



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

Subject: 19/07228/FU - Demolition of existing bungalow (retrospective) and erection of a pair of two storey semi-detached dwellings at Sheri Dene, Elmwood Lane, Barwick-in-Elmet, LS15 4JX

APPLICANT

Selby Road Homes

DATE VALID

22 11 2019

TARGET DATE

EOT - 06 03 2020

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted

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 limit
2. Compliance with approved drawings
3. Submission of external materials for approval
4. Sample panel of stonework
5. Timber windows and doors (White, cream or natural finish)
6. Portico materials
7. PD rights removed (Classes A-E & means of enclosure)
8. Front wall to be retained and made good
9. South boundary wall to be repaired and made good
10. Submission of drainage scheme
11. EVCP details
12. Vehicle space to be laid out
13. Statement of construction practice
14. Footway crossing
15. Landscaping details and implementation plan
16. Contamination – Phase 2 report (Site Investigation)
17. Contamination - Remediation statement

18. Contamination – Verification reports
19. Contamination – Importing soil requirements
20. Contamination – Asbestos
21. No balconies to flat roofs
22. Details of rainwater goods
23. Hardstanding to the front to be permeable
24. Inclusion of water butts

INTRODUCTION

1. This application is brought to Plans Panel pursuant to Part 3 2 c Exception 1 (g) of the Constitution as the Chair, in consultation with the Chief Planning Officer, considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal. This consideration is made in light of the ongoing legal proceedings relating to the previous application for the site (19/00882/FU).

BACKGROUND

2. Development of the site was granted planning permission for a similar development in September 2019 under planning application reference 19/00882/FU. However, shortly after the decision was issued an interested party sought to challenge the decision through a Judicial Review. The claim sought to challenge the decision on two grounds. Firstly, failure to have regard to the statutory duty within s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Secondly, that the Council failed to take into account the impact on residential amenity to the occupiers of Elmwood House and occupiers of 38,40 and 42 Main Street several properties to the rear of the site.
3. In response to the claim the Council has admitted that an error was made regarding ground one. As such the Council has conceded that there is a genuine basis for grounds for Judicial Review which will result in the decision being quashed. The Council has agreed in principle to a consent order to quash the decision on that basis. The Council does not however, agree with ground two and for that reason it has not been possible to date to agree the wording of a consent order with the Claimant. At this time the legal proceedings remain ongoing and we do not have a timescale for a decision.
4. The current planning application seeks to obtain planning permission for a similar development. The application has been advertised accordingly and the assessment of the application below includes a full consideration of its impact on the setting of the listed building. It is not considered that the ongoing Judicial Review proceedings regarding the previous planning application have any implications for the determination of current application.

PROPOSAL

5. The proposal relates to the demolition of a bungalow (retrospective) and replacement with two semi-detached properties which are both 4 bedroomed. The proposed new dwellings are two storey in height with a gabled roof design and are a mirror image of one another. The dwellings incorporate a dual flat roofed single

storey rear projection which are served by lantern lights. The dwellings will be constructed of natural stone with a natural slate roof.

6. The properties benefit from reasonably large private, rear garden areas and landscaped front garden areas. Both properties incorporate a driveway and off-street parking provision to the front, accessed from Elmwood Lane. In the case of the southern dwelling the existing access to the site is retained. An EVCP point is proposed for each property.

SITE AND SURROUNDINGS

7. A detached bungalow was previously present on the site, however it was demolished in October 2019. The bungalow was constructed of red brick with a concrete tile roof, set within a large, deep plot. The bungalow had a large rear garden area which sloped gently down towards the rear of the site. The property also had an existing vehicular access and driveway onto Elmwood Lane, towards the southern edge of the site. The site is currently vacant and has been prepared for development.
8. The site benefits from a grassed verge between the highway and a historic front boundary wall. The site is flanked on either side by two, two storey residential dwellings built of stone with red tile roofs, which appear to be of quite recent construction. A former barn which has been considerably altered and is currently in commercial use (electrical contractors and engineering) is located directly adjacent to the site to the north. This building is set back significantly from the highway and the predominant building line. The dwellings to the rear of the site (along Main Street) are situated on a lower land level.
9. A Grade II listed building, known as Elmwood House (44 Main Street) is situated to the south-east of the site. The property is in residential use. The listed building fronts onto Main Street and is positioned in a slightly off-set position to the rear of the site, with the rear of the listed building facing the proposed development. The listed building and grounds are also situated on a lower land level than the development site. A curtilage listed boundary wall which is attached to the listed building extends up the south side boundary of the site up to Elmwood Lane.
10. The site is situated within the Barwick-in-Elmet conservation area. The boundary of the conservation area runs along Elmwood Lane with the western side of the street falling outside the designated area.
11. The site is situated towards the north-western side of the village of Barwick which has a limited range of services and community facilities, including a parade of shops. The surrounding area is predominantly residential consisting of mainly two storey dwellings of varying design, although the surrounding buildings within the conservation area contain similar detailing elements and are generally of simple form. The palette of external walling and roofing materials is also varied.
12. The site is accessed from Elmwood Lane which is a quiet residential road. The majority of neighbouring properties appear to have off-street parking provision. Elmwood Lane is situated close to Main Street which is a key central route within Barwick-in-Elmet, linking the settlement with surrounding villages.

RELEVANT PLANNING HISTORY

13. 19/00882/FU - Demolition of existing bungalow and erection of a pair of two storey semi-detached dwellings (Granted – 04.09.2019).
14. This application is currently subject to the aforementioned ongoing Judicial Review proceedings which are yet to be determined

HISTORY OF NEGOTIATIONS

15. The following amendments have been negotiated during consideration of the application:
 - Increase in the depth of the parapet for the single storey rear projections.
 - Re-siting of the chimneys nearer to the ridgeline.
 - Windows changed from grey to white painted timber.
 - Increased depths of ground floor window head detailing.
 - Improved hard and soft landscaping and confirmation that existing boundary treatments are to be retained.
16. It should be noted that the previous similar planning application (19/00882/FU) was subject to significant changes following lengthy negotiations prior to permission being granted. The application was original submitted for two modern detached dwellings. The following amendments were negotiated during the previous application:
 - A move from two detached properties to a semi-detached form of dwellings.
 - Relocation of the vehicular access points.
 - Simplification of the detailing elements and fenestration.
 - Retention and refurbishment of the historic front boundary walling.

PUBLIC/LOCAL RESPONSE

17. Eight letters of representation have been received, all in objection to the proposed development. One of the letters is from Barwick-in-Elmet Parish Council. The other letters are from four neighbouring households.
18. The letter from the Parish Council states that it is not considered that the proposal will adversely affect the setting of the listed building. However, the Parish Council is of the view that the new development will overlook properties on Main Street and that the development would represent the over-development of the plot. Concerns are also raised that there could be issues regarding shadows late in the day which would impact on amenity.
19. The letters from the neighbouring residents raise the following concerns:
 - Impact on building line
 - Overdevelopment of the plot
 - Traffic / parking concerns
 - Impact on the character of the area.
 - Loss of grass verge
 - Conformity with the Neighbourhood Plan

- Loss of privacy / overlooking
- Impact on boundary walling
- Over-dominance
- Inadequate landscaping
- Impact upon the amenity of neighbouring properties
- Impact upon the amenity of future residents
- Harm to the significance of the Grade II listed building at Elmwood House
- Harm to the character and appearance of the conservation area
- Land contamination.

20. One of the representations included a Heritage Impact Assessment produced by the Pegasus Group, which further detailed the aforementioned concerns in relation to the harm to the significance of the Grade II listed building and harm to the character of the conservation area.

CONSULTATIONS RESPONSES (SUMMARY)

21. Conservation Team – The proposed development plot, on Elmwood Lane, is in an elevated position in relation to the listed building on lower lying Main Street. Located in the central historic core, where views and glimpsed views of neighbouring properties are part of the tight grain character of the area, the proposed dwelling design responds and is more sympathetic to the positive character of the conservation area and listed building than the previous bungalow. It is considered that the proposals will offer an enhancement to the area. The proposed design is simple in form and has a much improved palette of materials than existing, utilising natural stone, slate roof and timber windows, which responds to the character of the conservation area. The development plot retains the existing positive historic stone wall to the boundaries.

If the baseline for assessment is now a cleared plot, comments in response to various points raised are as follows:

- Croft and toft - although historically the land would have been a 'croft and toft' arrangement, this characterisation has long since been eroded. As early as 1888 the land to the rear of 38-42 Main Street, to which the land was associated, was subdivided with a boundary to create a separate rear plot. The recent demolition of the bungalow does not return the piece of land to 'croft and toft' in part due to this boundary division from the 'croft', which still exists today.
- The plot of land is bounded on all four sides by stone/brick walling and hedges, creating a sense of enclosure and containment to the land. Rather than agrarian 'croft and toft', the land reads as a recently cleared plot of land, not associated to a particular building. Prevailing 'croft and toft' characterisation cannot be attributed to the setting of the listed building in this instance.
- The demolished bungalow was built c.1960's and remained there until late 2019. Elmwood House (including the right-hand bay of number 46) received Grade II listed status in 1986, after the date the bungalow was built on the land in question. Elmwood House was therefore listed with the bungalow/the plot of land developed as part of its setting.
- The setting of the listed building is inextricably linked to the character of the immediate CA. This part of the CA in question is typified by existing subdivision and development to the rear of these plots, fronting onto Elmwood Lane.

- Historical map from 1892 shows built development along this boundary and the land further subdivided down the centre of the plot, as is proposed in the current application, showing an historical precedent for this subdivision arrangement.
- The proposed dwellings are considered to be sympathetic to the curtilage listed wall as they have been positioned away from it giving it space to be read, and respond well in terms of form and materials.

In summary, the original assessment, based on the bungalow as an existing feature on the site, considered the proposal to be an enhancement to the setting of LB and CA. As the baseline is now a cleared, bounded plot with a recent history of development, the proposal is therefore considered to preserve setting of the LB and the character of the CA as set out in Section 66 (1) and 72(1) respectively in the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding this suggestions are made to further enhance the proposal, as well as recommended planning conditions.

22. Environmental Studies - On examination of Defra's strategic road maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements. Therefore in this case we do not require an acoustic assessment to be submitted.
23. Contaminated Land – Further information required in relation to asbestos. Phase 2 Site Investigation report required. Planning conditions suggested.
24. Highways – No objection, subject to conditions.
25. Landscape – Vegetation to front (outside red line) should be retained. Add tree planting to site frontage.
26. Flood Risk Management – No objections, subject to conditions.

PLANNING POLICIES & LEGISLATION

Relevant Legislation

27. 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.
28. Listed Building: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
29. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Local plan, unless material considerations indicate otherwise. The Development Plan comprises of the Core Strategy as

amended by the Core Strategy Selective Review (2019), Site Allocations Plan (2019), Natural Resources and Waste DPD (2013), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan.

National Policy

National Planning Policy Framework (NPPF)

30. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
31. Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 68 highlights that *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly"*.
32. Chapter 12 - Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
33. Paragraph 127 states that:
"Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*
34. 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a

development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

35. Paragraph 194 relates to designated heritage assets and 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.

36. 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.

National Planning Policy Guidance (NPPG)

37. Provides further detailed guidance on a range of planning issues, in particular in relation to the importance of good design

Local Policy

Core Strategy, as amended (2019)

38. SP1 - Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
H2 - Relates to new housing development on non-allocated sites.
H3 - Density of residential development.
H4 - Housing Mix.
P10 - Seeks to ensure that new development is well designed and respects its context.
P11 - Seeks to ensure that heritage assets are conserved and enhanced.
P12 - Landscape
T2 - Seeks to ensure that new development does not harm highway safety.
G9 - Biodiversity improvements.
EN5 - Managing Flood Risk.
H9 - Minimum Space Standards for new dwellings
H10 - Accessible Housing Standards
EN8 - Electric Vehicle Charging Infrastructure

Natural Resources and Waste DPD (2013):

39. General Policy 1 General planning considerations
Water 4 Development in Flood Risk Areas
Water 6 Flood Risk Assessments

Water 7
Land 1

Surface Water Run Off
Land contamination

Barwick in Elmet and Scholes Neighbourhood Plan (2017-2028):

40. This plan was 'Made' in 2017 and forms part of the Leeds Development Plan. The policies relevant to this proposal are:

Policy LE1: Conserving historic character.

Policy BE1: Achieving high quality and sympathetic building design.

Policy BE2: Streets and street scene.

Policy BE4: Drainage and flood prevention

Policy HO2: Type and design of new housing developments.

Saved UDPR (2006) Policies:

41. GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
N25 - Seeks to ensure boundary treatment around sites is designed in a positive manner.
BD5 - The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1 - Seeks to ensure that development is adequately landscaped.
N19 - All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:
- i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
 - ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;
 - iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;
 - iv. Careful attention is given to the design and quality of boundary and landscape treatment.
- N20 - Demolition or removal of other features which contribute to the character of the Conservation Area and which are subject to planning control, such as trees, boundary walls or railings, will be resisted.
BC7 - Development within conservation areas will normally be required to be in traditional local materials.

Relevant Supplementary Planning Guidance

42. SPG Sustainable Urban Drainage
SPD Street Design Guide
SPD Leeds Parking
SPG Neighbourhoods for Living
43. Barwick in Elmet Conservation Area Appraisal and Management Plan (2010): This appraisal and management plan sets out the features that contribute to its distinctiveness and identifies opportunities for its protection and enhancement.

MAIN ISSUES

44. The main issues relating to this development proposal are considered to be:
- The principle of the development / Housing supply
 - Design and Character / Conservation Area / Setting of listed building
 - Residential Amenity – Neighbouring residents
 - Residential Amenity – Future occupants
 - Highway Safety
 - Climate emergency
 - Representations

APPRAISAL

The principle of the development / Housing supply

45. The site is situated within the defined urban area of the village of Barwick. The site is predominately brownfield, being the location of a recently demolished dwelling, however the garden areas of the former property are classified as greenfield land.
46. The village of Barwick is characterised as a smaller settlement within the Core Strategy settlement hierarchy. Smaller Settlements are those communities which have a population of at least 1500, a primary school, and a shop or pub. Some but not all Smaller Settlements have a local centre (such as Barwick). Smaller Settlements generally only provide a basic service level. Whilst smaller settlements are not the priority or focus for housing delivery within the city, they are expected to make a valuable contribution to the city's growth needs. The Core Strategy highlights that Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability.
47. The site is not allocated within the adopted Site Allocations Plan. Policy H2 of the Core Strategy states that new housing development on non-allocated land is acceptable in principle providing that specific criteria are met. The proposal will not exceed the capacity of transport, educational and health infrastructure given that it relates to two dwellings (net one dwelling), which will create a very modest infrastructure burden. The proposal does not meet the threshold of 5 dwellings and is consequently not required to comply with the accessibility criteria contained within criterion ii) of Policy H2. Furthermore, the proposal is not situated on land defined as Green Belt, or designated as green space. The proposal is also not considered to have intrinsic value for recreation, nature conservation, spatial or the historic character of the area (further considered later). Consequently, the proposal is considered to comply with Policy H2 of the Core Strategy and given that site is situated within a generally sustainable location within the defined settlement hierarchy, as such the principle of residential development is accepted.
48. Leeds currently benefits from a housing supply in excess of five years. The proposal will provide a very modest, but welcome contribution to Leeds' housing supply (net one unit) and in particular it will provide family dwellings within a village where limited growth is anticipated over the plan period (albeit Barwick does not have a set housing target).

Design and Character / Conservation Area / Setting of listed building

49. Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that 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, taking into account any local design standards or style guides in plans or supplementary planning documents.
50. Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* 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. 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.
51. The proposal lies within the Barwick in Elmet Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when granting planning permission. Development Plan policies also seek to conserve the historic character of designated areas.
52. Firstly, to regularise the demolition of the bungalow, in the event the previous permission is quashed, the proposal incorporates the retrospective demolition of the previous bungalow property. Whilst the dwelling was located within the conservation area it was not considered to be of particular merit nor positively contribute to the character or appearance of the conservation area. The dwelling was a modest brick built infill bungalow which was some-what out of keeping with the character of the area. The dwelling was not identified as a positive building within the Conservation Area appraisal and was not historic in nature. Consequently, the loss of the existing building is not considered to be significant and as such preserves the character and appearance of the conservation area.
53. The proposed dwellings will be constructed of natural stone and slate which are common and traditional building materials both within the immediate context and the wider conservation area. It is noted that both adjacent dwellings incorporate red tile roofs. However, the presence of red tile roofs within this part of the conservation area is limited and such roofs when found are generally scattered around, usually in clusters of no greater than two dwellings. Within this context the use of slate is appropriate and supported.
54. The proposed dwellings are two storey in scale and incorporate a gabled roof form, which is typical of the surrounding conservation area context. Whilst the new dwellings will be semi-detached properties, the form and scale of the pair of dwellings will be similar to the adjacent detached units. Furthermore, the siting and orientation of the dwellings will be very similar to the existing bungalow, with the new dwellings positively addressing Elmwood Lane whilst retaining a suitable set

back from the highway. The east side of Elmwood Lane surrounding the site has quite a compact urban grain with limited spatial relief between dwellings. The existing bungalow currently creates a visual break in the streetscene given its low height. Whilst the proposed dwellings will be taller (of typical two storey scale), the semi-detached pair are set away from both site boundaries of the plot, ensuring that adequate spatial relief between the dwellings is retained. The staggered nature of the building line further helps to create visual breaks and reduces the potential massing of the development.

55. The design of the new dwellings has taken inspiration from positive features from neighbouring dwellings within the conservation area. A key characteristic of the neighbouring buildings is their simple elevations (especially at first floor level) and uncluttered roofs. The proposed dwellings respect this prevailing character and incorporate simple elevations which feature characteristic heads and cills detail, corbels, timber openings and a window design which takes inspiration from the neighbouring terrace to the south, which is identified as a positive building within the associated conservation area appraisal. The properties incorporate a modest canopy (portico) above the front doors. Small single storey front additions are a feature of the neighbouring properties and the proposed design is considered suitable and not out of keeping with the street scene. The proposed rear orangeries are of sympathetic design and scale and will be largely screened from public views. The proposal also incorporates chimneys on the front facing roof slope. Chimneys are a common feature within the conservation area and provide important vertical articulation. The neighbouring chimneys are of varying design and siting, indeed the existing bungalow and adjacent listed building contain chimneys which are not situated on the ridgeline.
56. A notable attention to detail has also been applied to the smaller elements of the scheme, such as the EVCP points, which take the form of a screened modest timber box and have been sited to reduce their prominence, to ensure that they assimilate appropriately within the surrounding context. Consequently, the design and detailing of the proposed dwellings is considered to enhance the character and appearance of the streetscene and enhance the character and appearance of the conservation area when considered against the former bungalow development.
57. A key aspect of the conservation interest at the site is the historic stone front boundary wall which matches the adjacent properties and runs up the east side of Elmwood Lane. The front wall of the site has previously been unsympathetically increased in height with the addition of some red brickwork in the past. The proposal includes retaining the majority of the stone wall and refurbishing it, by removing the brick elements and making good the stone built areas, where necessary. This is a notable positive element of the scheme which will enhance the appearance of the conservation area. Furthermore, the proposal will also retain a large amount of the existing front grass verge which is a positive feature of the streetscene and conservation area.
58. A Grade II listed building, known as Elmwood House (44 Main Street) is situated to the south-east of the site. The rear elevation of the building faces the site. Consequently, the proposal is considered to be within the setting of the listed building. Section 66 (1) of the Planning (Listed Building and Conservation Area) Act 1990 requires that where a development affects a listed building or its setting, special regard should be given to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Further paragraph 194 NPPF states that 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.

59. The demolished bungalow was built c.1960's and remained there until late 2019. Elmwood House (including the right-hand bay of number 46) received Grade II listed status in 1986, after the date the bungalow was built on the land in question. Elmwood House was therefore listed with the bungalow/the plot of land developed as part of its setting. The proposed development is considered to be suitably set away and offset from the listed building that it won't have a detrimental impact on its setting, even taking into account the change in land levels. The existing vegetation along the rear boundary of the site (to be retained) also softens the relationship between the sites. Furthermore, given the land level differences between the sites the previous bungalow (now demolished) prevented the majority of views across the site from Elmwood Lane to the listed building, with only glimpses available. The proposed development is of similar width to the previous bungalow and will allow similar glimpses of the listed building along the sides of the property compared to the previous situation. Notably, the proposal is set further away from the curtilage listed wall along the southern boundary of the site than the previous bungalow development. This will have the benefit of further exposing the historic wall and improving views along the wall towards the listed building. In addition, only glimpses of the two sites together are available from other viewpoints. The design of the development is also considered to be sympathetic to the adjacent listed building. Consequently, it is considered that the proposal will not harm the setting of the listed building or any features of special architectural or historic interest which it possesses.
60. It is noted that the site is currently vacant and cleared. However, little weight should be given to that fact as the site has only been free from development for a short time period (since October 2019), the site is currently untidy and the established use of the site is residential. The site would also constitute a natural infill in between two more modern detached units. It is noted that historically the land would have been a 'croft and toft' arrangement, however this characterisation has long since been eroded. As early as 1888 the land to the rear of 38-42 Main Street, to which the land was associated, was subdivided with a boundary to create a separate rear plot. The recent demolition of the bungalow does not return the piece of land to 'croft and toft' in part due to this boundary division from the 'croft', which still exists today. The plot of land is bounded on all four sides by stone/brick walling and hedges, creating a sense of enclosure and containment to the land. Rather than agrarian 'croft and toft', the land reads as a recently cleared plot of land, not associated to a particular building. Prevailing 'croft and toft' characterisation cannot be attributed to the setting of the listed building in this instance. Historical map from 1892 shows built development along this boundary and the land further subdivided down the centre of the plot, as is proposed in the current application, showing an historical precedent for this subdivision arrangement. In light of the above (and previously outlined justification), even if the baseline for the assessment of the proposal was considered to be a vacant site, it is considered that the proposal would preserve the character or appearance of the conservation area or that it would harm the setting of the adjacent listed building.
61. Overall the proposal is considered to be sympathetic to the character and appearance of the present streetscene. The proposal is also considered to, at least preserve the character and appearance of the conservation area as well as cause no harm to the setting of the adjacent listed building. Consequently, the proposal is considered to satisfy policies P10 and P11 of the Core Strategy, saved policies

GP5, BD5, N19, N20 and BC7 of the UDPR, NPPF para 195, and policies LE1, BE1, BE2 and HO2 within the Neighbourhood Plan.

Residential Amenity – Neighbouring residents

62. Core Strategy Policy P10 and saved UDP policy GP5 note that development should protect amenity whilst policy BD5 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”.
63. The proposed new dwellings are sited in a similar position to the existing bungalow, albeit, they will be higher (two storey) and project further to the rear, consequently the potential amenity impact on the proposal is greater than the existing situation.
64. The proposed dwellings will be situated a sufficient distance from neighbouring properties and main garden areas to prevent a significantly harmful overshadowing impact or loss of light to neighbouring windows or garden areas. Similarly these distances will prevent any undue loss of outlook from neighbouring properties. Notably neither of the adjacent residential properties contain any main windows within their side elevations which face the proposal. The nearest building to the north-east is also commercial in nature containing limited openings. It is noted that the buildings to the rear are located on a lower land level. However, the two storey bulk of the development will be situated over 18 metres from the rear boundary and approximately 30 metres from the properties. These distances are well in excess of the suggested minimum distances even when allowing additional distance to compensate for the change in land levels. The proposed two storey bulk of the new dwellings will also be situated over 23 metres from the adjacent listed building and 17 metres from its garden area. These distances are considered to be suitable. The neighbouring property also has an off-set relationship with the listed building which further reduces its impact. Consequently, it is considered that the proposal will not have a detrimental impact on any neighbouring properties in terms of loss of light or over-dominance.
65. Given the separation distances highlighted above it is also considered that the proposal will not result in any undue loss of privacy to the rear (or the listed building), even taking into account the land level differences. Adequate separation distances (over 21 metres) are also provided to the neighbouring dwellings to the front. It is noted that the proposed dwellings contain a kitchen window within their side elevations. However, this opening is not considered to cause any significant overlooking concerns, given that the southern window will be screened by the existing high boundary wall which will be retained. The window within the north elevation will also only overlook the car parking area for the adjacent commercial area. Furthermore, the existing bungalow contains windows within its side elevations and the presence of secondary/tertiary windows within side elevations at ground floor level can assist with security and surveillance. It is therefore considered that the proposal will not be unduly detrimental to the privacy of any neighbouring occupants.
66. Whilst the patterns of comings and goings to the site will increase, the proposed houses fall within a residential area and as such the proposed use is considered acceptable in principle; the relatively modest scale (net 1 unit) of the development will prevent a significantly harmful impact in terms of noise and disturbance.
67. As such it is considered that the proposal will not significantly harm neighbouring amenity in any of the above respects.

Residential Amenity – Future occupants

68. The NPPF (paragraph 127), states decisions should ensure that developments create a “high standard of amenity for existing and future users”. New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers.
69. The proposed new dwellings are reasonably large in size and meet the minimum space standard requirements contained within the Core Strategy (as amended 2019) The dwellings are designed so that they will receive adequate sunlight, outlook and will maintain suitable levels of privacy between dwellings. The dwellings also benefit from significant rear private garden areas. Any overlooking of the garden areas from adjacent properties to the rear will not be more significant than the previous bungalow situation. Overall it is considered that the proposal provides a good standard of amenity for future occupants.

Highway Safety

70. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
71. The proposed dwellings both incorporate hardstanding to the front which is large enough to accommodate the required two off-street parking spaces per dwelling. Consequently, the proposal is considered to provide adequate off-street parking provision and is unlikely to significantly increase the need for on-street parking within the locality. The southern dwelling will retain the existing vehicular access. A new access is to be provided for the northern dwelling. This access is set away from the neighboring accesses and achieves suitable visibility splays (2.4 x 43m), given the context of Elmwood Lane which is a generally quiet residential road. The proposal would result in one additional dwelling. The additional traffic impact of this one dwelling will be negligible. Consequently, the proposal is not considered to be detrimental to highway safety.

Climate Emergency

72. The proposal relates to a minor development and does not meet the thresholds for compliance with Core Strategy policies EN1 (Climate Change – Carbon Dioxide Reduction) and EN2 (Sustainable Design and Construction). The proposal does however relate to the re-development and efficient use of largely brownfield land located within an established urban area within the settlement hierarchy. The development also incorporates two EVCP's, water butts and the hardstanding to the front will be permeable (secured by planning condition). Furthermore, the proposal will result in a net increase in vegetation and landscaping at the site in particular in relation to new tree and hedge planting, in line with Policy G9 of the Core Strategy which will have biodiversity and carbon capture benefits. Overall,

the proposal is not considered to raise any notable concerns in relation to the Council's Climate Emergency declaration.

Representations

73. As previously outlined eight letters of representation have been received, all in objection to the proposed development. The main issues raised are responded to below:
- Impact on building line – There is no building line as such along this part of Elmwood Lane, given sites location near a curve in the road the building line is staggered and inconsistent. Nevertheless, the proposed dwellings will be sited and orientated in a very similar location to the existing dwelling, and will retain a significant setback from the highway to the front. Consequently, no conflict is found in this regard.
 - Overdevelopment of the plot – The density of the proposed development and spatial separation is considered to be appropriate given the surrounding context.
 - Traffic / Parking concerns – This issue is covered appropriately within the appraisal above with no significant harm identified.
 - Impact on the character of the area - This issue is covered appropriately within the appraisal above with no significant harm identified.
 - Loss of grass verge – The majority of the existing grass verge will be retained, with only a small section lost to provide access to the second dwelling. The loss of a small part of the verge is not considered to be significant.
 - Conformity with the Neighbourhood Plan – The proposal has been assessed against the requirements of the Barwick and Scholes neighbourhood Plan within the appraisal above.
 - Loss of Privacy / overlooking- This issue is covered appropriately within the appraisal above
 - Impact on boundary walling – The proposal will retain and make good the boundary walls to the sides of the site. The development will also enhance the existing front boundary wall by removing the incongruous brick element. Consequently, no harm is identified in this regard.
 - Over-dominance - This issue is covered appropriately within the appraisal above.
 - Inadequate landscaping – The revised plans indicate that the proposal will provide a net increase in vegetation and landscaping at the site. The detailed landscaping works will be subject to a planning condition requiring the further approval of details.
 - Impact upon the amenity of neighbouring properties - This issue is covered appropriately within the appraisal above. .
 - Impact upon the amenity of future residents - This issue is covered appropriately within the appraisal above. ..

- Harm to the significance of the Grade II listed building at Elmwood House - This issue is covered appropriately within the appraisal above. .
- Harm to the character and appearance of the conservation area - This issue is covered appropriately within the appraisal above.
- Land contamination – It is noted that the previous bungalow has already been demolished. However it is considered that any land contamination issues on the site can adequately be dealt with via the use of planning conditions.

CONCLUSION

74. In light of the above, it is concluded that the proposal would preserve the character and appearance of the conservation area, and would not harm the setting of the nearby listed building. It is also considered that there would not be undue harm to nearby residents through overlooking, dominance and overlooking, and there would be no material harm to the local highway network, or any other material harm. The proposal is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and the local planning policy guidance, it is recommended that the application be approved subject to conditions.

Background Papers:

Application files: 19/00882/FU

Certificate of ownership: Certificate A signed by agent

