



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th November 2015

Subject: Application 14/01904/FU - The demolition of Moorside Building Supplies and the erection of residential development for 42 dwellings on land at Moorside Building Supplies Limited, 37-39 King Street, Drighlington.

APPLICANT

Miller Homes Limited.

DATE VALID

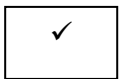
4th July 2015

TARGET DATE

1st December 2015 (PPA)

Electoral Wards Affected:

Morley North



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations;

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);**
- ii. Improvements to bus stop 13025 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information;**
- iii. The undertaking of off-site drainage works to be agreed in order to mitigate the impact of flows downstream, which may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond to a maximum of £20,000;**
- iv. A contribution of £73,453.26 or the provision of 0.13ha of new open space to be located off-site within the vicinity of the development;**
- v. Travel Plan including a monitoring fee of £2,925;**
- vi. Employment and training initiatives (applies to the construction phase).**
- vii. A mechanism for the long-term management of open space within the site.**

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

CONDITIONS

1. Commencement of development within three years – standard time limit.
2. Plans to be approved.
3. Samples of walling, roofing and surfacing materials to be approved.
4. Details of window reveal to achieve a minimum 75mm reveal.
5. Lintel detail to comprise one piece
6. Details of boundary treatment
7. Removal of Permitted Development
8. Existing and proposed levels
9. Retention of hedgerows.
10. Details of means of enclosure.
11. Details of bin stores.
12. Landscape scheme.
13. Implementation of landscape scheme
14. Landscape management plan.
15. Tree protection measures.
16. Biodiversity enhancement conditions – bird and bat boxes.
17. No removal of hedgerows between 1st March and 31st August.
18. Control of Himalayan Balsam.
19. Lighting details.
20. Compliance with the ARP Geotechnical Report to address the Coal Mining legacy.
21. Feasibility study into the use of infiltration drainage methods.
22. Details of surface water drainage.
23. Method statement for interim drainage measures.
24. No development within 3 metres of the centre line of the sewers that cross the site.
25. Details of a satisfactory outfall for surface water.
26. Highway Condition Survey
27. Approved Visibility Splays
28. Maximum gradient to access.
29. Maximum gradient to driveways.
30. Retention of garages.
31. Vehicle space to be laid out.
32. Provision for contractors during construction.
33. Travel Plan
34. Cycle provision.
35. Statement of construction practice.
36. Contamination reports and remedial works.
37. Unexpected contamination.
38. Verification reports.
39. Soil importation condition
40. Details to achieve 10% of energy needs from low carbon energy.
41. External power point to accommodate electric vehicles.

1.0 INTRODUCTION:

- 1.1 This application was deferred from Plan Panel on 22nd October to provide further clarification on the following issues:
 - i. A request by Cllr Finnegan for 100% affordable housing;

- ii. Inclusion of schools formula to illustrate how many schools places are generated by the development;
- iii. Further details of the proposed drainage solution;
- iv. The sustainability credentials of site;
- v. Improved quality plans for presentation.

The above information is contained within the Plans Panel Report but for clarity, a summary is provided below:

(i) Affordable Housing – The matter of affordable housing is considered at Paragraph 10.16 of this report. In response to a specific request for 100% affordable housing from Councillor Finnegan, Members are advised that the Council's Adopted Core Strategy Policy H5 in relation to Affordable Housing is very clear that affordability of affordable housing should be designed to meet the identified needs of households to comprise 40% affordable housing for households on lower quartile earnings and 60% affordable housing for households on lower decile earnings, which equates to a 60% social rent and 40% submarket split. Forward Planning advise that the 60:40 split set is based on evidence set out in the Council's Strategic Housing Market Assessment (SHMA) (2011) which provided the evidence base for policy H5 and which was also tested at Examination as providing an appropriate mix of affordable housing. This application is therefore fully compliant with Policy H5 and will accommodate a range of housing needs. There is no planning policy justification to seek 100% social rent in this instance as it would be contrary to the requirements of Policy H5 and the 60:40 split between social rent and submarket housing will accommodate a range of housing needs within the locality.

(ii) With regard to education provision, in terms of the schools formula, Children's Services advise that the estimate of how many pupils a housing development generates is based upon Pupil Product Ratios (PPRs). Through the use of empirical studies, the Education Department has established PPRs appropriate to Leeds of 28 primary children and 10 secondary pupils per 100 new dwellings. So for 42 dwellings, this would equate to 12 primary children and 4 secondary pupils. As noted at Paragraph 10.5, Children's Services also advise that the nearest primary school to this development is Drighlington Primary School, where there is little or no spare capacity in the coming years whilst the nearest secondary school is Bruntcliffe High School, which similarly has little or no spare capacity in the coming years. However, Members will also be aware that the Community Infrastructure Levy was adopted by Full Council on 12th November 2014. The CIL Regulation 123 list requires the Council to set out a list of infrastructure it may fund through CIL and Section 106 cannot then be spent on the infrastructure on the list. The adopted Regulation 123 List includes secondary education and primary education (except for large scale residential schemes identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as a result of no more than 5 separate planning obligations). Accordingly, with regard to the Council's Adopted CIL policy, this application will be subject to the Community Infrastructure Levy to a sum of £149,040.00, which can contribute towards the provision of infrastructure within the locality including primary and secondary education.

(iii) Drainage solution – this is addressed in the report at Paragraphs 10.39-10.43 with further detailed drainage design required by Conditions 21, 22 and 23 and a Section 106 clause for the undertaking of off-site drainage works to be agreed in order to mitigate the impact of flows downstream, which may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond to a maximum of £20,000. The key point to note is that there is no obvious positive

drainage system on the site at present; it presently drains towards Lumb Wood Beck but has no formal connection. In comparison, once the development has been carried out, the discharge will be formalised with storage on-site, which will represent an improvement. As noted in the report, the Council's Land Drainage and Flood Risk Management Team have confirmed that the drainage strategy does address the drainage and flood risk related matters associated with the site with the recommendations and conclusions of these documents being acceptable and forming the basis of the drainage and flood risk management proposal for the site to be secured by condition.

(iv) With regard to sustainability credentials, as detailed in the report at Paragraphs 10.4 and 10.5 Spatial Policy 6 of the Adopted Core Strategy defines sustainable locations to be those which meet standards of public transport accessibility, which are set out at Table 2 of Appendix 3 of the Core Strategy. The compliance of this scheme with Table 2 of Appendix 3 is fully set out at Paragraph 10.5

(v) Coloured elevation plans have now been provided by the applicant and will form part of the presentation to Members.

2.0 PROPOSAL:

- 2.1 This application seeks full planning permission for the demolition of the existing buildings within the site and the construction of 42 residential units on a 1.3-hectare site to the rear of 37-39 King Street. The development proposes a range of apartments, terraces, semi-detached and detached dwellings comprising 4 x 1 bedroom flats, 5 x 2 bedroom semi-detached and terraced houses, 15 x 3 bedroom semi-detached/terraced houses, 4 x 3 bedroom detached houses, 2 x 4 bedroom semi-detached houses and 12 detached four bedroom houses. The majority of houses extend to two storeys in scale with two house types out of the eleven house types proposed within the site extending to 2.5 storeys. The application form indicates that the housing will be constructed in reconstituted regular coursed stone with a grey concrete tile roof. They are traditionally detailed with artstone lintels and cills, a window hierarchy with typically larger windows to the ground floor, a window reveal and chimneys.
- 2.2 The housing layout is principally determined by the internal access road. Vehicular access to the residential properties will utilise the existing access from King Street, which will be widened to accommodate the adopted highway. It then extends to a T-shaped road with two cul-de-sac spurs to the east and west of the main access road. It is noted that the main central access road does extend to the edge of the eastern boundary of the site and it is identified on the submitted layout plan as a 'possible future access'. This is a reference to land outside of the red line boundary and to the east of the application site, which is a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP). The housing layout seeks to address the access road and King Street by providing a detached dwelling fronting King Street to correspond to the existing building line with the houses within the site fronting the access road as far as practicable.
- 2.3 A 0.2-hectare public open space is indicated on the part of the site beneath which there are some existing Yorkshire Water storage tanks, which precludes development above.
- 2.4 This full planning application is supported by detailed plans of each house type as well as fenestration details, a Design and Access Statement, a Flood Risk Assessment, Transport Statement, Sustainability Statement, Ecological Report, Foul

and Surface Water Drainage Strategy and a Contamination Report. An affordable housing viability appraisal has been undertaken in the course of the application but in order to move the application forward, this submission includes the provision of 15% affordable housing in accordance with the Council's Adopted Policies.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site presently incorporates the former Moorside Building Supplies at 37-39 King Street at the entrance to the site and then extends to a large area to the rear comprising open unused land. Moorside Building Supplies is a large hard-surfaced area with some existing buildings of an industrial appearance within the site and a pair of stone semi-detached former houses fronting King Street, which also appear to have been used as part of the building supply operation. These existing buildings will be demolished as part of this application. The unused land to the rear is primarily open and constitutes Greenfield land albeit that Yorkshire Water have previously constructed drainage storage tanks in the north-eastern quadrant of the site, albeit not physically evident, which precludes any development above.
- 3.2 To King Street, the site presents a narrow 28-metre frontage situated between the Public House at 35 King Street and two modern red brick houses at 41-43 King Street. The majority of the site lies to the rear of 14-141 King Street with 145 King Street bounding the site to the south-east. Spring Gardens forms the eastern boundary to which the site presents a 35-metre frontage whilst to the north and north-east, the site is bounded by arable land that forms a Protected Area of Search (PAS) site. This northern boundary extends to circa 210 metres.
- 3.3 The character of the surrounding area is mixed albeit predominantly residential. To King Street, the properties are largely residential with the exception of the Post Office at 17 King Street, the Public House at No.35, a small grocery retail unit at No.93 and a food outlet at No.95. To Spring Gardens to the east, the site lies opposite a recently completed residential development that is accessed from Summerbank Close. Opposite the entrance to the application site at Perkin House, 29 King Street, is a current application for the construction of a new Aldi supermarket in accordance with planning reference 15/01760/FU, which is pending consideration.
- 3.4 A public footpath runs along the rear boundary of the site connecting Spring Gardens with Wakefield Road.
- 3.5 The PAS land adjacent is proposed for release in Phase 3 of the Site Allocations Plan as part of proposed allocation HG2-143. The application site also forms part of this proposed allocation, though the current PAS element and the application site have distinctly different characteristics. The application site currently is not subject to any specific allocation or designation in an existing development plan, whilst the PAS land which forms the remainder of the proposed allocation is specifically safeguarded from development by Policy N34 of the UDP.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The most relevant planning history is summarised below:
- 4.2 23/408/05/FU: Laying out of access and erection of 42 dwelling houses and detached 2 storey community centre. Refused: 30.12.2005

- 4.3 This application, the red line boundary of which extended further than the red line boundary of this site to include an access onto King Street adjacent to 141 King Street, was refused with five reasons for refusal including on the grounds that the development of this greenfield site was unacceptable in that it would prejudice the need to achieve sustainable housing development and maximise the re-use of previously developed land contrary to UDP policy H1a (now superseded by the Core Strategy Spatial Policy 6) and the advice given in the now cancelled Planning Policy Guidance Note 3 Housing, which had established a 'Brownfield' first approach to development, now superseded by the NPPF. It was also refused on the grounds that the proposed community centre would adversely impact the residential amenity of the occupiers of neighbouring residences, unacceptable design and layout, failure to provide sufficient usable car parking for residents and visitors and insufficient visibility for emerging drivers at the proposed junction with King Street.
- 4.4 The applicant, Miller Homes, previously submitted a separate application (14/01954/FU) for the development of 5 houses on land adjacent to 141 King Street. This was refused in October 2014 on the grounds that it would result in the loss of 4 mature protected trees, the planting of new trees in very close proximity to new houses and on the grounds that the layout of the scheme constituted over-development giving poor amenity. A revised scheme for one detached house and one pair of semi-detached dwellings in accordance with 15/03417/FU was approved at Plans Panel on 17th September 2015.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal has been the subject of extensive revision in the course of the application process following a number of meetings between Council Officers and the applicant. The principal changes are as follows:
- (a) The position and form of the access road that runs eastward within the site has been significantly amended; the original scheme included a group of houses, including two blocks of flats over garages that failed to meet the Council's recommended distance between dwellings and result in a poor streetscene. There was also concern about the layout of this part of the site. The access road has subsequently been realigned to allow the site layout to be re-designed. This has resulted in a reduction in the number of proposed dwellings from the 47 originally sought to the 42 now proposed.
 - (b) The application originally included a footpath into the site from Spring Gardens; however, this resulted in a poor relationship to the proposed dwellings within that part of the site and it was not considered to form a particular desire line of movement in the area such that it was omitted;
 - (c) The original scheme included a pair of semi-detached dwellings at the entrance to the site that extended to three storeys. These were considered inappropriate given that the predominant scale of development around the site is two-storeys.
 - (d) The design and appearance of the houses have been fundamentally reviewed to ensure that the proposal respects and enhances local distinctiveness and character. This has included the introduction of artstone cills and lintels to both the front and rear windows and larger windows to the ground floor to provide an appropriate window hierarchy and a more traditional appearance, consistent with the character of the surrounding area.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was initially advertised by means of a press notice in the Morley Advertiser posted 7th May 2014 and a site notice as a major development and a development affecting a Public Right of Way posted on 2nd May 2014.

A total of 345 objections have been received from local residents, the majority of which (333) are in the form of a template letter. The objections raise the following concerns:

- i. The village cannot facilitate the number of family homes without first building additional schools, doctors, surgeries and dentists.
- ii. Once the infrastructure is in place, development of existing brownfield sites should be explored before developing the green fields around Drighlington, which makes it a special place to live.
- iii. The residents advise that in a letter to Drighlington Parish Council in April 2014 the Chief Executive of Leeds City Council expresses a general view that a brownfield first approach to development across the City is the right one and that new housing should be prioritised in regeneration areas and areas where there is a clear unmet housing need;
- iv. The development would place an undue pressure on village infrastructure;
- v. Concerns regarding sewage issues as there is an on-going Yorkshire Water project at Lumb Bottom;
- vi. This development will give the potential for an additional 210 vehicle movements per day on an already busy road;
- vii. No proposal for surface water included within the application;
- viii. Concern about access onto King Street given that a previous application for a single house adjacent to 1 Spring Gardens was refused due to the effect on King Street. Members are advised to note that an application for a new detached dwelling to the garden of 1 Spring Gardens was withdrawn by the applicant in 2009; Highways had objected to this application on the grounds that it would intensify the use of Spring Gardens, which is a narrow thoroughfare with poor visibility splays onto King Street.

6.2 The Drighlington Conservation Group has written to object most strongly to the application on the following grounds:

- a. This is a Greenfield site and should not be developed until all Brownfield sites, such as Drakes Mill Moortop, Drighlington (also unallocated) have been developed;
- b. There is insufficient infrastructure in place to support a development of this size and it will also generate significant traffic movements on an already busy road;
- c. There are currently major problems with water/sewerage, which are the subject of investigation by Yorkshire Water at the present time;
- d. A comment has been received from a local resident requesting a swept path plan to show the tracking of large vehicles accessing the site from King Street,

arising from a concern that such vehicles will need to cross over the carriageway to access the site and this is directly adjacent to the access to the Public Open Space.

6.3 A revised consultation exercise comprising site notices to advertise the revised scheme were posted on 28th August 2015. A further 5 letters of objection have been received, which repeat the concerns raised as part of the original consultation exercise outlined above with the following additions:

- a. In the view of the objectors, King Street is already busy with speeding motorists and the road will only get busier following the completion of the proposed Aldi store;
- b. The bend in the road towards Morley can become a skating rink in winter;
- c. The local school is full and cannot even take all Drighlington children;
- d. The increased surface water discharge will invariably end up at Lumb Wood Pond, which has had flooding problems for years.
- e. The foul water pipe adjacent to the north-west has been overwhelmed during storms in the past resulting in sewage backing up into properties on Spring Gardens.

6.4 Ward Members were formally consulted on the planning application and have received subsequent e-mail updates in September 2014, December 2014 and August 2015 with a recent update to confirm that the application would be reported to this Plans Panel. No specific comments from Ward Members have been received.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory Consultation Responses:

Environment Agency: The EA advises that they have agreed with the Leeds City Council Flood Risk Management (FRM) team, as the Lead Local Flood Authority (LLFA), that they will provide comments in relation to the sustainable management of surface water. With regard to foul drainage, the EA advises that a mains connection has been proposed for foul drainage disposal and the Council should ensure that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed by consulting Yorkshire Water.

Coal Authority: The Coal Authority concurs with the recommendations of the letter from ARP Geotechnical Ltd to Neil Manock Residential Development Consultancy (28 November 2012); that coal mining legacy potentially poses a risk to the proposed development and that works should be undertaken prior to development in order to ensure that the site can be made safe and stable, in accordance with the requirements of the NPPF. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site remediation works to be undertaken prior to the commencement of development. On this basis, the Coal Authority would have no objection to the proposed development.

7.2 Non-Statutory Consultation Responses:

Highways: No objection to the revised layout subject to conditions.

West Yorkshire Combined Authority: There is a regular bus service running next to the development serving Wakefield, East Ardsley, Morley, Gildersome etc. There are also more services nearby. Metro advise that bus stop number 13025 should have a shelter installed at a cost to the developer of around £10,000; this payment also includes maintenance of the shelter. A new shelter would benefit the residents of the new development. The shelter should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing. Metro also advise that future residents would benefit if one of Metro's new 'live' bus information displays (see picture attached) were to be erected at bus stop number 13025 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed. In order to encourage the use of the public transport services available, the developer should also be conditioned to enter into Metro's Residential MetroCard (RMC).

Flood Risk Management: FRM advise that the recommendations of the submitted Flood Risk Assessment prepared by ARP Associates (Ref:425/53r5) and the Foul & Surface Water Drainage Strategy ref: 425/53r4 both dated March 2014, based on pre planning consultations with FRM and others have addressed the drainage and flood risk related matters associated with the site and the recommendations and conclusions are acceptable subject to conditions.

Public Rights of Way: No objection subject to conditions. However, they do note that the Public Footpath number 10 - Morley abuts the site as recorded on the Definitive Map and which has a minimum definitive width of 1.2 metres. The Definitive map provides conclusive proof of the existence and status of Public Rights of Way. Currently the surface is roughly metaled, but as the development is likely to see an increase in use by the public, the developer should provide an improved surface to a specification approved by the Public Rights of Way Section (preferably up to adoptable standard).

Yorkshire Water: Yorkshire Water initially submitted an objection to the application on the basis that one unit was sited over the public sewerage system. However, the layout was subsequently significantly revised and Yorkshire Water has been re-consulted. The outcome of that consultation remains outstanding and will be reported directly to Plans Panel should the objection be unresolved. Yorkshire Water has provided a list of conditions should planning permission be recommended.

8.0 PLANNING POLICIES:

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The application site is unallocated on the LDF Policies Map (January 2014). It is considered to comprise a part-Brownfield site (in relation to Moorside Building Supplies) and part-Greenfield with the majority of the site being Greenfield.

Adopted Core Strategy

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

Spatial policy 1: Location of development
Spatial policy 6: Housing requirement and allocation of housing land
Spatial policy 7: Distribution of housing land and allocations
Spatial policy 11: Transport infrastructure investment priorities
Policy H1: Managed release of sites
Policy H3: Density of residential development
Policy H4: Housing mix
Policy H5: Affordable housing
Policy P10: Design
Policy P12: Landscape
Policy T2: Accessibility requirements and new development
Policy G4: New Greenspace provision
Policy G8: Protection of species and habitats
Policy G9: Biodiversity improvements
Policy EN2: Sustainable design and construction
Policy EN5: Managing flood risk
Policy ID2: Planning obligations and developer contributions

Saved Policies - Leeds UDP (2006)

- 8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development Proposals should resolve detailed planning considerations.
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1: Relates to detailed guidance on landscape schemes.

Relevant supplementary guidance:

- 8.5 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
Affordable Housing SPG (Interim Policy)

National Planning Policy Framework (NPPF)

- 8.6 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission

must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annual a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

9.0 MAIN ISSUES

9.1 The main issues to consider in the determination of this application include the following:

- i. Principle of development – Policy and Land Use
- ii. Housing density and mix;
- iii. Affordable Housing
- iv. Highways
- v. Design
- vi. Landscaping
- vii. Residential Amenity
- viii. Ecology
- ix. Sustainability
- x. Flood Risk
- xi. Demolition of the existing buildings

9.2 The Council must also consider representations received as part of the public consultation exercise.

10.0 APPRAISAL

Principle of development – Policy and Land Use

10.1 Within the January 2014 Policies Map, which comprises the Saved UDP Review 2006 policies and the Adopted Natural Resources and Waste Local Plan, the application site is unallocated. It is, however, determined to be a part-Greenfield and part-Brownfield site with the latter correlating to the small portion of the site originally occupied by Moorside Building Supplies.

10.2 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It advises that the distribution and scale of development will be in accordance with the following principles:

(i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs with the scale of growth having regard to the settlement's size, function and sustainability.

(ii) In applying (i) above, the priority for identifying land for development will be as follows: (a) – Previously developed land and buildings within the Main Urban Area/relevant settlement; (b) – Other suitable infill sites within the Main Urban Area/relevant settlement; and (c) – Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.

(iii) For development to respect and enhance the local character and identity of places and neighbourhoods.

10.3 The application site is located within the Smaller Settlement of Drighlington. Spatial

Policy 1 does not preclude development within such smaller settlements as long as the scale of growth has regard to the settlement's size, function and sustainability with a priority for identifying land being previously developed land and buildings first, followed by other suitable infill sites. In this case, the application site is relatively small in scale with a proposal for 42 dwellings, which, in the context of the wider settlement of Drighlington, is not considered to exceed the settlement's size, function and sustainability. It is also the case that whilst the site is primarily Greenfield, the site of the former Moorside Building Supplies, which largely forms the site entrance and access, is Brownfield. **Moreover, the application is considered to represent an infill site within the existing pattern of development in this part of Drighlington; the site's north/north-eastern boundary is very clearly defined by the public footpath that runs along the rear boundary of the site connecting Spring Gardens with Wakefield Road, beyond which is the open PAS land.** This application is considered to represent a 'rounding-off' of the settlement and clearly delineated from projecting into more open countryside by the public footpath and is therefore distinctly different from the PAS land to the north, which forms the remainder of the proposed allocation currently subject to consultation as part of the plan making process and does not benefit from such delineation.

10.4 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) 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), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure);
- (ii) Preference for brownfield and regeneration sites;
- (iii) The least impact on Green Belt purposes;
- (iv) Opportunities to reinforce or 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, green space and nature conservation;
- (vii) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

10.5 (i) - In terms of a sustainable location, the 'Accessibility Standards' at Table 2 of Appendix 3 of the Core Strategy require 5 or more dwellings outside the Main Urban Area to be within a 15 minute walk (up to 1200 metres) of local services, within a 5 minute walk to a bus stop offering a 15 minute service to a major public transport interchange for employment, within a 20 minute walk or a 5 minute walk to a bus stop offering a direct service at a 15 minute frequency to Primary Health/Education, within a 30 min direct walk or 5 min walk to a bus stop offering a 15 minute service frequency to a major public transport interchange for secondary education and within a 5 minute walk to a bus stop offering a direct 15 minute frequency services to town centres/City Centre. The development is determined to be within 400 metres (5 minute walk) of bus stops located on King Street and Station Road. The daytime service frequency is 30 minutes for services 425/427 and 60 minutes for service

209. The routes provide access to all three major public transport interchanges of Leeds, Bradford and Wakefield as specified in the Core Strategy such that the combined daytime frequency meets the 4 buses per hour to major Public Transport interchanges as specified in the Core Strategy. The bus stops closest to the site (circa 70 metres) also provide an hourly service to Wakefield and Bradford. The site is within a 15 minute walk (1200m) of limited local services comprising of a convenience store, hot food takeaway and a sandwich shop. The site is also within the recommended 20-minute walking distance (1600m) to primary health services (Drighlington Medical Centre) and local primary school provision (Drighlington Primary school). It is outside a direct 30min walk (2400m) to the nearest secondary education facility (Tong High School or Bruntcliffe High School) however, as stated above, the bus stop frequency complies with the required 15 min daytime frequency. **The site is therefore considered to sufficiently comply with the Council's Accessibility Standards and it is deemed to be within a sustainable location within the boundary of the settlement of Drighlington with suitable access to local services and facilities and public transport access to larger settlement.** With regard to health infrastructure (including Doctor and Dentist services) the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to on average 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. Leeds already has over 100 existing practices of varying sizes, so the addition of 5-6 GPs a year is not considered to be a significant number for the population of Leeds. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours but it is for individual practices to determine how they run their business. Practices consult with the NHS about funding for expansion albeit that funding is limited. With regard to education provision, Children's Services have advised that the nearest primary school to this development would be Drighlington Primary School where there is little or no spare capacity in the coming years whilst the nearest secondary school is Bruntcliffe High School, which similarly has little or no spare capacity in the coming years. However, it is relevant to acknowledge that this application is below the threshold of 50 dwellings for which an education contribution could have been sought in accordance with the Supplementary Planning Guidance 11: Section 106 Contributions for School Provision. **It is also the case that this application will be subject to the Community Infrastructure Levy to a sum of £149,040.00, which can contribute towards the provision of infrastructure within the locality including primary and secondary education. It is therefore considered that the application could not be refused on the grounds of education capacity.**

- 10.6 (ii) to (vii) - Spatial Policy 6 (ii) does express a preference for brownfield and regeneration sites and it is accepted that this site is primarily Greenfield and it is not a regeneration site. However, it is accepted that through application of Policy SP1 above, the development in Smaller Settlements can occur and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. Moreover, with regard to (iii) the site is not within and nor does it adjoin Green Belt land such that there is no impact in this respect. With regard to design (iv), this is assessed fully in the report below but the scheme is now considered to reinforce the character of the existing neighbourhood. In terms of construction (v) the applicant has advised that should the site secure planning permission, they would look to start on site in Spring 2016 with build out rates of circa 30 per year. **The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are**

addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.

- 10.7 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 7200 dwellings (11% of the 66,000) within the Outer South West area within which the application site lies. **SP7 also sets out that 2300 are expected to be infill developments within Smaller Settlements city wide.** This application, if granted, would result in a small housing development on an infill site in Drighlington in the short to medium term, which would contribute to overall housing delivery across the City, with further development of the adjacent site expected to occur at the back end of the plan period as part of Phase 3.
- 10.8 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations. This is to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and the achievement of a previously development land target of 65% for the first five years and 55% thereafter and the following five criteria:
- i. Location in regeneration areas,
 - ii. Locations which have the best public transport accessibility,
 - iii. Locations with the best accessibility to local services,
 - iv. Locations with least impact on Green Belt objectives,
 - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 10.9 Members will be aware that a report was presented to Development Plans Panel on 19th May 2015 setting out an overall approach to housing phasing having regard to the fact that the Leeds Core Strategy (Policies SP1, SP6 and SP7 above) and Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites, make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period. Members were invited to comment on and to endorse the overall approach to Housing Phasing, which effectively seeks to translate the Core Strategy policy requirements into a realistic and deliverable approach. The report advocates 3 phases for the managed release of sites for the Site Allocations Plan. Phase 1 is identified as starting at 2012 (year 0 of the plan) with Phases 2 and 3 following on sequentially to meet supply requirements in line with Paragraph 47 of the NPPF.
- 10.10 As noted in the site and surroundings section of this report, Members are also advised that within the Publication Draft Site Allocations Plan and Aire Valley Leeds Area Action Plan, which is currently the subject of public consultation (22nd September – 16th November 2015) the application site and the PAS land to the rear is identified together as proposed allocation Ref HG2-143 (SHLAA reference 2124_3003). In total, this proposed allocation extends to 10.8 hectares with a capacity for 250 houses, and it is all proposed within Phase 3. For Members information, this is in contrast to the Issues and Options stage of the Site Allocations Plan (June 2013), which was the available document at the time that this application was submitted (April 2014) when the application site was identified as a potential allocation in its own right, distinct from the PAS site to the north. At Issues and

Options stage, the application site was identified as being a 'green' site, which was considered to have the greatest potential to be allocated for housing, whilst the PAS element of the proposed allocation was an 'amber' site, which was considered to have potential and was not as favored as 'green' sites.

10.11 With regard to the application site, whilst acknowledging the later phasing of the site within the Publication Draft Site Allocations Plan (SAP) as part of a wider allocation with the adjoining PAS land, it is considered that there are specific circumstances in relation to the application site to warrant the recommendation for approval at this point in time. With regard to (i) to (iv) of H1 above, it is noted that there are no sites within the smaller settlement of Drighlington within a regeneration area and it is also the case, as confirmed in the report above, that the site is centrally located within Drighlington such that it is considered to be accessible by public transport, accessible to local services, have no impact upon the Green Belt nor any impact on green infrastructure or nature conservation. Significantly, the application site can also be clearly distinguished from the larger part of the allocation that extends beyond the application site comprising PAS land. Physically, there is a public footpath delineating the application site from the PAS land to the north and as noted above, the application site is considered to comprise an infill within the village that effectively 'rounds-off' this part of the settlement. Furthermore, within the LDF Policies Map (January 2014) the application site is unallocated in contrast to the adjoining PAS land. It is also the case that Paragraph 216 of the NPPF sets out the weight that can be attached to emerging plans as noted above. In this regard, whilst the SAP is at a relatively advanced stage of preparation and has been prepared in accordance with the NPPF, as it is currently the subject of public consultation, the extent to which there are unresolved objections is not yet known. Therefore, the Publication Draft Site Allocations Plan does not yet have full weight. In comparison, adopted policies within the Core Strategy and saved Policies within the UDP can be given full significant weight. As this report will demonstrate, on balance, the application site in isolation sufficiently complies with the development plan policies Spatial Policy 1, Spatial Policy 6 and H1 which set out the approach to phasing. It should be noted that the application, which has been under consideration for a considerable period of time, was originally considered under the Issues and Options Site Allocations Plan, and it is only relatively recently that a proposed decision on phasing, as it applies to individual allocation sites, has been published.

10.12 Having regard to the Adopted Core Strategy and the scheme's compliance with it, Policy H2 of the Adopted Core Strategy relates specifically to new housing development on non-allocated sites (which is the status of the application at the current point in time). It states that 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, as existing or provided as a condition of development,

(ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,

(iii) Green Belt Policy is satisfied for sites in the Green Belt (not relevant to this site)

In addition, it states that Greenfield land:

a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or

b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment (not applicable in this instance).

Considering each point in turn, the following is advised:

(i) and (ii) This application proposes 42 dwellings, a reduction of 5 houses from the original proposal of 47 dwellings. The issues of health and education infrastructure is considered fully at Paragraph 10.11 above and it is concluded that given the relatively small number of houses proposed as part of this application, it is not concluded that a refusal on the grounds of the scheme exceeding the capacity of health and education infrastructure could be substantiated. It is also demonstrated at Paragraph 10.11 that the site is considered to sufficiently comply with the Council's Accessibility Standards. It is therefore concluded to be a sustainable location within the boundary of the settlement of Drighlington with sufficient access to local services and facilities and public transport access to larger settlements.

With regard to the classification of the majority of the site as Greenfield land, it is a privately owned site that is not accessible to the public such that it is not considered to have any intrinsic value as amenity space or for recreation or for nature conservation nor is it considered to make a particularly valuable contribution to the visual, historic and/or spatial character of an area. Overall, the application is therefore considered to comply with Policy H2.

Housing Density and Housing Mix

- 10.14 Policy H3 of the Adopted Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as a 'smaller settlement area' a minimum density of 35 dwellings per hectare is required to comply with Policy H3. At 42 dwellings, the site delivers a density of 32 dwellings per hectare, which is just below the minimum requirement. However, Policy H3 does acknowledge that there may be overriding reasons concerning townscape, character, design or highway capacity, which result in a lower density. **In this case, the layout has been revised and is considered to be appropriate to achieve the Council's minimum distances between residential dwellings and minimum garden sizes and to also achieve a density that is consistent with the form of surrounding residential development such that it is not considered contrary to Policy H3 in this instance.**
- 10.15 With regard to housing mix, Core Strategy Policy H4 advises that 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 the character of the location. However, only for sites over 50 units in Smaller Settlements is a Housing Needs Assessment required such that in this instance, it is noted for information. **In this case, the scheme just achieves a minimum of 10% flats to houses (4 out of 42 units) although it falls below the preferred mix of a minimum of 30% 2 bedroom units within only 12% (5 out of 42 units) being 2 bedroom units. Twenty of the 42 units are 3-bedroom units (48%), which meets the 3-bedroom target of a minimum of 20% and a maximum of 70% with the remaining 30% being 4-bedroom units, which is within the maximum threshold of 50% recommended by Policy H4.**

Affordable Housing

- 10.16 Policy H5 of the Adopted Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City with affordability to meet the identified needs of households in terms of 40% affordable housing for households on lower quartile earnings and 60% affordable housing on lower decile earnings. As originally submitted, the application advised that the scheme would deliver 15% affordable housing in accordance with Policy H5 with a 60% social rent (owned by local authorities or private registered providers of social housing to households who are eligible for social rented housing) and 40% submarket split (homes for sale and rent above provided at a cost above social rent, but below market levels). As the application developed, the applicant subsequently advised that in their view, the scheme was no longer viable and they opted for an independent viability appraisal to be undertaken by the District Valuation Officer, which was completed in Spring/Summer 2015. However, the outcome of that process is that **the applicant has now advised that in order to move the application forward, they are willing to comply with all policy requirements and they will meet the requirement for the development to deliver 15% affordable housing (equating to 6 units). This provision will be secured by means of a Section 106 Legal Agreement and ensures full compliance with Policy H5.**

Highways

- 10.17 With reference to the Development Plan, Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. Appendix 3 of the Core Strategy also sets out accessibility standards for development. The NPPF seeks to support sustainable transport solutions and but it advises at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.18 In this case, the submitted Transport Statement advises that a single simple priority junction will serve the site with King Street located between 35 and 41 King Street. It will comprise of a traditional estate road with a carriageway width of 5.5m, footways to either flank of 2m and junction kerb radii of 7.5m. The Transport Statement advises that visibility at the proposed junction is in accordance with the guidance set out within Manual for Streets. Pedestrian access to the site is provided via the footways to the traditional estate road from King Street
- 10.19 The Transport Statement confirms that the design of the proposed layout is also in accordance with Manual for Streets principles and the adoption standards of the City Council. It notes that where non-standard arrangements, such as turning facilities are proposed, these are verified by swept path analysis. The proposed layout will be a mix of shared surface roads and private drives linked into the traditional estate road
- 10.20 With regard to car parking, the Transport Statement confirms that parking provision (two spaces per dwelling) is in accordance with the maximum standards established within the UDP. Visitors are also accommodated within the site with capacity for on-street parking.
- 10.21 Finally, the Transport Statement confirms that based upon the original submission of 47 dwellings (now reduced to 42), the proposed development in total would

generate in the region of 27 two way vehicle trips in the AM and PM peak, which relates to a flow of one vehicle every 2.2 minutes.

- 10.22 In the course of the planning application the highway layout has changed in response to amendments to the housing layout and also in response to comments received from the Council's Highways Officer, with particular regard to ensuring that the sightlines are satisfactory, that the City Council's refuse vehicles will be able to turn within the site and that there is sufficient parking provision. Highways also advised that the internal road needed to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development would be 20mph in accordance with the Street Design Guide. As a consequence of amendments to the scheme, the Council's Highways Officer confirmed that with regard to the revised layout, it is now considered acceptable. As demonstrated in the report above, the development is accessibly located and can provide safe and secure access for vehicles, pedestrians, cyclists and people with impaired mobility as well as ensuring an appropriate parking provision. It is also considered that the site and the adjacent highways have the capacity to accommodate the 42 dwellings and the 27 two way vehicle trips in the AM and PM peak such that there is certainly no evidence to indicate that the residual cumulative impact of the development would be severe; on this basis, the application should not be refused or prevented on highway grounds in accordance with the NPPF. **Accordingly, the proposal must therefore be considered to comply with Core Strategy Policy T2 and guidance within the NPPF.**

Design

- 10.23 Within the Adopted Core Strategy, Policy P10 establishes a requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF.
- 10.24 In this case, the scheme has been subject to revision to ensure that the development is based upon a contextual analysis. The original scheme proposed 12 house types that included a three-storey house and dwellings above garages. With regard to scale and appearance, the original house types proposed plain fenestration, a poor solid: void ratio, stone cills to the front elevation but brick to the rear and lacked chimneys. The design and appearance of the house types have been fundamentally reviewed as part of this application. There are now 11 house types proposed within the site with the three storey houses and flats above garages omitted completely. The scale of development is now two-storey, which is comparable with the form of development in the surrounding area with only one house type (Tolkein), which is positioned within the site, providing accommodation within the roof space. However, even the Tolkien has been amended to position the dormer windows to the rear rather than to the front elevation to reduce their visual impact. In addition, the detailing of the houses has been amended to include the introduction of artstone cills and lintels to both the front and rear windows and larger windows to the ground floor to provide an appropriate window hierarchy and a more traditional appearance, consistent with the character of the surrounding area. Chimneys are also proposed to the main house types.
- 10.25 With regard to materials, this has also been a matter for discussion in the course of the application. The application form suggests that the development will be constructed in reconstituted stone facings with regular coursing and grey concrete tiles, which is reflective of the development at Kings Court and 64-70 King Street,

which is within the vicinity of the application site. However, it is acknowledged that there is a mix of materials within the vicinity of the site with the predominant material comprising natural stone as well as red brick, with some buildings rendered. Existing roof materials are a mixture of slate and tiles. It is the view of Officers that the reconstituted stone currently evident on King Street does not deliver the best opportunity to deliver a scheme that respects the scale and quality of the external spaces and wider locality; it is considered that this would be best achieved by a natural stone scheme, at least to the site frontage and the dwellings visible from King Street on the access road (Plots 38-42) with the opportunity for red brick within the site to reflect another traditional material evident within the locality. It is acknowledged, however, that there is some variation in the quality of reconstituted stone and a condition is recommended requesting samples of the proposed materials.

- 10.26 Overall, it is concluded that as a result of the revisions secured in the course of the planning application and subject to achieving an appropriate quality of building material, **the development now has sufficient regard to the context and it is appropriate to its scale and function such that it will respect and protect the visual, residential and general amenity of the area** in accordance with Core Strategy Policy P10 and guidance within the NPPF.

Landscaping

- 10.27 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.
- 10.28 The application includes the submission of a tree survey and a landscape plan. The Tree Survey confirms that the majority of the site consists of disused land that has been subject to significant disturbance as a result of the installation of a large water retention tank as well as incorporating the Moorside Builders Merchants. In terms of trees within the site, none are subject to a Tree Preservation Order (TPO) with the existing trees within the boundary principally comprising a group of small elders adjacent to the boundary with Spring Gardens, further elders and a sycamore to the south-west boundary and mature hawthorns to the south-eastern corner. The majority of trees around the site are situated outside the application site with the most significant being a large Ash tree growing well outside the site to the south of 141 King Street, which is the subject to a TPO. This is identified to have a Root Protection Area of 14 metres and will be unaffected by this development.
- 10.29 It is noted that there will be some tree loss as a result of the proposed development comprising the mostly young trees around the boundary of the site although the row of elders to the southern boundary, a Sycamore and Ash to the Spring Gardens boundary and a row of trees and an Alder to the northern boundary are identified for retention. In addition, **the landscape scheme indicates the planting of 47 new ornamental trees within the site, hedgerow to the boundary with the adjacent footpath and both ornamental and shrub planting within the site.** Details of the planting will be required by condition as well as measures to protect the trees to be retained and subject to the recommended conditions, the application is considered to comply with Core Strategy Policy P12 and Saved UDP Policy LD1

Residential Amenity

- 10.30 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. In this case, in terms of protecting existing residential amenity, the application site immediately adjoins existing residential development to its southern boundary lying adjacent to 41-45 King Street, 75 King Street and 141 and 145 King Street. To the eastern boundary, the site lies opposite 1 Spring Gardens.
- 10.31 In terms of standards for site layouts to protect privacy and amenity, the Council's Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings. The most relevant to this site are the following:
- (i) Private gardens should have a minimum of two-thirds of total gross floor area of the dwelling (excluding vehicular provision);
 - (ii) A minimum of 10.5 metres between main ground floor windows (living room/dining room) to the boundary (a distance of 21 metres between main facing windows);
 - (iii) A minimum of 7.5 metres between a secondary window (ground floor kitchen/bedroom) to the boundary;
 - (iv) A minimum of 4 metres from a ground floor main window or secondary window to a highway
 - (v) A minimum of 12 metres from a main ground floor window (living room/dining room) to a side elevation;
 - (vi) A minimum of 2.5 metres between a side elevation and the boundary.
- 10.32 In relation to existing dwellings, the following is noted:
- (i) The distance between the main ground floor windows on the rear elevation of No.41 King Street and the side elevation of Plot 1 is 21 metres, significantly in excess of the 12-metre minimum outlined above;
 - (ii) The distance between the side elevation of No.41-43 and Plot 41 is 20 metres; again, well in excess of the 12-metre minimum above;
 - (iii) The flank elevation of 75 King Street adjoins the garden of Plot 1 whilst the terrace of new houses at Plots 5-7 have garden lengths of circa 11 metres to the boundary adjoining the garden of No.75, also in accordance with the minimum distances above.
 - (iv) 141 King Street is angled towards the southern boundary of the application property at a distance of 10.5 metres at the closest point but there are no properties within the proposed development with a direct line of sight to the rear elevation of No.141 with the closest dwelling being Plot 19 at a distance of 13 metres from the side elevation to the rear corner of No.141 in accordance with the minimum distances above;
 - (v) 145 King Street is a very large detached property with windows to the side elevation facing towards the application site. However, the distance from the rear elevation of Plots 20-22 that lie closest to No.145 is 21.5 metres in accordance with the guidance above.

(vi) To Spring Gardens, the distance between the rear elevation of Plots 36 and 37 and the front elevation of 1 Spring Gardens is 21 metres, which also complies with the guidance above.

Thus, overall, the layout of the scheme ensures that the distances between existing and proposed dwellings is in accordance with the minimum distances outlined within the Council’s Neighbourhoods for Living SPG such that it will not result in any loss of amenity to existing residents by virtue of loss of privacy or over-dominance.

10.33 With regard to the amenity of future occupiers of the housing development, the revisions to the scheme were, in part, to ensure that minimum distances between main facing windows and between side elevations and main facing windows were achieved, as they were not as part of the original submission. Accordingly, as part of the revised layout, the distance between main facing windows and front and side elevations fully accords with the guidance above. With regard to garden distances, with the exception of Plots 14, 15, 16, 31, 39, 41 and 42 all the new dwellings achieve a minimum garden depth of 10.5 metres and all achieve a garden that is a minimum of two-thirds of total gross floor area. The seven properties highlighted have garden depths that are just below 10.5 metres at depths of between 7.5 and 10 metres. However, these gardens to comply with the requirement to deliver a minimum of two-thirds of total gross floor area and in each case, there is no issue with loss of privacy as the gardens adjoin either garages or other gardens such that it is considered that a refusal on these grounds would not be warranted given that the layout is satisfactory in all other regards.

10.34 Members will also be aware that on 27th March 2015 the Government published a new nationally described space standard in relation to new housing to replace existing different space standards used by local authorities as part of a housing standards review package. The document, titled ‘Technical Housing Standards – Nationally Described Space Standard’ deals with internal space within new dwellings and is defined as being suitable across all tenures. These standards do represent a material consideration but they cannot be given any weight in the decision at this stage on the basis that the standards have not yet been adopted as part of the local plan process and they must still be subject to public consultation. However, for information, Members are advised that the applicant, Miller Homes, proposes to utilise 11 of their house types on this site ranging from 1-bedroom flats to 4 bedroom houses. The table below summarises compliance with the space standards

House Type	Bedrooms (Persons)	Space Standard (m ²)	Actual size (m ²)	Compliance
Apartment	2 (2p)	50	48.36	x
Yare	2 (3p)	70	61.1	x
Hawthorne	3 (4p)	84	76.2	x
Tolkien	3 (5p) (3 storey)	99	82.9	x
Darwin	3 (5p)	93	87.5	x
Rolland	4 (6p) (3 storey)	112	94.5	x
Esk	4 (6p)	106	103	x
Ashberry	4 (7p)	115	119	✓
Buchan	4 (6p)	106	117	✓
Repton	4 (7p)	115	120	✓

Wells	4 (7p)	115	125	✓
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- 10.35 As will be noted, seven of the eleven house types fail to comply with the national space standards with only the larger 4 bedroom houses being compliant. However, on the grounds that space standards can be given limited weight at this time, it is necessary to balance the failure of the scheme to comply with the Government's space standards against the overall benefits of the scheme. In this case in particular it is advised that the application was submitted prior to the introduction of the Government's space standards and moreover, it is noted that the scheme will contribute to the City's 5-year housing supply within a sustainable location, provide a mix of house types and sizes as well as a full contribution of affordable housing. **In this case, such factors are considered to outweigh the matter of space standards and given the weight to be attached to them; it is not considered that a refusal on these grounds alone could be justified.**

Public Open Space

- 10.36 Policy G4 of the Adopted Core Strategy advises that in relation to the on-site provision of green space, a requirement of 80 square metres per residential unit will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of green space. In this case, the site is within 720 metres of a community park (Drighlington Park) but it is still an area that is deemed deficient in green space in terms of outdoor sports, play facilities and allotments. A total of 42 dwellings are proposed, which equates to a requirement for 3360 square metres or 0.33 hectares. The site layout incorporates a large area of public open space above Yorkshire Water's underground storage tanks, which extends to 0.21 hectares; this is 0.12 hectares below the requirement of Policy G4 and to compensate, the Section 106 agreement will include a requirement for the developer to either deliver 0.12 hectares of new open space off-site within the vicinity of the site or otherwise to pay a financial contribution of £73,453.26 on first occupation of the development in lieu of meeting the policy requirement on-site. **This is considered sufficient to ensure that the scheme is compliant with Core Strategy Policy G4.**

Ecology

- 10.37 Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance bio-diversity.
- 10.38 An Ecological Assessment was submitted as part of this application, which confirmed that no protected, rare or uncommon species were encountered during the site survey, particularly as the works undertaken by Yorkshire Water to install storage tanks previously resulted in significant disruption to the site. The Assessment notes that the only habitat on the site with the potential for use by protected species are the buildings in the builders yard but their potential has been identified as low. With regard to the impact of the development, the Assessment notes that whilst there will clearly be a significant change in the landscape character, domestic gardens provide a diversity of habitat and feeding opportunities for a wide range of species in addition to the area of public open space within the site allowing the potential for the planting of trees and wildflower meadows of both habitat and

landscape benefit. **A condition is therefore proposed seeking full details of planting schedules to include the provision of new trees and wildflower meadows within the site as well as bird and bat nesting opportunities to aim to enhance bio-diversity in accordance with Core Strategy Policy G8 and guidance within the NPPF.**

Flood Risk

- 10.39 Policy EN5 of the Leeds Core Strategy advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments. This application includes the submission of both a Flood Risk Assessment and a Foul and Surface Water Drainage Strategy.
- 10.40 The FRA confirms that the site is located within Flood Zone 1 of the Environment Agency's indicative flood map and as such, it is considered to be at a low risk of flooding. It acknowledges that a restricted Greenfield surface water run off rate of 5 litres/second/hectare would be expected from this development to ensure that the speed and volume of surface water run-off is reduced. It also confirms that Sustainable Drainage Systems may be suitable on this site and infiltration testing will be carried out prior to the commencement of development, which will form a planning condition.
- 10.41 With regard to drainage, the Foul and Surface Water Drainage Strategy acknowledges that there is no obvious positive drainage system on the site at present with the nearest watercourse being the culverted section of an open watercourse that appears to enter the west corner of the site before passing under Spring Gardens and around the back of the existing dwellings to the west. The watercourse becomes an open channel, approximately 100m from the site boundary and flows northwards to Lumb Wood Pond some distance to the north. Should infiltration techniques prove unsuccessful, it has been agreed with the Local Land Drainage Authority, Leeds City Council, that a restricted discharge rate of 7.75l/s will be accepted into the culverted watercourse located in Spring Gardens. This is on the basis that a contribution be made to the Authority for downstream improvements. Foul water can be discharged to the 305mm diameter public combined sewer recorded in Spring Gardens, at a point adjacent to the northwest of the site.
- 10.42 In response to the consultation exercise in May 2014 the Council's Land Drainage and Flood Risk Management Teams confirmed that the Flood Risk Assessment and Foul & Surface Water Drainage Strategy addresses the drainage and flood risk related matters associated with the site with the recommendations and conclusions of these documents being acceptable and forming the basis of the drainage and flood risk management proposal for the site. Indeed, it is the case that the current Greenfield site drains towards Lumb Wood Beck but has no formal connection and certainly, once the development has been carried out, the discharge will be formalized with storage on-site. However, FRM's acceptance of the proposals is on the basis of the requirement for the continued maintenance of Lumb Wood Pond and its feeder drain to which the surface water runoff from this site eventually be discharged and the requirement for the developer to contribute towards these maintenance works at a suggested rate of £500 per dwelling.
- 10.43 The applicant has undertaken further discussions with Flood Risk Management with regard to the nature of the works envisaged at Lumb Wood Pond. The outcome of the discussion with Flood Risk Management is an agreement that the proposed foul and surface water drainage measures are acceptable subject to a condition detailing

the surface water drainage measures and a clause within the Section 106 to identify specific off-site works to be agreed but to a maximum cost of £20,000. The Council's Flood Risk Management team has confirmed such an approach to be acceptable and on this basis, **the proposal is considered to comply with Policy EN5.**

Sustainability

- 10.44 Core Strategy Policy EN1 requires that all developments of 10 dwellings or more will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations and provide a minimum of 10% of total energy needs from local carbon energy. Policy EN2 then requires all developments of 10 or more dwellings to achieve Code Level 4 from 2013 and Code Level 6 from 2016. Following a fundamental review of technical housing standards the Government has withdrawn the Code for Sustainable Homes with effect from 27th March 2015 such that the objectives of Policy EN1 will not be sought. However, a condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy to comply with Policy EN2 will be sought as a condition of this recommendation to ensure compliance with the Core Strategy and guidance within the NPPF.

11.0 DEMOLITION OF THE EXISTING BUILDINGS

- 11.1 Since April 2011, the demolition of a building such as those at Moorside Building Supplies constitutes development such that it forms part of the consideration of this application. The existing buildings on site comprise a mixture of industrial units and a stone 'cottage' fronting King Street. It is relevant to note that in the course of the application Officers did request that applicant consider the retention and conversion of the existing stone building fronting King Street but the applicant has not chosen this option. On the basis that the building is not of particular or special architectural merit to warrant consideration as a heritage asset or to merit any listing, grounds to insist on its retention are not forthcoming and its demolition must be considered on the basis of a suitable replacement dwelling.
- 11.2 It is acknowledged that the buildings are in relatively close proximity to existing residential properties such that its demolition will have to be carefully managed to protect the amenity of adjoining residents, with particular regard to noise and dust. However, in this regard, it is noted that demolition also requires compliance with the Building Act 1984 and in issuing a Demolition Notice, it is the case that a number of conditions normally have to be complied with during the demolition works necessary to maintain public safety and public amenity such that this issue of amenity in relation to demolition is a matter dealt with under other legislation. There is therefore no objection to the demolition of the existing buildings in this instance.

12.0 RESPONSE TO REPRESENTATIONS

- 12.1 The objections from local residents raise four key objections, which are addressed below:
- (i) The concerns regarding school and health care infrastructure are fully addressed in the report above;
 - (ii) In response to the brownfield first approach to development, whilst Spatial Policy 7 of the Adopted Core Strategy identifies a preference for Brownfield sites as one consideration in the distribution of housing across the City, neither the Core Strategy

nor the NPPF promote a Brownfield first approach to development nor do they preclude the development of Greenfield sites as noted in the report above.

(iii) Whilst the concerns regarding drainage issues are noted, this is principally a matter to be determined through the Building Regulations process and neither Flood Risk Management, Yorkshire Water or the Council's Land Drainage Team raise an objection to the development such that a satisfactory drainage and surface water solution can clearly be achieved and it will be secured by means of a planning condition.

(iv) The highway impact of the development is fully considered in the report above.

In response to the objections raised as part of the recent re-consultation that are not addressed either in the report of above, the following is advised:

(i) In response to the concerns of residents in relation to traffic and the additional impact of the proposed Aldi store, that is the subject of a current planning application that is pending consideration, Members are advised that the traffic generation arising from this application is considered as a committed development within the Transport Statement for the proposed Aldi store such that the cumulative impact of traffic on King Street will be fully considered.

13.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

13.1 The Community Infrastructure Levy (CIL) was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floorspace, which will deliver an overall CIL payment of £157,140. This is not a material consideration but it is provided for information.

13.2 There is also a requirement for a site-specific Section 106 agreement as detailed below and the various clauses will become operational if a subsequent reserved matters application is approved and implemented:

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);
- ii. Improvements to bus stop 13025 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information;
- iii. A contribution of £500 per dwelling (£21,000) for off-site works in order to mitigate the impact of flows downstream. The necessary works may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond;
- iv. A contribution of £73,453.26 or the provision of 0.13ha of new open space to be located off-site within the vicinity of the development;
- v. Travel Plan including a monitoring fee of £2,925;
- vi. Employment and training initiatives (applies to the construction phase).
- vii. A mechanism for the long-term management of open space within the site.

13.3 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

(ii) Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

14.0 CONCLUSION

- 14.1 This application seeks full planning permission for the demolition of the existing buildings associated with Moorside Building Supplies and the construction of 42 new homes.
- 14.2 The application site comprises mostly Greenfield land but it is assessed as meeting the Council's Accessibility Standards such that it is appropriately accessible to local facilities and services. Furthermore, Spatial Policy 6 of the Core Strategy and the NPPF encourage the re-use of previously development land (of which a part of the site comprises) but it is not to the exclusion of Greenfield sites and this proposal will also contribute to the City's housing supply. It is therefore considered to be in a sustainable location and suitable for development in the short-term in accordance with Core Strategy Policies H1 and Spatial Policies 6 and 7.
- 14.3 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, the application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application site is unallocated within the LDF Policies Map and, when assessed against current development plan policies, would be considered suitable for development at the current point in time.
- 14.4 Whilst it is acknowledged that within the Publication Draft Site Allocations Plan (SAP), the application site is part of a wider site allocation with the adjoining PAS land that is identified for development within Phase 3, regard has been had to Paragraph 216 of the NPPF, which sets out the weight that can be attached to emerging plans and only limited weight can be appropriated to the Publications Draft SAP at the present time due to its stage of preparation. It is also the case that the application site can be clearly distinguished from the larger part of the allocation comprising the PAS land with the application site comprising a small infill scheme on land that is sub-divided from the wider allocation by an existing public footpath. It should be noted that the application, which has been under consideration for a considerable period of time, was originally considered under the Issues and Options Site Allocations Plan, and it is only relatively recently that a proposed decision on phasing, as it applies to individual allocation sites, has been published.
- 14.5 The scheme has been significantly revised in the course of the application process to secure an improved residential layout and a housing design that more appropriately respects the character of the existing area. This has resulted in a reduction of dwellings from the 47 originally proposed to 42 now proposed and an improvement to the design quality and landscaping within the site. The layout of the scheme has also been reviewed to ensure that minimum privacy distances are

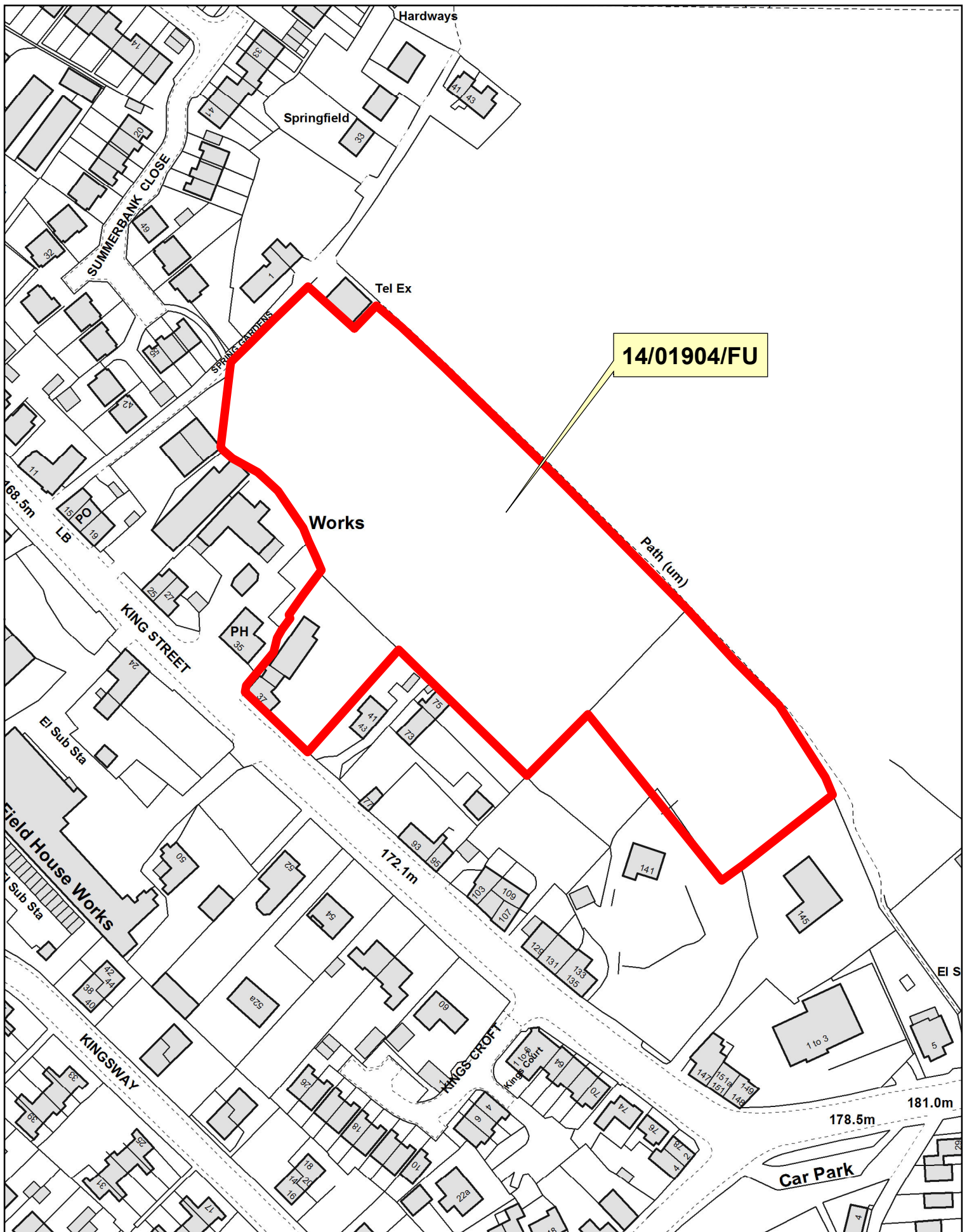
sufficiently met and the development will not result in the loss of amenity to either existing or future residents. To this extent, the application is deemed compliant with Core Strategy Policies P10 and P12, Saved UDP Policies GP5 and L1, guidance within the Council's Neighbourhoods for Living SPG and guidance within the NPPF.

- 14.6 The highway impact of the development has also been fully assessed in the course of the application and the proposal is considered to comply with Core Strategy Policy T2 and guidance within the NPPF. It is also concluded that a satisfactory drainage scheme can also be delivered to be secured by means of planning conditions in accordance with Core Strategy Policy EN5 and a suitable scheme that addresses Core Strategy Policy EN2 in relation to sustainable design and construction.
- 14.7 Whilst acknowledged that the scheme does not provide a full contribution of on-site greenspace in accordance with Core Strategy Policy G4, it does provide a useable and well-placed area of public open space that will be managed by the application with an appropriate off-site contribution or delivery of the shortfall within the vicinity of the site to ensure compliance with Policy G4. The scheme is also proposing to deliver 15% affordable housing in accordance with UDP Policy H5.
- 14.8 It is therefore recommended the Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise the wording of the S106 agreement and conditions

Background Papers:

Application and history files.

Certificate of Ownership



SOUTH AND WEST PLANS PANEL

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