



Originator: Jill Rann

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## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 8<sup>th</sup> February 2018

**Subject: Application 17/06427/FU - 50 dwellings with associated access, highway and landscaping at the site of the former West Park Centre, Spen Lane, West Park**

#### APPLICANT

Space Homes  
(Yorkshire Housing  
Association)

#### DATE VALID

19<sup>th</sup> October 2017

#### TARGET DATE

16<sup>th</sup> February 2018  
(extension of time agreed)

**Electoral Wards Affected:**  
**Weetwood (application Ward)**  
**Kirkstall (adjoining Ward)**

Yes

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 below 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:**

- Affordable housing – 8 units on site
- Travel plan and travel plan monitoring fee – £2500
- Residential travel plan fund – £24,557.50
- Provision of shelter to bus stop on Spen Lane opposite the site (£10,000), and addition of real-time display to existing bus shelter on Spen Lane south of the new site access (£10,000) – Total £20,000
- Commuted sum *in lieu* of shortfall in on-site greenspace – £31,997
- 10 year management sum for off-site tree planting within the playing fields to the south east, including replacement of any trees that die in the first 5 years (£12,311)
- Local employment

1. Time limit for commencement of development – 3 years
2. Development to be carried out in accordance with approved plans
3. Section 106 Agreement
4. Wall and roofing materials
5. Substation details.
6. Levels
7. Landscaping, including surfacing materials, boundary treatments, works to retain and reinstate historic gateposts, and any works to front boundary hedge to provide sightlines at the new access.
8. Off-site planting details and timescales for works to be carried out
9. Replacement of new planting that dies within first 5 years.
10. Retention of existing trees.
11. Method statement for protection of retained trees during construction
12. Landscape management plan
13. Method statement for removal of Japanese knotweed.
14. Details of proposals for enclosing Japanese knotweed ‘exclusion area’ during treatment period and making this area accessible as public open space thereafter.
15. Restrictions on vegetation clearance during bird nesting season.
16. Plan for bat roosting and bird nesting features to be incorporated within the scheme.
17. Re-routed public right of way to be completed prior to first occupation.
18. Vehicle areas to be laid out prior to occupation.
19. Construction management plan/statement.
20. Cycle parking
21. Electric vehicle charging points
22. Reinstatement of redundant accesses and provision of new access
23. Provision of visibility splays
24. Road and drive gradients.
25. Development to be carried out in accordance with submitted sustainability statement.
26. Water efficiency – to comply with optional Building Regulations requirement of 110 litres per person per day.
27. Separate systems of foul and surface water drainage
28. Drainage scheme
29. Submission of contaminated land report and remediation statement
30. Amended remediation statement if unexpected contamination is encountered.
31. Verification report following remediation.
32. Importing of soil

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel at the request of Ward Member Councillor Sue Bentley and adjoining Ward Members Councillors Illingworth and Yeadon on the basis of concerns relating to highway safety. Councillor Illingworth has requested a Member site visit. Plans Panel Chair Councillor Caroline Gruen has also requested that the application be reported to Plans Panel on the basis that it is an application for major development that is sensitive, controversial and could have a significant impact on the local community.
- 1.2 The application is for 50 new houses on the site of the now-demolished West Park Centre on Spen Lane in West Park, and has been submitted by Space Homes, the market development arm of Yorkshire Housing Association. The scheme is proposed as a market-sale development (with affordable housing in accordance with Core Strategy policy), with the income from sales to be used to provide funding for Yorkshire Housing’s affordable housing development programme on other sites.

## **2.0 PROPOSAL:**

- 2.1 Full planning permission is sought for 50 new houses (13 x 2-bed, 19 x 3-bed, 14 x 4-bed, 4 x 5-bed) on the site of the now-demolished former West Park Centre. In accordance with Core Strategy policy, which requires 15% affordable housing provision for this area, 8 of the units are proposed to be affordable (6 x 2-bed and 2 x 3-bed).
- 2.2 The development would be served by a single vehicular access to be created from Spen Lane in the north western corner of the site. A second pedestrian-only access is proposed further south on the Spen Lane site frontage. The existing public right of way which runs through the northern part of the site is proposed to be diverted along the initial stretch of the access road footpath, before branching off as a pedestrian link through open space, beyond which it would continue on its existing line. A number of other pedestrian links are proposed across the site between Spen Lane and the open space to the south and east.
- 2.3 The development would include a mix of terraced, detached and semi-detached houses, built in combinations of red brick and white render. There is some variety in the design of the houses, including the incorporation of bay window and gable features to some plots. Most of the houses would be two storey, although a small group of 4 properties on the initial stretch of the access road would be 2½ storey, with rooms in the roofspace served by dormers to the front. Most of the houses (88%), including all of the affordable properties, would meet or exceed the minimum Nationally Described Space Standards in terms of their floor areas.
- 2.4 Most properties would have two off-street parking spaces, including a number which would have an attached or integral garage, with a second open parking space to the front. Six of the 2-bedroom properties would only have one off-street parking space, and some of the larger properties would have two open parking spaces plus a garage.
- 2.5 Although some tree removal is proposed, the majority of the existing trees within the site and around the boundaries would be retained and incorporated into areas of public open space as part of the scheme. This includes groups of trees on the western boundary and in the eastern part of the site, many of which are protected by a Tree Preservation Order (TPO). A row of trees alongside the existing footpath in the northern part of the site are proposed to be removed. However, existing trees along the northern boundary would be retained, with new trees proposed to fill gaps in this boundary planting and maintain screening between the development and neighbouring properties.
- 2.6 As part of the development the existing stone gateposts on the site frontage are proposed to be retained and reinstated, and a second set of existing stone gateposts in the area of trees in the eastern part of the site are also proposed to be retained. The developer has advised that it is their intention to manage the on-site planting and landscaping themselves, or via a management company.
- 2.7 An area of new tree planting is proposed on the area of open space immediately to the south east of the site, both to compensate for the removal of trees within the site as part of the development, and to soften the built edge of the development between the new houses and the adjacent open space. This planting is intended to be carried out by the developer, but as the playing fields would remain in the Council's ownership, its future maintenance will remain with the Council. A commuted sum

towards the maintenance of this area is to be provided and secured as part of the legal agreement.

- 2.8 A new substation is required for the proposed development. Due to the need to locate this as close as possible to existing underground electricity infrastructure, this single storey brick structure is proposed in the western part of the site, between two large groups of trees on the Spen Lane frontage.
- 2.9 A legal agreement will be signed as part of the application, covering the following obligations:
- Affordable housing – 8 units on site
  - Travel Plan and monitoring fee – £2500
  - Residential travel plan fund – £24,557.50
  - Provision of shelter to bus stop on Spen Lane opposite the site (£10,000), and addition of real-time display to existing bus shelter on Spen Lane south of the new site access (£10,000) – Total £20,000
  - Commuted sum *in lieu* of shortfall in on-site greenspace – £31,997
  - 10 year management sum for off-site tree planting within the playing fields to the south east, including replacement of any trees that die in the first 5 years (£12,311).
  - Local employment

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to the site of the former West Park Centre on the eastern side of Spen Lane, close to the shops at its junction with Butcher Hill. The Centre was demolished a few years ago, and much of the central part of the site remains covered with hard surfacing. There are a number of areas of mature tree planting within the site and around its boundaries, many of which are protected by a TPO.
- 3.2 An existing public right of way runs through the northern part of the site, and is proposed to be diverted as part of the development, as described above. A second public right of way runs east-west almost immediately to the south of the application site boundary, and would be unaffected by the proposals.
- 3.3 The site is located in a predominantly residential area within the suburb of West Park, although there is a small parade of shops at the junction of Spen Lane and Butcher Hill to the south west of the site. The area immediately around the site to the north and west is characterised by relatively large detached and semi-detached housing, finished predominantly in red brick and/or white render. Immediately to the east and south of the site is public open space, part of which, to the east, is designated as protected playing fields, with the remainder designated as protected greenspace.

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

- 4.1 13/04313/DEM – Prior approval determination application for demolition of former West Park Centre. Approved October 2013.

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

- 5.1 The application was submitted following pre-application discussions between the applicant and planning, design, landscape and highways officers. Both the

Weetwood and Kirkstall Ward Members were notified of the pre-application enquiry, and a briefing was held with the Weetwood Ward Members at pre-application stage, attended by the applicant, their architect and the planning case officer.

- 5.2 Before submitting the application, the developers also held a community exhibition on 12<sup>th</sup> July 2017 at the West Park United Reform Church close to the site. This was publicised through the submission of fliers to around 370 nearby properties and the placement of posters in areas around the site. As well as attending at the event, the developers and their agent provided contact details on the fliers and posters so that those unable to attend could contact them by phone or email with comments or queries. A number of actions were identified by the developer following the event, and taken into account in subsequent pre-submission revisions to the proposals, including proposals for the retention and reinstatement of the stone gate pillars, retention of trees as far as possible, retaining and enhancing connections between the site and its surroundings, and incorporating crime prevention measures.
- 5.3 Following receipt of the application a number of additional meetings have been held with the applicants and a number of revisions have been made to the proposals in the light of these discussions. These include a number of discussions with planning, design and highways officers regarding the site layout and requests for additional information on highway matters, including speed and traffic surveys on Spen Lane to inform visibility requirements and modelling of the operation of the site access junction.
- 5.4 A meeting was held on 21<sup>st</sup> November 2017 with Ward Members, representatives of the West Park Residents Association and Friends of West Park Fields, the developer and their architect and landscape consultant, and officers from planning, landscape and parks and countryside. The aim of this meeting was discuss a number of matters which had been raised by local residents and groups, including the location of the off-site tree planting, the identification of important pedestrian routes through the site (reflecting existing routes and desire lines), clarification regarding the proposals for the retention of the existing gateposts, and identifying a project for the use of the off-site greenspace commuted sum.
- 5.5 Following discussions at the meeting, the area of off-site tree planting has been relocated to the south east of the site, thus avoiding the existing wildflower area on the site frontage, and a number of items have been revised and/or clarified on the submitted plans, including the location of gaps in the site boundary to provide pedestrian access, and further confirmation regarding the retention of the existing gateposts. In the light of the aspiration from residents and Ward Members for the provision of play facilities in the local area, and with the involvement and agreement of parks and countryside officers, it has been confirmed that the off-site greenspace commuted sum will be used towards the provision of a play area nearby. This is intended to be secured through the legal agreement, with the final location to be determined following further consultation with residents and Members.
- 5.6 A further public consultation event was held by the developer at the West Park United Reform Church on 13<sup>th</sup> December 2017. This was a 2 hour drop-in session attended by the developer, their agent and Ward Members, to update residents on changes to the plans since the pre-application consultation, and to seek further feedback before finalising the plans for determination.

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

Ward Members

- 6.1 The site is in Weetwood Ward. The Ward Members were notified of the application when it was submitted, and have been kept updated by email and via briefings subsequently. Councillors Sue and Jonathan Bentley attended the meeting with the developers, residents group representatives, and planning, landscape and parks officers on 21<sup>st</sup> November 2017, described in paragraph 5.4 above.
- 6.2 Councillor Sue Bentley has submitted comments on the application and requested that it be determined by Plans Panel. In her comments she has advised that in principle she is in favour of having much-needed family housing in this area of Weetwood where residents in overcrowded accommodation can wait considerable periods for an appropriately-sized Council house, but that she objects to the application as submitted for the following reasons:
- Increase in traffic onto already busy Spen Lane at peak times, and other local roads already used as cut-throughs to Otley Road and St Chad's school (which is proposing to increase to 2-form entry and will also bring more traffic).
  - Pedestrian safety, particularly for the large numbers of pupils from the two nearby high and primary schools. Need for another pedestrian crossing.
  - The area was identified as lacking in children's play facilities some years ago, and a contribution towards the provision of a play area would be welcome.
  - The contaminated land report identifies a need for further site investigation, gas monitoring and remediation as soon as possible. This does not seem to have been addressed.
  - Concerns about the height and prominence of the proposed substation and potential visual impact on Spen Lane frontage.
- 6.3 As the site is adjacent to the boundary with Kirkstall Ward, the neighbouring Ward Members were also notified and offered a briefing when the application was submitted.
- 6.4 Councillor Illingworth has objected to the proposed road access for the development, raising the following concerns and advising that a fundamental re-design of the scheme is necessary before other features are considered:
- Spen Lane is already saturated at peak times, with associated problems with vehicles rat-running through nearby residential streets.
  - Right turns into and out of the development will disrupt peak-time traffic flows.
  - Inadequate junction design will increase risk of accidents when speeds are higher off-peak.
  - Internal access road is too long and convoluted and doesn't meet current design standards. An internal loop road should be provided, or a second access onto Spen Lane.
  - The best highway connection would be to add a fourth arm to the existing mini roundabout at the Butcher Hill junction, widening the diameter of this gyratory and providing signalised pedestrian crossings on all 4 arms.
- 6.5 Councillor Illingworth has subsequently requested that the application be reported to Plans Panel, with a site visit, on the grounds that the revisions which have been made do not address the central problem of the mini-roundabout at Butcher Hill, that he considers a four-arm gyratory solution is required with improved pedestrian crossing facilities, and that he remains opposed to the application unless this is delivered.

6.6 Further comments have subsequently been received from Councillor Illingworth, with specific reference to the traffic survey and report which was received from the developer in response to Member, resident and highway officer concerns and queries regarding queue lengths on Spen Lane and the potential implications of this for the site access. Councillor Illingworth has expressed surprise at the queue survey results and that no traffic queues were recorded on Spen Lane at the time of the survey. He has commented that he believes that this is due to there being a large traffic jam and gridlocked traffic on feeder roads closer to the city centre on the day that the survey was carried out, and that the survey is therefore not representative of the typical situation on this stretch. He has asked for a new traffic study to be carried out, covering several days including the weekend during university term time, to show the system under full load.

6.7 Councillor Venner has objected to the application on the following grounds:

- The revised plans do not address concerns raised, particularly from Highways;
- The highways report seems to suggest that there is not a congestion problem on Spen Lane, which from her experience is not correct. There are frequent rush hour traffic jams at this location, particularly onto the ring road in the morning. Adding more traffic to this location is not viable.

6.8 Councillor Yeadon has objected to the application and requested that it be considered by Plans Panel on the grounds that she has serious concerns regarding the highways implications of the development and does not believe that these have been adequately addressed.

MP

6.9 Alex Sobel MP has emailed to advise that a number of local residents, including representatives of the West Park Residents Association, have contacted him to express concern regarding the proposed development, and to seek assurance that these matters would be considered. He advises that residents are particularly concerned that the site entrance, which is close to the Arncliffe Road junction to the north and the Butcher Hill junction to the south, would need traffic lights to ensure that there would not be a further build-up of traffic congestion and that it would be safe to enter and leave the site.

#### West Park Residents Association

6.10 West Park Residents Association have objected to the application, raising the following concerns:

- Insufficient visibility at the site access junction onto Spen Lane
- Impact of site access on safety and traffic flow, and on pedestrian safety, particularly school children – lack of safe crossing points on Spen Lane needs addressing irrespective of this development.
- Revised access from the existing mini roundabout with traffic light controls, improving pedestrian crossing at Butcher Hill junction, should be considered, as envisaged in the Neighbourhood Design Statement.
- Post and rail fence around site boundary should include gaps for pedestrian access.
- Replacement tree planting to be carried out to south east of the site, not on the existing wildflower meadow area as originally proposed.
- Rerouted Public Right of Way (PROW) should run alongside public open space. The existing route should not be closed until the new route is complete, including a hard surface link to the entrance to North Parade.

- A second pedestrian link to the adjacent fields should be provided through the old stone gateposts in the eastern part of the site, to be hard surfaced.
- Large cul-de-sac head in western part of site would disrupt pedestrian route (a clear desire line) across the site to the shops beyond.
- Existing metal fencing around the site and in areas close to the boundary should be removed.
- Contribution should be made through S106 or CIL to provision of children's play facilities on adjacent greenspace area.

#### Other public response

- 6.11 The application has been advertised as a major development, a departure from the development plan, and as affecting a right of way and the character of a conservation area, by site notices, posted 3<sup>rd</sup> November 2017, and by press notice in the Yorkshire Evening Post, published 3<sup>rd</sup> November 2017.
- 6.12 18 letters of objection have been received from local residents, raising the following concerns:
- Removal of mature trees in north of site would change character of the area and affect privacy of neighbouring properties. Additional tree planting needed on northern boundary.
  - Development too dense compared to existing housing in the area.
  - Design of properties not in keeping with surrounding area, including adjacent conservation area.
  - Proposed single site access – poor visibility, proximity to bus stop, roundabout and pedestrian crossing.
  - Increase in traffic, parking and congestion, including traffic jams caused by vehicles waiting to turn right into the site at busy times.
  - Construction traffic will cause disruption.
  - Pedestrian safety, including school children.
  - Glad to see public footpath retained and diverted. This should remain and should not be deleted from the proposals.
  - Lack of safe cycling provision on Spen Lane, additional vehicle movements will worsen safety. Dedicated cycle lanes should be provided on Spen Lane.
  - Provision should be made for 'smart' bus stops around the site and for car club spaces within the development.
  - Travel Plan focuses on 'soft' measures aimed at influencing behaviour – more consideration should be given to physical works for example cycle route improvements, signage for walking routes to station.
  - More pedestrian crossings required on Spen Lane and elsewhere nearby.
  - Provision of a 2<sup>nd</sup> access to the site would be preferable.
  - Preferable for access to be taken from a new 4<sup>th</sup> arm to the existing mini roundabout, possibly with traffic lights (junction already identified in Neighbourhood Design Statement as requiring attention). Understood that there is a water main within the site at this point, but this should not be allowed to prevent provision of this access.
  - Some trees marked for retention are only identified as being of moderate importance – risk of potential accidents, particularly involving school children, should be weighed against tree preservation.
  - No consideration given to proposed development of St Chad's School, which will generate additional traffic.
  - Existing traffic calming proposals in the area should be extended.

- Planning application for Becketts Park campus will reduce parking on the campus and add to on-street parking in West Park. Consideration should be given to a residents parking scheme.
- Loss of existing overflow parking area on the site which serves Butcher Hill shops and adjacent playing fields, and loss of recycling facility.
- Additional noise and pollution.
- Impact on existing residents' quality of life.
- Impact on nearby schools, some of which are already oversubscribed.
- Potential for antisocial behaviour.
- Site could be better used for provision of a park/children's play area, which the area lacks. Play facilities should be provided.
- Does development encroach onto Fields in Trust land to the south, and has permission been obtained from Fields in Trust?
- Understood that when the West Park Centre was closed, there was a requirement for the provision of a community facility.
- Residents have previously been assured the land was only for educational use.
- Impact on property values.

6.12 Two letters providing general comments, neither in support nor in objection, have been received from local residents. The following comments are raised:

- If the development is to go ahead, there should be provision of a children's playground on the adjacent fields.
- Although the plans indicate stone piers to gateposts at the site entrance are to be reinstated, no details provided as to how this is to be done. The stone caps, currently laid in the corner of the site, should be stored, protected and replaced on the piers as part of the development. Condition to this effect should be added.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

#### Sport England

7.1 No objection. The proposed housing will be on the site of the demolished buildings, car parking and landscaping. The sports pavilion and its car park and access road along with the wider playing field is outside the boundary of the proposed housing and will remain in situ. Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

#### Coal Authority

7.2 The site does not fall within a development high risk area. The Coal Authority's standing advice therefore applies.

### **Non Statutory:**

#### Highways

- 7.3 Following the receipt of revised plans and additional reports and survey information in response to concerns regarding visibility at the site access and potential implications for queuing on Spen Lane, no objections, subject to conditions.
- 7.4 Contaminated Land  
Conditions recommended.
- 7.5 Flood Risk Management  
No objection. Conditions recommended.
- 7.6 Yorkshire Water  
No objection. Conditions recommended.
- 7.7 Housing Growth Team  
The provision of 8 affordable units (60:40 lower decile:lower quartile split) as proposed is acceptable and in accordance with policy. It is recommended that the units are 'pepperpotted' throughout the development as far as possible. The affordable units should meet the Nationally Described Space Standards.
- 7.8 West Yorkshire Police Liaison Officer  
The proposals include many Secured by Design principles, including well-lit spaces, high quality fencing, defined defensible spaces, dwellings which allow occupants a clear view of their surroundings, and public open space which is well overlooking by adjacent dwellings. A number of other recommendations are made in relation to specific detailed design matters, including property lighting, and secure cycle parking/storage should be provided.
- 7.9 Travelwise  
Travel Plan agreed following revisions. Travel Plan, monitoring fee (£2500) and residential travel plan fund (£24,557.50) to be secured through legal agreement. Conditions recommended regarding cycle parking and provision of electric vehicle charging points.
- 7.10 Public Rights of Way  
Following revisions to the route of the proposed diversion to the footpath in the northern part of the site, no objection, subject to application for a Public Path Diversion Order for the diversion. A request has been made for funding to be provided for the resurfacing of the path between the site and North Parade.
- 7.11 West Yorkshire Combined Authority  
Request for contribution of £20,000 for the provision of a bus shelter with real-time information display at bus stop on Spen Lane opposite the site, and for provision of residential travel plan fund to be used towards sustainable transport measures (as requested by Travelwise team).
- 7.12 Children's Services  
Based on current data, it is anticipated that primary pupil yield from the development would have a relatively small impact on demand for school places and could be included as part of current proposals to manage the number of places for the area.
- 7.13 Current secondary projections show that demand is expected to increase in this area in future years. Although any additional demand from the proposed housing development would add to this, the estimated numbers involved are relatively very small. The Sufficiency and Participation team works with local secondary schools

and other stakeholders in all areas of the city to understand how future demand can be best planned for.

## **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.
- Development Plan
- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The majority of the site is currently unallocated in the UDP.
- 8.4 The land immediately to the east is designated as protected playing pitch, and a small area of this land is within the red line boundary for the application, however this principally relates to the land required for the re-routing of the public right of way in the northern part of the site.
- 8.5 The land to the south and south east is designated as protected greenspace. Small areas of this land are included in the application site boundary, however these are limited to an area to the south where an underground tank is proposed as part of the surface water drainage attenuation for the development, and an area to the south east where new tree planting is proposed, as described above.
- 8.6 All of the open land to the east, south and south east is within a designated green corridor.
- 8.7 A public right of way runs through the northern part of the site, and is proposed to be diverted as part of the development. A second public right of way runs to the south of the site, and is not proposed to be affected by the development.
- 8.8 The far north eastern corner of the site is adjacent to West Park conservation area.
- 8.9 A number of groups of trees on the western site frontage and in the eastern and south eastern parts of the site are protected by a Tree Preservation Order.
- 8.10 The following Core Strategy policies are relevant to the consideration of the application:

GENERAL POLICY – Presumption in favour of sustainable development  
SP1 – Location of development in main urban areas on previously developed land  
P10 – High quality design  
P12 – Good landscaping  
H2 – New housing on non-allocated sites  
H3 – Housing density  
H4 – Housing mix  
H5 – Affordable housing  
G4 – On-site greenspace for major residential developments.  
G6 – Protection of existing greenspace  
T2 – Highways and accessibility  
G8 – Biodiversity improvements

EN1 and EN2 – Sustainable construction and low/zero carbon energy.  
EN5 – Managing flood risk  
EN7 – Protection of mineral resources (coal, sand, gravel)  
ID2 – Planning obligations and developer contributions

- 8.11 The following saved UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations  
N6 – Protection of playing pitches  
N8 – Urban green corridors  
N19 – Development within and adjacent to conservation areas  
N23 – Incidental open space around development  
N24 – Provision of soft landscaping transition between development and open land  
N25 – Landscaping  
BD5 – General amenity issues.  
LD1 – Landscaping

- 10.12 The following DPD policies are relevant to the consideration of the application:

GENERAL POLICY1 – Presumption in favour of sustainable development.  
MINERALS3 – Surface Coal resources  
AIR1 – Major development proposals to incorporate low emission measures.  
WATER1 – Water efficiency, including incorporation of sustainable drainage  
WATER4 – Effect of proposed development on flood risk.  
WATER6 – Provision of Flood Risk Assessment.  
WATER7 – No increase in surface water run-off, incorporate SUDs.  
LAND1 – Land contamination to be dealt with.  
LAND2 – Development should conserve trees and introduce new tree planting.

#### Draft Site Allocations Plan

- 10.13 The draft Site Allocations Plan (SAP) was submitted to the Secretary of State in May 2017, and is now in its examination period. Given its advanced stage, the SAP now has material weight in the determination of planning applications. The site is intended to be allocated for housing in the draft SAP (site reference HG2-236), with an indicative site capacity of 69 units (although the proposed allocation appears to relate to a slightly larger area of land than that included within the current application boundary).

#### Supplementary Planning Guidance/Documents

- 10.14 The following Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) are relevant to the consideration of the application:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)  
Parking SPD  
Street Design Guide SPD  
Travel Plans SPD  
Far Headingley, Weetwood and West Park Neighbourhood Design Statement SPD

- 10.15 The West Park Conservation Area Appraisal and Management Plan has been adopted by the Council as a material consideration for development management purposes, and is relevant to the consideration of the application.

- National Planning Policy**
- 10.16 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> 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.
- DCLG – Nationally Described Space Standards**
- 10.17 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Visual amenity, including impact on adjacent conservation area
3. Residential amenity
4. Highways and access
5. Nature conservation
6. Greenspace
7. Affordable Housing
8. Legal agreement
9. Sustainability
10. Impact on local schools
11. Other issues

## **10.0 APPRAISAL**

- Principle of development**
- 10.1 The majority of the site is currently unallocated, however the site is intended to be allocated for housing development in the draft Site Allocations Plan (SAP), which is now at an advanced stage and therefore has material weight in the determination of this application.
- 10.2 The site has previously been developed, and is located in a sustainable location in the existing suburb of West Park, close to local amenities and public transport links. Neither Yorkshire Water nor the Council's flood risk management section have raised any objection to the proposals, subject to conditions, and it is not considered that the development would place an unacceptable additional burden on existing infrastructure. It is therefore considered that the development of the site for housing is acceptable in principle, subject to other material planning considerations.
- 10.3 A small part of the site is within land currently designated as protected playing pitch. Sport England have confirmed that they have no objection to the proposals on the basis that the proposed housing will be on the site of the demolished buildings, car parking and landscaping, and that the sports pavilion and its car park and access road along with the wider playing field is outside the boundary of the proposed housing and will remain in situ. Therefore, the proposals would not result in the loss

of any playing pitch, and on this basis, and as Sport England have not objected, the proposals are considered acceptable in this respect.

- 10.4 The proposed provision of an underground surface water attenuation tank within the area of protected greenspace to the south of the site would not affect the use of this land as open space. The proposed tree planting to the south east, the location of which has been agreed in discussion with Ward Members, the Friends of West Park Fields and the West Park Residents Association, is not considered to have a detrimental impact on the use of this protected open space. The proposals are therefore considered acceptable in this respect.
- 10.5 The development of the site with 50 dwellings as proposed would achieve a density around 25 dwellings per hectare. Policy H3 advises that a density of 40 dwellings per hectare should be achieved for developments in this area ‘unless there are overriding reasons concerning townscape, character, design or highway capacity’.
- 10.6 Although the proposed density would be below the recommended level, the site includes a number of groups of mature trees, which are identified as positive characteristics of the area in both the Neighbourhood Design Statement SPD and the appraisal for the adjacent conservation area. The retention of these trees is considered a significant priority, but presents some constraints in terms of the areas of the site which can be developed. It is also noted that the surrounding area is characterised by large, well-spaced suburban detached and semi-detached housing, and that the proposed development layout would reflect this prevailing character. It is considered that in this instance, the achievement of higher densities would be likely to require the removal of further trees and/or the provision of more properties, which it is not considered could be achieved without detriment to the character of the surrounding area. It is therefore considered that the lower density proposed is acceptable in this instance.
- 10.7 Policies H4 and H8 seek to ensure that new housing in Leeds is of a range of types to meet the mix of households expected over the Plan period, taking account of differences in demand in different parts of the city. The proposed development would provide a mix of detached, semi-detached and terraced properties of a variety of sizes, including 2-bed, 3-bed, 4-bed and 5-bed houses, and would provide affordable housing in accordance with policy H5. Although the percentage of 2-bed properties is slightly below the recommended range in policy H4, the shortfall is only 2 units, and it is considered that in view of the scale of the proposed development and the variety of house types proposed, the proposals would provide an appropriate mix of housing for future residents in this instance.
- Visual amenity and impact on the adjacent conservation area
- 10.8 Concerns raised by a number of local residents regarding the design and visual impact of the proposed development on the surrounding area, including the adjacent conservation area, are noted.
- 10.9 The site is within the ‘West Park’ character area of the Neighbourhood Design Statement SPD (NDS). The NDS identifies the areas key positive characteristics as including the Edwardian Arts and Crafts style architecture of many of the houses, views across West Park Fields, grass verges and mature street trees. The retention of the stone gate posts within the site as part of a retained pedestrian access across the site, reflecting historic routes across the fields, is identified as a key priority for the development of the area in the NDS.

- 10.10 The north eastern corner of the site sits outside, but adjacent to, the West Park conservation area, which covers the predominantly residential area of late 19<sup>th</sup>/early 20<sup>th</sup> century buildings to the north east of the site. The conservation area appraisal identifies the strong rectilinear street pattern and strict building lines as key characteristics, and identifies the view of the southern edge of the conservation area across West Park fields as an important vista. The appraisal refers to the predominantly Arts and Crafts character of housing within the conservation area, and to the architectural variety within this overarching character which arose from the area's 'plot by plot' development. It does however identify particular common characteristics, including the consistent use of materials (red brick, white render and black-painted half-timber detailing), and the incorporation of detailed architectural features such as bay windows and large windows and doors. Mature trees and boundary hedges are also identified as important to the area's character.
- 10.11 Although the site is not within the conservation area, its close proximity means that it would have some potential impact on the setting of this adjacent area. Key priorities identified in the conservation area appraisal, including the need for new development to 'sit happily in the pattern of existing development', respect important views, and use building materials which reflect surrounding development, are therefore considered relevant to the application proposals.
- 10.12 The layout of the development has been designed to maximise the retention of mature trees within the site as far as possible, including a number of groups which are protected by Tree Preservation Orders (TPOs). As well as providing a strong landscape structure to the proposed development, the location of the majority of these around the boundaries of the site means that the development would maintain the strong landscape character of the existing Spen Lane frontage and of views across West Park Fields to the south. It is considered that this would be further enhanced by the provision of new planting on the fields immediately to the south east of the site, filling a gap in existing boundary planting whilst also providing a soft landscaped transition between the development and the adjacent open space, in accordance with saved UDP policy N24.
- 10.13 The new housing would be set back from the Spen Lane frontage, with boundary trees and hedges retained, reflecting the character and setting of existing housing on Spen Lane to the west. Within the site, the proposed housing is laid out and oriented to face street frontages, and to overlook both the existing fields to the south and south west, as well as the new areas of open space within the site, providing a sense of activity and surveillance to these spaces. Whilst parking is proposed to the front of some houses, in general it is considered that the layout design would minimise the visual impact of vehicles within streetscenes, with parking areas either to the side of properties or with areas of landscaping proposed between frontage parking areas to soften the appearance and impact of these areas.
- 10.14 The conservation officer has advised that on the basis of the layout proposed, and as the soft landscaped boundary and trees and running between the new development and the conservation area are to be retained, the development would not detract from or have an adverse impact on the setting of the adjacent conservation area.
- 10.15 It is considered that the design of the proposed houses would reflect a number of the positive characteristics of surrounding development, including those identified in the NDS and conservation area appraisal. This includes the creation of streetscenes which incorporate a variety of house types and designs, but which share common features reflective of their surroundings, including large windows to front elevations,

the inclusion of architectural features such as bay windows and/or front gables to some plots, and the use of red brick and white render in their construction.

- 10.16 As part of the development it is proposed to retain and reinstate the existing gate piers at the site entrance onto Spen Lane and in the area of existing trees in the eastern part of the site, thereby maintaining existing historical features as part of retaining well established pedestrian links across the site. As the gateposts in the eastern part of the site are within an area where Japanese knotweed is present, this area would not be accessible for the first 5 years of the development due to the need for an exclusion zone to be maintained following the treatment of the knotweed. However, following this period, this area would then be unlocked to allow access. It is recommended that conditions are attached requiring method statements to cover:
- Works to reinstate the existing gate piers, including proposals for the storage, protection and reinstatement of the stone caps to the piers at the north western entrance, as part of the development.
  - Timescales for the laying out of the open space in the eastern part of the site, including provision for suitable boundary treatments to be provided to this area during the exclusion period following the treatment of the knotweed, and the opening up of this area to public access following the expiration of this period.
- 10.17 The Residents' Association's request for the path through the trees/gateposts in the eastern part of the site to be hard surfaced is noted. However, in view of the need for this area to remain excluded for the initial period, and in the interests of minimising works within the root protection areas of the protected trees in this part of the site, it is considered on balance that it would be more appropriate for this to remain an informal, unsurfaced route as proposed.
- 10.18 The Residents' Association have requested existing palisade fencing around the site to be removed. This is proposed as part of the development, where existing sections along the site boundaries are proposed to be replaced with a low knee rail (including gaps to allow access onto the surrounding fields). There is a further section of palisade fencing to the east of the site, which is not within the site boundary. However, the Council's Land and Property section have confirmed that, whilst outside the scope of the application, this section of fencing will be removed prior to first occupation of the development.
- 10.19 Concerns regarding potential antisocial behaviour issues in relation to an area on the site frontage have been raised by one resident. The West Yorkshire Police designing out crime officer has been consulted on the proposals and has not raised any concerns or objections to the proposals. They have confirmed that the scheme complies with Secured by Design principles including well-lit spaces, lockable garden access gates, defined defensible spaces, dwellings that enable occupants to have a clear overview of their surroundings, and public open space which is overlooked by adjacent dwellings. A number of recommendations are made with regard to more detailed aspects of the design of the houses, which have been drawn to the developer's attention, and it is recommended that a condition is included requiring the provision of secure cycle storage in property gardens. Subject to this condition, the proposals are considered acceptable in this respect.
- 10.20 In the light of the above, it is considered that the proposed development would create a contemporary development which would reflect and sit comfortably within its surroundings and allow for the retention of existing mature planting together with new planting around the boundaries, and which would maintain the existing

character of the area, including the setting of the adjacent conservation area, existing street frontages and distant views across adjacent open land. It is therefore considered that the proposals are acceptable in this respect, subject to conditions relating to building materials, detailed landscaping proposals and landscape management plans, and method statements for the protection of trees during works.

#### Residential amenity

- 10.21 The development would provide good levels of separation between the new houses, providing satisfactory levels of privacy and minimising any potential overshadowing or overdominance. All properties would also have adequately-sized private garden areas, in accordance with the guidance in *Neighbourhoods for Living*. All but 6 of the proposed houses would meet or exceed the minimum Nationally Prescribed Space Standards in terms of their internal areas, including all of the affordable units, and the shortfall in areas of the remaining units are relatively small (1.4m<sup>2</sup> for four of the properties, 10.8m<sup>2</sup> for the remaining two). In the light of this, it is considered that the proposed development would provide a good level of amenity for future residents.
- 10.22 Concerns have been raised by neighbouring residents to the north regarding potential overlooking from the new houses and the impact of the loss of the existing trees in the northern part of the site in this respect. The separation distances between the rear elevations of the new houses in the northern part of the site and the existing houses to the north would all exceed those recommended in *Neighbourhoods for Living*. Although the existing trees do provide some screening at present, many of the existing properties to the north have dense planting within their rear gardens close to this boundary, which would not be affected by the development. Where a gap would be created in the north western part of the site, new planting is proposed within the site, to maintain a continuous line of tree planting along this boundary, and screen and soften views into and out of the site for the benefit of new and existing residents. It is considered that any impact that the development may have on these neighbouring residents in terms of overlooking, overshadowing or overdominance, would be marginal and insufficient to warrant refusal on these grounds. A condition requiring a detailed landscaping plan, to include this new boundary planting, is recommended.
- 10.23 In other respects the separation distances between the proposed houses and existing properties around the site all exceed those recommended in *Neighbourhoods for Living*.
- 10.24 Concerns have been raised by local residents regarding additional noise and pollution from vehicles associated with the development. The site is in a suburban area, close to a well-used shopping parade, and in this context it is not considered that the levels of activity or vehicle movements associated with a residential development of the scale proposed would result in a significant increase in noise or disturbance for neighbouring residents.
- 10.25 The site is not in an identified area of concern in terms of air quality. The development would be subject to a travel plan aimed at reducing private car use and encouraging alternative means of transport among residents, and would form part of the legal agreement for the application. Electric vehicle charging points are also proposed to all properties, and a condition covering this is recommended. In the light of this, it is not considered that a development of the scale and nature proposed would have a significant additional impact in terms of air quality.
- 10.26 In the light of the above, it is considered that the proposed development would provide a good level of amenity for future residents without significant impact on the

amenities of existing neighbouring residents. The proposals are therefore considered acceptable in this respect.

#### Highways and access

- 10.27 The concerns raised by residents and Members regarding the highway safety implications of the proposed development are noted.
- 10.28 A transport statement was submitted as part of the application, and following concerns and queries from residents, Members and highways officers, further supplementary information has also subsequently been provided. This includes a speed survey for Spen Lane, which has been used to inform the sightline requirements at the proposed new access junction, and a queue survey and further modelling work for the operation of the new junction in response to concerns regarding the potential for the development to exacerbate existing queues on Spen Lane.
- 10.29 In response to concerns regarding the impact of the development and site access on queues and congestion on Spen Lane, an additional highways survey and report has been provided by the applicant. This advises that surveys were undertaken in the morning and afternoon peak hours of 14th December and notes that no queues were observed crossing the proposed access junction in either peak hour. However, the report does observe that southbound traffic approaching the mini roundabout junction creates a slow moving ‘platooning’ of traffic past the access point and that some queues also form in a north bound direction across the access due to vehicles accessing private driveways. Given the distance to both the mini roundabout and the ring road this is not unexpected, and it is recognised that, as identified in the report, any queuing past the proposed access point generally forms and disperses in a relatively short period, providing adequate gaps in the flow of traffic to allow for the safe operation of the proposed junction.
- 10.30 The report goes on to assess the capacity of the proposed junction, with a traffic model which accounts for the fact that right turning traffic in to the site would obstruct north bound traffic on Spen Lane. The report estimates that there would be 4 ‘right turners’ in the AM and 9 ‘right turners’ in the PM peak hours, equating to roughly one vehicle every 15 minutes in the morning and one vehicle every 6 minutes in the afternoon peak. Given the infrequency of right turning vehicles in to the development they would not cause undue delay on Spen Lane and this is demonstrated by the submitted traffic model.
- 10.31 The report uses counts of traffic on Spen Lane undertaken by the Council over the course of a week and estimates the amount of traffic likely to be generated by the development to model the junction. The estimated traffic generation provided in the report is derived from a total person trip rate taken from the TRICS database and a mode share derived from 2011 Census data, which shows 55% of Journey to Work trips in the Leeds 109 area are undertaken as a car driver with the remainder split between alternative modes of transport.
- 10.32 The report estimates peak hour car trips resulting from the development to be 30 in the morning peak and 24 in the afternoon peak. The report does demonstrate that the junction would operate with over 80% spare capacity using these figures and even if a more robust estimate of traffic generation were to be applied it would be expected that the junction would operate well within capacity.
- 10.33 In terms of additional traffic and congestion on Spen Lane, the reports provided as part of the application anticipate an approximately 50/50 split of traffic to and from

the site (northbound/southbound) based on the distribution pattern of existing traffic flows. Two-way flows to the south of the junction would be 16 in the morning and 12 in the afternoon, therefore adding one vehicle every 3 minutes 45 secs in the morning and every 5 minutes in the afternoon peaks to the mini roundabout junction. Two-way flows of 15 in the morning and 12 in the afternoon would be generated to the north of the junction. Some of this traffic would be likely to disperse through side roads and the impact on the signals at the Ring Road would therefore be further diluted. Given the low numbers involved it would be difficult to justify a highway objection to the proposals based on increased congestion on Spen Lane.

- 10.34 In response to concerns regarding visibility at the site access onto Spen Lane, the applicants commissioned a radar speed survey. This showed average 85<sup>th</sup> percentile wet weather speeds of northbound traffic approaching the junction in free flowing conditions to be 25.65mph. Manual for Streets produced by the Department for Transport advises that a major road distance of 43m would be appropriate for speeds up to 30mph. However, Spen Lane is identified by the Council as a Secondary Distributor Road and it is therefore considered that a higher standard of visibility should be applied. For this type of road, the Council's Street Design Guide advises that 45m should be provided for speeds up to 25mph or 70m for speeds up to 31.3mph. In view of the observed speed of 25.65mph, the distance requirement has been calculated at 47.3m. The submitted proposals show a distance of 55m can be provided, thereby incorporating some safety margin within the visibility splay. It is noted that the achievement of this visibility is likely to require some cutting back, and possibly relocation, of a section of the existing boundary hedge on the site frontage. It is therefore recommended that the landscape condition for the development includes a requirement for the final detailed landscaping proposals to include any proposals for works to this hedge, to ensure that appropriate sightlines are provided whilst maintaining the visual amenity benefits of this soft landscaped feature as far as possible.
- 10.35 The site layout has been revised to address comments raised by highways officers, and is now considered acceptable in terms of junction layouts, road widths, turning areas (including appropriate turning for refuse vehicles), and parking provision.
- 10.36 A number of residents and Members have suggested that the development should be served by the addition of a fourth arm to the existing mini-roundabout. Such works would require the mini roundabout to be upgraded, effectively to a signalised junction, and an associated increase in its size. As well as having considerable additional implications in terms of the land required and removal of trees on the site frontage, the costs involved in doing so would be significant. It is necessary to consider the application on its own merits and on the basis of the scheme that has been submitted. As the technical information submitted with the application demonstrates that the proposed junction would adequately serve the development and can be safely accommodated, it would therefore be unreasonable to withhold planning permission on this basis.
- 10.37 Some concerns have been raised regarding the potential for overspill parking for the nearby shops and playing fields, which is understood to take place on part of the site at certain times, to be displaced onto surrounding roads. This has been raised with traffic management officers, who have acknowledged that a small amount of overspill parking may be displaced elsewhere, but that nearby streets should be able to accommodate this parking. In the light of this it is not considered that the proposals would have significant implications in this respect.

- 10.38 The public rights of way officer has confirmed that the proposed diversion to the public right of way in the northern part of the site is acceptable, subject to a formal diversion order. An informative note drawing the developer's attention to the need to apply for this is recommended as part of the decision.
- 10.39 The request from public rights of way for the section of the existing footpath beyond the site's north eastern boundary to be surfaced is noted, however in view of the improvements to the route within the site, and other open space improvements proposed on site and via the provision of a commuted sum towards play facilities as part of the development, it is not considered that further improvements in this respect could be justified in association with the proposed development.
- 10.40 In addition to the formalised public rights of way through and adjacent to the site, a number of informal pedestrian routes are also understood to be present within the site. Some of these reflect historic routes across the land, as indicated by the existing stone gateposts in the north western and eastern parts of the site, others are used by local residents to get between their homes and schools, or to reach the open space and playing fields beyond the site. The location of these routes and 'desire lines' across the site has been discussed with representatives of the Residents Association and the Friends of West Park Fields, and the plans have been revised to ensure that opportunities for informal pedestrian access through areas of public open space within the site would be retained, and that gaps would be provided in the low knee rail around the site boundary to allow access between the site and the adjacent open space.
- 10.41 A travel plan has been submitted as part of the application, incorporating proposals for initiatives aimed at reducing private car use and encouraging the use of alternatives means of transport among residents. Concerns have been raised by residents that the travel plan focuses on 'soft' measures rather than 'hard' physical works to encourage sustainable transport use. However, as part of the development cycle parking, electric vehicle charging and pedestrian links in to the park will be provided on site, and a contribution will be made towards the provision of a shelter with real-time information display at the bus stop opposite the site. In addition to these improvements, funding secured by the travel plan will be put toward incentives to encourage use of alternative transport modes including public transport and cycling, in accordance with the requirements of the Travel Plans SPD. The travel plan will be secured as part of the legal agreement for the application, including the monitoring fee (£2500) and residential travel plan fund (£24,557.50).
- 10.42 Residents' concerns regarding construction traffic are noted. A condition requiring a construction management plan is recommended as part of the decision, requiring details of provision for access, deliveries, storage, workforce parking and wheel washing facilities within the site during the construction phase, in order to minimise disruption in this respect during the construction phase.
- 10.43 Requests have been made by residents and Ward Members for a further pedestrian crossing to be provided on Spen Lane. Whilst this aspiration is recognised, there are already existing pedestrian crossing facilities on both Spen Lane and Butcher Hill which allow access from the site both to the nearby shops and to the areas of housing and the school further beyond. In the light of this and the scale of the development proposed, it is not considered that a requirement for the provision and/or funding of a further crossing in association with this development could be justified.

- 10.44 Reference has been made by residents to other proposed developments nearby and to the potential cumulative impacts with this scheme. There has been no planning application submitted for any additional development at St Chad's school at the current time, therefore little weight can be given to this. The proposals referred to at Becketts Park campus are currently under consideration, and it is understood that they would result in some reduction of parking on the campus. Various options for addressing and mitigating any potential implications are currently being investigated as part of the consideration of the application.
- 10.45 As discussed in detail above, highways officers have confirmed that on the basis of the current proposals and the supporting statements provided with the application, it is not considered that the proposed development would have significant implications in terms of additional traffic or overspill parking on surrounding streets. Potential cumulative impacts can be material to the consideration of an application. However, in view of the scale of the development proposed, and the circumstances of other schemes nearby, which would also need to be considered and determined on their own merits in terms of traffic impact, it is not considered that refusal of the current application on these grounds could be justified.
- 10.46 Some residents have made comments regarding the need for current traffic calming proposals in the area to be extended. This is understood to relate to a review of traffic calming which is ongoing and separate to the current application. As discussed above, it is considered that the current development is acceptable as currently proposed and does not justify a requirement for further traffic calming measures on existing roads around the site.
- 10.47 A request has been made by a resident for cycle lanes to be provided on Spen Lane. Whilst the importance of safe cycle routes is recognised, it is not considered that a requirement for such provision to this existing route could be justified on the basis of the development of the scale proposed.
- 10.48 In the light of the above, it is considered that the proposed development would be acceptable and would not have a significant or detrimental effect on highway or pedestrian safety, subject to the conditions recommended.

#### Nature conservation

- 10.49 The site is adjacent to an urban green corridor, and an ecological survey has been submitted as part of the application. Although some trees are proposed to be removed, including a group alongside the existing public right of way in the northern part of the site, most of the existing mature trees would be retained, and new planting is proposed. The nature conservation officer has reviewed the proposals, and it is considered that the scheme is acceptable in this respect, subject to conditions preventing vegetation clearance during the bird nesting season, the provision of a method statement for the removal of the Japanese Knotweed within the site, and the provision of bat roosting and bird nesting facilities as part of the new development, as recommended in the ecological survey. Conditions to cover these matters are recommended.

#### Greenspace

- 10.50 As discussed above, the proposed development would not affect the usability of the designated playing pitches to the east of the site, and would not encroach onto the area of protected greenspace to the south and south east, with the exception of the proposed off-site tree planting, which is considered appropriate within the greenspace.

- 10.51 Policy G4 requires the provision of new greenspace for new residential developments at a rate of 80m<sup>2</sup> per dwelling. For this scheme of 50 dwellings this amounts to a greenspace requirement of 4000m<sup>2</sup> (0.4 hectares).
- 10.52 In this instance, the presence of a number of existing groups of mature (and in many cases, protected) trees presents some constraints in terms of the developable areas of the site. It is considered that the developer has responded to this in a positive way, using the areas of trees as the basis for a network of open spaces wrapping around a number of separate blocks of development, providing a mature landscaped setting for the development and softening the visual impact of the developed areas. The layout of the open spaces across the sites also allows the opportunity for existing well-used pedestrian routes across the site to be maintained through these open areas, providing open, well-overlooked pedestrian links to complement the more formal pedestrian footpaths alongside the new access road. It is therefore considered that the proposal for the on-site greenspace to be slightly more fragmented, rather than being providing in a more formal way, is acceptable
- 10.53 The area of on-site greenspace proposed falls around 685m<sup>2</sup> below the 4000m<sup>2</sup> required under policy G4. Although the policy does state that provision should be made on-site in the first instance, it does allow some possibility, in appropriate circumstances, for the provision of a commuted sum to be provided *in lieu* of any shortfall in on-site provision, and used towards greenspace improvements in the locality of the site.
- 10.54 The site already has a number of constraints, as a result of which the number and density of housing units on the site would already be below those envisaged in the core strategy and the draft SAP. In the light of this, and as the site is immediately adjacent to a large area of open space and playing pitches, it is considered that the provision of a commuted sum *in lieu* of the shortfall would be acceptable. A sum of £31,997 has been calculated based on this shortfall, and has been agreed by the developer.
- 10.55 Local residents and Ward Members have expressed a requirement for the provision of a play area in association with the proposed development. This has been discussed with Parks and Countryside officers, and in the light of this it is intended that the £31,997 greenspace contribution will be used for this purpose. Although the final location of the play area has yet to be determined in further discussion with residents and Ward Members, the sum and the requirement for it to be used for this purpose will be secured as part of the legal agreement for the development.
- 10.56 In the light of the above, it is considered that the proposals are acceptable in terms of retaining existing greenspace and providing new green infrastructure for the development through a combination of on-site provision and a contribution towards new play provision nearby.

#### Affordable Housing

- 10.57 The site is in affordable housing zone 2 (15%). Based on the number of units proposed (50), this generates a requirement for 8 affordable units, which are proposed to be provided on-site, with a 60:40 lower decile:lower quartile split in accordance with core strategy policy H5. This is to be secured through the legal agreement for the application.
- Legal agreement
- 10.58 The application will be supported by a legal agreement to cover the following matters:

- Affordable housing – 8 units on site
- Travel Plan and monitoring fee – £2500
- Residential travel plan fund – £24,557.50
- Provision of shelter to bus stop on Spen Lane opposite the site (£10,000), and addition of real-time display to existing bus shelter on Spen Lane south of the new site access (£10,000) – Total £20,000
- Commuted sum *in lieu* of shortfall in on-site greenspace – £31,997
- 10 year management sum for off-site tree planting within the playing fields to the south east, including replacement of any trees that die in the first 5 years (£12,311).
- Local employment

10.59 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

#### Sustainability

10.60 A sustainability statement has been submitted as part of the application confirming that the proposed development would exceed the Optional Building Regulations water efficiency standard of 110 litres per person per day (l/p/d) (as opposed to the standard Building Regulations requirement of 125l/p/d). The statement also confirms that through an enhanced construction specification in terms of measures such as insulation and the use of energy-efficient boilers, the development would achieve appropriate reductions in CO<sub>2</sub> emissions, and that on-site low carbon energy targets would be achieved through the use of roof-mounted PV panels, all in accordance with Core Strategy policies. Conditions covering these matters are recommended.

#### Impact on local schools

10.61 A number of residents have raised concerns regarding the impact of the proposed development on local schools, some of which are currently believed to be at or close to capacity.

10.62 Children's Services have been consulted on the application and have advised that, based on current data, it is anticipated that primary pupil yield from the development would have a relatively small impact on demand for school places and could be included as part of current proposals to manage the number of places for the area.

10.63 Children's Services have also advised that current secondary projections show that demand is expected to increase in this area in future years but that, although any additional demand from the proposed housing development would add to this, the estimated numbers which would arise from the proposed development are relatively very small. The Sufficiency and Participation team works with local secondary schools and other stakeholders in all areas of the city to understand how future demand can be best planned for, and the development proposals will be taken into account as part of this.

10.64 In the light of this, it is considered that the proposed development would have a relatively minor impact on school provision in the area, and that any additional

demand which would arise could be accommodated as part of existing proposals for the management of places in the area.

#### Other issues

- 10.65 The Coal Authority have confirmed that the site is not within a development high risk area, and that their precautionary standing advice applies. This can be drawn to the developer's attention via an informative note on the decision notice.
- 10.66 Councillor Sue Bentley has raised concerns that the contaminated land report submitted with the application identifies a need for further site investigation, gas monitoring and remediation as soon as possible, and that does not seem to have been addressed. Further information has subsequently been received from the applicant, including additional site investigation results and a proposed remediation strategy. The contaminated land officer has reviewed this and although clarification is still required on a handful of points, they have no objection to permission being granted for the development, and are satisfied that any outstanding matters can be dealt with via a condition requiring revised reports to address these points to be submitted and approved before development commences on site. Subject to the conditions recommended by the contaminated land officer therefore, it is considered that the development is acceptable in this respect.
- 10.67 A number of residents have raised concerns regarding the loss of the existing recycling facility from the site. This has been brought to the attention of the Council's waste management services section, who have contacted the Ward Members with a view to identifying a suitable alternative location for the recycling facility nearby.
- 10.68 Some residents have queried whether the development would encroach onto the Fields in Trust land adjacent to the site. With the exception of the off-site tree planting to the south east and the installation of an underground attenuation tank for the surface water drainage, no part of the proposed development would extend onto the adjacent Fields in Trust land. Fields in Trust have been contacted by the Council's land and property section regarding these works. They have confirmed that tree planting is permitted under the Deed of Dedication and have given consent for the installation of the proposed underground water attenuation tank, subject to planning permission being granted for the development.
- 10.69 Some residents have referred to assurances having been provided that the land would be used for educational and/or community use when the West Park Centre was originally closed. While it is understood that various discussions took place with regard to the potential future use of the site at that time, the decision was subsequently taken to propose allocating the site for residential use. As noted above, the site is proposed as a housing allocation in the draft SAP, which has been the subject of public consultation and now carries material weight in view of its advanced stage, and the proposed residential use of the site is therefore considered acceptable.
- 10.70 Concerns regarding the impact of the development on property values are not a material planning consideration and can be given no weight in the determination of this application.

#### Community Infrastructure Levy (CIL)

- 10.71 The site is within CIL zone 2b. Based on the floorspace currently proposed (discounting the 8 affordable units which would be eligible for CIL relief, subject to the submission of the appropriate paperwork), the development is likely to generate a CIL requirement of around £204,117. Infrastructure requirements associated with

this application include education and greenspace. This is presented for information only and should not influence consideration of the application. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

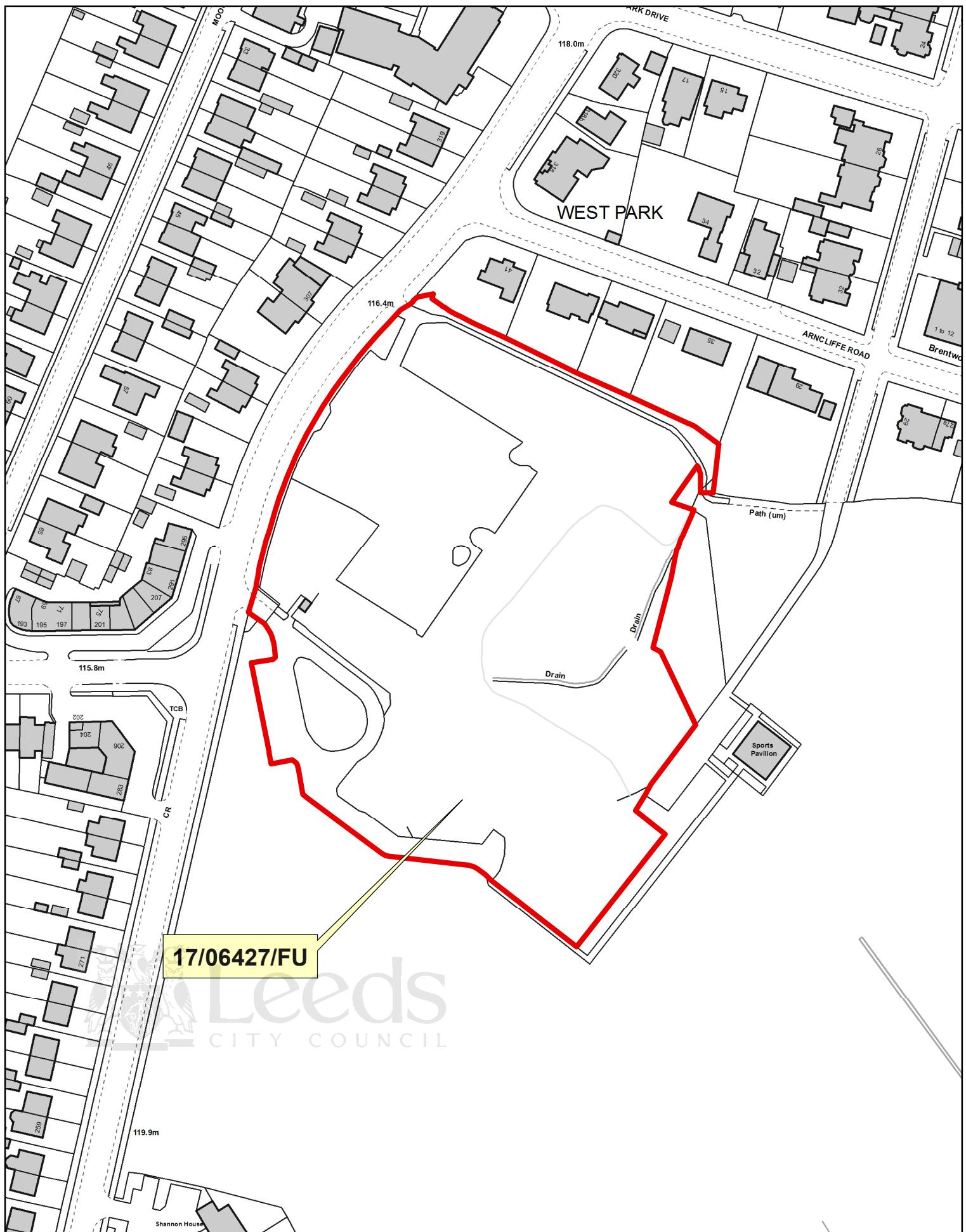
## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed development of this vacant site to provide 50 new dwellings is acceptable, and would assimilate well into its surroundings through its sensitive design and retention of significant groups of existing mature trees within the site. It is considered that the level of development proposed, and the access arrangements for the site, are acceptable and would not detract from highway or pedestrian safety in this location. The proposals would provide a good level of accommodation, outlook and amenity for future residents and would not detract from the amenities of existing neighbouring residents. It is therefore recommended that permission is granted, subject to the conditions suggested above, and the completion of a legal agreement to cover the matters identified above.

### **Background Papers:**

Application file and pre-application file PREAPP/17/00436

Certificate of Ownership: Notice served on Leeds City Council and Certificate B signed on behalf of applicant.



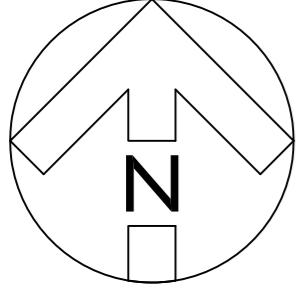
## SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500





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A horizontal timeline with vertical tick marks at intervals of 10 units, labeled from 0 to 50. The label "Revisions" is positioned above the first tick mark.

 GAP IN KNEE RAIL TO BE PROVIDED AS INDICATED BY \* TO SITE BOUNDARY  
 TO PROVIDE ACCESS TO ADJACENT GREENSPACE



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ACCOMMODATION SCHEDULE P0-MP-SPA-SH-P4104-0002-PLANNING APPLICATION REV 0

Revision   O	Drawn	Reviewed   JLB	Date   12 JAN 17
UPDATED FOLLOWING COMMENTS RECEIVED FROM HIGHWAYS AND PLANNING OFFICER 12 JANUARY 2018.			
Revision   N	Drawn	Reviewed   JLB	Date   3 JAN 17
UPDATED FOLLOWING COMMENTS RECEIVED FROM HIGHWAYS AND PLANNING OFFICER			
Revision   M	Drawn	Reviewed   JLB	Date   7 DEC 17
UPDATED IN LINE WITH COMMENTS RECEIVED FROM HIGHWAYS AND PLANNING OFFICER 14 DEC 17			
Revisión   L	Drawn	Reviewed   JLB	Date   7 DEC 17
REDLINE UPDATED FOLLOWING DISCUSSIONS WITH PLANNING OFFICER			
Revision   K	Drawn	Reviewed   JLB	Date   6 DEC 17
LAYOUT UPDATED TO OMIT LOOP ROAD FOLLOWING DISCUSSIONS WITH PLANNING OFFICER.			
Revision   J	Drawn	Reviewed   JLB	Date   20 OCT 17
PLANTING UPDATED TO SUIT CHANGES TO LAYOUT			
Revision   I	Drawn	Reviewed   JLB	Date   16 OCT 17
REDLINE AMENDED TO INCLUDE OFF SITE DRAINAGE, OFFSITE PLANTING AND PROPOSED SUBSTATION.			
Revision   H	Drawn	Reviewed   JLB	Date   12 OCT 17
SHARED SURFACE ADJACENT POS 2 AMENDED SUIT TRACKING PROVIDED BY HAIGH HUDDLESTON			
Revision   G	Drawn	Reviewed   JLB	Date   11 OCT 17
UPDATED FOLLOWING DISCUSSIONS WITH LOCAL AUTHORITY AND HIGHWAYS FEEDBACK			
Revision   F	Drawn	Reviewed   JLB	Date   26 SEPT 17
UPDATED FOLLOWING DISCUSSIONS WITH CLIENT			
Revision   E	Drawn	Reviewed   JLB	Date   22 SEPT 17
UPDATED FOLLOWING DISCUSSIONS WITH LOCAL AUTHORITY.			
Revision   DI	Drawn	Reviewed   JLB	Date   28 SEPT 17
UPDATED TO INDICATED UPDATED TREE SURVEY.			
Revision   D	Drawn	Reviewed   JLB	Date   20 SEPT 17
UPDATED TO INDICATED UPDATED TREE SURVEY.			

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Client Name <b>SPACE HOMES</b>				
Project No <b>P4104-3DG-</b>	Project Title <b>SPEN LANE, WEST PARK</b>			
Drawn By <b>JLB</b>	Reviewed By	Scale <b>I:500@A1</b>	Discipline <b>ARCH</b>	Date <b>JUNE17</b>
Drawing No. <b>0200-0027</b>	Drawing Title <b>SKETCH C</b>			Revision <b>O</b>

**File Path**

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