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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 12<sup>th</sup> September 2013**

**Subject: Application 13/02965/OT – Outline application for residential development, Land at Victoria Avenue, Horsforth**

**APPLICANT**

S.W. Fraser

**DATE VALID**

8<sup>th</sup> July 2013

**TARGET DATE**

2<sup>nd</sup> September 2013

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**Electoral Wards Affected:**

Horsforth

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**GRANT OUTLINE PLANNING PERMISSION subject to the following condition**

1. Three year time limit
2. Development to be carried out in accordance with the approved plans.
3. Walling and roofing, surfacing materials to be submitted and approved
4. Tree protection measures
5. Submission and implementation of a landscaping plan
6. Areas to be used by vehicles to be laid out, hard surfaced and drained
7. Details of bin storage to be provided
8. Boundary treatment on frontage not to exceed 1 metre in height.
9. Drive widths to be no less than 3.3 metres wide
10. All garages shall have a minimum internal dimension of 3m x 6m.
11. An adopted highway shall be formed and thereafter retained to the southern boundary of the site in accordance with details to be approved.

12. Pedestrian access on the claimed footpath through the site shall be maintained in accordance with a scheme to be approved.
13. Prior to the commencement of development a Biodiversity Protection & Enhancement Plan shall be submitted to and approved in writing by the LPA.
14. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
15. Phase 1 contaminated land survey to be submitted
16. Alternative Remedial Statement to be submitted if required
17. Works carried out in accordance with agreed Remedial Statement
18. No building within 3 metres of a sewer
19. Separate foul and surface water drainage to be provided.
20. Details foul and surface water drainage to be submitted.
21. No piped discharge of surface water until completion of agreed drainage scheme.
22. Removal of permitted development rights

## **1.0 INTRODUCTION**

- 1.1 This application is brought to South and West Plans Panel at the request of Local Ward Members Councillors Townsley and Cleasby due to the local interest in the proposal and the access shown to the site boundary implying future development of the adjoining land.

## **2.0 PROPOSAL:**

- 2.1 The application is for outline planning permission for residential development on a Phase 3 greenfield allocated housing site on land off Victoria Avenue. All detailed matters have been reserved.
- 2.2 An indicative layout plan has been submitted as part of the application. The layout shows 6 properties, 4 detached and 2 semi-detached dwellings, an access road with a turning head and a footpath continued through the development.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to an allocated housing site some 0.42 hectares in area to the immediate south of Victoria Avenue.
- 3.2 The site is characterised by open grassland with mature trees located on the western and southern boundaries. The northern boundary abuts properties located on Victoria Avenue and Victoria Mount. A non-defined footpath runs through the site providing access to the open fields to the south.
- 3.3 The area to the north of the site is largely residential predominantly comprising semi-detached properties. Horsforth Cemetery is located to the west and beyond this Park Lane College. The area to the immediate south and west is designated as Green Belt and Urban Green Corridor.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no relevant planning history.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Prior to the submission of the planning application pre-application discussion took place regarding residential development of the site. Horsforth Ward Members were involved in discussions. The applicant was advised that the principle of developing this allocated site would be considered acceptable. The layout would need to respond sensitively to the tree constraints to ensure the retention of the trees on and adjacent the site.

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

- 6.1 31 letters of representation have been received raising the following concerns:
1. The development will result in an increase in vehicular movements exacerbating the existing local traffic congestion issues.
  2. The development will put additional pressure on local services.
  3. The development will further erode open space locally.
  4. The development will result in a loss of a local recreational area.
  5. The site is allocated for up to 15 houses, therefore it is likely that more than 6 houses will be built.
  6. Plot 6 will overlook nearby properties.
  7. The new planting will result in overshadowing of nearby properties
  8. The opening up of the pedestrian route will cause a security issue for nearby properties.
  9. The development of the site will facilitate the development of the adjoining SHLAA site which has the capacity for 185 dwellings. The development of both site will have an adverse impact on the quality of life of the residents of the Newlaithes and Victorias.
  10. Brownfield sites should be developed on before the development of this greenfield site
  11. The development will impact on house values locally.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory**

Mains Drainage: No objections subject to condition

Highways Development Control: No objections subject to conditions including the formation and retention of an adoptable highway to the southern boundary of the site to facilitate access to the adjoining land should it be required in the future.

### **Non-Statutory**

Nature Conservation: No objections subject to conditions

Contaminated Land: No objections subject to conditions

Public rights of way – There is a claimed footpath running through the site which should be provided for as part of the development.

## 8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

The relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD5: New buildings

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy N24: Development abutting the Green Belt

Policy H3.3A.1 Allocated housing site

Policy T2: Highways issues

Policy T24: Parking provision for new development

Policy LD1: Landscaping

### **Relevant supplementary guidance:**

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

Street Design Guide SPD  
Neighbourhoods for Living SPG

## DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding

representations which have been made which will be considered at the future examination.

#### POLICY P10: DESIGN

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion.
- (vi) The development is accessible to all users.

#### SPATIAL POLICY 6: THE HOUSING REQUIREMENT AND ALLOCATION OF HOUSING LAND

70,000 (net) new dwellings net between 2012 and 2028 will be accommodated at a rate

Of:

- 3,660 per annum from 2012/13 to the end of 2016/17 (18,300)
- 4,700 per annum from 2017/18 (51,700)

Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

Guided by the Settlement Hierarchy, the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the

following considerations:

- i) Sustainable locations (which meet standards of public transport accessibility -see the Well Connected City chapter), supported by existing or access to new local facilities and services,
- ii) Preference for brownfield and regeneration sites,
- iii) The least impact on Green Belt purposes,
- iv) Opportunities to enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,

- v) The need for realistic lead-in-times and build-out-rates for housing construction,
- vi) The least negative and most positive impacts on green infrastructure, green corridors, greenspace and nature conservation,
- vii) Generally avoiding or mitigating areas of flood risk.

#### NATIONAL PLANNING POLICY:

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

#### 9.0 MAIN ISSUES:

- 1) Principle of development
- 2) Design and Character
- 3) Residential Amenity
- 4) Trees and Landscaping
- 5) Highway Safety and Parking
- 6) Other issues
- 7) Local Representations
- 8) Conclusions

#### 10.0 APPRAISAL:

##### Principle of development

- 10.1 In June 2011 the Council's Executive Board resolved *'that the release of all the Phase 2 and 3 housing allocations in the UDP be agreed, subject to proposals coming forward being otherwise acceptable in planning terms'*, to ensure a sufficient housing land supply for Leeds is provided. The application site is a Phase 3 allocated housing site (H3-3A.1). As such the principle of developing this site is acceptable subject to all other material planning consideration.
- 10.2 The allocation states that the site could accommodate up to 15 dwellings. However, given the site's specific constraints, particularly the presence of mature trees, achieving a development of this density is unrealistic. A scheme of circa 6 dwellings is considered to be a more appropriate density of development for the site.

##### Design and Character

- 10.3 The layout submitted as part of the application is indicative only and therefore would not form part of any approved plans. However, it is important that consideration is given to the appropriateness of the layout proposed to ensure that an acceptable development can be achieved on the site.

- 10.4 The layout includes 4 detached and 2 semi-detached properties. Plots 1 to 4 are detached properties which extend the line of properties on the western side of Victoria Avenue. The layout maintains and extends the building line and, whilst detached rather than semi-detached properties, the layout reflects the established pattern of development of Victoria Avenue. Plots 5 and 6 form a pair of semi-detached properties. The properties sit comfortably within the extended cul-de-sac layout and reflect the character and pattern of development of Victoria Avenue.
- 10.5 All properties are set back from the highway edge and sit within generous plots ensuring sufficient separation between properties and appropriately sized rear gardens.
- 10.6 The site abuts the Green Belt and Urban Green Corridor boundary, therefore consideration needs to be given to any potential impact the development will have on this protected landscape. As the site benefits from a belt of mature trees to the south and west, this will provide generous screening to the development preventing any adverse impact on the openness and character of the protected landscape.
- 10.7 Overall, it is considered that the indicative layout demonstrates that the site can comfortably accommodate 6 dwellings with a form of development that respects the established residential character of the area.

#### Residential Amenity

- 10.8 Consideration has been given to the residential amenity of both future residents of the development and residents of nearby properties.
- 10.9 With regards to future occupants, the layout ensures all properties will have an appropriate level of privacy and living space and outdoor amenity space will not be compromised by issues of overshadowing and dominance from neighbouring properties. All properties will have sufficient useable outdoor amenity space.
- 10.10 With regards to the amenity of the occupants of nearby properties, plot 1 is located approximately 2 metres from boundary with 10 Victoria Avenue and does not extend beyond the rear building line of this property. It is considered that this relationship will ensure no significant issues of overshadowing or dominance will occur and, subject to no windows being inserted in the side elevation, no overlooking or loss of privacy is anticipated. Plot 6 is located adjacent to 71-79 Victoria Mount and 1 Victoria Avenue, as such consideration has been given to any impact this property will have on the amenity enjoyed by the occupants of these properties. At its nearest point, plot 6 is located approximately 6 metres from the shared boundary and 36 metres from the rear elevations of these properties. This extent of separation will prevent any adverse issues of overshadowing or dominance. Plot 6 sits at an angle with the properties on Victoria Mount, this angle together with the generous separation will ensure that, subject to no habitable windows to the side elevation, no significant overlooking or loss of privacy will occur.
- 10.11 The development will result in an increase of vehicular movements on Victoria Avenue. However, given the increase in movements will be relatively modest and properties on Victoria Avenue are set back from the road, no significant adverse impact on amenity through noise and nuisance from increased vehicular movements is anticipated.

### Trees and Landscaping

- 10.12 Consideration has been given to the impact the development will have on the mature trees bounding the site to the south and west. The layout shown provides sufficient separation to the trees to ensure they will be retained and that limited future pressure will result for their removal due to issues of excessive shading and leaf fall. It is suggested that conditions ensuring the retention of trees together with appropriate protective measures are employed should be imposed.

### Highway Safety and Parking

- 10.13 Consideration has been given to the acceptability of the highway layout. The highway width, pavements and materials are designed to be adoptable. The dimensions of the turning head are acceptable.
- 10.14 As part of the application process, the design of the highway layout has been amended to extend the highway to the eastern boundary to ensure that a ransom strip is not created preventing access to the land to the south.

### Other issues

- 10.15 As part of the Strategic Housing Land Availability Assessment the open land to the south has been put forward as a potential future housing site. Through the Site Allocations DPD Issues and Options process, this land has been identified as an 'amber' site (1202) which has potential for 185 houses but has clear issues and is not as favoured as the identified 'green' sites. The site is located within the Green Belt and Urban Green Corridor. In the summary for reason of its classification, the allocated site subject to the application has been identified as potentially providing vehicular access to the site.
- 10.16 The Site Allocations process will consider whether the site is appropriate or needed to be allocated for housing taking into consideration the current and future policy constraints to developing the site together with local opinion. However, in the interest of future planning it is considered appropriate to maintain a vehicular access to this site to ensure the development of the allocated site does not in itself preclude or complicate future development of the SHLAA site. It is recommended that a condition should be imposed requiring this. It is important to stress that in ensuring vehicular access to the site is maintained this does not prejudice the acceptability of site 1202 for housing.

### Letters of representation

- 10.17 It is noted that local residents have raised a number of concerns relating to the proposed development. These concerns largely relate to the loss of an area of green space, impact the development will have on the amenity of local residents, the impact further housing will have on local schools and services and the development being a prelude and facilitator to the developing of the adjacent SHLAA site. These are all relevant material planning issues and have been fully considered within the report.

### Conclusions

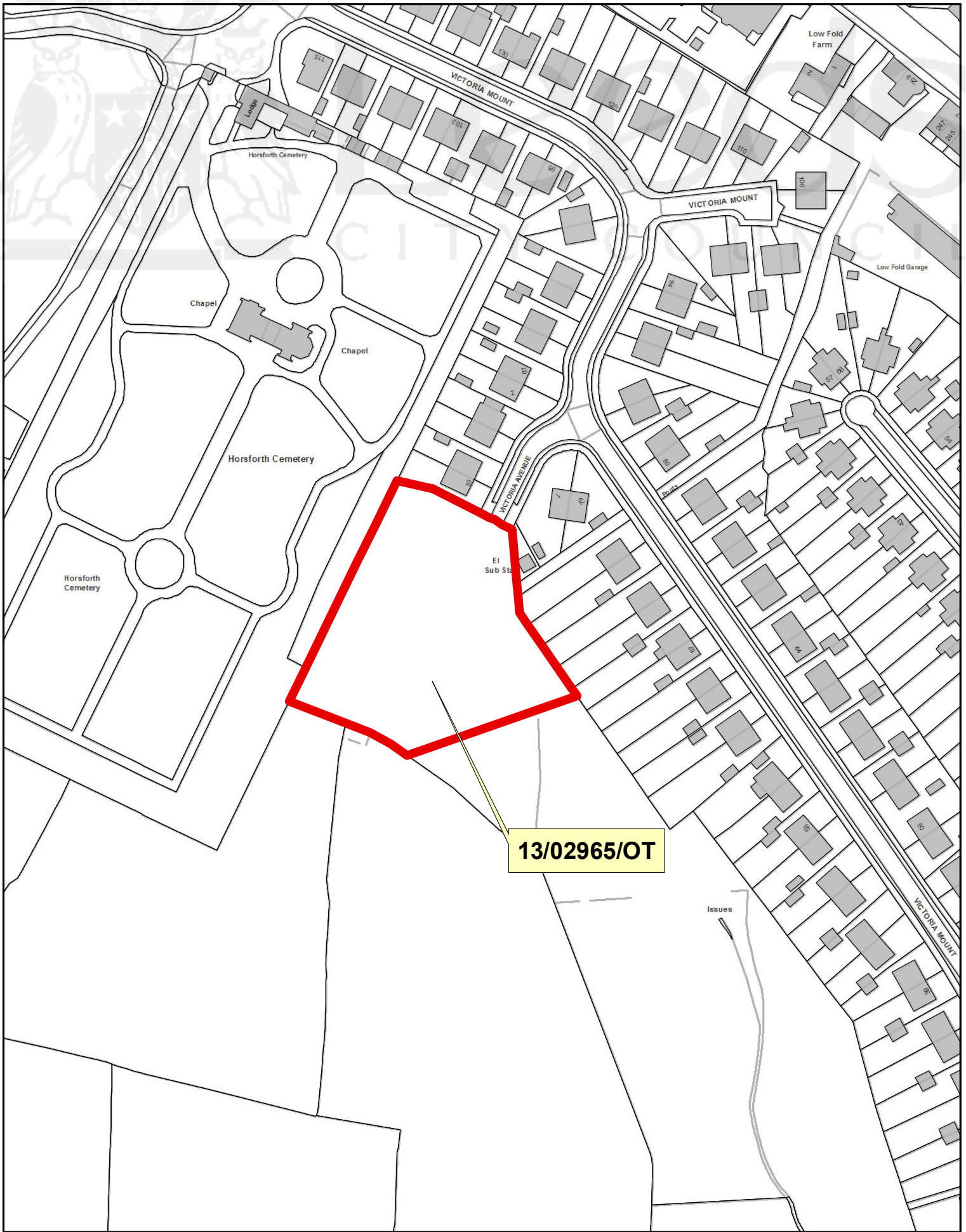
- 10.18 In conclusion, it is considered that the principle of development is acceptable and the indicative layout demonstrates that 6 dwellings can be accommodated on the site. In light of this, and with due regard to all other relevant planning considerations, it is recommended that outline planning permission is granted.



**Background Papers:**

Application and history files.

Certificate of Ownership.



13/02965/OT

# SOUTH AND WEST PLANS PANEL

