communities are created by the new developments. In order to achieve this, housing officers will consult with Ward Members to develop a local lettings policy. This will help to prevent conflicts between different types and ages of householders in terms of noise and potential anti-social behaviour.
- 10.11 The form of development is all two storey in height and given that there are only very slight level changes across the site, it is considered that the development will not appear over-dominant or overbearing when viewed from adjacent properties. The proposed block on the northern side of the development is set 21 metres away from the rear elevations of the semi-detached properties on Glensdale Mount, in accordance with the space standards set out in Neighbourhoods for Living. All of the proposed windows overlook front and rear garden areas or communal spaces. It is noted that the private garden areas to the ground floor flats on the northern side of the development will inevitably be overlooked by the first floor flats. Nevertheless, this is considered acceptable as there is a robust housing rationale for providing smaller

family units with garden space on the ground floor and one bedroom flats for single and/or older people on the first floor.

- 10.12 Whilst some provision has been made for private amenity space in the form of private gardens and communal space, the UDPR also sets out a requirement for greenspace provision in relation to a development of this size. The site itself is too small to accommodate on site greenspace and in these circumstances, an off site greenspace contribution would normally be sought. East End Park is close to the site and fulfils the purpose of Policy N2.2 and N2.3 and so it is only a contribution towards N2.1 which is required. Following the formula set out in the greenspace SPG, this equates to a financial contribution of £46,787 which is required. This matter is dealt with in more detail under the planning obligations section.
- 10.13 The design and layout of the development has been revised through negotiation to ensure that garden areas, communal spaces and car parking are all overlooked and that appropriate boundary treatments are used in order to prevent crime and anti-social behaviour. Overall, the proposals are considered to offer an acceptable level of amenity to future occupiers and will not have a detrimental impact on the amenity of existing nearby occupiers.

Highway implications

- 10.14 The proposals have been designed such that one off street car parking space is provided for each flat within the scheme. The plans also indicate the ability to provide 6 visitor parking spaces within Charlton Grove, which currently has very low levels of on street parking. Highways officers have previously stated that the submitted scheme is generally acceptable, but are currently assessing the revised proposals although these are essentially very similar.
- 10.15 From an accessibility perspective, it is noted that due to the geographical location of the site, it does not quite meet the accessibility standards set out in the Core Strategy. The site is within 600m of two primary schools and is within the recommended distance to secondary education. It is also noted that the bus stop along the frontage with East Park Road offers 20/30 minute services. However, there are otherwise limited local services close to the site, although it is within 200m of a medical centre.
- 10.16 Following consultation with Metro, it is requested that bus only MetroCards are provided for future residents. At a cost of £462.00 per unit, this would equate to a total contribution of £14,784 for 32 units. This matter is dealt with in more detail under the planning obligations section.
- 10.17 Overall, the proposals are considered acceptable from a highways and accessibility perspective.

Planning obligations

- 10.18 The planning obligations normally sought for a development of this scale are;
1. Greenspace contribution - £47,787
 2. Residential MetroCards (bus only) - £14,784
- 10.19 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

- Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.
- Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. And:
- Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.20 The contributions listed above have been calculated in accordance with relevant guidance. However, officers are mindful of the following key aspects:

- The proposed development is to be for 100% Affordable Housing.
- The applicant has indicated that it would otherwise have to undertake a viability study to assess whether it would be possible to fund these requirements and implement the development.
- The site is an allocated Phase 1 housing site which was previously cleared in the 1990s and has since remained undeveloped and would otherwise likely remain undeveloped for the foreseeable future. A key aim from both Central Government and the Council's perspective is the delivery of housing on brownfield sites – this was restated by the Planning Minister on 6th March in launching the NPPG.
- East End Park is a short distance away, to the east of East Park Parade and performs the necessary functions under Policy N2.2 and N2.3. This is a substantial area of greenspace which is considered to be capable of servicing the needs of future residents without significant further investment.

10.21 In considering the position with respect to planning obligations, it is a matter of planning balance. In this particular instance, significant weight is attached to the regeneration objectives that would be fulfilled by the development, the delivery of housing and particularly a one hundred percent Affordable Housing scheme that meets identified needs. These matters are considered to carry such significant weight that they are sufficient to set aside the provision of greenspace contributions and MetroCards. On balance, it is considered that given the nature of the development with the circumstances set out above, it is acceptable to set aside the normal requirements of planning policy in order to facilitate the deliverability of this much needed housing development.

11.0 CONCLUSION

11.1 It is considered that the proposed development offers an opportunity to secure a one hundred percent Affordable Housing scheme to meet identified housing needs on a brownfield allocated housing site which has remained undeveloped for a significant period of time. The development is robust to be adapted for future housing needs and is well designed in terms of its layout and visual appearance. It is considered that the

proposed development has the ability to offer good quality homes and will not have any detrimental impact on the amenity of nearby occupiers. Sufficient provision is made for car parking and the scheme is considered to be acceptable in highway terms. For the reasons stated above, it is considered that the planning balance dictates that the planning obligations that would ordinarily be sought should not be required in this particular instance. In light of the above, the application is considered to be acceptable and the recommendation to Members is to defer and delegate approval to the Chief Planning Officer, subject to no significant new issues being raised as a result of the re-consultation.

Background Papers:

Application file: 13/02572/FU.

Certificate of Ownership – Signed as applicant.



Rev	By	Date	Detail - Pre Contract
E	AH	11/12/19	Revised to incorporate client comments
D	AH	27/11/19	Site plan revised to incorporate planning comments

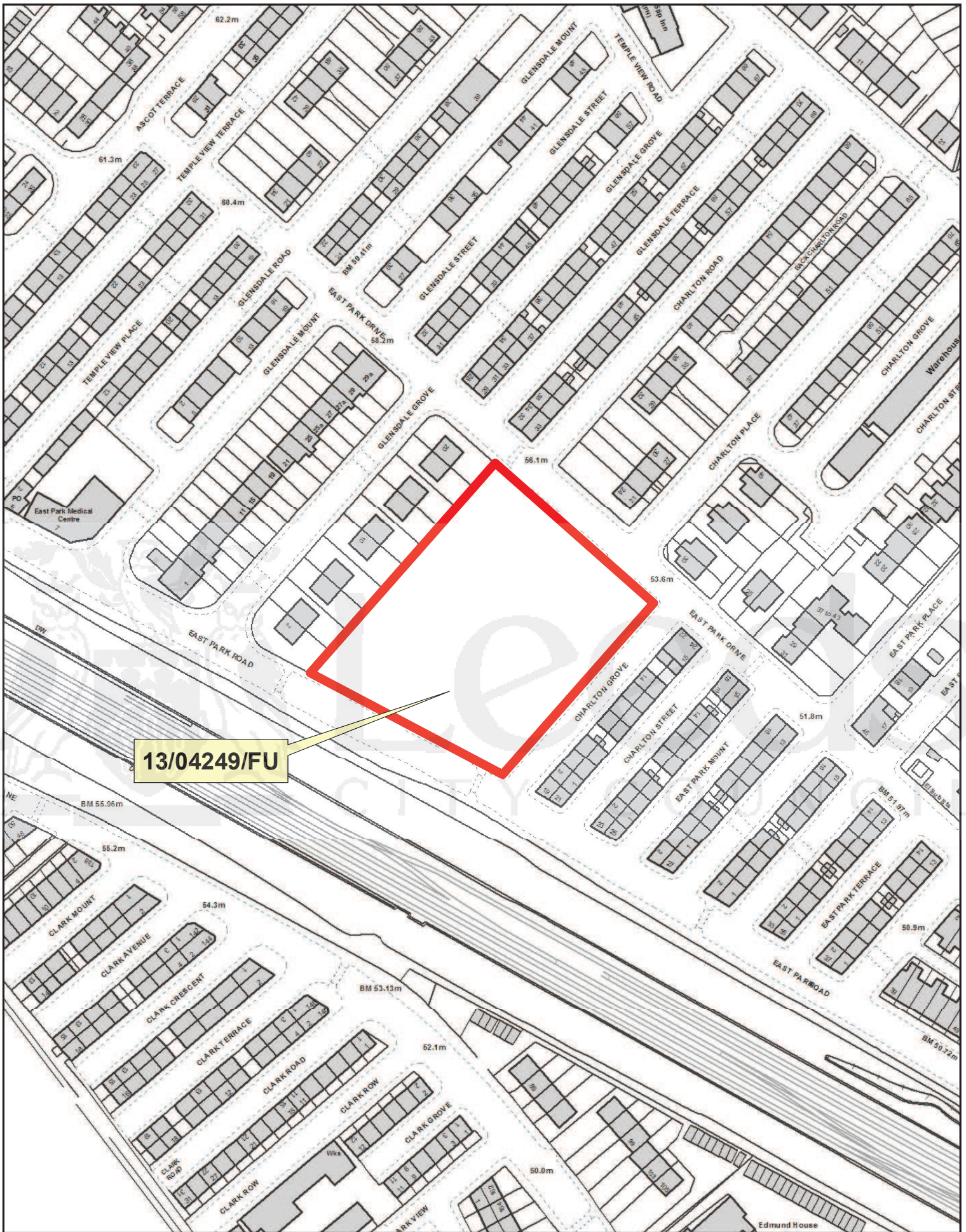
DO NOT SCALE
 THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE DRAWING IS THE PROPERTY OF NPS LEEDS LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

nps group
 NPS LEEDS LTD
 15, EAST PARK ROAD
 LEEDS, WEST YORKSHIRE, LS1 5AW
 TEL: 0113 275 1111
 FAX: 0113 275 1112
 EMAIL: nps@npsgroup.co.uk
 WWW: www.npsgroup.co.uk

HRA New Housing
 East Park Road

DRAWING NUMBER	14-1-1071 [90] 01
PROPOSED TITLE	Proposed Site Layout
DATE	15.7.13
SCALE	1:200
SIZE	A1
REVISION	KAP
DRAWING NUMBER	14-1-1071 [90] 01

If a map forms part of this drawing - This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Leeds City Council 100019367 (2010).



13/04249/FU

NORTH AND EAST PLANS PANEL





Originator: U Dadhiwala

Tel: 0113 2478175

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th March 2014

Subject: 13/03881/FU– Four detached houses to paddock at Jewitt Lane, Collingham, Leeds, LS22 5BA

APPLICANT

Lady Elizabeth Hastings
Estate Charity

DATE VALID

19th September 2013

TARGET DATE

14th November 2013

Electoral Wards Affected:

Harewood

Yes

Harewood
(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
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Sample of all walling and roofing materials to be submitted.
4. Construction of stonework shall not be commenced until a sample panel of the stonework to be used has been approved in writing by the Local Planning Authority.
5. Areas used by vehicles to be laid out, surfaced and drained.
6. Existing trees on site shall be protected during the construction period.
7. Constriction methodology detailing works within or close to RPA zones to be submitted.
8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
9. Hard and soft landscaping works shall be carried out in accordance with the approved details.
10. Details of all walls and fences shall be submitted.
11. The visibility splay shown on the approved plan shall be implemented and retained for the lifetime of the development.
12. The visibility splay shall be kept clear of all obstruction.

13. Details of contactors parking and loading and unloading of materials and equipment shall be submitted.
14. Details of bat roosting and bird nesting opportunities (for species such as House Sparrow, Starling, Swift, Swallow and House Martin) to be provided within buildings and elsewhere on-site.
15. No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive.
16. An up to date badger survey will be carried out and a Mitigation Plan agreed with the LPA to avoid any potentially adverse impacts on badgers during the construction phase.
17. If the tree identified as having bat roost potential at Target Note 4 in Figure 2 of the Ecological Appraisal Revision is not removed before April 2014 an up to date bat roost survey shall be carried out between May and August.
18. Details of a feasibility study into the viability of soak-aways on the site shall be submitted. This should include a number of soakaway tests across the site, carried out in accordance with BRE Digest 365.
19. Details of a scheme detailing surface water drainage works shall be submitted and implemented.
20. A scheme for preventing run-off from the site during the construction phase shall be submitted.
21. The surface water drainage scheme shall be implemented in accordance with the approved details.
22. Details of bins storage details at the pick-up point shall be submitted.
23. The Public Footpath No.7 Collingham is shown on the approved should remain on this line and a 2 metre wide footpath to a specification approved by the Rights of Way Section should be provided.
24. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected.
25. Details of existing and proposed levels.
26. Details of height of rooflights in rear elevations.
27. Details of refuse turning area to be submitted.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Councillor Rachael Procter who has expressed concerns relating to the loss of this green space and the potential impact on visual amenity and with regards to the impact on highway safety. The Councillor has requested that Panel Members visit the site.

2.0 PROPOSAL

- 2.1 The application seeks permission to construct four dwellings within this paddock site which will be accessed off Jewitt Lane. The dwellings will be of a traditional design with pitched roofs and dormers. Due to the gradient of the site the dwellings will appear as single storey bungalows from Jewitt Lane. The northern elevations of the dwellings facing Hollybush Green will take a two storey form.
- 2.2 Although, there are slight design differences between the proposed dwellings, there are generally similar in scale and form. The dwellings measure 14m in width and 7.5m in depth. Taking a management from the lower ground level to the ridgeline, the dwellings measure 9m in height.
- 2.3 Plot 1 features an integral garage and the other three plots will feature detached garages. The front elevations of the detached garages will appear as single storey structures. To the rear, the garages will feature a lower ground level. The garages will measure 6.1m x 6m.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is situated immediately to the western side of Jewitt Lane within the village of Collingham. The site is an open grassed paddock which slopes down from Jewitt Lane towards the dwellings of Hollybush Green to the north. There are a number of mature trees within the site and along the Jewitt Lane boundary, some of which are protected by a Tree Preservation Order (TPO). The dwellings of Hollybush Green adjoin the site to the north and are set at a lower level to the application site. The dwelling of Hill Top is located to the south and is well screened by mature trees. The area beyond the southern and western boundaries is Green Belt land.
- 3.2 Jewitt Lane itself is rural in character with the dwellings along the lane being mainly of random stone construction with a varied scale and design. The Collingham and Linton Village Design Statement describes Jewitt Lane as the only road leading up the hill that is not a cul-de-sac, with stone detached houses built after the Second World War set well back from the lane with a wide grass verge on the west side. There is a public footpath that runs north/south through the site from Jewitt Lane leading through into Hollybush Green in between two detached houses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The initial comments received by the Highways Officer required further information to be submitted showing that adequate visibility at the access to the site can be achieved and thereafter maintained. Following the request made by Highways, the applicant submitted revised drawings to show that the level of visibility that can be achieved and maintained.
- 5.2 The Landscape Officer initially had reservations relating to the potential shading caused by the trees particularly to Plots 2 and 3, and with regards to the garage of Plot 1 and a small section of the proposed access road being positioned close to and within the Root Protection Zones. After further deliberation the Landscape Officer felt that the distances the dwelling maintain from TPO trees will ensure the level of shading that will be experienced will not put future pressure on them to be removed. With regards to the works proposed close to the RPA zones of the trees, the Landscape Officer feels that any potential harm can be overcome via a condition requesting the submission of a construction methodology.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised as affecting a Public Right Of Way via a site notice posted on 04.10.2013
- 6.2 The application was also advertised within the Boston Spa and Wetherby News on 10.10.2013
- 6.3 34 Objection letters have been received raising the following comments;
- The development will create highway safety issues on Jewitt Lane which is a fairly narrow road.

- The visibility at the proposed access point is substandard and will raise highway safety concerns.
- The loss of this open green-field will have a negative impact on the character of the area.
- The proposal dwellings will have a negative impact on the character of the area.
- The development will overlook neighbouring dwellings.
- Jewitt Lane and the A58 cannot cope with further traffic.
- A public footpath runs through the site.
- Contrary to what the supporting document suggest, bats are present on the site.
- The proposal will harm local wildlife
- The proposal will block views of the valley from the neighbouring dwelling Beech View.
- In a public meeting held in 2012 concerning the Neighbourhood Development Plan this site was deemed not suitable for development.
- The Neighbourhood Development Plan is still being drafted and this site is still under consideration within the plan.
- The site is within the Green Belt and therefore should not be developed.
- The existing drainage system will not be able to fully cope with the additional dwellings.
- The surface water runoff from the site overflows onto Hollybush Green.
- The proposed drainage system will damage TPO trees.
- The proposed development will affect TPO trees.

6.4 **Collingham with Linton Parish Council** objects to the application on the following grounds;

- The site is not currently allocated for housing.
- The Leeds Site Allocations Options and Issues Report classed this site as unsuitable for housing in June 2013.
- The Collingham Neighbourhood Plan Report on Site Allocations classed this site as unsuitable for housing.
- The proposal will not bring substantive economic, social or environmental benefits.
- The site has intrinsic value as amenity space and is an important visually and historically to Collingham.
- Collingham's existing infrastructure cannot cope with additional family homes.
- There are more appropriate sites available within the built environment of Collingham.
- Lack of community engagement on part of the developer.
- The housing land supply issue in Leeds is not a significant material consideration.

- 6.5 **Collingham with Linton Parish Council** also comments that should the Local Planning Authority be minded to grant planning permission then the following should be considered:
- Restrictions should be placed on delivery vehicles and plant using Jewitt Lane.
 - Bridleway should be improved as part of the development.
 - The existing woods should receive substantial maintenance and planting in accordance with agreed schemes.
 - Trees remaining on the site be maintained and protected through an appropriate management plan.
 - Suitable habitats be created for bats and other species that may be present on the site.
 - The 30mph speed limit be extended to include the site access and beyond to the brow of the hill on Jewitt Lane.
 - Appropriate areas for waste collection bins to be stored on collection days close to the access.
 - Windows facing the existing properties should be in frosted glass.
 - Appropriate community lighting should be provided to encourage pedestrian access to Collingham.
- 6.6 The Open Space Society objects to the proposal on the basis that the proposal may cause obstruction to a Public Right of Way.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways- No objection, as the applicant has provided drawings that show adequate visibility can be provided at the access point to the site. A condition should be imposed to ensure the visibility splay is kept clear of obstruction.
- 7.2 Public Right of Way comments that Public Footpath No.7 Collingham is shown on the landscape plan on its original line. The footpath should remain on this line and a 2 metre wide footpath to a specification approved by the rights of way section should be provided. A Temporary Traffic Regulation Order may be required in the interests of public safety whilst the work is taking place. All other rights of way should be open and available to the public at all times.
- 7.3 Land Contamination- No objection, subject to conditions.
- 7.4 Mains Drainage- No objections, subject to conditions being imposed that ensure the proposed drainage meets minimum standards.
- 7.5 Nature Conservation- The ecological survey has revealed that the site has some value for foraging/commuting bats and possibly Badgers and nesting birds. Therefore, a number of conditions should be attached to ensure protected wildlife is not put at risk from the development.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

Local Planning Policy

8.2 Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

- Policy GP5 - refers to development proposals should seek to avoid loss of amenity.
- Policy H4 - refers to housing on other sites not identified in the UDP.
- Policy BD5 - refers to new buildings be designed with consideration to both own amenity and surroundings.
- Policy N12 – refers to urban design
- Policy N13 – refers to design of new buildings
- Policy N23 – Open space and retention of existing features which make a positive visual contribution.
- Policy N24: Landscaping to improve transition between development and open land
- Policy N25 – refers to boundaries around sites
- Policy N26 – Requirement to provide landscaping details.
- Policy LD1 – Landscaping
- Policy T24 – Parking
- Policy T2 – highway safety
- Policy T5 - safe and secure access for pedestrians and cyclists should be provided to new development.

Supplementary Planning Guidance/Documents

8.3 Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.

8.4 Street Design Guide Supplementary Planning Document (Main Report) was adopted in August 2009 and includes guidance relating to highway safety and design.

8.5 The Collingham and Linton Village Design Statement (VDS), Conserving new Infill development the VDS highlights the following:

- As part of recognising the local distinctive characters, any new infill development should respect the existing pattern and density of surrounding development. In particular, garden areas are recognised as making an important contribution to the character and appearance of an area, providing visual amenity benefits for local residents, contributing to both the spatial character and to the green infrastructure of the neighbourhood. Any proposal to develop on garden areas will be resisted and assessed against the impact the development will have

on these characteristics and the impact on both the site itself and the wider locality.

- Any infill development, or alterations and extensions to existing houses, including boundary walls and garages, should be designed to complement the existing or neighbouring houses in colour and materials including types of courses, bonding and pointing.
- Infill development should incorporate traditional local treatments of boundaries such as walls, fences, grass verges, hedges, and other planting, as appropriate to the size and type of building being built. In some cases this may reflect an existing 'open plan' layout. Existing boundary walls should be retained, especially if constructed of local stone.

Emerging Local Development Framework Core Strategy

- 8.6 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination.
- 8.7 The Core Strategy has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014). The Inspector has produced a schedule of Main Modifications.
- 8.8 The following draft policies from the Core Strategy are considered relevant to the application:
- Spatial Policy 1: Location of new development
 - H2: New Housing Development on Non-Allocated Sites
 - H8: Housing for Independent Living
 - P10: Design
 - P12: Landscape
 - T2: Accessibility Requirements and New Development
 - EN1: Climate Change
 - EN2: Sustainable Design and Construction

- 8.9 The Site Allocations Plan Issues and Options for the Plan identifies the site as "red" (i.e. sites which are not considered suitable for allocation for housing) and makes the following comments in respect of the site:

"The site is within the existing settlement of Collingham, not within the Green Belt. However, Highways concerns regarding access to the site and the existing highway network. The site slopes significantly and mature trees surround the narrow entrance to the existing dwelling on site which reduces development potential."

It should be noted that these comments formed part of an initial site appraisal and at that time the capacity of the site was identified at 30 dwellings.

National Planning Policy

8.10 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.11 The introduction of the NPPF 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.12 Paragraph 50 of the NPPF states that authorities should plan:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”

8.13 Para 49: Presumption in favour of sustainable residential development.

8.14 Para 56: Government attaches great importance to design of the built environment.

8.15 Para 58: Policies and decisions should aim to ensure developments:

- function to ensure quality over the long term;
- establish strong sense of place, creating attractive, comfortable places;
- optimise potential of site to accommodate development ;
- respond to local character and history ;
- create safe and accessible environments;
- visually attractive (architecture and landscaping).

8.16 With regards to biodiversity, the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

9.0 MAIN ISSUES

- Principle of Development
- Townscape /Design and Character

- Impact on Residential Amenity
- Highway Safety
- Nature Conservation
- Public Right of Way
- Landscape
- Public Representations

10.0 APPRAISAL

Principle of the Development

- 10.1 This paddock is a greenfield site which is not allocated for housing. Policy H4 of the Unitary Development Plan Review (2006) deals with residential development on unallocated sites and regards developments that lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies.
- 10.2 The application site does not lie within a Main Urban Area but falls within the village of Collingham which can be regarded as a village with public transport and road links to commercial centres including Wetherby. The site is also a short walk away from the small commercial centre of Collingham which amongst other services also features a doctors surgery, dental surgery, Post Office, Tesco Express and Newsagents. Therefore, it is considered that the application site is in a reasonably sustainable location.
- 10.3 Given the fact that the site is in a sustainable location and that the scheme is for just four additional dwellings, it is not considered that this particular proposal would be harmful to the overall housing policy of the Council in seeking to direct residential development to the main urban areas, brownfield sites and the regeneration areas in particular. Therefore, the proposal is considered acceptable and to comply with the initial parts of policy H4 provided that it also complies with all other relevant policies.
- 10.4 Some of the objections make reference to the fact that the proposal would be contrary to the Site Allocations Plan Issues and Options Development Plan Document (DPD) which identifies the site as “red” (i.e. sites which are not considered suitable for allocation for housing). However, the DPD made reference to a theoretical site capacity of up to 30 dwellings based upon an average density calculation. Clearly, it is considered that a proposal for approximately 30 dwellings would not be acceptable on this particular site due a number of constraints including the impact on trees, highway safety and upon the character of the area. A proposal for only 4 houses is considered not to have any adverse impact upon these site constraints and is considered to be acceptable.

Townscape / Design and Character

- 10.5 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. This focus on good design is replicated within local policies and the creation of high quality residential development which responds positively to its context is strongly encouraged. The scale, design and material of any redevelopment or new development must be appropriate to the area in which it is located.

- 10.6 This section of Jewitt Lane is fairly rural in character and the dwellings in the area are generally detached large family house built of stone and feature traditional design styles with pitched roofs and front gables, set in generous plots. Like the existing dwellings on street, the proposed dwellings will also be detached structures, of stone construction with pitched roofs set in generous plots. Therefore, it is considered that the proposed dwellings will not appear out of character with the area. Furthermore, a good separation between each property is proposed creating a layout that would not appear overly congested within the context of the area.
- 10.7 From Jewitt Lane, the dwellings will appear as a single storey structures and whilst also taking in to account the differences in ground levels with the dwellings being set at a lower level than Jewitt Lane itself, the over 30m setback from Jewitt Lane and the substantial landscaping present along the site frontage, it is considered that the dwellings will not appear prominent from Jewitt Lane and therefore the visual impact of the dwellings will not be significant. Although, there will be some views of the proposed dwellings from Millbeck Green, views of the proposed dwellings will be limited and the dwellings will not appear prominent from street level. Therefore, it is considered that the proposal will not harm the character of the area.
- 10.8 The comments made by the Parish Council, Ward Councillors and members of the public concerning the intrinsic visual value of this open space and its contribution to the character of the area, is noted. Although the site is fairly open, views of the site from Jewitt Lane is limited due to the significant trees being located along the frontage and the fact that the site is set at a lower level than Jewitt Lane itself. From Hollybush Green views of the site are obstructed by the two storey dwellings. Therefore, from areas of the highways and large sections of the village the site is not visible.
- 10.9 The members of the public also state that the dwellings will be visible from the Public Right of Way that goes through the site. Given the limited amount of development is being proposed and that much of the existing vegetation will be retained, coupled with the fact that only a small section of the open-countryside is being lost, it is not considered that the proposed development will not significantly harm the overall visual value of Collingham for walkers. It should also be noted that the Inspector in the previous UDP review, when the site was part of the Green Belt, concluded that the site does not fulfil and Green Belt purpose. One of the main purposes of the Green Belt is to **'preserve the setting and special character of historic towns'**. Therefore, in effect that Inspector found that the contribution this site makes to the setting and special character of Collingham is minimal.
- 10.10 Given the site abuts the open Green Belt to the south and west, in accordance with UDPR consideration needs to be given to how it will be seen from the landscape. Policy N24 of the UDPR states that where new development abuts the Green Belt their assimilation into the landscape must be achieved as part of the scheme. Policy N24 goes on to say that if existing landscaping does not achieve this then a new landscaping scheme should be implemented.
- 10.11 The site is adequately screened and buffered from the Green Belt by the trees located along the southern and western boundary. Therefore, it is considered that that the existing landscaping will adequately assimilate the development in to the landscape and new landscaping will not be required.

Impact on Residential Amenity

- 10.12 In order to be considered acceptable new residential development must provide adequate standard of living for those occupying the new dwellings. Care must also be taken to ensure that the existing residential amenity of those living close to the development is not unreasonably affected.
- 10.13 It is considered that an acceptable standard of living will be provided for the future occupants of the site and the standard of living proposed falls in line with the guidance provided within the SPG Neighbourhoods for Living. The dwelling will be served by adequate off street parking spaces, safe access and adequate private garden space to the rear. Internally, all bedrooms and living space will be served by windows with adequate outlook.
- 10.14 The development, within the context of the local area, proposes a layout that enables acceptable spacing between dwellings without creating any infringement onto the residential amenity of future occupants of the proposed houses. Separation distances to the boundaries and main aspects are considered to be acceptable and are in the most compliant with those detailed in guidance.
- 10.15 A number of the residents have expressed concerns relating to the potential overlooking issues resulting from the rear aspect windows of the proposed development facing the dwellings of Hollybush Green, particularly as the dwellings are positioned at a higher level than Hollybush Green. The traditional minimum distance guidance outlined in the SPG: Neighbourhoods for Living states that ground floor Main Windows serving living rooms and dining rooms should be positioned 10.5m away from the boundaries and Secondary Windows serving bedrooms and ground floor kitchens should be set 7.5m away from boundaries.
- 10.16 The closest property to Hollybush Green is Plot 3, the first floor bedroom windows of which will be set 11m from the rear boundary. At ground floor level, the dining room window of the single storey rear extension will be 7m away from the rear boundary. Although, the separation distance maintained by this dining room window is 0.5m out of guidance, the 1.8m high boundary treatment along the northern boundary will provide adequate screening and will offset the overlooking concerns. The other dwellings will maintain a greater separation distance from Hollybush Green than Plot 3; therefore no overlooking issues are likely to arise from these windows.
- 10.17 Concerns raised by the members of the public also reflect on the fact that the rear windows will also overlook the internal areas of the dwellings beyond the northern boundary. Plot 3 (the closest property to the northern boundary) will be positioned almost 28m from the dwelling directly opposite with the other dwellings proposed being positioned a greater distance away. It is considered that the separation distance is more than adequate to ensure the privacy of the internal areas of the dwellings on Hollybush Green is not compromised even when taking into account the differences in ground levels.
- 10.18 It is considered that due to the separation distances mentioned above, it is not considered that the proposal will harm the amenity of the dwellings on Hollybush Green by way of dominance or overshadowing.
- 10.19 The other dwelling situated close to the development is Hill Top located to beyond the southern boundary of Plot 2, 3 and 4. Hill Top is well screened from the application site by mature trees and whilst also taking into account the separation distances maintained, it is considered that the proposed dwellings will not overlook, overshadow

or over-dominate Hill Tops. No other dwellings are likely to be affected as a result of the development.

Highway Safety

- 10.20 Following revised drawings being produced showing that adequate visibility from Jewitt Lane can be achieved, Highways have concluded that the proposed development for four houses will not raise significant highway safety concerns. Condition should be imposed to ensure the visibility splays shown on the plans are maintained.

Nature Conservation

- 10.21 The Ecology Survey has identified that the site has some value for foraging/commuting bats and possibly Badgers and nesting birds. The Nature Conservation Officer has assessed the scheme and has raised no objection subject to conditions being imposed to ensure adequate measure are taken to protect the identified wildlife during and after the construction period. Subject to the recommended biodiversity conditions listed at the head of the report being imposed, it is considered that the proposal does not pose a significant risk to protected wildlife.

Public Right Way

- 10.22 A Public Right of Way runs through the site which is shown to be retained. The Public Rights of Way team has raised no objection to the scheme provided that suitable conditions are imposed to ensure the footpath is retained on the same line and a 2 meter wide footpath to a specification approved by the rights of way section is provided and implemented.

Landscape

- 10.23 A number of the trees along the southern boundary of the site are protected by a TPO. The Landscape Officer has assessed the scheme and has identified two areas where development comes close to or within Root Protection Area (RPA) of TPO trees; namely a section of the attached garage of Plot 1 and the section of the drive close to tree labelled T18. However, the Landscape Officer concedes that only a small area of the RPA of the trees in question will be affected and therefore through appropriately worded conditions the harm to the trees can be minimised.

Public Representation

- 10.24 The comments made by members of the public, Ward Cllrs and the Parish Council (PC) that the development will create highway safety issues and will increase traffic on Jewitt Lane and on the A58 has been evaluated by the Highways Officer who has raised no concerns.
- 10.25 The concerns raised by the Parish Council and Ward Cllrs concerning the loss of this open green-field and its negative impact on the character of the area, has been addressed in the report. It is considered that, due to the limited views of the site from public vantage points and the small scale of the development, the proposed loss of the site to development will not harm the character of the area.
- 10.26 The comments made by Ward Cllrs concerning the long distance views of the development, is noted. Whilst it is acknowledged that the proposal may be visible

from vantage points some distance away, it is considered that the development of just four houses seen in the context with the other dwelling on Jewitt Lane will not appear at odds with the character of the area.

- 10.27 The issue raised concerning the harmful impact of the dwellings on the character of the area, has been addressed in the report. It is considered that the proposed dwellings will be of a design and scale which is in keeping with the character of the area.
- 10.28 The comments made that a public footpath runs through the site, is noted. The public footpath is proposed to be retained.
- 10.29 Members of the public highlight that contrary to what the supporting document suggests, bats are present on the site. Members of the public also highlighted that local wildlife will be harmed. The supporting documents acknowledge the potential for bats and other protected species using the site. These issues has also been evaluated by the Nature Conservation Officer who has raised no concerns subject to conditions that are listed at the head of this report being imposed.
- 10.30 The occupant of Beech Wood has highlighted that the proposal will block views of the valley. Beech Wood is positioned at a higher level to the proposed dwellings and some distance away. Therefore, it not considered that the proposed dwellings will block views from Beech Wood
- 10.31 The comments made by the Parish Council and members of the public concerning the site not being deemed suitable for housing within the Neighbourhood Development Plan and the fact that the Leeds Site Allocations Process deemed this site to be not suitable for development, is noted. However, these documents hold no weight in the decision making process and are not material planning considerations.
- 10.32 The comment made that the site is within the Green Belt and therefore should not be developed, is incorrect. The site is not in the Green Belt.
- 10.33 The issues raised concerning the ability of the existing drainage system to be able to cope with the additional dwellings and with regards to flooding, has been evaluated by the Flood Risk Management Section who have raised no objections subject to conditions.
- 10.34 The concern raised relating to the impact of the development on TPO trees, is noted. This issue was investigated by the Landscape Officer who has raised no concerns.
- 10.35 The comments made by the Parish Council that the site is not currently allocated for housing, is noted. Although, the site is not allocated for housing, the site is situated in a sustainable location and is thus acceptable for development.
- 10.36 The comments made by the Parish Council that the proposal will not bring substantive economic, social or environmental benefits, is noted. However, whether or not the proposal will be of any benefit is not a material planning consideration. The planning process seeks to ensure that the proposal does not have a harmful impact.
- 10.37 The comments made that the existing infrastructure will not be able to cope with additional family homes, is noted. However, it is considered that four new family homes will not put an unreasonable strain on existing infrastructure.

- 10.38 The comments made that there are more appropriate sites available within the built environment of Collingham, is noted. However, it has been determined that this small scale development is acceptable on this site and a sequential test to establish if any other sites are available is not required for such a small development.
- 10.39 The concern raised with regards to the lack of community engagement on the part of the developer, is noted. Although it is best practice for developers to engage with members of the public, engaging with the public is not essential and therefore the proposal cannot be reduced on this issue.
- 10.40 The comments made by the Parish Council that the housing land supply issue in Leeds is not a significant material consideration, is not correct. This is a material issue.
- 10.41 The Parish Council comments that restrictions should be placed on delivery vehicles and plant using Jewitt Lane, that suitable habitats should be created for bats and other species, that appropriate areas for waste collection bins should be constructed and that the Public Right of Way Should be improved. These issues will be addressed via conditions.
- 10.41 The Parish Council comments that the existing woods should receive substantial maintenance and planting in accordance with agreed schemes and that trees should be protected. Although, conditions will be attached to erasure the existing trees on the site are protected throughout the construction process, it is felt that more planting on the site is not required.
- 10.42 The comment made that the 30mph speed limit be extended to include the site access and beyond to the brow of the hill on Jewitt Lane, is noted. Highway Safety issues including issues relating to speed limits were evaluated by the Highways Officer who did not feel that such a measure is necessary.
- 10.43 The comments made also highlight that windows facing the existing properties should be frosted. Issues of overlooking have been addressed in the report and it is considered that the windows facing existing dwellings will raise no significant overlooking concerns and therefore do not need frosting.
- 10.44 The comments made that appropriate community lighting should be provided to encourage pedestrian access to Collingham, is unreasonable. Asking the applicant to provide additional lighting for the community cannot be justified for such a small development.

11.0 CONCLUSION

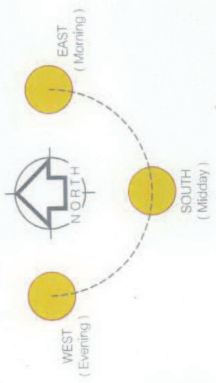
- 11.1 The applicant seeks permission to construct four new dwellings on this greenfield site. It is considered that the proposal is acceptable in principle and will not harm the character of the area. Furthermore, it is considered that the proposal will not have a significant detrimental impact on neighbouring residential amenity or upon highway safety. Therefore, it is recommended that permission should be granted.

Background Papers:

Application file: 13/03881/FU
Certificate of Ownership: Signed by Agent Stephen Courcier on behalf of the owner Carter Jonas.

Proposed Residential Development at Jewitt lane, Collingham, Leeds.

13/03881



Schedule of Accommodation

- Plot 1 - 5 Bed 1.5/ 2.5 Storey 2700 SqFt
- Plot 2 - 5 Bed 1.5/ 2.5 Storey 2700 SqFt
- Plot 3 - 5 Bed 1.5/ 2.5 Storey 2700 SqFt
- Plot 4 - 4 Bed 1.5/ 2.5 Storey 2600 SqFt

Rev	By	Note	Date
B	JD	Tree No 23 retained.	21.05.17
A	JD	Tree survey canopy and root protection zones indicated. Page 3 and 4 moved.	13.05.17

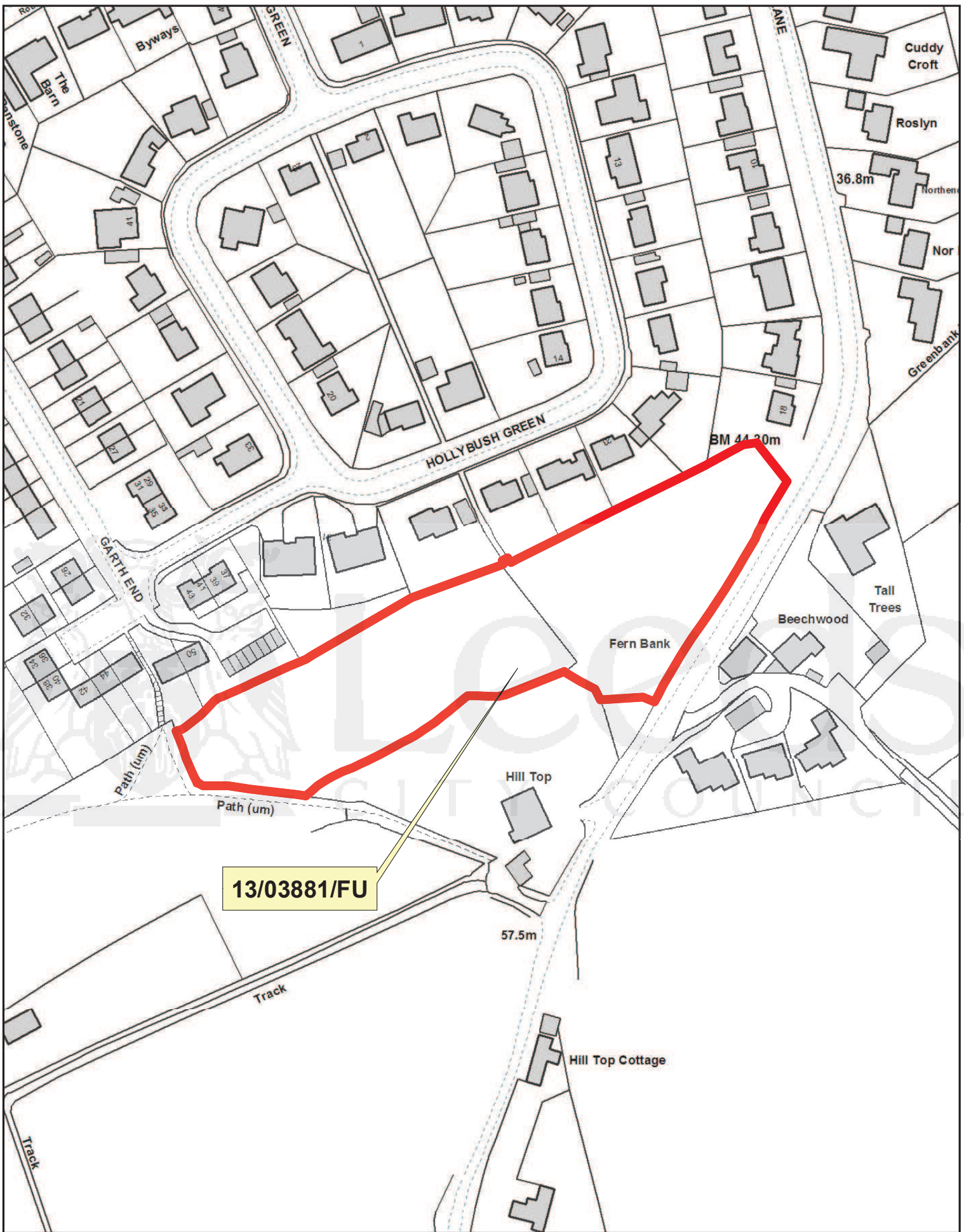
PRA ARCHITECTS
 31 The Lannery, Levenshoe Street, York, YO1 1JH, UK. T: 01904 833333
 F: 01904 621274 E: collingham@pra-architects.com W: www.pra-architects.com

Proposed Site Layout
 Jewitt Lane, Collingham, Leeds
 Title: Carter Jonas
 Date: 17.01.13
 Scale: 1:500@/B
 Ref: Y81-863.02
 Author: JD
 Checked: JD

NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE ARCHITECTS' COPYRIGHT PERMISSION.



Proposed Site Layout



NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2013 Ordnance Survey 100019567

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

SCALE : 1/1500





Originator: A Stone

Tel: 0113 2478054

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th MARCH 2014

Subject: 14/00321/FU – Two storey side extension at 495 Street Lane, LS17 6LA

APPLICANT

Mr G Prince

DATE VALID

24th January 2014

TARGET DATE

21th March 2014

Electoral Wards Affected:

Moortown

Yes

Ward Members consulted

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 carried out in accordance with approved plans;
3. Materials to match;
4. No insertion of side windows;
5. Tree protection fencing;
6. Retention of boundary treatment.

1.0 INTRODUCTION

1.1 This application seeks permission to construct a two storey side extension.

1.2 This application is reported to Plans Panel as previously Plans Panel determined an application for change of use of this property to flats and two storey side extension. Members of East Plans Panel resolved not to accept the officer recommendation for permission and delegated refusal of the application to officers on the following grounds:-

'The Local Planning Authority considers that the proposal is unacceptable as the amount of built development in combination with the areas of hard-standing results

in over development of the site and a form of development that is detrimental to the spatial characteristics and the visual amenities of the area. The proposal is therefore contrary to Policies GP5, BD5 and BD6 of the Leeds Unitary Development Plan'.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a detached dwelling located on a corner plot at the junction of Street Lane and Broomhill Avenue. The property is one of four similar properties that are located on spacious corner sites at this junction. A two storey side and single storey rear extension is present on the adjacent corner plot at 497 Street Lane. The property sits on a similar building line to neighbouring properties fronting Street Lane albeit on a slight angle similar to adjacent properties on corner plots except for no 497.
- 2.2 The property is constructed of render and stone with a pitched tiled roof and features a two storey bay and gable to its frontage. The property has been previously extended at the rear with a flat roof dormer window. The site consists of a spacious open plan garden to the front, (west) side and rear. The property is served by a driveway which travels the east side of the site and serves a detached garage at the rear. The site is bordered by dwarf stone wall, some intermittent panel fencing, vegetation and trees at the front, side and rear.
- 2.3 The area is predominantly residential in character. To the rear of the site is a hospice. There is an extensive Tree Preservation Order which touches rear boundary of site. The streetscene comprises of residential detached and semidetached properties of mixed character, scale and design. Many of the properties within the immediate area have been altered by various types of extensions.

3.0 PROPOSAL

- 3.1 The proposed works consist of the following:
- 3.2 The extension proposes to be 4.5m in width x 11.5m in length and would be set back 700mm from the front elevation. The roof of the extension will match the main roof form, set down from the main ridge line.
- 3.3 The extension would project the bay windows at the rear by 2.7m in line with the built form of the property on the east side. This part of the extension would form a gabled feature similar to that featured on the principle elevation.
- 3.4 Windows are proposed to the front, side and rear elevations.
- 3.5 The extension would create a family room and snug at ground floor and two additional bedrooms with en-suites at first floor.
- 3.6 Materials are proposed to match existing.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 30/572/01/FU: 495 Street Lane Leeds 17
Dormer window to rear – Approved: 23.01.2002

4.2 30/230/04/FU: 495 Street Lane Leeds 17
Change of use & two storey side extension of detached house to 3 two bed flats & 1 one bed flat – Refused: 25.05.2004

4.3 30/497/04/FU: 495 Street Lane Leeds 17
Change of use involving 2 storey side extension of detached house to three 2 bed flats and one 1 bed flat - Refused: 09.12.2004

5.0 HISTORY OF NEGOTIATIONS:

5.1 Current scheme revised in line with officer advice to address design issues relating to the bay features on the front and rear elevations which were considered to compete unnecessarily with the main frontage of the house, detracting from the overall appearance of the dwelling.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by neighbour notification letters sent on 28 January 2014 and site notice posted 07 February 2014.

6.2 The publicity period for the application expired on 28 February 2014, but to date no representations have been received.

6.3 Ward member response: None

7.0 CONSULTATIONS RESPONSES:

7.1 None required.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

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

BD6: Seeks to ensure extensions respect the scale and form of the existing dwelling.

Supplementary Planning Guidance/Documents

8.3 Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials.

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

Emerging Local Development Framework Core Strategy

8.4 Draft Core Strategy - 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 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.

National Planning Policy

8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.6 The introduction of the NPPF 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

9.0 MAIN ISSUES

- 1) Design and Character
- 2) Neighbour Amenity
- 3) Highway Safety

10.0 APPRAISAL

Design and Character

- 10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. These policies are expanded in more detail within the Householder Design Guide.
- 10.2 Guidance contained in the HDDG at page 29 recognises that some detached houses are individually designed and have larger spaces around them which produce a more irregular but quite spacious feel to the area. This sense of space is often considered important to the character of an area and should be retained.
- 10.3 With regard to this consideration whilst it is acknowledged that the extension would erode the spatial character of the site to a degree. The extension would retain a distance of between 3.5 to 5.5m to the side boundary. This distance would allow a degree of openness to be retained at the side whilst also ensuring the retention of existing vegetation on the boundary and the spatial characteristics of the area. The retention of this vegetation would also provide a degree of screening as well as softening the built form of the development in the streetscene.
- When assessing the spatial character of the area a further consideration is that of the built development on the adjacent site no 497. This property received planning approval in 2005 for a two storey side and single storey side and rear extensions and have subsequently been built.
- In light of the above and subject to a condition for the retention of existing boundary treatments bordering the side of the site it is considered that the extension would not pose a significant threat to the spatial character of the area.
- 10.4 With regard to the overall scale, the two storey extension would be 4.5m in width representing an increase of 50% of the width of the original house. This increase whilst significant is less than the 2/3rd guidance allowance recommended in the HDDG for these types of extensions. The extension is also set back 700mm from the front wall of the property and features a pitched roof form which is set down from the main ridge. Whilst the extension would extend beyond the existing bays at the rear, it would also sit on a similar building line to the built form of the host property on the east side.
- 10.5 The extension would be finished in materials that would match the existing property and the windows altered so that they match sympathetically with the existing windows allowing the bay frontage to remain the focal feature of the property at the front and rear.

10.6 It is therefore considered that the size and scale of the development would appear as a subordinate addition to the main dwelling whilst relating sympathetically to its built form and character as well as the pattern of surrounding development for the reasons discussed above. As such, subject to a condition to match the materials of the existing house, no harm is anticipated to the dwelling or the streetscene.

Neighbour Amenity

10.7 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice is expanded further in policy HDG2 which notes that “all development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking would be strongly resisted”.

10.8 The proposal raises no significant concerns in respect of the impact upon neighbours. The extension is isolated from neighbouring residential sites by the built form of the existing property for the most part and the public highway, retaining distances of 10m and 20m respectively to the nearest residential sites. As such given its location it is considered unlikely that the extension would pose a threat to neighbouring residential amenity by appearing overly oppressive or overshadowing.

10.9 The proposed rear windows will allow oblique views toward neighbouring gardens; however these are not uncommon within residential contexts and are similar to the views currently afforded from the existing dwelling. Windows proposed to the side elevation would face the west boundary of the site which is bordered by existing vegetation, beyond which is the public highway of Broomhill Avenue. These windows would retain a distance of 20m to the adjacent residential site of no 497 which has a similar extension to that currently proposed.

10.10 As such and subject to a condition being imposed preventing the insertion of first floor windows to the east side facing towards the rear garden of no 493 it is not anticipated that the proposal would have a harmful impact on neighbouring private amenity.

Highway Safety

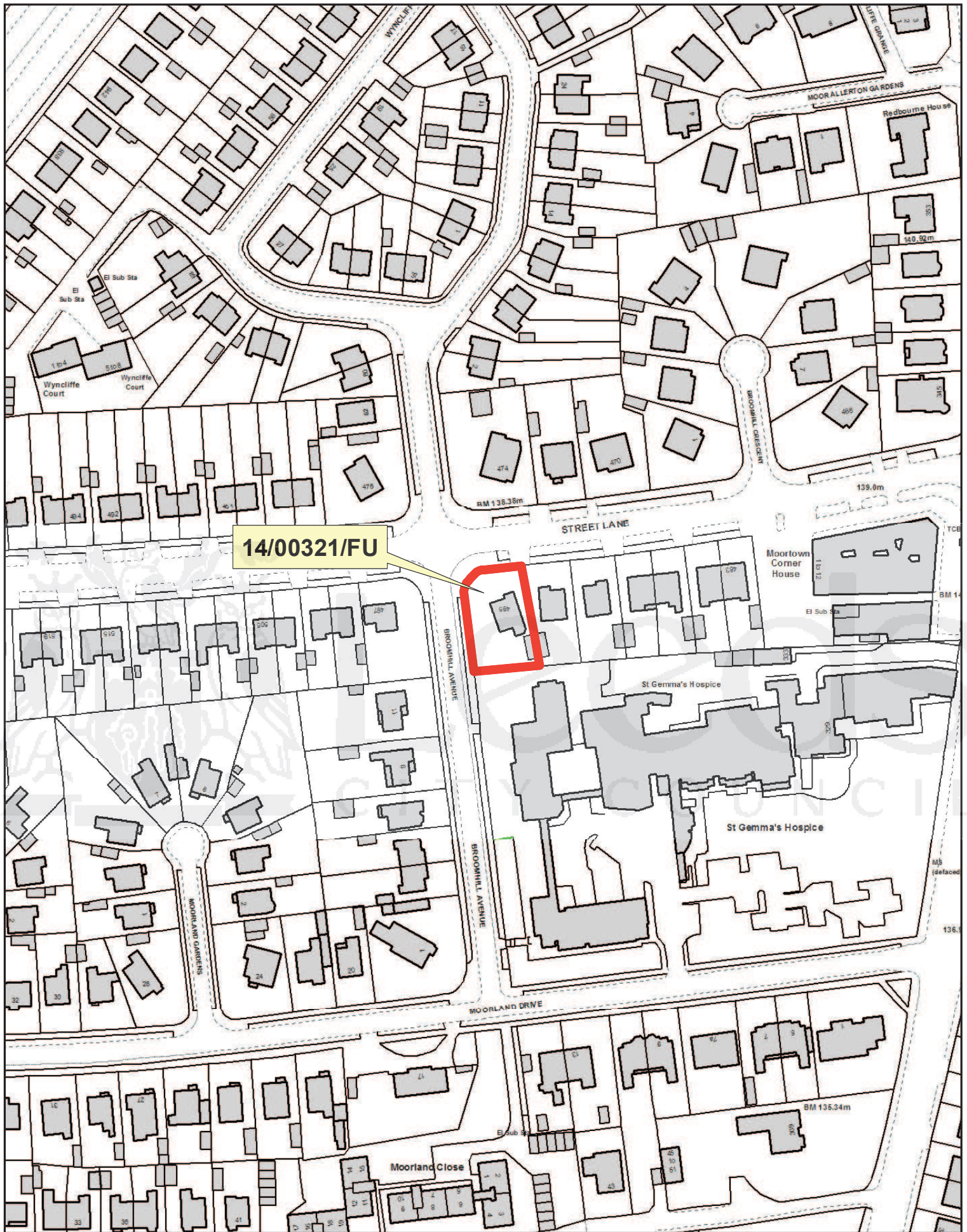
10.11 Onsite parking is unaffected by the proposed development therefore it is not anticipated that the development of the site will pose a threat to highway safety.

11.0 CONCLUSION

11.1 The application is therefore considered to be acceptable. The extension is not considered to be harmful to the design and character of the property nor would it have a harmful impact on the spatial character of the area and/or streetscene or neighbouring amenity. Subject to conditions the application is considered to be compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files 14/00321/FU
Certificate of ownership: Certificate A signed by applicant



14/00321/FU

NORTH AND EAST PLANS PANEL





Originator: Aaron Casey

Tel: 0113 247 8059

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 27 March 2014

Subject: APPLICATION 14/00852/FU – Two storey, first floor and single storey extension and new first floor side window at 6 Sandhill Oval, Alwoodley, Leeds, LS17 8EA

APPLICANT

Councillor D Cohen

DATE VALID

12 February 2014

TARGET DATE

9 April 2014

Electoral Wards Affected:

Alwoodley

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
2. Development to accord with approved plans
3. External materials to match those of the existing dwelling
4. No additional windows to be added

1.0 INTRODUCTION

- 1.1 This application is brought before the plans panel as the applicant is an elected member of the Council.

2.0 PROPOSAL

- 2.1 The applicant is seeking planning permission for a two storey, first and single storey extensions to the rear of No.6 Sandhill Oval.
- 2.2 The single storey part of the proposals would be:

- 3m depth to the southern side and 4.6m in depth to the northern side.
- Full length (13m).
- The existing sun-room will have its side elevation glazing replaced with brickwork.
- The roof-form would be generally flat but for a slight slop toward a valley gutter located to the centre of the roof.
- The height of this element would terminate at 2.9m.

2.3 The two storey part of the proposal (including the first floor extension) would be:

- 4.8m depth to the southern side and 6.5m in depth to the northern side.
- 8.4m in width.
- The height would terminate 700mm below the existing roof ridge.
- Two rear first floor gables are proposed to mirror those to the front of the property.

2.4 The external materials proposed would match those of the existing property.

- Brickwork
- Clay tiles
- uPVC windows and doors

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is located on Sandhill Oval in the Alwoodley area of the City. Sandhill Oval is located east of Harrogate Road and south of Sandhill Mount. The Sandhills are residential in character and appearance with detached and semi-detached properties set generally within medium to large plots defining this part of Alwoodley. Building materials within the area are brick and render. The streets have grass verges with some level of on-street tree coverage but planting is generally located within domestic plots forming part of the front boundaries. To the west of Sandhill Oval are various amenities including a public house, a restaurant and various retail functions.
- 3.2 The application site itself comprises of a large two storey, double fronted detached property constructed in red brick under a hipped tiled roof set within a large plot. The dwelling is set back from the highway with a vehicular access to the left hand side of the property with a separate pedestrian access punctuated in the front boundary treatment of a low level brick wall with a well maintained hedge behind.
- 3.3 To the rear of the property there are existing extensions i.e. a sun room at single storey and two storey flat roofed extensions, as well as a single storey outbuildings to the southern boundary. The garden is landscaped and is bounded timber fencing, hedging and trees.
- 3.4 Sandhill Oval has a decline in ground level from south to north and properties follow this land level do that in terms of the site No.8 Sandhill Oval is located at higher ground level and No. 4 at lower ground level. The sloping land is also evident to the rear garden of the application site. To the rear of the site the properties to the south west are located at lower ground level.

4.0 RELEVANT PLANNING HISTORY

4.1 H30/653/76 – Re-roofing a sun room, two storey extension to rear – Approved 17 August 1976.

H30/218/74 – Extension to garage, kitchen and re-roofing of a sun room – Approved 21 August 1974.

5.0 THE HISTORY OF NEGOTIATIONS

5.1 The initially submitted scheme is considered to be on balance acceptable but Officers made suggestions regarding some minor detailing and fenestration at first floor. The applicant has agreed these changes and has sought to work with the Local Planning Authority (LPA) to achieve an appropriate and acceptable scheme.

6.0 PUBLIC/LOCAL RESPONSE

6.1 7 letters of notification were posted to the neighbours in the closest proximity to the application site. These letters were posted on 21 February 2014 advising of the proposal and that any representations should reach the Local Planning Authority (LPA) by the 18 March 2014.

6.2 No letters of representation have been received in response to the notification letters including.

7.0 CONSULTATIONS RESPONSES

7.1 Design Services (Architect) – No objections were raised to the extensions scale and design with some minor alterations suggested. The level of proposed roof was discussed and in the view of the architect the level of roof was a proportionate response to the level of extension proposed.

8.0 PLANNING POLICIES

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

8.2 The Core Strategy was submitted to the Secretary of State for Communities and Local Government on 23rd April 2013. The Secretary of State appointed a Planning Inspector to conduct the examination of the plan, which commenced on 7th October and ended on 23rd October. The Inspector's report is awaited. At this stage the only issues which the Inspector has raised concerning the soundness of the plan relate to the affordable housing policy and the Council's evidence on Gypsies and Travellers. As the Core Strategy has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014).

8.3 The below UDP policies, supplementary development documents and national guidance are considered to be relevant to this application:

Policy GP5: Development should not cause loss of amenity and resolve detailed planning considerations.

Policy BD6: refers to extensions/alterations should respect the design of the original building.

Supplementary Planning Guidance 13 - Neighbourhoods for Living.

The Householder Design Guide (2012) – The guide gives advice on how to achieve high quality design for extensions and additions to existing properties, in a sympathetic manner that respects the spatial context. The below policies contained within this document are considered relevant;

Policy HDG1: All extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to:

- i) the roof form and roof line;
- ii) window detail;
- iii) architectural detail;
- iv) boundary treatments and;
- v) materials

Policy HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

8.4 National Planning Policy Framework (2012): This document promotes sustainable (economic, social and environmental) development and *inter alia* endorses good design as playing a key factor in achieving sustainable development.

9.0 MAIN ISSUES

- Character and Appearance
- Residential Amenity

10.0 APPRAISAL

Character and Appearance

10.1 The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development and is indivisible from good planning and that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.2 In this instance, the proposed development would be located to the rear of the existing dwelling and would have an extremely limited impact on the street-scene. The level of impact would only occur when travelling south to north down Sandhill Oval and a slight visual would be obtain of the proposed roof of the development between the driveways of No.8 and No.6 Sandhill Oval. The area is in part defined by large properties and the level of roof that would be visible from the street would be seen in the context of large dwellings within a residential area and would

therefore not appear alien or incongruous thereby preserving the existing street-scene along Sandhill Oval.

- 10.3 Moving now to the design of the extension and its relationship with the existing dwelling. The property is a post war detached property, double fronted under a hipped roof with two gable features to the front elevation. To the rear of the dwelling there have been extensions added; planning history shows that these were granted planning permission in the mid 1970's. The existing extensions are flat roofed and whilst the materials of construction relate to the original house the flat roofs appear at odds with the main hipped roof form of the dwelling or the gable features to the front elevation. The proposed introduction of a pitched roof to extend from the main dwelling to cap the proposed extensions and the existing flat roofed additions is considered to be an improvement in design terms and the resulting gables to the rear would have correlation with the two existing gables to the front elevation of the dwelling. Albeit the proposed sit next to each other rather than having the spacing those at the front have. The proposed window proportions and placing on the proposed extensions are considered to be appropriate and respond well with the dwelling.
- 10.4 The amount of roofing is not insignificant; however it is not considered that the proposed scale and massing of the extensions would be detrimental to the character and appearance of the existing dwelling and the proposal is considered to represent proportionate additions when considered against the scale and massing of the existing dwelling. A view was sought from a Design Services and it was concluded that the amount of roof was equative to the level of development and not unduly harmful in a design sense. Moreover the application plot is large and the additional built form above that of the existing dwelling would not significantly erode the plot to building ratio. Therefore it is considered that the resulting dwelling would still be representative of the areas general character in terms of large dwellings set within plots relative to their size.
- 10.5 To further enable a fluent union between the existing dwelling and the extensions the proposed external materials would match those of the existing. This can be secured by imposing a planning condition.

Residential Amenity

- 10.6 The proposed development would result in glazing that would create outlooks towards the rear with two side elevation windows to the southern elevation, one at ground floor and another at first floor. Advice contained within SPG13 - Neighbourhoods for Living advises that a separation distance of 10.5m from main windows (living and dining rooms) to boundaries and 7.5m from secondary windows (bedrooms and ground floor kitchens) to boundaries are acceptable. The advice also gives separation distance of 18m between secondary windows (bedrooms) and 21m main aspect windows at ground floor to adjacent main aspect windows. The rear facing windows retain a separation distance that is in excess of those detailed in SPG13. The proposed first floor windows are not considered to offer any more outlooks than can already be gained from the existing first floor windows. Therefore it is considered that the outlooks that would be gained from the proposed rear elevation would not be harmful to the living conditions of neighbouring occupants, i.e. the flanking properties and those to the north-west on Harrogate Road and Crescent Gardens.

- 10.7 The two side elevation windows proposed would serve a bedroom at first floor and a kitchen at ground floor. The ground floor window would face out onto a timber fence whilst the first floor would face towards blank masonry of No.8 Sandhill Oval. This window would also be able to provide outlooks onto the rear garden area of No.8 but this situation would be no worse than the current outlooks from the rear elevation first floor windows.
- 10.8 The ground floor element would have a depth of 4.6m to the northern boundary but would retain sufficient distance to the boundary to mitigate for the additional 1.6m above what is advised in the HDDG.
- 10.9 The northern boundary with No. 4 Sandhill Oval comprises of a mature hedge and for the majority of the ground floor depth to this side this hedge would screen the proposal and that part which extends past this hedge is not considered to be so significant that it would reduce the neighbours enjoyment of their rear garden in terms of over-dominance of the perception of such by reason of a sense of enclosure. This is also considered to be the case in terms of the two storey extensions which would retain a sufficient distance from the northern boundary, thereby reducing the perception of over-dominance from the proposal.
- 10.10 To the opposite boundary with No.8 the impact is more acute in that the two storey elements of the proposal are in closer proximity to the common boundary. No.8 is set at higher ground level. No.8 has their own two storey rear extension and the proposed development at this side would not dramatically alter the existing situation in terms of perceived enclosure. Moreover No.8 has an extensive garden where the external amenity area is set away from where the proposed two storey projection would be located. It is therefore considered that the living conditions of the occupants of No.8 would remain within acceptable limits.
- 10.11 The properties to the south-west and west on Harrogate Road and Crescent Gardens are a sufficient distance away so that dominance or any sense of enclosure from the proposed development would not exist.
- 10.12 Clearly some level of shade would be created throughout the day, however it is not considered that the shade cast towards the flanking properties would be significant. To the north towards No.4 the single storey element of the proposals would cast a limited level of shade during the middle part of the day and even with the applications site elevated position above No.4 it is not considered that withholding planning permission on grounds of over-shadowing would be reasonable and may present a weak argument at any subsequent appeal. To the southern boundary with No.8 the shade that would fall onto this neighbour would fall onto a driveway and outbuilding and not towards habitable room windows or what can reasonably be considered as external amenity space that would be used when there is a large rear garden area beyond this driveway.

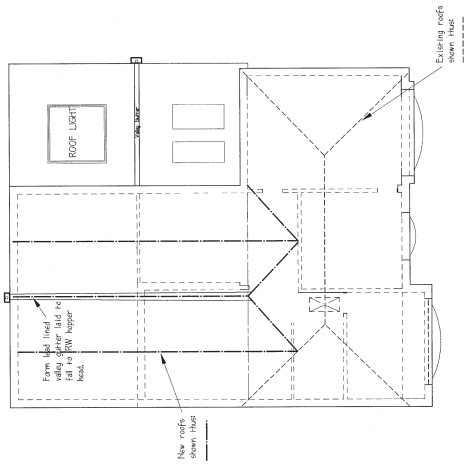
11.0 CONCLUSION

- 11.1 After due consideration, it is considered that for the reasons detailed above and subject to the conditions at the head of this report that planning permission is granted.

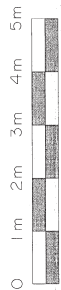
Background Papers:

None

Certificate of Ownership (Cert A) signed by the agent for the applicant: 12 February 2014.



PROPOSED ROOF PLAN



1 TO 50 SCALE BAR

NOTE:
No dimensions are to be scaled off this drawing.
All dimensions are to be verified on site prior to construction.
Any discrepancies to be notified to M. S. HART & ASSOCIATES.
This drawing to be read in conjunction with drawings ref. 2008071, 75, A specification

REV. A. 11/09/14 MRL
Existing Lateral rod from A. Chan.
Rear elevations, gables adjusted and windows to first floor bedroom and ensuite repositioned.

REV. B. 12/03/14 MRL
Small wall from A. Chan.
Drawing amended to show new first floor bedrooms and ensuite and increase of 150mm to each window side giving a window width of 300mm to retain concrete positions.

LEEDS CITY COUNCIL

13 HAR 2014

M. S. HART & ASSOCIATES
 13 HAR 2014
 13 HAR 2014
 Guardian House, King Street, Mirfield,
 Tel/Fax: 01824 694869
 Mobile: 07973 719652

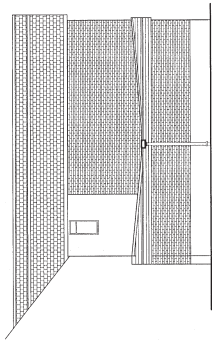
CLIENT : MR. & MRS. D. A. COHEN

PROJECT : PROPOSED BEDROOM AND KITCHEN EXTENSIONS TO 6 SANDHILL OVAL LEEDS LS17 8EA.

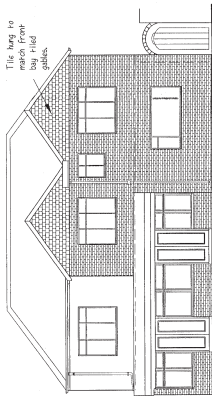
DRAWING : PROPOSED DETAILS

SCALE: 1/20 1/100 MRL DATE: 13/01/14

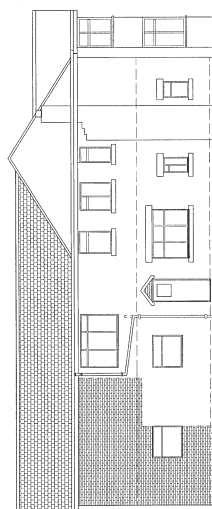
DRAWING No: DC/MRH/24/B



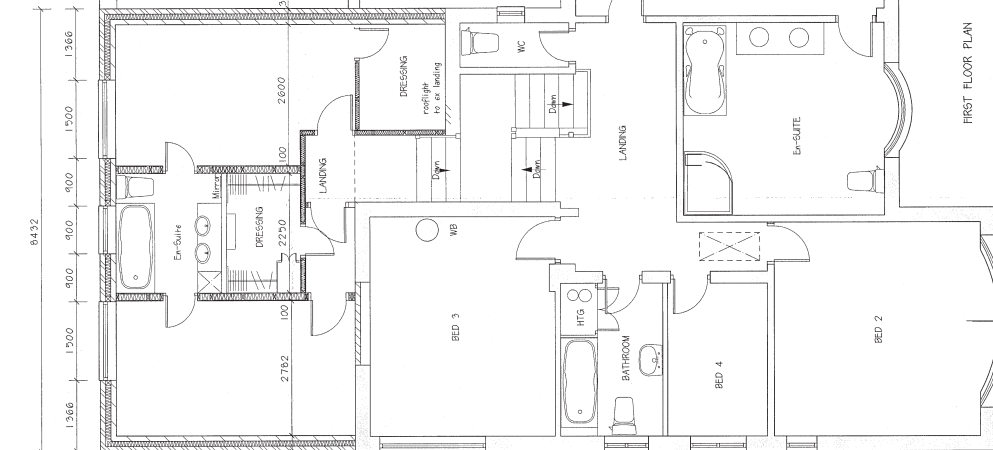
SIDE ELEVATION



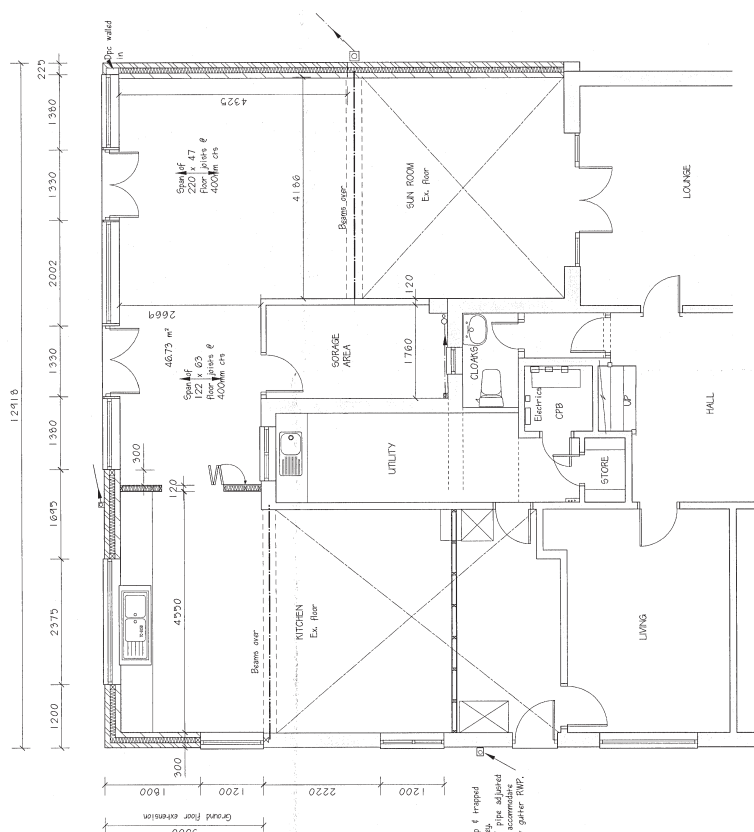
REAR ELEVATION



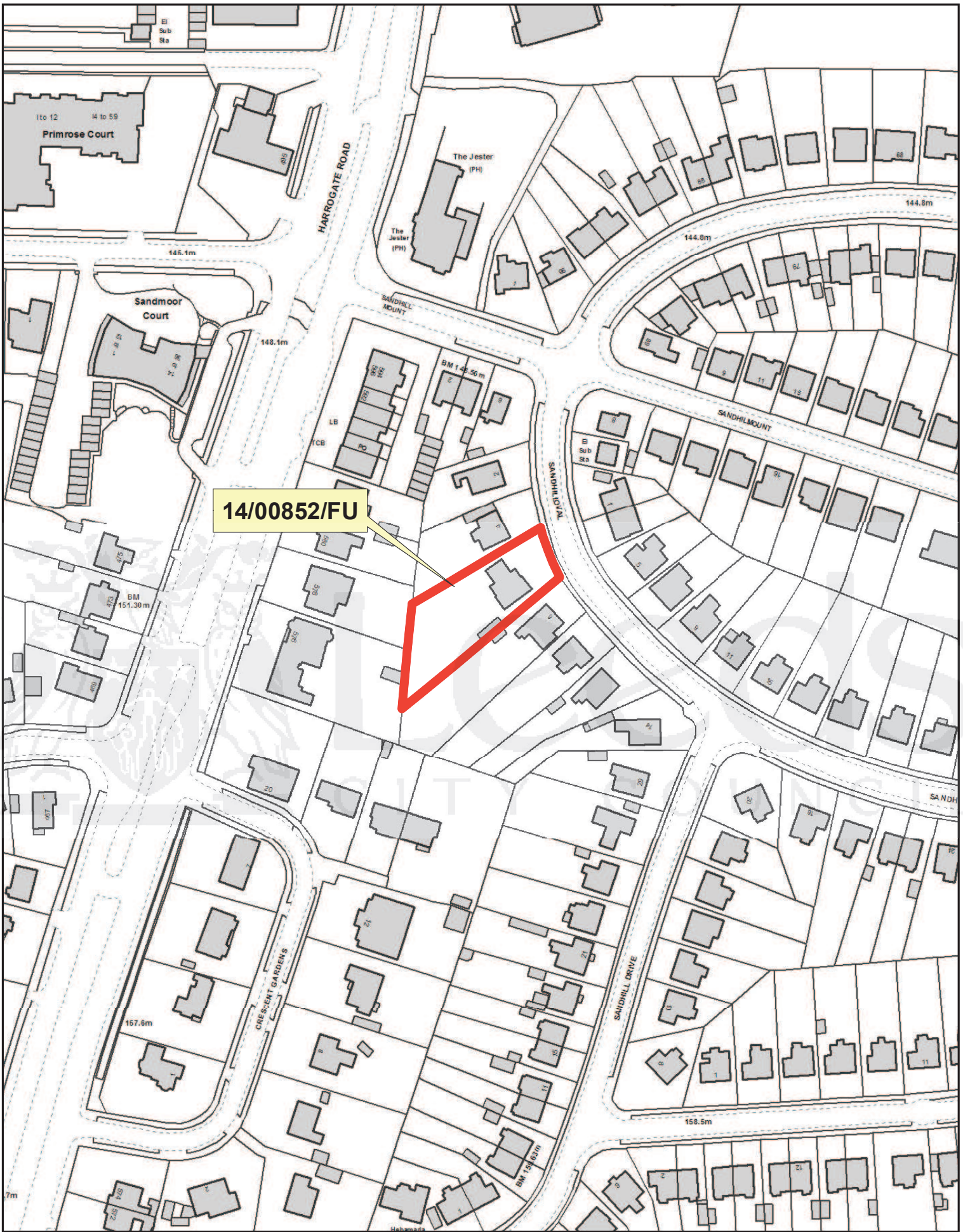
SIDE ELEVATION



FIRST FLOOR PLAN



PART GROUND FLOOR PLAN



14/00852/FU

NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2013 Ordnance Survey 100019567

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

SCALE : 1/1500





Originator:	David Newbury
Tel:	0113 247 8056

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 27th March 2014

Subject: Planning Application 12/03841/FU – APPEAL by Mr Robert Marshall against the decision of Leeds City Council to refuse planning permission for a detached dwelling to side garden plot at 7 Brookside, Leeds, LS17 8TD

The appeal was dismissed.

<p>Electoral Wards Affected:</p> <p>Alwoodley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
---------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RECOMMENDATION:

Members are asked to note the following appeal decision.

1.0 BACKGROUND

1.1 This application sought planning permission for detached part single storey (with accommodation in the roof) part two storey dwelling to the side garden of 7 Brookside. The application was reported to the Plans Panel of 29th November 2012 and a Members site visit was undertaken on that morning. The application was recommended for refusal for reasons relating to that the design and scale of the dwelling and the loss of the mature landscaped garden and this would cause harm to the character of the area. The applicant and an objector both addressed the Panel. The Panel agreed the recommendation and planning permission was refused.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

2.1 The Inspector identified the main issue to be the effect of the proposed development on the character and appearance of the area.

3.0 SUMMARY OF COMMENTS BY THE INSPECTOR

- 3.1 The Inspector noted that Brookside is characterised by relatively large houses on substantial garden plots. This with the presence of mature trees affords the area a green and spacious character. The Inspector considered that the appeal site that comprised a mature garden with trees and hedgerows and made a significant contribution to the to the attractive qualities of the area (paragraphs 8-9).
- 3.2 The Inspector noted that the proposed dwelling would replace much of the side garden and that its principal elevation would face the side of No.7, rather than towards the street. He concluded that the "...dwelling would appear awkward, contrived and out of keeping with neighbouring properties" (paragraph 10).
- 3.3 The Inspector set out that as the proposed dwelling would extend close to each of its side boundaries and fill most of the plot it would appear cramped and constrained (paragraph 11). He also considered that the loss of the garden would be to the detriment of the area's green and spacious qualities (paragraph 12).
- 3.4 The Inspector concluded that the proposal would be contrary to the National Planning Policy Framework, Neighbourhoods for Living and policies N12 and N13 of the UDP. The appeal was dismissed.
- 3.5 Under the heading "procedural matters" the Inspector referred to comments made in the appellant's appeal statement concerning the outcome of a previous planning application at the site. The appellant had set out that a 2008 planning application for a similar form of development was recommended for permission by officers but Panel resolved that permission should be refused. The appellant stated that at that Panel meeting "Members and the Chair agreed redevelopment of the site was acceptable..." and that the Panel asked officers to "...carry on negotiations...". The appellant progressed to allege that there has been "...incompetent reporting ...or...deliberate concealment of what was discussed and that there has been "...professional negligence...". The Inspector in dealing with these points simply noted that he was mindful that the Council refused this previous application and did not defer it subject to further negotiations and ultimately this is a matter between the Council and the appellant. The Inspector further noted that the Council had previously refused permission for similar forms of development at the appeal site in 2007, 2008 and 2010 and that an application was withdrawn in 2009 (paragraphs 3 – 6 of the appeal decision).

4.0 IMPLICATIONS

- 4.1 The Inspector clearly considered that the merits of the appeal proposal were clear cut and did not criticise the Council's evaluation of its planning merits or the processing of the application. It is interesting that the Inspector chose to set out in some detail the appellant's criticisms of the Council and its processing of the 2008 planning application. In light of that it is appropriate to comment further on this point and to provide Members with further information relating to the appellant's allegations and the consideration of the 2008 application. The appellant in his (prepared and submitted on his behalf by his agent) appeal statement set out:

"3.2 However, as I have already noted in para. 1.2 above, a crucial part of the appellant's case refers to a previous application (LPA ref. 08/00459) in 2008 for a two storey house, located closer to the boundary to the adjoining house, no.3 Brookside. Whilst this application is noted in the LPA's site history no mention has since been made of how this was considered at the relevant Plans Panel in May 2008 nor of the detailed instructions arising from the Panel chair. In fact, I would go

so far as to say that there has either been incompetent reporting of this particular part of the site's history or there has been a deliberate concealment of what was discussed and decided at that time because it has such a clear bearing on events since.

3.4... Specific attention is drawn to pages 103-108 of the Panel agenda. At that point, the SoS will see the description of the proposals at 7 Brookside as 'detached dwelling plot to side garden plot'. Detailed note should also be made of the officer's analysis of the then proposals in the context of the statutory development plan, the UDP Review 2006, the policies quoted from the UDPR, and the officer recommendation for approval subject to conditions. Finally, the case officer's name is quoted on the report. This was the same case officer who dealt with subsequent applications on this site, together with the same area managers.

3.5 The outcome of the Panel's consideration of the 08/00459 application was that members and chair agreed that redevelopment of the site was acceptable but asked officers to carry on negotiations with Mr Marshall on the following basis:

*1. To try to reduce the height of the two storey house, preferably by one storey
2 and to try to move any resulting building away from the boundary of no 3 Brookside, the property of the principal objector.”*

4.2 The appellant's statement progresses to say that the agent was in attendance at the May 2008 Panel and can recall the Panel discussion. Subsequently it was plain that officers were looking to refuse any proposals for development on this land and that this was directly contrary to what the Panel had said in public session. The appellant then states that officers must have received instructions to do so outside of the public purview and behind closed doors and the only people this instruction could have come from was from the same Panel who had instructed them to negotiate a revised scheme (paragraphs 3.6 – 3.8 of the appellant's statement).

4.3 The relevant Panel minute says:

“297 Application 08/00459/FU - Detached dwelling house to side garden plot - land adjacent to 7 Brookside LS17

Plans and photographs were displayed at the meeting. The Panel had visited the site earlier in the day Officers presented the report which sought permission for a detached dwelling on garden land adjacent to 7 Brookside LS17 Members were informed that the Council's Landscape Officer had been consulted as the proposals would result in the removal of a willow and a beech tree, with his view being that the trees were not of sufficient quality to justify their protection. Members were informed that replacement tree planting was included within the proposals

The Panel heard representations on behalf of an objector who attended the meeting Members commented on the following matters:

the siting of the garage and concerns that this was too close to the hedge the scale of the proposals in relation to the amount of land available that the hedge should be protected Members considered how to proceed

RESOLVED - That the Officer's recommendation to approve the application be not agreed and that the Chief Planning Officer be requested to submit a further report to the next meeting setting out the reasons for refusal of the application based upon the Panel's concerns in respect of scale and adverse impact on the character of the area”

- 4.3 It is clear that the appellant's recollection of the processing of the 2008 application is contradicted by the agreed minute of the May 2008 Panel meeting. In light of that fact the appellant's comments are without substance and were clearly misplaced. In any event these matters had little relevance to the consideration of the planning merits of the case and consequentially little or no bearing on the determination of the appeal. If the appellant had such serious concerns about the conduct of the Council those matters should have been addressed at that time.

Background Papers

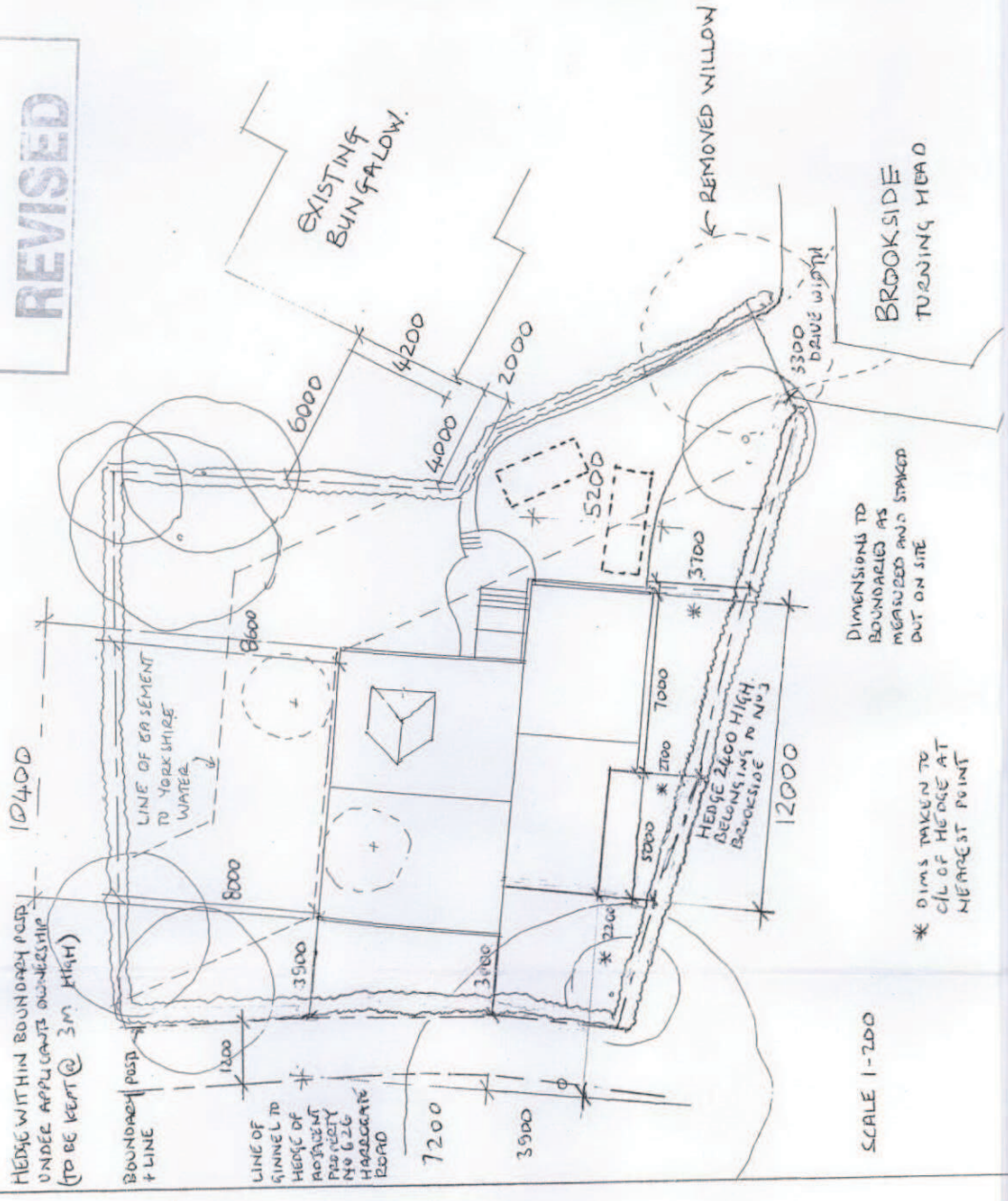
Planning Application File

Inspector's Decision Letter

LEEDS CITY COUNCIL
 - 5 NOV 2012
REVISED



Site location 1:1250



SCALE 1:200

Client	Mr Robert Marshall	Scale	1-200	Drawing Title	Location and layout
Job Title	Land adjacent 7 Brookside Leeds	Drawn by	hsp	Orig No.	8.11.1
Notes		Date	8.2011	Rev	A/B

REV B - 14-10-12 UTILS ONLY MOVE IN FROM BOUNDARY TO PLOT 3
 DOWE WIDTH INCREASED TO 3.3M
 REV C - 27-10-12 DIMENSIONS AMENDED TO REFLECT ON SITE MEASUREMENTS - APPROX AREA

Pritchard Associates
 12 Carr Manor View
 Leeds LS17 5AQ

NOTE: All dimensions must be checked on site and not scaled from this drawing.



NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2013 Ordnance Survey 100019567

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

SCALE : 1/1500

