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## NORTH AND EAST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 6th September, 2018  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

S Arif  
R Grahame  
D Jenkins  
E Nash  
K Ritchie  
N Walshaw  
(Chair)  
A Wenham

D Collins  
S Seary  
G Wilkinson

M Dobson

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**Agenda compiled by:**  
**Debbie Oldham**  
**Governance Services**  
**Civic Hall**  
**Tel: 0113 3788656**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 9TH AUGUST 2018</b></p> <p>To approve the minutes of the meeting held on 9<sup>th</sup> August 2018.</p>	3 - 12
7	Chapel Allerton		<p><b>18/02283/FU DEMOLITION OF VACANT DEPOT BUILDING; CONSTRUCTION OF A NEW PRIMARY/SECONDARY SCHOOL; FOOTBRIDGE CROSSING BARRACK ROAD; MULTI-USE GAME AREAS (MUGA), SPORTS PITCHES, HARD AND SOFT LANDSCAPING, CAR/CYCLE PARKING, ALTERATIONS TO SITE ACCESS; LANDSCAPING AND BOUNDARY TREATMENTS DIXONS TRINITY CHAPELTOWN LEOPOLD STREET, CHAPELTOWN, LEEDS, LS7 4AW</b></p> <p>The report of the Chief Planning Officer asks Members to consider the demolition of vacant depot building; construction of a new primary/secondary school; footbridge crossing barrack road; multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/cycle parking, alterations to site access; landscaping and boundary treatments at Dixons Trinity Chapeltown Leopold Street, Chapeltown, Leeds, LS7 4AW.</p> <p>(Report attached)</p>	13 - 34

Item No	Ward	Item Not Open		Page No
8	Wetherby		<p><b>17/05137/FU - ERECTION OF NINE HOUSES, LAYING OUT OF ACCESS ROAD WITH ANCILLARY CAR PARKING AND LANDSCAPING; DEMOLITION OF EXISTING BUNGALOW AND OUTBUILDINGS WELBURN COTTAGE DEIGHTON ROAD, WETHERBY, LS22 7QF</b></p> <p>To consider the report of the Chief Planning Officer for the erection of nine houses, laying out of access road with ancillary car parking and landscaping; demolition of existing bungalow and outbuildings at Welburn Cottage Deighton Road, Wetherby LS22 7QF.</p> <p>(Report attached)</p>	35 - 48
9	Alwoodley		<p><b>18/03496/FU - AMENDMENT TO CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 15/00648/FU TO ALLOW CHANGES TO THE ELEVATIONS IN ORDER TO REGULARISE DETAILED VARIATIONS FROM THE PLANS AS APPROVED. FORMER SITE OF 264 ALWOODLEY LANE, ALWOODLEY, LEEDS, LS17 7DH</b></p> <p>To receive the report of the Chief Planning Officer for an amendment to condition 2 (approved plans) of planning permission 15/00648/FU to allow changes to the elevations in order to regularise detailed variations from the plans as approved at Former Site Of 264 Alwoodley Lane, Alwoodley, Leeds LS17 7DH.</p> <p>(Report attached)</p>	49 - 60

Item No	Ward	Item Not Open		Page No
10	Moortown		<p><b>18/03601/FU - RETROSPECTIVE AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 15/05529/FU FOR ALTERATIONS INCLUDING RAISE ROOF HEIGHT TO FORM TWO STOREY, FIRST FLOOR AND SINGLE STOREY EXTENSIONS TO REAR AND BOTH SIDES AND NEW FIRST FLOOR WINDOW TO SIDE 41 NUNROYD ROAD, MOOR ALLERTON, LEEDS, LS17 6PH</b></p> <p>The report of the Chief Planning Officer seeks a retrospective amendment to previously approved application 15/05529/FU for alterations including raise roof height to form two storey, first floor and single storey extensions to rear and both sides and new first floor window to side at 41 Nunroyd Road, Moor Allerton, Leeds, LS17 6PH.</p> <p>(Report attached)</p>	61 - 70
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>The next North and East Plans Panel will be Thursday 11<sup>th</sup> October 2018 at 1:30pm.</p>	

#### **Third Party Recording**

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

Use of Recordings by Third Parties– code of practice

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

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To all Members of North and East  
Plans Panel

**Planning Services**

Merrion House  
Merrion Centre  
Leeds

Contact: Adam Ward  
Tel: 0113 378 8032  
adam.ward@leeds.gov.uk

Our reference: NE Site Visits  
Date: 29<sup>th</sup> August 2018

Dear Councillor

**SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 6<sup>TH</sup> SEPTEMBER 2018**

Prior to the meeting of the North and East Plans Panel on Thursday 6<sup>th</sup> September 2018 the following site visits will take place:

Time	Ward	
10.00am		Depart Civic Hall
10.20 - 10.35am	Harewood	17/08451/OT – Land off Rakehill Road, Scholes
10.55 – 11.05am	Wetherby	17/05137/FU – Wellburn Cottage, Deighton Road, Wetherby
11.30 – 11.40am	Alwoodley	18/03496/FU – 264 Alwoodley Lane, Alwoodley
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10.00am. Please notify Adam Ward (Tel: 378 8032) if you wish to take advantage of this and meet in the Ante Chamber at 9.55am. If you are making your own way to the site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

Adam Ward  
North East Team Leader  
www.leeds.gov.uk

general enquiries 0113 222 4444



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## NORTH AND EAST PLANS PANEL

THURSDAY, 9TH AUGUST, 2018

**PRESENT:** Councillor N Walshaw in the Chair

Councillors S Arif, D Collins, M Dobson,  
R Grahame, D Jenkins, E Nash, K Ritchie,  
S Seary, A Wenham and G Wilkinson

### 26 **Declarations of Disclosable Pecuniary Interests**

There were no declarations.

### 27 **Minutes**

**RESOLVED** – That the minutes of the meeting held on 5 July 2018 be confirmed as a correct record.

### 28 **Matters arising from the Minutes**

With regard to concerns raised by Councillor R Grahame regarding politicised comments during the discussion on Application 16/05185/FU – 39 Austhorpe Road, Crossgates, Leeds; it was reported that a response was forthcoming.

Further to Minute No.20, Application 18/01769/FU – Swillington Organic Farm, Coach Road, Swillington, Leeds, it was reported that further correspondence had been received from Mr Bullock who had spoken in objection to the application. The Chair and Group Manager would respond.

### 29 **18/02283/FU - Position Statement - Demolition of vacant depot building; Construction of a new primary / secondary school; footbridge crossing Barrack Road; Multi-use Game Areas(MUGA), Sport pitches, Hard and soft landscaping, Car/cycle parking, Alterations to site access; Landscaping and boundary treatments Dixons Trinity Chapeltown, Leopold Street, Chapeltown**

The report of the Chief Planning Officer provided the Panel with a position statement with regards to the demolition of vacant depot building; construction of a new primary/secondary school; footbridge crossing Barrack Road; multi-use games area (MUGA); sports pitches; hard and soft landscaping; car/cycle parking; alterations to site access; landscaping and boundary treatments at Dixons Trinity, Leopold Street, Chapeltown.

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

Further issues highlighted included the following:

Draft minutes to be approved at the meeting  
to be held on Thursday, 6th September, 2018

- The proposal was for the building of a through school with 420 primary places and 560 secondary places at the site on either side of Barracks Road, Chapeltown.
- The application had recently been re-publicised due to amendments to the proposals including the introduction of a footbridge.
- The public consultation phase was ongoing.
- Further issues had been raised by Ward Members. These included the height of the proposed building, highways concerns and relationship to existing residential properties. Whilst it was recognised there was a need for more school provision it was felt that a better solution could be found.
- There was a need to progress the application as it was hoped to open the school in September 2019.
- The option to have a two building solution was dismissed by the applicant.
- Proposed layout of the site and buildings, including parking areas were shown.
- Access arrangements.
- Layout for the proposed footbridge.
- Protected trees – there was discussion to retain some of these on site and those on the boundary would largely be retained.
- The building design would have recessed areas to give the impression of bays and break down the apparent massing of the building.
- Internal layouts were explained.
- Relation to the proposed adjacent residential development.
- The closest point between the school and proposed residential development was approximately 14.5 metres and was felt compliant in terms of this.
- There would be no overshadowing of the residential properties but some shading of garden areas on an evening.
- Highways mitigation works including the introduction of crossings and keep clear markings.

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

- It was felt that the proposals were insensitive and had been developed without proper consultation.
- A three storey building was out of proportion to the residential character of the neighbourhood.
- There would be shadowing of gardens.
- Play areas would be facing residential properties and cause disturbance.
- Many of local road users and pedestrians in the vicinity were likely to be vulnerable and there was already significant traffic and parking issues in the area.
- The justification for the loss of greenspace was not convincing.

- Many of the objections would be withdrawn if plans were amended to have separate primary and secondary schools on separate sites.
- In response to questions from the Panel, the following was discussed:
  - It was recognised there was a need for school provision in the area.
  - It was felt that children travelling from Harehills and other places would be brought by car due to busy roads that could be dangerous to cross.
  - Concern regarding the building overlooking residential properties.
  - Traffic management and responsibility for managing this.

The applicant's representatives addressed the Panel. Issues highlighted included the following:

- A background of the Dixons Academy trust and its school provision in Leeds and Bradford.
- The associated benefits of having a through school with primary and secondary provision together.
- The temporary school provision on site had already been opened due to exceptional circumstances. There was a clear need for a permanent school.
- The design had evolved to compliment the proposed adjacent housing scheme.
- Staggered start and finish times would ease potential highways and parking problems.
- The NPPF supported the provision of new state schools.
- In response to questions from the Panel, the following was discussed:
  - Alternative layouts had been considered. The northern site had challenges including the high number of protected trees and changing land levels.
  - The site had been designed to give the primary aged children the maximum outdoor space without having to cross the road/footbridge at any time.
  - Access and arrangements for community use of facilities.
  - Consultation – letters had been sent to all local residents, Ward Members and the local MP. There had been a public consultation event which was widely advertised.
  - There would be difficulties to move or alter the proposed footprint of the building due to protected trees and changes in levels. This could increase the height in places and have a further impact on residential properties.
  - The closest point of the building to housing was 14 metres which was within policy guidelines.
  - Senior staff and management staff would manage traffic and parking. There was potential for arrangements for dropping off points to be aligned with the proposed footbridge.

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

- Landscaping to the west of the site – this was already landscaped and it was proposed to retain as many trees in this area to soften the impact of the development. There could be scope to slightly adjust the position of the building.
- Concern regarding parking at school start and finish times. It was acknowledged that there would be problems at peak times but there were wide carriageways and there would be introduction of traffic regulation orders where necessary.
- Members gave the following responses to questions outlined in the report:
  - The principle of development at the site was considered to be acceptable.
  - With regard to the design approach, the main area of concern related to the massing of the school building and its relationship to the boundary with the proposed housing development. It was requested that this relationship be re-visited and ways be looked at to mitigate the impact including looking at revising the siting of the building and planting and acoustic fencing to the common boundary. Concern was also expressed in respect of the treatment of the front elevation of the building.
  - It was requested that consideration be given to swapping the primary and secondary playgrounds so that the latter was adjacent to the housing scheme.
  - Proposals for the footbridge were supported and it was requested that the provision of a drop off/collection area on that part of the site to the west of Barrack Road be explored. It was also requested that further information be provided in respect of Traffic Regulation Orders in the vicinity of the Leopold Street entrance.
  - Members were content with the proposals in respect of tree retention and removal.
  - It was requested that the application be brought back to Panel for determination.

**RESOLVED** – That the report and discussion be noted.

**30 17/06402/FU - Detached dwelling land adjacent to 36 West Park Avenue, Roundhay, LS8 2EB**

The report of the Chief Planning Officer presented an application for a proposed detached house at land adjacent to 36 West Park Avenue, Roundhay, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

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

- The site was unusual as it was a side garden area that had taken in part of an unadopted road which had previously been used as a cut through.
- There had previously been 5 appeals with regards to applications at the site, 4 of which had been dismissed.
- Key consideration needed to be given to the design and spatial setting.
- There had been further objections since the publication of the report – a summary of these was highlighted.
- The proposals were for a two storey detached house with a single storey element to the rear.
- Materials to be used.
- The design had taken account of issues that had been raised at the previous appeals.

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

- The proposed building was at a ninety degree angle to the rest of the street and higher due to the width of the property and narrow footprint.
- A condition to the application would remove permitted development rights to rear extensions and out buildings.
- Concern regarding roofing materials being different to the rest of the street.
- The previously approved appeal application was out of time for development.

**RESOLVED** – That the application be granted subject to the conditions outlined in the report and the following conditions:

- Protection and retention of boundary hedge to the front.
- Details of the junction (bell mouth design) of West Park Road and West Park Avenue to be submitted and agreed.
- Condition 3 to require roofing materials to be of a similar colour to neighbouring properties.

**31 18/00690/FU - Demolition of existing building and construction of six dwellings with associated works and new access former Garforth Clinic, Lidgett Lane, Garforth**

The report of the Chief Planning Officer presented an application for the demolition of an existing building and construction of six dwellings with associated works and access at the former Garforth Clinic, Lidgett Lane, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

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

- There was a mix of residential properties in the area.
- The site was currently occupied by single storey buildings and had been vacant since January 2016.
- A previous application for eight dwellings (reduced to seven) had been refused. This was currently at appeal.
- The proposal was for a mix of three, four and six bedroom dwellings.
- All properties would have a minimum of two car parking spaces.
- The properties would include three storey buildings.
- Representations had been received from Ward Members and local residents. These included concerns regarding impact on highways, flood risk and loss of health provision.
- With regard to flooding it was reported that there was currently no control of surface water. This scheme would provide improved drainage.
- The applicant was happy to retain the boundary hedge. There would need to be a breach in this for access.
- The application was recommended for approval.

Councillor Dobson recused himself and spoke alongside a local resident and addressed the Panel with concerns and objections regarding the application. These included the following:

- The proposals led to over development of the area, especially with the associated highways issues.
- Over dominance of properties on Lowther Grove.
- There was a severe flooding history in the area with regular flooding events.
- The proposals would lead to further problems with parking in the area.
- The proposals were not in compliance with policy.
- In response to questions from Members, the following was discussed:
  - It was not felt that the flooding situation would be improved especially as there would be more hard surfaced areas.
  - The addition of more domestic properties was likely to increase problems that had happened with overflow of foul water waste.
  - Infill housing at this site would add to the burden of the existing infrastructure.

The applicant's representative addressed the Panel. The following was highlighted:

- The proposals were modest for a site of this size and there was a reasonable distance from properties on Lowther Grove.
- There had been negotiations with highways and amendments to satisfy highway safety concerns.
- The proposals did give opportunity to manage and control drainage from the site.
- In response to Members questions, discussion included the following:
  - The properties would be family houses.

- The larger properties would not necessarily be used as six bedroom properties. Rooms could be used for other purposes such as office space or storage.
- Alternative arrangements for siting the garage at Plot 2.

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

- With regard to the proposals not being compliant with Core Strategy policy H4 (Housing Mix) it was reported that this tended to apply to larger scale developments.
- There had been discussions with Yorkshire water regarding foul water drainage. Further discussion was needed to clarify a condition that would optimise the delivery of a successful scheme.
- On site water would run off to underground storage tanks.
- It was suggested that a condition be included for each of the properties to have a water butt.
- Further discussion with Yorkshire Water regarding a condition for foul water drainage.
- Withdrawal of permitted development rights in relation to Plot 6.

**RESOLVED** – That the application be granted subject to the conditions outlined in the report, officers agreeing the wording of foul water drainage conditions with Yorkshire Water and the additional conditions:

- Provision of water butts.
- Withdrawal of permitted development rights in respect of extensions to Plot 6 and for the change of use from dwelling to a House in Multiple Occupation

**32 18/02400/FU - Detached House with detached garage land opposite 130 and 132 Main Street, Shadwell LS17 8JB**

The report of the Chief Planning Officer presented an application for a detached house with detached garage at land opposite 130 and 132 Main Street, Shadwell, Leeds.

Members visited the site prior to the meeting. Site plans and photographs were displayed and referred to throughout the discussion of the application.

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

- Local Ward Members requested that the application be considered by Panel due to impact on the Conservation Area, residential amenity, listed buildings and highways.
- There was a variety of properties on the streetscene, many were stone fronted that made a positive contribution to the area and some were listed buildings.
- The site was previously used as a garden space and parking for 56 Ash Hill Drive which was to the rear.

- The majority of the site fell within the Conservation Area.
- There were some trees proposed for removal from the site.
- The proposed property would be constructed of stone and conditions would ensure the materials were in keeping with the surrounding areas.
- There had not been any objections from the Conservation Team.
- Highways did not expect any road safety issues.
- The boundary wall would be moved inwards which would widen the pavement and improve access.
- Trees within the site to be removed were considered to be of a low quality.
- The application was recommended for approval.

Local residents addressed the Panel with concerns and objections to the application. These included the following:

- Concern that there had not been any discussion with the Conservation Team prior to recommending the application for approval. It was felt a full a full conservation appraisal should be carried out.
- The boundary hedge needed to be retained and needed a protection area for its roots.
- The traffic report was flawed – the parking strip was for the use of 153 Main Street and not 56 Ash Hill Drive
- The report did not address the impact on the adjacent listed building. The excessively large proposed building and garage would block views.
- The housing benefit was only modest and did not offer affordable housing and should therefore be rejected.
- Effects on amenity of surrounding properties including outlook and overshadowing.
- In response to Members questions, the following was discussed:
  - The Shadwell Neighbourhood Plan was still under development.
  - The high garage roof would obstruct long distance views.

The applicant addressed the Panel. Issues highlighted included the following:

- The building would be constructed with reclaimed stone and slate and would be a high quality design for the conservation area and proximity to listed buildings.
- It was intended to retain the boundary hedges.
- The land was formerly under ownership and use of 56 Ash Hill Drive. The applicant now owned the land.
- The proposals all met guidance contained in Neighbourhoods for Living document.
- In response to Members questions, the following was discussed:
  - The garage height had been kept to a minimum with a pitched roof, there was some possibility of moving it within the site.
  - It would be possible to move the building a little further forward but this would lose the vehicle turning area.



- The current use for parking by the occupant of 153 Main Street was at the applicant's generosity.

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

- The Shadwell Neighbourhood Plan was currently at pre-submission stage and could only be afforded limited weight.
- Concerns regarding road safety during construction – there could be conditions to the application to resolve any safety issues.
- It was not felt that the proposals were oversized when the rest of the streetscene was taken into consideration.
- Whether the roofline of the garage could be lowered or a flat roof be used.

**RESOLVED** – That approval be deferred and delegated to officers subject to the suggested conditions and:

- A revised plan received that reduces the pitch of the garage roof.
- An additional condition requiring the submission of a construction management plan.

### **33 Village / Town Green application - Land at Gledhow Field, Gledhow Primary School**

The report of the Chief Planning Officer informed Members of a report that had been received from the Inspector following a public inquiry into the application to register land at Gledhow Field, Gledhow Primary School, Roundhay as a Town or Village Green under the provisions of Section 15(1) of the Commons Act 2006.

Members visited the site prior to the Meeting and site plans and photographs were displayed and referred to throughout the discussion.

Members were asked to determine if the recommendation contained in the Inspector's report should be accepted and the application to register land at Gledhow Field as a town or village green be rejected.

It was reported that an application was submitted in August 2015 to register land at Gledhow Field as a Town or Village Green. The Council as landowner along with Gledhow Primary School were the principal objectors to the application along with approximately 350 additional objectors. The Panel subsequently authorised the appointment of an Inspector to undertake a public inquiry and this was held in December 2017.

Members were informed of the applicant's need to pass the required statutory tests to prove their case on the balance of probabilities. If they fail to do this then the case should be rejected. Details of the statutory tests were outlined in the report and a brief synopsis was given. Members were informed of the applicant's need to prove that the land had been used as of right for sports and pastimes for a period of at least twenty years prior to and including the date of application.

Members' attention was brought to the different limbs of the statutory requirements that needed to be satisfied and reference was made to the Inspector's findings on these during the Inquiry.

The Inspector concluded that the applicant had not succeeded in making out the case that the site or any part of it should be registered as a Town or Village Green and therefore recommended that the application to register the land be rejected.

**RESOLVED** – That the Inspector's recommendation that no part of the land known as Gledhow Field be added to the register of Town and Village Greens be accepted.

**34 18/03697/FU - Garden room to rear 53 Burnhall Road, Garforth LS25 1LA**

The report of the Chief Planning Officer presented an application for a garden room to the rear of 53 Burnham Road, Garforth Leeds.

Site Plans and Photographs were displayed and referred to throughout the discussion of the application.

The following was highlighted.

- The application had been referred to Panel as the applicant was an employee of the Development Department.
- The application was for a single story garden room which would be situated to the rear of the property behind an existing garage building.
- There had not been any objections for local residents.

**RESOLVED** – That the application be granted and subject to the conditions as outlined in the report.

**35 Date and Time of Next Meeting**

Thursday, 6 September 2018 at 1.30 p.m.



Originator- Nigel Wren  
Tel: 0113 3788080

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 6<sup>th</sup> September 2018

**Subject: 18/02283/FU - Demolition of vacant depot building; construction of a new primary/secondary school; footbridge crossing Barrack Road, multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/cycle parking, alterations to site access; landscaping and boundary treatments.**

APPLICANT	DATE VALID	TARGET DATE
Wilmott Dixon Construction Ltd	12 <sup>th</sup> April 2018	14 <sup>th</sup> September 2018

<p><b>Electoral Wards Affected:</b></p> <p>Chapel Allerton</p> <p><input type="checkbox"/> Yes Ward Members consulted (Referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION: To defer and delegate approval of planning permission to the Chief Planning Officer subject to the completion of a S106 agreement requiring a travel plan monitoring fee, bus stop improvements and subject to the following conditions:**

1. Time Limit;
2. Plans to be approved;
3. Materials;
4. Surface materials
5. Tree protection
6. Method statement
7. Landscaping details
8. Landscape aftercare
9. Updated travel plan
10. Cycle storage
11. Surface and seal
12. Dust controls
13. Wheel washing

14. Off-site highway works
15. Parking / service management strategy
16. Detailed layout and design of car park for pick up and drop off
17. Surface water discharge rates
18. Drainage methods
19. Oil interceptor
20. Hours of construction - 0800 - 18.00 Monday to Friday, not before 09.00 or after 13.00 Saturday, nor at any time on Sundays and Bank Holidays
21. Land contamination conditions
22. Noise control
23. Ventilation / Plant installation
24. Construction and Environmental Management Plan
25. Biodiversity Enhancement Management Plan
26. Bat roosting / Bird nesting features
27. Method statement for the treatment of Japanese Knotweed
28. Detailed design and method statement for the construction of footbridge
29. Assessment of ground conditions /sports pitch to Sport England's specification
30. Design / layout details of MUGA to Sport England's specification
31. Community use agreement

## **1.0 INTRODUCTION**

- 1.1 This report follows the presentation of a position statement at Plans Panel held on 9<sup>th</sup> August 2018. At that meeting, members raised a number of issues that the applicant has subsequently sought to address (see sections 5 and 6 below).
- 1.2 This application has been submitted by Wilmott Dixon Construction on behalf of Dixons Trinity Academy for the demolition of vacant depot building; construction of a new primary/secondary school; a new footbridge crossing Barrack Road, multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/cycle parking, alterations to site access; landscaping and boundary treatments. The application is brought about in order to respond to pressure to deliver sufficient pupil places in the surrounding area.
- 1.3 A recent application for temporary primary school provision was approved on part of this site under planning reference 17/02582/FU to provide primary school places. A subsequent application under planning reference 18/01273/FU was also approved to provide temporary school place for secondary provision. These temporary units are located to the north of the site with direct access off Leopold Street and will all be removed from the site following the completion of the proposed development, if consent is granted.
- 1.4 At the time of the initial application for the temporary accommodation, a masterplan was produced for the site indicating two schools buildings on either side of Barrack Road. This application is a departure from that initial concept which is now for a single building. The proposed through school will provide accommodation for 980 pupils and will be located on a split site either side of Barrack Road with the main school building situated to the north of the Barrack Road. The southern parcel of land would provide car parking and formal sports provision for secondary school children.

## **2.0 PROPOSAL**

2.1 The application is for the erection of a three storey building and associated works to create a through school for 4-16 year olds to provide 980 places. The proposed works also require the demolition of a vacant industrial building, footbridge, multi-use games area, sports pitches, landscaping, car and cycle parking, alterations to the site access and boundary treatment works.

### 3.0 **SITE AND SURROUNDINGS**

3.1 The application site comprises of two parcels of land forming 2.58 hectares of land in total. The first parcel, to the north of Barrack Road is mainly residential in character. The site contains land previously used as a playing pitch fronting onto Leopold Street and currently contains a number of portacabins associated with the temporary use of this site as a school. There are mature trees around the perimeter of the site including a number of Ash and Sycamore trees along the Leopold Street frontage. 2m high metal palisade fencing encloses the site to the front, and both sides (east and west). To the rear is a large brick wall, beyond which are the former Council offices which have been recently demolished and cleared. To the west is a Sure Start Children's Centre, while to the east is (Frankland Place) beyond which is a medical centre. To the north of the site on the opposite side of Leopold Street are 2 storey red brick dwellings.

3.2 The second parcel of land lies to the south of Barrack Road and is commercial in character comprising of the former Leeds City Council 'Roseville Depot' building and associated hardstanding and landscaped area. The building has been closed for a number of years. Access to the depot is gained from Roundhay Road.

3.3 Although not part of the application site, but shown within the (blue line boundary) to the south west, is an all-weather football pitch, games court, changing pavilion and car park for up to 13 vehicles. These sports facilities formed part of Leeds City College Thomas Danby Campus, which was situated to the south of the site until the site was cleared and redeveloped.

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

4.1 18/01273/FU - Installation of a temporary single storey classroom cabins, the formation of a new hard play area, staff parking and vehicular access. Approved 23.5.18

17/02585/FU -Temporary 90 pupil primary school. Approved 26.6.17

17/02730/FU – Site to the immediate the south. Co-housing scheme comprising 28 dwellings, 1 x 5-bedroom HMO, and common house; 30 apartments for over 55s; and four self-build plots (63 units in total), with associated access and landscaping. Approved 20.10.17

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

5.1 Detailed discussions have taken place with the applicant in relation to the siting and design of the building, highway safety issues as well as the likely impact of parental / visitor parking on the highway network in the vicinity of the proposed school and the extent of tree loss.

5.2 The original submission included the introduction of a new signalised pedestrian crossing on Barrack Road. A Stage 1 Safety Audit and Designer's Response was

submitted in support of the proposals. The council's highway engineer did not accept this solution due to the fact that large groups of pupils would need to cross Barrack Road to access play space, at the same time and within a confined space. For the reason of highway safety concerns this element of the scheme was considered to be unacceptable. As a consequence the applicant has amended the scheme to remove the surface level crossing and to replace it with a footbridge crossing. As this is a significant and material amendment to the scheme, the description of the application was amended and re-publicised by means of site notice on the 23<sup>rd</sup> July 2018.

- 5.3 In regard to the design concerns which have been raised, these related to the general scale and massing of the building looking large and heavy. Design advice offered suggested that the building should be 'broken down' in some way to lessen the overall impact. It was also raised that the siting of the building does not respond in an ideal manner to the site. The building is, for example, sited almost right up to the main road. The applicant was therefore advised that a building of this size would benefit from some spatial relief around it to allow it to sit better within the site.
- 5.4 Issues were raised in terms of the schools visual appearance and that it should appear welcoming particularly for the early years pupils. It was noted that the original submission resembled an office type development and was too monolithic. Further issues were also raised in respect of the loss of tree cover and loss of habitat.
- 5.5 In this context, and to help address these issues the applicant was asked to revert back to the original concept of two buildings with no direct access off Barrack Road. This would obviate the need for a new crossing pedestrian or footbridge in this location. This would also engage with the other issues in relation to design, scale and massing and loss of trees.
- 5.6 In response the applicant has stated that the two building option is contrary to the teaching ethos of the academy. In a supporting statement received from the academy the following comments are made:

*'Dixons Trinity Academy and Primary (both Ofsted outstanding) share one building, one mission and one outstanding educational offer for children in Bradford. Dixons Trinity Chapeltown will do the same in Leeds. Dixons Trinity Chapeltown is one school with one culture from 4-16: all children will succeed at university, thrive in a top job, and have a great life.'*

*Placing 8th nationally for Progress 8 and 3rd nationally for disadvantaged students, Dixons Trinity Academy is the highest performing state school across Leeds and Bradford. Our secondary school and primary school in one building is recommended by 100% of our families, and 100% of our students are proud to attend Dixons Trinity Academy. We are oversubscribed by 12 applications for every place.*

*Just as the best independent schools share the all-through model in order to deliver exceptional education, so too do Dixons Trinity Academy and Dixons Trinity Chapeltown.*

*At Dixons Trinity Academy, as our results show, the children who need us most make the most progress. We are able to achieve this because we share our building. Every day, primary students can access resources not normally available to a primary school, and secondary students can access ongoing specialist literacy and numeracy support.*

*The difficulties of transition from primary to secondary school do not happen. Dixons Trinity Chapeltown as an all through will be much smaller than an average secondary school; this will*

*ensure we can nurture every student right through their childhood. As an example, uniting the site in Chapeltown facilitates one of our unique features: Family Dining (where children collaborate as a family and learn to interact socially over lunch). It also ensures that no learning time is lost in transitions which would have to take place across a busy main road.*

*Our primary children will benefit from the leadership and mentoring of older pupils. Far from being afraid of older students, younger children become familiar with them, and in turn this fosters a sense of community and responsibility.*

*The building and location will be shared but there will be one entrance for primary and one for secondary. The students will share a building but how they collaborate will be planned. The children will always be safe. Any economic efficiencies of the all-through model, which we estimate to be around £300K each year, are not savings: they are directed back to students and deliver outcomes.*

*In order to provide the very best education and life-chances for the children of Chapeltown, we must be united on one site, under one set of common values, creating a true community. Outstanding all-through educational provision will be transformational and sustainable. This is more than a great start – this is our mission to deliver a great life for the children of Chapeltown.'*

## **6.0 Response following Member Comments 9<sup>th</sup> August Plans Panel – position statement submissions**

6.1 Although Panel Members supported the principle of a one building solution together with the provision of a footbridge spanning Barrack Road, the following concerns were raised by Members:

- Layout of the building and to consider whether or not an alternative design could be developed.
- Rotation of key stage 1&2 external play space to the west of the building.
- Parental drop off from the Leopold Street entrance.
- Proposed draft details of off-site highway mitigation measures to be provided.
- Maximise planting along the south eastern section of the site to help improve the relationship with potential future housing development.
- Consideration of pick up and drop off arrangements from the Roundhay Road entrance.
- Sustainability of the building.

### **Applicant's response**

6.2 The applicant was asked to consider changing the rectilinear form of the building by stepping the northern section closer to the western boundary. The issue however is the need to maintain dedicated external play space for secondary provision as well as protecting the integrity of the trees along the boundary of the site some of which are protected by TPO.

6.3 As an alternative the layout of the building has been modified and moved further west by some 3m. The effect of this is to increase the pinch point to the prospective housing to the east to create a separation distance of some 17.5m. In turn this introduces a wider landscaping strip along part of the eastern boundary which is to be supplemented by landscaping and the provision of 1.5m acoustic fence positioned within the site to help improve the perception of overlooking and reduce noise levels.

- 6.4 In terms of rotating the external play space there is insufficient external play on the western flank to satisfy the requirements for primary provision, this is also exacerbated by the fact that the building has been moved closer to the western boundary by some 3m, albeit it does provide further scope for additional landscaping and screening.
- 6.5 In terms of providing a dedicated parent pick up and drop off facility off Leopold Street it is considered that there is insufficient space for this to work in practical terms and this would lead to further congestion and vehicles backing up on to the main access road. As an alternative the parking area off Roundhay Road has been extended from 106 car parking spaces to 138 spaces with the layout modified to include a drop off layby. In addition draft off-site highway mitigation measures have also been provided. In terms of sustainability issues the applicant has confirmed that they are content for a condition to be imposed requiring an energy plan showing the percentage of on-site energy that will be produced by low and zero carbon technologies.

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was initially advertised by site notice as a departure on 4<sup>th</sup> April 2018 and subsequently on 23<sup>rd</sup> July 2018 following a change to the description of the proposal to include a footbridge across Barrack Road. At the time of writing 68 representations have been received. All of which are objections to the proposal.
- 7.2 Although Ward Members do not object to the principle of development and welcome the additional school places, they do object to the change from the original concept from a two building solution to a single building arrangement. As a consequence Ward Members object to the likely impact this will have on the living conditions of prospective residents on an adjoining parcel of land which has the benefit of planning permission for a residential development. Concerns are also raised in respect of the highway implications onto residential streets and the likely congestion associated with such a development. Following the re-advertisement of the application, Ward Members have reaffirmed their objection to the scheme on the grounds stated above and that the proposed design changes have not addressed their concerns.
- 7.3 An objection has been received from the local MP who accepts the need for additional school places in the area but raises concerns in relation to the fact that the size of a single building will harm living conditions of surrounding and prospective residents, leading to loss of light and privacy. Further issues are raised in relation to inadequate car parking and drop off facilities leading to congestion, air pollution and highway safety issues.
- 7.4 A petition has also been received containing 437 signatures who object to the development on the grounds that the building is sited on one side of Barrack Road instead of a split site, increased traffic, road safety issues, pollution, loss of accessible community space.
- 7.5 The remaining letters of objection repeat the concerns above and include concerns over the size and design of the building, land levels, loss of trees, road safety concerns, increased congestion and parking on the surrounding highway network.

## **8.0 CONSULTATIONS RESPONSES:**



## 8.1 Statutory

Sport England – No objection in principle subject to conditions

Non- statutory

Childrens Services – No objection. The development will provide additional primary and secondary school places to help the council meet its statutory duty.

Neighbourhoods and Housing – No objection in principle subject to conditions

West Yorkshire Police – No objection in principle

Flood Risk Management – No objections to revised drainage details subject to conditions

Environmental Studies – No objection

Highways – No objection in principle subject to highway mitigation measures and conditions.

Landscape – Concerns raised in relation to extent of tree loss and woodland cover

Design – Following changes made to the design of the building and elevational changes to reduce its scale and massing, the amendments result in an improved design solution compared to the original submission.

Nature Team – Concerns raised in relation to habitat areas and mitigation proposals will be required

Yorkshire Water – No objection subject to conditions

Travelwise - The submitted travel plan requires updating which can be covered by planning condition.

## 9.0 PLANNING POLICIES:

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 9.2 The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood development plan.

### Adopted Core Strategy

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

Policy E3: relates to the retention of existing employment land (and buildings). The policy states that development involving the loss of employment land and buildings in shortfall areas (of which the Roundhay Road site forms part of).

Policy P1: states that access to local community facilities including education is important to the health and wellbeing of a neighbourhood.

Policy P10: Seeks to ensure that new development is well designed and respect its context

Policy P12: relates to landscape and encourages the quality, character and biodiversity of townscapes is preserved or enhanced

Policy T2: Accessibility requirements and new development

Saved UDP policies:

9.4 Policy N6: states that development of playing pitches will not be permitted unless:

i. There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions; or,

ii. There is no shortage of pitches in an area in relation to pitch demand locally, in the context of the city's needs, and city wide, and development would not conflict

Policy BD2 Design and siting of new buildings

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

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23/N25: relates to space around buildings and boundaries to be designed in a positive manner

Policy: T24: relates to parking provision

Relevant Supplementary Planning Guidance includes:

- 9.5 SPG10 Sustainable Development Design Guide
- SPG13 Neighbourhoods for Living
- SPG22 Sustainable Urban Drainage
- SPD Street Design Guide
- SPD Designing for Community Safety
- SPD Travel Plans
- SPD Sustainable Design and Construction

National Planning Policy (NPPF)

9.6 The National Planning Policy Framework (2018) 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 NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

9.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the

weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

- 9.8 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.
- 9.9 Paragraph 92 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 9.10 Paragraph 94 attaches great weight to the need to create, expand or alter schools:
- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
  - work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 9.11 Paragraph 124 of the NPPF relates to the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

9.12 Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport network
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.13 In assessing school developments the decision maker must also be mindful of a policy statement issued jointly by the Secretary of State for Education and the Secretary of State for Communities and Local Government on 15th August 2011. This sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. It states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. It goes on to say that the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- i) There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- ii) Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

## 10.0 MAIN ISSUES

- Principle of Development
- Design and Visual Impact
- Impact on Residential Amenity
- Highways
- Landscape Issues

- Other issues
- Conclusion

## 11.0 APPRAISAL

### Principle of Development

- 11.1 The proposal involves a parcel of land allocated under saved Policy N6 in the RUDP (protected playing pitch) as a consequence Sport England have been consulted. It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.
- 11.2 Sport England has considered the application in the light of the National Planning Policy Framework (particularly Paragraph 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.
- 11.3 The proposal results in the loss of an area of playing field adjacent to Leopold Street, due to the proposed access and delivery and drop off area. With regard to the specific exception criteria above, Sport England would make the following comments:
- a) Exception E1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of both school and community playing pitch provision.
- b) Exception E2 – Not applicable. The proposals are not ancillary to the principal use of the site as a playing field.
- c) Exception E3 – In part applicable – there are parts of the playing field which due to the presence of trees and the irregular shape of the playing field, means that a pitch could not be marked out. However, this does not apply to all of the playing field being lost to the proposed development.
- d) Exception E4 – Not applicable. There are no current proposals to provide an equivalent or better replacement grass playing field.
- e) Exception E5 – The proposed MUGA is not on existing playing field and therefore this exception does not apply.
- 11.4 On the basis of the above, the proposed new school would not accord with any of the exceptions in Sport England's Playing Fields Policy. However, Sport England is mindful of the following characteristics that relate to this planning application:
- 11.5 Aerial images of the playing field, including historic aerial images of the site, show that it has not been formally marked out with a pitch for several years. The playing field is an irregular shaped site and therefore is only suitable to be used as a single pitch site. Parts of the playing field, due to the presence of trees and its shape, meet Exception E3 above.

- 11.6 The remaining area of playing field will be laid out with a high quality pitch (paragraph 6.9 of the Planning Statement). The pitch will be maintained by the by the Academy. A new multi-use games areas (MUGA) is proposed on the southern side of Barrack Road. A new two court sports hall is also proposed. The sports facilities, including the retained pitch, will also be subject to community use agreement.
- 11.7 In light of the above characteristics, Sport England is satisfied that there will be no harm to sport and recreation provision on the site and that the overall scheme will improve sporting opportunities and bring wider benefits to sport.
- 11.8 Further to the above assessment, Sport England does not wish to raise an objection to this application, subject to the imposition of the following planning conditions relating to an assessment of ground conditions and provision of replacement pitch, detailed design and layout of proposed MUGA and a community use agreement.
- 11.9 In respect of the demolition of the industrial building and loss of employment land, it is considered that as the land / building have been vacant for a number of years and no proposals have come forward for re-development / employment purposes, that the loss of this land for employment purposes will not cause any planning harm. Notwithstanding this it is understood that additional school places are required in this catchment area to enable the council to meet its statutory obligation in this regard and significant weight must therefore be given to this issue.
- 11.10 Against this background the principle of development is considered to be acceptable.

#### Design and Visual Impact

- 11.11 The proposal would create a new all-through school providing primary school and secondary school places in the Chapel Allerton area. The primary school element will provide 420 places for 4-11 year olds. It will include a range of teaching and learning facilities, classrooms and open plan breakout areas including a multi-purpose flexible hall. The secondary school element will provide 560 places for 11-16 year olds. It will include teaching and support facilities, halls, labs and a lecture theatre. Kitchen, plant and dining space are shared between the two parts of the school which provides both operational and functional benefits.
- 11.12 The proposed development will create circa 6,720sqm of new accommodation. The requirement to locate a building of this size in this location has been driven by the site constraints and the requirement to provide separate and distinct hard and soft play areas for primary age and secondary age pupils either side of the building, whilst also providing existing temporary accommodation to the north of the site.
- 11.13 The proposal is for a rectangular building footprint of approximately 90m in length by 30m wide and 13m high positioned to the north of Barrack Road orientated with long elevations running north to south. Revised plans received articulate a footbridge crossing spanning Barrack Road to link the site together. Land levels across the site do vary and indeed compared to the adjacent proposed housing development, the application site is more elevated and changes to raise these levels are proposed.

- 11.14 The proposal as originally submitted raised concerns due to its 3 storey massing looking heavy and unrelieved and resembling an office block, concerns in relation to the positioning of the building were also raised as it was considered that some form of spatial relief was required to enable it to sit better within the site.
- 11.15 The applicants' initial response to concerns raised in relation to the siting of the building and the option of creating some spatial relief by setting the building further back into the site, was to reaffirm the importance of providing a building line to Barrack Road and to help frame this frontage. Concerns were also raised by the applicant that shifting the floorplate of the building would also potentially encroach into the protected playing pitches to the north of the site. In response to Member comments following presentation of the position statement, the layout has been modified with the building repositioned 3m further to the west to increase spatial relief with the prospective housing development to the east. The configuration of the building remains unchanged due to design and operational constraints.
- 11.16 Equally, the proposed alteration to provide a footbridge to cross Barrack Road does however necessitate a building close to the edge and fronting onto Barrack Road not only to create a defined frontage to the streetscene, but to avoid the bridge being cranked and elongated. In turn this helps reduce the span of the bridge as well as the requirement for a stairwell and along its northern section. As such the visual impact of the footbridge is lessened albeit a prominent and functional feature. The indicative drawings show the footbridge linked and running off the third floor of the school and spanning Barrack Road. It is considered that issues relating to the detailed design and aesthetic treatment of such can be conditioned as part of the planning approval.
- 11.17 Furthermore, since the submission of the application, amendments have also been made to the design of the building by breaking down its scale and massing with the introduction of recessed slots to break down the long elevations. The effect of such is to read the building as if it is split into four bays to create a clear division and to help reduce the perceived scale and massing of such as well as adding articulation to the elevation.
- 11.18 The massing of the main school entrance is also articulated with timber above to break and help soften the mass of the building and to break down the elevation. The proposed materials palette of brick, timber and glazing help introduce create transition from solid to void.
- 11.19 In relation to the proposed works on the southern section of the application site, these works involve the demolition of an industrial building, the provision of staff parking, new MUGA and landscaping works. The building identified for demolition is of no architectural merit and its loss will cause no planning harm. It is considered that the proposed works within this part of the site will cause no visual harm or intrusion as public views into this part of the site are restricted due to land level changes, tree cover and the presence of other buildings.
- 11.20 Overall in visual terms, the revised arrangements are considered to be acceptable and address earlier Member comments and on balance there is no sufficient justification to warrant the refusal of the application on these grounds. The revised proposal would not be overly bearing or appear incongruous in its mixed commercial and residential context. The proposed scale and massing of the proposed building and supporting infrastructure are not out of keeping with the character of the immediate area. The proposed scale and massing of the building has been assessed in relation to its surroundings, the adjacent extant permission

for residential development, topography, and the general pattern of heights in the area as well as views, vistas and landmarks. It is considered that the proposal satisfies development planning policies P10, GP5 and BD2 in this regard and represents an acceptable design solution.

#### Impact Residential Amenity

- 11.21 The proposal is located within an area of mixed character formed by both residential and commercial development. The revised building footprint would be sited at its closest point some 17.5m with the shared boundary of the prospective residential development along the eastern boundary of the site, albeit there is no direct overlooking as this would face a gable as shown on the approved drawing. Additionally, due to the orientation of the proposed new school, which tapers into the site, the distance increases to some 50.5m to prospective dwellings where there would be views to principal elevations. It is considered that these separation distances to the actual dwellings exceed the spatial distances set out in the councils Neighbourhoods for Living design guide (albeit that the NFL relates specifically to residential developments but nevertheless the guidance is considered to be helpful).
- 11.22 It is accepted that the changes in land levels will exacerbate the perception of overlooking but given the separation distances involved to the nearest prospective dwellings and the scope to introduce a meaningful and robust landscaping, it is considered that this will also will help create a suitable visual screen.
- 11.23 Due to the orientation of the proposed building to the north west of the proposed residential development, and after taking into account proposed finished levels changes (some 4 metres) when compared to the nearest dwelling, as well as spatial separation distances, it is considered that any loss of sunlight into the dwellings would be negligible. Some shadowing will undoubtedly occur in summer evenings affecting gardens and amenity areas of some of the prospective dwellings but this would be no different to any other densely developed urban location and would cause no planning harm sufficient to warrant the refusal of this application.
- 11.24 The increase in pupil numbers will increase comings and goings in the area and this will increase noise levels. However this will be confined to a time when the ambient noise levels are also increased given the location of the development. Additionally and in response to Member concerns in relation to potential noise from the play area to be occupied primary school children, it is proposed that a 1.5m acoustic fence is to be provided to not only act as noise shield but also to provide a visual screen.
- 11.25 Consideration should also be given to the fact that if the site was not to be developed as a school, given it is prime brownfield land and close to the edge of the city centre, it would be developed in some form or another. On this basis, and taking into account the changes described above, it is considered that such a level of pupil numbers, together with related noise and any other associated comings and goings, will not cause any unacceptable or demonstrable planning harm to the living conditions of existing or future residents sufficient to warrant the refusal of this application
- 11.26 In assessing the impact the proposed development will have upon the living conditions of surrounding residents, it is considered that there is no direct overlooking /overshadowing issues and the separation distances are acceptable and comply with the guidance set out in the council's Neighbourhood for Living



Design Guide. The increase in pupil numbers will increase comings and goings in the area and this will increase noise levels. However this will be confined to a time when the ambient noise levels are also increased given the location of the development. It is also the case that if the site was not to be developed for a school, given it is prime brownfield land and close to the edge of the city centre, it would be developed in some form or another. On this basis it is considered that such an increase in pupil numbers, noise and any other associated comings and goings will not cause any unacceptable or demonstrable planning harm to the living conditions of existing or future residents.

- 11.27 Colleagues in Neighbourhoods and Housing have been consulted and have raised no objection to the principle of development subject to conditions. It is considered that planning conditions should be imposed to control construction management, wheel washing and dust controls. It is also suggested that an hours of use condition relating to the construction operation should also be imposed. Against this background it is considered that the living conditions of surrounding and prospective residents have been safeguarded in this regard and policy GP5 of the development plan is satisfied.

### Highways

- 11.28 The council's highway engineer has assessed the application and raises no objection to the principle of development.
- 11.29 The original submission proposed a surface level crossing Barrack Road to enable secondary school children to access sports pitches on the opposite side of the road from the school building. However it was considered that the crossing would lead to the build-up of significant traffic queues on Barrack Road, which would have potential negative effects on the operation of the adopted highway both up and downstream of the proposed crossing. In light of this situation, highway colleagues were unable to support the provision of a pedestrian crossing in this location.
- 11.30 As a consequence a proposed footbridge to span Barrack Road is now proposed. Colleagues in LCC Bridges have commented that the details submitted are limited and bridges section have not commented in respect of the appearance of the structure as this is an architectural/planning matter. Similarly, no comments have been offered on the functionality of the footbridge in terms of its capacity to cope with the expected peak footfalls which would be influenced by pupil numbers and building layout. The span appears to be approximately 25m, which is suitable for the indicatively shown steel truss. The bridge is shown as a fully clad structure, although it is not clear if it is roofed over. If this is the case Bridges would expect some form of windows/skylights or internal lighting. From a maintenance point it would be preferable to have the cladding in the internal face of the structure so that cladding repairs/replacement could be carried out from within rather than requiring external access. This would also reduce the risk to the highway user. It should be considered that the cladding may need to be replaced 2 or 3 times within the life of the structure, which will add to the whole life cost of the structure. The footbridge design options should be chosen to minimise the maintenance requirements. It should be noted that these comments are limited to the technical aspects of the footbridge proposal and there may be other consultees or technical requirements.
- 11.31 LCC Bridges are of the opinion that it would be acceptable to grant planning approval as long as there is a condition attached that it will also be necessary to obtain approval for the footbridge from the highway authority. The technical

approval authority will be the LCC Bridges Section, Bridges Manager. A further condition is also recommended to ensure that future maintenance and inspections are carried out to ensure compliance with the requirements of the Design Manual for Roads and Bridges (DMRB) and that this work is carried out by a suitably qualified and experienced organisation. Again, these comments are limited to the technical aspect of the footbridge proposal and there may be other consultees with requirements or conditions.

- 11.32 LCC Bridges would expect more detailed general arrangement drawings to follow as part of the technical approval process. The applicant should allow 2 to 3 months within their programme for the technical approval process. Construction of the footbridge and supporting elements should not commence on site until technical approval has been received and the AIP document and design and check certificates have been signed off by the LCC Bridges Manager.
- 11.33 LCC Bridges are of the opinion that the structure in its entirety should remain as part of the school and no part of it should be adopted by the Highway Authority. This has been influenced by the layout of the structure which makes it difficult to demarcate a logical boundary between the footbridge and the school building and also by the presence of the lift and associate plant and equipment.
- 11.34 In terms of wider highway issues, the proposed development includes two vehicle accesses from the adopted highway network. The vehicle access to the main school building will be provided by a priority junction with Leopold Street. This will facilitate access to the short stay visitor parking, disabled parking and the turnaround for servicing and deliveries. The dimensions of this access are sufficient to accommodate the manoeuvres of the largest vehicles that would be expected to visit the site, for example, refuse vehicles and buses. At the time of the earlier presentation of the position statement, Members requested that the concept of a pickup and drop off facility be explored off the Leopold Street access. It is considered however that given the limited available space that such a provision would not practically work in this location and this would lead to vehicles backing up on to Leopold Street itself causing congestion and conflicting vehicle manoeuvres.
- 11.35 The other vehicular access point will be provided from Roundhay Road. The initial layout showed this as serving a proposed staff car park and the school sports facilities located on the opposite side of Barrack Road. The access already exists and has previously been used as an entrance to a commercial/warehouse development. Following the presentation of the position statement, and in response to Member concerns, the layout of the car park has been amended to increase the number of car parking spaces to 138 and to provide a drop off and pick up layby. Although it is considered that the internal configuration of the car park requires some refinement the principle of increasing parking provision and introducing a pick up and drop off facility in this location is considered to be acceptable given it is an existing junction and its use as such will help alleviate parking pressures along Leopold Street and surrounding residential streets.
- 11.36 The servicing operations of the school would take place via the new vehicle access onto Leopold Street. A turnaround facility is included within the internal layout that would be capable of accommodating a refuse collection vehicle, a single decker coach or delivery vehicles. Accordingly, all of these vehicles would be able to enter and exit the school site in forward gear. Notwithstanding this, no details have been provided of kitchen deliveries or the timing/frequency of service/refuse vehicle visits. As such, it is considered that any approval should be subject to the implementation of a Car Park and Service Management Plan. The service

management plan will also seek to control the timing of deliveries and refuse collection vehicles (to outside the busy school pick-up/drop-off period) and coordinate the commercial vehicle visits (as far as practicable) to minimise the chance of two vehicles being on site at the same time.

- 11.37 The Council's Parking SPD advises that car parking provisions for school developments should be provided on the basis of 1 space per each FTE staff member. The proposed development is expected to employ 114 FTE staff members and a total of 146 car parking spaces are to be provided, made up of 5 visitor and 3 disabled bays off Leopold Street and 138 staff bays accessed off Roundhay Road. Against this background the proposed off-street car parking provisions would be in accordance with the requirements of the Parking SPD.
- 11.38 Colleagues in the council's Travelwise section have advised that the submitted travel plan will need to be amended as it does not currently comply with policy criteria. Insufficient cycle parking spaces have been provided. Long stay cycle parking provision would need to be provided within an enclosed/lockable shelter for security purposes. It is considered however that this matter can be resolved by means of a planning condition requiring an updated travel plan.
- 11.40 A Transport Statement Addendum (TSA) has been submitted that quantifies the levels of parental parking that could potentially be generated by the school during the morning arrival and afternoon departure times. Paragraph 2.4 of this document estimates that the number of vehicular trips by parents could be in the order of 235 vehicles in the morning and 235 during the afternoon departure period, made up of 133 primary school vehicles and 102 secondary school vehicles. However, this estimate is based upon the average travel data for all schools within the Leeds district and the TSA states that the actual number of parked parent vehicles at any one time would likely be much less than 235, for the following reasons:
- 11.41 The school would have a similar profile to an existing Dixons Academy within the Bradford district, where 70% of primary school children live within 0.3 miles of the school (and 90% within 1 mile) and 90% of secondary pupils live within 1.5 miles. This close catchment would mean that a large majority of pupils would walk/cycle to the school, therefore the predicted number of car trips is likely to be an over estimate of the actual demand.
- 11.42 The primary/secondary school arrival times would be staggered from each other. The secondary school pupils are expected to arrive at the academy between 07:15 - 07:55 with lessons starting at 08:00, whereas the primary school lessons would have a start time of 08:45, with the arrivals expected between 08:00 and 08:45. As such, during the morning, the secondary school parent cars would arrive/park within the local streets at a different time to the primary school cars.
- 11.43 There is a higher turnover of parking associated with secondary school pupils as these older students just need to be dropped off and do not need to be accompanied/walked to the school by the parent.
- 11.44 In the afternoon the primary school pupils would leave the site at 3:50pm, with the secondary students leaving from 4:05pm one class at a time. This would assist in spreading the parental parking demand over a longer period during the afternoon school departure time.
- 11.45 The school curriculum includes after school activities which would reduce the number of departures at the normal school finishing time. It is estimated that this

could equate to approximately 10% of the total vehicle trips during the afternoon pick-up period.

- 11.46 In light of the above information, it is considered that the peak parental parking demand would occur during the afternoon due to primary and secondary parents arriving at similar times and waiting within the local streets for the school to finish. During the morning, the staggered start times would mean that the parental parking demand for the primary/secondary elements would be largely separate from each other, resulting in a reduced number of parent vehicles being parked on-street at the same time.
- 11.47 Site visits carried out in connection with the planning application have revealed that most streets in the locality already accommodate a degree of on-street parking, with certain sections being heavily parked up (e.g. Leopold Street on the approach to Spencer Place). However, the streets are generally very wide and there are a number of connecting side streets which were seen to be less well used for parking purposes (and leading to other wide streets where parking would be possible).
- 11.48 The introduction of the proposed school would likely lead to the nearest streets filling up first with parents cars and then extending into the side roads; and spreading further into the roads beyond during the peak afternoon pick up period. As such, the local streets would become heavily parked up during the school arrival and (particularly) departure times.
- 11.49 However, on balance, it is considered that the parking conditions would be acceptable and the refusal of the application for this reason alone could not be justified. In view of the generous road widths and well connected street pattern, parking on both sides of the carriageway would be possible without obstructing the two way flow of traffic it is also considered that the parking congestion would be relatively short-lived, clearing up quite quickly after the school has started/finished for the day.
- 11.50 Additionally following previous Member comments, details have been received which show draft proposals of a package of traffic management measures along the site frontage with Leopold Street to provide a safe environment for pupils and road users, which include improved traffic calming features, pedestrian crossing points and parking restrictions. Other potential highway improvement measures along Spencer Place to improve an existing (informal) pedestrian crossing point, TROs and the upgrading of two nearby school service bus stops have also been provided. A third bus stop on Roundhay Road in the vicinity of the site is also to be upgraded.
- 11.51 On balance, after taking account of the above points and revisions to the application, it is considered that an objection on the grounds of an unacceptable increase in on-street (parent/visitor) parking would be difficult to justify.
- 11.52 Against this background, on balance given the above factors, it is considered that there are no highway objections to this proposal. Mitigation measures to deliver off site highway improvements including bus stop improvements will help alleviate parking pressures, improve pedestrian safety and promote the use of sustainable travel. Consequently, planning policies T2 and T24 of are therefore satisfied in this regard.

#### Landscape Issues

- 11.53 A full tree report has been submitted with the application to enable a detailed impact assessment to be undertaken this has also taken into account construction matters and the impact that this will have upon tree cover and their root protection areas.
- 11.54 The site contains a significant number of trees, some of which are protected by a Tree Preservation Order. A large number of trees are located around the site boundaries, and as such have the potential to provide screening to the development, the majority of these trees are to be retained.
- 11.55 The Councils landscape architect has commented on the proposal and initially acknowledged that the development would result in the loss of considerable tree cover and woodland areas across the two sections of the site. The earlier position statement highlighted 5 TPO's across the central belt of the northern site which were shown as being removed. Following a further review, 4 of these are now to be retained. These are mature trees which provide significant visual benefit and provide a positive feature at the entrance to the building rather than an expanse of bare exposed paving. Although elsewhere concerns remain in relation to the removal of extensive groups of woodland / vegetation cover, and this is exacerbated by the removal of further trees to the south west to accommodate the revised location of the building and contractor access, it is considered this can be managed and minimized with a suitable condition requiring a arboricultural method statement.
- 11.56 In addition and in compensation for the loss of trees the applicant is proposing replacement planting in order to provide an overall enhancement to the character of the area. Furthermore, the revised layout also creates a more meaningful landscape strip to the east of the site which will provide the opportunity for extensive screen planting.
- 11.57 The retained trees will be protected through the construction phase through the instalment of protection measures and barriers around the root protection areas. A Tree Protection Method Statement will be provided to confirm how this work will be undertaken and adherence to this statement can be secured by planning condition. These safeguarding measures have already partly been put in place as a result of the works associated with the temporary school classrooms currently under construction.
- 11.58 Although the loss of trees is regrettable, in weighing up the planning balance and taking into account the TPO's now to be retained and the scope to introduce a robust replacement planting strategy, it is considered that the harm of this loss would be limited and as such the removal of these assets would be outweighed by the public benefits delivered by the scheme.
- 11.59 Against this background it is considered that the proposed development will satisfy planning policies P11 and LD1.

### **Other issues**

- 11.60 In respect of air quality, the applicant has produced an air quality report which has been assessed by technical colleagues in environmental and transport studies who conclude that there is no objection to this proposal on the grounds of local air quality. The air quality assessment submitted indicates that air quality at this site is not at risk of falling below the relevant UK standards and no air quality objectives will be breached as a direct result of traffic arising from the development.

11.62 In terms of ecological issues, the applicant has carried out an updated ecological assessment which has been reviewed by colleagues in nature conservation who conclude that there will be substantial losses of locally valuable biodiversity habitats including some 25% of semi-natural woodland, all scrub and all semi-improved grassland. It is considered that in order to help mitigate this loss, planning conditions are imposed to introduce biodiversity improvements to help redress this balance.

## **12.0 CONCLUSION**

12.1 The proposed development is considered to be acceptable in general planning terms and lies within an area of sufficient size to accommodate such a proposal without having a detrimental impact upon both the visual and residential amenity of the area as well as its general character.

12.2 It is considered that the amended design of the building has resulted in positive improvements and is now acceptable in visual terms. Furthermore, it is considered that the amended layout will have no material detrimental impact on the living conditions of existing and future residents. The new school will predominantly serve its local catchment and the increase in comings and goings will therefore be generally confined to the immediate locality. In this context it is considered that the impact upon the existing transport infrastructure will be limited. Measures to improve both pedestrian safety and highway improvements as well as green travel arrangements will help mitigate against any potential traffic impacts should they arise.

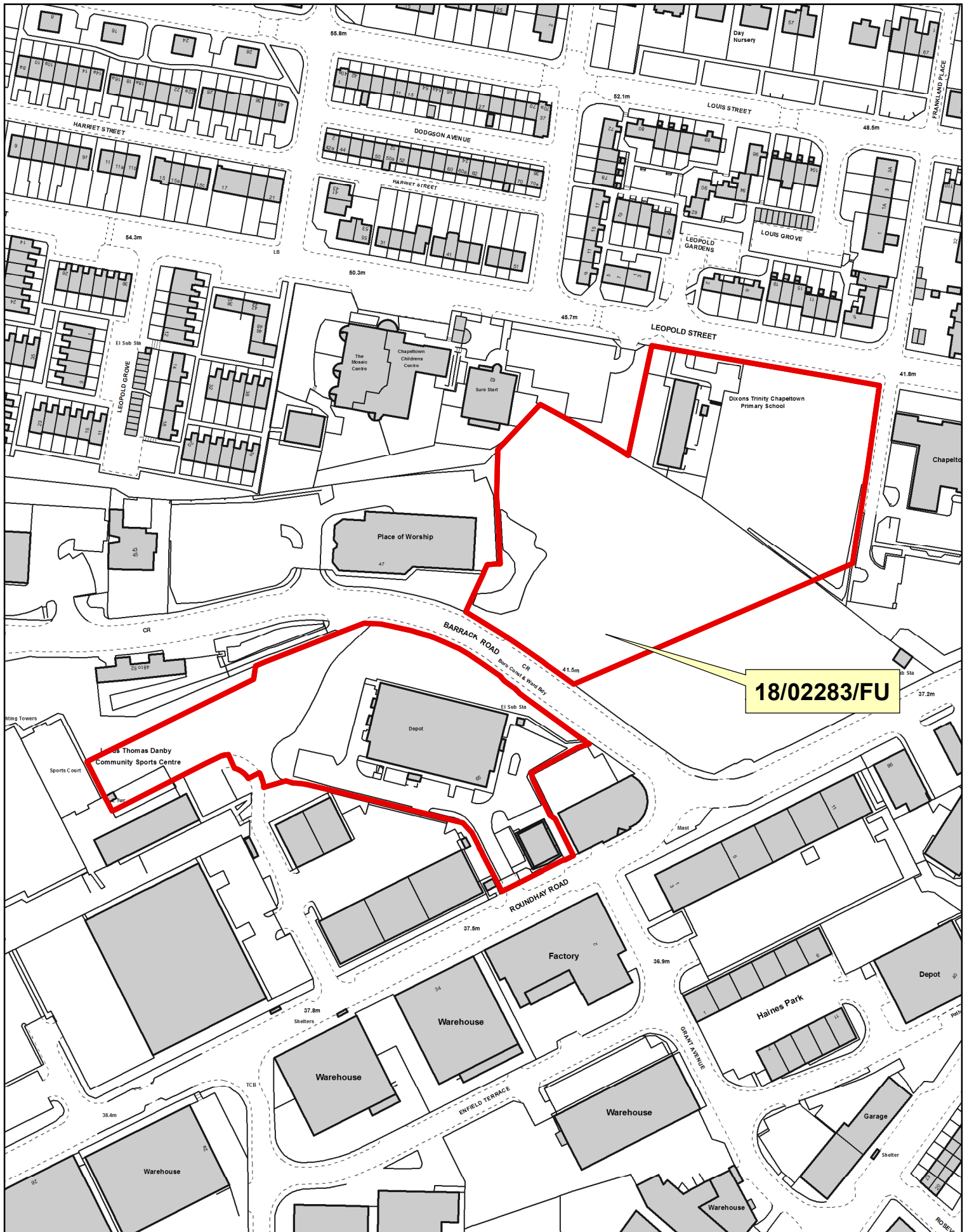
12.3 Colleagues Children's Services support the proposal as it is recognised that a new school is required in this catchment area and there is an absence of other suitable alternative sites. The delivery of a new school is therefore of significant importance and time critical to enable the council to help satisfy its statutory duty in this regard. Significant weight should also be given to the fact that improved benefits to the local community will also arise from enhanced sports facilities as well as wider community use opportunities.

12.4 After careful consideration of all relevant planning matters it is recommended that the application is approved subject to the completion of a S106 relating to a travel plan monitoring fee and bus stop improvements and subject to the conditions set out in this report.

### **Background Papers:**

Application file: 18/02283 /FU

Certificate of ownership: Certificate B



18/02283/FU

# NORTH AND EAST PLANS PANEL







- To be read in conjunction with tree protection plan & assessment
- Proposed off site highway works shown for context only
- Bitmac (vehicular specification)
- Bitmac (pedestrian specification)
- Concrete block paving type 01
- Concrete block paving type 02
- Concrete flag paving to match existing around changing rooms
- EVCP Parking bay with Electronic Vehicle Charging Point (additional 4no. bays cable enabled)
- Thermoplastic markings to informal play areas
- Concrete hardstand to refuse area, cycle shelters and shed base
- Reinforced Grass
- A: Proposed sub-station enclosure  
□ B: Proposed water tank enclosure
- Retaining structures
- Cycle / scooter shelter  
Covered with cycle hoops for bikes and scooters
- Seating terrace
- Existing wall repaired where necessary
- Existing fence repaired where necessary
- Reuse existing fencing panels and posts where possible
- 2.0m high paladin weldmesh fencing with matching gates where indicated
- 1.5m high paladin weldmesh fencing
- 1.8m high closed board timber enclosure around bin store
- 1.2m high timber picket fence with matching gates where indicated
- 1.5m high timber closed board fence with matching gates where indicated
- 3.0m high sports rebound fence with matching gates where indicated
- Existing tree/ vegetation to be retained and protected - see arboriculture report
- Proposed tree - refer to planting strategy for further details
- Existing areas - refer to planting strategy for further details - subject to horticultural works and maintenance
- Proposed shrub planting
- Proposed sports pitch - seed mix
- Proposed ornamental hedges
- Proposed amenity grass - seed mix
- Proposed species rich grass and wildflowers
- Proposed native hedges/ buffer planting
- Proposed woodland understorey planting
- Proposed seating  
Mix of benches and picnic benches
- Storage Shed to horticulture area

rev P06 date 22/08/18 by RC chk RC  
Revised bridge link added

client Willmott Dixon Construction Ltd  
project Dixons Trinity Academy

drawing title Site Masterplan

status **PLANNING**  
drawing no. DTC-ONE-ZZ-XX-DR-L-1002 revision P06  
drawn by KHO checked by JE scale 1:1000 @ A1





Originator: J Thomas  
Tel: 0113 222 4409

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 9<sup>th</sup> August 2018

**Subject: 17/05137/FU – Erection of nine houses, laying out of access road with ancillary car parking and landscaping; demolition of existing bungalow and outbuildings at, Welburn Cottage, Deighton Road, Wetherby, LS22 7QF**

APPLICANT	DATE VALID	TARGET DATE
CFK Developments Ltd	14th August 2017	9th October 2017

#### Electoral Wards Affected:

**WETHERBY**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION: GRANT PERMISSION subject to the following condition(s):

1. Three year time limit for commencement;
2. Plans to be approved;
3. Materials to be approved prior to commencement of building works;
4. Construction management plan;
5. Ecologist on site for demolition and if vegetation cleared in bird nesting season;
6. Hours of working (0800 – 1800 Monday to Friday; 0800 – 1300 on Saturdays)
7. Building works not to be commenced until visibility splay laid out;
8. No further insertion of windows to the first and second floor of the southern elevation of plot 1;
9. Boundary treatments to be agreed and implemented prior to occupation;
10. Boundary treatments to be retained unless otherwise agreed in writing;
11. Removal of PD Rights Part 1 Class B and Part 2 Class A,
12. Garages and driveways to be retained, free from obstruction as parking for private motor vehicles;
13. No occupation of any dwelling until a scheme for off-site highway management / improvement has been submitted, agreed and implemented;
14. Protection of off-site highway infrastructure during works;

15. EVC charging points to be provided prior to first occupation;
16. No unit occupied until parking areas shown on plans have been provided;
17. Development shall not commence until a scheme for surface water drainage has been submitted to and approved in writing;
18. Development not to commence until all necessary site investigations have been carried out;
19. Verification reports to be submitted
20. Imported soils to be tested;

## **1.0 INTRODUCTION**

- 1.1 The application seeks permission to erect nine dwellings on the site of a pair of semi-detached bungalows. Sixty objections have been received from seventeen properties; six support letters have been received. The objectors concerns largely focus upon highway safety, design and character, loss of amenity and impacts upon ecology.
- 1.2 Councillor Alan Lamb has requested that the application be brought to Plans Panel for determination due to concerns about the impact upon local character. A panel request was previously received from former Councillor John Procter raising concern about highways impact, materials and the overdevelopment of the site.

## **2.0 PROPOSAL:**

- 2.1 The application proposes the erection of nine houses within an existing residential plot. The current dwelling(s) will be demolished and a terrace of six dwellings erected to the front of the site and three detached dwellings to the rear. Access will be taken from the existing private road that leads off Deighton Road and a small rear cul-de-sac created to provide for vehicular access, bin collection and parking.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to the plot of a detached bungalow which appears to have previously been a semi-detached pair of dwellings. The bungalow is set back within the site, behind a low stone wall and an open, lawned front garden. The site is located off Deighton Road, to the northern side of Wetherby and lies within an established residential area that has a mixed architectural and spatial character.
- 3.2 Detached mid-late twentieth century stone built suburban housing lies to the opposite side of the road, and these dwellings are also set back from the highway behind open front gardens. Slightly earlier mid twentieth century brick built semi-detached housing is located around the Ainsty Road area, with a range of other brick built housing stretching back west from Deighton Road, including twentieth century council housing and newer, late twentieth century detached dwellings. To the immediate north of the site is a terrace of earlier, historic properties that date from the late nineteenth/early twentieth century. These are modest workers cottages constructed of brick although most dwellings are now almost wholly rendered and these are set close to the pavement edge behind small front yards. To the south-west of the site, set back from Deighton Road is a small collection of semi-detached houses that are also now largely rendered. The housing within Wetherby is largely gabled, with ridge lines that run parallel to the road and roofs are typically pantiled with chimneys.
- 3.3 Deighton Road is one of the main routes out of Wetherby leading north, giving access to Kirk Deighton, Knaresborough and Harrogate along smaller, country

roads and also access to junction 46 of the A1(M) which includes the Wetherby Motorway Services. Deighton Gates primary school lies to the immediate rear of the site, and the new Aldi to the south at the junction with Sandbeck Lane. There is a European protected Special Area of Conservation approximately half a mile to the north which is a Great Crested Newt breeding pond. An area of public open space lies to the south of the site, adjacent to Deighton Road.

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

- 4.1 31/248/00/FU Two storey front extension and attached garage to side and dormer window to rear  
**Approved**

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

- 5.1 Discussions have been held during the consideration of the application to address concerns relating to the access point and highway safety. Other changes have been made to marginally alter the position and form of the detached dwellings to the rear to improve the sense of space between the houses.

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

- 6.1 The site has been advertised by Site Notice and letter in August 2017, March 2018 and also by letter again in July 2018.
- 6.2 Fifty-nine letters of objection have been received from seventeen properties, thirteen of which lie immediately adjacent to the site. The other objections and the six letters of support come from addresses within the wider town.
- 6.3 The objection letters raise concerns regarding loss of light and loss of view, highway safety and on-street parking, bin storage, spatial and architectural character, overdevelopment, loss of greenspace and habitat, loss of amenity (overlooking, overshadowing, noise and disturbance, general pollution), lack of affordable housing, impact upon local infrastructure, poor amenity for future residents, loss of view, impact upon property / land / access rights, overlooking of school land, bin storage, drainage, impact upon nature conservation (newts and bats), lack of consultation, land stability, and the cumulative impact of other developments.
- 6.4 Wetherby Town Council raise concerns regarding density, highway safety and materials.

#### **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways Note that the visibility splay should be provided within the highway boundary, that the pedestrian footway should be widened, that a TRO be introduced to protect the junction and bus stop and that EVC's should be provided.
- Flood Risk Management Note the Drainage and Flood Risk Statement is acceptable and that the development is thus acceptable subject to conditions.

Ainsty Drainage Board

Notes the need to satisfactorily address surface water run-off.

Environmental Health

Note the for further site investigation works, but raise no objections subject to conditions.

## 8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), The Aire Valley Area Action Plan and any made Neighbourhood Development Plan.

### Local Planning Policy

8.2 The following Core Strategy policy is relevant to the proposal:

<u>SP1</u>	Seeks to ensure development accords with the spatial hierarchy.
<u>SP6</u>	Quantum and location of new housing allocations.
<u>SP7</u>	Distribution of new housing.
<u>H2</u>	Housing on non-allocated sites.
<u>H4</u>	Housing Mix
<u>P10</u>	Seeks to ensure that new development is well designed and respect its context.
<u>P12</u>	Seeks to ensure Leeds' landscapes are protected.
<u>T2</u>	Accessibility requirements and new development.
<u>G8</u>	Protection of important species and habitats.
<u>EN5</u>	Managing flood risk.

The following saved UDPR policies are also relevant:

<u>GP5:</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
<u>BD6:</u>	Seeks to ensure that development proposals respect the scale, form and detail of the original building.
<u>BD5:</u>	Seeks to ensure new development protects amenity.

### National Planning Policy

8.3 The National Planning Policy Framework (2018) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.4 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the

weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

- 8.5 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that all for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

## **9.0 MAIN ISSUES**

- 1) Principle of Development
- 2) Design and Character
- 3) Highway Safety
- 4) Residential Amenity
- 5) Biodiversity and Nature Conservation
- 6) Other Matters
- 7) Representations

## **10.0 APPRAISAL**

### Principle

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Sustainable development has several facets, and includes siting new development in sustainable locations, using land efficiently and creating sustainable communities. Spatial Policy 1 of the Core Strategy seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible, whilst Spatial Policies 6 and 7 seek to ensure that the authority has an appropriate supply and distribution of housing land.
- 10.2 Within the Core Strategy Settlement Wetherby is not part of the main urban area but is a major settlement. As noted at bullet point (i) of SP1 the largest amount of development will be within the main urban area and major settlements, and as noted at bullet point (ii) focussing development on previously developed land will be the first priority. This is also reflected in policy H2 which relates to housing on non-allocated sites.
- 10.3 Policy H2 of the Core Strategy is applicable and this notes that housing on such sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure. Objections have been raised regarding the impact of the development upon the infrastructure of Wetherby, particularly in conjunction with other recent developments such as those at Spofforth Hill and Sandbeck Lane. Although these concerns are noted, it is unlikely that nine new houses will have an appreciable impact upon the services and infrastructure within Wetherby.
- 10.4 Policy H2 also notes that greenfield land should not be developed if it makes a valuable contribution to the visual, historic and/or spatial character of an area. Significant concern has been raised about the loss of a largely green, open site and

the construction of nine dwellings, and the subsequent change that the development will make to the spatial character of the area. However, as will be outlined below whilst the currently low density of development on the site does help to create a sense of openness and verdure within the area, the varied spatial character within the immediate area is such that developing the site cannot be said to be harmful as a matter of principle.

- 10.5 As such the application is not considered contrary to the aims and intentions of policies SP1 and H2 and thus is acceptable in principle.

### Design and Character

- 10.6 Section 12 of the National Planning Policy Framework highlights the importance of good design, and paragraph 127 provides a series of principles that should be followed to ensure developments are of good quality. Authorities are encouraged to refuse “development of poor design that fails to take the opportunities available for the improving the character and quality of an area and the way it functions. Policy P10 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context whilst policy P12 seeks to protect the character, quality and biodiversity of Leeds’ townscapes and landscapes. In order to be acceptable development should not harm either the architectural or spatial character of an area and these will be discussed in turn.
- 10.7 As outlined above the current site is occupied by a bungalow which is set back from the highway edge and within an open and verdant plot. There is no definitive and consistent character within the immediate area, although housing to the outer areas of Wetherby is largely characterised by detached dwellings that are set back from the highway edge behind open front gardens. Moving north along Deighton Road from Wetherby’s centre there is a gradual change in the spatial character of the street. This starts with a definite sense of enclosure within the town centre conservation area, moves to a slightly more open character around the area of Northfield Place, and then changes again to a more verdant streetscene to the south of the application site, and ultimately moves into the open Green Belt to the north of the town. The application site does lie within the more verdant area, and the front garden of the sites does contribute to this character. However it must be remembered that the run of historic terraces lies to the immediate north of the application site and does interrupt this sense of space and openness without resulting in any appreciable harm to the spatial character of the area.
- 10.8 The proposed terrace of six dwellings is sited such that it is directly comparable to these historic terraces, and thus it is difficult to conclude that the loss of a small area of private front garden and the construction of a small block of terraces that mirror an existing form of development will cause such substantial harm to the character of the area that refusal of planning permission would be warranted. Ultimately the dwellings to the front of site respect the pattern of existing development and would not cause a substantial change to the character of the area.
- 10.9 The dwellings to the rear of the site are detached houses that are similar in size and scale to the other detached dwellings within the area, albeit they are not located on such generous plots, although they are comparable to those within recently approved housing developments. The three houses are not particularly set back from the highway frontage, and certainly plots 1 and 2 are separated by only approximately 2.0 - 2.5m which is narrower than most gaps within the area. However, the sense of gap between plots 2 and 3 is more generous, with a

significant proportion of the house on plot two including a recessed side 'extension' to ensure that there is a greater sense of space around each house. The question therefore is whether the lack of set back from the internal road frontage for plots 1-3 and the slightly substandard gap between plots 1 and 2 create such a poor form of development that refusal on the grounds of design and character would be warranted. There is no doubt that the change from an open green field site with a pair of semi-detached bungalows, to a denser form of residential development, which includes large hard surfaced areas will have some detrimental impact upon the spatial character of the area. However, whilst the development is less than ideal in this respect, it is not considered that the harm caused is so substantial that refusal would be warranted, particularly as the greatest impact is within the development itself, and thus will not be overly visible from public areas.

10.10 Turning then to the impact upon architectural character. As outlined above there is a significant variety of house types and materials within the surrounding area, including rendered terraces, red brick semi-detached house, and detached housing constructed from brick and stone; gabled housing does predominate. The block of terraces to the front of the site reflects the basic vernacular form of the terraced block to the north, and includes chimney detail to its gabled roofscape. The materials include a mix of artificial stone and render, which is appropriate within the immediate context and will help to articulate the run of walling along the line of the front elevations. To the rear the houses are predominately red brick and have a hipped roof form, and many of the objection letters raise concern about the use of brick, and the design of these dwellings. Whilst, the use of hipped / pyramidal roofs is not typical of Wetherby, it is also not a characteristic, and indeed houses with pyramidal roofs are present immediately opposite the application site. The design of the houses with plots 2 and 3 remains relatively simple, and cannot be said to be out of character with other housing in the vicinity. The house on plot one has a distinctly more busy and cluttered design, and is far from ideal, particularly given its location at the entrance to the rear roadway. However, as with spatial character, some slight harm to the internal architectural character of the site is not considered to result in sufficient wider harm to suggest refusal is warranted.

10.11 It is noted that significant concern has been raised among objectors in relation to overdevelopment, with neighbours concerned that the density of development is inappropriate. It is acknowledged that there will be a noticeable step change in the quantum of development on site, however as has been discussed above it is considered that the scheme represents a broadly acceptable response to the spatial character of the area. As will be discussed below there is also sufficient space within the development and to its edges to ensure that the dwellings do not overdominate, overshadow or overlook neighbours, and more than meet the minimum required distances as outlined within Neighbourhoods for Living. It is therefore difficult to conclude that a scheme which meets policy in respect of separation distances and does not cause harm to spatial character represents overdevelopment.

10.12 As such, on balance, the development is acceptable in this respect.

#### Residential Amenity

10.13 As outlined within Policy P10 of the Core Strategy and saved policy BD5 of the UDP new development must protect amenity, including residential amenity. For new housing developments this means that an adequate standard of amenity must be provided for future residents, and that the amenity of those around the development site must also be protected.

- 10.14 Turning first to the residential amenity of those living with the proposed development. Neighbourhoods for Living provide guidance regarding housing developments and among other things requires that rooms are of an adequate size, achieve appropriate outlook and have good penetration of natural light, and also that dwellings provide an adequate standard of outdoor amenity space (usually two thirds the gross floor area of the house). The floor plans indicate that all dwellings will provide an appropriate standard of internal accommodation and all main living areas and bedrooms have a good standard of outlook. The rear gardens of the majority of the dwellings do meet the required two thirds quantum and are set a sufficient distance from neighbouring windows to prevent harmful overlooking. It is noted that sections of the garden area to plot 4 will need to retain low boundary treatments in order to allow adequate intervisibility between sections of the access road. As such some of the garden of this plot cannot be considered private amenity space, however it is clear that the house has a reasonably sized, defensible area to its immediate rear that can be made private. As such the development is considered to afford future residents an adequate standard of amenity.
- 10.15 Concern has been raised from many of those living around the site about the impact of the development upon existing residential amenity, with the loss of views and loss of the existing green aspect being of particular concern. The development will result in a significant change, particularly for the houses on Allanfield Grove and to the opposite side of Deighton Road, however the right to a pleasant view is not protected within planning policy, and provided that the development allows existing windows a reasonable outlook and does not result in significant overdominance, then it is generally considered that a reasonable standard of amenity is retained. It is generally expected that at least 12.5m is retained from main windows to new two storey development in order for neighbouring dwellings to retain a sense of outlook and adequate penetration of light. The submitted site plan shows that between 20 – 27m is retained from the houses on Allanfield Grove to the two storey corner of Plot 1. As such it is clear that the nearest dwelling more than exceeds the minimum distances, and thus adequate outlook and light penetration will be achieved. The distances retained between the terrace to the front and the houses on Deighton Road is approximately 25m, again far in excess of the minimum distances. The houses on Allanfield Terrace to the north of the site do not directly look out onto the development, and although the nearest dwellings will be aware of the new housing in oblique views this is not considered to cause significant harm to amenity.
- 10.16 The development will result in a greater sense of enclosure and some loss of direct sunlight, given that a low density plot with a bungalow is being redeveloped with two storey housing, however this change alone is not sufficient to suggest that harm to residential amenity will occur. The development will mean that the houses on Allanfield Grove lose some of the very early morning sun in high summer, however given that the houses are north facing, the front facing windows will be largely unaffected and thus significant harm to amenity is not anticipated. The houses to the opposite side of Deighton Road will lose some late evening sun, however the distance between the new development and the neighbouring housing is such that light will be received until the point the sun is low to the horizon. The terrace to the north of the site has the potential to be most affected through direct overshadowing. These dwellings do not have clearly defined rear garden areas, although small areas that can function as amenity space are located beyond the access road that runs around to the rear of the houses. Whilst the presence of small tables and chairs and a domestic barbeque set was observed on site, it was



also noted that these areas are largely hard surfaced and function as space for parking and/or bin stores, some also include ancillary outbuildings, and most are directly overlooked by buildings within the school grounds. Thus, whilst plot three will undoubtedly lead to a greater sense of enclosure for the outdoor areas of the nearest dwellings, it is not considered that this will lead to significant harm to residential amenity. Thus in terms of outlook, overshadowing and overdominance it is considered that the development will not cause harm to immediate neighbours.

- 10.17 Concern has also been raised in respect of overlooking. Neighbourhoods for Living outlines the minimum distances that are required from new windows to neighbouring boundaries in order to prevent harmful overlooking, with ground floor main windows needing to retain approximately 10.5m, and secondary windows such as bedrooms to retain 7.5m. The new houses do meet these minimum required distances, both within the development and in respect of surrounding houses. It is noted that the southern side elevation of plot 1 does include windows that obliquely face toward the front windows of Allanfield Terrace and thus it is necessary that there is no harmful conflict between the two sets of windows. The arrangement of accommodation within the houses on Allanfield Terrace is not known, but it is assumed that there are primary and secondary windows, and thus minimum distances of 21.0m and 15.0m are required. The side facing lounge window within the single storey 'side' extension retains approximately 19.0m to the nearest point of Allanfield Grove and thus is a little short in respect of the ground floor main window, however this is screened by the existing boundary wall, and thus there will be no harmful conflict.
- 10.18 As such the development will both retain an adequate standard of amenity to existing and future occupants.

#### Highway Safety

- 10.19 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the appellants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
- 10.20 The development does not fully meet the accessibility standards of the Core Strategy, however Wetherby is a major settlement within the Core Strategy settlement hierarchy and a demonstrably sustainable town offering a range of employment, health, shopping and leisure facilities. Public transport links in the immediate vicinity of the site are poor, and journeys to the site will largely be car borne, use of a private car is not sufficient to render a development unsustainable and taking into account the range of nearby services on balance the proposals are considered acceptable in respect of sustainability/accessibility.
- 10.21 The development will upgrade the existing access point onto Deighton Road and provide for an adequate visibility splay and thus will achieve safe access. The submitted plans demonstrate that each dwelling will be provided with at least two car parking spaces, and adequate facilities for cycle parking. Significant concern has been expressed about the possibility of increased on-street parking along Deighton Road and the possible impact upon traffic to the Deighton Gates Primary School (both vehicular and pedestrian). The development provides for its own

parking needs and thus there is no evidence that there will be additional on-street parking as a result of the new houses. Highway officers have requested that the existing footway to the front of the site be widened, thus providing a significant betterment and a safer route to the school, particularly for those with push chairs. A TRO will also be introduced to the section of Deighton Road that immediately abuts the development, which will thus reduce the availability of on-street parking within the area. The plans also demonstrate that refuse vehicles will be able to access the two collection points provided within the rear street, and thus there will be no harm through the accretion of domestic waste bins on pavements during collection day.

- 10.22 As such it is considered that the development can achieve safe access, accommodate its own parking needs, and provide some degree of betterment within the immediate vicinity.

### Biodiversity and Ecology

- 10.23 Policy G8 of the Core Strategy and section 15 of the Framework require that important species and habitats are protected. As outlined above there is a pond approximately half a mile to the north of the site which is of European importance as it supports a large breeding population of newts. Attention has been drawn to this pond within objection letters, as well as the findings of the preliminary ecological survey that bats could be present on the site.
- 10.24 The impact upon protected species has been discussed with the Nature Conservation officer who notes that as a minor housing the site lies outside the consultation zones for Natural England, that the site does not display a habitat that would be attractive to newts, nor is there a continuous terrestrial commuting route between the pond and the site, and thus the chance that newts are present is so negligible that further survey work would be an unreasonable request. The recommendation for dawn and dusk emergence surveys within the bat roost potential survey is noted, however the report notes that the vegetation on site provides no potential habitats for bats, and that the surveyed roof space of the buildings yielded no evidence of bat activity, and that in general the roofs and walls of the buildings were well sealed. Therefore whilst there is noted bat activity within the wider area, the chance of bats roosting within the buildings is only moderate, and with no evidence of bats having been found on the site, a request for emergence surveys would be unreasonable. As a precautionary measure a condition will be imposed requiring an ecologist to be present during the demolition of the buildings; the recommended condition relating to the clearance of vegetation during the bird breeding season will also be imposed.
- 10.25 As such, with these safeguards, it is considered that protected species will not be harmed.

### Other Matters

- 10.26 Other Matters such as drainage and land contamination are also material considerations. Drainage officers have reviewed the submitted infiltration studies and note that infiltration drainage is therefore impractical. They are therefore content that subject to the submission of a drainage scheme to address surface water run-off and all other matters, the development will not cause harm through increased flood risk. Contaminated Land officers note that the phase II DTS

concludes that further ground investigation works are required, however are content that these matters can be conditioned.

- 10.27 As both drainage and land contamination relate to ground preparation works these conditions will be pre-commencement.

### Representations

- 10.28 All material considerations raised through representations have been discussed above. It is noted objectors have raised concern about the impact of construction works both in relation to noise and disturbance and access, and this matter is addressed by the inclusion of a construction management plan and hours of working. Concern has also been raised about impact upon property rights, land stability and pollution / public health.
- 10.29 Whilst public health is a general material planning consideration, specific harmful impacts of any development are regulated by separate legislation and regimes. It is generally accepted that when considering planning applications a Local Planning Authority must assume that these regimes will operate effectively and not seek to duplicate the regulatory functions of other public bodies. The application site is not within an area where the impacts of historic coal mining are a recorded hazard, and thus it is not considered that it is reasonable to request further information in this respect. Any disputes that relate to property rights are a matter between the relevant parties which must be resolved outside the planning process.

## **11.0 CONCLUSION**

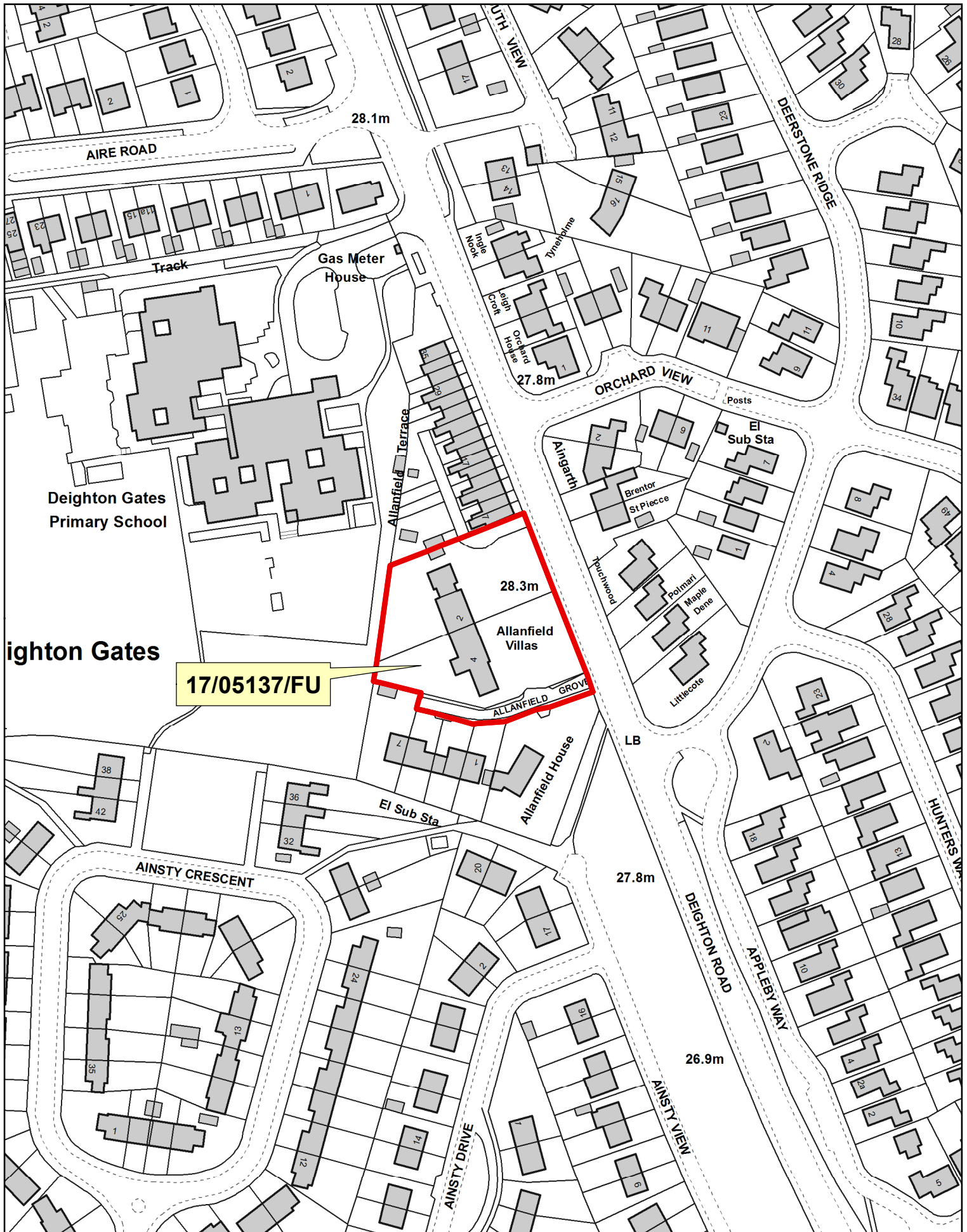
- 11.1 The application is therefore considered to be acceptable. The use of the site for housing is acceptable in principle, and although the development is not ideal in some respects, its impact upon spatial and architectural character will not cause sufficient harm to warrant refusal. The development will afford new residents an acceptable standard of amenity, and will also not cause unacceptable harm to neighbouring residential amenity, protected species, highway safety nor flood risk, and all other material impacts can be mitigated by condition.

### **Background Papers:**

Application files

17/01579/FU

Certificate of ownership: Certificate B signed by the agent



# NORTH AND EAST PLANS PANEL







**SCHEDULE OF ACCOMMODATION:**

Areas excl garages and attic storage areas		
	floor area	garden area
PLOT 1	160m <sup>2</sup>	194m <sup>2</sup>
PLOT 2	165m <sup>2</sup>	138m <sup>2</sup>
PLOT 3	140m <sup>2</sup>	109m <sup>2</sup>
PLOT 4	130m <sup>2</sup>	92m <sup>2</sup>
PLOTS 5 to 9	95m <sup>2</sup>	63m <sup>2</sup> -82m <sup>2</sup>
<b>TOTAL</b>	<b>1,070m<sup>2</sup></b>	

Car parking: 200%  
 ALL GARAGES TO BE 6m x 3m INTERNAL DIMENSION OR 5m x 2.8m IF A SEPARATE CYCLE STORE IS PROVIDED

ALL DRIVEWAYS SHALL BE 3m WIDE OR 3.3m IF ALSO PROVIDING PEDESTRIAN ACCESS. DRIVEWAYS TO BE 5.6m min. LENGTH IN FRONT OF GARAGES

ALL GARDEN AREAS TO MEET AMENITY STANDARD OF 66% GFA

27.22 EXISTING LEVELS  
 27.00 PROPOSED LEVELS

PLANNING



**SITE LAYOUT PLAN**



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Originator Glen Allen

Tel 0113 3787976

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 6<sup>th</sup> September 2018**

**Subject: 18/03496/FU: Amendment to condition 2 (approved plans) of planning permission 15/00648/FU to allow changes to the elevations in order to regularise detailed variations from the plans approved at Site of former 264 Alwoodley Lane, Alwoodley.**

**The variations are;**

- An increase in height of the overall building by 0.9 metres at the main ridge line
- Moving of entrance to a central position
- Re positioning of roof lights in the front facing roof plane
- Introduction of roof lights in side facing roof plane
- Addition of obscurely glazed windows in side elevations
- Rear roof pitches of the projecting gables are shallower
- Re siting of bin store
- Reorientation of the external staircase to the rear of the building

**APPLICANT**

Mr Charles Babbage

**DATE VALID**

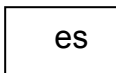
05 06 2018

**TARGET DATE**

31 07 2018

**Electoral Wards Affected:**

Alwoodley



Ward Members consulted referred to in report

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Defer and Delegate to the Chief Planning Officer to grant Planning Permission following the expiry of a public consultation to be undertaken with adjacent neighbour once amended drawings are received showing the boundary wall that has been constructed to the rear and subject to no new material planning issues being raised subject to the conditions below:**

1. Windows inserted on the side elevations to be obscurely glazed to level 3 on the obscurity level and none opening

2. No enlargement of and/or additional opening to be inserted on the side elevations without the prior submission and approval of an application for planning permission.
3. Use of materials as approved under previous permission
4. Implementation of Tree Care
5. Implementation of Tree Protection
6. Implementation of front boundary treatment
7. Details of footway crossing if any alterations to be made to existing
8. Provision of Cycle Motorcycle Parking
9. Drainage in accordance with approved details
10. Balustrades to be implemented as approved
11. Implementation of Wall e traction units as approved
12. Implementation of works management plan as approved
13. Ground levels to be submitted and approved

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel at the request of Councillor Garrand on the grounds that a precedent is likely to be set by this variation. The redevelopment of this site was previously determined at Plans Panel on 9<sup>th</sup> April 2015 at the request of Ward Members, and this variation should therefore be reported due to the scheme being locally sensitive.
- 1.2 At the time of writing an amended drawing showing the construction of a boundary wall where a hedge is shown to be retained was awaited. As a result, upon submission of this amended drawing a further period of consultation will need to be undertaken hence the request for Delegated Authority in the recommendation. It is expected that the wall itself would constitute permitted development however for the completeness of the development and in the interests of transparency it is considered important that this alteration along with all the proposed amendments is clearly shown on the submitted drawings.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks various minor amendments to the previously approved scheme which include

- An increase in height of the overall building by 0.9 metres at the main ridge line
- Moving of entrance to a central position
- Re positioning of roof lights in the front facing roof plane
- Introduction of roof lights in side facing roof plane
- Addition of obscurely glazed windows in side elevations
- Rear roof pitches of the projecting gables are shallower
- Resiting of bin store
- Reorientation of the external staircase to the rear of the building

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site consists of the largely completed development approved under reference 15/0648/FU. The building is situated within an extensive plot, with a long rear garden sloping downhill from the rear of the building, towards the southern boundary between the site and the golf course to the rear.



- 3.2 The immediate area has a prevalence of substantial, detached residential buildings, spaciouly arranged in relatively large, mature gardens which is one of the key components in defining the character and appearance of the residential environment. Although a number of mature trees and much of the vegetation have now been removed from the application site, this is not representative of the surrounding area, where most properties retain their mature landscaped character.
- 3.3 Due to the gradients from Alwoodley Lane towards the north, down to the golf course to the south of the site, the application building, and its closest neighbours along this stretch of Alwoodley Lane, sit significantly below the level of the highway. Views of these properties are therefore confined to the upper floors and their roofs. This, together with the intermittent screening provided by the planting in the front gardens, has the effect of making these dwellings much less conspicuous in the views along the street than occurs elsewhere along Alwoodley Lane. This is a distinctive characteristic of this small stretch of Alwoodley Lane which distinguishes it from many of the other roads in the locality.

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 Reference 15/00648/FU Demolition of existing house and erection of three storey block of two flats Approved by Plans Panel 9<sup>th</sup> April 2015.
- 4.3 16/05061/COND Consent, agreement or approval required by conditions 3, 4, 7, 8, 10, 13, 14, 15, 17, 19, 20 and 22 of 15/00648/FU Determined under Officer Delegated Powers Approved on 13<sup>th</sup> September 2016.
- 4.4 Reference 13/05711/FU for the redevelopment of the site 3 storey block of 3 flats with basement car parking. This application was refused for reasons relating to its design, scale and massing of the building and overly dominant roof form,
- 4.5 The refusal was subsequently appealed Ref. APP/N4720/A/14/2222928 and was dismissed. The Inspector concluded that

The site lies within the built up area and to my mind there is no fundamental objection to the principle of a development of apartments on this site. Indeed the provision of apartments would provide greater choice for residents .

.the building would be harmful to the character of the area because of its design, scale and massing contrary to Policy GP5 of the Leeds Unitary Development Plan Review 2006 UDP which seeks to avoid problems of environmental intrusion and with Policy N12 which sets out the fundamental priorities for urban design and Policy N13 which requires that the design of all new buildings has regard to the character and appearance of their surroundings..

- 4.6 Reference 12/02060/FU for redevelopment of the site with a three storey block of three flats, with basement car parking. This application was appealed for non determination and at the appeal the LPA gave its putative reasons for refusal had it been in a position to determine the application permission would have been refused for reasons relating to its scale and design causing harm to the character of the area that by reason of its height and depth it would be over dominant and result in a loss of privacy and harm to trees.

This appeal was dismissed with the Inspector concluding that

I have found that the proposal would result in no unduly harmful effects on highway safety, or on the living conditions of nearby residents with regard to privacy, noise and disturbance. Whilst it would have a harmful long term effect on the adjacent hedge and trees, the amended scheme would be unlikely to do so. Nevertheless, the harm that would be caused to the character and appearance of the area, and to the living conditions of adjacent occupiers with regard to outlook, daylight and sunlight provide compelling grounds to dismiss the appeal .

The Inspector for this appeal also noted that

The proposal is for a substantial block of 3 flats over three storeys with a basement car park, and although it differs from the previous scheme, it has been drawn up with the previous appeal decision in mind. I have considered the appellant's photographs of other properties nearby, and was able to see at my visit that there are examples of developments of flats in Alwoodley Lane and the other streets nearby, including High Winds on Arrogate Road. I also note the concerns of local residents regarding the loss of a family home, but consider that flats such as those proposed could be occupied by families, and need not necessarily detract from the residential character of the area, depending on the nature of the scheme .

- 4.7 A previous application for the redevelopment of the site with a larger block of 3 flats was withdrawn in September 2011 ref 11/02987/FU following concerns regarding the size and scale of the building, the lack of amenity for future residents, the impact on neighbouring residents and the access arrangements. Following the withdrawal of this earlier application and before the submission of that to which the above appeal related, discussions were held with the agent regarding a revised scheme. Concerns regarding the scale and massing of the proposed building were reiterated, and suggestions as to how these might be overcome, including considerable reductions to the size of the building, were discussed. In the light of concerns regarding the impact of the proposed development on the street scene and neighbouring properties, the agent was advised that any subsequent application would also need to be accompanied by a landscaping scheme, and by details of how they intended to ensure that existing landscaping and screening along the site boundaries would be retained as part of the proposals.
- 4.8 Planning permission was granted in May 2009 to replace the existing dwelling with a larger 5 bedroom detached house, following a previous permission for extensions to the existing building in July 2006 refs 09/00992/FU and 30/642/05/FU .
- 4.9 A number of previous refusals for the redevelopment of this site and the adjacent site of No.266 with larger proposed developments of size and eight flats, and an application to redevelop both sites resulting in eight flats in two blocks was refused in September 2007 on the grounds that the development's siting, scale, massing and design, including its projection into the rear garden areas, would be out of character and detrimental to the street scene, and that the access width and gradient were unacceptable ref 07/04971/FU . A subsequent appeal was submitted APP/N4720/A/07/2059074 and, although highway safety matters were resolved during the course of this, it was nonetheless dismissed on the basis that the proposed development would unacceptably harm the character and appearance of this part of Alwoodley Lane.
- 4.10 The variations in the implemented scheme were reported to the Compliance team on 20<sup>th</sup> December 2017 and following an investigation into the alleged breaches the

developer was invited to make an application for planning permission to attempt to regularise the changes that had been implemented. This invitation was made on a without prejudice basis in order that an opportunity to fully assess the accumulation of alterations could be made through the planning process.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 When the breach was reported to the compliance team, the normal approach was undertaken with an initial assessment being made by a compliance office firstly as to whether a breach had occurred and then once this had been established making an assessment as to the severity of that breach. As the accumulation of variations to the development resulted in a deviation from that approved as more than none material, but not so severe in planning terms to justify immediate and what might be interpreted as draconian action, it was advised to the developer that they should submit an application to vary the terms of the original approval so that the alterations could be fully assessed through the planning application process.
- 5.2 Members will be aware that in the interests of fairness to all parties involved, both the developer and the occupiers of surrounding properties, this course of action allows for a fair and publically accessible process within which the variations can be assessed and is often taken as an approach to seek to resolve breaches and decide if a breach is severe enough to warrant Enforcement Action.

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

- 6.1 The application has been advertised by site notice and newspaper advert. As a result of this publicity 15 letters of objection have been received. Reasons for objection include

- Increase in height results in development being over dominant
- Adverse impact on amenities of neighbours
- Impact on street scene
- Enforcement could have prevented/rectified breach
- Will set precedent allowing other developers to flout the planning rules
- Neighbourhood Plan refers to concerns about the replacement of houses with flatted development
- Application is an attempt to get Planning Permission by Stealth
- Will ruin what was once a pleasant residential area
- What is proposed would never have been approved originally
- Loss of view from neighbouring properties and properties opposite site
- Leeds has done little to enforce against the breach

## **7.0 CONSULTATION RESPONSES:**

- 7.1 Due to the nature of this application the only consultee has been the Parish Council who have made the following comments
- 7.2           aving considered the plans and listened to the views of neighbours, the Parish Council is of the view that this is actually a retrospective application, although this is not stated in the plans.

As stated previously, the Parish Council strongly object to this application. With reference to the application to vary condition 2 although the proposed 0.9m addition to the height of the building might be said not to materially affect the street scene, we nevertheless feel that, not for the first time a precedent could be said to have been set which is regrettable.

## 8.0 PLANNING POLICIES:

8.1 Section 38 6 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy 2014 , saved policies within the Leeds Unitary Development Plan Review 2006 , the Natural Resources and Waste Development Plan Document 2013 and any made Neighbourhood Plan.

### Local Planning Policy

8.2 The most relevant Core Strategy policies are outlined below

Spatial Policy 1	Location of Development
Spatial Policy 7	Distribution of housing land and allocations
Policy 2	New housing on non allocated sites
Policy P10	Design
Policy T2	Accessibility Requirements and New Development

### The following saved UDP policies are also relevant

Policy GP5	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
Policy BD5	Seeks to ensure new development protects amenity.
Policy LD1	Seeks to ensure that development is adequately landscaped
Policy N23	Refers to open space and the retention of existing features which make a positive visual contribution.
Policy N25	Refers to boundaries around sites
Policy T24	Refers to parking

8.3 The Alwoodley Neighbourhood Plan A referendum was held on 28<sup>th</sup> June 2018 and the Neighbourhood Plan now forms part of the Local Development Plan. The relevant policy from this neighbourhood Plan is

BE2 Local Character and Design

## 8.4 National Planning Policy Framework

The revised National Planning Policy Framework NPPF was published on 24th July 2018 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. The NPPF seeks to boost the supply of housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development. In this case Section 12 Achieving well designed places is considered most relevant.

## 9.0 MAIN ISSUES

- 9.1 Impact of alterations on  
Amenity  
Streetscene  
Highways Issues  
The Issue of Precedent

## 10.0 APPRAISAL

### Amenity

- 10.1 Except for the increase in the height of the building above the original approval of 0.9 metres to the ridge the bulk and massing of the building is as originally approved. In addition the footprint, save for the re orientation of the rear stair case is the same and the property s location within the site is also the same as that approved. These relatively small variations referred to above are not considered to have any adverse impact on the amenity of occupiers of adjoining properties due to the distance from the common boundaries and the impact of the scheme in terms of its bulk and massing was fully assessed under the original application. As there are no material alterations in this regard the potential impact of the proposed amendments are considered neutral compared to the original scheme.
- 10.2 The insertion of windows to the side elevation is a material alteration which requires fuller consideration. Side facing windows have the potential to more directly overlook the private space of the adjoining properties due to the more direct relationship between their orientation and those common boundaries. In this instance however, the proposal indicates that the newly inserted windows would be obscurely glazed and this can be conditioned requiring the level of obscurity to be to level 3 and that the obscured nature of the glazing shall be retained for the lifetime of the development. As an additional safeguard, a condition preventing the enlargement and insertion of new windows can also be imposed for the purposes of clarity.
- 10.3 The increase in height of the ridge over the original approval by 0.9 metres also needs to be addressed in terms of the potential impact on neighbour s amenity. The additional increase in height has resulted from the requirements of the conditions relating to internal site gradients to the frontage of the site where there was a requirement, in the interests of safety, for minimum gradients of the drive to be achieved. It should be stressed that it is not unusual for relatively minor alterations to occur between the granting of planning permissions and their implementations in relation to such matters as these.
- 10.4 The re configuration of the skylights in the roof slopes will not, it is considered adversely affect neighbour s amenity. The angle of slope means that any form of direct overlooking when the windows are open is difficult if not impossible to achieve. When closed such windows usually only afford a view of the sky. As such there are no concerns regarding this amendment.
- 10.5 Given the relationship of the building vis à vis the neighbouring properties it is considered that the increase in height of the ridge compared to that originally approved of 0.9 metres does not materially and detrimentally impact on the residential amenities of occupiers of properties either side of the application site.

This is a function of the plot sizes being fairly generous and any additional overshadowing or perception of overbearing impact being minimal compared to the impact that the original scheme would have had, which was assessed to be an acceptable level of impact given the changes proposed for the site as a whole.

### Streetscene

- 10.5 The increase in height over that previously approved, will render the property marginally more prominent in the street. However the scheme is already set down from the street level due to the internal levels of the site dropping quickly as it does on the neighbouring properties as well. The ridge height will be higher than either of the properties either side as shown on the streetscape drawing. However it needs to be taken into account that there is a considerable setback from Alwoodley Lane itself which when combined with the lower nature of the properties along this part of Alwoodley Lane due to the levels differences makes, it is considered, the increase in height is minimal in terms of any potential and adverse impact on the street scene.
- 10.6 The remaining alterations are considered to improve marginally the scheme in that a central entrance and the re location of the bin store to a less obvious location are all considered to be improvements. The insertion and re configuration of the rooflights is considered to be neutral in their impact on the general street scene and the alterations to the rear are not visible and so have no impact on views from the public realm.

### Highways Issues

- 10.7 The scheme is constructed in accordance with the approved conditions that were the subject of the original planning permission. On this basis there is no alteration of the scheme in relation to highways issues and thus there are no material planning matters to be considered as part of this revised scheme.

### The Issue of Precedent

- 10.8 Many of the objections received have raised concern that if this particular proposal is given consent this will set a precedent, give the green light to other abuses and otherwise weaken the stance of the Local Planning Authority in relation to other breaches that may occur in the future on this or other sites. The Local Planning Authority should consider available options to resolve a planning breach in accordance with planning legislation and guidance and with due consideration given to the nature and scale of the breach which has occurred. Regularisation of a breach of planning can be an appropriate solution in circumstances such as this. This does not preclude the Local Planning Authority from taking enforcement action at a later date should it be considered necessary. Furthermore, an assessment will be undertaken on a case by case basis and therefore no precedent is set.
- 10.9 The planning system is not intended to be a draconian punisher of the perpetrators of breaches of the controls that are in place and as Members will be aware there are many solutions to the development of any one site all of which will be equally acceptable. This is demonstrated in the common approach to enforcement which is discussed in the History of Negotiations paragraphs above.
- 10.10 That said there will be instances where the breach identified is so clearly unacceptable that the Planning Authority has the tools available to it to take action

to rectify and/or minimise the breach that has taken place. It is, however, considered that this case is not such a case and that the proper and correct approach was to invite an application in order that the merits of the variations to that applied can be fully assessed. Had the findings of that assessment been that the variations were sufficiently detrimental to interests of acknowledged importance so as to justify a refusal of planning permission, then that is the recommendation that would have been made by officers. However, even taking into account the accumulation of variations it is not considered that there will be any material harm caused as a result. And to reiterate, even so, each case is treated on its own individual merits and there is no concept of precedent in planning. The approval of this case will not result in the rubber stamping of future similar breaches of planning control.

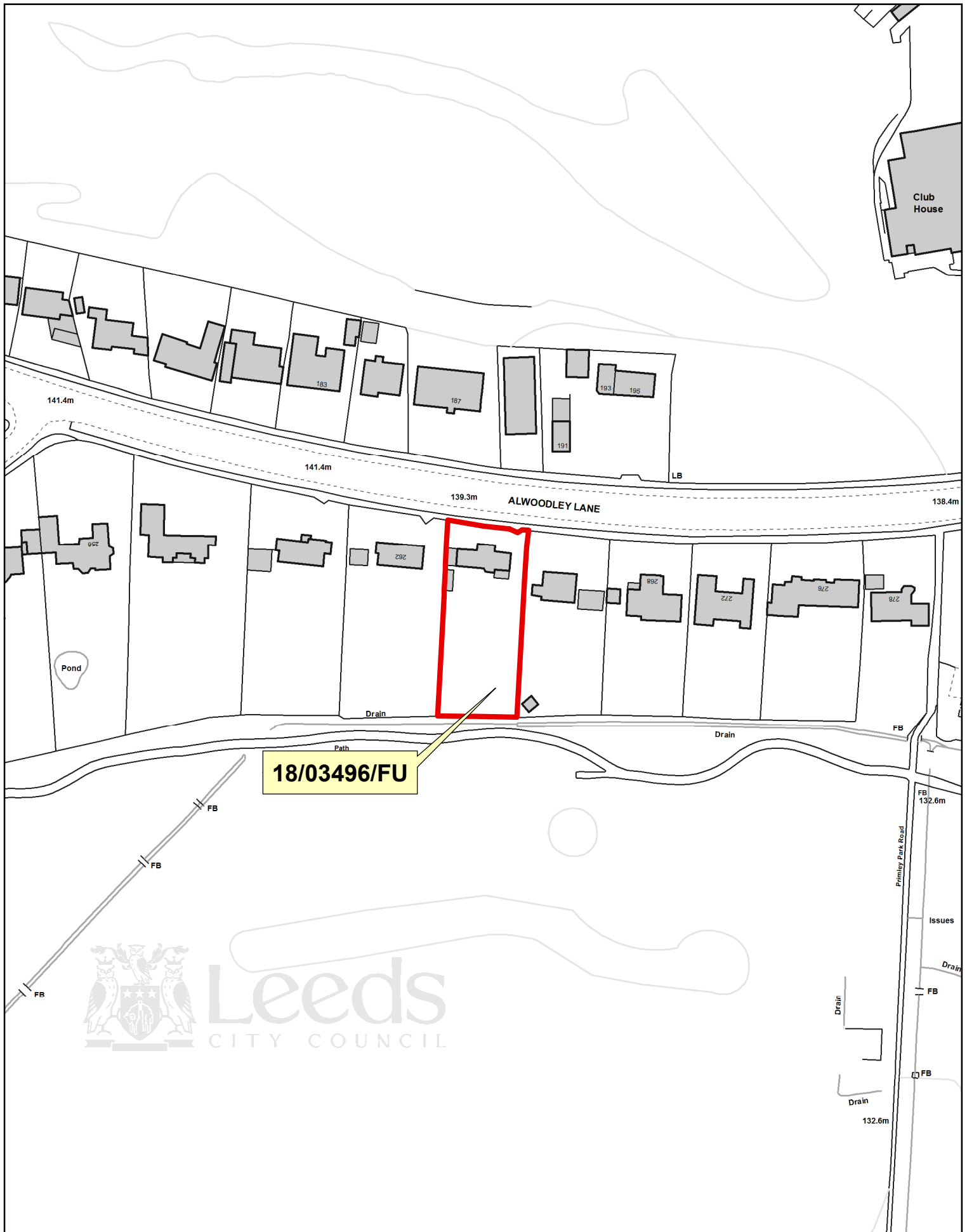
## **11.0 CONCLUSION**

- 11.1 The accumulation of amendments that have been implemented do not cause demonstrable harm and as such it is considered that the proposed variations are granted planning permission subject to the conditions at the head of this report. There is no need to reinstate many of the original conditions as these have already been discharged and have either been implemented and or are awaiting implementation through the completion of the development on site.

### **Background Papers:**

Application files 18/03496/FU

Certificate of ownership Certificate A signed on behalf of applicant as owner of site.



# NORTH AND EAST PLANS PANEL





All dimensions are to be checked on site, any discrepancies are to be reported to the Architect before work commences. Do not scale from this drawing.

This drawing is to be read in conjunction with all relevant consultants and specialists drawings / documents, any discrepancies are to be reported to the Architect before the affected work commences.

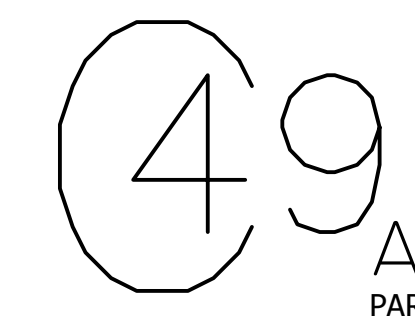
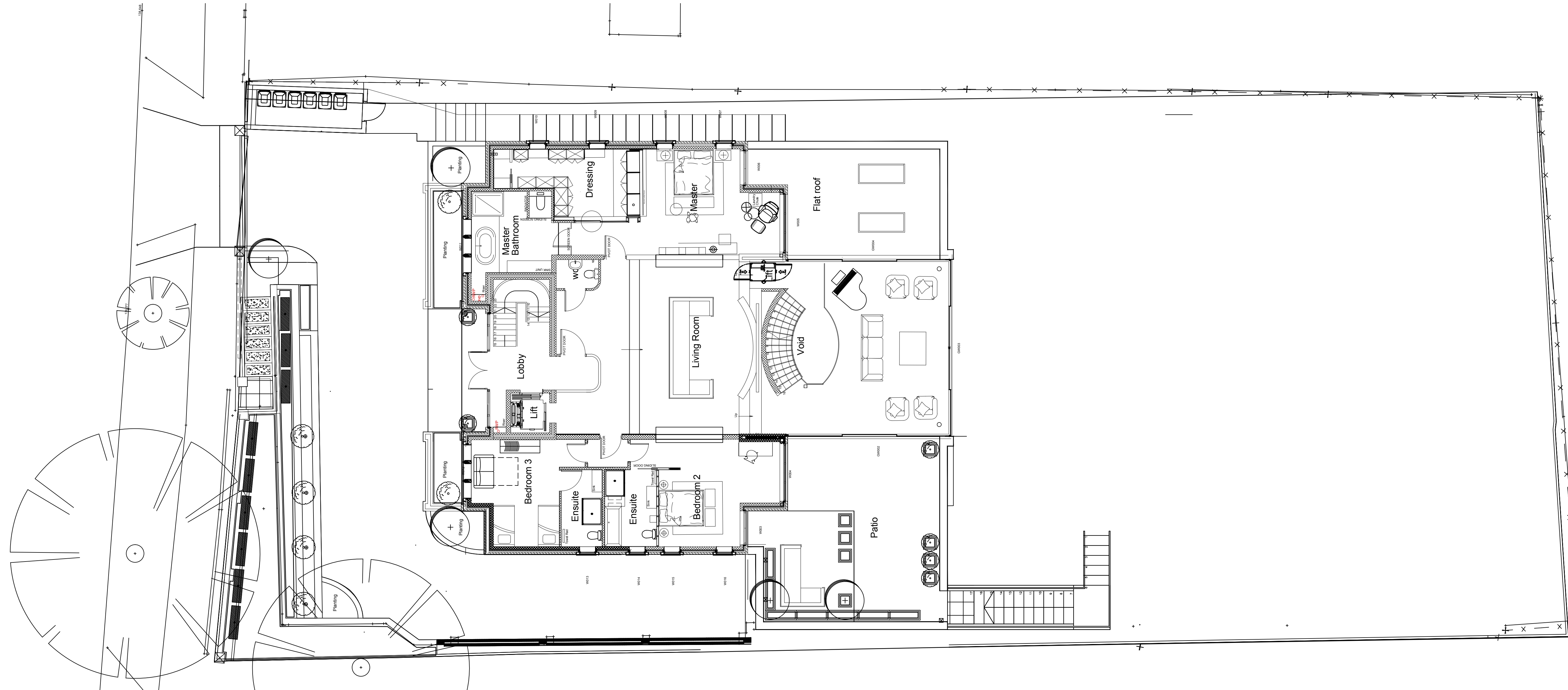
All structural components shown are indicative only. Details / calculations of structural members are to be provided by the Structural Engineer.

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REVISION	DATE	COMMENT

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<b>CLIENT DETAILS</b> 264 ALWOODLEY LANE ALWOODLEY LEEDS	<b>DRAWING No</b> 2017065(PL)02	<b>REVISION</b>
<b>DRAWING INFO</b> Site Plan as Proposed	<b>SCALE</b> 1:100	<b>DATE</b> 14/05/18
		<b>DRAWN BY</b> JH

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Originator- U Dadhiwala  
Tel: 0113 247 8059

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 6<sup>th</sup> September 2018**

**Subject: 18/03601/FU - Retrospective amendment to previously approved application 15/05529/FU for alterations including raise roof height to form two storey, first floor and single storey extensions to rear and both sides and new first floor window to side at 41 Nunroyd Road, Moor Allerton Leeds LS17 6PH**

APPLICANT	DATE VALID	TARGET DATE
Mrs Y A Khalil	27 July 2018	22 <sup>nd</sup> August 2018

<p><b>Electoral Wards Affected:</b></p> <p><b>Moortown</b></p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Samples of the walling materials to be submitted, within three months from the date of this decision.
4. The roofing materials shall match the existing
5. No insertion of windows
5. The roof shall be altered in accordance with the approved plans within six months from the date of this decision.
6. Bathroom window and the window in the side elevation to be glazed obscure

**1.0 INTRODUCTION**

1.1 This application has been brought to Plans Panel at the request of Cllr Sharon Hamilton, who highlights that the proposal will result in the dwelling appearing dominant and having an overbearing impact upon the neighbouring dwellings at

No.39 and 43 Nunroyd Road. The original application, which this scheme is an amendment to, was determined at Plans Panel on 4 February 2016.

- 1.2 The application has been submitted as a result of the works which have been carried out to the dwelling not being in compliance with the approved plans. Under this revised scheme further amendments are also proposed. These include the unbalanced roof form being corrected, with the pitched gable end of the roof being altered to form a hipped gable to match the other side of the roof. A pitched roof is also proposed over the flat roof single story element to the rear.
- 1.3 In comparison with the approved scheme, the width and length of the dwelling has not changed. However, the dwelling stands approximately 0.3m higher and the two gables that were shown to the front elevation and the gable element to the rear have been omitted. This gives the dwelling a much more complete and simple cubic form.

## 2.0 PROPOSAL

- 2.1 The applicant seeks permission to amend a 2015 application (ref: **15/05529/FU**) that proposed to substantially extend the original dwelling with extensions to the side and rear. The height of the dwelling was proposed to be increased by 0.5m.
- 2.2 The works that have been carried out on the site, do not comply with the 2015 application, and this is the subject of a pending enforcement case. Therefore, this application has been submitted in an attempt to regularise the development. The works that have been carried out omit the dual gables proposed to the front elevation and the dual pitched gable roof that was proposed to the rear of the site. The width of and length of the dwelling is similar to that approved. The height of the dwelling has increase by a further 0.3m. Therefore when compared to the height of the original dwelling, the dwelling will be increased in height by 0.8m overall.
- 2.3 The current roof form is unbalanced, with one side of the roof with a gable finish pitched and the other side hipped. Under this application this asymmetry will be removed for a symmetrical design solution. The side of the roof that has been constructed with a gable end is proposed to be altered to form a hip. This will allow the dwelling to appear much more symmetrical in design. In addition to this, the flat roof single storey rear element of the extension, will be finished with a pitched roof.
- 2.4 The table details the differences between the approved scheme and the scheme under consideration:

	Approved Building	Proposed Building
Width	14.8m	14.8m
Depth	12.6m	12.6m
Eaves height	5.5m	5.6m
Ridge height	7.8m	8.1m

## 3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within a predominantly residential area where there is little uniformity in the design of the dwellings along the northern side of the road. However, greater levels of uniformity do exist to the southern side. Nunroyd Road has clearly been developed over time with properties from an array of periods. There are grass verges and street trees which create an attractive and pleasant suburban street-scene. Off-street parking is widely available.
- 3.2 The application site comprises a detached dwelling which is being modified. The building also has a conservatory to the front elevation. The dwelling is set well back into the large rectangular plot (by some 13m). A separation distance of 3m will be maintained from the common side boundary with the adjacent dwelling No.39 and 2.6m from No.43 (approximately). The dwelling has rendered walls under a red tiled hipped roof. The upper floor of the extension are yet to be rendered.
- 3.3 Garden areas are located to the front and rear with the front area screened by hedging within the site and the trees planted on the grass verge directly to the front of the site. The side and rear boundaries are bound by fencing and hedging.
- 3.4 The flanking properties are a detached dwelling to the east (No.43) which is set forward of the application property, whilst to the west (No.39) is a detached property that sits at a much lower height than the application site but sits on the same building line. Properties to the rear on Nunroyd Lawn and Nunroyd Street are located behind the site and feature 17m long gardens.

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

- 4.1 15/05529/FU – Application for raising of the roof height to form a two storey side and rear extension and two storey side extension to other side. This application was approved by Plans Panel on 4<sup>th</sup> February 2016.
- 4.2 14/07103/FU and 15/01075/FU. Both applications proposed a two storey extension to rear and both sides. Both applications were refused for reasons of character and appearance, shading and over-dominance towards No.43 Nunroyd Road.

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

- 5.1 Concerns were raised by Officer's in relation to the unbalanced roof form of the dwelling that was shown in the original plans. The applicant was advised to amend the plans so that both ends of the roof are similar. The plans have been amended so that the two gable ends of the dwelling are hipped, giving the dwelling a much more symmetrical design.

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

- 6.1 The application was originally advertised by Neighbour Notification Letters that were issued on 28 June 2018. Following amended plans being submitted the application was re-advertised on 26<sup>th</sup> July 2018 and again on 26<sup>th</sup> August 2018 .
- 6.2 7 objection letters have been received. The following concerns have been raised:
- The extension would be an over-development of the site.
  - The proposal will have an overbearing impact upon the neighbouring dwellings
  - The proposal will raise overlooking issues

- The flat roof section to the rear could form a balcony
- The proposal will harm visual amenity
- The proposal will raise issues of overshadowing

## **7.0 CONSULTATIONS RESPONSES:**

7.1 None received

## **8.0 PLANNING POLICIES:**

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

### Development Plan

8.2 The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood development plan.

### Adopted Core Strategy

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

Policy P10: Seeks to ensure that new development is well designed and respect its context

Policy T2: Accessibility requirements and new development

### Saved UDP policies:

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

Policy LD1: Seeks to ensure that development is adequately landscaped

Policy N23: Refers to open space and the retention of existing features which make a positive visual contribution.

Policy N25: Refers to boundaries around site

Policy BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

### Relevant Supplementary Planning Guidance includes:

8.5 Supplementary Planning Guidance “Householder Design Guide” – that includes guidance that the design and layout of new extensions and that they should have regard to the character of the local area the impact on their neighbours.

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

- i) the roof form and roof line;
- ii) window details;
- iii) architectural features;

- iv) boundary treatments and;
- v) materials.

Extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

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

### National Planning Policy (NPPF)

- 8.6 The National Planning Policy Framework (2018) 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. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 Section 12 of the NPPF – Requires good design.
- 8.9 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable, precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

## **9.0 MAIN ISSUES**

- Character and Appearance
- Residential Amenity
- Highway Matters
- Public Representations
- Conclusion

## **10.0 APPRAISAL**

### Character and Appearance

- 10.1 The applicant seeks amendments to a 2015 application (ref: **15/05529/FU**) that sought permission to extend the original dwelling with first floor extensions to either

side and a part single part two storey extension to the rear. However, the works that have been carried out on the site do not comply with the 2015 application and this application has been submitted to regularise the development. The works that have been carried out make a number of alterations that result in the dwelling appearing different to the approved scheme. The approved scheme was designed, such, that the additional bulk and massing would be broken up by front gable features and a dual gable roof to the rear. These elements have been omitted, and the dwelling now has a simpler shape.

- 10.2 It is considered that the simple shape and form of the dwelling with the proposed hipped roof, results in the dwelling appearing to sit well within this streetscene, where dwellings take a varied form and design. It is noted that the works have resulted in the height of the dwelling being increased by a further 0.3m over that previously approved. As there is no clear uniformity in the height of dwellings on the street, it is considered that this marginal height increase does not result in the dwelling appearing incongruous or dominant from the street.
- 10.3 The width and depth of the dwelling is as approved and the separation distance from the side boundaries will be similar to that approved. Therefore, it is considered that the proposal will not harm the special character of the area nor will it appear as an overdevelopment of the site.
- 10.4 The pitched roof proposed to the single storey flat roof element to the rear, is a welcome addition to the property which will result in this part of the extension tying in better with the hipped roof dwelling. Furthermore, this will physically prevent the roof being used as a balcony, as per previous concerns raised by neighboring residents.
- 10.5 It is considered that the proposal will comply with Policy P10 of the Core Strategy, which seeks to ensure that new development is well designed and respect its context, and with saved Policies GP5 and BD6 which seeks to ensure buildings are designed with consideration given to both their own amenity and the amenity of their surroundings. The proposal will also comply with policy HDG1 of the Householder Design Guide as the scale, form and proportions of the extensions proposed pay due regard to the character and appearance of the main dwelling and the area.

#### Residential Amenity

- 10.6 As has been discussed, the depth and width of the dwelling and the separation distances from the adjacent dwellings are similar to the approved scheme. The key difference between the schemes, is the height increase which results in the dwelling standing 0.3m higher than the approved scheme. It is considered that the 0.3m increase in the massing is modest, when compared to the approved scheme and will not result in harm to neighbouring properties by way of overshadowing or dominance. Furthermore, the omission of the front gables means that the roof massing now inclines further away from the side boundaries, which is a mitigating factor for the 0.3m increase in the roof height.
- 10.7 The windows proposed are in a similar position to those approved and therefore it is considered that the proposal will not raise any overlooking issues. The window in the side elevation, which is larger than that was approved, will be obscure glazed (secured by condition). Therefore, it is considered that the proposal will not raise overlooking issues. The removal of the possible use of the flat roof as a balcony is also a significant improvement in relation to the concerns of the occupiers of adjoining properties.



### Parking

- 10.8 Parking arrangements are as previously approved and the drive is of sufficient length to accommodate two/three vehicles in a tandem formation. Therefore, it is considered that the parking provisions are acceptable and will not result in on-street parking.

### Public Representation

- 10.9 All the material planning issues that were raised by the objectors have been addressed within the report.

## **11.0 CONCLUSION**

- 11.1 In light of the above, it is considered that the design, scale and height (as amended) of the development are acceptable within the immediate context and will not harm the character or the appearance of the area. Furthermore, the proposal will not result in any on street parking issues. As such, the proposed scheme is considered to be compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

### **Background Papers:**

Application file: 18/03601/FU

Certificate of ownership: Certificate 'A' signed by the Agent



18/03601/FU

# NORTH AND EAST PLANS PANEL

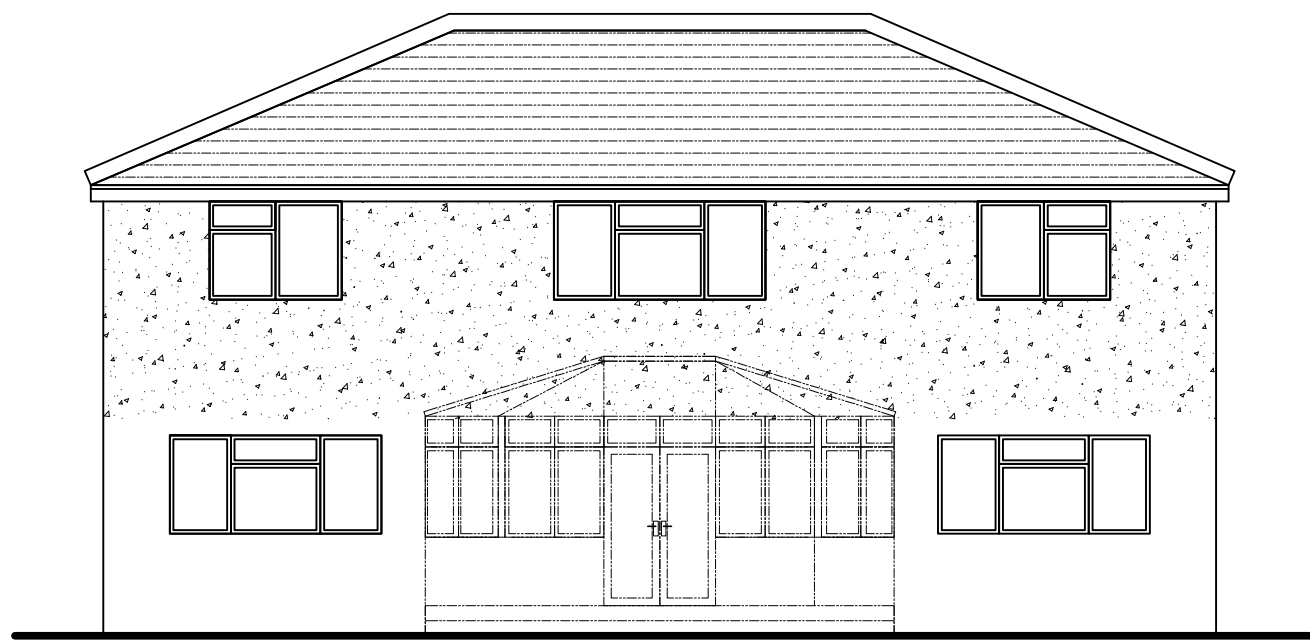


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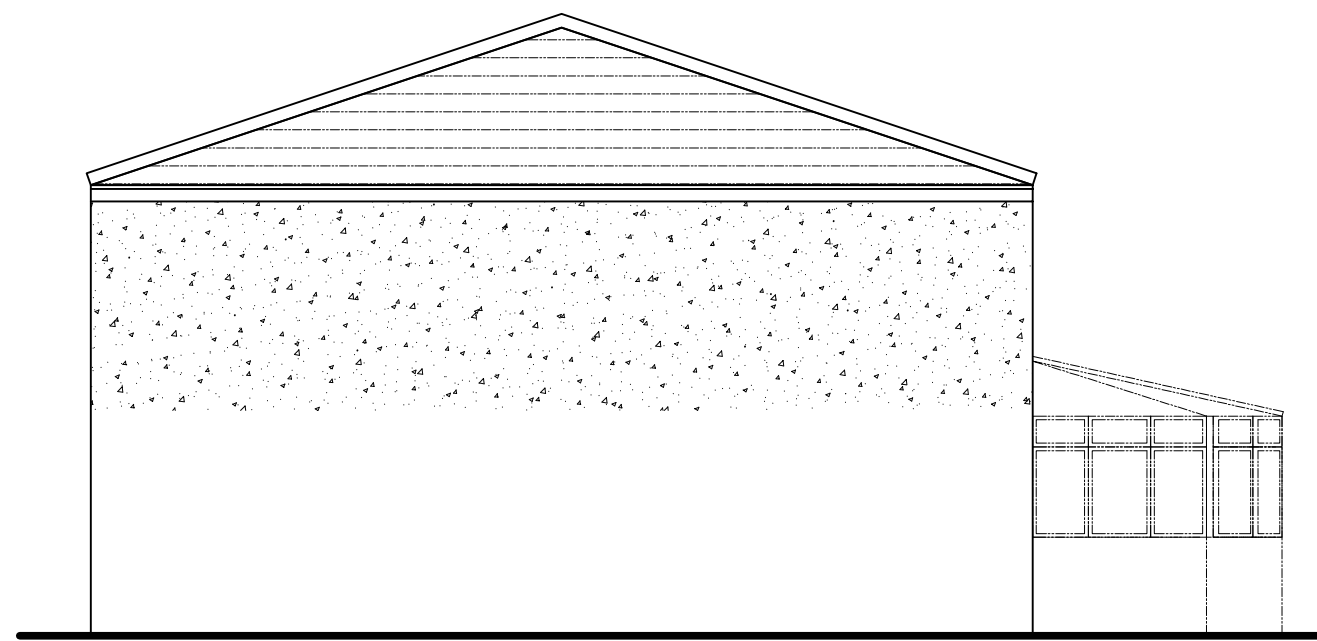
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS & CODES OF PRACTICE.

ALL DIMENSIONS TO BE CHECKED ON SITE.

DO NOT SCALE FROM THIS DRAWING.



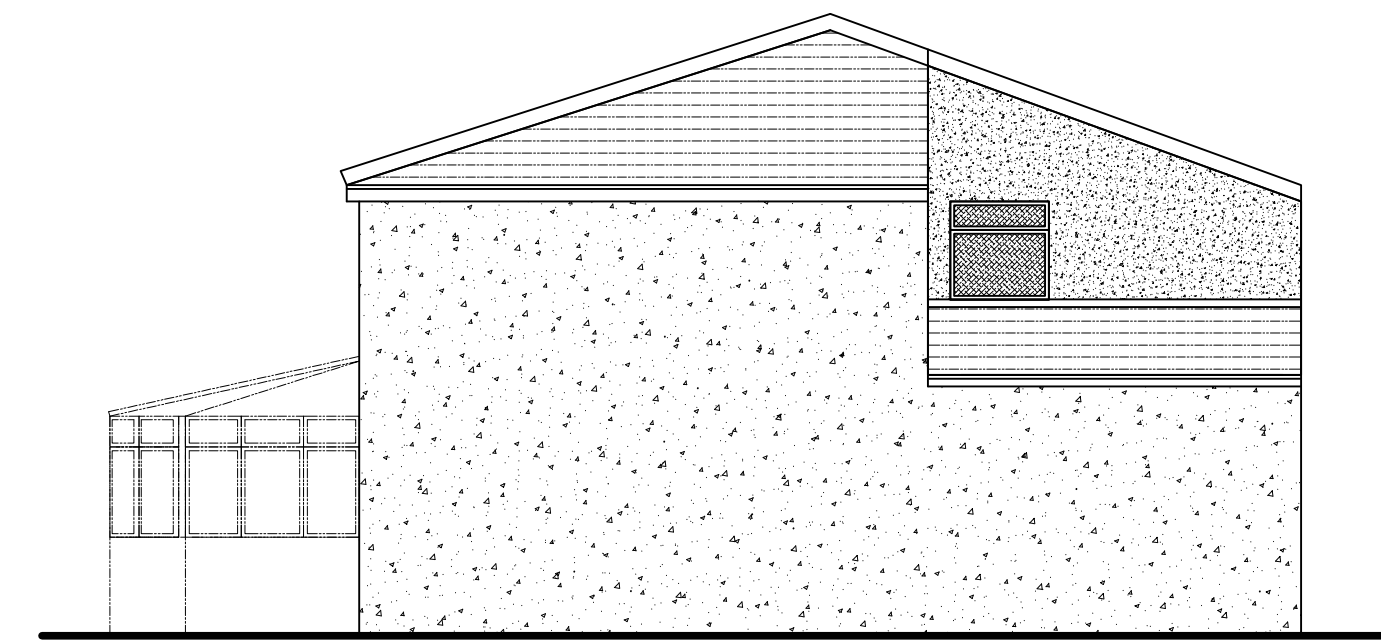
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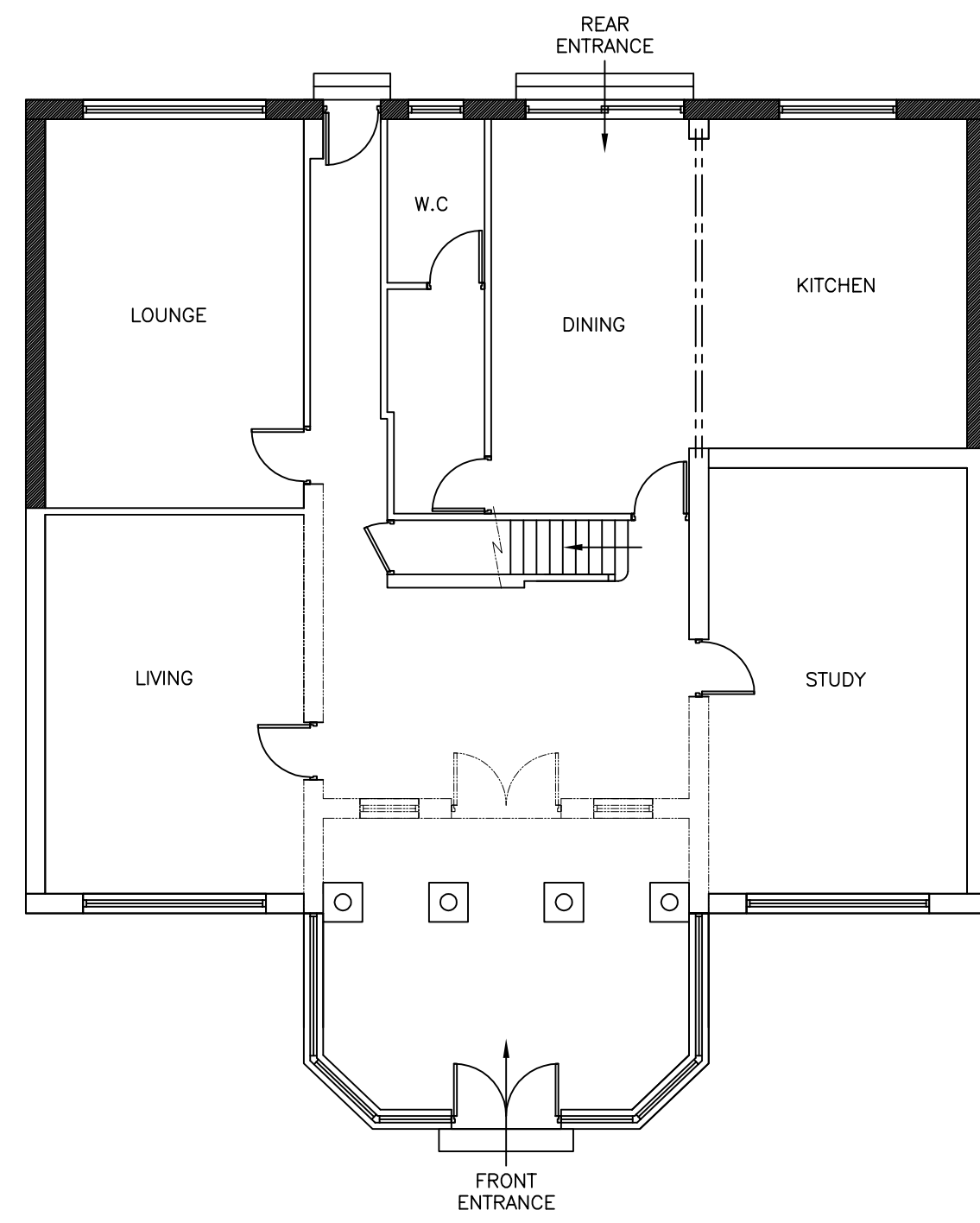
39 NUNROYD ROAD  
PROPOSED SIDE ELEVATION



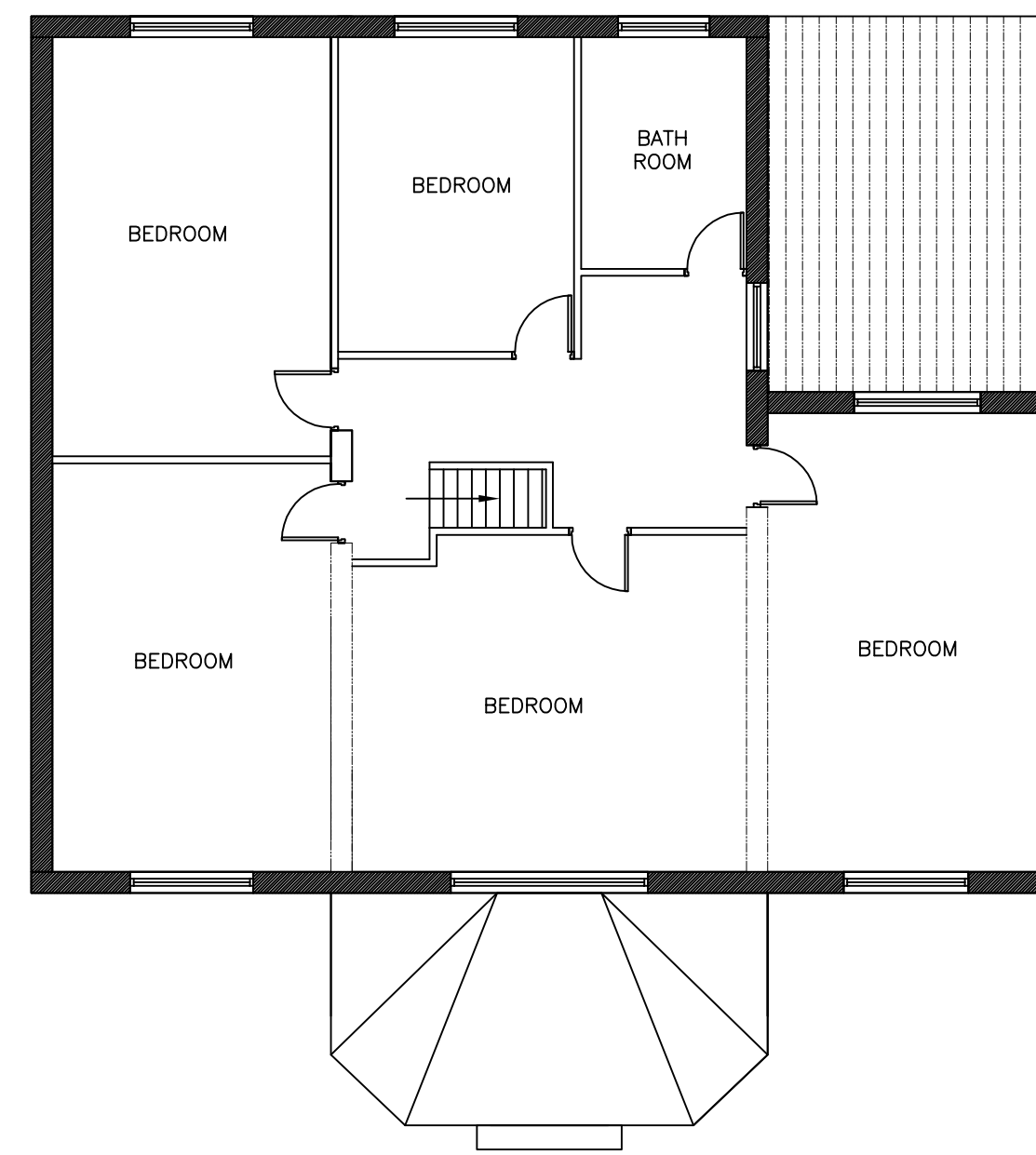
PROPOSED REAR ELEVATION



43 NUNROYD ROAD  
PROPOSED SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

P L A N N I N G

C	FLAT ROOF ALTERED	13.08.18
B	ROOF ALTERED GABLE TO HIP	09.08.18
A	ROOF ALTERED HIP TO GABLE	25.07.18
Rev:	Revision Note:	Date:

**Client:** MRS Y. A. KHAUL

**Project:** 41 NUNROYD ROAD, LEEDS, LS17 6PH.

**Title:** RETROSPECTIVE PLANS & ELEVATIONS

**Scale:** 1:100@A1    **Date:** MAY 18    **Drawing No:** 1859-3    **Revision:** C

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