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OUTLINE PLANNING APPLICATION – RESIDENTIAL DEVELOPMENT
INCLUDING MEANS OF ACCESS.

LAND OFF GREEN ROAD, DODWORTH, BARNSLEY
APPLICATION REF. 2008/1688

SUPPLEMENTARY STATEMENT

By

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JANUARY 2009

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1. INTRODUCTION

Further to a meeting with Barnsley Council Planning Officers on Wednesday 21st January 2009 where clarification was provided on the ownerships and status of the application site, this summary statement provides written justification that the application site is a collection of three separately owned brownfield (or largely brownfield) sites, whereby the principle of residential redevelopment is acceptable in planning policy terms (PPS3 Annex B).

2. SITE OWNERSHIPS & DESCRIPTIONS

The below plan identifies the application site's 3 separate ownerships demarcated A, B and C.



PARCEL A: OWNER = JOANNE GOODALL. SITE AREA = 0.34 hectares

This portion of the Application Site contains Hillside property and its clear residential curtilage. The single access off Green Road to serve the proposed residential development runs through this portion of the site. There is no dispute that this part of the Application Site is 100% brownfield.

PARCEL B: OWNER = JOHN WHITWORTH. SITE AREA = 0.62 hectares

This parcel of the Application Site contains the existing Fieldhouse property. The garden area is all lawned, edged with trees and maintained by a ride-on mower. Clearly the land that contains the dwelling and its immediate surroundings are brownfield. The southern part of this parcel has

no previous use other than rough grassland and has no alternative access, with the only available point of entry being via Fieldhouse. The land is partly covered in trees and the topography is too steep in places for any realistic agricultural or equestrian use, and can only realistically and practically be used as an extended garden area to Fieldhouse. There is no clearly defined boundary to the residential curtilage of Fieldhouse other than the character change as the land slopes down to the south and the land is more rough and untreated in character.

Prior to the current land ownerships of Parcels A and B, both A and B were within the same ownership. This collective part of the site has always been associated with the two properties of Hillside and Fieldhouse. In our opinion, Area B is 100% brownfield.

PARCEL C: OWNER = ADRIAN WILKINSON. SITE AREA = 1.23 hectares

This largest part of the Application Site contains 'The Old Stables'; a detached house with detached garages which sits within a large area of land. There is a flat area of lawn to the south east of the dwelling which appears in an almost tennis court like delineation on above plan. Due to the topography of this part of the site, which slopes down to the south, the flat lawn is surrounded by a retaining wall but only to ground level. There are no other boundary features. The southern part of this portion of the Application Site is landlocked and it has not been used for any use other than as part of the garden area to the property. There are no boundary features or defensible boundaries to suggest the land is anything other than garden. In our opinion, Area C is 100% brownfield.

3. SIMILAR CIRCUMSTANCES

It should be noted that in circumstances where a garden associated with a dwelling is not a formally kept garden, it does not necessarily mean that it is not part of the curtilage and it can therefore be classed as Brownfield land. An Appeal decision within Kirklees District and a recent decision in Leeds District clarifies this point further. Both these examples are where the Application Sites effectively had an inner and outer boundary. The Inspector in the Kirklees case stated that "it seems to be from my site visit, that the Appeal Site, taken as a whole, can reasonably be considered as a previously developed site." The Inspector considered that the Appeal Site was a "largely Brownfield site" where the presumption against development on Greenfield sites should not apply.

In the recent Leeds District example, the Planning Officer's report stated that "on balance however in considering the PPS3 definition it is concluded that it can be defined as brownfield as although it has not perhaps been formally gardened it appears to have been a contiguous piece of 'garden' area not clearly separated and not used for other purposes."

Both the Appeal Decision and Planning Officer's Report are appended for information.

Based on the above information and, supported by two similar case examples, it is our professional opinion that the application site is a Brownfield Site. However, should the Council not fully agree with the justification provided, the fallback position is that the Application Site is largely brownfield. In this respect, the development of a largely brownfield site, in a highly sustainable location is in accordance with PPS3.

The application site is a privately owned space which is not available to the public. There is effectively no other beneficial use other than residential use for this site and there are no alternative vehicular access points that would facilitate an alternative use. The development of this sustainable site will make efficient use of brownfield land within an existing settlement in accordance with PPS3.

It is our opinion that the likelihood of a Planning Inspector agreeing with our interpretation are high.

Appeal Decision

Site visit made on 19 May 2003

by H R Stephens BA M Phil DipTP MRTPI

an Inspector appointed by the First Secretary of State

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Date

23 JUL 2003

Appeal Ref: APP/Z4718/A/03/1110156
Land at Prospect Lane, Birkenshaw

- 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 J Rider against the decision of Kirklees Metropolitan Council.
- The application (Ref. 2001/60/93390/E3), dated 2 November 2001, was refused by notice dated 15 August 2002.
- The development proposed is residential development for 12 units.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The planning application is in outline with all matters, except the siting and means of access, reserved for consideration at a later stage. In determining the application, the Council amended the description of the development to read "Demolition of one dwelling and outline for the erection of 12 detached dwellings with garages". As that is a more accurate description of the extent of the proposed works, I shall adopt it.

2. At the site visit it was confirmed that the appeal should be determined on the basis of the proposed layout Drg. No. 225/14/100 Rev E and the proposed highway improvements Drg No. 2223/04 which together form the scheme on which the Council made its decision.

Main Issues

3. I consider there are two main issues in this appeal:

(i) whether the proposal would accord with national guidance set out in PPG3 in relation to development priorities and making full and effective use of land;

(ii) the implications of the proposal in terms of highway and pedestrian safety.

Planning Policy

4. Under Section 54A of the Town and Country Planning Act 1990 a planning application or appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The Kirklees Unitary Development Plan (UDP) was adopted in March 1999. The site is unallocated in the UDP and therefore Policy D2 applies. It indicates that planning permission will be granted on such sites provided that identified criteria are not prejudiced. Other policies in the UDP which are referred to include Policies BE1, BE2, H18, NE9 and T10. Policies BE1 and BE2 aim to secure a good quality of design. Policy H18 states that public open space must be provided for sites over 0.4 hectares. Policy NE9 indicates that mature trees should normally be retained in new

development Policy T10 states that new development will not normally be permitted if it will create highway safety problems Reference is also made in particular to Planning Policy Guidance Note 3; Housing (PPG3, March 2000). This seeks to secure more sustainable patterns of development, building on previously developed land ahead of greenfield sites and residential densities of a minimum of 30 dwellings/hectare

Reasons

Issue 1 – compliance with national guidance in PPG3

5. The appeal site comprises some 0.664 hectares of land within the settlement confines of Birkenshaw. The proposed development relates to a site laid out as formal garden to the existing dwelling known as Swinroyd and partly rough and cut grassland beyond. The surrounding area is predominantly residential in character although it abuts a large area of open space to the south-west. The appeal plans show 12 detached dwellings in a cul-de-sac with access via Prospect Lane. They also show visibility splays at the new access, a new footpath provision to Prospect Lane and its southern spur and a vehicular passing place adjacent to 46/48 Prospect Lane to the east. A total of 0.031 hectares of public open space is to be provided on the site and a substantial number of existing trees are to be retained.

6. PPG3 places a firm presumption on developing previously developed sites before greenfield sites (paragraph 32). Interested persons claim that the site is greenfield. They also claim that the definition excludes land such as the appeal site, which was previously developed but the remains of any structure or activity have blended into the landscape in the process of time. It seems to me from my site visit, that the appeal site, taken as a whole, can reasonably be considered as a previously developed site. First, a previously developed site includes a house and its garden. Land associated with Swinroyd i.e. the house and garden; clearly constitute previously developed land under the definition in Annex C of PPG3.

7. Secondly, I accept that the remains of any such structures associated with the nursery use on the southern part of the site have now blended into the landscape. However, the definition of previously developed land also covers the curtilage of the development. The former paddock to the south of the paling fence may be regarded as being within the curtilage of Swinroyd as it is an integral part of the house being linked directly from the rear of Swinroyd, it has remained within the Appellant's ownership since 1983 and around half of this paddock area has been previously cultivated as part of the Appellant's nursery/horticulture use at Swinroyd. Although the nursery use may have diminished about 5 years ago, the other half of the paddock area is still used as part of the Appellant's garden.

8. For these reasons I consider the appeal site is largely a brownfield site and that the presumption against development on greenfield sites should not apply in this case. Furthermore, the site accords with other locational factors in PPG3 in that it is within a built–up area, is situated in a sustainable location with access to alternative modes of transport, shops, employment and community facilities.

9. Even if a contrary view were taken, it seems to me that the site would be acceptable when assessed in the context of the Council's interpretation of PPG3 in a report approved by the Regeneration Management Board dated 12 October 2000. This indicates that housing development on greenfield sites will generally be opposed unless it meets one of four criteria. The first criterion relates to sites within a settlement, where housing would not be contrary to any UDP policy. Such sites need to be surrounded by development and not be

located in areas where there is a shortage of open space. These are effectively sites where there is no other beneficial use than residential. The Council's evidence confirms that if part of the appeal site were deemed to be "greenfield" for the purposes of PPG3, its development would be in accord with the first criterion of acceptable development.

10. Turning to the question of density, paragraph 57 of PPG3 states that LPAs should avoid development which makes inefficient use of land defined as those of less than 30 dwellings per hectare. The proposal comprises 12 units on a site of about 0.664 hectares, which equates to 18 dwellings per hectare. I accept that this is below the 30 dwellings per hectare guideline set out in PPG3. However, the guidance on density in PPG3 is not designed to be applied prescriptively. Each proposal has to be assessed on its merits. In this particular case there are technical justifications why a lower density would be acceptable. First, increasing the density of the site in line with PPG3 standards would be unacceptable on highway and pedestrian safety grounds and clearly represent an overdevelopment of the site given the access constraints and the character of the surrounding area.

11. Secondly, the site slopes in a southerly direction and contains several mature trees, though some have been pollarded. From the evidence that is before me the trees are not protected by a TPO but they are of significant amenity value and in view of their size and canopy spread, they are an important amenity feature in the area. Although PPG3 encourages housing development, which makes more efficient use of land, it also stresses greening the residential environment at paragraph 52. In my view, the trees on the appeal site are a significant and pleasing feature of the area. They should be retained as an integral part of the layout in accordance with Policy NE9. Moreover, paragraph 54 of PPG3 refers to good design and layout of new development. It encourages LPAs and developers to think imaginatively about designs and layouts, which make more efficient of land without compromising the quality of the environment.

12. Thirdly, Policy H18 states that public open space must be provided for sites over 0.4 hectares. This suggests provision of some $30m^2$ per dwelling, on or off site. For a development of 12 dwellings this would equate to 0.036 hectares on site and the scheme provides 0.031 hectares. In order to secure the provision and future maintenance of the proposed public open space on the site, it would be necessary to secure this by means of a planning obligation or condition. The Appellant has offered a unilateral undertaking dated 4 July 2003 under Section 106 of the Town and Country Planning Act 1990, as amended, to give legal force to this provision. I give significant weight to this unilateral undertaking in coming to my decision in this case.

13. The unilateral undertaking has been the subject of correspondence after the site visit and from this correspondence and my examination of the undertaking, I am satisfied that the terms would be binding on the relevant parties and could be enforced. It would ensure that an appropriate area of public open space is provided as advocated by UDP Policy H18. In my view, the location of a recreation ground immediately adjacent to the appeal site and the limited number of units would not warrant the provision of a formal children's play area. However, the precise details of how the public open space should be landscaped and laid out is a matter which can best be dealt with at the detailed planning stage.

14. The appeal site is bordered on the southern spur by a hedgerow which interested persons maintain has significant wildlife and conservation value. I saw that the hedgerow is well established and is about 5 metres high. From the evidence that is before me the hedgerow is

not protected under the Hedgerow Regulations 1997 and has no special merit. The hedgerow has little amenity or wildlife value and its removal would not be sufficient reason on its own to withhold permission bearing in mind that wildlife interests are protected by the retention of boundary trees/shrubs, trees on the site and the provision of public open space. Significant boundary vegetation and trees are proposed to be retained in the layout and this could be supplemented through additional landscaping by means of conditions. Overall, I consider there would be no conflict with the underlying objectives of UDP policies and I conclude on the first issue that the proposal would comply with Government policy set out in PPG3.

Issue 2 - the implications for highway safety and pedestrian safety

15. A number of interested persons have expressed concern about safety issues for both vehicles and pedestrians. I note that access to the site is proposed from Prospect Lane about 46 metres from the existing junction with the southern spur to Prospect Lane. At my visit I saw that Prospect Lane is narrow and substandard with regard to its general layout and some aspects of its junction with Old Lane. Prospect Lane serves as vehicular access to some 20 dwellings. Five of these properties are served from a 150 metres long cul-de-sac spur to the south located about 125 metres from Old Lane. A public footpath (Spenborough 12) runs in a north-westerly direction adjacent to a turning head at the west end of Prospect Lane. Where the footpath joins Prospect Lane it then turns east and then south along the southern spur of Prospect Lane and links through to Whitehall Road. I am aware that this footpath is a popular route for school children to make their journey without the need to walk alongside or cross the nearby routes of the A58 and A651.

16. The development scheme seeks to demolish the existing Swinroyd dwelling and to erect 12 new dwellings. Included are proposals to improve the width of Prospect Lane along the site frontage, to provide a new footway along the site frontage to Prospect Lane and into an improved mouth of the junction with the southern spur of Prospect Lane. It is also intended to provide a passing bay between the site and the junction of Prospect Lane with Old Lane. In my view, these improvements are significant in that the improvement of the carriageway width and passing bay will aid traffic flow not only for this development but also for all users of Prospect Lane. The provision of the new footway to the site frontage and part way down the southern spur would improve facilities for pedestrians on what is already a well used pedestrian route. The realignment of the junction of the spur and Prospect Lane would improve both turning facilities and visibility for drivers currently using the spur.

17. Although the remainder of Prospect Lane and its junction with Old Lane would remain as at present, this junction has been significantly improved in recent years and in my view appears to operate satisfactorily. Having regard to all circumstances, I consider the scheme would not conflict with Policies D2 or T10 of the UDP, nor would it materially affect highway safety for drivers or pedestrians. Whilst there would be some added inconvenience for drivers, this would, in my view, be more than outweighed by the significant improvement in highway safety and convenience which would result from the package of improvements which are proposed here. In arriving at this conclusion I have had regard to the calculations on traffic generation along Prospect Lane, the planning history of proposals along Prospect Lane, including previous appeal decisions, the concerns expressed on behalf of the elderly residents at 22-60 Whitehall Grove and the fact that no injury accidents have been recorded in this location.

Conclusions

18 I have taken into account all other matters raised in the representations I have considered the concerns from local residents about impact on residential amenity and loss of privacy In my view, the proposed layout would not result in any unacceptable impact in relation to neighbours' living conditions with particular reference to loss of outlook, privacy and light I also note the concerns about loss of open space but the site adjoins an area designated as Urban Greenspace in the UDP and such a setting weighs heavily against any argument about loss of open space. Furthermore, any amenity value of the paddock area is limited by the lack of public access. My overall conclusion is that the appeal proposal would accord with all of the aforementioned development plan policies and national planning guidance None of the other matters raised are sufficient to outweigh the factors that have led me to my conclusions. For the reasons given above I conclude that the appeal should be allowed

Conditions

19. The Council have suggested a number of conditions and I have considered these taking into account the advice contained in Circular 11/95. The standard outline and time limits conditions are necessary. I consider that the Council's condition 2 is unnecessary as these matters can be considered at the detailed stage. I consider that condition 3 is necessary but in an amended form. I consider that condition 4 is unnecessary. I consider that conditions 5 and 6 are necessary but they can be amalgamated I consider that condition 7 is unnecessary. I consider that condition 8 is necessary but in an amended form. I consider that conditions 9, 10, and 12 are unnecessary but condition 11 is necessary.

Formal Decision

20. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of one dwelling and outline for the erection of 12 detached dwellings with garages on land at Prospect Lane, Birkenshaw in accordance with the terms of the application Ref. 2001/60/93390/E3, dated 2 November 2001, and the amended plans submitted therewith subject to the following conditions:

    1) Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

    2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

    3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

    4) No development shall take place until the highway improvements shown on Drg. No. 225/14/100 Rev E and Drg No.2223/04 have been made fully operational in accordance with a detailed scheme which has been submitted to and approved in writing by the local planning authority; such details shall include all constructional details, surface water drainage, long and cross sections, street lighting, white lining, signing and sight lines

5) No vehicular or pedestrian access other than that shown on the approved plans shall be formed into the site without the prior written approval of the Local Planning Authority.

6) Before the dwellings hereby permitted are occupied, details of parking and turning facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved parking and turning arrangements shall be constructed and brought into use before the dwellings hereby permitted are occupied Thereafter, the parking and turning facilities shall be retained solely for the purposes of parking and turning of vehicles.

7) The existing access shall be closed off and any redundant footway crossing shall be made good before the development is occupied.

Information

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

22. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990

23. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

24. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.

Harold Stephens

Inspector

Swinroyd
Prospect Lane, Birkenshaw



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Leeds CITY COUNCIL

Originator: C. Naylor

Tel No: 2478020

PLANS PANEL WEST 4th SEPTEMBER 2008

REPORT OF THE CHIEF PLANNING OFFICER

WARD:	Adel & Wharfedale	**Application:**	07/07166/OT
Address:	Bramwood, 11 Creskeld Crescent, Bramhope	**Applicant:**	Mr & Mrs Brown
Date Valid:	15th November 2007	**Target Date:**	14th February 2008

Proposal: Outline application to layout access road and erect 8 houses with retention of existing, Bramwood house, Bramhope.

RECOMMENDATION: GRANT planning permission subject to the specified conditions and such other conditions as the Chief Planning Officer may consider appropriate .

1. Time limit –outline
2. Submission of reserved matters
3. Full existing and proposed levels and finished floor levels
4. Bin and cycle storage .
5. Materials samples to be approved
6. Retention and maintenance of trees
7. Tree protection measures
8. Woodland management and access plan to be agreed and implemented
9. Boundaries to be native vegetation
10. Drainage details inc sustainable/balancing measures
11. CCTV survey of existing sewer
12. Laying out of highways –appropriate materials
13. No consent granted for any form of design detail of individual houses.
14. Construction controls –dust suppression, parking, hours of working.
15. No access to Otley Road
16. Treatment of any unexpected contaminants

Introduction and Site Description

The application is referred to Panel for determination at the request of Councillor Clive Fox particularly in view of the uncertainty about the greenfield/brownfield status of the site.

The application seeks outline permission for the construction of 8 detached dwellings, the retention of the existing property and a new access road. The applicant has applied for approval for the layout and access with all other matters reserved.

Pre-application advice was first given during May 2007, since which time the scheme has been revised following community consultation. The initial planning submission proposed demolition of the existing house and erection of 10 new houses. The scheme has thus been revised to reflect the concerns expressed by ward councillors and local residents and to address issues raised by Officers .

The scheme does not seek to develop the entire site but retains an area of approximately 1/3 of the site as woodland to be managed by a management company on behalf of the residents.

The site itself is approximately 1.65 hectares with the house dating from the 1930's. The property is a large detached dwelling within a substantial plot. The site contains a large area of trees to the North, covered by a group Tree Protection Order and a variety of other mature vegetation concentrated around the boundaries of the site.

The house itself is of some architectural merit being built of stone with a slate roof. There is a prominent turreted feature to the front elevation and mock-Tudor effects to the gables. A detached stone double garage is positioned to the North of the dwelling.

Proposal:
Outline Application to create new access and erect 7 new dwellings accessed from a new road/driveway with the existing house retained and a further 1 new dwelling accessed from the drive to existing house .

Relevant Planning History:

H29/75/90 – Outline application to layout access and erect 12 detached houses to vacant site – Withdrawn. This application included only the area to the West of the site beyond the immediate residential curtilage of the property.

Statutory Consultations:
None – due to the nature of the application.

Non Statutory Consultations:

Contaminated Land Team: No evidence of land contamination therefore no objections, subject to condition re treatment of any unexpected contaminants

Highways: No objections, subject to conditions

Mains Drainage: No objections, subject to conditions requiring restrictions of surface water run off by sustainable drainage and /or on site balancing control . A CCTV survey of the existing culvert on site is needed with the developer required to carry out repairs necessary.

West Yorkshire Ecology: Bat survey was required prior to determination because of demolition of the house . This is no longer the case. Woodland management scheme also required for long term nature conservation and landscape value of the woodland. Looking

for rest of site to be landscaped with native species hedgerows to provide linkages with remaining woodland and surrounding gardens in line with PPS9 .

Public/Local Response:

Letter from Councillor Fox stating that
A major part of the site is greenfield and outside the Main Urban and Smaller Urban Areas boundary and its development would be contrary to policy H4 of the UDP and to PPS 3 guidance.which steers residential development towards previously developed sites around the city in order to promote urban regeneration The only part of the site which is brownfield is the house and its established garden area . To my personal knowledge at no time in the past 50 years has the area of field to the south formed part of the garden and hence the curtilage of Bramwood itself, save for the token effort to tidy it up and mow some part of it over the past couple of years presumably ahead of the submission of the planning application.
His earlier objection stated that the loss of Bramwood itself would be regrettable as it is a fine example of a Crowther-built house and together with its grounds it does make an important contribution to the character of the immediate area.
He asked that the application be referred to Panel

There are a total of 13 letters of representation.

8 objections received following the first advertisement of the scheme, including one from the Parish Council. There was also 1 letter of concern.
The scheme was readvertised in April 2008 when the house was proposed to be retained but 9 new houses were proposed (now reduced to 8). A further 4 objection letters were received along with another letter of concern.

The Parish Council is opposed to the proposed development on the basis that this is a Greenfield site and should remain as such. Their argument is that by allowing development to occur on Greenfield land, it is contrary to planning policies which require Brownfield sites to be developed prior to Greenfield sites. They are also concerned about the loss of trees over the entire site, and state that by losing trees on the Creskeld Crescent frontage would significantly impact the street scene.

In addition residents of houses in close proximity to the application site have raised a number of points in objection. The issues include the following:

- The development would be located on a Greenfield site, which would reduce the number of trees and wildlife habitat resulting in the loss of wildlife in the area.
- The density of development is out of character with the surrounding area.
- The loss of the house would contravene the Bramhope Village Design Statement, which aims to conserve the architecture and heritage of this area.
- Highway safety would be compromised, increased traffic as a result of the development would make access to the site and existing village more difficult, and accidents would also be more likely.
- Increased noise and air pollution from traffic and people during construction and thereafter.
- The scale of the buildings would have a negative visual impact within the village and would have an overbearing effect on neighbours.

- There would be excess waste and refuse once the new residents moved into the proposed housing.
- Drainage issues, sewage drainage and surface water systems need to be vastly improved to cope with the new development as existing residents already experience flooding in their gardens.

Objections received after April 2008 reiterated some of the issues above and 2 were from the same residents as before. Additional points made were:

- New houses were not required in the area as there were already lots of dwellings for sale in the village.
- Privacy issues for neighbouring properties, particularly if a hedge is destroyed or damaged.
- Loss of green space.
- Too many houses on a small site with them being out of place in relation to existing surrounding properties.
- Increased likelihood of flooding.
- Concerns were raised regarding access to the site during construction with recommendations made for on site parking for builders and for no building work to take place at weekends.

The letter of concern about the application refers heavily to the design and access statement with particular paragraphs mentioned throughout. Although they did not object to the scheme, the drainage issues were a major concern. 4 residential properties referred to in the letter were downstream of the site and concerns of flooding were apparent. A second letter by the same resident after April 2008 reiterated that the real concern was a lack of adequate surface water drainage facility.

Planning Policies:
RSS –general approach to re-use and efficient use of previously developed land Housing policies H1, H2 and H5 re housing mix

Leeds UDP

- Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety;
- Policy T24: Refers to parking guidelines for new developments;
- Policy N9: Refers to access to recreation and nature conservation areas;
- Policy GP5: Refers to development proposals should resolve detailed planning considerations;
- Policy BD5: Refers to development proposals should seek to avoid loss of amenity;
- Policy N12: Refers to all development proposals should respect fundamental priorities for urban design;
- Policy N13: Refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings;
- Policy LD1: Refers to all landscape schemes should meet specific criteria
- Interim Housing Mix policy July 2008

National Planning Policy
In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

- PPS1: Delivering Sustainable Development (2005).

- PPS3: Housing
- PPS 9 : Biodiversity

Bramhope Village Design Statement SPG 2001—within Creskelds, Hall Drive and Staircase Lane character area--Area wooded in parts and still several mature trees on land that slopes steeply down towards Wharfe valley . Houses individually designed, large and spacious mainly detached with large enclosed gardens. Some in–fill and new developments.
Changes should respect and sympathetically blend in with the existing character of the village --complement and integrate –established trees should be retained .
In fill should respect low density typical of the village, be of similar size and height and harmonise with adjacent development –similar materials and boundaries. Building lines should be adhered to .
TPOs should be rigorously enforced

MAIN ISSUES

Principle of Development ---greenfield /brownfield
Character of the area –nature of proposed development
Retention and treatment of woodland area
Highways

APPRAISAL

Principle of Development

The site consists of a sloping site extending from a narrow part adjoining Leeds Road and falling to Creskeld Crescent to the east. The existing Bramwood house is located at the Creskeld Crescent end of the site with 'gardened' areas to the south and west rising up the slope. The upper part of the site would not appear to have been formally gardened and has a more natural appearance. The entire northern part of the site is heavily wooded to a depth of 45 to 50 metres.
Members will be aware that Policy H4 of the UDP supports housing development on windfall previously developed sites at this time and that the Regional Spatial Strategy and national policies notably in PPS3 seek to deliver more efficient and effective use of brownfield land .
The overall objective of the UDPR is to concentrate development on brownfield sites, essentially in Main Urban and Smaller Urban Areas. Much of the requirement is expected to be met on unallocated or windfall sites brought forward under policy H4. This policy permits residential development on unallocated sites within the Main and Smaller Urban areas, or in otherwise demonstrably sustainable locations, provided that the development is acceptable in sequential terms, is clearly within the capacity of existing or proposed infrastructure and complies with all other relevant UDPR policies. Generally only Brownfield sites are expected to be acceptable under this policy.

The curtilage of any dwellinghouse (or in fact any property) is by definition previously developed land. Defining the curtilage of a house can however be difficult as it may not be the whole of the land owned by occupants of a particular property if for example they own and use paddocks or other pieces of land that don't relate immediately to the function of the house itself.

Annex B to PPS3 does also indicate that just because a piece of land is defined as being within the curtilage of a property does not mean that the whole of that curtilage will be suitable to be developed.

The PPS3 definition states

'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'

The definition includes defence buildings, but excludes:

– Land that is or has been occupied by agricultural or forestry buildings.

– Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.

– Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

– Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

It is not 'clear cut' as to whether the open land at the eastern, high part of the site should be identified as previously developed land (brownfield) or should be defined as Greenfield. Various respondents and Councillor Fox question whether it should be defined as greenfield in view of the untended nature of the land (perhaps until recent times) .

On balance however in considering the PPS3 definition it is concluded that it can be defined as brownfield as although it has not perhaps been formally gardened it appears to have been a contiguous piece of 'garden' area not clearly seperated and not used for other purposes.

The woodland area is very certainly an area to be retained as such and this has always been the proposal as part of this scheme.

Even if defined as brownfield, it is still necessary to consider whether the upper part of the site is suitable for development. It is however considered that development of this upper part of this site is in character with the area (see below) and similar to the nature of development that has occurred on adjoining land in this part of Bramhope.
It is therefore on balance considered that development of the parts of the site proposed for development in this application can be supported.

Character of the Area

PPS3 very clearly requires that new forms of development as well as resulting in efficient and effective use of land should also relate well to the character of the locality.
The proposed development of houses in large gardens is determined in part by the need to design in relation to the contours of the site, to satisfactorily achieve access without undue highway intrusion and to retain and protect not only the main woodland area but also other important established trees on the site.
The layout proposed reflects adjoining development patterns in the area; using the slope and views out across the valley. This is a relatively low density proposal but this is seen as appropriate in the context of the character of this part of Bramhope.

The layout is considered in large measure to follow the objectives of the Village Design Statement (see above) and has responded to concerns and issues raised by the public who attended the pre-application meetings and have responded to the application.
Details of roof plans to the houses have been omitted as details of design of the houses are not part of this application and it is considered important that the new dwellings should be of individual design as is the case with properties in the area, whilst relating well to their surroundings and each other.

The Woodland Area

The woodland area will be retained in its entirety and managed for access by the residents of the development with limited 'public' access as and when agreed.
In early discussions it was hoped that the woodland could be made available for general public access but this is not seen as the preferred option by colleagues advising on nature conservation grounds as the area is not large enough to easily accommodate public access pressures and survive as natural woodland .
The Woodland Trust will not take over pieces of woodland as small as this and it is not a suitable piece of land for the Council's Parks and Countryside to acquire and manage.
The scheme did originally propose a footpath route through the woodland but the public response at consultation at pre-application stage very much resisted this approach and again it is not advised from a nature conservation point of view .
It is therefore concluded that the proposed management and use of the woodland by the residents is the preferred option and should satisfactorily retain an important, if small, area of woodland with its nature conservation value, direct amenity value for the new residents and wider visual amenity value as part of the wooded character of this hillside.

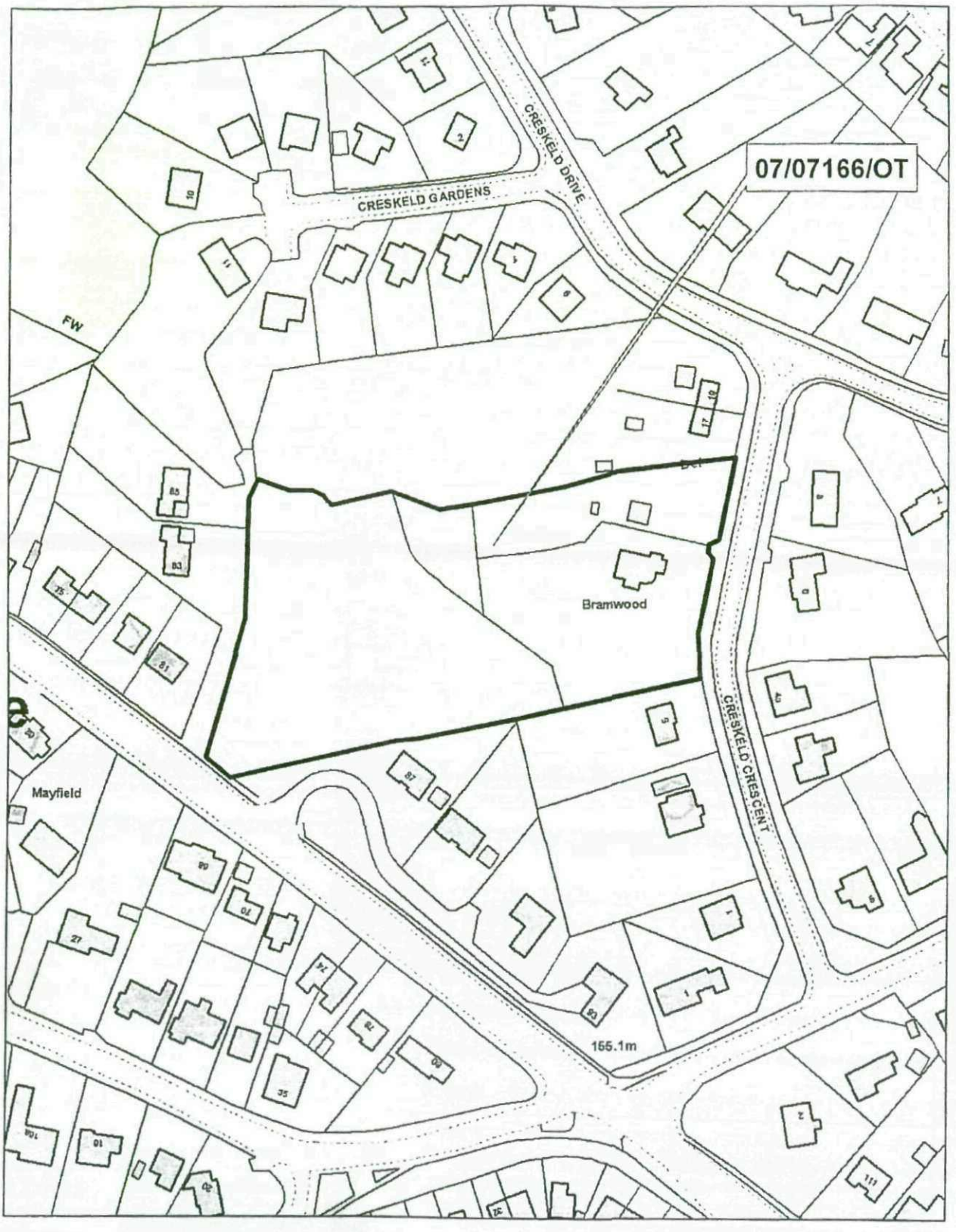
Several changes have been made to the layout and the number of houses reduced to protect existing trees on site both in terms of development adjoining the woodland and in relation to other trees within what will be the developed area .

Highways

Access will be taken from Creskeld Crescent only and the current proposal for a main access roadway and a driveway serving the existing house and one new house is considered satisfactory.
The scheme has been amended to accommodate for the highway requirements particularly in terms of achieving necessary highway access levels and slopes. Officers have also sought to minimise the extent of vehicular road and driveway.

Conclusion:
It is considered that the proposed development would represent a form of development in character with the locality, on land appropriate in PPS3 and UDP terms with an important area of retained woodland. Details of design and house types will be determined at the reserved matters stage.

Background Papers :
Application file
TPO



WEST PLANS PANEL

Scale 1/1500

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