



Report of the Chief Planning Officer

South and West Plans Panel

Date: 6th June 2024

Subject: Application 23/06437/FU for 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

Applicant: BP Land Limited

Electoral Wards Affected:

Morley North

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons:

Reasons for Refusal:

1. The Local Planning Authority considers the greenfield (undeveloped land) makes a valuable contribution to the visual, historic, and spatial character of the area, the development of the land would therefore fail to satisfy the criteria of Leeds Core Strategy (as amended 2019) Policies SP1, SP6, P10 and H2, as well as saved Policy GP5 of the Unitary Development Plan (Review 2006). As such, the proposal is considered unacceptable in principle on non-allocated land.
2. The Local Planning Authority also considers that the proposed development is unacceptable by reason of its impact upon the setting of the Grade I and Grade II Listed Buildings. Furthermore, the proposed layout, design and character of the new development fails to respond sympathetically to the character and appearance of the listed buildings. This along with the loss of the spacious setting and trees, the proposal would have a significantly harmful impact on the

significance and setting of the listed buildings. The proposal is therefore contrary to Policies P10 and P11, P12 of the Leeds Core Strategy (as amended 2019) and saved Policies GP5, N17, N23, N25 and LD1 of the Unitary Development Plan (Review 2006) as well as with the policy set out in the National Planning Policy Framework (2023).

3. The Local Planning Authority considers that the proposed scheme fails to respect the scale, roof form, proportions, layout, and spatial character of properties within the immediate locality. It also fails to provide a suitable mixture of residential house types and sufficient space between the dwellings, resulting in a wall of built development which has no principal frontage onto Whitehall Road and no defensible space to the property frontages. Its cramped layout, extent of hard standing, parking arrangements and loss of landscape features represents an over-development of the site, detrimental to the character and appearance of the site, the wider streetscene and heritage assets. The scheme is therefore considered contrary to Policies P10, P12, G9 and H4 of the Core Strategy (as amended 2019), saved Policies GP5 LD1, N23, N25 of the Unitary Development Plan (Review 2006) and the guidance on appropriate residential design contained within the Neighbourhoods for Living SPG policy on good design appropriate to the local context contained within the National Planning Policy Framework (2023).
4. The Local Planning Authority consider that the proposed development will result in the loss of trees that positively contribute to the visual amenities and ecology of the locality. Loss of trees and vegetation within the application site would fail to provide a net gain for biodiversity at the site, would cause harm to the wider character and would lead to harm in respect of wider air pollution and climate change objectives. The proposal is therefore contrary to Policies P10, P12 and G9 of the Leeds Core Strategy (as amended 2019), to saved Policies GP5, LD1, N23, N25 of the Leeds Unitary Development Plan (Review 2006), to Policy LAND2 of the Natural Resources and Waste Local Plan, and relevant guidance included within the Biodiversity Net Gain: Good Practice Principles for Development document and the National Planning Policy Framework paragraphs 180 and 184 of the National Planning Policy Framework (2023).
5. The Local Planning Authority also considers that future occupants would have poor levels of privacy due to overlooking or poor outlook from kitchen/dining room windows and natural light provision as a result of the level changes and proposed boundary treatments. Therefore, the proposal is contrary to Policy P10 of the Leeds Core Strategy (as amended 2019)) and saved Policies GP5 and BD5 of the Unitary Development Plan (Review 2006), to the guidance set out adopted Supplementary Planning Guidance 'Neighbourhoods for Living', as well as with the advice set out in the National Planning Policy Framework (2023).
6. The Local Planning Authority also considers that the usability level of outdoor amenity afforded to future occupants of the proposed new dwellings would be severely compromised due to the significant level changes on site. Further harm would also be incurred through the lack defensible space to the property frontages, resulting in a lack of privacy to front room windows. As such, the proposal is contrary to Policy P10 of the Core Strategy (as amended 2019), saved Policies GP5 and BD5 of the Unitary Development Plan (Review 2006), to and to the guidance set out adopted Supplementary Planning Guidance

'Neighbourhoods for Living' and the advice set out in the National Planning Policy Framework (2023).

7. In the absence of a signed Section 106 Agreement, the proposed development also fails to provide necessary contributions for the provision of affordable housing and greenspace, contrary to the requirements of Policies H5, G4 and ID2 of the Core Strategy (as amended 2019) and to saved Policy GP5 of the Unitary Development Plan (Review 2006) and to policy in the National Planning Policy Framework. The Council anticipates that a Section 106 Agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 Agreement not be completed or cover all the requirements satisfactorily.

INTRODUCTION:

1. The application is brought before Members for determination, at the request of a Ward Member (Councillor Finnigan) who considers that the development will improve the housing mix in Drighlington, deliver bungalows for its ageing population which are in short supply, thus considers that the benefits of the proposal would outweigh the harm. Accordingly, material planning issues have been raised and it is therefore brought before Panel Members for consideration.
2. As will be outlined below it is considered that the proposal is contrary to the relevant policies and guidance and thus is therefore recommended for refusal.

BACKGROUND AND RELEVANT PLANNING HISTORY:

3. Two pre-application enquiries have been submitted seeking to develop the site for housing together with the conversion of the curtilage listed former stables. With both schemes, officers provide detailed planning advice relating to the principle of development, highway and pedestrian, safety, drainage, land contamination, trees / landscaping, as well as the impact on heritage assets.

HISTORY OF NEGOTIATIONS

4. The application was initially submitted in the form of semi-detached dwellings. However, in response to consultation comment, made through public access, the applicant submitted a revised scheme in February 2024. The main changes being, instead of 5 pairs of semi detached two storey properties, 10 detached houses were now proposed. Other modifications sought to address issues raised by Highways in relation to the site access and insufficient visibility due to a Horse Chestnut Tree in the corner of the site which has subsequently been lopped.

PROPOSAL

5. The scheme involves the conversion of the redundant coach house / stables into 2 residential units, together with alterations to the physical structure of the building. The barn conversion would provide a 2-bed dwelling of 122sqm and a 3-bed dwelling of 213sqm with integral garage. Both properties are set out over 2 storeys.

6. Barn 1 (2-bedroom dwelling) would comprise an open plan kitchen / dining room, living room, study and utility/WC at ground floor level, with 2 bedrooms with en-suite bathrooms above at first floor level. Two open car parking spaces would be provided in front of this unit.
7. Barn 2 (3-bedroom dwelling) would be larger in floor area and would comprise a large entrance hall, kitchen, dining room, snug, living room, utility room, WC and a double bedroom on the ground floor, with 2 en-suite bedrooms at first floor level. Car parking is provided by way of an attached garage with space for one car, in front.
8. Access is shown to be provided off Back Lane, to the west side, of the application site from Whitehall Road to the south.
9. The conversion involves a number of interventions, particular to the front (north-eastern elevation) which include new window openings and large areas of glazing, as well as the use of natural stone. The existing roof will be re-covered in grey artstone natural weathered reproduction stone slate, while the garage roof will be finished in profiled metal sheet roofing with timber doors. Windows will be aluminium framed, coated in grey, while conservation style aluminium framed rooflights are proposed. Rainwater goods such as gutters and downpipes will be aluminium in grey colour.
10. In addition to the coach house / stables conversions, the scheme includes redevelopment of the paddock area for new housing for the provision of 10, three bedroom dormer bungalows arranged around a shared access road, reached off Back Lane to the northeast side of the site.
11. Plots 1 to 4 sit on an east to west axis fronting onto the proposed access road and backing onto Whitehall Road. The submitted block plan indicates that the majority of mature trees are to be felled or cut back, along this frontage. These plots show garden depths of approx. 10m including the existing tree lined embankment which rises up to Whitehall Road (a number of which are now protected by TPO's).
12. Plots 5 and 6 front onto the end of the access road and back onto the rear gardens of properties on Drifholme Road, separated by Back Lane, to the west. The gardens are approx. 8.5 to 10m in depth however are again stepped in height due to the level changes onto site.
13. Plots 7 to 10, back onto The Old Vicarage, Lumb Hall (LB) and Lumb House (LB), located to the northern part of the site, on raised land which is bordered by trees (some of which are TPO'd. These properties front directly onto a small area of greenspace and six parking spaces. The rear garden depths range from 17m (Plot 7) to 12m (Plot 10).
14. Each plot is shown to have a footprint of 8.5m x 12m externally with a net internal floor area of 88sqm at ground floor and 68sqm at first floor = 156sqm, set out over two floors.
15. This part of the scheme takes vehicular access from Back Lane to the east of the site, off Whitehall Road. Swept path analysis has been undertaken of the site access and internal road layout, as shown on Refuse Vehicle Tracking Plan (Ref EC49-23-21-E01 REV 0), which looks to demonstrate that a refuse vehicle can access the site, turn within the site and exit in a forward gear. 22 car parking spaces are shown to be provided within the Application Site. Two for each dwelling and 2 visitor parking spaces.
16. Landscape – A Landscape plan has been submitted in support of the application which provides landscape analysis of the site, a strategic layout and illustrative landscaping

scheme. The key landscape design focus being to retain and enhance the green infrastructure along the B6135. However, the revised scheme now proposes to remove the majority of the trees along this frontage which are protected by TPO.

17. POS – None provided on site – this development would be expected to deliver 517 sqm. If agreed that onsite Greenspace is not appropriate for this development, an offsite contribution would be required: **£27,819.81**.
18. Affordable units – one affordable unit is proposed, albeit two affordable units are required, to satisfy policy requirement Policy H5. One unit should be provided for an intermediate or affordable tenure, and one unit for social rented or equivalent affordable tenure.
19. The agent, in the submission, has put forward the following benefits / information which should be considered in determining the scheme:
 - The delivery of *housing for the community and more specifically the over 55s*’.
 - Heritage benefits of repairing and reusing the vacant coach house/barns/stables range;
 - The social and economic benefit from the new housing.
20. As part of the submission, a Heritage Statement has been provided by Humble Heritage. This describes the character of the area, the significance of the heritage assets, the contribution they make to the character of the area and an assessment of the proposals upon the heritage assets with regard to national planning policy and those policies contained in the Leeds adopted development plan.

SITE AND SURROUNDINGS:

21. The site comprises of a piece of land stretching from Back Lane along the north / north-western boundary to Whitehall Road (A58) which forms the sites southern eastern boundary. Along the southwestern boundary is a private road, beyond which are 2 storey semi-detached houses. The north-eastern boundary is formed partly by another section of Back Lane and a cluster of historical buildings.
22. The immediate area features the grade II listed Lumb House beyond the north western boundary the of the site / close to the Back Lane, road frontage and its associated former coach house / stables that hug part of the norther western boundary. Along this section of Back Lane are 2 large, detached houses that were constructed in 2021. The remaining and substantial part of the site contains a paddock area laid to grass.
23. In terms of topography, the land slopes downwards from Back Lane towards Whitehall Road. There were a number of mature trees along the Whitehall frontage as well as a number of mature trees towards the western and norther western edges of the site. A significant number of these have however, now been severely cut back or felled. The paddock could be described as an attractive and verdant piece of land which positively contributes to the character of the local area and to the setting of a number of heritage assets.
24. In terms of heritage matters, the site is not located within a conservation area. However, there are a number of designated and non-designated heritage assets within the immediate vicinity. Lumb House sits adjacent of the coach house / stables and paddock area. It is grade II listed and is an early 17th Century house with additions from the 18th

and 20th Centuries. The frontage of the dwelling faces Back Lane, and its setting within large grounds establishes and portrays the grandeur of the building. The coach house forms part of the curtilage to Lumb House and thus, are Grade II listed as curtilage buildings.

25. Lumb Hall is grade I listed (the highest grading in England) and lies to the north of the paddock. Lumb Hall was built in circa. 1640 and is a two storey stone building with a stone slate roof. The listing notes that Lumb Hall is “*A fine example of a yeoman clothier’s house in the Halifax tradition and unique in this region...*”. To the northeast of the paddock on the other side of Back Lane are the grade II listed Stable, cart shed and Dutch Barn. Between Lumb House and Lumb Hall is The Old Vicarage, and whilst not listed, it is regarded as a non-designated heritage asset as it retains its historical significance as a Victorian villa, originally built as the vicarage to St. Paul’s Church.

PUBLIC/LOCAL RESPONSE:

26. The proposal was advertised by site notice posted 04/12/2023 and advertised in the Yorkshire Evening Post on 05/12/2023.

Publicity expired: 03/01/2024

Local representations – 24 letters of objection and 13 in support.

Objections:

- Layout and Density of Buildings
- Nature Conservation – impact on wildlife/birds/owls
- Noise and Disturbance
- Overlooking/Privacy
- Over Shadowing/Outlook (not view)
- Scale, Design and Materials
- Loss of Trees and/or Landscaping
- Visual Appearance
- Highways safety/parking – increase in traffic and congestion
- Increase in noise and pollution
- Listed Building/Cons Area/Parks Gardens
- Sustainability/Climate Change
- Flood Risk
- Overdevelopment
- Strain on existing services
- Letter received from developer in July 2023 is misleading because it describes the planning application would be for 10 bungalows with a focus on over 55s & a style not present in the village. The application submitted does not have this noted.
- Lack of notices around advising of this development,
- Three bedroom bungalows with study do not seem to be for the over 55s
- Impacts on Pedestrians with children & dogs could be at risk with extra traffic
- Bin collection issues
- Manoeuvring in / out of access road will be difficult.
- Highways safety issues on Whitehall Rd
- Site levels
- Social Housing against current demographic.

In support:

- Conversion of the existing barn structures would greatly enhance the area around a listed building, both by adding more high quality accommodation and by removing an area that looks dilapidated.
- Provides housing for the over 50's (aging population) or disabled, currently underprovided in the area, so that they can stay in the village. Frees up family houses.
- Development of the site wouldn't take away from green feeling of the village.
- The site is dangerous, has been overgrown, insecure and derelict for many years, with lots of hidden excavations.
- The developer has addressed issues preventing potential road closures or risk to life by dead trees falling on carriageway or footpaths.
- The development is aesthetically pleasing and in keeping with the area.

- Ten dwellings would not have a significant impact on existing services.

Parish/Town Council – No comments

CONSULTATION RESPONSES:

27. STATUTORY

Coal Authority – no objection subject to condition.

Highways – No objection subject to revised plans required addressing issues raised below:

- 20mph limit sign,
- Refuse lorry tracking,
- Visibility on Whitehall Road,
- The parking for 28 and 30 Back Lane should be shown
- Clarification of intention to offer for adoption.

28. NON-STATUTORY

Policy and Plans have concerns relating to the lack of green space delivered onsite, the proposed housing mix and an under delivery of affordable housing.

Conservation Team - identified that the harm to the significance of Lumb Hall and Lumb House would be 'less than substantial'. Nevertheless, any harm to heritage significance, regardless of the level, needs to be demonstrated to be necessary and have a 'clear and convincing justification' (para 206) before weighing it against the public benefits, as required by para 208 of the NPPF. Public benefits can include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, but it is considered that the enhancement of the coach house/stable block to Lumb House does not outweigh the harm to the grade I listed Lumb Hall and grade II Lumb House caused to the change to their settings. The NPPF calls for 'great weight' to be given to the conservation of designated heritage assets (para 199) when considering the impact of a proposal on their significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The harmful impact on the Old Vicarage requires a "balanced judgement" in accordance with paragraph 209

taking into account the scale of any harm or loss and the significance of the heritage asset

West Yorkshire Archives - Based on the proximity of the Pitty Close Farm site to the proposed development site there is the potential for further archaeological remains to be present in the proposed development site. However, the currently available data does not provide evidence, to determine the significance of such archaeology, should it be present. Recommend that a predetermination archaeological evaluation should be undertaken on the proposed development site.

Historic England: Advised that they had engaged with the applicant at pre-application and that the development generally followed the advice given. However, advised that views from specialists' conservation and archaeological officers should be sought and that their advice should not be interpreted as comment on the merits of the application.

Design Team – Barn conversion supported subject to materials and construction details (reveals etc.) controlled via conditions.

Design concerns raised regarding the scale, roof form, excessive footprints, proportions, layout which fail to relate to the general character of properties within the immediate locality. The lack of space between the dwellings, results in a wall of built development which has no principal frontage onto Whitehall Road or Back Lane and no defensible space to the property frontages represents an over-development of the site.

Landscape Team – The proposal is not supported in the current form due to impacts on existing trees and future resident amenity.

Flood Risk Management - The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development. There is a low risk of surface water flooding through the centre of the site however this can be managed in the landscaping strategy.

The drainage plan and strategy report, however, are not sufficiently detailed to discharge a full planning application. To support the planning application a SUDS based Drainage Assessment and Flood Risk Assessment should be provided.

Yorkshire Water – no objection subject to condition.

Contamination – No objections subject to conditions.

Environmental Studies Transport Strategy Team – Noise assessment required to quantify environmental noise levels across the site to inform on the layout of dwellings and mitigation measures that may be required to ensure that occupants enjoy a good standard of residential amenity both inside and outside their dwellings. A noise report should include references to the ProPG Planning and Noise Guidance, BS8233:2014 and World Health Organisation Guidelines for Community Noise.

Climate Change and Energy - Sustainability Statements dated 16.11.23 sets out the intent to comply with policies EN1 and EN2. Some passive design principles have been mentioned. However, it sheds little light on the strategies and targets to establish

compliance. Without satisfactory intent and evidence, the application cannot be supported.

Waste Management – advice given – specific issues: Each property will require 240 litre general waste bin and 240 litre recycling bin. The bin collection point needs to be nearer the entrance. Barn bins to be presented at the end of driveway.

WYP - No objection – subject condition securing the development built to “secured by design” standards.

Nature Team

Re: BIODIVERSITY NET GAIN (BNG)

On-site Baseline Habitat Units = 2.97

On-site Post-intervention Habitat Units = 1.82

The scheme, as reported in the EclA, results in a loss of 1.15 on-site Habitat Units equivalent to a Biodiversity Net Loss of 38.72%.

While the EclA states the scheme will achieve a net gain in Hedgerow Units, the figures are not based on the revised layout which now sees a number of trees removed. It is likely, therefore, that the scheme will also result in a loss of Hedgerow Biodiversity Units.

As the scheme will not achieve a measurable net gain for biodiversity (in both Habitat and Hedgerow Units) as required by Policy G9 and NPPF para. 185b, it is not supported by Nature Team.

In terms of bats, the Preliminary Roost Assessment identifies one building on site, the barn, and trees along the southern boundary to have low potential for roosting bats and consequently one nocturnal emergence survey will be required between May and August, prior to determination and trees felled in accordance with good practice guidelines. As the updated Landscape Plan indicates felling is now the case, an appropriately worded Protected Species Reasonable Avoidance Measures Method Statement planning condition should be imposed.

With regard to Geat Crested Newts, the EclA identifies that the proposed development falls within the ‘Amber’ risk zone for Great Crested Newts and the applicant will proceed in line with Natural England’s District Level Licensing scheme and controlled through a condition.

Biodiversity enhancement for species: The EclA states that the scheme will include 5 integral bat roosting and 5 integral bird nesting features. This is acceptable subject to condition.

Access Officer – No comments made.

Transport Strategy – No comments made.

Employment and Skills – No comments made.

Ramblers Association – No comments made.

Health Partnerships – No comments made.

Cycling Officer – No comments made.

Natural England: No comment.

Ramblers Association – No comments.

Public Health – No comments made.

RELEVANT PLANNING POLICIES

29. Development Plan

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 adopted Site Allocations Plan (2019), the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), the Site Allocations Plan (as amended 2024), adopted January 2013 and any made Neighbourhood Plans.

The Site is unallocated within the Development Plan.

30. **Relevant Policies from the Core Strategy (as amended 2019) are:**

GENERAL POLICY – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land

SP6 – Housing requirement and allocation of housing land

SP7 – Distribution of housing land and Allocations

SP11 – Transport Infrastructure investment priorities

P10 – High quality design

P11 - Heritage matters

P12 - Landscaping

T1 - Transport Management

T2 – Accessibility

H2 – Housing on unallocated land.

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

- (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
- (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
- (iii) Green Belt Policy is satisfied for sites in the Green Belt.

In addition, greenfield land:

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

b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.

H3: Density of residential development

H4 - House mix

H5 - Affordable Housing

H9 - Minimum space standards

H10 - Accessible housing

G1 - Extending and enhancing green infrastructure

G2 - CREATION OF NEW TREE COVER

G3/G4: Greenspace provision

G8: Protection of species

G9: Biodiversity Improvements

Development will be required to demonstrate: (i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and (ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and (iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.

EN1: Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floor space

EN2: Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floor space

EN4: District Heating

EN5: Managing flood risk. (see also NRWLP).

EN7: Protection of mineral resources (coal, sand, gravel).

EN8: Electric Vehicle charging infrastructure

ID2 – Planning obligations and developer contributions.

31. **Relevant Saved Policies from the UDP are:**

GP5 - General planning considerations

BD5 - General amenity issues

N14 - Listed buildings and Preservation

N17 - Listed Buildings and Character and Appearance

Wherever possible, existing detailing and all features, including internal features, which contribute to the character of the listed buildings should be preserved, repaired or if missing replaced. To the extent that the original plan form is intact, that should be preserved where it contributes to the special character and appearance of the buildings.

LD1 - Landscaping

N23 - Open space and retention of existing positive features

N25: Boundary treatments

32. **Relevant DPD Policies are:**

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

33. **National Planning Policy**

The National Planning Policy Framework (NPPF, 2023) - sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can be produced (para. 1).

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. 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.

The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development (para. 8) and identifies three overarching objectives:

- a) an economic objective– to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (para. 8).

The NPPF also advises that plans and decision should apply a presumption in favour of sustainable development (para. 10).

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

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Chapter 8 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other matters, promote social interaction (e.g., allow for easy pedestrian/ cycle connections, active street frontages) and are safe and accessible (para.96).

Chapter 9 covers the promotion of sustainable transport modes and achieving safe and suitable access to sites for all users (para.114) and to refuse developments on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (para.115).

Chapter 11: Making effective use of land

Chapter 12 identifies that good design is a key aspect of sustainable development creation of high-quality buildings and places is fundamental to sustainable development (para.131). Design guides and codes can be prepared (at area-wide; neighbourhood site-specific scale) to carry weight in decision-making and be based on effective community engagement and reflect local aspirations, taking account of the guidance contained in the National Design Guide/ National Model Design Code (para. 134). Adding, that planning decisions should ensure developments, amongst other things, function well and add to overall quality of area; are visually attractive as a result of good architecture, layout and landscaping; sympathetic to local character and history; establish or maintain strong sense of place; optimise potential of sites; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.135).

Chapter 14 states the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk (para. 157). When determining planning applications, local planning authorities should not require a demonstration of need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable (para. 163). Moreover, inappropriate development in areas at risk of flooding should be avoided (para.165) and when determining applications, it should be ensured that flood risk is not increased elsewhere (para.173).

Chapter 15: Conserving and enhancing the natural environment

Para 180. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the

undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Chapter 16: Conserving and enhancing the historic environment

34. The Equality Act 2010

The [Public sector equality duty](#) came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities like the Ministry of Justice are now required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

35. Planning Practice Guidance

In respect of planning obligations (including Sec.106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

36. Supplementary Planning Documents

Neighbourhoods for Living SPG

Transport SPD

Distances to Trees SPD

Building for Tomorrow: Sustainable Design and Construction

MAIN PLANNING CONSIDERATIONS:

Principle of Residential Development

Heritage Issues

Design, Layout and Landscaping

Impact on Living Conditions

Impact on trees, Ecology, Biodiversity

Highways

Drainage
Contamination
Other matters
CIL & Section 106

APPRAISAL

Principle of Residential Development

37. The site is approximately 0.6 hectares in size and is set in Drighlington, which is identified in the Core Strategy as a Smaller Settlement. The site is not allocated within the Site Allocations Plan.
38. Spatial Policy 1 sets out aims to deliver the spatial development strategy based on the Leeds settlement hierarchy and 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 of brownfield and greenfield land directing the largest amount of development to be located in the Main Urban Area and Major Settlements.
39. Spatial Policy 6 sets out a housing requirement of 51,952 (net) new dwellings to be accommodated between 2017 and 2033, with a target that 3,247 dwellings per year should be delivered. Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites (i.e., windfall sites).
40. Spatial Policy 7 looks to support the above using the following considerations:
 - i. Sustainable locations (which meet standards of public transport accessibility, supported by existing or access to new local facilities and services,
 - ii. Preference for brownfield and regeneration sites,
 - iii. The least impact on Green Belt purposes,
 - iv. Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
 - v. The need for realistic lead-in-times and build-out-rates for housing construction,
 - vi. The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
 - vii. Avoiding areas of flood risk and only where this is not possible, then mitigating flood risk.
41. The site is close to existing infrastructure and services within the surrounding and nearby areas and therefore the site sits within a sustainable location. Notwithstanding the curtilage listed former coach house, which can be regarded as previously developed land, the paddock area of land on which the substantive development is proposed is Greenfield land, but neither the Core Strategy nor NPPF preclude the development of Greenfield land. The site is also outside of the Green Belt.
42. Housing on Non-Allocated Land and Wider Housing Land Supply - Leeds Core Strategy spatial policy 6 sets the housing requirement for the plan period and the Leeds Site Allocations Plan identifies housing land for housing delivery in order to meet the wider housing requirement in Leeds. It is recognised that in this approach the plan is reliant on a proportion of housing coming forward on non-allocated or 'windfall' sites. The proposal

will contribute to housing land supply locally and this is a benefit of the proposal. However, this contribution will be negligible within the context of the wider housing land supply picture and so cannot be afforded significant weight as a planning benefit of the scheme. Furthermore, it is noted that the Council is currently able to demonstrate housing land supply well in excess of the five-year requirement. It could not be argued, as a result therefore, that any significant weight could be afforded to the aforementioned benefits, even notwithstanding the negligible contribution here.

43. In addition to the above, Policy H2 of the Core Strategy is relevant and deals specifically with housing developments on non-allocated land through the SAP as it was either too small to allocate or land that becomes available unexpectedly (windfall sites).
44. H2 sets out that new housing development will be acceptable on pre-developed land in principle on non-allocated land, providing that:
 - (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
 - (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
 - (iii) Green Belt Policy is satisfied for sites in the Green Belt.

In addition, Greenfield land:

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area; or
 - b) May be developed if it concerns a piece of designated greenspace found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.
45. In assessing the proposed scheme, this analysis only relates to the paddock site given that this element of the site is regarded as greenfield. It has already been advised that the site is in a reasonably sustainable location and does not exceed the capacity of transport, educational and health infrastructure, particularly given the scale of development proposed. As previously noted, the site is not located within the Green Belt.
46. With regard to the second part of Policy H2, the site is an attract and verdant piece of land that comprises of an open paddock area bounded by mature trees along the Whitehall Road frontage, with other mature trees along the peripheral edges, especially towards the northern section of the site, although a number of the trees along Whitehall Road have now been cut back or felled. The remaining trees are however now protected by a Tree Preservation Order. The site is appreciated from Whitehall Road and from views from the residential properties that back onto the site within Drifholme Road to the west. Views of the site are also appreciated from Back Lane to the east of the paddock, with this part of the site bounded by an attractive stone wall. Against the backdrop of the paddock, views of a number of listed and non-designation heritage assets can be appreciated and enjoyed, particularly during the late Autumn, Winter and early Spring, when the trees have no leaf cover. A further analysis on the impact on the heritage assets are discussed in more detail below.
47. In summary therefore, the authority concludes that the site makes a valuable contribution to the visual, historic and spatial character of the area, and for these reasons, the proposal(s) would be contrary to Policy H2 of the Core Strategy.

Heritage Issues

48. Section 16 of the NPPF (the framework) sets out a specific section on Conserving and enhancing the historic environment. In determining applications, the framework at paragraph 203 directs local planning authorities to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 206 relates to designated heritage assets and states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.*

Paragraph 208 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*

In terms of policies at a local level, Policy P11 of the Core Strategy relates to conservation. The policy states that:

“The historic environment consisting of archaeological remains, historic buildings townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced, ...”

49. The impact on heritage assets is therefore a key consideration in the assessment of the current proposal(s). There are a number of listed buildings within close proximity to the site which include Lumb House (grade II) and Lumb Hall (grade I) situated in close proximity to the edge of the site. Consequently, the proposal is considered to be within the setting of these listed buildings. Section 66 (1) of the Planning (Listed Building and Conservation Area) Act 1990 requires that where a development affects a listed building or its setting, special regard should be given to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

50. The submission is accompanied by a detailed Heritage Statement which describes the character of the area, the significance of the heritage assets, the contribution they make to the character of the area and an assessment of the proposals upon the heritage assets with regard to national planning policy and those policies contained in the Leeds adopted development plan.
51. Lumb Hall and Lumb House are rural post-medieval yeoman's houses with their significance lying in their illustrative historical value with some secondary aesthetic value. Lumb Hall stable and cart shed demonstrates the high status of the hall and the mixed economy of the West Yorkshire clothiers. The non-designated Old Vicarage has its origins as a Victorian detached villa built in the late 19th century, set within private grounds with mature vegetation and has architectural and illustrative historical significance as a country parsonage.
52. The site forms greenfield land that slopes upwards from Whitehall Road which historically was a paddock to Lumb House and in the mid-20th century was used as a nursery. It is now fallow and presents itself as a vestige of rurality which Historic England has described as providing "context to illustrate the agricultural economy associated with the post-medieval West Yorkshire clothiers and therefore a significant context for Lumb House and Lumb Hall". It is also an expansive picturesque scene from Whitehall Road which contributes to the aesthetic value of the heritage assets.
53. The Council's Head of Conservation has reviewed the proposals (both schemes) and has carried out a site visit to the area to understand the local context. As previously noted, the scheme can be broken down into two elements, those being the conversion of the former coach house / stables and the development of the paddock.
54. Conversion of Coach House / Stables
The former coach house, which is now vacant and unused, is grade II listed by virtue of it being curtilage listed in association with Lumb House. The conversion of this building into a viable new use such as residential is positively welcomed. In terms of the detail, the demolition of the existing brick lean-to and replacement with a visually lighter weight extension will maintain the primacy of the outbuilding and together with the removal of the render would be a minor benefit to the listed building.
55. Subject to some minor design alterations as recommended by the Conservation officer and conditions controlling the finer detailing, to ensure the quality of the scheme, the authority has no objections to the conversion of the former coach house to 2 residential dwellings.

Paddock Development

56. The development site is within the setting of several listed buildings, including Lumb House and Lumb Hall (grade I), and non-designated heritage assets (NDHEs), including The Vicarage and the outbuilding to Lumb House. The former paddock is not part of a designed landscape but is nonetheless considered to be a positive element of their settings contributing to the special interest of the listed buildings and the significance of the NDHEs. The site is a piece of remnant rurality which allows the heritage assets to be appreciated in their original surroundings. It is also a picturesque setting, the openness, trees and greenward providing attractive views to and from the heritage assets, particularly the grade I Lumb Hall. Development of the site for the houses would be harmful to the setting of the listed buildings. To some extent, the setting of the heritage

assets - Lumb House especially, has been compromised by development on the southwestern boundary and some further development along this boundary with suitable planting could mitigate the harm, but this would require the removal of mature trees on this part of the site.

57. In analysing the proposals in more detail, the first four steps of Historic England's Good Practice Advice 'The Setting of Heritage' have been considered.

58. Step 1: Identify which heritage assets and their settings are affected

The Historic Good Practice Advice says that "The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset". The proposed development will interpose in views and affect intervisibility of Lumb House (grade II) and The Old Vicarage (non-designated heritage asset) in dynamic lateral spread views along the frontage of the site with A58. At the time of the site visit, views of Lumb Hall (grade I) and Lumb Hall Stable Cartshed (Grade II) were largely obscured in views along the frontage by trees in the garden of Lumb Hall up to the junction of the A58 and Back Lane where short, channelled views of the designated assets along the tarmacked road contrast with more expansive views across the development site to Lumb House.

59. Step 2: Assess the degree to which these settings contribute to the significance of the heritage asset(s) or allow significance to be appreciated

The views described in step 1 allow the heritage assets to be appreciated from public vantage points and afford a singularity and status in the wide angle views from the A58 and along Back Lane where the site affords a "borrowed" curtilage to Lumb Hall. The wide angle views also allow the assets to be appreciated as a group with a shared materiality and age value, reinforcing the special interest of the listed buildings. The development site is a vestige of rurality which provides historical context and associations for the heritage assets. It is also a picturesque scene which contributes to the aesthetic value of the designated and undesignated heritage assets

60. Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

The application includes 3D views of the proposal which show that the views towards the heritage assets from Whitehall Road would be contained and encroached upon by development, including boundary walls and gardens, and would not have the same quality as the unobstructed dynamic wide-angle views that they currently obtain. The layout retains a cone of vision along Back Lane toward Lumb Hall and the Lumb Hall Stable Cart Shed, but the lateral spread over the field towards Lumb House would be lost through new development. In this respect, the 3D visual is misleading as it suggests that the heritage assets would be more visible than they currently are which relies on the removal of trees within the grounds of the Lumb Hall and the Old Vicarage which are in third party ownership. In all these views, the heritage assets would be "backgrounded" and absorbed in the new development and the singularity and pre-eminence of the heritage assets would be lost as well as the impression of rurality and the picturesque scene which are currently part of their setting. The development would cause "less than substantial" harm to Lumb Hall and Lumb House and would also have a harmful impact on significance of the Old Vicarage as a non-designated heritage asset.

61. It should be acknowledged that the degree of harm may vary according to the seasons as is apparent in comparison images in Street View where tree cover in spring and summer causes the heritage assets to be less visible. On the other hand, the heritage assets are likely to be more visible, in the winter months when the trees are fully bare. It is also likely that there will be some management of the overgrown trees and shrubs on the boundary of Lumb House with the proposed development site which will render the heritage assets more visible.

62. Step 4: Explore ways to maximise enhancement and avoid or minimise harm

The white rendered inter-war houses on the southwest boundary of the site detract from the setting of the heritage assets and therefore some enhancement in the view from the Back Lane junction and the setting of Lumb Hall and Lumb Hall Stable Cart shed would be delivered by development set alongside this boundary. The benefits from this however do not remove the harm to other heritage assets.

63. When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

64. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

65. The recent Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014(2)* made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

66. Decision-making policies in the NPPF (3) and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions.

67. The law has not changed since the advice was given, but the case law has changed the weight that we must give to setting.

68. In summary therefore, the proposed scheme (original and amended) is considered to cause less than substantial harm to the identified heritage assets. As such, paragraph 208 of the framework requires this harm to be weighed against the public benefits of the proposal. In this instance the agent has put forward the following public benefits in the submission:

- The properties would be age restricted for over 55 year olds;
- Heritage benefits of repairing and reusing the vacant coach house/barns/ stables range;
- The socio and economic benefit from the new housing.

69. In considering the listed public benefits it is considered that limited weight can be given the provision of the dwellings being allocated to the over 55's, particularly as there is no

policy context in this regard. This aspect of the scheme would still, effectively, be private/market housing, and in the absence of a very localised housing needs survey, the authority would not see this as a public benefit. Furthermore, the scale of the houses is quite substantial and their overall floorspace is similar to that of large scale family houses that would be available within the area of Drighlington, illustrating the point that they would not be primarily aimed at home owners wishing to “down size”.

70. Moreover, the scheme only includes the provision of one on site affordable house and no, on site public open space. However, even if it did, in any event, that would be seen as a standard planning policy requirement, rather than as an added public benefit.
71. Furthermore, Policy H4 requires that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. Paragraph 6.33 onwards of the Leeds SHMA 20191 considers the housing mix and type needs of older people in Leeds. Table 6.9 identifies that bungalows are often needed by this demographic but often it would be a result on downsizing (Table 6.10) and therefore 1 or 2 bed units are preferable (Table 6.9). The applicant has not justified the housing type and mix proposed.
72. With regard to the heritage benefits of repairing and reusing the vacant coach house, this is a positive element which the authority support. However, although the applicant has verbally stated (at the site meeting) that this element of the development is not viable without the revenue from the houses, there is no information before the authority in this application that demonstrates that this aspect of the scheme is not capable of conversion in its own right. As there is no information before us to demonstrate that this aspect of the scheme is reliant upon the revenue gained from development of the paddock site. This benefit has been afforded limited weight.
73. Furthermore, given that its appearance has been obscured by modern alterations, its contribution to the significance of the listed building is also minor.
74. Finally, there are the socio and economic benefits of providing new housing. It is agreed that these would result in new jobs in the construction of the dwellings which would have some benefits. There would also be new residents in the area residing in the new properties, thereby contributing to the local economy by using local shops and services in Drighlington. This therefore can be afforded limited weight.
75. Taking the listed public benefits as a whole, officers consider that these do not outweigh the harm that would be caused to the identified heritage assets. Therefore, the proposals are considered to conflict with the policy contained within the framework as well as the relevant policies contained within the development plan.

Design, Layout and Landscaping

76. The NPPF highlights that good design is a key aspect of sustainable development. Paragraph 139 notes that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

77. Policy P10 of the Core Strategy emphasises the importance of design, and that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that it is appropriate to its location, scale and function. One of the key principles of the policy is to ensure that development protects and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views.
78. SPG 13- Neighbourhoods for Living relates to the design of new residential development and highlights that they should take into account local character. The guidance requires usable private amenity space to equate to 66% of the gross floor area of each dwelling. The gaps between the proposed and existing houses would need to meet with the guidance set out within SPG13 i.e., minimum distances between main windows (living and dining areas) and secondary windows (bedrooms and kitchens).
79. As discussed above, the site currently makes a positive contribution to the visual amenity of the local area. The proposal would result in the urbanisation of this greenfield site through the introduction houses, road, and parking areas, resulting in the loss of the protected trees which have significant visual amenity value along the site frontage and perimeter.
80. The proposed layout would introduce a row of four detached dwellings (Plots 1 to 4), along Whitehall Road, 10m from the road with two detached houses (Plots 5 and 6), 8m from Back Lane. These houses are set down into the site due to the topography of the land, resulting in the rear gardens being steeply sloping. The existing trees/vegetation along these boundaries, are to be felled, cut back or cleared to avoid impacts from overshadowing of the rear garden amenity space. Consequently, the rear gardens of these sites would be exposed to public views with little prospect, given the limited depths of the gardens, of implementing a good quality landscape scheme or replacement trees of similar quality or biodiversity value without compromising amenity.
81. Furthermore, in order to secure an acceptable degree of privacy for future occupants, walls and fencing would need to be introduced. The introduction of close boarded fencing at a height required to be effective would be wholly inconsistent and significantly harmful to the open character of the site and area along this section of Whitehall Road.
82. With regard to the position, scale and form of the houses, these raise further concerns. The properties have no defensible space to the front or meaningful gaps between them, as a result of their excessive footprint and have no principal frontage onto the Whitehall Road. The roof shape and mass of the roofs only adds to this harm and allows no through views between the sites, thus creating a wall of built development at odds with the spatial character of the immediate area, resulting in parking areas being off site and the need for additional hardstanding at the expense of good quality landscaping and/or on site POS.

83. Overall, it is concluded that the scheme by reason of the extent of the development relative to the size of the application site including spatial setting constitutes overdevelopment of the site and causes harm to the character and visual amenities of the area, as well as poor residential amenity.
84. The scheme is therefore considered contrary to policies P10 and H4 of the Core Strategy, saved policy GP5 of the UDPR and the guidance on appropriate residential design contained within the Neighbourhoods for Living SPD and the guidance on good design appropriate to the local context contained within the NPPF and supported by the NPPG.

Impact on Living Conditions

85. In terms of the residential amenity of future residents, the proposal has been assessed against the Council's own Core Strategy Review policy H9, which is in regard to Minimum Spacing Standards and echoes those of the National Technical Housing Standards. The proposed new dwellings and converted coach house, exceed the minimum space standard requirements and thus are acceptable in this regard.
86. Nevertheless, new residential development should also look to provide a good level of amenity for future occupiers. This includes providing living accommodation which offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers.
87. The submitted layout is acceptable with regard to the relationship to existing neighbouring properties. However, the proposed garden depths of Plots 5 and 6 fail to meet minimum guidelines (10.5m deep). Given the levels changes across the site, as shown in the cross section plan, the gardens depths which would need to be increased, beyond the minimum guideline distance to reduce the impact of dominance as well as overlooking, from pedestrians on the public highway. This is also applicable to Plots 1 and 4 which back onto Whitehall Road. Although the gardens depths do meet the guidance criteria, the level change and lack of effective boundary screening would compromise outdoor private amenity as well as living accommodation. More effective boundary treatment (e.g., 1.8m high close boarded fencing) would mitigate this harm however in turn would create further harm through overdominance and have wider implications on visual amenity of Whitehall Road and Back Lane.
88. The level changes on site, also have further implications on amenity in terms of the usability of the outdoor amenity spaces. NHFL SPG advises that usability of gardens does not solely rely on its size and shape but also its aspect and relationship to adjoining structures and trees. To be fully usable, private garden areas should not be - overshadowed by trees and buildings etc, directly overlooked, steeply sloping, awkwardly shaped or very narrow. Whilst the garden spaces generally accord with the minimum area requirement of 2/3rds of the total gross floor area of the dwelling, the level of amenity afforded is severely compromised and would provide poor levels of amenity provision due to the significant level changes and boundary treatments. Further harm would also be incurred through the lack of defensible space to the property frontages, resulting in a lack of privacy to front room windows.
89. As such the proposal is contrary to the advice given in NHFL SPG and the aims and objectives of Policies GP5, BD5 (UDP) and P10 (CS).

90. Of note also, is that the Environmental Studies Transport Strategy Team advised that a Noise assessment would be required to quantify environmental noise levels across the site in order to inform the layout of dwellings as well as mitigation measures that may be required to ensure that occupants enjoy a good standard of residential amenity both inside and outside their dwellings. The noise report should include references to the ProPG Planning and Noise Guidance, BS8233:2014 and World Health Organisation Guidelines for Community Noise. However, no assessment has been provided, therefore it is unclear whether the proposed layout would provide an acceptable level of mitigation in this regard, especially in relation to the outdoor amenity of Plots 1 to 5 which are the closest to Whitehall Road.
91. Whilst limited amenity space is provided for the dwellings within the converted coach house, on balance, given the historical nature of the building, the provision of small areas of amenity space to the front and side are considered to be acceptable.
92. As referenced above, with regard to the impact on the living conditions of existing neighbours, it is not considered that the proposed development would result in any significant adverse impacts in terms of loss of sunlight and daylight, overlooking and over dominance, given their set down position into the site and distance to neighbouring sites.

Impact on trees, Ecology, Biodiversity considerations

93. The revised NPPF now includes emphasis on trees contribution to the urban environment and at paragraph 136 the NPPF states that:
- “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments..... that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible...”*
94. The consultation feedback from the Landscape advisor raises significant concerns regarding adverse impacts on the trees on site (those to be retained) and significant concerns regarding the amount of trees proposed for felling to allow the development to proceed.
95. The site is an area of open grassland with historic outbuildings in the village of Drighlington. The village joins Adwalton to the south and is surrounded by agricultural fields with a golf course to the north. Tree cover is varied and predominantly associated with older properties, the site features several mature trees to the Northwest and along the southern boundary with Whitehall Road. The trees on the site are not only important in visual terms but also as a wildlife habitat. They also provide the required buffer planting with regard to policy N25 of the UDP and G8 and G9 of the Core Strategy.
96. The starting aim in developing this site should therefore be to retain as much of the existing planting as possible.
97. A landscape plan and ecology statement and Arboricultural Impact Assessment (AIA), has been submitted in support of the application.
98. However, the revised layout now proposes the removal of 14 trees, including (T1, G4, T5, T6, T8, T9) as well as impacting upon T11 and T15 from construction of buildings,

walls and hard surfacing, proposed water and sewer connections; as well as indirect impacts due to dwellings being too close to trees and conflicting with residential amenity. All these trees are considered to have significant amenity value, including (T2 and T12), and are now protected by Tree Preservation Order - 11.1.24. Unfortunately, T2 has been seriously damaged through unauthorised works and is unlikely to be viable for retention.

99. The felling of trees is also considered to be contrary to the aims and objectives of The Council given the declaration of Climate Emergency in March 2019. The impact of this declaration is that trees are afforded additional weight over and above their contribution to amenity, (which is still of high priority), on the basis of their Carbon Sequestration function.
100. Replacement trees will take at least 25 years to reach a similar level of carbon capture and provide the reduction to air pollution function that the existing trees on site provide. Preserving existing trees is therefore, now strongly prioritised over removal and compensation planting.
101. To this end the loss of the trees is unacceptable and is considered a reason for refusal in itself, especially in the absence of any robust justification in terms of the benefit that the proposed development might bring. This also fails to accord with the relevant professional standards for protecting biodiversity and achieving overall net gain (more below).
102. Paragraph 180 d of the NPPF requires that “planning decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” [Council’s emphasis]. The Biodiversity Net Gain: Good Practice Principles for Development document published by the Chartered Institute of Ecology and Environmental Management and others sets out that “achieving... net gains in biodiversity, where there are wider benefits for society, is more than simply outweighing losses with gains. It requires doing everything possible to avoid losing biodiversity in the first place...” [Council’s emphasis]. Indeed, in setting out the correct way to achieve biodiversity net gain, the professional guidance sets out ten good practice principles for biodiversity net gain, including Principle Number 1 of the guidance which sets out that developers should “do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision makers where possible, [should developers] compensate for losses that cannot be avoided”.
103. Policy G9 (Biodiversity Improvements) states that development will be required to demonstrate: That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and the design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and that there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.
104. The planning statement submitted in support of the application states that the Application Site is of low ecological value and that the proposed development will not have an adverse impact on the integrity and connectivity of the Leeds Habitat Network.
105. The Ecological Impact Assessment describes the site area as enclosed area of grassland with treelined boundaries. The baseline habitat Biodiversity Units (Bu) on the site is calculated at 2.97 Bu and that no priority habitats were present within the site. At present,

the current landscaping designs would lead to a loss of 1.15 habitat units, which represents a net loss of 38.72%. The creation of an additional native hedgerow on the southern and western boundaries, as well as the retention of the existing treelines results in an increase of 0.23 Bu, which represents an overall net gain of 23.08%. This represents a negative residual impact on habitat biodiversity units, but a positive residual impact on hedgerow biodiversity units.

106. While the EclA states the scheme will achieve a net gain in Hedgerow Units, the figures are not based on the revised layout which now sees a number of trees removed. It is likely, therefore, that the scheme will also result in a loss of Hedgerow Biodiversity Units.
107. Nesting Birds Assessment – The EIA advises that the habitats on site provide potential opportunities for nesting birds during the nesting season, which extends from March to September each year. In order to mitigate the impact on nesting birds, vegetation clearance will, as far as is possible, be undertaken between October and March to avoid the nesting season. Any vegetation clearance which is necessary between March and September, during the nesting season, will be immediately preceded by a nesting bird survey undertaken by a suitably qualified ecologist. Any active nests found will be left undisturbed until the young have fledged. With the above mitigation in place, there will be no negative residual impact on nesting birds.
108. The assessment, also states that the line of trees surrounding the site offer moderate value habitat for foraging and/or commuting bats due to the connectivity it provides between areas of suitable habitat in the wider area. The Preliminary Roost Assessment identifies one building on site, the barn, to have low potential for roosting bats and consequently one nocturnal emergence survey will be required between May and August. The grassland also provides suitable nesting habitat for birds during the breeding season (March to September each year), as well as some potential for reptile species, although given that the surrounding landscape is dominated by residential areas and the site lacks connectivity to other areas of suitable habitat, the potential for reptiles is likely to be limited to low numbers of common reptile species.
109. The assessment states that there are no waterbodies within the survey area, however there are eleven ponds within 500m, eight of which have some level of ecological connectivity with the survey area. The site offers suitable terrestrial habitat for great crested newts in the form of long grassland and linear borders of trees. The area lies within an “Amber” risk zone for great crested newt district level licensing. Therefore, the presence of great crested newt within the survey area cannot be ruled out. The proposed works may have a high impact on great crested newts if they are present.
110. Of note is that EIA calculations are based on the presumption that the existing established trees are to be retained. This is no longer the case. A large number of trees have already been removed from site during the determination of this application, including a Copper Beech noted in pre-app comments as a potentially striking feature of any new development. Furthermore, a significant amount of vegetation, along the boundary has also been cleared from the site, along with excavation works to the land, despite the potential threat posed to nesting bird, bats and crested newt habitats. The revised scheme, also proposes the felling of TPO trees along the site boundaries previously proposed for retention. Consequently, this document carries little or no weight in terms of demonstrating that the development would deliver BNG or a positive contribution to the habitat network through habitat protection or landscape enhancements.
111. In light of the above, the proposal is therefore clearly contrary to policies P10, P12 and G9 of the Leeds Core Strategy, to saved policies GP5, LD1, N23, N25 of the Leeds UDPR, to policy LAND2 of the Natural Resources and Waste Local Plan, and relevant

guidance included within the Biodiversity Net Gain: Good Practice Principles for Development document and the National Planning Policy Framework paragraphs 180 and 184 of the NPPF.

Highways matters

112. Comments received from Highways Officer, are as follows:
113. Revised plans should be submitted to show:
- 20mph limit sign,
 - Refuse lorry tracking,
 - Visibility on Whitehall Road,
 - The parking for 28 and 30 Back Lane should be shown
 - Clarification of intention to offer for adoption
114. *Red Line Boundary* - The internal road needs to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development should be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs). The requirement for a 20mph speed limit should be indicated on a revised plan before the application is approved. The footways on Whitehall Road and Back Lane are proposed to be widened to 2.0m. If the applicant intends to keep the internal layout in private ownership, then the future maintenance regime of the layout will need to be secured by a S106 Agreement. The applicant or a management company will then be responsible for maintaining the layout to adoptable standards. This should therefore be clarified.
115. *Accessibility* - In accordance with the accessibility standards set out in the Core Strategy residential sites containing more than 5 dwellings should be within a 20 minute walk of primary health and education facilities and within a 30 minute walk of a secondary school. Drighlington Primary School, Drighlington Pharmacy, and Adwalton House Surgery are all within a 20-minute walk of the site. The nearest secondary school, Bruntcliffe Academy, is a 50-minute direct walk from the application site. As the public transport accessibility is not met, a S106 contribution of £20,000 is required to provide real-time bus information as bus stops 11795 and 11796, subject to consultation / agreement with WYCA. It is proposed to widen footway along the site frontage on Whitehall Road and the eastern end of Back Lane to 2.0m. This is acceptable subject to agreement with the landscaping officer as this could have an impact on the existing trees.
116. *Vehicular Access* - The barn that is proposed to be converted will be accessed via Back Lane. The proposed 10 dwellings will be accessed via a new access circa 30m away from the junction of Back Lane / Whitehall Road. Back Lane serves approximately 27 dwellings plus RAM Risk Solutions, in accordance with the Transport SPD a road of this nature should have a carriageway width of 5.5m. From the plans provided Back Lane has a width ranging from 4.7m – 6m. The carriageway from the junction of Back Lane / Whitehall Road up to the proposed main site access is proposed to be widened to 5.5m wide with a 2.0m wide footway. The visibility splay at the main access on Back Lane is shown correctly and has been achieved by setting the wall back. These improvements are subject to agreement with the landscaping officer as there could be an impact on the trees. Refuse vehicle tracking should be redone to demonstrate that the revised layout would be suitable for such vehicle to enter and exit the site in forward gear. The access

road to the barn conversions is acceptable providing that the wall is reduced in height to 0.6m and set back by 0.8m to provide a hard margin to Back Lane similar to the property to the left. A revised plan should be submitted showing this. The existing private access track off Whitehall Road to the southwest corner of the site has been retained for number 30 which raises no concerns. However, this should be retained to only serve this dwelling and not by traffic associated with the development. This will need to be secured by condition

117. *Internal Layout / Servicing / Bins* - Comments on the internal layout have been requested from the Section 38 team and will be forwarded in due course. Footways on the internal road are shown at 2.0m wide, which is acceptable in accordance with the Transport SPD. The internal road width has been increased to 5.5m as requested to enable to refuse lorry manoeuvre more easily within site. However, this should still be tracked, including the turning area. Gradients proposed on the internal roads are 1:33 which is acceptable

Bins are shown to be stored in the rear gardens of the 10 bungalows which raises no concerns. The paths to the rear of plots are shown to be 1200mm wide which is acceptable. A refuse collection location for the 2 dwellings accessed off Back Lane is shown on the plans. The parking spaces have been increased in width to 2.6m and the parking spaces are more accessible so that tracking of the car parking is no longer necessary.

118. *Parking* - Car parking has been assessed for both elements of the site as shown below: 10 dwellings There are 2 parking spaces provided for all 10 dwellings with a further 2 visitor parking spaces – this level of provision raises no concerns. Parking spaces are laid out at 2.6m wide. Please note LCC only accept 32Amp chargers. EV charge post should be set back 300mm from the parking bays to reduce the risk of damage to the charge posts. 2 dwellings Both dwellings have 2 parking spaces allocated, barn 2 has a parking space within the garage and on the driveway, and barn 1 has 2 parallel spaces, there should be increased to 6.0m long. The EVCP for Barn 2 should be mounted on the front of the garage and not within it. The developer must show the parking spaces for both 28 & 30 Back Lane on the plans to demonstrate they are not being affected by the proposals. Cycle parking, the garage for barn 2 is a sufficient width to accommodate for cycles as well as a vehicle. Cycle stores are shown for each of the remaining 10 dwellings and barn 1. The cycle stores should be increased in length to 2.0m.

119. *Off Site Highways Works* - Off-site highway works to the footway on Whitehall Road and to the footway and carriageway on Back Lane are shown on the site plan. The developer will be required to enter into a Section 278 agreement for the council to agree details. Email: S278Agreements@Leeds.gov.uk

PLANNING CONDITIONS / S106: £20,000 is required to provide real-time bus information as bus stops 11795 and 11796, subject to consultation / agreement with WYCA

In the event that the application was to be supported, subject to revisions and planning conditions the arrangements are considered acceptable and will meet the requirements of Leeds Core Strategy policy T2, saved UDP policies T7 and T24, the NPPF and the Street Design Guide SPD.

Drainage

120. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development. There is a low risk of surface water flooding through the centre of the site however this can be managed in the landscaping strategy. The drainage plan and strategy report are not sufficiently detailed to discharge a full planning application. A SUDS based Drainage Assessment and Flood Risk Assessment should be provided.

Contamination

121. The proposed end use of the development is sensitive and past potentially contaminative land uses have been identified which could pose a potential risk to the proposed development.
122. A phase 2 site investigation which has previously been approved for a different development has been submitted to support the application. A coal mining risk assessment (CMRA) for that development has also been submitted. It is recommended that a data review be carried out by competent persons to determine whether the information and recommendations in these reports is relevant and appropriate to the current development proposal and site area. Assuming use of, and reliance on, the data in those reports is permissible and ownership allows, an updated risk assessment will be required as part of that exercise. Additionally, a new Coal Authority Consultants Report is likely to be needed as reliance is only offered for 90 days on all CA reporting. Other data searches may carry similar constraints. The submitted phase 2 report and CMRA are 3 and 4 years old respectively. The submitted Planning Statement states that "Soil & Structures were to instruct a Phase 1 Ground Investigations Engineering Study in support of the Application" (sic). However, no phase 1 report has been submitted. It is possible that this report answers the above queries. However, should the planning officer be minded, to grant permission Conditions and Directions would allow for appropriate documentation to be submitted

Other matters

123. **Affordable Housing** - As the scheme proposes 12 residential units then under Core Strategy Policy H5, the applicant will need to enter into a legal agreement committing to the provision of at least 15% affordable housing, owing to the location of the site in Affordable Housing Zone 2 as identified in the Core Strategy.
124. Only one affordable unit is being proposed, whilst 2 should be delivered under Policy H5 (15% of 12unit is 1.8, which rounds up to 2). The applicant has not provided details regarding the second affordable unit. One unit should be provided for an intermediate or affordable tenure, and one unit for social rented or equivalent affordable tenure which would need to be secured through a section 106 agreement.
125. **Greenspace** - The trigger for the requirement of Greenspace as outlined in Policy G4 is 10 units or more, and Core Strategy Policy G4 requires on site provision of Greenspace and is based upon the size of each residential unit. No on site provision is proposed and as such, an off-site contribution for public open greenspace of **£27,819.81** would be required if deemed to be appropriate and secured through via a Section 106 legal agreement.

126. In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions for the provision of affordable housing and greenspace, contrary to the requirements of policies H5, G4 and ID2 of the Core Strategy and to policy GP5 of the Unitary Development Plan and to advice in the National Planning Policy Framework.
127. **Climate change** - The submission states that the applicant will comply with Core Strategy policies EN1 (climate change - carbon dioxide reduction) and Policy EN2 (sustainable design and construction) and policies Air 1 (incorporation of low emission measures to mitigate impact on air quality) and Water 1 (all new development to improve water efficiency) of the Natural Resources and Waste Local Plan but no details are provided. In the event that the application was supported, this matter could be addressed through a condition.
128. **Accessible housing and minimum space standards** - It is important that all new housing provides sufficient internal space to achieve accessibility, sustainability and quality of life for residents. It is currently unclear how the proposals will comply with policy H10 of the Core Strategy (accessible housing standards). In the event that the application was supported, this matter could be conditioned.
129. **Housing Mix** - The planning statement states that: The limited size and scale of the development, as well as the type of unit proposed (bungalows targeted at the over 55s) impedes the ability to provide a different mix of units as it would compromise with development and marketing strategy for the scheme as an Over 55s, retirement living style community.
130. Policy H4 requires that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. Paragraph 6.33 onwards of the Leeds SHMA 20191 considers the housing mix and type needs of older people in Leeds. Table 6.9 identifies that bungalows are often needed by this demographic but often it would be a result on downsizing (Table 6.10) and therefore 1 or 2 bed units are preferable (Table 6.9). In the event that the application was supported, the applicant would need to provide further evidence to justify the housing type and mix proposed.

Conclusions

131. The alterations and the conversion of the curtilage listed former coach house to 2 residential dwellings is supported, subject to design alterations and conditions controlling the finer detail of the development.
132. However, with regard to the provision on the paddock of 10 dwellings, as shown in the revised scheme, it is considered that this greenfield site (undeveloped land) makes a valuable contribution to the visual, historic, and spatial character of the area, the development of the land would therefore fail to satisfy the criteria of Leeds Core Strategy policy H2, as well as Saved Policy GP5 (UDP) and Policy P10 of the Core strategy. As such the proposal is considered unacceptable in principle on non-allocated land.
133. The proposed development is also considered unacceptable by reason of its impact upon the setting of the Grade 1 and Grade II Listed Buildings. Furthermore, the proposed design and character of the new development is considered to fail to respond sympathetically to the character and appearance of the listed buildings. This along with the loss of the spacious setting around the Listed Building would have a significantly

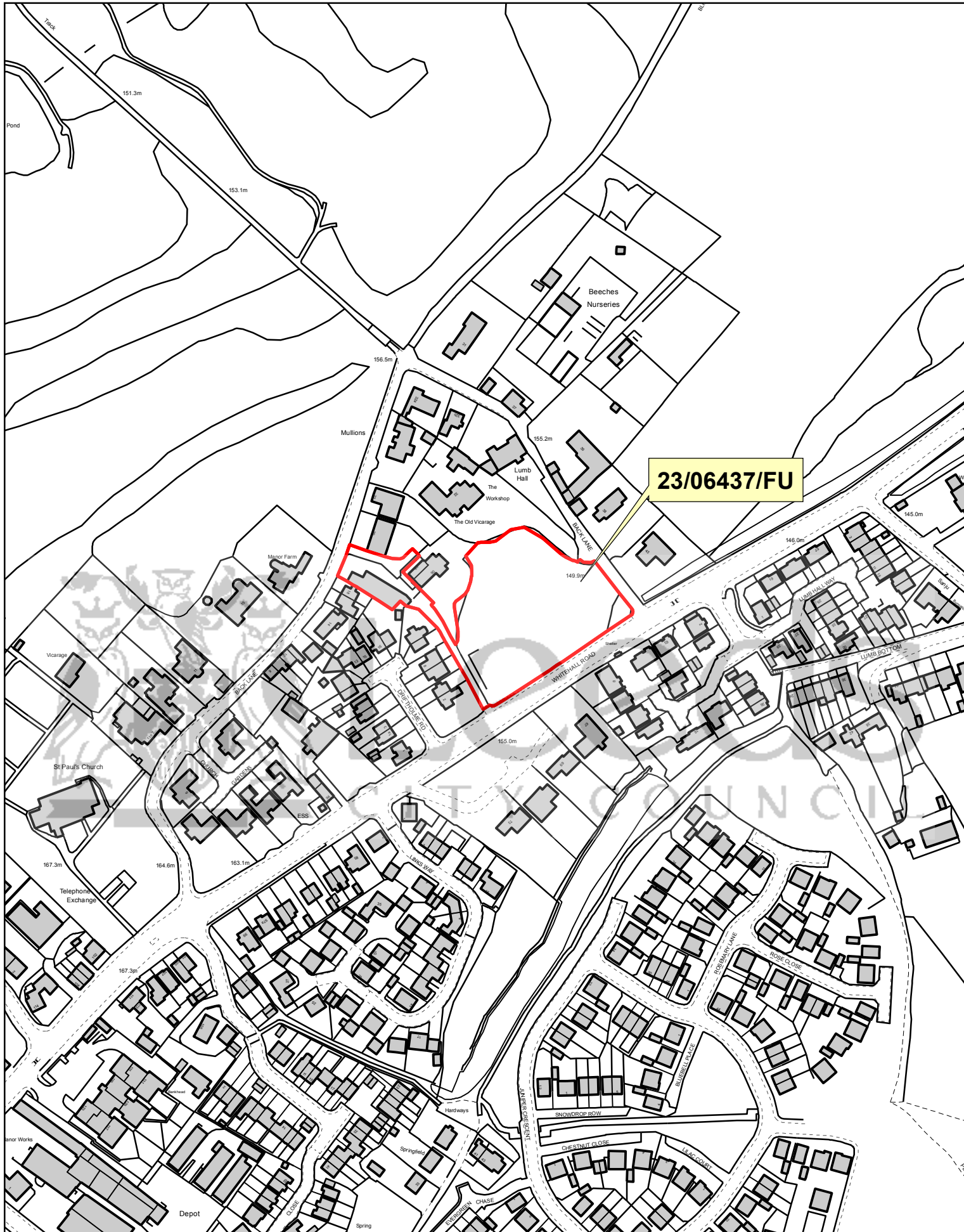
harmful impact to the listed buildings significance and setting. The proposal is therefore contrary to Policies P10 and P11, P12 of the Leeds Core Strategy (2014) and saved Policies GP5, N17 and N23 of the Leeds UDP (2006) as well as with the advice set out in the National Planning Policy Framework (2023).

134. Also, for reasons discussed above, officers are not convinced, when considering the existing trees and site topography, as well as access, that the site can accommodate 10 detached dwellings whilst satisfying visual amenity, residential amenity and landscaping requirements, as well as delivering BNG, in accordance with policies P10, P12 and G9 of the Leeds Core Strategy, saved policies GP5, LD1, N23, N25 of the Leeds UDPR, and relevant guidance included within the Biodiversity Net Gain: Good Practice Principles for Development document and the National Planning Policy Framework paragraphs 180 and 186 of the NPPF.
135. The proposed scheme also fails to respect the scale, roof form, proportions, layout, and spatial character of properties within the immediate locality or provide a suitable mixture of residential house types and sufficient space between the dwellings, resulting in a wall of built development which has no principal frontage onto Whitehall Road and no defensible space to the property frontages. Its cramped layout, extent of hard standing, parking arrangements and loss of landscape features represents an over-development of the site detrimental to the character and appearance of the site, the wider streetscene and heritage assets. The scheme is therefore considered contrary to policies P10, P12, G9 and H4 of the Core Strategy, saved policies GP5, LD1, N23, N25 (UDP) and the guidance on appropriate residential design contained within the Neighbourhoods for Living SPD and the guidance on good design appropriate to the local context contained within the NPPF and supported by the NPPG.
136. In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions for the provision of affordable housing and Greenspace, in accordance the requirements of policies H5, G4, and ID2 of the Core Strategy and to saved policy GP5 of the Unitary Development Plan and to advice in the National Planning Policy Framework
137. 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. In this case, for the reasons set out in the report above, there are no overriding material considerations which outweigh the harm discussed above, and thus the application is therefore recommended for refusal.

BACKGROUND PAPERS:

Application file reference: 23/06437/FU

Certificate of ownership: Certificate A signed by the Agent on behalf of the Applicant.



SOUTH AND WEST PLANS PANEL





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PLANS PANEL PRESENTATION

SCALE 1:2500





PLANS PANEL PRESENTATION

SCALE 1:2500

