



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 31ST October 2024

Subject: 24/03902/FU - Demolition of existing garage/outbuildings and erection of two dwellinghouses with associated hard and soft landscaping works at 1 New York Cottages, New York Lane, Rawdon LS19 6JH

APPLICANT

Mr and Mrs Warrior

DATE VALID

6th August 2024

TARGET DATE

4th November 2024

Electoral Wards Affected:

Horsforth

Yes

Ward Members notified
(referred to in report)

Specific Implications For:

Health and Wellbeing

Inclusive Growth

Zero Carbon

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (or any amendment to the same or others as the Chief Planning Officer seems necessary):

1. **3 Year Time Limit.**
2. **Compliance with Approved Plans Development.**
3. **Approved Visibility Splays to remain clear of any obstruction.**
4. **Off-site highway works – improvement / resurfacing to Knott Lane.**
5. **Provision of electric charging points.**
6. **Maximum access gradients.**
7. **Details of cycle parking to be submitted.**
8. **Provision for contractors.**
9. **Details of waste collection provision.**
10. **Condition survey of New York Lane to be submitted.**
11. **Intrusive survey to be submitted and approved to establish the risks posed to the development by past coal mining activity with any remediation works.**
12. **Confirmation of completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**
13. **Submission of Phase 2 Contaminated Land Investigation.**
14. **Duty to submit an amended or new Remediation Strategy and/or Soil**

Importation Strategy if required.

- 15. Submission of Verification Reports**
- 16. Removal of all Permitted development rights**
- 17. Submission of all external facing materials, walls and roof.**
- 18. Boundary treatments to be retained as approved**

INTRODUCTION:

1. The application is to demolish existing outbuildings of New York Cottage no.1 to create two residential dwellings. The application is brought to Plans Panel at the request of Councillor Garvani and Councillor Bromley due to their concerns it gives rise to concerns affecting more than neighbouring properties, specifically on the following issues
 - Impact on Green Belt
 - Impact on appearance of the area
 - Proximity to Cragg Wood Conservation Area
 - Highway Issues
 - Conflict with Rawdon Neighbourhood Plan

PROPOSAL:

2. This application for full planning permission for the demolition of existing garage /outbuildings and erection of 2 dwellings with associated hard and soft landscaping works adjacent to 1 New York Cottages, Rawdon, Leeds, LS19 6JH.
3. The proposed development involves the demolition of existing outbuildings associated with 1 New York Cottages, and the subsequent erection of two new detached dwelling on a similar footprint, alongside associated hard and soft landscaping works to create parking and domestic gardens.
4. The proposed dwellings have identical layouts internally with three bedrooms, family bathroom and plant room to the first floor, with living areas, open plan kitchen and dining room, utility room and fourth bedroom (ensuite) to the ground floor. The land to the south and east of the dwellings would continue to be utilised as private garden space, which currently serves 1 New York Cottages. The area between each dwelling and 1 New York Cottages allocates private parking for each resident.
5. The dwellings are proposed to be constructed in coursed stone with art stone mullions, cills and jambs and aluminium windows and doors, slate roof tiles are proposed with integrated solar tiles. The garden area is mostly grassed with hard landscaping formed of paving to the rear patio. There will be an area of visitor parking to the west of dwelling A with boundary treatment consisting of the existing 1m high timber post and rail fencing.
6. The Planning Application is supported by the following documents
 - Preliminary Contaminated and Mining Risk Assessment
 - Planning Policy Statement
 - Preliminary Ecological Appraisal
 - Bat Survey Report

SITE AND SURROUNDINGS

7. The application site is located in the established residential suburb of Rawdon in Northwest Leeds. It is a linear site bound to the north by New York Lane, to the east by an agricultural field, to the west by 1 New York Cottages and to the south by the access driveway and neighbouring residential gardens.
8. The site comprises a garage/ outbuilding serving 1 New York Cottages, adjacent to the west, the southern and eastern portion of the site consists of the access driveway from New York Lane to the southern elevation of the outbuildings.
9. The site is unallocated in the Leeds Site Allocations Plan and is considered white land, the proposed development would be considered a windfall development. Land to east and south of the outbuildings and access driveway (to the south) is designated Green Belt land within the SAP.
10. The site is located on the end of an isolated row of five stone cottages located on the south side of New York Lane, a private single-track road which is not hard surfaced apart from a short section close to its junction with Knott Lane to the east of the site. The building backs onto New York Lane and is largely of stone construction with render to part of the rear elevation. There are four full height doorways to the front elevation and despite the insertion of domestic type windows; the building is agricultural in appearance.
11. Other than a large industrial site to the north of the building and the adjoining cottages, the surrounding area is largely rural with the land sloping gently downwards to the south. The outbuilding and the hard standing area are unallocated for development in the Local Plan but adjoin the Green Belt boundary. The entire site lies within a Special Landscape Area.

RELEVANT PLANNING HISTORY:

Planning Applications:

12. 07/05134/FU
Change of use, involving alterations of agricultural storage buildings to pair of semi detached dwellings comprising one 2 bedroom house and one 1 bedroom bungalow – approved 25.10.2007
13. 06/02775/CLE
Certificate of lawfulness for use of land as domestic garden – Approved: 29.06.2006.
14. 06/04684/FU
Change of use of outbuildings involving alterations & 1st floor extension to form one 1 bed & one 3 bed dwellings – Refused: 20.11.2006.
15. 27/177/05/CLU
Certificate of lawfulness for use of land as domestic garden – Refused: 31.01.2006.

HISTORY OF NEGOTIATIONS:

16. This application has been amended to address technical highway issues.

CONSULTATION RESPONSES:

17. Highways
No objections subject to conditions, which include off-site highway works and a condition survey. Parking provision is adequate for the development.
18. Risk Management
the application site is in Flood Zone 1 but no records of recent flooding with no known flood risks. No known sewers in the area so drainage strategy required.
19. Contaminated Land
A phase 1 desk study report has been submitted to support the application. It is recommended in the submitted phase 1 Desk Study report that a phase 2 (intrusive) site investigation be carried out. A duty to submit this, can be controlled by conditions.
20. Coal Authority
Recommend conditions which relate to intrusive investigations to establish then risk posed to the development by past coal mining activity.
21. Public Rights of Way
No objections subject to non definitive footpath remaining open and unchanged
22. Northern Gas Network
No objection.
- Environmental Studies Team
23. No objection. Noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements
- Health and Safety Executive
24. No comment to make.

PUBLIC/LOCAL RESPONSE:

25. Ward Member Comments:
Councillor Gavani and Councillor Bromley object for the following reasons
- Impact on the green belt
 - 2 large, detached properties will be out of keeping with the rest of New York Cottages and constitutes the overdevelopment of the site
 - Detrimental to the adjacent conservation area
 - New York Lane is a private road accessed by a narrow single tract road which is unsuitable for increased traffic, it is unsuitable for heavy vehicles for construction
 - Conflicts with Neighbourhood Plan Policy R11
26. Parish Council:
Rawdon Parish Council – neither supports or objects
27. General Comments:
None

28. Comments in Support:

5 letters of support from 4 properties stating

- Changes will be a net benefit to the area
- Previous work carried out with minimal disruption and to a high standard
- Materials in keeping with existing properties
- Creation of new footpath will make lane safer for pedestrians
- More aesthetic pleasing than current buildings which are in disrepair
- Minimal increase in traffic
- Additional parking spaces
- Additional housing in the location of existing buildings
- No overlooking issues

29. Comments in Objection:

The application has received 29 letters of objections from 23 properties, citing numerous concerns:

- New York Road unadopted so concerns trucks and lorries for construction will damage the road
- Extra traffic from properties will damage private road
- Single track road not suitable for more traffic
- Extra traffic will cause road safety issues and incidents
- Knott Lane Leeds Country Way so impact on the way used by bikes, horses and walkers, children walking to school
- Impact on refuse collection, postal services and farming access
- Precedent to open up opportunities to develop more building on this private land and within the green belt
- Impact on green belt
- Impact on biodiversity
- Two large, detached houses not in keeping with row of early Yorkshire Stone cottages
- Impact on adjacent Cragg Wood Conservation Area
- Contradicts 'Appraisal and Management Plan Cragg Wood Conservation Area'
- Impact on local facilities which are already oversubscribed
- Conflict with Neighbourhood Plan Policy R11
- Impact on access roads
- Conflict of interest – applicant member of Parish Council but not declared it

PLANNING POLICIES:

LOCAL PLANNING POLICY AND GUIDANCE

The Development Plan

30. 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 in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (as amended 2019), those policies saved from the Leeds Unitary Development Plan Review (2006), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan (as amended 2015), the Site Allocations Plan (as amended 2024) and any made Neighbourhood Plan.

31. **Core Strategy (as amended by the Core Strategy Selective Review 2019)**- The Core Strategy (as amended) is the main strategic document within the Local Plan for Leeds and sets out the strategic policy framework for the district to 2028 and a housing requirement to 2033. It comprises a long-term spatial vision and strategic objectives, a spatial strategy, thematic policies and a monitoring and implementation framework. The following Core Strategy (as amended) policies are relevant:

P10: Design
P12: landscape
H2: New housing development on non allocated sites
H9: Minimum Space Standards
H:10 Accessible housing standards
T2: Highway Safety
G6: Protection of important species and habitats
G9: biodiversity improvements
EN1: Climate change – carbon dioxide reduction
EN2 : Sustainable design and construction
EN8: Electric vehicle charging infrastructure

32. **Unitary Development Plan (UDP) adopted in 2006**- The UDP sets the spatial strategy for the Leeds Metropolitan district and allocates sites within the area for specific uses. Many of the UDP policies have been superseded by the Core Strategy, Natural Resources and Waste Local Plan, The Aire Valley Leeds Area Action Plan and Site Allocations Plan. However, there are 'Saved Policies' which remain relevant for Development Management purposes. The application site is not designated for any specific purpose within the UDP Review (2006) although it lies within an area for neighbourhood renewal. The following saved policies are of relevance:

GP5: General Consideration
N33 and GB1 – Development within the Green Belt.
GB6 – Buildings adjoining or within settlements within the Green Belt.
BD2 – design and siting of new buildings
BD5: Amenity Consideration
N25: Boundary Treatments

33. **The Site Allocation Plan (SAP) as amended in 2024** – This allocates land for housing and employment and designates green space and retail centres within the Metropolitan District of Leeds (except for the AVLAAP area).
34. **Natural Resources and Waste Local Plan (NRWLP) amended 2015** – This comprises of policies and allocations relating to climate change, air quality, flood risk, mineral and waste. The following policies are relevant to the submitted proposal:

WATER 7: All Developments are required to ensure no increase in the rate of surface water run-off into the existing formal drainage system and development expected to incorporate sustainable drainage techniques.

35. **Made Neighbourhood Plans** – Planning applications need to take into account any made Neighbourhood Plans in addition to the plans adopted by the Council.

Rawdon Neighbourhood Plan – Made 18th June 2024
Policy R1 – advice in relation to new housing in Rawdon to meet local housing needs
Policy R2 – design principles for new development
Policy R3 – sustainable design

Relevant Local Supplementary Planning Guidance/Documents

36. **Supplementary Planning Documents (SPDs)**- SPDs and supplementary guidance provide additional planning guidance to policies in the adopted Local Plan. SPDs and supplementary guidance considered of relevance:

SPD Neighbourhoods for Living (2003 – updated 2015)
SPD Transport (2023)

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework

37. The National Planning Policy Framework (NPPF) 2023 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
38. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.
39. The following sections of the NPPF are most relevant for the purposes of determining this application:
- Section 2: Achieving Sustainable Development.
 - Section 8: Promoting healthy and safe communities.
 - Section 9: Promoting sustainable transport.
 - Section 12: Achieving well-designed and beautiful places.

National Planning Practice Guidance

40. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

CLIMATE EMERGENCY:

41. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
42. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a

number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

PUBLIC SECTOR EQUALITY DUTY:

43. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

44. MAIN ISSUES:

- Principle of development
- Green Belt / Impact on the Openness
- Design
- Amenity Considerations
- Highways
- Nature Conservation
- Representations

APPRAISAL:

Principle of Development

45. Spatial Policy 1 of the Leeds Core Strategy relates to the location of development and confirms that the new development lies within and adjacent urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and greenfield land, to promote sustainable development.

46. Policy H2 of the Leeds Core Strategy refers to new housing developments within unallocated sites. The policy states that new housing developments would be acceptable in principle if they meet the following criteria:

- i. The number of dwellings does not exceed the capacity of local infrastructure. Such as transportation, health and education.
- ii. The location of the proposed site should be in accordance with Accessibility Standards.
- iii. For sites situated within the Green Belt, Green Belt policy should be satisfied.
- iv. In addition, greenfield land:
 - a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or
 - b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.

47. The site and surroundings of the existing dwellinghouse is located within a well-established residential area. Therefore, it is considered that the proposed replacement

of two garages into two-unit dwellinghouses will not exceed the existing capacity of the local infrastructure. As such the proposed development is in a sustainable location. The site is for a development of 2 dwellings and this criterion applies to 5 or more dwellings. The proposed development involves the creation of two additional dwellings; therefore, the location of the proposed site is in accordance with the accessibility standards. The site is clearly brownfield land. The proposed dwelling houses are not within the green belt but the rear gardens are within the green belt. This issue is discussed below.

Green Belt

48. Only part of the site is within the green belt. This existing outbuilding and surrounding hard surfacing and where the two dwellings are proposed to be sited are not located in the green belt (and therefore green belt tests do not apply). The grassed area beyond this land which currently forms the existing garden does lie within the green belt and it is proposed this is sub-divided to create two new domestic gardens for the new dwellings. The use and context of this land will not therefore change.
49. However, the part of the development that falls within the green belt boundary does not involve new buildings. The new buildings and hardstanding are located outside of the green belt, and only the soft landscaped garden areas of these two new properties are located within Green Belt, upon land which is currently used as a domestic garden. This garden use was deemed as lawful through the granting of application 06/02775/CLE (see para 13 of this report). As such it is not considered the proposal will have any impact on the openness and character of the Green Belt, as the new gardens for the proposed dwellings already function as a garden for the existing host property.
50. The rear boundary treatment will remain unchanged as a 1m high timber post and rail fencing and a condition can be attached to remove permitted development for boundary treatments preventing a 2m high close boarded fence which could impact on openness. Permitted Development rights can also be removed for extensions and outbuildings so there is no proposed built form in the green belt. This will be secured through a planning condition. This is required to ensure the openness of the green belt is retained and to avoid a suburban appearance of these garden areas which lie within green belt.

Design

51. The existing buildings are single storey constructed from random stone and concrete tiles. On the roadside one building has no openings and on the other there are 3 windows. Due to levels the buildings are lower on New York Lane than on the other side and the buildings abut the pavement. The proposed buildings are slightly set back from the road to include a pathway to the front of the properties. They will be single storey on the road side and two storey to the rear. Land will be excavated to essentially 'sink' the building into the land, to create a level plateau. The proposal will include small windows on the front elevation with the main outlook and windows to the rear. The proposed materials will be stone and slate.
52. It is considered that the proposed dwellings do respect the scale and design features of the adjacent buildings on the roadside elevation. The proposal does give the appearance of small ancillary rural buildings which is considered appropriate, given the semi-rural character of this location. The design of the new dwellings abutting roadside, continues the linear form of development that exists with the adjacent row of properties, and is typical of small rural hamlets. The proposed buildings are also at the end of road with very little traffic. It is acknowledged that the public right of way passes to the front but apart from a downstairs bedroom the rest of the windows are two non-principle

windows. The proposed layout also keeps the built development in its current location and does not spread built development into the green belt. It is not considered the proposal would affect the setting of the adjacent Rawdon Cragg Wood Conservation Area, which lies approximately 200m to the south and east of the site.

53. The rear elevations are modern in appearance with large windows which is considered acceptable as these elevations are not visible in the street scene and will away from the public right of way. The rear elevation of the existing row of cottages also includes a mismatch of dormers and extensions. Overall it is considered that the scale and design are appropriate for the its setting, and complies with policy P10.

Amenity Considerations

54. The proposed dwellings will have over 200 square metres of floor space which is well in excess of the requirements of policy H9 of the UDP. The proposed gardens are also in excess of the requirements within Neighbourhoods for Living in terms of areas. Whilst dwelling A has a shorter garden length than required this will not have a detrimental impact as it is open fields beyond and causes no overlooking as there are no properties to the rear. The proposed properties will offer the future occupiers a good level of outlook, natural daylight and amenity.
55. The proposed dwellings are in line with the existing row of cottages so there are no issues which are concerned with over-looking, overshadowing or appearing overbearing. In conclusion the proposal complies with policy GP5 of the Unitary Development Plan, and policy R2.4 of the adopted Rawdon Neighbourhood Plan which states *'Designs should aim to provide healthy and inclusive buildings and spaces which promote healthy lifestyles and wellbeing'*.

Highways

56. The proposed access will be an existing junction onto Knott Lane which serves the existing properties along Knott Lane and the row of cottages. There will be visibility improvements (2.4m x 33m) to Knott Lane to accommodate the 2 new dwellings. The proposed development will also include surface improvements along New York Lane which is considered acceptable for an addition of 2 properties. The works including surfacing New York Lane with cellpave up to the property 'Meadowside'. New York Lane is currently surfaced from this property onwards. These off-site highway works will be secured through planning conditions. Other conditions will ensure electric charging points, and maximum gradients.
57. There are concerns regarding the increase in traffic on users of the public right of way as well as children playing, however this is only 2 additional properties plus the narrow road ensures that cars will be going at a low speed along Knott Lane. For these reasons it is considered that the two houses will not have a detrimental impact on highway and pedestrian traffic.
58. The proposal involves parking spaces for the existing house and the two new houses along with visitor parking which are acceptable spaces and meet guidance. There are adequate spaces for bin storage. In conclusion the proposal complies with policy T2 of the Core Strategy and policy R2.2C of the adopted Rawdon Neighbourhood Plan which states *'Satisfactory car parking should be provided on site'*.

Nature Conservation

59. The application is supported by an Ecological Appraisal. The only habitat on site that is of value in terms of biodiversity units is 'vegetated garden'. Whilst the existing area of garden will likely be mostly retained with some minor re-landscaping as part of proposals, resulting in a temporary loss before re-instatement, the overall area of vegetated garden within the red line will increase as part of proposals. Therefore, given that there will be no decrease in biodiversity value (as the siting of the proposal is occupied by a current building and area of hard-standing) the proposed development is exempt from biodiversity net gain according to the de minimis principal set out in guidance issued by Defra.
60. Whilst temporary loss of the vegetated garden habitat is anticipated during the construction period the overall area of vegetated garden will increase post-development and therefore, impacts on this habitat type are neutral / positive. The proposal therefore complies with Policy G6 of the Leeds Core Strategy.

Representations

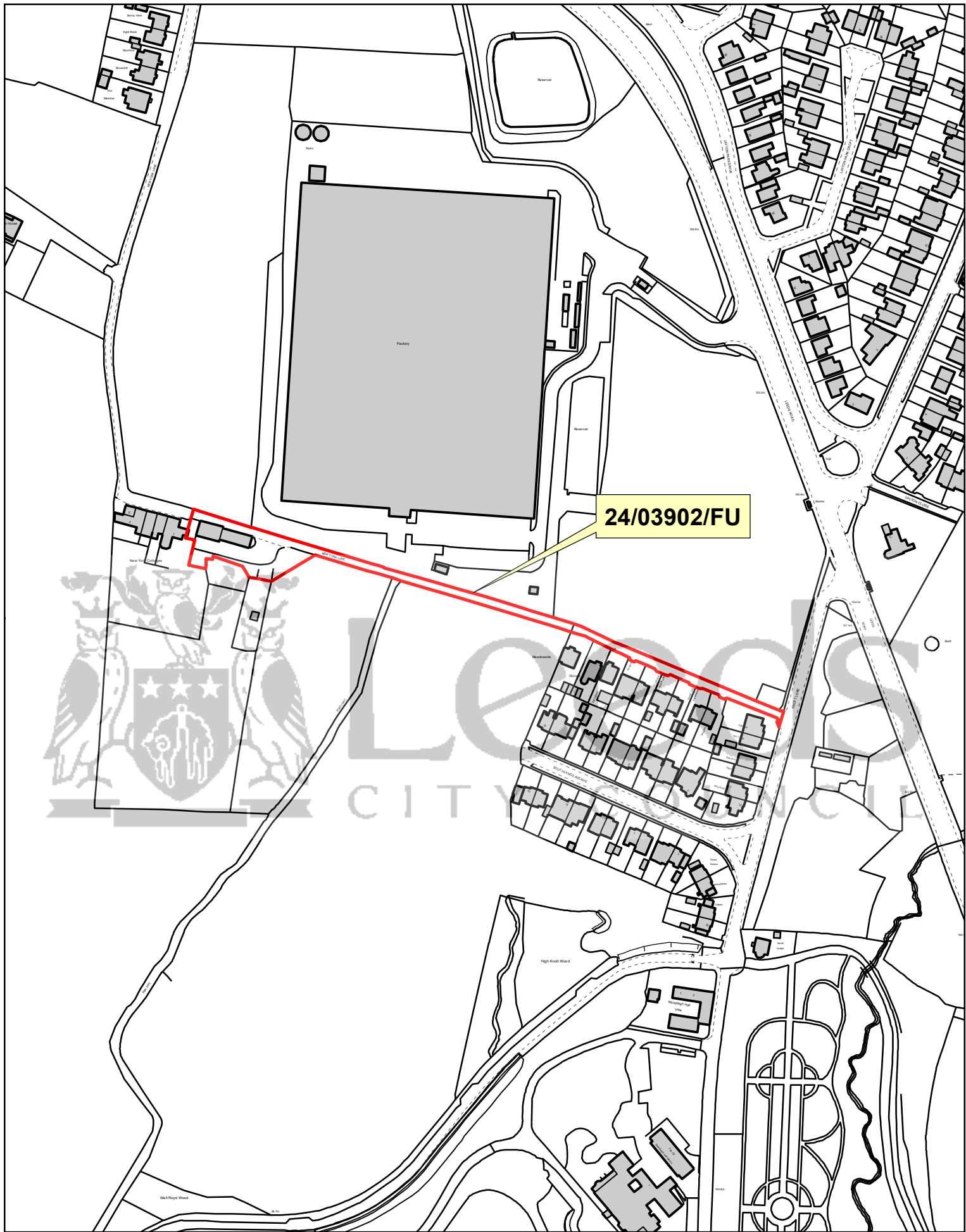
- 61 Several the objections state that the proposal is contrary to Policy R11 of the adopted Rawdon Neighbourhood Plan. Policy R11 is concerned with schools. It is considered that this reference is a shared error, and the policy people intended to refer to, is Policy R1 which is concerned with 'meeting housing needs'. This policy states that *'The mix of housing needs provided should be based on the latest available local housing needs information'*.
- 62 Local Plans have stated that based on the latest local housing needs information, the 2017 Local Housing Assessment itself details that 196 new homes may be required to meet demand from existing residents (within the catchment of Rawdon Neighbourhood Plan) of which 82% should be homes with 1 or 2 bedrooms and 18% should be homes with 3 bedrooms or more. In addition, of 81 additional new homes that may be required for incoming residents, it is assessed that 29% should be homes with 1 or 2 bedrooms, and 71% should be housing with 3 bedrooms or more. Therefore, while there is a preference for smaller units there is also demand for wider housing choices, which includes 3/ 4 bed houses. As such it is considered the proposal complies with policy R1 of the Rawdon Neighbourhood Plan, as the proposal will fulfil a housing need.
- 63 All others issues raised through objections, such as impact on the green belt, design and highways, have been addressed in this report. There is no need for any member of Rawdon Parish Council to declare an interest with the submission of this application, as they have no decision-making powers regarding planning applications within the Local Planning Authority.

CONCLUSION:

- 64 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The proposal utilises brown field land and is a modest size which respects the scale and character of the adjacent properties. The proposal will make a small contribution to the housing supply and there is sufficient on-site parking for future occupiers and the off-site highway works will improve highway safety for the minor trip generation this development would create. It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

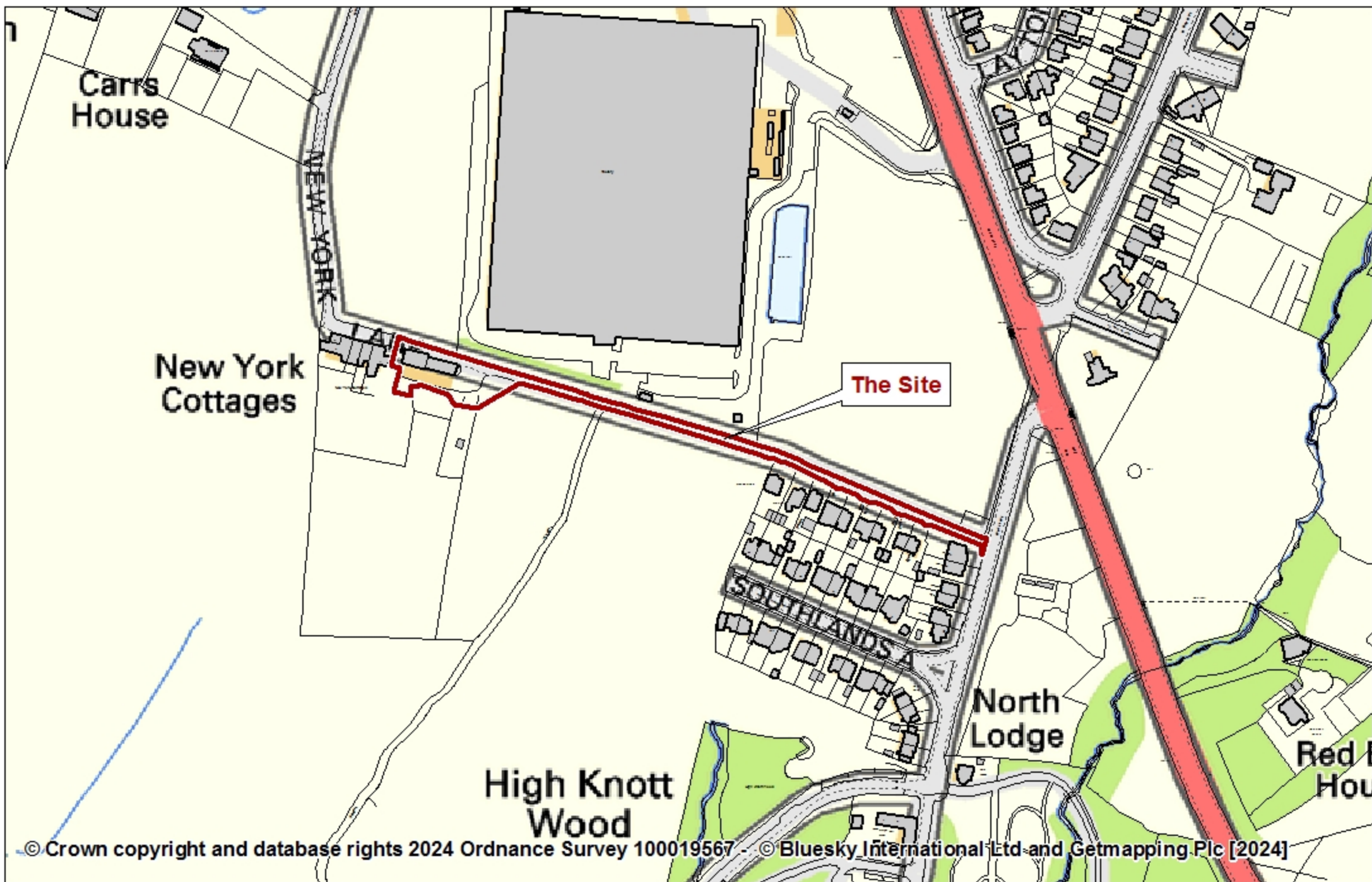
BACKGROUND PAPERS:

Application file reference: 24/03902/FU



SOUTH AND WEST PLANS PANEL







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PLANS PANEL PRESENTATION

SCALE 1:2500

