

NORTH AND EAST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 20th June, 2019
at 1.30 pm**

MEMBERSHIP

Councillors

D Collins
R Grahame
D Jenkins
E Nash
K Ritchie (Chair)
S Seary
N Sharpe
M Midgley
T Smith

**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>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> <p>SITE VISIT LETTER</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>	

Item No	Ward	Item Not Open		Page No
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 OF MEETING HELD ON 16TH MAY 2019</p> <p>To approve as a correct record the minutes of the meeting held on 16th May 2019.</p>	3 - 12
7	Kippax and Methley		<p>APPLICATION 18/07752/FU CHANGE OF USE OF RESIDENTIAL GARAGE TO DWELLING 17 OAKSFIELD METHLEY LEEDS LS26 9AE</p> <p>To consider the report of the Chief Planning Officer on an application 18/07752/FU for change of use of residential garage to dwelling at 17 Oaksfield Methley, Leeds, LS26 9AE</p> <p>(Report attached)</p>	13 - 28

Item No	Ward	Item Not Open		Page No
8	Cross Gates and Whinmoor		<p>APPLICATION 19/01819/FU SINGLE STOREY EXTENSION TO THE SIDE/REAR AND BOUNDARY FENCE TO SIDE 8 WHITE LAITHE GROVE WHINMOOR LEEDS LS14 2EN</p> <p>The report of the Chief Planning Officer requests consideration for the application 19/01819/FU single storey extension to the side/rear and boundary fence to side at 8 White Laithe Grove Whinmoor Leeds LS14 2EN</p> <p>(Report attached)</p>	29 - 38
9	Alwoodley		<p>APPLICATION 19/00835/FU ALTERATIONS INCLUDING RAISED ROOF HEIGHT TO FORM HABITABLE ROOMS; TWO STOREY PART FIRST FLOOR SIDE/REAR EXTENSION 22 PARK LANE MEWS SHADWELL LS17 8SN</p> <p>To receive the report of the submitted report of the Chief Planning Officer on the application 19/00835/FU for alterations including raised roof height to form habitable rooms; two storey part first floor side/rear extension at 22 Park Lane Mews, Shadwell, LS17 8SN.</p> <p>(Report attached)</p>	39 - 46
10	Alwoodley		<p>APPLICATION 19/01375/FU DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT NEW DWELLING 165 ALWOODLEY LANE ALWOODLEY LEEDS LS17 7PG</p> <p>The report of the Chief Planning Officer sets out an application 19/01375/FU for the demolition of existing property and replacement new dwelling at 165 Alwoodley Lane Alwoodley Leeds LS17 7PG</p> <p>(Report attached)</p>	47 - 64

Item No	Ward	Item Not Open		Page No
11	Wetherby		<p>APPLICATION 18/01609/FU DEMOLITION OF BRAMHAM HOUSE, RETENTION OF FRONT FACADE AND REDEVELOPMENT TO FORM CARE HOME, WITH 8 CLOSE-CARE DWELLINGS, 6 CLOSE-CARE APARTMENTS AND 10 DETACHED HOUSES, LAYING OUT OF ACCESS ROAD AND NEW VEHICLE ACCESS TO FREELY LANE BRAMHAM HOUSE BOWCLIFFE ROAD BRAMHAM WETHERBY LS23 6QY</p> <p>To receive the report of the Chief Planning Officer on application 18/01609/FU for the demolition of Bramham House, retention of front facade and redevelopment to form care home, with 8 close-care dwellings, 6 close-care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane, at Bramham House, Bowcliffe Road, Bramham Wetherby LS23 6QY.</p> <p>(Report attached)</p>	65 - 106
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>The next meeting of North and East Plans Panel will be on Thursday 25th July 2019 at 1.30pm.</p>	
2				
a)				
b)				

Third Party Recording

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

Use of Recordings by Third Parties– code of practice

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

This page is intentionally left blank

To all Members of North and East
Plans Panel

Planning Services

Merrion House
Merrion Centre
Leeds

Contact: David Newbury
Tel: 0113 378 7990
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date: 11th June 2019

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 20th June 2019

Prior to the meeting of the North and East Plans Panel on Thursday 20th June 2019 the following site visits will take place:

Time	Ward	
9.50am		Depart Civic Hall
10.20am - 10.30am	Kippax & Methley	18/07752/FU - Change Of Use Of Residential Garage To Dwelling - 17 Oaksfield, Methley, Leeds, LS26 9AE
10.55am - 11.05am	Crossgates & Whinmoor	19/01819/FU - Single Storey Extension To The Side/Rear And Boundary Fence To Side - 8 White Laithe Grove, Whinmoor, Leeds, LS14 2EN
11.20am - 11.40am	Alwoodley	19/01375/FU - Demolition Of Existing Property And Replacement New Dwelling - 165 Alwoodley Lane, Alwoodley, Leeds, LS17 7PG
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 9.50am. Please notify David Newbury (Tel: 378 7990) if you wish to take advantage of this and meet in the Ante Chamber at 9.45am. If you are making your own way to a site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
Group Manager

www.leeds.gov.uk

general enquiries 0113 222 4444



NORTH AND EAST PLANS PANEL

THURSDAY, 16TH MAY, 2019

PRESENT: Councillor N Walshaw in the Chair

Councillors S Arif, D Collins, R Grahame,
D Jenkins, E Nash, K Ritchie, S Seary,
A Wenham and P Wadsworth

SITE VISITS

The site visits earlier in the day were attended by Councillors Walshaw, Grahame, Jenkins, Ritchie, Wenham, Collins and Seary.

108 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

109 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

110 Late Items

With the Chair's permission a late item was added to the agenda in relation to application 18/06182/FU proposal for construction of 52 dwellings on vacant land; removal of plot 99 and substitution of house types to plots 98 and 100 of adjacent development at land off Kennett Lane, Garforth, Leeds, LS25.

Minute 119 refers.

111 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interest were made.

112 Apologies for Absence

Apologies for absence were received from Cllrs M Dobson and G Wilkinson.

Cllr. P Wadsworth was in attendance at the meeting for Cllr. Wilkinson.

The Chair asked that the best wishes of the Panel be sent to Cllr. Wilkinson.

113 Minutes - 11th April 2019

RESOLVED – That the minutes of the meeting held on 11th April 2019, be approved as a correct record with the following amendments:

Draft minutes to be approved at the meeting
to be held on Thursday, 20th June, 2019

- Minute 102 – 18/05022/FU – Demolition of existing livery buildings and erection 9 no. residential dwellings – Wood Farm, Wetherby Road, Scarcroft, Leeds, LS14 3HN. Page 5 - The current boundary of leylandii trees would be removed. However significant planting was proposed with native species.
- Minute 103 – 18/06367/FU & 18/06/06368/LI – Alterations to boundary wall, the creation of access, and the construction of 1 replacement vicarage and 6 dwellings with associated hard and soft landscaping – 86 High Street, Boston Spa, LS23 6EA – Page 9 – 5th paragraph The Chair offered her sympathy to Boston Spa Parish Council supporting the building of smaller houses; and
- **RESOLVED –**
 - (i) Members resolved not to accept the Chief Planning Officer recommendation to grant planning permission and listed building consent and that both applications should be refused.
 - (ii) That the determination of the application(s) be deferred to allow the Chief Planning Officer to prepare and bring back detailed reasons for refusal based on the following for Members to consider;
 1. Highway safety – cumulative impact on the local network arising from this and other developments
 2. Harm to character and appearance of the conservation area
 3. That the development does not provide an appropriate mix of housing and in particular smaller units

114 18/07278/FU - 26 dwellings with access road, hard standings and landscaping at land off Walton Road, Walton, Wetherby

The Chief Planning Officer submitted a report which set out an application for 26 dwellings with access road, hard standings and landscaping at land off Walton Road, Walton, Wetherby.

Members had visited the site earlier in the day, photographs and plans were shown throughout the presentation.

Members were informed of the following points:

- An outline application had been presented to Panel in 2017, and Members resolved to grant planning permission. The formal decision notice has not been issued as the associated legal agreement is still under discussion;
- Homes England own this site and had gone into partnership with Chartford Homes for this site;
- This site forms part of a wider piece of land owned by Homes England which wraps around the application site;
- This scheme is on the boundary of the SAP which is due to be adopted in July 2019;
- The development is for 26 dwellings with a single access point – this application includes 3 extra dwellings from that previous presented in outline;

- The proposed dwellings are consistent with space standards H9 and meet accessibility policy;
- The dwellings do fall short on the requirement set out in the Core Strategy in respect of carbon emissions. However, the proposal will achieve an improvement over and above the requirements set out in Building Regulations. It was a suggestion that this could be dealt with under a condition;
- The site is classed as white land;
- Proposed dwellings are 2 storey houses of brick and render build with tiled roofs;
- Provision of affordable housing to be the 2 bed units;
- This development meets local plan for density.

Cllr. Lamb who had requested that the application be brought to Panel for determination attended the meeting and informed the Members of the following:

- He had been in support of the proposal for 23 dwellings however he was frustrated by the revised plan and was of the view that the 2 sites owned by Homes England would have been better if there had been a master plan for both sites;
- The extra 3 houses caused concerns in relation to parking. Section 7 of the submitted report indicated that the driveways were not long enough and this may cause an issue with refuse collection and visitor parking;
- He supported the housing mix in this scheme;
- He was of the opinion that the loss of trees was unnecessary;
- The previous scheme had indicated a play area and equipment whereas the revised scheme did not;
- He would like to see sustainable properties;
- He was of the view that the original scheme had been better.

Members were advised that parking provision had now been addressed in relation to the driveways.

K Broadbank on behalf of the applicant attended the meeting and advised the Panel of the following:

- The driveways had been lengthened and widened providing at least 2 parking spaces per dwelling;
- The previous scheme had a resolution to grant planning permission;
- There would be no loss of important trees as there was provision for planting;
- No knowledge of play equipment, the open space was compliant with policy in Core Strategy;
- Happy for a condition to be added in relation to Policy H10 accessible housing;
- Locks and windows would comply with secure by design;
- Planting could include larger trees and there would be no vehicle access to the green space;
- Solar panels could be included;

- Consideration would be given to changing the proposed fencing to hedges.

Members in considering the application discussed the following points:

- The types of trees and the position of planting;
- Provision of play equipment for use of both sites;
- Parking issues for future residents;
- Provision of affordable housing should be 'pepper potted' throughout the site rather than all set together.

The Legal officer advised Members in relation to S106 money and the Localism Planning Act.

RESOLVED – Members resolved to delegate approval of the application, subject to the prior completion of a Section 106 Agreement (affordable housing, sustainable travel plan fund, and public transport infrastructure contribution), in accordance with the officer recommendation.

The following amendments to the terms of the permission were agreed:

- Condition 16 amended to require details of renewable energy measures (to include use of solar panels) and details of scheme to restrict carbon emissions.
- Condition 4, landscaping details, to include planting hedges to rear garden boundaries.
- Add an informative to the permission requiring the planting of larger species trees to the public open space and trees appropriate to a residential environment to garden areas.

Members also requested:

- That the affordable housing be 'pepper potted' across the development of the neighbouring and larger site.
- That the play area be delivered as part of development of the larger site.

115 18/06367/FU & 18/06368/LI – Alterations to boundary wall, the creation of access and the construction of 1 replacement vicarage and 6 dwellings with associated hard and soft landscaping at 86 High Street, Boston Spa, Wetherby, LS23 6EA.

The report of the Chief Planning Officer set out suggested reasons for refusal for Members consideration.

This planning application and applications for listed building consent were considered at the North and East Plans Panel on 11th April 2019. Both applications carried a recommendation for approval. Members resolved not to accept the officer recommendations for approval and that each application should be refused. Minute 103 refers.

Members were advised that Cllr. Anderson had emailed to suggest that the wording for the resolution did not accurately reflect the Panel resolution in respect of minute 103. Members heard his suggested wording and the suggested wording of the Group Manager and it was the agreement of the Panel that the following accurately reflected the resolution of the Panel in respect of Minute 103

- (i) Members resolved not to accept the Chief Planning Officer recommendation to grant planning permission and listed building consent and that both applications should be refused.
- (ii) That determination of the applications(s) be deferred to allow the Chief Planning Officer to prepare and bring back detailed reasons for refusal based on the following for Members to consider: with the rest of the resolution to remain the same

The minutes of the meeting held on 11th April 2019, were amended to reflect the change.

Members were also advised of 3 more representations which had been received in respect of this application with the following comments made:

- Officers not to overturn the resolution
- Officer report was biased

Members were informed of the following points:

- This site is unallocated in the SAP;
- The Constitution sets out that reasons for refusal should be presented to the Panel and that it is appropriate for officers to provide advice on the implications of refusal;
- The role of officers is to offer impartial advice, to look at all the issues in relation to policy etc;
- A refusal on grounds relating to highway safety and housing mix would be difficult to substantiate at appeal and therefore the council would be at risk of costs award against it. Officer would be confident of being able to present a case at appeal for reasons relating to harm to heritage interest in light of Historic England;
- This type of report is usually presented as a confidential report. However, it was the view that it may look as though the Panel had gone behind closed doors and therefore the report is presented to Panel as open;
- Since publishing the agenda the applicant has offered in principle a revised scheme with amendments proposed as;
 - Change the design of the scheme remove Plot 1 and replace with 2 units 1 unit a 2 bed property the 2nd unit a 3 bed property;
 - A financial contribution to Boston Spa Highways traffic management fund
- Statutory consultation would be required should new proposals be the preferred option.

Members discussed the following:

- Housing mix;
- Highways issues;
- How much weight is given to Neighbourhood Plan and how information is provided to members in reports;
- Lack of consultation;
- Use of magnesium limestone in build of properties to stay in keeping with the character of Boston Spa;
- Listed Wall had originally had iron bars on top of it and the suggestion that this could be considered by the applicant;
- Weight to be given to Historic England.

Some Members who had taken part in the previous vote indicated that they would wish to consider the option to defer and delegate as per the amendment proposed by the applicant.

RESOLVED – To grant planning permission and listed building consent.

The grant of the listed building consent is subject to the prior notification of the intention to grant to the Secretary of State.

Approval of the applications was delegated to officers subject to further negotiations with the applicant to;

- Replace plot 1 with a 2 bed and a 3 bed unit
- Secure a contribution of £10K towards the Boston Spa Traffic Management Scheme Fund.

The revised scheme to be subject to appropriate technical statutory consultation and local publicity. If as a result of the local publicity of the receipt of the revised plans significant and new material planning considerations are raised then the applications will be reported back to Plans Panel for determination.

As part of the negotiations officers are to see if the railings to the front boundary wall can be re-instated.

Members also requested that future Panel reports clearly address how a proposal fits with an adopted Neighbourhood Plan in the appraisal section of that report.

116 19/00835/FU- Alterations including raised roof height to form habitable rooms; two storey part first floor side/rear extension at 22 Park Lane Mews, Shadwell, Leeds, LS17 8SN

Consideration of the application was deferred due to a procedural error in making the report publically available prior to Panel.

117 18/07670/FU – Change of use from single dwelling house (C3) to small HMO (C4) at 20 Roundhay Mount, Chapeltown, Leeds, LS8 4DW.

Draft minutes to be approved at the meeting
to be held on Thursday, 20th June, 2019

The report of the Chief Planning Officer set out an application for the change of use from single dwelling house (C3) to small HMO (C4) at 20 Roundhay Mount, Chapeltown, Leeds, LS8 4DW.

Members had attended a site visit earlier in the day. Photographs and plans were shown throughout the presentation.

Members were informed of the following points:

- The plans showed the scheme would be set over 4 floors with six bedrooms, one communal living space, two kitchens and three toilets/ washrooms;
- Additional roof lights are proposed, which will provide a source of outlook and sunlight for the bedrooms in the roof space;
- There are HMO's spread throughout the locality. Ward Councillors had objected due to the density of HMO's in this location. However, concentration of MHO's is within the guidelines of policy H6 and improves choice of housing within this area;
- The HMO will be located close to amenities;
- The area has mainly family type homes;
- There are no issues in relation to noise;
- There are no issues in relation to highways.

In response to Members questions the Panel were informed of the following points:

- There is a lack of off street parking, however this in light of the current use of the long standing use of the property it was not considered to be used as a reason to refuse the application;
- There and been no accidents recorded in this location over the past 5 years;
- The number of people living at the HMO would be controlled through the HMO licence and was reliant on the public should an issue arise;
- There was no proposed separate fire exits. It was noted that this was not a matter for planning and that this was governed through Building Regulations.

It was noted that during the site visit Members had raised concerns in relation to the work taking place. Members were advised that their concerns would be passed to Building Control and/or the Compliance Team.

Members requested that officers suggest to the applicant that the step leading to the basement be lowered.

RESOLVED – That planning permission be granted in accordance with the officer recommendation.

Members requested that Planning Compliance officers visit the site during the ongoing building to check compliance with the approved plans.

Members also requested that officers speak to the applicant about reducing the depth of the bottom step to the basement.

118 19/00036/FU - Change of use, including formation of lightwell, from residential property (C3) to a House in Multiple Occupation (C4), 63 East Park Parade, Richmond Hill, Leeds 9

The submitted report of the Chief Planning Officer set out an application for the change of use, including formation of lightwell, from residential property (C3) to a house in multiple occupation (C4), 63 East Park Parade, Richmond Hill, Leeds 9.

Members had visited the site earlier in the day. Photographs and plans were shown during the presentation.

Members were advised of some changes in the report:

- Amend Condition 3 wording to delete the word 'basement'
- Paragraph 2.3 correction – Living and communal space is on the ground floor not in the basement.

Members were informed of the following points:

- The proposal reinstates the original windows in the basement;
- Railings to be added to the stairway at the side of the property
- Glazed door to basement to increase light in the bedroom in the basement;
- All bedrooms will be en-suite;
- The 2 attic beds to become one room
- Representations had been received from Ward Councillors due to the concentration of HMO's in the area;
- 5 letters of objection had been received from the public.

The Panel were advised that checks had been made to the numbers of HMO's in the area. However, it was deemed that there was not a high concentration of HMO's in this location.

Members were informed that there is specification on the type of locks and windows to be used.

RESOLVED – To grant planning permission in accordance with officer recommendation.

Members agreed the following amendment to the terms of permission:
Amend Condition 3 wording – delete the word 'basement'

119 18/06182/FU Construction of 52 dwellings on vacant land; removal of Plot 99 and substitution of house types to Plots 98 and 100 of adjacent development at land off Kennet Lane, Garforth LS25.

The report of the Chief Planning Officer set out the putative reasons to contest an appeal that had been made against non-determination of the planning application, for the construction of 52 dwellings on vacant land off Kennett Lane, Garforth, LS25.

Members were informed that the main reasons related to the application being premature, loss of green space, non-agreement of S106 and legacy of coal mining in the area.

Members noted that the 6 week deadline started from 16th May 2019.

Members were shown plans and photographs throughout the presentation.

Members were advised that the public Inquiry will be November 2019.

RESOLVED – Members agreed that the Council should contest the appeal for the reasons set out in the report.

At the conclusion of the meeting Cllr. Ritchie thanked Cllr. Walshaw for his role as Chair on North and East Plans Panel saying that he had enjoyed Plans Panel and thanked Cllr. Walshaw for his support.

The Members of North and East showed their appreciation with a round of applause.

120 Date and Time of Next Meeting

The next meeting of North and East Plans Panel will be on Thursday 20th June 2019 at 1:30pm.

This page is intentionally left blank



Originator: Andrew Crates

Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 20th June 2019

Subject: 18/07752/FU – Change of use of residential garage to dwelling on land at 17 Oaksfield, Methley, Leeds.

APPLICANT

P and K
Bilton

DATE VALID

29/1/19

TARGET DATE

21/6/19

Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE permission for the reasons specified.

Reasons for refusal

1. Oaksfield is a privately maintained, unmade road which does not have segregated pedestrian facilities. The proposed development would result in additional traffic movements along Oaksfield and at the junction of Oaksfield and Pinfold Lane where it does not allow for two-way passing. As such, the proposed development would be detrimental to the safe and free flow of traffic and pedestrian safety. Moreover, acceptance of this proposal would create an undesirable precedent for similar such residential proposals on neighbouring garden plots which would result in further detrimental impact on the safe and free flow of traffic and pedestrian safety. Accordingly, the proposed development is contrary to Policy T2 of the Core Strategy (2014) and policy GP5 of the Unitary Development Plan (Review, 2006) and advice contained within the NPPF.
2. The Local Planning Authority considers that the absence of any car parking provision within the site would likely lead to the parking of vehicles within Oaksfield, where such parking demands cannot be met, and would result in further restricting the ability of vehicles to pass, having detrimental impact on the safe and free flow of traffic and

pedestrian safety and a detrimental impact on the residential amenity of existing occupiers. Accordingly, the proposed development is contrary to Policy T2 of the Core Strategy (2014), policy GP5 of the Unitary Development Plan (Review, 2006) and advice contained within the NPPF.

3. The Local Planning Authority considers that the proposed development, which when viewed in context with the characteristics of the plot and its relationship to its surroundings would introduce a main dwellinghouse that would be contrary to the established pattern of development along Oaksfield that comprises low lying, ancillary outbuildings, resulting in harm to the character and appearance of the locality. Accordingly, the proposed development is thereby contrary to the City Council's Core Strategy (2014) policy P10, saved UDP Review (2006) policies GP5 and the guidance contained within the Neighbourhoods for Living (SPG) and the NPPF.

1.0 INTRODUCTION:

- 1.1 This application proposal involves the change of use of an existing residential garage building on land at 17 Oaksfield, Methley in order to form a separate dwelling.
- 1.2 The application is reported to Panel at the request of former Cllr Keith Wakefield due to disagreement between the applicant and Local Planning Authority on key planning issues, which have a wider highway safety relevance, and in the interests of transparency. These are material planning considerations that give rise to issues affecting more than immediate neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to report the application to Panel for determination.

2.0 SITE AND SURROUNDINGS:

- 2.1 The development site comprises a parcel of land to the rear of Nos. 17 and 18 Oaksfield, Methley. The application form states that the land is all within the control of the applicant and therefore this land would no longer appear to form part of the garden areas to either Nos. 17 or 18 Oaksfield. Oaksfield is a private road, maintained by residents and serves 28 dwellings.
- 2.2 The site currently houses a single storey building containing a garage area, workshop and store. The front elevation, facing Oaksfield, contains a single garage door, a pedestrian access door and a window. The rear elevation contains a further garage door and two windows serving the garage area, while a window is also provided in the garage side elevation. The building appears to have been relatively recently constructed and is largely faced with buff brick, with red brick to damp course level and to the quoins and eaves level, with the roof being comprised of concrete roof tiles.
- 2.3 A separate shed / store, approximately two thirds the size of the garage building also exists on site, though it is located closer to the street and is in line with a number of other garages and outbuildings, including that at No. 19. The building is faced with red brick, has a corrugated monopitch roof and has two windows facing across the front of the site.
- 2.4 The frontage of the site is currently surfaced largely with loose chippings, though a grassed 'island' exists in front of the garage building, containing a medium sized tree. Whilst the loose chippings form a path around the rear of the building, the

remainder of the site is grassed. A hedge of approximately 1.8m in height forms the western boundary, a fence and hedge of a similar height forms the eastern boundary and a blockwork wall forms the rear boundary to the sports pitch beyond.

- 2.5 The character of Oaksfield is defined by detached and semi-detached properties of early C20th appearance, with varying individual architectural designs and features. The urban form of Oaksfield is common to all of the properties in that it is their rear (north) elevations which face the street, usually separated from it by a short yard or garden area. The principal elevations are on the south side and face over the more substantive private garden areas and open countryside beyond. Notwithstanding this, most properties have the benefit of further garden areas on the north side of Oaksfield. Historically, these are likely to have been used for allotment growing and shed storage, but these plots are now largely dominated by garages, workshops and other shed / storage facilities, ancillary to the dwellings. Whilst the immediate context is residential, the land to the north is occupied by a sports pitch and Methley Primary School.

3.0 PROPOSAL

- 3.1 The proposal involves change of use of what was a residential garage to a one bedroom dwelling. The external alterations are very limited and comprise replacing the existing single garage door to the front with a large window and replacing the rear garage door with a door and window.
- 3.2 Internally, the dwelling provides a lounge and kitchen area, with one bedroom and an en-suite bathroom. The total gross internal floorspace of the dwelling equates to 68sqm. No changes are proposed to the existing shed / store building on site.
- 3.3 Externally, it is proposed to landscape the front garden area and incorporate a 1.2m wide path leading to the front door, incorporating a ramp to provide level access. The path would cut across the existing grassed 'island' coming closer to, but avoiding the existing tree. A 0.9m high brick wall is proposed as a front boundary treatment, also incorporating a 1m high timber gate.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The planning history for 17 Oaksfield is as follows:
- 09/01897/FU - Detached garage and workshop to garden plot – Approved.
 - H22/65/81/ - Detached brick garage with inspection pit to front of semi-detached house – Approved.
- 4.2 Other relevant planning history is as follows:
- 18/00635/FU - Change of use and alterations to a detached garage to form a dwelling house with three dormer windows to the rear opposite No. 16 Oaksfield – Refused (18/5/18) on grounds relating to unsuitable access and highway visibility, character and appearance and amenity grounds. The applicant subsequently appealed, though the Inspector dismissed the appeal on all grounds except for residential amenity.
 - 22/361/05/OT - Outline application to erect dwelling house opposite No.6 Oaksfield - Refused (22/12/05) on grounds relating to highway/ pedestrian safety (narrow access, poor visibility at junction with Pinfold Lane).

- 22/64/98/OT - Outline application to erect detached dwelling house at No. 2 Oaksfield - Refused (09/07/98) on grounds relating to highway/ pedestrian safety (narrow access, poor visibility at junction with Pinfold Lane, privately maintained unmade road).

5.0 HISTORY OF NEGOTIATIONS

- 5.1 During the course of the planning application officers have relayed the relevant planning history to the agent and explained why the proposals cannot be supported.

6.0 PUBLIC/LOCAL RESPONSES

- 6.1 The application has been advertised by a site notice which was posted outside the site on 4th February 2019 and by way of neighbour notification with letters sent on 30th January 2019. As a result of this publicity, a total of two letters of objection have been received. The objections relate to the following issues:

- Oaksfield is a narrow private road, maintained by residents, which does not have the infrastructure to cope with a further dwelling.
- The road allows two cars to pass, but anything wider is problematic and requires them to reverse out as there is insufficient room to turn.
- Concern is expressed that no off street parking provision is made and there is not scope to allow on-street parking.
- Oaksfield is narrower at its junction with Pinfold Lane and provides for limited visibility, making it awkward for vehicles, particularly larger ones, to exit the street.
- The dwelling would result in an increase in traffic which cannot be accommodated.
- Vehicles parked on the road to unload can cause blockages and lead to confrontation between residents.
- The sewers and drains already operate at capacity and cannot cope with an additional dwelling.
- It is alleged that an unauthorized sewer connection has already been made.
- The privacy of neighbours would be compromised.
- If permission is granted to allow the creation of this dwelling, it would set a precedent for approximately 20 further dwellings on the other plots.
- It is alleged that when the garage was first applied for, the applicant sought for it to be a dwelling initially.
- It is alleged that the garage has never been used as such.
- The bungalow is not in keeping with the age and character of the other dwellings in Oaksfield.

7.0 CONSULTATION RESPONSES

Statutory:

- 7.1 Environment Agency: The finished floor level for the development must be a minimum of 15.158m AOD, controlled by condition. If this cannot be achieved then the EA must be re-consulted. The development is in flood zone 3 and a single storey development with the occupants sleeping on the ground floor.

Non-statutory:

- 7.2 Highways: Highways acknowledged under application reference 18/00635/FU (16 Oaksfield) that visibility splays of 2.4m x 90m could not be achieved where Oaksfield meets Pinfold Lane. The appeal Inspector's comments raise concerns over the layout of the junction, and a similar junction layout has been proposed again, therefore highways concerns regarding vehicles passing, visibility and manoeuvring in/ out of Oaksfield remains.

Oaksfield has a carriageway width of 4.5m adjacent to the junction with Pinfold Lane. In accordance with guidance, there should be a minimum width of 4.8m for the first 10m of all private roads to allow two way passing. Notwithstanding this, in accordance with current guidance (as Oaksfield serves 28 dwellings) it should be an adopted road with a 5.5m wide carriageway. The narrow carriageway makes it difficult for vehicles to turn into Oaksfield from Pinfold Lane when a vehicle is waiting at the junction to pull out. To add to the problem there are no footways on Oaksfield so pedestrians may also be walking on the carriageway. Increasing the number of dwellings on Oaksfield will exacerbate this problem and cannot be supported.

In accordance with the Leeds Street Design Guide private roads should serve a maximum of 5 dwellings, once a road exceeds this it should be constructed and designed to an adoptable standard and offered for adoption. Oaksfield is a private road currently serving 28 dwellings, the majority of which have a similar rear plot which forms an extended garden/garaging/parking on the opposite side of the Oaksfield. There are strong concerns that approving this application would set a precedent for other residents to do the same. In addition to the above no parking has been proposed for the dwelling and a dwelling in this location must have parking provided.

- 7.3 Flood Risk Management: It is noted that the site falls within flood zone 3, though there is no record of flooding. No objections provided that the development is carried out in accordance with the submitted Flood Risk Assessment, including works to the finished floor levels. Conditions are also recommended in relation to surface water drainage.

8.0 RELEVANT PLANNING POLICIES

The Development Plan

- 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. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any relevant made Neighbourhood Plan (none relevant in this case)

These development plan policies are supplemented by supplementary planning guidance and documents. The site is unallocated within the UDP.

- 8.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 Location of development
Spatial policy 6 Housing requirement and allocation of housing land
Spatial policy 7 Distribution of housing land and allocations
Policy H2 Housing on non-allocated sites
Policy P10 Design
Policy P12 Landscape
Policy T2 Accessibility requirements and new development
Policy EN5 Managing flood risk

8.3 The Council's emerging Site Allocation Plan (SAP) has reached a highly advanced stage, close to adoption and greater weight should therefore be accorded to it. The SAP does not identify small scale individual sites such as this. As the application site is therefore not affected by the Plan it has no particular relevance as emerging policy.

8.4 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

GP5: General planning considerations.
N23/N25: Landscape design and boundary treatment.
BD5: Design considerations for new build.
LD1: Landscape schemes.

8.5 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and flooding are relevant as follows:

Policy AIR 1: The Management of Air Quality Through Development
Policy WATER 3: Functional Flood Plain
Policy WATER 4: Development in Flood Risk Areas
Policy WATER 6: Flood Risk Assessments
Policy WATER 7: Surface Water Run-Off
Policy LAND 1: Contaminated Land
Policy Land 2: Development and Trees

Supplementary Planning Guidance / Documents:

8.6 SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living and Addendum (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Designing for Community Safety (adopted).
Emerging Policy - Core Strategy Selective Review (CSSR)

8.7 Hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's main modifications were issued in April 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant:

H9 – Minimum Space Standards
EN8 – Electric Vehicle Charging Infrastructure

National Planning Policy Framework (NPPF)

- 8.8 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 they may be given.
- 8.9 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. 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.
- 8.10 Paragraph 11(d) advises that where an application proposes housing development and the Local Planning Authority cannot demonstrate a 5 year housing land supply, then additional weight should be afforded to the delivery of housing (often referred to as the 'tilted balance'). In this instance the adopted local planning policies relevant to the consideration of this application are considered to be consistent with those set out in the NPPF and should be afforded significant weight.
- 8.11 Paragraph 108(b) of the NPPF requires that in considering development proposals, safe and suitable access to the site can be achieved for all users.
- 8.12 Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 8.13 Paragraph 110 of the NPPF advises that developments should create places that are safe, secure and attractive – which minimises the scope for conflict between pedestrians, cyclists and vehicles (c) and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (e).
- 8.14 Paragraph 127(c) of the NPPF requires that developments are sympathetic to local character.
- 8.15 The Government attaches great importance to the design of the built environment. Section 12 (paragraphs 124 - 127) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Good functionality and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Development to be visually attractive as a result of good architecture and appropriate landscaping
 - Development to be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;

- 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.

- 8.16 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.17 In February 2019, the Government published its revisions to the National Planning Policy Framework. The revisions focus on the housing land supply assessments and methodology; clarification of Habitat Regulations Assessment and definitions in glossary relating to “deliverable” and “local housing need”.

9.0 MAIN ISSUES

1. Principle of Residential Development
2. Highways & Transportation
3. Design & Character
4. Residential Amenity
5. Consideration of Objections
6. Planning Balance

10.0 APPRAISAL

Principle of Residential Development

- 10.1 The application site currently accommodates the existing garage, as well as the shed / storage building at the front of the site. In considering whether a residential development is acceptable in principle a number of relevant factors must be considered.
- 10.2 The application site can be considered to be non-allocated land as defined by policy H2 of the Leeds Core Strategy. Policy H2 includes a number of criteria that new housing development on non-allocated land should meet and therefore is an appropriate starting point for considering the principle of residential development.
- 10.3 Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that:
- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
 - (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
 - (iii) Green Belt Policy is satisfied for sites in the Green Belt.
- 10.4 For the reasons set out later in this report, it is considered that the proposal fails to satisfy criteria (i) of policy H2 in that the additional dwelling proposed is considered to exceed what is considered appropriate for the local highway infrastructure, namely Oaksfield. Criteria (ii) and (iii) are not breached or relevant to this particular proposal.
- 10.5 Nevertheless, given the failure against criteria (i), a residential use is not considered acceptable when assessed within the context of Core Strategy policy H2. Therefore

the principle of development, when considered subject to the material planning considerations discussed below, is considered to be unacceptable.

Highways and Transportation

10.6 Oaksfield is a private no through road which is in part poorly surfaced and has no footpath. It serves 28 properties (which do not have an alternative road access to the front). Although it is relatively narrow, Oaksfield is generally wide enough to allow vehicles to pass and to provide for two-way traffic along its length. However, it narrows at its junction with Pinfold Lane where it is around 4.5 metres wide and bounded by a high wall to one side and a high hedge to the other (with no corner radii). Highways acknowledged under application reference 18/00635/FU that visibility splays of 2.4m x 90m could not be achieved where Oaksfield meets Pinfold Lane, however the applicant was proposing to narrow Pinfold Lane and extend the give way line on Oaksfield to make visibility achievable. In the appeal Inspector's comments, concerns were raised over the layout of the junction. Given a similar junction layout has been proposed again, highway officers concerns regarding vehicles passing, visibility and manoeuvring in and out of Oaksfield remain.

10.7 Oaksfield has a carriageway width of 4.5m adjacent to the junction with Pinfold Lane. In accordance with guidance, there should be a minimum width of 4.8m for the first 10m of all private roads to allow two way passing. Notwithstanding this, in accordance with current guidance (as Oaksfield serves 28 dwellings) it should be an adopted road with a 5.5m wide carriageway. The narrow carriageway makes it difficult for vehicles to turn into Oaksfield from Pinfold Lane when a vehicle is waiting at the junction to pull out. The Inspector's comments in the appeal at No. 16 Oaksfield are also relevant

'...vehicles that meet at the junction would have to wait either in Oaksfield or Pinfold Lane to allow the other vehicles to pass. There is also a likelihood that on occasion drivers would have to reverse in this situation.'
Paragraph 10.

10.8 To add to the problem there are no footways on Oaksfield so pedestrians may also be walking on the carriageway. Increasing the number of dwellings on Oaksfield will exacerbate this problem and cannot be supported. The appeal Inspector commented:

'Taking all these factors into account, it seems to me that the comings and goings associated with the existing houses in Oaksfield already result in the potential for conflict between vehicles and between vehicles and pedestrians. The introduction of a further dwelling would lead to an increase in the number of vehicles and pedestrians using Oaksfield.' Paragraph 11

'Whilst this increase would not be great, in my view the introduction of even the relatively limited amount of additional traffic associated with one dwelling would exacerbate the wider potential for conflict that already exists.' Paragraph 12

10.9 Private roads should serve a maximum of 5 dwellings, once a road exceeds this it must be constructed to adoptable standards and offered for adoption. Oaksfield is a private road which exceeds 5 dwellings and the road does not meet the standards of the Street Design Guide and therefore highways will not support any further development off this road.

10.10 The Inspector's wider comments in the appeal at No. 16 Oaksfield are also relevant:

'The Council is also concerned that the proposal would establish an undesirable precedent for similar proposals on neighbouring garden plots. Whilst each application and appeal must be treated on its individual merits I can appreciate the Council's concern that the approval of this proposal could be used in support of such similar schemes. The Council has previously refused a number of planning applications for houses on the land opposite the houses in Oaksfield on highways grounds. A third party representation confirms that should the appeal scheme be successful other neighbouring occupiers would seek similar proposals. As such, I do not regard the Council's objection to be a generalised fear of precedent. Rather it is a realistic and specific concern. Allowing this appeal would make it more difficult to resist further planning applications for similar developments the cumulative effect of which would exacerbate the harm which I have described above.' Paragraph 13

10.11 Notwithstanding the applicant's attempt to demonstrate the required visibility splays at the junction of Oaksfield with Pinfold Lane, the individual and cumulative effects of allowing further residential development on this private road are considered to have a detrimental effect on the safe and free flow of traffic and pedestrian safety.

10.12 No car parking is proposed within the development and highway officers have indicated that one parking space and an electric vehicle charging point is required. The absence of a space means that car parking is likely to take place outside the site, on Oaksfield itself, exacerbating issues raised in relation to its width and the ability of vehicles to pass.

10.13 The Design and Access Statement notes that the applicant's personal circumstances mean that he and his wife need this small property, so that they can maintain their independence in a mobility-friendly home. It is stated that there is a severe shortage of accommodation in the area for older people, and the proposal will create one which will benefit future generations, not just the applicants. Whilst these desires are entirely understandable, it is not possible to control who may reside in the property longer term, or therefore the longer term car parking needs. Further, it is not considered appropriate to allow the conversion of the garage to a dwelling and impose a condition restricting occupancy to the applicants only (a personal permission). The offer by the applicant to enter into a S106 Agreement or agree to a planning condition preventing car access on the site or onto Oaksfield is also considered to be unworkable and would not meet the tests for planning obligations or conditions. As such, while the applicant's personal circumstances are noted, they are not considered so significant that they outweigh the identified harm.

10.14 It is therefore considered that the proposal would be harmful to highway safety. It would be contrary to Policy T2 of the Core Strategy which requires new development to be adequately served by existing or programmed highways and not to create or materially add to problems of safety, environment or efficiency on the highway network (i). It would conflict with Policy GP5 of the UDP which expects proposals to resolve all planning considerations including (amongst other things) access and to maximise highway safety. It would also be at odds with paragraph 108 of the NPPF which requires that in considering development proposals, safe and suitable access to the site can be achieved for all users (b) and with paragraph 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Furthermore it would fail to support paragraph 110 of the NPPF which advises that development

should create places that are safe, secure and attractive – which minimises the scope for conflict between pedestrians, cyclists and vehicles (c) and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (e).

Design and Character

- 10.15 The NPPF sets out national planning policy in relation to design matters (section 7). The Leeds Core Strategy policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design and policy P12 looks to protect the character and quality of Leeds townscapes. A number of saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design.
- 10.16 In the context of this application, the substantive form of the building already exists. The works to the building required in order to facilitate the proposed residential use are limited to the removal of the single garage doors to the front and rear and their replacement by a large window to the front and a door and window to the rear. The works to the front boundary, including a 0.9m high brick wall and a 1m high gate are also limited and are not at odds with what might otherwise be found in front boundary treatments for a dwelling (such structures would constitute permitted development in the case of an existing dwelling).
- 10.17 A 1.2m wide block paviour path is proposed between the front gate and the front door of the proposed dwelling, cutting across the existing grassed 'island' and coming in close proximity to the existing tree. It is considered that, as proposed, the path is likely to have some potential impact on the root protection zone area of the tree, though this could be overcome through the use of appropriate construction, as advised by an experienced arboriculturalist. Even if the siting of the path proved unacceptable, in the event that the application were to be approved, a condition could be attached for final landscape details, including the siting and design of the path, which could be amended to remedy the matter.
- 10.18 Notwithstanding the above, it is inescapable that the proposal would create a new dwelling amongst other extended garden areas, often containing garages, sheds and other ancillary structures. The Inspector's comments in the appeal at No. 16 Oaksfield are relevant:

'... There is a wide variety of domestic outbuildings including garages, sheds and greenhouses in the residential garden areas on the north side of Oaksfield. These vary in size and design and do not form a regular pattern or layout.' Paragraph 15

'Despite this, all these existing structures appear for the most part as low key single storey buildings that remain ancillary to the use of the main dwelling houses on the other side of Oaksfield to the south. The proposal would introduce a dwelling to the north side of Oaksfield. Despite the domestic character of the area, the creation of an independent residential unit there would in my view be directly at odds with this well established character and the prevailing pattern of development in Oaksfield.'
Paragraph 16

- 10.19 Whilst in the case at No. 16 Oaksfield the Inspector went on to criticise the perceived height of the building due to the addition of rear dormers, no such similar criticism could be made here. In the event of an approval, a condition could be

applied to restrict permitted development rights allowing extensions and additions to the roof. Nevertheless, a fundamental point persists in that a stand-alone bungalow would appear as an alien feature, at odds with the well established character and prevailing pattern of development. There is no good reason to come to a different conclusion to that of the Inspector on what the character of area is and how that would be harmed by allowing this form of development (ad hoc dwellings amongst garages and outbuildings).

- 10.20 It is therefore considered that the proposal would be contrary to Core Strategy Policy P10 which requires development to provide good design that is appropriate to its location, scale and function. It would also be at odds with UDP Policy GP5 which seeks to avoid problems of environmental intrusion and loss of amenity. However, it is considered that there is no particular conflict with UDP Policy BD6 which requires all alterations and extensions to respect the sale, form, detailing and materials of the original building. Nevertheless, the proposal would fail to support the guidance in the Neighbourhoods for Living Supplementary Planning Guidance (SPG) which seeks to ensure that proposals respect local character by enhancing positive attributes whilst mitigating negative aspects. It would also undermine the aims of paragraph 127(c) of the NPPF which requires that developments are sympathetic to local character.

Residential Amenity

- 10.21 The proposal would create a detached one bedroom dwelling within a reasonably sized plot, sufficient to provide adequate garden area. It is stated that the dwelling has been designed to meet the 'Lifetime Homes' standard. It is also noted that a ramp to provide level access to the front door is proposed, which welcomed.
- 10.22 Internally, the dwelling provides for a lounge and kitchen area, a double bedroom and an en-suite bathroom. As discussed above, the Council is seeking to ensure that new dwellings meet minimum internal space standards, as set out in CSSR policy H9. When assessed against the policy, a gross internal floorspace of 50sqm is required for this type of property. In this instance, the proposed dwelling would have a gross internal floorspace of 68sqm, a double bedroom measuring 3.6m x 3.4m and within the envelope of the building there is easily space for 1.5sqm of built in storage. The spaces provided are therefore in excess of the requirements and therefore in accordance with emerging CSSR policy H9.
- 10.23 The majority of the window openings are in the front and rear elevations and are not considered to have any significant impact of overlooking to other nearby properties. Whilst an existing window is to be retained in the west side elevation, any concerns about overlooking could otherwise be overcome through the use of a condition to retain the existing boundary treatment at a height of 1.8m or otherwise replace it with a solid timber fence to the same height.
- 10.24 Whilst the quality of accommodation is, in itself, considered to be acceptable, the lack of any off-street car parking is a concern, as discussed above. The lack of parking would potentially result in parking on Oaksfield and create an element of obstruction, fuelling conflict between road users and giving rise to safety concerns, all to the detriment of residential amenity.

Consideration of Objections

- 10.25 The substantive comments outlined within the letters of representation are addressed in the report above. Drainage matters could otherwise be addressed through the use of conditions.

Planning Balance

- 10.26 Taking all of the above factors into account it is considered that when judged against the policies of the development plan, the principle of development in this location is unacceptable, in that the dwelling would cause harm to the safe and free flow of traffic and pedestrian safety (caused as a result of adding a further dwelling to an already unsatisfactory situation, as well as a result of a lack of car parking provision), and harm to the character and appearance of the surrounding area as it will be at odds with the established pattern of development. These are matters that are afforded significant weight. It is concluded that there would be some benefit from the addition of one additional dwelling to the housing supply and also built to lifetime home standards, but these factors are not considered to be so significant as to outweigh the identified harm to warrant approval of the application.
- 10.27 Accordingly, it is considered that the development does not accord with the development plan, when read as a whole, and neither does it accord with the guidance as set out in the NPPF. As the council cannot demonstrate a 5 year housing land supply, the delivery of housing is a matter that normally attracts significant weight. If the tilted balance at paragraph 11(d) of the NPPF is applied, in this instance the adverse impacts of granting permission (arising from the harm that would be caused to highway safety and the character and appearance of the area), would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

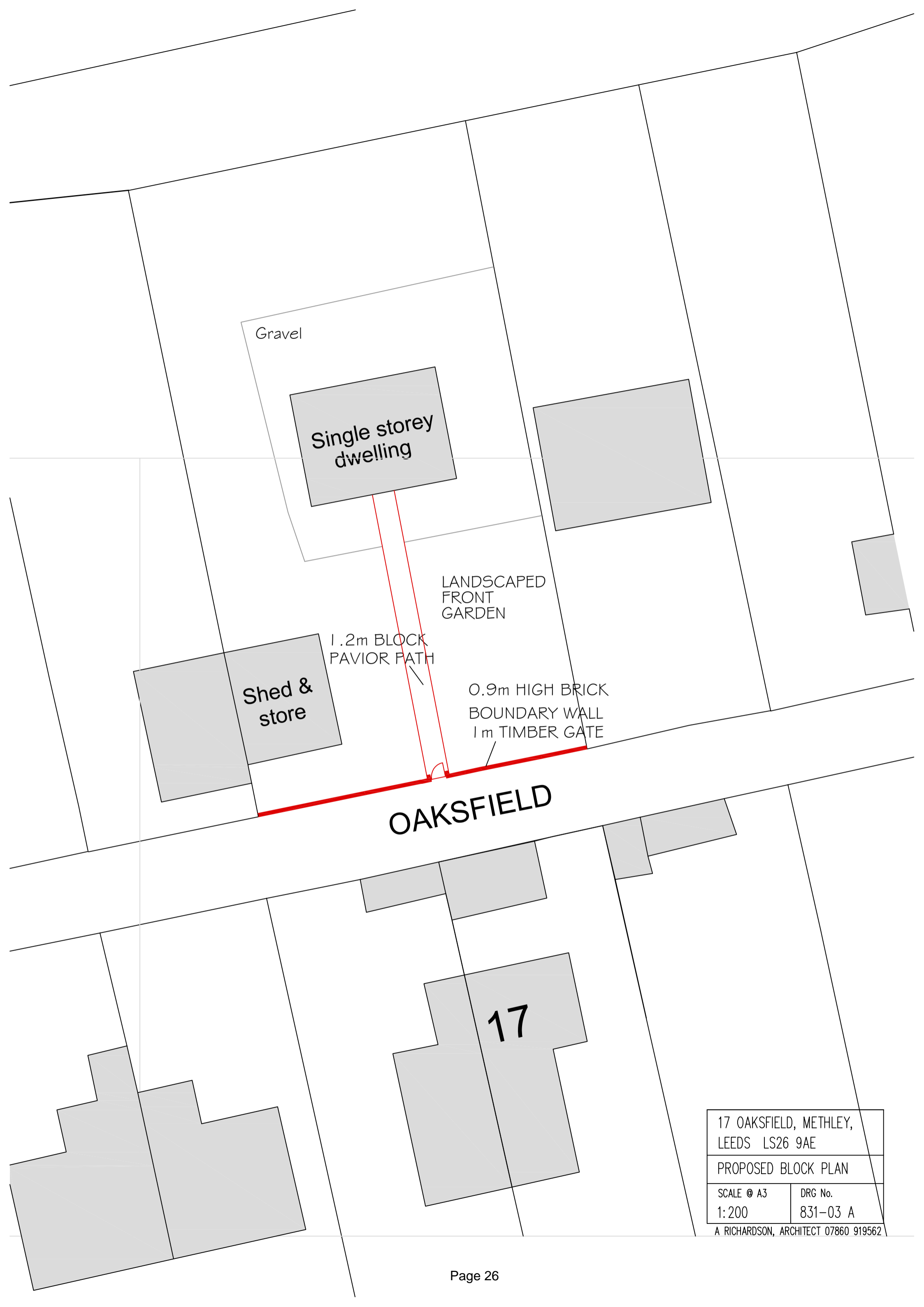
11.0 CONCLUSION

- 11.1 In conclusion, it is considered that the proposed development would add unacceptable further development to a private road, giving rise to specific and cumulative highway safety concerns. Additionally, the lack of any car parking provision serves to underscore those concerns. The siting of a dwelling in this location would also create an alien feature in this part of the street, contrary to the character and pattern of development in Oaksfield. Accordingly, Members are recommended to refuse planning permission for the reasons stated at the head of the report.

Background Papers:

Planning Application file 18/07752/FU

Certificate of Ownership: Certificate A signed by the agent on behalf of the applicant.



Gravel

Single storey dwelling

Shed & store

LANDSCAPED FRONT GARDEN

1.2m BLOCK PAVIOR PATH

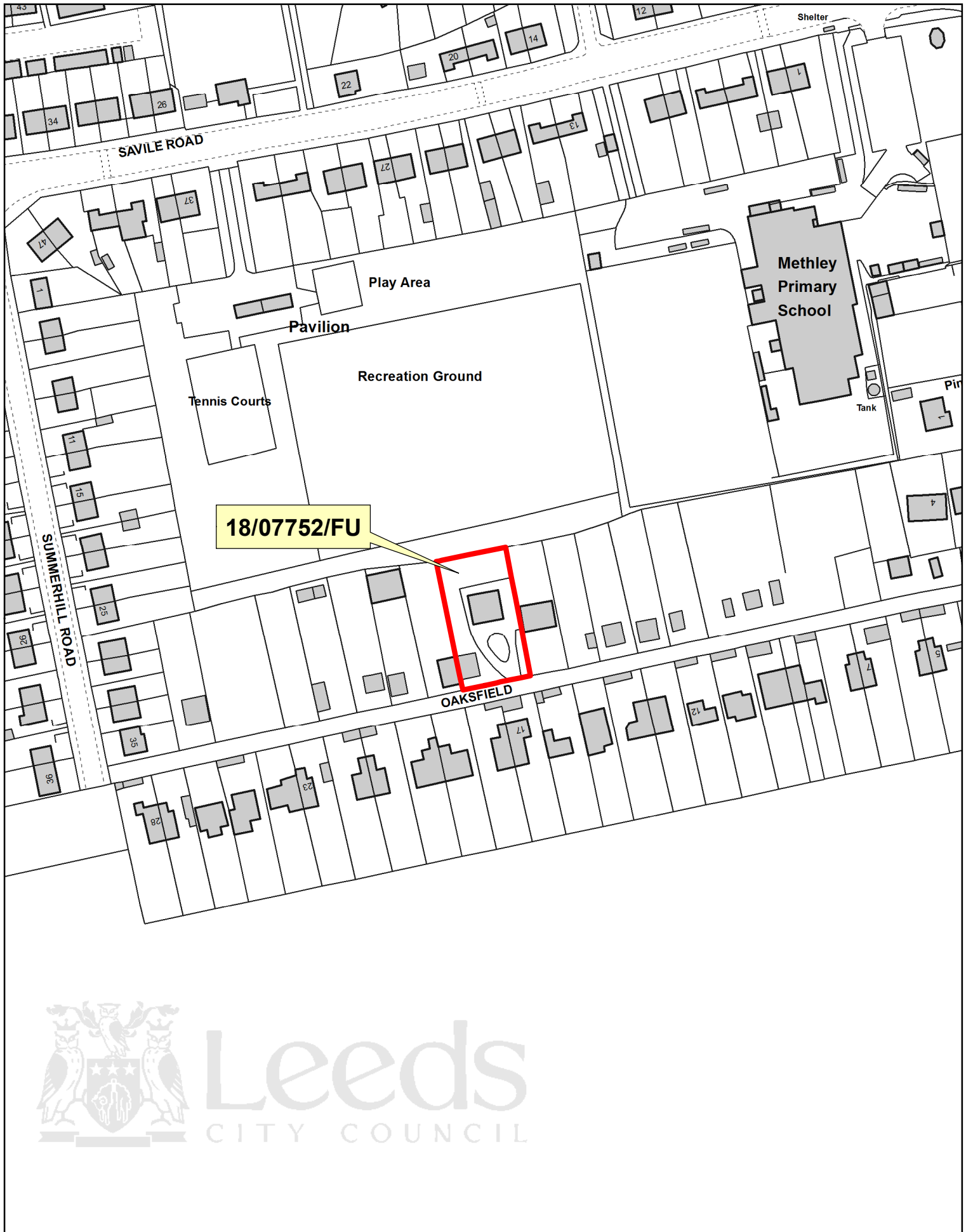
0.9m HIGH BRICK BOUNDARY WALL
1m TIMBER GATE

OAKSFIELD

17

17 OAKSFIELD, METHLEY, LEEDS LS26 9AE	
PROPOSED BLOCK PLAN	
SCALE @ A3 1:200	DRG No. 831-03 A

A RICHARDSON, ARCHITECT 07860 919562



Leeds
CITY COUNCIL

NORTH AND EAST PLANS PANEL



This page is intentionally left blank



Originator:	Kam Sandhu
Tel:	0113 3788031

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th June 2019

Subject: 19/01819/FU- Single storey extension to the side/rear and boundary fence to side at 8 White Laithe Grove, Whinmoor, Leeds, LS14 2EN

APPLICANT	DATE VALID	TARGET DATE
Leeds City Council	25 March 2019	21 st June 2019

<p>Electoral Wards Affected:</p> <p>Crossgates and Whinmoor</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td style="padding-left: 10px;">Yes</td> <td style="padding-left: 20px;">Ward Members consulted (Referred to in report)</td> </tr> </table>	<input type="checkbox"/>	Yes	Ward Members consulted (Referred to in report)	<p>Specific Implications For:</p> <table style="width: 100%;"> <tr> <td style="width: 80%;">Equality and Diversity</td> <td style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> <tr> <td style="width: 80%;">Community Cohesion</td> <td style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> </tr> </table>	Equality and Diversity	<input type="checkbox"/>	Community Cohesion	<input type="checkbox"/>
<input type="checkbox"/>	Yes	Ward Members consulted (Referred to in report)						
Equality and Diversity	<input type="checkbox"/>							
Community Cohesion	<input type="checkbox"/>							

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission
2. Development carried out in accordance with approved plans
3. Roofing and walling materials to match the existing
4. No insertion of additional windows
5. Vehicle spaces to be laid out
6. Boundary fence to be dark stained
7. Extension shall not be occupied until all boundary fencing erected

1.0 INTRODUCTION

1.1 The application is brought to North and East Plans Panel at the request of Ward Councillor Pauleen Grahame who is concerned about the increased traffic in the area due to visitors to the property and also that the fencing will be unsightly and spoil the look of the area. Councillor Grahame raises material planning considerations that give rise to concerns affecting more than immediate neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to report the application to Panel for determination.

2.0 PROPOSAL

- 2.1 This application seeks planning permission for a 4m deep single storey extension to the side/rear of a semi-detached property and a 1.2m high fence along a small section of the boundary which fronts onto White Laithe Grove.
- 2.2 The extension would span across most of the rear elevation of the property (inset by 2.5m from the adjoining boundary with no.10 White Laithe Grove) and projecting 2.9m beyond the side wall of the property, with a pitched roof. In terms of fenestration windows are proposed within the rear elevation. The extension is to provide 2 additional bedrooms and bathroom.
- 2.3 The 1.2m high close boarded fence is also proposed along a small section of the northern side boundary adjacent to the footpath. This element has been amended as originally a 1.8m high fence was proposed. The existing driveway would also be widened to accommodate two off-street parking spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a two storey, semi-detached, brick built house under a concrete tiled pitched roof. The property occupies a corner location at the turning point of a small cul-de-sac consisting of similar two storey dwellings and bungalows with low boundary treatment in the form of low fencing and plants at the front. The property has a canopy across the front elevation. The property has a modest sized front garden bound by low plants, and a mature hedge along the side boundary. Vehicle access is via the rear of the property. The rear garden is positioned so that it faces out towards the side gable of No. 6 White Laithe Grove. The rear boundary consists of a low arched timber fence. There is a hedge between the application site and no. 10.
- 3.2 The wider area is residential in character but contains a variety of detached and semi-detached two storey properties. A number of bungalows are also present at the head of the cul-de-sac.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None required.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The boundary treatment to the White Laithe Grove frontage has been reduced from 1.8m to 1.2m following concerns raised by officers and in the third party representations received.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by Neighbour Notification Letters issued on 1st April 2019. The following representations have been received.
- 6.2 Ward Councillor Pauleen Grahame has raised concerns (as expressed in para. 1.1 of this report) and requested the application be determined by the Plans Panel.
- 6.3 Ward Councillor Peter Gruen has also stated he recognises that there are real sensitivities regarding the application and asks that officers look carefully at all the material planning matters and consider these in coming to a recommendation.

6.4 12 letters of objection and a petition with 16 signatures have been received raising the following main concerns:

- The overall footprint of the proposal including parking, ramps is believed to be excessive and more than 50% of the existing area around the house.
- The aesthetic appeal, as viewed upon the street approach and from our homes is not in keeping with similar properties or developments.
- Fencing is excessive and not in keeping with neighbouring properties, and reduce light on neighbouring gardens.
- Traffic generation – The proposed extension will bring with this more cars, causing concern for the safety of the residents and members of the public that use the cul-de-sac as access. The extension and car parking encroach on both light and privacy of bordering properties.
- The additional living space (occupancy) is excessive for the social wellbeing of the neighbourhood, which already suffers with vehicles entering and egressing their properties, parking outside and general access for the elderly.
- Some of the neighbouring homes will be adversely affected and possibly devalued by this excessively developed property.
- Concerns that no prior consultations with adjacent private properties, has taken place before submitting these plans. There is a general feeling that this council owned property is being railroaded through without due consideration to the above concerns. With a high turnover of similar excessive social accommodation, we fear what future plans and uses the council may make with this home, should the proposal go ahead and subsequently become vacant again.
- Design, over dominance, overlooking, loss of light and privacy.
- The increased bedroom numbers will increase noise and disturbance thus affecting neighbouring properties.
- Highway safety and flooding.
- Noise – Noise and disturbance caused by building works. Neighbours object to a large family of 11 moving into the quiet cul-de-sac.
- Not all residents have received a letter from LCC to notify them of the proposed extension.
- Given the corner location of the property there maybe views of the extension from the street scene. However the extension would be single storey in nature, of a modest height and scale is set well back from the side boundary and footpath, and given its relationship with neighbouring properties the proposal is considered to subordinate the original dwelling and will not harm the spatial character or visual amenity of the street scene.

7.0 CONSULTATIONS RESPONSES:

7.1 None.

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 currently comprises the Core Strategy, 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 (2017) and any made Neighbourhood Plan.

Local Planning Policy

8.2 The Core Strategy sets out the strategic planning policy framework for the district. The following core strategy policies are considered to be relevant to this application:

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

T2: Accessibility requirements and new development

8.3 The following Unitary Development Plan Review (2006) policies are also considered to be of relevance:

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

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

N25: Seeks boundaries of sites to be designed in a positive manner

Relevant Supplementary Planning Guidance:

8.4 Supplementary Planning Guidance “Householder Design Guide” (HDG) – 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, over dominance or overlooking will be strongly resisted.

National Planning Policy (NPPF)

8.5 The National Planning Policy Framework (2019) sets out the Government’s planning policies for England and how these are expected to be applied. Achieving good quality design and not causing harm to highway safety are referenced as being important to achieving sustainable development.

Neighbourhood Planning

8.6 There is a Neighbourhood Plan for Garforth in preparation. The forum have made good progress and are expecting to reach pre-submission stage later this year however the Plan has not reached a stage at which it can be afforded material weight.

9.0 MAIN ISSUES

1. Character and Appearance
2. Residential Amenity (overlooking, overshadowing and over dominance)
3. Parking
4. Private Garden Space
5. Representations

10.0 APPRAISAL

Character and Appearance

- 10.1 Revisions have been sought since the scheme's original submission to reduce the height of the 1.8m high boundary fence adjacent to the footpath down to 1.2m. Alterations to the roof design are also included so it integrates better with the host dwelling and widening of the existing driveway to accommodate 2 off-street parking spaces.
- 10.2 The proposed extension is considered to be respectful of the host property in terms of design and style with the external materials matching those present. The pitched roof form roof would be a continuation of the existing roof design, thus will integrate successfully with the roof of the main house. The property occupies a corner location and whilst the bulk of the extension is to the rear of the property there will be views from the street. However, the extension is single storey in nature, of a modest size, height and scale and set well away from the side boundary and footpath, therefore the proposal is considered to remain subordinate the original dwelling and the spatial character of the area and will not be negatively impacted upon. As such it will not have a significant visual impact on the street scene or character of the area. For these reasons it is considered that the proposal complies with policy P10 of the Core Strategy, Policies GP5, BD6 and BD5 of the UDP Review (2006) and HDG1 of the Householder Design Guide.
- 10.3 The immediate street scene is characterised by semi-detached properties with front boundary treatments consisting of low hedges, fences and gates. The application as originally submitted was for a 1.8m high close boarded fence as a replacement to a hedge along the road frontage. This element was considered to be unacceptable and also attracted a number of objections from local residents due to the fence's excessive height. Revisions have therefore been secured which although still involving the removal of the hedge reduce the total height of the fence to 1.2m. The proposed fence is now only marginally (0.2m) above that which could otherwise be constructed under Permitted Development and is similar in terms of height and materials to the existing boundary fence at no.6 and also on the opposite side of the road. A condition is recommended to dark stain the fence to help soften its appearance but overall this element of the application, which is also noted to facilitate a slightly wider driveway is also considered be acceptable in terms of character and appearance impacts.

Residential Amenity

- 10.4 The proposed extension is single storey and represents a relatively modest addition to the host property in terms of height, size and scale. Although the extension adds a degree of additional bulk to the rear/side, the property occupies an end corner plot sufficient distance away from adjacent neighbours. The proposal is located north of the most affected property (no.10); therefore no direct overshadowing will occur. Any additional overshadowing caused by the extension would largely fall across the application site.

- 10.5 It is acknowledged that at 4m in depth it is greater than is usually allowed to the rear of a semi-detached house. However, the extension maintains a gap of approximately 2.5m to the common boundary with no. 10 (adjoining neighbour). This distance, combined with other separation distances and the single storey nature of the extension is such that the proposal will not overshadow or unreasonably interfere with the level of direct sunlight received nor be unduly dominant or overbearing to the adjacent neighbours. The proposal is considered to comply with policies GP5 and HDG2.
- 10.6 Due to the property's corner position and location of the boundary fence fronting the highway it will not lead to a significant impact on residential amenity.
- 10.7 With regards to privacy and outlook, the new rear windows attain a distance of 5.4m to the rear boundary, and whilst it is noted this falls short of guidance within the Householder Design Guide by approximately 2m, these windows are at ground floor level only and will look out over the host dwelling's own garden area. As a 1.8m high boundary fence is proposed along the side shared boundary with no. 6 (to be secured by planning condition) there will be no significant loss of amenity. A further condition will also be attached to prevent the insertion of window openings within the south side elevation so as to avoid any future overlooking impact over the adjoining neighbour's rear garden.

Parking

- 10.8 The plans as revised show two off-street car parking spaces will be provided at the rear of the property. Whilst a number of third party representations raise parking concerns associated with extending this property, this level of provision is considered to be acceptable as it represents a 100% uplift in provision relative to the existing situation. This, combined with the draft status of the Transport SPD mean the creation of a third parking space is not considered necessary in this instance and accordingly the application can be supported in its current form.

Private Garden Space

- 10.9 Despite the proposal there will be more than 50% of private garden space retained at the site, in accordance with Householder Design Guide.

Representations

- 10.10 All material planning considerations raised through representations have been discussed above. The concerns raised by neighbours in relation to construction noise and disturbance are noted, however it is to be expected that during this works some residents may suffer a degree of disturbance. However, the scale of the works proposed are modest and accordingly any disruption should be relatively short-term in nature. For this reason it is not considered necessary to impose a construction management plan condition on what is ultimately a domestic extension and it is always hoped that construction works will take place in a considerate way. It would also not be reasonable or appropriate to withhold planning permission due to these concerns.
- 10.11 In terms of public consultation, the planning application has been publicised by notification letters to the immediate neighbours which is the appropriate manner taking account the nature of the proposal. This method of consultation is in accordance with the City Council's guidelines for publicising householder applications.

11.0 CONCLUSION

- 11.1 In light of the above, it is considered that the design, scale and height of the development is acceptable within the immediate context and will not harm the character or the appearance of the area. No residential amenity concerns are raised and the level of parking provision is considered to be appropriate. As such, the proposed scheme is considered to be compliant with the relevant policies and guidance detailed within this report, Members are therefore recommended to grant planning permission subject to the conditions set out at the start of this report.

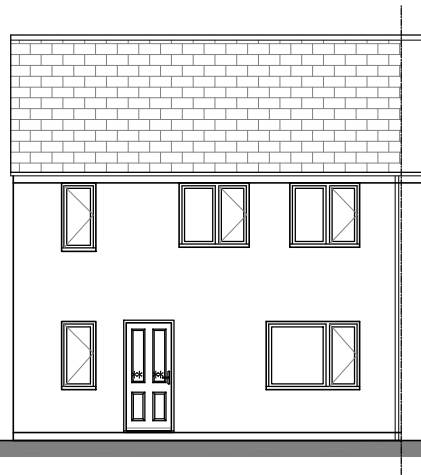
Background Papers:

Application file: 19/01819/FU

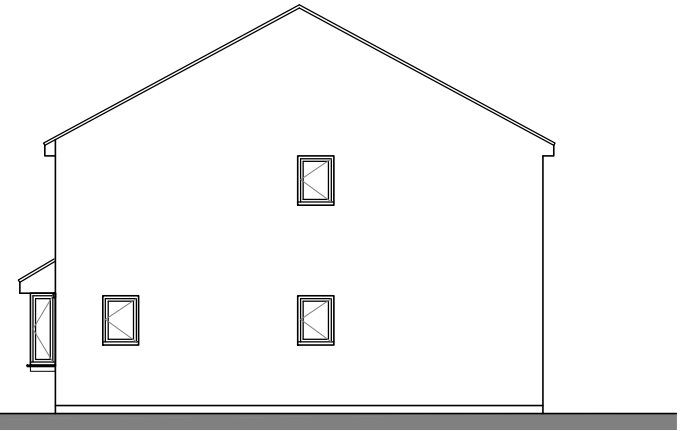
Certificate of ownership: Certificate 'A' signed by the Agent



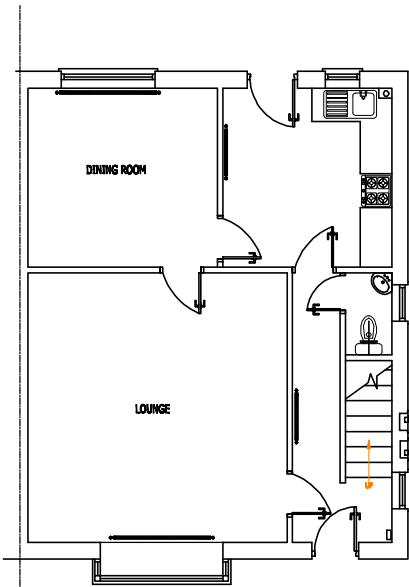
Front Elevation



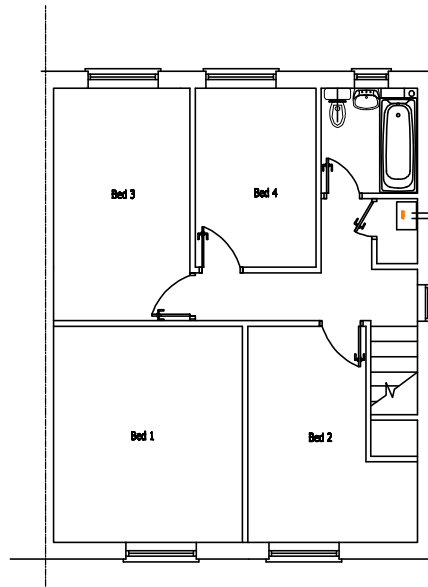
Rear Elevation



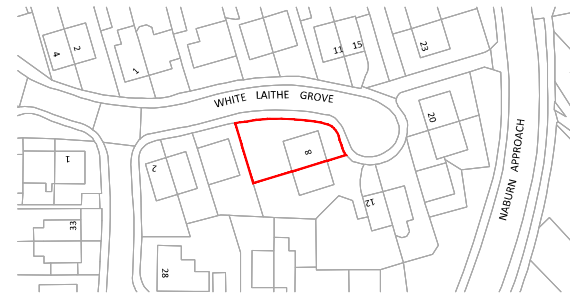
Side Elevation



Existing Ground Floor



Existing First Floor



Location Plan 1:1250

Client
Project
8 White Laithe Grove
Title
Existing Elevations & Plan

Scale	1:100 @ A3	Date	19/03/19
Drawn	AC	Checked	
Drawing No.	2019-WLG-PL-01	Rev.	P1



ARCHITECTURAL SERVICES FOR DOMESTIC EXTENSIONS, ALTERATIONS AND NEW BUILDS

01924 663241 / 07837 804088
andy@spacium.co.uk
www.spacium.co.uk

Planning drawings only - Not to be used for construction purposes.

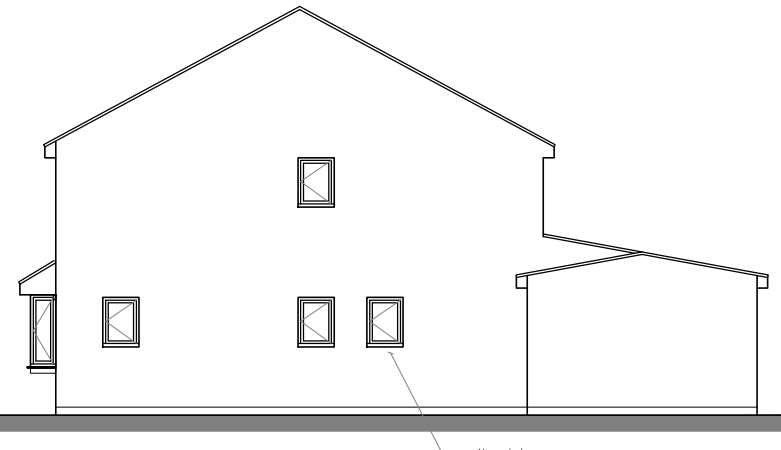
Note:
All dimensions to be checked on site by builder for accuracy. All shop made items to be measured and approved on site by builder prior to order. Spacium accepts no responsibility for incorrect dimensions.
Drawings to be read in conjunction with appropriate building regulations documents and engineering details.



Front Elevation

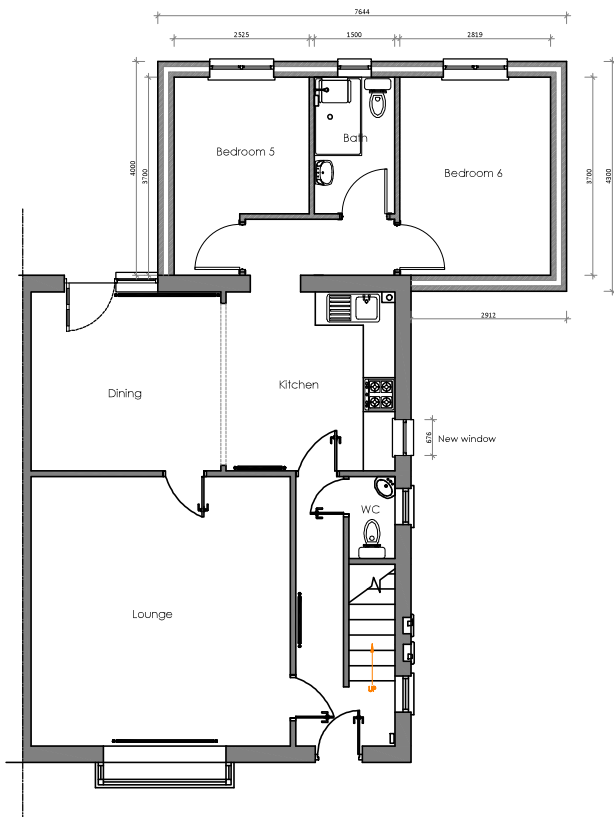


Rear Elevation

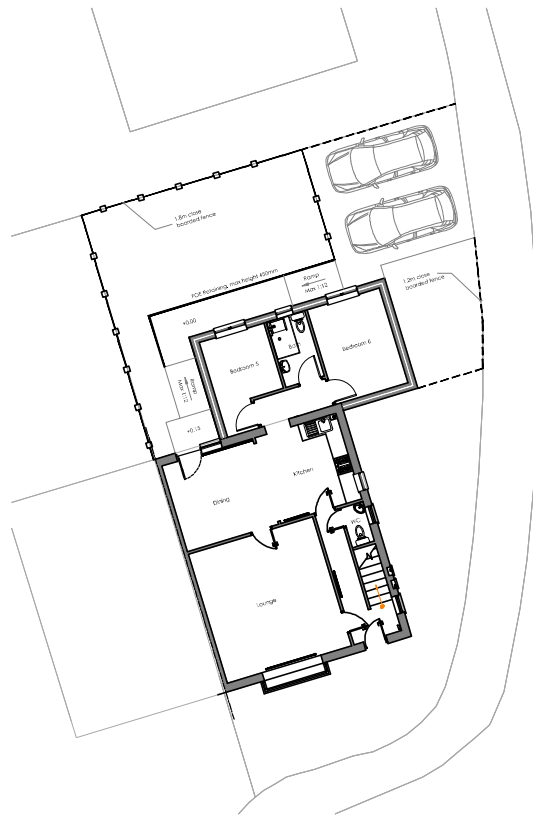


Side Elevation

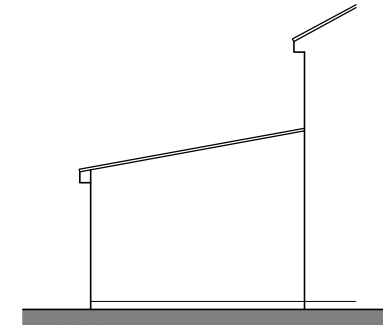
New window



Proposed Ground Floor



Block Plan 1:200



Side Elevation

Client
Project 8 White Laithe Grove
Title Proposed Elevations & Plan

Scale 1:100/200 @ A3	Date 19/03/19
Drawn AC	Checked
Drawing No. 2019-WLG-PL-02	Rev. P3

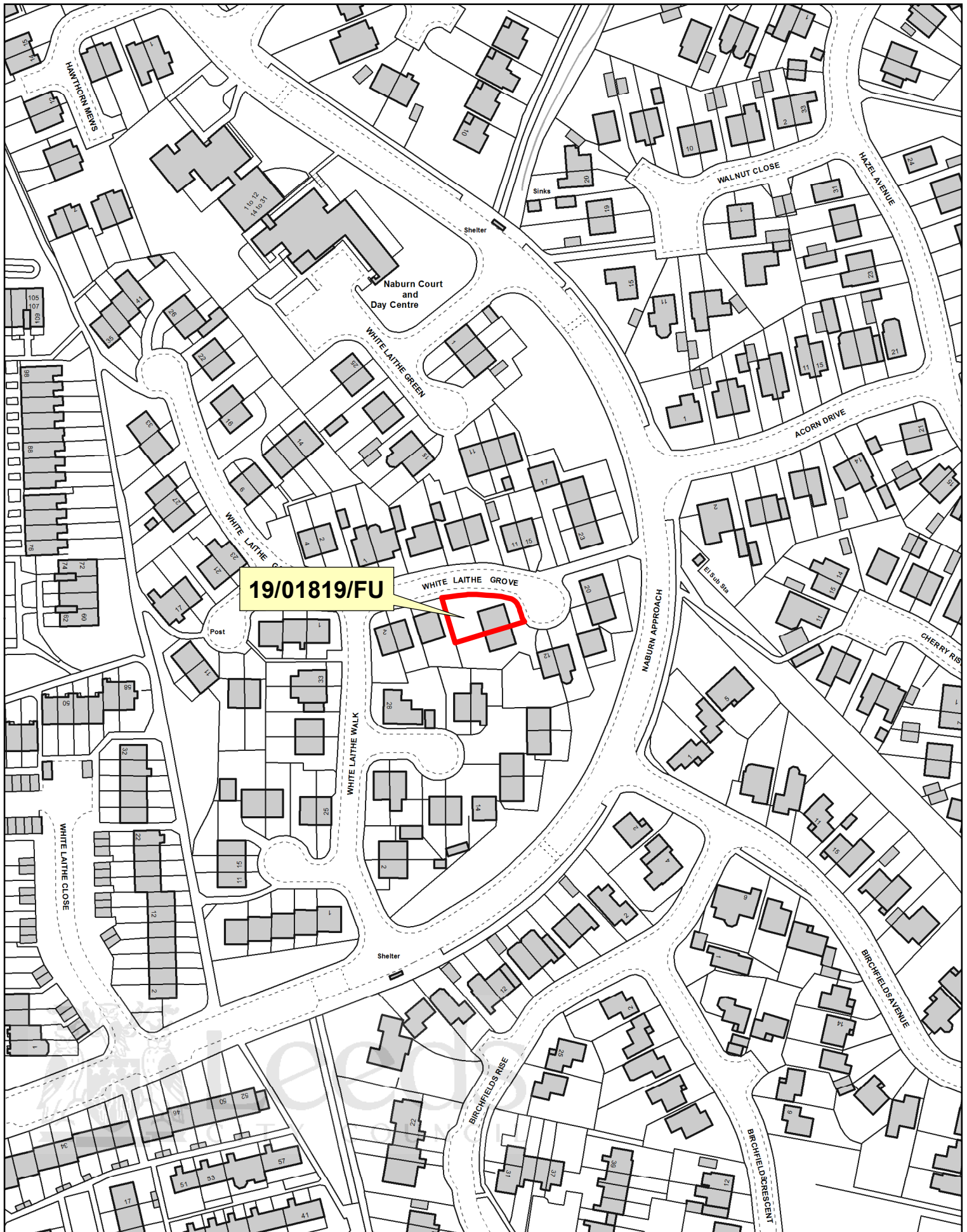


ARCHITECTURAL SERVICES FOR DOMESTIC
EXTENSIONS, ALTERATIONS AND NEW BUILDS

01924 663241 / 07837 804088
andy@spacium.co.uk
www.spacium.co.uk

Planning drawings only - Not to be used for construction purposes.

Note:
All dimensions to be checked on site by builder for accuracy. All shop made items to be measured and approved on site by builder prior to order. Spacium accepts no responsibility for incorrect dimensions. Drawings to be read in conjunction with appropriate building regulations documents and engineering details.



19/01819/FU

NORTH AND EAST PLANS PANEL





Originator: Sarah Woodham
Tel: 0113 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th June 2019

Subject: 19/00835/FU- Alterations including raised roof height to form habitable rooms; two storey part first floor side/rear extension at 22 Park Lane Mews, Shadwell, Leeds, LS17 8SN

APPLICANT	DATE VALID	TARGET DATE
Mr A Jonisz	25 February 2019	24 th June 2019

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

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Roofing and walling materials to match the existing
4. No insertion of windows
5. The proposed ensuite window in the rear elevation of the dwelling to be obscure glazed.

1.0 INTRODUCTION

- 1.1 The application is brought to North and East Plans Panel at the request of Councillor Buckley. His reasons are loss of light or overshadowing will directly impact upon several neighbouring properties by blocking light, be overbearing, overshadowing and would overlook neighbouring properties. Design and scale would appear incongruous addition and parking concerns
- 1.2 The Officer Delegation Scheme sets out that a Ward Member can request that an application in their ward be referred to the relevant Plans Panel. The Scheme sets out that *“The request must set out the reason(s) for the referral based on material planning consideration(s) and must give rise to concerns affecting more than*

neighbouring properties...". Whilst Councillor Buckley raises objections to the impact of the development on neighbours wider character and highway safety concerns are also raised. In light of this it is considered that the terms of the Scheme are met and it is appropriate to refer the application to Plans Panel for determination.

2.0 PROPOSAL

- 2.1 The proposal is for alterations including raised roof height to form habitable rooms and a two storey part first floor side/rear extension. The increased ridge height will be approx. 500mm from the existing ridge line, changing the roof design at the front and rear from a hipped roof to a gable roof. At ground level the extension will project out 3m beyond the rear wall of the dwelling.
- 2.2 The first and second floor area of the extension will project from the rear elevation approx. 4m therefore being in line with the ground floor. The two storey side/rear element of the extension will be set 6.8m behind the existing front elevation of the main dwelling. The side element of the extension will be set below the ridge line by approx. 1.3m.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposal relates to a detached property constructed in red brick and features a pitched roof. The site is located within a predominantly residential area and the surrounding dwellings are similar in terms of the type, form, materiality and character. To the front of the property is garden space consisting predominantly of a small grassed area. To the side, lies a driveway leading to an attached garage which is to be retained. To the rear is 13m deep garden area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/01640/FU - First floor side/rear extension – Withdrawn - 22.07.2015
- 4.2 30/13/97/FU - Two storey rear extension – Withdrawn - 04.04.1997

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by Neighbour Notification Letters that were issued on 25th February 2019.
- 6.2 16 letters of objection were received from neighbouring properties. The concerns raised are:

- Out of character/out of keeping
- Extension far too big for the plot
- Overlooking
- Overshadowing/loss of light
- Negative impact on the character of the estate
- More parked cars
- Increase in roof height will stand out

- Impact on the value of properties
- Impact upon the right to light

7.0 CONSULTATION RESPONSE:

- 7.1 Highways have raised an objection to the proposed scheme. Highways state that the proposed extension increases the accommodation from a standard 3 bed dwelling (2 bedrooms and a box room) to a 5 bed dwelling with 5 large bedrooms. It is considered likely there would be a corresponding increase in car ownership at the property if the extension were implemented. The Council's current benchmark parking guidance recommends that 2 off street parking spaces should be the starting point for dwellings of 3 bedrooms and above, to be adjusted higher or lower depending on likely car ownership. The draft Transport SPD recommends a starting point of 3 off street spaces for dwellings with 5 or more bedrooms.
- 7.2 Within the current adopted standards the existing driveway can only adequately accommodate a single car and according to the plans the garage is extremely narrow at only 2.5m. This is well below the Council's recommended minimum garage width of 3m, it is therefore unlikely that the garage would be convenient or regularly used to park a vehicle. Given that the house effectively has only a single off street car parking space, concerns are raised regarding the likelihood of additional on street parking resulting from the proposal.
- 7.3 On street car parking adjacent to the house would be likely to cause a problem given the location at the entrance to the cul-de-sac, the carriageway is narrow at this point and parked vehicles have been observed to obstruct the footway in an effort to leave the carriageway clear. This could only be detrimental to pedestrian safety and the ability of pedestrians to negotiate the route in to the cul-de-sac. Additional parking demand could cause obstructions to the carriageway as well as the footway or hinder access to driveways opposite.

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)

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.

Saved UDP policies:

- 8.4 Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
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” (HDG) – 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, over dominance or overlooking will be strongly resisted.

National Planning Policy (NPPF)

- 8.6 The National Planning Policy Framework (2019) 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
- Parking

10.0 APPRAISAL

Character and Appearance

- 10.1 The proposal is for alterations including a raised roof height to form habitable rooms in the roofspace and a two storey part first floor side/rear extension. The increased ridge height will be approximately 500mm over the existing ridge height. The existing hipped roof to the front and rear would be converted to a gabled finish to assist in the creation of two additional bedrooms within the roofspace. A number of roof lights are proposed in the roof slope. The side and rear extension will appear sufficiently subordinate and proportionate to the main building. The subordination will be achieved by the first floor area of the extension having a reasonable width and the ridge line of the two storey side extension being set below that of the revised main roof by approximately 1.3m and the front wall at first floor level being set back from the front elevation of the main building by approximately 6.8m. The roof design of the existing porch will be altered to a mono-pitch roof and as such will be more in keeping within the immediate street scene; more so with the removal of the canopy to the front. The use of matching materials will ensure that the proposal will tie in with the main building and be policy compliant. The subordinate nature of the first floor side element area of the extension ensures that the proposal will not harm the spatial character of the area and that a terracing affect will be minimised should the occupiers of the adjacent dwelling seek to extend in a similar manner.
- 10.2 This property is at the entrance of this part of Park Lane Mews. The property is detached from the other properties. Given the relatively modest increased ridge height and the location of the property it is not considered that the proposal will negatively impact the character of the immediate street scene. There are a number of properties that have gabled roof finishes and gabled front porches within the immediate street scene. It is considered that the proposal complies with Policy P10 of the Core Strategy, which seeks to ensure that new development is designed taking into account its context, and it is considered that it complies with saved Policies GP5 and BD6 which seeks to ensure alterations to 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

- 10.3 In relation to potential overlooking, the proposed windows in the front and side elevation will overlook the highway and will not offer views of the private area of the neighbouring dwellings. The views out from the ground floor windows of the rear elevation will be obstructed by the boundary treatment. The bedroom windows of the rear elevation will be located around 13m away from the rear boundary (which is in excess of the requirement set out in the HDG) and thus it is considered that the proposal will not unduly overlook the private amenity space of the dwellings located beyond the rear boundary. The proposed shower room will be obscure glazed due to the nature of the room. Within the roofscape there are a number of roof lights these

will serve bedrooms 4 and 5, bathroom and a store area. The roof lights will face onto Park Lane Mews and would not adversely impact upon neighbouring properties private amenity space.

- 10.4 The extension at ground floor will have a modest 3m projection beyond the rear wall of the main dwelling, given the existing set back at first floor the projection will be 4m bringing this in line with the ground floor extension. The two storey rear/side extension will be set in line with, and not project beyond the rear of, No 20 Park Lane Mews and as such will not impact the neighbouring property in terms of dominance or overshadowing. Therefore, it is not considered that the extensions will have a negative impact on the garden area or the internal spaces of No 20 by way of overshadowing or dominance. The proposal is considered to comply with policies GP5 and HDG2.

Parking

- 10.5 Highways have raised objections please refer to point 7.1 to 7.3 of the report. Officer's note the comments raised however the proposed extensions and alterations will not alter the existing off street parking provision. This proposal therefore while not strictly complying with current adopted policy and guidance for two off street car parking spaces (as the garage is of substandard dimensions) is already a large property and any additional impact would be difficult to demonstrate. In addition the draft Transport SPD is not yet an adopted document and does not yet form part of the adopted plan. While existing issues on the street are acknowledged, applications are not required to address existing issues and it is considered that the proposal will not materially add to on street parking issues on the wider street.

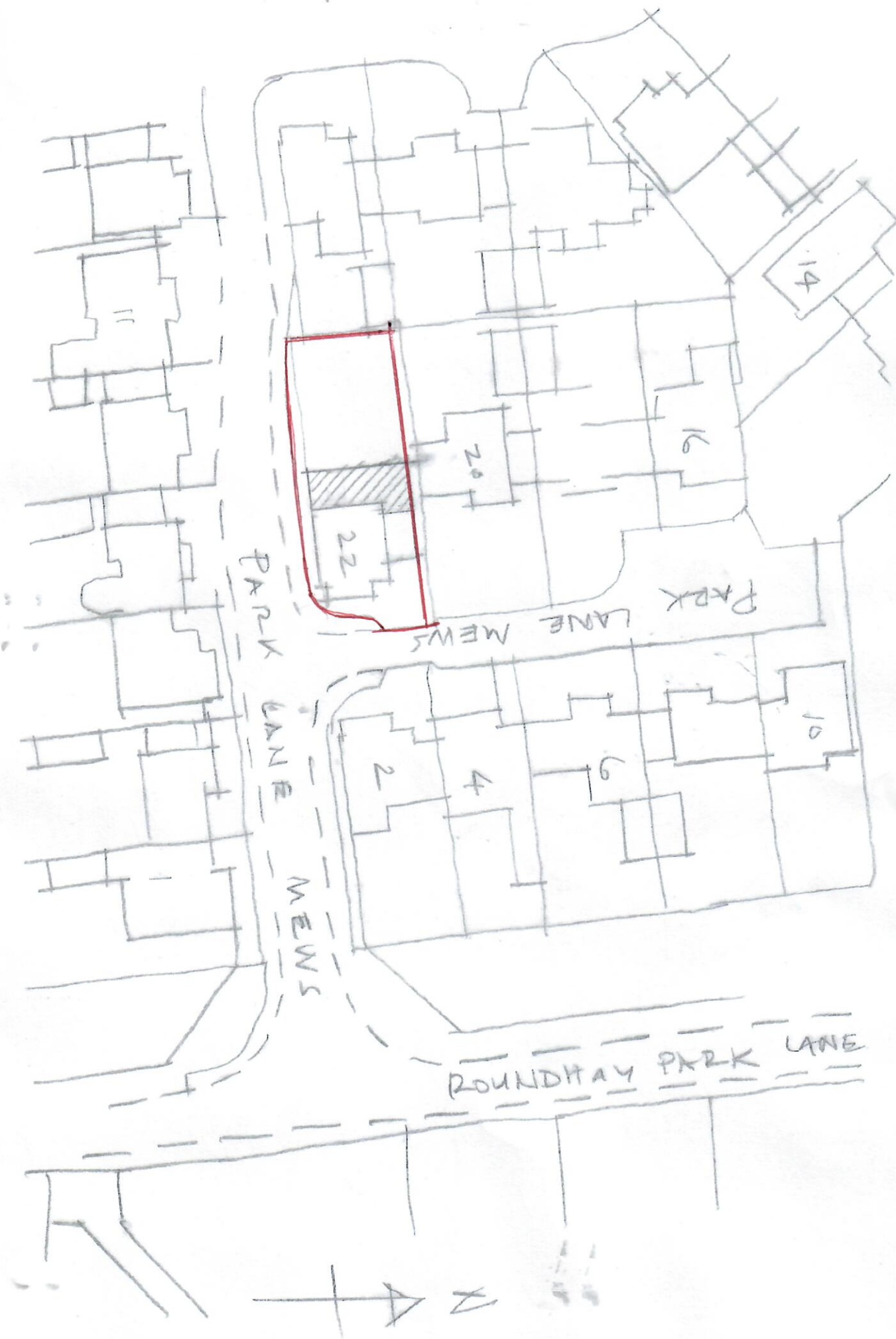
11.0 CONCLUSION

- 11.1 In light of the above, it is considered that the design, scale and height of the development are acceptable within the immediate context and will not harm the character or the appearance of the area. Furthermore, it is considered the proposal will not exacerbate or result in unacceptable 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: 19/00835/FU

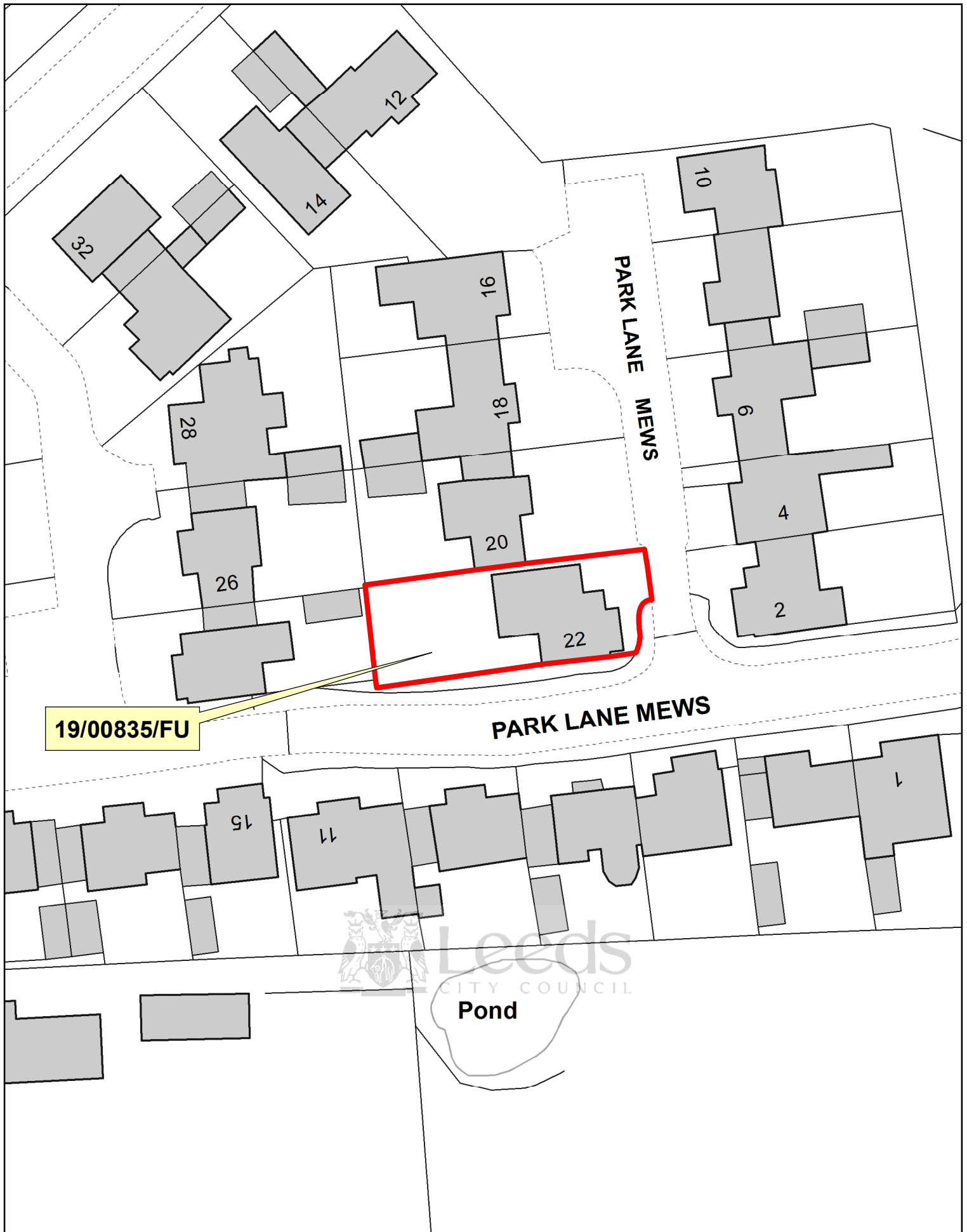
Certificate of ownership: Certificate 'A' signed by the Agent



SCALE
1:500

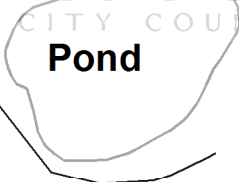
JOB No 8403

SITE LOCATION
BLOW PLAN.



19/00835/FU

PARK LANE MEWS



NORTH AND EAST PLANS PANEL





Originator: Glen Allen

Tel: 0113 3787976

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th June 2019

Subject: 19/01375/FU - Demolition of existing property and replacement new dwelling at 165 Alwoodley Lane, Leeds LS17 7PG.

APPLICANT	DATE VALID	TARGET DATE
Mr and Mrs Taylor	18/03/2019	13/05/2019

Electoral Wards Affected:
Alwoodley

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Standard 3 year Implementation time period
2. Built in accordance with approved plans
3. Submission and approval of materials
4. Laying out of hardstanding
5. Provision of EVCP
6. Standard Land Contamination conditions and information notes
7. Submission of Drainage details
8. Submission of protection for existing vegetation on boundaries
9. Low Impact Class Licence regarding destruction of Bat Roost
10. Entrance Gates not to open outwards
11. Obscure Glazing to specified windows
12. Removal of PD rights pertaining to side facing windows
13. Hours of construction limitation – 08:00-18:00 Mon-Fri, 09:00-14:00 Sat, no construction on Sundays or Bank Holidays
14. Development to be carried out in accordance with levels shown on approved plan

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel as it is considered that it is appropriate for the decision to be made in public in light of the nature of the submissions that have been made in respect of the processing of this application.

2.0 PROPOSAL

- 2.1 Permission is sought for the demolition of the existing dwelling and the erection of a new dwelling on site. The proposed new dwelling consists of a two storey structure in an "L" shaped footprint that sits on the site in a mirrored pattern to the existing dwelling at 141 Alwoodley Lane. It has a lower (in terms of height) element that projects forward from the main part of the house that will house double garage spaces and a utility and work room.
- 2.2 The main part of the house consists of an entrance hall centrally located in the front of the building, with a feature gallery giving access to the internal staircase to the left and a snug, cloak and w.c. to the right as one enters through the main door.
- 2.3 A formal dining area is accessed from the entrance hall immediately opposite the entrance doors and to the left of that is the combined kitchen/breakfast/dining living area and to the right of the formal dining area is the formal living area. All three rooms to the rear of the property at ground floor give access to the rear garden space.
- 2.4 At first floor level over the garage, work room and utility is a proposed gym and study situated in the roofspace of the garages. In the main part of the dwelling 4 ensuite bedrooms are proposed with the main bedroom having his and hers dressing rooms and access to a balcony. The second bedroom that is located centre front of the building will also benefit from a walk-in in dressing room with the two remaining bedrooms located over the snug and formal living rooms.
- 2.5 The site benefits from extensive dense and mature planting on both side boundaries and currently has a very open aspect at its rear boundary giving very open views across the golf course. The ground levels are also shown to be reduced and so that the house will be set at a lower level.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a relatively generous plot situated in a part of Alwoodley Lane that is characterised by plots of similar dimensions. It lies to the north of Alwoodley lane itself and beyond the application site further to the north and immediately abutting the northern boundary of the application site is Sand Moor Golf Club.
- 3.2 To the immediate west of the site is 141 Alwoodley lane and to the immediate east of the site is 167 Alwoodley lane. 167 Alwoodley lane is an older property than those in the immediate vicinity and is orientated at 90 degrees to Alwoodley lane and thus its principle elevation faces the side common boundary between it and the application site. It is separated from the application site by what appears to be an area of driveway/hardstanding and then garden land up to the common boundary with the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/03633/FU – Detached house with lower ground floor parking – Refused – Subsequent Appeal Dismissed
- 4.2 15/01481/FU - Detached house with lower ground floor parking – Refused – Subsequent Appeal Dismissed
- 4.3 17/00848/FU - Detached house with lower ground floor parking – Refused – Subsequent Appeal Dismissed. The Inspector noted that the main issues related to the impact on the character and appearance of the area and the impact on the amenities of the occupiers of 141 Alwoodley Lane. The Inspector noted that it was a 3 storey building with a basement (so in effect 4 storeys). The proposal had a footprint of 17m by 20m. The Inspector concluded that its mass would be significantly greater than other properties in Alwoodley Lane. With regard to the impact on the amenities of the residents of No.141 the Inspector noted:

“Given the limited distance between the proposal and the common boundary, and as a result of the scale and mass of the side elevation that would project beyond the rear elevation of No 141, the appeal scheme would have an overbearing impact on, and create an unneighbourly sense of enclosure to, the occupiers of this property. Given the height of the proposed dwelling, I am not persuaded that vegetation would be able to soften this impact.” (para. 14, decision dated 5/2/18).

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The height and extent of rearward projection have been reduced. In addition the property has been moved away from the common boundary with No.141 Alwoodley Lane.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice and newspaper advert. As a result of this publicity 46 comments have been received. Objections include:
- Proposal will fundamentally change the character of the building resulting in discord rather than harmony
 - Increase traffic
 - Will diminish the size of the garden preventing rainwater to drain naturally
 - Will be contrary to open green vistas, pleasing architectural symmetry no house is taller than the rest and others are in proportion to the size of their garden
 - Loss of light to neighbours
 - Eyesore from Golf Club
 - Side windows and balcony may create privacy issues
 - Size of proposal is enormous for a 4 bed detached property
 - Height is higher than previously rejected proposals
 - Suspicion that eventual aim is to convert house into apartments, guarantees should be made this will not happen
 - No prior consultation with local community
 - Over-development of plot
 - Floorspace of proposed dwelling exceeds that of 139 and 141 combined
 - Property is larger than previously rejected proposals all of which went to appeal
 - Property is substantially larger than existing dwelling
 - Questioning logic of the proposed internal layout
 - Potential damage to neighbours caused by foundation digging
 - Construction period will be a period of further disturbance to local residents

- Developers are ignoring recently adopted neighbourhood plan
- Fundamental principle of the current design is not materially different to the previous applications that were rejected both locally and at national level.
- Demise of existing vegetation
- Potential overlooking
- Will harm the right to quiet enjoyment of neighbouring properties
- Will set an unfortunate precedent for rest of street
- Back line of dwelling should conform to back line of neighbours and question about whether frontline of dwelling conforms to planning rules.
- Differences in land levels will exacerbate dominate and overbearing building
- Balcony facing west will result in a loss of privacy
- Issues raised will also apply to occupiers of properties on opposite side of Alwoodley lane as well as to immediately adjoining neighbours
- There are no material considerations that would justify any decision other than a refusal in accordance with the development plan
- Significant number of windows which are side looking and thus overlook neighbours
- Proposal will substantially fill the plot
- Breaches guidance within the NPPF
- The submitted design and access statement is self-serving and full of irrelevant information.
- Loss of privacy in specific regards to children using existing and private garden spaces

6.2 In response to submitted amendments:

- There are no meaningful positive changes made to the proposals.
- A two storey building must respect the rear garden alignment of existing properties to the west.
- 45 degree measurements on drawings are inductive not measure from the nearest point of the window to the proposed building
- The 45 degree rule should be discarded anyway as the rear building line of the neighbours should be followed to achieve a logical and non-detrimental positioning on the plot.
- This application has no merit at all (in the opinion of the letter writer).
- Conservatory attached to neighbours is not indicated on the drawings, the conservatory family room has been on the building next door for 30 years and this development if allowed will render it entirely redundant.
- Loss of light from sheer mass of this proposed building – overshadowing would be excessive, and would result in loss of lighting levels to various rooms in neighbours house – recommend a 50/50 light test is undertaken.
- Side of proposal will give appearance of a prison wall
- Removal of plant life
- Given the history of unreasonable and misleading applications to develop this site by the previous owners – it is not unreasonable to question or doubt the legitimacy of the application to be a single dwelling
- Consultation prior to submission should have taken place
- Similar developments on Wigton Lane which undertook prior consultation did not raise any objections.
- Issues cited in previous letters still stand following submission of revisions
- The applicant's failure to have consulted with the owners of neighbouring properties in accordance with good practice planning guidelines is disappointing. This would have enabled discussions to take place with a view

to ensuring a suitable family home could have been applied for instead of the inappropriate monolithic, high mass, over dominant building the applicant is proposing.

- The latest Plans still in our opinion shows scant respect for the properties nearby and is still unacceptably intrusive.
- Once again NOTHING of material value has changed - the property remains an over-development and a characterless monolith
- Question over quality of materials to be used in the proposed development
- Concern that the plot sits on an old stone quarry, therefore, excavation will likely require explosive charges to remove rock - this in turn could cause damage to the structure of my property and others nearby.
- That the appellant is making minor and immaterial adjustments every time an objection letter goes in, simply confirms that they know the proposal is too big for the plot.
- The application ignores the provisions of Householder Design Guide for Leeds
- The application also flies in the face of the Alwoodley Neighbourhood Plan. Should planners continue to ignore the plan in reaching their decision on this matter I will be taking the matter up with the Ombudsman and media as the community decision to overwhelmingly support the plan would once again have been disregarded.
- Modifications to the scheme which is still of a scale and massing that is entirely disproportionate to the surrounding properties and out of character with the street scene of this part of Alwoodley Lane just seem to be a way of playing the system.
- The two minor revisions are insignificant, with no material change and the proposal continues to infringe on our amenities, privacy, light and is contrary to planning policy.
- There has been no attempt to remove the floor to ceiling windows at ground and first floor level and the balcony which over look our house.

6.3 It should also be noted that a letter from planning consultants acting on behalf of objectors from 141 and 167 Alwoodley Lane. The objections raised repeated some of the points already summarised above but in the main relate to concerns that the proposal will cause harm to the amenity of neighbouring by reason of dominance, loss of sunlight and loss of privacy and will constitute an overdevelopment of the site causing harm to the character and appearance of the area. Attention is drawn to the previous appeal decision and it is contended that the criticisms raised by the Inspector to that scheme, including harm to residential amenity and impact on character, are not overcome by this application.

6.4 Ward Councillors – Comments for Councillor Buckley in respect of the proposal – “I believe this proposed dwelling is of such a scale as to be inappropriate to its location. I feel it would dominate its neighbours by dint of its massive size and height. It would also compromise the privacy of adjacent houses.” These comments were submitted in response to the initial scheme that has been modified in both its location on site and its height and dimensions since. No further comments have been received from Ward Members since the modifications have been submitted during the processing of the application.

6.5 Alwoodley Parish Council – Objects to the proposals their comments have also been cited above but in essence the main thrust of their concerns relate to size, bulk, massing, inappropriate, over domination of building, loss of privacy to neighbours, loss of light, overdevelopment of the site. The Parish Council also makes reference to Policy BE2 d) of the Alwoodley Neighbourhood Plan which

makes specific reference to the height of replacement buildings. A further representation from the Parish Council was received on 4th June stating; “*The Parish Councils previous comments have been taken into account and have no further comments on the revised plan.*”

7.0 CONSULTATIONS RESPONSES:

- 7.1 Nature Team – A bat roost has been identified as present and will need to be destroyed. This should be done under licence or under the supervision of a Low Impact Class Licence (CL21) Holder and a condition is recommended to be imposed should planning permission be granted to allow this to be undertaken
- 7.2 Land Contamination Team – Identifies that the site is located on a former quarry and that the submitted information is insufficient for a complete assessment at this stage, however given the long term nature of the site been in domestic use conditions are recommended that will ensure that relevant documentation is submitted to ensure that contamination issues are dealt with in an appropriate manner.
- 7.3 Flood Risk Management – Recommends that conditions are imposed to deal with drainage matters especially as the proposal is seeking to sink part of the development lower into the site. Confirms that the site is not known to be at risk from surface water or fluvial flood risk.
- 7.4 Highways – No objections subject to the imposition of standard conditions including the provision of EVCP.

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 H2	New housing on non-allocated sites
Policy P10	Design
Policy T2	Accessibility Requirements and New Development

- 8.3 Natural Resources and Waste Management Plan:

Water 6 - Applications for new development should consider flood risk, commensurate with the scale and impact of the development.

Water 7 – Controlling the surface water run-off to existing drainage systems from developments and incorporation of sustainable drainage systems into proposals.

Land 1 – Applications should contain sufficient information relating to potential for land contamination issues.

Land 2 – Trees should be conserved wherever possible and where trees are removed, suitable replacement should be made as part of an overall landscape scheme

8.4 Relevant UDPR Policies are:

GP5 – Detailed Planning Considerations

BD5 – New buildings should be designed with consideration to amenity

8.5 Relevant Core Strategy Selective Review (CSSR) policies include:

Policy H9 – Minimum Space standards.

8.6 The Alwoodley Neighbourhood Plan that now forms part of the Local Development Framework contains the following Policies that are relevant to this proposal:

Objective 2 – To seek to ensure that new developments are of a scale that do not overwhelm or are out of keeping with their surroundings and are generally sympathetic to the existing character of the Parish, including protecting our built heritage.

BE2: In particular sub paragraphs d) and e) of that policy:

d) - Replacement buildings should be of comparable height with neighbouring buildings,

e) – proposed development to be no more than three storeys high, and demonstrate on-site car parking provision is adequate to avoid on-street car parking in normal usage.

8.7 Supplementary planning policy documents:

SPG13 Neighbourhoods for Living and Addendum (adopted).

Leeds Parking Policy (SPD, adopted).

National Planning Policy Framework

8.8 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design and sustainable development. Paragraph 11(d) advises that where an application proposes housing development and the local planning authority cannot demonstrate a 5 year housing land supply then additional weight should be afforded to the delivery of housing (often referred to as the 'tilted balance'). In this instance the adopted local planning policies relevant to the consideration of this application are considered to be consistent with those set out in the NPPF and should be afforded significant weight.

9.0 MAIN ISSUES

9.1 The main issues relating to this proposal are:

Principle/Housing Delivery

Design

Neighbours Amenity

Highways

Other Matters raised by objectors

Planning Balance

10.0 APPRAISAL

Principle/Housing Delivery

- 10.1 At the most basic level the proposal represents the replacement of a single dwelling with another single dwelling in a location that is predominately characterised by other detached dwelling houses. The site is located within the urban area close to local facilities. The proposal also satisfies the requirements of Policy H9 of the CSSR in that it meets the minimum space standards for rooms.
- 10.2 In light of these factors the proposal is considered to comply with Policies SP1 and H2 of the Core Strategy and Policy H9 of the CSSR.

Design

- 10.3 The design of the proposal is materially different from both the existing property which it seeks to replace and different from the neighbours in the nearby vicinity. It is modern in appearance with extensive use of glazing and in that sense is not “traditional”. However, other aspects of the design do take cues from a more traditional approach, including the pitched roofs eaves and secondary window elements. In terms of the projecting front garage element, there are examples of similar design features along Alwoodley Lane and there are examples of first floor balconies that exist elsewhere in the near vicinity also. It is considered that these less traditional elements and the more traditional elements are blended together in a manner that results in an overall coherent design. It is arguable that this element of “uniqueness” is actually what characterises Alwoodley Lane overall. There are very few examples of similar dwellings with the local vernacular been that of variety of styles, designs, colours and ages of units as Alwoodley Lane has evolved over its history.
- 10.4 In terms of the details of the designs, the secondary windows show heads and cill thus conform to expected traditional design criteria and help in the domesticity of the design. The larger scale windows proposed on the front and rear elevations whilst extensive, benefit from their subdivision into a myriad of smaller regularly shaped panes thus giving credence to their domestic function and reflecting a traditional method of glazing extensive areas of a building. The rooflights and balcony add an interesting modern juxtaposition of elements that is it considered do not detract from the overall design ethos. The front projection housing the garages projects forward of a similar front garage projection at 141 Alwoodley Lane, but is considered to be not so prominent a projection as to cause harm to the street scene, indeed there is dense planting on that frontage at this ‘corner’ which will likely hide the garage projection to a significant degree and particularly as the site is approached from the west. As mentioned above, there are examples of such projections along Alwoodley Lane and whilst these in no way set a precedent they are examples of how this design solution can work in spacious plots.
- 10.5 Following due consideration of the overall design, and the proposals setting well into the site in respect of potential views from Alwoodley Lane, it is considered that the design is appropriate and does not, in this instance, create an out of context incongruous element. Accordingly, it is considered that the proposal complies with Core Strategy Policy P10 and BD5 of the Unitary Development Plan Review.

- 10.6 Further and in particular regard to Neighbourhood Plan Policy BE2 sub paragraph d, the applicant's agent has submitted street scene cross-sections that clearly show the proposed development will comply with this policy. In addition, officers have negotiated a further reduction in height of the overall building from that originally submitted in order that the progressive reduction in height of buildings from 141 Alwoodley Lane through the application site to 171 Alwoodley Lane can clearly be seen. For clarity the ridge height of 141 Alwoodley Lane sits at 152.48 above ordnance datum (aod) and the revised height of the ridge for the proposed dwelling is now at 150.83 aod (previously at 151.33 aod), and 171 Alwoodley Lane sits at 148.46 max aod. This descending (from left to right as viewed from Alwoodley Lane) is considered compliant with the Alwoodley neighbourhood Plan and generally acceptable in street scene terms.

Neighbours Amenity

- 10.7 The issue of general amenity, impact on the street scene and other views is dealt with in the design section above where it is concluded that due to the positioning of the building within the site, and the overall coherence of the design ethos, that it does not create an incongruous element in the street scene. This part of the report will deal specifically with neighbour's amenity.
- 10.8 There are objections concerning the increase in the dimensions of the proposal over and above the existing dwelling and in comparison to the earlier and refused proposals previously dealt with. Whilst such comparisons are useful in terms of providing information, they are not in themselves determinative as to the acceptability of any particular proposal. Each case needs to be treated on its merits and the measure of a proposal's acceptability should only be made against the 'criteria' of adopted policy at local and national level including any adopted Neighbourhood Plan. Size, bulk and massing, or more particularly the increase thereof is not in itself unacceptable as a matter of principle. It should be noted that there are material differences between the 2018 appeal scheme (see 4.3 above) and the current application. The current proposal, as scaled from the relevant application plans, is shown to be sited closer to the common boundary with No.141 and project further beyond the rear of that property. Balanced against this the overall depth of the 2 storey body of the dwelling has been reduced, the storey height has been reduced (and consequently the ridge height) and the roof form has been amended to lessen its bulk. The new dwelling appears as a two storey dwelling rather than the appeal scheme which was a 3 storey house with a basement.
- 10.9 Likewise the use of guides such as the "45 degree rule" (as set out in the Householder Design Guide), as relied upon by the applicant, is simply a tool that is used in the assistance of the determination of proposals and again is not in itself determinative. That is to say just because a development "meets" or "exceeds" these guidelines is no guarantee that they will be approved and vice-versa simply because they contravene them is no guarantee that a proposal is inherently unacceptable an assessment of the merits of the proposal has to be made on a case by case basis.
- 10.10 The rear most corners of the proposed dwelling are 4.85 metres and 6.65 metres from the respective common boundaries with 141 Alwoodley Lane and 167 Alwoodley Lane. The rearward projection of the new dwelling on beyond the rear wall of 141 Alwoodley Lane is some 6.6 metres. In assessing the potential impact of the proposal on the amenities of the occupiers of that dwelling it is considered that the impact will not be so severe as to justify a refusal of planning permission. In

coming to this conclusion regard is also had to the 2 storey nature of the proposed house, the roof form which has been designed to reduce its massing and the relative heights and change in ground levels between the application proposal and No.141. The upper floor and roof slope will be visible from the private rear garden space of number 141 Alwoodley Lane. However, the distances involved are such that it is considered that there will not be an overbearing impact upon the amenities of occupiers of that dwelling. The views from that garden will alter as a result of this development but not so detrimentally as to justify a refusal of planning permission.

- 10.11 There are in addition to this assessment two additional aspects that help mitigate the perceived impact on the amenities of the occupiers of that dwelling, the existence of a mature verdant boundary separating the two plots. It is considered that a condition requiring that protection is put into place during the construction phase will ensure this 'hedge' is retained and protected. Additionally the applicant's agent has submitted a shadow analysis. This shows that shadows will be cast towards 141 Alwoodley Lane the early hours of the morning and that at 9am on 21 June (mid-summer), a small shadow will spill over into the garden space of the neighbouring property as a result of the apex of the roof of the dwelling casting a shadow over the vegetation along the boundary. This may enlarge as the sun rises in the sky towards mid-day, however the angle of shadow cast will also become more acute as the sun traverses the sky and the shadows turn clockwise back towards the application site till eventually at mid-day the shadows will wholly on the applicants own garden due to the north-south orientation of the plot (Alwoodley Lane runs almost east-west at this point).
- 10.12 In mid-winter the sun will be so low in the sky at 9 am on 21 December that extensive shadows will be cast by the proposed development to the neighbours property. But this will be for a relatively short duration and again the shadows will travel in a clock work direction and thus away from the neighbours boundary at 141 Alwoodley Lane till eventually at noon the shadows will only be cast over the applicants own back garden space. Likewise by this time the shadows in the rear garden of 141 Alwoodley Lane are extensive but caused by the existence of that property itself rather than the application proposal.
- 10.13 In terms of weight to be given to this analysis it is considered that it demonstrates that at the times of the year and day, having taken to two extremes of the year, mid-winter and mid-summer, that the worst case scenario for over shadowing will occur at that time of year/day (midwinter and fairly early in the morning), when the usage of that part of the garden space is likely to be at its lowest demand. And that when the demand for usage of that part of the garden space is potentially at its height the shadow cast 'impact' will actually be at its lowest, bearing in mind the worst case scenario is at 9:00 am and that during the afternoons and evenings there will be no shadow impact whatsoever.
- 10.14 Mention is made by the occupier(s) of 141 Alwoodley Lane of their rear conservatory in their submitted representations, and whilst this is not shown on the submitted drawings, it is located a further distance from the side boundary than the main part of the house. When viewed from the rear of the neighbours property it sits on the opposite side of the rear facing patio doors (those that used in the 45 degree rule analysis submitted by the applicants agent), and given that direct light into this part of the dwelling is only likely at the extremes of the day, due to its north facing aspect against a two storey building, the impact to be assessed is that of the outlook from that room. The room has glazing on three sides and so when looking towards the common boundary from within that room the main aspect visible will still be the extensive boundary treatment. Views of the upper floor and eaves and

sloping roof may be visible but again only to a similar extent that these elements of the proposal will be visible from the garden space and potentially much reduced due to angle of views that are possible from within a room from a window. As such the conclusion is that the change in outlook from this part of the dwelling is not severely impacted upon so as to justify a reason for refusal.

- 10.15 Whilst the genuine concerns of the occupiers of No.141 are noted the conclusion that has been reached is that the overall impact of the proposed dwelling on the living amenities of number 141 are not considered so significant and do not constitute sufficient reason for refusal of planning permission.
- 10.16 In regards to concerns expressed from the occupiers of 167 Alwoodley Lane, these need a degree of explanation due to the 90 degree orientation to the application site. The distance from the front corner of the proposed dwelling to the common boundary with 167 Alwoodley Lane is some 5.9 metres which expands to 6.65 metres from the rear corner of the proposed property to that same common boundary. The elevation of that building (No. 167) to the common boundary is situated in excess of 20 metres the private garden space of that dwelling is located on the opposite side of a drive/hardstanding area and goes up to the common boundary with the application site. Because of the extent of the distance between the front elevation and the common boundary with the application site there are no concerns in respect of adverse impact either through dominance or over bearing impact on the windows serving habitable rooms to that property, but consideration of the proposals relationship to the private garden space is required.
- 10.17 In a similar fashion to the common boundary with 141 Alwoodley Lane, the common boundary to 167 Alwoodley Lane is characterised by the existence of a more formal hedge. This, presumably is been maintained at the current height in order to maintain a degree of privacy between the existing garden of the application site and the private space of 167 Alwoodley Lane. The existence of this hedge mitigates any concerns in terms of the gardens relationships to one another as it maintains the existing status-quo.
- 10.18 The material change will be the introduction of side facing windows at first floor level. A study of the first floor layout plan shows that these three windows will serve two en-suites, one for each of the bedroom located on this side of the dwelling and the central one will serve a wash room. In order to ensure a high maintenance of privacy for occupiers of 167 Alwoodley Lane and the use of their garden space, a condition is recommended to ensure that these windows are obscure glazed to a sufficient level and thereafter retained as such and that no windows can be inserted without the prior submission of an application for planning permission in this side elevation.
- 10.19 The next aspect on neighbours amenity and potential loss of privacy specifically relates to the proposed rear facing balcony accessed from the master bedroom. The position of this balcony means that overlooking of 141 Alwoodley Lane is not possible, overlooking of the Sand Moor Golf Club will be extensive and there is a possibility of direct overlooking of the garden space of 167 Alwoodley Lane due to a small projection of the proposed balcony forward of the rear projection of that part of the rear elevation. However its position in relation to the common boundary measures some 13.5 metres. There is no guidance relating to balconies in the Councils adopted SPG's but using the Neighbourhoods for Living advice as a starting point, it would advise that windows serving secondary habitable rooms in relation to side boundaries should be a minimum of 9 metres. Taking into account the nature of the potential source of overlooking actually being a balcony rather

than a bedroom, the increase in distance is considered to be wholly appropriate and is acceptable both in relation to the garden space of 167 Alwoodley lane and the elevation of the actual property itself which will be in the region of 18 metres. This assessment is strengthened by the fact that the balcony has been reduced in depth by 1.0 metre as a result of officers negotiation a reduction in projection of the rear wing by 1.0 metre and thus now a concerted effort would need to be made to even look directly towards the common boundary with the neighbour at 171 Alwoodley Lane.

- 10.20 In respect of the extensive overlooking of the golf course, this raises no amenity issues that are relevant for planning.

Highways

- 10.21 The proposal clearly exceed the minimum requirements to accommodate off street car parking facilities and as such there is no objections from highways officers in respect to this proposal. This also means that the proposal is compliant with Policy BE2 (e). There are no proposals to alter the existing access point but given that the gate that exits at present is a fairly old and well used structure it is recommended that a condition be imposed that any revised form of gates to be erected at the access point shall be mounted so that they do not open outwards and thus run the risk of overhanging the public highway. Other conditions that have been suggested by Highways Officers include the laying out of the hardstanding area for vehicles to be made prior to first occupation and the provision of an EVCP.

Other Matters raised by objectors

- 10.22 There are a number of issues raised by objectors that are not directly relevant to the consideration of this case. There are also “positive suggestions” made which the planning application process is not structured to deal with and thus they have to be laid to the side and generally speaking do not form part of the assessment of the case at hand. This part of the report will however deal with the issues that are raised that are either consistently mentioned in the objections and/or those are material but not so weighty as to overcome the main consideration of the material considerations discussed in the main body of this report above.
- 10.23 Comparisons with what is on site presently – Objections of this nature hold little to no weight as what is been assessed through the planning application process is the proposal as it stand in its own right. Thus, and it has been acknowledged by some objections received, that something in the opinion of the objectors is possible for this site, in the same way the proposal as submitted need to be assessed on its own merits. By way of example the converse is also true in that if the proposed scheme represented a significant reduction in the amount of development on the site that would not itself be determinative towards an approval, so that the scheme is actually an enlargement over and above the existing building on site is not determinative as to the unacceptability of the proposed scheme. The proposal has to be assessed against the main material planning considerations and if it fails them, then amendments might be sought to reduce the scale of the scheme. As it happens in this case it is considered that only relatively minor adjustments were needed to render the scheme acceptable. On that basis it wold have been unreasonable for officers to artificially seek a reduction in the scale of the scheme in order to render it more palatable.
- 10.24 Similarly to what is discussed in 10.23 above, there was many references to the earlier decision and appeal decisions that had been made on this site over previous

years. The opinions of the previous Appeal Inspectors are of course material considerations but again they are not automatically determinative for future proposals on the same or nearby sites. The proposal presently under consideration is materially different from those earlier schemes which all represented a variation on a theme for a specific requirement for accommodation the “in the round” assessment of those schemes found that they were unacceptable for the reasons given and these reasons were upheld in the main by appeal inspectors. However they were as already stated variations on a theme in that the design ethos for that property was fundamentally different to the design ethos for this proposal. Thus it is right and proper that this proposal be treated on its merits and it is to the architects and his clients merits that they have, in the views of the officers, been able to promote a scheme which is still substantial but meets the criteria of the Local Planning policy. It is the assessment “in the round” that draws the conclusion of a schemes acceptability and this is the complex interaction of bulk, massing, position, design and other such details that informs the recommendation.

- 10.25 Future use – This was a concerns of the earlier schemes and has been cited several times in the submitted objections as to the “true” intentions of the applicant to establish a larger property on this site. The response of the LPA in this instance is exactly the same as in the previous instances, the future intentions of the developer or otherwise are not a material consideration. Any sub-division of the property into two or more units of accommodation would require the benefit of planning permission and that would, be assessed and treated on its own merits at the time. Such conjecture cannot and does not hold any weight in the decision making process for the current proposal.
- 10.26 The lack of prior consultation with the local community is regrettable, however whilst the LPA and central Government advocate that such consultation takes place, there are no absolute requirements for applicants to do so and the absence of such community consultation does not weight in the balance at the decision making stage as the proposal has to be treated on its merits as submitted.
- 10.27 That the floorspace of this single dwelling exceeds the combined floor space of neighbouring dwellings is not a material consideration. The proposal has to be assessed against the adopted planning polices and national planning guidance.
- 10.28 The internal layout of the prosed building is of interests to the planning authority only in as much as it extends to the impact on amenities of the future occupiers and the amenities of occupiers of the surrounding properties. This has been assessed as part of the main considerations above.
- 10.29 The disturbance in relation to the construction period is a matter of fact, it can be mitigated to a limited degree through the planning system by the imposition of hours of construction through a condition. This is recommended in the report above.
- 10.30 Whether or not the developers are ignoring the Adopted Local neighbourhood Plan is not really the issue, what is the issue is that when assessed by the LPA the scheme is assessed against the requirements of all local and national planning guidance that is of relevance to the particular development in question. It is considered that the requirement s of this have been met in the body of the report.
- 10.31 Will set a precedent for rest of street. In planning terms there is no such thing as a precedent, applications are treated on their own individual merits measured against the prevailing Planning Policy.

- 10.33 The suggestion that the rear line of the proposed dwelling should follow the rear “building line” of the existing dwellings particularly 141 Alwoodley Lane is not considered an appropriate methodology for assessing applications for planning permissions. The issue to the rear of dwellings and their developments is one of amenity for neighbouring occupiers rather than any sense of uniformity that might apply more so to the front “building line” of the street, and even in that context that there is variety, as there already is in Alwoodley Lane is not a negative aspect but a positive contribution to the character of the area.
- 10.34 The Design and Access statement submitted with any application is a tool to assist in the assessment of the proposed development, whilst it is a requirement to be submitted with various classes of proposal it does not form a document upon which the final decision or recommendation is based.
- 10.35 Question over quality of materials to be used – This is addressed as it is in the vast majority of cases through the imposition of a condition requiring that materials be submitted to the LPA for approval.
- 10.45 Reference to the use of explosives for excavation is considered unfounded and almost certainly controlled under other legislative requirements over and above the planning system.
- 10.46 That small adjustments have been made to the scheme over the duration of the application is not an indication that the developer also considers the scheme to be too big, but is a response to legitimate discussions between the agent and the case officer.
- 10.47 Reference to the Householder Design Guide is not necessary for the assessment of this case as the development is not a domestic extension the proper document for reference in this category of documents is the SPG Neighbourhoods for Living.

Planning Balance

- 10.48 Taking all of the above factors into account it is considered that when judged against the policies of the development plan the principle of a replacement house in this location is acceptable, that the dwelling would not cause harm to the character and appearance of the surrounding area, that there would be some impact on residential amenity but this is not so significant as to warrant the refusal of the application and that there will be no harm to matters of highway safety. Accordingly, it is considered that the development accords with the development plan, when read as a whole, and accords with the guidance as set out in the NPPF.
- 10.49 Paragraph 11(d) of the NPPF advises that where an application proposes housing development and the local planning authority cannot demonstrate a 5 year housing land supply then additional weight should be afforded to the delivery of housing (often referred to as the ‘tilted balance’). In this instance the adopted local planning policies relevant to the consideration of this application are considered to be consistent with those set out in the NPPF and should be afforded significant weight. As the council cannot demonstrate a 5 year housing land supply the delivery of housing is a matter that attracts significant weight. However, in this instance as there is no net gain in housing numbers this weight is accordingly very limited in this instance. Whilst regard is had to the objections raised by local residents there are no matters of such weight that would count against the grant of planning permission.

11.0 CONCLUSION

- 11.1 For the reasons set out in this report it is considered that planning permission should be granted subject to the conditions set out at the head of this report.

Background Papers:

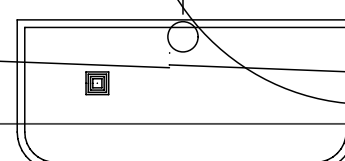
Application files: 19/01375/FU

Certificate of ownership: The site is owned by the applicant.



Drawing and design are the copyright of DZIGN HOUSE ARCHITECTURE LTD unless specific consent in writing has been given. All works arising from the information contained on the drawings are to be in accordance with the statutory approach for planning, building control and relevant codes of practice and/or British Standards unless specific direction is given. All works to be carried out in accordance with CDM regulations for health and safety. Construction (Design and Management) Regulations also require that a principal designer is appointed for each project, we do not undertake this role unless agreed in writing prior to commencement of works. This can be undertaken by the client (domestic) or an individual principle designer to be otherwise appointed. Do not scale or take digital dimensions from the drawing. All construction dimensions contained in the drawings should be checked on site prior to construction. Calculations and sizes for all structural elements to be provided by a structural engineer to the Building Control Office and contractor prior to commencement of works. Any discrepancies should be notified to the practice without delay.

DATE	REVISION	REV. NO.

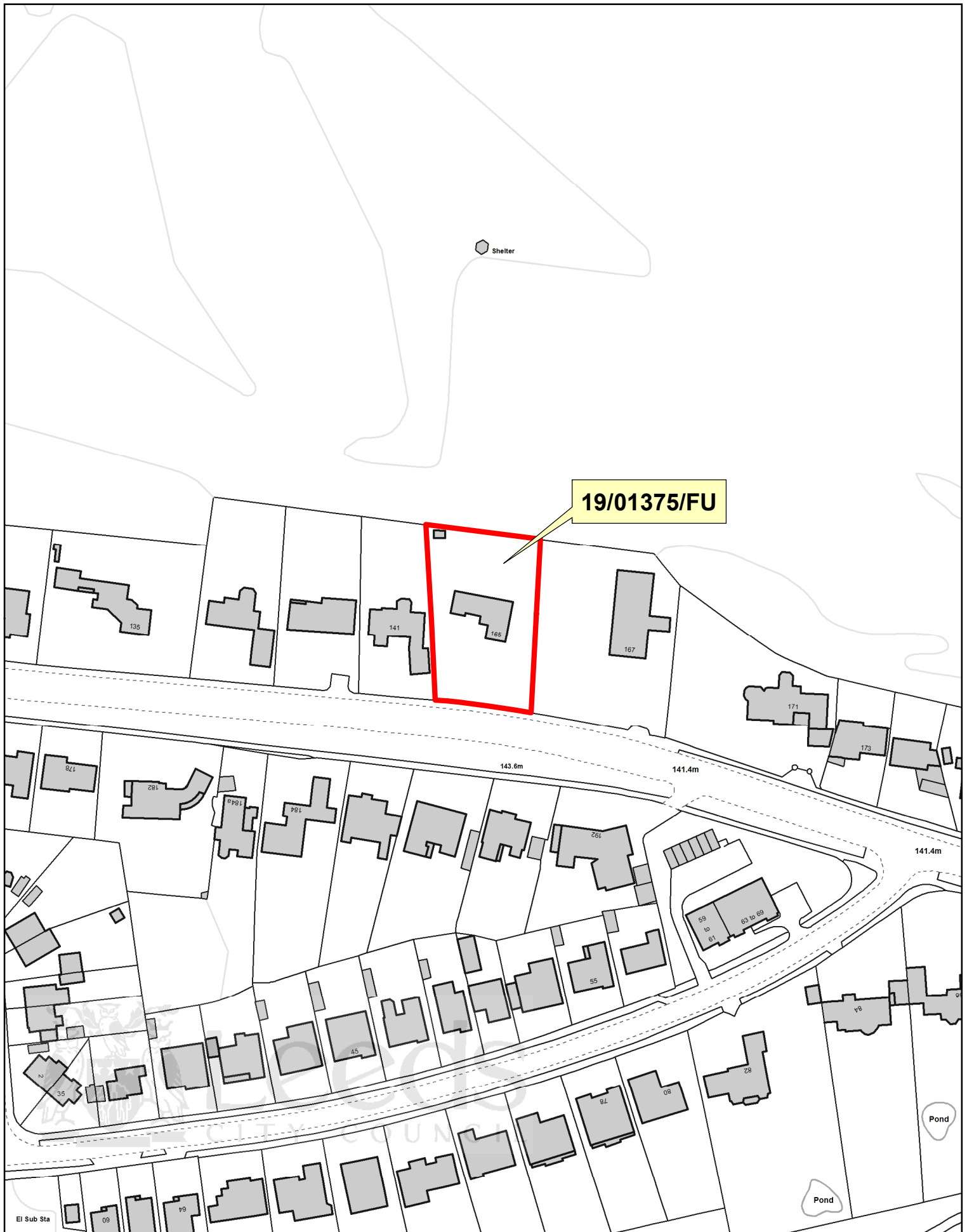


Project
New Dwelling
165 Alwoodley Lane,
Alwoodley,
Leeds
LS17 7PG

Drawing Description
Proposed Site Plan
Scale
1:100 @ A1
Client
Mr & Mrs Taylor

Drawing No.
200/01-PL(3)
Date
May '19





NORTH AND EAST PLANS PANEL



This page is intentionally left blank



Originator: Adam Ward
 Tel: 0113 378 8032

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th June 2019

Subject: 18/01609/FU - Demolition of Bramham House, retention of front facade and redevelopment to form care home, with 8 close-care dwellings, 6 close-care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane at Bramham House, land between Bowcliffe Road and Freely Lane, Bramham.

APPLICANT	DATE VALID	TARGET DATE
LCC, Yorkshire Ambulance Service National Health Trust, Freely Lane Ltd & The Fisher Partnership Ltd	12 March 2018	TBC

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:

- Affordable Housing – 14 close-care units, restricted for occupation by over 55's and Class C3(b);
- Off-site Greenspace contribution of £29,222.61
- Residential Metro Cards - £4,950; and
- Local Employment Initiatives.

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1.0 INTRODUCTION

- 1.1 This application is brought to Panel as there has been a refinement in the amount of Greenspace contribution that is required as part of this application. The report also addresses a number of other matters which are material to the consideration of the application, given the passage of time since the application was previously reported to Panel.
- 1.2 Members may recall that this application was previously reported to Panel on 13th December 2018, where Members resolved to accept the recommendation for approval of the application, subject to the completion of a Section 106 Agreement. During the course of post Panel discussions, the Greenspace figure has been reduced to what was previously reported to Panel. The reasons for the lowered sum are set out in more detail below. Officers therefore consider it is necessary to report and seek approval for a reduced sum from the Plans Panel and to note other material considerations relevant to the application. It is also worthy to note that appraisal within the previous report remains material and accurate, save for the elements reported in this report.

2.0 MAIN ISSUES

Greenspace
Compliance with Core Strategy Selective Review policies
Bramham Neighbourhood Plan
Affordable Housing
Sustainability and Climate Change
Representations

3.0 APPRAISAL

- Greenspace
- 3.1 Policy G4 of the Core Strategy requires the provision of green space of 80 square metres per residential unit for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720m from a community park, and for those which are located in areas deficient of green space. Further to this, Members will be aware that a number of Core Strategy policies are in the process of being reviewed in order to bring them up to date. In this respect, hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/ beginning of March 2019 and the Inspector's Main Modifications were issued on April 10th 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant.
- 3.2 One such policy which has been reviewed is Policy G4. The amended policy still requires the provision of on site green space on residential developments of 10 dwellings or more based upon the size of each dwelling, or where this quantity of green space is unachievable or inappropriate on-site, equivalent off-site provision, financial contribution or combinations thereof should be sought. In overall area terms, the amended policy is less onerous than the adopted policy.
- 3.3 Based upon the proposed 24 dwellings, the development would require that 1,920 square metres of green space is provided on site according to the adopted Policy G4. However, under Policy G4 of the CSSR the requirement would be 1,138 square metres and this is based upon the following calculation:

<u>Size of Unit</u>	<u>No. of Units</u>	<u>Required Provision</u>	<u>Total</u>
2 bedroom	6	33m ²	198m ²
3 bedroom	8	44 ²	352m ²
4 bedroom	6	54m ²	324m ²
5 bedroom	4	66m ²	264m ² +
			<u>1,138m²</u>

- 3.4 The applicant has provided a plan to show what areas of proposed green space are within the site. The shows an area measuring 2,000m² located adjacent to the access road which leads down towards the care home and close care units. It is mainly covered in mature trees and partly sloped. Another area measuring 1,700m² and shown as green space provides a pedestrian link from the site down towards Bowcliffe Road and into the village centre. In total, these areas of green space measure 3,700m² and are in addition to the private gardens created for the dwellings and the communal private garden to the care home. Ordinarily, the authority would seek that green space is open, usable and not covered in trees, thereby creating shaded areas. However, in this particular set of circumstances which are unique to this particular site, officers would not wish to see any further trees removed from the site to create open areas of green space as such trees make a positive and valuable contribution to the character of the site and wider conservation area, as well as the setting of the unlisted Bramham House. Moreover, directly opposite the site is the Bramham recreation ground and children's playground which would cater for the needs of any future occupants. It would therefore be entirely appropriate and pragmatic in terms of application of the policy position and factual green space delivery to retain the trees on site and to accept that such areas do add to the typology of green space in the locality and would be a complimentary addition to the green spaces that are already available given the unique nature of this development site.
- 3.5 In recognising that the area of green space on site comprises mainly mature trees, a commuted sum was requested to seek contributions towards off site green space within the local vicinity. The previous Panel report indicated that a sum of £126,519 would be required. However, if Members recall, officers advised that this was a starting point and therefore likely to be reduced. In re-assessing the required contribution it is evident that the calculation should solely be based on the C3 dwellings (the 10 dwellings proposed on the upper part of the site) and should not be based on the care home and the Class C3(b) units (close care dwellings). This appears to be consistent with the approach taken for similar developments within the authority, including an extra care affordable housing scheme in Boston Spa which was approved by this Panel at the meeting on 5th July 2018.
- 3.6 The revised green space contribution has therefore been recalculated as £29,222.61. Regard should be had of CSSR Policy G4 which looks at factors which consider the type of green space to be provided on site, including local surplus and deficiency; mix of dwellings and need for play facilities; practicality of on-site delivery and policies and proposals of a Neighbourhood Plan. The pre-text of this policy recognises that such green space can be a combination of provision on site and as a commuted sum. In this instance, a combination of some green space on site and a commuted sum would satisfy the requirements of CSSR Policy G4. It is also relevant to note that the revised policy is less onerous than the previous policy in terms of the quantum of green space sought on site, and this is a factor which officers have had regard to. The area of green space is also in addition to the contribution which would be spent off site.

- 3.7 The contribution would be secured as part of a planning obligation within a Section 106 Agreement, with a clause indicating that the contribution would be spent on a green space project within the parish of Bramham. As such, this would be necessary to make the development acceptable in planning terms; would directly relate to the development; and would be fairly and reasonably related in scale and kind to the development given the points set out above. The matter is therefore an issue of whether it complies with the green space policy and not associated with the viability of the scheme.

Compliance with Core Strategy Selective Review Policies

- 3.8 As noted above, a number of Core Strategy policies are in the process of being reviewed in order to bring them up to date. In this respect, hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/ beginning of March 2019 and the Inspector's Main Modifications were issued on April 10th 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant. For this application, the following policies are relevant:

H9 – Minimum Space Standards
H10 – Accessible Housing Standards
G4 – Greenspace provision
EN1 – Carbon Dioxide reduction
EN2 – Sustainable Design and Construction
EN8 – Electric Vehicle Charging Infrastructure

- 3.9 With regard to H9, the previous report concluded and advised that the proposal complied with this policy with required to the Minimum Space Standards. In terms of H10, the application was reported to Panel on 13th December 2018 showing the detailed designs of the dwellings. However, since then Policy H10 has gained more weight. The applicant has confirmed that they are happy to consider accessibility further through detailed design and the imposition of a planning condition. The proposed care home has also been designed to cater for the needs of an array of disabilities with the incorporation of wider doors, a lift within the building and dining and lounge areas on each floor.
- 3.10 Compliance with Policy G4 has been addressed within the previous section of this report (paragraphs 3.1 – 3.7).
- 3.11 With regard to Policy EN1, the applicant has confirmed that a number of measures will be incorporated into the scheme. These include the use of more insulated glazing; installation of high efficiency condenser boilers; carefully designed fabric of the home to reduce thermal bridging; use of solar PV panels to run showers and reduce electrical needs of the properties; a heat and ventilation system to recycle exhausted air within the building; log burning stoves in lieu of gas or electric fires; and waste pipe heat exchangers. Subject to a condition to demonstrate compliance with Policy EN1, the proposals are considered to be acceptable.
- 3.12 Policy EN2 requires that residential development of 10 or more dwellings where feasible are required to meet a maximum water consumption standard of 110 litres per person per day. In response to this policy the applicant has confirmed that the dwellings will be designed to encourage rain water collection and the use of various low-flow technologies including restricted water flow taps and showers.

Bramham cum Oglethorpe Neighbourhood Plan

3.13 Since the Panel meeting on 13th December 2018, the Bramham cum Oglethorpe Neighbourhood Development Plan (2017-2033) has been made. It is therefore part of the development plan and as such carries full little weight in the determination of planning applications. Relevant policies include:

- CF1: Protect and enhance existing community facilities
- HOU1: Housing type and mix
- H1: Non-designated heritage assets
- H3: Development in the Conservation Area
- H5: Key views

3.14 In terms of the assessment of the application against these polices, these can be addressed as follows:

Policy CF1: This seeks to protect and enhance existing community facilities and includes a list of such facilities including Braham Pavilion, Bramham Playing Field and the Playground. The site is located immediately adjacent to these facilities and it is not considered that the development would be harmful to the function of such facilities, and indeed new residents would benefit from such local amenities.

Policy HOU1: This policy supports the provision of starter homes; home suitable for the elderly; 1-2 bedroom homes; and family homes. The provision of a care home, the close care cottages and flats and the private family homes are considered to satisfy the requirements of this policy.

Policy H1: The Bramham Conservation Area Appraisal and Management Plan (CAAMP) identifies the application site as an opportunity for enhancement. Bramham House is also identified as a Positive Building Bramham. The impact therefore on the non designated heritage asset has been assessed with the previous report, and therefore it can be concluded that the development complies with Policy H1.

Policy H3: This policy requires that development proposals within, or affecting the setting of the defined Conservation Area must respond sensitively and creatively to its historic environment, character and appearance. The impact on the Bramham Conservation Area has been assessed with the previous report, and therefore it can be concluded that the development complies with Policy H3.

Policy H5: This policy requires development proposals to demonstrate consideration of visual impact and careful design so that they will not significantly harm identified key views where seen from publicly accessible locations. No key views are considered to be harmed and therefore the development is considered to comply with Policy H5.

Affordable Housing

3.15 Core Strategy Policy H5 identifies the affordable housing policy requirements. The affordable housing requirement is 35% of the total number of units, which equates to 8.4 units. In total, 14 affordable dwellings are proposed and this has not changed since the previous Panel meeting. This would equate to 58% provision on site and is well in excess of the 35% policy requirement. In terms of the split between the type of affordable units to be provided, the 8 semi-detached cottages would all be

for discounted sale, while the 6 apartments would be for discounted rent, both of which would be set at 20% below market rates. Such provision would satisfy the requirements of Policy H5 and the guidance on affordable housing set out within the NPPF. The provision of these affordable houses would be secured through a S106 agreement.

Sustainability and Climate Change

- 3.16 Members will be aware that the Council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources. Some of these issues have been discussed above.
- 3.17 Core Strategy EN1 requires all developments of 10 dwellings or more to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 3.18 The applicant has confirmed that a number of measures are being considered and proposed as part of the scheme. These include the use of more insulated glazing; installation of high efficiency condenser boilers; carefully designed fabric of the home to reduce thermal bridging; use of solar PV panels to run showers and reduce electrical needs of the properties; a heat and ventilation system to recycle exhausted air within the building; log burning stoves in lieu of gas or electric fires; and waste pipe heat exchangers. A condition requiring the inclusion of such renewable energy installations and securing at least 10% on site energy consumption from renewable energy could reasonably be imposed if the application were to be approved.
- 3.19 Core Strategy Policy EN2 requires residential developments of 10 or more dwellings (including conversion) where feasible to meet a maximum water consumption standard of 110 litres per person per day. The dwellings will be designed to encourage rain water collection and less water consumption with flow reducing / aerating taps and shower heads; dual flush WCs; 6-9 litres per minutes showers; use of small shaped baths; 18 litre maximum volume dishwashers; and 60 litre maximum volume washing machines. It is considered that the proposed development complies with the aims of EN2.
- 3.20 With regard to emerging policy EN8, the applicant has confirmed that electric vehicle charging points would be provided at each property and for each parking space; this can be subject to a planning condition.

Representations

- 3.21 Since the Panel meeting in December, further representations have been received from 2 local residents raising the following concerns:
- Previous report recommending approval shows bias and conflict of interest;
 - Lack of affordable housing, with preference for over 55's development;
 - Unsuitability of the site for the elderly;
 - Excessive destruction of natural habitat;
 - Traffic concerns;
 - Impact on Conservation Area caused by widening of Freely Lane;
 - Applicants should buy the wildlife area next to Bramham Beck on Bowcliffe Road and donate this to the community;

- Impact of noise from the motorway on future residents;
- Exploratory work on the site has been carried out;
- Development does not meet BS 8300-1: 2018 in terms of accessibility for all.

3.22 In response the concerns raised by residents, many of these issues have been considered and addressed in the report dated 13th December 2018. The appraisals of these representations and the conclusions reached are the same. In terms of accessibility, the applicant has confirmed that this will be addressed and considered as part of a planning condition.

4.0 CONCLUSION

4.1 The revised Greenspace contribution is considered to be acceptable while the proposal complies with the policies contained within the CSSR and the made Bramham cum Oglethorpe Neighbourhood Plan. All other aspects of the development remain the same as those agreed by the Panel in December. The development is therefore compliant with relevant policies of the development plan, as well as with national policy. It is considered to represent a sustainable form of development. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The application is recommended for approval.

4.2 In addition to the conditions listed within the 13th December 2018 Panel report, and in view of the further issues discussed above, the following conditions should be imposed on any grant of planning permission:

- Details of Development to comply with accessibility requirements set out in CSSR Policy H10.
- Renewable energy sources on site to provide minimum 10% on site.
- Details of solar PV panels.

Background Papers:

Application file 18/01609/FU

Certificate of Ownership: Certificate B signed



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 13th December 2018

Subject: 18/01609/FU - Demolition of Bramham House, retention of front facade and redevelopment to form care home, with 8 close-care dwellings, 6 close-care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane at Bramham House, land between Bowcliffe Road and Freely Lane, Bramham.

APPLICANT	DATE VALID	TARGET DATE
LCC, Yorkshire Ambulance Service National Health Trust, Freely Lane Ltd & The Fisher Partnership Ltd	12 March 2018	TBC

<p>Electoral Wards Affected:</p> <p>Wetherby</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Ward Members consulted</p>

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

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:

- Affordable Housing – 14 close-care units, restricted for occupation by over 55's and Class C3(b);
- Off-site Greenspace contribution of £29,222.61
- Residential Metro Cards - £4,950; and
- Local Employment Initiatives.

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

1. Time limits
2. Plans to be approved
3. Details of materials
4. Landscaping scheme and implementation
5. Trees to be retained and protected
6. Tree protection
7. Replacement of trees
8. Arboricultural Method Statement
9. Landscape Management Plan
10. Ecological and woodland management plan
11. Biodiversity environmental management plan
12. All hardstanding areas sealed and drained
13. Gradient of driveways
14. Gradient of access road
15. Retention of garages for parking
16. Details of cycle storage
17. Implementation and retention of visibility splays
18. Details and standard of access road to care home and implementation
19. Provision of off-site Highways works through s278 Agreement (including widening of Freely Lane and junction improvement works)
20. Infiltration feasibility study
21. Surface water drainage details
22. Interim drainage details
23. Details of acoustic fencing
24. Mitigation measures outlined in Noise Impact Assessment implemented
25. Details of boundary treatments
26. Existing and proposed ground and finished floor levels
27. Contamination details and remediation
28. Construction Method Statement
29. Programme of archaeological recording
30. Scheme for charging facilities for battery powered vehicles

1.0 INTRODUCTION:

- 1.1 The application is presented to North and East Plans Panel as this is a major and sensitive development. Furthermore, the Ward Member, Councillor Alan Lamb has requested that the matter should be brought before Members for determination as it is a major application which is of a significant scale relative to the village and results in material planning issues other than the impact on neighbour amenity such as the protection of habitats, location and nature of affordable housing, highways and access concerns, management plan for development traffic, impact on trees and other features, public transport accessibility and provision of brown bins.
- 1.2 The site relates to a redundant site on the edge of the village of Bramham which is part owned by the Council (LCC) and the Yorkshire Ambulance Service National Health Trust. The site is allocated for housing within the development plan. The proposals involve redevelopment for a mixed residential, care home and close-care scheme, and is considered to represent a sustainable form of development and is thus recommended for approval.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site, comprising Bramham House and its landscaped grounds lies to the south of Bramham village between Bowcliffe Road and Freely Lane. The land comprises a number of protected trees and slopes down in a series of steps from east to west. Part of the site to the front of the house was formerly occupied by an ambulance station (now demolished). The former ambulance station and the House share the current sole vehicular access from Freely Lane which is a single track road. The total site area is 2.6ha, although the developable area is much less owing to the significant tree cover and overall topography.
- 2.2 In terms of adjacent land uses, on the opposite side of Freely Lane is the Bramham Recreation Ground which comprises a large playing pitch, incidental greenspace, the clubhouse, car park and a children's play area. Adjoining this is a relatively new housing development comprising two small cul-de-sacs (Fossards Close and Freely Fields) which are constructed from Magnesian limestone with red pantile roofs. To the south west lies Bramham Lodge and a collection of new build residential dwellings, together with two more established detached dwellings fronting onto Freely Lane. Immediately to the south of the site and within the village envelope is an area of protected Greenspace. To the west of the site and set down at a much lower level and separated by dense, mature planting is Bowcliffe Road. On the western side of Bowcliffe Road is a recent residential development of 14 houses on the former timber yard site. This comprises a mix of two and three storey houses constructed from stone, brick and render. Beyond the north west and northern boundaries is the more historic part of the village, which comprise stone dwellings and a number of village services. Immediately backing on the site to the north are several detached dwellings, separated from the site by stone walling and fencing. The site is also located within the Bramham Conservation Area and Bramham House is identified as an "Opportunity for enhancement" within the Conservation Appraisal.
- 2.3 In terms of connectivity, the site is located between Freely Lane to the east and Bowcliffe Road to the west. However, owing to the gradient of the site, the only vehicular access is from Freely Lane, which runs from the south east from Aberford Road. Freely Lane is a narrow lane in parts with no through vehicular access to the village. Towards the end to the north west, Freely Lane turns into Almhouse Hill, a steep pedestrian route which leads into the village. There is no vehicular access from Bowcliffe Road, although a pedestrian path does exist which leads up into the site.

3.0 PROPOSAL:

- 3.1 The proposal relates to the redevelopment of this site to provide mixed residential form of development comprising a care home with associated close care housing and private Class C3 housing. Due to the continuing decline of Bramham House, the developer has indicated that it is not feasible to convert the building and therefore proposes a façade retention scheme, supplemented by a significant amount of new build together with a substantial extension projecting northwards to form a 60 bed care home. Therefore, save for the front façade of Bramham House, all the buildings on site are proposed for demolition.
- 3.2 In association with the care home, a number of close care dwellings are proposed which comprises 8 semi-detached houses and 6 apartments. These would be within Class C3(b) of the Use Classes Order (*up to six people living together as a*

single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems). The semi-detached houses each comprise 3 bedrooms and are two storeys with accommodation within the roof. The semi-detached dwellings are located towards the northern part of the site and result in the removal of a number of trees and are set at an angle from the main access road and accessed via a private driveway. The apartment building is located towards the lower end of the site and comprises 6 apartments, with a mix of 1 and 2 bedroom apartments. The apartment building is split level owing to its position and topography, meaning that from the front elevation it appears as a two storey building and from the rear is three storeys.

- 3.3 Access to the care home and close care housing will be via the existing access road which currently exists from Freely Lane. A number of car parking spaces are proposed for the houses and the care home in the form of open parking courts.
- 3.4 An additional access is proposed further to the south east along Freely Lane which will lead into the upper part of the site where 10 dwellings (Class C3) are proposed. These are all 4 or 5 bedroom detached dwellings and feature either integral or attached garages.
- 3.5 Owing to the site topography and significant level of tree cover, the design approach taken differs between the upper and lower parts of the site. The ten dwellings on the upper level are more traditional with pitched roofs and are proposed to be constructed from Magnesian limestone with a red pantile roof, not too dissimilar to the dwellings on the opposite side of Freely Lane. The close care semi-detached dwellings have more of a cottage style appearance and again traditional in design. However, the extension to the retained Bramham House façade is mixed, displaying a traditional or pastiche design behind the retained façade and a more modern and contemporary three storey extension to the front (north). Materials to the more modern extension include an ashlar stone with the use of a vertical metal cladding, such as zinc, for the upper floor, with a standing seam roof.
- 3.6 Proposals also involve the widening of part of Freely Lane to enable the two way passing of vehicles on what is currently a narrow lane. This is one of the site requirements that is set out within the Planning and Development Brief. The scheme also includes improvements to the footpath which leads down onto Bowcliffe Road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Apart from the submission of pre-application enquiries over a number of years, there has been only one formal planning application submitted relating to the site:
- H31/390/91 – Alterations and extension to form lounge, with four bedrooms over to rear of residential care home: Approved.
- 4.2 A number of complaints have been received relating to the site with regard to issues associated with anti-social behavior and vandalism. Whilst not a planning matter, this has resulted in the need for the site to be patrolled regularly.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A pre-application submission was submitted in 2017 by the current developer and advice provided on that scheme based upon the merits of that particular scheme. The general content of the scheme was essentially the same as currently submitted, albeit the layout was different and included a greater amount of development. The advice has been taken into consideration by the current applicant and this is reflected in the current submission with a reduced and amended form of development.
- 5.2 Discussions have been on-going with the applicant over the submitted scheme which have resulted in submission of further information and amended plans. These discussions have centred around issues associated with the design, layout, impact on trees, noise, affordable housing and other obligations, as well as the widening of Freely Lane and other technical highway matters.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a major development. Site notices were posted around the site on 13th April 2018 and through publication in the Yorkshire Evening Post in a notice dated 4th April 2018. Following receipt of a revised plan, further site notices were posted on 6th July 2018. To date, objections have been received from 7 separate properties, with multiple objections coming from residents at those properties. The objections can be summarised as follows:

- Access road not suitable and dangerous for increase in traffic;
- Location not accessible enough by bus – staff have to drive creating traffic;
- Commercial use of Freely lane will lead to unacceptable increases in traffic;
- Some 75% of the area of the site is designated as Priority Habitat Deciduous Woodland on LCC's Leeds Habitat Network;
- Destroy the amenity and peaceful enjoyment of the current residents of the houses at the northern boundary;
- Widening of Freely Lane which is required will remove the existing character of the lane;
- Construction traffic could cause disruption and prevent residents from accessing their property;
- No evidence is presented to demonstrate the need for elderly care facility;
- Bramham House should be retained and converted;
- Traffic noise has now been measured at levels that are dementia-exacerbating and stroke and heart attack inducing;
- Parking provision is inadequate and mostly under tree canopies;
- Lost opportunity to meet local housing needs;
- Not well located in relation to pedestrian access to local transport and facilities – not suitable for old people;
- Pedestrian access from Bramham village centre involves steep climbs – inaccessible for wheelchairs;
- Developers should consider the primary access to be off the larger, existing road, Bowcliffe Road;
- Flood risk on Freely Lane;
- The proposed extent and scale of development doesn't respect the footprint of the existing buildings;
- Result in a permanent loss of mature wildlife – birds, owls, bats;

- Doesn't relate well to the geography and history of the place and the lie of the land;
- Scale of development is significant;
- Does not confirm with Council's adopted policies;
- Doesn't sit with the pattern of existing development;
- Provision of brown bins;
- Applicant's statement of community involvement contains inaccurate information;
- Location and nature of affordable housing;
- Lack of affordable housing;
- Damage to a heritage asset.
- Concerns over the Council being part landowner and that as negotiations over the sale of site has taken place, then this may have predetermined the content of the scheme and prejudiced the proper assessment of material considerations.
- Not in conformity with the emerging neighbourhood plan;

6.2 1 letter of support from the Elmet & Rothwell Liberal Democrats stating:

- Good use of a site that cannot properly remain undeveloped – support further progress in ratio of affordable homes, support the advance widening of Freely Lane, more proactive approach to the remaining green space proposed, additional car parking around the playing-field pavilion.

6.3 **Ward Members:** Cllr Lamb in addition to requesting that the application is reported to Panel for determination, raises concerns over the protection of habitats, location and nature of affordable housing, highways and access concerns, management plan for development traffic, impact on trees and ensuring there is an ongoing plan for maintenance of trees and other features, public transport accessibility and provision of brown bins.

6.4 **Bramham Parish Council:** The Parish Council are supportive in principle but have a number of material objections. The Parish Council also recognise the pressing issues surrounding social care provision and would like to be able to express support for the scheme. However, concerns are raised over the following:

- Lack of affordable housing;
- Loss of habitat; and
- Safety, access and car parking.

6.5 Following further consultation the Parish Council note that the revised plans do not address their previous concerns. In order to make the development acceptable, the Parish Council seeks additional car parking around the pavilion in order to mitigate on-street parking and that the following obligations are secured through a s106 agreement:

- Affordable housing at 35% of total units (including the assisted living units);
- Travel, traffic and parking management plan plus ongoing monitoring;
- Necessary off-site highway works;
- Leeds Metro contribution towards MetroCards for care home staff;
- Maximisation and future maintenance of on-site Greenspace and habitat; and
- Provision of local employment agreement (jobs for the village).

7.0 CONSULTATION RESPONSES:

Statutory

7.1 LCC Highways

A number of consultation responses have been provided since the submission of the original application due to negotiations which have taken place and the submission of amended plans and further information in response to concerns which were initially raised. In terms of traffic impact, the proposed development is considered to be acceptable. With regard to the private housing proposed, the adopted road is indicated as a blocked paved construction which is considered to be acceptable. The gradient of the access road and driveways can be secured by conditions.

7.2 In terms of the care home and close care housing, the site access now includes sightlines of 2.4m x 43m and is regarded as being acceptable to serve the proposed development. The access road should also be brought up to a suitable standard suitable for serving the care home complex. Advice is also provided on the required numbers of electric charging vehicles spaces, to be secured through a conditions.

7.3 In terms of accessibility, the site does not meet all (but does meet some) of the Core Strategy Accessibility Standards provided for under Core Strategy Policy T2 and Appendix 3. The site is located within the required 5 minute walk (400m) of bus stops within the centre of Bramham Village. However, the service frequency from these stops (services 173, 174, 770 & 771) does not comply with the requirement of a bus every 15 minutes or better to a major public transport interchange (defined as Leeds, Bradford or Wakefield).

7.4 However, the local services within Bramham Village that are located within the designated 1200m walking distance of the site, are limited. Bramham Primary School/Medical Centre is also located within the designated 1600m of the site. The nearest secondary school (Boston Spa High School) is located outside of the recommended 30 minute walk distance (2400m).

7.5 A number of conditions are recommended relating to the provision of electric charging points / car parking spaces, gradients and the delivery of the widening of Freely Lane and junction improvement works.

Non-statutory

7.6 LCC Conservation Team

The physical condition of Bramham House is recognised of being in a very poor condition and therefore the scheme to retain the front façade is considered to be acceptable from a conservation perspective. Concerns were raised over the design of some of the new build properties, but following the submission of revised plans and designs, the amended proposals are considered to be acceptable.

7.7 LCC Nature Team

The submitted report underestimates the amount of woodland cover that will be lost. Therefore it is difficult to come to a conclusion on the level of loss of biodiversity, apart from knowing it will be negative. Functional woodland (trees/shrubs and ground flora) cannot realistically be retained in private garden space therefore the 0.25ha. of woodland retained in private gardens needs to be

shown as formal gardens and the figure added to the total woodland area to be lost. The new woodland creation of 0.26ha. cannot realistically be achieved as some of this is in private garden space. Based on the above it is likely that at least 0.8ha. of woodland cover will be lost directly or indirectly (conversion to private gardens) which is closer to 40% of the total woodland cover. It is not possible to arrive at a conclusion that there will be adequate biodiversity protection and enhancements (as per Policy G9) on the basis of this scale of woodland cover loss.

7.8 LCC Landscape Team

Concerns are raised over the extent of tree loss from the site which go beyond the original Planning and Development Brief for this site. Four of the close care units will result in the removal of a number of mature trees while the proposed apartment block is located close to the woodland. The submitted woodland management plan will also need a more sensitive approach.

7.9 Housing Growth Team

The principle of accepting the close care dwellings which would be occupied by over 55's and at either reduced rental levels or reduced sales levels can be considered appropriate for securing an appropriate level of affordable housing on site.

7.10 Flood Risk Management

Concerns are raised over the submitted Flood Risk Assessment and Drainage Review. Details of existing drainage layouts together with pipe sizes and gradients should be provided. Consideration should also be given the hierarchy of surface water drainage and an analysis of the soils conditions should be undertaken to determine the extent of any use of infiltration drainage systems for surface water drainage of the site. Data suggests that a substantial part of the site may be highly compatible for infiltration drainage. Conditions are therefore recommended requiring the submission of a feasibility study into the use of infiltration drainage; the submission of a surface water drainage scheme; and the submission of details and a method statement for interim drainage measures during site works.

7.11 West Yorkshire Police

No objections raised.

7.12 LCC Environmental Studies Transport Strategy Team

Due to the site of the proposal's proximity to the A1(M), a Noise Report was requested which details the current (school term-time) noise climate at the site (both daytime and night-time) with proposed mitigation measures (as appropriate) to ensure that the proposal complies with the noise standards included within BS 8233. This was submitted by the applicant and the Environmental Studies Team were consulted further and advised that the mitigation measures relating to window specifications and the ventilation strategy as set out within the submitted Noise Impact Assessment should be delivered. Also details of acoustic fencing would also be required. These can be secured through planning conditions.

7.13 LCC Neighbourhoods and Housing (Air Quality)

No objections to this proposal on the grounds of local air quality with respect of the local air quality management regime. Local air quality data indicates that the relevant air quality objectives will not be breached either at the development site or elsewhere as a result of the proposed development. Electric vehicle charging points should also be delivered and secured by a planning condition.

7.14 LCC Public Rights of Way

The proposal does not appear to affect the bridleway and therefore no objections are raised.

7.15 West Yorkshire Combined Authority

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. It is recommended that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site. The payment schedule, mechanism and administration of the fund would have to be agreed with Leeds City Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £4,950.00. This equates to Bus Only Residential MCards.

7.16 LCC Contaminated Land

A Phase 1 Desk Study recommended that a Phase 2 Site Investigation is carried out. Soil sampling for asbestos would be prudent following demolition of the remainder of the structures which are proposed for demolition. Depending on the outcome of the Phase 2 site investigation a Remediation Statement may be required. This could be secured through a planning condition.

8.0 **RELEVANT PLANNING POLICIES:**

The 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 currently comprises the Core Strategy (2014), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.

8.2 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan. The majority of the site presently forms unallocated 'white land' on the Policies Map. The southern part of the site is presently designated as a protected playing pitch under saved policy N6 of the Unitary Development Plan Review (2006). The following documents and policies are relevant to the determination of this application:

- The Leeds Core Strategy (Adopted November 2014) (CS);
- Saved UDP Policies (2006), included as Appendix 1 of the CS;
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).

8.3 The following Core Strategy (CS) policies are relevant:

- Spatial policy 1 Location of development
- Spatial policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 Distribution of housing land and allocations

- Spatial policy 8 Economic Development Priorities
- Policy H1 Managed release of sites
- Policy H3 Density of residential development
- Policy H4 Housing mix
- Policy H5 Affordable housing
- Policy P8 Housing for independent living
- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P11 Conservation
- Policy P12 Landscape
- Policy T1 Transport Management
- Policy T2 Accessibility requirements and new development
- Policy G1: Enhancing and extending green infrastructure
- Policy G4 New Greenspace provision
- Policy G8 Protection of species and habitats
- Policy G9 Biodiversity improvements
- Policy EN1 Climate change – carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN5 Managing flood risk
- Policy ID2 Planning obligations and developer contributions

8.4 The Core Strategy sets out a need for circa 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the Core Strategy. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area. The Council is also carrying out a selective review of part of the Core Strategy (for Examination in February 2019) that will include housing policy that presently sets the target requirement and annualised need. The Council has a housing land supply of 4.79 years.

8.5 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

- H3/1A.33: Sit is allocated for housing.
- GP5: General planning considerations.
- N19: Development in conservation areas
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt or open countryside
- N29: Archaeology.
- BD5: Design considerations for new build.
- BC7: Use of traditional materials in conservation areas
- ARC5: Archaeology
- T7A: Cycle parking.
- LD1: Landscape schemes

Natural Resources and Waste Local Plan (NRWLP)

8.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g.

minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

- Policy General 1 – Sustainable Development;
- Policy Air 1 – Management of Air Quality Through Development;
- Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
- Policy Water 1 – Water Efficiency;
- Policy Water 2 – Protection of Water Quality;
- Policy Water 6 – Flood Risk Assessments;
- Policy Water 7 – Surface Water Run Off;
- Policy Land 1 – Contaminated Land;
- Policy Land 2 – Development and Trees.

Site Allocations Plan

- 8.7 The site is proposed as a housing allocation under site reference HG1-51, with an indicative capacity for 30 units.

Core Strategy Selective Review

- 8.8 Further to the SAP, the Core Strategy Select Review intends to give effect to a reduction in the housing requirement for Leeds through the amendment of Core Strategy Spatial Policy 6. The Council's Executive Board approved the Publication Draft of the CSSR on 7th February 2018. It was the subject of public consultation up until the end of March. In April the Council considered the consultation responses received and a draft plan has been submitted to the Planning Inspectorate with an Examination in Public expected to be in early 2019.

Supplementary Planning Guidance / Documents

- 8.9 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are most relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- Neighbourhoods for Living SPG and addendum
- Street Design Guide
- Parking Standards
- Travel Plans

Bramham Conservation Area Appraisal

- 8.10 The Conservation Area Appraisal and Management Plan (CAAMP) was approved as a material consideration in the determination of planning decisions on 19th April 2010. The CAAMP identifies the planning application site and specifically Bramham House, noting:

“Bramham House was built in 1806 by a local vicar, Robert Bownas. The property was sold to the City Council after the second world war and became a children's home. Although it is now vacant and in a poor state of repair, its grounds play an important role in the conservation area; stretching between Bowcliffe Road and Freely Lane, the mature trees and vegetation are an important part of the landscape of the village.”

8.11 The CAAMP identifies the site as an opportunity for enhancement, while a key short range view is identified along Freely Lane. Bramham House is also identified as a Positive Building within Character Area 3 with key characteristics is this particular area being the large open areas with mature tree planting; Bramham House is a high status dwelling set within a large plot; properties are constructed from course magnesian limestone, and properties have a simple appearance. The Management Plan also identifies opportunities for future management and enhancement, including:

- Sensitive new development in the conservation area
- Protect surviving historic architectural forms
- Protect archaeological remains
- Infill and backland development
- Development affecting the setting of the conservation area
- Tree management
- Appropriate boundary treatments
- Respect Bramham's public realm

Neighbourhood Planning

8.12 The emerging Bramham cum Oglethorpe Neighbourhood Development Plan (2017-2033) is currently in the process of being developed pre-submission draft) and is therefore not a made plan. It therefore carries very little weight in the determination of planning applications. Relevant policies include:

- CF1: Protect and enhance existing community facilities
- LR2: New sports and leisure facilities
- HOU1: Housing type and mix
- H3: Development in the Conservation Area
- H5: Key views
- Appendix 3: 31% of respondents fully support proposals for development at Bramham House.

National Planning Policy Framework (NPPF)

8.13 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 they may be given.

8.14 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.15 Paragraph 8 of the NPPF advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

8.16 Paragraph 11 advises Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date*, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

* This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the

Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- 8.17 Paragraph 12 advises the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 8.18 Paragraph 14 advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 8.19 Paragraph 47 advises planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 8.20 Paragraph 48 of the NPPF advises that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 8.21 Paragraph 49 goes on to advise in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-

making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.22 Paragraph 91 of the NPPF advises planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

8.23 Paragraph 109 of the NPPF advises development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.24 Paragraph 193 states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

8.25 Paragraph 194 states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

8.26 Paragraph 195 states:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

- 8.27 Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Planning Practice Guidance

- 8.28 In respect of planning obligations (including Section 106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

Conservation Area:

- 8.29 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

DCLG - Technical Housing Standards 2015:

- 8.30 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 considering incorporating the national space standard into the existing Leeds Standard via the local plan process (Draft Core Strategy Review Policy H9), but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

Planning and Development Brief - Bramham House

- 8.31 Over the years since the Council, in conjunction with the co-owners (the Ambulance Service) made the decision to dispose of the site, a number of development briefs were published to guide prospective developers who have expressed an interest in purchasing and developing the site. The latest version of the brief, is dated February 2015, and has been made available to the current prospective developer. The main points from the brief which seek to guide developers to an appropriate form of development can be summarised as follows:

- Residential development would be an acceptable use;
- Bramham House should be retained, refurbished and re-used;
- Development should preserve or enhance the character and appearance of the Bramham Conservation Area;
- A high quality design is necessary;
- Use of traditional materials;
- Retain important landscape features, including mature trees;
- A secondary access to the upper part of the site is appropriate as well as the retention of the existing access from Freely Lane;
- Affordable housing (35%) and Greenspace will be necessary; and
- Freely Lane will need to be widened at the developers expense.

8.32 It must be pointed out that as the Planning and Development Brief has not been the subject of public consultation, very limited weight can be attached to it in the assessment and determination of this planning application.

9.0 MAIN ISSUES:

Principle of Development
 Highways and Transportation
 Design & Heritage Matters
 Drainage and Flood Risk
 Trees & Ecology
 Impact on Living Conditions
 Land Contamination
 Other Matters
 Section 106 Obligations and CIL
 Consideration of Objections

10.0 APPRAISAL

Principle of Development

- 10.1 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. Therefore, the starting point for the assessment of this application is primarily the adopted Core Strategy and saved policies within the Unitary Development Plan (Review 2006). In this respect, the application site is allocated for housing under saved UDPR Policy H3/1A.33 with a target of 30 dwellings. This allocation is brought forward and recognised within the advanced Site Allocations Plan and therefore allocated under Policy HG1-51. Therefore, the principle of residential development on the Bramham House site is considered to be acceptable.
- 10.2 The application submission is a mixed development comprising residential development under Class C3 and a care home with associated close care cottages and apartments under Class C2 and C3(b). In total the proposal includes 10 four and five bedroom detached houses, a 60 bedroom care home, 8 close care three bedroom cottages and 6 close care one and 2 bedroom apartments. Therefore, the proposed development is not entirely traditional housing in the pure sense of the terminology as defined within Class C3. However, the mix of housing and care facilities are considered to be appropriate for this site for a number of reasons.

- 10.3 Firstly, it is recognised that out of the 33 Wards within Leeds, the Wetherby Ward to which the site is located, contains a population which demographically is the oldest in Leeds. It could therefore be concluded that there is an increased demand for this type of residential accommodation within the Ward of Wetherby, set against the backdrop of an ageing population nationally. This is evident in the past few years where the local planning authority has dealt with an increasing number of developments designed specifically for the elderly.
- 10.4 Secondly, the site is set within an existing village setting, and whilst Bramham has a limited range of services and facilities, it does have a post office and village shop, a medical centre, 2 public houses, a parish church, a village hall, a sports pavilion, a primary school, a senior citizen's centre, and a play area. There are also bus services, albeit limited, to Wetherby, Leeds and Harrogate. Having regard to factors including the size of the village, the range and type of facilities within Bramham, the very modest size and nature of the development, and the particular extent to which the Accessibility Standards are appropriately met, the proposed development is considered to be acceptable overall in policy T2 terms, in the specific circumstances of the development.
- 10.5 Finally, after several decades of neglect and dereliction and in the absence of any other appropriate form of development to safeguard a viable re-use of Bramham House, the current proposal would secure a number of benefits. One of these primarily being finding a viable new use for the site including more importantly the reclamation of the front façade of the heritage asset. The proposal therefore provides an opportunity for enhancement as set out within the Bramham Conservation Area Appraisal and Management Plan. Whilst the full retention and conversion of Bramham House would have been more desirable, due the passage of time and significant period of neglect, the building is beyond practical repair, as evidenced by the submitted structural survey and comments made by the Council's conservation officer.
- 10.6 Even if the site was not allocated for housing in the development plan, then guidance within the NPPF would be relevant. The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 10.7 The Council does not currently have a five year land supply but will soon have one upon adoption of the revised Submission SAP. The Council's current supply is 4.79 years. The site is already allocated for housing in the development plan. The lack of a 5 year supply is far from being a determinative factor but is one that supports the approval of the development, applying the balance under paragraph 11(d) of the NPPF.
- 10.8 That said, the site is an allocated site in the development plan. The site comprises Bramham House, a substantial property built in the early nineteenth century and also include a substantial ambulance depot, which has since been demolished, with a large area of hardstanding that now remains. As such, the site could be regarded as been previously developed land.

- 10.9 In light of the fact that the site is allocated for housing in the UDPR and advanced SAP, and in combination with other matters including the scale and form of the development, it is considered to represent a sustainable development and would therefore comply with the overarching aim of the NPPF. The proposed uses are considered to be in conformity with the site allocation and together with other material planning benefits that the proposal will deliver, is considered to be a sustainable form of development and acceptable in principle.

Highways and Transportation

- 10.10 The planning application has been submitted in full given its location within the Conservation Area and the need for a full package of information to make a proper assessment. The submitted plans show that a new vehicular access will be created on Freely Lane, to the south of the existing access point. An additional vehicular access point is considered necessary to serve the upper section of the site and will serve 10 detached market houses and will be laid out and constructed to adoptable standards, save for the end section which will serve 4 of the houses in the form of a private drive. A turning facility for refuse and delivery vehicles will be formed approximately at a third of its length from Freely Lane. Each of the detached houses will have either integral or attached garages plus two off-street car parking spaces on each driveway.
- 10.11 The existing vehicular access point from Freely Lane which leads down towards the lower section of the site will be re-used and will serve the 60 bedroom care home and 14 close care cottages and apartments. Each of the cottages will have its own car parking area while the apartments will have the use of parking bays located sensitively nearby. The care home would be served by a number of parking bays in a large forecourt area located to the front of the proposed care home. A turning facility will also be provided towards the end of the access, which would enable service and refuse vehicles to turn and leave the site in forward gear. The existing walls either side of the access will need to be removed and relocated to accommodate the necessary visibility splays.
- 10.12 The original access point to Bramham House on Bowcliffe Road has not been in use for many years, and owing to the site topography is not considered suitable for vehicular traffic given the steep gradient and the likely tree loss which would be required to re-construct and appropriate engineered road into the site. However, proposals include improvements to make this a suitable pedestrian route to and from Bowcliffe Road and as an alternative to using the steep Almshouse Hill into the village centre.
- 10.13 The application is accompanied by a Transport Statement (TS), the scope of which was agreed with Highways Officers at the pre-application stage. The TS seeks to inform on and assess the key highways related implications of the proposed development and is a less detailed report than a Transport Assessment which is generally required for larger scale developments. The TS describes the site and the local highway network, describes and considers the accessibility to the site, discussed the development proposals and assesses the likely trip generation and resultant impact on the local highway network, as well as any highways works that are necessary to facilitate and mitigate the impact of the development. Further information has been submitted by the applicant following discussions and negotiations with the Council's Highways Officer which has mainly been in response to technical matters over the access points, car parking areas and the Freely Lane road widening. Indeed, the proposed widening of Freely Lane, which will include land secured for such an eventuality, will enable two way passing of

vehicles which is currently not possible along parts of its length. This is considered a necessary part of the development given the increase in vehicular trips that will be likely, including those associated with the 10 market houses, as well as staff, visitors and deliveries/collections to the care facility. This is also a requirement of the Planning and Development Brief, although this does carry little weight in the decision making process for the reasons previously set out.

- 10.14 The NPPF, at paragraph 109, advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.
- 10.15 Following consideration of the submitted TS and additional information, it is considered that the proposed site access points are acceptable to serve the proposed development. It is also considered that the impact on the local highway network would not be severe. The number of car parking spaces are also considered to be acceptable, while a scheme for electric vehicle charging points would be required and this would be secure through a planning condition.
- 10.16 Furthermore, a number of off-site highway works would be required as part of the development, including the widening of Freely Lane and junction works, and these would be secured through a planning condition requiring a s278 Agreement. At the time of writing this report, the submitted Freely Lane road widening drawing does not fully accord with the Council's drawing included within the Planning and Development Brief. Therefore, it is anticipated that a revised plan will be submitted before the Panel meeting, and in any event could be secured through the imposition of a Grampian condition. It would also be desirable to achieve such road widening before any construction commences on site given that there is only one vehicular route into the site.
- 10.17 With regard to the site's accessibility, it is noted that the site does not fully meet all of the Core Strategy Accessibility Standards. Below is the Accessibility Standards table derived from Policy T2 and Appendix 3 of the Core Strategy and an indication of whether the proposed development meets these standards:

	Accessibility Standard	Site	Meets Standard
To Local Services	Within 15 min (1200m) walk	Some local services are available in Bramham Village, including a post office and general store, church, medical centre, and 2 public houses.	Yes
To Employment	Within 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Bus stops are located within Bramham village within a 400m walk, although the buses do not offer a 15 min frequency.	No
To Health Centre	Within 20 min (1600m) walk or a 5 min walk to a bus stop offering a direct service at a 15 min frequency	There is a Medical Centre within a 500m walking distance from the centre of the site, although this is down the steep Almhouse	Yes

		Hill. The improved footway to Bowcliffe Road would reduce the walking distance to 400m.	
To Primary School	Within 20 min (1600) walk or a 5 min (400m) walk to a bus stop offering a direct service at a 15 min frequency	Closest primary school is Bramham Primary School on Clifford Road at 1120m walking distance from the centre of the site.	Yes
To Secondary School	Within 30 min (2400m) direct walk or 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Closest secondary school is Boston Spa High School, beyond the 2400m walking distance	No
To Town / City Centres – defined as Leeds, Bradford and Wakefield	Within a 5 min (400m) walk to a bus stop offering a direct 15 min frequency service	Closest bus stops located in centre of village are within 400m walk but do not offer a 15 min frequency.	No

- 10.18 It can be seen from the table above that the development satisfies the standards in terms accessibility to local services, a health centre and a primary school. The development consequently fails the standards with regards to accessibility to employment facilities, a secondary school and to a town / city centre.
- 10.19 The site clearly does not meet all the Accessibility Standards set out within CS Policy T2. However, as previously stated, the standards should not be read in isolation and should be taken into consideration in the wider planning balance, having regard to other material planning considerations such as the designation of the site, the delivery of housing, including affordable housing, as well as an opportunity to enhance the site as set out within the CAAMP. In this regard, the proposal would deliver 14 close care affordable homes and lead to the part retention of a heritage asset.
- 10.20 Policy T2 of the Core Strategy sets out the accessibility requirements with regard to new development. Appendix 3 of the Core Strategy contains the specific Accessibility Standards to be used across Leeds (see para. 2.3 below). However, the failure of development to meet these standards in full does not necessarily mean that there arises a conflict with policy T2 in overall terms. In the specific circumstances of development and in some instances (as indeed is considered to be the case here) policy T2 may be considered to be satisfied in overall terms, albeit some accessibility requirements are not fully met.
- 10.21 Furthermore, it is also worth noting that the site is located within a built-up context, with housing located to the east, west and north, and is set within the village envelope. Therefore, given the scale of the proposed development and the above factors, it is considered that the proposal is, on balance, acceptable from an accessibility perspective.
- 10.22 Whilst the Parish Council have noted the impact on Freely Lane and the additional traffic that would be generated by the development, officers do not consider that it is necessary to provide additional car parking to the pavilion, as the Parish Council suggests. It is not the role of a developer to solve what may be an existing parking problem on a different site, but to merely cater for the needs of its own development and to mitigate any potential impact. That said, the application

includes the widening Freely Lane and this will help with the two way passing of vehicles and the free flow of traffic overall. It is also worth noting that the pavilion was recently granted planning permission to extend its existing car park with the introduction of a grasscrete type surface.

Design & Heritage Matters

- 10.23 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; 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. Paragraph 130 states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,

- 10.24 Policy P10 of the Leeds Core Strategy (LCS) deals with design and states that new development for buildings and spaces, and alterations to existing, 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.
- 10.25 As the site is within a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the guidance on development within consideration areas is set out within paragraphs 193-196 of the NPPF. Core Strategy policy P11 and saved UDP policy N19 reflect this special duty and seek to ensure that development is appropriate to its context and preserves the city’s heritage assets.
- 10.26 The Bramham Conservation Area Appraisal and Management Plan (CAAMP) identifies the application site as an opportunity for enhancement. Bramham House is also identified as a Positive Building within Character Area 3 with key characteristics is this particular area being the large open areas with mature tree planting; Bramham House is a high status dwelling set within a large plot; properties are constructed from course magnesian limestone, and properties have a simple appearance. The Management Plan also identifies opportunities for future management and enhancement.
- 10.27 Although not formally adopted for development management purposes for the assessment of planning applications, the Bramham House Planning and Development Brief can be used to generally assess whether development proposals accord with the development principles contained within this document.

- 10.28 Owing to the challenging topography, the development proposals of the site have been split into elements, with the upper section of the site close to Freely Lane being proposed for 10 detached market houses, with the lower section of the site being proposed for a care home with associated close care dwellings. One of the major aspirations for the development of the site has been the retention and conversion of Bramham House, and this has always been the starting point for any proposed development on this site. However, it is important to point out that Bramham House and the associated grounds have been vacant and neglected for a number of years, possibly up to circa. 30 years. Consequently, Bramham House has suffered severe effects with it now being rendered completely unsafe to enter the building. Indeed, much of the roof has now collapsed has not been wind and water tight for many years. This has therefore significantly affected its structural stability and potential for conversion.
- 10.29 The application is accompanied by a structural survey which reveals that the building is severely dilapidated and has suffered from the ingress of water over a period of many years. In its current condition it poses a health and safety risk and will continue to deteriorate further. There are no reasons to dispute and depart from the information that has been provided. It may even be concluded that the state of the building and the costs associated with any conversion scheme which have been financially prohibitive to the point that conversion has been unviable may have prevented the site from being developed in the past. The applicant has also submitted information on a confidential basis to demonstrate that the conversion of the building is unviable. The information provided concludes that it would cost a further £1,050,000 to convert the building to an appropriate conservation led standard. To retain Bramham House and deliver it to a conservation/heritage standard in order to maintain viability the total land price would need to reduce by circa £1,178,000 (i.e. the lower section would be at a negative value). This therefore concludes that the conversion of Bramham House would not be a viable option, and is perhaps one of the reasons why the site has not yet been developed.
- 10.30 Notwithstanding the identified structural problems, the applicant has identified that it is possible to retain the front façade of Bramham House. This would be retained with a new construction of steel frame with concrete floors, concrete stairs, and new roof introduced to enable its conversion. This is considered to be pragmatic way forward in seeking to preserve some element of the heritage asset and this approach is supported by the Conservation Officer. The rebuilding of Bramham House will take the form of a traditional design with the use of traditional window detailing and materials. The new build element behind the front façade would rise the three storeys, in scale with the original, and will comprise an entrance foyer, kitchen and staff facilities, the main lounge / dining area and a number of bedrooms, all with en-suite bathrooms. The two upper floors will comprise additional bedrooms.
- 10.31 A more modern, contemporary three storey extension is proposed to the side of the front elevation, on a similar footprint to the former ambulance depot which has since been demolished. The rear elevation faces the existing retaining wall and embankments between the main plateaus of the site. The extension is therefore single aspect to the lower floors, and will be constructed from ashlar stone with a metal clad upper floor which is slightly recessed back. The modern extension will be set at a lower level to the rebuilt Bramham House.
- 10.32 In accordance with the Framework the local planning authority must consider the impact of a development upon the significance of a designated heritage asset, and where harm is identified a clear and convincing justification is required. Where

development will lead to less than substantial harm this harm must be weighed against the public benefit of the proposal. In terms of the impact of the loss of the substantial part of Bramham House and the proposed extensions, it is considered that the harm that is caused to the setting of the conservation area and this positive building is clearly less than significant, however there is a clear and convincing justification for the development, including a number public benefits that will arise. This include the retention of the front façade and its rebuilding using similar proportions, architectural details and reclaimed stone. The scheme will also provide a long term viable use for the site as a whole which will contribute to the character and appearance of the conservation area.

- 10.33 Looking at other elements of the proposed development, the ten detached market houses and considered to be sympathetic to the character and appearance of the area. Their scale, siting, design, including the use of chimneys, and materials ensures that they are in keeping with the character of this part of the village. In terms of other the close care dwellings, following negotiations, these have been amended to have more of an appearance akin to cottages and will be back into the site, so as not to be too prominent. The apartment block by contrast has been designed in a more contemporary theme, at the request of planning and conservation officers, to reflect the approach taken to the more modern front extension to the care home. Such an approach is considered to be acceptable.
- 10.34 Whilst the development will result in the loss of a significant amount of trees, those which form the landscape buffer to the west, adjacent to Bowcliffe Road, will be retained, together with a significant number of other trees including a number along Freely Lane, the rear of plots 1-6 as well as a number towards the centre of the site. The development will also be supplemented by additional tree planted which will seek to enhance the landscape quality of the site and add younger trees to the mix of older trees overall. Whilst Policy G4 requires Greenspace to be provided as part of any residential development, it is considered that any such provision on site would result in further tree removal. Furthermore, given the close proximity of the site to the existing greenspace and children's play are directly opposite the site on Freely Lane it is considered that further provision on site is not essential. Instead, a commuted sum is sought which would be directed towards existing Greenspace facilities within the village and this would be secured through a planning obligation as part of the Section 106 Agreement. At the time of writing this report, the applicant has not confirmed acceptance of the figure quoted at the head of this report.
- 10.35 In summary, the proposed design approach will seek to make the site an attractive and well integrated development. It will seek to preserve and enhance the character and appearance of the conservation and is done in such a way that it reflects the guidance within the CAAMP. Whilst the retention and conversion of Bramham House is not successfully achieved through this proposal, it is considered that sufficient evidence has been provided to demonstrate that a façade retention system is the most appropriate solution for ensuring that an important part of the heritage asset is retained, and will be the focal point of the development.
- Drainage and Flood Risk
- 10.36 Core Strategy Policy EN5 relates specifically to flood risk and states that the Council will manage and mitigate flood risk by utilising a number of measures. With relevance to the residential developments these include:

- Avoiding development in flood risk areas, where possible, by applying the sequential approach and mitigation measures outlined in the NPPF;

- Protecting areas of functional floodplain from development;
- Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigation where appropriate;
- Reducing the speed and volume of surface water run-off as part of new build developments;
- Making space for flood water in high flood risk areas;
- Reducing the residual risks within Areas of Rapid Inundation.

- 10.37 In terms of the Natural Resources and Waste Local Plan, Policy WATER 3 requires that development is not permitted on the functional floodplain, while Policy WATER 4 states that all developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site. Within Zones 2 and 3a proposals must pass the sequential test, make space within the site for storage of flood water and not create an increase in flood risk elsewhere. Policy WATER 6 provides technical guidance on what flood risk assessments need to demonstrate in order for the LPA to support new development. Finally, Policy WATER 7 relates to surface water run-off which seeks to ensure that there is not increase in the rate of surface water run-off to the exiting drainage system with new developments. New Development is also expected to incorporate sustainable drainage techniques wherever possible.
- 10.38 The planning application is supported by a Flood Risk Assessment and Drainage Review. The site is indicated to fall within Flood Zone 1 which comprises land assessed as having less than a 1:1000 annual probability of river or sea flooding. In accordance with the National Planning Policy Framework (NPPF) Table 1, all uses of land are appropriate in Flood Zone 1. A Flood Risk Assessment (FRA) is required for all sites in excess of 1 hectare within Zone 1 and all sites within Zones 2 and 3.
- 10.39 A watercourse is present adjacent the western boundary, known as Bramham Beck. Public sewer records obtained from Yorkshire Water indicate combined and surface water public sewers exist within Almhouse Hill Lane, to the north of the site and a further combined public sewer in Bowcliffe Road to the west of the site. A CCTV survey has been undertaken which identifies the site is positively drained via an on-site combined system which exits the site through the western boundary, which one would assume connects to the existing combined sewer in Bowcliffe Road.
- 10.40 The applicant has indicated that the initial drainage strategy would be to discharge surface water via infiltration techniques. BGS data indicates a part of the site may be compatible for infiltration drainage, this will be subject to on site soakaway tests being undertaken to confirm viability. Should infiltration methods not be deemed feasible following soakaway tests, the second consideration should be to discharge surface water to Bramham Beck located east of the site which is not considered a viable option due to constraints of accessing and crossing third party land. It is therefore proposed to discharge surface water to the existing site drainage network within the site which ultimately discharges to the combined public sewer located in Bowcliffe Road, surface water discharge to the public sewer will be restricted to the level of run-off to that from the existing use of the site less a 50% reduction in the existing discharge.
- 10.41 In order to assess the existing discharge from the site, details of the existing drainage layout together with pipe sizes, gradients and connection points as well

as a plan showing the measured impermeable areas of the existing site should be undertaken or alternatively discharge surface water at the calculated greenfield run-off rate. On-site surface water attenuation will be required due to the restricted discharge rate.

- 10.42 Therefore, the site is located outside of a flood risk area, and has no history of being been known to flood. No objections have been received from the statutory consultees, subject to the use of conditions requiring a drainage scheme to be agreed.
- 10.43 Subject to the use of conditions, it is considered that the development can be adequately drained, and the site itself is not at undue risk of flooding nor would unduly increase the risk of flooding elsewhere and is therefore policy compliant in these regards.

Trees and Ecology

- 10.44 Policy P12 of the Core Strategy and saved UDP policy LD1 seek to ensure that the quality and character of Leeds' landscapes are retained. Policy LAND 2 of the Natural Resources and Waste Local Plan (NRWLP) seeks to conserve trees wherever possible and also introduce new tree planting as part of creating high quality environments. Character Area 3 within the CAAMP lists ways to retain the character of the area and includes the retention of mature tree cover. The CAAMP also notes that mature trees which make a positive contribution to the character of the conservation area should be retained whenever possible, and that opportunities should be taken to plant young trees to ensure continued existence of tree cover in the future. The Planning and Development Brief requires that any applicant commissions a tree survey and report on the condition and merits of existing trees, and that healthy and visually significant trees, tree groups and woodland should be retained as part of any development proposals.
- 10.45 The application is supported by a Tree Survey. Arboricultural Report, an Arboricultural Impact Assessment and an Arboricultural Method Statement. The tree survey revealed a total of 139 items of vegetation (93 individual trees, 43 groups of trees, 1 hedge and 2 woodlands). Of these, 7 trees and 2 woodlands were identified as retention category 'A', 58 trees and 14 groups were identified as retention category 'B', 18 trees, 26 groups and 1 hedge were identified as retention category 'C' and 10 trees and 3 groups were identified as category 'U'.
- 10.46 Due to the densely wooded nature of the majority of the site it is clear that there is little scope for development without the removal of trees. The approach taken seeks to retain the highest quality areas of tree cover wherever possible and this to some extent has dictated the site layout. As a result no category 'A' trees/groups will be removed in order to accommodate the proposals. However, a number of B and C category trees are proposed for removal to accommodate the development, although some are required for removal due to defects and problems with their health due to decades of lack of management. Most notable areas of tree loss are towards the northern section of the site to accommodate the proposed care houses. However, these are located primarily away from the Freely Lane and Bowcliffe Road frontages. Indeed, the layout enables the woodland planting to be retained along the western side of the site abutting Bowcliffe Road and some most of the trees along the Freely Lane frontage to the north of the existing access point.
- 10.47 Some tree removal will also take place along Freely Lane to facilitate the additional vehicular access into the upper portion of the site to serve the 10 detached houses

as well as plots 1 and 10, either side of the entrance. However, the row of mature Sycamore and Ash, Horse Chestnut and Turkey Oak trees to the rear of plots 1-6 will be retained with a stepped barrier in place to provide added protection. Trees and vegetation to the south of the rebuilt Bramham House would also be retained as would many large mature trees within the centre of the site, including its mix of Beech and Sycamore trees.

- 10.48 From the consultations section above, it is clear that the Council's Landscape Officer has concerns over the extent of tree loss as a result of the proposed development. However, in order to bring forward a viable development proposal for this site, it is considered that some tree loss, while unfortunate, is inevitable. The layout therefore seeks to retain important trees, groups and trees and woodland areas around the edge of the site, and important trees within the centre. It is considered that the level of tree removal, given the overall merits of the case, can be accepted. Policy LAND 2 of the NRWLP advises that where removal of trees is agreed in order to facilitate development, suitable replacement tree planting should be provided on a minimum three for one basis. Such planting would normally be expected to be on site. Where in certain circumstances on-site planting cannot be achieved, off-site planting will be sought, or where the lack of suitable opportunity for this exists, an agreed financial contribution will be required for tree planting elsewhere. In this instance, given the existing level of tree cover retained and footprint of new development proposed, it would not be possible to achieve a three for one replacement tree planting on site. However, it is considered that a contribution towards off-site planting is appropriate which could be utilised to plant new trees at suitable locations within the village. At the time of writing this report, the applicant has not agreed or disagreed with this approach, and therefore may be included as one of the planning obligations. This would not preclude additional planting within the site though as part of any comprehensive landscaping scheme which would be secured and delivered through a planning condition.
- 10.49 In summary therefore, the level of tree removal can be considered to be acceptable given the above factors, and therefore compliant with CS Policy P12, Policy LAND 2 of the NRWLP and guidance within the CAAMP.
- 10.50 In terms of ecology, Policy G8 states that development will not be permitted which would seriously harm any sites designated of national, regional or local importance or which would cause any harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan Priority species and habitats. Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Wildlife Habitat Network. The majority of the application site is not the subject of any planning policy designation for its nature conservation interest, save for part of the woodland along the western edge of the site which is designated as a Leeds Wildlife Habitat Network. The site of the proposed development was previously occupied by buildings and has become overgrown due to general neglect over the past two decades.
- 10.51 The application is accompanied by a bat survey and a Preliminary Ecological Appraisal. This was subsequently supplemented with an Ecological Impact Assessment and a Preliminary Woodland Management Plan. The bat survey concludes that bat roosts exist within the roof structure of Bramham House while the woodland area and trees support the foraging for bats in the area and therefore mitigation will be required. This includes proposals for new bat boxes to be located

within retained trees and/or within new buildings. These would be secured through a planning condition. A bat license would also be required.

- 10.52 The ecology survey also identifies the lack of any other protected species on site, but does recommended the provision of bird boxes in addition to bat boxes. The presence and retention of the woodland area to the west of the site which is within the Leeds Wildlife Habitat Network is an important element which will be retained as part of the proposals.
- 10.53 Concerns are raised by the Council's Nature Conservation Officer over the impact of the development on ecology and specifically the amount of woodland that is considered to be lost. Some of these concerns relate to how the tree loss is calculated and the Nature Conservation Officer advises that the woodland area that is proposed to be retained to the rear of plots 1-6 should not be included within the calculation as it would not be classed as a functional woodland. However, these trees are clearly retained as part of the development and would be the subject of qualified arboricultural woodland management under the suggest planning conditions. Access to this area is achievable and in any event residents would not be permitted to remove these trees without permission. Indeed, the layout has been amended to provide sufficient distances from the rear of the houses on plots 1-6 to these important trees.
- 10.54 In conclusion, whilst it is recognised that there is a reasonable level of tree loss as part of the proposals and consequential loss of habitat, the impact is considered not be so significant as to warrant withholding planning permission. Moreover, the Leeds Wildlife Habitat Network would be retained along the western boundary, with some element of tree removal to facilitate some development taking place. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 15 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.

Impact on Living Conditions

- 10.55 Based upon the submitted plans, it is considered that an appropriate development on this site could be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance and loss of sunlight and daylight. The residents who could be potentially most effected would be those located on and adjacent to Freely Lane and Almhouse Hill. The proposed close care cottages, and in particular those on plots 15-18 have the potential to impact on the living conditions of Beech Court and Iona on Almhouse Hill located to the north of the site. The proposed cottages are semi-detached and feature lounges with dining areas on the ground floor and windows which serve bedrooms on the upper floor. There is also a bedroom within the roofspace of each of the cottages, served by rooflights to the front and rear. The proposed cottages meet the minimum distances within Neighbourhoods for Living, with plots 15 and 16 being 11m from the rear boundary and plots 17 and 18 10.5m from the rear boundary with Beech Court. It is also noted that Beech Court is set a slightly oblique angle to the boundary, thereby further mitigating any potential impact. While the proposal will inevitably leads to substantial trees loss in this location to accommodate the close care affordable cottages, the dwellings would be positioned so that they do not result in significant impacts on the living conditions of neighbours in terms of dominance, overlooking and loss of light.

- 10.56 The two dwellings towards the south west fronting Freely Lane known as The Gables and Beech House are located a significant distance from the new detached dwellings and would be screened and separated by the large mature trees that would be retained as part of the scheme. The newer properties within Fossards Close and Freely Fields have the potential to be affected. However, both no. 1 Fossards Close and No. 1 Freely Fields are set at right angles to the road with their gable ends orientated towards the development site and therefore the impact on these properties would be limited. Headley House (opposite nos. 1 and 2 Fossards Close) faces the development site, although no new houses are proposed opposite this within the site. Instead, Headley House faces the access road and is set at a slightly oblique angle. While the use of the access point will be intensified, the limited number of vehicles visiting the care home, including staff and deliveries, as well as the close care cottages, is not considered to be significant to the extent that it would adversely affect the living conditions of residents.
- 10.57 Other properties on Bowcliffe Road and on Freely Lane (The Gables and Beech House) are a significant distance away from the new dwellings and separated by dense woodland and vegetation. Therefore, the impact on those properties will be extremely limited.
- 10.58 In terms of the amenity to be afforded to potential future residents of the development, based upon the submitted details, it is considered that a well-designed layout in the manner shown would give new residents a pleasant and attractive living environment. All of the proposed market dwellings and close care cottages comply with the National prescribed Minimum Standards. Each detached house and cottage have private garden areas which would be of the required size. Whilst the close care apartments do not have their own dedicated space per say, there are numerous incidental landscaped spaces on the site which would be of benefit to those residents. Both residents of the cottages and apartments would have the ability to use the facilities within the nursing home and would draw upon the staff from the nursing home to cater for any additional needs that will be required.
- 10.59 In terms of the care home itself, each of the 60 bedrooms would have their own en-suite bathroom, while residents would have the amenity of the lounge and dining area, with all meals provided within the building. There would also be a landscaped south facing communal garden located to the rear of the nursing home which would provide a peaceful and tranquil place for residents to enjoy. Therefore, all residents would benefit from a satisfactory standard of amenity.
- 10.60 Some of the objections raised by neighbours relate to the impact on the amenity of future residents from the nearby A1(M) motorway in terms of noise impacts. In this respect the applicant has submitted a Noise Impact Assessment and officers within the Environmental Studies Team have been consulted. It is advised that the submitted information is accepted and that the mitigation measures put forward in the report should be fully implemented. These include measures relating to window specifications and the ventilation strategy. Also details of acoustic fencing would also be required, all of which can be secured through planning conditions. It is also worth noting that a recent development for 14 houses has been granted which is now built out and occupied. This is located on the former wood yard site on Bowcliffe Road and is much nearer to the motorway than the Bramham House site.

Land Contamination

10.61 The Council's contaminated land team recommends Phase II site investigation be carried out, together with any necessary remediation statements, in recognition of the sites former uses. The applicant has responded to this point to confirm that they accept the need for the use of Grampian conditions in this regard in view of the more sensitive residential end use proposed. It is not considered that contamination would preclude the grant of planning permission on this previously developed site and it is therefore policy compliant in this regard, subject to the use of conditions.

Other Matters

10.62 It is also worth noting other factors to take into consideration in the planning balance. In this respect, the proposed development, and specifically the care home and close care cottages may result in employment generation, and will have the potential to create jobs for local people. These could be nursing staff, kitchen staff and ancillary services. These jobs could be delivered through the applicant's best endeavours through a planning obligation. The development would also result in economic benefits

Section 106 Obligations and CIL

10.63 The heads of terms for the S106 agreement would be as follows:

- Affordable Housing (14 close care units);
- Off-site Greenspace contribution of £126,519.
- Residential Travel Plan fund £4,950 (£495 per dwelling); and
- Local Employment Initiatives.

10.64 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

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

10.65 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Affordable Housing Units: Taking all material planning considerations into account and having regard to Core Strategy Policy H5, the proposed 14 close care units to be occupied by the over 55's are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

- Off-site Greenspace contribution of £126,519. A scheme for the provision, management and maintenance of the Greenspace is required to ensure that the associated land is made available for all residents in accordance with Core Strategy Policy G4.
- A contribution towards a Sustainable Travel Fund is required to reduce the reliance on the use of the private car and to encourage other sustainable forms of transport, such as use of buses, walking and cycling in accordance with the guidance within the NPPF and policies within the development plan.
- Local Employment Initiatives are considered to be necessary in order to make best endeavours to employment local people within the construction of development and longer term within the care home in order to reduce car journeys and to promote jobs for local people in the interests of sustainability.

10.66 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre for Class C3 residential institutions and £5 per square metre for the care home element with Class C2 (plus the yearly BCIS index). As the close care units would be affordable, they would benefit from a CIL exemption. This information is not material to the decision and is provided for Member's information only.

Consideration of Objections

- 10.67 The issues raised by the objections received have been considered within the relevant sections of the report. Comments raised by one resident, noting that the Council being part landowner and that as negotiations over the sale of site has taken place, that this may have predetermined the content of the scheme and prejudiced the proper assessment of material considerations are unfounded. Indeed, the local planning authority has had no involvement in the procurement process or land sale and has solely assessed the planning application on its individual planning merits, having regard to the development plan and other material planning considerations only.
- 10.68 Concerns relating to the widening of Freely Lane and its harm to the character of the lane are noted. However, the proposed road widening scheme is clearly set out within the Planning and Development Brief and will provide much needed benefits, including improvements to pedestrian safety. The visual impact can be mitigated by further planting.
- 10.69 Comments relating to the lack of information to demonstrate a need for the elderly care facility are noted. However, this particular proposal has been assessed on its individual merits and the principle of a care facility on this site, in conjunction with other dwellings is considered to be appropriate and having regard to a wide range of factors in the overall planning balance.

11.0 CONCLUSION:

11.1 Applying paragraph 11(d) of the NPPF the proposed development is considered to be sustainable, having regard to its nature and scale, site specific factors and other material planning considerations such as the delivery of benefits, primarily being the delivery of a care facility and the retention (in part) of a designated heritage asset. It is also the fact that the site is a UDPR housing allocation, as well as a proposed allocation under the advanced SAP.

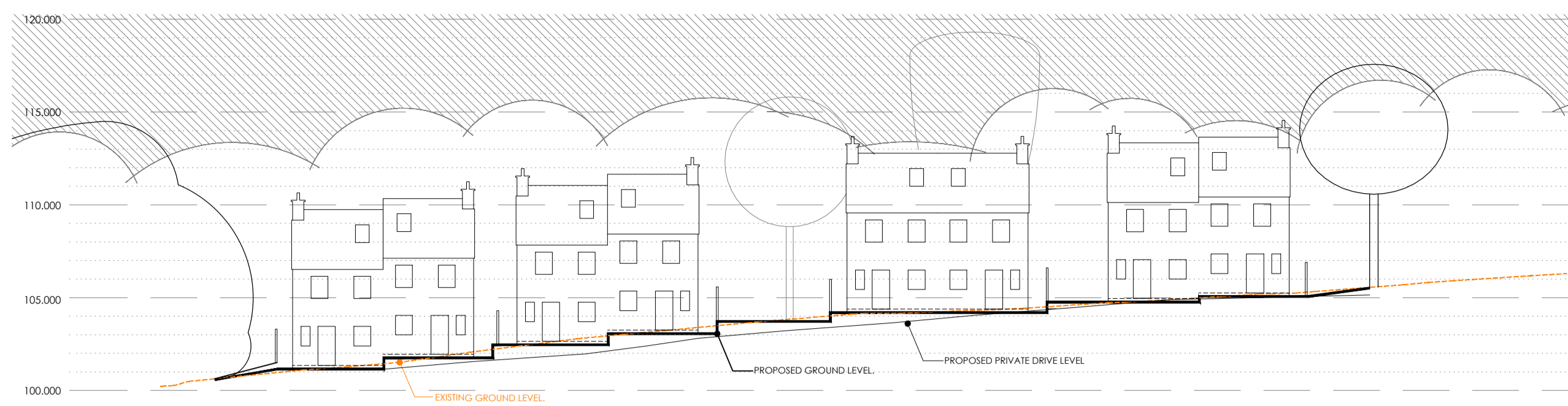
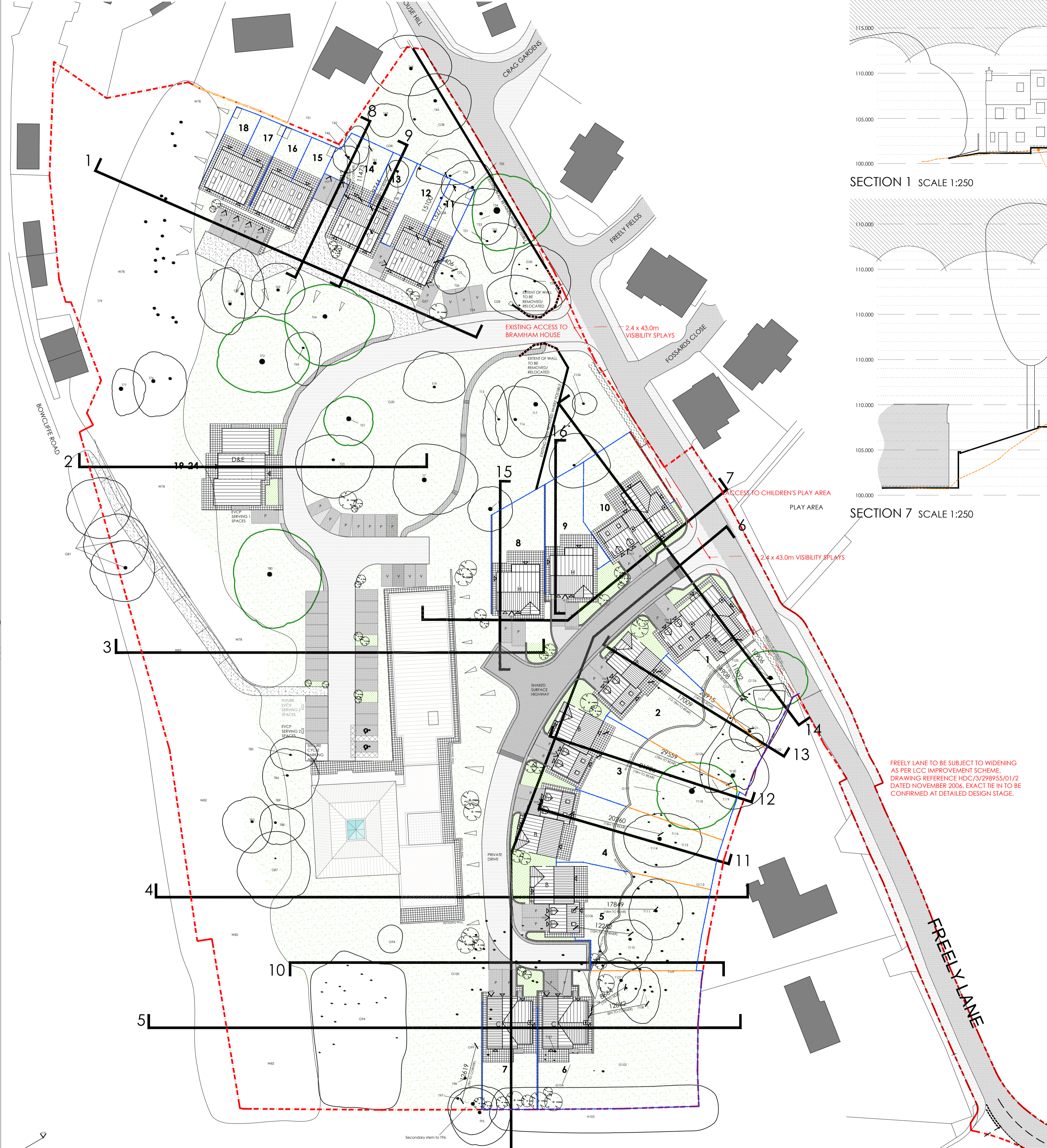
- 11.2 The site is allocated for housing in the development plan and therefore the proposal accords with this allocation. The scheme would result in the partial re-use / retention of a heritage asset and would secure a viable long term use of the site which has remained derelict for a significant number of years. Indeed, the absence of any alternative and appropriate form of redevelopment may well result in the complete deterioration of the front façade of Bramham House and it is therefore critical that the site is developed sooner rather than later.
- 11.3 The development is compliant with relevant policies of the development plan, as well as with national policy and the emerging neighbourhood plan. It is considered to represent a sustainable form of development. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The application is recommended for approval.

Background Papers:

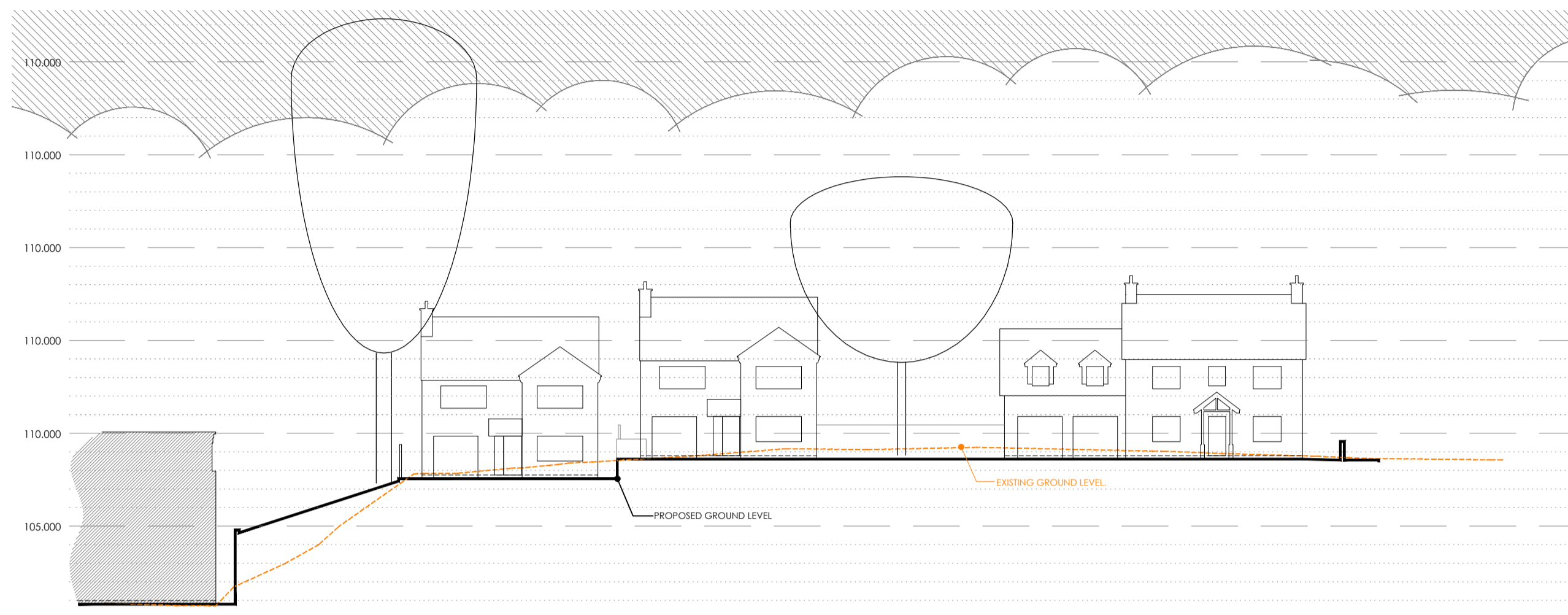
Application file 18/01609/FU

Certificate of Ownership: Certificate B signed

BRAMHAM HOUSE, BRAMHAM



SECTION 1 SCALE 1:250



SECTION 7 SCALE 1:250

GENERAL KEY

- ▲ PEDESTRAIN & VEHICULAR ENTRANCES/S
- ⌋ GATE
- ➔ SIDE WINDOW TO HABITABLE ROOMS (LOUNGE, DINING, KITCHEN, BEDROOM, ETC.)
- ➔ VEHICLE CHARGING POINTS
- BOUNDARY
- EXISTING SEWERS & EASEMENTS
- RETAINING WALLS
- EXISTING BUILDINGS
- ⊙ PROPOSED TREES TO INCLUDE SPECIES SUCH AS SILVER BIRCH, MOUNTAIN ASH & NATIVE CHERRY - REFERENCE LANDSCAPE ARCHITECTS DRAWINGS FOR SPEC'S.
- ⊙ EXISTING TREES / SHRUBS / HEDGES TO BE REMOVED - REFERENCE ARBORICULTURALISTS DRAWINGS.
- ⊙ EXISTING TREES / SHRUBS / HEDGES TO BE RETAINED - REFERENCE ARBORICULTURALISTS DRAWINGS.
- ⊙ ROOT PROTECTION ZONES - REFERENCE ARBORICULTURALISTS DRAWINGS.

BOUNDARY TREATMENTS

- 1000mm HIGH STONE WALL
- 1800mm HIGH STONE WALL WITH TIMBER PANEL INFILLS
- 1800mm HIGH TIMBER CLOSE BOARDED FENCE ON RETAINING WALL
- 1800mm HIGH TIMBER CLOSE BOARDED FENCE
- 1000mm HIGH POST & RAIL FENCE
- 2000mm HIGH ACOUSTIC TIMBER FENCE

GROUND TREATMENTS

- TARMAC TO ESTATE ROADS, PAVEMENTS / FOOTPATH, PRIVATE DRIVES AND DRIVE - UNLESS OTHERWISE STATED
- BRINDLE SETTS TO MEWS COURTS / ACCESSWAYS AND DRIVES - UNLESS OTHERWISE STATED
- TURFED AREAS - ALL REAR GARDENS TO BE TURF
- PAVING SLABS TO PATHS & PATIOS
- WOODCHIP FOOTPATH
- LOW LEVEL SHRUBS TO INCLUDE SPECIES SUCH AS BOX, COTONEASTER, EUONYMUS, BERBERIS & MAHONIA, INTERSPERSED WITH LARGER SHRUB PLANTING TO INCLUDE SPECIES SUCH AS HAWTHORN, BLACKTHORN, CHERRY, CORNUS & ELDER REFERENCE LANDSCAPE ARCHITECTS DRAWINGS FOR SPEC'S.

SERVICES

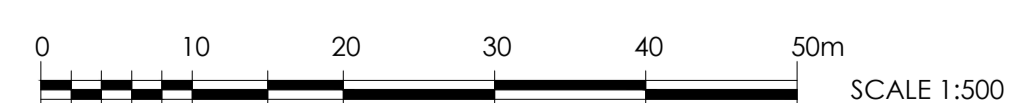
- FOUL DRAINAGE
- SURFACE WATER
- TELECOMS
- ELECTRICITY
- WATER
- GAS / LPG

HOUSE TYPES KEY

- HOUSE TYPE A - 5 BED, 2 STOREY DETACHED HOUSE WITH INTEGRAL GARAGE @ 193.7m² / 2085ft²
- HOUSE TYPE B - 4 BED, 2 STOREY DETACHED HOUSE WITH INTEGRAL GARAGE @ 164.8m² / 1774ft²
- HOUSE TYPE C - 4 BED, 2 STOREY + ROOM IN ROOF SPLIT LEVEL DETACHED HOUSE WITH INTEGRAL GARAGE @ 200m² / 2153ft²
- HOUSE TYPE D - 1 BED APARTMENT @ 46.7m² / 503ft²
- HOUSE TYPE E - 2 BED APARTMENT @ 65.8m² / 708ft²
- HOUSE TYPE E2 - 2 BED APARTMENT @ 69.4m² / 747ft²
- HOUSE TYPE H - 4 BED, 2 STOREY DETACHED HOUSE WITH INTEGRAL GARAGE @ 129.5m² / 1394ft²
- HOUSE TYPE Y - 3 BED, 2 STOREY SEMI HOUSE @ 93.5m² / 1006ft²

NOTES

THIS DRAWING IS BASED ON SURVEY DRAWING NO. PSS 366-1B, PREPARED BY PEAK SURVEYING SERVICES AND ORDNANCE SURVEY INFORMATION. IT IS SUBJECT TO CONFIRMATION OF BOUNDARIES / RIGHTS OF WAY / EASEMENTS AND CONSULTATION WITH THE LOCAL AUTHORITY, DESIGN TEAM AND PUBLIC UTILITIES, ETC.



COPYRIGHT RESERVED ©

THIS DRAWING IS COPYRIGHT AND THE INTELLECTUAL PROPERTY OF LOROC ARCHITECTS LIMITED. THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORITY.

DO NOT SCALE

NO DIMENSIONS TO BE SCALED FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT / ENGINEER / CONTRACTOR

ALL INFORMATION ON THIS DRAWING IS SUBJECT TO A FULL AND COMPREHENSIVE TOPOGRAPHICAL SURVEY AND CONFIRMATION OF RELEVANT TITLE.

ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY

REV	DESCRIPTION	DRWN/CHKD	DATE
E	FREELY LANE WORKS UPDATED IN LINE WITH BRIAN G HALL DRAWINGS. EVCP BAYS WIDENED AND 2 EXTRA NOTED. SECURE CYCLE PARKING AREA & SHEDS TO PLOTS 11-18 NOTED.	RH	02.10.18
D	FREELY LANE WORKS UPDATED IN LINE WITH BRIAN G HALL DRAWINGS. VISIBILITY SPLAYS SHOWN; PLOT 5 MOVED BACK 1m TO ACHIEVE 1:12.5 DRIVEWAY GRADIENT; EVCP NOTED TO CARE HOME	RH	21.07.18
C	SITE ENTRANCES UPDATED & ESTATE ROAD ALTERED TO SUIT A TYPE 3D ROAD IN LINE WITH HIGHWAYS COMMENTS. HOUSE TYPES & APARTMENTS UPDATED IN LINE WITH CONSERVATION COMMENTS. 1.8m CLOSE BOARDED FENCE SHOWN TO REAR OF PLOTS 3-6.	RH	14.06.18
B	EXTENTS OF ACOUSTIC FENCE REDUCED.	RH	13.03.18
A	BOUNDARY TO REAR OF P14-18 AMENDED IN LINE WITH NEIGHBOURS COMMENTS	RH	16.01.18



CLIENT	FREELY LANE LIMITED		
PROJECT	BRAMHAM HOUSE		
TITLE	SITE PLAN		
SCALE	1:500/ 1:250 @ A1	DATE	09/17
DRAWING NO.	1497-102	REVISION	E
DRAWN BY	RH	CHECKED BY	JC
PURPOSE OF ISSUE	<input checked="" type="radio"/> PLANNING <input type="radio"/> BUILDING REGS <input type="radio"/> TENDER <input type="radio"/> APPROVAL <input type="radio"/> COMMENT <input type="radio"/> CONSTRUCTION		
LOROC ARCHITECTS 25A PARK SQUARE WEST, LEEDS, LS1 2PW T: 0113 233 7755 F: 0113 243 4806 W: www.loroc.co.uk			

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

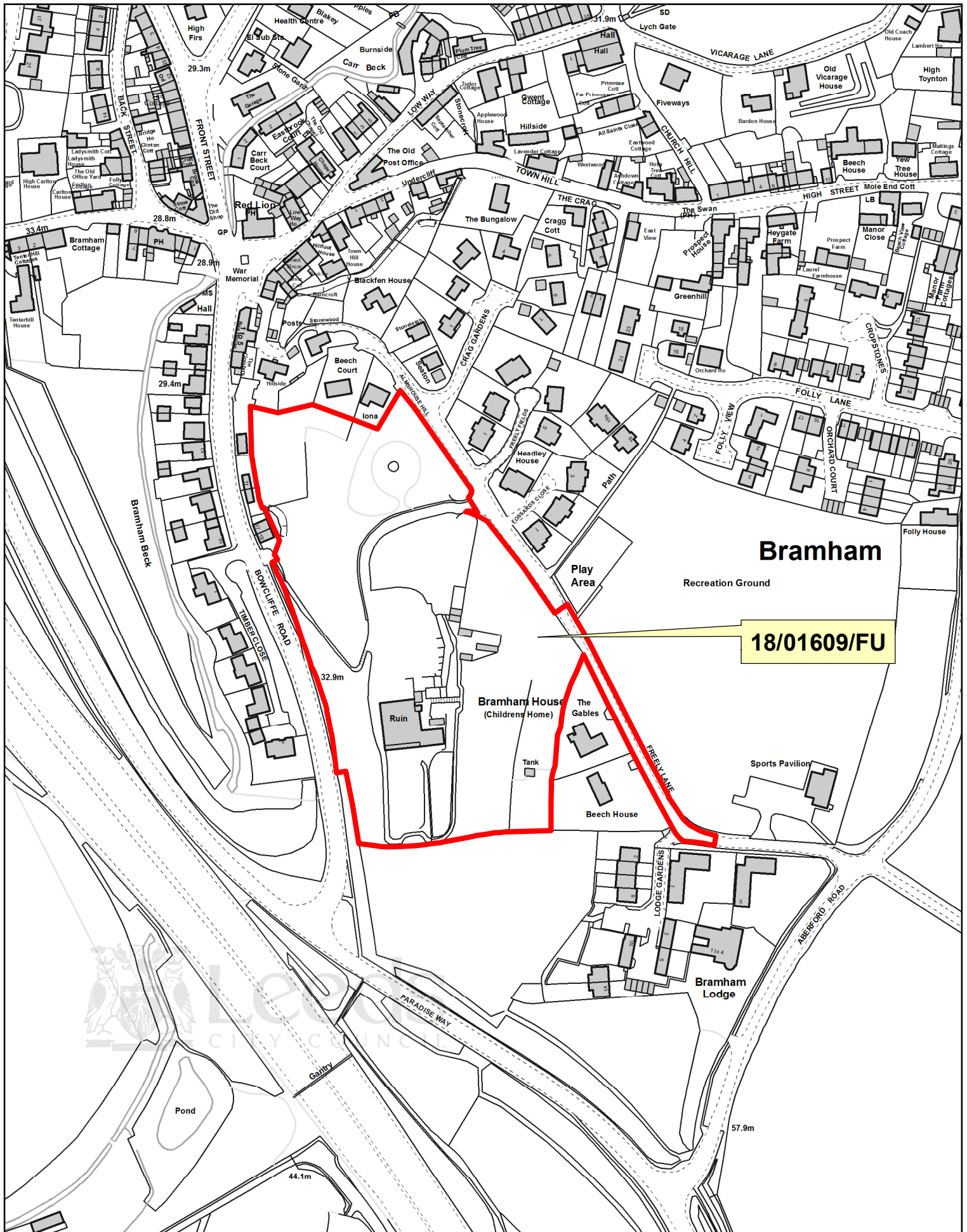
CDM 2015	PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING: NOT OBVIOUS ■ UNUSUAL ■ DIFFICULT TO MANAGE
AREA	

CONSTRUCTION

USE

MAINTENANCE

DECOMMISSION



NORTH AND EAST PLANS PANEL



This page is intentionally left blank