



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall on
Tuesday, 17th May, 2016 at 1.30 pm

MEMBERSHIP

J Akhtar
M Coulson
C Gruen (Chair)
J Heselwood
E Nash
A Smart
C Towler

J Bentley

Vacancy
R Wood

R Finnigan

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p data-bbox="675 322 973 356">SITE VISIT LETTER</p> <p data-bbox="675 465 1404 533">APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p data-bbox="675 575 1382 719">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 data-bbox="675 759 1386 902">(*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>	

2

EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

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.

2 To consider whether or not to accept the officers recommendation in respect of the above information.

3 If so, to formally pass the following resolution:-

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:-

No exempt items or information have been identified on the agenda

3

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration

(The special circumstances shall be specified in the minutes)

4

DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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.

5

APOLOGIES FOR ABSENCE

To receive any apologies for absence (If any)

6

MINUTES - 21 APRIL 2016

To confirm as a correct record, the minutes of the meeting held on 21st April 2016

(Copy attached)

3 - 8

7

Ardsley and Robin Hood

APPLICATION NO. 16/00184/FU - DORMER WINDOWS TO FRONT AND REAR AND NEW WINDOW OPENING TO FIRST FLOOR SIDE AT 37 WOOLIN CRESCENT, TINGLEY, WF3 1ET

To consider a report by the Chief Planning Officer which sets out details of an application for dormer windows to front and rear and new window opening to first floor side at 37 Woolin Crescent, Tingley, WF3 1ET

(Report attached)

9 - 16

8

Hyde Park and Woodhouse

APPLICATION NO. 16/01757/FU - SINGLE STOREY EXTENSION TO FRONT AT 35 - 45 BRUDENELL GROVE, HYDE PARK, LEEDS, LS6 1HR

To consider a report by the Chief Planning Officer which sets out details of an application for a single storey extension to front, at 35 - 45 Brudenell Grove, Hyde Park, Leeds, LS6 1HR

(Report attached)

17 - 24

9	Kirkstall	<p>APPLICATION NO. 15/04158/FU - DEMOLITION OF GARAGES AND ERECTION OF ATTACHED PAIR OF SEMI-DETACHED HOUSES WITH ASSOCIATED AMENITY SPACE TO GARAGE SITE ADJACENT TO 11 ST ANN'S LANE, BURLEY, LEEDS, LS4 2SE</p> <p>To consider a report by the Chief Planning Officer which sets out details of an application for the demolition of garages and erection of attached pair of semi-detached houses with associated amenity space to garage site adjacent to 11 St Ann's Lane, Burley, Leeds, LS4 2SE</p> <p>(Report attached)</p>	25 - 42
10	Adel and Wharfedale	<p>APPLICATION NO. 15/04884/RM - RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 135 DWELLINGS ON LAND TO REAR OF MOSELEY WOOD GARDENS, COOKRIDGE</p> <p>To consider a report by the Chief Planning Officer which sets out details of a Reserved Matters application for residential development of 135 dwellings, including means of vehicular access from Moseley Wood Rise and pedestrian / cycle link on land to rear of Moseley Wood Gardens, Cookridge.</p> <p>(Report attached)</p>	43 - 62

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.

Legal & Democratic Services

Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Andy Booth
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Your reference:
Our reference: ppw/sitevisit/

To:

Members of Plans Panel (South and West)
Plus appropriate Ward Members and Parish/Town Councils

Dear Councillor

SOUTH AND WEST PLANS PANEL – SITE VISITS – TUESDAY, 17 MAY 2016

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.00 am. **15/04884/RM - Reserved Matters application for residential development of 135 dwellings, including means of vehicular access from Moseley Wood Rise and pedestrian/cycle link from Cookridge Drive at land to the rear of 92 to 174 Moseley Wood Gardens, Cookridge – Leave 10.30.** (if travelling independently meet at entrance to site off Moseley Wood Rise).

- 2 10.50 am **16/01757/FU – Single storey extension to front of retail unit at 35-45 Brudenell Grove, Hyde Park – Leave 11.00** (if travelling independently meet at front of property off Brudenell Grove).

- 3 11.20 am **16/00184/FU: Dormer window to front and rear and new window opening – 37 Woolin Crescent, Tingley – Leave 11.40** (if travelling independently meet at entrance to property off Woolin Crescent).

Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 9.40 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.35 am

Yours sincerely

Andy Booth
Governance Officer

SOUTH AND WEST PLANS PANEL

THURSDAY, 21ST APRIL, 2016

PRESENT: Councillor C Gruen in the Chair

Councillors J Akhtar, B Anderson, A Castle,
M Coulson, R Finnigan, J Heselwood,
E Nash, A Smart and C Towler

102 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

Councillor C Gruen informed the meeting that she was known to the applicant in respect of Agenda Item 7, Garage Site adjacent to 1 St Ann's Lane, Burley as did Councillor B Anderson who had participated in discussions with the agent for the application but had not discussed the application itself.

103 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Bentley and R Wood.

Councillor B Anderson was in attendance as a substitute.

104 Minutes - 17 March 2016

RESOLVED – That the minutes of the meeting held on 17 March 2016 be confirmed as a correct record.

105 Application 15/04158/FU - Garage Site adjacent to 11 St Ann's Lane, Burley, Leeds

The report of the Chief Planning Officer presented an application for the demolition of garages and erection of attached pair of semi-detached houses with associated amenity space at 11 St Ann's Lane, Burley, Leeds.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this item.

Issues highlighted in relation to the application included the following:

- The site was a triangular piece of land fronted by 5 garages that would be demolished. The garages were not currently in use.

- Properties to the west of the site were partly in ownership of the applicant and to the east was a section of terraced housing.
- Access arrangements for the site were explained.
- Members were shown the changes in levels between the Coach House building and the site and the proximity to the nearest residential properties and gardens.
- The proposed amenity space complied with Neighbourhoods for Living guidelines.
- Parking arrangements.
- Materials to be used.

A local resident addressed the Panel with objections to the application. These included the following.

- There had been significant public opposition to the application and revisions to the original application had not addressed previous concerns.
- Main concerns focussed on the height of the proposed dwellings, their proximity to existing dwellings and the impact on local residents.
- The area already suffered due to high number of Houses in Multiple Occupation (HMOs) and anti-social behaviour.
- Concern regarding the loss of trees and the loss of a Sycamore Tree that was recently removed.
- Concern regarding the loss of daylight and overshadowing to existing properties.
- It was felt that bungalows would be a more suitable proposal as they would not have as much impact on overshadowing and proximity to existing properties.

The applicant and the architect of the proposals addressed the Panel. The applicant informed the Panel that he operated his business from the Coach House building which supported blind people to travel. It was felt that the proposals would enhance the quality of the area and account had been taking of advice from planning officers and concerns of the local community. The architect accepted that the proposals would alter the setting of the area but the proposals had followed Neighbourhoods for Living guidelines and the impact on existing residential properties was within levels of acceptability. The proposals would be of an innovative design and while it was understood why there was concern from existing residents it was felt that the quality of design and use of materials would be an improvement.

In response to comments and questions from Members, the following was discussed:

- Impact of overshadowing – Members were shown diagrams that demonstrated overshadowing at different times of the day and year.
- The proposals would fit in with the character of stone buildings in the area and the extension to the Coach House building.

- Concern regarding the height of the proposed dwellings and that they were 2.5 storeys. It was reported that this was due to the roof space being used as a bedroom. The proposed dwellings would be set in a sunken area of the site and would not appear to be 2.5 storeys from elsewhere.
- There would be 6 parking spaces.
- Gardens would be provided for the 2 new properties and would meet guidelines in relation to size.
- Members broadly supported the design of the dwellings but felt that the site was not large enough to accommodate them and would cause too much of an impact on nearby properties. It was suggested that the application be deferred to allow the opportunity of further revising the proposals to lessen impact on existing properties.

RESOLVED – That the application be deferred for one cycle for further discussions with the applicant to reduce massing/dominance of 2.5 storey element.

106 Application 15/07679/FU - Eastergate, Elland Road, Churwell, Morley

The report of the Chief Planning Officer presented an application for the demolition of an existing house and erection of two houses at Eastergate, Elland Road, Churwell, Morley.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on the application.

Further issues highlighted in relation to the application included the following:

- A local Ward Councillor had raised highways safety concerns at the site. There were three other houses and a bungalow at the site which were all accessed by the same private road.
- The proposals would include the erection of two 4 bedroom detached houses.
- Members were shown the impact of overshadowing that would be caused to neighbouring properties. There would be a slight impact on overshadowing of other properties.
- Distances between the proposed properties and existing properties met guidelines as did proposed room and garden sizes.
- The upper floors of the proposed properties would have velux windows to prevent overlooking.

A local resident addressed the Panel with objections to the application. These included the following:

- The properties had potential for conversion to 6 bedrooms.
- Refuse vehicles did not reverse into the site.

- There was no water surface drainage at the site and there would be a need for new freshwater and sewerage drainage.
- Impact on the openness of the site.
- There would only be two parking spaces for each property. This was not adequate for potentially six bedroom properties.
- There was currently no overshadowing or overlooking of existing properties.
- There were no other 3 storey residential properties nearby.
- There would not be any objection to the development of a two storey property with a similar footprint to the existing bungalow.
- In response to a question from a Panel Member, it was reported that there was problems with parking towards the entrance of the access road due to people using the nearby surgery. There was also some doubt over the future of the church building and car park which was currently used by people attending the surgery.

In response to Members comments and questions, the following was discussed:

- The dwellings would have 4 bedrooms on the first floor and 2 further rooms on the second floor which could be converted to bedrooms.
- There were conditions relating to drainage including the surfacing of the parking area and submission of a suitable drainage scheme.
- Potential increase in traffic movements. It was estimated that the proposals could generate up to 10 further trips per day.
- Concern regarding the impact on residential amenity, increased traffic movements and car parking.

RESOLVED – That the application be approved as per the officer recommendation with additional condition to remove permitted development rights from rear roof plane.

107 Application 16/00184/FU - 37 Woollin Crescent, Tingley

The report of the Chief Planning Officer presented an application for dormer windows to front and rear and new window opening at 37 Woollin Crescent, Tingley.

Site plans and photographs were displayed and referred to throughout the discussion on this application.

Further issues highlighted in relation to the application included the following:

- It was recommended to refuse the application due to the impact on visual amenity and the street scene.
- The adjoining property had dormer windows to the front and rear. These had been approved in the early 2000s. Another neighbouring property had gable and side dormers approved in the 1990s.

- A rear dormer could be installed under permitted development rights should the materials match the existing materials.
- There had not been any objections to the application.
- When previous dormers had been approved, different policy was in place.

The applicant addressed the Panel. The following was highlighted:

- The dormer extensions would give opportunity to have four bedrooms at the property as the applicant wished to become a foster carer.
- Other properties down the street had installed UPVC dormers within the last 12 months.
- A rear dormer made from materials to match existing materials could be damaged in the wind and there would be movement of tiles in the wind.

Further to comments and questions from Members, the following was discussed:

- Only properties in the immediate vicinity had been looked at with respect to this application.
- A UPVC dormer was considered to be out of keeping with the streetscene.
- Front dormers required planning permission.
- It was suggested that the item be deferred for a site visit so other properties in the area with dormers could be viewed.

RESOLVED – That the application be deferred to allow Members to visit the site.

108 Application 15/07342/FU - Springfield House, Whitehouse Lane, Yeadon

The report of the Chief Planning Officer presented an application for a three storey extension with mezzanine floor and basement at Springfield House, Whitehouse Lane, Yeadon.

Members had attended a site visit prior to the meeting and site photographs and plans were displayed and referred to throughout the discussion on this item.

Further issues highlighted in relation to the application included the following:

- The application had been referred to Plans Panel as it was a departure from the Development Plan due to the site being within the Green Belt.
- The site had extensive grounds and was surrounded by airport car parking.
- There would be a need to remove some Category C and unclassified trees. There had been some revision to the original plans to ensure retention of other trees.

- The extension would not be higher than the existing building. There would be a glass link between the two.
- The plans had support of the local Member of Parliament.
- Members were shown pictures of what the proposed extension would look like including from the roadside.
- Reference was made to the special circumstances for development in the Green Belt.
- It was recommended to approve the application with an additional condition to prevent the sale, letting or sub-letting of the extension.

Members had been impressed with how the site was managed and felt every confidence that the extension would be detrimental to the site or grounds.

RESOLVED – That the application be approved as per the officer recommendation and with the addition of a condition to ensure the extension cannot be sold off, sublet, let or in any way separated from the main use of the building.



Originator: Jenna Riley

Tel: 0113 247 8027

Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 17th May 2016

Subject:

APPLICATION 16/00184/FU: DORMER WINDOWS TO FRONT AND REAR AND NEW WINDOW OPENING – 37 Woolin Crescent, Tingley, WF3 1ET

APPLICANT
Mrs H Wilson

DATE VALID
14th January 2016

TARGET DATE
10th March 2016

Electoral Wards Affected:

Ardley & Robin Hood

No

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

REFUSE for the following reason:

1. The Local Planning Authority consider that the front and rear dormer windows by reasons of their size, scale, massing and stark materials would form a visually intrusive and incongruous addition to the roofscape of the dwelling that would result in a significant harm to the character and appearance of the host dwelling which in turn would unbalance the paired appearance of the semi-detached dwellings and also be harmful to the immediate streetscene. The proposal is therefore considered contrary to Core Strategy Policies P10 (2014), saved policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006), policy HDG1 of the Leeds Householder Design Guide (2012) as well as guidance within the National Planning Policy Framework (2012).

1.0 INTRODUCTION:

- 1.1 This application is brought to South and West Plans Panel at the request of Cllr Karen Renshaw who is in support of the application. Cllr Karen Renshaw has requested the application to be heard at South and West Panel on behalf of her constituent.
- 1.2 This application was previously heard at Panel on the 21st April but was deferred for a site visit to take place.

2.0 PROPOSAL:

- 2.1 The applicant has submitted an application relating to No. 37 Woollin Crescent, Tingley, WF3 1ET. The applicant seeks planning consent for dormer windows to front and rear and new window opening to first floor side. The proposal will create 3 additional bedrooms at first floor level.

- The front dormer window will measure 6.28m in width, 1.83m in height with a depth of 3.13m.
- The front dormer window will be set up from the eaves by 0.92cm and set down very slightly from the main roof ridge.
- The rear dormer will measure 6.32m in width, 2.52m in height with a depth of 4.46m
- The rear dormer will be set up from the eaves by 0.26m and set down very slightly from the main roof ridge
- The new window opening is a single window located on the south west elevation.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to a relatively plain and simple semi-detached, brick built bungalow with concrete tiled pitched roof. The property is set back and set down from the highway with a modest driveway to the side which runs down to meet a single garage. There is a noticeable gradient on the site, as such the rear garden area is on a significantly lower level to that of the host and is accessed via an area of timber decking. The rear garden area has a total length of approximately 28m which is bounded by a 1.8m high timber fence. Land to the rear of the property is undeveloped greenfield land.
- 3.2 The area is residential in nature with the majority of dwellings in the immediate streetscene and surrounding area semi-detached bungalows. It is noted that two styles of bungalow can be viewed on Woollin Crescent. The host property forms one of a group of four semi-detached pitched roofed bungalows however a number of gable fronted bungalows can be viewed from the host property. It is acknowledged that the adjacent neighbouring property at No.35 Woollin Crescent has a large box dormer window in the roofscape the front and rear of their property which is constructed out of white UPVC. Furthermore, the gable fronted bungalow at No.31 Woollin Crescent has a large box dormer window in the roofscape to the side of their property constructed out of white UPVC. The adjoining neighbouring property at No.39 Woollin Crescent has a large box dormer window to the rear roofscape constructed out of white UPVC.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 CONSULTATION RESPONSES:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by Site Notice and Neighbour Notification Letter. The neighbour notification letters were posted out on 19th January 2016 and the site notice was posted on 29th January 2016. The publicity period expired on 19th February 2016.

- No letters of objection have been received in relation to the application

6.2 Ward Member Comments:

Request to take item Panel

6.3 Objection Comments:

None

7.0 PLANNING POLICIES:

Development Plan

The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

7.1 Core Strategy Policies

P10 - Design and Amenity

P12 - Landscape

T1&T2 Accessibility and transport provision for development.

7.2 Relevant Saved UDP Policies

GP5 – General planning considerations

BD5 – General amenity issues.

BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building

7.3 Supplementary Design Guide

Neighbourhoods for Living SPG

Householder Design Guide Supplementary Planning Document

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 following policies are relevant to this application.

HDG1: all alterations and extensions to respect the scale, form, proportions and the 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 details,
- iii. architectural features,
- iv. boundary treatments
- v. materials

7.5 National Planning Policy

The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

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.

The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in the consideration of this application:

7. Requiring good design

8.0 **MAIN ISSUES:**

- Design and Character
- Fallback Position and Negotiations
- Residential Amenity
- Highway Safety/Accessibility
- Representations

9.0 **APPRAISAL:**

9.1 Design & Character

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 improving the character and quality of an area and the way it functions, should not be accepted". Saved Leeds Unitary Development Plan Policy GP5 states that "development proposals should seek to resolve detailed planning considerations including design"; furthermore saved UDP Policy BD6 states that "all alterations and extensions should respect the form and detailing of the original building". Guidance contained within the Householder Design Guide SPD (adopted 2012) (p33) states that the dormer windows to the front will not normally be considered acceptable.

- 9.2 When considering dormer windows, great importance is given to roofscapes of properties as they define the character of a house and an area, therefore particular care is needed when deciding siting and design. The applicant is seeking consent to introduce a large box style dormer window into the front and rear roofscapes. Guidance contained within the Householder Design Guide states that dormer windows to the front will not normally be considered acceptable particularly in prominent locations and on unbroken roof slopes.
- 9.3 In this instance, the front and rear dormer windows proposed have a bulky appearance and are of such generous proportions that it would consume almost the entire front and rear roofscape. The dormer windows are not located centrally within the roofscape and the new massing fails to provide enough relief between the edges of the roof and the adjoining semi-detached property. The dormer windows are not set down adequately from the main roof ridge and the applicant is proposing to construct the dormer windows out of prominent and stark white UPVC cladding. The proposed front and rear dormer windows are not considered subservient or sympathetic additions and would harm the character and appearance of the host property and immediate streetscene.
- 9.4 It is acknowledged that two dormer windows of similar size and appearance can be viewed from the host property, (one of which is immediately adjacent to the host property at No.35 Woollin Crescent), however these structures were approved some time ago (1990s) and the Council's policy position has changed significantly since then. The neighbouring dormer windows are not considered positive features and clearly stand out in the streetscene in terms of their bulky appearance, prominent siting and stark materials. Introducing a front dormer window would form a visually intrusive and incongruous addition to the roofscape of the dwelling that would result in significant harm to the character and appearance of the host dwelling and the immediate streetscene.
- 9.5 It is acknowledged that there are two historic examples of dormer windows within the immediate streetscene; when assessing the proposal in this context it is worth highlighting that the Council has received a recent planning appeal decision in 2013 (reference APP/N4720/D/13/2200038). The decision relates to a large front dormer window at No.115 Cardigan Road and is helpful as it provides further guidance on the weight to be given to the presence of other examples of development already present in the area. The Inspector dismissed the appeal stating:
- "I give considerable weight in this case to the existing roofscape and its impact on the street-scene, and accept that the scheme would have some similarities with the designs of the dormers at nos 109 and 113. However, while I agree that these existing features provide a strong context against which the appeal scheme should be judged, I do not think that the view that they should be the determining factor; to do so would be to suggest that the point has now been reached where adopted policies no longer serve any purpose in this location. It remains in the wider public interest to continue to require additions of this kind to relate satisfactorily to the predominant character of the terrace"*
- 9.6 Overall, the proposed dormer windows would materially change the appearance of the host dwelling and are unacceptable alterations, contrary to Core Strategy Policies P10, saved policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006), and policy HDG1 of the Leeds Householder Design Guide as well as guidance contained within the National Planning Policy Framework. In the interests of consistency in decision making across the city, the officer recommendation is to refuse this planning application.

9.7 Fallback Position

It is noted that the applicant does have a permitted development fallback position; The applicant could build the rear dormer window without the need for planning permission under 'permitted development' provided that that the dormer window is constructed out of materials to match the existing roof as opposed to the white UPVC cladding proposed. As such, the principal of a tile hung dormer window to the rear is not disputed. Amending the materials in order to work towards a more positive outcome and enable the applicant to achieve additional extra bedroom has been put forward to the applicant during negotiations however revised plans were not forthcoming.

9.8 Residential Amenity

Leeds Core Strategy policy P10 aims to protect general and residential amenity. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants and policy BD5 states:

'All new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight.' Policy GP5 notes that "extensions should protect amenity and this includes the loss of privacy through overlooking, overdominance and overshadowing". The Council's Neighbourhoods for Living SPG looks to ensure development proposals provide a good level of amenity for future occupiers. Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

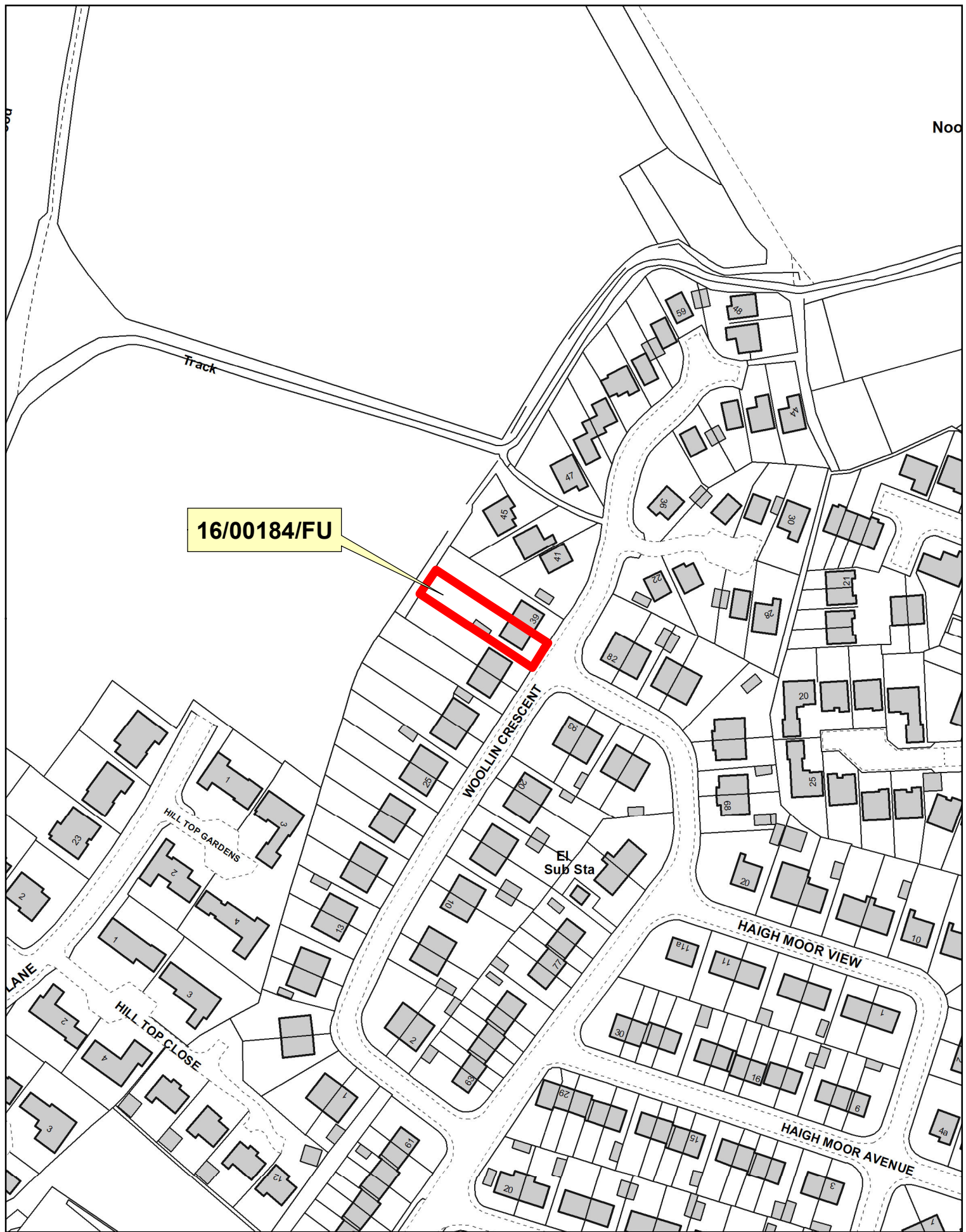
- 9.9 With regard to these considerations, the proposals are considered acceptable. It is acknowledged that dormer windows will add a degree of bulk and additional massing, however this is not considered harmful to neighbouring amenity space as due to the elevated position within the roofscape. The dormer windows are unlikely to lead to any unreasonable overshadowing or overdominance of neighbouring windows and private amenity space.
- 9.10 With regards to overlooking, the dormer windows in the front roofscape will look out in the direction of the highway rather than neighbouring amenity space. The windows in the rear dormer window will look out over the hosts own garden area rather than neighbouring private amenity space. The new first floor window opening in the south west elevation will serve an en-suite shared by bedrooms 3 and 4. If members are minded to approve the application, a condition should be attached requiring the use of obscure glazing.
- 9.11 Overall, the proposals are not expected to create a harmful increase in overshadowing of neighbouring private amenity space or principal windows. As such, the application is considered to be acceptable in terms of privacy, loss of light and overshadowing and is considered to be in keeping with the wider aims of UDP policies GP5 and Householder Design Guide policy HDG2. However, for the reasons discussed above under 'Impact on visual amenity and streetscene' the application cannot be supported.
- ## 9.12 Highway Safety
- The proposal does not prevent two cars from parking off-street on site. As such, the proposal is considered to protect highway safety and is considered to be in keeping with the wider aims of adopted Core Strategy policy T2.
- ## 9.13 Representations
- No formal letters of representation have been received.

10. CONCLUSION

- 10.1 It is acknowledged that the proposal would create additional living accommodation for an existing family dwelling and the development does not lead to harm to neighbouring amenity in terms of outlook, overdominance or create any significant highway safety concerns; these are considered to be the positives of the application.
- 10.2 However, negatives of the proposal include significant harm to the character and appearance of the host dwelling which in turn would unbalance the paired appearance of the semi-detached dwellings and also harm the immediate streetscene. Poor and harmful examples of historic neighbouring structures should not be used as a justification for development which is contrary to current policy and guidance, especially when there is a valid fallback position and substandard development could set a precedent in the area.
- 10.3 Overall, the negatives of the proposal significantly outweigh the positives of the scheme. The application is considered unacceptable in planning terms and would be contrary to the aims of the relevant local and national planning policy and as such is recommended for refusal.

Background Papers:

Application files 16/00184/FU



SOUTH AND WEST PLANS PANEL





Originator: Terry Moran

Tel: 39 52110

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 17th May, 2016

Subject: APPLICATION 16/01757/FU – Single storey extension to front of retail unit at 35-45 Brudenell Grove, Hyde Park, Leeds. LS16 1HR

APPLICANT

Mr M Rashid

DATE VALID

16th March, 2016

TARGET DATE

11th May, 2016

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE PERMISSION for the following reasons:

1. The Local Planning Authority considers that the proposed front extension would, due to its location, design and materials, represent an alien and incongruous addition to the host property to the detriment of visual amenity and the wider townscape. As such, the proposal fails to comply with Policy P10 of the Leeds Core Strategy, Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) and is also contrary to guidance within the National Planning Policy Framework

1.0 INTRODUCTION:

1.1 This application is brought to the Panel at the request of Councillor Javaid Akhtar who supports the application. The grounds for support are summarised in the 'Representations' section of the Appraisal.

2.0 PROPOSAL:

2.1 The proposal is to erect a single storey extension to the front of a retail unit

2.2 The extension measures 24.2m wide, 3.4m deep and 3.5m high, being of flat-roofed construction and erected using steel posts.

2.3 The proposed frontage incorporates external perforated roller shutters.

2.4 Additional highways measures are proposed, including the erection of bollards to the front of the site, additional servicing measures and the re-ordering of waste management facilities to the rear.

3.0 SITE AND SURROUNDINGS:

3.1 The site is at the southern edge of a late-Victorian terrace row, and comprises a large retail supermarket within a commercial parade of retail units with residential accommodation above. The supermarket has solid roller shutters, for which there is no planning history.

3.2 At the front of the supermarket is an open paved area.

3.3 The existing frontage of the property retains a number of original features, with decorative curved heads and stone cills at first floor level, and no forward projections across the whole of the retail parade.

3.4 The property to the south of the site at the junction of Brudenell Grove and Brudenell Street, which is occupied by the Leeds Muslim Council, has a 1.2m front boundary wall but does not itself project beyond the existing unbroken frontage of Brudenell Grove.

3.5 Adjacent to the site there are several terraces of densely packed residential dwellings erected in the late Victorian era.

4.0 RELEVANT PLANNING HISTORY:

4.1 A planning application for a similar scheme was refused planning permission in March 2016 on the grounds of visual impact, highway safety and impact on flood risk management, reference 16/00970/FU.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As noted above, a previous application for a similar scheme was refused in March 2016 on the grounds of design, highway safety and flood risk management.

- 5.2 The current application has been amended following a recent meeting with Highways Officers and the agent. These changes are considered to have addressed the previous reason for refusal relating to highway safety, subject to a number of recommendations by the Highways Officer relating to servicing, parking and the addition of bollards to the main frontage.
- 5.2 The application has also been amended to take account of the previous issues relating to flood risk management and drainage. This is considered to have addressed the previous reason for refusal relating to those matters.
- 5.3 The negotiations have not been successful in reaching agreement on a scheme to address the previous Design issues.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of a Site Notice.
- 6.2 Ward Councillor Javaid Akhtar has written in support of the proposal and to ask that this application be referred to the Plans Panel.

7.0 CONSULTATION RESPONSES:

- 7.1 The following consultations have been carried out for this application.
- 7.2 Highways. The Highways Officer has commented that the revised scheme has now addressed previous issues relating to servicing, parking and cycle storage, subject to recommended conditions.
- 7.3 Flood risk management. The Flood Risk Management Officer has commented that the revised scheme is now considered acceptable with regard to flood risk and drainage issues.

8.0 PLANNING POLICIES:

The Development Plan for Leeds comprises the adopted Core Strategy (2014), saved policies from the Leeds UDP (Review 2006) and the Natural Resources and Waste DPD (2013).

Relevant policies in the Core Strategy are as follows:

- Policy P10: New development will be expected to provide high standards of design appropriate to its scale, location and function and taking into consideration local context, car parking and the prevention of crime.
- Policy T2: New development should be located in accessible locations and served by existing or programmed highways improvements, public transport and infrastructure for pedestrians, cyclists and the disabled.

The most relevant saved Policies from the Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy BD6 seeks to ensure that all extensions and alterations to existing buildings respect the materials and design of the existing building and its context.

Relevant Supplementary Guidance:

- Supplementary Planning Documents provides a more detailed explanation of how strategic policies of the Unitary Development Plan and Core Strategy can be practically implemented. The following SPDs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.
 - Parking SPD - This was approved in 2016 and sets out recommended minimum standards for parking.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Impact on visual amenity and the streetscene
- Impact on highway safety
- Impact on flood risk management and drainage
- Representations

10.0 APPRAISAL:

IMPACT ON VISUAL AMENITY AND THE STREETSCENE

- 10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and Planning 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”. Policy P10 of the Core Strategy relates to the external design of new buildings and states that this should be based on a robust contextual analysis of the surroundings and be appropriate to its location. 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”. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”.
- 10.2 The host property is an attractive Victorian terrace which has a relatively clean and unfettered frontage with an open forecourt, being part of a terrace of commercial units, none of which have been extended to the front. There is no history of any large front projections having been approved in the vicinity of the site.

- 10.3 The proposed extension raises significant concerns with regard to visual amenity and appearance within the street scene. It is a large, box-like structure comprising steel posts with metal shuttering, the incongruity of which is exacerbated by its flat-roofed form. It is considered wholly incongruous and unsympathetic to the existing Victorian frontage and wider streetscene.
- 10.4 It is therefore considered that the proposed front extension would fail to respect the existing character of the host property and represent an alien and incongruous addition to the host property and the wider streetscene, resulting in an unacceptable impact on visual amenity.

IMPACT ON HIGHWAY SAFETY

- 10.5 The application as originally submitted raised a number of issues and concerns relating to highway safety, pertaining to servicing and off-street parking.
- 10.6 Those issues are now considered to have been addressed following a number of discussions with the developer, subject to appropriate conditions relating to servicing, parking, waste management and cycle storage.

IMPACT ON FLOOD RISK MANAGEMENT

- 10.7 The application as originally submitted raised a number of concerns relating to flood risk management and drainage runoff.
- 10.8 Those issues are now considered to have been addressed following a number of discussions with the developer.

REPRESENTATIONS

- 10.9 Ward Councillor Javaid Akhtar has requested by email that this application be referred to the Plans Panel for determination by Members on the grounds that the proposal will rejuvenate the locality by providing a better range of fresh produce and groceries for local residents, and offer the potential to remedy existing problems relating to graffiti and vandalism.
- 10.10 With reference to the points raised by Ward Councillor Javaid Akhtar, whilst it is acknowledged that the extension would potentially increase the range of fresh produce, it is considered that proposed design would fail to relate to the original character of the property and that other means to vary the range of goods could potentially be accommodated within the existing site.
- 10.11 Furthermore, although the proposal indicates the removal of the existing solid shutters and the introduction of perforated external shutters, it is nonetheless considered that the scale and form of the front extension would be unduly harmful to visual amenity and the wider townscape.
- 10.12 It is also considered that other options remain currently available to tackle issues relating to existing graffiti and/or vandalism without the need to extend the property in the manner proposed.

11.0 CONCLUSION:

11.1 For the above reasons the Panel is recommended to refuse planning permission.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL



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Originator:	Richard Edwards
Tel:	0113 39 52107

Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 17th May 2016

Subject: **PLANNING APPLICATION 15/04158/FU – Demolition of garages and erection of attached pair of semi-detached houses with associated amenity space**

at: **11 St. Ann's Lane, Burley, Leeds, LS4 2SE**

APPLICANT	DATE VALID	TARGET DATE
Mr Amar Latif (Traveleyes Ltd.)	27 th July 2015	21 st September 2015

Electoral Wards Affected:

Kirkstall

Y

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT planning permission, subject to the following conditions:

1. 3 year time limit.
2. Development completed in accordance with approved plans .
3. Standard contamination conditions.
4. Laying out of area used by vehicles prior to occupation.
5. Details of footway crossing.
6. Use of porous surfacing materials.
7. Provision of motor/cycle parking prior to use .
8. Provision of bin store prior to use.
9. No insertion of windows to specified elevations.
10. Use of obscured glazing / fixed / limited opening windows where specified.
11. Landscaping scheme to include replacement tree planting.

12. Details of all fences, walls, boundary treatments.
13. No construction of specified buildings, dormers (remove all householder PD rights).
14. Samples of external walling, roofing, surfacing materials for inspection / to match existing.

1.0 INTRODUCTION

- 1.1 This application was brought before the South and West Plans Panel on 21st April 2016 with an Officer recommendation of approval. However, several of the Panel members expressed concerns regarding the height of the 2.5-storey element and its projection beyond the rear elevation of a neighbouring house at No. 7, St. Ann's Lane. This was considered to risk harm to the residential amenity currently enjoyed by the occupier through overdominance and overbearing resulting from the excessive massing and form of the proposed dwellings.
- 1.2 The Panel therefore determined to defer a decision to allow the applicant to revise the proposals in order to address these concerns, with the amendments brought back to a future Panel meeting in order to determine whether the concerns raised have been successfully overcome. The scheme presented to the Plans Panel today is the result of discussions between the applicant, agent and Officers and is considered to satisfactorily address the potential for harm posed by the previous design. These revisions are set out in detail below.
- 1.3 This report deals exclusively with issues of scale, massing and the measures taken to address overdominance and overbearing as raised at the Plans Panel meeting in April. For detailed analysis of the site context, planning history, publicity and discussion of the other material considerations affecting the scheme which were not contested at the previous meeting, please refer back to the original report (attached at Appendix 1).

2.0 PROPOSAL

- 2.1 The scheme presented to the Panel on 21st April has been amended as follows in order to attempt to overcome residential amenity concerns arising due to the height, scale and massing of part of the proposed development of semi-detached houses:
- 2.2 The ridge and eaves lines of the 2.5 storey element (where the proposal abuts the gable end of the Coach House) will be reduced in height by 1.9m, bringing the whole length of the building in line with the 1.5 storey section of the previous scheme. This section has not been increased from its previous height of 6.7m.
- 2.3 The reduction of the height of the first floor has inevitably resulted in some loss of floorspace. In order to replace this lost floorspace, the distance between the front elevation and St. Ann's Drive has been reduced from 3.5m with the facade now positioned 1.0m from the back of the footway.
- 2.4 The reduction in height has in turn necessitated the reconfiguration of the interior layout as follows. Unit 3 is now a 3-bedroom house, with the ground floor living / dining area extended by 2.5m and an additional bedroom and ensuite provided using the additional length gained through moving the façade closer to the highway. Unit 3 remains a 2-bed house, with the internal configuration unchanged.

2.5 Due to the lowering of the eaves height, the first floor landing window to Unit 3 and south-facing bedroom windows to Unit 4 will be replaced with roof lights. Otherwise, the position of the remaining roof lights and ground floor windows remains unchanged from the previous scheme, as does the layout of the front elevation. The garden area to the front of Unit 3 is reduced to a narrow planting strip, but the provision of private amenity space and car parking are not affected by the revisions.

3.0 HISTORY OF NEGOTIATIONS:

3.1 Following the concerns raised at the Panel meeting on 21st April 2016, additional amendments have been negotiated in order to further reduce the impact of the development on the adjacent house at No. 7 St. Ann's Lane. These are detailed in the 'Proposal' section above and broadly involve the reduction of the 2.5 storey section to 1.5 storeys and additional accommodation to the front of the site in order to compensate for lost floorspace elsewhere.

4.0 PUBLIC/ LOCAL RESPONSE:

4.1 Following receipt of the plans amended to take into account concerns expressed by Members at the April meeting, a further, third round of publicity has been undertaken, involving the posting of a General site notice. In addition, electronic copies of the revised drawings have been sent directly to the occupiers of Nos. 7 St. Ann's Lane, 2 St Anne's, and the three local Ward members for Kirkstall.

4.2 No responses had been received at the time of writing but any comments will be reported verbally to Members at the Panel meeting.

5.0 PLANNING POLICIES:

A full summary of the national and local Policy context against which this proposal has been assessed can be viewed within the original report document (attached at Appendix A).

6.0 MAIN ISSUES:

6.1 The main issues for discussion and consideration are thus:

1. Impact on residential amenity following amendments to reduce massing and dominance.

7.0 APPRAISAL

Residential Amenity Considerations

7.1 The site is roughly wedge shaped, with the wider part of the triangle to the north (St. Anne's Drive frontage) tapering to the south where the 'point' is truncated by the grounds of Laurel Cottage, a stone Victorian house which abuts the southern elevation of the Coach House building. It is bounded on either side by houses – to the East, Nos. 2-8 St. Anne's Green back onto the site at a distance of 6.8m from the boundary, whilst on the western side, the semi-detached Nos. 5 and 7 abut the site.

7.2 No. 5 has a free-standing double garage which is situated to the rear of the house adjacent to the boundary, and most of the amenity space to this dwelling is at the side and front. However No. 7 has only limited amenity space in the form of a yard to the rear, due to the property having been previously extended with a single-storey addition. These houses are set up by approximately 1.6m above the level of the hard surfaced lower site and garages. To the opposite (northern) side of St. Anne's Drive, semi-detached inter-war properties are located around 26m from the front of the existing garage block.

Overshadowing / overdominance

7.3 Concerns were raised at the April panel meeting by the occupier of No. 7 St. Ann's Lane regarding the potential for the original scheme to significantly reduce daylight and sunlight levels to the rear of this house, in addition to replacing an open outlook from the ground and first floor rear windows with a solid wall of stone and associated roof. The result being that the rear amenity space of that property would appear 'hemmed-in' by the extension to the solid two-storey wall of the coach house, which currently terminates level with the rear boundary of the house. The Panel members shared these concerns and asked that the scheme be modified to reduce the height of the eaves and ridge line to a level where this impact would be substantially lessened or eliminated.

7.4 The revised scheme submitted in response to this decision reduces the height of the 2.5-storey section of the building, which abutted the gable end of the Coach House and continued the massing and bulk of the older building, before turning through 45° and continuing for a further 4m on the western elevation. The overall ridge height of the section closest to No.7 will be reduced from 8.6m to 6.7m, and the eaves level from 5.6m to 3.8m. It is considered that this will bring the eaves to a similar level to that of the boundary fence to the rear of No. 7 and, with the remaining part of the building comprising a pitched roof, will significantly improve both the outlook from the ground floor windows and garden area of this property, and the impression of dominance and overbearing from the bulk and massing of the dwelling.

7.5 The reduction in the height of the ridge line will also lessen any impact on the row of terraced properties (Nos. 2-8 St. Anne's Green) which lie to the east of the proposal.

7.5 As the remainder of the scheme, including levels of private amenity space, external materials, siting and ground floor window locations, remains substantially unchanged, it is not considered that the amendments to the proposal introduce any additional planning issues which were not highlighted at the previous meeting. What first floor windows existed on the previous design have been removed and replaced with Velux roof lights, ensuring that problems of overlooking are not introduced.

7.6 The extension of the front elevation toward St. Ann's Drive necessitates the omission of the front garden area, however a planted buffer strip remains in addition to a garden area to the west of the extended portion of the building. It is considered that as this part of the building is intended to read as 1.5 storeys, with rooms in the roof space, it is appropriate to the existing buildings (the existing Coach House, particularly to its St. Ann's Lane elevation, has similar proportions, as well as managing the transition between the full two-storey properties at Nos.5 & 7 and the single-storey side extension to No. 2 St. Anne's Green, which also projects to the rear of the footway.

7.7 The gross internal floor areas of 81m² (Unit 3) and 110 m² (Unit 4) comply with the nationally described space standards for 2-bed houses (79 m²) and 3-bed houses

(102 m²) respectively. The external private amenity space provision has not changed, since the additional floorspace has been created using land to the front of the site.

8.0 CONCLUSION

- 8.1 To conclude, it is considered that the negotiated amendments to this scheme have successfully overcome the concerns regarding overlooking and overdominance of No.7 St. Ann's Lane that were raised at the previous meeting. As such it is considered that the scheme fully addresses material planning considerations relating to residential amenity, in addition to those pertaining to design and appearance, parking provision and highway safety. The amended proposal is for these reasons recommended for approval, subject to the conditions listed at the head of the Report.

Background Papers

Application File 15/04158/FU

APPENDIX 1:

Report to South and West Plans Panel (21st April 2016)

1.0 INTRODUCTION

- 1.1 This amended application for the construction of two semi-detached, two-bedroom houses with parking and amenity space on the site of a garage block and former builder's yard is considered acceptable in terms of its principle and its impact on highway safety and residential and visual amenity. It is brought before the South and West Plans Panel at the request of the Kirkstall Ward Members and due to the high level of interest from members of the public and local residents.

3.0 PROPOSAL

- 2.1 Permission is sought for the demolition of the existing block of five prefabricated, flat-roofed garages and clearance of the hard-surfaced former builder's yard to the rear, and their replacement with a pair of part two-storey, part three-storey semi-detached houses. Following negotiated amendments to the scheme, each dwelling will include two bedrooms, be constructed of natural stone under a pitched slate roof, and include an area of private amenity space.
- 2.2 The new development will be attached to the eastern gable end of the existing Victorian building known as 'The Coach House' (No. 11, St. Ann's Lane). The development will continue the eaves and ridge line of the older structure, and lie level with the front and rear walls of it. Due to a change in levels of approximately 1.6m

between the finished floor level of No. 11 and the hard surfaced yard, the proposed dwellings will comprise three storeys (one of which will be located in the roof).

- 2.3 The building will continue the line of the existing property for approximately Xm before turning to the north at a 45° angle. It will then continue on this 'dog-leg' plan form until parallel with the highway at St. Ann's Drive. Following revisions to the scheme, the northern elevation will be set back by approximately Xm from the rear edge of the footway, allowing the provision of a defensible garden area. This section of the dwelling will also be set down by approximately Xm from the ridge and eaves of the western section and from the Coach House, as part of a negotiated reduction to ameliorate the impact on Nos. 7 and 9 St. Ann's Lane to the west.
- 2.4 The houses, which are referred to as Units 3 and 4 (due to the earlier determination to convert the original Coach House buildings to two residential units) have been laid out to comprise an entrance hall with stairs leading onto an open-plan living area with kitchen. Upstairs there will be two bedrooms and a house bathroom. Each house will have access to a small, enclosed garden area (in the case of Unit 3, this will include a raised decked area and a front garden) via a bank of folding glazed doors. Each property will also benefit from a refuse area and cycle store.
- 2.5 Pedestrian access to the properties will be via St. Anne's Drive. In the case of Unit 4, this will be via part of the existing driveway to the eastern side of the site, which will be gated and retained to provide a route to the four spaces retained as part of the conversion of the Coach House building. Two parking spaces for this dwelling will also be provided to the western side of the driveway. For Unit 3, two further parking spaces will be laid out to the northern corner of the site, in the location of the existing garages.
- 2.6 Externally, the building has been carefully designed to avoid direct overlooking of neighbouring properties from the side windows. Main windows, including the ground floor bi-folding doors, have been positioned to be angled away from the boundaries or are at a lower level than the surrounding properties due to the topography of the site. The first floor rooms are served by Velux roof lights, whilst the western elevation is entirely devoid of windows above the ground floor level. To the eastern side, only an obscured glazed bathroom window faces the houses of St. Anne's Green. Otherwise, the windows have generally been restricted to the northern and southern elevations, which overlook the highway and the parking area for Units 1 & 2 respectively.
- 2.7 A large sycamore tree and a cherry tree were removed from land adjacent to the site entrance in November 2014, and this has been the source of many local objections (see section 6 'Public / Local Response'). A landscaping plan shows a replacement tree in this location, in addition to soft landscaping elsewhere on the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application refers to a parcel of land located between St. Ann's Lane and St. Anne's Drive in Burley. The site is occupied by a number of currently disused buildings, with the remainder hard-surfaced. To the western side, fronting onto St. Ann's Lane, is a Victorian stone building 'The Coach House'. This comprises Nos. 11-13 St Ann's Lane and to the western elevation is relatively plain, a single-storey

structure dominated by its large slate roof. However, the eastern side and the southern return of this L-shaped building are much more ornate, including a stone carriage arch to the former and a two-storey projecting gable feature with clock and loft access doors to the latter. Detailing to this elevation includes sawn stone heads, sills, plinth and corbels.

- 3.2 The crook of the 'L' encloses a yard area finished partly in stone setts and partly in crazy paving. This is bounded by a 1.0m stone retaining wall and is itself set approximately 1.0m above the remainder of the site, which is surfaced in tarmac. The garage block, which comprises a row of five precast panel units roofed in corrugated asbestos, occupies the northern part of the site and is set back from St. Anne's Drive by approximately 5m. This and the adjacent access (via double gates to the lower yard) are also hard surfaced in asphalt. An area to the north-west of the garages is overgrown, suggesting an extended period of disuse. A triangular piece of land to the north-east, adjacent to the access, was previously occupied by the large sycamore tree mentioned in many of the local objections, and its stump remains visible.
- 3.3 There are a number of other residential properties in close proximity to the site. Laurel Cottage (No. 17 St Ann's Lane) is attached to the southern end of the Coach House premises; it is a two-storey stone dwelling which has been extended by way of a large uPVC conservatory to the rear and which has a garden and driveway that abut the southern end of the former builder's yard (also at a higher level). St. Anne's Green is a residential cul-de-sac of inter-war terraced houses. Nos. 2-16 St. Ann's Green back onto the site, separated from it by a variety of 2.0m timber board and lap panel fences, and have relatively short rear gardens of approximately 5-6m.
- 3.4 The prominent junction of St. Anne's Drive and St. Anne's Lane is dominated by Nos 5 and 7, a pair of large semi-detached Victorian houses (No. 5 has a date stone reading '1886' to the eastern elevation. This property is the more ornate of the two, with an elaborate Tudor Revival frontage with half-timbered gable feature and the original leaded timber windows. It has an extensive front and side garden bounded by a timber picket fence and dominated by a large mature beech tree to the northern corner. No. 9 has a smaller bay window and has been extended to the rear with a single storey sun room, retaining a small yard to the rear.
- 3.5 The building is located in the St. Ann's area of Burley, close to the border with Kirkstall. The southern part of St. Ann's Lane is dominated by large stone Victorian villas, whilst the remainder of the surrounding streets are largely comprised of inter-war suburban infill – the standard, traditional semi-detached hipped roofed property with bay windows and side driveways. A range of materials is used in these properties, including red brick and painted render wall finishes and natural slate, concrete double roman and red rosemary roofing tiles. However, the cluster of buildings around the road junction are older and formed exclusively from coursed natural stone.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Pre-application advice was sought in April 2015 under reference PREAPP/15/00258; this involved the erection of a pair of semi-detached houses on the St. Anne's Drive frontage and is discussed below under section 5.1.
- 4.2 A determination application for the conversion of the first floor offices of the Coach House to two flats was approved on 2nd September 2015, under application reference 15/04202/DPD.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 As noted above, an application for pre-application advice was submitted in April 2015. This suggested a pair of traditional semi-detached properties close to the street frontage of St. Anne's Drive, and conversion of the former Coach House into flats and an office (which in the event was carried out under Part 'O' of the General Permitted Development Order). Concerns were raised relating to the plain appearance of the houses and the lack of amenity space. A less intensive, more contemporary solution was suggested, resulting in submission of the original proposal.
- 5.2 The scheme as initially submitted comprised a full two-storey building with further accommodation in the roof space, set within 2.0m of the highway frontage on St. Ann's Lane and including a full-height lightwell through the northern part of Unit 3. In response to concerns regarding overshadowing / overdominance and the impact on the streetscene, the developer agreed to move the gable wall back to correspond with the building line of other properties on St. Anne's Drive, and to 'step-down' the northern part of the building from 2.5 to 1.5 stories, giving a reduction of around 2.0m in eaves and ridge height to this part. The internal lightwell has been removed and the interior reconfigured in order to make best use of the space, and minor amendments made to the parking and external layouts in response to comments from the Highways Officer.

6.0 PUBLIC/ LOCAL RESPONSE:

- 6.1 A general site notice was posted on 14th August 2015. Following concerns raised by local residents and Members at a site meeting (again on 14th August), and a large number of representations from local residents, the application has been brought before the South and West Plans Panel for determination.
- 6.2 Twenty-seven letters of objection have been received in response to the initial publicity given to the application, including representations from all three Ward Members. A second round of publicity was undertaken on 29th February 2016, whereby Members and objectors to the original scheme were given the opportunity to comment on the revisions outlined above. Three further objections were received, including one from Councillor Fiona Venner stating that the revisions did not fully address the concerns of Members and residents, and re-iterating the request that the application be determined at Panel.
- 6.3 The main points raised are summarised in the 'Representations' section of the Appraisal.

7.0 CONSULTATION RESPONSES:

Highways: Initial concerns relating to driveway dimensions and levels of parking have been resolved following the submission of revised plans under which eight spaces have been provided (two each for the proposed dwellings, two for the conversion of No. 11 to flats, and two for the Traveleyes office in the same building). Conditions relating to the footway crossing, provision of bin and cycle storage and laying out of the parking areas have been suggested.

Mains Drainage: Infiltration drainage should be used where possible, in conjunction with water butts to attenuate surface water runoff from proposed new roof area. Porous material should be specified for hard surfaced areas (pedestrian and vehicular accesses). However, given the scale of the scheme, drainage matters can be dealt with by the Building Inspector.

Contaminated Land Team: The site has mainly been used for residential and ancillary uses since the 19th Century, although since the 1960s there has been vehicle storage / garaging and the possibility of an abandoned below-ground fuel storage tank which was infilled with concrete on decommissioning. Whilst the proposed residential use with gardens is sensitive, most of the pertinent points have been covered within the Desktop Study, which recommends further site investigation works. As such, Minerals recommend the submission of these reports, statements and studies be covered by standard conditions.

Design Officer (informal discussions): Whilst the height and massing of the building creates some concerns over amenity, the overall design including the footprint and detailing represent an innovative response to a constrained site.

8.0 PLANNING POLICIES:

Local Planning Policies:

The Core Strategy for Leeds replaced the Unitary Development Plan on its adoption on 12th November 2014. Relevant policies are as follows:

- Policy H2 refers to all housing developments on non-allocated sites, stating that these will generally be acceptable in principle provided that other material considerations such as ensuring that transport and health infrastructure have sufficient capacity are met.
- Policy T2: New development should be located in accessible locations and served by existing or programmed highways improvements, public transport and infrastructure for pedestrians, cyclists and disabled people.
- Policy EC3 refers to the safeguarding of sites currently or last used for employment purposes, the development of which will only be permitted if the proposal would not result in the loss of a deliverable employment site or the existing buildings / land are considered non-viable for employment use.
- Policy P10: New development will be expected to provide high standards of design appropriate to its scale, location and function and taking into consideration local context, car parking and the prevention of crime.

In the interim period during the preparation of Supplementary Planning Documents, a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies from the Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy BD6 seeks to ensure that all extensions and alterations to existing buildings respect the materials and design of the existing building and its context.

Relevant Supplementary Guidance:

- Supplementary Planning Documents provides a more detailed explanation of how strategic policies of the Unitary Development Plan and Core Strategy can be practically implemented. The following SPDs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.
 - Development of Self Contained Flats
 - Neighbourhoods for Living

Government Planning Policy Guidance/Statements:

In addition to the Development Plan documents, the Coalition Government’s National Planning Policy Framework replaced more than 40 Planning Policy Statements and Guidance Notes in March 2012. Chapter 6 (housing) is of particular relevance.

9.0 MAIN ISSUES:

9.1 The main issues for discussion and consideration are thus:

2. Principle of change of use
3. Impact on visual amenity
4. Residential amenity
5. Parking and Highways
6. Other Considerations
7. Representations

10.0 APPRAISAL

Principle of Development

10.1 The application site is unallocated on the Site Allocations Plan, and can therefore be regarded as a ‘windfall’ development site. It has been vacant for some years, with its last use believed to have been for vehicle storage and as a lock-up garage site. A block of five prefabricated concrete garages remain in situ to the northern frontage of the plot.

- 10.2 Core Strategy policy H2 covers all new housing proposals on non-allocated sites, stating that there will be a presumption in favour of this provided that other material planning considerations are met. On balance therefore it is considered that the proposals for residential redevelopment are acceptable in principle, subject to other material planning considerations being satisfactorily resolved.
- 10.3 The development is not of a sufficient size to trigger developer contributions toward affordable housing, off-site highway works, on-site greenspace (or a commuted sum in lieu of such). It complies with the minimum density requirements of 40 dwellings per hectare set out within Policy (the site area is 0.04ha, on which two dwellinghouses are proposed).

Design and Visual Amenity

- 10.4 At pre-application stage, the applicant was advised against a pair of traditional semi-detached properties on the St. Anne's Drive frontage, as this would represent a missed opportunity to provide a more contemporary development that responded to the unique constraints of this irregularly-shaped site. The initial proposal raised its own concerns, mainly relating to its scale and massing: at two and a half storeys, the northern gable end would have read as an incongruous feature within St. Anne's Drive, which aside from the impressive frontage of No. 5, is mostly dominated by two-storey, 20th century suburban development. It is considered that by moving the gable wall back from the road, the revised proposal now respects the building line formed by the side of No. 2 St. Anne's Green whilst still retaining the gable feature which is characteristic of the older stone development to the west, and indeed to the Coach House itself.
- 10.5 Due to its being attached to the existing eastern gable of the Coach House, the proposal will appear as an extension to this older building, and the reduction in height toward the northern run of the new building will assist in fulfilling the requirement for subservience. Although some detailing to the existing elevation will be obscured, the existing stone coping to the gable will be retained as a visual break between the old and new sections. The external walling was originally specified as being constructed from smooth, ashlar stone, however in order to provide a better match between the proposal and the existing building, this has been amended to standard natural stone blocks, coursed to match the Coach House. The contemporary influence is retained through the use of modern grey timber composite doors and windows and in the fenestration layout, since it would be difficult and not necessarily desirable to attempt to reproduce the intricate detailing to the southern elevation of the coach house building. Dark grey roof slates are specified to the roof, again to match the existing building.
- 10.6 Policy P10 of the Core Strategy relates to the external design of new buildings and states that this should be based on a robust contextual analysis of the surroundings and be appropriate to its location. It is considered that the revisions to the northern section of the building successfully address initial concerns about the three-storey appearance of the gable end and proximity to the highway, which is uncharacteristic of this part of St. Anne's Drive. The resultant stepping-down of this part of the building not only serves to address residential amenity concerns relating to massing and dominance, but also adds articulation and interest to the roof line and elevations. The revised proposal primarily considers its relationship to the existing coach house, which it attempts to reproduce in terms of scale and proportions. The angled 'dog-leg' element of the design forms part of this, as well as responding to the constrained, tapering site which is hemmed in by housing to east and west.

- 10.7 A lack of windows to the side elevations, again required in order to prevent overlooking, is not necessarily a problem when considered in the context of the northern elevation of the existing coach house structure, which is similarly devoid of openings and entirely reliant on this side on rooflights to provide natural illumination. The windows themselves, whilst of a contemporary style, also pay homage to the vertical emphasis of the existing 'clock tower' arrangement to the southern side of the existing building. The result is an extension which is sympathetic to the host structure in terms of its height and scale, incorporates some of its features whilst retaining a modern appearance, and which gives the impression of being set in space despite the 'taper' of the site to the rear. It is therefore considered compliant with the aims of Policy P10, to guidance contained within 'Neighbourhoods for Living' and to saved UDP policy BD6.

Residential Amenity Considerations

- 10.8 The site is (excluding the existing building, which is to remain standing and be converted) roughly wedge shaped, with the wider part of the triangle to the north (St. Anne's Drive frontage) tapering to the south where the 'point' is truncated by the grounds of Laurel Cottage, a stone Victorian house which abuts the southern elevation of the Coach House building. It is bounded on either side by houses – to the East, Nos. 2-8 St. Anne's Green back onto the site at a distance of 6.8m from the boundary, whilst on the western side, the semi-detached Nos. 5 and 7 abut the site.
- 10.9 No. 5 has a free-standing double garage which is situated to the rear of the house adjacent to the boundary, and most of the amenity space to this dwelling is at the side and front. However No. 7 has only limited amenity space in the form of a yard to the rear, due to the property having been previously extended with a single-storey addition. These houses are set up by approximately 1.6m above the level of the hard surfaced lower site and garages. To the opposite (northern) side of St. Anne's Drive, semi-detached inter-war properties are located around 26m from the front of the existing garage block.

Overshadowing / overdominance

- 10.10 Concerns were raised by the residents of nos 5 and 7 St. Ann's Lane regarding the potential for the original scheme to significantly reduce daylight and sunlight levels to the rear of these properties, in addition to replacing an open outlook from the ground and first floor rear windows with a solid wall of stone and associated roof. In the case of No. 7, this would position the western wall of the proposed property at a distance of around 15m from the back of the main house and first floor bedroom window, but less than 8.6m from the rear of the sun lounge extension. (Taking a 45° line from the centre of the French doors to the rear of No. 7, the distance to the proposal is approximately 8m).
- 10.11 The concerns of the occupiers of No. 7 are that the rear amenity space of that property will appear 'hemmed-in' by the extension to the solid two-storey wall of the coach house, which currently terminates level with the rear boundary of the house. The dog-leg plan form of the building means that the eastern side of the proposal will be clearly visible above the timber fence to the rear boundary, albeit at an increasing distance the further away from the existing coach house building. It is considered that the reduction in the height of the northern part of the proposal is sufficient to ameliorate the impact of the building, and coupled with the distance from the boundary will ensure that a relatively open aspect over the frontage part of the site, significantly reducing the risk of an enclosed feel to the rear amenity space of No. 7.

10.12 Similarly, whilst the impact on the amenity area of No. 5 is minimal due to the screening effect of the double garage, the reduction in the roof height will also ensure that views of the proposal from the first floor bedroom window of this property are reduced to a degree that is appropriate within the built-up, suburban context of the area. The houses to the east (St. Anne's Green) have garden depths of around 7m; coupled with a 6.2m distance between the eastern elevation of the proposal and the same boundary, it is not anticipated that the proposal presents any risk of overdominating or overshadowing these houses.

10.13 *Overlooking*

Although application of the guideline distances on p.57 of the SPD 'Neighbourhoods for Living' must take into account angled boundaries, changes in levels, solid boundary treatment etc., the proposal has been carefully designed so that the distances between the windows and boundaries broadly comply. Specifically, a combination of angling windows away from surrounding housing, setting them at a lower level, and using roof lights to serve rooms to the sides of the properties combine to ensure that there will be no direct overlooking of neighbouring homes.

10.14 On the southern side, a pair of doors serving a double height dining room are set down from the level of the Coach House, behind solid boundary treatment and facing into the property's garden, and a first floor bedroom is to be fitted with restrictors to prevent it being opened in a way which could facilitate overlooking for the houses to the east from an elevated position. Fenestration to the eastern side is restricted to a first floor, obscured glazed landing window, and Velux roof lights are employed within the roof space.

10.15 To the northern and western elevations, the first floor is deliberately free from fenestration of any kind, with the only windows to this side being a north-facing window serving a ground floor kitchen and a pair of patio doors to a ground floor lounge area, set at around 7.5m from the boundary. Both openings are located around 1.6m below the ground floor level of No. 7, in addition to being screened by a 1.8m timber fence. Again, lighting of the roof space bedroom is achieved via roof lights, from which casual overlooking is difficult. On balance then, and taking into account the use of conditions to ensure that particular windows are obscured glazed and / or fitted with restricted opening fittings, it is not anticipated that the proposal will lead to material overlooking of any of the surrounding dwellings.

Parking / Highways

10.16 The applicant initially specified only two parking spaces for each of the proposed dwellings. However, no provision was included for the existing coach house, for which a determination application was approved in 2015 for conversion to offices and two apartments. The Highways Officer raised concerns over this, and the layout was slightly modified to demonstrate that in addition to the four spaces for the new-build element, there was ample space retained within the existing yard to accommodate four vehicles associated with the conversion element.

10.17 Whilst it was advised that circulation could be further improved by reducing the size of the garden to Unit 4, this would reduce the garden area of this dwelling to below the

recommended ratio of two-thirds of the gross internal floor area of the dwelling. Cycle parking and bin storage are shown on the approved plans, and a condition recommended to ensure these are provided prior to occupation, along with the laying out of all hard-surfaced vehicle areas.

- 10.18 A number of residents have raised concerns about the addition of vehicle movements to an already congested area. However it is considered that the existing configuration of the site for garages and parking could potentially generate a similar number of movements if returned to full use, which would not require a planning application. On balance then, the proposal is not considered to materially add to or exacerbate problems of on-street parking demand or congestion and thus complies with Core Strategy Policy T2, saved UDP policy GP5 and to guidance contained with the Authority's supplementary documents 'Street Design Guide' and 'Car Parking'.

Other Considerations

- 10.19 The loss of the mature sycamore and cherry trees to the eastern corner / boundary of the plot have resulted in objections from local residents, as these were a much-loved feature of the streetscene and provided amenity value and shade as well as a wildlife habitat. The manner of removal (on a weekend, and without notice) has also generated concerns that the trees were being removed at a time when the Council would be unable to deploy an officer to prevent this, in an attempt to remove a potential constraint that would have been taken into account in any subsequent planning application for redevelopment.

However it has since been clarified (and supporting evidence provided) that the sycamore was over two hundred years old and reaching the end of its life. This was evident from significant die-back of branches in the crown and uplifted buttress roots, both suggesting that far from being a healthy specimen as claimed, the tree was in a severe state of distress. Furthermore, a large hollow defect was identified within a critical supporting section of the main stem of the tree where wood had rotted away significantly weakening the structure. This, combined with the quantity of dead branches within the crown carried the risk of unexpected, significant failure at any time with a very real possibility of injury to persons or damage to property. As a result, it was concluded that removal was the only option.

The adjacent cherry tree had developed in conjunction with the sycamore and was believed to be self-seeded, as it was too close to the larger tree and as a result was leaning at an angle (carrying the possibility of sudden uprooting).

The trees were not covered by a Tree Protection Order and the site does not lie within a Conservation Area. As such the trees were not protected from felling and the applicant was not in breach of any laws or policies by removing them. The applicant has agreed that replacement planting would be feasible and that this can be included in a standard landscaping condition.

- 10.20 The Contaminated Land Officer requested the submission of a Phase I Desk Study in support of the application. Whilst this recommends further intrusive site investigation works and remediation if necessary, it is considered that this information can be supplied post-determination and secured by conditions.
- 10.21 The Mains Drainage Officer is satisfied that the surface water drainage requirements of the scheme can be sufficiently controlled under the Building Regulations. Whilst the car parking area to the rear is existing, it has been recommended that any resurfacing

be carried out using porous materials that allow rainwater to soak into the ground beneath and thus reduce the pressure on the local surface water drainage system.

Representations

- 10.22 Thirty letters of representation were received via the council's web site to the original proposals, predominantly from residents of surrounding houses on St. Ann's Lane, St. Anne's Green and St. Anne's Drive, but also including individual objections from the three Ward Members. The main concerns raised can be summarised as follows:

Overshadowing and overdominance, particularly of Nos. 7 and 9 St. Ann's Lane which lie to the west of the proposal, and of the rear elevations of houses to St' Anne's Green to the east;

Loss of privacy through overlooking of gardens and windows from the proposed roof lights;

Loss of outlook;

Insufficient parking provision resulting in demand which cannot be accommodated on street, exacerbating existing problems with on-street parking (particularly on match days at the nearby Headingley cricket and rugby grounds);

Loss of a large, mature Sycamore tree and adjacent cherry tree which were removed without notice in November 2014, possibly as they would have posed an obstacle to redevelopment;

Overdevelopment of the site;

Implications of construction works on the foundations of older adjacent buildings and boundary walls;

Potential for occupation by students or as a HMO and associated noise nuisance / anti-social behaviour;

Noise and disruption associated with demolition and construction works.

- 10.23 Following re-notification of original contributors of changes to the scheme in March 2016, three further letters were received, re-iterating earlier concerns regarding traffic / parking, loss of the trees and overdominance / overshadowing.

- 10.24 Councillors Illingworth and Venner have also maintained their initial objections to the revised scheme. Councillor Illingworth raises concerns regarding the loss of the trees, stating that he does not accept the applicant's justification that they were in a dangerous condition. Councillor Venner notes that although the revisions are an improvement over the original scheme, the reduction in height does not fully ameliorate the impact of the proposal on No. 7, and that due to the initial level of concern over the scheme, a Panel determination would be appropriate.

- 10.25 The concerns regarding massing and overdominance have been discussed in detail in the 'Amenity' section of the Appraisal above; whilst the amendments to the northern part of the building will not completely negate any impact on the property at No. 7 St. Anne's Lane, they will reduce it to a point where it is acceptable on balance. The proposals comply with guideline distances contained within 'Neighbourhoods for Living'.

- 10.26 Whilst it is not possible to control the specific demographic to whom the apartments are sold or let, the applicant has indicated an intention to occupy one of the properties (along with the office accommodation approved under the separate determination application at the adjacent Coach House) on completion.
- 10.27 Following revisions to the layout, it is considered that adequate parking provision has now been made available for the proposed houses (four spaces to the east and west of the dwellings) and the previously determined flat / office conversion of the Coach House (four spaces within the rear yard area). Although the junction remains in the same location, slight widening will take place and an obstructive gate removed. It is not anticipated that a significantly greater number of vehicle movements will occur than when the site was previously in use as garages, offices and a builder's yard.
- 10.28 The felling of the mature sycamore and cherry trees (and the manner in which it was carried out) was cited by the majority of the commenters, who expressed concern that its primary purpose was to facilitate development. The applicant has countered this, stating that the trees were in a dangerous condition and close to the end of their lifespan, and has provided a statement from the contractor who carried out the work to corroborate this. Although details of replacement planting have not been provided on plan, landscaping is a matter which is normally secured and controlled by way of planning conditions.
- 10.29 A number of residents have raised concerns that there is potential for additional windows to be added to elevations which have been intentionally left blank in order to prevent overlooking from the upper stories of the development. However this can be controlled by imposing a condition to prevent any further insertion of windows under permitted development. Overlooking from Velux roof lights has also been mentioned, however this is not generally considered to be a problem as roof lights are usually positioned at a height and in a manner that discourages the observation of surroundings from them.
- 10.30 Other matters such as loss of outlook, construction noise / dust, and stability of land are either outside the scope of materiality and / or covered by separate legislation.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that the negotiated amendments to this scheme, which will provide much-needed housing on a currently derelict site, have successfully overcome concerns regarding overlooking and overdominance of surrounding properties. As such it is considered that the scheme fully addresses material planning considerations relating to visual and residential amenity, and parking provision / highway safety. The proposal is for these reasons recommended for approval, subject to the conditions listed at the head of the Report..

Background Papers

Application File 15/04158/FU



SOUTH AND WEST PLANS PANEL



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Originator:	Ryan Platten
Tel:	0113 24 75647

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 17th May 2016

Subject: APPLICATION 15/04884/RM - Reserved Matters application for residential development of 135 dwellings, including means of vehicular access from Moseley Wood Rise and pedestrian/cycle link from Cookridge Drive at land to the rear of 92 to 174 Moseley Wood Gardens, Cookridge, Leeds.

APPLICANT	DATE VALID	TARGET DATE
Taylor Wimpey UK Ltd – Mr D. Fisher	19 th August 2015	24 th May 2016

Electoral Wards Affected:	
Adel and Wharfedale	
<input type="checkbox"/>	Yes Ward Members consulted (referred to in report)

Specific Implications For:	
Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the following conditions:

1. Plans to be approved;
2. Window and door detailing to be approved.
3. Details of tree planting in highway verges.
4. Drainage works to be carried out in accordance with drainage details provided.
5. Details of boundary treatment along railway line to be agreed.
6. Use of garages for car parking.
7. Permitted development rights removed for extensions, outbuildings and hardstanding.

The above conditions are in addition to the section 106 obligation and those conditions which were attached to outline planning consent reference 14/04270/OT which relate to:

(S106 Agreement)

- **Affordable housing at 35% on site (split 60% - 40% between Submarket and Social Rent).**
- **Public transport contribution £1,226 per dwelling.**
- **Education contribution of £643,115.10 (split between £401,263.54 for primary education and £241,851.56 for secondary education)**
- **Greenspace contribution £1,098 per dwelling.**
- **Travel Plan measures including car club contribution of £4,000 monitoring fee of £2675 and £10,000 penalty should travel plan targets not be achieved.**
- **Bus stop contribution of £30,000 and Metro Card contribution £64,226.25.**
- **Local employment and training initiatives during the construction of the development.**
- **Public access to public open space and Biodiversity and Ecology Enhancement Management Plan.**
- **Indexed linked contributions**

(Conditions)

1. Two year time limit for reserved matters submission and further two years for commencement deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Maximum units to be 135 dwellings.
5. Samples of walling and roofing materials to be approved.
6. Details of existing and proposed ground levels and surfacing materials.
7. Details of bin and cycle stores.
8. Details of electric vehicle charging points.
9. Landscape scheme.
10. Tree protection during construction.
11. Safeguarding of trees
12. Tree replacement conditions.
13. Construction environmental management plan.
14. Biodiversity enhancement and management plan.
15. Lighting strategy for bats.
16. Bat and bird nesting plan.
17. Laying out of hardsurfacing.
18. Phasing plan and details.
19. Flood risk mitigation measures.
20. Surface water drainage scheme.
21. Feasibility study into infiltration drainage methods.
22. Ground water drainage scheme.
23. Interim drainage method statement during construction phase.
24. Surface water discharge monitoring scheme.
25. Closure and diversion of existing sewers.
26. Discharge of surface water.
27. Separate systems of drainage for foul and surface water.
28. Construction Management Plan.
29. Remediation measures.
30. Unexpected contamination.
31. Remediation works.
32. Vehicular access to the site.
33. No vehicular access from Cookridge Drive
34. Gradient of driveways
35. Condition survey of local roads and mitigation works

- 36. Cycle and pedestrian links
- 37. Compliance with the Design and Access Addendum Statement
- 38. Implementation of a programme of archaeology
- 39. Off-site highways improvements

1.0 INTRODUCTION:

- 1.1 The application is for the determination of reserved matters for appearance, layout, scale and the landscaping of the site. Outline planning permission for the principle of the development and means of access to the site was granted on 1st April 2015 following a Plans Panel resolution to defer and delegate to the Chief Planning Officer for an approval at the City Plans Panel meeting on 11th December 2014.
- 1.2 This application is presented to Plans Panel at the request of Ward Councillor Barry Anderson. Councillor Anderson has submitted detailed objections to the proposal which are summarised, alongside other objections to the scheme, in section 7 of this report.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning consent for the reserved matters of appearance, layout, scale and the landscaping of the site for a residential development of 135 dwellings.
- 2.2 The 135 dwellings proposed will include a mix of 2 bedroom semi-detached (24 in total), 3 bedroom semi-detached (57 in total), 4 bedroom detached (45 in total), and 5 bedroom detached (9 in total) properties. The properties will be predominantly two and two and half storey in scale and constructed of red brick with tiled roofs. All 135 properties will include front and rear gardens and be served by off-street car parking spaces. A total of 47 affordable units will be 'pepper potted' around the site.
- 2.3 The site will be served by vehicular access from Moseley Wood Rise with a cycle and pedestrian link, also serving as access for emergency vehicles, to Cookridge Drive to the north and pedestrian links to Moseley Wood Gardens, Moseley Wood Croft and beyond to the south. The site will include public areas of green and open space running parallel to Moseley Beck to the west of the site and punctuating built development from west to east. The public areas of green and open space will provide opportunities for both informal play and recreation with extensive footpaths provided through these areas. Those areas of green and open space running from west to east will be further complemented by grass verges to accommodate street trees to create 'green fingers' running through the development.
- 2.4 The proposed drainage works have influenced the layout of the site considerably. A robust system of land drainage, including the re-opening of water courses with deepened infiltration trenches, land drains, filter drains and detention swales, is proposed at the site. This will include measures to limit the flow of both ground water flows from the development and neighbouring residential areas and overland flows in order to allow water to flow into Moseley Beck in a controlled manner. The detention swales at the site will also allow water to be stored at the site during extreme events and reduce the flood risk to the downstream catchment of Moseley Beck. The drainage information submitted with the Reserved Matters application aims to satisfy the requirements of the relevant drainage condition attached to the outline consent.

2.5 The proposal will also provide for biodiversity areas to be protected and managed both within the application site and within the wider site owned by the applicant. Within the application site this will include the provision of new areas of species rich grassland and tree planting in both public and private spaces to complement the existing trees which are to be retained at the site.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is situated to the west of the Moseley Wood housing estate in Cookridge. The site is 6.9 hectares in area and currently consists of an open field which slopes to the south and west towards Moseley Beck and the Harrogate to Leeds railway line. The site is predominantly used as pasture land in an agricultural use. The site includes existing vehicular access from Moseley Wood Rise. Works to widen the carriageway of Moseley Wood Rise began in March 2016 under a Section 278 Agreement with the Council.

3.2 The application site sits within part of a wider site designated under saved policy N34 of the Leeds Unitary Development Plan (2006) as a 'Protected Area of Search for Long Term Development' (PAS). The wider PAS site is 9.9 hectares in area. The applicant also controls 5.99 hectares of land to the north of the application site which falls within the Leeds Green Belt. The area of land to the west of the railway line also falls within the Leeds Green Belt.

3.3 The Draft Site Allocations DPD has included the application site (site area of 6.78Ha) as a phase 1 housing site (LPA Reference HG1-58) with a capacity of 135 units. The neighbouring site to the north east (site area of 2.6Ha), also owned by the applicant, is included in the Draft Site Allocations DPD as a phase 2 housing site (LPA Reference HG2-29) with a capacity of 63 units.

3.4 Trees at the application site benefit from the protection of a Tree Preservation Order (LPA Reference 2013/14). The application site also falls within one of the Council's Bat Alert areas in which bats are known to be present. A thin strip of the application site running adjacent to Moseley Beck falls within flood zones 2 and 3a(i) with the remainder of the site falling within flood zone 1. The site is also the subject of a claimed public right of way running alongside Moseley Beck.

3.5 The Moseley Wood housing estate to the east consists of predominantly two storey housing incorporating a range of different materials. Streets adjacent to the application site include grass verges with sporadic street trees.

4.0 RELEVANT PLANNING HISTORY:

4.1 Previous Applications:

13/04148/OT - Outline application for development of circa 200 dwellings, including access from Moseley Wood Rise at Land at rear of Moseley Wood Gardens, Cookridge. Presented to City Plans Panel 10th April 2014 with a Position Statement. **Refused at Panel November 2014** for reasons of urban design and amenity relating to the number of dwellings to be served by a single vehicle access to the site.

14/00190/FU – Proposed second access road from Cookridge Drive to Land at rear of Moseley Wood Gardens, Cookridge. Presented to City Plans Panel 10th April 2014 with a Position Statement. **Refused at Panel November 2014** for reasons relating to the impact on the Green Belt, 15design and character including the loss of important woodland.

14/04270/OT - Outline application for residential development for circa 135 dwellings, including means of vehicular access from Moseley Wood Rise and pedestrian/cycle link from Cookridge Drive. **Plans Panel resolved to Approve 11th December 2014** – Delegated to the Chief Planning Officer and **Approved on 1st April 2015**.

5.0 HISTORY OF NEGOTIATIONS:

City Plans Panel December 2014

- 5.1 At the Plans Panel meeting of 11th December 2014 the panel resolved to defer and delegate the application to the Chief Planning Officer to grant outline consent for planning application 14/04270/OT. In doing so considerable time was spent by members of the panel discussing and debating matters relating to drainage, the extent of development and issues of sustainability, access arrangements and the need for the section 106 agreement to be signed without delay amongst other relevant matters.

Issuing of Outline Consent April 2015

- 5.2 In issuing the decision on 1st April 2015 the Chief Planning Officer took into account the withdrawal of the Council's Interim PAS policy by the Council's Executive Board on 11th February 2015. The decision of Executive Board to withdraw the interim PAS policy was made in light of the fact that work on the Council's Site Allocations Plan had progressed to a point where the Council considered it was not appropriate or necessary to retain the policy. The report to Executive Board made clear that there was, in effect, no real difference in terms of the underlying objectives and approaches being taken, or in terms of the weight that should be afforded to the Council's new approved position and the former interim PAS policy in decision making.

- 5.3 At the time of issuing the decision for the outline consent on 1st April 2015 it was noted that the application site was one of those sites proposed to be brought forward for residential development in the Site Allocations DPD and not retained as PAS as the site fitted with Core Strategy priorities. It was also noted that the Council's 5 year housing land supply included the application site which reinforced the view that the principle of residential development at the site was appropriate.

Pre-Application Enquiry April 2015

- 5.4 Following the granting of planning approval for outline application 14/04270/OT the applicant submitted a pre-application enquiry to the Council (LPA Reference PREAPP/15/00313) on 20th April 2015 to discuss the detailed reserved matters relating to layout, scale, appearance and landscaping. A meeting was held on 20th May 2015 with the applicant, Council officers and local ward members in attendance. The discussion centred around design, housing mix, amenity, landscape, biodiversity, highways, drainage and flood risk considerations.

6.0 COMMUNITY CONSULTATION

- 6.1 The applicant carried out public consultation exercises at the time of the first application for outline consent in 2013 (LPA Reference 13/04148/OT) and a further leaflet drop of households within the vicinity of the application site following the submission of outline application 14/04270/OT.
- 6.2 The applicant did not carry out further public consultation prior to the submission of the current reserved matters application but has since held a public consultation event on 10th February 2016 at the Leeds Modernians Sports Club which was advertised by way of a leaflet drop of approximately 350 local properties and adverts displayed in local shops. The applicant has advised that the event was attended by 24 local residents and all three local ward members and that the main issues raised related to flooding, excessive traffic during school drop-off and pick-up, impact on roads in Cookridge, and destruction of habitats.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by means of site notice. The Council also wrote directly to all those who had submitted comments for the previous outline application 14/04270/OT on receipt of the reserved matters application.
- 7.2 Councillor Barry Anderson, Councillor Caroline Anderson, Councillor Billy Flynn (all Adel and Wharfedale Ward) have objected to the application. Greg Mulholland MP has objected to the application. The Adel and Wharfedale Labour Party has objected to the application. The Cookridge Residents Action Group (CRAG) has objected to the application. 200 objections have been received from local residents and other interested parties. A petition with 23 signatures has been received in objection to the application. Two general comments have been received expressing concerns in relation to the application.
- 7.3 The following is a summary of the concerns relating to the detailed reserved matters which have been raised:
- The drainage proposals put forward for the site are inadequate and fail to take into account the sources of ground water or the hydrogeology at the site;
 - The investigations into the sources and extent of the water at the site are seriously flawed;
 - The drainage proposals are unlikely to be maintained over the longer term;
 - The recent flooding of the site and in Leeds (December 2015) is an increasing occurrence and climate change is likely to lead to increased instances of flooding such as this;
 - The proportion of larger houses for sale is not required given the availability of larger houses in the area at present;
 - The proposed development does not include 'affordable' homes;
 - The layout does not reflect the flow of Cookridge which is built into the hillside with house sizes reflecting this topography. The new houses are 'characterless' and will be of an inappropriate scale and design and will remove the 'village' feel of Cookridge;
 - There are not enough play areas in the area for children and the new development should look to incorporate such spaces;
 - The proposal will introduce opportunities for crime within the development and in surrounding streets;

- The separation distances between properties does not meet the Council's own guidance;
- The garden sizes do not meet the Council's own guidance;
- The proposed pedestrian and cycle link will be artificially lit leading to light pollution and will be harmful to wildlife;
- The proposal provides for insufficient car parking provision at the site;
- The positioning of a new substation close to existing residential properties is worrying;
- The proposal will lead to the loss of established woodland;

7.4 A number of representations have also raised matters which were considered as part of the outline planning application (14/04270/OT) including:

- The land is unsuitable for housing as it is a flood risk and acts as a soak-away for the surrounding area and is vital for collecting and storing surface water run-off;
- The land is poorly drained at present and the addition of built development including impermeable surfaces will only add to water run-off problems;
- The flooding of Moseley Beck has previously led to flooding of the adjacent railway line;
- It would be difficult for future occupiers at the site to gain house insurance;
- The site is some distance from the nearest public transport routes which are already overused;
- There is a lack of school places in the area;
- There is a lack of health infrastructure in the area such as dentists and doctors;
- There is insufficient local services and shops in the area;
- The development of the site would be harmful to the wildlife and habitats at the site;
- Brownfield sites and empty homes should be brought back into use before new housing is approved;
- The roads in Cookridge are already experiencing increased traffic and parking is a problem. The local road network, which is often narrow with cars parked on streets, is unable to absorb the increase in vehicles and the development will result in 'rat-running';
- New vehicular traffic will lead to noise and pollution;
- In bad weather many local roads are not gritted/ cleared meaning the site would be inaccessible to vehicles;
- The site is not accessible for the elderly or infirm;
- Construction traffic will be disruptive, pose a nuisance and be a threat to highway safety;
- Building houses in close proximity to an airport is bad planning due to the associated health and noise concerns and potential for air crashes;
- The development will remove recreation space currently used by local people;
- The proposed pedestrian and cycle path to Cookridge Drive is unnecessary and will lead to crime, antisocial behaviour, privacy and safety concerns;
- The countryside forms a natural background to the existing housing estate;
- The proposed emergency access route to Cookridge Drive will be converted in the future to create a further vehicular access to the site;

- 7.5 One representation has noted that the proposed crossings on Green Lane are a positive benefit of the scheme.
- 7.6 The Yorkshire Wildlife Trust has offered comments in relation to the proposal noting that an amended masterplan should be submitted to clearly set out the proposed biodiversity areas in accordance with the advice offered by the Council's Nature and Ecology team. It is noted that this amended masterplan has since been submitted.
- 7.7 A number of representations have also noted that the proposals were poorly advertised, that the public consultation carried out by the developer was poor and too late, that the knowledge of local people should be given greater weight, that planning conditions attached to the outline permission should be discharged before the reserved matters application is determined, and that information submitted by the applicant has not been independently verified by experts.
- 7.8 In addition to the above a number of objectors, including CRAG, have noted their longstanding concerns in relation to matters of process at the outline stage. It is noted that these concerns were investigated by the Local Government Ombudsman in response to a complaint that the Council did not take proper account of all relevant information when it granted outline consent, in particular in relation to flooding and drainage issues. In offering his decision the ombudsman considered that "the Council properly assessed the application against the relevant policies. It also took account of the comments of consultees and these are reflected in the conditions attached to the planning permission. Consultees were satisfied drainage issues at the site could be dealt with by way of conditions, so there were insufficient grounds to refuse the principle of development". The Ombudsman concluded that there was no evidence of fault in the way the Council reached its decision and the complaint was not upheld.

8.0 CONSULTATION RESPONSES:

Statutory

- 8.1 Environment Agency – No further comments to add to those from outline stage.
- 8.2 Coal Authority – No objections.
- 8.3 Natural England – No objections.
- 8.4 Highways - No objections.

Non-Statutory

- 8.5 Network Rail – No objections subject to agreeing an appropriate boundary treatment adjacent to railway line.
- 8.6 Metro – Bus stop contributions and Metrocard scheme (as agreed at outline) should be provided.
- 8.7 Flood Risk and Drainage - The drainage information submitted is sufficient to discharge condition 22 of outline consent 14/04270/OT. The surface water and drainage schemes proposed will ensure the proposed development will not be at significant risk of flooding, and that the proposed development will not increase flood risk elsewhere. No additional flood risk or drainage conditions are required in addition to those attached to the outline consent.

- 8.8 Local Plans – No objections. The housing mix is appropriate to suit general housing needs.
- 8.9 Landscape - No objections
- 8.10 Nature/ Ecology - No objections.
- 8.11 Contaminated Land – No objections.
- 8.12 Public Rights of Way - No further comments to add to those from outline stage.
- 8.13 Education Leeds - Seeking contribution towards school provision (secured at outline).
- 8.14 Environmental Protection Team - No objections subject to conditions (as agreed at outline)
- 8.15 New Generation Transport - No objections.

9.0 PLANNING POLICIES:

- 9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.

The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

- General Policy** – Sustainable Development and the NPPF
- Spatial Policy 1** – Location of Development
- Spatial Policy 6** - The Housing Requirement and Allocation of Housing Land
- Spatial Policy 7** - Distribution of Housing Land and Allocations
- Policy H1** - Managed Release of Sites
- Policy H2** – New Housing on Unallocated Sites
- Policy H3** – Density of Residential Development
- Policy H4** – Housing Mix
- Policy P10** – Design
- Policy P11** – Conservation
- Policy P12** – Landscape
- Policy T1** - Transport Management
- Policy T2** – Accessibility and New Development
- Policy G3** - Standards for Open Space, Sport and Recreation
- Policy G4** - New Greenspace Provision
- Policy G8** – Protection of Important Species and Habitats
- Policy G9** – Biodiversity Improvements
- Policy EN1** – Climate Change
- Policy EN2** – Sustainable Design and Construction
- Policy EN5** – Managing Flood Risk
- Policy ID2** - Planning Obligations and Developer Contributions

9.2 The most relevant policies from the Natural Resources and Waste Development Plan Document (DPD) are outlined below:

General Policy 1 - Sustainable Development

Minerals 3 - Surface Coal

Water 1 - Water Efficiency

Water 2 - Protection of Water Quality

Water 4 - Development in Flood Risk Areas

Water 6 - Flood Risk Assessments

Water 7 - Surface Water Run-Off

Land 1 - Contaminated Land

Land 2 - Development and Trees

9.3 The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below:

GP1 - Land uses and the Proposals Map

GP5 - Development control considerations including impact on amenity

BD5 - Design of new buildings

N23 - Development in incidental open space

N24 - Development abutting the Green Belt

N25 - Site boundaries

N34 - Sites for Long Term Development

N35 - Development and Agricultural Land

N37A - Development in the Countryside

LD1 - Landscape design

LD2 - New and altered roads

9.4 Relevant **Supplementary Planning Documents and Guidance** are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Greening the Built Edge SPG (June 2004)
- Designing for Community Safety SPD (May 2007)
- Public Transport Improvements and Developer Contributions SPD (August 2008)
- Street Design Guide SPD (August 2009)
- Sustainable Design and Construction (August 2011)
- Travel Plans SPD (August 2011)
- Parking SPD (January 2016)
- DRAFT Accessible Leeds SPD (Out to Public Consultation March to May 2016)

9.5 Other **relevant guidance** includes:

- The Guideline Distances from Development to Trees document (March 2011)

9.6 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.

9.7 The **DRAFT Leeds Site Allocations Development Plan Document (DPD)** has been through its first stage of preparation, the 'Issues and Options' stage. Public consultation took place on the issues and options from 3rd June to 29th July 2013. On 11th February 2015 the Council published a list of site allocations proposals which the Executive Board agreed should form the basis of the Site Allocations Plan to be prepared for consultation later in that year. This included the Council's view on which PAS sites are and are not appropriate to be brought forward during the plan period. The Council's Executive Board approved the Publication Draft of the DPD for public consultation on 15th July 2015. The application site is included within a larger site which forms one of those sites which is proposed to be brought forward for residential development as a housing allocation and not retained as PAS.

10.0 MAIN ISSUES:

10.1 The following main issues have been identified:

- (1) Outline planning permission and the principle of the proposed use;
- (2) Layout;
- (3) Scale and appearance;
- (4) Landscaping;
- (5) Flood risk and drainage;
- (6) Other material planning considerations.

11.0 APPRAISAL:

1. Outline planning permission and the principle of the proposed use

11.1 Outline planning permission was granted at the site for a residential development of a maximum of 135 dwellings on 1st April 2015 under planning application reference 14/04270/OT. In granting outline consent the Local Planning Authority approved the principle of the proposed use and the detailed matter of access to the site. The reserved matters process aims to resolve those matters of detail which have been 'reserved' from the outline stage. In this instance the reserved matters include layout, scale, appearance and landscaping. This report will not therefore assess the principle of the development or the detailed matter of the access to the site, as these matters have been previously established, but will instead look to assess the details of the scheme submitted in relation to these aforementioned reserved matters. Sections 2 to 4 of this report set out the relevant considerations in relation to these matters.

11.2 It is noted that as part of the outline planning submission, the applicant provided a degree of indicative detail to give an indication of the detail of those matters which were to be reserved (relating to layout, scale, appearance and landscaping). This is not uncommon for an outline planning application and is often necessary for a Local Planning Authority to make an informed judgement on the merits of a scheme at the outline stage. These indicative details showed a scheme which is broadly similar to the scheme put forward under the reserved matters application in that both schemes were for 135 dwellings in a layout which is broadly similar, including areas of public open space and areas for biodiversity and ecological enhancement. However, it should be noted that, notwithstanding any differences in the reserved matters scheme now submitted, the details submitted at the outline stage were indicative only and were not approved by the Local Planning Authority as part of the outline approval. It was clear at the outline stage that these details would need to be agreed as part of a future reserved matters application. The indicative detailed matters relating to layout, scale, appearance and landscaping submitted at the outline stage

should not therefore prejudice the outcome of the current reserved matters application.

- 11.3 Further to the above, in granting outline consent for the principle of the development the Local Planning Authority took into account the relevant section 106 requirements generated by the scheme. A section 106 agreement was agreed between the applicant and the Council and includes provision for (1) affordable housing, (2) a public transport contribution, (3) an education contribution, (4) a greenspace contribution, (5) travel plan measures, (6) bus stop and metrocard contributions, (7) local employment initiatives and training during construction, and (8) public access to public open space and a biodiversity and ecology enhancement management plan. The details of the section 106 agreement agreed are outlined at the beginning of this report. The completed section 106 agreement included reasonable provisions to allow for any variation to the detail which may have resulted through the transition from the indicative scheme seen at the outline stage to the detailed scheme which is the subject of the current reserved matters application. As such it is not considered necessary to revisit these matters which are central to the principle of the development (which was established at the outline stage) as part of this appraisal. It is further noted that as the outline planning consent addressed these relevant matters through the section 106 agreement the reserved matters scheme is not liable to make any contributions through the Community Infrastructure Levy (CIL).

2. Layout

- 11.4 The layout of a development relates to the way in which buildings, routes and open spaces are provided within a development and how these relate to buildings and spaces outside the development. The basic design premise of three areas of housing split by drainage channels running east to west to work with the existing topography, with a large area of public open space along the western edge of the site, was shown on the indicative plans at the outline stage. The principles of this layout have been carried through to the reserved matters scheme and remain acceptable. The layout of the streets is in-keeping with the wider aims of the Council's Neighbourhoods for Living SPG with design cues being taken from the wider Moseley Wood estate so as to respect local character in this respect. Generally speaking plot sizes are reflective of the local suburban character of the Moseley Wood estate and the suburban grain is therefore consistent with this character.
- 11.5 The inclusion of grassed highway verges with street trees in the layout is a particularly positive aspect of the scheme. This is a nod to streets within the wider Moseley Wood estate, where sporadic instances of street trees still exist and add to the quality of spaces within the neighbourhood. For example this is particularly evident along the adjacent stretch of Moseley Wood Gardens where verges and street trees contribute to a particularly open and green streetscene. The two stretches of grassed highway verges proposed, in running parallel to areas of green public open space from east to west, will have the added impact of creating multiple green fingers which extend through the development to the large areas of green space, and rural setting beyond the railway line, to the west of the site. The punctuation of blocks of built development in this manner is an important feature at a site which will act as a transition between the suburban setting of the Moseley Wood estate and countryside beyond.

- 11.6 The proportion of the public open spaces at the site to built development is positive. It is recognised that much of these open spaces will perform a drainage function at the site but even taking this into account the site will still provide large useable areas for the enjoyment of future and existing residents. In particular the large areas to be positively managed for biodiversity and ecological improvements have been retained from the outline consent, albeit in an amended layout, and will be accessible to the public for walking and general recreation.
- 11.7 It is noted that the matter of the access to the site from Moseley Wood Rise has been agreed under the outline consent, as has the principle of the footpath/ pedestrian link to Cookridge Drive which serves a secondary function as an access for emergency vehicles. The general layout of vehicular and pedestrian routes through the site are acceptable and will allow for the necessary servicing and refuse vehicles to access, move within, and exit the site safely. The level of car parking provision is in keeping with the local planning policy requirements and is sufficient to serve the development. Whilst some instances of adjoining car parking spaces to the front of dwellings still exist from the indicative scheme seen at the outline stage, these have been kept to a minimum and are broken up, where appropriate, by front gardens and soft landscaping. Decent sized front gardens with tree planting to complement the tree planting on the aforementioned highway verges is also a positive feature of the development with appropriate spaces being created for off-street bin storage.
- 11.8 The development will provide for an appropriate mix of house types and sizes to respond to local housing needs and is in-keeping with the aims of Core Strategy policy H4. The sizes of the houses proposed will also meet the draft Leeds Standard and national described space standards for new dwellings. The affordable housing at the site, the numbers of which has already been agreed as part of the outline consent, is proposed to be accommodated throughout the site in three main areas which is considered to have achieved an appropriate balance between 'pepper-potting' whilst retaining clusters of sufficient numbers so as to be attractive to affordable housing providers for management purposes.
- 11.9 All the plots at the site either meet or exceed the guidance sizes for private garden space in the Council's Neighbourhoods for Living SPG and will provide for a good level of amenity for future occupiers. The distances between all properties are also in keeping with the guidance for separation distances in the same document which aims to prevent overlooking and privacy issues arising. The distances retained from new dwellings and garden areas to properties outside of the application site will also prevent any significant harm to neighbouring private amenity. The distances between existing properties backing on to the site from Moseley Wood Gardens and the new properties created along the eastern boundary of the site will exceed the guidance distances included in the Council's Neighbourhoods for Living SPG.
- 11.10 Taking the above into consideration it is considered that the proposed layout represents an acceptable design solution which is in-keeping with the wider aims of the relevant policies in the Leeds Core Strategy, the relevant saved UDP policies, and the guidance contained within the relevant SPD's, SPG's, and the National Planning Policy Framework.

3. Scale and appearance

- 11.11 The scale of a development relates to the height, width and length of buildings in relation to their surroundings. The appearance relates to those aspects of a building or place which determine the visual impression it makes. As is noted above the proposed layout is considered to be in keeping with the character and suburban grain of the wider Moseley Wood estate, whilst allowing for a sympathetic transition to the countryside setting to the west and north of the site. The two storey/ two and half storey scale of the houses proposed is considered to be in keeping with local character and is reflective of properties in neighbouring streets.
- 11.12 The wider Moseley Wood estate includes properties displaying a wide range of external materials, but one common feature which runs throughout the estate is the use of red brick. The development proposes to incorporate three types of red brick in-keeping with this wider character. Properties will also incorporate traditional pitched roofs and features, taking design cues from neighbouring properties, and will incorporate appropriate door and window detailing which will be consistent throughout the development. The properties will also provide defensible space to the front of properties in keeping with the guidance contained in the Neighbourhoods for Living SPG.
- 11.13 The layout, scale and appearance of the development as a whole is considered to be sympathetic to the wider area and, for the reasons noted in section 2 above, will be sympathetic to both the existing suburban developments to the east and south and the more rural setting to the west and north. As such it is considered that the proposed scale and appearance of the development represents an acceptable design solution which is in-keeping with the wider aims of the relevant policies in the Leeds Core Strategy, the relevant saved UDP policies, and the guidance contained within the relevant SPDs, SPGs and the National Planning Policy Framework.

4. Landscaping

- 11.14 Landscaping includes the treatment of private and public space to enhance or protect a site's amenity. As is noted in section 2 above the layout of the site is broadly similar to that shown on the indicative layout at the outline stage. As is also noted in section 2 the proportion of the public open spaces at the site to built development is positive, even taking into the account those parts of the site which will have a drainage function.
- 11.15 At the outline stage it was agreed that a Biodiversity Enhancement and Management Plan would be important to ensure that any loss of biodiversity and ecology features at the site would be mitigated by the creation of new biodiversity areas at the application site and by enhancing the neighbouring woodland to the north of the application site. Indeed, the long term management of these areas was considered to be likely to result in an overall enhancement at the site in biodiversity and ecology terms. These areas would also have the added benefit of being accessible to both future and existing residents improving local walking routes for the enjoyment of residents.
- 11.16 The biodiversity plan approved at the outline stage included areas of new public green space within the application site to be allocated as either (1) biodiversity enhancement areas (informal POS) or (2) formal POS areas. Both informal and formal POS areas would be accessible to the public, with the informal POS offering opportunities for walking and leisurely recreation on a footpath network throughout the designated biodiversity areas and the formal POS being surfaced with amenity grassland to offer more general opportunities for recreation and childrens play etc.

- 11.17 The reserved matters scheme has required that some of these informal and formal POS areas have switched locations, principally to accommodate the main drainage channel running through the centre of the site. However, the amended layout has retained the same proportions of informal to formal POS and has not resulted in any net negative impact, in biodiversity and ecological terms, when assessed against the benefits in these respects noted at the outline stage.
- 11.18 As is noted in section 2 above the creation of highway verges with street trees in the proposed layout is a particularly positive aspect of the scheme which reflects the local suburban character and further assists in the transitional role played by the site between suburbia and the countryside setting beyond. Further tree planting is proposed in both the formal and informal POS areas and in front gardens throughout the development to add to the overall green and leafy appearance. These trees will supplement those trees which exist currently and will be retained at the site.
- 11.19 The boundary treatments throughout the site have also been sensitively designed to respond to local character with the use of red brick walling and railings fronting POS areas. These boundary treatments are to be supplemented by sympathetic boundary planting to soften their appearance where appropriate.
- 11.20 Taking the above into consideration it is considered that the proposed landscaping represents an acceptable design solution which is in-keeping with the wider aims of the relevant policies in the Leeds Core Strategy, the relevant saved UDP policies, and the guidance contained within the relevant SPDs, SPGs and the National Planning Policy Framework.

5. Flood Risk and Drainage

- 11.21 As is noted in the 'Proposal' section of this report the drainage information submitted with the Reserved Matters application aims to satisfy the requirements of the relevant drainage condition (number 22) attached to the outline consent. The reserved matters application process offers the applicant the opportunity to discharge this condition as a detailed matter under the umbrella of the reserved matters application. Given the level of local interest in relation to the matter of drainage and the number of objections to the scheme which highlight this as an area of concern the applicant was invited to pursue such an approach by the Local Planning Authority and local ward members. The wider objective of this approach was to give the Local Planning Authority confidence in relation to these matters, particularly in light of the wider implications of the proposed drainage works on the detailed layout of the site.
- 11.22 First of all it is important to note that in granting outline consent the Local Planning Authority accepted that a drainage solution to address such matters was achievable. The outline submission was supported by a Flood Risk Assessment and Drainage Statement which was considered by the Council's Flood Risk and Drainage team, the Environment Agency, Yorkshire Water and Network Rail. Members at Plans Panel discussed the merits of flooding and drainage in depth at previous meetings and it was concluded that the proposed development would not increase the risk of flooding, but rather it would be likely that the existing drainage problems affecting residents and the railway line would be improved by the drainage proposals put forward.

- 11.23 The drainage information submitted with the Reserved Matters application, in order to discharge condition 22 of the outline consent, adds the required detail to the previously discussed drainage proposals. Condition 22 requires the submission of three pieces of information as noted below:
1. A ground water drainage scheme (to inform the layout of the Reserved Matters)
 2. A report that identifies the source and extent of ground water flows within the site.
 3. A scheme of investigation containing details of (i) ground water investigation works to identify the source(s) of groundwater, and (ii) ground water level monitoring covering a period of 6 months.
- 11.24 The applicant has provided this information in a report to the Council. The report has been reviewed by the Council's Flood Risk and Drainage team and is considered to satisfy the requirement of condition 22. Whilst the report concludes that, despite extensive site investigation and monitoring, the sources and extent of ground water flows cannot be definitively established due to a number of complicating factors, the observations made are that the ground water/ overland flows observed during wet weather are noted as low in discharge rate and lead to wet ground and puddles, rather than substantial springs that would indicate significant flows. The report concludes that the risk of groundwater flooding would be low with regards to the flooding of properties and that the current un-developed and saturated site would create a higher flood risk than a developed site with a robust drainage scheme in place.
- 11.25 The proposed drainage scheme put forward by the applicant is considered by the Council's Flood Risk and Drainage team to be a suitably robust scheme that will ensure that the proposed development will not be at risk of flooding and the proposed development will not increase flood risk elsewhere.
- 11.26 In addition to this the applicant has submitted an addendum to the report in light of the flooding experienced in Leeds in December 2015 following submissions to the Council noting the significant rise in the water levels of Moseley Wood Beck at this time. The addendum notes that the current design requirements for storm water systems are based on the latest available studies on rainfall intensities, duration and probability on which the drainage proposals for the application site are based. The addendum goes on to report that the drainage proposal would provide sufficient storage to protect against storm water flooding for up to a 100 year flood risk, plus a further 30% to cater for climatic effects. The addendum concludes that the surface water run-off from the developed site would have been significantly less than from the existing, saturated catchment site that exists. The Council's Flood Risk and Drainage team has confirmed that the proposals meet the relevant policy and guidance in this respect, including that set out in the Council's Natural Resources and Waste DPD and in the relevant Environment Agency guidance.
- 11.27 It is therefore considered that the information provided by the applicant is sufficient to meet the requirements of condition 22 of the outline consent, complies with the relevant planning policy and guidance in this respect, and the condition can be discharged through the Reserved Matters application process.

6. Other Material Planning Considerations

- 11.28 The main planning considerations are outlined in detail above. A number of further matters are considered relevant to the determination of the proposal, including some of those matters raised in representations to the Council, and are addressed below.

- 11.29 Crime and Safety - The layout proposed is considered to be an appropriate response to crime and safety concerns that commonly arise from new housing developments. The opportunities for crime have been minimised through appropriate design with secure rear garden spaces provided throughout. The proposal includes use of the same pedestrian access points to the site which were previously agreed at the outline stage. It is noted that National Rail have requested that a sturdy boundary treatment be provided at the site adjacent to the railway line and it is considered appropriate to control details of such a boundary treatment by way of an appropriately worded planning condition.
- 11.30 Future Maintenance of Drainage Proposals - Concerns have been raised in relation to the long term maintenance of the drainage scheme. It is noted that the principle of a drainage scheme at the site was established at the outline stage at which time it was noted that the Council would seek to take on the maintenance of the major new watercourses at the site with the smaller land drains being the responsibility of the future landowners. These arrangements are considered suitable to apply to the detailed drainage scheme which has now been submitted.
- 11.31 Permitted Development Rights - Concerns have been raised by Councillor Barry Anderson that unrestricted permitted development rights for domestic extensions or new hardsurfacing at the site would add to surface water run-off from both the development, if approved, and the surrounding residential streets. Whilst the proposal does not lead to significant concerns in respect of the potential increase in surface water volume, given the robust nature of the drainage scheme proposed, it is noted that the positioning of land drains in residential gardens, which are important to the wider drainage solution at the site, could be compromised by permitted development additions or alterations. It is further considered that unrestricted extensions and alterations to properties could have further harm in respect of some of the wider objectives in relation to the design and character of the development and residential amenity. It is therefore considered that it would be appropriate to restrict permitted development for works which could be harmful in these respects by way of an appropriately worded planning condition.

12.0 CONCLUSIONS

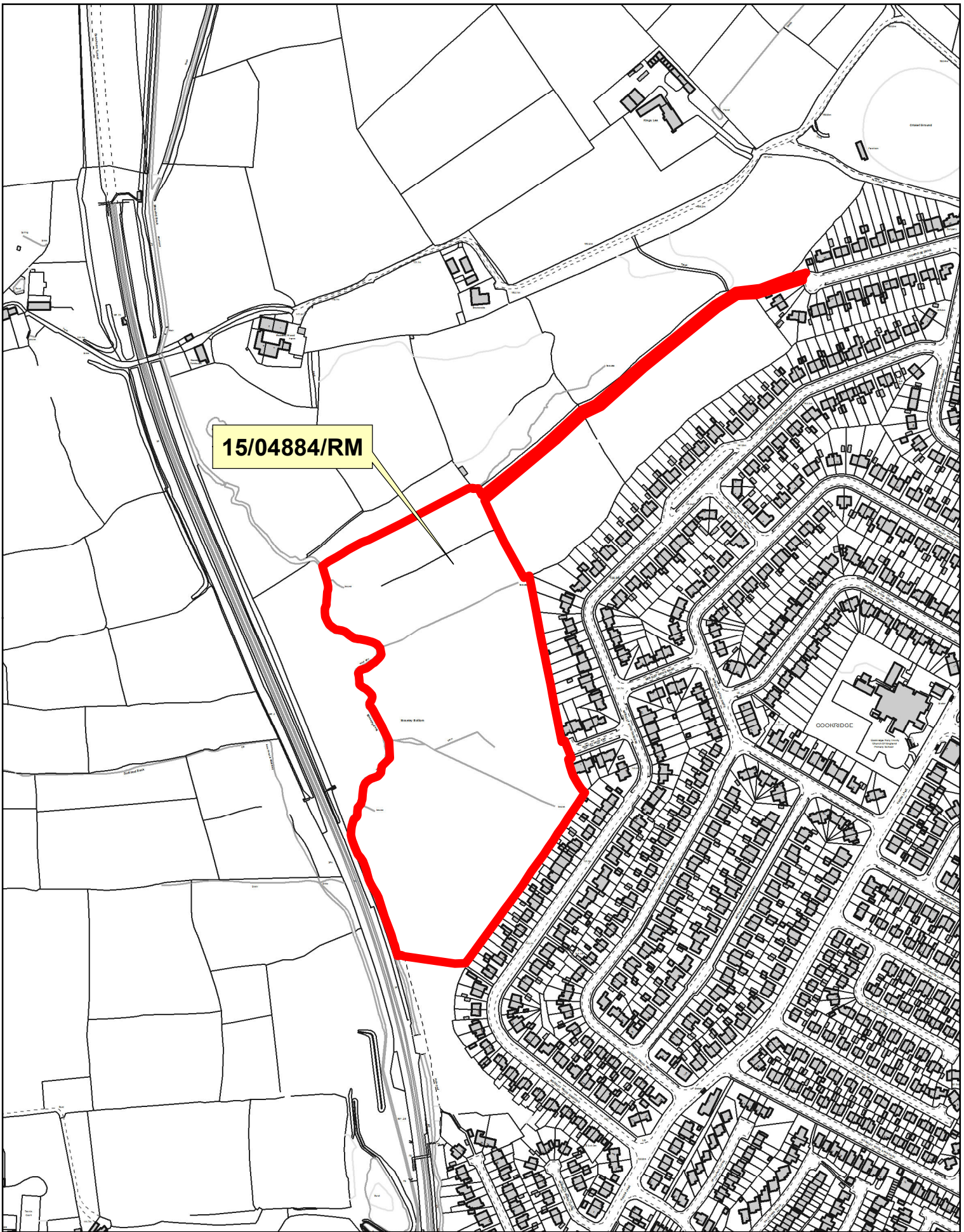
- 12.1 The principle of the development and the detailed matter of the access to the site have already been established under outline planning consent reference 14/04270/OT. As such the relevant considerations to the determination of the Reserved Matters application relate to the layout, scale, appearance and landscaping of the detailed proposal now put forward, alongside any other relevant material planning considerations.
- 12.2 The layout of the site, broadly similar to that shown on the indicative scheme submitted at outline, is acceptable and builds on the design principles established in granting outline consent whilst respecting the topography of the site and providing a suitably robust drainage scheme. The proposal will take design cues from the wider Moseley Wood estate and will respect local character and the suburban grain. The introduction of highway verges and street trees is a positive feature of the development and will help to create multiple 'green fingers', in addition to drainage channels running through the site, which connect to the large areas of greenspace to the west of the site.

- 12.3 The proportion of the public open spaces at the site to built development is positive and will be laid out to provide appropriate formal and informal areas for recreation for future and existing residents. The large areas of areas of the site and neighbouring woodland to the north to be positively managed to provide long term biodiversity and ecological improvements will lead to an overall benefit in these respects. The site includes an appropriate road and footpath layout for vehicles and pedestrians. The site will also provide adequate off-street car parking to serve the development.
- 12.4 The two storey/ two and half storey scale and materials and detailing of the housing proposed is considered to be in keeping with local character and is reflective of properties in neighbouring streets. The development will provide for an appropriate mix of house types and sizes to respond to local housing needs and is in-keeping with the aims of Core Strategy policy H4. Front and rear gardens are of a good size and will either meet or exceed the guidance sizes for private garden space in the Council's Neighbourhoods for Living SPG. The distances between all properties, including to existing properties outside of the site, are also in keeping with the guidance for separation distances in the same document which aims to prevent overlooking and privacy issues arising.
- 12.5 The applicant has provided a drainage scheme and supporting information to inform the layout of the development and meet the requirements of condition 22 of the outline consent. It is considered that the drainage scheme proposed is suitably robust, will ensure that the proposed development will not be at risk of flooding and will ensure the proposed development will not increase flood risk elsewhere. This condition can therefore be discharged as part of the reserved matters process.
- 12.6 Concerns in relation to crime and safety, future maintenance of the drainage proposals and permitted development rights have been adequately addressed as part of the submission with further detail to be provided through future condition discharge applications as appropriate.
- 12.7 The comments of statutory and non-statutory consultees, and all interested parties, including all three ward members, the local MP, the Adel and Wharfedale Labour Party, the Cookridge Residents Action Group (CRAG) and local residents, have been fully considered and taken into consideration. It is noted that the overwhelming number of comments from interested parties have been in objection to the scheme. However, it is noted that a significant number of those matters raised by objectors relate to matters of principle which were addressed at the outline stage and should not be revisited as part of the reserved matters application. Of those objections raised in relation to the detailed reserved matters of layout, scale, appearance and landscaping, many of which relate to areas of concern shared by the Council, the applicant has responded positively to revise the scheme as appropriate. It is considered that the end result is a positive scheme for the site which has addressed all the relevant matters.
- 12.8 Taking the above and all other material planning considerations put forward into account it is therefore considered that the proposal should be recommended for a planning approval.

Background Papers:

Application file;

Certificate of Ownership.



15/04884/RM

SOUTH AND WEST PLANS PANEL



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