



**PLANS PANEL EAST**

Date: 13<sup>th</sup> May 2010

**Subject: APPLICATION 09/01584/OT – Outline application to erect four 5 bedroom detached houses at Land Near Crank Cottage, Station Road, Morley**

**APPLICANT**

JMAC Associates Ltd - Mrs J  
Hepworth

**DATE VALID**

14 April 2009

**TARGET DATE**

9 June 2009

**Electoral Wards Affected:**

**Morley South**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Section 106 Agreement to cover the following matters:**

- the provision of a contribution (£200 per unit) for drainage improvements at Cotton Mill Beck;
- the expiry of the further advertisement period and no adverse representations being received that raise new issues.

**In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer."**

Conditions

1. Submission of Reserved Matters (Appearance, Landscaping).
2. Time Limit on Outline Permission.
3. Plans approved.
4. Samples of Walling and Roofing materials to be submitted.
5. Fencing and/or walls to be provided.
6. Road improvements (junction of Albert Road/Billberry Bank) to be carried out prior to commencement.

7. Area to be used by vehicles to be laid out
8. Water Disposal to be agreed.
9. No piped discharge of s/w prior to drainage conditions being approved
10. Feasibility study into Infiltration Drainage / submission of details of on-site water storage
11. Contaminated Land Information
12. Contaminated Land Amended Remediation Statement
13. Contaminated Land Verification Report.
14. Details of a sound insulation scheme.
15. Details of design of retaining wall at access to be submitted and approved.

**Reasons for approval:**

The principle of residential development is considered to be acceptable as the site constitutes previously developed land in a sustainable location. The layout and scale of the housing has appropriate regard to its context and the proposals include revisions to access arrangements and appropriate levels of off street parking to protect highway safety. The application is considered to comply with policies GP5, N13, N19, N25, N38B, N39A, N49, H4, T2, T24, BD5 and LD1 of the UDP Review, as well as guidance contained within the Supplementary Planning Document - Street Design Guide (2009), PPS1, PPS3 and PPG13, and having regard to all other material considerations, as such the application is recommended for approval.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel (East) further to a request from Councillor Grayshon, who cites concern over the quality of design in the appearance of the dwellings (notwithstanding as noted by himself that this is a reserved matter).
- 1.2 Furthermore, Councillor Grayshon also sought assurance that the improvements to the Albert Road junction, were proposed in a format compliant with the requirements of the Highways section (which as stated below, it has been).

**2.0 PROPOSAL:**

- 2.1 This outline application proposes the construction of 4 detached dwellings with matters of access, layout and scale all put forward for consideration at this stage. Notwithstanding that detailed designs are put forward in respect of the elevations, matters of appearance and landscaping are requested to be 'reserved'.
- 2.2 The dwellings proposed are 5-bedroom in form, each with parking provision for two cars, off-street, together with a turning area / visitor parking provision.
- 2.3 The submission also proposes, alterations to improve / widen the junction of Bilberry Bank onto Albert Road, with passing place provision and the creation of areas for parking and footway provision.

**3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is the present grounds / garden of Crank Cottage, a single storey sizable dwelling which is situated in a residential area of Morley accessed off Albert Road, via Bilberry Bank.

- 3.2 Bilberry Bank is a narrow vehicular access serving Crank Cottage. A public footpath, no.57, runs down Bilberry Bank, before descending onto Station Road via some pedestrian steps so as to link from Albert Road. This provides a short route down to Morley Station. The footpath also cuts through the site to the south along the boundary of neighbouring housing at Hanover Court.
- 3.3 The immediate site is used as a lawned garden area, which is set at a lower level from residential properties along Albert Road – the site here is split from these properties by a high conifer boundary hedge. To the north side of Station Road, some industrial units can be seen from the site. Crank Mills, is also located to the northern side of Station Road and is a Listed Building (Grade II). The area is otherwise residential in character.
- 3.4 It should be noted that only the very tip of the proposed access road just falls within the Conservation Area of Morley.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 08/04019/OT - Outline application for four 3 storey 5 bedroom detached dwellings with attached double garages and decking over. Withdrawn, 04.09.2008
- 4.2 23/26/05/FU - 49 flats in 1 three storey 1 four storey and 1 five storey blocks. Withdrawn, 06.04.2005
- 4.3 23/254/04/FU - 55 flats in 3 four storey blocks. Withdrawn, 21.07.2004
- 4.4 23/405/01/RE - Renewal of outline permission to layout access and erect 4 detached houses. Approved, 16.11.2001 (this was a larger site, approximately 40-45m longer, consuming more of the garden area of the garden to Crank Cottage)
- 4.5 23/131/98/RE - Renewal of outline permission to layout access and erect 4 detached houses. Approved, 22.12.1998 (this was a larger site, approximately 40-45m longer, consuming more of the garden area of the garden to Crank Cottage)
- 4.6 23/249/95/OT - Outline application to layout access and erect 4 detached houses. Approved, 29.11.1995 (this was a larger site, approximately 40-45m longer, consuming more of the garden area of the garden to Crank Cottage)

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The previous 2008 application was withdrawn following Officer concerns raised over the siting, internal layout / orientation and this relationship to the tall rear conifer hedge boundary, which would have resulted in a poor outlook / area of rear amenity space.
- 5.2 Furthermore, the layout proposed on the site then did not allow for turning provision of service / commercial vehicles in any way or the provision of visitor parking.
- 5.3 Previous to this applications were lodged by a different applicant altogether (Country & Metropolitan Homes), for firstly 55 flats and secondly 49 flats in 2004 - 2005. These were both withdrawn following Officer concerns raised over the level of development proposed / its impact in respect of highway safety.

5.4 Prior to this, applications had been approved in 1995 and were then renewed in 1998 and 2001 for the construction of four dwellings on a site area similar to that of this current proposed application, but with access taken from Station Road (not Albert Road).

5.5 The negotiations have taken some time, but this has been to ensure that comments from Flood Risk Management (previously Mains Drainage) and Highways have been fully addressed in the plans and submission presented.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised by site notices (on 29<sup>th</sup> April 2009, expired 15<sup>th</sup> May 2009) and notification letters were sent to 69 neighbouring addresses.

6.2 Councillor Grayshon has raised concern over the house designs as drawn and requested that Albert Road junction should be fully compliant with the requirements of Officers in Highways.

6.3 Morley Town Council has raised the following comments:

- principle of four dwellings seem to be established by previous permission
- design of facades are rather plain, stark, ill-proportioned which should be improved at the reserved matters stage
- improvements to the Albert Road junction (e.g. as shown) are essential

6.4 Letters of objection have been received from 6 local households and a letter of support from another. The following points have been raised / summarised (and are dealt with in the appraisal section):

### Objections:

- 90% of local residents not been informed of proposals (in respect of developer assertions)
- many empty properties exist in the area
- unclear whether Leylandii hedge will be topped or not in relation to bat survey
- permission to top Leylandii hedge and erect boundary fence will not granted by neighbouring resident
- 3-storey houses not a feature of the area
- no shops, services, public transport in the area
- local schools are oversubscribed
- noise / disturbance a concern from both building process and dwellings themselves - will 'spoil' local heritage trail
- valuation of property may be affected with legal action possibly taken against Council / Developer
- effect views, natural light and privacy of residents
- area already densely populated / congested with traffic
- area already a local 'black spot'
- access point exits onto Albert Road onto a dangerous junction / road which will create a hazard to local residents / road users (often which is blind due to parked cars)
- maintenance of boundary a concern
- flooding a concern locally
- site should be deemed 'brownfield' not 'greenfield'
- design not in character with local area
- threaten trees on site / neighbouring the site

- overlooking of property a concern / overbearing (height)
- traffic calming on Albert Road required
- development detrimental to bats

Support:

- assist in regenerating the area near to the Station by way of having on-looking / further presence in the area

## **7.0 CONSULTATION RESPONSES**

### **Statutory:**

7.1 Environment Agency – No objections.

### **Non Statutory Consultations:**

7.2 Contaminated Land Officer – No objections subject to conditions.

7.3 Flood Risk Management – No objections subject to conditions and agreement of the developer to contribute £1,375 per unit to improvements to Cotton Mill Beck.

7.3 Highways – No objections subject to conditions and road / junction improvements as drawn being carried out.

7.4 Neighbourhoods and Housing – No objections subject to conditions.

7.5 Nature Conservation Officer – No objections.

7.5 Public Rights of Way – Definitive route of footpath no57 highlighted.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal. The following policies from the UDPR are relevant:

GP5 – Requirement of Development Proposals: seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N13 – Design and New Buildings: requires development to be of high quality and having regard to character/appearance of their surroundings.

N25 – Development and Site Boundaries: these should be designed in a positive manner, using forms appropriate to the character of the area.

N38B – Planning Applications and Flood Risk Assessments: applications must be accompanied by these where such an assessment has been deemed necessary.

N39A – Sustainable Drainage Systems – applications must be able to show they have explored the feasibility of incorporating sustainable development drainage systems where development has the potential to increase run-off

N49 – Nature Conservation: development will not normally be permitted which significantly threatens or wildlife / habitat resources

H4 – Residential Development (Sites Not Identified in UDPR): development of such sites shall be in a sustainable location, within the capacity of infrastructure and complies with all other UDP policies.

T2 – Transport Provision for Development: development proposals should not create new, or exacerbate existing, highway problems.

T24 – Parking Provision and New Development: outlines guidance on the level of parking considered appropriate for development proposals.

BD5 – Amenity and New Buildings: Amenity and New Buildings: outlines that development proposals should be designed with consideration given to their own and neighbouring amenity considerations.

LD1 – Landscaping Schemes: details considerations required for any landscape scheme including existing and proposed soft (and hard) landscaping

### **Relevant supplementary guidance**

Street Design Guide (2009) Supplementary Planning Document (SPD).

Sustainable Drainage in Leeds (2004) Supplementary Planning Guidance (SPG)

Neighbourhoods for Living (2003) Supplementary Planning Guidance (SPG)

### **Government Planning Policy Guidance/Statements**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2006)

Planning Policy Statement 9 – Biodiversity and Geological Conservation (2005)

Planning Policy Guidance Note 13 – Transport (2001)

## **9.0 MAIN ISSUES**

- Principle of Development
- Highway Safety
- Drainage / Flood Risk
- Design, Layout and Relationship to Neighbouring Properties, Boundary Treatment
- Other Matters

## **10.0 APPRAISAL**

### Principle of Development

10.1 The site is considered to form 'brown-field' land by virtue of its association and the curtilage of Crank Cottage, an existing residential property in an urban area. The site is within the boundaries of Morley, which has numerous shops, services and facilities on offer in its Town Centre and in close proximity to the site. The boundary of the site at its access point to Albert Road is only 0.16 miles to the edge of the Town Centre boundary.

10.2 The Town Centre is the intersection for a number of bus services. The site is even closer to Morley Railway Station, accessible via public footpath no57 leading from the site. In summary the site is considered to be very sustainable in light of the advice within PPS1 and PPS3.

- 10.3 Previous applications in '95, '98 and '01 have all established the principle of four dwellings on this site, although the size of the site in question in those applications was larger. No concerns are raised against the principle of development under national guidance or UDPR policy H4.

#### Highway Safety

- 10.4 The access of Bilberry Bank at the point where it meets Albert Road is an intersection of road which does not benefit from modern highway standards in safety and layout. This access point is further constrained by cars which park outside of terraced properties at 7 – 19 Albert Road.
- 10.5 The proposal therefore recognises this and proposes an improved junction layout funded at the developer's expense which creates a wider access, some parking provision adjacent to no19 Albert Road and a passing place along Bilberry Bank. This allows for two cars to pass should they meet at the access to, or along, Bilberry Bank.
- 10.6 The Highways consultation raises no objections to this arrangement or to the layout of the driveways, parking provision and turning head shown within the site. Two off-street car parking spaces per dwelling are provided with space for two visitors. This provision meets the requirements of the Street Design Guide and UDPR policy T24. No concerns are raised under policy T2 of the UDPR.

#### Drainage / Flood Risk

- 10.7 A Drainage Methodology Statement has been submitted which reviews the site conditions and local issues with regards to drainage and offers three options for dealing with this.
- 10.8 Option 1 proposes infiltration via soakaway. Initial calculations based on impermeable surface areas and soakaway design suggest that no surface flooding should result. This accords with SPG22 on Sustainable Urban Drainage methods (SuDS) as in accordance with UDPR policy N39A, but would be subject to detailed further investigations on site. Subject to conditions controlling the amount of on-site storage and the run-off rate at 0/5l per second, it is considered that this option may be feasible. The current Greenfield run-off rate of the site is around 0.9l per second (predicted, not tested) so improvements to run off levels would result from this.
- 10.9 Option 2 proposed discharging to a watercourse, which would require approval of the Environment Agency as well as LCC Land Drainage Officers. Notwithstanding that the Environment Agency did not object to the application (it is also noted that the site is not within a flood zone) bearing in mind the localised flooding that has occurred around Morley Station / Cotton Mill Beck, this option was considered feasible.
- 10.10 Option 3 involved discharging to the Yorkshire Water (YW) combined sewer running along Station Road; however in the applicant's own correspondence with YW over this, the present system is full to capacity and cannot accommodate further flows from development.
- 10.11 Therefore, the Drainage consultation comments considered that the details set out in option 1 could be conditioned to agree exact storage sizes of water volumes held on site, infiltration rates and methods of soakaway.

- 10.12 A further requirement of Land Drainage is the provision of a developer contribution, suggested at £200 per unit, to help further the funds being generated to improve the localised Cotton Mill Beck flooding problems (notwithstanding that the development proposed which also features permeable paving, hardstandings etc as well as an intended soakaway rate of flow less than the existing greenfield flows).
- 10.13 Subject to conditions and the planning obligation now being put forward, no concerns are raised in respect of UDPR N38B, N39A policies and SPG22 guidance.

#### Design, Layout and Relationship to Neighbouring Properties, Boundary Treatment

- 10.14 The layout of the properties has been re-orientated and re-positioned so as to have habitable accommodation facing east and west and not as in the previous withdrawn application straight onto the tall dense conifer hedge on the south boundary. The garden sizes and depths have therefore changed as well, better utilizing the space available within the site. The shape of the site boundary has meant the dwellings are not particularly uniformly straight in siting, rather they follow the contours of the site; given the surrounding context and character of local development (e.g. Crank Cottage itself), the land levels and public views - this is considered acceptable.
- 10.15 The garden depths and space (ratio to floor-space) levels now reflect guidance in SPG13 (as calculated by Planning Services, based on 'habitable' floor-space). The ratios range from plot 4 at 69% up to plot 1 which has around 86%; good levels of space in respect of the recommended minimum level of 66%. The depths range from 9m-11m around the suggested 10.5m used as a guide in SPG13. To further improve the amenity space, a suggested 3m would be topped from the conifer hedge – this being controlled through the Landscaping matter of any Reserved application.
- 10.16 Privacy distances of between 22m are proposed between facing habitable aspects of plots 1 and 2 and 21m between plots 3 and 4. Again this meets the objectives of SPG13 advice on such matters. There is significant separation from the dwellings to property on Albert Road (e.g. 40m to the rear elevations of 83-97 Albert Road and 16m from plot 1 to no49 Albert Road).
- 10.17 The external appearance is a reserved matter; the solid to void ratios and the general quality of the window designs shown on the submitted plans can be improved. However the application essentially is concerned with issues for approval at this stage, namely access, layout and scale. It is certainly not considered to be out of character to this area which has mixed property ages, styles and designs. Improvements to the external appearance would be sought at the Reserved Matters stage.
- 10.16 The scale of development at three stories is not considered to be of concern given the significant distances to the properties in the locality and given the changes in land levels. The relationship to other property off Albert Road is further assisted in this respect by the large conifer hedge, which is in the control and ownership of Crank Cottage. This acts as a good form of boundary treatment which helps to provide good separation between the site and neighbouring property. The closet property, flat no's 18-21 at Hanover Court also has a blank gable elevation facing the site at a suitable 14m to plot 2's side elevation.
- 10.17 The development is considered acceptable to guidance in SPG13 and UDPR policies BD5, N13, N25, LD1 and GP5 as well as advice in PPS1/PPS3.



## Other Matters

- 10.18 The bat survey undertaken has raised no objections from the Nature Conservation Officer who has noted that the site does not have roosting potential at present.
- 10.19 The development is not of a threshold where by an education contribution would be sought / required. The application – for four dwellings – is not considered can have a ‘significant’ impact upon local school placements.

## **11.0 CONCLUSION**

- 11.1 The site provides for a development of four family homes to a suitable layout and orientation which has resolved technical matters relating to highway and drainage design as located in a sustainable location. The application is considered acceptable to the guidance of PPS1 and PPS3.

### **Background Papers:**

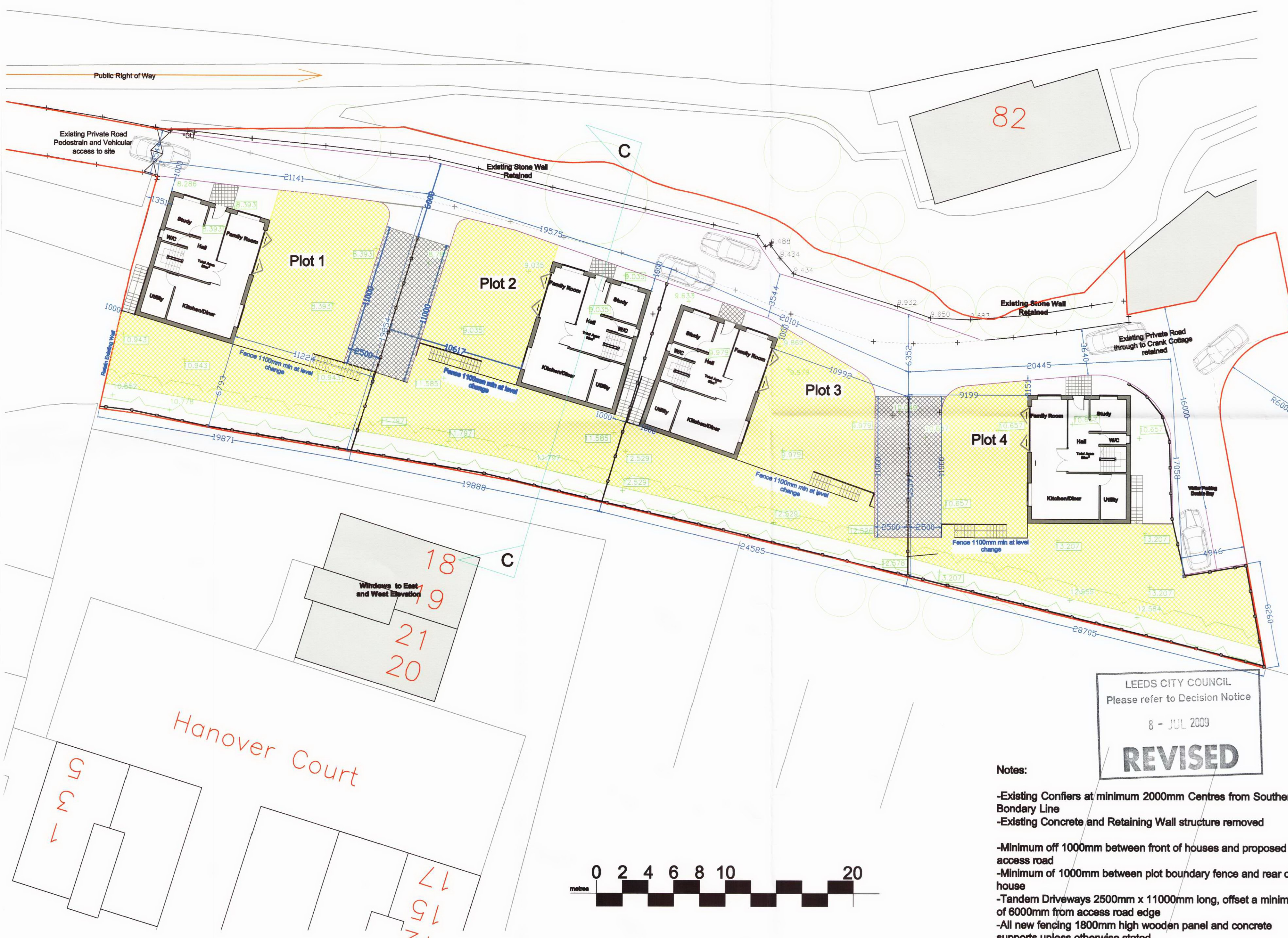
Application file 09/01584/OT

History files 08/04019/OT & 23/405/01.

### **Certificate of ownership:**

Signed by applicant.



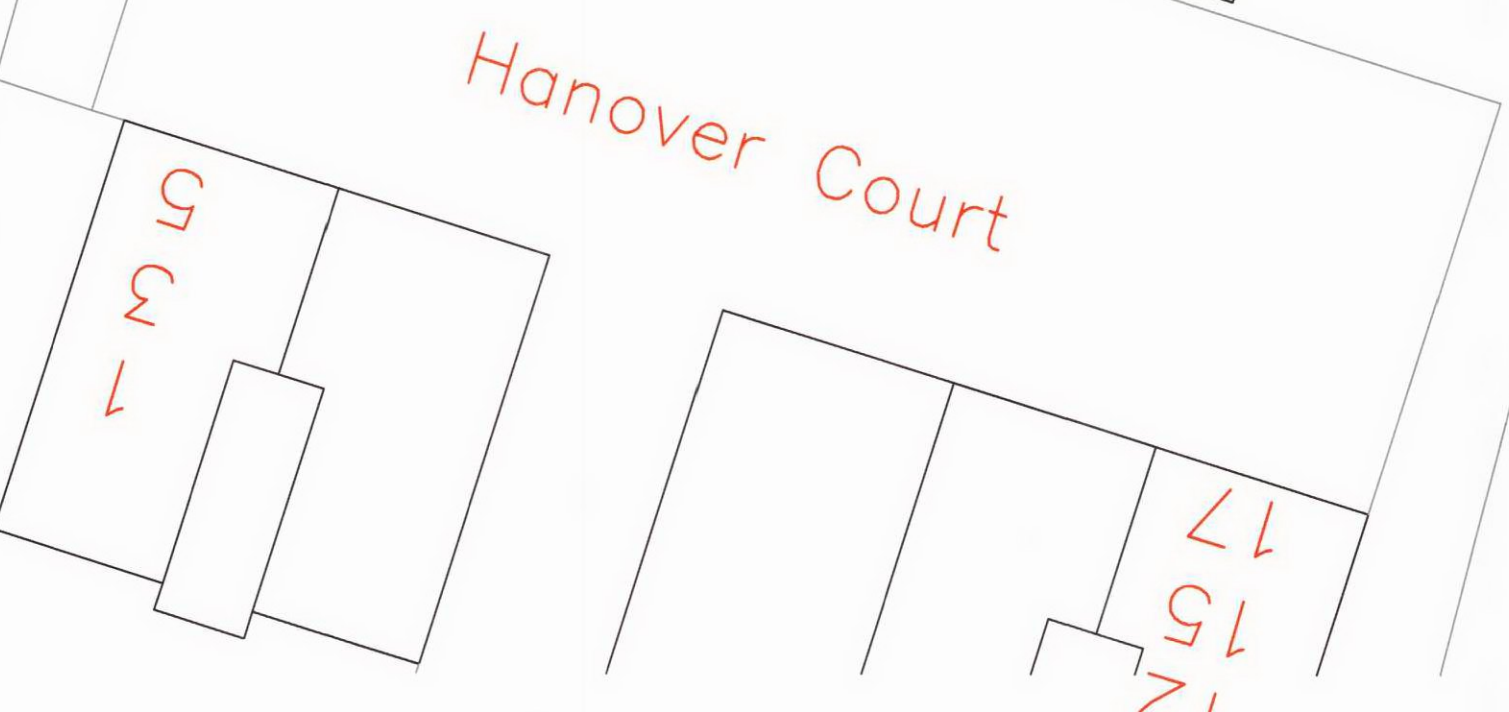
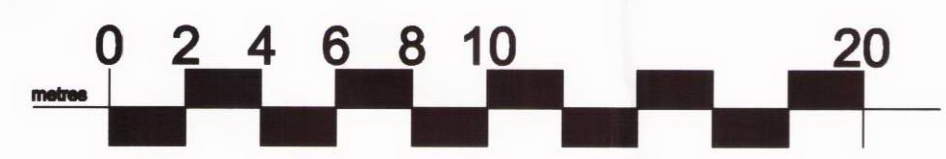


- Site Boundary
- Existing Tree Retained
- Site Section
- 10.343 Retained Site level
- 10.343 New Site level
- New Drive Edge
- Existing Conifer Hedge to be retained
- Proposed 1800 high wooden panel fence with concrete supports
- Amenity Space-Proposed Landscaped garden/ decked area

Plot Sizes	
Plot 1:	382m <sup>2</sup> Amenity Space: 213m <sup>2</sup>
Plot 2:	331m <sup>2</sup> Amenity Space: 203m <sup>2</sup>
Plot 3:	351m <sup>2</sup> Amenity Space: 187m <sup>2</sup>
Plot 4:	397m <sup>2</sup> Amenity Space: 209m <sup>2</sup>

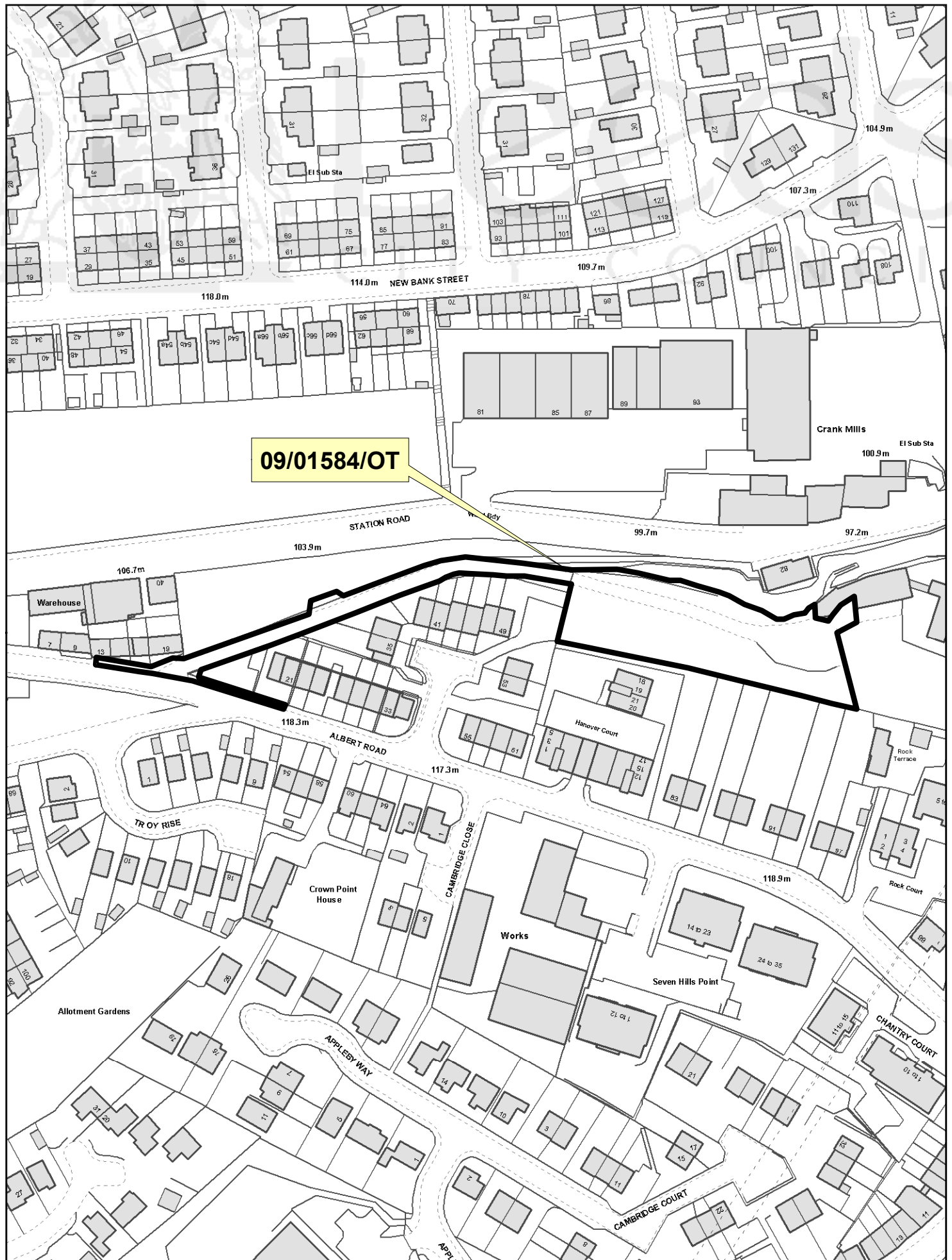
LEEDS CITY COUNCIL  
Please refer to Decision Notice  
8 - JUL 2009  
**REVISED**

- Notes:**
- Existing Conifers at minimum 2000mm Centres from Southern Boundary Line
  - Existing Concrete and Retaining Wall structure removed
  - Minimum off 1000mm between front of houses and proposed access road
  - Minimum of 1000mm between plot boundary fence and rear of house
  - Tandem Driveways 2500mm x 11000mm long, offset a minimum of 6000mm from access road edge
  - All new fencing 1800mm high wooden panel and concrete supports unless otherwise stated



Project Name	Crank Cottages
Drawing Name	Proposed Site Plan
Drawing Number	CC-AL(0)003A
Drawing Scale	1:200/A2
Date	07/07/2009





# EAST PLANS PANEL

Scale 1/1500

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