
Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 15th August 2013

Subject: 13/00760/FU: 24 houses and one block of 18 flats at Brown Lane East and Top Moor Side, Holbeck

APPLICANT

Unity Housing Association

DATE VALID

4th March 2013

TARGET DATE

3rd June 2013

Electoral Wards Affected:

Beeston & Holbeck

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions to include 100% affordable housing and greenspace contribution of £16,914.91 for enhancements to equipped children's play.

Conditions:

1. Standard 3 year time limit.
2. Build in accordance with the approved plans.
3. 100% affordable housing scheme.
4. Greenspace scheme for equipped play area improvement
5. Samples of walling and roofing materials to be agreed.
6. Guttering details to be agreed.
7. Submission / implementation of landscape scheme.
8. Submission of Landscape Management Plan.
9. Protection of Yorkshire Water Mains Equipment.
10. Surface Water Drainage scheme submission / implementation.
11. Foul Drainage Scheme / Implementation
12. Construction Practice Code.
13. Additional information to Contaminated Land Report (gas monitoring / capping).
14. Remediation in accordance with Statement.
15. Contaminated Land Verification Report.
16. Submission of security scheme.

17. Code for Sustainable Homes Report.
18. Unallocated Parking.
19. Vehicle space to be laid out.
20. Highway works at Brown Lane East / Crosby Road to secure widening of footways, vehicle crossings etc
21. Maximum gradient to driveways
22. Development not to be occupied until cycle/motorcycle facilities provided.
23. Agreement of levels.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel due to the significance of this scheme which constitutes a 100% affordable housing development proposal sited in a Regeneration Area but which is not able to meet all of the usual planning obligations normally required..

2.0 PROPOSAL:

- 2.1 The application proposes a 100% affordable housing development consisting of 18 x 2-bed flats and 24 houses (mixture of 3-bed and 4-bed house types) set in semi-detached blocks.
- 2.2 The flat complex also contains 13 car parking spaces, shared amenity space and secures cycle and bin storage. Each house contains off street parking for two cars.
- 2.3 The development has utilised Brown Lane East which requires some minor white lining works at the junction with Crosby Road. This is a retained adopted highway and the development is set either side of this to the north and south. Other highway works show the provision of footpaths around the two sections of development following the closure of Runswick Terrace and Runswick Place.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a cleared area of former back to back terraced housing, demolished by the Council in 2009-10, following standard purchase and compulsory purchase of the former 113 houses dating from pre-1919.
- 3.2 It is surrounded by existing terraced and back-to-back housing from the same era on three sides – south, west and north, separated by Recreation Grove, Crosby Road and Runswick Street respectively.
- 3.3 To the east the site faces towards Holbeck Moor which is separated by Top Moor Side, a busy road which helps connect Holbeck and Beeston. Here, the development faces a children's play equipment area set within Holbeck Moor which is a large area of Public Open Space.
- 3.4 The area is mainly residential but there are a number of commercial businesses situated along Top Moor Side fronting the Moor consisting of shops, takeaways and a Public House.
- 3.5 In recent years following demolition the Council have managed the area with wildflowers. A high pressure gas pipeline runs along Brown Lane East as do other gas pipelines and also a combined Yorkshire Water mains sewer.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/05132/DEM Determination application for demolition of back to back houses
Prior Approval Not Required - 15.12.2009

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 General guidance on the development of the site was given by Officers to a previous scheme in April 2011.
- 5.2 The applicants consulted with Holbeck Neighbourhood Forum in December 2012 over the current scheme where approximately 60 people attended alongside colleagues from Regeneration, Planning (Local Plans) as well as all three ward members.
- 5.3 Since the submission of the application, two meetings have been held in April and May with the applicant and agents to secure amendments to the layout, house types and detailed design following assistance from the Design Review Panel.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice, newspaper advertisement and 35 neighbour notification letters.
- 6.2 2 letters of representation have been received (one in support, one in objection).

Support

- scheme when presented to Holbeck Neighbourhood Forum (in Dec 12) received positive feedback
- local residents also consulted with Unity Housing prior to this meeting where the following matters were clarified
 - o support for access to flats from Runswick Terrace preferred
 - o existing back to back dwellings may look 'tired' / neglected in comparison
 - o any scheme for a boulevard along Brown Lane East connecting with Matthew Murray school supported
- general support locally for scheme / enhancement of local environment

Objection

- Demolition of back to back housing provided much needed light, improved outlook and the creation of wildflower meadow area
- Increased noise and traffic from larger houses
- Recreation Grove road width potentially a problem
- Housing locally should be provided for elderly, young couples and single persons, not for larger families

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 HSE – No objections (21/05/13).
- 7.2 Yorkshire Water – No objections (28/05/13).

Non-statutory

- 7.3 Coal Authority – No objections (20/03/13).
- 7.4 Contaminated Land Team – No objections subject to conditions (22/03/13).
- 7.5 Early Years' Service – No comments received.
- 7.6 Education Services – Not formally consulted but understood would not seek contributions to school places given the re-development of the site involves a large net reduction in (family) housing numbers.
- 7.7 Flood Risk Management – No comments received.
- 7.8 Highways – No objections subject to conditions (22/07/13).
- 7.9 Local Plans - Provision of greenspace required – contribution of £97,130.94 calculated (05/07/13).
- 7.10 Neighbourhoods & Housing (Air Quality) – No comments received.
- 7.11 Neighbourhoods & Housing – No objections (13/05/13).
- 7.12 Neighbourhoods & Housing (Affordable Housing) – Affordable Housing scheme which is HCA funded is supported (07/03/13).
- 7.13 Northern Gas Networks – No objections (11/03/13).
- 7.14 Sustainability (Design Team) – No objections raised by Design Review Panel held 05/06/13 in considering amendments of scheme previously seen at DRP 08/05/13 and where meeting was held with Design Team, Planning and agents on 13/05/13. Final suggestion that rear roof form of type J properties be improved has been done in latest revisions.
- 7.15 Sustainability (Landscape Team) – No comments received.
- 7.16 West Yorkshire Police – General suggestions made (03/04/13) some of which have been incorporated into the revised plans (e.g. bin / cycle storage design / location).

8.0 PLANNING POLICIES:

- 8.1 The Development Plan consists of the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD (2012).
- 8.2 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 26th 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.
- 8.3 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.

8.4 Relevant UDP Policies:

GP5: Requirement of Development Proposals: seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N2: Greenspace and Residential Developments: outlines that support will be given to the establishment of a hierarchy of greenspaces accessible to residential areas.

N4: Greenspace Hierarchy: outlines the provision required to ensure appropriate access is gained by residents of a proposed development.

N12: Priorities for Urban Design: development proposal should respect the Council's priorities for Urban Design.

N13: Design and New Buildings: the design of new buildings should be of high quality and have regard to local character. Good contemporary design appropriate to its setting will be welcomed.

T2: Transport Provision for Development: seeks to ensure developments are not of a detrimental impact upon highway safety.

T5: Pedestrian and Cycle Provision: Safe and secure access for pedestrians and cyclists will be required within highways schemes/new development.

T6: Provision for the Disabled: Provision for disabled people will be required within highways schemes/new development.

T7A: Cycle Parking Guidelines: sets out guidance to the appropriate levels of cycle parking and storage provision in new developments.

T7B: Motorcycle parking: sets out guidance to the appropriate levels of motor cycle parking and storage provision in new developments.

H4: Windfall Development Sites: residential development on sites not identified for this purpose but which lie in main and smaller area urban areas or in a sustainable location will be permitted subject to sequential, infrastructure and other policy requirements of the UDPR.

H11: Affordable Housing: The Council will negotiate to provide for housing developments to provide / maintain appropriate proportions of affordable housing.

H13: Affordable Housing Obligations: Applicants are required to demonstrate that the affordable units secured under policy H11 are maintained in perpetuity through appropriate bodies, conditions or obligations.

R2: Proposed Area Based Initiatives: identifies regeneration areas which have been targeted to address area, neighbourhood and community issues.

Supplementary Planning Guidance – Neighbourhoods for Living (2003) – outlines advice on the design and planning of sustainable residential environments which respond to character analysis.

Supplementary Planning Guidance: Beeston and Holbeck Planning Framework (2005) – sets out priorities and plans for the regeneration of Beeston and Holbeck communities.

Supplementary Planning Document – Designing for Community Safety (2007) - sets out the various methods that can be used to increase community safety and public perception of safety within new residential developments.

Supplementary Planning Document – Street Design Guide (2009) – outlines detailed technical guidance for highways related development in creating sustainable living and work environments.

Supplementary Planning Document – Sustainable Design and Construction (2011) – details technical advice and guidance to developers in meeting BREEAM and Code for Sustainable Homes standards.

8.5 Relevant emerging Core Strategy Policies:

Spatial Policy 1 – Location of Development

Outlines that a spatial development strategy is based on the Leeds settlement hierarchy concentrate which seeks to concentrate the majority of new development within urban areas. The largest amount of development will be located in the Main Urban Area with Major Settlements delivering significant amounts of development.

Settlements within the hierarchy will guide the identification of land for development, with priority given in the following order:

- a. Previously developed land and buildings within the settlement,
- b. Other suitable infill sites within the relevant settlement,
- c. Key locations identified as sustainable extensions to the relevant settlement.

Spatial Policy 4 - Regeneration Priority Programme Areas

The following Regeneration Priority Programme Areas identified on the Key Diagram will be given priority for regeneration funding and resources:

- ☐ East Leeds
- ☐ Aire Valley Leeds
- ☐ Leeds Bradford Corridor (incorporating West Leeds Gateway SPD)
- ☐ South Leeds

Priority will be given to developments that improve housing quality, affordability and choice, improve access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment, and improve local facilities and services.

Spatial Policy 6 – p.35 – Housing Requirement and Allocation of Housing Land

References to the fact that the delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

H2 – New Housing Development on Non allocated Housing Sites

New housing development will be acceptable in principle on non-allocated land, providing that:

- i) The number of dwellings does not exceed the capacity of transport, educational

and health infrastructure (existing or provided)

ii) developments of 5 or more dwellings the location accord with the accessibility standards

H3 – Density of Residential Development

Housing development in Leeds should meet or exceed the following densities unless there are overriding reasons concerning townscape, character, design or highway capacity: ii) Other urban areas - 40 dwellings per hectare

H4 – Housing Mix

Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

H5 – Affordable Housing

The Council will seek affordable housing either on-site, off-site or financial contributions from all developments of new dwellings.

P10 - Design - highlights that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and good design according with set principles e.g. size, scale, design, layout, character.

T2 – Accessibility Requirements and New Development

This should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

EN2 – Sustainable Design and Construction

To require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least standards set by BREEAM or Code for Sustainable Homes as shown in the table below.

ID2 – Planning Obligations and Developer Contributions

Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

Development Plan Document – Issues and Options for the Plan - Site Allocations Plan - Volume 2: 4 Inner (June 2013) – consultation document setting out area based issues and identification of sites for retail, housing, employment and greenspace.

8.6 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Para 49: Presumption in favour of sustainable residential development.

Para 50: LPAs should plan for a mix of housing, identify sizes, types, tenures in particular areas and identify affordable housing opportunities.

Para 56: Government attaches great importance to design of the built environment

Para 58: policies and decisions should aim to ensure developments:

- function to area quality over the long term
- establish strong sense of place, creating attractive, comfortable places
- optimise potential of site to accommodate development
- respond to local character and history
- create safe and accessible environments
- visually attractive (architecture and landscaping)

Para 69: Planning policies / decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life and community cohesion.

9.0 MAIN ISSUES

- 1 Principle of Development
- 2 Technical Requirements – Gas Pipe Line, Coal
- 3 Highway Safety
- 4 Residential Design and Protection of Amenity
- 5 Section 106 Matters

10.0 APPRAISAL

Principle of Development

- 10.1 The scheme forms a sustainable and important area of housing delivery in a regeneration area of the City. The site forms previously developed land, is set on a regular bus route close to centre of Leeds (buses run to and from the City at frequent intervals) and is served by Holbeck's shops, services and facilities. The area around the mini roundabout which splits Domestic Street / Top Moor Side, Holbeck is now recognised as an emerging 'Local Centre' in the LDF.
- 10.2 The site also benefits from good accessibility to open space opposite (Moor) and schools in the wider area. It is therefore considered suitable and appropriate for sustainable residential accommodation both suited to families and smaller households. The mix of flats and houses here is considered to comply with emerging LDF Core Strategy policy H4.
- 10.3 The scheme is located within a regeneration area and the introduction of purpose built good quality residential development is considered can benefit the wider area around this part of Holbeck economically, environmentally and socially through a greater diverse mix of tenure types.
- 10.4 Colleagues in the Council's Affordable Housing section have recognised the benefits of this particular scheme in the context of the Council's wider programme and therefore strongly support this particular scheme.
- 10.5 The scheme is 100% affordable housing – sustainable in form and location - and this is also supported through NPPF (para 50) and general guidance in UDPR policy H4.
- 10.6 The scheme is considered compliant with the NPPF.

Technical Requirements – Gas Pipe Line, Coal

- 10.7 The high pressure gas pipe line and gas main has been carefully plotted following on site tracking of their lines along Brown Lane East as surveyed in conjunction with Northern Gas Networks. A series of plans show this in better detail along with the water mains and demonstrates the development will not encroach into the 3m stand-off easement considered important to protect this equipment.
- 10.8 In order to ensure the 3m easement is protected space from the residential curtilages of the scheme a small triangular section of land is set aside adjacent to plot 1 and will be maintained as open land by the applicant.
- 10.9 Some of the gas lines which cut across the development will be diverted by the applicants. .
- 10.10 Following submission of the detailed plans showing the infrastructure on site and how the development is sited around this to protect the equipment, no objections have been raised by the HSE or Northern Gas Networks and Yorkshire Water.
- 10.11 The Coal Authority have agreed with the broad conclusions of the Desk Study and Geo-Environmental Report which indicates coal mining legacy issues are not likely to be significant. The consultation also agreed with the indications that it would not be economically viable to recover any remnant shallow coal from the site. No concerns are raised under policy GP5 of the UDPR and the outcome is consistent with policies in the adopted Natural Waste and Resources DPD..

Highway Safety

- 10.12 The scheme has been revised in accordance with the comments of the Highway Officer who now raises no objections to the proposed development.
- 10.13 Runswick Terrace and Runswick Place are already in the process of being formally stopped up under the Highways Act 1980. The scheme does show slight changes to the alignment of Brown Lane East and the stopping up of areas of the adopted highway as can be seen on a range of plans produced in regards to highway alterations and infrastructure changes. These closures are positive in that they reduce the number of entry points on Top Moor Side, a busy distributor road.
- 10.14 The alignment changes also mean some minor white lining road alterations at the Brown Lane East / Crosby Road junction are required to ensure highway safety is not compromised. The cost of this is approximately £2000, which the applicant has agreed to pay and this can be controlled through the section 106 obligation / highway conditions attached.
- 10.15 The plot positions have been set close to the highway edges as possible to achieve the design character sought through Design Review but with visibility protected.
- 10.16 Each house has two off street car parking spaces which is sufficient under both policy T2 and the Street Design Guide. The flats initially showed more parking but the 13 spaces shown were agreed in meetings with Officers to allow for more amenity space. As the flats feature unallocated spaces as conditioned (aside from the disabled spaces), these 2-bed flats (4 habitable rooms) only require between 9 – 16 spaces (rented – owner occupied) under method 2 of the Guide. This method is considered the more appropriate calculation given the tenure type and area location which is well served by public transport (number of bus services stop opposite the front of the flats).

For these reasons the 13 spaces (unallocated) are considered sufficient for the needs of this development.

- 10.17 Dedicated secured cycle parking is shown to each house (rear garden) and again to the flats adjacent to the bin storage. Further short stay cycle parking (i.e. visitors) is considered can be accommodated to the flats and conditions securing this and motorcycle parking have been recommended.
- 10.18 METRO has suggested that the bus stop opposite the site (no12104) would benefit from being upgraded to feature real time information displays. At a cost of £10,000 this is considered a desirable rather than essential requirement to appropriately deliver this development. Given the viability of the scheme as discussed below in the report this has not been sought from the applicant on this occasion.

Residential Design and Protection of Amenity

- 10.19 The scheme has been revised extensively through the assistance of Design Review Panel and on-going meetings with the applicant / architects. The improvements can be summarised as follows:
- Revision of initial house type J which showed a design which contained first floor link accommodation and a mono-pitch style roof format (now revised to show a more traditional gable fronting design in semi-detached blocks).
 - Removal of 'C' shaped B* / B1 house types opposite Runswick Street – replaced with type J properties (this required an extra dwelling to ensure the semi-detached blocks could be spaced equally)
 - Positioning of all plots closer to the corners of the scheme to better replicate the local character where the terraces are sited close to pavement and highway edges.
 - Removal of render from the scheme to ensure brick is used throughout – to better reflect the local character and knit the existing and new housing stock together more
 - Reduction in parking (agreed with Highways) to the flats block to make a softer landscaped setting at the rear and more scope for better amenity space / re-positioning of bin storage
 - Window design rationalised – better proportions, styles more representative of local character, better use of heads and cills
 - Fronts of Type B* properties set to face Brown Lane East (more principal and appropriate for front aspects).
- 10.20 This has retained the overall layout which has helped provide good levels of security (back to back gardens, enclosed boundaries etc) and natural surveillance.
- 10.21 The scheme is now considered to more closely resemble local character and this should be carefully controlled through materials submission. The provision of semi-detached and a flat block development with external rear space provides for a greater mix of property type in the area, something which is lacking in this pre-1919 area.
- 10.22 The long thin section of the site to the south of Brown Lane East is more difficult to make private given the context but through use of boundary treatment and orientation of properties this has been achieved to a reasonable degree.

- 10.23 The provision of soft landscaping will help to green the edges of the development in an area dominated by hard surfacing and hard landscaping.

Section 106 Matters

- 10.24 As a scheme over 10 units in size ordinarily provision on or off site of greenspace is sought under policies N2 and N4 and guidance in SPG4. The overall size of the site is considered limited to provide on-site green space provision and deliver an appropriate viable scheme for this social housing development.

- 10.25 Given the proximity of Holbeck Moor (designated N1 greenspace) opposite the site, in consultation with Local Plans, it was considered that an off-site contribution to greenspace improvements was instead acceptable. The full cost of this for the 42 units has been calculated at £97,130.84. This is broken down as follows below:

Laying out greenspace	48,183.13
Maintenance of greenspace	24,178.95
Equipped children's play contribution	16,914.91
Fees	7,853.85
Total	£97,130.84

- 10.26 The applicant from the outset has stated that viability of this scheme is extremely delicate and they do not have the funds to provide for the full contribution.
- 10.27 The HCA funding regime has changed since 2011 and now only around 25-30% of development costs can be secured by such means which leaves the applicant requiring a larger amount to be privately financed than in previous years.
- 10.28 The viability of the scheme has been investigated. Two such site valuation appraisal reports have been produced, one by the City Council and one on behalf of the applicant. These indicate clearly that the value of the land in current market conditions has a negative end value and that it would not be possible to bring forward the land privately. Indeed the present scheme is only able to proceed as the Council have agreed to release the land and the HCA have committed significant funding (over £1million) to help deliver the scheme. Under these circumstances it is considered there is good reason to reduce the greenspace requirement and so officers have negotiated that the equipped childrens play contribution of £16,914 is paid and this has been agreed by the applicants. Ward members have been briefed on this also.
- 10.29 Key to this approach is the location of the existing children's playground – directly opposite the site on Holbeck Moor. The LDF Site Allocations Plans are in the process of being released and Volume 2: 4 Inner is relevant (June 2013). In Beeston & Holbeck there is good provision of greenspace already for the ward. Through the LDF work, a surplus has been recorded in regards to Parks/Gardens, General Amenity, Children's Equipped Play and Allotments. Deficiencies are recorded in Outdoor Sports and Natural Greenspace. In comparison to some wards such as City & Hunslet the overall deficiencies are much less.
- 10.30 Due to the direct proximity of the playground and the introduction of family sized housing that the scheme brings it is considered appropriate to directly target play equipment improvements to this playground which will come under more usage from the development. Parks & Countryside do have aspirations to invest in play provision at Holbeck Moor.

- 10.31 A scheme of this size (under 50 units or 2 Hectares) would not normally require an education contribution under the Councils policy and Supplementary Planning Guidance Note 11 - Section 106 Contributions for School Provision (2001). Members however will be aware that there are significant pressures on the City's schools. Education colleagues have therefore been contacted about this scheme but have confirmed that as there is a significant net reduction of family sized (i.e. 3-bed +) houses within the 113 demolished dwellings to the now proposed scheme involving just 24 houses of this size, a contribution would not be sought in this case.

11.0 CONCLUSION

- 11.1 This scheme will deliver a significant and welcome new investment and family sized affordable housing in this regeneration area, which is sustainably located. The provision of a lower figure of greenspace provision is considered justified in the merits of this particular case based on the viability of this scheme to ensure that it can be delivered. The shortfall on the greenspace contribution is more than outweighed by the delivery of a 100% affordable housing development which attracts Government funding. The scheme is considered to be compliant with the NPPF on principles of sustainability, housing mix, affordability and regenerative economic investment / development.

Background Papers:

File 13/00760/FU

