



## Report of the Chief Planning Officer

### *PLANS PANEL SOUTH AND WEST*

Date: 11<sup>th</sup> October 2012

**Subject: APPLICATION 12/02974/RM – RESERVED MATTERS APPLICATION FOR 12 HOUSES, LAYING OUT OF ACCESS ROAD AND ASSOCIATED LANDSCAPING, LAND TO REAR OF 7 WATERWOOD CLOSE, WEST ARDSLEY**

#### **APPLICANT**

Mr Michael Guymer

#### **DATE VALID**

26 July 2012

#### **TARGET DATE**

25 October 2012

#### **Electoral Wards Affected:**

Ardsley & Robin Hood

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**Grant approval (conditions attached to outline permission 11/04754/OT)**

- 1. Construction Management Plan**
- 2. Full details of finished floor levels**
- 3. No openings in the west flank wall of Plot 12**

1. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, GP7, BD5, H3, LD1, N2, N4, N12, N13, N24, N25, N38B, T2, T5,T6, T24  
Neighbourhoods for Living

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Panel at the request of Panel member Councillor Finnigan who has stated that “this is a controversial site and there are concerns about the cumulative impact of other nearby proposed developments”.
- 1.2 The application site is unallocated for any purpose in the development plan, but has outline permission for housing. Therefore, there is no objection in principle to housing. The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance. The form of the houses, as two storey, constructed in natural stone and slate, is considered to be in keeping with the area, and would not adversely impact on the amenities of nearby residents.
- 1.3 As such, the reserved matters submission is recommended for approval. The application is considered to comply with policies GP5, GP7, BD5, H3, LD1, N2, N4, N12, N13, N24, N25, N38B, T2, T5,T6, T24 of the UDP (Review 2006), and relevant supplementary and national planning policy guidance. As such the application is recommended for approval.

## **2.0 PROPOSAL:**

- 2.1 Outline permission has been granted for outline permission for residential development on the site. In addition to the principle of residential development, the means of access off Waterwood Close was also approved. The current proposal, therefore, seeks reserved matters approval for appearance, landscaping, layout and scale.
- 2.2 The detailed proposal is for 12 detached houses, accessed from a central access road. The two storey houses would be constructed in natural stone with slate roofs.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is within the village of West Ardsley, some 5 miles south of Leeds City Centre. The site comprises an approximately oblong area of grass land of approximately 0.7ha. The applicant describes the last use of the land as “part unused, part agricultural, part builder’s yard”. At the time of the officer’s site visit some agricultural machinery and other structures were being stored on the eastern part of the site.
- 3.2 The site is bounded to the north by the rear gardens of residential properties fronting Westerton Road and Waterwood Close. To the west, the site is bounded by houses fronting Haigh Moor Road. The southern and eastern boundaries are defined by a hedge line, and beyond this the land is in agricultural use, with the reservoir beyond.
- 3.3 The surrounding residential area is typified by 2 storey detached and semi-detached houses. There is also one terrace of houses close to the site. The houses are of a traditional design but their architectural treatment is quite varied. There is a mix of materials in the locality with houses finished in brick, stone and render. Garden sizes are also varied, but most houses have the appearance of being set comfortably within mature gardens. Where gardens share a boundary with the agricultural fields this is generally planting with a mature hedge although other boundaries treatments exist with walls and fences.

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

- 4.1 An outline planning application to erect residential development on the site was refused in October 1999 on Green Belt grounds, as the site was designated as Green Belt in the revised draft Unitary Development Plan. The subsequent appeal was dismissed. (Leeds City Council ref no. 23/153/99/OT (Planning Inspectorate ref. no. T/APP/N4720/A/99/1028896/P2)).
- 4.2 In August 2001, the Unitary Development Plan (UDP) was adopted, and the site was excluded from the Green Belt, as the UDP Inspector considered that the land makes only a modest contribution to the purposes and objectives of the Green Belt. The site was below the threshold to allocate the site for housing.
- 4.3 23/439/02/OT - In October 2002, an outline application was submitted for residential development on this site. In December 2002, the application was refused for the following reasons:
1. "The Local Planning Authority considers that the proposal to develop this greenfield site for residential purposes is unacceptable in that it would prejudice the need to achieve sustainable housing development and maximize the reuse of previously developed land in order to promote regeneration and minimize the amount of greenfield land taken for development and would be contrary to Policy H1A of Leeds Unitary Development Plan and the advice given in PPG3 'Housing'."
- 4.4 The subsequent appeal was dismissed. The Inspector stated that the development would potentially compromise the local housing strategy and undermine national objectives for promoting sustainable development and urban regeneration. Planning Inspectorate ref. no. T/APP/N4720/A/03/1118910).
- 4.5 23/127/05/OT - In March 2005, a further outline application was submitted for residential development on this site. In April 2005, the application was refused for the following reasons:
1. "The Local Planning Authority considers that the proposal to develop this greenfield site for residential purposes is unacceptable in that it would prejudice the need to achieve sustainable housing development and maximize the reuse of previously developed land in order to promote regeneration and minimize the amount of greenfield land taken for development and would be contrary to Policy H1A of Leeds Unitary Development Plan and the advice given in PPG3 'Housing'."
- 4.6 The subsequent appeal was dismissed. The Inspector stated that the development would be contrary to national and local objectives in relation to the release of housing sites, with its emphasis on sustainable development and the reuse of previously developed land. Planning Inspectorate ref. no: T/APP/N4720/A/05/11184055).
- 4.7 An application for a Certificate of Lawful Use (10/00730/CLE) for the use of part of the site as a builder's yard was refused in April 2010. It was refused because the applicant had failed the statutory test for such applications in that they had not produced evidence to demonstrate that, on the balance of probabilities, the use had been ongoing for 10 years or more.
- 4.8 An Enforcement Notice was served on the use of the site as a builders yard. The Notice was upheld at appeal, and the owner is required to comply with the Enforcement Notice, to cease the use of the site as a builders yard by November 2012.

- 4.9 10/04762/OT - Outline permission is for residential development on this site. This was subject to an appeal against non-determination. At Plans Panel on 4<sup>th</sup> November 2011, it was resolved not to contest the appeal and that no evidence against the proposal be offered at the appeal, and furthermore that officers approach the applicant with a view to negotiating the submission of a further planning application to be determined under delegated powers.
- 4.10 11/04754/OT - The subsequent outline application was approved on 4 January 2012, in response to the Panel resolution of 4<sup>th</sup> November 2011.  
A Section 106 Agreement was completed which makes provision for a commuted sum (£39,304.05p) for greenspace to be provided off site. Condition 4 of the approval restricts the maximum number of dwellings to 14. Condition 5 states that the dwellings should not exceed 2 storeys in height.
- 4.11 12/01686/RM - Reserved Matters application for 14 houses, laying out of access road and associated landscaping. Application withdrawn in July 2012.
- 4.12 12/03373/FU - Current undetermined application at the junction of Westerton Road and Waterwood Close to redevelop the redundant church site for 14 dwellings. This application appears is likely to be considered at the next Plans Panel meeting, in November.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The layout of the scheme has been revised to improve the layout. These changes are as follows:
- (i) Reduction from 14 units to 12.
  - (ii) Increase the space between the dwellings to be in keeping with the adjoining houses.
  - (iii) Increase the garden sizes
  - (iv) Houses to the northern boundary located further from the boundary, to achieve satisfactory relationship to adjoining existing houses.
  - (v) Design improvements in the form of added chimneys, plain verges to replace boards, simplified window detail.

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

- 6.1 The application was publicised by Site Notice on 6<sup>th</sup> August 2012.
- 6.2 Letters of representation have been received from three local householders, and from four residents living further afield. These are all objections to the proposal, on the grounds:  
There are plenty of brownfield sites and empty properties which should be developed instead of greenfield sites.  
Access via Waterwood Close will adversely affect the existing properties, increasing noise and pollution from traffic movement. The egress from Waterwood Close on to Westerton Road is already congested. The junction of Westerton Road and Haigh Moor Road causes problems. Vehicles are parked so drivers can use the shops at the end of Haigh Moor Road and residents on Westerton Road park vehicles on the road either for ease or because they have no other parking provision. Westerton Road is a bus route and also a very busy route for children walking to the primary school. Road safety in this location is of great concern and will be adversely affected by this development.

The additional development therefore will give rise to serious traffic problems in this short section of Westerton Road.

Occupiers will not park in garages, and will park on Waterwood Close, to the detriment of highway safety.

The local bus service is poor, and will encourage further car use.

The local primary schools already operate to capacity, the local upper school, now an academy is also at or near capacity. Medical and Dental practices in the area are at or near capacity.

Drainage is not sustainable but again there seem to be no central proposals to improve the situation. Though effects may not be felt directly in this development there is real potential for problems downstream.

In addition, there is currently a proposal to develop the former Church which is currently derelict and is in the same street.

The plans show incorrect boundary to adjoining property. The development would partly be on land not owned by the applicant, but by the adjoining land owner.

The nearest houses are less than the specified 10.5m to boundary, which will result in overlooking and loss of privacy.

The large houses are very close together and incongruous, and out of keeping with the area.

The proposed access to the south would possibly allow for further residential development to the south in the future.

Trees planted in front of windows will impact on outlook.

The existing house immediately adjacent to the access road does not have a sufficiently sized garden which will lead to loss of privacy for the occupiers, and will suffer harm from construction traffic.

- 6.3 Ed Balls M.P. has been contacted by one of the objectors, and he has asked that the representations of his constituent be taken into account. The main thrust of the objections is that both proposals (this proposal, and the one to the south, off Waterwood Close, would represent overdevelopment of the area, with increased traffic and on street parking, and detriment to the character of the area.

## **7.0 CONSULTATIONS RESPONSES:**

### STATUTORY

- 7.1 None

### NON-STATUTORY

- 7.2 Highway Authority – No objections to the revised plans.  
7.3 Flood Risk Management – No objection

## **8.0 PLANNING POLICIES:**

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. 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 including housing.

- 8.2 Regional Spatial Strategy (RSS) (adopted May 2008)

No regional policies are relevant to this proposal, which is reserved matters submission in respect of the scale, appearance and landscaping of the proposed development.

### 8.3 Unitary Development Plan Review (adopted July 2006)

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy GP7: Use of planning obligations.
- Policy GP11: Sustainable Design Principles.
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H4: housing proposals on unallocated sites.
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development should be provided.
- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development
- Policy N24: Development abutting the Green Belt or other open land should achieve assimilation into the landscape. (Land to the south of the application site is Green Belt).
- Policy N25: Site boundaries should be designed in a positive manner.
- Policies N49; N50 and N51: Nature conservation and enhancement.
- Policy LD1: landscape schemes should meet specific criteria of good design.

### 8.4 Supplementary Planning Guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG 11: Contributions For School Provision From Housing Developments;
- SPG13: Neighbourhoods for Living;
- SPG 25: Greening The Built Edge.

8.5 As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- Affordable Housing SPD (2009);
- Sustainable Design and Construction SPD (2011); and
- Street Design Guide.

- 8.6 National Planning Policy Framework  
Delivering a wide choice of high quality homes  
Requiring good design  
Promoting healthy communities  
Protecting Green Belt land  
Conserving and enhancing the natural environment

#### NATIONAL PLANNING POLICY:

- 8.7 The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

#### EMERGING CORE STRATEGY:

- 8.8 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

### 9.0 MAIN ISSUES

- 9.1 It is the considered view that the main issues are:
- Principle of development
  - Highway Safety
  - Scale, appearance and landscaping (visual amenity and character)
  - Impact on Landscape and Ecology
  - Residential Amenity
  - Representations

### 10.0 APPRAISAL

#### Principle of development

- 10.1 Although the application site is unallocated for housing, outline permission was granted in January 2012. Therefore, there is no objection in principle to housing. The outline permission grants permission for the principle of housing, and the means of access onto Waterwood Close. The matters under consideration, therefore are the approval for appearance, landscaping, layout and scale.

#### Highway safety

- 10.2 The issue of visibility and traffic speeds onto Westerton Road has been considered at outline planning permission stage, and the point of access is approved.

10.3 The internal layout of the estate conforms to the current highways guidance (Leeds Street Design Guide). The parking arrangements are acceptable, all houses have at least two off street parking spaces and double garages, and therefore parking on the proposed highway or the existing section of Waterwood Close is unlikely to be problematic.

Driveways are a minimum 3m in width, or 3.3m where pedestrian access is shared. The double garages have minimum internal dimensions under the specified 6m x 6m but have parking for one car and provide cycle parking. Two spaces are available to the front of the garage. On this basis, no highway safety concerns are raised.

Density, scale, appearance and landscaping (visual amenity and character)

10.4 The proposal has been amended from the 14 houses originally submitted, to provide 12 two storey detached dwellings. The reduction from 14 to 12 allows the detached dwellings to be spaced in a manner which reflects the local character, in particular the character of the recently constructed two storey stone dwellings off Waterwood Close, to the north west, and the existing houses off Westerton Road, to the north of the site. The layout provides adequate private amenity space for future occupiers of the dwellings

10.5 The dwellings proposed are to be two storeys, to be constructed in natural stone and natural slate. The design has been amended so that the houses incorporate chimneys, and plain verges replace the boards, which which were originally proposed. Simple artstone heads and cills are now proposed, which improves the appearance of the dwellings.

10.6 The layout and materials match the surrounding, and reinforce the local character.

Residential amenity

10.7 It is considered, in view of the size of the site and the distance from neighbouring properties, that appropriate separation distances (in line with the guidance set out in Neighbourhoods for Living) from existing dwellings could be achieved. In particular, the five houses adjacent to the northern site boundary have been replaced with four dwellings, allowing space to be provided between the dwellings, so that the development does not appear as a solid mass of stonework. The actual site boundary has been redrawn so it more accurately reflects the correct boundary. Plot 11 is now between 10.6m and 13.4m from the rear boundary. The main dining room window is 12m from the boundary wall. The revised proposal retains the boundary trees, and provides a satisfactory private garden, clear of the canopy of the trees. This complies with current guidance as set out in Neighbourhoods For Living.

10.8 The two storey blank gable to Plot 1 is proposed at 14m from the main rear aspect of No. 6 Waterwood Close, and is set down at a slightly lower ground level. This distance complies with the 12m minimum set out in guidance and is considered acceptable. In addition, the gable wall to Plot 12 is between 15 and 18m from the rear of No.8 Waterwood Close, in excess of the minimum 12m.

10.9 No.8 Waterwood Close has main rooms facing south onto the application site. No dwellings are proposed in this area, due to the narrow width of land between the access road and No.8. Concerns have been raised that trees planted in this area would result in a loss of light to the rooms. As such, it is proposed that low ground cover occupies this area. It is accepted that there is likely to be some disturbance to this residence during construction, and it is recommended that a Construction



Management Plan condition be imposed in the interests of amenity of residents living close to the site.

#### Assimilation into wider open area

- 10.10 Policy N24 requires that where development proposals about the green belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. In this case, it is proposed to retain and layer the existing substantial hedge to the southern boundary which will produce an acceptable green boundary to the development site. The retention and management of this hedge is subject to a planning condition attached to the outline permission.

#### Representations

- 10.11 Issues in relation to sustainability, the loss of a Greenfield site and traffic generation are addressed in the outline grant of planning permission, and are not subject of consideration in this reserved matters submission.

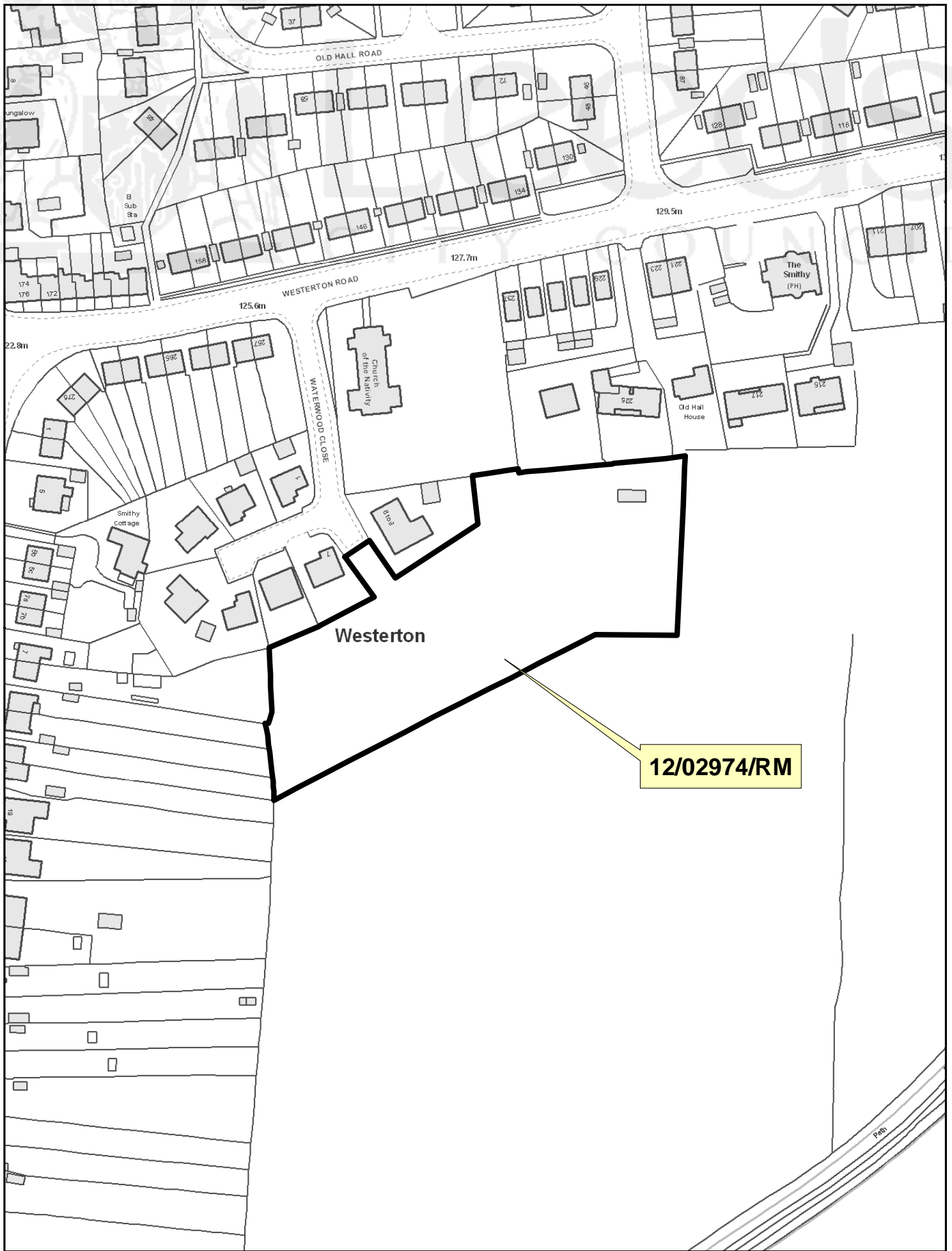
### **11.0 CONCLUSION**

- 11.1 There is an extant planning permission for housing on the site. Therefore, there is no objection in principle to housing on the site.
- 11.2 The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance.
- 11.3 The form of the houses in the amended layout of 12 dwellings, as two storey, constructed in mainly natural stone, is considered to be in keeping with the area, and would not adversely impact on the amenities of nearby residents.
- 11.4 As such, the reserved matters submission is recommended for approval.

### **12.0 Background Papers:**

Application file

Certificate of Ownership: As owner



# SOUTH AND WEST PLANS PANEL

