



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 12th April

Subject: Application number 17/08353/FU– Site of Former Merry Monk Public House, Kirkstall Hill, Twelve dwellings with access and parking

APPLICANT

Rouse Homes Ltd

DATE VALID

8th January 2018

TARGET DATE

09th April 2018

**Electoral Wards Affected:
Kirkstall**

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below and also the completion of a Section 106 agreement to include the following obligations:

Offsite greenspace contribution in the sum of £44,842.98 **SCHEME TO BE IDENTIFIED**

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. Standard time limit of 3 years to implement
2. Plans to be approved
3. Sample materials to be submitted
4. Prior to the commencement of the development the applicant will submit for approval by the Local Planning Authority construction details of the proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site frontage. The crossings [and/or reinstatements] must be constructed in accordance with the approved details and be fully

implemented prior to the first occupation of the development to the satisfaction of the Local Planning Authority.

5. The approved details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be implemented in full before the use commences and shall be retained thereafter as such for the lifetime of the development
6. Highway Authority approval required via mini Section 278 agreement for proposed access over existing footpath
7. Electric vehicle charging points to be provided
8. Development shall not be occupied until all parking areas are fully laid out, surfaced and drained
9. Development shall not commence until a drainage scheme (ie drainage drawings, summary calculations and investigations) detailing the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.
10. No new building works shall commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority. Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority. If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately
11. Remediation works shall be carried out in accordance with the approved Remediation Statement.
12. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use
13. Remove PD rights
14. Full details of Landscaping scheme and Implementation.

1.0 INTRODUCTION

- 1.1 The application is submitted seeking consent for a new residential development of twelve dwellings. The application is brought before Plans Panel at the request of Cllr Venner who raises concerns regarding design, external amenity space provided to potential occupants and potential impact on highway safety.

2.0 PROPOSAL:

- 2.1 The proposals create a total of twelve dwellings consisting of twelve two bedroom 'quarter' houses, upon the currently vacant Merry Monk site.
- 2.3 The scheme creates three separate residential blocks consisting of 4 dwellings per block. Two dwellings sit to the front of the site adjoined by two properties at the rear, creating a self-contained quarter house arrangement. The properties are two storey in height and to be erected in brickwork with a pitched roof design finished in concrete tiles.
- 2.4 The internal layout of the properties creates an open plan ground floor living/dining area with a kitchen and ground floor WC accessed from the entrance hall. The first floor features two bedrooms with the adjoining dwellings of an identical layout creating an appropriate juxtaposition of internal rooms with bedrooms next to

bedrooms and thus minimising the potential for noise and disturbance between the dwellings.

- 2.5 Parking is to be provided centrally within the site with two new access roads taken from Kirkstall Hill serving a total of 15 spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to a vacant site which is located on the southern side of Kirkstall Hill. The site previously accommodated the Merry Monk public house which was demolished in 2017. A previous application (17/01721/FU) sought consent for 7 dwellings and was approved 22.06.2017.

The site is level, and cleared with a low brick wall to the front providing separation from the footpath and highway. The area is predominately residential with a mix of properties. Two residential masionette blocks sit to the west of the site with two larger, high rise, residential blocks (Grayson Heights and Grayson Crest) beyond. A regular pattern of two storey, semi-detached, dwellings run along Kirkstall Hill to the north forming the Edens with a modern development of terrace properties to the south. The site lies in close proximity to Kirkstall District centre, which lies to the south.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Planning Application 17/01721/FU. Demolition of existing public house and construction of 6 semi-detached dwellings and one detached dwelling along with new access and parking. Approved 22.06.2017.
- 4.2 Planning Application 17/05214/COND. Consent, agreement or approval required by condition 7 of Planning Application 17/01721/FU. Approved 29.09.2017

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The site has been the subject of a previous application which sought consent for 7 dwellings, consisting of 6 semi-detached properties and 1 detached property. The application was approved, after subsequent amendments to the design and layout. The permission remains extant after the submission and approval of a discharge of condition application 29.09.2017.
- 5.2 The current scheme has been the subject of negotiations after concerns were raised by officers in relation to the initial design and internal space provided for potential occupants. The dwellings have been enlarged with high level windows provided to the side elevations to preserve privacy. A discussion was held with officers and the applicant regarding the possible construction of a larger, single, residential block split into self-contained dwellings however it was considered the design was inappropriate within the locality.

6.0 PUBLIC/LOCAL RESPONSE:

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

- Breaches of policy in relation to external amenity/garden space
- Highways safety, parking and congestion.
- Public Rights of Way

6.2 Site notices were posted around the application site on 26.01.2018 along with the publication of a newspaper advertisement on 10.01.2018 (Major Development Notice). The publicity period for the application expired on 16.02.2018

6.3 8 objections have been received from local residents and members which raise concerns with the following,

- Over Development
- Highways safety and Parking
- Size and scale
- Internal space standards
- External amenity space and private garden areas

7.0 CONSULTATION RESPONSES:

7.1 Highways –No objections subject to conditions

7.3 Flood Risk –No objections subject to conditions

7.4 Landscape Team – Raised concerns which relate to lack of tree survey, lack of planting, and useable garden space

8.0 PLANNING POLICIES:

Development Plan

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

Adopted Core Strategy

8.2 The following core strategy policies are considered most relevant

P10 Seeks to ensure high quality design
 H2 New housing development on un-allocated sites
 H4 Housing mix
 H6 Houses in multiple occupation and flat conversions
 T2 Transport infrastructure
 G4 On Site Greenspace Provision
 Saved Policies - Leeds UDP (2006)

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

Policy GP5 - Development Proposals should resolve detailed planning

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

Supplementary Planning Policies

National Technical Housing Standards 2015
SPG Neighbourhoods for Living, December 2003.
Leeds Street Design Guide (2009)
Kirkstall Neighborhood Plan

9.0 MAIN ISSUES

- Principle
- Design and Appearance
- Amenity Considerations
- Landscaping and Trees
- Highways and Parking
- Greenspace
- Planning Obligations and Community Infrastructure Levy
- Conclusion

10.0 APPRAISAL

Principle

- 10.1 The proposed development is located within a residential area with good highways and public transport links. The development seeks to re-develop a vacant brownfield site. The site is not allocated within the emerging Site Allocations Plan (SAP) however the site is brownfield due to its former use as a Public House. The principle of developing this site is concerned with redeveloping a brown field site within an inner city area, for new housing. Policy SP7 of the adopted Core Strategy states that 45% of all new housing within Leeds should be located within the main urban area, and policy H1 states that within the first 5 years of the plan life, 65% of all new housing development should take place upon brownfield sites. It is considered that the proposal complies with these policies, and the objectives of the NPPF which regard to delivering sustainable development on previously developed land. The site is surrounding by housing to all sides and therefore the most appropriate form of development upon this site, is for housing.
- 10.2 Policy H2 of the Core Strategy, which states, the principle of new dwellings would be acceptable on non-allocated land, providing that, "The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development." Furthermore a previous, extant, consent is in place on the site to develop 7 dwellings granted in June 2017, and the site benefits from an extant consent. Therefore the principle of developing this site has housing has already been developed and is extant.
- 10.3 It is considered the site is located within a sustainable location, within a suburban area, with access to public transport. It is therefore considered the proposals meet the requirements of policy T2 and H2 of the Core Strategy and are therefore acceptable in principle, subject to all other material planning considerations.

Design and Appearance

- 10.4 The current proposals seek to erect 12 dwellings over the site which consist of three separate blocks housing 4 'quarter' houses, each of the properties has two aspects. The site lies between a row of tradition styled two storey semi-detached properties, and a set of four storey high maisonettes and a further two high rise blocks beyond. The proposals form a more intensive form of development compared to that of the previous approval for seven dwellings (six semi-detached and one detached) however they are less dense form of housing when compared to the adjacent maisonettes and flats, which lie to the west of the site. It is considered that the scheme creates a visual transition between the higher density flats which feature limited external amenity space, and that of the regular patterned semi-detached dwellings. The design of the scheme takes inspiration from the regular pattern of the semi-detached dwellings and follows the front building line of the properties fronting Kirkstall Hill, albeit in a denser format.
- 10.6 The design and principle of the proposed 'quarter' houses' has already been accepted and constructed on other brown field sites within Leeds. Similar units have been erected as part of a Strata development (granted planning consent in August 2014) at Otter Island (approximately 3 miles away) which created blocks of 3 storey houses set in groups of 4, 6 or 8 units. The proposals form a similar arrangement with a lower height in groups of 4 and provide a dual aspect with outlook from two sides for occupants, providing good levels of natural light and surveillance, avoiding "dead" areas to the sides and rear of the blocks. There is also a similar modern scheme on Bradford Road in Stanningley, LS28 which was constructed around 2010.
- 10.7 The properties are considered of an appropriate design to be finished in red brick with concrete tiles matching the appearance of the dwellings within the immediate vicinity and thus are considered to preserve the character and appearance of the wider street scene. It is considered the properties have the appearance of a semi-detached property, with one side having a front facing gable. The dwellings include heads and cill details to the windows. The hipped roof design of the properties also is considered to reduce the mass of dominance of the proposal.
- 10.8 In summary the design, character and appearance of the scheme is considered positive and thus acceptable with the proposals providing a satisfactory level of amenity for occupants. Conditions are attached which require the submission of appropriate, sympathetic materials prior to commencement.

Amenity and Spacing Considerations

- 10.9 The proposed blocks sit centrally within the site. Approximately 8.0m is retained from the rear boundary and the adjoining vacant parcel of land beyond and it is not considered that the proposal would prejudice any future developments on this site. Approximately 15.0m is retrained from the proposed block to the west of the site and the adjacent maisonettes which is considered to mitigate any issues of over dominance or overlooking. 4.6m is retained from the front façade of the three blocks and the front boundary providing adequate separation from the footpath and highway beyond. The front of the blocks are situated in-line with the existing semi-detached properties which lie to the east. A distance of 1.5m is retained from the block to the east of the site and the side boundary with approximately 5.7m retained to the side elevation of the nearest semi-detached dwelling considered to mitigate any issues of over dominance or overshadowing.

- 10.10 Leeds have adopted a set of Standards, based on the Department for Communities and Local Government Technical nationally described space standards, and this applies to Council Housing. When looking at private housing schemes it is appropriate to assess the scheme against either the Leeds Standard or the DCLG standard, both will carry limited weight at the moment due to the fact that we do not yet have adopted policy for private developers. However they do provide a useful guide against which to assess the practicalities and amenity provision of a housing scheme
- 10.11 The Access space standards require each individual dwelling measures 77m², with a master bedroom 12.1m² and a second bedroom 9.1m². These internal dimensions meet with the National Technical Space Standards which require a two bedroom, two story dwelling to measure a total of 70m² with a master bedroom of 11.5m² and a single bedroom 7.5m².
- 10.12 Each property has its own garden area. These vary in size between the properties from 65m² to 32m² in size. Guidance contained within Neighbourhoods for Living SPD requests that new build dwellings should achieve an external garden area 2/3rds the gross internal floor area. In this instance the proposed dwellings measure 77m² with 2/3rd equating to 52m². The majority of the proposed gardens meet with this requirement and are considered adequate to provide a satisfactory degree of amenity. The two dwellings to the rear of each block benefit from the larger gardens, these are approximately 8.0m in length. The 3 right hand, front facing, units have the smallest garden areas at circa 32m². It is noted that garden areas do vary in size and do not all meet with the guidance of the adopted SPD 'Neighbourhoods For Living'. However due to the unusual format of the development and communal parking areas provides, the development is not considered a traditional housing format, and the small garden areas proposed to offer an amenity function to the future occupiers. It is important to note that the adjacent maisonette development do not offer private garden spaces.
- 10.14 A further condition is recommended to be attached to the scheme removing Permitted Development rights for the properties which prevents further extensions and outbuildings being erected without consent due to the limited space retained and thus preserves the external space as garden areas.

Landscaping and Trees

- 10.15 Concerns have been raised in relation to the proposed planting to the front of the site in that the proposed planting beds should be made deeper in order to establish along with front gardens and continuous hedges. In this instance the adjacent maisonettes and high rise flats are devoid of planting with only a small area of grassland to the rear, fronting Kirkstall Hill. The former public house which occupied the site until 2017 was also devoid of planting with a red brick wall, beer garden and stepped access to the front. The dwellings to the frontage, facing Kirkstall Hill, feature new planting and soft landscaping to create a break from the footpath and highway beyond.
- 10.16 Amendments have been secured to the proposal which include areas of landscaping buffers around the side of the blocks, to provide a degree of privacy to the future occupiers of the development and communal parking areas. The proposed front garden areas create a visual break, and buffer between the development and highway however retain an emphasis on the front façade of the

residential blocks, allowing an open front boundary with a low brick wall topped with railings, similar to the existing front boundary of the maisonettes and provide good levels of surveillance. It is considered the amount of landscaping is appropriate given the function/ size of the development and the character of the locality.

- 10.17 A full landscaping scheme is recommended to be conditioned on the approval of the application. It is considered that further revisions to the landscaping could comprise the availability of car parking upon the site, which is required to ensure the development does not result in high levels of on-street parking.

Highways and Parking

- 10.18 The development offers 16 parking spaces for 12 properties which equates to parking provision of 1.25 spaces per property. Highways have requested 16 parking spaces, however it is not considered the proposal could be refused solely due to lack of single parking space. As described in paragraph 10.15 providing further parking would reduce the amount of landscaping on-site. There also does not appear to be an issue within the immediate locality with regard to high levels of on-street parking.
- 10.19 The site is located in a sustainable location with good access to public transport on Kirkstall Hill/ Burley Road. The facilities of the Kirkstall District Centre are also within walking distance, and there are also shops, restaurants, bars, gyms etc. along Kirkstall and Burley Roads and its environs. It is not considered the proposal would be occupied by persons where car ownership levels are high due to the size and format of the dwellings proposed. Cycle parking is also proposed. It is considered that the proposal complies with policy T2 of the adopted Core Strategy.

Greenspace

- 10.20 Policy G4 relates to the provision of onsite greenspace and in this instance requires 80 sqm of onsite greenspace per dwelling from all schemes with 10 or more dwellings that are located in areas deficient of green space. The proposals do not include any on site greenspace and thus an off-site contribution is required in lieu. It is not considered there is any scope to deliver green space on-site, due to the small brownfield windfall nature of the application site. The site has an area of 0.182 ha and the on-site green space requirement for 12 dwellings equates to 0.096, which is over half of the site areas. It is important to also note that requirements policy G4 are been reviewed through the Selective Core Strategy Review 2018, due to such issues with delivering on-site green space on smaller sites such as this.
- 10.21 Local Plans have calculated the cost of providing this amount of greenspace offsite as follows,
- Laying Out: £19,196.55
 - Off Site Maintenance: £14,564.31
 - On Site maintenance: £0
 - Off Site Fixed Play: £ 7,953.08
 - Professional Fees: £3,129.04
 - **Total: £ 44,842.98**

Planning Obligations and Community Infrastructure Levy

- 10.22 The proposals create a total of twelve residential flats. The site falls within CIL Zone 2b which incurs a CIL levy of £45m² gross internal floor area.

- 10.23 The scheme creates a total CIL levy of £35,032.24
- 10.24 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

(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.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

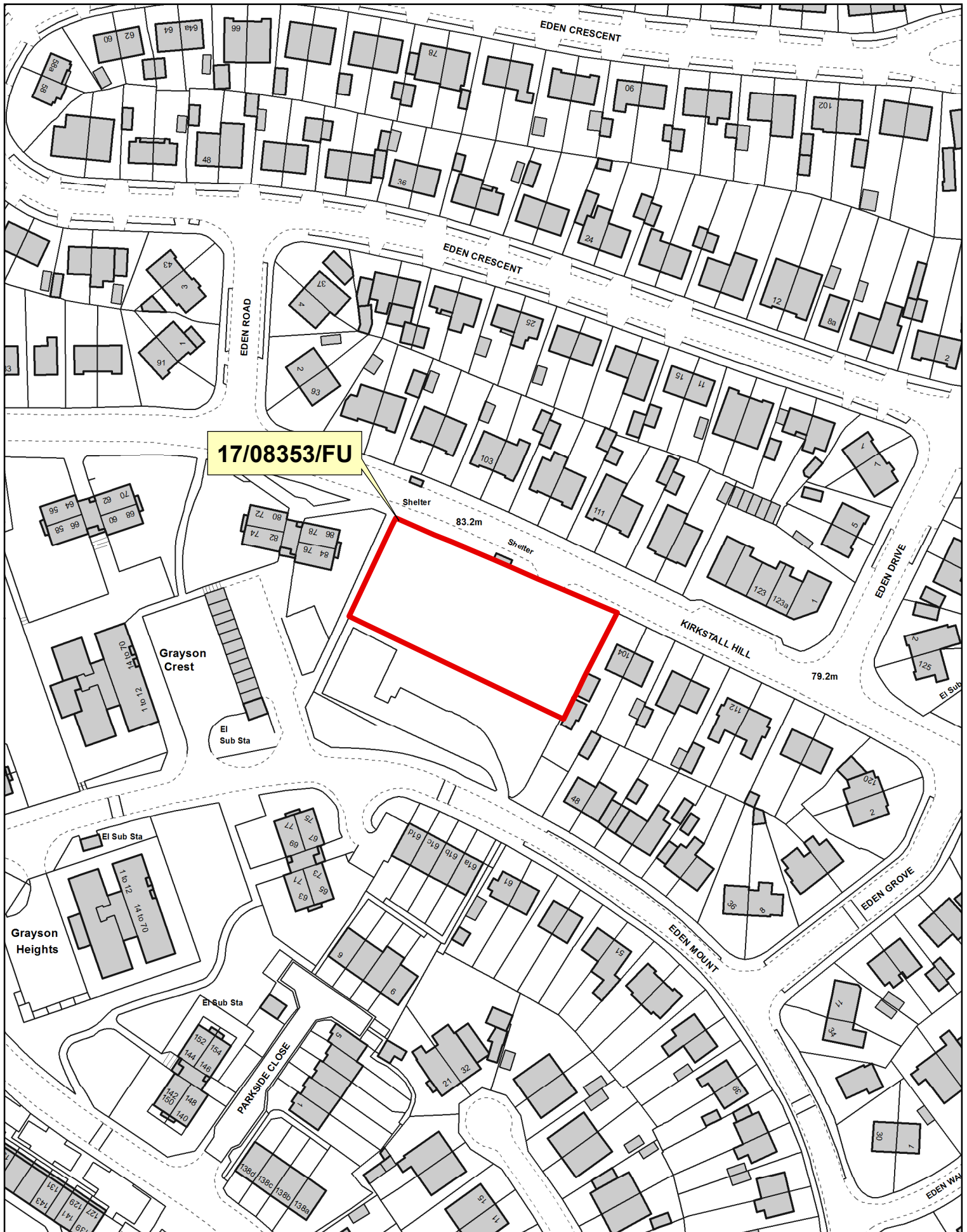
11.0 CONCLUSION

- 11.1 In light of the above, the application is considered to be acceptable. The development would deliver a bespoke form of quality housing upon a brown field site, and the form of the development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety, subject to appropriate planning conditions.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file. 17/08353/FU



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1250

