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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 23<sup>rd</sup> April 2015**

**Subject: 14/04306/OT – Outline application for 5 residential properties, new access and layout. On land to the rear of 3- 5 Crowther Avenue, Calverley, Leeds**

**APPLICANT**

Frankil LTD

**DATE VALID**

23<sup>rd</sup> July 2014

**TARGET DATE**

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**Electoral Wards Affected:**

**Calverley and Farsley**

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Ward Members consulted  
referred to in report)

**Specific Implications For:**

Equality and Diversity

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Community Cohesion

☐

Narrowing the Gap

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**RECOMMENDATION:**

**GRANT approval to the Chief Planning Officer subject to the conditions specified**

- 1 Submission of Reserve Matters within 3 years**
- 2 Plans to be approved**
- 3 Existing and proposed level and finished floor levels**
- 4 Tree protection to submitted and installed prior to commencement of development**
- 5 Sample of all walling and roofing and external materials**
- 6 Sample of surfacing materials**
- 7 Maximum gradients for access and driveways**
- 8 Submission of cycle and motorcycle parking**
- 9 Retention of garages**
- 10 Vehicle spaces to be laid out prior to occupation**
- 11 No development to commence until speed bump on Crowther Avenue is relocated**
- 12 Provision of contractors during Construction**
- 13 Phase 2 site investigation to be submitted**
- 14 Amended Remediation Statement is unexpected Contamination encountered**
- 15 Submission of Verification Certificate**

<b>16</b>	<b>No site clearance or removal of trees and vegetation to take place between 1<sup>st</sup> March and 31 August</b>
<b>17</b>	<b>Submission of bat and bird nesting opportunities</b>
<b>18</b>	<b>Submission of landscaping scheme and implementation schedule</b>
<b>19</b>	<b>Submission of landscaping management plan</b>
<b>20</b>	<b>Boundary details to be submitted, approved and installed, prior to occupation</b>

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel due to the level of objection received to the application, in the interests of transparency and democracy

## **2.0 PROPOSAL:**

- 2.1 The proposal seeks outline planning consent for 5 new properties. The proposal involves the demolition of the existing pair of semi-detached houses at 3 and 5 Crowther Avenue to allow access into the site.
- 2.2 The only matters to be considered at this outline stage are the means of access and layout of the scheme.
- 2.3 Plot 1 would front onto Crowther Avenue. To overcome over-looking/ privacy concerns, the applicants have stated plots 2 and 5 would be bungalows. The consideration of this issue, i.e height and detailed design would be considered at the Reserve Matters Stage.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site consists of an irregular shaped area of green land. The land has previously been used as allotments and is presently unused. The site is land locked, being surrounded by dwellings to all sides. Stone built terraced properties lie to the north, and front onto Carr Road. The rear gardens of semi-detached properties lie to the east, south and west on Fraser Road, Crowther Avenue and Ravenscliffe Road.
- 3.2 The site contains a number of trees and other vegetation, which is covered by a Tree Preservation Order. The site slopes downwards in a north to south direction, and in an east and west direction. Changes in levels are confined to the edges of the site, with a gentle upwards slope toward the north-eastern corner. Houses to the northern and eastern boundaries are elevated above the site by around 2.0m whilst those to the west are set considerably lower (around 3.0m below the main portion of the site) with the transition in each case achieved by means of earthen embankments.
- 3.3 The site appears to have been cut and backfilled into a hillside to form a level plateau. The majority of this plateau is approximately 1.5m above the existing house at 3 Crowther Avenue and 3m above the highway itself. Boundary treatment generally consists of a mixture of domestic garden enclosures and includes timber panel / board fencing, hedging, a rendered wall and a long drystone wall across the northern boundary.

- 3.4 The site appears to have been substantially cleared in the recent past, with evidence of large-scale burning of waste to the centre. Most of the site is dominated by grasses and low-growing scrub. However, there are also a wide variety of mature and semi-mature trees, particularly to the western and northern boundaries but also to the northern portion generally, including a large silver birch, holly bushes to the rear boundary, several sycamores of varying ages and screening evergreens.
- 3.5 The site lies in an established suburban residential area, which is characterised by regular spaced semi-detached properties. The site lies in Calverley in very close proximity to the border with the Bradford district.

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

- 4.1 There are 3 previous applications upon this site for residential schemes in recent years. These are highlighted below.

- 4.2 Planning Application 13/02162/OT: for outline residential development with access and layout for 8 properties was refused planning permission on 19<sup>th</sup> July 2013 under delegated powers, on the following four grounds

- Poor Quality Layout/ over-development
- Impact on adjacent occupiers caused by over-shadowing and over-bearing impact
- Impact on highway safety/ due to causing conflict between the users/ occupiers of the development
- Loss / adverse impact on Protected Trees

This refusal was appealed. The Inspector dismissed the appeal on 15<sup>th</sup> May 2014 and supported all the Local Planning Authorities grounds for refusal, except for the impact on Highway Safety.

- 4.3 Planning Application 10/03327/OT: Outline application to layout access road and erect residential development, was also refused planning consent on 21st October 2010, under delegated powers on the following grounds

- Principle of development of Green field land
- Loss of allotments/ green space

- 4.4 Planning Application 08/06811/OT: Outline application for residential development including access was refused planning consent on 14th April 2008. This application is solely refused due to the loss of greenspace (allotment land).

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 There have been various discussions with the applicants since this application was submitted in July 2014 between Officers and the applicants. This layout is the third version of the scheme which has been devised through this application. Officers were concerned that the previous two versions of the layout did not fully overcome the previous reasons for refusal which were dismissed by the Inspector.

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

6.1 The application was originally advertised by site notices posted on 25<sup>th</sup> July 2014, and a press notice published on 21<sup>st</sup> August 2014. To date 33 objections have been received to the application. Letters advising the objectors of the revised plans were sent on 9<sup>th</sup> February 2015, 9 further letters of objections were received from the previous objectors.

6.2 The points raised in these objections are highlighted below.

- Disappointment over the submission of another scheme on this site, given its history.
- Loss of privacy and over-shadowing
- Will cause significant disturbance to a lovely peaceful area
- Increase in traffic on local highway network
- Plants, and wildlife would be completely obliterated
- Impact on property prices
- Destruction of 2 well-built period properties
- Trees would be at risk of illegal felling and further applications for their removal
- Development of site would reduce soak-away potential, leading to surface run-off and the potential to flood other existing properties
- Local highway network already full, and traffic queues
- Loss of view over greenery
- Applicants have deliberately let the site become unsightly
- Land is awkward size and shape for residential development
- Disruption through construction period.
- Risk to injury to children from HGV's
- Removal of habitat and flora including migrating birds and bats
- New houses are out of keeping with the locality
- Loss of protected trees
- Loss of view
- Loss of outlook from windows of 177 Carr Road
- Applicant has not engaged with local residents
- Calverley is over populated, local services are over subscribed
- Lack of parking for the new properties
- Allotment use of the land is preferable
- The proposal would 'tower' over Ravenscliffe Road
- Site is too small for this number of properties
- Full details of the design should be submitted, to fully consider the scheme. Outline details is not sufficient
- Site is used by local children on an informal basis for recreational purposes
- The site has been re-graded by the owners to make it appears unattractive

#### Ward Members

6.4 Ward Members have been briefed through the pre-application process and consideration of the planning application. Councillor Carter has written the following objection on the revised application.

- Object to the principle of building on this land, it should be returned to an allotment use.
- Relationship with existing properties on Ravenscliffe Road requires special consideration due to the slope of the land

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Contaminated Land – No objection subject to conditions.
- 7.2 Public Rights of Way – There are no definitive or claimed rights of way crossing or abutting the site.
- 7.3 Highways - Following significant negotiations, no objection is raised regarding highways.
- 7.4 Yorkshire Water – Recommended conditions if permission recommended for approval.
- 7.5 Mains Drainage  
Recommend conditions
- 7.6 Nature Conservation – No objections subject a condition which prohibits site clearance between 1 March and 31<sup>st</sup> August.
- 7.7 Landscape – Following significant negotiation, no objection. The scheme retains the most important trees upon the site.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area consists of the adopted Core Strategy, saved policies within the Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.

- 8.2 Local Development Framework Core Strategy policies:

The site is an existing UDP allocation for housing phase 3 and these sites have been released for housing, and in the draft site allocations DPD it is also allocated for housing.

- SP1 Location of Development
- SP6 Housing requirement and allocation of housing land
- H1 Managed release of sites
- H2 New housing development on non-allocated sites
- H3 Density of residential development
- H4 Housing mix
- H5 Affordable housing
- G4 New greenspace provision
- EN5 Managing flood risk
- T1 Transport management
- T2 Accessibility requirements and new development
- P10 Design
- P12 Landscape
- ID2 Planning obligations and developer contributions

- 8.3 Saved Policies of Leeds Unitary Development Plan Review (UDPR):

GP1 Land use and the proposals map  
GP5 General planning considerations  
N25 Landscape design and boundary treatment  
T7A Cycle parking guidelines

#### 8.4 Relevant Supplementary Planning Guidance:

Building for Tomorrow Today – Sustainable Design and Construction (2011):  
Sustainability criteria are set out including a requirement to meet BREEAM standards.  
Natural Resources and Waste Development Plan Document  
Neighbourhoods for Living – A Guide for Residential Design in Leeds  
Leeds Interim Affordable Housing Policy 2011  
Designing for Community Safety – A residential Design Guide  
Street Design Guide – Supplementary Planning Document  
Travel Plans – Supplementary Planning Document  
Public Transport – Developer Contributions

#### 8.5 National Planning Policy:

The National Planning Policy Framework (2012) 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.

### 9.0 MAIN ISSUES

- Principle of development
- Principle of Demolition/ Impact on Character of Locality
- Layout
- Highways/ Access
- Trees
- Other Issues

### 10.0 APPRAISAL

#### Principle of development

- 10.1 The two main issues affecting whether the principle of the residential development of this site is accepted are the established use of the site (namely, whether the land comprises allotment gardens) and whether the development of a greenfield site should be accepted. These will be addressed in turn. The only other issues under the assessment of this application are the layout and highways arrangement of the scheme, as these are the only matters which fall to be considered by this outline application.
- 10.2 The site is in private ownership, is not currently in an allotment use and due to the fact it is not specifically defined as open space on the UDP proposals map, it does not constitute allotment gardens. From the available evidence (objections from local residents, aerial photography from 1999, 2002 and 2006, identification of the site on OS maps dating back to the 1950s as 'allotment gardens', evidence gathered as part of a PPG17 audit carried out by Local Plans and the previous refusal of a domestic

garage to the rear of Crowther Avenue), it is possible to establish that the site was tenanted as allotment gardens until relatively recently (several objectors suggest that termination of tenancies, clearance and burning of waste took place between 2004 and 2007).

- 10.3 Policy N1A of the saved UDP policies indicates that development of land currently used as allotments will not be permitted for purposes other than outdoor recreation unless the need in the area for greenspace is already met and a suitable alternative site for allotment gardens can be identified. Therefore the site does not fulfil the strict definition of being 'currently used' (i.e. 'subject of a formal tenancy or license agreement') for the purposes of Policy N1A. The site has also been identified as an area of existing open space in the draft Local Development Framework (LDF).
- 10.4 However there is no mechanism for the delivery of this site being developed for amenity use for public use, or funds to carry out this development. The LDF is also at the 'issues and options' stage and therefore only limited or no weight can be afforded to this proposed allocation, as it is too premature. It is not considered a realistic prospect that this site will be brought forward as 'green space', as the site is within private ownership and it is unlikely the site will be compulsory purchased by the Local Authority to be developed as green space due to the cost implications. Therefore it is not considered the proposal can be refused on the basis it was once used as allotments. The Inspector who dismissed the previous appeal on this site in 2014, accepted the principle of residential development upon this site.
- 10.5 The NPPF published in March 2012 continues to indicate that planning decisions should encourage the effective use of land by re-using land that has been previously developed, and that Local Planning Authorities may consider the case for a locally appropriate target for the use of brownfield land. However, it does not include reference to a sequential approach. Instead the advice is that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.6 Policy H1 of the recently adopted Core Strategy has adopted a target of 65% of new dwellings to be located on brownfield sites, for the first 5 years of the plan. Given this site is located within an existing urban settlement, which is already well served by infrastructure and amenities, it is considered that the proposal, due to its location and the fact it is surrounded by existing properties to all sides, would constitute sustainable development. The scheme is a small proposal (5 units) and would not result in the loss of a significant area of green field land, which would undermine the 65% target contained within Policy H1.
- 10.7 Policy H2 of the adopted Core Strategy states that new housing on non-allocated sites should be accepted, provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, accord with accessibility standards and Green Belt policy is satisfied. It is not considered this proposal (which is for a net gain of 3 properties) would create a demand on local services which could not be met.
- 10.8 Policy H3 relates to density, the applicable density for this area is 40 dwellings per hectare; the density calculations works out at 11.36 dwellings per hectare. The proposal does not meet this density, however this is due to the site constraints of levels, an awkward shape and the fact the site accommodates protected trees. The need to retain protected trees outweighs the need to achieve a minimum density upon this site. The previous application for 8 dwellings was refused on over-development grounds. Policy H4 relates to housing mix. The proposed mix of bungalows and

houses is considered to provide a sustainable mix of homes for this area. It is considered the principle of this proposal accords with both national and local planning policy regarding new residential development.

#### Principle of Demolition/ Impact on Character of Locality

- 10.9 The proposal includes the demolition of 3 and 5 Crowther Avenue. These properties appear to have been constructed in the 1950's, and are considered to be attractive examples of popular suburban house building trends of this era. These properties have hipped roofs, ground floor bay windows and have facing materials of stone and pebbledash. These properties are to be demolished to allow access into the site.
- 10.10 Although the loss of these properties is regrettable, they are not considered to be remarkable architecturally, and are not listed and not located within a Conservation Area. Therefore in planning legislation they are not afforded any protection and could be demolished regardless of this application. The exact design of Plot 1, which would face onto Crowther Avenue, would be assessed in full at the Reserve Matters stage. The design of this plot would need to be carefully considered, to preserve the character and patterning which exists along Crowther Avenue.

#### Layout

- 10.11 The layout provides a credible response to various onsite constraints (landscape, levels, and site boundaries), to existing properties which surround the site. The proposal comprises of spacious plots. The site slopes upwards, west to the east, and the siting of plots 2 and 3, which lies adjacent to the properties at 13- 27 Ravenscliffe Road have been subject to much debate between Officers and the agent, as these plots lie at a higher land level than these opposite properties. This relationship has been the most challenging in terms of devising a workable layout, as there is no flexibility regarding the means of access into the site. The application has been supported by sectional drawings which show the relationship with existing dwellings.
- 10.12 Plot 2 now lies between 9m and 14m from the rear boundary of 23 and 25 Ravenscliffe Road. The agents have stated this property would be a bungalow, with potentially only front dormers, to ensure they do not appear overly dominant to these existing occupiers, due to the difference in levels. The ground floor of this property is approximately level with the first floors of these two opposite properties. This boundary is defined by mature trees which offer further screening. Plot 3 lies between 10m and 15m from the rear boundary of 17 and 19 Ravenscliffe Road. This boundary too is defined by mature trees. It is not considered the siting of this plot, due to these distances, would have an adverse impact on the living conditions of this property.
- 10.13 Plot 4 has been sited away (4m) from the southern boundary of the gardens/ parking areas of the terraced properties which face onto Carr Road, which lie to the north. The land is also situated at a lower land level than these gardens. The side of Plot 5 lies 6m away from the rear boundary of garden of 8 Fraser Road, and at a lower land level. The agents have also stated this property would be either a bungalow or dormer bungalow. The heights of the proposed properties and exact relationship with existing properties in terms of window openings etc would be assessed in full at the Reserved Matters stage. It is however, considered that this proposed layout could achieve an acceptable scheme, would not appear over-dominant or result in significant levels of over-shadowing or over-looking onto existing properties, subject to a suitable design.

#### Highways

- 10.14 The scheme includes a new access into the site would has been designed up to adoptable standards. Highways have raised no objections to the application. It is not



considered the intensification of the site from 2 dwellings to 5, would create an unacceptable demand on the local highway network, which would warrant grounds to refuse the application. A speed bump exists on Crowther Avenue, opposite the proposed means of access. This would need to be relocated at the expense of the applicant. A condition is proposed which places a duty on the developer to carry out this work.

#### Impact upon Trees/ Landscaping

- 10.15 The trees on site are covered by a group Preservation Order. The scheme has been designed to retain the majority of the trees upon the site. 28 trees exist upon the site and 20 have been assessed to have a Category B rating, with 7 being rated as Category C and 1 as category R. T1, T2, T3 and T8, which comprise of two Ash trees, a Silver Birch and one Sycamore are the largest trees on the site, located near to the northern boundary and are to be retained. The scheme has been designed to have good levels of clearance to these trees, and retain the most important trees which generally are situated around the site boundaries. Based on the submitted layout, 8 trees no's 5, 12, 13, 16, 25, 26, 27 and 28 would be removed, to facilitate this development
- 10.16 T14- T24 lies along the western boundary of the site, along the boundary with 25 and 27 Ravencliffe Road. These trees are also to be retained and will provide a good degree of screening to these properties. As discussed in section 10.12, Plot 2 is located between 9m and 14m away from this boundary and it is considered this provides a good degree of clearance to ensure the long term retention of these trees. This plot also has a side garden area which would ensure this property has a useable garden area which is free from the shade of trees.
- 10.17 A full landscaping scheme would be conditioned on the approval of the application. The submitted layout includes a landscaping buffer to the eastern boundary of the site access, this has been included to ensure the access and approach into the development is not dominated by long hard boundary which would enclose the side of the existing property at number 7 Crowther Avenue.

#### Biodiversity/ Conservation Issues

- 10.18 A number of objections have been received to the loss of wildlife and vegetation. As stated above the majority of the trees upon the site are to be retained, and a large proportion of the site will be retained as soft landscaping, which will continue to provide a habitat for various wildlife etc. The Nature Conservation Officer has raised no objections to the proposal subject to a condition which prohibits site clearance works occurring between 31<sup>st</sup> March and 31<sup>st</sup> August.

#### Drainage

- 10.19 Full drainage matters would be considered by Buildings Regulations. The site does include significant areas of soft landscaping which will allow for the soakaway of water and thus avoid surface run-off.

#### Other Issues

- 10.20 Many of the points raised by the objections received are not material planning considerations. These include the loss of a view, and impact on property prices. The short terms disruption to local residential caused by the construction of this development would be temporary, and would not warrant grounds to refuse the application.
- 10.21 The fact other previous applications have been refused on this site does not prejudice the outcome of this application. This proposal has been devised to overcome the

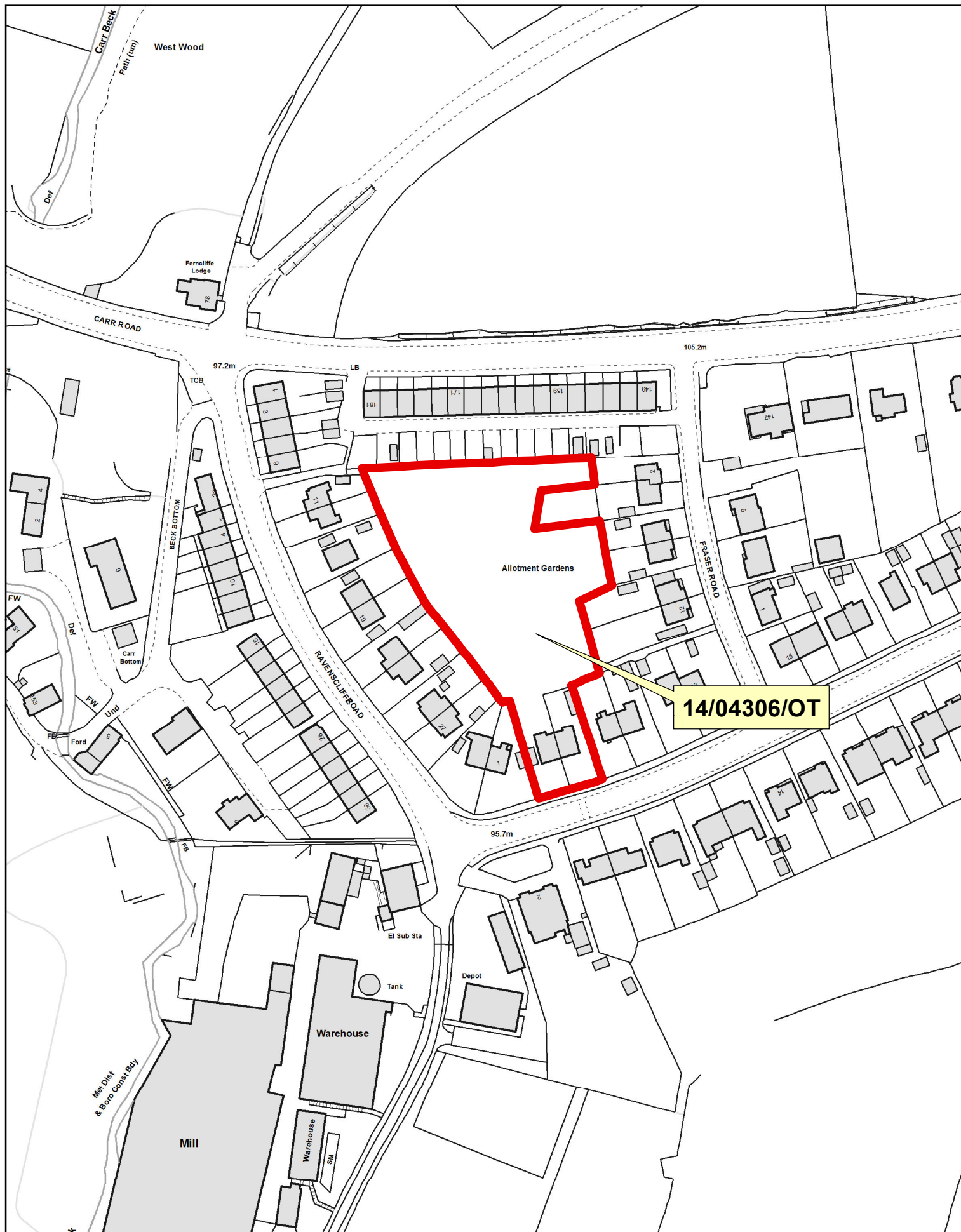
previous reasons for refusal and every application is assessed on its own merits. The fact the owners have not maintained the site, according to the objectors to an adequate standard similarly has no bearing on the outcome of this application.

## **11.0 CONCLUSION**

- 11.1 The scheme is considered to comply with both National and Local planning policy regarding new residential development. There are not considered to be any planning reasons to resist the principle of developing this vacant area of land, and the means of access are considered to be acceptable. The proposal retains the majority of the protected trees which have a high local amenity value. The layout is also considered to protect the general amenity of adjacent occupiers in terms of privacy, overshadowing and dominance. This outline application is recommended for approval subject to conditions.

### **Background Papers:**

14/04994/FU



# SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

