

NORTH AND EAST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 27th February, 2020
at 1.30 pm**

MEMBERSHIP

Councillors

D Collins
R Grahame
D Jenkins
E Nash
K Ritchie (Chair)
N Sharpe
M Midgley
T Smith
B Anderson

A G E N D A

Item No	Ward	Item Not Open		Page No
1			SITE VISIT LETTER APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-	

Item No	Ward	Item Not Open		Page No
3	Burmantofts and Richmond Hill		LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	9 - 18
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE	
6			MINUTES - 23RD JANUARY 2020 To receive the minutes of the North and East Plans Panel meeting held on 23 rd January 2020.	
7			APPLICATION 19/07601/FU - CHANGE OF USE AND ALTERATIONS OF SINGLE DWELLINGHOUSE (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) AT NO. 8 ECCLESBURN STREET, RICHMOND HILL, LEEDS 9 The report of the Chief Planning Officer sets out an application for change of use and alterations of single dwellinghouse (use class C3) to a House in Multiple Occupation (use class C4) at No. 8 Ecclesburn Street, Richmond Hill, Leeds 9 (Report attached)	19 - 32

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8	Harewood		APPLICATION 19/07228/FU - DEMOLITION OF EXISTING BUNGALOW (RETROSPECTIVE) AND ERECTION OF A PAIR OF TWO STOREY SEMI-DETACHED DWELLINGS AT SHERI DENE, ELMWOOD LANE, BARWICK -IN-ELMET, LS15 4JX The report of the Chief Planning Officer presents an application for the demolition of existing bungalow (retrospective) and erection of a pair of two storey semi-detached dwellings at Sheri Dene, Elmwood Lane, Barwick-in- Elmet, LS15 4JX (Report attached)	33 - 52
9	Wetherby		APPLICATION 19/03125/FU - DEMOLITION OF EXISTING DWELLING AND ANCILLARY/DOMESTIC OUTBUILDINGS AND REPLACEMENT WITH FOUR DWELLINGS, WITH LAYOUT, ACCESS AND SERVICING AT FARFIELD HOUSE, WETHERBY ROAD, BRAMHAM, LS23 6LH The report of the Chief Planning Officer requested Members consideration on an application for the demolition of existing dwelling and ancillary/domestic outbuildings and replacement with four dwellings, with layout, access and servicing at Farfield House, Wetherby Road, Bramham, LS23 6LH (Report attached)	53 - 70
10	Harewood		APPLICATION 18/06186/OT - APPEAL BY MR PATRICK WATERHOUSE AGAINST THE DECISION TO REFUSE OUTLINE PLANNING PERMISSION FOR A NEW DETACHED DWELLING AT 9 MANOR PARK, SCARCROFT, LEEDS LS14. The report of the Chief Planning Officer presented an appeal by Mr Patrick Waterhouse against the decision to refuse outline planning permission for a new detached dwelling at 9 Manor Park, Scarcroft, Leeds LS14. (Report attached)	71 - 80

Item No	Ward	Item Not Open		Page No
11			DATE AND TIME OF NEXT MEETING The next meeting of the North and East Plans Panel will be Thursday 9 th April 2020 at 1.30pm.	
2				
a)				
b)				

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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Planning Services

Merrion House
 Merrion Centre
 Leeds

To all Members of North and East Plans
 Panel

Contact: David Newbury
 Tel: 0113 378 7990
 david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
 Date: 19th February 2020

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 27th February 2020

Prior to the meeting of the North and East Plans Panel on Thursday 27th February 2020 the following site visits will take place:

Time	Ward	
9.50am		Depart Civic Hall
10.00am - 10.20am	Burmantofts & Richmond Hill	19/07601/FU – 8 Ecclesburn Street, Richmond Hill, LS9 9DB – Change of use to House in Multiple Occupation
10.40am - 11.00am	Harewood	19/07228/FU – Sheri Dene, Elmwood Lane – Erection of two semi-detached houses
11.15am - 11.30am	Wetherby	19/03125/FU – Farfield House, Wetherby Road – Four dwellings
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 9.50am. Please notify David Newbury (Tel: 378 7990) if you wish to take advantage of this and meet in the Ante Chamber at 9.45am. If you are making your own way to a site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
 Group Manager

www.leeds.gov.uk

general enquiries 0113 222 4444



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NORTH AND EAST PLANS PANEL

THURSDAY, 23RD JANUARY, 2020

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, R Grahame,
D Jenkins, E Nash, N Sharpe, M Midgley,
T Smith and J Taylor

SITE VISITS

The site visits earlier in the day were attended by Councillors Collins, Grahame, Jenkins, Nash, Ritchie, Sharpe, Midgley, Smith and Taylor.

64 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

65 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

66 Late Items

There were no late items.

67 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made at the meeting.

68 Apologies for Absence

Apologies were received from Councillor Anderson.

Councillor Taylor attended as a substitute for Councillor Anderson.

69 Minutes - 28th November 2019

RESOLVED – That the minutes of the meeting held 28th November 2019, be approved as an accurate record.

Matters Arising

Minute 60 – 19/00867/FU Demolition of existing dwelling and construction of four dwellings. A Member sought clarity as to whether the developer had signed up to policies EN1 and EN2, whilst acknowledging this wasn't a policy requirement. The Planning Officer confirmed this information would be provided to the Panel Member at a later date.

Draft minutes to be approved at the meeting
to be held on Thursday, 27th February, 2020

70 19/05419/FU - DEMOLITION OF 16 APARTMENTS AND 6 HOUSES AND ERECTION OF 85 APARTMENTS ACROSS TWO BUILDINGS COMPRISING OF 51 SHELTERED HOUSING APARTMENTS AND 34 GENERAL NEEDS APARTMENTS WITH COMMUNAL CAR PARKING AND LANDSCAPING

The report of the Chief Planning Officer set out an application for the Demolition of 16 apartments and 6 houses and erection of 85 apartments across two buildings comprising of 51 sheltered housing apartments and 34 general needs apartments with communal car parking and landscaping on land at land off Queenshill Avenue and Queenshill View, Moortown.

The application is made by the Leeds Jewish Housing Association (LJHA).

The proposal sought to develop two apartment blocks, Block A that will run perpendicular to King Lane and will house the 51 No. proposed sheltered housing units over 4 floors and Block B will provide the 34 general needs (C3) units and will run parallel to King Lane and perpendicular to Block A.

Members had attended a site visit earlier in the day. Photographs and slides were shown throughout the presentation.

Prior to Members consideration, the Principal Planner informed the Panel that a unilateral undertaking had not yet being verified and as a result, the proposed resolution had changed to *DEFER AND DELEGATE approval to the Chief Planning Officer*.

The Panel were informed of the following key points:

- Access to the site from Queenshill Drive;
- The nature of the main accommodation would house occupiers 55+, and the general accommodation would be apartments;
- The developer is a social landlord and is offering social housing at affordable rents, making the development 100% affordable accommodation;
- 62 car parking spaces are proposed with space for 4 No. Motorcycle spaces;
- There is a connecting pedestrian link to Stonegate Building, with a No. of rooms for social activities for tenants to benefit from those facilities;
- Both blocks will be of similar design, finished in brick and render and a metal standing seam roof is proposed;
- Block B would have a break in levels, adding to the visuals along King Lane;
- There will be no greenspace provided on site, however a sum has been offered to contribute towards the improvement and maintenance of other existing open space/greenspace provision;
- A number of trees and shrubs are proposed to be removed, none of which are protected; an outstanding objection remains from Landscape. The applicants have agreed to replace those trees on land owned by them;

- None of the 84 units are compliant to meet the requirements of the M4(3) Building regulation standards. The applicant has stated there is not a demand for wheelchair accessibility, however is prepared to adapt during construction should there be a need. This is for the reasons set out in the report that the occupiers of the units are currently known to the developer being a social landlord;
- Objections had been received from residents on Stonegate Road due to Block A being proposed across the rear of their properties thus affording them views of it;
- An assessment had been carried out in regard to the cross section and distances to those residents on Stonegate Road, and the position of the elevation exceeded the minimum space standards.

A local resident attended the meeting, representing the affected properties on Stonegate Road (directly behind the proposed site). Members heard the concerns raised in regard to the height and mass of the proposed buildings, and the request as to whether parking could be re-located, should the proposed height remain as a 4 storey proposal.

A Member queried the impact the existing Stonegate Building had on the properties in close proximity. In response, the local resident explained that his neighbours felt as though there were overlooking issues, particularly on the higher levels of the existing building.

The speaker in support of the application explained he felt as though it wasn't possible to move Block A any further towards Block B without the loss of parking and greenspaces. Additionally, Members were informed that the nearest proposed block to the residents on Stonegate Road, was approximately 50 metres away, with sufficient space between the buildings.

Members wanted clarification as to why Block A couldn't be moved, and clarity as to why the parking facilities had to be to the South of the development site. In response, the vehicular access point coming into the car park off Queenshill Avenue, would be a joint car park and there would be a link corridor, which would be jeopardised should the proposed layout change. It was confirmed that by placing the car park to the rear of the development, removed green space for the occupiers. However, there would be minimal scope to move Block A, subject to the potential loss of car parking spaces.

Responding to Members questions, the Panel were informed of the following:

- A plan of the cross section was circulated, as submitted in the original application and provided information in regard to the distances of the buildings to the nearest affected property. Members were informed that the separation distance would be 52 to 55 metres, and the scheme would be in excess of the guidance;
- The positioning of the building would facilitate access to the MAS centre, and occupiers would be encouraged to use the facilities. There would be opportunities to serve food from the MAS centre, to the occupiers;

- A Member suggested that the bus shelters on King Lane be moved to a suitable location to meet the needs of the occupiers. In responding, it was mentioned that the client would be paying a contribution to upgrade real time information and the bus shelters, and that as part of the future proposed highway improvements along King Lane, the location of the bus shelters would be considered.
- There would be pre-existing on site cycle storage that is intended to be utilised;
- It was confirmed that motorcycle spaces would be limited to the staff, and provisions would be made for providing car charging points;
- The Highways Officer confirmed that with the development being in a sustainable location, the 62 car parking spaces would be sufficient for the No. of units proposed and that due to the demand for on-street parking, a condition would be implemented for the car parking spaces to be unallocated;
- An impact assessment had been undertaken in regard to noise nuisance, and it was confirmed that the sound insulation under the Building Regulations was adequate to mitigate noise disturbance from traffic;
- Members discussed tree loss mitigation and the impacts this had on the climate emergency. The Group Manager explained that in general, planning officers are working alongside colleagues and attending various working groups, to look at maximising benefits in an attempt to mitigate issues from climate. In terms of the tree replacement. In regard to the proposal, planning officers would be consulting with landscape officers in terms of mix and species;
- The contribution of greenspace would be identified by Parks and Countryside officers, and expected to be allocated in the immediate locality;
- The provision of Car Parking Spaces would meet the required number of car parking units that the policy reflected at the time that the application was submitted, however officers had also negotiated that the necessary infrastructure would also be installed that would allow for the installation of further EVCP once demand increased from the occupiers. This was considered an acceptable compromise especially given the provider is a social landlord and that the technology of EVs is largely outside of the price of its residents at present, As the cost becomes more viable of EV ownership and demand arises, then the EVCP can be installed at that time there had been a change in recent policy regarding electric charging points. EN8 had been approved as part of the Core Strategy Selective Review (CSSR) that required 100% compliance on residential sites for charging points. However given the timing of the application and the specific nature of the developer as a social landlord it was agreed it unreasonable to insist on 100% provision presently as long as the development was future proofed.

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to the final submission of the Unilateral Undertaking signed and sealed and following verification by the Chief Legal Officer regarding its contents. Should a suitable Unilateral Undertaking not be received and

Draft minutes to be approved at the meeting
to be held on Thursday, 27th February, 2020

verified within a period of six months of the resolution to approve the scheme to delegate to the Chief Planning Officer the authority to determine the application as appropriate.

The Unilateral Undertaking to cover the following:

- An off-site greenspace contribution of £86,268.56;
- The provision of a commuted sum for the installation of two bus shelters in close proximity to the site at a cost of £13,000 *[figure amended at Panel due to typographical error in report]* each and real time installation displays at a cost of £10,000 each total amount being £46,000; and
- The provision of replacement tree planting to mitigate the loss of trees on site at a ratio of 3:1 on land in close proximity to the application site under the control/ownership of the applicant.

And with the addition of the following:

- To add a condition to require the parking areas to be laid with porous surfacing;
- That the Landscape Team are to be consulted in respect of the replacement tree planting with particular regard to be had to the species of trees and nursery stock specification/maturity of the trees to be planted (the girth size of the tree e.g. standard, select standard and heavy standard);
- That further discussions take place with the applicant in respect of the siting of Block A and that the objector's plan be forwarded to the applicant for consideration/comment; and
- That the rear elevation of Block A be finished in light coloured materials to make it appear less overbearing when viewed from the rear of 301 and 303 Stonegate Road.

71 19/01665/FU - RESIDENTIAL DEVELOPMENT OF 153 NO. DWELLINGS AND ASSOCIATED WORKS

The report of the Chief Planning Officer set out an application for 153 dwellings and associated works at land off Beckhill Approach and Potternewton Lane, Meanwood, Leeds.

Members had attended a site visit earlier in the day. Photographs and slides were shown throughout the presentation.

The proposal was for the erection of 153 dwellings consisting of 24 apartments and 129 dwellings. All of the flats would be 2 bed with the dwellings consisting of 31 two bed, 72 three bed & 26 X four bed at a vacant site located off Beckhill Approach. The site formally contained a school and some sheltered accommodation, these had been demolished.

The Panel were informed of the following key points:

- The proposal creates a development of predominantly residential dwellings and apartments;

- The surrounding area predominantly consists of residential dwellings, with the Beckhills Estate to the South-East, and flats to the North-West along Stainbeck Road;
- Meanwood Centre is approximately 300 yards to the West; bus accessibility on Stainbeck Road;
- The proposal includes 11 affordable units;
- The development would be served by two accesses, one off Potternewton Lane and the other Beckhill Approach; the proposal would require the formation of a new junction on to Potternewton Lane as well as Beckhill Approach;
- 2 car parking spaces per dwelling were proposed for the houses and shared parking for the apartments;
- To the South of the site, work is proposed to locate a drainage attenuation tank, with the inclusion of an access point for vehicles;
- Alterations are proposed to retaining an existing wall located to the South-East of the site, and visual work would be undertaken by the local community;
- A total of 56 trees would be removed to facilitate the public open space and improve drainage; 7 of the trees being removed are TPO protected. In respect of this, 90 trees would be replaced on site;
- Two, 3 storey apartment blocks would include 12 apartments per block, being 2 bed apartments, some of which have ensuite facilities;
- The on-site greenspace would be a central feature of the development, and would include a MUGA (Multi Use Games Area) and an informal play area;
- The existing car parking area adjacent to the retaining wall would include additional planting to improve its appearance and provide additional planting;
- There would be no significant impact in regard to highways and electric charging points would be provided for each dwelling house;
- 10% EV charging spaces were proposed within the car parking area for the apartments. During the course of the planning application there had been a change in recent policy regarding electric charging points. EN8 had been approved as part of the Core Strategy Selective Review (CSSR) that required 100% compliance on residential sites for charging points. In view of the change of policy the remainder of the car parking spaces would have electricity infrastructure to allow for convenient conversion to allow for future demand and this would be secured by a suitably worded condition.
- The proposal incorporates measures to reduce the impact of non-renewable sources;
- It was highlighted that there had been no objections from local residents nor ward members;
- Following the distribution of the submitted report, Members were informed of an addition of the following conditions and amendments:
 - I. Details of scheme for delivery, and verification of delivery, of accessible housing.
 - II. Details of existing and ground levels and finished levels of new buildings to be submitted and approved.

- III. S106: Residential Travel Fund figure of £82,082 is based on old layout for 164 units. The new figure should be £76,576.50.

Members' raised the following with officers:

- Details on whether local residents would be employed for future job opportunities;
- Whether additional trees could be salvaged;
- Whether there was a loss of habitats, and if so, what measures would be put in place to encourage wildlife back to the site;
- To consider amenities in the play area for children with disabilities;
- The types of trees that would be replaced and a request that a copy of the indicative landscaping scheme is sent to a Panel Member;
- Concern that ginnels would attract levels of ASB;
- Whether the structure of the existing MUGA building, would be efficiently re-used;
- That consideration need to be given in regard to construction traffic.

Responding to Members questions, the Panel were informed of the following:

- The Section 106/S111 required the applicant to liaise with Employment Leeds, to employ locally and within the Leeds District;
- In regard to tree loss, Members heard that extensive work and negotiations had taken place to look at alternative solutions i.e. the layout of the MUGA. However, due to the different levels on site, it wasn't possible to salvage any additional trees in that particular location. It was confirmed that a remediation strategy had been undertaken;
- The development provided greenspace along the edge of the site, providing good connectivity and recreational space, meeting the aspirations of the Beckhill Framework;
- A detailed landscape plan had been created to show where the trees would be planted along the road, including shrubs and hedgerows, all of which would be beneficial for carbon capture. Further to this, a Panel Member requested that the landscape scheme be provided;
- The Ecology Plan details that the land is neutral grassland with no protected species. Members were informed that there are opportunities to improve biodiversity and there is an existing condition to protect bats and bird boxes across the site;
- In response to the siting of the apartments, the mass of the blocks are deemed appropriate in terms of the spatial separation of the houses and surrounding greenspace;
- The deliverability of the MUGA would help in terms of ASB within the locality;
- It was confirmed that there would be no public ginnels, but a route for the properties for easy bin access. It was confirmed that they would be gated and only accessible by the residents;
- Conditions 14 and 15 set out in the submitted report covered concerns raised in regard to construction. Officers further explained that there are a couple of access points, with main roads easily accessible;

- The Chair sought clarity on how local framework such as the Beckhill Neighbourhood Framework, would be produced for other communities. Officers confirmed that the document set the agenda for developers including the objectives and design criteria. The Legal Officer clarified that the framework wasn't legally binding such as a Neighbourhood Plan (NP), and set out the key principles for communities.

The Panel welcomed the engagement and community involvement that had been undertaken by the applicant, and the 3:1 off-site tree planting replacement initiative.

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to the signing of a Section 111 agreement to cover the following:

- Affordable housing – 11 properties in total;
- Real time passenger information display at a cost of £10,000 at bus stop 10858;
- Bus shelter to be provided at a cost of £13,000 at bus stop 11123
- Travel Plan review fee £3384;
- Residential Travel Plan Fund £76,576.50 *[figure amended at Panel to reflect reduction in total number of units being provided]*;
- Commuted Sum for the Council to undertake the on-site greenspace works £475,514.39;
- Local Employment & Skills Initiative;
- Off-site tree planting, to meet the requirements of Policy LAND2, within the local area.

And with the inclusion of the following additional conditions:

- Details of scheme for delivery, and verification of delivery, of accessible housing;
- Details of existing and ground levels and finished levels of new buildings to be submitted and approved;
- Wheel washing facilities for construction traffic be implemented before construction works starts on site;
- The submitted landscaping scheme to be shared with Cllr Nash;
- To discuss the potential for the re-positioning of the apartment blocks with the applicant;
- That the relevant neighbourhood cleansing team be advised that the site needs to be cleaned in light of the amount of litter on the site.
- Provision of EVCP and electricity infrastructure scheme for the apartments

72 19/00835/FU - ALTERATIONS INCLUDING RAISED ROOF HEIGHT TO FORM HABITABLE ROOMS; TWO STOREY PART FIRST FLOOR SIDE/REAR EXTENSION

The report of the Chief Planning Officer provided Members with the outcome of an appeal by Mr A Jonisz of 22 Park Lane Mews, against the decision of the City Council to refuse a planning permission for raising a roof to form habitable rooms; two storey part front side/rear extension.

Following the decision at the North and East Plans Panel, to withhold planning permission, Members heard that the appeal had been dismissed as being contrary to GP5 and T2 of the Local Development Framework.

Members of the Panel highlighted the importance of carrying out site visits prior to determining an application.

RESOLVED – To note the appeal decision.

73 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as 27th February 2020.

(The meeting concluded at 16:35)

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Originator: Andrew Perkins

Tel: 0113 3787974

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

Subject: 19/07601/FU - Change of use and alterations of single dwellinghouse (use class C3) to a House in Multiple Occupation (use class C4) at No. 8 Ecclesburn Street, Richmond Hill, Leeds 9

APPLICANT

Lettings Complete

DATE VALID

16/12/2020

TARGET DATE

EOT - 28/02/2020

Electoral Wards Affected: Burmantofts & Richmond Hill

Yes

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 conditions:

1. Standard 3 year implementation time limit
2. Compliance with approved drawings
3. Any external brickwork alterations to be made good and match the existing.
4. No occupation of any bedroom until the kitchen (including associated conversion works) and living room have been fully provided. These rooms shall be retained for the life of development.
5. Bin store provided prior to occupation and retained for life of development
6. Details of cycle store provided prior to occupation and retained for life of development

INTRODUCTION

1. This application is brought to Plans Panel at the request of Cllr Ashgar Khan who is concerned over the removal of this family house, disturbance to residents through increase in litter and concerns of anti-social behaviour due to the HMO use. As the matters raised by Councillor Khan are based on material planning considerations that give rise to concerns affecting more than neighbouring properties, the request

meets tests set out in the Officer Scheme of Delegation and it is appropriate to report the application to Panel for determination.

PROPOSAL

2. Permission is sought to change the use of a house from a single family dwelling to a House in Multiple Occupation (HMO) thereby allowing the 5 single bedrooms to be occupied by unrelated persons. Shared facilities would still be provided nonetheless, most notably the basement kitchen and storage space and the ground floor living room.
3. There will be minor alterations to the external appearance of the dwelling, which consist of enlarging the existing rear basement window and converting the original ground floor rear door into a window. As part of the conversion works, the existing rear wall associated with the external basement staircase would be replaced with a more lightweight fence and bin/bike storage areas are also identified in the rear yard area.
4. The accommodation would be provided over four floors although the first and attic floors would broadly remain as existing in that these would still be used for bedrooms. Three of the bedrooms would have en-suites and the two attic rooms would share a bathroom provided on the first floor.
5. The layout would consist of the following:

	Room Use	Size Proposed	Advisory HMO (minimum requirement)
Basement	Kitchen	14.7m ²	7m ²
	Store	11.8m ²	No standard
Ground Floor	Living area	11.8m ²	No standard
	Rear Bedroom	9.7m ² (with en-suite 12.2m ²)	6.51m ²
First Floor	Rear bedroom	8.1m ² (with en-suite 10.3m ²)	6.51m ²
	Front bedroom	12.3m ² (with en-suite 14.5m ²)	6.51m ²
	Shared WC/shower room	2.2m ²	No standard
Attic Floor	Rear bedroom	12.4m ²	6.51m ²
	Front Bedroom	10.8m ²	6.51m ²

6. Parking would be located on street with the addition of a bike store to the rear yard of the property.

SITE AND SURROUNDINGS:

7. The application site consists of a red brick, mid-terrace property, situated on a residential street of similar properties. There are dormers to the front and rear. The

property has a very small amenity space adjacent to the footpath and has no off-street parking.

8. A small yard area is provided to the rear and is accessed via a back lane. Bin collections take place via this access road.
9. The area is predominantly residential in character and comprises mostly of similar, high density housing.

RELEVANT PLANNING HISTORY:

10. None on site

11. Off-site (surrounding streets):

63 East Park Parade - 19/00036/FU - Change of use, including formation of lightwell , from residential property (C3) to a House in Multiple Occupation (C4) - Approved 17.05.2019.

21 Ecclesburn Road - 13/04580/FU - Change of use of house (C3) to form house in multiple occupation (C4) - Approved 22.11.2013.

HISTORY OF NEGOTIATIONS:

12. The proposal has been the subject of discussions between officers and the applicant. Concerns originally raised were in regard to the lack of outlook and natural light to the proposed two basement bedrooms. Since expressing these concerns revised plans have been submitted which has reduced the bedroom provision from six to five and removed these rooms from the basement, replacing with a kitchen and storage area. In addition revised plans have also shown that the basement wall has been removed and changed to a railing the internal floor is specified to be 2.4m high and the access door will also be glazed.

PUBLIC/LOCAL RESPONSE:

13. The application was advertised by site notice posted 20th December 2019.
14. Twelve letters of objection, including a petition of 32 signatures has been received against the proposal.

Objection comments:

- Increase in on street parking
- Increase of anti-social behaviour, due to end users
- Impact on the value of property prices
- Increase of rubbish
- Impact of noise from potential residents
- Concerns of who would manage the property
- Concerns over increase in crime
- House should remain as a family dwelling

- More than a site notice should have been displayed
- Impact on local services and infrastructure
- Bike store would be an eyesore
- Concerns same would happen as what did at number 16 Ecclesburn Street
- Lack of connections to surrounding community

15. In addition to the above points Cllr Asghar Khan has also raised an objection to the proposal, stating the following:

'As local elected member for BR Hill ward I was contacted by several constituents regarding the negative impact from HMO's i.e. increased levels of crime and increase in antisocial behaviour.

- When numbers of single people are congregated in one place and many are economically inactive there is a high risk of Social economic problems that affect the local community.

- Loss of family housing in the area.

- Creating this HMO will add additional demands on an already stretched refuse and clean neighbourhoods service.

- The turnover of tenants in an HMO tends to be higher leading to a deterioration in community cohesion.

- HMO will cause additional demand for parking and a higher volume of traffic in a child family area; neighbour will not be able to park outside their houses- cause unease between residents, as well as having a safety impact on the young children that play in this street and extra bins on street.

- The area has a high level of social deprivation and community cohesion is already faltering here as owner occupiers are moving away from the area due to landlords buying up the housing and letting to tenants who struggle to engage and have a positive impact on the community.

- Area is and has always been a high balance of families or couples. There are a small number of retired people in the area that have lived here many years , this is a result of a good community spirit in the area where neighbours become friends as a result of longevity from living in a stable community.

- The balance and health of the community would be further undermined if another HMO was licensed in the street.'

CONSULTATIONS RESPONSES:

16. Neighbourhoods and Housing Private Rented Sector – Concerns over ceiling height of basement bedrooms and lack of light. No details on plans in regard to fire escape. Comments in regard to the facilities being not fit for the end use, failing to comply with the HMO license requirements. (Note- These comments have now been addressed through submission of revised plans)
17. Highways - In view of the existing use as a four bedroom family house a highway objection to this proposal would be difficult to justify.

18. Flood Risk Management - No objection.
19. Waste Management - A five bedroom HMO property would require 2 x 240 residual bins and 2 x 240 recycling bins.

PLANNING POLICIES:

20. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development 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) (UDP), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan, the Site Allocations Plan (July 2019) and any made Neighbourhood plan.

Adopted Development Plan & Guidance

21. Relevant Policies from the Core Strategy (as amended) are:

Policy T2 – Accessibility and new development
Policy H6 (Part A) - HMOs, Student Accommodation and Flat Conversions
Policy P10 – Design and accessibility

22. Relevant Saved Policies from the Unitary Development Plan are:

Policy GP5 – General planning considerations
Policy BD6 – Alterations should have regard to the original building

23. Other Relevant Local Documents

LCC Advisory Standards for Houses in Multiple Occupation (September 2019)

National Planning Policy Framework

24. The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

Article 4 Direction – C3 to C4

25. The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.

26. The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in

October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.

27. Revised guidance contained within 'Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 November 2010' in relation to the use of Article 4 directions for this purpose was published by the government on the 4th November 2010. This guidance states that Article 4 directions can be used where the exercise of permitted development rights would 'undermine local objectives to create or maintain mixed communities'.
28. The Council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available. However it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.
29. The government published the report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:
 - Anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities
 - Negative impacts on the physical environment and streetscape
 - Pressures upon parking provision
 - Increased crime
 - Growth in private sector at the expenses of owner-occupation
 - Pressure upon local community facilities and
 - Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population
30. In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 Direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.
31. The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area. Planning applications which are required by the Direction will be assessed against national and local planning policies.

MAIN ISSUES

- Principle of development
- Impact upon Design
- Impact upon residential amenity
- Highway/Waste considerations
- Accessibility

- Climate Change
- Neighbourhoods and Housing Private Rented Sector
- Representations

APPRAISAL

Principle of development

32. Core Strategy Policy H6 (HMOs, Student Accommodation and Flat Conversions) is the relevant local planning policy for this development proposal and Part A of that policy specifically relates to the creation of new HMOs. It is recognised that policy relates to HMOs occupied by all individuals and not solely those occupied by students. Part A of Policy H6 aims to ensure:
- (i) a sufficient supply of HMOs is maintained in Leeds;
 - (ii) HMOs are located in areas well connected to employment and educational institutions associated with HMO occupants;
 - (iii) the detrimental impacts through high concentrations of HMOs are avoided where this would undermine the balance and health of communities;
 - (iv) to ensure that the proposal address relevant amenity and parking issues; and
 - (v) this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.
33. Broadly, the policy approach seeks to tackle types of accommodation that have resulted in housing and population imbalances in certain parts of the city. The policy's wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities.
34. Having regard to the detailed criteria for Part A, Policy H6, the following observations in relation to this application proposal are set out below:
- (i) A search of the database of HMO Licenses issued by LCC shows that there are no other dwellings on the street that have been converted into HMOs and that the majority of the dwellings on the street remain as family homes. Arguably, the conversion of this dwelling to form an HMO would assist in improving the choice of housing types and tenures in this part of Richmond Hill and therefore satisfies this policy criterion.
 - (ii) The property is situated within a well-established residential area with close links to local centres and the City Centre. Thereby, it is considered that the proposal complies with this particular policy criteria. Public transport links along East Park Parade are also very nearby.
 - (iii) In assessing the impact on a 'community', Policy H6 should not be assessed on a single street basis but on a wider community area. As searches of the HMO License database and planning permission reveal the vast majority of the surrounding houses remain occupied as single households, which are likely to be occupied by a combination of families, couples and potentially single people. HMO properties are lightly spread within the community. The application site does not fall within a part of the city that is already recognised to have very high concentrations of HMOs, such as areas within Hyde Park, Headingley or

Woodhouse - where some streets contain up to eighty or ninety percent HMOs. Such circumstances led to the formation of planning policies over the past decade to address such severe housing and population imbalances. As commented above, the immediate area does not have a high concentration of HMO type accommodation. For these reasons, the proposal would not result in an unacceptable increase of HMOs in the locality which would undermine the balance and health of communities. Accordingly, this proposal is considered to satisfy this policy criterion.

- (iv) Leeds UDP Policy GP5 aims to protect amenity including neighbouring amenity. Core Strategy policy P10 aims to protect general and residential amenity and it is recognised that HMOs can impact on neighbouring amenity in a number of ways. The government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Response' notes that this can include through anti-social behaviour, noise and nuisance. In the subject property the original internal layout shows four bedrooms. The overall intensity of its use would therefore be unlikely to be materially different from occupation as a single family dwelling. There may be a different pattern of comings and goings, and occupants may lead different lifestyles, but it is not considered that in this instance the accommodation available would create unacceptable situation in terms of potential noise and disturbance concerns for adjoining residents such as to justify refusal on these grounds.

The submitted floor plans show that the envelope of the building is able to accommodate five bedrooms and the internal layout shows communal areas comprising of kitchen, lounge and shower room, with three of the bedrooms featuring en-suites. These spaces are considered to be of a good size for future occupants, given the number of rooms proposed. As such it is considered that the HMO would provide adequate accommodation for future occupants of this type of housing.

A condition is attached to the permission which requires the basement area to be retained as a store and kitchen and the ground floor living area also to prevent conversion into additional bedrooms and thus an intensification of the property.

In addition, the plans show that each room will be provided with windows that provide adequate outlook and sunlight penetration.

The occupiers will have access to a small rear yard area, with also the recreational ground of East End Park which is located to the east, at the end of the street (approx. 40m away).

The Highway Officer has not objected to the scheme on the basis that the site would not create a higher requirement for parking as per parking SPD than its original C3 use. A condition will be added requiring full details of a secure cycle parking space. A further condition will be added regarding details of the provision of a bin store.

- (v) In regard to concerns relating to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs, the determination of this point relates to whether the area has an existing high concentration of HMOs. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers family occupation. In this particular instance, it is not considered that the proposal

would unacceptably reduce the stock of family housing in this street and the local area and this policy criterion is satisfied.

35. Further to the above considerations, it is noted that the supporting text to Policy H6 states that: *"In the interpretation of H6A (iii) it is recognised that some streets (or part of a street) may already have such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm. Also, in the interpretation of H6A (v) it may be the case that the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation. In such circumstances policy H6A would not be used to resist changes of use of such dwellings to HMOs"*. It is clear that the vast majority of properties in this street and adjacent streets are occupied in the C3 planning use class and are of a size and location which would be suitable for family occupation. As such it is not considered that the aforementioned exemption to the policy would be applicable
36. Overall, it is considered that the proposal would not make a significantly harmful contribution to wider housing mix and community balance concerns so as to justify a refusal. As such the proposal is considered to comply with Core Strategy Policy H6 and the guidance contained within the NPPF

Impact upon design of existing dwelling and wider street scene

37. The external alterations proposed are for the removal of the rear door/ replaced with a window, enlargement of the basement rear window and alteration of wall to railings with glazed door to the kitchen area and introduction of a bike and bin store area. Given the small nature of these alterations and additions no concerns, in regard to the impact upon the design of the dwelling or wider street scene is considered to be created. A condition is recommended which requires any making good of the existing brickwork to match the existing.

Impact upon Residential amenity

38. The proposed development will provide adequate accommodation of a scale and layout that would not result in harm to the residential amenity of the future occupants or the occupants of neighbouring properties. All units are of an acceptable size and standard of amenity and the supporting table at paragraph 5 demonstrates the rooms sizes all exceed the minimum advisory standards for HMO licensing.

Highway/Waste considerations

39. Policy T2 of the Core Strategy seeks to ensure that development proposals are in an accessible location and adequately served by existing or programmed highways and by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
40. The Highway officer has provided the following comments. *'The reduction in the number of rooms from six to five is noted. This would slightly reduce the pressure on the demands for off-street parking where there are other units in multiple occupation, reducing the requirement to 2.5 spaces. Given that the site is accessible, the provision of bicycle parking and that not all occupiers may own or use a car, there is less likelihood for a detrimental impact on highway safety and on balance the revised number of rooms makes the proposal more acceptable in overcoming the car parking concern.'*

41. Due to the proposed change of use of the property the Council's Waste Management department have also been consulted, specifically with regard to the number of bins required for a five bedroom HMO. Waste management have responded stating that a five bedroom property would require 2 x 240 residual bins and 2 x 240 recycling bins. Subsequently a revised plan showing a bin store, capable of accommodating four bins has now been provided.
42. Subject to conditions requiring the store to be provided prior to occupation of the building and details of the bike store provided prior to occupation, for the reasons provided above, the applied use would comply with policy T2 of the Core Strategy, subject to the aforementioned conditions.

Accessibility

43. This application relates to a change of use which currently serves as a dwelling with stepped access to both the front and rear access area. The proposal seeks to change the use from C3 to C4. The constraints of the site and level difference results in there being no potential of providing level access and this is unachievable in this instance, given the level difference between the dwelling and street.

Climate Change

44. Members will be aware that the Council has recently declared a Climate emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources although the scale of this development is not caught by these. Nonetheless, the applicant has confirmed the building will be refurbished and will incorporate the following measures:

- The use of 'A' rated boilers
- 100% Low energy light fittings
- 4/2.6 litre flush cisterns
- Flow restrictors
- Insulated plasterboard to walls, achieving 0.26 U value (where applicable).
- Generally 400mm loft insulation, achieving a 0.11 U value
- Windows generally achieve 1.4 U value
- External doors 1.3 U value
- Localised ventilation fans are 'system 1'

45. The above points would be considered positive features which in turn would go towards helping towards impacts of Climate Change.

Neighbourhoods and Housing - Private Rented Sector

46. Comments received via the council's private Rental Sector have been addressed through the submission of revised plans which have omitted the basement bedrooms, swapping these for a kitchen and storage area. In addition these plans have also provided details of fire doors and escapes. The applicant has also provided additional comments which state that the kitchen will conform to HMO requirements and that the bedrooms will also conform to Leeds City Council's advisory notes for HMOs, in regard to room sizes.

Representations

- 47. The letters of objections that have been received, including comments from the local ward member have been addressed in the above report and through the use of appropriate conditions.
- 48. The below points are not planning material considerations, but are provided to Panel Members for information.
- 49. The proposed use ending up as number 16 Ecclesburn Street. This is a different situation to the current proposal as this was converted to self-contained flats and as such the council's housing team have taken appropriate action and served notice for this use to cease, due to unsafe/unacceptable living conditions.
- 50. The property would be managed via the lettings company (Letting Complete), who would be in charge of tenants and screen tenants before offering accommodation. In addition the agency state that they can be contacted 24hrs a day, if any residents experience any problems. In addition, they have also provided a statement which states that they have a zero tolerance on anti-social behaviour of tenants and if problems occur then appropriate action would be taken. HMO licensing requirements also ensure applicants/managing agents have appropriate management arrangements in place.
- 51. The application was advertised by means of a site notice to Ecclesburn Street which is in accordance with Government guidance, on the advertisement of planning applications.

CONCLUSION

- 52. In light of the above it is considered that the proposed development is sound in principle and will provide living accommodation for its future occupants cognisant in many respects to that of a single family dwelling and would not therefore adversely impact on the amenity or living conditions of neighbouring dwellings, or highway safety, consequently the application is recommended for approval.

Background Papers:

Application files: 19/07601/FU

Certificate of ownership: signed by applicant.



NORTH AND EAST PLANS PANEL

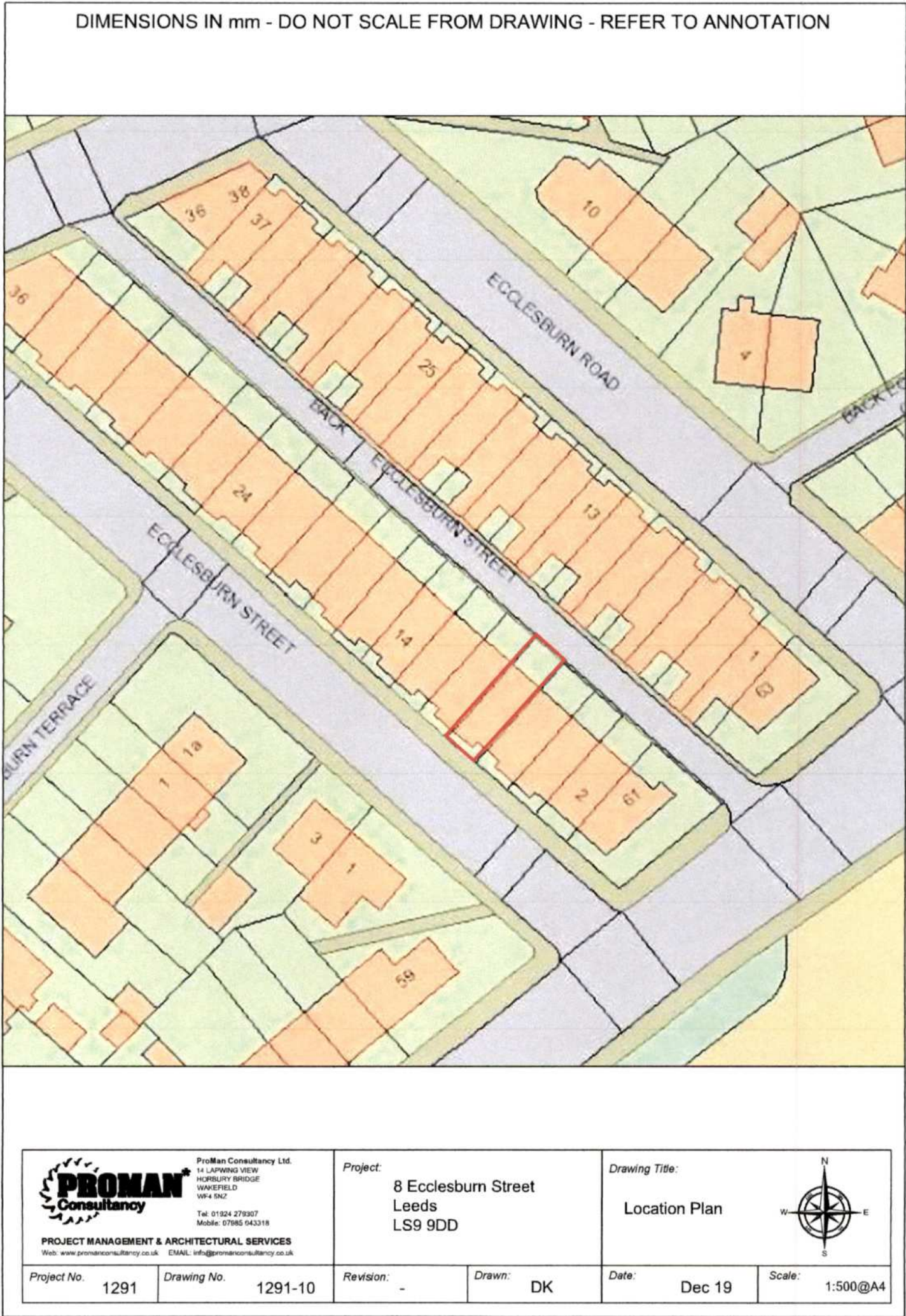
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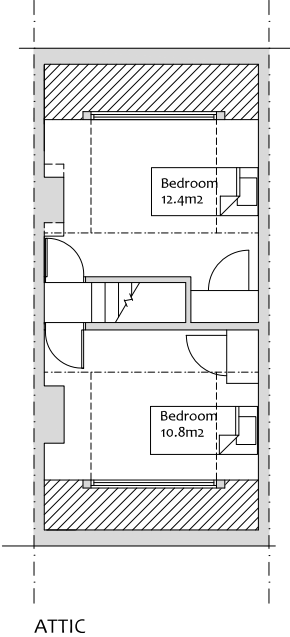
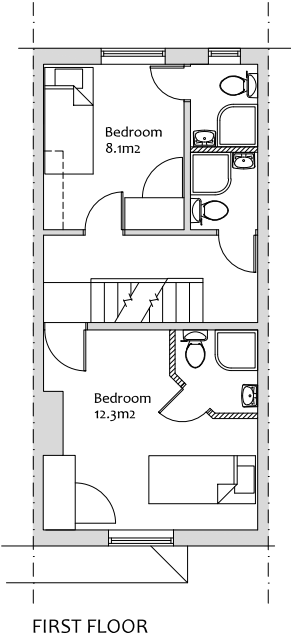
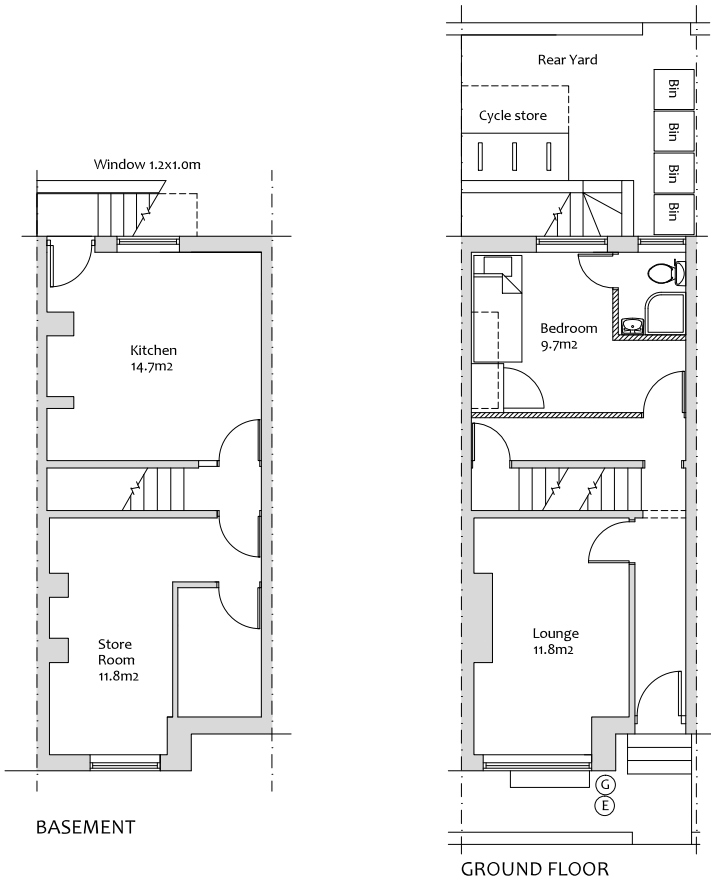
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SCALE : 1/1500









Originator: Steven Wilkinson

Tel: 0113 3787662

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

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

APPLICANT

Selby Road Homes

DATE VALID

22 11 2019

TARGET DATE

EOT - 06 03 2020

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

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

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

INTRODUCTION

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

BACKGROUND

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

PROPOSAL

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

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

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

SITE AND SURROUNDINGS

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

RELEVANT PLANNING HISTORY

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

HISTORY OF NEGOTIATIONS

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

PUBLIC/LOCAL RESPONSE

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

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

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

CONSULTATIONS RESPONSES (SUMMARY)

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

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

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

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

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

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

PLANNING POLICIES & LEGISLATION

Relevant Legislation

27. Conservation area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.
28. Listed Building: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
29. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Local plan, unless material considerations indicate otherwise. The Development Plan comprises of the Core Strategy as

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

National Policy

National Planning Policy Framework (NPPF)

30. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
31. Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 68 highlights that *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly"*.
32. Chapter 12 - Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
33. Paragraph 127 states that:
"Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*
34. Paragraph 130 states:
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a

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

35. Paragraph 194 relates to designated heritage assets and states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

36. Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Planning Policy Guidance (NPPG)

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

Local Policy

Core Strategy, as amended (2019)

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

Natural Resources and Waste DPD (2013):

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

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

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

Policy LE1: Conserving historic character.

Policy BE1: Achieving high quality and sympathetic building design.

Policy BE2: Streets and street scene.

Policy BE4: Drainage and flood prevention

Policy HO2: Type and design of new housing developments.

Saved UDPR (2006) Policies:

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

Relevant Supplementary Planning Guidance

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

MAIN ISSUES

44. The main issues relating to this development proposal are considered to be:

- The principle of the development / Housing supply
- Design and Character / Conservation Area / Setting of listed building
- Residential Amenity – Neighbouring residents
- Residential Amenity – Future occupants
- Highway Safety
- Climate emergency
- Representations

APPRAISAL

The principle of the development / Housing supply

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

Design and Character / Conservation Area / Setting of listed building

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

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

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

from development within its setting), should require clear and convincing justification.

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

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

Residential Amenity – Neighbouring residents

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

Residential Amenity – Future occupants

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

Highway Safety

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

Climate Emergency

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

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

Representations

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

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

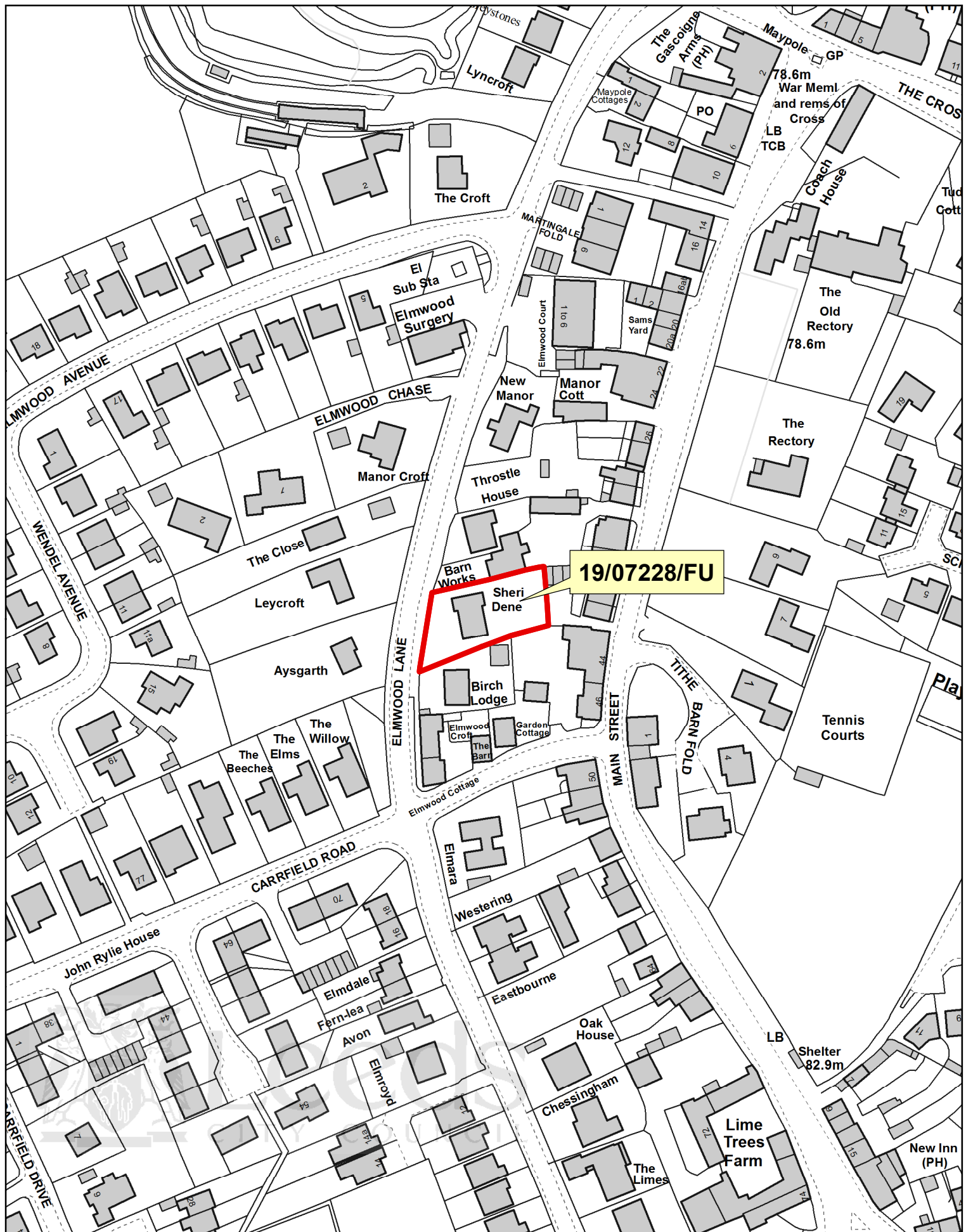
CONCLUSION

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

Background Papers:

Application files: 19/00882/FU

Certificate of ownership: Certificate A signed by agent



NORTH AND EAST PLANS PANEL

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TV COUNCIL

SCALE : 1/1500



S:\000 Projects\3092 Elmwood Lane, Barwick in Elmet\0.00 Drawings\0.01 Project Drawings\3092 Elmwood Lane - Site 005 with topog.rvt

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Northpoint:

Rev	Date	Amendments	By	Chkd
A	10/04/19	Landscape & Highways amended to Sustainability Landscape & Highway team comments	SC	DJR
B	05/07/19	Revised to Highways Comments	SC	ST
C	12/07/19	Revised to Planners Comments	SC	DJR
D	26/07/19	Layout revised following planners comments	ST	DJR
E	19/08/19	Layout revised following planners comments	ST	DJR
F	07/11/19	Site Section added. Site layout updated.	ST	DJR
G	07/11/19	Site Section Amended	ST	DJR
H	21/01/19	Site Layout amended to Suit Planners Comments	ST	DJR

Note:
Vehicle Charging point - IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD.

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Site 1:200

Section A-A 1:200

Elmwood Lane Streetscene Elevation 1:200

Boundary Wall Elevation Elmwood Lane:100

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Project: Residential Development Elmwood Lane, Barwick in Elmet				
Client: Selby Road Homes				
Dwg Title: Proposed Site Layout				
Date: Jan 19	Scale: As indicated	Size: A1	Drawn: SC	Checked: DJR
Project No: 3092	Dwg No: 100	Rev: H	Status: Planning	

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Originator: Steven Wilkinson

Tel: 0113 3787662

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

Subject: 19/03125/FU - Demolition of existing dwelling and ancillary/domestic outbuildings and replacement with four dwellings, with layout, access and servicing at Farfield House, Wetherby Road, Bramham, LS23 6LH

APPLICANT

AC Developments Yorkshire

DATE VALID

12 06 2019

TARGET DATE

EOT 06 03 2020

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Standard 3 year implementation time limit
2. Compliance with approved drawings
3. Submission of external materials for approval
4. PD rights removed (Classes A-E & means of enclosure)
5. All buildings to be demolished prior to construction of new units.
6. Management Plan for area of open land.
7. Submission of drainage scheme
8. Foul Water drainage and maintenance scheme
9. SUDS management and maintenance plan
10. Separate foul and surface water drainage systems
11. Drainage outfall details
12. EVCP details
13. Vehicle space to be laid out
14. Statement of construction practice
15. Landscaping details and implementation plan
16. Contamination – Phase 1: Desk Study

17. Contamination – Amended remediation statement
18. Contamination – Verification reports
19. Contamination – Importing soil requirements
20. Contamination – Asbestos
21. No removal of hedgerows, trees and shrubs within nesting season
22. Bird and bat survey of existing buildings
23. All dwellings constructed to M4(2) standard ‘accessible and adaptable dwellings’ of Part M Volume 1 of the Building Regulations
24. Water Butt provision
25. Noise survey and mitigation measures

INTRODUCTION

1. This application is brought to Plans Panel as it may be regarded as a significant departure from adopted Green Belt planning policy. The Officer Scheme of Delegation sets out that officers are authorised to determine planning applications save for certain exceptions including:

“the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force...” (paragraph 1. (b)).

2. This proposal is considered to constitute inappropriate development in the Green Belt and therefore there is a strong presumption against the grant of planning permission. However, it is considered that there are other planning considerations of such significances that they clearly outweigh the presumption against the grant of planning permission. This matter is addressed at paragraphs 42 to 54 of this report.

PROPOSAL

3. The proposed development relates to the demolition of an existing dwelling and ancillary/domestic outbuildings and the replacement with four dwellings. The dwellings are sited in a small cluster of 2 x 2 semi-detached pairs to the western side of the site around a turning head. In terms of the housing mix, two of the dwellings will be three bedroomed properties and the other two will be two bedroomed.
4. The dwellings will be constructed of natural stone with a red pantile roof. The dwellings are 1.5 storey in height and incorporate small pitched roofed dormer windows built off the first floor walls to the front and rear of the dwellings. Small single storey canopies are also present to the front of the properties. The properties also have detached timber storage sheds to the rear.
5. The properties benefit from reasonably sized private, rear garden areas and landscaped front garden areas. Additional planting is also proposed to the boundaries of the site. All of the properties incorporate a driveway and off-street parking provision on the driveways to the front and side of the dwellings. The development will be accessed via the existing access drive onto Wetherby Road which will be improved in order to provide two passing bays. An EVCP point is proposed for each property.

6. The eastern side of site is proposed to remain open grassland and has been labelled as a paddock.

SITE AND SURROUNDINGS

7. The site comprises a piece of land containing a two storey detached dwelling and a number of one and two storey outbuildings. The land surrounding the dwelling and outbuildings is mainly grassland comprising the garden area of the property. The site is currently vacant and derelict.
8. The site is accessed via a long driveway off Wetherby Road and is located on the edge of the village of Bramham, close to the A1(M) motorway. Land levels fall across the site towards residential properties to the south and east with the site boundaries being marked by fencing and landscaping. A bridleway runs parallel with the driveway and is positioned between the site and the A1(M).
9. Residential development abuts the site to the east and south boundary. The dwellings are mainly two storey in scale and of low density suburban character.
10. The site is situated just beyond the north-western edge of the defined urban area of Bramham, within land defined as Green Belt (with the exception of the access road which is not located within the Green Belt). Open fields are situated to the north of the site. The settlement of Bramham has a population of approximately 1,650 and contains a limited amount of services and local facilities.

RELEVANT PLANNING HISTORY

11. Recently, an appeal was dismissed (following a Hearing) on the site relating to the demolition of buildings and the construction of four dwellings (17/06809/FU). The dwellings were two storey in height, detached and semi-detached in nature and incorporated significant amounts of boundary walling. The Inspector concluded that *"The appeal scheme would be inappropriate development in the Green Belt. This would be harmful by definition. There would be a net reduction in the Green Belt's openness which would give rise to additional harm. These harms would render the appeal scheme contrary to both saved Policy N33 of the UDP and section 13 of the Framework"*.
12. Prior to this a proposal for 15 houses on the site (16/06046/FU) was refused and subsequently dismissed at appeal following a Hearing. The Inspector concluded that *"the proposal is inappropriate development and it would lead to a substantial loss of openness. In addition the proposal fails to make adequate provision for affordable housing and green space. There would be some moderate social and economic benefits and modest environmental benefits following the proposal. However I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently the very special circumstances necessary to justify the proposal do not exist. The proposal is contrary to relevant paragraphs of the Framework, to CS policies H5 and G4 and to UDP Policy N33 and having regard to all matters raised, I conclude that the appeal should be dismissed."*

13. Planning history summary:

- 19/02994/DPD - Change of use of single storey agricultural building to a bungalow (*Refused – 08.07.2019*)
- 18/04921/FU - Construction of 15 houses, layout out of access road, open space and ancillary works; demolition of existing house and outbuildings (*Withdrawn*)
- 17/06809/FU - Demolition of dwelling and outbuildings and replacement with four dwellings, with layout, access and servicing on land off Wetherby Road (*Refused – 19.06.2018 – Appeal Dismissed: 25.07.2019*)
- 16/06046/FU - Construction of 15 houses, layout out of access road, open space and ancillary works; demolition of existing house and outbuildings (*Refused – 31.07.2017 – Appeal dismissed: 12.11.2018*)
- 10/02297/EXT - Extension of Time Period for planning application 06/07596/FU for Change of use of outbuilding to 3 bedroom dwelling house (*Approved – 13.07.2010*).
- 06/07596/FU - Change of use of outbuilding to 3 bedroom dwelling house (*Approved 31.05.2007*)
- 06/07574/OT - Outline application for the construction of a new dwelling and new detached double garage (*Refused - 26.03.2007 – Appeal Dismissed: 10.10.2007*)
- H31/274/85/ - Detached single storey agricultural store, to agricultural holding (*Approved - 16.12.1985*)

HISTORY OF NEGOTIATIONS

14. The following amendments have been negotiated during consideration of the application:

- Reduction in the overall scale of built development on the site.
- Reduction in the height of the buildings.
- Reduction in the number of dwellings from five to four properties.
- Improvements to the dwelling sizes in order to meet the minimum space standards requirements.
- Improvements to the design and layout of the development.
- Additional planting to the west side boundary of the site adjacent to the A1(M).
- Improved hard and soft landscaping works.
- Enlarged garden sizes.

PUBLIC/LOCAL RESPONSE

15. Five letters of representation have been received, two in support and three in objection to the proposed development. One of the letters is from Bramham cum Oglethorpe Parish Council. The other letters are from neighbouring households.

16. The letter from the Parish Council states that the proposals are supported subject to reassurance regarding flood risk and highways issues.
17. The other letter of support states 'we are totally in support of this small development, as it is exactly what my daughter is looking for as a first time buyer in the local vicinity. More use of brownfield sites should be made, whether Green Belt or not'.
18. The letters of objection from neighbouring residents raise the following concerns:
 - Drainage
 - Highway safety
 - Similarity to previously refused scheme
 - Impact of the proposed footpath.
 - Location of passing places

CONSULTATIONS RESPONSES (SUMMARY)

19. Environmental Studies - A noise assessment should be submitted to quantify environmental noise levels across the site to inform on the layout of dwellings and mitigation measures that may be required to ensure that occupants enjoy a good standard of residential amenity both inside and outside their dwellings.
20. Contaminated Land – Planning conditions suggested.
21. Highways – Recommend the following changes to the scheme:
 - Full extent of the access road to the indicated on the plans.
 - A couple of passing bays to be incorporated into the layout.
 - Vehicle tracking to be shown for a refuse truck.
 - Visitor parking bay should be provided.
 - Each dwelling should incorporate an EVCP.
22. Public Rights of Way - Public Bridleway No.20 Bramham abuts the site on its western boundary. The new access road does not directly affect the bridleway.
23. Nature Officer – There should be no significant nature conservation impacts provided the recommended conditions are attached.
24. Flood Risk Management – New drainage connection needs to be agreed with Yorkshire Water. Conditions recommended.
25. Yorkshire Water – Recommend planning conditions to be attached.

PLANNING POLICIES & LEGISLATION

Relevant Legislation

26. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The Development Plan comprises of the Core

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

National Policy

National Planning Policy Framework (NPPF)

27. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
28. Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 68 highlights that *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly"*.
29. Chapter 12 - Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
30. Paragraph 127 states that:
"Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*
31. Paragraph 130 states:
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in

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

32. Section 13 of the National Planning Policy Framework relates to protecting Green Belt land. Paragraph 133 states *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*.
33. Paragraph 143 states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.
34. Paragraph 144 states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.
35. Paragraph 145 states:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

 - a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

National Planning Policy Guidance (NPPG)

36. Provides further detailed guidance relating to the importance of good design and Green Belt issues.

Local Policy

Core Strategy, as amended (2019)

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

Natural Resources and Waste DPD (2013):

- | | | |
|-----|------------------|---------------------------------|
| 38. | General Policy 1 | General planning considerations |
| | Water 4 | Development in Flood Risk Areas |
| | Water 6 | Flood Risk Assessments |
| | Water 7 | Surface Water Run Off |
| | Land 1 | Land contamination |

Bramham cum Oglethorpe Neighbourhood Plan (2018 – 2033)

39. This plan was 'Made' in 2019 and forms part of the Leeds Development Plan. The Neighbourhood Plan includes policies which seek to shape and guide new development as opposed to formally allocate development sites. The policies relevant to this proposal are:

Policy HOU1: Housing type and mix.

Policy NE2: Enhancement and protection of nature areas and biodiversity.

Policy H4: Development outside the conservation area.

Saved UDPR (2006) Policies:

40. GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
N25 - Seeks to ensure boundary treatment around sites is designed in a positive manner.
- BD5 - The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1 - Seeks to ensure that development is adequately landscaped.
N33 – Relates to development within the Green Belt

Relevant Supplementary Planning Guidance

- | | | |
|-----|-----|----------------------------|
| 41. | SPG | Sustainable Urban Drainage |
| | SPD | Street Design Guide |
- Page 60

MAIN ISSUES

42. The main issues relating to this development proposal are considered to be:

- The principle of the development / Green Belt
- Design and Character
- Residential Amenity – Neighbouring residents
- Residential Amenity – Future occupants
- Housing Mix
- Accessible Homes
- Highway Safety
- Climate Emergency
- Secure By Design
- Housing delivery
- Representations

APPRAISAL

The principle of the development / Green Belt

43. The village of Bramham is characterised as a smaller settlement within the Core Strategy settlement hierarchy. Smaller Settlements are those communities which have a population of at least 1500, a primary school, and a shop or pub. Some but not all Smaller Settlements have a local centre (such as Bramham). Smaller Settlements generally only provide a basic service level. Whilst smaller settlements are not the priority or focus for housing delivery within the city, they are expected to make a valuable contribution to the city's growth needs. The Core Strategy highlights that Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability.
44. The site is not allocated within the adopted Site Allocations Plan. Policy H2 of the Core Strategy states that new housing development on non-allocated land is acceptable in principle providing that specific criteria are met. The proposal will not exceed the capacity of transport, educational and health infrastructure given that it relates to four dwellings (net three dwellings), which will create a very modest infrastructure burden. The proposal does not meet the threshold of 5 dwellings and is consequently not required to comply with the accessibility criteria contained within criterion ii) of Policy H2. Notwithstanding this the proposal is situated right on the edge of the existing built up area of the settlement with reasonable connections to services and community facilities within the village and surrounding areas. Consequently, the proposal is considered to comply with Policy H2 of the Core Strategy, subject to criterion iii) which states '*Green Belt Policy is satisfied for sites in the Green Belt*'. This issue is discussed in detail below.
45. The site is situated within land defined as Green Belt where there is a presumption against inappropriate development. The NPPF advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

46. Part g) (of paragraph 145) of the NPPF allows the *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development”...*
47. The first consideration when applying part g) is whether the site constitutes previously developed land. The site currently comprises of a dwelling and garden area. The NPPF definition of previously development land notably excludes residential gardens, but only if they lie within built-up areas. Given the site's location within the Green Belt (open land) it is considered that it lies outside built-up area of Bramham. Consequently the whole site is considered to constitute previously development land. The Inspector at the latest appeal for the site agreed with this assessment.
48. Part g) of paragraph 145 of the NPPF is a two-tier test and also requires an assessment of whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.
49. The concept of openness means the state of being free from built development and the impact on openness is an assessment of how built up the Green Belt is now and how built up it would be if the re-development occurs.
50. The NPPG also provides some useful further guidance on the factors which can be considered when assessing the impact on the openness of the Green Belt. These include:
- “Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - The degree of activity likely to be generated, such as traffic generation”.
51. In terms of the spatial and visual impacts of the proposal, the proposed development will be 1380m³ compared to 1395m³ for the existing development (which is to be demolished). As such there will be a modest decrease in the amount of built development on the site in volumetric terms as a result of the proposal compared to the existing situation. The overall level of hardstanding also appears to be lower, with some areas of existing hardstanding converted to landscaping areas. Furthermore, the proposed development (1.5 storeys) will not be taller than the highest part of the existing development which is of two storey scale. The proposal will also result in a more consolidated form of development compared to the existing situation where the built development is sprawled across the site, including more prominent locations on the edges of the site. Given this and the proposed additional boundary planting it is considered that the proposal will not have a greater spatial or visual impact on the openness of the Green Belt than the existing development.
52. However, the proposal will result in four dwellings at the site compared the existing situation of one (three bed) dwelling and some ancillary outbuildings. This is considered to result in a marked intensification in the level of activity at the site in particular in relation to traffic movements, parked cars and domestic paraphernalia. Consequently when the spatial, visual and level of activity related factors are considered holistically it is considered that the proposal will result in a modest loss of openness at the site compared to the existing situation and the proposal will create a development which is slightly more urbanised than at the present time. The policy test within paragraph 145 of NPPF does not permit any flexibility when considering the impact on openness and states *“not have a greater impact on the*

openness of the Green Belt than the existing development". As such even a marginal or modest impact on openness is not permitted. Consequently, the proposal is considered to constitute inappropriate development within the Green Belt, to which substantial weight must be attached to any harm.

53. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
54. There are considered to be a number of positive aspects attached to the development. These include:
- Efficient use of brownfield land which is supported by the NPPF.
 - The site is currently derelict and untidy and it does not make a positive contribution to the Green Belt.
 - Net gain in biodiversity across the site with increased tree and hedge planting.
 - The proposal will result in the visual uplift of the site with the new dwellings benefiting from greater architectural merit than the existing buildings.
 - Delivery of much needed smaller two-bed units.
 - Re-siting of development away from the adjacent A1(M) and increased landscape buffer.
 - Provision of four dwellings at M4(2) 'accessible and adaptable dwellings' standard. This is well in excess of the accessible housing policy requirement which would equate to one such dwelling within the development.
 - The proposal will deliver an area of open land (paddock), which is currently in garden use.
55. None of these factors are considered 'very special' when considered in isolation. However, when they are considered cumulatively they are deemed to outweigh the aforementioned modest harm to the Green Belt and any other harm, representing very special circumstances in this instance. In particular a number of the factors would result in wider community benefits. As such the proposal is considered to satisfy the relevant Green Belt policies.

Design and Character

56. Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
57. Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with

the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.

58. The proposal is considered to create an attractive small cluster of properties of a cottage style. These will be set within landscaped grounds and will benefit from a uniform character. The design, detailing and materials of the development have taken inspiration from other developments within the village, however the development itself will be discreetly located away from the existing urban area with only a few private views from adjacent properties into the site. Notably, the existing site is derelict and untidy. The original dwelling and outbuildings are also of limited architectural merit. The proposed development will be a marked improvement on the existing situation in terms of visual amenity.
59. As such the proposal is considered to be sympathetic to the character and appearance of the present streetscene and the locality. Consequently, the proposal is considered to satisfy policy P10 of the Core Strategy, saved policies GP5 and BD5, UDPR and the relevant policy H4 of the Neighbourhood Plan.

Residential Amenity – Neighbouring residents

60. Core Strategy Policy P10 and saved UDP policy GP5 note that development should protect amenity whilst policy BD5 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”.
61. The proposed new dwellings are located in a discreet location to the north-west of the site and they are detached from the existing urban area of Bramham by an area of proposed open land. The proposed dwellings will be situated a sufficient distance (well in excess of the minimum requirements) from neighbouring properties and garden areas to prevent any harmful overshadowing impact or loss of light to neighbouring properties or garden areas. Similarly these distances will prevent any undue loss of outlook from neighbouring properties, or result in a loss of privacy. Notably, the new dwellings will not be situated closer to any neighbouring properties than the existing dwelling.
62. Whilst the patterns of comings and goings to the site will increase, the proposed houses are set well away from the existing neighbouring dwellings. The relatively modest scale (net 3 units) of the development will also prevent a significantly harmful impact in terms of noise and disturbance.
63. As such it is considered that the proposal will not significantly harm neighbouring amenity in any of the above respects.

Residential Amenity – Future occupants

64. The NPPF (paragraph 127), states decisions should ensure that developments create a “high standard of amenity for existing and future users”. New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also

includes providing good quality outdoor amenity areas for the enjoyment of occupiers.

65. The proposed new dwellings meet the minimum space standard requirements contained within the emerging Core Strategy Selective Review. The dwellings are designed so that they will receive adequate sunlight, outlook and will maintain suitable levels of privacy between dwellings. The dwellings also benefit from adequate private garden areas, which will be enclosed by hedging.
66. It is noted that the site is situated adjacent to the A1(M) which can create a noise nuisance. However, the proposed development has been designed to be set away from the western boundary with the landscape buffer between the development and the site enhanced as part of the proposals.
67. Overall it is considered that the proposal provides an adequate standard of amenity for future occupants.

Housing Mix

68. The proposal will provide two three-bedroomed dwellings and two two-bedroomed dwellings. It is significant that a housing mix has been achieved on such a small development and the inclusion of smaller two bed units (50%) is particularly noteworthy as this represents the greatest level of house type need across the district within the plan period. The proposal is also in line with Policy HOU1 of the Neighbourhood Plan which supports the provision of 1-2 bed homes and family homes (3-4 bed).

Accessible Homes

69. All four of the proposed dwellings will be delivered to M4(2) 'accessible and adaptable dwellings' standard. This is well in excess of the accessible housing policy requirement contained within Policy H10 of the Core Strategy which would equate to a need for one such dwelling for a development of four homes. Consequently, the proposal is considered to have a significant positive impact in this regard.

Highway Safety

70. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
71. The proposed dwellings all incorporate driveways to the front and side which is large enough to accommodate the required two off-street parking spaces per dwelling. Two visitor parking spaces are also proposed close to the dwellings. Consequently, the proposal is considered to provide adequate off-street parking provision. The proposal will utilise the existing private access road which will be upgraded to provide two passing points. This is considered adequate for a development of less than five units. Furthermore, the additional traffic impact from the development (net 3 units) will be modest. Consequently, the proposal

incorporates all the requested changes suggest by the Highways Officer and is not considered to be detrimental to highway safety.

Climate Emergency

72. The proposal relates to a minor development and does not met the thresholds for compliance with Core Strategy policies EN1 (Climate Change – Carbon Dioxide Reduction) and EN2 (Sustainable Design and Construction). The proposal does however relate to the re-development and efficient use of a brownfield site located close to the urban area. The development also incorporates four EVCP's to enable the residents to utilise electric vehicles. Furthermore, the proposal will result in a net increase in vegetation and landscaping at the site in particular in relation to new tree and hedge planting which will satisfy Policies G9 of the Core Strategy and NE2 of the Neighbourhood Plan and result in biodiversity and carbon capture benefits. The provision of water butts is also conditioned. Overall, the proposal is not considered to raise any notable concerns in relation to the Council's Climate Change Emergency.

Secure By Design

73. The proposed development is considered to demonstrate Secure By Design principles. Notably, the layout encourages natural surveillance in particular the dwellings all incorporate open frontages with parking adjacent to the properties. Secure bicycle parking is also proposed to the rear. Furthermore, the development is accessed via a gate at the end of a long access drive which clearly defines the boundary between public and private areas.

Housing delivery

74. Leeds currently benefits from a housing supply in excess of five years. The proposal will provide a modest, but welcome further boost to Leeds' housing supply (net three units) and in particular it will provide a mix of smaller and family sized dwellings within a village where limited growth is anticipated over the plan period (albeit Bramham does not have a set housing target).

Representations

75. As previously outlined five letters of representation have been received. The letters of support are noted. The letters of objection raised the following main points which are responded to below:
- o Highway safety – This issue is covered appropriately within the appraisal above.
 - o Drainage – Numerous planning conditions will be attached to the proposal requiring the submission and approval of detailed drainage information. Notably the proposal will be required to achieve a maximum rate of discharge off-site of 5 litres per second, unless otherwise agreed with the LPA.
 - o Similarity to previously refused scheme – Each planning application is assessed on its own individual merits. However, the previous planning and appeal decisions form material considerations. In this instance the proposed development is considered to be materially different and have a lesser overall impact than the previously refused schemes.

- o Impact of the proposed footpath – A new footpath was proposed within the originally submitted plans, however this element of the proposal has since been removed.
- o Location of passing places – The proposed passing places are considered to be appropriately sited. Given the scale of the development, the passing places are likely to be used infrequently and for short periods of time. As such any disturbance to neighbouring properties as a result of their use is likely to be minimal.

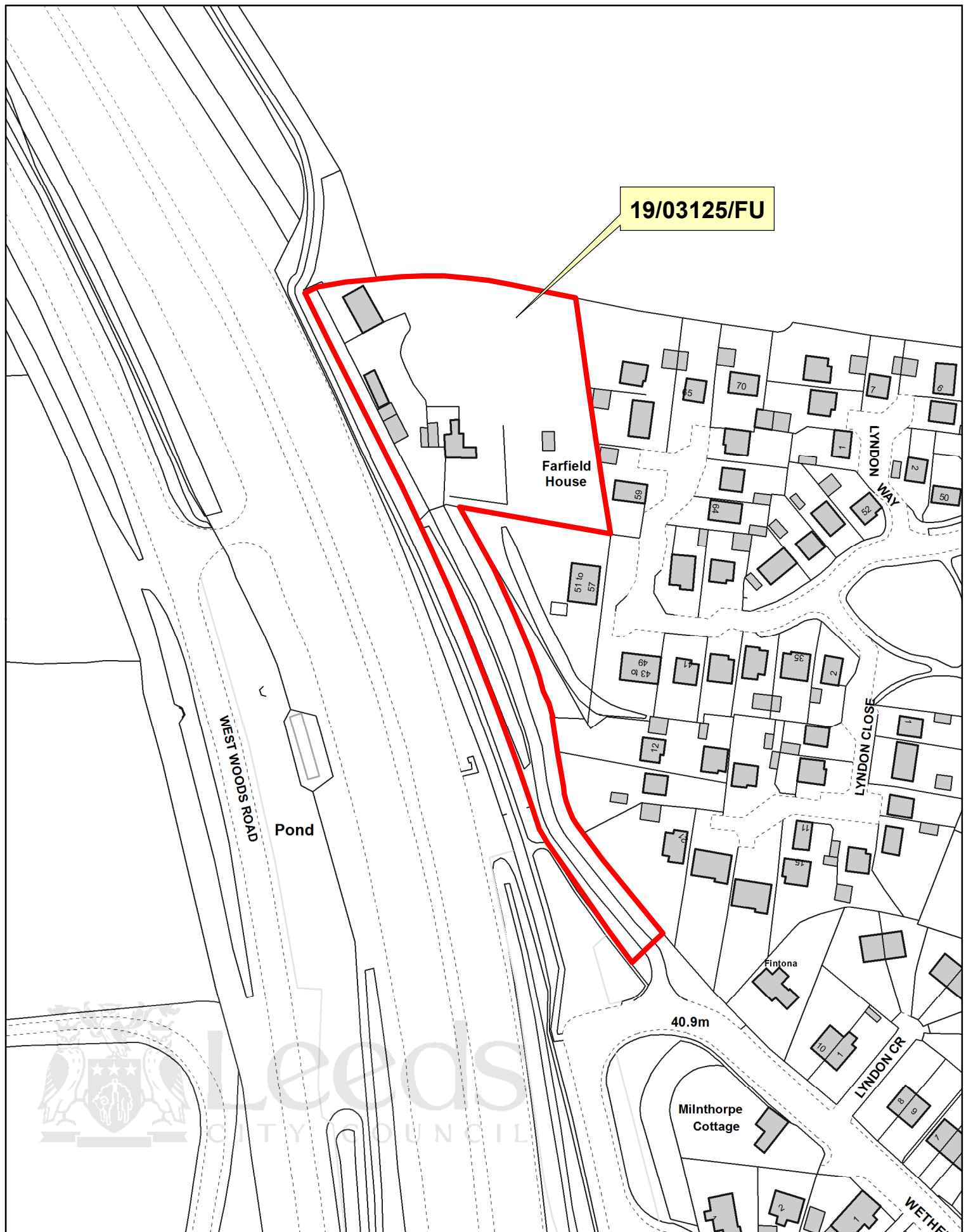
CONCLUSION

76. In light of the above, it is concluded that the proposal would not conflict with the aims of the Green Belt given that very special circumstances have been demonstrated. It is considered that there would not be undue harm to nearby residents through overlooking, dominance and overlooking, and there would be no material harm to the local highway network, or any other material harm. The proposal is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and the local planning policy guidance, it is recommended that the application be approved subject to conditions.

Background Papers:

Certificate of ownership: Certificate A signed by agent

Application file: 19/03125/FU



NORTH AND EAST PLANS PANEL



Proposed Residential Development at Farfield House, Bramham.

KEY

Policy H9 - National described space standards.

All proposed dwellings to achieve the following minimum sizes:-

2B 3P dwelling - 70M2 (753SQFT)
3B 5P dwelling - 93M2 (1001SQFT)

Single bedrooms - 7.5M2
Double bedrooms - 11.5M2

Policy H10 - Building Regulations, Part M4,
Category 2 - Accessible and adaptable dwellings.

All proposed dwellings to comply with Building
Regulation, Part M4, Category 2.

EVCP - Electric Vehicle Charging Points ●
32 amp charge point

Note.
For the avoidance of doubt the cost of road
markings, signage and appropriate speed
limit orders will be fully funded by the
developer (inclusive of staff fees and legal
costs).
20mph speed limit signs to be provided at
the entrance to and within the development.
All road markings and signs to be provided
in accordance with TSRGD.

Leeds Street Design Guide -

2 Bed dwellings 1.25 Spaces + VP
3 Bed dwellings 2 Spaces + VP
4 Bed dwellings 2 Spaces + VP
5 Bed dwellings 2 Spaces + VP
= 8 Parking Spaces + VP
(10 Spaces Provided + VP)

Timber Garden Sheds -

1.8 x 2.4m sheds = 7.12M2.
(Eaves 1.4m and Ridge 1.9m)

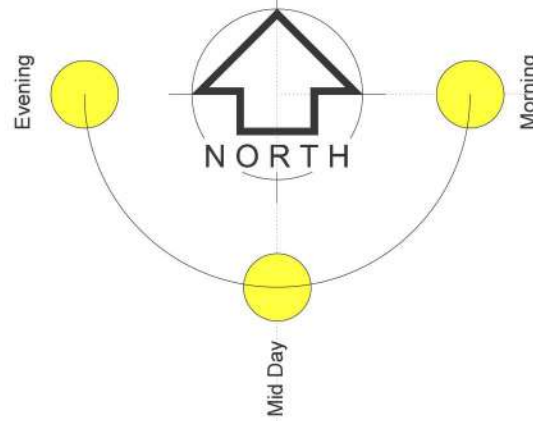
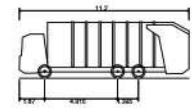
3B5P dwelling = 2No cycle spaces
(2x0.75m per cycle and 1M2 storage)

Total shed volume = 28.48M3.

Enclosures

1.2m Post and rail fence with
native species hedging

1.8m Screen Wall



Subject to Survey and Planning

Carter Jonas

Schedule of Accommodation.

Plot	Bed	St	Size (SqFt)
01	3	1.5	1122
02	3	1.5	1122
03	2	1.5	1005
04	2	1.5	1005
Total 05			(4,254 SqFt)

F	JD	Note added to eastern boundary. Plots 3-4 notation amended.	10.02.20
E	JD	Plots 1-3 replaced with pair of semi detached cottages.	04.02.20
D	JD	View to view distance increased by 0.9m.	17.01.20
C	JD	Layout amended to Highway comments 20.12.19. Full extent of the existing drive shown. 2 No. passing places added. Refuse vehicle tracking added to proposed turning head. 2 No. visitor parking bays added. Bin storage as shown. EVCP mounted to dwellings in positions as illustrated.	03.01.20
B	JD	Proposed garden area notation added.	13.12.19
A	JD	Boundary treatment added.	06.12.19
Rev	By	Note	Date



53 The Tannery Lawrence Street York YO10 3WH T: 01904 653772
F: 01904 653779 E: mail@pra-architects.com W: www.pra-architects.com

PROJECT	Farfield House, Bramham		
TITLE	Proposed Site Layout		
CLIENT	Carter Jonas		
DATE	02.01.20	SCALE	1:500@A1
DWG. NO	Y81:961.103	REVISION	F
DRAWN	JD	CHECKED	JD

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Proposed Site Layout

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Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

Subject: Planning Application 18/06186/OT – APPEAL by Mr Patrick Waterhouse against the decision to refuse outline planning permission for a new detached dwelling at 9 Manor Park, Scarcroft, Leeds LS14.

The appeal was dismissed on 8th January 2020

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Members are asked to note the following appeal decision.

BACKGROUND

1. This application sought outline planning permission for an additional detached dwelling within the side garden of a detached dwelling within Scarcroft.
2. The Officer recommendation was to grant outline planning permission as it was considered that the proposal complied with the policies of the Council. In particular it was considered that the proposed development would be in keeping with the character of the area; raised no significant concerns relating to highway safety or loss of trees within the site; and that there would be no detrimental impact upon the amenities of the existing occupiers of No. 9 and future residents of the new dwelling in terms of garden sizes. It was recommended that detailed matters relating to layout, appearance, scale and landscaping would be dealt with by any subsequent Reserved Matters submission.
3. Members of North and East Plans Panel resolved not to accept the officer recommendation and instead resolved to refuse outline planning permission for the reasons set out below:

1. The Local Planning Authority consider that the existing garden to No. 9 Manor Park makes a valuable contribution to the intrinsic character of the area and its development for residential development for one dwelling is considered to be harmful to the spatial character of the area. By virtue of the site's size and location in relation to neighbouring properties, development would result in a cramped form of development which would detract significantly from the spatial character and appearance of the area. As such, the proposal is contrary to Core Strategy Policies H2 and P10, saved Unitary Development Plan Policy GP5, Policies BE4 and H2 of the Scarcroft made Neighbourhood Plan, the guidance contained within the SPG Neighbourhoods for Living and the guidance within the National Planning Policy Framework.

2. The Local Planning Authority consider that the proposed development would likely to have a detrimental impact upon the living conditions of the occupants of the proposed dwelling and upon the living conditions of the existing residents at No. 9 Manor Park. In particular, the resulting gardens areas are considered to offer poor and substandard amenity value owing to their likely size and proximity to a number of mature trees along the northern boundary which would give rise to shading conflicts as well as an overall lack of sunlight and daylight. As such, the proposal is contrary to Core Strategy Policy P10, saved Unitary Development Plan Policies GP5 and BD5, Policy H2 of the Scarcroft made Neighbourhood Plan, the guidance contained within the SPG Neighbourhoods for Living and the guidance within the National Planning Policy Framework.

4. The decision was subsequently issued on 23rd August 2019, and appealed shortly thereafter.

ISSUES IDENTIFIED BY THE INSPECTOR

5. The Inspector identified the main issues to be the effect of the proposal on:
- The character and appearance of the area; and
 - The living conditions of the occupiers of property No. 9 Manor Park and the future occupiers of the proposed dwelling, with particular regard to whether the outside amenity space provided would be acceptable.

SUMMARY OF COMMENTS BY THE INSPECTOR

Character and Appearance

6. The Inspector noted that the properties within Manor Park have in common large gardens, either to the side or to the rear, and thus the open space created between dwellings, particularly by the large side gardens, establishes a feeling of spaciousness and is a feature that makes a significant contribution to the character and appearance of the area.
7. That said, the Inspector noted that the size of the dwellings and plots vary within the surrounding area, although those on the northern and southern side are separated by a substantial amount of open space. In particular, it was noted by the Inspector that whilst the appeal property is located close to the neighbouring property at No. 7, it still maintains a significant gap to its other side. In assessing the appeal, the Inspector resultantly considered that:

“A new dwelling in the side garden of No. 9 would appear as an incongruous, cramped addition that would significantly reduce the open green gap between properties Nos. 9 and 11, thus eroding the spacious nature of the streetscene.”

8. The Inspector concluded by advising that the introduction of a new dwelling in this location would harmfully affect the character and appearance of the area.

Living Conditions

9. The Inspector noted the presence of trees along the rear boundary of the appeal site as well as the retained garden area for No. 9 and highlighted that these (along with the north facing aspect) detract from the amount of daylight and sunlight that parts of the garden receives. As a consequence of the appeal proposal, the Inspector noted that the parts of the remaining garden of No. 9 would have a dark and gloomy feel and would therefore be unlikely to be viewed as a desirable place to sit out in and relax by the occupants of the dwelling. In conclusion, the Inspector commented that the proposal would fail to provide adequate outdoor private space. Thus the living conditions of the occupiers of dwelling No. 9 would be adversely affected and contrary to relevant policies of the Core Strategy and Neighbourhood Plan.
10. With regard to future occupants of the new dwelling, the Inspector noted the outline nature of the application and commented that (whilst taking into account the north facing position of the garden, the existing trees, and the overall size of the plot), it may be possible to provide acceptable outdoor amenity space for future occupiers of the new dwelling. However, this would not outweigh the Inspector's concerns over the harmful impact that the proposal would have on the living conditions of the occupants of No. 9 in terms of the quality of outdoor amenity space available to them.

Conclusion

11. The Inspector concluded that the appeal should therefore be dismissed as being contrary to Policies H2 and P10 of the Core Strategy, saved Policies GP5 and BD5 of the Unitary Development Plan (Review 2006), Policies BE4 and H2 of the Scarcroft Neighbourhood Plan, the guidance within Neighbourhoods for Living, as well as paragraphs 130 and 127(f) of the National Planning Policy Framework.

IMPLICATIONS

12. The Inspector was very careful to draw out observations of the specific circumstances of this case in the nature of the specific area, the presence of mature trees and the observations made at the site visit and the evidence submitted by third parties as well as that of the Council.
13. The conclusions drawn by the Inspector arise from taking the case proposed on its individual merits. Particular regard was paid to the character of the area, the spaces between dwellings, and the living conditions of the occupants of No. 9, all of which can, of course, be subjective.
14. This shows that despite being within the control and ownership of the appellant, the impact on the living conditions of occupants of the existing dwelling as a result of development in part of the existing garden is an important factor in the assessment of proposals.

15. Further, the appeal also signifies the full weight which should be afforded to policies contained within any made neighbourhood plan.

Background Papers

Planning Application File 18/06186/OT

Inspector's Decision Letter Dated 8th January 2020



Appeal Decision

Site visit made on 12 November 2019 by Andreea Spataru BA (Hons) MA

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2020

Appeal Ref: APP/N4720/W/19/3237407

9 Manor Park, Scarcroft, Leeds LS14 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Patrick Waterhouse against the decision of Leeds City Council.
 - The application Ref 18/06186/OT, dated 1 October 2018, was refused by notice dated 23 August 2019.
 - The development proposed is a new build detached dwelling.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. The application was made in outline with all matters reserved for subsequent approval. The application was accompanied by location and site plans indicating the location of the dwelling on site. I have dealt with the appeal on the basis that the plans are for indicative purposes only and whilst they have informed my decision they have not, in themselves, been determinative.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of property No. 9 Manor Park and future occupiers of the proposed dwelling, with particular regard to whether the outside amenity space provided would be acceptable.

Reasons for the Recommendation

Character and appearance

5. 9 Manor Park is a detached, two-storey dwelling located on the northern side of Manor Park. The property has a large garden to the side and a smaller garden to the rear. The properties located on Manor Park have in common large

gardens, either to the side or to the rear. The open space created between dwellings, particularly by the large side gardens, establishes a feeling of spaciousness and is a feature that makes a significant contribution to the character and appearance of the area.

6. The proposed detached dwelling would occupy the side garden of the host property. The existing side conservatory of dwelling No. 9 would be demolished. Whilst the plans are for indicative purposes only, given the width of the plot, a new dwelling would occupy a significant part of the existing open space.
7. I note that the size of the dwellings and plots vary within the surrounding area. However, most of the dwellings, particularly those on the northern and southern side of Manor Park are separated from at least one of the adjacent properties by a substantial amount of open space.
8. The appeal property, whilst located close to the neighbouring property No. 7 Manor Park, maintains a significant gap to its other side, through the large side garden. A new dwelling in the side garden of No. 9 would appear as an incongruous, cramped addition that would significantly reduce the open green gap between properties Nos 9 and 11, thus eroding the spacious nature of the streetscene.
9. Accordingly, I conclude that the introduction of a new dwelling in this location would harmfully affect the character and appearance of the area. Therefore, the development would be contrary to Policies H2 and P10 of the Core Strategy (CS) (Adopted November 2014), saved Policy GP5 of the Unitary Development Plan 2006 Review (UDP) (Adopted July 2006), and Policies BE4 and H2 of the Scarcroft made Neighbourhood Plan (NP), and Supplementary Planning Guidance 'Neighbourhoods for Living' (SPG) (December 2003) which collectively require, amongst other things, that developments respect and enhance existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making. The proposal would also fail to take the opportunities available for improving the character and quality of an area and the way it functions, thus it would conflict with paragraph 130 of the National Planning Policy Framework (the Framework).

Living conditions

10. Policies P10 of the CS, GP5 and BD5 of the UDP and H2 of the NP collectively require new buildings to be designed with consideration given to both their own amenity and that of their surroundings. The Neighbourhoods for Living Supplementary Planning Guidance 2003 (SPG) (page 31) provides more specific guidance for outdoor amenity space and states that private gardens for family homes should have a minimum area of 2/3 of total gross floor area of the dwelling, excluding vehicular provision. It also advises that the usability of a garden depends upon not only on its size and shape, but also its aspect and relationship to adjoining structures and trees. To be fully usable, private garden areas should not be, amongst other things, overshadowed by trees and buildings, to ensure that they get sunshine wherever possible. North facing gardens may require greater length.
11. The rear garden of the proposed dwelling, as well as the remaining garden of No. 9 are facing north. There are several trees to the north and east of the

appeal site. These features together detract from the amount of daylight and sunlight that parts of the garden receive. The rear garden of No.9 has a limited length, and at the time of my visit was partly occupied by a decking with siting area and a detached outbuilding. Given these constraints, parts of the remaining garden of No. 9 would have a dark and gloomy feel and would therefore be unlikely to be viewed as a desirable place to sit out in and relax by the occupants of the dwelling. The proposal would therefore fail to provide adequate outdoor private space, thus the living conditions of the occupiers of dwelling No.9 would be adversely affected.

12. Given that the application was made in outline, matters such as size, scale and the position of the dwelling on site are not determinative. As such, whilst taking into account the north facing position of the garden, the existing trees, and the overall size of the plot, it may be possible to provide acceptable outdoor amenity space for future occupants of the new dwelling. Nevertheless, this consideration does not outweigh the harmful impact that the proposal would have on the living conditions of the occupants of No. 9 in terms of the quality of outdoor amenity space available to them.
13. Consequently, I conclude that the proposal would be harmful to the living conditions of the occupants of No. 9 as it would fail to provide acceptable outside amenity space. The proposal would therefore conflict with policies P10 of the CS, GP5 and BD5 of the UDP and H2 of the NP and the SPG. It would also conflict with paragraph 127 f) of the Framework which seeks to ensure that developments have a high standard of amenity for existing users.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

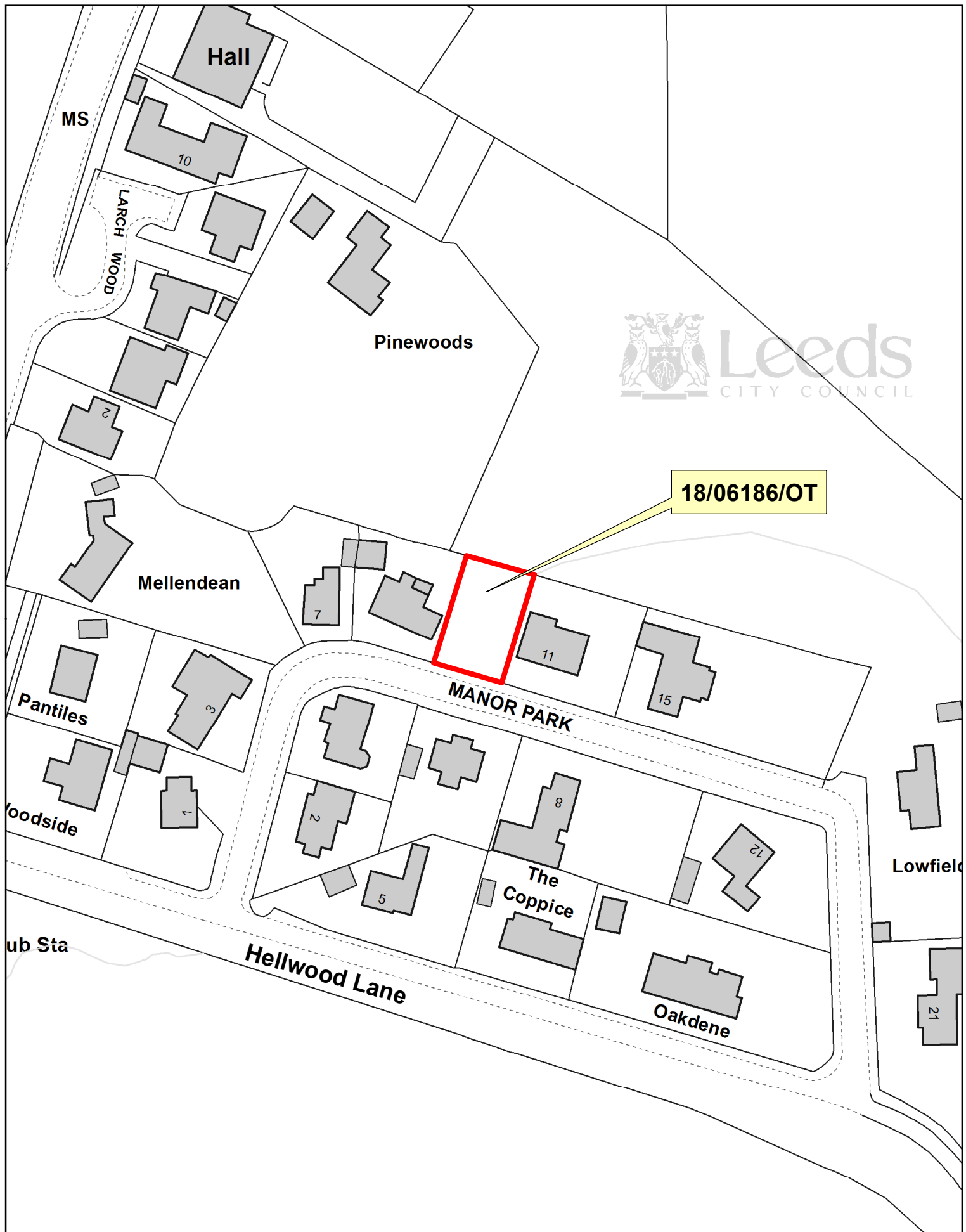
APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR



NORTH AND EAST PLANS PANEL

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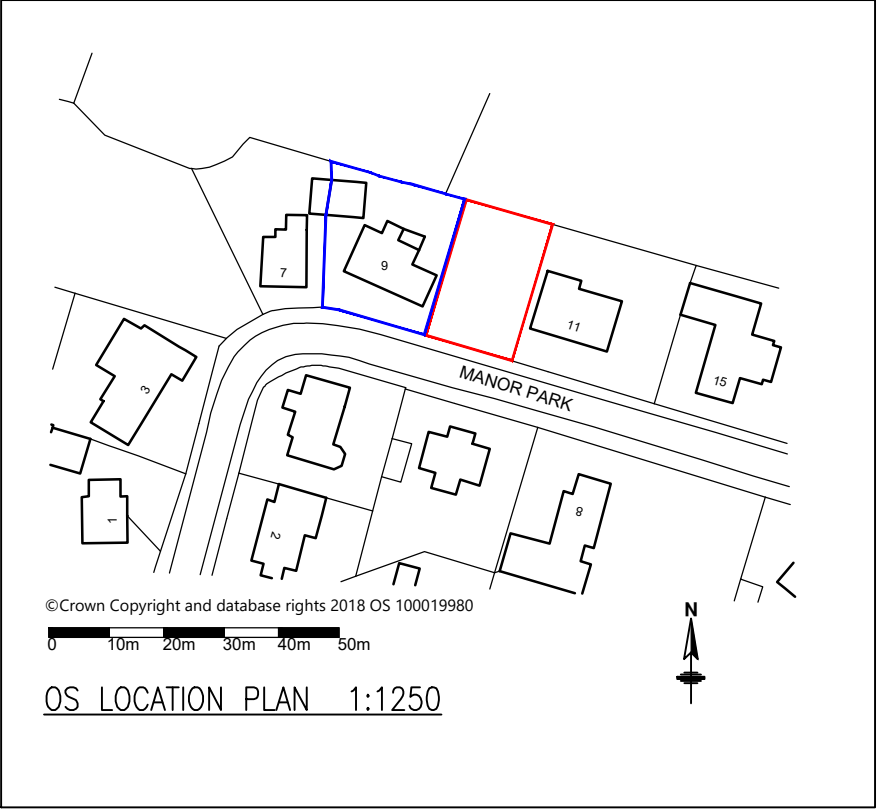
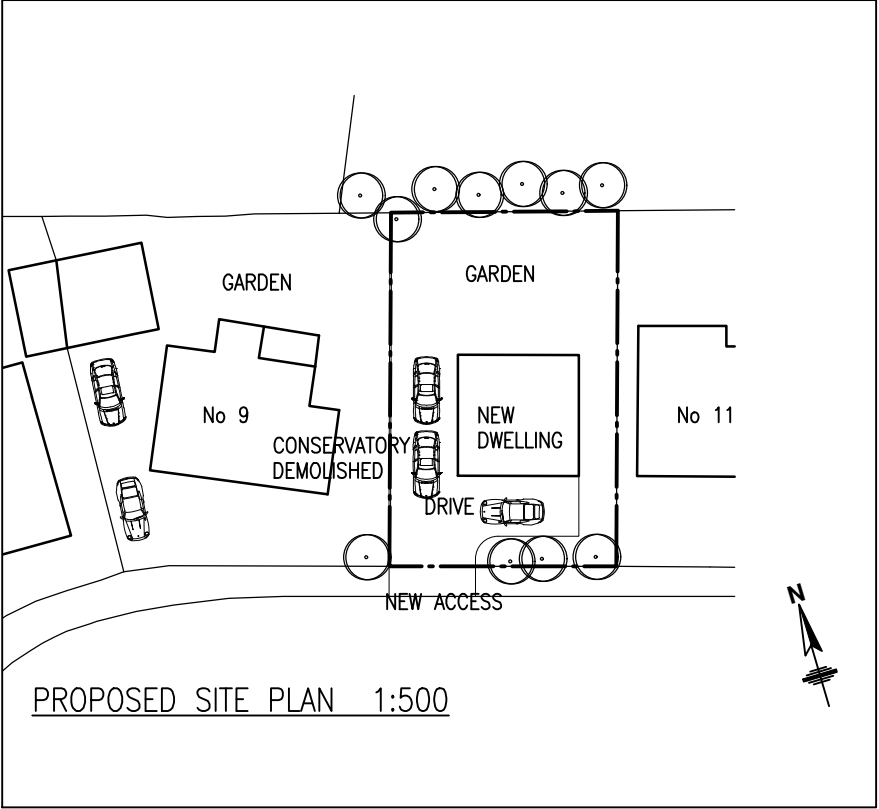
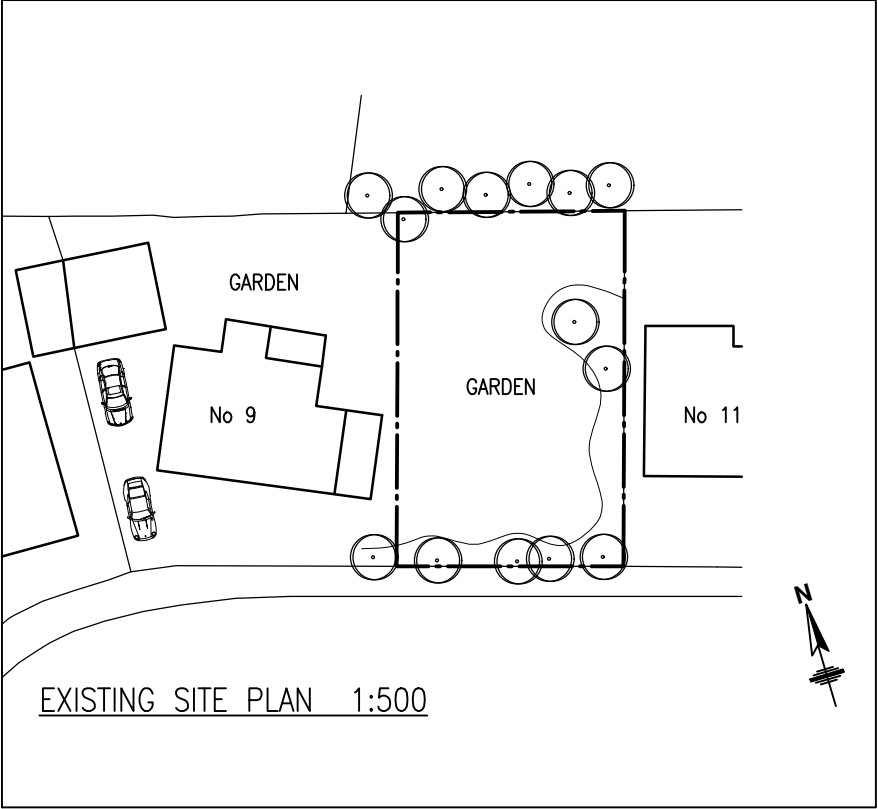
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NOTES

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PROVIDED VIA THE ORDNANCE SURVEY PLAN AND
SUBJECT TO A DETAILED SITE SURVEY.

POSITIONS AND SIZES OF TREES ARE INDICATIVE ONLY



- NEW DWELLING:
- 8m X 8m FOOTPRINT
 - 2 STOREY WITH PITCHED ROOF
 - 4 / 5 BEDROOMS
 - DRIVE WITH TURNING HEAD AND OFF ROAD PARKING FOR 3 VEHICLES.
 - NEW BOUNDARY FENCE TO No 9
 - NEW VEHICULAR ACCESS TO MANORPARK

FOR DESIGN / PLANNING	
REVISIONS A 01-10-18 NOTES UPDATED	
PROJECT 9 MANORPARK, LEEDS	
DRAWING TITLE FEASIBILITY PLANS	
DRAWING NO 425-001	SCALE VARIES@A3
DRAWN BY J.BUTTERWORTH	DATE 28-09-18
Studio J Architects Duke Studios 3 Sheaf Street Leeds LS10 1HD Tel: 0113 2449905 www.studio-j.co.uk	
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