



SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 1st August, 2024
at 1.30 pm**

MEMBERSHIP

Councillors

R Finnigan
N Manaka
A Rontree
P Wray (Chair)
B Anderson
S Firth
M France-Mir
Z Hussain
R Jones
A Parnham
P Stables

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Civic Hall

Enquiries specific to planning applications on the agenda should be directed to Panel Team; Phone 0113 3786980
Email: planspanel@leeds.gov.uk

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING - 6 JUNE 2024</p> <p>To receive and consider the attached minutes of the previous meeting held on Thursday, 6th June 2024, as an accurate record.</p>	5 - 12
7			<p>24/02234/FU - NO. 9 WOODHALL PARK CRESCENT EAST, PUDSEY, LS28 7HG</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a change of use application of existing C3 residential dwellinghouse to C2 (residential children's care home) at No. 9 Woodhall Park Crescent East, Pudsey, LS28 7HG.</p>	13 - 26
8			<p>23/06663/FU - FORMER HOUGH SIDE HIGH SCHOOL SITE, HOUGH TOP, SWINNOW, LEEDS, LS13</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the erection of 82 affordable dwellings, two new vehicular access points, associated open space and infrastructure and ball strike netting at former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13.</p>	27 - 64

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9			<p>DATE AND TIME OF THE NEXT MEETING</p> <p>To note the date and time of the next meeting is proposed as Thursday, 5th, September 2024 at 1.30pm.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

SOUTH AND WEST PLANS PANEL

THURSDAY, 6TH JUNE, 2024

PRESENT: Councillor P Wray in the Chair

Councillors N Manaka, A Rontree,
M France-Mir, Z Hussain, R Jones,
A Parnham, P Stables, L Buckley and
D Cohen

SITE VISIT

Councillors Wray, Jones, Manaka and France-Mir attended the site visits held prior to the meeting.

MINUTE SILENCE

In paying their respects to D-Day, Panel Members held a minute's silence.

1 Appeals Against Refusal of Inspection of Documents

There were no appeals.

2 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Schedule A to the Local Government Act 1972 and Access to Information Procedure Rules 10.4 (1 and 2), the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- 1) That information contained in the designated appendix and associated supplementary information regarding Agenda Item 8 – 22/06335/RM Land at Owlcotes Road, Pudsey, Leeds and referred to in minute no.8 be designated as exempt from publication and considered in private. This is on the grounds that it contains sensitive information, and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at present.

3 Late Items

There were no formal late items. However, supplementary information designated as exempt under Access to Information Procedure Rule 10.4 (1.2) was circulated to members in respect of Agenda Item 8 – Land Rear at Owlcotes Road, Pudsey, Leeds. Minute No. 8 refers.

4 Declarations of Interests

Draft minutes to be approved at the meeting
to be held on Thursday, 1st August, 2024

Members did not raise any interests.

5 Apologies for Absence

Apologies were received on behalf of Councillors Finnigan, Firth and B Anderson. Councillors Cohen and L Buckley attended on behalf of Councillors Firth and B Anderson.

6 Minutes - 9 May 2024

RESOLVED – That the minutes of the previous meeting held Thursday, 9th May 2024, be approved as an accurate record.

7 23/06608/FU - Holy Trinity Church of England Academy, Queensway, Rothwell

Members considered the report of the Chief Planning Officer which presented proposals for the construction of new primary school with associated works including outdoor sports area, access, parking and landscaping, Holy Trinity Church of England Academy, Queensway, Rothwell.

The report recommended to the Panel that the application be approved subject to conditions and the completion of a unilateral undertaking relating to payment of travel plan fee, as set out within the submitted report.

Panel Members (referenced above) had attended a site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

No speakers were in attendance against the proposal, and the applicant and/or their representative was available for questions should members have any.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Clarity on the car parking facility, including capacity and overflow arrangements for staff. A suggestion was put forward that a condition is included for staff to be able to use an existing car park contained within the blue line boundary, as an overflow carpark.
- Site management arrangements for school drop off and pick up and the need for the presence of a traffic co-ordinator to be documented in the school's traffic management plan.

Upon voting, a motion was put forward to move the officer recommendations, as per the submitted report. This was moved and seconded, and it was **RESOLVED** – To grant planning permission subject to the inclusion of the following:

Draft minutes to be approved at the meeting
to be held on Thursday, 1st August, 2024

- An additional condition regarding the traffic management plan to secure/add the 6 parking spaces near the caretaker's cottage to staff parking.
- To include wording in the traffic management plan to ensure a traffic coordinator is in place to assist with parking issues.

8 22/06335/RM - land at Owlcotes Road, Pudsey, Leeds

Members considered the report of the Chief Planning Officer which presented proposals for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.

The report recommended to the Panel that the application be deferred and delegated to the Chief Planning Officer for approval, subject to specified conditions, as set out within the submitted report.

Further to minute no.3, supplementary information designated as exempt under Access to Information Procedures Rules 10.4 (1 and 2) was circulated to Panel Members prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

A Panel Member referred to the Protocol for Public Speaking at Plans Panel and requested that Councillor Carter addresses the Panel on specific circumstances around the application, in his capacity as a Ward Member. The Legal Adviser provided guidance regarding the Protocol for Public Speaking at Plans Panel, and the Chair concluded that no new significant material considerations were identified, thus not allowing the request for speakers at the meeting.

At this point in the meeting, the Panel moved into private session to consider the information designated as exempt from publication under the provisions of Access to Information Procedure Rules 10.4 (1 and 2).

The private session concluded, and everybody was welcomed back into the meeting. The Chair explained that members considered private information during the closed session, and this was necessary so that members were provided with the opportunity to have due regard to the public sector equality duty by being in receipt of all information regarding this application.

Speaking rights were not permitted on this application due to there being no new material planning considerations.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Clarity on the loss of Biodiversity Net Gain.
- Clarity on the dust assessment referring to older legislation.
- Site visits for members of the Panel.

- The importance of delivering affordable housing, as well as acknowledging the fundamental dangers posed by the development.
- Sensitivities and the impact regarding the removal of some plots.
- An issue with overshadowing on certain plots.
- Members requested that a condition be included to seek equipment with the ability to measure dust levels at 2.5 microns.

As part of the consideration of the application, and in furtherance to the Public Sector Equality Duty, Members considered in private information designated as being exempt from publication under Access to Information Procedure Rules in line with the Panel's resolution, as detailed at Minute No. 2.

At this point in the meeting, a motion was put forward to refuse the application as an alternative motion to the office recommendation. This alternative was moved and seconded. This motion was not carried.

A second motion was put forward to move the officer recommendation with the inclusion of additional conditions. This was moved and seconded, and it was

RESOLVED – To approve the application, subject to the following additional conditions:

- The removal of Permitted Development rights for windows for plots 74.
- To ensure that dust monitoring equipment is capable of recognising dust particles down to 2.5 microns.

9 23/06663/FU - former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13

Members considered the report of the Chief Planning Officer which presented proposals for the erection of 82 affordable dwellings, two new vehicular access points, associated open space and infrastructure and ball strike netting at former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13.

The report recommended to the Panel that the application be approved, subject to specified conditions, as set out within the submitted report.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Additional comments received which were not available when the agenda was published were read out at the meeting. These included representations from Ward Members, residents, Sport England, and Leeds City Council's Landscape Team which provided further information in relation to:

- Highways issues, including existing parking arrangements, access for emergency services, congestion issues and the inclusion of multiple access points.
- Concern regarding children's safety in terms of the nearby school.
- Drainage issues.

- The consultation processes and availability of plans.
- Detail in the minutes.
- The general support for affordable housing.
- Boundary treatments along Hough Top.
- Impact on biodiversity.
- Impact from anti-social behaviour and crime.
- The design of the proposals.
- Ecology concerns.
- Impact of the ball strike netting.
- Noise concerns for new residents due to proximity of the football pitch.
- Viability considerations and procedural matters.
- Bias concerns regarding the submitted Panel report.

Objectors to the application attended the meeting. Residents addressed the Panel. Following this, residents provided responses to the questions raised by Panel Members, which in summary, related to the following:

- Inclusion of Harley Drive as an access point.
- The design of the properties not being representative of the nearby properties on Hough Top, and similarly quality of design.
- Massing and location of the apartment block.
- Options available for football parking.
- Exclusion of the ball strike netting to plans associated with the planning application.
- Concern regarding the second consultation period.

The applicant/applicant's representative of the application attended the meeting. The applicant addressed the Panel. Following this, the applicant provided responses to the questions raised by Panel Members, which in summary, related to the following:

- Options to re-design the scheme.
- Extension of the consultation period.
- Access arrangements including Harley Drive.
- Housing mix of the apartment block and its space standards.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Mitigation measures available further to concerns raised regarding the ball strike netting. It was suggested that a condition be included regarding the receipt of a more detailed boundary treatment, and material options available regarding the ball strike netting.
- Methods of re-advertisement of the application.
- The consideration of a site visit not taking place.
- Policy compliancy.
- Use of materials.
- Clarity regarding the gradient of the football pitches adjacent to the proposed site.
- There are two sub-stations on Harley Drive.

- Leeds City Council's landscape team are not in support of the proposal.
- The use of air source heat pumps and policy compliancy.
- The importance of affordable housing.
- Concern regarding design elements of the proposals and the need to receive further information from various council departments.

Upon voting, an alternative motion was put forward to the officer recommendation. The alternative motion to defer the application was moved and seconded. It was

RESOLVED – To defer the application further to the following:

- The report did not adequately consider design of the site in the round, landscape and tree replacement proposals and were unconvinced by the boundary treatment proposed on the western boundary.
- Members requested that a tree, landscape, and design officer be in attendance when the item is returned to the South and West Plans Panel to answer questions.
- To re-consider the design of the houses and apartment block to improve quality and explain or improve landscape strategy and why stone transition was not proposed from Hough Top Road.

Cllr Cohen left the meeting at 17:55, at the conclusion of this item.

10 23/06023/FU - Land Former Matthew Murrays School, Brown Lane East, Holbeck, LS11 0BT

Members considered the report of the Chief Planning Officer which presented proposals for the installation of three new 3G artificial grass football pitches and two new MUGAs with associated works; erection of two storey, multi-use building containing changing facilities, a community cafe, GP consulting rooms, pharmacy, gym and meeting rooms; associated parking, bin stores, cycling store, new footpaths and landscaping at Land Former Matthew Murrays School, Brown Lane East, Holbeck, LS11 0BT.

The report recommended to the Panel that the application be deferred and delegated to the Chief Planning Officer for approval, subject to specified conditions and subject to the removal of Yorkshire Water objection, as set out within the submitted report.

Panel Members (referenced above) had attended a site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Additional comments were received from previous objectors when the agenda was published were read out at the meeting. Members were provided with further information in relation to environmental and health impacts of grass pitches.

Draft minutes to be approved at the meeting
to be held on Thursday, 1st August, 2024

The registered speaker in opposition to the application was not in attendance, and in line with the Protocol for Public Speaking at Plans Panel, the applicant and/or supporters to the application will not be permitted to speak. The Chair confirmed that speakers will not be permitted in this case.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Clarity on the ownership of recycling materials used for the pitch.
- Clarity on traffic flow.
- Concern regarding the use of artificial pitches in terms of the climate emergency, recycling of the materials and issues regarding microplastics in waterways and the impact this has on health.
- Current impacts of grass pitches in bad weather.
- The positive impacts the proposals have on the community.

Upon voting, a motion was put forward to move the officer recommendation, as per the submitted report. This was moved and seconded, and it was **RESOLVED** – To grant the application.

11 23/06437/FU - Land Off Whitehall Road, Drighlington, BD11 1LS

Members considered the report of the Chief Planning Officer which presented proposals for a residential development comprising 10 dwellings (three-bedroom bungalows) (Class C3) and conversion of existing barn into two dwellings including car parking, landscaping, and a new access, at Land Off Whitehall Road, Drighlington, BD11 1LS.

The report recommended to the Panel that the application be refused, for details as set out within the submitted report.

The application was brought before the South and West Plans Panel at the request of local Ward Councillor.

Panel Members (referenced above) had attended a site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Additional comments were received from the applicant's representative, and objector which were not available when the agenda was published were read out at the meeting. Members were provided with further information in relation to details of a site visit that took place with the applicant and council officers, with references being made by the applicant to revise his plans and discretion with the Local Planning Authority accepting them. Further comments received from a nearby objector regarding the land in-front of the barn.

An officer from Leeds City Council's Heritage, Land and Biodiversity team attended the meeting and provided some background context regarding the heritage asset.

The agent for the application, and objector to the officer's recommendation attended the meeting. The agent addressed the Panel. Panel Members did not directly relate any questions to the agent.

Discussion took place between the applicant and officers on advice that had been sought and received, as part of the planning application process.

There were no supporters of the officer's recommendation in attendance. Therefore, questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Impact on the Conservation Area in terms of views.
- The impact changing the use of the land will have on the setting of the Listed Buildings.
- The positive change of the stable block.
- Clarity on advice provided to the applicant during the application stage.
- The impact on biodiversity and ecology.
- Members collectively agreed that the current green land site is 'beautiful' and a heritage asset.

Upon voting, a motion was put forward to move the officer recommendation, as per the submitted report. This was moved and seconded, and it was unanimously

RESOLVED – To refuse the application.

12 Date and time of the next meeting

RESOLVED – To note that the date and time of the next meeting is proposed as Thursday, 4th July 2024 at 1.30pm.

It was noted that the date and time of the next meeting is subject to change due to the general election being held on the same day.

The meeting concluded at 19:16.

WEBCAST OF THE MEETING

Please [ctrl+click](#) to access the link to view the webcast of the meeting.



Originator: Aaron Casey

Report of the Chief Planning Officer

South and West Plans Panel

Date: 4 July 2024

Subject: Application 24/02234/FU: Change of use of Existing C3 residential dwellinghouse to C2 (residential children's care home) at No. 9 Woodhall Park Crescent East, Pudsey, LS28 7HG

Applicant: Mr S Bains

Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted: (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions

Conditions:

1. Time limit – Commencement within 3 years.
2. Development to be carried out in accordance with approved plans.
3. Restrictions on number of residents that reside at the site at any one time to one child under the age of 18 years.
4. Restrictions on number of resident staff on site at any one time to three.

5. Details of bins (siting and method of storage) to be submitted for written approval.
6. Details of electric vehicle charging points to be submitted for written approval.

INTRODUCTION:

- 1 The application is brought to Plans Panel at the request of Councilors Andrew Carter who has set that they he is of the view that a change of use of a semi-detached property to a Children's Care Home within this residential area is not appropriate and provided the below reasons:
 - Generation of additional traffic
 - Concerns regarding the proliferation of children's homes within residential properties.
 - The proposal represents the loss of a residential property
 - Safeguarding concerns: Cllr Carter sets out that he has had correspondence with the Chief Executive, Chief Planning Officer and others about the monitoring, safeguarding and welfare of the young people who will be housed in these properties. In Cllr Carter's view there are not enough checks and balances to ensure adequate protection, and he believes that it is only a matter of time before this could lead to a major safeguarding issue. If this occurs, he will hold the Local Authority and the elected Members responsible to account. Cllr Carter further sets out that elected Members need to remember they not only have a duty as members of the Plans Panel, but also in local parents for the wellbeing of these young people and that Member have a duty of care to the residents in the area.

PROPOSAL

- 5 The proposal is for the change of use of a dwelling house within the Use Class C3 to a residential home within Use Class C2.
 - This home will be for one child under the age of 18 years.
 - The home will be supported by 3 staff, 2 on a 24hr rota and a manager working Monday to Friday 09:00 until 18:00total working rota of 48 hours on and 48 hours off.
 - There are no proposals for alterations to the external or internal parts of the building nor do the submitted details indicate that there would be any alterations to the grounds.
 - The existing off-street parking facilities on the site's driveway would be utilised. This provides space for 2 vehicles.

SITE AND SURROUNDINGS:

- 6 The application site comprises a semi-detached 3 bedroom semi-detached dwelling located at No. 9 Woodhall Park, Crescent East, Pudsey, LS28 7HG. There are gardens to the front and rear that include areas of hard-standing providing off-street parking.
- 7 The wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights, ranging from approximate periods of construction throughout the 20th century.
- 8 The site sits within the Calverley and Farsley Ward. Calverley identified as being a smaller settlement with Map 3 (Settlement Hierarchy) and Table 1 of the Core Strategy (Identification of Settlement Types) Farsley is identified as being within the Main Urban Area.
- 9 It is considered that given the wide range of existing amenities, existing highway infrastructure, good public transport routes and frequency in union with the well-established residential settlement, the site can be regarded as being within a sustainable location.

RELEVANT PLANNING HISTORY:

- 10 There is no history that is relevant to this application. However, the below case and appeal decision is set out for Members to highlight the position Officers are in with regard to resisting changes of use of dwellings for use as children's care facilities due to the size of the building and the extent of outdoor space within the plot.
- 11 16/07459/FU: 13 Wellington Grove, Bramley for a Change of use of dwelling (C3) to a residential children's care home (C2) – This site falls outside of the area of the site but given that the proposal is for a change of use from a C3 to a C2 use the findings of the Inspector dealing with the subsequent and relatively recent appeal are considered to be relevant in this instance. The LPA refused this application for the below reason:

The Local Planning Authority consider that the proposed use of the host property as a Children's Care Home (C2 Use Class) is unacceptable by reason of the increased noise and disturbance from the comings and goings of staff associated with the running of the proposed use, resulting in the intensification of the use of the building, which would result in multiple users that would be above those levels reasonably expected if the building was in use as a family home. This would therefore have an undue effect on the living conditions of neighbouring residents, compounded by the back-to-back nature of the dwellings. As such the proposal is contrary to saved Policy GP5 of the Leeds

UDP (2006) and the advice contained within the National Planning Policy Framework (2012).

The Local Planning Authority considers that this property, a back to back house, is unsuitable for the provision of specialist care for children due to the lack of outdoor amenity area, limited scope for private/quiet rooms, and the higher levels of noise transfer from surrounding properties. It is considered that the likelihood of the children to be homed here having severe emotional and behavioural disabilities would be higher than with a typical family and that the type of property could therefore create a more harmful environment for them to live in. This would be detrimental to their amenity, contrary to policy GP5 of the UDP.

This was subsequently allowed at appeal. With regard to noise and disturbance the Inspector notes in his findings that:

“.....it is argued that the potential emotional and behavioural difficulties of a child at the property would contribute to adverse and excessive noise and disturbance from within the property for neighbouring occupiers. However, I have seen no substantive evidence to support this. Furthermore, whilst the children likely to reside at the property may have such difficulties, I find it unreasonable to assume that such behavioural and emotional needs would inevitably result in anti-social behaviour and excessive noise or disturbance.”

Member’s attention is drawn to the above as it is pertinent to the determination of this application now before Panel. It should also be noted that the Inspectors finds refer to the change of use of a back-to back property, thereby much smaller than the application site with much less outdoor space.

HISTORY OF NEGOTIATIONS:

- 12 The proposal before Members is unchanged from the date of its submission.

PUBLIC/LOCAL RESPONSE:

- 13 This application was advertised by 1 x site notice close to the site on the 29 April 2024. This application has attracted 15 letters of representation, split into 8 objections including representation from Councillor Andrew Carter, and 6 letters of support.

Ward Members

- 14 Councillor Carter has objected to the application for the reasons cited in Paragraph 1.

Other Public Response

- 15 The issues raised through the representations received from the local residents are summarised below:

Objections from local residents

- A care home of is an inappropriate use with the residential street.
- Increased levels of noise, disturbance, comings, and goings.
- Highway safety issues.
- Would result in an increased parking demand.
- Potential for greater occupancy.
- Would result in the decrease of property values.

Support

- This is a valuable initiative offering support and care.
- Will strengthen the community by fostering an environment where everyone can thrive.

CONSULTATION RESPONSES:

Highways

- 16 No objections and no concerns raised with regard highway safety or off-street parking provision. A condition has been recommended for the installation of one 32 amp electric vehicle charging point with the detached garage providing cycle storage opportunities and the existing bin storage remaining as existing.

Flood Risk Management

- 17 No objections

PLANNING POLICIES:

- 18 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 is made up of the Core Strategy (Review 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013, the Aire Valley Leeds AAP, as well as any made neighbourhood plans.

Relevant Policies from the Core Strategy:

- GENERAL POLICY: Presumption in favour of sustainable development
- Spatial Policy 1: Location of development in main urban areas on previously developed land.
- P10: Design, context and amenity consideration
- T2: Accessibility

Relevant Saved Policies from the UDP:

- GP5 – General planning considerations

Supplementary Planning Guidance and Documents

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Transport SPD

National Planning Policy

- 19 The National Planning Policy Framework (NPPF). One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

The below sections of the NPPF are considered to be most relevant:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport

CLIMATE EMERGENCY:

- 20 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 21 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 22 As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

PUBLIC SECTOR EQUALITY DUTY:

- 23 The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

MAIN ISSUES

- Principle of development
- Character and Appearance
- Impact on residential amenity
- Highways
- CIL
- Other issues

APPRAISAL

Principle of development

- 24 Spatial Policy 1 of the 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.
- 25 The proposal seeks to change the use of No.9 Woodhall Park Crescent East from a family house within the Use Class C3 to a residential care home within the Use Class C2.
- 26 The proposed end use would be within a well-established urban area that sits close to existing amenities (shopping, medical and education) within the Pudsey area as well as links to Farsely Town Centre. The travel times and methods of travel to these shopping and service areas are the same as they would be if the house stayed within a C3 use, and there is no requirement that a residential care home operating from an existing building would need to be any closer to the existing local amenities than the surrounding residential population. Moreover, the immediate area is well served by public transport routes to designated centres within Pudsey and other surrounding areas, as well as the Owlcotes Retail Park. Therefore, site is considered to be within a sustainable location.

- 27 The Applicant asserts that the use would seek to function as a family environment with residents living as a household. This would respond to the residential context of the area and the number of occupants at any one time would be no more than one could expect if a family occupied the site. This proposed use and the occupancy limits of one child under the age of 18 and the two/three members of staff that would be on-site at any one time, would in Officers view have a neutral impact on the use of the building, implications on local services as there could be a very similar, if not the same impact from a family occupation of the site. This would be a residential care home within a residential area, albeit the dynamics differ from a family home (i.e., that the staff would work there rather than it being their home).
- 28 The use is considered to accord with the aims of Spatial Policy 1 and there is no policy context that could reasonably prevent a change of use from a C3 use to C2, and therefore the principle of the change of use is considered to be acceptable.

Character and Appearance

- 29 There are no physical changes proposed to the external parts of the building or to its grounds. It is not considered that the use of the site with the limited level of one resident and associated on-site staff and any visiting support specialists would change the residential character of the site, or over-intensify it beyond what could reasonably be expected if this five bedroom semi-detached dwelling remained in family use.
- 30 The scheme is considered to be compliant with the aims of Core Strategy Policy P10 and saved UDP Policy GP5 and the policy contained within the NPPF.

Impact on residential amenity

- 31 It is not considered the proposal would have any impact on existing residents, in terms of over-shadowing and over-looking as there are no alterations proposed to the building or its plot.
- 32 The building is semi-detached with gardens that adjoin neighbouring sites. Whilst it could be argued that the chances of noise and disturbance could be higher than if a family occupied the property, any instances of difficulties would be dealt with by the staff that will be on site. It is not considered that any levels of noise and disturbance from the one resident and the on-site care team would be significantly greater than a family situation, and there is no evidence to suggest otherwise.

- 33 The care home would provide accommodation for one young person at a time. and until referrals are made it would not be clear to the Applicant exactly to what extent of care and supervision the individual will need. Nevertheless, this is a care home with a duty of care and one that will be subject to assessment by a regulatory body.
- 34 It is a usual requirement that operators record and log any complaints made about a care home, and that the regulatory body (e.g., OFSTED) would then investigate. In principle and dependent upon the scenario, operators run the risk of their licenses being revoked should they fail to meet the relevant and required standards.
- 35 In Officers opinion the proposed use would not result in unduly increased comings and goings from staff changes and transportation of the residents than the existing C3 use. The home will be supported by 2 staff members, 24 hours a day and one manager working a day shift. As with a family home visits and activity could occur throughout the day and at sociable hours into the evening and at a similar level of vehicles and visitors.
- 36 In light of the above, Officers acknowledge that many attributes of family life could occur however, the nature of the occupation, involving the rotation of the care workers due to their shift patterns, the comings and goings to the site may on occasion be more numerous than could be anticipated for most family homes but it is not considered that the levels of comings and goings would be significantly greater than those a family could attract. The impact on the surrounding neighbours would in Officers view, not be unduly harmful. Moreover, conditions restricting resident numbers to no more than one resident and three members of staff (with no more than 3 on site at any one time) will ensure that the site would not be overly intensified beyond the limits of the property if it remained a family home.
- 37 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the policy of the NPPF.

Highways

- 38 Core Strategy Policy T2 requires that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Whilst paragraph 115 of the NPPF directs LPA's not to withhold or refuse development on highways grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 39 As part of this application a technical view was sought from Highways who have indicated that the surface parking area within the site provides for adequate levels of off-street parking. The existing residential dwelling has x3 bedrooms, and the proposed internal layout provides x1 staff bedroom and x1 child's bedroom. The Transport SPD, sets out that x1 car parking space is required for every 3 residents. The proposal would result in three staff on the site at any one time and with the reduction of bedrooms and Transport SPD guidance, Highways take the view that on balance the parking arrangements shown are acceptable.
- 40 Conditions have been suggested by Highways for details to be submitted and approved for an electric vehicle charging point, and these are recommended to be imposed. Cycle parking can be accommodated within the retained detached garage block and there would be no changes to the bin siting and storage.
- 41 Therefore, Highways have concluded that the proposal is acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the policy of the NPPF.

CIL

- 42 The proposal is a change of use and is therefore exempt from CIL under the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, and 2014)

Other issues - Representations

- 43 The points raised in representation have in the main been covered within the above report.
- 44 Matters raised regarding safeguarding issues would be dealt with through separate regulatory frameworks that would deal with these issues outside of planning legislation. Therefore, this is not considered to be material to the determination of this application. Comments raised regarding decrease of property values are noted but this is not a material planning matter and can be afforded no weight.

Inclusivity

- 45 Local Planning Policy seeks to ensure developments proposals are accessible to all. This proposal is predominantly for a change of use with no external changes. It is noted that there are small steps up to the main entrance doors, however the providers will need to comply with any disability requirements as laid down by Ofsted and depending on the individual needs of the occupants. Should additional installations be required externally such as an access ramp

then planning permission will be required. There would be adequate space within the site constraints to undertake any such work.

CONCLUSION

- 46 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The application site would operate within a use that would attract occupation and levels of noise and disturbance from comings and goings, akin to those that could reasonably and likely occur if a family resided at this address.
- 47 The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff. There is sufficient on-site parking for staff and visitors and the site is located within a sustainable location.
- 48 It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

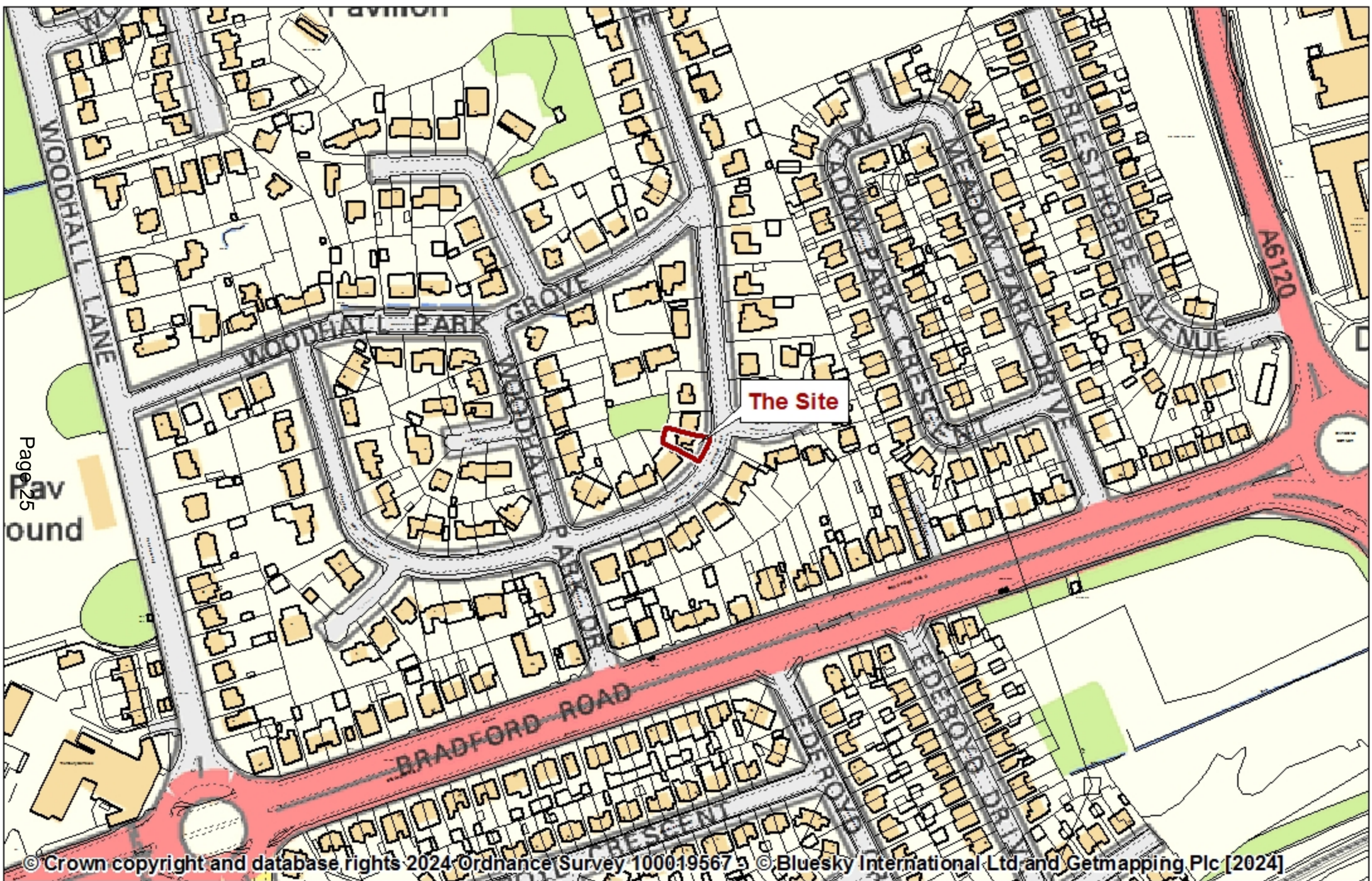
Background Papers

Application Files: 24/02234/FU



SOUTH AND WEST PLANS PANEL



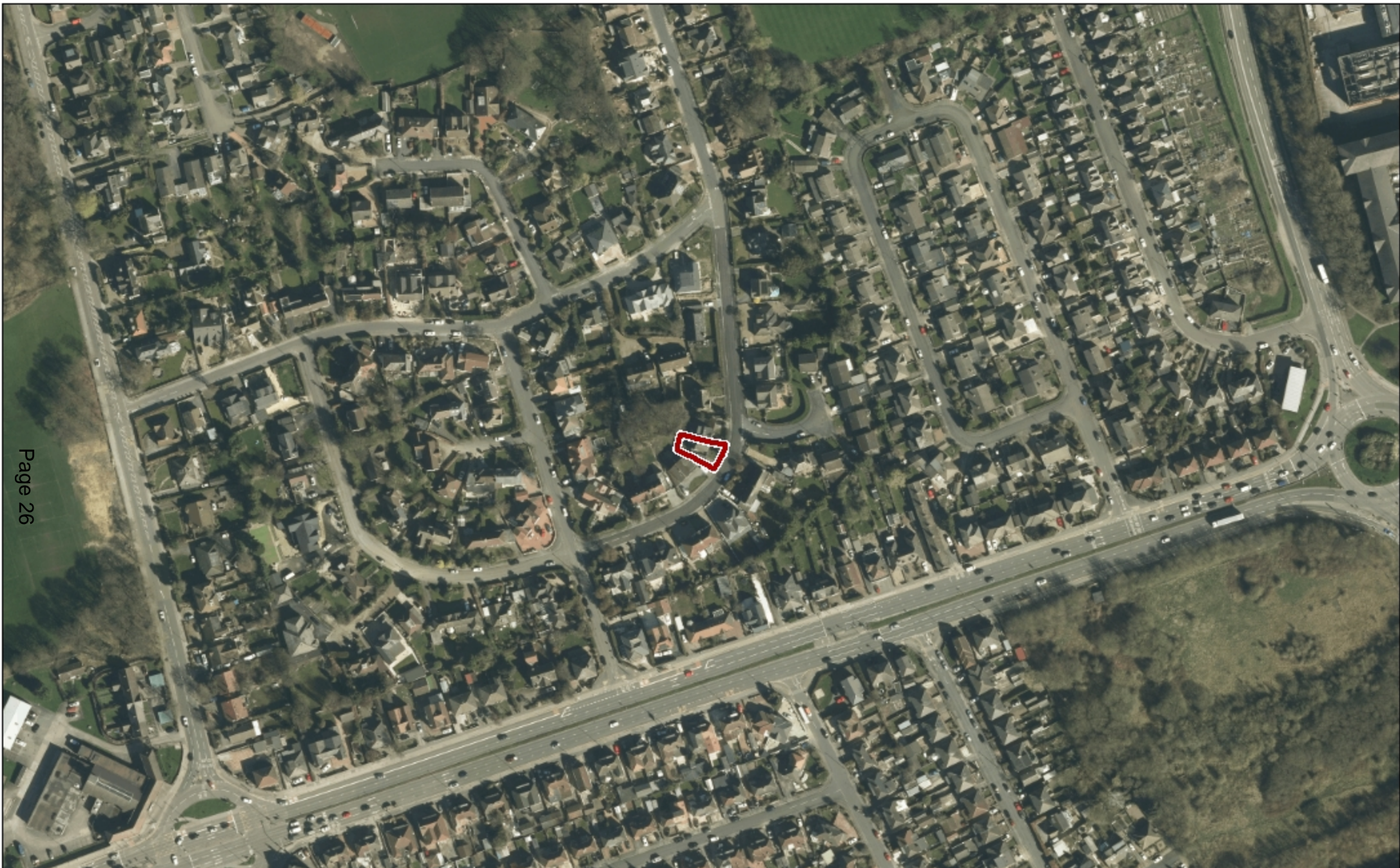


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PLANS PANEL PRESENTATION

SCALE 1:2500





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PLANS PANEL PRESENTATION

SCALE 1:2500





Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 1st August 2024

Subject: 23/06663/FU – Erection of 82 affordable dwellings, two new vehicular access points, associated open space and infrastructure and ball strike netting at former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13.

APPLICANT

Leeds City Council

DATE VALID

17.11.2023

TARGET DATE

05.04.2024

Electoral Wards Affected:

Pudsey

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: APPROVE subject to the specified conditions set out below (and any amendments to or addition of others, including from Sport England which the Chief Planning Officer might consider appropriate).

Conditions

1. Time limit on permission
2. Development to be carried out in accordance with the approved plans
3. Details of external walling and roofing materials
4. Details of all hardsurfaced areas
5. Landscaping Scheme and details of a scheme for implementation & maintenance
6. Long term maintenance of Greenspace
7. Tree protection details
8. Replacement planting
9. EVCP implemented prior to occupation
10. Roads and driveways sealed and drained
11. Provision of retention of visibility spays
12. Retention of driveways for parking
13. Maximum access gradient

14. Maximum gradient of driveways
15. Footpath crossings and closure of redundant access points
16. Highways condition survey
17. Specified off-site highway works
18. Construction Management Plan
19. Detail of waste collection provision
20. Working hours
21. Contamination conditions
22. Importing of soil
23. Drainage conditions
24. Construction Environmental Management Plan (CEMP)
25. Landscape & Biodiversity Net Gain Management Plan
26. BNG Habitat monitoring reports
27. Protect species method statement
28. Details of bat and bird boxes and implementation
29. Lighting strategy for bats
30. Provision of and future maintenance of ball strike netting
31. Implementation of accessible homes
32. Development implemented in accordance with energy statement
33. Details of a scheme for off-site biodiversity net gain measures
34. Travel Plan and scheme for monitoring
35. Details of a scheme for Residential Travel Plan Fund
36. Details of a scheme of Traffic Management measures
37. Details of a scheme for local employment initiatives
38. Details of a scheme for off-site play equipment
39. Provision of Public open Space and scheme for future maintenance

INTRODUCTION:

1. The application was previously presented to South and West Plans Panel on 6th June 2024 with a recommendation for approval and is a scheme for 82 affordable dwellings on previously developed land on a site which is allocated for housing. The proposal would delivery much needed affordable housing for the Council and in particular, the residents within the Ward of Pudsey.
2. At the previous Panel meeting on 6th June, Members accepted the principle if residential development on this site and welcomed the provision of affordable housing. However, there were a number of concerns relating to the design and materials of the scheme as well as the impact on trees and the provision of new landscaping. Members specifically asked that the application be deferred and that the Design Officer and Landscape/Tree Officer be present at the next meeting to answer questions relating to their specialist areas of expertise. The draft Minutes are as follows:

RESOLVED – To defer the application further to the following:

- *The report did not adequately consider design of the site in the round, landscape and tree replacement proposals and were unconvinced by the boundary treatment proposed on the western boundary.*
- *Members requested that a tree, landscape, and design officer be in attendance when the item is returned to the South and West Plans Panel to answer questions.*

- *To re-consider the design of the houses and apartment block to improve quality and explain or improve landscape strategy and why stone transition was not proposed from Hough Top Road.*
3. Officers have held further discussions with the applicant following the previous Panel meeting and additional information and revised plans have been submitted which is explained within the next section and appraisal of this report.

UPDATE SINCE PREVIOUS PANEL:

4. Panel Members raised concerns over the design and landscaping of the scheme at the previous Panel meeting. The applicant has therefore provided information relating to the use and choice of materials and consider that the use of a clay brick is an appropriate building material in this context. Photographs of other developments using similar bricks have also been provided and include a preference for Wolds Minster, Oldstock Antique and Ridings Antique, all of which come from the Carlton Brickworks which is approximately 25 miles away and therefore considered to be from a sustainable location. In terms of alternative materials, the applicant considers the use of concrete bricks to be of inferior quality and also unsustainable, while the use of natural stone is cost prohibitive and equally the use of artificial stone is also seen as having an inferior quality. With regard to the design of the houses and apartment block. Accordingly and in light of this further clarification, no alterations have been made since the last Panel meeting, with the applicant concluding that the design and layout is most appropriate for this context.
5. Further information and plans have been submitted with regard to the impact on trees and the proposed landscaping scheme. Landscaping is an integral part of the design of any scheme, and therefore the applicant has looked at addressing the concerns of the Landscape Officer. An updated Arboricultural Impact Assessment (AIA) has been provided, as has information on levels, boundary treatments, and hard and soft landscaping plans.
6. The applicant has also looked at the boundary treatment along the western boundary which butts the existing playing pitch. Mindful of the need to provide appropriate rear gardens to those houses which back onto the pitch, the need to address Sport England's requirements and Members comments on suitable boundary treatments along this edge, the applicant has reviewed this again. Given the difference in levels between the pitch and the site (circa. 1.5 – 2.0m), Sport England require the ball strike fence/netting to be 8m in height from pitch level. Therefore, as the ball strike netting is on the lower section of the embankment, the fencing/netting needs to be increased in height slightly. The applicant has also looked at rationalising the boundary treatments along this edge, which would have resulted in 3 separate boundary treatments, those being the 1.8m close boarded fences that form the rear enclosure to the new residential gardens, the existing 2m metal palisade fencing and the ball strike fencing/netting. Instead, the applicant proposes to remove the unsightly 2m high metal palisade fencing and integrate fastigate planting between the ball strike fencing/netting and the 1.8m close boarded fencing. Fastigate planting is a tree or shrub which has branches which point up. As a result of this increased planting, amendments have been made to the biodiversity net gain assessment.

UPDATED CONSULTATION RESPONSES:

Statutory

7. Sport England
Sport England endorse the findings of the applicant's submitted ball strike assessment and agree that a suitable ball stop mitigation system is required. The latest comments from Sport England indicate that the ball strike netting must be at a height of 8m above the playing surface of the adjacent playing pitch and a maintenance schedule should be submitted. Without this information, Sport England will maintain their objection to the scheme. *Revised plans and information have been submitted to address comments from Sport England and they have been re-consulted. Their comments will therefore be reported verbally at the Panel meeting.*

Non Statutory

8. LCC Design Team
Following initial concerns over the design and appearance of the dwellings and apartments as well as the boundary treatments, improvements have been made to seek to address these issues. A meeting has taken place between officers and the applicants to discuss the design and use of materials. Some design changes were requested including lowering the cill heights on the first floor bathroom windows to the front of some of the housetypes to ensure that they match bedroom windows. However, the applicant states that this is not feasible due to the internal configuration and the need to provide splashbacks behind washbasins within the bathrooms which is required in terms of longevity and future maintenance. The proposed use of clay brickwork is supported.
9. LCC Landscape Team
Concerns were raised over the loss of trees and inadequate information which was submitted. This has now been provided and the Landscape Officer considers that whilst the extent of trees loss is regrettable the number of replacement trees will be policy compliant. Further comments are provided on technical details including levels, tree pruning, tree protection, impact on tree roots from drainage runs, boundary treatments, including the landscaping to the western edge adjacent to the playing pitch and ball strike fencing/netting. Furthermore, access to the amenity space to the apartments is much improved and the proposals will preserve the health of retained trees. The proposed play area within the Greenspace is also considered to be acceptable and is enclosed by suitable boundary treatment to keep children safe. Subject to some minor changes (*which have been requested*), the proposals are, on balance, acceptable in landscape terms.
10. LCC Nature Conservation Team
The latest landscape proposals result in an increase in a measurable net gain for biodiversity hedgerow units achieved on site. While the scheme does not achieve a net gain for habitat units on site, the allocation of off-site biodiversity units for this development results in the scheme achieving a measurable net gain for biodiversity. The Biodiversity Statement adequately evidences the application of the Biodiversity Mitigation Hierarchy and officers are satisfied that with the purchase of off-site biodiversity units, the scheme achieves a net gain for biodiversity and is compliant with Policy G9 and paragraph 185b of the NPPF.

PUBLIC/LOCAL RESPONSE:

11. Since the publication of the previous Panel report for 6th June meeting, a number of additional representations were received. These were reported verbally to Members at

that Panel meeting, although for completeness, these additional representations were as follows:

Local Residents

12 additional representations objecting and raising concerns (most of these come from the same group of 5 residents). These include an 9 page document submitted by a collective group of residents, as well as a 6 page critique of the report of the Chief Planning Officer, as well as a number of individual representations from a number of local residents. The concerns / objections relate to the following issues:

- Wish to make it clear they support housing incl. affordable housing, but concerns over:
- Parking issues arising from school and football pitches;
- Lack of football parking mitigation measures;
- Boundary treatments along Hough Top;
- Impact on biodiversity;
- Loss of and harm to trees;
- Design of the PoS;
- Impact from Anti social behaviour and crime;
- Detailed comments relating to poor design of the flats and houses;
- Visual impact of the ball strike netting and potential impact on bats and birds;
- Impact on noise for new residents from the football pitch;
- Impact on drainage and flooding;
- Poor communication and consultation;
- Missing information on financial viability, indicating that a high quality design is not feasible due to viability considerations and procedural matters arising from this failure;
- Information is provided on the estimated costs of properties within Pudsey compared to the overall forecast project costs within the Brownfield Housing Fund grant application;
- The planning balance as set out within the Panel report is flawed, and the report underplays the impact and loss of trees;
- Given the Council has declared a Climate Emergency, significant weight should be given to the loss of trees;
- Concerns over the impact on biodiversity;
- The ecological impact;
- The Panel report is biased and misleading, with inaccuracies, omissions and incorrect statements;
- Football parking has not been fairly represented;
- No assessment on the impact on bats and birds from the ball strike netting;
- Comments from a resident have been sought from the West Yorkshire Bat Group and the West Yorkshire Ecology Service;
- Lack of consideration to boundary treatments;
- Lack of consideration for anti social behaviour;
- Noise impact on the 12 houses from the playing fields;
- Main drawings do not confirm with British Standards BS 5837: 2012;
- Various corrections and amendments to the officer's report – these are too numerous to list individually and were only submitted yesterday at 4:18pm.

Cllr Trish Smith

Fought hard to ensure that the development is for 10% affordable housing, but disappointed that very few of the comments, recommendations and requests from myself and local residents have been incorporated into the design:

- Done nothing to address existing highways issues;
- Concerns over children's safety (due to proximity to primary school);
- Nothing done to address existing parking issues;
- Done nothing to address drainage issues which will be exacerbated;
- Consultation process has been confusing, leaving residents feeling unheard;
- Minutes are very sparse in detail;
- Feel let down by the whole process and feel ignored.

Cllr Dawn Seary

Is supportive of social housing but the plans are lacking in both suitability and vision:

- This is a missed opportunity for this site;
- Views of local residents have not been listened to;
- Main concern is 1 road in 1 road out. Impact on emergency service access, congestion and pollution;
- Impact due to football traffic;
- Residents have not been kept up to date with the plans and has not been a transparent process and documents not uploaded in good time;
- Developer revised the scheme to include multiple access points.

Since the Panel meeting on 6th June, 3 further letters of representation have been submitted raising the following concerns:

- Previous objections have been ignored;
- Concerns over the use of the woodland area as PoS in the SE corner of the site, which would also be inaccessible for wheelchairs, disability scooters and pushchairs;
- Concerns over proposed boundary treatments;
- Blocking of access to the playing fields;
- Loss of trees;
- Tree loss quoted by the applicant is incorrect and underestimated;
- Replacement tree policy will not be met;
- Tree data is incorrect;
- Outstanding issues with soil levels;
- Replacement trees are near the attenuation tank and may never be planted;
- Entrance from Harley Drive should be retained;
- Number of dwellings should be reduced;
- Financial viability has been put before protecting the environment and biodiversity;
- Development layout is wrong and could be made better;

12. **APPRAISAL**

13. This section of the report focusses on the issues which Members had concerns with during discussions at the previous Panel meeting on 6th June. All other issues are addressed within the previous report which is attached at Appendix 1 to this report.

14. Design & Layout

15. No alterations to the layout and design of the scheme have been made since the last Panel meeting. Instead, the applicant has put forward their justification for the use of external materials and consider that the design of the houses and apartment block are an appropriate design solution given the context of the area. Images of the possible choice of brickwork have also been provided and these will be presented at the Panel meeting during the presentation.

16. Images and photographs of other affordable housing schemes that have been developed by the Council were shown at the previous Panel meeting to provide Members with a general understanding of how the dwellings and apartment block may look at the site at Hough Top. Whilst appreciating that the housetypes do differ and have some variety it was considered helpful to provide this information to Members in their decision making.

17. Members at the previous Panel meeting raised queries over the choice of external materials, with brick being proposed for all of the houses and apartment block. As was mentioned at the previous Panel meeting, the design of the houses and apartment block are considered to respond positively to the character of the area. The house types are 2 storey and are considered to be acceptable in terms of the general appearances of the street and the individual buildings. Visual improvements have also been made to dwellings located in prominent corner locations to provide more visual interest and relief. In terms of materials, the applicant proposes a red brick, and whilst there is a mix of stone and brick in the immediate area, given the set back nature of the development and the screening afforded by existing mature trees along the Hough Top frontage, it is considered that brick is an appropriate building material. Indeed, the houses to the north within Harley Drive are constructed from red brick, while the flats to the east are constructed from a combination of red brick and render. The applicant has provided additional information relating to the use and choice of materials who consider that the use of a clay brick is an appropriate building material in this context. Photographs of other developments using similar bricks have also been provided and include a preference for Wolds Minster, Oldstock Antique and Ridings Antique, all of which come from the Carlton Brickworks which is approximately 25 miles away and therefore considered to be from a sustainable location. Officers are supportive of the use of clay brickwork given the context to which the site is set within, and together with the overall design, consider that it is an appropriate design solution which will contribute to the local character of the area. A Design Officer will be at the Panel meeting to answer any questions that the Panel may have.

18. Trees & Landscaping

19. At the previous Panel meeting, the Landscape Officer was not supportive of the scheme due to lack of information within the arboricultural impact assessment, the impact on root protection areas of several trees due to changes in levels, concerns over some boundary treatments; impact on trees from drainage routes; visual impact from the ball fencing on the western boundary; inadequate play equipment and quality of the Greenspace. Since then, the applicants have worked with the Landscape

Officer to provide a comprehensive package of information to address the concerns identified.

20. Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the Natural Resources and Waste DPD state seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal of trees is agreed in order to facilitate development, suitable tree replacement should be provided.
21. Since the last Panel meeting the applicant has provided an updated arboricultural impact assessment, a revised hard and soft landscaping scheme, and revised boundary treatments which are in addition to the already submitted a Landscape and Visual Assessment.as well as a Landscape Scheme. As was set out in the previous report and noted at the previous Panel meeting, a development of the scale proposed will inevitably be removed to help facilitate the development. In total, 26 trees will be removed and these are located towards the edges of the site and a tree towards the middle. Some of these trees are self seeded given that the site has remained vacant for several years. Trees to be removed include Beech, Cherry, Elder, Ash, Sycamore, Birch and Poplar trees. In particular, and to facilitate one of the new vehicular access points, 2 Category B Common Ash trees will be removed. There are also 2 large trees along the eastern boundary which will be removed and include a Poplar and a European Lime, both in Category B. However, all 5 of the Category A trees will be retained (3 Limes, 1 Sycamore and 1 Common Ash.
22. As part of a new comprehensive landscaping scheme, 96 new trees will be planted in accordance with policy LAND. Whilst these trees will take time to mature, they will ultimately lead to an enhancement in the visual quality of the area following good maintenance and management measures, secured by condition.
23. In terms of Greenspace provision, a total of 4,630 sqm of Public open Space (PoS) is proposed which exceeds policy requirements. The inclusion of a small trim trail play area, for younger children, as part of the PoS will be a positive facility for families living on the site and nearby. The original proposed play area has been reduced in size in response to comments from Ward Members and the public about the potential for antisocial behaviour. The cost of providing this equipment will be included as a scheme to go towards enhancing the closest playground at Swinnow Moor Park which would be sought through a planning condition.
24. In summary, whilst some tree removal will take place, this is necessary to facilitate the development, including the creation of new vehicular access points. The majority of Category A trees will be retained, while new tree planting will take place to compensate for trees lost. Overall, the removal of the unsightly metal palisade fencing and landscaping enhancements and better quality boundary treatments will lead to a development which will make a positive contribution to the landscape setting and character of the area. The Landscape Officer will be at the Panel meeting to answer any questions that the Panel may have.
25. Impact on the Adjacent Playing Pitches
26. The presence of the adjacent football pitches have the potential to create noise and disturbance for future occupants of the residential development, both in terms of noise generated by players and spectators and in terms of inconvenience in the event that footballs may stray over the fence into rear garden areas, most notably to the rear of

Plots 7-18 (12 plots out of the 82 dwellings proposed). Given these concerns, the applicant has commissioned a Ball Strike Assessment in support of the application. The submitted Ball Strike Assessment requires that ball stop mitigation measures in the form of an 8m high structure is erected between the site and pitch along its entire pitch length. The applicant has submitted amended details of this and at the time of writing this report, comments from Sport England were awaited, and therefore, Sport England maintain their objection.

27. Representations

28. All of the issues raised by representations have been addressed in the report above and in the report of 6th June 2024.

29. **CONCLUSION**

30. In light of the above, and particularly given that the site is an allocated housing site in the SAP, the principle of residential development is considered to be acceptable. The development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety. The development provides 100% affordable housing and this weighs heavily in the planning balance of considerations. Additional information has been provided on design and landscape issues and specialist officers will be available at the Panel meeting to answer any specific questions in accordance with the previous Panel resolution.

31. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise and in this case, it is determined that the proposed development is in accordance with the development plan for the reasons set out in the report above and the report of 6th June and there are no overriding material considerations to indicate otherwise. It is therefore recommended that the application be approved subject to no objections being received from Sport England, and the specified conditions set out below (and any amendments to or addition of others, including from Sport England which the Chief Planning Officer might consider appropriate).

BACKGROUND PAPERS:

Application file reference: 23/06663/FU

Certificate of ownership: Certificate A signed by agent.

Appendix 1



Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 6th June 2024

Subject: 23/06663/FU – Erection of 82 affordable dwellings, two new vehicular access points, associated open space and infrastructure and ball strike netting at former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13.

APPLICANT

Leeds City Council

DATE VALID

17.11.2023

TARGET DATE

05.04.2024

Electoral Wards Affected:

Pudsey

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: APPROVE subject to the specified conditions set out below (and any amendments to or addition of others, including from Sport England which the Chief Planning Officer might consider appropriate).

Conditions

40. Time limit on permission
41. Development to be carried out in accordance with the approved plans
42. Details of external walling and roofing materials
43. Details of all hardsurfaced areas
44. Landscaping Scheme and details of a scheme for implementation & maintenance
45. Long term maintenance of Greenspace
46. Tree protection details
47. Replacement planting
48. EVCP implemented prior to occupation

49. Roads and driveways sealed and drained
50. Provision of retention of visibility spays
51. Retention of driveways for parking
52. Maximum access gradient
53. Maximum gradient of driveways
54. Footpath crossings and closure of redundant access points
55. Highways condition survey
56. Specified off-site highway works
57. Construction Management Plan
58. Detail of waste collection provision
59. Working hours
60. Contamination conditions
61. Importing of soil
62. Drainage conditions
63. Details of bat and bird boxes and implementation
64. Provision of and future maintenance of ball strike netting
65. Implementation of accessible homes
66. Development implemented in accordance with energy statement
67. Details of a scheme for off-site biodiversity net gain measures
68. Travel Plan and scheme for monitoring
69. Details of a scheme for Residential Travel Plan Fund
70. Details of a scheme of Traffic Management measures
71. Details of a scheme for local employment initiatives
72. Details of a scheme for off-site play equipment
73. Provision of Public open Space and scheme for future maintenance

INTRODUCTION:

32. The application was previously presented to South and West Plans Panel on 7th March 2024 as a Position Statement. It was presented to Panel to seek Members' views on two key planning issues – design and appearance, and highways. An update was provided for information in relation to biodiversity and drainage. The outcome from Panel was that Members suggested changes to the scheme and points for consideration by the applicant. These suggestions included introduction of stone to properties facing Hough Top, changes to the appearance of corner turn houses and the apartment building, changes to the western boundary treatment, considering an access from Harley Drive and suggestions to provide a more integrated solution for cycle access.
33. Officers have held further discussions with the applicant following Panel which has resulted in revised and additional plans and reports. The changes include: more windows to corner properties, greater articulation and an increase in windows to the flats, improvements to flank boundaries to houses, an increase in tree planting, removal of the path to the SE public open space, and improvements to hard surfacing treatment. However, there has been no change to the western boundary treatment, (other than the provision of ball strike netting), the proposed vehicular access points or cycle access.
34. The application is now presented to South and West Plans Panel for determination with a recommendation to approve with conditions.

UPDATE SINCE PREVIOUS PANEL:

35. The application was previously considered as a Position Statement in March. At this meeting, two questions were asked of Panel Members. The questions, plus Members responses, are set out below.

36. **Question 1: Do Members consider the design and appearance of the development to be acceptable?**

Members did not consider the design and appearance of the development to be acceptable. Specifically in relation to considering material changes coming from Hough Top with a transitional change throughout the development to make this more of a sympathetic design to the immediate locality.

Members also wanted to see further detailing/accenting to the properties in general, to the corner plots and detailing to look at articulation on the flats and hipped roofs to lower properties. Additionally, Members requested that substantial changes be made so that LCCs Design Team are supportive of the proposals.

Members also commented that the boundary treatment to the west of the site onto playing fields needs to be better quality than a close boarded fence. Stone is preferred but alternatives must be considered.

Question 2: Do Members consider the proposed highways layout acceptable and/or do members require any additional information?

Whilst there were doubts about the access from Harley Drive, further information and options for it were requested.

Members also commented:

- Applicant to consider running a consultation event to engage with the community;
- Measures to be considered to ensure overspill parking from persons associated with nearby playing fields did not take place within the new estate roads; and
- Drainage conversation to be continued with Yorkshire Water rather than adding a condition.

APPLICANT'S RESPONSE:

Following member feedback and discussions with officers, the applicant has responded to the above points as follows and made a number of amendments to the scheme, including:

- Improvements to the design and appearance of the apartment block with large scaled windows;
- Better articulation to some of the corner houses to improve visual appearance and natural surveillance.
- Higher quality boundary treatments which back onto areas of public realm;
- Block paving to the parking bays within the courtyard area to the apartments;
- Additional information relating to the impact on trees;
- Additional drainage information;
- Clarification on which landscaped areas will be maintained by the Council;
- A ball strike assessment and provision of ball strike netting to mitigate the impact as required by Sport England;

The applicant has not amended the vehicular access points or included the retention of the existing and former access from Harley Drive. Whilst this was an issue which

Members raised at the last Plans Panel meeting, it was the view of officers that the two access points proposed from Hough Top were deemed to be acceptable. In terms of a potential new segregated cycle route through the development, the applicant and officers considered that this was not necessary given the limited scale of development proposed and the low traffic speeds likely to be evident on the new development.

In terms of community engagement, whilst the applicant did not arrange a community consultation event, they did send out updates to all local residents who have previously expressed an interest in the site. Furthermore, the applicant has updated Ward Members, summarising what revised and additional information has been submitted. In terms of overspill parking, development proposals cannot be expected to solve existing highway safety issues, only not make them any worse. In this instance, the provision of a traffic management contribution to safeguard the two new junctions with Hough Top is deemed to be a proportionate mitigation measure. However, parking may continue to take place along Hough Top during periods when the adjacent football pitches will be in use and this development is not expected to solve that issue.

PROPOSAL:

37. The proposed development is for a total of 82 affordable dwellings. This will comprise of a mix of 55 two storey houses and a three-storey building comprising 27 apartments. The scheme will also include the provision of two new vehicular access points from Hough Top, associated parking, landscaping, public open space, and ball strike netting along the western boundary.
38. In terms of the mix, the development would comprise of 28 x two-bed houses, 23 x three-bed houses, 4 x four-bed houses, 17 x 1-bed flats and 10 x two-bed flats. The scheme is 100% affordable housing with all properties set at social rent.

SITE AND SURROUNDINGS

39. The site comprises a 2.5 Ha area of land to the north of Hough Top. The site was formerly occupied by a school which was demolished in 2021/2022.
40. The site slopes gently from the west to the east and comprises a mix of grassland and hardstanding. Boundaries are mature trees, particularly to the eastern and southern boundaries, hedgerows and scrub. An access point remains from Harley Drive and the former access from Hough Top Road is closed off.
41. The site is surrounded by residential properties to the north, east and south. Properties are red brick houses to the north, stone houses to the south and 3 storey brick and red flats to the east. To the west are playing fields. To the north east corner is the vacant Swinnow Public House.
42. The application site is an allocated housing site in the Local Development Framework Site Allocation Plan (2019) with a suggested site capacity of 76 units. Site Allocations reference HG2-207. The Site Requirements indicate that the site is affected by a gas main along the south of the site.

RELEVANT PLANNING HISTORY:

43. Planning applications:
21/00510/DEM: Determination for demolition of former school building.

Approved 17.08.2021

Pre-application enquiries:

Erection of 82 affordable dwellings and associated open space. Advice given 14.03.2023.

CONSULTATION RESPONSES:

Statutory

44. LCC Transport Development Services

The site is suitable for residential development, being in an accessible location and thereby compliant with Policy T2. Following negotiations and the submission of further information, the proposal is acceptable in terms of the proposed two vehicular access points, the pedestrian connection to Harley Drive, traffic generation, parking and servicing. The proposals are acceptable subject to the imposition of a number of conditions.

45. Sport England

Sport England have sought the views of the Football Foundation (FF) who acknowledge the submission of the ball strike assessment. The FF requires the applicant the submission of details of a suitable ball stop mitigation system, including how the ongoing management and maintenance will be secured. Sport England consider that the ball strike assessment is acceptable, but will require details of a ball stop mitigation system and therefore maintains its objection until this matter is resolved. *The applicant has submitted details of a ball stop mitigation system and Sport England have been re-consulted and comments have not been provided at the time of writing this report. It is anticipated that comments will be received before and reported verbally at the Plans Panel meeting.*

Non Statutory

46. Environmental Studies Transport Strategy:

This team was consulted on this application due to its proximity to the transportation network. On examination of Defra's strategic noise maps and the layout and orientation of the proposed dwellings, transportation noise is unlikely to be of a level that would require specific measures over and above standard building elements. Therefore, in this case we do not require an acoustic assessment to be submitted.

47. LCC Environmental Health Services

20/11/23: No objection subject to conditions. Noisy construction related activities should not take place outside the hours of 08.00 to 18.00 hours Mondays to Fridays 09.00 to 13.00 hours, Saturdays with no noisy activities on Sundays or Public Holidays.

02/04/24: Following a public objection, environmental health have carried out a desk top noise assessment and concluded that the rear gardens of plots 9 – 18 would be affected by noise from the adjacent football pitch during play.

48. Health and Safety Executive

No objection.

49. Refuse Collection Services

No objection in principle. Some minor amendments required.

50. The Coal Authority
No objection as the site does not fall within a defined Development High Risk Area.
51. Northern Gas Networks
No objection.
52. LCC Flood Risk Management
Infiltration strategy is supported, while the additional drainage information including the proposed drainage layout is acceptable. Subject to the works being completed in accordance with the submitted information, FRM as Lead Local Flood Authority, have no objection to the proposed development.
53. LCC Contaminated Land Team
No objection, subject to conditions.
54. Yorkshire Water
No objection, subject to conditions.
55. West Yorkshire Police
No objection, but technical advice is provided to help improve the design and reduce the risk of crime.
56. LCC Design Team
Following initial concerns over the design and appearance of the dwellings and apartments as well as the boundary treatments, improvements have been made to seek to address these issues.
57. LCC Landscape Team
Concerns were raised over the loss of trees and inadequate information which was submitted. *This has now been provided.*
58. LCC Nature Team
No objection, subject to conditions, particularly securing the off site biodiversity units given the loss of units on site.
59. Climate and Energy Team
No objection, subject to conditions. Air source heat pumps will be located in rear gardens.
60. Access Officer
Positive that development provides more than the required level of M4(2) units and need to ensure sizes of M4(3) units are large enough.
61. Influencing Travel Behaviour Team
No objections subject to conditions requiring cycle parking, electric vehicle charging points and listing the Travel Plan as approved document.

PUBLIC/LOCAL RESPONSE:

62. The application was advertised as a major development. 4 site notices were posted around the site on 24.11.2023 and the application was publicised in the Yorkshire Evening Post on 05.12.2023. Following negotiations and the receipt of revised plans, previously contributors were re-notified on 21 May 2024. Further site notices were

posted around the site on 22 May 2024. The application has generated a significant amount of public interest.

General Comments:

9 neutral comments, 2 were from the same household, summarised below:

- Queries as to purpose of railings and chicanes around the POS.
- How will the grass verge area be maintained?
- Request for 1 Swift brick per house as per the British Standard.
- Harley Drive is a narrow street, cars regularly hit each other. Harley Drive needs widening, more cars in the area will make this worse.
- Football field must be safeguarded from future development.
- Not against housing here but there should be an access from Harley Drive

63. Comments in Support:

6 comments, summarised below:

- Support on the condition of detailed specification for how the project will meet its renewable energy commitments.
- Fully support this development in the years of the major housing crisis, and the money it will bring into the local economy.
- Great use of unused land, mix of housing is diverse and will provide much needed housing.
- Could the development promote healthy lifestyles by including a kid's playing area, car-free walking routes to Pudsey/bus stops, a shop or community hub.
- Support provision of much needed affordable housing. But the appearance of the houses have little architectural character. Recommend more new trees to soften the streetscape and provide wind and sun mitigation.
- Concerns over ground floor layout with WC straight off the kitchen space.
- Lack of affordable social housing in the local area, there is a lot of demand in Pudsey and Bramley

64. Comments in Objection:

106 objection comments, although many of these some were multiple concerns raised by the same objector. Concerns are summarised below:

- Significant impact to road safety; there are already issues with school drop-offs and weekend football parking along Hough Top.
- Development will destroy trees and wildlife.
- Parking will get worse, there are already parking issues with the nearby school and adjacent playing fields during football matches.
- Hough Top already used as a rat run, this development will increase traffic congestion.
- Development will exacerbate the existing issue with cars parking on Hough Top during football matches. The Harley Walk Parking Project will not fully address this issue.
- Considerable crime and ASB in the area. This has not been given sufficient consideration in the design of boundary treatments or the Public Open Space or play area.
- Visual impact assessment.
- Proposed boundary railings along Hough Top will make the grass verges inaccessible to dog walkers.
- Too many footpaths and vehicular access points proposed into the site. It is too permeable against crime and ASB deterrent policy.

- Play area is too close to the road and will attract older children and antisocial behaviour.
- Noise from the playing field during football matches will be intrusive to future occupants of the houses adjacent to the field.
- Overlooking into rear gardens from the playing field.
- Site too dense, no public transport near the development, traffic will become much worse.
- To many Council properties in the area already. Will place more demand on local health services, more traffic and more antisocial behaviour.
- Scheme is unimaginative, needs differing house types • Development will have an oppressive impact on the surrounding area.
- Site should be used for community allotments and trees.
- Swinnow Lane and Hough Top cannot maintain 2 way traffic already.
- Concerns over flooding and sewage, no street drains on Hough Top.
- Transport Assessment conclusion based on flawed arguments.
- Proposed boundary treatments conflicting.
- Pre-planning consultation process was inadequate should have had a public meeting.
- Should have 2 smaller apartment blocks, proposed block is too high.
- Flat height and siting is overbearing, overshadowing, and out of character. Will devalue nearby homes and increase noise and traffic.
- Block of flats is ugly, red brick is out of character.
- Concerns over the description of development.
- Concerns over procedural matters.
- Contrary to the Localism agenda.
- Incomplete submissions and absence of information.
- Development is contrary to the development plan.
- Reasons for refusal are put forward in one representation.
- Houses should be in character with Hough Top, not Swinnow Estate.
- Need to use Harley Drive as an access point. Fire Tender cannot pass through Hough Top during football match days.
- Increased air pollution from traffic and the homes.
- Proposed substation should be re-sited well away from houses.

65. In addition, some local residents have submitted a number of comprehensive documents as a collective group of residents, to put forward and articulate a number of points. One of these documents focusses purely on highways and pedestrian impacts, one documents relates exclusively to traffic associated with the football pitches and includes a number of photographs and a video to demonstrate that there is extensive car parking taking place during periods when football matches are taking place. Another document provides a critique of the applicant's submitted artist's impressions of the development and have commissioned their own visual impressions to highlighted the differences. Also, a planning consultant has put together a comprehensive objection on behalf of a number of residents (31 residents). The issues raised are contained within the list above.
66. Ward Members: Objection from Cllr S Seary in support of residents. Introducing access from Harley Drive would alleviate the concerns of 2 access points along Hough Top.
67. Leeds Civic Trust: Welcome much needed affordable housing in the local area. The site layout lacks a centre, but the houses are well proportioned but are without any

particular architectural character. More trees are required. Concerns over the ground floor layout of some of the houses with WCs located off kitchen / dining areas.

PLANNING POLICIES:

LOCAL PLANNING POLICY AND GUIDANCE

The Development Plan

68. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy (as amended 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (as amended 2024), the Natural Resources and Waste Development Plan Document (2013 and 2015) and any made Neighbourhood Plan.
69. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

General Policy: Sustainable Development and the NPPF

Policy 1: Location of Development

Spatial Policy 6: The Housing Requirement and allocation of housing land

H1: Managed release of sites

H3: Density of residential development

H4: Housing mix

H5: Affordable housing

H9: Minimum space standards

H10: Accessible dwellings

P10: Design

P12: Townscapes/landscapes

T1: Transport Management

T2: Accessibility requirements and new development

G1: Enhance and extend green infrastructure

G2: Increase native and appropriate tree cover

G4: Green Space improvement and new green space provision

G8: Protection of important species and habitats

G9: Biodiversity Improvements

EN1: Climate change – Carbon Dioxide Reduction

EN2: Sustainable Design and Construction

EN5: Managing flood risk

EN8: Electric Vehicle Charging Infrastructure:

ID2: Planning obligations

70. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

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

BD2: New buildings should complement and enhance existing skylines

BD5: Amenity and new buildings.

N23: Open space and retention of existing positive features

N24: Assimilation of development into the landscape
N25: Development and Site Boundaries
LD1: Landscaping schemes

71. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

Water 1:	Water efficiency
Water 4:	Effect on flood risk
Water 6:	Flood risk assessments
Water 7:	Surface water run-off
Land 1:	Contaminated Land
Land 2:	Development and trees
AIR1:	Air quality initiatives

Relevant Local Supplementary Planning Guidance/Documents

72. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

Neighbourhoods for Living (and associated addendum) (2003)
Transport SPD (2023)
Sustainable Design and Construction SPD (2011)
Distances from Development to Trees (SPG13)
Sustainable Urban Drainage (SPG22)
Accessible Leeds SPD (2016)
Greening the Built Edge SPG
Designing for Community Safety (2007)

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (2023)

73. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
74. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.
75. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
76. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development means that the planning system has

three overarching objectives - economic, social and environmental objectives – which are interdependent and need to be pursued in mutually supportive ways.

77. Paragraph 11 sets out that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
78. Paragraph 48 sets out that in decision taking local planning authorities may give weight to relevant policies in emerging plans according to the stage of its preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
79. Paragraph 57 sets out that planning obligations must only be sought where they are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development. Paragraph 57 sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
80. Section 5 of the NPPF is entitled 'Delivering a sufficient supply of homes'. Paragraph 76 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.
81. Section 8 of the NPPF is entitled 'Promoting healthy and safe communities' and sets out at paragraph 96 that planning decisions should aim to achieve healthy, inclusive and safe places including encouraging layouts that would encourage walking and cycling. Paragraph 101 requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Paragraph 102 sets out that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 98 sets out that planning decisions should protect and enhance public rights of way and access.
82. Section 9 of the NPPF is entitled 'Promoting sustainable transport' and sets out at paragraph 108 that transport issues should be considered from the earliest stage of development proposals including opportunities to promote walking, cycling and public transport. Paragraph 108 also sets out that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account and that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
83. Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken up; safe and suitable access provided for all users; and any significant impacts on the highway mitigated.
84. Paragraph 115 states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, paragraph 110 sets out, amongst other things, that development should give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas, minimize the scope for conflicts between pedestrians, cyclists and vehicles and

be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

85. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.
86. Section 11 of the NPPF is entitled 'Making effective use of land' and at paragraph 123 sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
87. Section 12 of the NPPF is entitled 'Achieving well-designed and beautiful places' and at paragraph 131 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
88. Paragraph 139 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
89. Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 157 sets out that the planning system should support the transition to a low carbon future in a changing climate.
90. Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment'. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
91. Section 16 of the NPPF is entitled 'Conserving and enhancing the historic environment'. Paragraph 180 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate their significance, so that they can be enjoyed for the contribution to the quality of life of existing and future generations.

National Planning Practice Guidance

92. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

Climate Emergency:

93. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
94. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to

radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

95. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

Public Sector Equality Duty:

96. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
97. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required. [to be amended as appropriate where specific equality issues arise]

98. **MAIN ISSUES:**

- Principle of Residential Development
- Design & Layout
- Living Conditions
- Impact on Adjacent Playing Pitches
- Highways and Parking
- Trees, Landscaping & Greenspace
- Biodiversity
- Drainage
- Sustainability and Climate Change
- Planning Conditions
- Representations
- Planning Balance

APPRAISAL

99. Principle of Residential Development

100. The application site is an allocated housing site in the Local Development Framework Site Allocation Plan (2019) with a suggested site capacity of 76 units under Site Allocations reference HG2-207. The proposal for 82 dwellings on this site is in compliance with the site allocation and within a sustainable location which is considered appropriate for new housing, with good access to public transport facilities, greenspace and education provision as well as local services. As such, the principle of residential development is considered to be acceptable. This was endorsed by Members at the

Plans Panel meeting on 7th March 2024, and in particular, the provision of affordable housing.

101. Policy H5 requires the provision of a proportion of the homes on sites to be provided as affordable housing at 15 % for this area. As the proposals are being brought forward by the Council Housing Growth Programme the development seeks to provide 100% affordable housing provision and thus far exceed the requirements of Policy H5 of the Core Strategy. This is a significant benefit of the proposals.
102. The housing demand data for this area is high. There is a shortage of affordable housing in the Pudsey Ward, with an average of 358 bids for each home advertised in the local area. Leeds City Council is working to deliver approximately 800 new affordable quality homes over the next 3 years to meet increasing need in the city. The proposed development would support the Council's priorities of providing quality, affordable housing where it is needed and will also bring a currently unused site back into use. In addition, the following evidence further highlights the demand and need for new build council housing in the Pudsey Ward:
- The average number of bids for each home advertised is higher compared with the average number of bids for homes advertised in other local wards such as: Farnley & Wortley; Kirkstall; Armley; Bramley & Stanningley and Calverley & Farsley.
 - Based on 2023-24 financial year quarter 3 data provided by Housing Leeds, there are 929 applicants on the housing register actively requesting 1–4 bedroom properties in the Pudsey Ward. According to 2022-23 data, there was a total of only 113 Leeds City Council lets in the Pudsey Ward. This again highlights the importance of developing the Hough Top Court site for new build council homes.

Property Type	Percentage of Applicants (City)	Percentage of Applicants (Pudsey)
1 Bed	49.70%	53.58%
2 Bed	27.46%	25.88%
3 Bed	16.50%	15.72%
4 Bed	5.07%	4.17%
5 Bed	1.10%	0.54%
6 Bed	0.14%	0.11%
7 Bed	0.03%	0.00%
TOTAL	100%	100%

103. The above data illustrates the pressing demand for affordable housing in in Leeds and specifically within the Pudsey Ward, with a particular emphasis on 1, 2 and 3 bedroom properties. Not only is the development in accordance with the Site Allocations Plan, it will also help satisfy a high demand for high quality affordable housing which should be attributed significant weight in the decision making process
104. Design & Layout
105. The adopted SPD 'Neighbourhood for Living' states 'the scale, massing, height of proposed development should be considered in relation to its surroundings. It needs to respond well to that of adjoining buildings, the context of the development in terms of scale massing and height in relation to adjacent buildings, topography, and general patterns in the area'. The proposal is considered to achieve a positive design and layout

of houses and apartments that will have a sympathetic relationship with the existing residential area, whilst efficiently redeveloping the land.

106. The layout of the proposal is considered to respond to the form, density and character of the wider area and the proposal will create a strong built identity that is respectful of the surrounding area. The proposal is considered to be acceptable with regards to policy P10 of the adopted Core Strategy and the design guidance of the adopted 'Neighbourhoods for Living', together with Paragraph 130 of the NPPF and recent national design guidance.
107. The design of the houses and apartment block respond positively to the character of the area. The house types are 2 storey and are considered to be acceptable in terms of the general appearances of the street and the individual buildings. Visual improvements have also been made to dwellings located in prominent corner locations to provide more visual interest and relief. In terms of materials, the applicant proposes a red brick, and whilst there is a mix of stone and brick in the immediate area, given the set back nature of the development and the screening afforded by existing mature trees along the Hough Top frontage, it is considered that brick is an appropriate building material. Indeed, the houses to the north within Harley Drive are constructed from red brick, while the flats to the east are constructed from a combination of red brick and render.
108. The apartment block is set within central part of the site and set at an angle to the Hough Top street frontage and ensures the amenity of its residents is of a high quality, but also to ensure that as the tallest building, it is not overly prominent. The elevations of the building are acceptable with a hierarchy of windows and a legible entrance point. Improvements have also been made to the fenestration following comments made by Members of the Plans Panel in March with the provision of larger windows openings, thereby improving the solid to void ratio. The apartment block will also be partially screened by the existing trees along Hough Top and therefore the design and siting of the apartment building is considered to be acceptable with regards to policy P10 of the Core Strategy.
109. The layout of the proposed dwellings is generally acceptable and responds well to the existing topography and other site constraints such as the gas pipeline to the south and provides a good legible layout. Although the location of the public open space (POS) to the south is not ideal as it could limit usability, it does enable the retention of the mature trees which are a considerable asset to the site and locality. There is also good pedestrian connectivity and the provision of the footpath and cycle link off Harley Drive provides a useful connection to the nearest parade of shops on Swinnow Lane as well as Swinnow Moor playground.
110. The position of the apartments adjacent to the open space is positive and there is good space around the building to absorb their scale. The apartments are 3 storey which is no higher than the existing blocks of flats to the east. Furthermore, the apartment building has been set at an angle and set well back from Hough Top to lessen the visual impact when viewed from Hough Top and would also be screened by the mature trees along the Hough Top frontage. The apartment building is elongated in appearance and elevations have been significantly improved to provide a better balance of larger window proportions thereby resulting in an improved solid to void ratio. Gable ends of houses at plots 1, 6, 7, 29, 30, 36, 40 and 55 now also include side windows which adds visual interest and improves passive surveillance to these areas.

111. The hard surfacing to the apartment car park has been improved to include a mix of block paving and tarmac, and side boundaries to properties have been improved to include masonry piers. This creates a more robust and attractive streetscene.
112. In terms of housing mix, Policy H4 in the Core Strategy stipulates that developments should include an appropriate mix of dwelling types and sizes to address needs measured over long term, taking into account the nature of the development and the character of the location. For developments of over 250 units a Housing Needs Assessment should be submitted, addressing all tenures so that the needs of the locality can be taken into account at the time of the development. The supporting text to the policy provides a guide as to the preferred housing mix. The supporting text also states that policy H4 aims to ensure that the new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the plan period, taking account of SHMA preferences and, crucially, difference in demand in different parts of the city.
113. In this case the proposal includes the following housing mix:
- 1 bedroom: 21%
 - 2 bedroom: 46%
 - 3 bedroom: 28%
 - 4 bedroom: 5%
114. Based upon the above proposed mix, it is considered the proposal to be acceptable with regard to Housing Mix and compliance with Core Strategy Policy H4.
115. Living Conditions
116. It is necessary to consider what impact the development will have upon the living conditions of immediate neighbours in terms of sunlight, overlooking and dominance, as well as upon the living conditions of future occupants.
117. The site is set within an established residential area with properties to the south along Hough Top, houses to the north on Harley Drive, and 3 storey flats to the east within Swinnow Lane. Properties on Hough Top are set at variable distance to the road frontage with some set back only 3.5m while others are set back 15m. The nearest proposed dwellings to properties on Hough Top are Plots 1 and 7 and these are orientated side on and separated by some 26m and 37m to the houses on the opposite side of Hough Top, thereby significantly exceeds the minimum separation distances within Neighbourhoods for Living SPD. In terms of the 3 storey apartment building, this is set at an oblique angle to the Hough Top road frontage and is separated by a distance of the 38m, and partly screened by existing trees. This distance, again, far exceeds the minimum separation distances within Neighbourhoods for Living SPD. As such, the location of the proposed development and apartments are considered sufficient away to ensure that there will be no significant impact upon the living conditions of residents within Hough Top in terms of over shadowing, over dominance, and loss of privacy.
118. Two storey houses to the north within Harley Gardens back onto the site and are set down at a lower level to the application site. Separation distance between these houses and the proposed new houses at Plots 18-23 are set 26m apart, thereby complying with the minimum guidance. Therefore, given the proximity of development to existing neighbours, the proposed development is considered to have a limited impact on the living conditions of neighbours. To the east are the 3 storey flats on Swinnow Lane. They are separated from the site by an access road (Back Swinnow Lane) and a dense

belt of trees and vegetation acts as a buffer, the majority of which will be retained. Owing to the generous separation distances, orientation of the flats, the dense landscaping belt and generous back gardens of the proposed houses will ensure that there is no adverse impact upon the living conditions of the occupants of the existing flats. Therefore, overall, the development is not considered to have an adverse impact on the living conditions of existing neighbours and is compliant with the guidance contained within the SPG Neighbourhoods for Living.

119. In terms of the quality of amenity to be afforded to future occupants, the application submission shows the detailed layout of the scheme and the private garden areas for each dwelling. The submitted layout shows that the gardens are two thirds the size of the internal space of the dwelling and have acceptable distances to the rear boundary to ensure acceptable privacy standards. The vast majority of the proposed dwellings feature a rear garden area 10.5m in length which accords with guidance suggested by Neighbourhoods for Living preventing over development of the site and ensuring both a good level of amenity is provided and neighbouring privacy is preserved. Communal greenspace is proposed to the south west of the apartments which will provide a useable area of public open space not only for the occupants of the apartments, but for families of the houses and existing residents in the locality.
120. In quantitative terms, the area of Greenspace within the site is considered to be acceptable for a development of this size and in accordance with Core Strategy Policy G4. A limited amount of children's play equipment is proposed in the area of Greenspace, and this in consideration of existing residents within Hough Top, some of whom have raised concerns relating to noise implications, particularly late at night. As such, a small trim trail and play area aimed at younger children is proposed, and will be the subject of a planning condition requiring the submission of full details prior to installation and done in conjunction with Ward Members. A scheme towards play equipment aimed at Swinnow Park will be secured as part of a planning condition and will aim to improve play facilities in this part of Pudsey.
121. The scheme has been assessed against the Nationally Prescribed Space Standards as well as Policy H9 of the Core Strategy which requires minimum gross internal floor area and room sizes to be provided. In this instance, all dwellings meet those standards, providing a good indicator to the level of amenity provided for potential occupants.
122. In accordance with Policy H10, 30% of the houses are required to meet the mobility standard M4(2) and 2% of dwellings are required to meet the M4(3) standard. The applicant has submitted the Policy H10 proforma indicating which units will meet the M4(2) and M4(3) standards. Indeed, 37 units will meet the M4(2) standard which equates to 45% of the total units, while 2 units will meet the M4(3) standard which equates to 2.4% of the total. Therefore, the proposal exceeds the standards set out in Policy H10 by providing more accessible homes than the policy requires. A condition is imposed to ensure that these accessible houses are fully delivered.
123. Impact on the Adjacent Playing Pitches
124. The presence of the adjacent football pitches have the potential to create noise and disturbance for future occupants of the residential development, both in terms of noise generated by players and spectators and in terms of inconvenience in the event that footballs may stray over the fence into rear garden areas, most notably to the rear of Plots 7-18 (12 plots out of the 82 dwellings proposed). Given these concerns, the applicant has commissioned a Ball Strike Assessment in support of the application and this is something that has been discussed and done since the last Panel meeting in

March. The submitted Ball Strike Assessment requires that ball stop mitigation measures in the form of an 8m high structure is erected between the site and pitch along its entire pitch length. The applicant has submitted details of this and at the time of writing this report, comments from Sport England were awaited, and therefore, Sport England maintain their objection.

125. With regard to the impact from noise, the use of the football pitches has the potential to cause some noise and disturbance, particularly to those 12 properties which share a boundary with the adjacent playing pitch. The football pitch closest to the application site is currently used only at weekends, with 1 match a fortnight on Saturday afternoons and 2 games on Sundays (1 in the morning and 1 in the afternoon). However, as popularity may increase over time, it is safe to assume that the pitch could be used 3 or 4 times per weekend. No teams would play any matches from Monday to Friday and the pitches would cease use in mid summer and commence again in late August / early September. However, members of the public are still free to use the pitch at all other times, and the pitches are used by local children and by dog walkers. Therefore, it is acknowledged that given the proximity of Plots 7-18 to the playing pitch to the west, that the playing of football matches could cause some degree of noise and disturbance.
126. Every football match is different and there is no exact science for calculating noise levels. The Council's Environmental Health Officer has carried out an assessment of the proposal and an overview showing the sports pitches calibrated in line with Sport England guidance. Plans have been modelled showing the sound levels at the western portion of the site during football matches with no barriers and with acoustic barriers. What the modelling shows is that it would require the provision of a 4m high acoustic barrier along the eastern edge of the pitch (with a standard 1.8m timber garden fence to the rear of Plots 7-18) to help reduce the noise levels, and even then it would not make a significant degree of difference. Furthermore, because of the slight difference in levels, the 4m barrier would need to be located close to the touchline, thereby removing the essential run-off area the football pitch would require for safety reasons.
127. The provision of such an acoustic fence along the boundary would help mitigate the impact to some extent, but it would need to be sufficiently tall to mitigate the impact given the difference in levels between the 2 sites. From a planning perspective, the visual appearance of such a high fence would not be in keeping with the character of the area and would be both visually harmful to the character of the area and would be overly dominant and oppressive for future occupants of those dwellings. A further mitigation measure would be to set the housing a distance away from the pitches. However, this would inevitably lead to a reduction in the number of dwellings and ultimately a reduction in the number of affordable houses, and not an option which, on balance, is considered to be necessary. Taking a balanced and pragmatic approach, it is safe to assume that potential occupants would be made aware of the proximity of the playing pitch and its frequency of use and therefore any increased noise would not be unexpected. Only 12 out of the 82 properties would be affected which is not a significant proportion of the overall housing proposal. Furthermore, there are numerous examples throughout the city where playing pitches coexist satisfactorily alongside established and new residential environments and it is considered that the site at Hough Top is not significantly different.
128. Highways and Parking
129. Policy T2 of the UDP of the Core Strategy advises that new development should be served adequately by existing or programmed highways and will not create or materially add to problems of safety, environment or efficiency on the highway network. The

NPPF notes at Paragraph 115 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

130. In terms of the historical use of the site, the former school was served by two vehicular access points, with one from Hough Top and one from Harley Drive, with the latter used more regular by staff. Furthermore, it is also worth noting that a number of local residents have raised concerns over parking and congestion in the local area with existing uses in the local vicinity contributing to that. Such uses firstly relate to the local primary school to the east (Park Spring Primary School) which causes some disruption at the peak drop off and collection times, and secondly to the use of the football pitches immediately abutting the site to the west. The football pitches are mainly used at weekends and evidence submitted by local residents in the form of representations to this planning application has included first hand experience of parking from players and spectators along this section of Hough Top. Evidence from residents also included numerous photos and video footage of parking taking place, some of which is partly on the footway leading to partly obstructing the route for pedestrians. This is clearly not a satisfactory situation. However, it is not the purpose of a new planning application for something unrelated to that site to solve an existing problem. The primary test is that it does not contribute to it or make it worse.
131. As previously noted, vehicular access points to the site were historically taken from Hough Top to the south and from Harley Drive to the north. It is understood that staff parking associated with the school use primarily utilised the access point front Harley Drive which bisects existing housing, separated by green verges. The proposal includes the closure of the Hough Top and Harley Drive access points and the creation of two new separate access points on Hough Top, to the southern side of the site.
132. The application is supported by the submission of a Transport Assessment, two Addendum Technical Notes and a Travel Plan. During consideration of the application the scheme has been amended to incorporate a wider access and amended entrance to provide a suitable two-way passing lane throughout the site, built to adoptable standards, to address initial concerns raised by highways as the proposals did not meet the requirements of the Transport SPD. Conditions are recommended to be attached which require a plan showing visibility splays of 2.4m x 43m is submitted and approved by the LPA.
133. The proposed layout illustrates that each dwelling will have 2 off street parking spaces located to the front and sides of the houses, with all plots benefitting from electric vehicle charging points. The proposed apartment block features dedicated parking in the form of a shared courtyard with 27 spaces, including 2 disabled parking bays, available for 27 apartments which is considered, on balance, to be acceptable given the type of accommodation proposed and it's relative sustainable location.
134. Concerns have been raised in by local residents over traffic impact and the absence of a vehicular access from Harley Drive. Given these concerns, the applicant carried out further works and provided two Technical Note as addendums to the already submitted Transport Assessment. The first Transport Assessment Addendum Technical Note ref 155851-005-01 sets out the constraints to deliver a vehicular access to adoptable standards on to Harley Drive. Whilst an access already exists and has historically been used, meeting the current design standards as set out in the Transport SPD cannot be achieved and would raise concerns in terms of deliverability and impact on properties immediately adjacent. The Highways Authority is satisfied with the current design and the proposed accesses on to Hough Top as set out previously, hence an additional vehicular access / option on to Harley Drive is not required.

135. The second Transport Assessment Addendum Technical Note ref 155851-006-01 sets out further traffic impact assessment of the proposed development. Initially the traffic impact was assessed for weekday AM and PM peak hours which is the standard requirement to assess the impact of residential and employment developments. However, at the request of the Highways Authority further traffic impact assessment was undertaken for a weekend. The weekend traffic was recorded by an Automatic Traffic Count (ATC) survey undertaken on Hough Top for a 7-day period from Wednesday 28 February to Tuesday 5 March 2024 inclusive. The ATC recorded directional traffic volumes and speeds. The location of the ATC survey was agreed with the Highway Authority, positioned in a place so that it records the two-way vehicle flow along Hough Top.
136. The ATC survey confirmed an average of 806 and 819 two-way vehicle flows on Saturday and Sunday respectively. This is lower than the weekday average of 960 two-way vehicles as summarised in Table 1. Consequently, the traffic impact of the development assessed for a weekday AM and PM peak hour represents the worst case scenario. The results are set out in the Transport Assessment report ref 155851-002-05 Oct 2023. In summary, the assessed junctions have sufficient capacity to accommodate the traffic that would be generated by the development during the weekday peak hours of the highway network. Therefore, the proposal is considered to be acceptable subject to dropped kerb crossings with tactile paving to be provided on the junctions along Hough Top, Harley Drive and Swinnow Lane. This will be secured by condition.
137. It is considered the proposals do not adversely affect highway and pedestrian safety and are deemed acceptable in this regard in compliance with Policy T2 and policy contained within the adopted Transport SPD and Section 9 of the NPPF.
138. Trees, Landscaping & Greenspace
139. The site is a previously developed site and the majority of the centre of the site is devoid of any significant vegetation. However, there are a number of trees around the edges of the site which make a positive contribution to the character of the area, and in particular, trees located along the Hough Top road frontage. Furthermore, given that the site has remained vacant for a number of years, it provides some degree / contribution towards biodiversity.
140. Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the Natural Resources and Waste DPD state seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal of trees is agreed in order to facilitate development, suitable tree replacement should be provided.
141. The application is accompanied by a tree survey and a detailed aboricultural impact assessment, a Landscape and Visual Assessment as well as a Landscape Scheme. The tree survey identifies that there are a number of individual trees and trees within groups that falls within various categorisations in terms of their health and quality. 5 trees of high quality and value (A category) were identified in the survey, and are located along the Hough Top frontage. All of these will be retained. However, with a development of the scale proposed, some will be removed to help facilitate the development. In total, 25 trees will be removed and these are located towards the edges of the site and a tree towards the middle. Some of these trees are self seeded given

that the site has remained vacant for several years. Trees to be removed include Beech, Cherry, Elder, Ash, Sycamore, Birch and Poplar trees. In particular, and to facilitate one of the new vehicular access points, 2 Category B Common Ash trees will be removed. There are also 2 large trees along the eastern boundary which will be removed and include a Poplar and a European Lime, both in Category B. However, all 5 of the Category A trees will be retained (3 Limes, 1 Sycamore and 1 Common Ash).

142. As part of a new comprehensive landscaping scheme, 96 new trees will be planted in accordance with policy LAND. Whilst these trees will take time to mature, they will ultimately lead to an enhancement in the visual quality of the area following good maintenance and management measures, secured by condition.
143. In terms of Greenspace provision, a total of 4,630 sqm of Public open Space (PoS) is proposed which exceeds policy requirements. The inclusion of a small trim trail play area, for younger children, as part of the PoS will be a positive facility for families living on the site and nearby. The original proposed play area has been reduced in size in response to comments from Ward Members and the public about the potential for antisocial behaviour. The cost of providing this equipment will be included as a scheme to go towards enhancing the closest playground at Swinnow Moor Park which would be sought through a planning condition.
144. In summary, whilst some tree removal will take place, this is necessary to facilitate the development, including the creation of new vehicular access points. No Category A trees will be removed, while new tree planting will take place to compensate for trees lost. Overall, the removal of the unsightly metal palisade fencing and landscaping enhancements and better quality boundary treatments will lead to a development which will make a positive contribution to the landscape setting and character of the area.
145. Biodiversity
146. Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. Whilst legislation was recently introduced to make the BNG mandatory in the form of a minimum of 10% net gain for major developments, this is not applicable for this current proposal as it was submitted prior to the legislation coming into operation. Whilst there is now a mandatory requirement that major developments provides a minimum of 10% BNG, the application is except from this as it was submitted before the 10% mandatory requirement came into operation.
147. In order to demonstrate this the applicant has submitted a bat survey, a Biodiversity Statement, an Ecological Impact Assessment and a BNG assessment which concludes that the proposed development
148. In terms of the survey result, no bat roosts were observed on site, either within the trees or within the electricity sub-station, although, bats were observed in the local vicinity. Furthermore, the ecological survey did not indicate the presence of any protected species on site, although the development has the potential to result in the loss of, or temporary disturbance to habitats. Based upon the biodiversity calculations, the proposals will result in a net loss of 4.5 biodiversity habitat units or a decrease of -21% and a net loss of 0.09 hedgerow units, which represents a loss of -20%.

149. In order to provide a biodiversity net gain, mitigation measures are required and this is not achievable on site due to the need to maximise the site for affordable housing. As such, an off-site scheme will be required to address the requirements of Policy G9. Therefore, the proposal requires the follow mitigation measures:

- 4.5 habitat units @ £25,000 = £112,500
- 0.5 Hedgerow units @ £25,000 = £12,500
- Total of 5 biodiversity units @ £25,000 = £125,000

150. In addition to the off site mitigation measures that will be secured through a condition, the applicant proposes habitats for bats, bird boxes, and bees on site in the form of bat boxes and bat and bee bricks and these are set out on a site layout plan.(see plan) Therefore, with the mitigation measures proposed which will be secured by condition are considered to address the policy requirements of policy G9 and policy within the NPPF.

151. Drainage

152. Within the Core Strategy, Policy EN5 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. The applicant is supported by a Flood Risk Assessment and Drainage Strategy, outlining the proposals for surface and foul water drainage. Negotiations have taken place during the consideration of the application and further information and revised plans have been submitted to address a number of concerns.

153. In terms of what the applicant proposes, there will be a soakaway network for properties that will discharge into individual dwelling soakaways contained within plot back gardens, and the proposed roads will discharge into an infiltration basin where it will then discharge off site into an existing combined manhole at a restricted flow of 5 litres per second. In terms of the foul water strategy, the foul water network has a peak flow rate for the whole site of 4.1 litres per second, and this will join the surface water network at a proposed combined manhole before discharging off site into an existing combined manhole.

154. The Council's Flood Risk Management Team and Yorkshire Water are both now satisfied that the proposed development is now acceptable in terms of flood risk, subject to conditions. As such, no objections to the application are raised with regard to floor risk and drainage and the proposal is considered compliant with Policy EN5 of the Core Strategy.

155. Sustainability and Climate Change

156. Leeds City Council has made a declaration of a Climate Emergency and, that the overall aim of the Local Planning Authority's Development Plan seeks to support this statement of intent. The Core Strategy and Unitary Development Plan seek to ensure that all development is sustainable and that wherever possible, a development minimises its impact upon global warming. Policies EN1, EN2 and EN8 of the Core Strategy will need to be fully complied with. These policies relate to electric vehicle charging points, sustainable design and construction and reduction of carbon emissions. In this respect the applicant has confirmed that all of the houses will be provided with a 32 amp electric vehicle charging point located to the side of each dwelling. Charging points are also indicated within the communal parking courtyard which serves the apartments.

157. In terms of Policy EN4 and district heating, the development locality is relatively sparse with no nearby anchor loads and therefore the development of a new heating network is not considered viable. The Leeds Pipes network does not extend to this distance from the City. The closest planned network listed on the Governments planning database is approximately 1km away. Therefore, there are no known opportunities to connect to an existing network and therefore compliance with Policy EN4 is not feasible.
158. In terms of sustainable design and construction and renewable energy, the applicant has submitted an Energy and Sustainability Statement as part of the application package which proposes to minimise energy demand and carbon emissions. The proposed design includes efficiency measures to achieve a robust, low energy consuming development and aims to minimise operations costs and associated carbon emissions. In particular, the measures include high levels of insulation and air tightness; careful junction and interface design details to limit non-repeating thermal bridging; natural ventilation; high efficiency LED lighting; zonal heating control and air source heat pumps for space and hot water heating. The applicant's sustainability reports outlines that there will be a reduction in carbon dioxide emissions of 69.7% and 60.4% for the apartments and houses respectively against the current (2021) Part L1 (Conservation of fuel and power) of the Building Regulations 2010. With regard to energy provision, individual air source heat pumps will provide both space and water heating to each residential unit. Energy attributable to space and water heating will comprise approximately 89% of the overall regulated energy consumption and therefore the 10% target is exceeded. This demonstrates that a significant proportion of the developments energy will be delivered through the use of a low and zero carbon technology.
159. The proposal also incorporates measures to reduce water consumption to ensure that a maximum target of 110 litres per person per day is achieved. In this respect the applicant proposes water saving regulated taps, eco flow regulators fitted to shower fittings, and toilets with dual flush valves. All of these measures will ensure that the development complies with policies EN1, EN2 and EN8, and all sustainability measures will be secured by condition.
160. Planning Conditions
161. The proposed scheme produces the need for the following conditions which require the applicant to deliver individual schemes of the specific value set out below. The planning conditions are applied to ensure the applicant complies with each condition before implementation of the proposal – the Council is unable to covenant with itself and this is the appropriate mechanism to deliver these schemes for the development to take place:
- Biodiversity Net Gain Scheme which will provide a Contribution (to provide 5 off-site Units):£125,000
 - Residential Travel Plan Scheme (£42,614.99)
 - Travel Plan Monitoring Scheme (3,682)
 - Traffic Management Scheme (to control on-street parking at the 2 new junctions onto Hough Top): £10,000
 - Cooperation with Local Jobs and Skills Initiative
 - Play Equipment Scheme to enhance Swinnow Moor Playground: £16,000
 - Public Open Space Maintenance Contribution: TBC

162. Representations

163. All of the issues raised by representations have been addressed in the report above with the exception of the following.
164. Impact on property values: *This is not a material planning consideration.*
165. Proposed sub-stations should be re-sited: *There is no evidence to demonstrate that the proposed sub-stations would have any adverse impacts.*
166. Impact on football pitches and ability for emergency services to access the football grounds: *It is considered that sufficient off-street parking is proposed for the development. In addition, a planning application cannot be expected to solve an existing problems.*
167. The submitted artists impressions are not accurate: *These are purely artist's impressions and officers understand that they are not a 100% accurate reflection of how they development may appear. They are submitted for illustrative purposes only.*
168. Too many Council properties in the area: *There is a high demand for affordable homes in Leeds and within the Pudsey Ward in particular.*
169. Considerable crime and ASB in the local area: *The scheme has been amended to provided better natural surveillance and better quality boundary treatments to help design out crime.*
170. Impact on parking given the congestion at school time: *The development cannot be expected to solve an existing parking problem. Furthermore, it is not uncommon for most primary schools to suffer from some degree of intense parking at peak periods.*

171. Planning Balance

172. Paragraph 11 of the NPPF notes the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay. In this instance, the proposal for a residential development is located on land which is allocated in the development for housing and therefore is considered to be in accordance with the development plan. However, Officers have nevertheless carried out a balancing exercise noting the benefits and adverse impacts of the development.
173. The material issues that weigh in favour of the proposed development are:
- i) The provision of the delivery of new housing on an allocated housing site which is also a previously development site (brownfield site). Given the need to provide housing in sustainable locations and the fact that it is in compliance with the Site Allocations Plan and would contribute 82 dwellings to the 5 year land supply, it is considered that this should be afforded moderate to significant weight.
 - ii) The delivery of much need affordable housing, all of which will be affordable. As all 82 units will be 100% affordable (for rent), this fulfils a very important aspect of the Council's overall ambition to provide much needed affordable housing, hen this is considered to afforded significant weight.

- iii) The proposals will deliver 82 dwellings, all of which will be energy efficient and will incorporate technologies that reduce the consumption of carbon dioxide. A significant number of these dwellings will be accessible or adaptable for an ageing population. It is considered that moderate weight should be ascribed to this issue.
- iv) The application site is currently a private former school site with no public access. The proposals would provide for public access to the site and would provide a landscaped public open space as part of a detailed housing scheme. This would therefore improve public access to the site and provide public open space facilities which would be of benefit to the community. It is considered that moderate weight should be ascribed to this issue.

174. It is considered that the potential adverse impacts of the proposed development comprise:

- i) The proposal would result in the loss of 25 trees on site. However, these would be replaced by on site tree replacement planting. It is acknowledged that new trees would take time to mature, but it is recognised that some of the trees to be removed were self seeded given the time the site has remained vacant. This carries limited weight in the decision making process.
- ii) The development would result the presence of new buildings. However, given that it is previously developed land, and the site previously accommodated an array of buildings associated with the school, then this is considered to be neutral.
- iii) The development will result in traffic generation. However, the site was previously used as a school and then offices, and therefore this must be taken into consideration. However, mitigation measures are proposed and therefore this issue carries limited to moderate weight.
- iv) The proposed development has the potential to impact upon the living conditions of new residents at Plots 7-18 who would be residing in close proximity to an existing football pitch. However, ball stop measures would be in place (as required by Sport England), but noise could be a minor issue. As this relates to only 12 properties out of the total, is considered that the harm ascribed to this issue is limited.
- v) The proposal has the potential to have some adverse impact upon the living conditions of existing neighbours. However, generous separation distances are proposed and therefore this carries limited weight.

175. It can therefore be concluded that as the proposal is in accordance with the development plan and paragraph 11 of the NPPF, the significant benefits of approving the proposed development and granting planning permission would significantly and demonstrably outweigh the adverse impacts as a whole.

176. The Local Planning Authority have shown above that the benefits of approving the proposed development are significant and moderate, whilst the adverse impacts that weigh against the proposed development are limited and moderate.

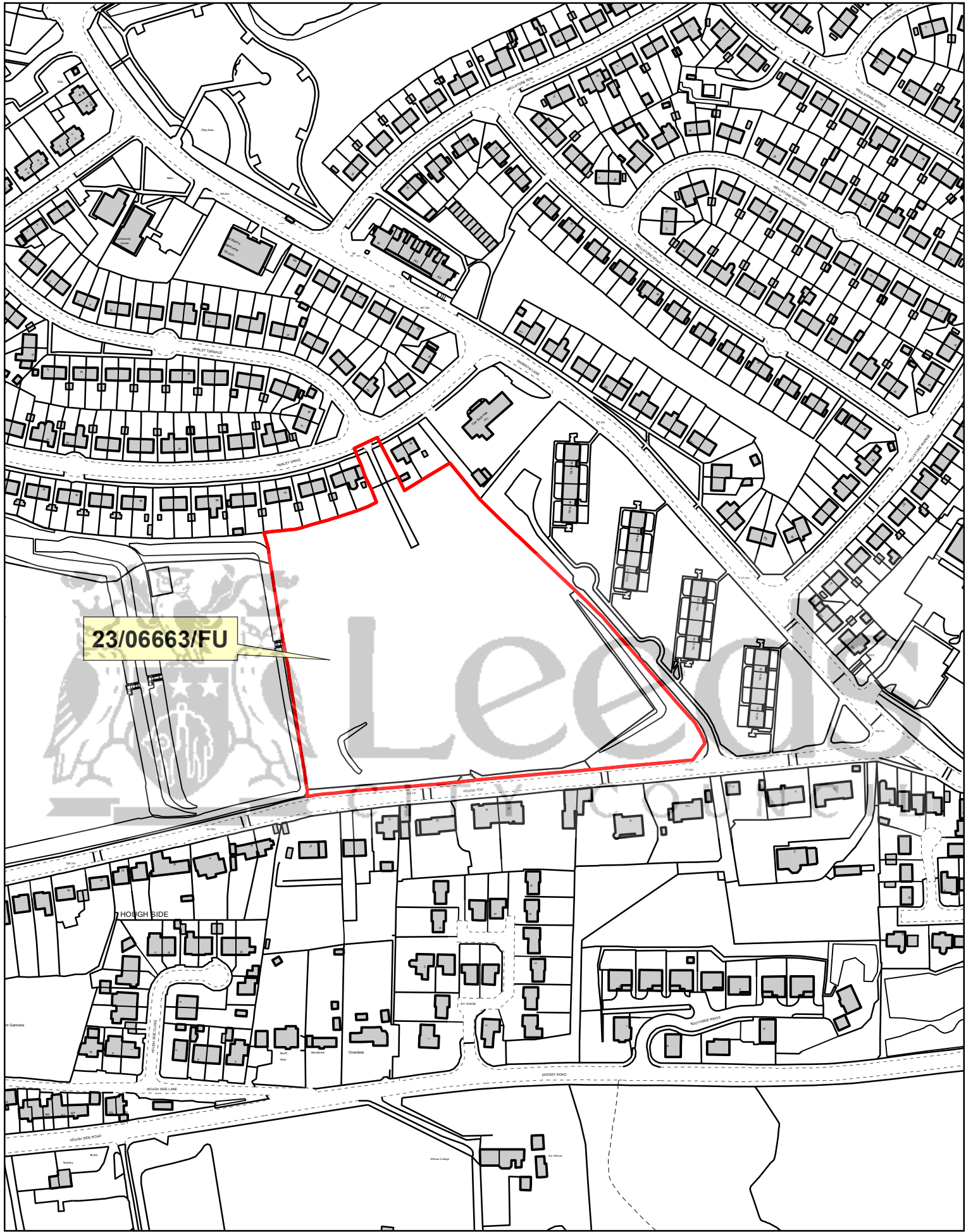
177. **CONCLUSION**

178. In light of the above, and particularly given that the site is an allocated housing site in the SAP, the principle of residential development is considered to be acceptable. The development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety. The development provides 100% affordable housing and this weighs heavily in the balance of considerations mentioned above.
179. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise and in this case, it is determined that the proposed development is in accordance with the development plan for the reasons set out in the report above and there are no overriding material considerations to indicate otherwise. It is therefore recommended that the application be approved subject to no objections being received from Sport England, and the specified conditions set out below (and any amendments to or addition of others, including from Sport England which the Chief Planning Officer might consider appropriate).

BACKGROUND PAPERS:

Application file reference: 23/06663/FU

Certificate of ownership: Certificate A signed by agent.



23/06663/FU

SOUTH AND WEST PLANS PANEL



