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# Report of the Chief Planning Officer

#### NORTH AND EAST PLANS PANEL

Date: 9th August 2018

Subject: 18/00690/FU Demolition of existing building and construction of six dwellings with associated works and new access at the Former Garforth Clinic, Lidgett Lane,

Leeds LS25 1LJ.

APPLICANT
Pinnacle View Homes

12<sup>th</sup> March 2018

TARGET DATE
To be agreed

Specific Implications For:
Equality and Diversity
Community Cohesion
Narrowing the Gap

# RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

- 1. Time limit on full permission
- 2. In accordance with approved plans
- 3. Submission of a construction method statement
- 4. Details of existing/ proposed ground levels
- 5. Submission of external walling and roofing materials
- 6. Submission of details of boundary treatments
- 7. Area used by vehicles to be laid out
- 8. Details of proposed footway crossings (incl. reinstatement of footway)
- 9. Provision of the visibility splay shown on approved plan
- 10. Details of the electric vehicle charging points (1 per dwelling)
- 11. Details of the bins/ cycle stores
- 12. Submission and implementation of landscape details
- 13. Protection of trees and vegetation
- 14. Landscape management plan
- 15. Finished floor levels to be 300mm above road level
- 16. Details of surface water drainage scheme
- 17. Obscure glazing to first floor side elevation window (plot 2)
- 18. No insertion of additional windows in side elevation (plot 2)

- 19. Submission of contaminated land reports (incl. site investigation)
- 20. Details of amendments to remediation statement
- 21. Submission of verification report
- 22. Testing of any imported soils
- 23. Removal of asbestos (demolition)

#### 1.0 INTRODUCTION

- 1.1 This planning application is brought to Plans Panel North and East at the request of Ward Cllr Mark Dobson for reasons of potential overdevelopment, traffic and drainage impacts.
- 1.2 This application is a resubmission following the refusal of planning permission for seven dwellings at the site under planning Ref: 17/06706/FU. The applicant has lodged an appeal against that decision of the City Council.

#### 2.0 PROPOSAL

- 2.1 This revised planning application seeks permission to erect 6 dwellings arranged in detached and semi-detached configurations (3, 4 and 6 bed). The proposal would mainly be served by a centrally positioned access with a secondary driveway access to serve Plot 6 located to the south-western end of the site.
- 2.2 The properties provide accommodation across three floors (rooms in roofspace facilitated by dormers and rooflights) with dual pitched roofs. The dwellings are to be constructed of brick and concrete tile roof.
- 2.3 The dwellings generally have garden areas to the rear with parking laid out in combinations to the front, side and garages. The existing trees and hedge (along Lidgett Lane frontage) are indicated to be removed and replaced by a combination of low railings and a section of walling (with timber panel inserts).
- 2.4 Each dwelling is to be provided with electric vehicle charging points and cycle storage facilities. Scope to accommodate bins storage facilities is available within each plot and the site layout provides a bin collection area for refuse services.

#### 3.0 SITE AND SURROUNDINGS

- 3.1 The application site is a triangular shaped portion of land located off Lidgett Lane, Garforth. The site is occupied by a single storey flat roofed building which is set back from the road frontage. An area of hardsurfacing is laid out to the front of the building and is positioned behind an approx.1.4m high hedge. The building was previously occupied by Garforth clinic although is now vacant.
- 3.2 A mature tree stands to the northern side of the building and combination of timber fencing and vegetation align the eastern boundary (shared with residential properties of Lowther Drive). A police headquarters lies to the south with a mesh fence demarcating the common boundary.
- 3.3 There are residential properties to the other side of Lidgett Lane which are generally two storey in height, set back from the roadside (in a staggered alignment) and finished in white rendered walling and grey roof tiles. An electricity substation

compound lies to the north. To the east are the rear gardens of Lowther Drive which predominantly comprises two storey height semi-detached dwellings. The site lies within an area residential in character

#### 4.0 RELEVANT PLANNING HISTORY

4.1 17/06706/FU: Demolition of existing building and construction of seven dwellings with associated works and new access - Refused (01/07/15) on grounds of overdevelopment as the layout, building height and scale, and off-street parking arrangements resulted in a development that appeared cramped and visually incongruous in this part of Lidgett Lane. The proposal (which had been revised down from eight to seven units) included a parking court which offered a poor environment and was not well overlooked. In addition, three of the proposed dwellings had substandard private garden areas, prejudicial to their residential amenity. A further reason for refusal cited the applicant's failure to demonstrate adequate visibility could be achieved at the proposed accesses on to Lidgett Lane. The applicant has lodged an appeal against the decision of the City Council although no dates have yet been set for the submission of case.

#### 5.0 HISTORY OF NEGOTIATIONS

5.1 Amendments to this resubmitted scheme have been carried out during the consideration of the application and have focused on the site layout to achieve suitable building separation from Lidgett Lane, garden depths, vehicle access and parking arrangements.

#### 6.0 PUBLIC/LOCAL RESPONSE

- The application was advertised by 2 site notices posted adjacent to the site dated 29<sup>th</sup> March 2018 and 24 neighbour notification letters were sent out dated 14<sup>th</sup> March 2018.
- An email from ward Cllr Mark Dobson requesting the application be determined at Plans Panel citing reasons of potential overdevelopment, traffic and drainage impacts.
- 6.3 9 letters of representation have been received with 8 raising objection to the application proposal via the public notification process. The grounds of these objections are summarised below:
  - Health clinic should not have been closed negative impact on community (loss of services in Garforth- nearest facility in Kippax); loss of infrastructure to support increasing population; site could be used by two nearby schools instead.
  - Access to site near a bend danger for traffic/ parked cars/ pedestrians; increases in traffic and adding to already congested route (esp. peak times during school opening/ closing); insufficient parking provision; no account for visitor parking; potential conflict with other accesses opposite.
  - Impact on privacy of residents adjacent, overlooking to properties (Lowther Grove to east); overshadowing and loss of view to existing properties.
  - Houses not in keeping with surroundings; 3 storey height not appropriate given space available; more sympathetic development required (e.g. smaller homes for young/elderly, flats for young persons, bungalows); number and

- height of houses excessive; executive house-type not needed/ housing mix needed- lifetime homes.
- Tree removal on site before application submission and proposed loss of the hedge; replacement hedge along Lidgett Lane required; query proposed ground level changes.
- Flooding issues along Lidgett Lane; surveys not identified nearby culverts; proposal put significant pressure on existing antiquated sewerage system.
- Construction activity- increases in disturbance (noise/ dirt pollution), impact on contractor parking; safety of children attending schools nearby.
- 1 letter of comment raises the following:
  - Reports regular flooding in area for over 50 years with branch of watercourse running across the entrance of this site.

# 7.0 CONSULTATIONS RESPONSES:

# **Statutory:**

7.1 <u>Coal Authority</u>: No objection.

# Non-statutory:

- 7.2 Highways: No objection, suggested conditions.
- 7.3 Flood Risk Management: No objection, conditions recommended.
- 7.4 <u>Contaminated Land</u>: Additional information requested, although suggested conditions may be imposed.

#### 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 Leeds Area Action Plan (2017) and any made Neighbourhood Plan.

#### Local Planning Policy

- The Core Strategy sets out the strategic planning policy framework for the district until 2028. The following core strategy policies are considered to be relevant:
  - SP1: Location of development
  - H2: New housing on non-allocated sites.
  - H4: Housing Mix.
  - P10: Seeks to ensure that new development is well designed and respect its context.
  - P12: Seeks to conserve and enhance the character, quality and biodiversity of Leeds townscapes and landscapes.
  - EN5: Seeks to manage and mitigate flood risk.
  - T2: Seeks to ensure that new development does not harm highway safety.

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following policies are also considered to be relevant:

GP5: Ensure that development proposals resolve detailed planning

considerations, including amenity.

N25: Boundaries of sites to be designed in a positive manner using walls,

hedged or railings where appropriate to the character of the area.

BD5: Ensure new development protects amenity.

LD1: Landscape schemes to complement and where possible enhance the

quality of the existing environment.

8.4 The following Natural Resources and Waste policies are also considered to be relevant:

MINERALS3: Surface Coal resources.

WATER1: Water efficiency, including incorporation of sustainable drainage.

WATER4: Effect of proposed development on flood risk.

WATER7: All developments are required to ensure no increase in the rate of

surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage

techniques.

LAND1: Supports principle of development on previously developed land and

requires submission of information regarding the status of the site in

term of contamination.

LAND2: Relates to development and trees and requires replacement planting

where a loss is proposed.

AIR1: Air quality considerations

#### Supplementary Planning Guidance

8.5 Neighbourhoods for Living (SPG13, adopted).
Sustainable Urban Drainage (SPG22, adopted)
Street Design Guide (SPD, adopted)
Sustainable Design and Construction (SPD, adopted).
Leeds Parking Policy (SPD, adopted)

# National Planning Policy

- 8.6 The recently revised National Planning Policy Framework (NPPF, 2018) sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.
- 8.7 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. 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 The NPPF gives a presumption in favour of sustainable development (para. 11).

Chapter 5 recognises the contribution of small and medium sized sites to meeting housing requirements of an area and, amongst other matters, support the development of windfall sites through policies and decisions- giving great weight to the benefits of using suitable sites within existing settlements for homes (para.68).

Chapter 8 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other matters, promote social interaction (e.g. allow for easy pedestrian/ cycle connections, active street frontages) and are safe and accessible (para.91).

Chapter 9 covers the promotion of sustainable transport modes and achieving safe and suitable access to sites for all users (para.108) and to refuse developments on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (para.109).

Chapter 11 promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117).

Chapter 12 identifies that good design is a key aspect of sustainable development creation of high quality buildings and places is fundamental to sustainable development (para.124).

Chapter 14 requires account be given to flood risk and that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para.163).

Chapter 15 states that planning policies and decisions should contribute to and enhance the natural and local environment (para.170) and ensuring that a site is suitable for its proposed use taking account of ground condition and any risk arising from land instability and contamination (para.178).

#### DCLG - Technical Housing Standards 2015

- 8.9 This 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 National 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 progressing to adopt the national standard, building on work already done in developing the Leeds Standard which is applied to all Council schemes and which seeks to influence private sector development to achieve better quality housing. This work is being progressed as part of the Core Strategy Selective Review which the Executive Board endorsed at its meeting on 8<sup>th</sup> February 2018. Accordingly some limited weight can now be attached to these requirements.
- 8.10 The proposal comprises an arrangement of 3, 4 and 6 bedroom detached and semidetached dwellings. The housing standards require such property types to provide 108sqm, 112sqm and 138sqm of gross internal floorspace. Each of the dwellings satisfies the respective guidelines with the 3 bed dwelling offering 108sqm, the 4 bed dwelling offering 140sqm and the two 6 bed dwellings offering 151sqm and 157sqm. The implications of this are further discussed within the residential amenity section (para. 10.13) of the appraisal.

#### 9.0 MAIN ISSUES

- 1. Principle of development
- 2. Impact on design, visual amenity and character
- 3. Impact on residential amenity
- 4. Highway implications
- 5. Flood risk and drainage
- 6. Other matters

#### 10.0 APPRAISAL

# Principle of development

- 10.1 National and local planning guidance encourages the effective re-use of previously developed land before greenfield sites are released. In this instance, this proposal will result in the delivery of housing within Garforth, adjacent to established housing (Lidgett Lane, Lowther Grove) with access to a range of community facilities and public transport infrastructure. The application site was formerly occupied by a health clinic and is considered to be 'brownfield' in status and accords with the current planning policy approach. It is understood that the health clinic was operated by the Leeds Community Healthcare NHS Trust and was placed on the open market for sale following a re-organisation of the service.
- 10.2 Overall, the re-use of the site for residential purposes is considered compatible with its surroundings and the principle for the residential re-development is considered to accord with national and local plan policy. However, its overall acceptability is subject to other material considerations being satisfactorily resolved and matters these are appraised below.

#### Impact on design, visual amenity and character

- 10.3 The application site is a triangular shaped piece of land that narrows to its northern end. The layout of the proposal is formed off a centrally positioned main point of access off Lidgett Lane with the proposed dwellings aligning either side and facing towards this newly created access road.
- 10.4 This resubmitted application seeks to address previous officer concerns and has resulted in a reduction in the number of dwellings proposed on site, affording more space within the plot to increase separation distances to boundaries and properties, accommodate the parking requirements and to better orientate the dwellings to address the principal street frontage. During the consideration of this application further amendments were made to the site layout. The proposed house-types provide accommodation across three floors although the upper floor is genuinely contained within the roofspace of the property, facilitated by gable ends and the insertion of dormer windows and rooflights. The application site lies within an area predominantly defined by conventional brick and rendered built two storey housing stock. Taller housing is visible further along Lidgett Lane, with the mature terraces on the approach to Main Street and the more recent development to the southern side of Garforth Academy (adjacent Selby Road) elevating to a 3 storey height. In this wider context and taking account of the large scale police station building adjacent the scale of house-types chosen is accepted.

- 10.5 The reduction in the number of dwellings has created more space around the site and the dwellings fronting Lidgett Lane (Plots 1 and 6) are appropriately set back from the roadside to provide defensible space for future occupants and designed with a dual aspect to provide activity and visual interest at the entrance point to the newly formed access road.
- The existing established hedge aligning the site frontage provides a continuous, positive landscape feature defining the site frontage but is indicated to be removed. The hedge is shown to be largely replaced by low railings which will act to open up views into the site and leave scope to provide appropriate replacement planting in mitigation. However, Officers are in negotiation with the applicant about retaining sections of the existing hedge to safeguard the visual quality of the streetview and help assimilate the development with its surroundings. Panel Members will be verbally updated on the outcome of these negotiations at the Panel meeting. The proposal includes storage facilities for bins and cycles for the occupiers of the dwellings and these facilities are to be suitably integrated within the site (situated within rear gardens) without causing visual detriment to the site appearance.
- 10.7 Overall, this resubmitted proposal is considered to be of an appropriate scale, height and appearance which is visually compatible with its surroundings. The reconfigured layout responds appropriately to the character and appearance of this part of Lidgett Lane.

# Impact on residential amenity

- 10.8 The proposed replacement residential development is clearly, in use terms, compatible with the nearby residential properties that border the site. However, careful regard is given to any dominance, overbearing, overshadowing or overlooking issues to these adjacent neighbours.
- 10.9 As noted previously, the proposed house-types provide accommodation across three floors and are considered generally appropriate given the site's context. It is however recognised that some of the house-types have sizable footprints (when comparing to existing neighbouring dwellings) with broad depth gables (approx. 9.1m) and high ridge heights (approx. 8.7m). Plot 2 stands nearest to the eastern boundary (at a range of 1.1m-2.9m), with a pinch point short of the guideline distance of 2.5m, and will appear readily apparent from the garden areas of the adjacent properties along Lowther Grove, with little scope to mitigate with landscaping. Plot 2 will however stand some 23m away from the rear elevation walls of these existing dwellings, well in excess of the guideline distance (12m) for such a situation. It is also noted that the site's ground levels are generally lower than that of the adjacent gardens. Even in taking account of the broader gable widths it is considered that the separation distance between, the development's westerly position from those dwellings on Lowther Grove and the respective ground level difference are factors that mean justifying refusal on dominance, overbearing and overshadowing grounds would be difficult to substantiate. Nevertheless, to ensure the finished floor levels and proposed ground levels are appropriate a planning condition could be imposed requiring the submission of these details.
- 10.10 The proposed house-types have the main aspect windows facing to the front (towards access road and Lidgett Lane for plots 1 and 6) and to the rear (private gardens). The site is bordered by Lidgett Lane to the west, a substation to the north and police station to the south and would not present overlooking issues, owing to the separation distances involved. It is however noted that the side gable of plot 2,

which abuts exiting residents (Lowther Grove), does have a first floor window but this window is small and is to serve an en-suite. Accordingly, a condition requiring obscure glazing for this window could effectively prevent views out. A condition preventing the insertion of any additional side elevation windows (without first being subject to a planning permission) could also be imposed to safeguard neighbour privacy.

- 10.11 Mindful of some concerns raised and given the site's closeness to existing residential properties a construction management plan is to be secured by planning condition (incl. restrictions on construction hours) to safeguard neighbour amenity.
- 10.12 Having regard to the amenity of future occupants of the dwellings, the proposed dwellings are provided with gardens to the side and rear. Typically, a living/ dining room window requires a minimum distance of 10.5m to a property boundary and only plot 6 falls short (achieving 9.5m) although as this property abuts the adjacent police station site and occupants have use of an extended side garden area this circumstance is not considered to adversely impact on the amenity of the adjacent occupier or future occupiers of the dwelling. It is noted that the separation distance between plot 1 and the proposed dwellings opposite (plot 4) falls just short of the guideline 21m distance (by 0.5m) but it is considered that given the slightly off-set relationship between the two properties and marginal shortfall involved that it can be accepted.
- 10.13 In addition to the provision of reasonable level of outdoor space and outlook there is also the need to ensure the internal accommodation being offered is adequate. On this issue, the government introduced optional national technical housing standards which state the minimum quantum of accommodation for dwellings as well as room heights and sizes. The guidance which accompanies this document makes it clear local authorities are only permitted to refer to the national standards through the introduction of an appropriate local plan policy. As specified in para. 8.9 and 8.10, the national space standards do not currently form part of the adopted development plan but the Council is moving towards this position. With this in mind, the proposed properties provide accommodation which either meets or exceeds the nationally described internal space standards and accordingly will safeguard the amenity of future occupants.
- 10.14 Overall, this resubmitted proposal is, on balance, not considered to unreasonably impact on the residential amenity of nearby residences and would provide an adequate level of accommodation for future occupiers in terms of outlook and amenity space.

#### Highways implications

- 10.15 The application site is located within an established residential area and future occupiers would have good access to the shopping and community facilities and general amenities situated nearby as well as access to existing bus services.
- 10.16 The proposed development provides two vehicle accesses and the Highway officer is satisfied that an acceptable visibility sightlines has been demonstrated. A planning condition is advanced to ensure adequate visibility is provided at the site's access.
- 10.17 The proposed layout provides an appropriate number of off-street parking spaces to serve a development of this size with 4 out of the 6 dwellings providing 3 off-street

- parking space. The proposed individual houses are to be each provided with electric vehicle charging points and specific details of these along with the secure cycle storage facilities could are to be secured by planning condition.
- 10.18 Overall, it is considered that the proposal will provide an adequate level of off-street parking and is not considered to adversely impact on the operation of the highway or road safety.

# Flood risk and drainage

- 10.19 It is recognised that this part of Garforth has experienced drainage and flooding issues and residents are sensitive to new developments and the impacts these may have on existing drainage infrastructure and the ground water conditions.
- 10.20 The application site does not lie within an identified flood risk zone although an assessment of the geological conditions at the site have very significant constraints for infiltration sustainable drainage. The application site currently drains to the (public) combined water sewer in Lidgett Lane.
- In this instance, the proposed development provides on-site attenuation measures and will be required to ensure a 30% reduction in surface water run-off. In taking account of the existing rates of foul and surface water discharges to the sewer the proposed development will provide an overall betterment. Accordingly, the Council's Flood Risk Management officer has raised no objection to the principle of the development, subject to the full details of surface water drainage works being submitted and these are to be secured by planning condition. Moreover, restrictions are requested to be imposed on the finished floor levels of the dwellings in relation to the adjacent road level.

# Other matters

- 10.22 In respect of land contamination matters, the submitted phase 1 desk study report accompanying the application recommends that a phase 2 site investigation is carried out and the Council's Contaminated Land officer is content for this additional work to be secured through appropriately worded planning conditions.
- 10.23 The application site lies within a defined development high risk area where there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant submitted a site investigation report indicating that no coal seams or evidence of coal workings were encountered. The report concludes that the application site is, or can be made, safe and stable for the proposed development and on this basis, The Coal Authority raise no objection to the proposed development.
- 10.24 CIL was adopted by Full Council on the 12<sup>th</sup> November 2014 and was implemented on the 6<sup>th</sup> April 2015. The application site is located within Zone 2B, where the liability for residential development is set at the rate of £43 per square metre (plus the yearly BCIS index). Based upon the floorspace involved a contribution of £21,607 is generated. This information is not material to the planning decision and is provided for Panel Member's information only.

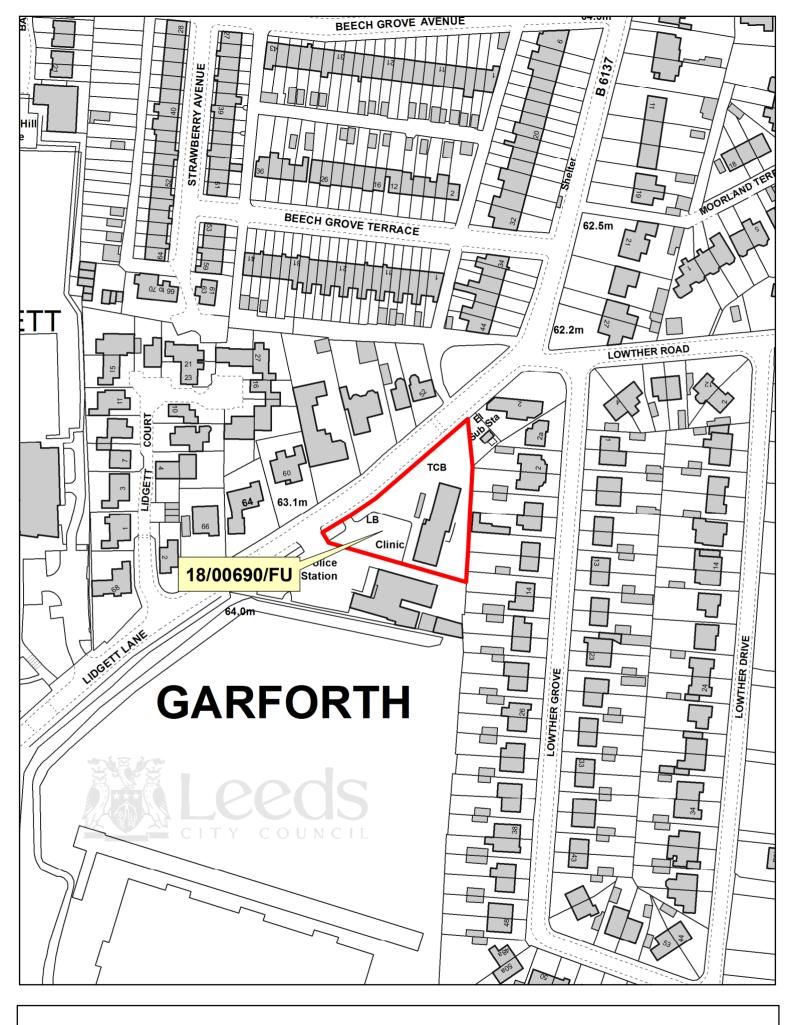
#### 11.0 CONCLUSION

11.1 The principle of re-developing this site for residential purposes is considered acceptable in this location and the amendments undertaken to the layout, siting and design of the proposed development are considered to have been adequately resolved previous planning concerns. Accordingly, this revised proposal is recommended for approval.

# **Background Papers:**

Application and history files.

Certificate of Ownership signed by the appointed planning agent on behalf of the applicant dated 30<sup>th</sup> January 2018.



# **NORTH AND EAST PLANS PANEL**

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