



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 22nd March 2018

Subject: 17/08462/FU– Replacement dwelling at 266 Alwoodley Lane, Alwoodley, Leeds, LS17 7DH

APPLICANT

Mr J Milner

DATE VALID

11th January 2018

TARGET DATE

26th March 2018

Electoral Wards Affected:

Alwoodley

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 specified conditions:

1. Standard Time Limit
2. Plans to be approved
3. Materials as detailed on application form
4. No insertion of windows and doors in the side elevations
5. Obscure screen to be added on top of the balcony wall to a overall height of 1.8m.
6. Removal of PD rights for further extensions and insertion of windows
7. Notification of any unexpected significant contamination
8. Importing Soil
9. Removal of asbestos – demolition
10. Vehicle space to be laid out
11. Electric Vehicle Charging Points

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel in response to a request from Councillor Dan Cohen and Councillor Neil Buckley, who consider that the proposal will give rise to concerns of overdevelopment of the plot and the overall height is significantly raised above the roof line of the existing house. Concerns are raised over the

potential for future development as flats which is contrary to the Parish Council Neighbourhood Development Plan.

- 1.2 The Councillors raise material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore it is appropriate for the application to be determined by the Plans Panel.

2.0 PROPOSAL

- 2.1 The application proposes to demolish the existing dwelling and to erect a detached house. The front elevation facing Alwoodley Lane will be two storey in height incorporating rooms within the roofspace. To the rear of the proposal the accommodation will be four storeys in height, a lower ground floor element with terrace above, two floors of accommodation and rooms within the roofspace which have two pitched roofed dormers at the rear. An additional plan (street scene) has been submitted showing the relative roof heights of the proposal with the neighbours from Alwoodley Lane. The proposed dwelling will be hipped roofed with a two storey front gable and will be constructed out of brick and stone. The lower ground floor will accommodate cinema room, bar, gym/games room, and a toilet/shower/sauna. The ground floor will have an attached garage, family room, kitchen/diner, living room, boot room, utility, cloaks, playroom and dining room. First floor will provide 5 bedrooms, all ensuite, and 4 have dressing areas. Second floor (Attic) will provide 2 bedrooms and a bathroom. There will be off street parking whilst retaining garden space to the front.

- 2.2 The height to the ridge is approx. 9.3m and the height to the eaves is approx. 5.3m. The width (including the garage) is approx. 20m and the overall length is approx. 18.3m with a 4m projection for the outdoor terraced area. The distance from the proposed dwelling to the side boundary with No 268 Alwoodley Lane (to the east) is approx. 2.2m and the distance to the side boundary to the west is approx. 2.7m with No 264 Alwoodley Lane.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a detached two storey brick built property, with a hipped concrete tiled roof. The property has an existing detached flat roofed double garage to the eastern hand side and a single storey extension on the western hand side. The property is set in large extensive grounds that border the golf course to the rear boundary of the application site. When facing the site from Alwoodley Lane the land slopes down into the site so from Alwoodley Lane all that will be seen would be the first floor and roof. Further into the site the land slopes further away also towards Sandmoor golf course. To the rear of the site there is mature planting and trees screening the site. Along both side boundaries are a mixture of planting and fencing. The front boundary treatment is a brick wall with planting behind, the front garden area which cannot be seen from Alwoodley Lane has a landscaped area.
- 3.2 Alwoodley Lane comprises a mix of properties that are all individual in terms of their design, scale and the materials used in their construction.
- 3.3 The application property and adjacent neighbours are situated on a staggered building line, set down by approx. 2.5m from Alwoodley Lane itself. The adjacent site No. 264 Alwoodley Lane is a currently under construction to accommodate three storey block of two flats. No. 268 Alwoodley Lane is a two storey dwelling, which is set slightly forward of the current and projects further at the rear. This

property also has planning consent for a part two storey, part single storey front extension.

- 3.4 Boundary treatment to the front of the application site consists of a 1.5m high wall with hedge behind. A fence approx. 1m in height currently exists on the side boundary, shared with No. 264. At the rear is a long garden approx. 25m metres in length that slopes down to the common boundary with Sandmoor golf course.

4.0 RELEVANT PLANNING HISTORY

- 4.1 17/05176/FU -Alterations including raised roof height form two storey, single storey extension to front, both sides and rear with balconies and raised patio area to rear Status Approved (A) Decision Date: 28-SEP-17
- 4.2 15/03624/FU Proposal: Part two storey part single storey front and side extension, two storey rear and side extension with ground floor conservatory and three first floor balconies to rear, and raised terrace to rear Status A Decision Date:14-August-2015
- 4.3 12/02221/EXT Proposal: Extension of time of planning application 09/01914/FU for part two storey part single storey front and side extension, two storey rear and side extension with ground floor conservatory and three first floor balconies to rear, and raised terrace to rear. Status: A Decision Date: 12-JUL-12
- 4.4 09/01914/FU Proposal: Part two storey part single storey front and side extension, two storey rear and side extension with ground floor conservatory and three first floor balconies to rear, and raised terrace to rear. Status: A Decision Date: 30-JUN-09
- 4.5 07/04971/FU Address: 264 - 266 Alwoodley Lane Alwoodley Leeds LS17 7DH Proposal: Two detached blocks of 4 two bedroom flats with enclosed car parking and amenity space to site of two detached dwellings. Status: Refused (R). Decision Date: 28-SEP-07
- 4.6 07/01230/FU Address: 264 - 266 Alwoodley Lane Alwoodley Leeds LS17 7DH Proposal: Six 3 bedroom flats in two detached blocks with undercroft car parking to site of two dwelling houses. Status: R Decision Date: 09-MAY-07
- 4.7 07/01228/FU Address: 264 - 266 Alwoodley Lane Alwoodley Leeds LS17 7DH Proposal: Six 3 bedroom flats in two detached blocks with undercroft car parking to site of two dwelling houses. Status: R Decision Date: 09-MAY-07
- 4.8 07/06046/FU Address: 264 - 266 Alwoodley Lane Alwoodley Leeds LS17 7DH Proposal: 8 two bedroom flats with undercroft car parking. Status: R. Decision Date: 20-NOV-07
- 4.9 20/29/06/FU Proposal: Part single storey part two storey front & side extension & 2 storey rear & side extension with conservatory. Status: A Decision Date: 13-JUN-06
- 4.10 H30/341/89/ Address: 266 Alwoodley Lane Leeds 17 Proposal: Alterations and extension, to form swimming pool, sauna, shower room, plant room and storeroom, to rear of detached. Status: A Decision Date: 08-SEP-89
- 4.11 H30/75/79/ Address: 226 Alwoodley Lane Leeds 17 (Moortown) Proposal: Alterations and extension, to form enlarged dining room and enlarged sun porch, with new bathroom. Status: A Decision Date: 26-MAR-79

4.12 H30/1312/78/ Address: 266 Alwoodley Lane Leeds 17 (Moortown) Proposal: Alterations and extension, to form enlarged dining room and enlarged sun porch, with new bedroom and bathroom Status: A Decision Date: 31-JAN-79

5.0 HISTORY OF NEGOTIATIONS

5.1 No pre-application advice was sought in relation to the proposal.

6.0 PUBLIC/LOCAL RESPONSE

6.1 A site notice was placed on Alwoodley Lane on the 18th January 2018 date of expiry was the 16th February 2018.

6.2 Objections have been received from; 9 local residents, Alwoodley Parish Council and Ward Members Cllr Dan Cohen, Cllr Peter Harrand and Cllr Neil Buckley

6.3 Cllr Cohen, Cllr Harrand and Cllr Buckley objections are summarised as follows:

- The height of the proposed dwelling
- As designed is too large
- Is this property to be occupied by a single family or is it to be tenanted as a block of flats
- Overdevelopment of the plot
- Alwoodley Neighbourhood Plan is opposed to these kind of huge buildings
- The size of the proposed dwelling would seem to be akin to some sort of multiple occupancy
- During any construction, the disruption to the amenity of residents living opposite, for example at Moss Hall, would be severe, particularly given the ongoing works at 264

6.4 The objections from local residents raised relate to the following:

- It appears very obvious that this new proposed build will be converted to flats at some later stage and this is the developers and architects way of achieving that aim
- Out of character with the rest of Alwoodley Lane
- The drive will be steep and with 7 bedrooms it is likely that a number of cars will need to enter the main road and be parking there
- This application follows several others at this property which have been rejected on the grounds of massing
- It breaches fundamentally the aims of the Neighbourhood Plan
- Loss of garden amenity area
- Should be refused on the grounds of its size, bulk, massing and roof height

6.5 Alwoodley Parish Council objects to the proposal. The objection states that the proposal is an overdevelopment of the plot, the height of the proposed is significantly raised above the roof line of the existing house. Query the potential for future development as flats which is contrary to the Parish Council Neighbourhood Development Plan.

7.0 CONSULTEE RESPONSES

- 7.1 Highways – In view of the “like for like” nature of the application a highway objection would be difficult to justify. As such the existing access will be retained and adequate off street parking has been proposed. The driveway will be re-laid to a gradient of 1 in 8 and on site turning will be achievable.
- 7.2 Nature Team – There should be no significant nature conservation concerns with this application.
- 7.3 Environmental Studies – Transport Strategy – There should be no road traffic noise issues with this proposal.
- 7.4 Contaminated Land – No objection subject to conditions. Conditions are therefore recommended and are set out at the head of this report.
- 7.5 Flood Risk Management – The drainage proposal is acceptable, all hard standing areas must drain to the proposed attenuation storage system which will discharge to existing sewer connections at 3.5l/s.

8.0 PLANNING POLICY

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Development Plans.

Local Planning Policy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- P10 Seeks to ensure that new development is well designed and respect its context.
- T2 Seeks to ensure that new development does not harm highway safety and that developments are located in sustainable locations.

The following saved UDP policies are also relevant:

- GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings

Natural Resources and Waste Local Plan
Water 1: Water Efficiency
Water 7: Surface Water Run-off

Relevant Supplementary Planning Guidance/Documents:

Neighbourhoods for Living
Street Design Guide
Leeds Parking Supplementary Planning Document

Draft Alwoodley Parish Neighbourhood Plan. The Neighbourhood Plan is currently at post examination stage and is awaiting a referendum. Accordingly, at this point in time, whilst it is a material consideration, it can only be afforded limited weight in the decision making process. Relevant policies for this proposal are BE2: Local character and design and CNE2: Street Trees

National Planning Policy

- 8.5 The National Planning Policy Framework (2012) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.7 The NPPF also places an emphasis on seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and building – this is a core planning principle set out at Paragraph 17 of the NPPF. Paragraph 64 of the NPPF advises 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.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Neighbour Amenity
- 3) Design and Character
- 4) Highway Safety
- 5) Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of the development is considered to be acceptable since it is replacing one dwelling with another in a part of the city that is wholly residential in character. Therefore, it is considered, the main issues in determining the current proposal relate to its design and impact upon the character of the area, and impact on the living conditions of neighbours, as discussed below. Accordingly the proposal complies with policies P10 and T2 of the Core Strategy, GP5 of the saved UDP policies.

Neighbour Amenity

- 10.2 Core Strategy Policy P10 notes that developments should “[protect] ... residential and general amenity...”. Saved UDP policy GP5 notes that developments should

protect amenity and policy BD5 notes that “The design of new buildings should give regard to both their own amenity and that of their surroundings”. The SPD, Neighbourhoods for Living gives guidance in respect of new dwellings and the minimum levels of separation considered necessary to protect privacy and prevent over dominance.

Overshadowing:

- 10.3 Due to the location of the development in relation to the sun, any overshadowing will be on the side elevation of the neighbouring property at No 264 Alwoodley Lane and the application site own front garden area first thing in the morning and early afternoon. The impact upon No 264 is considered to be minimal and to a level that would be expected given the relationship between the two properties. In terms of the impact upon No 268, due to the orientation of the houses and that it is to the east of the site any impact will be contained to the evening and predominately to the side of the dwelling. Furthermore No 268 has an existing garage to the boundary and with the distance of 2.2m to the boundary with No 268 there will be no detrimental impact on the amenities of this property. Therefore, it is considered, the proposal would not significantly create any additional impact to the neighbouring properties residential amenity in terms of overshadowing.

Over dominance:

- 10.4 With this proposed development the most effected sites will be the two neighbouring properties No 264 and 268 Alwoodley Lane which are located to the east and west of the site. The proposed development will replace an existing dwelling and shall sit between both properties. From the front boundary treatment to the rear of the proposal the distance is approx. 33m, the distance from the front boundary to the rear of No 264 is approx. 30.2m and from No 268 is approx. 24m. Of these distances they are relatively consistent with the immediate street scene and as is considered to be acceptable. With the mentioned measurements, the gaps between the mentioned neighbours, hipped roof design and the overall size and scale including the differences in land levels of the proposal it is therefore considered that the development is not a dominant addition on the neighbouring properties and the immediate street scene.
- 10.5 A previous application ref 17/05176/FU was granted permission for a raised ridge height and to significantly extend the original dwelling under delegated powers. From the front boundary to the rear of the previous proposal the distance is approx. 33m. This distance is the same as the ongoing permission, this also shows that the proposal will not project any further to the rear or create any additional concerns of dominance. Given the overall size, scale and massing of this replacement dwelling it is still considered not to be a dominant addition following the previous approval.
- 10.6 The proposed attached garage to side with rooms over will replace an existing detached garage and will be set further away from the boundary with the neighbouring property No 268 Alwoodley Lane. The roof design will also be hipped and as such reduces concerns of dominance on this property. The single storey element to the rear is set approx 4.3m from the boundary with No 268 and the roof design is hipped away further reducing concerns of dominance. The other side elevation closet to 264 is also set away from the boundary line and the roof design will also be hipped away again reducing concerns of dominance. With this proposal the private amenity space to the rear of the site will not be greatly impacted upon.

- 10.7 At the rear of the proposal there is a lower ground floor which will be for a cinema and a gym area. However, the lower ground floor is considered not to be a significant concern given the difference in land levels at the rear of the property and would not create harm or concerns in relation to over dominance to the neighbouring properties.
- 10.8 Stated within the Draft Alwoodley Neighbourhood Development Plan (ANDP) dwellings should be no more than 2 storeys in height. When viewed from Alwoodley Lane the dwelling appears two storey in height, which is considered to comply with the guidance within the ANDP. The land levels drop towards the golf course to the rear of the site and so the rear elevation is three stories in height. However the overall character of Alwoodley Lane from the public realm, will remain two stories in height and therefore, will not be negatively impacted upon.

Overlooking:

- 10.9 There are ground floor windows proposed facing the boundary of No 264 Alwoodley Lane. These windows are secondary windows serving a playroom and dining room will not cause overlooking or privacy concerns due to the existing landscaping and fencing which will be retained. It is recommended that a condition to be imposed to retain these features. There are no other openings proposed in the side elevations facing No 264 a condition is recommended so that no additional openings can be inserted in this side elevation. There is a balcony proposed to the rear of the site closest to No 264. The plans indicate that top of the proposed balcony wall an obscure glazed screen will be added so that the overall height will be 1.8m to overcome concerns of overlooking to No 264. The retention of this screen is recommended to be conditioned should planning permission be granted
- 10.10 There are ground floor windows proposed facing the boundary with No 286 Alwoodley Lane. These are for a utility room are not a concern for overlooking given that the proposal will be screened by existing hedging. A recommendation is that a condition is put in place so that no additional openings are proposed in the side elevation facing No 268 to overcome concerns of overlooking.
- 10.11 In order to prevent any further harm to the living conditions of neighbours through the construction of further extensions, roof alterations and the insertion of windows, it is considered that there is clear justification for removal of permitted development rights (PD) under Class A, B, C, D, E of the General Permitted Development Order 2015. A condition removing these PD rights is recommended to be imposed.
- 10.12 Accordingly the proposal complies with policies P10 of the Core Strategy and GP5 of the saved UDP policies and guidance within Neighbourhoods for Living.

Design and Character

- 10.13 The design of the proposed dwelling is to be hipped roofed, brick and stone with a two storey gable frontage and an integral garage.
- 10.14 The character of Alwoodley Lane is a mixture of detached dwellings and bungalows. The properties are constructed of different materials which range from stone, brick and render. A number of two storey dwellings have a two storey gable frontage; this design is mirrored in the proposed replacement dwelling. A characteristic of Alwoodley Lane is gaps between neighbouring properties. The proposed development will still retail this spatial characteristic and as such will not

negatively impact the characteristic of the immediate street scene. Accordingly, the proposal complies with guidance within the Core Strategy Policy P10.

- 10.15 Given the significant difference in land levels from Alwoodley Lane it is considered that this increased ridge height would not negatively impact upon the character of the immediate street scene and is considered not to be a dominant addition. When facing the property from Alwoodley Lane members of the public will only see the first floor and the roof area and no other element of the proposal. As shown on street scene the plan shows the different roof heights of the proposal and two neighbouring properties to the west and east of the site. The plans show that the proposed dwelling will not be a dominant addition between the two properties. There is a step down from No 264 to 268 Alwoodley Lane. Along Alwoodley Lane there are a range of different ranges of heights of other properties and therefore this proposal would not be considered to be a dominant addition.]

Highway Considerations

- 10.16 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.
- 10.17 Cars will be able to enter and leave in a forward gear due to the turning area shown within the front garden. A condition is recommended for the vehicle turning space to be laid out before the property is occupied.
- 10.18 The site can accommodate two off street car parking spaces which satisfies the council's parking standards. It is therefore considered that the proposal will not be detrimental to highway and pedestrian safety.
- 10.19 It is acknowledged that some of the objections refer to the impact on parking in the locality. In response, the proposal provides more than two off street car parking spaces. The proposal is therefore policy compliant in respect of the parking provision. It is also worthy to note that the property is to be occupied by a single family unit and any subsequent sub-division of the building into self-contained units would require the benefit of planning permission. Accordingly the proposal is considered to comply with Core Strategy policy T2 and saved UDP policy GP5.

CIL Liability

- 10.20 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application would result in a liability of £39,686.87 (plus the BCIS index). The applicant has indicated that a self-build exemption would be applied for should planning permission be granted. This information is however not material to the decision and is provided for Member's information only.

Representations

- 10.21 It is considered that the comments made by Cllr Cohen, Cllr Harrand and Cllr Buckley and occupiers of neighbouring properties have been addressed in the report. The objections raised relating for flats in the future. If the applicant was to apply to change to the dwelling into flats, a new planning application would be

required and occupiers of the neighbouring properties would be notified and given chance to comment further at that time.

11.0 CONCLUSION

- 11.1 The main body of the report explains that the proposal is considered to comply with the relevant Core Strategy and saved UDP policies. It is therefore concluded, taking all matters into account including the representations received, that planning permission should be granted subject to the conditions at the head of this report.

Background Papers:

Application files: 17/08462/FU

Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr J Milner)

Contractor must verify all dimensions on site before commencing any work or shop drawings. Do not scale off this drawing.

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REVISIONS	Description	By	Date
Rev A	External stairs amended and lower patio added to lower ground floor	cmd	04.12.17
B	Minor amendments	cmd	15.12.17

General Notes:

Tree Works:

Existing trees and shrubs where retained to be protected in accordance with BS5837 with 1.5m high chestnut paling to BS1722 Part 4 securely mounted on a framework of posts and two rails and clad with orange fluorescent mesh with suitable signage. For full details refer to separate documents.

Where trees, shrubs or hedges are to be pruned, topped or lopped then this shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Works). For full details refer to separate documents.

Drainage Strategy:

The site is located within flood zone 1 with a low risk of flooding from rivers or the sea and is less than 1 hectare, therefore a site specific flood risk assessment should not be required.

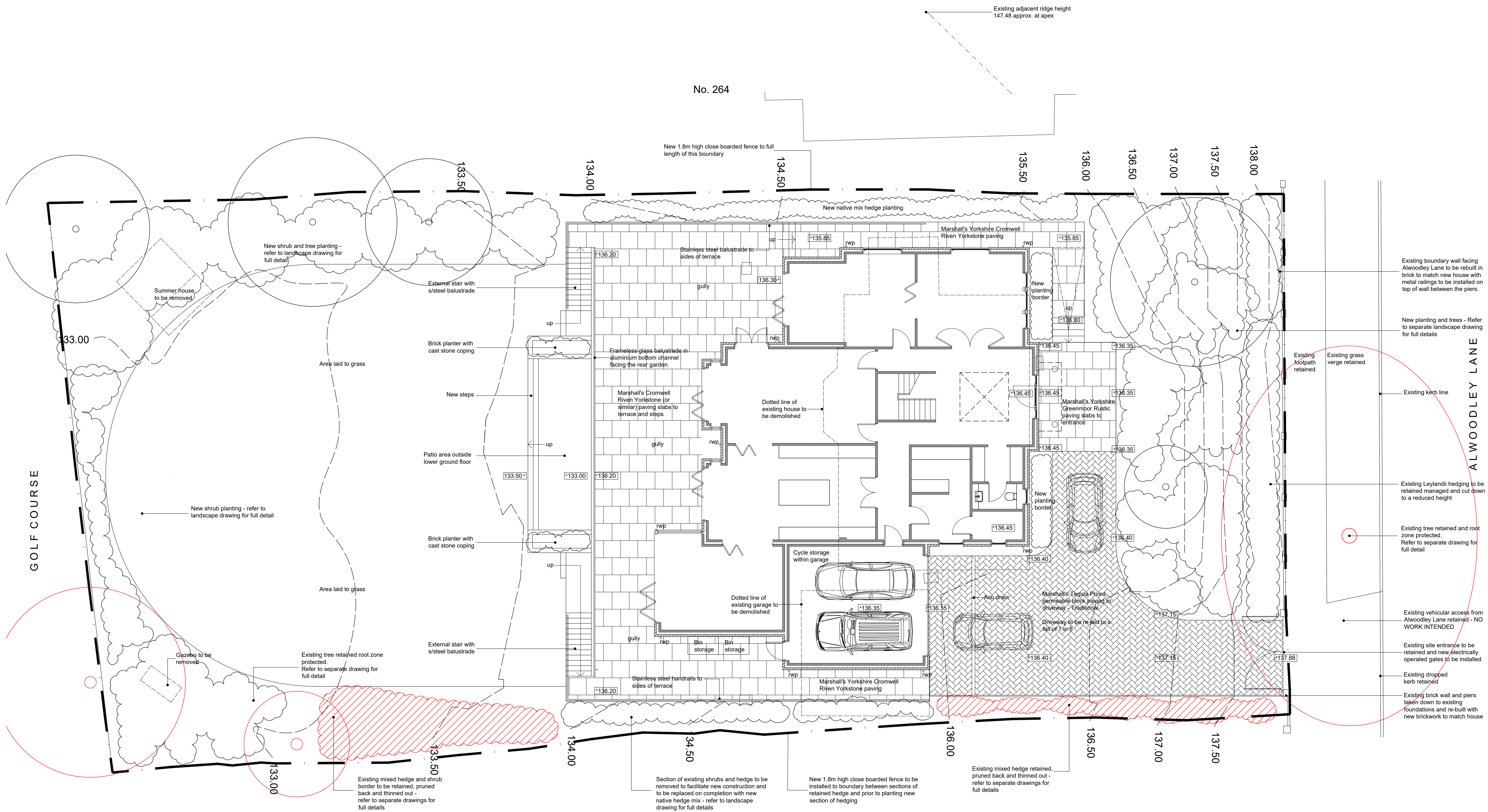
The site is currently occupied by a residential dwelling which will be demolished.

It is proposed to use a SuDs drainage system. Under SuDs guidance the first point of discharge for surface water is percolation via soakaways. However the ground conditions are known to be heavy clay and therefore soakaways will not be suitable.

The existing site has a combined foul and surface water drainage system that connects to an existing private sewer beyond the rear southern boundary. It is proposed to retain this connection and apply a flow restriction on the surface water to 3L/s. Furthermore attenuation will be provided using a suitably sized geo-cellular attenuation tank with flows further attenuated using a 47mm orifice plate.

The new foul drainage serving the development will connect to the existing combined drain via a new manhole located in the rear garden.

Separate drawings and details will be provided.



No. 264

No. 268

**WALKER
DICKEY**
architecture

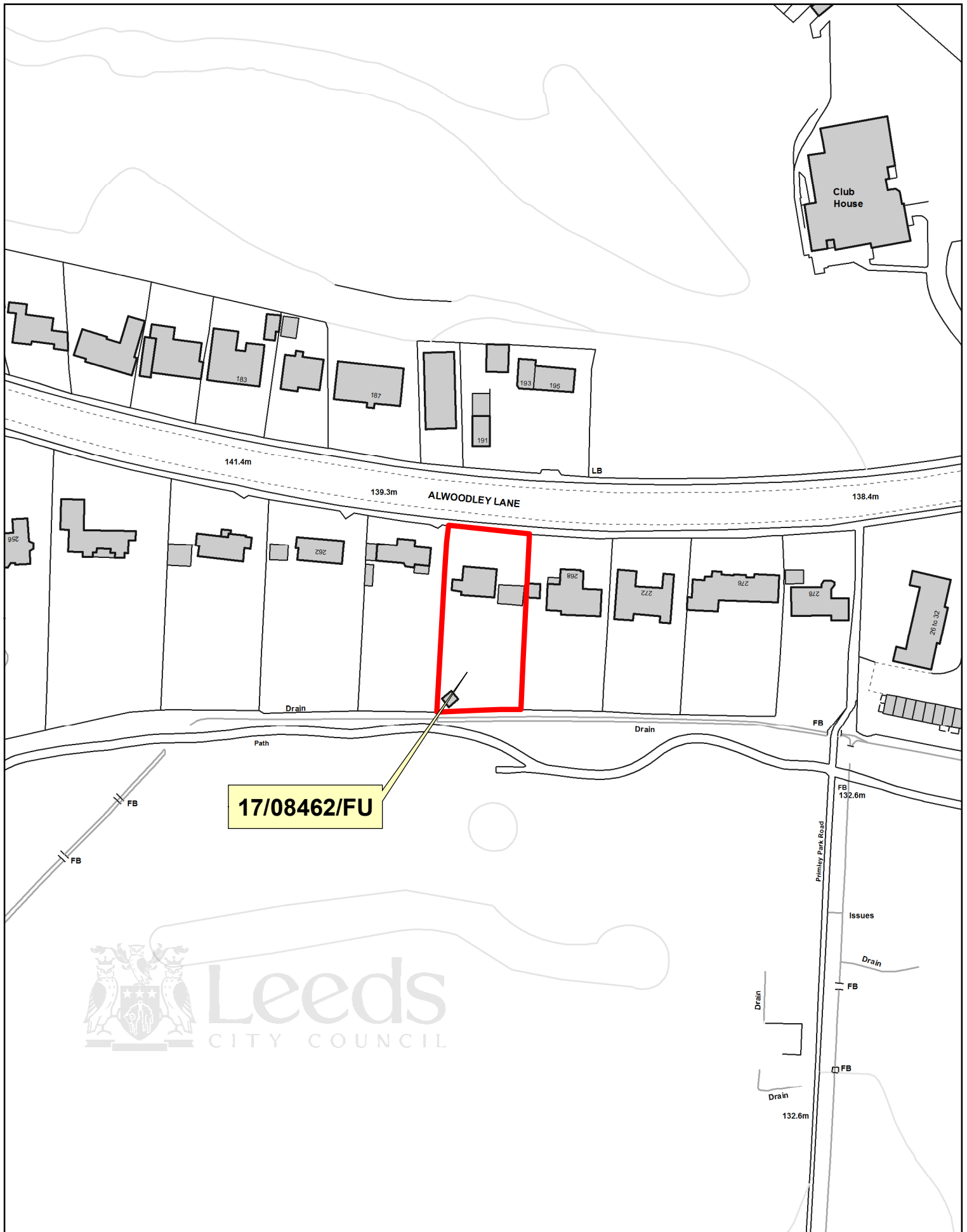
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Project: 266 Alwoodley Lane, Leeds
For Mr J Milner

Title: Proposed Site Layout

Scale: 1:100 @ A1	Drawn by: cmd
Date: November 2017	Status: Planning
Drawing No.: 306(PL)03	Rev.: B



NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

