



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 16th June, 2011

Subject: APPLICATION 10/04641/FU - DETACHED 5 BEDROOM HOUSE WITH DETACHED DOUBLE GARAGE, NEW VEHICULAR ACCESS, ASSOCIATED HARDSTANDING AND 2M HIGH PILLARS, BOUNDARY WALL WITH IRON RAILINGS AT LAND ADJ. TO HIGHFIELD HOUSE, BRUNSWICK STREET, MORLEY LS27 9DN

APPLICANT

D Jackson

DATE VALID

10.02.2011

TARGET DATE

07.04.2011

Electoral Wards Affected:

Morley South



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following planning conditions:

1. Time Limit for commencement of development.
2. Plans and proposals as approved.
3. Materials to be agreed.
4. Boundary treatment to be agreed / include engineered drawings of retaining wall for verification.
5. Details to be agreed of closing off / making good existing access.
6. Hard surfacing, sealing and draining of access and parking area.
7. Details of roller shutter type doors to garages
8. Provision of approved visibility splays.
9. Details agreed with Highway Engineer for construction of new access.
10. Planting of new trees
11. Provision for replacement of trees
12. Agreement to details of Arboricultural Method Statement
13. Details of tree Protection (Excavations)
14. Details of hard and soft landscaping

15. Implementation of hard and soft landscaping
16. Topographical plan showing spot finished levels to be submitted and agreed.
17. Details of foul and surface water drainage
18. No piped discharges of surface water until completion of approved drainage works
19. Scheme for improvement of Cotton Mill Beck drainage
20. No construction of specified buildings e.g. extensions (under permitted development).
21. LPA to be notified of any unexpected contamination.
22. Any imported soil to be tested for contamination.

Reasons for approval: The application is considered to form an acceptably sized, positioned and designed development which provides a positive contribution to the character and local distinctiveness of the historic environment (Morley Conservation Area). It is not considered the proposal will impact detrimentally upon the residential amenity of neighboring residents or upon highway safety. As such it is considered to comply with policies GP5, N13, N19, N20, N25, N39A, H4, T2, T24, BD2 and BD5 of the Unitary Development Plan Review and other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel (East) following a request from Cllr Judith Elliott following concerns raised over land slippage, impact upon trees (and any resultant effect visually upon the Conservation Area) and the size of the dwelling in regards to privacy and overlooking. The issue of drainage has also been raised. A site visit is also requested.

2.0 PROPOSAL:

- 2.1 The application is for a detached 5 bedroom house with a detached garage and additional parking space. The dwelling, set back from Brunswick Road and two storey in design, is proposed shown in natural stone with matching heads, sills, mullions and coins. Small dormer windows are shown as is a smaller chimney to one side elevation. Artificial stone slates are proposed for the roof.
- 2.2 The access point off Brunswick Street, shared with Highfield House is also proposed to be re-positioned /re-aligned.
- 2.3 A stone retaining wall is shown to the rear of the site. Additional tree planting is shown on the layout plan.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is one which has previously been associated with Highfield House as the front curtilage and until recently contained a number of established trees, many of which were removed under an approved Tree Works application in 2007/8 (after the Council had misgivings that many of these self-seeded trees were unsafe).
- 3.2 Highfield House itself is an imposing large detached stone dwelling probably dating from the late 19th century. It is set at an elevated level to Brunswick Street, entered via an existing uphill drive. The applicants were responsible to refurbishing the property before it was segregated by boundary walls / railings from the site edged red and sold to a third party. The land that is subject of this site formed a wider area of the drive (still in use) / front curtilage – but from historic aerial photographs this area does not appear to have been used as a formal front garden as such in any way.
- 3.3 The site slopes upwards fairly steeply from north to south where the boundary ends. Further uphill south, are the rear elevations of residential properties of Foster

Close. An area of land exists in-between the site and rear garden boundaries of properties to Foster Crescent. It is understood that this land has been subject of separate legal dispute between a neighbour and the applicant but does affect the site edged red.

3.4 The retained trees were then made subject of a separate Tree Preservation Order.

3.5 The site is in a residential area of Morley, within the Conservation Area off a busy intersection of road near to a mini-roundabout. A well used fish and chip shop lies across from the site to the west, split in-between by a north-south public footpath which runs along the side of the site.

3.6 In the Morley Conservation Area, draft appraisal, this site is seen as being part of a 'gateway' into the CA and Highfield House is seen as being a 'positive building'.

4.0 RELEVANT PLANNING HISTORY:

4.1 08/05112/FU Detached 3 storey 4 bedroom dwelling with detached garage
Withdrawn – 02.12.2008

4.2 09/00831/FU Detached 3 storey 4 bedroom dwelling with detached garage
Refused – 02.06.2010

4.3 10/00780/FU 5 bedroom detached house detached garage Refused -
23.04.2010

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was made following pre-application negotiations and discussions off the back of two previous refused applications. The first refused application was submitted with different designs by a different architect and were refused on matters including scale and massing, amenity space, highway safety and impact on trees.

5.2 This last previous refused application (10/00780) included reasons for refusal based on:

- 1) size and layout of development in relation to available / useable private amenity space;
- 2) outlook for future occupiers from the rear elevation together with potential for overlooking from properties on Foster Crescent;
- 3) insufficient information with regards to any impact upon trees;
- 4) insufficient information in regards to land stability.

5.3 The applicant took on board the reasons for refusal and subsequently met with Planning, Highways and Trees Officers to discuss all issues in detail.

5.4 The current proposal has therefore been adapted from application 10/00780 as follows:

- Dwelling moved forward (north) by 1m to give:

- more useable private amenity space
- additional tree planting
- improved separation distance in respect of overlooking
- improved outlook

- land graded more to the rear (cross-sections provided) to provide for a more useable garden area

- an additional patio door opening provided to the side (west) elevation to give more access directly to a more useable garden area

- Arboricultural report from a fully qualified Arboriculturalist
- Details of a stone retaining wall to the rear provided in respect of resident concerns to land stability and to give the site a more private aspect.

5.5 Highways negotiations / discussions have also looked at the drive position and angle carefully so that a safe visibility can be achieved off the new access (as measured on site) onto Brunswick Street whilst allowing for the entrance to be successfully moved slightly further from the busy mini-roundabout.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Neighbour notification letters have been sent out to 11 neighbouring residential properties and site notices have been also placed.

6.2 In response to the public notification process 5 representations from local households have been received from expressing objections to the development on the following grounds (some points of which relate to now superseded plans):

- concerned over landslip;
- concerned over impact upon trees (any damage caused upon 3rd party property from falling trees);
- overdevelopment of site / massing too large;
- poor design quality (respect of the Conservation Area / Highfield House);
- access position unsafe;
- boundary wall to Highfield House not in applicant's ownership;
- plans inaccurate;
- inadequate level of private amenity space;
- tree removal opposed and not mitigated by replacement planting;
- proposed entrance not in accordance with 3rd party title deeds;
- drive alterations more harmful to highway safety;
- retaining wall should be sufficient distance from trees;
- adverse affect on drainage.

6.3 Furthermore the Town Council have raised an objection to the scheme (although previous comments had not raised objection to application 10/00780).

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 Highways – No objections subject to conditions.

7.3 Flood Risk Management – No objections subject to conditions and contribution to improvement of downstream flood alleviation works to Cotton Mill Beck.

7.4 Public Rights of Way – No objections raised.

7.5 Building Control – Retaining wall can be assessed on receipt of detailed engineered drawing but not a building control matter.

8.0 PLANNING POLICIES:

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents. The Local Development

Framework will eventually replace the UDPR but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

- 8.2 The site is set within the Morley Conservation Area as designated within the City Council's UDPR.
- 8.3 Therefore, the following policy advice is considered to be of relevance:

UDPR

GP5 – Requirement of Development Proposals: sets out the need to meet detailed planning requirements

N13 – Design and New Buildings: outlines that building design to be of high quality and have regard to the character and appearance of their surroundings.

N19 – Conservation Areas and New Buildings: sets out that all buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character of that area.

N20 – Conservation Areas and Retention: outlines that removal of features which contribute to the character of the Conservation Area will be resisted.

N25 – Development and Site Boundaries: sets out the need to design boundaries positively to the character of an area.

N39A – Sustainable Drainage Systems: sets out how applicants should demonstrate that sustainable drainage is explored.

H4 – Windfall Housing Sites: sets out when residential development is considered to be acceptable on sites not identified for that purpose in the UDPR

T2 – Transport Provision for Development: seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.

T24 – Parking Provision and New Development: requires parking provision to reflect detailed guidelines.

BD2 – Design and Siting of New Buildings: comments that design and siting of new buildings should complement and where possible enhance existing vistas, skylines and landmarks

BD5 – Amenity and New Buildings; outlines that new buildings should be designed with consideration given to their own amenity and that of their surroundings

Supplementary Planning Guidance Note 13 – Neighbourhoods for Living (2003)

Supplementary Planning Guidance Note 22 – Sustainable Drainage in Leeds (2004)

Draft Community Consultation – Conservation Area Appraisal and Management Plan – Morley (July 2009)

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

Planning Policy Statement 5 – Planning for the Historic Environment (2010)

Planning Policy Guidance Note 14 – Development on Unstable Land (1990)

- Policy GP5 requires development proposals to resolve detailed planning considerations including access, to avoid loss of amenity and maximise highway safety.

- Policy BD5 requires all new buildings to be designed with consideration to their own amenity and that of their surroundings

- 8.4 Planning Policy Statement 1 – Delivering Sustainable Development (2005) sets out general planning principles and policy advice and includes references to matters of

social cohesion and inclusion and the importance of safe and attractive communities to live within.

- 8.5 Planning Policy Statement 3 – Housing (2010) refers to the Government’s response to the *Barker Review of Housing Supply* and the necessary step-change in housing delivery, sets out the desire to create decent homes, appropriate mixes of housing and sustainable communities.
- 8.6 Planning Policy Statement 5 – Planning for the Historic Environment (2010) sets out the Government’s vision for the historic environment and outlines that those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets.
- 8.7 Planning Policy Guidance Note 14 – Development on Unstable Land (1990) sets out the broad planning and technical issues to be addressed in respect of development on unstable land.

9.0 MAIN ISSUES

- 9.1 Principle of Development
- 9.2 Highway Safety
- 9.3 Relationship to the Conservation Area
- 9.4 Trees, Design and Layout
- 9.5 Relationship to Neighbours / Levels / Residential Amenity
- 9.6 Drainage

10.0 APPRAISAL

Principle of development

- 10.1 The proposal involves a new dwelling set in a sustainable urban location close to Morley Town Centre and its shops, services and facilities and local bus and rail services.
- 10.2 The site formed part of the curtilage to Highfield House but it is not considered this was as such a formal laid out garden. The proposal is not therefore considered to form garden development (respect of guidance set out in PPS3).
- 10.3 No specific UDPR designated land allocation exists for the site. Taking all the above into account, no concerns are raised against the principle of development.

Highway Safety

- 10.4 The proposal is considered to respect highway safety. Whilst a further dwelling will be serviced from this access which is close to the mini-roundabout, the access itself will be moved eastwards slightly (by around 11m between the centre lines) which benefits the proximity to which traffic is encountered when exiting onto Brunswick Street.
- 10.5 The new driveway will also benefit from being surfaced, sealed and drained in contrast to the existing unmade driveway. This newly constructed drive will therefore benefit both Highfield House as well as the proposed dwelling.

- 10.6 In doing this, checks were made on site with the Highways Officer to ensure that visibility of 2.4m x 45m to the east could be achieved from the new access without disturbance or significant impact upon the stone boundary wall – to do this a small section of the wall (applicant's ownership) would be repositioned very slightly further back into the site (the re-use of natural stone would be controlled by a boundary treatment condition).
- 10.7 Adequate parking space is provided within the site – two open surface spaces at lengths between 5.2 - 5.5m minimum in front of the garage which is itself 5m deep by 5m wide. The dimensions for the open surface spaces fall slightly short of the 5.6m recommended in the Street Design Guide (SDG) – therefore a condition is recommended to ensure the garage doors are a suitable roller shutter style design as to not open out onto the parking spaces.
- 10.8 No concerns are raised under policies T2 and T24 of the UDPR or the SDG.

Relationship to the Conservation Area

- 10.9 Highfield House makes up part of the Conservation Area which is itself a designated Heritage Asset. The draft Morley Conservation Appraisal Plan recognises Highfield House as being a 'positive' building recognising the contribution it makes to the special historic / architectural character of the Morley Conservation Area.
- 10.10 The applicants / agent have designed a dwelling modelled on the architectural qualities evident at Highfield House. The Design & Access Statement also refers to this. Previously, it was partially the lack of detail and appreciation of these architectural qualities that led to an earlier application 09/00831/FU and poorly designed dwelling being refused before the current architect was newly appointed to the scheme.
- 10.11 PPS5 states that: *“Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”*
- 10.12 The dwelling shown is considered to relate positively to the character / appearance of the Conservation Area by reflecting the particular attributes of Highfield House in the following ways:
- shape and roof form;
 - style and massing;
 - incorporation of a chimney;
 - natural stone and use of heads, sills and coins.
- 10.13 The siting, lower land level and the scale of the new building is considered to allow the proposed dwelling to be seen as a sister building to Highfield House and one which does not over-dominate or impose itself on this host building.
- 10.14 UDPR policy N19 refers to the following requirements:
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.*

10.15 It is considered the designs now strike the appropriate balance between ensuring the siting, scale, design and materials of the building reflects without over-dominating Highfield House and the Conservation Area generally. The proposal is considered forms a positive contribution in this respect. Some objection has been submitted on the basis of the size of the property but for a relationship to be established to Highfield House, the degree of massing and size shown is considered necessary.

10.16 No concerns are raised against policy N19 or advice contained in PPS5.

Trees, Design and Layout

10.17 The Arboricultural report is considered to provide an accurate and acceptable reflection of the existing trees on site and their sufficient spacing and relationship to the proposed dwelling. Conditions have been recommended to ensure that no ground level changes or excavations occur in the root protection areas shown in the report pages. This is relevant to the garden levelling required to make a more suitable and attractive / useable garden that was not evident in the refused application 10/00780. To ensure this does not happen at the expense of any impact to the roots, the conditions on protection of the roots and a topographical spot mapping exercise of finished levels have been added to ensure the external land levels do not unduly harm the trees. The patio area to the west side has been narrowed to also assist with this.

10.18 The stone retaining wall has been re-routed slightly (nearer to the proposed dwelling) to ensure that its line also falls outside of the root protection areas.

10.19 Furthermore, standard landscaping conditions on hard and soft landscaping will ensure that control of any utility / service connections are routed through the tree protection areas.

10.20 The Council's Trees Officer recognises that the front boundary wall where moved back slightly into the site may have limited impact on the cherry tree – T10; as this tree is classified as falling with BS:5837 category C – low quality and value, it is considered this is acceptable as additional planting for a higher quality cherry tree is shown on the layout plan above it.

10.21 A detailed method statement is also conditioned so that works on the site follow a detailed plan in regards to excavations etc.

10.22 The layout is considered to now make enough space available to the rear and side of the dwelling to allow for sufficient amenity space, to which the useable area (i.e. not steeply sloping or overshadowed) is nearly 50% of the floorspace whilst the additional private amenity space (including areas such as the tiered rockery and underneath tree canopies is over 100%).

10.23 The design of the property is considered will form a notable but not overbearing effect on the street scene of the local area. The application is considered acceptable in

respect of the siting applied to the dwelling and its relationship to both trees and external amenity space under policies N19, BD2, LD1 and Supplementary Planning Guidance Note - 13 (Neighbourhoods for Living) (SPG13).

Relationship to Neighbours, Residential Amenity

- 10.24 The dwelling is sited some 21m from the original rear aspect of properties to Foster Crescent (although some extensions to their rear elevations have since taken place). Although there is a significant level change, the change means that the new dwelling would be subject to any potential overlooking from these neighbours and importantly not vica-versa. Given the boundary wall proposed and the establishment of future soft landscaping it is not considered this relationship is unacceptable and is considered to provide a suitable level of separation against guidance within SPG13.
- 10.25 The movement of the dwelling by 1m forward (compared to refusal 10/00780) helps to provide a better outlook and along with the now detailed graded land / sectional shape of the site proposed, on balance, the applicants are considered to have adequately met this issue subject of the previous unsuccessful application.
- 10.26 Suitable separation exists to the east elevation facing Highfield House at nearly 35m away.
- 10.27 Reference has been made by objectors about land stability. Although there is no evidence that the proposal would create instable land above to Foster Crescent, in any event, a retaining wall is shown to the rear of the site spanning across the area involved. The advice from the Building Control Inspector has led to a condition recommended ensuring that detailed engineering designs and calculations are submitted for verification by the Local Planning Officer to ensure the wall as built is strong and should not lead to any ground movement.
- 10.28 No concerns are raised under policies GP5, BD5 and in drawing upon advice from within Planning Policy Guidance Note 14 - Development on Unstable Land.

Drainage

- 10.29 The Council's Flood Risk Management Engineer has recommended conditions suitable for the development and the applicant has agreed to contribute to downstream improvement of the Cotton Mill Beck flood alleviation scheme which this development drains into. No concerns are raised under GP5 of the UDPR or Supplementary Planning Guidance Note 22 in this respect.

11.0 CONCLUSION

- 11.1 The application is considered to now have met the reasons for refusal set out in refused application 10/00780 in regards to i) size and layout; ii) outlook, iii) accurate information upon the sites trees and iv) information now provided / shown on land stability.
- 11.2 The application drawings themselves are considered to provide an appropriately designed dwelling, one which relates positively to the heritage asset involved (the Conservation Area) and wider street scene as a whole. The development of a dwelling here provides for a sustainable and appropriately located dwelling which also does not impact negatively upon highway safety. Condition approval is therefore recommended.

Background Papers:

Application file: 10/04641/FU. Previous refused application 10/00780/FU.

Certificate of Ownership A completed.

PROPOSED DETACHED DWELLING LAND ADJACENT HIGHFIELD HOUSE MORLEY

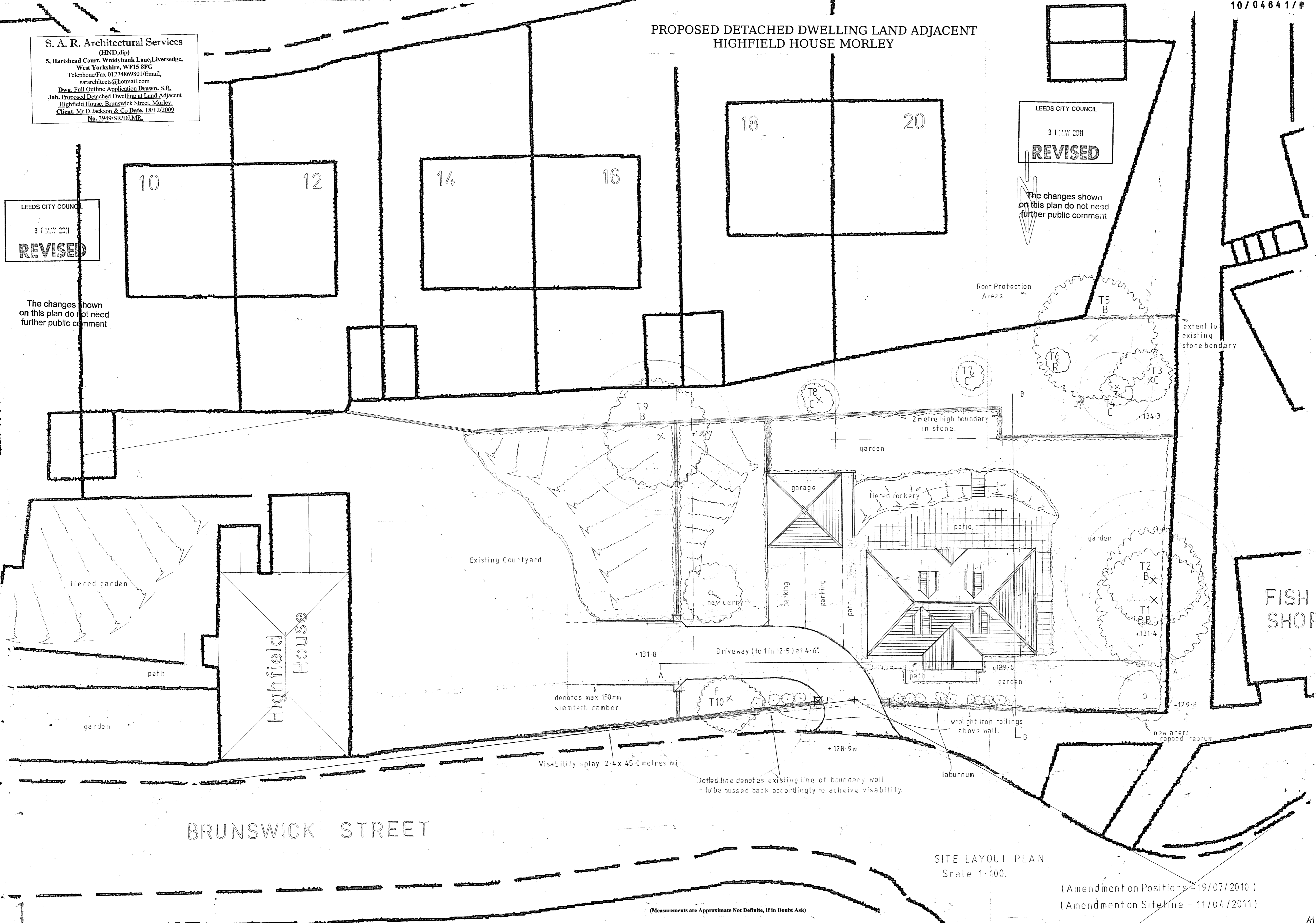
S. A. R. Architectural Services
 (HND,dip)
 5, Hartshead Court, Widdybank Lane, Liversedge,
 West Yorkshire, WF15 8FG
 Telephone/Fax 01274869801/Email,
 sararchitects@hotmail.com
 Dwg. Full Outline Application Drawn. S.R.
 Job. Proposed Detached Dwelling at Land Adjacent
 Highfield House, Brunswick Street, Morley.
 Client. Mr.D.Jackson & Co Date. 18/12/2009
 No. 3949/SR/DJ.MR.

LEEDS CITY COUNCIL
 31 MAY 2011
REVISED

LEEDS CITY COUNCIL
 31 MAY 2011
REVISED

The changes shown
 on this plan do not need
 further public comment

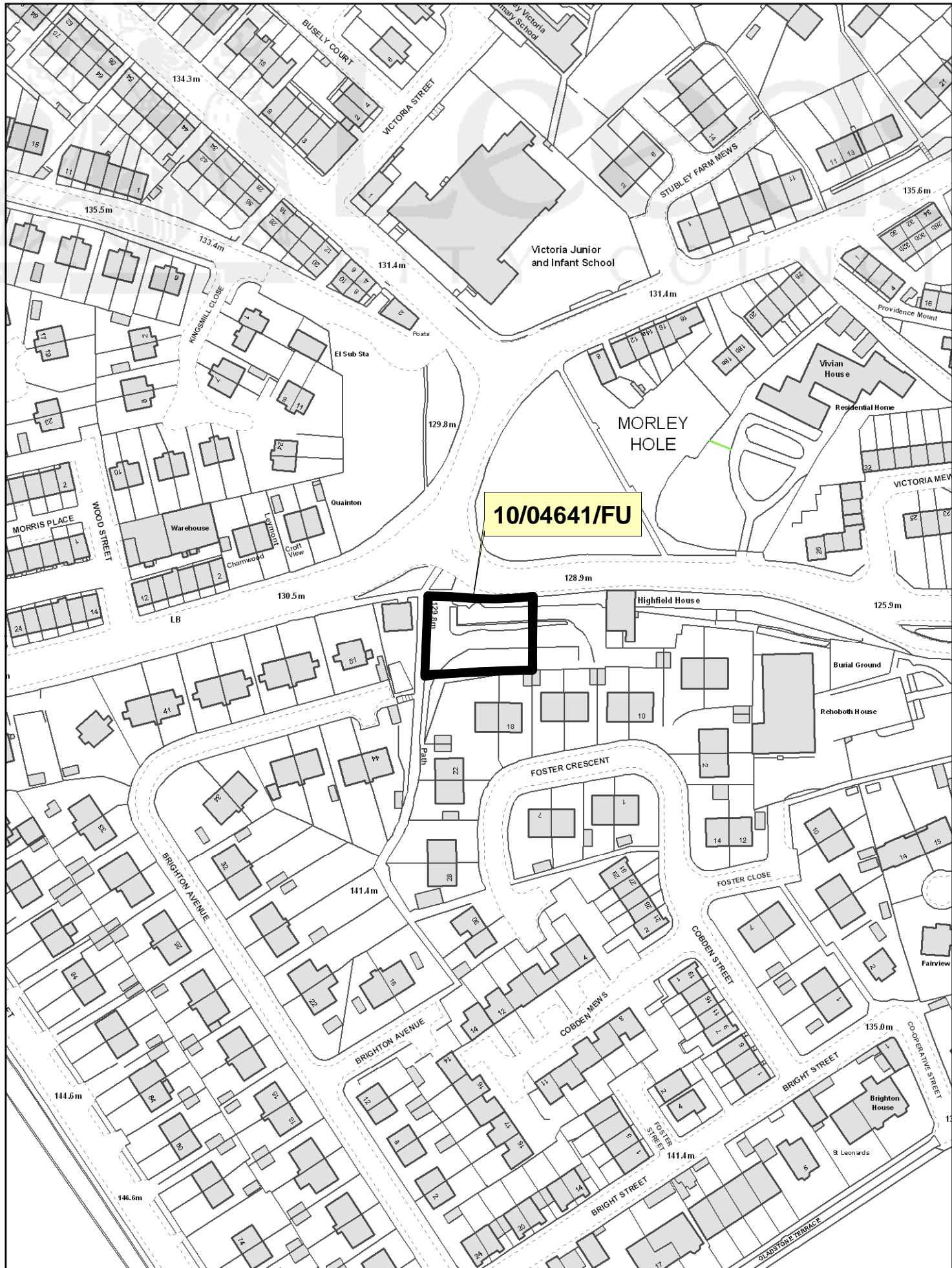
The changes shown
 on this plan do not need
 further public comment



SITE LAYOUT PLAN
 Scale 1:100.

(Amendment on Positions - 19/07/2010)
 (Amendment on Siteline - 11/04/2011)

(Measurements are Approximate Not Definite, If in Doubt Ask)



EAST PLANS PANEL