



SOUTH AND WEST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 16th August, 2018
at 1.30 pm

MEMBERSHIP

Councillors

K Brooks	C Campbell	B Anderson	A Hutchison
M Gibson		J Shemilt	
C Gruen (Chair)			
S Hamilton			
J Heselwood			
D Ragan			
P Wray			

Agenda compiled by:
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Governance Services
Civic Hall
Tel: 0113 24 74325

A G E N D A

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

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3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - 19 JULY 2018</p> <p>To confirm as a correct record, the minutes of the meeting held on 19 July 2018.</p>	3 - 6
7	Morley North		<p>APPLICATION 18/01506/FU - VAYNOL GATE, ROOMS LANE, MORLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of an existing house, laying out of access road and construction of four detached houses to garden.</p>	7 - 22
8	Hunslet and Riverside		<p>APPLICATION 18/02073/FU - 53 WICKHAM STREET, BEESTON, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of a house (C3) to a house in multiple occupation (C4).</p>	23 - 32
9	Morley South		<p>APPLICATION 18/04396/FU - 56 SHIRE ROAD, MORLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for a first floor side extension.</p>	33 - 40

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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.

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- 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.

To all Members of South and West
Plans Panel

Planning Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: Steve Butler
Tel: 0113 224 3421
steve.butler@leeds.gov.uk

Our reference: SW Site Visits
Date: 06/08/18

Dear Councillor

SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 16th AUGUST 2018

Prior to the meeting of the South and West Plans Panel on Thursday 16th August 2018 the following site visits will take place:

Time	
10:00 am	Depart Civic Hall
10:20 am	18/04396/FU 56 Shire Road, Morley, LS27 0BF
10:45 am	18/01506/FU Vaynol Gate, off Rooms Lane, Morley, LS27 9PA
11:30 am	18/02073/FU 53 Wickham Street, Beeston, LS11 7AR
12 Noon	Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10:00 am. Please notify Victoria Hinchliff Walker (Tel: 0113 378 8027 or email: victoria.hinchliffwalker@leeds.gov.uk) if you wish to take advantage of this and meet in the Ante Chamber at 09:50 am.

Yours sincerely

Steve Butler
Area Planning Manager

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SOUTH AND WEST PLANS PANEL

THURSDAY, 19TH JULY, 2018

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, K Brooks,
C Campbell, M Gibson, S Hamilton,
J Heselwood, A Hutchison, D Ragan,
J Shemilt and P Wray

8 **Declarations of Disclosable Pecuniary Interests**

There were no declarations.

9 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the meeting held on 14 June 2018 be confirmed as a correct record subject to the inclusion of apologies for absence on behalf of Councillor C Campbell.

10 **Application No. 18/02223/FU - One dwelling house at Lay Garth Court, Rothwell, Leeds LS26.**

The report of the Chief Planning Officer presented an application for one dwelling house at Lay Garth Court, Rothwell.

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 application had been referred to the Panel at the request of a local Ward Councillor with concerns of harm to the Conservation Area.
- The dwelling was proposed to be constructed on what was part of a former garden site. Planning permission had already been granted for 3 dwellings on the rest of the site and these were currently under construction. The area of the site for this proposal was currently being used as a compound.
- Main objections to the proposal had focussed on the loss of garden space and harm to the conservation area.
- The application was recommended for approval.

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

- There had been conflicting advice regarding development of the site with regards to the number of dwellings that would be approved.

Draft minutes to be approved at the meeting
to be held on Thursday, 16th August, 2018

- Removal of protected trees and boundary walls.
- There was not sufficient parking for the development or on Lay Garth Court. Additional vehicles parked on Lay Garth Court would block access.
- The development would have a negative impact on the quality of life for residents opposite the site.
- The developer had been approached with regards to selling the land to existing residents so it could be used for garden areas.

The applicant and their representative answered questions from the Panel. The following was discussed:

- Original proposals had sought permission for five dwellings at the site. Following negotiations this had been reduced to three (now under construction) with a view for further development when the rest of the site had been secured.
- There would be significant landscaping improvements including new trees and a beech hedge.
- There had been consultation with the Conservation Team and a heritage assessment had been carried out.

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

- The existing junction provided access to 54 existing properties and to the additional ones to be developed at the site.
- The road surface on Lay Garth Court was felt to be sufficient and there was no justification to include conditions to improve this for the addition of one more dwelling.
- Concern that the quality of the proposed dwelling was not to the standard of the others on the site. This did not have the same features and as it was adjacent to the conservation area it was felt that improvements could be made. Details for the front elevation of the dwelling were highlighted and it was suggested that further discussion could be had regarding this.
- It was suggested that the applicant could carry out a survey of the road condition before and after development.
- There would not be any Section 106 requirements but there would be Community Infrastructure Levy contributions.

RESOLVED – That the application be approved in principle but deferred and delegated to the Chief Planning Officer subject to further discussion with the applicant with regards to detailing of the front elevation, in particular securing a coped verge and provision of a bay to the left of the entrance door to provide symmetrical appearance. Such detail to be considered by the Chair prior to decision.

Also an additional condition to be added regarding submission of a survey of condition of Lay Garth Court before and after construction to determine if any repairs/resurfacing is required because of damage from construction traffic.

11 Application No.17/08294/FU - Construction of 18 dwelling houses and associated works to Land off Tyersal Close, Tyersal, Leeds

The report of the Chief Planning Officer presented an application for the development of 18 dwelling houses and associated works at land off Tyersal Close, Tyersal.

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

Further information highlighted included the following:

- The site was currently unused.
- Additional land had been purchased to create a public open space.
- The site was currently unallocated in the Site Allocation Plan but the majority was proposed for housing use.
- The area to be used for housing was outside the greenbelt.
- The proposed layout would consist of 6 pairs of semi-detached dwellings and 6 detached dwellings.
- All bar one of the dwellings would have at least two off road parking spaces.
- The use of greenbelt land for public open space was considered to be appropriate.
- Due to viability of the scheme, there would not be any provision of affordable housing.
- It was suggested that there be an additional condition to remove permitted development rights for roof alterations.
- The application was recommended for approval.

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

- A representative from the District Valuer Service explained the reasons why the scheme would not be viable with an affordable housing contribution.
- The applicant's agent reported that there was a demand for these types of larger properties in the area.
- There was sufficient car parking. Most properties had in excess of 3 spaces and garages. There would also be 3 visitor spaces.
- There was a play area to the south of the site.
- There would be a condition to ensure that electric vehicle charging points would be included in the development.
- There had been no concerns expressed with regards to the site being brought forward for development prior to allocation of the land for housing.

- Concern regarding the housing mix and whether the development met the demands of the city. Further concerns were raised with regards to the viability and it was suggested that an overage clause be added should higher profits than projected be made from the development.
- It was suggested that the application be deferred for further clarity on housing mix and demand in the area. Further consideration to be given to the proposed house prices in relation to viability; potential re-design of the layout; clarity with regards to the area of land to the right side of the access to the site and also the drafting of a Section 106 agreement regarding an overage clause to reassess viability.

RESOLVED – That the application be deferred for further consideration of the issues discussed.

12 Date and Time of Next Meeting

Thursday, 16 August 2018 at 1.30 p.m.



Originator: Aaron Casey
Tel: 0113 378 7995

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 16 August 2018

Subject: APPLICATION 18/01506/FU - Planning application for demolition of existing house, laying out of access road and construction of four detached houses to garden at Vaynol Gate, Rooms Lane, Morley, Leeds, LS27 9PA

APPLICANT	DATE VALID	TARGET DATE
Vaynol Developments	28 March 2018	21 June 2018

Electoral Wards Affected:
Morley North

Yes (Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below

1. Time limit
2. Plans to be approved.
3. Samples of walling, roofing and surfacing material to be approved.
4. Window details including section to show recess within reveals
5. Details of bin stores.
6. Tree protection measures
7. Submission of landscape scheme for approval by the LPA and implementation of the approved details, including levels, services and boundary treatment.
8. 5 year landscaping retention condition.
9. Details of interim construction phase drainage works.
10. Feasibility study into use of infiltration drainage methods.
11. Details of drainage scheme for surface water.
12. Statement of construction practice including constructor parking, compound location, hours of working etc.
13. Vehicle spaces to be laid out prior to development being occupied.
14. Electric vehicle charging point provision.

15. Standard Contamination conditions
16. Removal of Permitted Development (Classes A – E)
17. Details of bat roosting and bird nesting provision to be provided.
18. Details of site investigations to assess potential risks posed by past shallow coal mining activity and submission of report of findings. Details of mitigation to be included and implemented.

1.0 INTRODUCTION

- 1.1 The site is not identified for any purpose in the Submission Draft Site Allocations Plan and can be regarded as a windfall site for the provision of housing.
- 1.2 This planning application is presented to Plans Panel at the request of Cllr Tom Leadley. The planning reasons are summarised below:
 - Plot 1 sits too close to the boundary with the adjacent site of ‘Treefield’
 - Plot 3 would harm the living conditions of residents of Woodcross Fold by reason of over-shadowing, loss of light, over-dominance and loss of outlook.

2.0 PROPOSAL

- 2.1 This application seeks planning permission for the residential development of 3035 sq/m (approx. 0.304 hectare site) to deliver four x 5 bedroom detached dwellings. The dwelling will be served by private garden space and off-street parking and the site would be landscaped. This landscaping would be secured by condition and is shown to include tree planting along the north-eastern boundary with Woodcross Fold where previous tree coverage existed but has in recent times being removed.
- 2.2 The proposed dwellings would read as 2 storeys with a bedroom within the roof-space. The houses are indicated to be constructed in a palette of materials that include brick, render and timber cladding under grey tiled roofs. Fenestration detailing is also proposed i.e. flat arched heads, cills and bay windows.
- 2.3 A single vehicular access into the site is proposed from Rooms Lane.
- 2.4 The existing dwelling would be demolished.
- 2.5 Below are details of the approximate height of the proposed dwellings and that of the existing:
 - Plots 1 and 2: 4.8m to the eaves and 9.3m to the ridge
 - Plots 3 and 4: 5m to the eaves and 9m to the ridge
 - Existing dwelling: 5.2m to the eaves and 8.3m to the ridge

3.0 SITE AND SURROUNDINGS

- 3.1 The site sits within the urban area with well-established residential development located around the site with Springfield Mill Park sited in close proximity to the site. The site is located close to local amenities and good public transport routes and can therefore be regarded as sitting within a sustainable location. The character of the surrounding area is residential comprising development from varying periods of construction which is reflected in the array of architectural styles, scale, form and detailing. The size of gardens also vary, as do boundary treatments.

- 3.2 The application site presently comprises garden land serving an existing large detached dwelling known as Vaynol Gate. To the front is an area of hard-standing, a detached garage is located in the northern corner of the site with a patio and a large lawned area located to the rear. The existing house is constructed in red brick under pitched and hipped slate roofs and appears to date from the 1920s-30s and is of the Arts and Crafts style. Over time there have been extensions and alterations to the existing building some of which are unsympathetic additions. The site is located to the north-eastern part of Rooms Lane and has been sub-divided previously to its southern part to accommodate a detached dwelling set within a sizable plot (No.47 Rooms Lane). To the north of the site is a large detached dwelling 'Treefield' set within a large plot. A detached dormer bungalow and garage block has been approved within this plot to the south of the existing dwelling on site (under reference 16/06174/FU). Elsewhere around the application site boundaries to the north-east and south-east are much smaller dwellings set within smaller plots. This tighter grain of development is the norm along Rooms Lane and within the immediate area with early Edwardian, dwellings sitting in close proximity to 1930's housing development as well as that from the late 20th century.
- 3.3 To the north-east are a row of dwellings on Woodcross Fold who have gardens that back onto the application site. These dwellings have their habitable rooms facing towards the rear and their garden sizes vary. They are also set some 500mm below the application site and are separated in part from the sites boundary by a narrow ginnel/bin run. To the south and south-east are a row of properties located on Room Fold that form part of the same housing estate as that of Woodcross Fold. Along the boundary with Woodcross Fold was up until recently fringe planting comprising mature tree coverage. These have since been removed (with the relevant permissions in place); along the boundary with Rooms Fold to the south/south-east is a tree line that has statutory protections in place (TPO's).

4.0 RELEVANT PLANNING HISTORY

- 4.1 PREAPP/15/00764 - Demolish existing dwelling and replace with 5 dwellings with a new private drive – Advice given and some extracts are set out below:

“The principle of residential development is accepted. The site is in a sustainable location within an existing residential area in Morley, close to amenities and public transport links”.

“The layout and density of the scheme appears acceptable in that it reflects the mixed spatial pattern of surrounding developments and subject to alterations appears to be able to accommodate five (smaller) dwelling houses”.

“Plot 3 will also be located at the bottom of neighbours rear gardens and should be reduced in size/height, or moved further from the boundary to reduce impact”.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Initially the existing dwelling was to be retained but this drove the layout and created issues in providing a layout that presented plots 1 and 3 overly close to the boundaries. In the main it was the proximity of the unit on plot 3 that raised Officer concern and from the Officer site visit it was clear that although the separation distance proposed from the rear elevations of the properties on Woodcross Fold met with those set out in SPG13, the siting of the proposed unit on Plot 3 would create

issues in respect of undue levels of shade and a sense of dominance to the directly adjacent properties.

5.2 Subsequently Officers engaged with the Applicant's agent to set out the considered issues as well as seeking to amend the layout to respond to comments from consultees. Moreover, Officers advised it would be prudent to extend their consultation from the residents of 'Treefield' to the residents of Woodcross Fold. Officers understand that this consultation exercise was undertaken with residents and Cllr Tom Leadley.

5.3 The layout now before Members is considered acceptable and due regard is given to the Council's need to provide housing over the plan period and that there is currently no 5 year housing supply in Leeds, a point concluded at several recent appeals. Details of these appeals are expanded upon later within this report.

6.0 PUBLIC/LOCAL RESPONSE

6.1 The application has been advertised by means of a site notice (20 April 2018) and neighbour notification letters (5 June 2018). Morley Town Council were also notified (5 June 2018).

6.2 There have been 21 letters of objection. The matters raised in response to the revised scheme are summarised below:

- The proposal represents over-development of the site
- Proximity of proposed Plot 3 and garages along the boundary with Woodcross Fold would result in over-bearing development
- Loss of light
- Impacts on neighbours right to light
- Loss of outlooks
- Loss of privacy
- Noise and disturbance during the construction phase
- Strain on the existing highway along Rooms Lane by reason of increased traffic.
- Increased levels of noise and disturbance
- The proposed trees would cast shade and potential safety issues i.e. falling branches.
- How will the fence along Woodcross Fold be maintained?
- The removal of the trees that formally ran along the boundary with Woodcross Fold removed levels of privacy.

6.3 Cllr Tom Leadley has raised objections as set out in the introduction of this report.

6.4 Morley Town Council have cited that the proposal represents over-development of the site, would have a negative impact on residential amenities, particularly those on Woodcross Fold as well as having a negative impact on the street-scene.

7.0 CONSULTATION RESPONSES

7.1. Coal Authority: Initial objection is now withdrawn. The phase 1 desk study identifies that coal mining legacy poses a risk to development at the application site. Therefore intrusive site investigations will be needed to establish the situation and to inform of any required remediation.

- 7.2 Highways: No objections subject to conditions securing a statement of construction practice, vehicle spaces to be laid out and provision of electric vehicle charging points.
- 7.3 Landscape: No objections subject to conditions for protection of retained trees and a detailed landscape scheme.
- 7.4 Flood Risk Management: No objections subject to conditions securing interim drainage measure during construction, surface water and implementation scheme.
- 7.5 Ecology: No objections subject to a condition securing bat roosting and bird nesting features within the buildings.
- 7.6 Contaminated Land: No objections subject to standard contamination conditions.
- 7.7 Environmental Studies – Transport Strategy Team: Care should be taken such that the recommended WHO standards for daytime noise levels in amenity gardens are met; an acoustic barrier (heavy duty close - boarded fence or equivalent) might be necessary, depending on how heavily trafficked Rooms Lane is.

Officer Note: Rooms Lane serves a relatively large number of dwellings and is well used but not so heavily used that it is likely that the future occupants would experience excessive levels of noise and disturbance. The proposed gardens would be bounded by close boarded timber fencing and the impact on the future residents would be no more than existing residents experience within the built up urban area.

8.0 PLANNING POLICIES

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) as well as any made Neighbourhood Plan (NP). In this instance the site does not lie within a NP area.

Adopted Leeds Core Strategy (LCS)

- 8.2 The following Core Strategy policies are considered most relevant:

- Spatial Policy 1: Location of development
- Policy H2: Housing on unallocated sites (Windfall)
- Policy H3: Density of residential development
- Policy H4: Housing mix
- Policy P10: Design and context
- Policy P12: Landscape
- Policy T2: Accessibility requirements and new development
- Policy G8: Protection of species and habitats
- Policy G9: Biodiversity improvements
- Policy EN5: Managing flood risk

Saved Policies - Leeds UDP (2006)

8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

- GP5: Development Proposals should resolve detailed planning considerations.
- N23/25: Landscape design and boundary treatment
- LD1: Detailed guidance on landscape schemes.

Relevant supplementary guidance:

8.4 Street Design Guide SPD
Neighbourhoods for Living SPG13
Natural Resources and Waste Development Plan Document

National Planning Policy Framework (NPPF)

8.5 The National Planning Policy Framework (Revised July 2018), and the National Planning Practice Guidance (NPPG) set out the national policies for England and how these are expected to be applied. One of the key principles running through the Framework is a presumption in favour of Sustainable Development set out in three objectives: Social, Economic and Environmental. The revised NPPF now seeks to tighten definitions on the presumption in favour of sustainable development, increases the emphasis on high-quality design and place-making. The framework introduces from November 2018 the Housing Delivery Test (subject to transitional provisions) which is focused on driving up the numbers of homes delivered in their area, rather than how many are planned for.

8.6 Paragraph 11 of the revised NPPF directs LPA's to apply a presumption in favour of sustainable development and that they should approve development proposals that accord with an up-to-date development plan without delay.

8.7 With regard to housing applications, section 5 deals with the delivery of a sufficient supply of homes. Paragraph 59 of the revised NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay

8.8 The below sections are also considered to be relevant:

- Section 5 - Delivering a sufficient supply homes
- Section 6 - Building a strong, competitive economy
- Section 9 - Promoting Sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-designed places
- Section 15 - Conserving and enhancing the natural environment

DCLG - Technical Housing Standards 2015

8.9 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning

Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.

8.10 The technical housing standards provide a table that sets out the minimum gross internal floor areas. The DCLG sets out a maximum of 138 sq/m for a 6 bed dwelling with an 8 bed-space dwelling set out over 3 floors.

8.11 The proposed units would all be 5 bedrooms with 9 bed-spaces and therefore correlation can be set against the DCLG's maximum figure above. All proposed units would be in excess of the 138 sq/m gross floor area.

9.0 MAIN ISSUES

- Principle of development
- Highways
- Layout, Scale and Appearance
- Landscape
- Residential Amenity
- Ecology
- Flood Risk
- Other Matters

10.0 APPRAISAL

Principle of development

10.1 Having regard to relevant policies within the Adopted Core Strategy, it is noted that the Leeds Core Strategy (LCS) is up-to-date and accordingly, full weight can be attached to the distribution strategy for the appropriate location of development as set out in Core Strategy Spatial Policies 1.

10.2 Spatial Policy 1 relates to the location of development and confirms the overall objective is to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and greenfield land. It confirms that the largest amount of development will be located in the main urban area and major settlements with small settlements contributing to development needs subject to the settlement's size, function and sustainability. As a consequence, the priority for identifying land for development is:

- (i) previously developed land within the Main Urban Area/relevant settlement,
- (ii) other suitable infill sites within the Main Urban Area/relevant settlement and
- (iii) key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.

10.3 The site falls within the urban area and whilst the house is considered to be on brownfield (previously developed) land, the garden constitutes greenfield (non-developed) land. The effective use of land by reusing brownfield land is encouraged but the development of Greenfield land is not precluded with the presumption in favour of sustainable development the primary determinant.

- 10.4 Within section 11 of the revised NPPF, paragraph 117 directs LPA's *inter alia* that decisions should promote an effective use of land in meeting the need for homes. The revised NPPF does not change its focus on a presumption that previously developed sites should be developed before Greenfield sites and whilst the application site is predominantly Greenfield rather than Brownfield site (due to the large garden area), neither the Core Strategy (CS) nor the NPPF preclude the development of Greenfield sites.
- 10.5 Specifically relevant to this proposal is Policy H2 of the CS. This states non-allocated sites '*should not be developed if they have intrinsic value as amenity space or for recreation or for nature conservation, and makes a valuable contribution to the visual, historic and/or spatial character of an area*'. The proposals have been considered against this criteria and as set out below there is not considered to be significant harm to the character of the area as a result of the proposed development. The land utilised would be in the main Greenfield and its development for residential purposes is not considered harmful in respect of the local character where large gardens are not the prevailing variables that make up the fabric of the area. The full character implications are set out below.
- 10.6 The presumption in favour of sustainable development means that planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. As will be demonstrated in the report below, the majority of the site is generally within suitable journey times (as established through Policy T2 of the Core Strategy) from a number of the key services and facilities. This, and the fact that the site is surrounded by existing residential development produces a limited impact on the wider landscape.

Highway Matters

- 10.7 Paragraph 32 of the NPPF states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.8 As part of the assessment of this application a technical view was sought from Highways. The site does not meet Leeds City Councils accessibility standards however, it is within a 7 minute walk of a bus stop offering frequent bus services. Moreover, the site is located in the well-established settlement of Morley which contains multiple schools as well as employment opportunities. Therefore whilst not meeting the bus stop distance element of the Councils accessibility standards, it does meet other elements of the standards, and the increased walk time to a bus stop is not considered to be so great that it would discourage residents from using the services.
- 10.9 No objections are raised with regard to the internal layout of the site and parking provision is considered to be acceptable. Whilst the proposed dwellings would increase the amount of vehicles along Rooms Lane the scheme is relatively small in

respect of numbers, but Officers do note that given the size of the dwellings it is likely that each would be associated with multiple vehicles for the future occupants. It is the view of Officers that the quantum of traffic would increase by virtue of the development however the existing highway network and specifically Rooms Lane would not be significantly impacted upon and free and safe usage of the Highway would be retained.

- 10.10 The boundary wall of 47 Rooms Lane is to be realigned to achieve visibility splays of 2.4m x 33m and the proposed vehicular access is considered by Highways to be acceptable.
- 10.11 A bin collection point is indicated on the site plan and conditions can secure Electric Vehicle Charge Points for each proposed dwelling in the interests of air quality and sustainable travel.
- 10.12 Therefore the scheme is considered to be compliant with the aims of CS Policy T2 and the NPPF.

Layout, Scale and Appearance

- 10.13 Policies within the Leeds Development Plan along with the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Paragraph 124 of the NPPF states that 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.
- 10.14 Paragraph 127 of the NPPF seeks that planning policies and decisions should ensure developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; 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; 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 networks; and 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.
- 10.15 Good design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the built environment. Design can also assist in tackling the most cross cutting issues of sustainable development such as climate change, car dependence, community cohesion and health and wellbeing.
- 10.16 Policy P10 of the CS deals with design and states that development should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place

with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.

- 10.17 The proposed layout shows that the dwellings will be sited off a short main route and driveways branching off from this access road. Given the small scale of the development there is a constant character offering an intimate sense of place. The retained and proposed tree coverage would also act to soften the formal urban character area within the site as well as lessening the impact from three proposed detached garage blocks that will sit close to the northern boundary.
- 10.18 The proposed housing consists of detached units all with pitched roofs and constructed in brick and render with stone sills; this offers an acceptable pattern of development within the site and given the variety within the area where an array of architectural styles are located the brick and render is acceptable. The existing house on the site is constructed in brick with sections of render and there is some reflection of this in the choice of materials. Moreover, a large spread of 1930's red brick dwellings are located within the immediate vicinity which also rationalises the proposed materials.
- 10.19 In light of the relatively diverse architectural themes within the immediate area, with buildings representing the period of construction, having a variety of scale, form, height and materials as well as plot size and shape. The appearance, detailing and scale of the proposed units is clearly residential and domestic and adds positively to the architectural vernacular of the surroundings. The standards and design of the development will offer the opportunity to add and enhance the distinctiveness of the locality and provide a high quality design standard for new homes. The scheme is considered to deliver a layout and design that meets with the Council's design aspirations established within Core Strategy Policy P10, the NPPF and guidance within SPG 13 - Neighbourhoods for Living. The details of all materials and boundary treatments can be secured by conditions which are recommended.

Landscape

- 10.20 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.
- 10.21 The submitted landscape details identify that there would be planting of trees along the northern boundary. Up until relatively recently this boundary had fringe tree coverage along it, but that fringe planting was removed. The proposed planting location and species has not attracted any objection from the LPA's Landscaping Officer and will result in re-placement planting mitigating for the loss of a green fringe to the site. The planting scheme submitted proposes a variety of trees ranging from small to medium species which are unlikely to present an issue when fully grown (i.e. too close to the proposed and existing buildings). However, conditions can secure a landscaping scheme to be submitted to the LPA for written approval. The Landscape Officer has raised no objections or concerns that the proposed development would be too close to the retained trees or that the species proposed for planting would be inappropriate.

- 10.22 Conditions are recommended to secure protection of all retained TPO'd trees along the eastern boundary and the implementation of the submitted planting scheme. Conditions are also recommended for the submission for written approval by the LPA of a hard and soft landscaping plan. Subject to the approval of an appropriate landscaping plan and implementation of the planting scheme the site can be landscaped in accordance with the objectives of Core Strategy Policy P12 and UDP Policy LD1

Residential Amenity

- 10.23 SPG13 – Neighbourhoods for Living (NfL) provides recommended separation distances that should be achieved between new dwellings, these distances primarily seek to maintain appropriate levels of privacy for existing and future occupiers; although it is noted that the Councils guidance also advises that the suggested separation distances are intended as a guide and should not simply be applied without further consideration regarding the local character.
- 10.24 Guidance within NfL suggests that a separation distance of 10.5m from main windows (living and dining rooms) to boundaries and 7.5m from secondary windows (bedrooms and ground floor kitchens) to boundaries are acceptable. The guidance also suggests a separation distance of 18m between secondary windows (bedrooms) and main aspect windows and 21m between main aspect windows and 12m to side elevations.
- 10.25 The separation distances between properties within the site are considered to be acceptable and the layout will provide future occupiers a good level of amenity. All of the proposed properties have dual aspects. The rear gardens generally offer the 66% of the gross floor area of the units as set out in SPG13 – Neighbourhoods for Living.
- 10.26 There are existing residential properties located to Rooms Lane ('Treefield' and No.47 Rooms Lane), Rooms Fold and Woodcross Fold. All with gardens backing onto the site.
- 10.27 The submitted site plan indicates that proposed dwellings will have gaps to the existing properties primary (living and dining areas) and secondary windows (bedrooms) and main elevations to side elevations are in accordance with the separation distances set out in SPG13. The proposed units would have first floor rear balconies which can be sat and stood on. Plot 1 would have a gap of some 25m minimum to the properties to the north-east on Woodcross Fold whilst Plot 2 would have a gap of some 21m. Plot 3 would have a gap of some 21m and Plot 4 some 20m to the properties on Room Fold. Guidance contained within SPG13 – Neighbourhoods for Living states that outlooks from first floor balconies can be limited by intervening buildings so neighbours gardens are screened from the first floor balcony. The proposal has followed this principle with in this instance the proposed detached garage blocks sited close to the boundary fence with Woodcross Fold and boundary trees with the boundary with Rooms Fold acting as intervening buildings preventing direct overlooking. Therefore the proposed balconies are considered to be compliant with the guidance.
- 10.28 The levels of shade would increase towards rear gardens of the existing houses closest to the sites boundary throughout the day, although this shade will not affect all effected properties at the same part of the day and there will remain opportunities

for solar gain into existing rear gardens and habitable room windows. Previously along the north-eastern boundary was robust tree coverage that will have cast shade onto neighbours gardens; the separation of the main dwellings proposed to the boundary complies with SPG13 and this is also considered an indicator that the levels of shade would not be unduly harmful although greater than previously experienced given the open garden use of much of the site.

- 10.29 Sited closer to the boundaries are single storey garages with roofs that pitch away from the boundary. The eaves height of these garages would be some 2.3m with a ridge height of between 4.0m and 4.5m. This will in part be screened by the existing boundary fence that is to be retained or renewed to match the existing. A condition to determine the exact nature of the treatments is recommended.
- 10.30 The proposed dwellings are laid out so that the gardens and habitable room windows would not be unduly shaded and as noted previously the distances are considered to result in minimal harm from overlooking.
- 10.31 Another impact of the development would be the change of outlook from existing properties across a garden area. Whilst from a resident's point of view to leave the site undeveloped is preferable the scheme proposed has an acceptable layout, well designed houses and good levels of landscaping. Neighbours currently enjoy outlooks across the garden site but they do not have a right to such. Levels of outlook and light penetration etc. will all remain well within recommended guidance distances in NfL and therefore it is not considered that the change in outlook will result in unacceptable harm to neighbours amenity.
- 10.32 The 4 units proposed will add to the noise and disturbance within the area but the scheme is relatively small and sits within a well-established residential area and the increase in noise disturbance is unlikely to be unduly harmful within the wider scope of the area. Conditions are recommended to limit construction times to be included within a construction management plan to be agreed with the Council.

Ecology

- 10.33 Policy G8 of the Core Strategy advises that enhancements and improvements to biodiversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 170 of the revised NPPF advises that when determining planning applications, LPA's should contribute to conserve and enhance the natural and local environment.
- 10.34 The LPA's Ecology Officer has suggested that a condition be imposed to secure bat roosting and bird nesting features within the buildings. This is considered reasonable and the condition is recommended and will maintain and enhance biodiversity in accordance with Policy G9 of the CS.

Flood Risk

- 10.35 Policy ENV5 of the CS advises that the Council will seek to mitigate and manage flood risk by reducing the speed and volume of surface water run-off as part of new-build developments. The Council's records indicate the majority of the site is probably compatible to infiltration SuDS with the eastern section highly compatible. The proposed use of permeable paving can be accepted. The Developer would be

required to discharge surface water from the properties into the public sewers currently located on site.

- 10.36 The Council's Flood Risk Management Team have advised that conditions should be imposed for pre-commencement details of an interim drainage measure during site works, feasibility studies and a surface water drainage scheme. On this basis, it is concluded that the scheme will manage and mitigate flood risk in accordance with Policy ENV5 and the NPPF.

Other matters

- 10.37 The objections from local residents and Ward Members that are material to the determination of the application are addressed within the above report.

11.0 PLANNING BALANCE

- 11.1 At the heart of the NPPF remains a presumption in favour of sustainable development (paragraph 11) and for decision-taking this means:

Approving development proposals that accord with an up-to-date development plan without delay.

- 11.2 Weight is attached that this application will make a modest contribution to housing supply within the City. In terms of location of the development, whilst this is a mixed brownfield/greenfield site it is within the main urban area and whilst it is acknowledged that development of Brownfield sites should be sought prior to the development of Greenfield, development of undeveloped sites are not precluded by either the CS or the NPPF.
- 11.3 In terms of social and environmental factors: subject to the imposition of appropriate planning conditions, it is considered that the proposal has the capacity to sufficiently protect and enhance the bio-diversity on site, as set out in the report above, introduce positive drainage onto the site to ensure that there is no flood risk and ensure that the houses are adapted to climate change through Building Regulations as appropriate.
- 11.4 Whilst there are some identified potential adverse impacts of the development (it is acknowledged that there will be an impact on outlook and introducing buildings closer to neighbouring properties), these are not considered to be so detrimental that they outweigh the presumption in favour of granting permission imposed by the NPPF. For local residents that adjoin the site, the development will result in a visual change to the landscape from the existing open garden and their existing views across the open site however as set out above this is not considered to result in substantial harm. With regard to their residential amenity, the application has been fully assessed to ensure that privacy and amenity distances between existing and proposed dwellings are sufficient to comply with the Councils separation standards as well as having due regard to the immediate and wider areas character.

12.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 12.1 The CIL Charging Schedule was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floor-space. However, CIL is not a material consideration and in any event,

consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

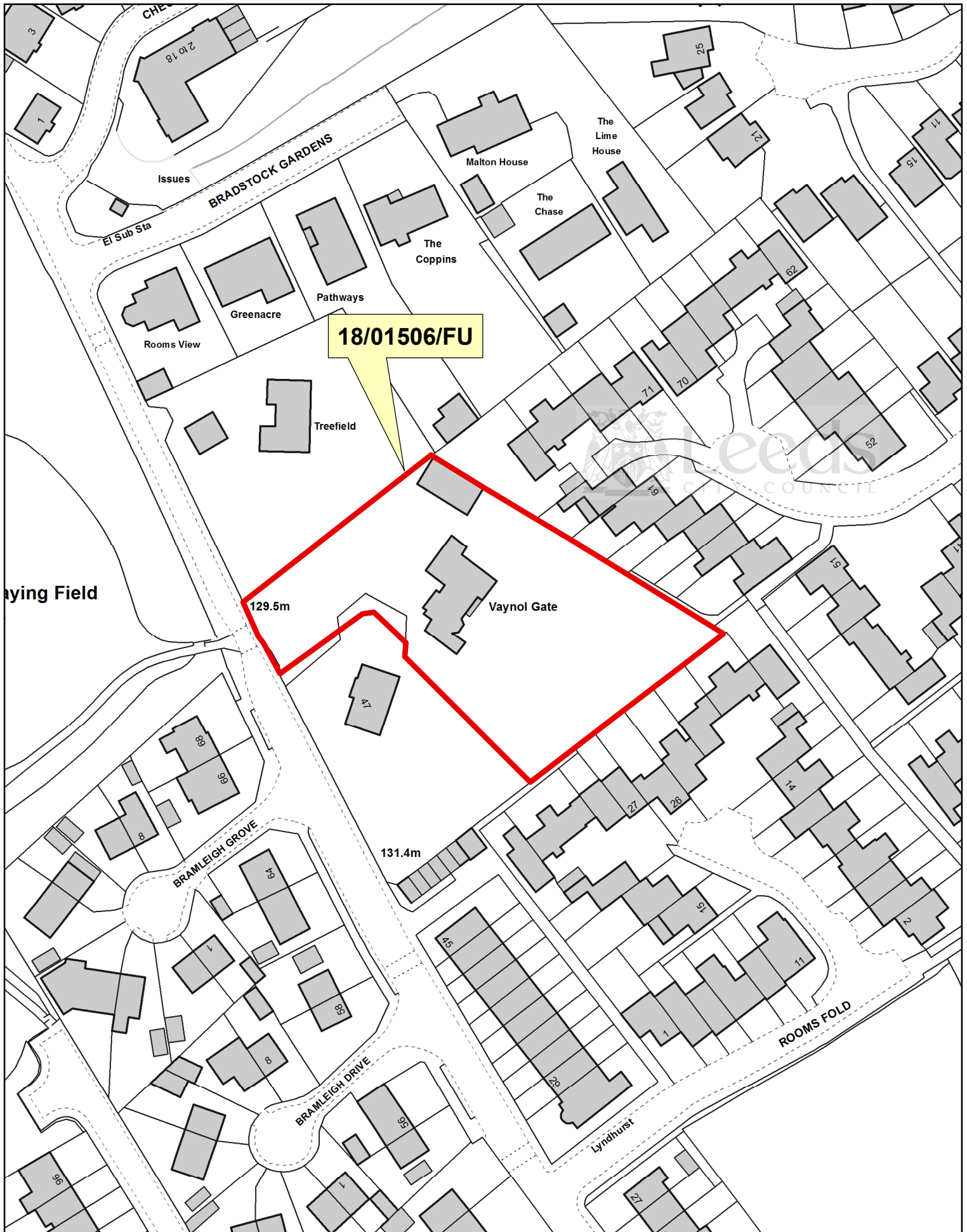
13.0 CONCLUSION

- 13.1 There is a presumption in favour of granting permission within the NPPF and there are considered to be no significant demonstrable adverse impacts which outweigh that presumption.
- 13.2 The scheme will bring forward four new well designed dwellings and there are no highways impact concerns. The site is considered to be sufficiently accessible to local services and facilities such that it is considered to represent a sustainable development.
- 13.3 Therefore, having taken all representations received into account and given the compliance of this application with relevant Policies within the Core Strategy, it is recommended that planning permission be granted subject to the list of recommended conditions at the head of this report.

Background Papers:

Application file: 18/01506/FU

Certificate of Ownership: Notice served on Mr Steve Fagan (Vaynol Gate) and Mr and Mrs Dickinson (47 Rooms Lane)



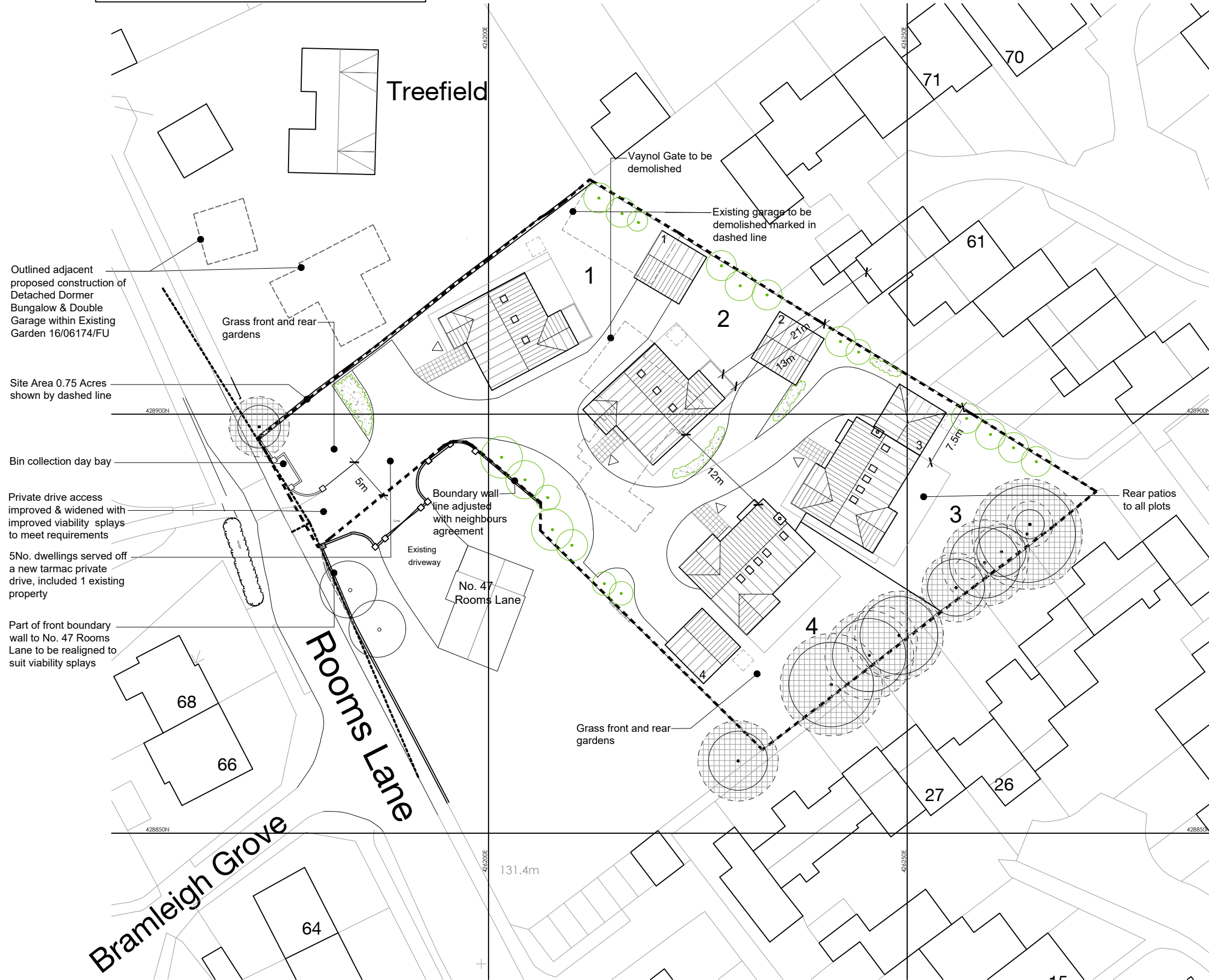
SOUTH AND WEST PLANS PANEL





Notes | Sketch schemes may be based on plan information of unknown origin and is subject to verification and survey. Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Use figured dimensions only. Ensure digital versions are plotted at 'Actual Size'. Building areas are liable to adjustment over the course of the design process due to ongoing construction detailing developments. Subject to statutory approvals and survey. The bar above is to check that the drawing has been printed to scale.

4No. Proposed Dwellings



Outlined adjacent proposed construction of Detached Dormer Bungalow & Double Garage within Existing Garden 16/06174/FU

Site Area 0.75 Acres shown by dashed line

Bin collection day bay

Private drive access improved & widened with improved viability splays to meet requirements

5No. dwellings served off a new tarmac private drive, included 1 existing property

Part of front boundary wall to No. 47 Rooms Lane to be realigned to suit viability splays

key:

- Continuous line indicates tree to be retained
- Dashed line indicates approx tree root protection zone
- Landscaping and new trees
- Bin store area dotted at 1.8m by 1.8m

Rev	Date	Description	Drawn	Checked
C	19.06.18	Plot 2 garage moved 900mm further away from boundary layout ammended	YA	GE
B	30.05.18	layout ammended	YA	GE
A	16.05.18	New layout and existing house Vaynol Gate demolished	YA	GE

Project		Vaynol Gate, Rooms Lane, Morley	
Drawing		Proposed Site Plan	
Client		Vaynol Developments Limited	
BIM Suitability Description		BIM Suitability Code	
Status	Planning	2 Riverside Way Whitehall Waterfront LEEDS	320 City Road Angel LONDON
Date	13.07.2017	LS1 4EH t 0113 819 8041	EC1V 2NZ t 0203 883 8602
Drawn	LMF	w edwardarchitecture.co.uk e info@edwardarchitecture.co.uk	
Checked	GE		
Scale (A3)	1:500		
Project	Originator	Discipline	Drawing No
0659	EA	A	PL006
			C





Originator: Michael Doherty
Tel: 0113 37 87955

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 16th August 2018

Subject: Application number 18/02073/FU – 53 Wickham Street, Beeston, Leeds, LS11 7AR- Change of use of house (C3) to a house in multiple occupation (C4).

APPLICANT
H K Properties

DATE VALID
23rd April 2018

TARGET DATE
18th June 2018

Electoral Wards Affected:
Hunslet & Riverside

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below:

1. Standard time limit of 3 years to implement
2. Development carried out in accordance with approved plans
3. Details of Waste Collection Provision
4. Details of cycle/motor cycle storage.

1.0 INTRODUCTION

1.1 The application is brought before Plans Panel at the request of Cllr Iqbal who raises concerns regarding the impacts of the proposals leading to a concentration of HMOs along with the loss of family housing.

2.0 PROPOSAL:

2.1 The applicant seeks consent for a change of use of house (C3) to a house in multiple occupation (C4). The works are currently subject to an enforcement enquiry which is being held in abeyance pending the outcome of this application. It is not known to what extent works have been undertaken however a site visit has previously identified that rooms were being advertised as “to let” within the property.

2.2 The application is for the change of use of a single family dwelling (C3) to a 'House of Multiple Occupation' (HMO) (C4) to provide a shared house comprising four 'bedsit' rooms with shared kitchen/utility and small WC to the ground floor. The scheme comprises the following accommodation layout:

- Bedsit 1 (14.8m²) to ground floor (previously a lounge).
- Bedsit 2 (13.5m²) and bedsit 3 (13.5m²) both to first floor (both previously bedrooms).
- Bedsit 4 (16.38m²) in the attic space served by existing rooflights on the rear elevation (previously a bedroom).
- Kitchen to ground floor (7.36m²) (previously kitchen).
- Lounge/diner to ground floor (17.6m²) (previously dining room).
- Bathroom to first floor (4.8m²) (previously family bathroom).
- Small w.c. to ground floor under stairs.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is a mid-terraced property. It is constructed in red brick and has accommodation over 3 floors, including an attic level. The property has a small enclosed yard area at the rear accessed from Back Wickham Street.

3.2 The site lies in an established residential area of high density housing, characterised by rows of red brick terraced streets that are laid out in grid patterned streets. The property abuts the street to the front elevation.

3.3 The property is located within an Article 4 area, which was implemented in 2012 as the Council recognised that the Beeston area is an area of housing imbalance, including a significant number of HMO's occupation.

4.0 RELEVANT PLANNING HISTORY:

4.1 Ref: 17/08110/FU

Description: Change of use and alterations of house (use class C3) to a house in multiple occupation (use class C4) and one flat

Decision: Refused on the grounds of intensification of use and overdevelopment of the site resulting in poor levels of residential amenity.

Date: 02.03.2018

4.2 Ref: 11/03091/FU – 47 Wickham Street.

Description: Change of use of house to 3 flats

Decision: Approved

Date: 21.11.2011

5.0 HISTORY OF NEGOTIATIONS

5.1 Discussions with previous case officer following refusal of permission.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Cllr Iqbal has raised an objection to the scheme raising concerns with the following,

- The proposals add to a concentration of existing HMOs
- Loss of family housing

6.2 A site notice was posted to the application site on 11.05.2018 along with neighbour notification letters being sent on 25.04.2018. No other public comments have been received.

7.0 CONSULTATION RESPONSES:

7.1 Highways –No objections subject to conditions – the change of use from a 3 bed dwelling to a 4 bed HMO is expected to have similar parking requirements. It would be difficult to demonstrate that the proposals would increase the number of vehicles parked on street. No cycle parking is provided and thus a condition is requested to ensure this is provided prior to occupation. Residents would not be eligible for any on-street parking permits within existing or future controlled parking zones in the locality.

7.3 Flood Risk –No objections.

7.4 Neighborhoods And Housing – comments provided – the property would be subject to HMO licensing and the applicant should note that the property will need to comply with all relevant Housing Legislation regardless of whether planning permission is granted.

8.0 PLANNING POLICIES:

Development Plan

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 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 plan. In this instance the site does not fall within a neighbourhood plan area.

Adopted Core Strategy

8.2 The following core strategy policies are considered most relevant

- H6 Houses in multiple occupation and flat conversions
- P10 Seeks to ensure high quality design
- T2 Transport infrastructure

Saved Policies - Leeds UDP (2006)

8.3 The following saved policies within the UDP are considered most relevant to the determination of this application:

- Policy GP5 - Development Proposals should resolve detailed planning
- Policy BD6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Supplementary Planning Policies

- Leeds Street Design Guide (2009)
- Leeds Parking SPD (2016)

- **SPG 6** Development of self-contained flats/HMOs
- **SPG13** Neighbourhoods for living Residential Design Guide

8.4 **Legislation Background:**

- The Town and Country Planning (General Permitted Development) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- Circular 08/2010 – Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation
- The Planning and Compensation Act 1991

8.5 The Government introduced changes to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 on **6th April 2010**. These changes included the subdivision of the C3 (Dwelling Houses) use class to create a new use class; C4 (Houses in Multiple Occupation). The changes also meant that a change of use from a C3 (dwelling house) to a C4 (small HMO) use required planning permission.

8.6 The Government amended the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 on **1st October 2010** to allow a change of use from a C3 (dwelling house) to a C4 (small HMO) use to be permitted development. Therefore from this date this change of use does not require planning permission subject to meeting the criteria and conditions set out in the GPDO.

8.7 The Council served notice of its intention to introduce an Article 4 Direction to cover part of the city on **9th February 2011**. An Article 4 Direction would require planning permission for a change of use from the C3 (dwelling house) to a C4 (small HMO) use class and was proposed to cover the whole or parts of, the Council wards of Adel & Wharfdale, Armley, Beeston & Holbeck, Bramley & Stanningley, Burmantofts and Richmond Hill, Chapel Allerton, City and Hunslet, Gipton & Harehills, Headingley, Horsforth, Hyde Park and Woodhouse, Kirkstall, Moortown, Roundhay and Weetwood.

8.8 The Article 4 Direction was confirmed on **25th August 2011** and came into effect on **10th February 2012**.

9.0 **MAIN ISSUES**

- Principle of Development and amenity
- Impact on Residential Amenity
- Level of Amenity Offered to the Future Occupiers
- Parking, Highway Safety

10.0 **APPRAISAL**

Principle

10.1 Core Strategy policy H6 (HMO's, Student Accommodation and Flat Conversions) is the principle local planning policy relevant to the creation of new HMOs. It is recognised that Core Strategy Policy H6 (A) relates to HMO's occupied by all

individuals and not solely those occupied by students. This should be considered in the context of the Article 4 Direction which restricts the change of use from the C3 Use Class to the C4 Use Class.

- 10.2 Policy H6 (A), amongst other things, recognises the benefits that this form of housing can provide and aims to ensure that:
- i. a sufficient supply of HMOs is maintained in Leeds,
 - ii. HMO's are located in areas well connected to employment and educational institutions associated with HMO occupants,
 - iii. the detrimental impacts through high concentrations of HMO's are avoided where this would undermine the balance and health of communities and
 - iv. this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.3 Whilst it is noted that the proposal would add to the supply of HMO's in compliance with criterion (i), no information has been provided by the applicant to demonstrate that there is currently an insufficient supply in Leeds. It is also noted that the application property is in an area that is well connected to employment and educational institutions associated with HMO occupants in compliance with criterion (ii).
- 10.4 Whilst the LS11 area is considered to contain a high level of HMO's, there is only one record of planning consent ever being granted on Wickham Street for the subdivision (see history paragraph 4.2). There are no records of any properties upon Wickham Street having HMO licenses, and there are no records of any properties applying for a change of use to a HMO. Council tax records show there are 5 properties along Wickham Street which have been converted into flats. Given that there are 55 properties along Wickham Street, it is not considered this proposal would result in a high concentration of HMO's or flats within the street.
- 10.5 On a recent appeal decision at 54 Longroyd Grove (17/02702/FU) the appellants were awarded costs against the LPA as the LPA could not provide sufficient evidence on the concentration of HMO's, despite the appeal being dismissed on other grounds. The award of costs was granted in this case as the inspector considered a reason for refusal based on the loss of the property as a family dwelling was inappropriate given the LPA identify there is not a concentration of HMOs within the vicinity. The inspector states that although the property falls within the Article 4 Direction Zone this does not place an embargo upon new proposals for HMOs but is in place to ensure a balance of properties.
- 10.6 As such given the data provided by Council records on the HMO's locally for this application site, it is not considered that the evidence is suggestive of there being a concentration of HMO's that would unbalance the mix of housing types in the area. It is thus considered the principle of the proposed change of use to a HMO is, on balance, deemed acceptable.

Impact on Amenity

- 10.6 Policy H6 part A also aims to protect the amenity of future occupants. Saved UDP policy GP5 aims to protect amenity including the amenity of future occupants. Paragraph 127 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 10.7 Neighbouring amenity can be impacted in a number of ways. The Government report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' notes that concentrations of HMOs can result in anti-social behaviour, noise and nuisance, resulting from an increased number, or different pattern, of comings and goings of up to 6 adults and visitors in a HMO compared to a family living in the same property or from the different lifestyles of a group of adults living together in a property rather than a family for example.
- 10.8 Planning Use Class C4 would allow between 3 and 6 unrelated occupants in one property. The current scheme is a re-submission of a previously refused application which sought consent for a split within the property, creating a one bedroom, self-contained ground floor flat, with separate bedrooms to the first and second floors to be used as a HMO. This was considered an intensification of the dwelling, due to the combination of a flat and HMO, which had the potential to result in a significant increase in comings and goings both in terms of residents and visitors leading to heightened noise nuisance.
- 10.9 It is considered the amended scheme which now solely provides a 4 bedroom, shared HMO use, is similar to that of the existing C3 residential use which could house a family and thus creates a similar impact upon neighboring amenity and highway safety. The proposals omit the separate self-contained element and provide a communal living area, kitchen and bathroom for shared use between the occupants.
- 10.10 Furthermore, given that a concentration of existing, lawful, HMO's and flats does not exist within the immediate vicinity it is not considered the loss of the property would constitute the loss of a family home, given the majority of the properties fall within the C3 dwelling use.
- 10.11 It is therefore considered that the proposal would, on balance, not create significant harm in relation to neighboring residential amenity and thus a reason for refusal in this regard cannot be justified. For these reasons the proposals meet the aims of policy H6, P10 and T2 of the Core Strategy along with GP5 and BD6 of the retained UDP.

Level of Amenity Offered to the Future Occupiers

- 10.12 New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensure an appropriate juxtaposition of rooms both within the property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers, provision of outdoor drying space, and bin storage.
- 10.13 The proposal has been amended to that of the previously refused scheme and now offers a communal kitchen and living area. It is therefore considered that the bedrooms would now be used for sleeping as opposed to a main living area given these facilities are provided. This is considered to improve amenity for potential occupants and addresses previous concerns. The proposed bedsit rooms are as follows;
- Ground floor – bedsit 1 (14.8m²)
 - First floor – bedsit 2 (13.5m²) and bedsit 3 (13.5m²)
 - Second floor – bedsit 4 (16.38m²)

- 10.14 The smallest of these rooms (bedsits 2 and 3) are 13.5m² and given the proposals now provide communal facilities these are considered to be an adequate size to provide sufficient space, in line with the 11.5m² requirement of the National Technical Standards for a double bedroom. The National Technical Standards are currently not formally adopted by the LPA.
- 10.15 It is therefore considered that the amended proposals provide an adequate level of amenity for the future occupiers and as such meet the aims of Core Strategy policies P10 and H6, saved UDP policy GP5 and the guidance contained within the Neighbourhoods for Living.

Parking, Highway Safety

- 10.16 Leeds Core Strategy policy T2 addresses access requirements for new development amongst other related matters and policy P10 looks to ensure car parking, cycle, waste and recycling storage should be designed in a positive manner. The property does not include any off-street car parking provision.
- 10.17 Highways officers have been consulted and have advised that the property is situated in a sustainable location close to a busy bus route and there have been no reported parking issues in the local area. Therefore the proposals are not expected to lead to any significant parking problems. Highways officers have not raised any objection and it is not considered that permission could be reasonably refused on this basis. Given no details of cycle/motorcycle parking and facilities have been submitted a condition is attached to the permission which requires details to be submitted and approved prior to the commencement of the development and are required to be in place for the lifetime of the development.

11.0 CONCLUSION

- 11.1 In light of the above, the proposal is not considered to have a significant detrimental impact on neighbouring residential amenity or the character or appearance of the dwelling or street scene. For the reasons outlined in the above report and taking into account all other material considerations it is concluded that planning permission should be **approved** subject to the aforementioned conditions.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file. 18/02073/FU



SOUTH AND WEST PLANS PANEL



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Originator: Mike Howitt
Tel: 0113 2224409

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 16th August 2018

Subject: 18/04396/FU – First floor side extension, 56 Shire Road, Morley, Leeds LS27 0BF.

APPLICANT	DATE VALID	TARGET DATE
Mr M Dixon	9 July 2018	3 September 2018

<p>Electoral Wards Affected: Morley South</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Refuse permission for the following reasons:

1. **The Local Planning Authority considers that the proposed first floor side extension, by reason of its lack of set back and set down from the existing property will fail to create a subordinate proposal to the detriment of the character and appearance of the present streetscene. The proposal is therefore contrary to Policy P10 of the Core Strategy and to saved policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006 and advice contained within Policy HDG1 of the Householder Design Guide.**

2. **The Local Planning Authority considers that the proposed first floor side extension is unacceptable due to the length and location of the structure in close proximity to the neighbouring boundary of No's. 26 and 27 Harrop Terrace and results in an overdominant and overbearing feature to the detriment of the residential amenity of the occupants at those properties. As such it is contrary to Policy GP5 of the Unitary Development Plan (Review 2006), policy P10 of the Core Strategy and Policy HDG2 of the Leeds Householder Design Guide (April 2012)**

3. **The Local Planning Authority considers that the location and length of the first floor side extension, combined with the orientation of the property in relation to the neighbouring properties at No's 26 and 27 Harrop Terrace would cause significant harm to the residential amenity of those properties by way of overshadowing of their amenity space. As such it is contrary to Policy GP5 of the Unitary Development Plan Review 2006), policy P10 of the Core Strategy and Policy HDG2 of the Leeds Householder Design Guide (April 2012).**

1.0 INTRODUCTION

- 1.1 This is a full application for a first floor side extension to an end of terrace property.
- 1.2 This application is brought to the Plans Panel at the request of Morley South Ward member Councillor Neil Dawson who supports the application and does not believe that the application will cause significant issues of harm, contrary to officer opinion, and that therefore Panel should reach their own decision.

2.0 PROPOSAL

- 2.1 The application is for a first floor side extension above a previously approved single storey side extension. It will be flush to the front of the property and level with the existing ridge.
- 2.2 It is proposed to be built using matching materials, and is of a similar design to the existing property.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a red brick built end terraced two storey property with a concrete tiled roof. The property occupies an end of cul-de-sac location situated amongst dwellings of similar size, scale and age on the same side of the street. Opposite the property is an area of open space.
- 3.2 The property has a small front garden that is wholly given over to off-street parking and fencing down the side with a small side garden where it is proposed to site the side extension.
- 3.3 A previously approved single storey side extension sits to the side of the main property. The surrounding area is predominantly residential.

4.0 RELEVANT PLANNING HISTORY

- 4.1 15/03300/FU – Single storey side extension – Approved 24th August 2015 (and implemented).
- 4.2 18/02178/FU – First floor side extension. No objections received to application. Refused 29th May 2018 for reasons of:
- Poor design.
 - Overbearing and over-dominant.
 - Overshadowing.

5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant was advised at the time of the previous refusal that the proposal was unacceptable and that in light of this, the best course of action was to appeal the refusal. The application has been re-submitted without further consultation with the planning department and the previous refusal has not been appealed (the refused application can be appealed up until 12 weeks after the date of refusal).

6.0 PUBLIC/LOCAL RESPONSE

6.1 Neighbour notification letters were sent out on 17th July 2018.

6.2 One letter of support from Cllr Dawson received who does not perceive there to be any harmful impact as a result of the development. No other comments received.

7.0 CONSULTATION RESPONSES

7.1 Morley Town Council: No reply received

8.0 PLANNING POLICIES

Development Plan

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 Comprises the adopted Core Strategy (November 2014) (CS), saved policies within the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.

8.2 The following Core Strategy policies are considered most relevant

- P10 Seeks to ensure high quality design

8.3 Saved Policies - Leeds UDP (2006)

The following saved policies within the UDP are considered most relevant to the determination of this application:

- Policy GP5 - Development Proposals should resolve detailed planning
- Policy BD6 – Refers to the scale, form, materials and detailing of an extensions design in respect of the original building.

8.4 The following Supplementary Planning Policy documents are relevant:

- Leeds Householder Design Guide (April 2012)

National Planning Policy Framework (NPPF)

8.5 The National Planning Policy Framework (NPPF), published July 2018 (revising the original of 2012), and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be

applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.6 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.7 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.8 The NPPF establishes in Section 2 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.9 Chapter 12 deals with issues of design and encourages the use of tools such as design guides (which the Council has in the Householder Design Guide and SPG13 Neighbourhoods for Living). Decisions should ensure that development is sympathetic to local character, creates attractive and welcoming places to live, and creates places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

9.0 MAIN ISSUES

1. Design and character
2. Residential amenity
3. Highways and Parking
4. Private amenity space.
5. CIL

10 APPRAISAL

Design and character

- 10.1 Policy P10 sets out the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect the NPPF, which also highlights the importance of good design and advice given within the Leeds Householder Design Guide and specifically policy HDG1.
- 10.2 The proposal is unacceptable as the front elevation is flush with the front of the property and the ridge runs through flush with the main roof and fails to provide the necessary set back and set down that is required by advice given in the

Householder Design Guide. The new build will therefore not be subservient to the original building resulting in a bulkier appearance that could unbalance the short terraced block.

- 10.3 Consequently, the proposal does not comply with policy HDG1 in that that the proposal will be harmful to the visual amenity of the streetscene. Amending the proposal would not be practical due to the issues highlighted below.

Residential amenity

- 10.4 The property is located on an end plot of a row of terraced properties, but due to the location of the property it abuts the end of another cul-de-sac that has the rear gardens of the neighbouring properties on the end of Harrop Terrace sitting side on to the application property. The extension will sit alongside the rear boundaries of the properties on Harrop Terrace and these gardens are 11.5 metres long (12 metres recommended in Leeds HDG) and as the proposal is two storey, it will therefore be significantly higher than the 2 metre high fence that separates these gardens. Therefore it is considered that the extension will have a significantly over-dominating impact on the neighbouring properties on Harrop Terrace.
- 10.5 As the gardens of the properties on Harrop Terrace are to the North of the proposal and the proposal is of the same height as the existing property, there will be significant harm from overshadowing due to its location and this harm would be of a significance in the planning balance would lead towards a reason for refusal.
- 10.6 As there are no windows proposed within the side elevation of the extension with only windows to the front and rear, there will be no harm from overlooking and in the event of an approval, a condition could be attached to prevent the insertion of windows within the side elevation.
- 10.7 Nevertheless, the extent of the over-dominance and overshadowing issues mean that the side extension fails to comply with policy HDG2 of the Householder Design Guide and as such is recommended for refusal.

Highways and Parking

- 10.8 The parking arrangements are not altered by this proposal. As two off-street parking spaces are currently provided and there is no proposal to change this, it is considered that the proposal will have no impact on highway safety.

Private amenity space

- 10.9 There is no loss of private amenity space in relation to this proposal as the extension is located above an existing extension and as there is an adequately sized rear garden that provides sufficient private amenity space, it is not considered that there will be any impact on amenity levels with regard to this issue.

Community Infrastructure Levy

- 10.10 The Community Infrastructure Levy (CIL) was adopted on 12th November 2014 with the charges implemented from 6th April 2015 but the proposal is of such a size (less than 100 square metres) that no liability would be incurred.

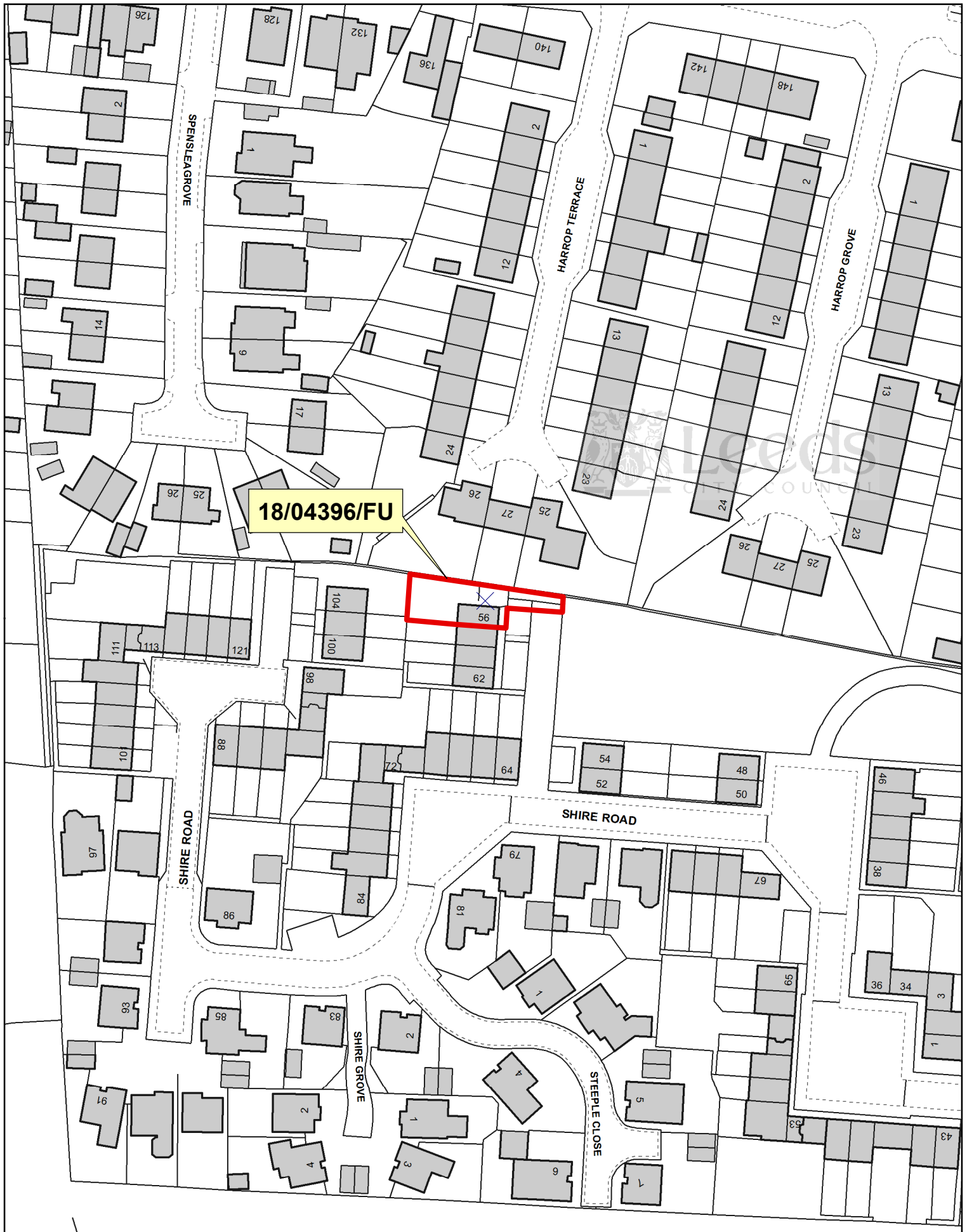
11 CONCLUSION

- 11.1 This application raises significant and serious concerns with regard to its impact on both visual and residential amenity. It is considered that the proposal is inappropriate with regard to design and would also be highly intrusive to neighbouring properties, having a harmful impact on their living conditions as a result of dominance and overshadowing. For these reasons, the proposal is considered to be contrary to both local and national planning policy, hence the recommendation of refusal.

Background Papers:

Planning application file: 18/04396/FU

Certificate of ownership: signed by agent on behalf of applicant



SOUTH AND WEST PLANS PANEL

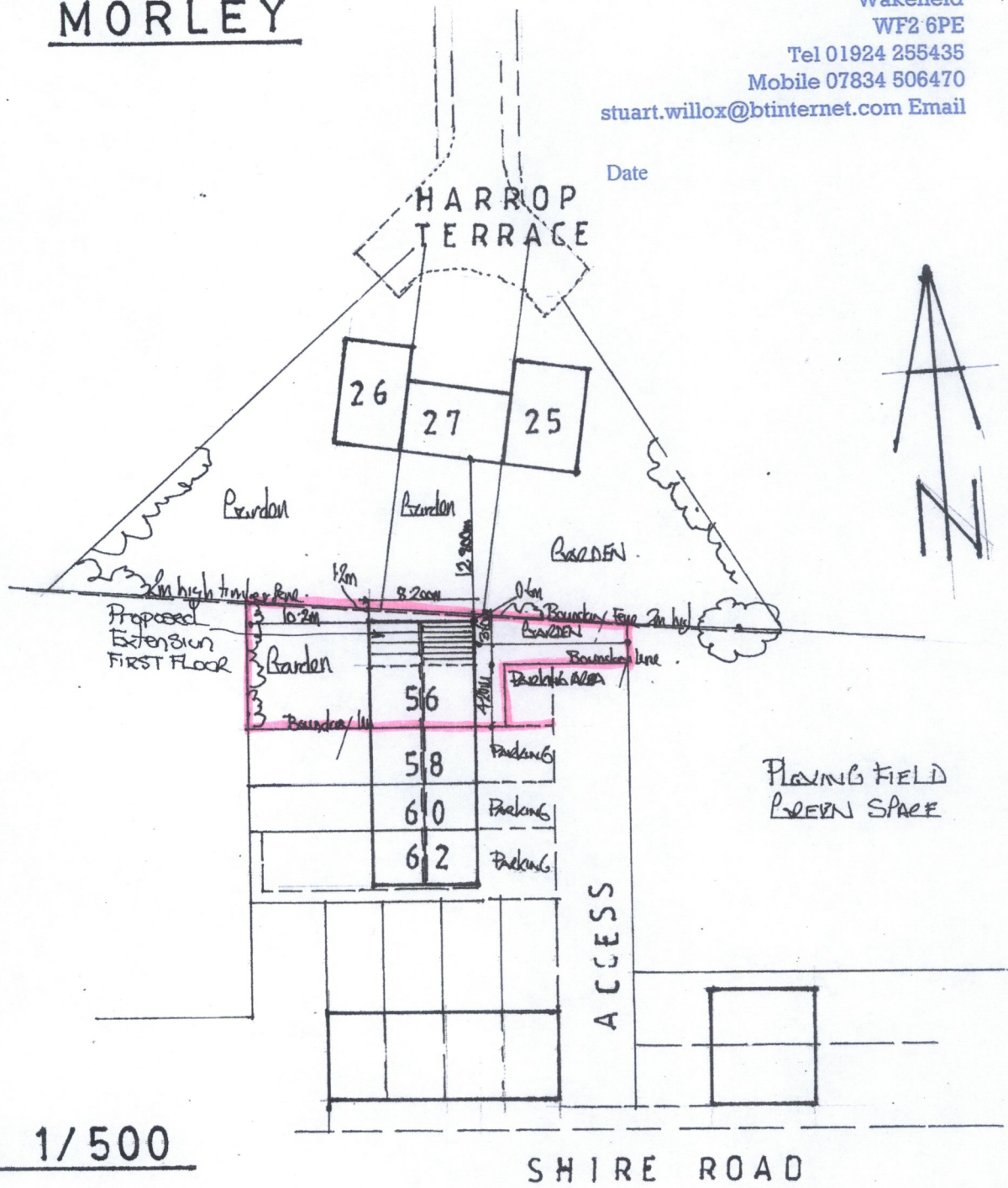




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