



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 19th July 2018

Subject: 18/02223/FU – One dwelling house at Lay Garth Court, Rothwell, Leeds LS26.

APPLICANT

Carlton Green Rothwell Ltd

DATE VALID

5 April 2018

TARGET DATE

31 May 2018

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Grant approval subject to the following conditions:

1. Time Limit on full permission.
2. Plans to be approved
3. Details of walling and roofing materials to be submitted for approval.
4. Details of hard surfacing to be submitted for approval.
5. Provision for contractors – construction plan
6. Construction hours.
7. Vehicle spaces to be laid out
8. Electric vehicle charging points.
9. Surface water scheme and implementation.
10. Tree protection.
11. Landscape scheme
12. Phase II site investigation
13. Amendments to remediation statement if needed.
14. Submission of verification reports on completion.
15. Importing soil
16. No insertion of windows in Northern or Southern side elevations
17. No gates to be installed without permission from LPA.

1.0 INTRODUCTION

- 1.1 This is a full application for residential development, comprising a single dwelling on a piece of land remaining following the approval for the erection of three detached dwellings (16/05800/FU) on the rest of the site.
- 1.2 This application is brought to the Plans Panel at the request of Rothwell Ward member Councillor Stewart Golton who believes that the proposal would be harmful to the wider Conservation Area.

2.0 PROPOSAL

- 2.1 This application follows approval of planning permission for three detached dwellings on the adjacent part of the land approved under 16/05800/FU that was submitted initially for five dwellings but was reduced to three as the initial proposal was considered to be over-development of the site as a whole.
- 2.2 This application seeks permission for one detached dwelling that will sit on land to the North of plot 3 of approval 16/05800/FU. This land was excluded from development under 16/05800/FU and was subject to a planning condition (Condition 12) for the submission of a landscape management plan to include details of long term responsibility for the area. This does not however preclude the site from development and this application must be assessed on its planning merits.
- 2.3 The proposed dwelling would be laid out with its front elevation addressing the access that is gained from Lay Garth Court. The dwelling will be set within a generally square plot with a private garden to the rear.
- 2.4 The dwelling would incorporate a detached garage and surface parking to the front of the building. Vehicular access would be provided via an access off the main road of Lay Garth Court that serves No's 1 and 2 Lay Garth Court.
- 2.5 The dwelling would be two storeys in height with four bedrooms and follow a similar design ethos as those approved under 16/05800/FU. As with the approved dwellings the proposed would have large windows with stone surrounds.
- 2.6 The private garden area is shown to be located to the rear and side with the retention of one tree (Sycamore) and 3 new trees introduced to include a Hornbeam, Sweet Gum (both to the rear boundary) and an Ornamental Pear (to the side boundary, close to the garage building).

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is a generally square plot of land to the Northern end of a former garden area of No.13 and 13a Carlton Lane which has planning permission for three detached dwellings; development of which is well under way.
- 3.2 To the south and east of the site are Victorian terraces (Victoria Avenue) whose rear gardens form the side boundary of the wider site and the recently approved three dwellings. Directly to the east of the application site boundary is a small patch of allotment land which is overlooked by a row of terraces on Cross Street.
- 3.3 To the west and north is a modern estate (early 1980's) accessed off Lay Garth which runs along the western boundary before terminating on the Northern boundary

where the road becomes Lay Garth Court (accessing 2 houses, No's 1 and 2 Lay Garth Court). To the north is Lay Garth Square where a property, 6 Lay Garth Square, has its rear garden abutting the shared boundary with the application site. This property is sited rather awkwardly in relation to the existing building line, however it does appear to be an original feature of the estate. N

- 3.4 Number 2 Lay Garth Court directly abuts the western boundary of the application site, the boundary here is not straight, seeming to angle out towards number 2 where it meets the northern boundary line. Number 2 has an attached double garage and driveway to the side that abuts the development site. Currently cars parked here reverse out onto Lay Garth Court before being able to turn around.
- 3.5 The area is residential in character and has character pockets where development's represents their period of construction and where older villas and a Victorian school building on Carlton Lane (now converted to residential) sits alongside the later 20th century development of the Lay Garths. The recently approved scheme on the garden site to the rear of No.13 and 13a will introduce another character pocket; whilst these take reference from the architecture of the Edwardian architecture they are very clearly modern dwellings amongst the existing architectural variety in the immediate area.
- 3.6 The Lay Garth estate has a very different appearance to the more traditional area of the immediately neighbouring part of Rothwell, with varied houses that all have timber clad first floors sitting above simple brick ground floors. These properties have open-plan frontages and a more compact and horizontal character than the adjacent Victorian terraces.

4.0 RELEVANT PLANNING HISTORY

- 4.1 17/08397/FU - One dwelling – Refused 15th February 2018 on following grounds:
- Detrimental to character of Conservation area due to loss of open land, and inability to meet landscaping requirements of previous planning permission.
 - Overdevelopment of the site due to scale of proposed property and the size of garden.
- 4.2 16/05800/FU - Partial demolition of redundant outbuilding and erect three houses – Approved 6th July 2017
- 4.3 14/04170/FU - Residential development for eight detached dwellings and associated landscaping, new garage and access to 13a Carlton Lane. Refused 16 September 2014 on following grounds:
- Detrimental to character of Conservation area.
 - Poor design not reflective of local area.
 - Poor amenity as a result of proximity of plots 1 and 2 to number 13, proximity of plots 3, 4 and 7 to the Victorian terraced houses, and proximity of plot 8 to 2 Lay Garth Court, along with very limited garden areas.
 - Unacceptable loss of trees which are protected.
- 4.4 22/61/04/FU - Change of use of detached house to 6 flats and the erection of 3 storey block of 12 flats. Refused 20th April 2004 on the following grounds:
- New flats prominent in street-scene due to size and design, harmful to Conservation Area.

- Loss of protected trees.
- Material, harmful increase in use of Lay Garth/Carlton Lane junction where visibility is restricted.

4.5 22/110/02/FU and 22/109/02/CA - Twenty four flats in two 3 storey blocks. Refused 16th July 2002 for reasons of

- Harm to Conservation Area,
- Poor design,
- Loss of trees, and
- Harm to highway safety due to use of junction.

5.0 HISTORY OF NEGOTIATIONS

5.1 Whilst there have been ongoing negotiations over the period of the planning history detailed above, there has been no further discussions since the refusal of the previous application in 2017. The application has been submitted with changes not discussed with the LPA.

6.0 PUBLIC/LOCAL RESPONSE

6.1 A site notice was posted on 3rd May 2018 and a press advertisement in the Yorkshire Evening Post published on 18th April 2018.

6.2 22 objection letters have been received. The objections have raised the following issues:

- The proposal will lead to on street visitor parking
- The access is restricted
- There is no path on the access
- There will be a loss of privacy
- There will be a loss of outlook
- This proposal in addition to the previously approved three will dominate the existing properties reducing house re-sale values
- The proposal is yet another submission from the developer with the sole intention of profit and will make further applications if refused until he gets what he wants
- The application has not changed from the previous refusal
- The house is too big for the plot
- The plans are inaccurate.
- Where will contractors vehicles go whilst work is ongoing
- The property bears no resemblance to the existing properties on Lay Garth
- Support comments made regarding regeneration are irrelevant.
- The site is within a conservation area and the proposal will impact negatively on it.
- The proposal will be harmful on wildlife
- There will be further loss of trees

6.3 20 representations supporting the scheme have been received. Issues raised are

- The proposal will have no impact on the existing houses
- The land on which all the development had been previously neglected and new landscaping will improve the area

- The proposal will add to the housing stock of Rothwell
- The developer has provided previously good schemes
- In fill building should be supported rather than encroaching into the Green Belt
- It will leave the area looking unfinished
- The land will be vulnerable to fly-tipping and vandalism

7.0 CONSULTATION RESPONSES

- 7.1 Highways: No objection subject to conditions
- 7.2 Flood Risk Management: No objection subject to conditions
- 7.3 Contaminated Land: No objection subject to conditions
- 7.4 Landscape Team: No objection subject to conditions
- 7.5 Conservation Team: The proposed development would not impact on the contribution the site makes to the remaining conservation area setting. The visibility of the project has been increased due to the removal of trees on the boundary of the wider site and Victoria Avenue. This increased visibility of the site is unlikely to result in significant additional harm to the Conservation Area. The addition of the proposed house will therefore have a minimal additional impact on the significance of the Conservation Area.
- 7.5 Environmental Strategy – Transport studies: No observations to make

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.
- 8.2 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.
- 8.3 The following Core Strategy policies are considered most relevant
- Spatial policy 1: Location of development (site is within the smaller urban area of Morley)
- Spatial policy 6: Housing requirement and allocation of housing land
- P10 Seeks to ensure high quality design
- P11 Conservation
- P12 Landscape
- H2 New housing development on un-allocated sites
- H3 Housing Density
- H4 Housing mix
- T2 Transport infrastructure

G9 Nature Conservation
EN1 Climate change and carbon dioxide reductions
EN2 Sustainable Design and Construction

8.4 Saved Policies - Leeds UDP (2006)

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

Policy GP5 - Development Proposals should resolve detailed planning
Policy BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings.
Policy N19 – Conservation Areas
Policy LD1: Detailed guidance on landscape schemes

8.5 The following Supplementary Planning Policy documents are relevant:

SPG Neighbourhoods for Living (2015)
Leeds Street Design Guide (2009)
Parking SPD
Designing for Community Safety SPD (2007).

Rothwell Conservation Area Appraisal:

The Conservation Area Appraisal identifies the site as falling within Character Area 4 (Southern Suburbs) of the Conservation Area. The whole of the site is within the Conservation Area (CA) boundary, with the Lay Garth properties being outside the CA.

The older building to the whole sites frontage that addresses Carlton Lane (No's 13/13A) is designated as a positive building, as are all the properties on Victoria Terrace and many along Carlton Lane itself.

The nearest listed building is the former school on the opposite side of Carlton Lane. The Lay Garth boundary is recognised as being an original field boundary dated back to the medieval strip field system.

The Appraisal also notes that architecturally the area is defined by the large villa properties concentrated along Royds Lane and Carlton Lane, and the adjacent terraced developments. The use of red brick, stone detailing, the importance of chimneys and roof-scape, as well as porch canopies etc. serve to unify both the terraced and the villa forms. Boundary walls and gateways are important as are mature trees in garden areas.

National Planning Policy Framework (NPPF)

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

- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 Chapter 12 (conserving and enhancing the historic environment) provides that LPA's should identify and assess the particular significance of any heritage asset that may be affected by a development. Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

9.0 MAIN ISSUES

1. Principle of development
2. Layout, Design and Appearance
3. Highways and Parking
4. Landscaping
5. Residential Amenity
6. CIL
7. Other matters

10 APPRAISAL

Principle of Development

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in

order to ensure that shops, services and public transport are easily accessible. This application site is situated close to local amenities and close to public transport routes, and as such is regarded as being within a sustainable location.

- 10.2 Within the core principles of the NPPF, paragraph 17 and within paragraph 111, it states that the effective use of land should be encouraged by reusing land that has been previously developed (Brownfield land); therefore there is a presumption that previously developed sites should be developed before Greenfield sites. In any case, land to be developed must have regard to local context whether Brownfield or Greenfield; and therefore the layout, scale, type and design of proposed development and its effect on the local character play a fundamental part in the principle of accepting proposed development.
- 10.3 As such the NPPF reflects the Councils approach in seeking to resist inappropriate development and placing emphasis on design and in protecting the character of an area. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality. Moreover, paragraph 64 of the NPPF advises that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.4 The principle of residential development to the rear of No's 13 and 13a Carlton Lane was accepted as part of the recently approved scheme (16/05800/FU). However, that scheme was reduced from five dwellings to three as part of the negotiations during the course of 16/05800/FU due to concerns regarding the suburban form of the development; the reduced scheme amended the access to avoid coming in off Lay Garth Court and the removal of separate garaging for plot 3. The Northern portion of the site was shown not to be developed and was not included within the garden space of one of the properties (plot 3 of 16/05800/FU).
- 10.5 The application site now under consideration by the LPA refers to that parcel of land to the north of approved plot 3 under 16/05800/FU which was identified to remain undeveloped and was subject to a condition for the submission of a landscape management plan to include details of long term responsibility for this area of land. It was acknowledged by Officers during the assessment of 16/05800/FU that there was the possibility that the Developer may seek to develop the parcel of land now subject to this current planning application for one dwelling. This must therefore be assessed on its individual planning merits.
- 10.6 With regard to housing policies within the Core Strategy, Policy H2 refers to new housing development on unallocated sites and advises that new housing development on such sites will be acceptable in principle providing that it does not exceed the capacity of transport/education/health infrastructure. Given that the scale of this application will be no greater than one dwelling and having regard to the fact that the Council only seek public transport or education contributions for schemes of 50 dwellings or more, which this is significantly below, it is not considered that such a small development would exceed the capacity of transport/education/health infrastructure such that it is not considered contrary to Policy H2 of the Core Strategy.
- 10.7 Policies H3 of the Core Strategy sets out the minimum densities for housing development. In smaller settlements the minimum density should be 30 dwellings per hectare. The site area is an area of 0.05ha. This gives a density of 20 dwellings

per hectare which is under the minimum density set out in H3 but similar to that of the previous development and that of the surrounding estate and taking into account this local character and the fact the proposal is for a single property only. The proposed density is considered acceptable in this case given the proposed layout respects the local character and is for a single property only that provides adequate private amenity space for future residents.

- 10.8 Given the history of the site and the fact that it is not considered contrary to either Spatial Policies 1 or 6 or policies H2 and H3 of the Core Strategy, the proposal is considered acceptable in principle.

Impact on Character of the Conservation Area

- 10.9 The development as proposed continues on the linear form of housing, facing towards Lay Garth that was approved under 16/05800/FU. This linear form picks up on the medieval field boundary form, and reflects the strong north/south building line of older properties on Victoria Avenue. The property also forms a visual stop to Lay Garth Court, which has previously had no such demarcation, the site being formerly overgrown garden land.
- 10.10 The proposed development site once formed part of the important garden setting to Glengarth (13 and 13A Carlton Lane), a positive historic building identified in the adopted Rothwell Conservation Area Appraisal and Management Plan. The loss of this space was considered under the previous application for 3 houses but, given the form and design, which was seen to enhance the Conservation Area, the loss of the space was not considered to result in negative harm. It is also considered that in light of the approved development (16/05800/FU) now under construction, the proposed site no longer reads as part of the original garden setting and has lost its special relationship with the positive historic building. Therefore development here would no longer have a negative impact on the heritage significance of the host positive building.
- 10.11 The previous refusal for this single dwelling also focussed on the impact on the Conservation Area, and in particular the loss of the last remaining parcel of open space. Whilst it is acknowledged that this proposal does not change this issue, comments were sought from Conservation Officers and no objection is raised as noted in paragraph 10.10.
- 10.12 The proposed development would not impact on the contribution the site makes to the remaining conservation area setting. The site was originally screened from the adjacent positive historic terrace at Victoria Avenue due to the mature trees on the boundary. These trees have been felled, and although there will be replacement planting it will be some years before a similar level of screening is achieved. The trees on the boundary were noted to be of poor quality with some issues due to age and health so consequently their loss was not objected to. Although views into the site will be more apparent from the adjacent terraces and allotments, this would only cause a less than significant level of harm to views from the Conservation Area, particularly in light of other more recent development in this area of Rothwell.
- 10.13 The proposal therefore is considered to preserve and enhance the Conservation Area, by reflecting the character and appearance of historic buildings, being mindful of the original field boundary layout, and being of an appropriate scale that does not compete with more historic buildings, and provides good design for the last remaining part of this site. The proposal is therefore considered to comply with Policies P10 (design) and P11 (conservation) of the Core Strategy, and to guidance

in the Conservation Area Appraisal. The proposal is also considered to meet the test set out at para. 134 of the NPPF. Conditions regarding materials, boundary treatments etc. are recommended to ensure the character of the Conservation Area is maintained in terms of the detail of the proposal.

Layout, Design and Appearance

- 10.14 Policy P10 sets out the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF, which also highlights the importance of good design at paragraph 56.
- 10.15 The layout is mindful of, and respects the linear form of the three approved dwellings (16/05800/FU) with housing facing towards Lay Garth, this reflects the linear nature of the former garden area and medieval field boundary.
- 10.16 The single point of access would be from Lay Garth Close along an adopted stretch of highway, there will be no through connection to the adjacent new property. The layout of this proposal in conjunction with the three dwellings previously approved on site would not alter the relationship to the terraces on Victoria Avenue in respect of rear gardens backing onto rear gardens and allotment land.
- 10.17 The proposed dwelling would be two storeys in height, and takes its design lead from the earlier three approved dwellings and incorporates two bays, artstone detailing and a pitched roof as do the other properties. The application site sits on a transition between the older historic area within the Conservation Area and a late 20th century housing estate. As with the assessment of the three approved dwellings on the wider site the design approach can be accepted in this location. The dwelling is set well back from the main entrance road and therefore would not be overly conspicuous within the wider street-scene is therefore acceptable on balance.
- 10.18 The additional dwelling would have no undue impact on the prominence of the main property to the wider site with No.13 Carlton Lane being the principle building in status and appearance but separated by the already approved other three dwellings.

Highways and Parking

- 10.19 The proposed development has been assessed by highways officers who have raised no objections to the scheme subject to conditions and off site highways works. Officer have assessed the proposed development against the accessibility standards for smaller settlements set out in Appendix 3 of the Core Strategy:
- 10.20 The location of the proposed vehicular access is considered acceptable. Access is taken off Lay Garth Court and this is acceptable subject to the applicant contacting the mini S278 team to ensure the proper construction of the vehicular access into site. There will be no through connection to the new dwellings, which have their own access off Lay Garth. Lay Garth Court therefore will only serve 3 dwellings in total, one more than the existing arrangement.

- 10.21 The proposed dwelling has sufficient parking (curtilage and garages) in line with guidance in the Parking SPD. The garage (6m x 3m), is large enough to accommodate a vehicle and be used for the storage of bicycles. There is sufficient space to park a further two vehicles in front of the dwelling and this is seen to be an acceptable level of parking provision. The area to the front of the new house should allow for turning within the site, although it is noted that the installation of gates may restrict this. A condition for approval of any proposed gate is therefore recommended. The dwelling should contain an EVCP (electric vehicle charging point) and this must comply with the EV Guidance note. It is requested that this be conditioned to show its location on a site plan and details of the type of charger must also be provided.
- 10.22 Objections have been raised to the siting of a new house on this access road, however the level of traffic generated by one dwelling would not be so significant as to make the access unsafe. The width of Lay Garth Court is 8m at the eastern end, so any parking on the roadside here would not obstruct the exiting of a vehicle from 2 Lay Garth Court (for example the required aisle width in car parking layouts is 6m to allow a vehicle to reverse out and turn).
- 10.23 Objections also raise safety issues due the presence of children within the road, however this is more a matter of driver responsibility, as noted previously the level of traffic is not considered to increase so much that it would cause the access road to become unsafe.
- 10.24 On balance therefore the proposal is considered to provide a safe access and suitable parking areas and subject to conditions and the completion of a s278 agreement, would comply with policy T2 of the Core Strategy, guidance in the NPPF and within the Street Design Guide and Parking SPD's.

Landscaping

- 10.25 The site trees are considered to be an important matter adding to the special character and appearance of the Conservation Area. The Council's landscape officer had previously advised that the number of dwellings should be reduced from five to three to minimise the impact on trees. Subsequently the omission of plots 4 and 5 and the retention of trees in the Northern part of the site, including the Class B semi-mature sycamore (T952) formed the final layout as part of 16/05800/FU.
- 10.26 Since 16/05800/FU applications for tree works have been submitted to the Council and subsequently approved:
- 17/05653/TR – A lime tree was removed on safety grounds, and
17/05883/TR approved emergency tree works.
- 10.27 The proposed development of the plot would entail retention of the higher quality tree on it, a B grade Sycamore T952, and replacement of a C grade tree Sycamore T970 with three new trees shown to be planted in mitigation. The landscape officer has not objected to this approach and has suggested that conditions be imposed regarding an arboriculture method statement. A suitable replacement planting scheme can be achieved, so the proposal would comply with policies P10 and P11 of the Core Strategy.

Residential Amenity

- 10.28 Paragraph 17 of the NPPF places an emphasis on seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and building. Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. Furthermore, Policy BD5 advises that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight sunlight.
- 10.29 In terms of the site layout the Council's SPG Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings to ensure privacy between existing and proposed houses, which has an impact on layout.
- 10.30 The proposed site layout has been assessed against this guidance. Firstly the proposed site layout is considered to comply with this guidance. The private side and rear garden is approximately 264m². The proposed garden size meets the guidance in that it equates to well over two thirds of the Gross Internal Area which measures 206m². This is an improvement from the refused scheme which was struggling to provide both the size, and suitability of garden space.
- 10.31 In terms of overlooking, the distances between the first floor bedrooms at the rear are well in excess of the 7.5 metres required and to the front, one bedroom looks straight down the access road and the other, whilst under 7.5 metres looks over the front drive of the neighbouring property. There are no first floor windows proposed to the side and a condition will be attached to prevent the further insertion of windows within these side elevations and therefore there should be no issue with overlooking of private areas of neighbouring properties from the proposal.
- 10.32 With regard to over dominance, the dwelling is offset from the property to the North by more than 15 metres and therefore well over the 12 metres prescribed by guidance and to the other side, it will sit mostly adjacent to the neighbouring gable wall.
- 10.33 Finally with regard to overshadowing, the proposal is set over 6 metres from the boundary with the property to the North on Lay Garth Square and with this distance, it should avoid any significant overshadowing of that property and is therefore acceptable in these terms.
- 10.33 In light of these factors, it is considered that the proposed dwelling will provide an acceptable level of amenity for future residents and will not have a harmful impact on the amenity of existing neighbouring residents and is therefore compliant with policy P10 of the Leeds Core Strategy and Leeds UDPR saved Policy GP5 and guidance given in the SPG Neighbourhoods for Living.

Other matters

- 10.34 The proposed development has been assessed by officers in Flood Risk Management who raise no objection to the proposal subject to a condition requiring submission of a drainage scheme for surface water drainage.
- 10.35 The proposed development has been assessed by officers in Contaminated Land. No objection has been raised although further information is required by condition.

Response to representations

- 10.36 As set out above, objections have been received raising many concerns that are dealt with in the report above. Those that are not are addressed here. It is suggested that the plans are inaccurate but no indication is given as to why. There are no obvious inaccuracies within the plans and they appear to correlate with the site and previous applications.
- 10.37 The re-sale value of properties is not a material planning consideration as is the intentions of the developer who is entitled to submit a planning application as he so wishes.
- 10.38 The organisation of works on site has been dealt with by the inclusion of a condition requiring details of this to be submitted prior to the start of works.

Community Infrastructure Levy

- 10.39 The Community Infrastructure Levy (CIL) was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre (index linked) of chargeable floorspace.
- 10.40 In this case the CIL charge based on the proposed residential floorspace (178m²) would be approximately **£8,721.31**. This is provided here for information only and should not influence consideration of this application. Consideration of where any CIL money is spent rests with the Executive Board and will be decided with reference to the 123 list.

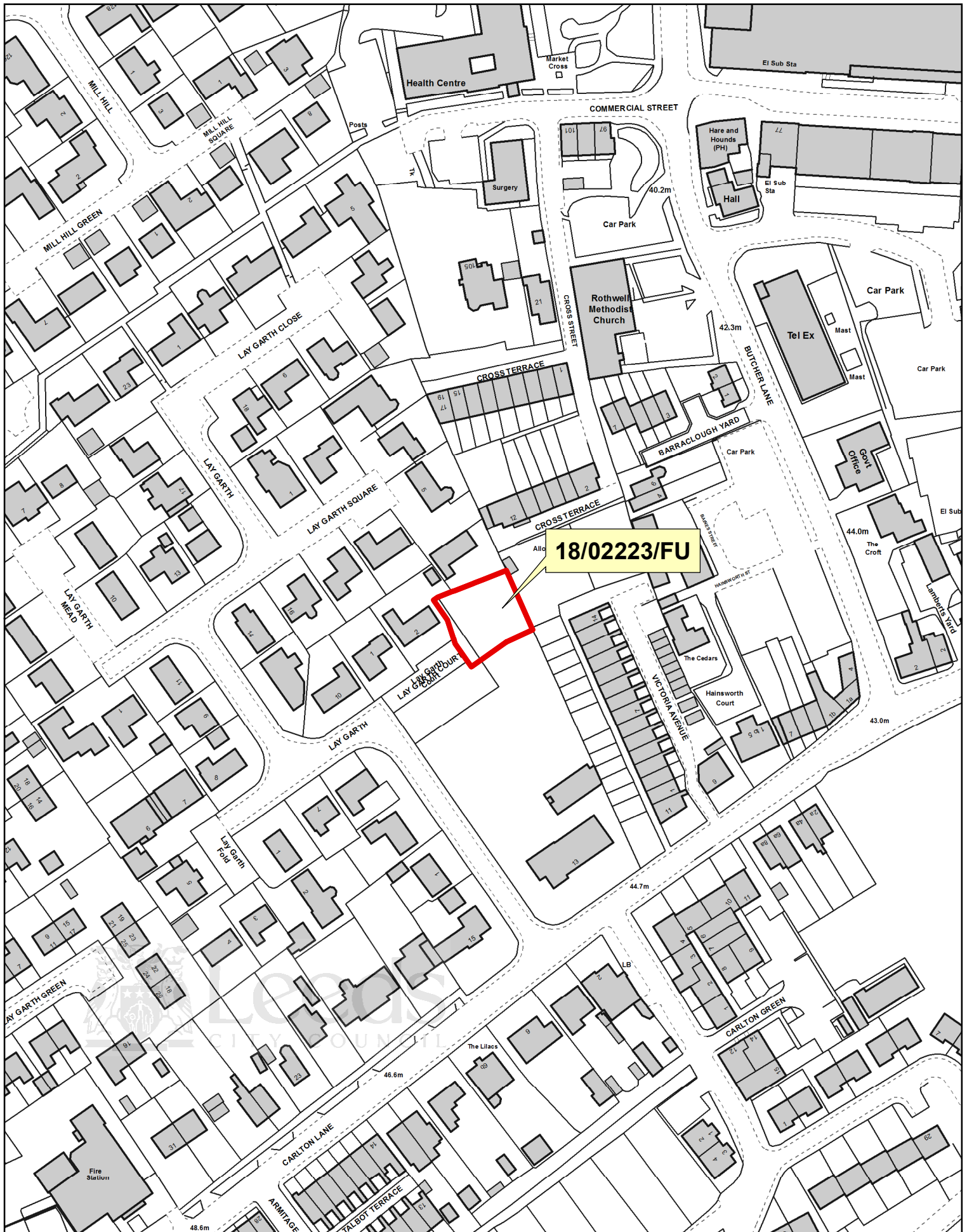
11.1 **CONCLUSION**

- 11.1 In reaching a recommendation to approve the proposed development, 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 and in this case, it is determined that the proposed development is in accordance with the development plan and preserves the character and appearance of the Conservation area for the reasons set out in the report above and there are no overriding material considerations to indicate otherwise. The application is therefore recommended for approval.
- 11.2 In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development as set out within the NPPF. This proposal is considered to represent sustainable development as set out in the NPPF and for the reasons set out in this report. Members are therefore recommended to grant planning permission for the proposal subject to the conditions set out at the start of this report.

Background Papers:

Planning application file: 18/02223/FU

Certificate of ownership: signed by agent on behalf of applicant



SOUTH AND WEST PLANS PANEL

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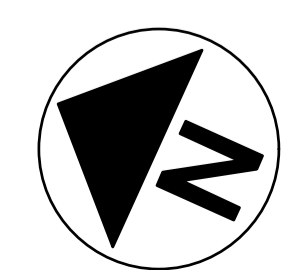
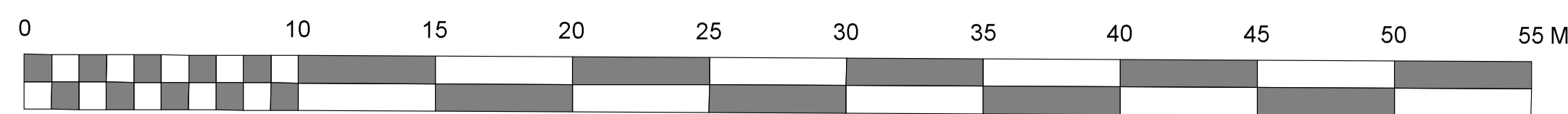
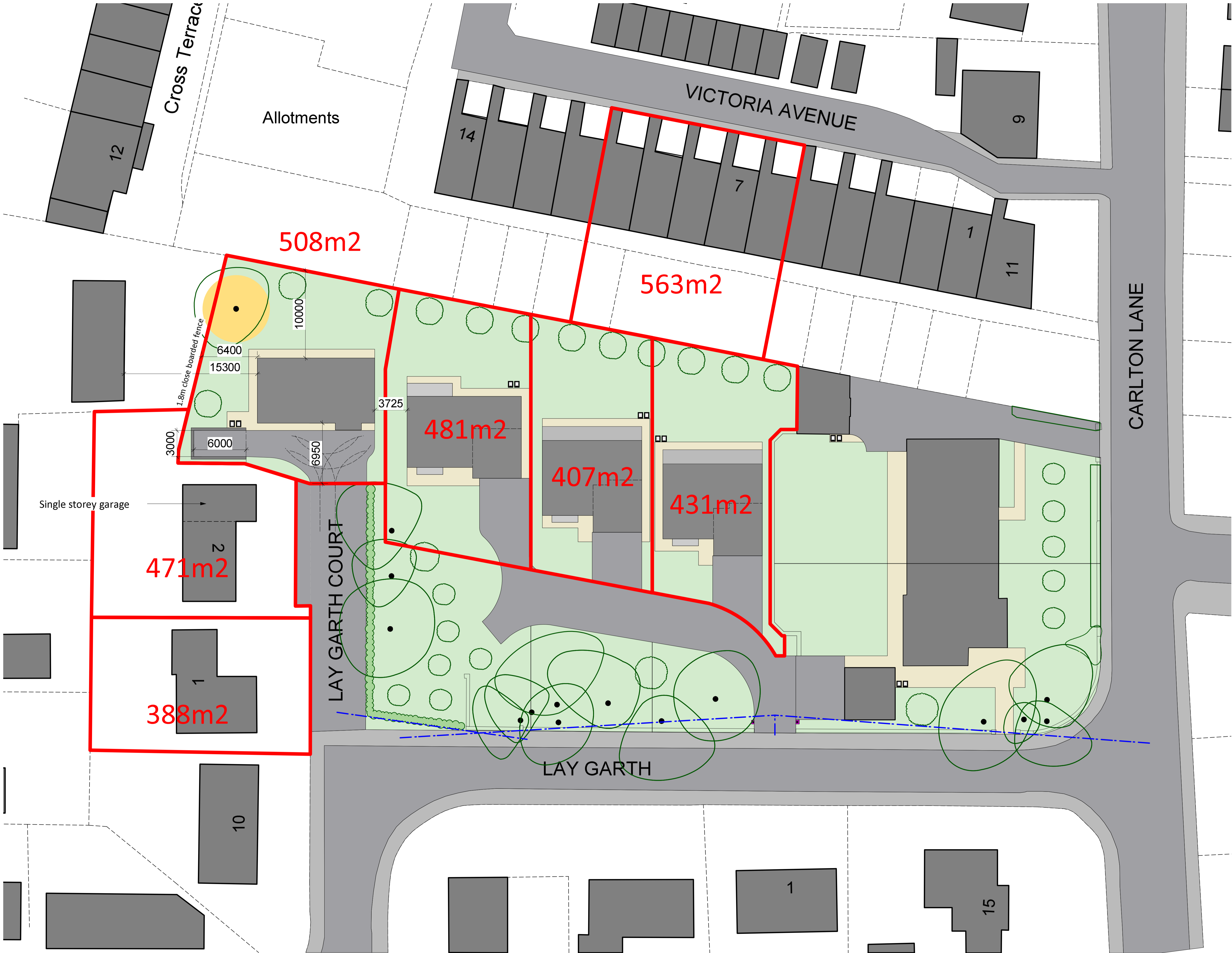
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SCALE : 1/1500



Revisions
 C 22/01/18 JW Dimensions added
 D 07/03/18 JW Revised scheme, dimensions & areas
 E 29/03/18 JW Drawing renamed Site Plan Areas

Garden = 155% of GIA



project
 3403 - Lay Garth Court, Rothwell

drawing title
 Site Plan Areas

drawing number
 3403(1)202 E

scale **drawn/Checked** **date**
 1:200 @ A1 JW / JW 22/12/17

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