



## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 6<sup>th</sup> 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

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. Details of bat and bird boxes and implementation
25. Provision of and future maintenance of ball strike netting
26. Implementation of accessible homes
27. Development implemented in accordance with energy statement
28. Details of a scheme for off-site biodiversity net gain measures
29. Travel Plan and scheme for monitoring
30. Details of a scheme for Residential Travel Plan Fund
31. Details of a scheme of Traffic Management measures
32. Details of a scheme for local employment initiatives
33. Details of a scheme for off-site play equipment
34. Provision of Public open Space and scheme for future maintenance

## **INTRODUCTION:**

1. The application was previously presented to South and West Plans Panel on 7<sup>th</sup> 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.
2. 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.
3. The application is now presented to South and West Plans Panel for determination with a recommendation to approve with conditions.

## **UPDATE SINCE PREVIOUS PANEL:**

4. 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.

5. **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:**

6. 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.
7. 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**

8. 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.
9. 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.
10. 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.
11. 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:**

12. 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

13. 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.
14. 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

15. 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.
16. 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.
17. Health and Safety Executive  
No objection.
18. Refuse Collection Services  
No objection in principle. Some minor amendments required.
19. The Coal Authority  
No objection as the site does not fall within a defined Development High Risk Area.

20. Northern Gas Networks  
No objection.
21. 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.
22. LCC Contaminated Land Team  
No objection, subject to conditions.
23. Yorkshire Water  
No objection, subject to conditions.
24. West Yorkshire Police  
No objection, but technical advice is provided to help improve the design and reduce the risk of crime.
25. 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.
26. LCC Landscape Team  
Concerns were raised over the loss of trees and inadequate information which was submitted. *This has now been provided.*
27. LCC Nature Team  
No objection, subject to conditions, particularly securing the off site biodiversity units given the loss of units on site.
28. Climate and Energy Team  
No objection, subject to conditions. Air source heat pumps will be located in rear gardens.
29. 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.
30. 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:**

31. 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

32. 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

33. 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.

34. 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.
35. 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.
36. 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

37. 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.
38. 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
39. 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
40. 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

41. 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)

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.

47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.

55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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

61. 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:

62. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
63. 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.
64. 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:

65. 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.
66. 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]
67. **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**

68. Principle of Residential Development
69. 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 7<sup>th</sup> March 2024, and in particular, the provision of affordable housing.
70. 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.

71. 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%

72. 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

73. Design & Layout

74. 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.

75. 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.

76. 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.
77. 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.
78. 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.
79. 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.
80. 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.
81. 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.

82. In this case the proposal includes the following housing mix:

- 1 bedroom: 21%
- 2 bedroom: 46%
- 3 bedroom: 28%
- 4 bedroom: 5%

83. 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.

84. Living Conditions

85. 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.

86. 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.

87. 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.



88. 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 provided 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.
89. 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.
90. 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.
91. 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.
92. Impact on the Adjacent Playing Pitches
93. 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.
94. 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.

95. 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.
96. 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.
97. Highways and Parking
98. 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.
99. 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 regularly 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.

100. 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.
101. 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.
102. 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.
103. 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.
104. 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.

105. 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.
106. 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.
107. Trees, Landscaping & Greenspace
108. 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.
109. 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.
110. 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 tees will be retained (3 Limes, 1 Sycamore and 1 Common Ash).

111. 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.
112. 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.
113. 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.
114. Biodiversity
115. 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.
116. 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
117. 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%.
118. 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

119. 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.
120. Drainage
121. 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.
122. 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.
123. 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.
124. Sustainability and Climate Change
125. 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.
126. 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.

127. 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.
128. 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.
129. Planning Conditions
130. 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
131. Representations
132. All of the issues raised by representations have been addressed in the report above with the exception of the following.
133. Impact on property values: *This is not a material planning consideration.*

134. Proposed sub-stations should be re-sited: *There is no evidence to demonstrate that the proposed sub-stations would have any adverse impacts.*
135. 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.*
136. 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.*
137. Too many Council properties in the area: *There is a high demand for affordable homes in Leeds and within the Pudsey Ward in particular.*
138. 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.*
139. 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.*
140. Planning Balance
141. 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.
142. 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.

143. 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.

144. 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.

145. 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.

#### 146. **CONCLUSION**

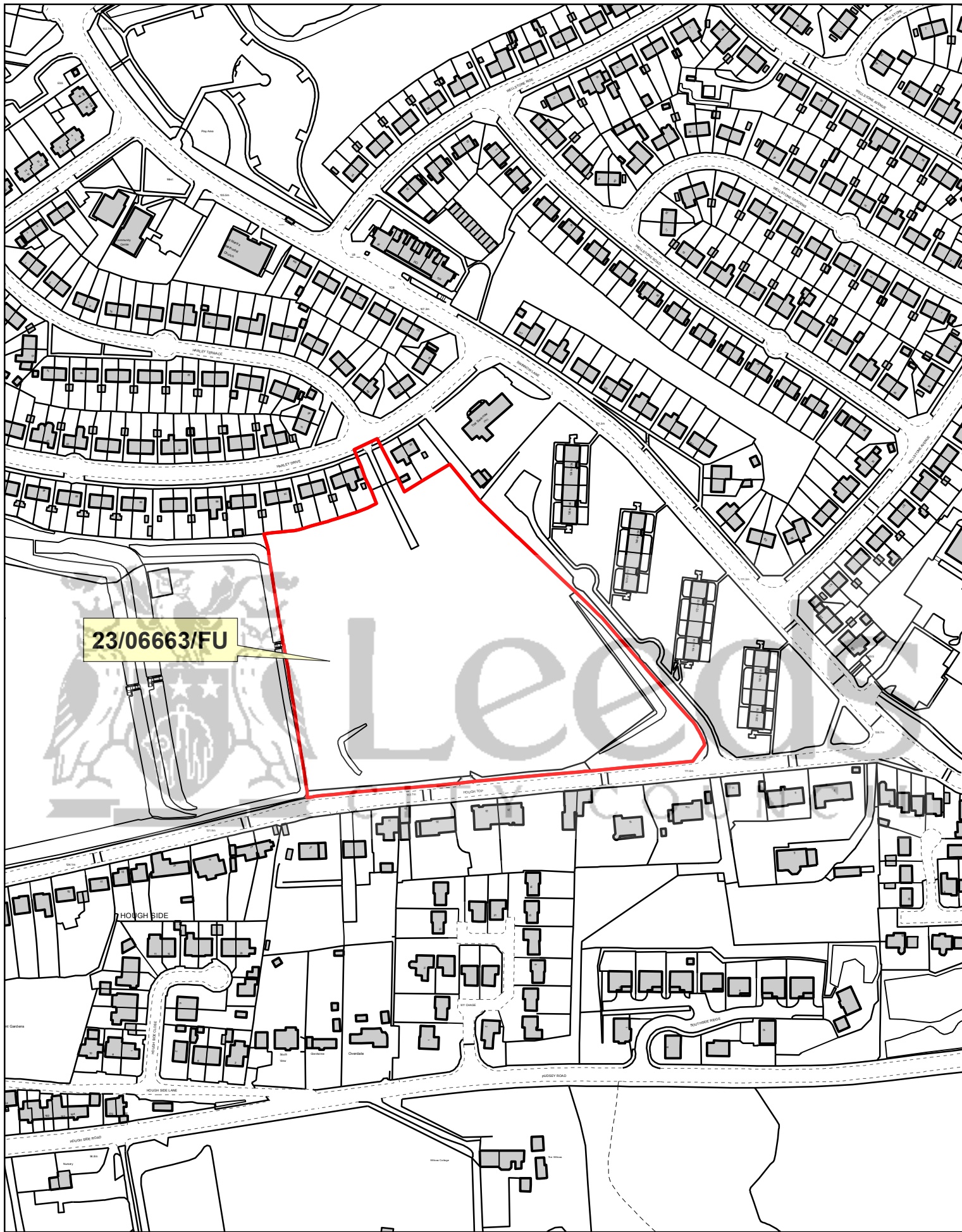
147. In light of the above, and particularly given that the site is an allocated housing site in the SAP, the principle of residential development is considered to be acceptable. The development is not considered to be harmful to the character and appearance of the area, nor would it have a harmful impact on highway safety. The development provides 100% affordable housing and this weighs heavily in the balance of considerations mentioned above.

148. 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

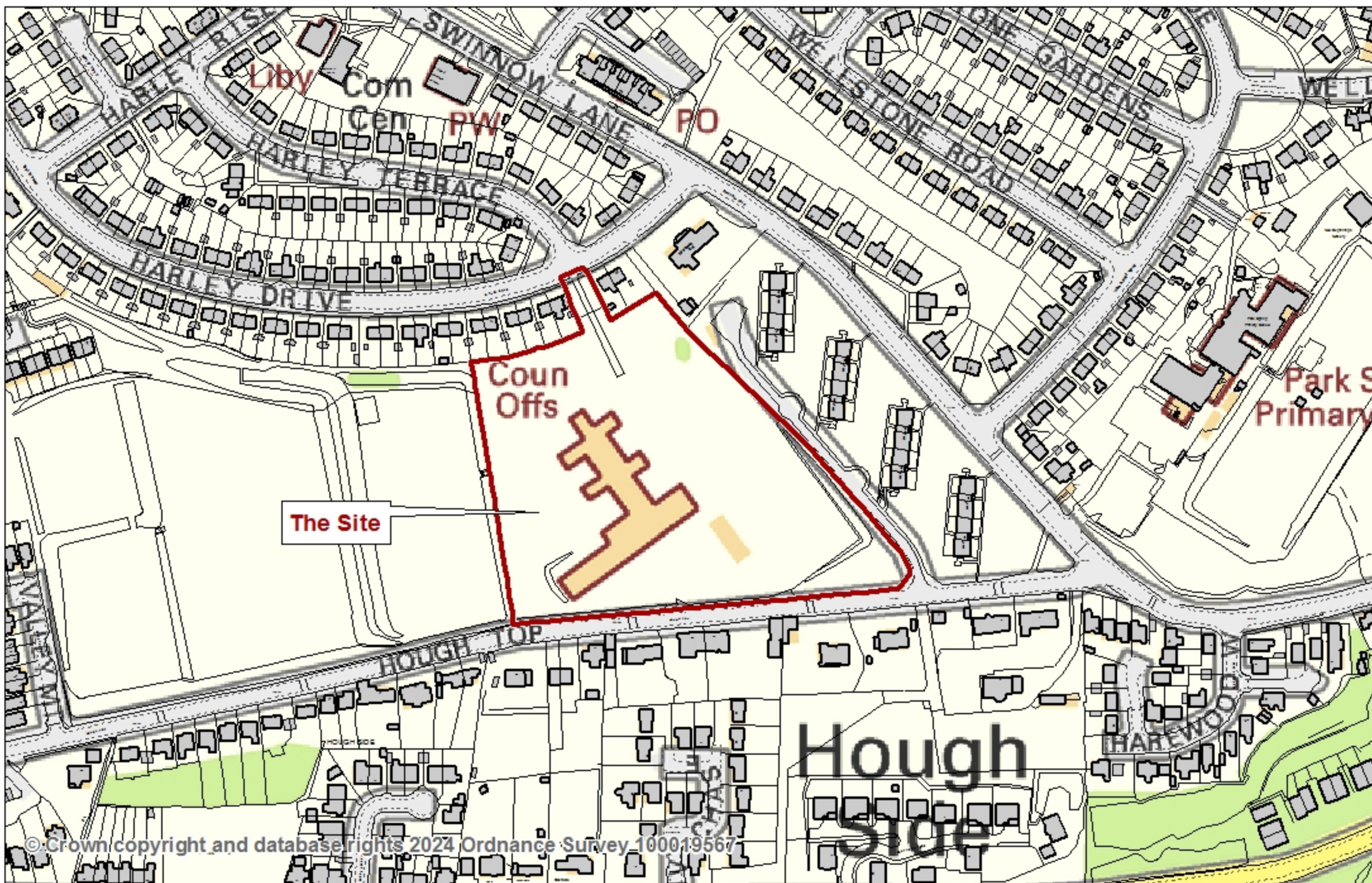
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**23/06663/FU**

# SOUTH AND WEST PLANS PANEL







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# PLANS PANEL PRESENTATION

SCALE 1:2500

