



SOUTH AND WEST PLANS PANEL

**Meeting to be held in the Civic Hall, Leeds on
Thursday, 19th July, 2018 at 1.30 pm**

MEMBERSHIP

Councillors

K Brooks	C Campbell	B Anderson	A Hutchison
M Gibson		J Shemilt	
C Gruen (Chair)			
S Hamilton			
J Heselwood			
D Ragan			
P Wray			

**Agenda compiled by:
John Grieve
Governance Services
Civic Hall
Tel: 0113 37 88662**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT DETAILS</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -16 of the Members’ Code of Conduct.</p>	

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5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To confirm as a correct record, the minutes of the previous meeting held on 14th June 2018.</p> <p>(Copy attached)</p>	3 - 6
7			<p>MATTER ARISING FROM THE MINUTES</p> <p>To consider any matter arising from the minutes.</p>	
8	Rothwell		<p>APPLICATION NO. 18/02223/FU - ONE DWELLING HOUSE AT LAY GARTH COURT, ROTHWELL, LEEDS LS26.</p> <p>To consider a report by the Chief Planning Officer which sets out details of an application which seeks the construction of one detached dwelling house at Lay Garth Court, Rothwell, Leeds, LS26.</p> <p>(Report attached)</p>	7 - 22
9	Pudsey		<p>APPLICATION NO.17/08294/FU - CONSTRUCTION OF 18 DWELLING HOUSES AND ASSOCIATED WORKS TO LAND OFF TYERSAL CLOSE, TYERSAL, LEEDS</p> <p>To consider a report by the Chief Planning Officer which sets out details of an application which seeks the construction of 18 dwelling houses and associated works to Land off Tyersal Close, Tyersal, Leeds.</p> <p>(Report attached)</p>	23 - 52
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Thursday, 16th August 2018 at 1.30pm in the Civic Hall, Leeds.</p>	

Item No	Ward	Item Not Open		Page No
			<p data-bbox="676 181 1015 215"><u>Third Party Recording</u></p> <p data-bbox="676 255 1382 472">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="676 512 1310 584">Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li data-bbox="724 624 1382 842">a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. <li data-bbox="724 860 1394 1162">b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

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To all Members of South and West
Plans Panel

Planning Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: Steve Butler
Tel: 0113 224 3421
steve.butler@leeds.gov.uk

Our reference: SW Site Visits
Date: 09/07/18

Dear Councillor

SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 17th July 2018

Prior to the meeting of the South and West Plans Panel on Thursday 17th July 2018 the following site visit will take place:

Time	
10.10 am	Depart Civic Hall
10.30	18/02223/FU – One dwelling house at Lay Garth Court, Rothwell, Leeds.
11.20	17/08294/FU – Construction of 18 dwelling houses and associated works to Land off Tyersal Close, Tyersal, Leeds.
12.00am	Return to Civic Hall

Please note because of the close proximity to the City Centre it is intended to walk to the site. This will allow us to view the site from various vantage points both within Carlton Gate and from across the Ring Road. Please notify Steve Butler (Tel: 3787950) if this should cause you any difficulties as soon as possible. Otherwise please meet in the Ante Chamber at 10.05 am.

Yours sincerely

Steve Butler
Group Manager
South and West

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SOUTH AND WEST PLANS PANEL

THURSDAY, 14TH JUNE, 2018

PRESENT: Councillor in the Chair

Councillors B Anderson, K Brooks,
M Gibson, S Hamilton, J Heselwood,
A Hutchison, J McKenna, D Ragan and
P Wray

1 Election of Chair

In the absence of Councillor C Gruen, the Panel was asked to make a nomination for a Chair for the meeting.

RESOLVED – That Councillor J McKenna be elected as Chair for the meeting.

2 Chair's Opening Remarks

The Chair reminded the Panel that today was the anniversary of the Grenfell Tower fire. Members were reminded of the Council's responsibilities to tenants, particularly in tower blocks and of the Council's response in ensuring the safety of tower blocks in Leeds.

Members observed a minutes silence.

3 Declarations of Disclosable Pecuniary Interests

There were no declarations.

4 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor C Gruen.

Councillor J McKenna was in attendance as substitute.

Apologies for the site visits were submitted on behalf of Councillors J Heselwood and A Hutchison.

5 Minutes - 17 May 2018

RESOLVED – That the minutes of the meeting held on Thursday, 17 May 2018 be confirmed as a correct record.

6 PREAPP-17- 00590 - Land to East of Carlton Gate and North of Clay Pit Lane, Sheepscar, Leeds

The report of the Chief Planning Officer introduced a pre-application presentation for 160 Apartments, at land East of Carlton Gate and North of Clay Pit Lane.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the proposals.

Further issues highlighted included the following:

- The site had previously had an outline approval for housing during the regeneration of Little London PFI scheme. This had not been progressed following the economic downturn.
- The site was identified for housing in the Site Allocation Plan.
- The mound at the site would be retained to an extent but not at the same height. This would introduce a more usable landscape which improved connectivity and public access. Whilst there would be some tree loss, there would be re-planting and landscaping to compensate.
- Car parking was low for a development of this intensity.
- A flexible rent model was proposed with a guaranteed minimum of 7.5% affordable housing.

The applicant's representatives addressed the Panel. The following was highlighted:

- Agreements had been made with a contractor who was ready to deliver the scheme.
- The previously agreed plans for the site would have seen the removal of the bund.
- The flexible rent model was explained. This involved offering rents at comparable local rates and it was aimed to offer 20% affordable housing.
- The proposals would complete the regeneration of Little London and provide a landmark building on a gateway to the city.
- Options to retain the bund had been explored. To retain the bund would have presented a challenge to any construction. The alternative option would retain features of the bund and provide a quality environment around the building.
- The building would be stepped in height and the relative height would be lower than other nearby buildings.
- The ground floor of the building would have communal spaces, community facilities and cycle storage. There would also be a communal roof terrace.
- Car parking – proposed levels of parking were felt to be sufficient as it the site was situated in an area with good transport links to the city. There was low car ownership in the area.

- It was proposed to submit a full application in July 2018 with a view to commencing development within 6 months.

In response to Members comments and questions, the following was discussed:

- Consultation with Ward Members and local residents – There had been some discussion with Ward Members and consultation with local residents was planned.
- Concern regarding the proximity of street lighting to the new building – it was not envisaged that there would be any light pollution caused by this.
- Concerns with regards to the corner of the building and how close it was to Clay Pit Lane.
- Materials for the building still needed to be finalised. It was suggested that they would be of a finish similar to existing buildings nearby.
- Members welcomed that affordable housing provision would be on site and not in the form of a financial contribution.
- Details of projected rent levels were requested.
- Concern regarding the removal of the bund and potential for future noise disturbance. It was reported that noise levels would be monitored and the necessary noise attenuation works would be carried out.
- Local school provision – further information would be provided further into the planning process.
- Further concerns were raised about the provision of studio apartments, size of the apartments and size and massing of the building.
- In response to questions outlined in the report, the following was discussed:
 - With regard to the loss of the existing bund and green infrastructure, Members requested further information before any proposals could be supported.
 - The emerging layout, scale and design was felt to be too bulky and close to Clay Pit Lane.
 - The affordable housing strategy was supported with some concern regarding the inclusion of studio flats and further information requested on the rental model.
 - Members supported the emerging amenity space, public realm and landscape design principles subject to consultation with Ward Members and the local community.
 - Further information was requested with regard to the approach to parking, vehicular access and pedestrian connectivity.

RESOLVED – That the report and presentation be noted.

7 Date and Time of Next Meeting

Thursday, 19 July 2018 at 1.30 p.m.



Leeds

CITY COUNCIL

Originator: Mike Howitt
Tel: 0113 2224409

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 19th July 2018

Subject: 18/02223/FU – One dwelling house at Lay Garth Court, Rothwell, Leeds LS26.

APPLICANT

Carlton Green Rothwell Ltd

DATE VALID

5 April 2018

TARGET DATE

31 May 2018

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Grant approval subject to the following conditions:

1. Time Limit on full permission.
2. Plans to be approved
3. Details of walling and roofing materials to be submitted for approval.
4. Details of hard surfacing to be submitted for approval.
5. Provision for contractors – construction plan
6. Construction hours.
7. Vehicle spaces to be laid out
8. Electric vehicle charging points.
9. Surface water scheme and implementation.
10. Tree protection.
11. Landscape scheme
12. Phase II site investigation
13. Amendments to remediation statement if needed.
14. Submission of verification reports on completion.
15. Importing soil
16. No insertion of windows in Northern or Southern side elevations
17. No gates to be installed without permission from LPA.

1.0 INTRODUCTION

- 1.1 This is a full application for residential development, comprising a single dwelling on a piece of land remaining following the approval for the erection of three detached dwellings (16/05800/FU) on the rest of the site.
- 1.2 This application is brought to the Plans Panel at the request of Rothwell Ward member Councillor Stewart Golton who believes that the proposal would be harmful to the wider Conservation Area.

2.0 PROPOSAL

- 2.1 This application follows approval of planning permission for three detached dwellings on the adjacent part of the land approved under 16/05800/FU that was submitted initially for five dwellings but was reduced to three as the initial proposal was considered to be over-development of the site as a whole.
- 2.2 This application seeks permission for one detached dwelling that will sit on land to the North of plot 3 of approval 16/05800/FU. This land was excluded from development under 16/05800/FU and was subject to a planning condition (Condition 12) for the submission of a landscape management plan to include details of long term responsibility for the area. This does not however preclude the site from development and this application must be assessed on its planning merits.
- 2.3 The proposed dwelling would be laid out with its front elevation addressing the access that is gained from Lay Garth Court. The dwelling will be set within a generally square plot with a private garden to the rear.
- 2.4 The dwelling would incorporate a detached garage and surface parking to the front of the building. Vehicular access would be provided via an access off the main road of Lay Garth Court that serves No's 1 and 2 Lay Garth Court.
- 2.5 The dwelling would be two storeys in height with four bedrooms and follow a similar design ethos as those approved under 16/05800/FU. As with the approved dwellings the proposed would have large windows with stone surrounds.
- 2.6 The private garden area is shown to be located to the rear and side with the retention of one tree (Sycamore) and 3 new trees introduced to include a Hornbeam, Sweet Gum (both to the rear boundary) and an Ornamental Pear (to the side boundary, close to the garage building).

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is a generally square plot of land to the Northern end of a former garden area of No.13 and 13a Carlton Lane which has planning permission for three detached dwellings; development of which is well under way.
- 3.2 To the south and east of the site are Victorian terraces (Victoria Avenue) whose rear gardens form the side boundary of the wider site and the recently approved three dwellings. Directly to the east of the application site boundary is a small patch of allotment land which is overlooked by a row of terraces on Cross Street.
- 3.3 To the west and north is a modern estate (early 1980's) accessed off Lay Garth which runs along the western boundary before terminating on the Northern boundary

where the road becomes Lay Garth Court (accessing 2 houses, No's 1 and 2 Lay Garth Court). To the north is Lay Garth Square where a property, 6 Lay Garth Square, has its rear garden abutting the shared boundary with the application site. This property is sited rather awkwardly in relation to the existing building line, however it does appear to be an original feature of the estate. N

- 3.4 Number 2 Lay Garth Court directly abuts the western boundary of the application site, the boundary here is not straight, seeming to angle out towards number 2 where it meets the northern boundary line. Number 2 has an attached double garage and driveway to the side that abuts the development site. Currently cars parked here reverse out onto Lay Garth Court before being able to turn around.
- 3.5 The area is residential in character and has character pockets where development's represents their period of construction and where older villas and a Victorian school building on Carlton Lane (now converted to residential) sits alongside the later 20th century development of the Lay Garths. The recently approved scheme on the garden site to the rear of No.13 and 13a will introduce another character pocket; whilst these take reference from the architecture of the Edwardian architecture they are very clearly modern dwellings amongst the existing architectural variety in the immediate area.
- 3.6 The Lay Garth estate has a very different appearance to the more traditional area of the immediately neighbouring part of Rothwell, with varied houses that all have timber clad first floors sitting above simple brick ground floors. These properties have open-plan frontages and a more compact and horizontal character than the adjacent Victorian terraces.

4.0 RELEVANT PLANNING HISTORY

- 4.1 17/08397/FU - One dwelling – Refused 15th February 2018 on following grounds:
- Detrimental to character of Conservation area due to loss of open land, and inability to meet landscaping requirements of previous planning permission.
 - Overdevelopment of the site due to scale of proposed property and the size of garden.
- 4.2 16/05800/FU - Partial demolition of redundant outbuilding and erect three houses – Approved 6th July 2017
- 4.3 14/04170/FU - Residential development for eight detached dwellings and associated landscaping, new garage and access to 13a Carlton Lane. Refused 16 September 2014 on following grounds:
- Detrimental to character of Conservation area.
 - Poor design not reflective of local area.
 - Poor amenity as a result of proximity of plots 1 and 2 to number 13, proximity of plots 3, 4 and 7 to the Victorian terraced houses, and proximity of plot 8 to 2 Lay Garth Court, along with very limited garden areas.
 - Unacceptable loss of trees which are protected.
- 4.4 22/61/04/FU - Change of use of detached house to 6 flats and the erection of 3 storey block of 12 flats. Refused 20th April 2004 on the following grounds:
- New flats prominent in street-scene due to size and design, harmful to Conservation Area.

- Loss of protected trees.
- Material, harmful increase in use of Lay Garth/Carlton Lane junction where visibility is restricted.

4.5 22/110/02/FU and 22/109/02/CA - Twenty four flats in two 3 storey blocks. Refused 16th July 2002 for reasons of

- Harm to Conservation Area,
- Poor design,
- Loss of trees, and
- Harm to highway safety due to use of junction.

5.0 HISTORY OF NEGOTIATIONS

5.1 Whilst there have been ongoing negotiations over the period of the planning history detailed above, there has been no further discussions since the refusal of the previous application in 2017. The application has been submitted with changes not discussed with the LPA.

6.0 PUBLIC/LOCAL RESPONSE

6.1 A site notice was posted on 3rd May 2018 and a press advertisement in the Yorkshire Evening Post published on 18th April 2018.

6.2 22 objection letters have been received. The objections have raised the following issues:

- The proposal will lead to on street visitor parking
- The access is restricted
- There is no path on the access
- There will be a loss of privacy
- There will be a loss of outlook
- This proposal in addition to the previously approved three will dominate the existing properties reducing house re-sale values
- The proposal is yet another submission from the developer with the sole intention of profit and will make further applications if refused until he gets what he wants
- The application has not changed from the previous refusal
- The house is too big for the plot
- The plans are inaccurate.
- Where will contractors vehicles go whilst work is ongoing
- The property bears no resemblance to the existing properties on Lay Garth
- Support comments made regarding regeneration are irrelevant.
- The site is within a conservation area and the proposal will impact negatively on it.
- The proposal will be harmful on wildlife
- There will be further loss of trees

6.3 20 representations supporting the scheme have been received. Issues raised are

- The proposal will have no impact on the existing houses
- The land on which all the development had been previously neglected and new landscaping will improve the area

- The proposal will add to the housing stock of Rothwell
- The developer has provided previously good schemes
- In fill building should be supported rather than encroaching into the Green Belt
- It will leave the area looking unfinished
- The land will be vulnerable to fly-tipping and vandalism

7.0 CONSULTATION RESPONSES

- 7.1 Highways: No objection subject to conditions
- 7.2 Flood Risk Management: No objection subject to conditions
- 7.3 Contaminated Land: No objection subject to conditions
- 7.4 Landscape Team: No objection subject to conditions
- 7.5 Conservation Team: The proposed development would not impact on the contribution the site makes to the remaining conservation area setting. The visibility of the project has been increased due to the removal of trees on the boundary of the wider site and Victoria Avenue. This increased visibility of the site is unlikely to result in significant additional harm to the Conservation Area. The addition of the proposed house will therefore have a minimal additional impact on the significance of the Conservation Area.
- 7.5 Environmental Strategy – Transport studies: No observations to make

8.0 PLANNING POLICIES

Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.
- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.
- 8.3 The following Core Strategy policies are considered most relevant
- Spatial policy 1: Location of development (site is within the smaller urban area of Morley)
- Spatial policy 6: Housing requirement and allocation of housing land
- P10 Seeks to ensure high quality design
- P11 Conservation
- P12 Landscape
- H2 New housing development on un-allocated sites
- H3 Housing Density
- H4 Housing mix
- T2 Transport infrastructure

G9 Nature Conservation
EN1 Climate change and carbon dioxide reductions
EN2 Sustainable Design and Construction

8.4 Saved Policies - Leeds UDP (2006)

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

Policy GP5 - Development Proposals should resolve detailed planning
Policy BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings.
Policy N19 – Conservation Areas
Policy LD1: Detailed guidance on landscape schemes

8.5 The following Supplementary Planning Policy documents are relevant:

SPG Neighbourhoods for Living (2015)
Leeds Street Design Guide (2009)
Parking SPD
Designing for Community Safety SPD (2007).

Rothwell Conservation Area Appraisal:

The Conservation Area Appraisal identifies the site as falling within Character Area 4 (Southern Suburbs) of the Conservation Area. The whole of the site is within the Conservation Area (CA) boundary, with the Lay Garth properties being outside the CA.

The older building to the whole sites frontage that addresses Carlton Lane (No's 13/13A) is designated as a positive building, as are all the properties on Victoria Terrace and many along Carlton Lane itself.

The nearest listed building is the former school on the opposite side of Carlton Lane. The Lay Garth boundary is recognised as being an original field boundary dated back to the medieval strip field system.

The Appraisal also notes that architecturally the area is defined by the large villa properties concentrated along Royds Lane and Carlton Lane, and the adjacent terraced developments. The use of red brick, stone detailing, the importance of chimneys and roof-scape, as well as porch canopies etc. serve to unify both the terraced and the villa forms. Boundary walls and gateways are important as are mature trees in garden areas.

National Planning Policy Framework (NPPF)

8.6 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 Chapter 12 (conserving and enhancing the historic environment) provides that LPA's should identify and assess the particular significance of any heritage asset that may be affected by a development. Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

9.0 MAIN ISSUES

1. Principle of development
2. Layout, Design and Appearance
3. Highways and Parking
4. Landscaping
5. Residential Amenity
6. CIL
7. Other matters

10 APPRAISAL

Principle of Development

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in

order to ensure that shops, services and public transport are easily accessible. This application site is situated close to local amenities and close to public transport routes, and as such is regarded as being within a sustainable location.

- 10.2 Within the core principles of the NPPF, paragraph 17 and within paragraph 111, it states that the effective use of land should be encouraged by reusing land that has been previously developed (Brownfield land); therefore there is a presumption that previously developed sites should be developed before Greenfield sites. In any case, land to be developed must have regard to local context whether Brownfield or Greenfield; and therefore the layout, scale, type and design of proposed development and its effect on the local character play a fundamental part in the principle of accepting proposed development.
- 10.3 As such the NPPF reflects the Councils approach in seeking to resist inappropriate development and placing emphasis on design and in protecting the character of an area. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality. Moreover, paragraph 64 of the NPPF advises that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.4 The principle of residential development to the rear of No's 13 and 13a Carlton Lane was accepted as part of the recently approved scheme (16/05800/FU). However, that scheme was reduced from five dwellings to three as part of the negotiations during the course of 16/05800/FU due to concerns regarding the suburban form of the development; the reduced scheme amended the access to avoid coming in off Lay Garth Court and the removal of separate garaging for plot 3. The Northern portion of the site was shown not to be developed and was not included within the garden space of one of the properties (plot 3 of 16/05800/FU).
- 10.5 The application site now under consideration by the LPA refers to that parcel of land to the north of approved plot 3 under 16/05800/FU which was identified to remain undeveloped and was subject to a condition for the submission of a landscape management plan to include details of long term responsibility for this area of land. It was acknowledged by Officers during the assessment of 16/05800/FU that there was the possibility that the Developer may seek to develop the parcel of land now subject to this current planning application for one dwelling. This must therefore be assessed on its individual planning merits.
- 10.6 With regard to housing policies within the Core Strategy, Policy H2 refers to new housing development on unallocated sites and advises that new housing development on such sites will be acceptable in principle providing that it does not exceed the capacity of transport/education/health infrastructure. Given that the scale of this application will be no greater than one dwelling and having regard to the fact that the Council only seek public transport or education contributions for schemes of 50 dwellings or more, which this is significantly below, it is not considered that such a small development would exceed the capacity of transport/education/health infrastructure such that it is not considered contrary to Policy H2 of the Core Strategy.
- 10.7 Policies H3 of the Core Strategy sets out the minimum densities for housing development. In smaller settlements the minimum density should be 30 dwellings per hectare. The site area is an area of 0.05ha. This gives a density of 20 dwellings

per hectare which is under the minimum density set out in H3 but similar to that of the previous development and that of the surrounding estate and taking into account this local character and the fact the proposal is for a single property only. The proposed density is considered acceptable in this case given the proposed layout respects the local character and is for a single property only that provides adequate private amenity space for future residents.

- 10.8 Given the history of the site and the fact that it is not considered contrary to either Spatial Policies 1 or 6 or policies H2 and H3 of the Core Strategy, the proposal is considered acceptable in principle.

Impact on Character of the Conservation Area

- 10.9 The development as proposed continues on the linear form of housing, facing towards Lay Garth that was approved under 16/05800/FU. This linear form picks up on the medieval field boundary form, and reflects the strong north/south building line of older properties on Victoria Avenue. The property also forms a visual stop to Lay Garth Court, which has previously had no such demarcation, the site being formerly overgrown garden land.
- 10.10 The proposed development site once formed part of the important garden setting to Glengarth (13 and 13A Carlton Lane), a positive historic building identified in the adopted Rothwell Conservation Area Appraisal and Management Plan. The loss of this space was considered under the previous application for 3 houses but, given the form and design, which was seen to enhance the Conservation Area, the loss of the space was not considered to result in negative harm. It is also considered that in light of the approved development (16/05800/FU) now under construction, the proposed site no longer reads as part of the original garden setting and has lost its special relationship with the positive historic building. Therefore development here would no longer have a negative impact on the heritage significance of the host positive building.
- 10.11 The previous refusal for this single dwelling also focussed on the impact on the Conservation Area, and in particular the loss of the last remaining parcel of open space. Whilst it is acknowledged that this proposal does not change this issue, comments were sought from Conservation Officers and no objection is raised as noted in paragraph 10.10.
- 10.12 The proposed development would not impact on the contribution the site makes to the remaining conservation area setting. The site was originally screened from the adjacent positive historic terrace at Victoria Avenue due to the mature trees on the boundary. These trees have been felled, and although there will be replacement planting it will be some years before a similar level of screening is achieved. The trees on the boundary were noted to be of poor quality with some issues due to age and health so consequently their loss was not objected to. Although views into the site will be more apparent from the adjacent terraces and allotments, this would only cause a less than significant level of harm to views from the Conservation Area, particularly in light of other more recent development in this area of Rothwell.
- 10.13 The proposal therefore is considered to preserve and enhance the Conservation Area, by reflecting the character and appearance of historic buildings, being mindful of the original field boundary layout, and being of an appropriate scale that does not compete with more historic buildings, and provides good design for the last remaining part of this site. The proposal is therefore considered to comply with Policies P10 (design) and P11 (conservation) of the Core Strategy, and to guidance

in the Conservation Area Appraisal. The proposal is also considered to meet the test set out at para. 134 of the NPPF. Conditions regarding materials, boundary treatments etc. are recommended to ensure the character of the Conservation Area is maintained in terms of the detail of the proposal.

Layout, Design and Appearance

- 10.14 Policy P10 sets out the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF, which also highlights the importance of good design at paragraph 56.
- 10.15 The layout is mindful of, and respects the linear form of the three approved dwellings (16/05800/FU) with housing facing towards Lay Garth, this reflects the linear nature of the former garden area and medieval field boundary.
- 10.16 The single point of access would be from Lay Garth Close along an adopted stretch of highway, there will be no through connection to the adjacent new property. The layout of this proposal in conjunction with the three dwellings previously approved on site would not alter the relationship to the terraces on Victoria Avenue in respect of rear gardens backing onto rear gardens and allotment land.
- 10.17 The proposed dwelling would be two storeys in height, and takes its design lead from the earlier three approved dwellings and incorporates two bays, artstone detailing and a pitched roof as do the other properties. The application site sits on a transition between the older historic area within the Conservation Area and a late 20th century housing estate. As with the assessment of the three approved dwellings on the wider site the design approach can be accepted in this location. The dwelling is set well back from the main entrance road and therefore would not be overly conspicuous within the wider street-scene is therefore acceptable on balance.
- 10.18 The additional dwelling would have no undue impact on the prominence of the main property to the wider site with No.13 Carlton Lane being the principle building in status and appearance but separated by the already approved other three dwellings.

Highways and Parking

- 10.19 The proposed development has been assessed by highways officers who have raised no objections to the scheme subject to conditions and off site highways works. Officer have assessed the proposed development against the accessibility standards for smaller settlements set out in Appendix 3 of the Core Strategy:
- 10.20 The location of the proposed vehicular access is considered acceptable. Access is taken off Lay Garth Court and this is acceptable subject to the applicant contacting the mini S278 team to ensure the proper construction of the vehicular access into site. There will be no through connection to the new dwellings, which have their own access off Lay Garth. Lay Garth Court therefore will only serve 3 dwellings in total, one more than the existing arrangement.

- 10.21 The proposed dwelling has sufficient parking (curtilage and garages) in line with guidance in the Parking SPD. The garage (6m x 3m), is large enough to accommodate a vehicle and be used for the storage of bicycles. There is sufficient space to park a further two vehicles in front of the dwelling and this is seen to be an acceptable level of parking provision. The area to the front of the new house should allow for turning within the site, although it is noted that the installation of gates may restrict this. A condition for approval of any proposed gate is therefore recommended. The dwelling should contain an EVCP (electric vehicle charging point) and this must comply with the EV Guidance note. It is requested that this be conditioned to show its location on a site plan and details of the type of charger must also be provided.
- 10.22 Objections have been raised to the siting of a new house on this access road, however the level of traffic generated by one dwelling would not be so significant as to make the access unsafe. The width of Lay Garth Court is 8m at the eastern end, so any parking on the roadside here would not obstruct the exiting of a vehicle from 2 Lay Garth Court (for example the required aisle width in car parking layouts is 6m to allow a vehicle to reverse out and turn).
- 10.23 Objections also raise safety issues due the presence of children within the road, however this is more a matter of driver responsibility, as noted previously the level of traffic is not considered to increase so much that it would cause the access road to become unsafe.
- 10.24 On balance therefore the proposal is considered to provide a safe access and suitable parking areas and subject to conditions and the completion of a s278 agreement, would comply with policy T2 of the Core Strategy, guidance in the NPPF and within the Street Design Guide and Parking SPD's.

Landscaping

- 10.25 The site trees are considered to be an important matter adding to the special character and appearance of the Conservation Area. The Council's landscape officer had previously advised that the number of dwellings should be reduced from five to three to minimise the impact on trees. Subsequently the omission of plots 4 and 5 and the retention of trees in the Northern part of the site, including the Class B semi-mature sycamore (T952) formed the final layout as part of 16/05800/FU.
- 10.26 Since 16/05800/FU applications for tree works have been submitted to the Council and subsequently approved:
- 17/05653/TR – A lime tree was removed on safety grounds, and
17/05883/TR approved emergency tree works.
- 10.27 The proposed development of the plot would entail retention of the higher quality tree on it, a B grade Sycamore T952, and replacement of a C grade tree Sycamore T970 with three new trees shown to be planted in mitigation. The landscape officer has not objected to this approach and has suggested that conditions be imposed regarding an arboriculture method statement. A suitable replacement planting scheme can be achieved, so the proposal would comply with policies P10 and P11 of the Core Strategy.

Residential Amenity

- 10.28 Paragraph 17 of the NPPF places an emphasis on seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and building. Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. Furthermore, Policy BD5 advises that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight sunlight.
- 10.29 In terms of the site layout the Council's SPG Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings to ensure privacy between existing and proposed houses, which has an impact on layout.
- 10.30 The proposed site layout has been assessed against this guidance. Firstly the proposed site layout is considered to comply with this guidance. The private side and rear garden is approximately 264m². The proposed garden size meets the guidance in that it equates to well over two thirds of the Gross Internal Area which measures 206m². This is an improvement from the refused scheme which was struggling to provide both the size, and suitability of garden space.
- 10.31 In terms of overlooking, the distances between the first floor bedrooms at the rear are well in excess of the 7.5 metres required and to the front, one bedroom looks straight down the access road and the other, whilst under 7.5 metres looks over the front drive of the neighbouring property. There are no first floor windows proposed to the side and a condition will be attached to prevent the further insertion of windows within these side elevations and therefore there should be no issue with overlooking of private areas of neighbouring properties from the proposal.
- 10.32 With regard to over dominance, the dwelling is offset from the property to the North by more than 15 metres and therefore well over the 12 metres prescribed by guidance and to the other side, it will sit mostly adjacent to the neighbouring gable wall.
- 10.33 Finally with regard to overshadowing, the proposal is set over 6 metres from the boundary with the property to the North on Lay Garth Square and with this distance, it should avoid any significant overshadowing of that property and is therefore acceptable in these terms.
- 10.33 In light of these factors, it is considered that the proposed dwelling will provide an acceptable level of amenity for future residents and will not have a harmful impact on the amenity of existing neighbouring residents and is therefore compliant with policy P10 of the Leeds Core Strategy and Leeds UDPR saved Policy GP5 and guidance given in the SPG Neighbourhoods for Living.

Other matters

- 10.34 The proposed development has been assessed by officers in Flood Risk Management who raise no objection to the proposal subject to a condition requiring submission of a drainage scheme for surface water drainage.
- 10.35 The proposed development has been assessed by officers in Contaminated Land. No objection has been raised although further information is required by condition.

Response to representations

- 10.36 As set out above, objections have been received raising many concerns that are dealt with in the report above. Those that are not are addressed here. It is suggested that the plans are inaccurate but no indication is given as to why. There are no obvious inaccuracies within the plans and they appear to correlate with the site and previous applications.
- 10.37 The re-sale value of properties is not a material planning consideration as is the intentions of the developer who is entitled to submit a planning application as he so wishes.
- 10.38 The organisation of works on site has been dealt with by the inclusion of a condition requiring details of this to be submitted prior to the start of works.

Community Infrastructure Levy

- 10.39 The Community Infrastructure Levy (CIL) was adopted on 12th November 2014 with the charges implemented from 6th April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre (index linked) of chargeable floorspace.
- 10.40 In this case the CIL charge based on the proposed residential floorspace (178m²) would be approximately **£8,721.31**. This is provided here for information only and should not influence consideration of this application. Consideration of where any CIL money is spent rests with the Executive Board and will be decided with reference to the 123 list.

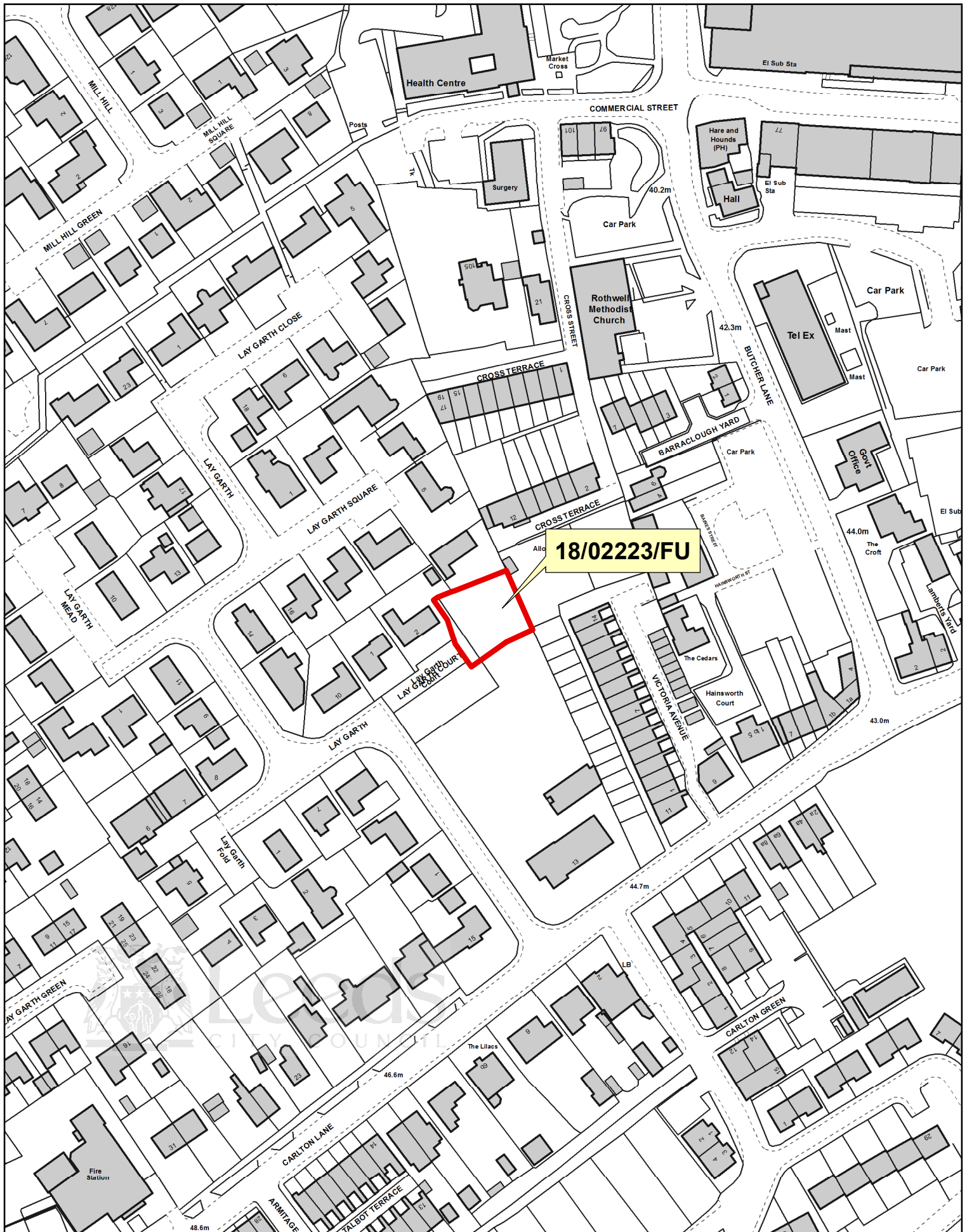
11.1 **CONCLUSION**

- 11.1 In reaching a recommendation to approve the proposed development, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise and in this case, it is determined that the proposed development is in accordance with the development plan and preserves the character and appearance of the Conservation area for the reasons set out in the report above and there are no overriding material considerations to indicate otherwise. The application is therefore recommended for approval.
- 11.2 In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development as set out within the NPPF. This proposal is considered to represent sustainable development as set out in the NPPF and for the reasons set out in this report. Members are therefore recommended to grant planning permission for the proposal subject to the conditions set out at the start of this report.

Background Papers:

Planning application file: 18/02223/FU

Certificate of ownership: signed by agent on behalf of applicant

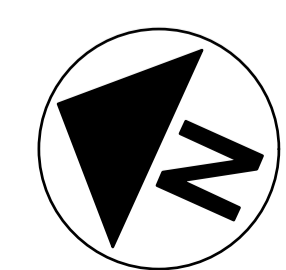
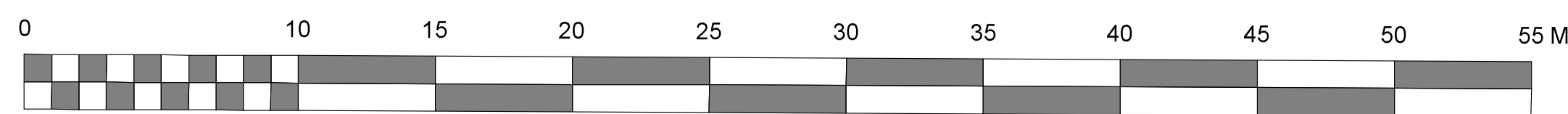
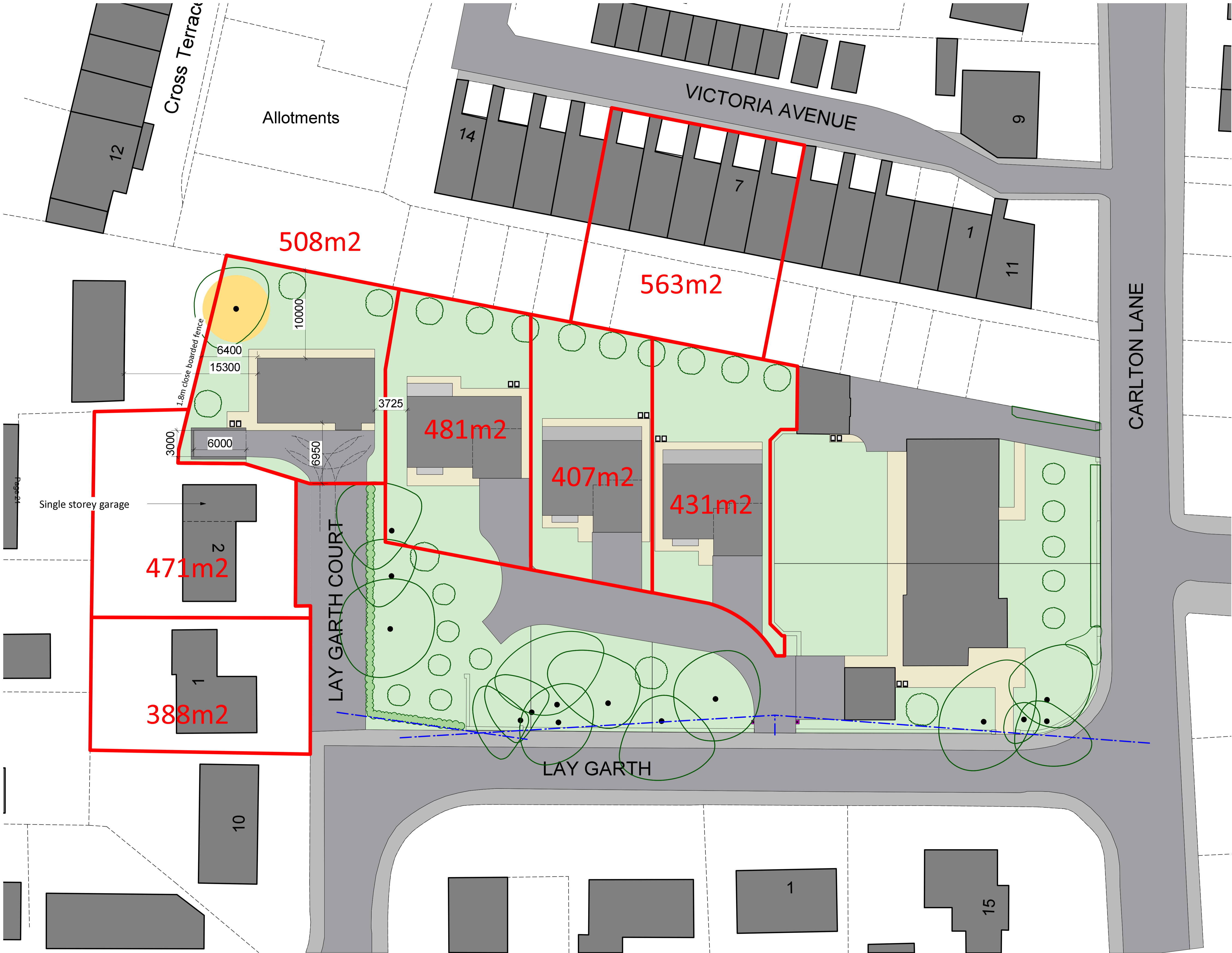


SOUTH AND WEST PLANS PANEL



Revisions
 C 22/01/18 JW Dimensions added
 D 07/03/18 JW Revised scheme, dimensions & areas
 E 29/03/18 JW Drawing renamed Site Plan Areas

Garden = 155% of GIA



project
3403 - Lay Garth Court, Rothwell

drawing title
Site Plan Areas

drawing number
3403(1)202 E

scale 1:200 @ A1
drawn/Checked JW / JW
date 22/12/17

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Originator: Andrew Perkins
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Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 19th July 2018

Subject: Application number 17/08294/FU – Construction of 18 dwelling houses and associated works to Land off Tyersal Close, Tyersal, Leeds

APPLICANT	DATE VALID	TARGET DATE
SLJ (Wakefield) Ltd	3rd January 2018	04th April 2018

<p>Electoral Wards Affected: Pudsey</p> <p><input type="checkbox"/> Yes Ward Members consulted (Referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to conditions specified below

1. Standard time limit of 3 years to implement.
2. Plans to be approved.
3. Samples of all external materials to be submitted and approved.
4. Separate Highway Authority approval for the specification and construction details of the approved highway layout and enter in to an agreement under Section 38 of the Highways Act 1980.
5. Visibility splays shown on the approved plan.
6. Cycle/motorcycle parking and facilities to be submitted and approved.
7. Electric Vehicle Charging Points to be submitted and approved.
8. All areas shown on the approved plan to be fully laid out, surfaced and drained.
9. Provision of bin stores implemented in full before the use commences.
10. Construction management plan
11. Drainage scheme to be submitted and approved
12. A plan shall be submitted to and approved in writing demonstrating integral bat roosting features within buildings; and bird nesting features.
13. A Phase II Desk Study to be submitted and approved.

14. Remediation works shall be carried out in accordance with the approved Remediation Statement.
15. Any soil tested for contamination and suitability for use
16. Remove PD rights for outbuildings and extensions due to garden sizes and for conversion of garages due to need to ensure each plot retains adequate parking off-street.
17. Full details of Landscaping scheme and Implementation.
18. Landscape management plan to include public open space.
19. Replacement planting for die back for five years.

1.0 INTRODUCTION

- 1.1 The application is brought before Plans Panel at the request of Ward member Cllr Seary who has objected to the application on prematurity grounds as the land is allocated for housing in the current Site Allocations Plan and Core Strategy, however is unallocated in the former UDP. The early release of this site could impact upon deliverability of other sites within the Site Allocations Plan and on the provision of housing across the wider district.

2.0 PROPOSAL

- 2.1 The proposal creates a total of eighteen dwellings consisting of;

House Type	Number of Bedrooms (including playroom and study)
Semi Detached x 6 (3 pairs)	Four Bedrooms
Semi Detached x 6 (3 pairs)	Five Bedrooms
Detached x 5	Six Bedrooms
Detached x 1	Seven Bedrooms

- 2.2 The scheme creates dwellings to the North, East and West of a new cul-de-sac formed off Tyersal Close. To the North of the site, public open space (4600 sqm) will be provided that adjoins to the end of Tyersal Avenue. The dwellings are two storey in height, with accommodation in the roof space.
- 2.3 Parking is to be provided within the curtilage of each plot. At least two to three off street parking spaces are provided per unit. Three visitor spaces would be located close to the entrance of the site, which would be accessed from Tyersal Close.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is a Greenfield site at the edge of Tyersal and is located within the settlement boundary; it is effectively a large field with some existing tree and shrub planting. The character of the surrounding area is largely residential. At the site entrance on Tyersal Close, the houses adjoining the proposed access are principally bungalows with the exception of the dwelling at 4 Tyersal Mews, which is a more contemporary styled two storey dwelling with main facing windows looking towards the site. The western boundary of the site adjoins the rear gardens of 43-75 Tyersal Avenue whilst the northern and eastern boundary adjoins the Green Belt.

3.2 The area is suburban and residential in character which features a slope from the front of the site to the rear of the site. The site is located within the Main Urban Area and with the Leeds Bradford Corridor regeneration area.

4.0 RELEVANT PLANNING HISTORY

4.1 25/88/02/OT – outline application to erect residential development. Refused due to development of greenfield land and lack of provision for affordable housing and greenspace.

4.2 H25/460/76/ - renewal of outline permission to erect residential development. Approved.

5.0 HISTORY OF NEGOTIATIONS

5.1 The current scheme has been the subject of many negotiations after concerns were raised by Officers in relation to the initial design, external space provided and the overall design of the site which was heavily parking space dominated. The initial proposal also lacked any public greenspace on or off site.

5.2 Following on from these comments a meeting was held and subsequently revised plans provided. The main changes involved a reduction from 23 to 18 units, redesign of the dwellings, greater space given around the units and more planting provided in compliance with N24 Green Belt buffer requirements and on site Greenspace provided to the North of the site.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Site notices were posted around the application site on Tyersal Close and Tyersal Avenue on 17.01.2018. In addition to this neighbour notification letters were also issued to surrounding dwellings, along with the publication of a newspaper advertisement on 10.01.2018 (Major Development Notice). The publicity period for the application expired on 11.05.2018. Following revisions of the application these were re advertised through a site notice posted 20.04.2018 and neighbour notification letters sent 17.04.2018. The expiry date of this re notification was 11.05.2018.

6.2 In total ten letters of representation have been made to the original application. These consist of eight objections and two letters of support. The letters of objection raise the following concerns,

- Highways safety access and increase in traffic
- Site already cleared before application determined / loss of habitat and trees
- Lack of Greenspace
- Overall design of the units
- Encroaching onto protected Green Belt
- Lack of affordable housing
- Proposed materials out of character
- Loss of privacy to dwellings fronting Tyersal Avenue and Tyersal Close
- Lack of public transport to this area
- Noise levels
- Use of the public open space

The two letters of support relate to,

- Redevelopment will improve the area and bring this 'scrub land' back to a reasonable use

Cllr Seary has raised an objection to the scheme raising the following concerns:

- The land is unallocated in the former UDP. It is allocated for housing in the current Site Allocations Plan and Core Strategy, the Site Allocations Plan as yet not approved by a Planning Inspector. The early release of this site could impact upon deliverability of other sites within the Site Allocations Plan.

7.0 CONSULTATION RESPONSES

- 7.1 Travel Wise Team – No objections, a Travel Plan is not required, the threshold for a Travel Plan is 50 units
- 7.2 Housing Growth Team – Four units should be identified for Affordable Housing, we would welcome a discussion over the housing mix.
- 7.3 Flood Risk – No objections to the proposed development, provided that a surface water drainage condition is included with any grant of planning permission.
- 7.4 Nature Team – No objections, There should be no significant nature conservation concerns with this application. However, in order to provide biodiversity enhancements a condition should be attached.
- 7.3 Coal Authority – No objections, the application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted
- 7.4 Environmental Studies Transport Strategy Team – No objections - The revised site plan eliminates the risk of rail noise intrusion, but care should be taken to ensure that internal noise levels within the proposed development comply with those laid out in BS 8233, and that daytime garden noise levels meet WHO guidelines.
- 7.5 Highways - No objections, the access route to the site is narrow but Tyersal Close forms a loop and the site can be accessed from 2 directions and meets with the technical guidance set out for adopted highways serving up to 200 dwellings in the Street Design Guide. Conditions should be attached to any approval.
- 7.6 West Yorkshire Police – No objections. The gaps between the gables of the individual houses will include timber gates at 1.80m high to protect the rear garden areas and these have been indicated on the plans. The rear garden areas will be protected and screened by vertical boarded 1.80m high timber fences with the fence posts on the inside. The houses will be fitted with intruder alarms. The developer is encouraged to achieve secured by design certification.
- 7.7 Children Services – No significant impact is anticipated from this proposal for the following reasons, provided by Children Services.

Estimated demand generated by the proposed development

Based on 23 dwellings we would estimate that this proposed development would generate approximately 6 primary school age child in total (1 per year group) and 2 secondary school age pupils in total (0.5 per year group).

Impact on primary places

The primary school nearest to the proposed development is the Co-op Academy Beckfield (formally Pudsey Tyersal Primary School), which is situated approximately 0.4 miles walking distance from the site. The school has a Published Admission Number of 30 which means it can admit up to 30 children each year in to reception. The proposed development and the Co-op Academy Beckfield are very close to the Leeds-Bradford border and there are also three Bradford primary schools (Fearnville, Thornbury Academy and Carrwood) within a reasonable walking distance of the site. The next nearest Leeds primary school is Pudsey Bolton Royd which is 1.5 miles walking distance from the proposed development. The site is also very close to another housing development (Tyersal Lane, Tyersal) which is currently under construction which may also lead to increases in local schools.

Based on current data, it is anticipated that the primary pupil yield from this proposed development could be accommodated within existing local schools without the need for any additional places. However the numbers of children on roll at schools may change over time so it isn't possible at this stage to be specific about which school(s) may be able to accommodate any primary aged children in years 1-6 generated by the proposed development. There is a site allocated for housing at Tyersal Court that includes land identified for school provision, which if it came forward for development in the future would mean that there is the potential for additional primary school places to be developed in the area should the need arise.

Impact on secondary places

Current secondary projections suggest that demand is expected to outstrip the total available number of school places in the west of the city from 2019 onwards. Although any additional demand from new housing will exacerbate this situation further, the anticipated pupil yield from this proposed development is very small and is therefore unlikely to have a significant impact.

- 7.8 Local Plans – Initial objections over housing mix and housing capacity for the site. Since this comment though the site has been reduced in number and the applicant has provided a statement regarding housing mix (referred to in appraisal section below). The site lies within the regeneration priority area of the Leeds Bradford Corridor.
- 7.9 Contaminated Land – The Phase 1 submitted identifies that a phase 2 investigation is required. Conditions are recommended.
- 7.10 Landscape – Objections raised originally, revised tree information and a robust landscape scheme have been received. No additional comments have been received to date.

8.0 PLANNING POLICIES

National Planning Policy Framework

- 8.1 Para 49 Presumption of sustainable development

Para 56	Importance of Good Design
Para 61	Importance of connections between people and places
Para 63	Raising the standard of Design
Para 72	Duty to ensure availability of school places
Para 73	Access to high quality open spaces
Para 80	Purposes of the Green Belt
Para 87	Development of Green Belt, only in special circumstances
Para 89	Appropriate types of development in the Green Belt

Core Strategy

8.2 The following core strategy policies are considered most relevant

SP1	Location of Development
SP4	Regeneration Priority Programme Areas – includes Leeds Bradford Corridor
SP6	Housing requirement and allocation of housing land
SP7	Distribution of housing land and allocations.
H1	Managed release of sites
H2	New housing development on non-allocated sites
H3	Density of residential development
H4	Housing mix
H5	Affordable housing
G4	New greenspace provision
EN5	Managing flood risk
T1	Transport management
T2	Accessibility requirements and new development
P10	Design
P12	Landscape
N24	Transition between development and the Green Belt

Saved Policies - Leeds UDP (2006)

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

GP5	Development Proposals should resolve detailed planning
BD6	All alterations and extensions should respect the scale, form, detailing and materials of the original building.
N25	Landscape design and boundary treatment
T7A	Cycle parking guidelines

8.4 Supplementary Planning Policies

Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria are set out including a requirement to meet BREEAM standards.

Natural Resources and Waste Development Plan Document

Neighbourhoods for Living – A Guide for Residential Design in Leeds

National Technical Housing Standards (not adopted)

SPG Neighbourhoods for Living

SPD Parking

Leeds Street Design Guide

Designing for Community Safety – A residential Design Guide

9.0

MAIN ISSUES

- Principle of Development
- Layout and Design
- Amenity and Spacing Considerations
- Highways and Parking
- Landscaping and Trees
- Greenspace
- Planning Obligations and Community Infrastructure Levy
- Representations
- Conclusion

10.0

APPRAISAL

Principle of Development

- 10.1 The site is a vacant Greenfield site, which is unallocated within the Leeds UDP however, the site is allocated for housing within the Site Allocation Plan through the Core Strategy of which it identifies the site as phase 1 delivery with a potential capacity of 27 units. The NPPF acknowledges that development proposals should accord with the development plan, but also has regard for flexibility to rapid change and demand.
- 10.2 The reason this application is to be considered at Plans Panel is the objection from Cllr Seary on prematurity grounds. The site is allocated as Phase 1 within the Site Housing Allocations Plan (HG2-70, Tyersal Lane). The site assessment carried out for the Draft site Allocation Plan notes that the site sits within the Main Urban Area Extension and within the Leeds Bradford Corridor Regeneration Priority Area. The site is not considered to be wholly accessible in relation to accessibility criteria, with public transport not meeting the 15 minute criteria that is recommended. However there is good provision of local schools and capacity on local road networks. On balance therefore the site is proposed under phase 1 as being better than other greenfield sites, and contributing to the aims of the Regeneration Priority Area.
- 10.3 The SAP Housing Background Paper recognises the significance of maintaining a 5 Year Housing Land Supply (YHLS). It specifies the circumstances where phasing could be altered. In particular, Paragraph 6.3 explains that "... Phases are not time limited but movement between phases will happen when the Council is no longer able to maintain a 5YHLS and needs to supplement its deliverable pool of sites from the next phase in the Plan period". Therefore the release of this proposed phase 1 site would not adversely impact this site and significant weight must be attributed to the benefit of bringing forward a deliverable site in the absence of a 5 Year Housing Land Supply and providing much needed housing to this suburb of Leeds. The proposal wouldn't be considered premature given the highly advanced stage of the Site Allocation Plan and the fact that it is to be allocated for housing, it would be considered premature if it was safeguarded in the SAP. There was limited objection to the proposal in the consultation on the draft SAP. Significant weight can therefore be attributed to the proposed allocation.
- 10.4 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels

of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It advises that the distribution and scale of development will be in accordance with the following principles:

- i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs with the scale of growth having regard to the settlement's size, function and sustainability.
- ii) In applying (i) above, the priority for identifying land for development will be as follows: (a) – Previously developed land and buildings within the Main Urban Area/relevant settlement; (b) – Other suitable infill sites within the Main Urban Area/relevant settlement; and (c) – Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.
- (iii) For development to respect and enhance the local character and identity of places and neighbourhoods.

10.5 The application site is considered to be an extension to the main urban area of, Tyersal, Leeds which lies directly adjacent to the west, south and east of the site. It is therefore considered to fulfil the general objectives of policy SP1.

10.6 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations, Sustainable locations, Preference for brownfield and regeneration sites, the least impact on Green Belt purposes, 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, The need for realistic lead-in-times and build-out-rates for housing construction, The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation, and Generally avoiding or mitigating areas of flood risk.

10.7 In response to these considerations, it is considered that the proposal is located in a sustainable location, as an extension to a main urban area, which is already served by local amenities and public transport. Spatial Policy 6 does express a preference for brownfield and regeneration sites and it is accepted that this site is Greenfield and is adopted within the Site Allocation Plan. It is accepted that neither application of Policy SP1 above, and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites.

10.8 The proposal complies within general objectives policies H1 and H2 which are concerned with new housing developments. This is due to the fact the proposal protects Green Belt land, delivers a sizable number of units. The proposal also delivers a mix of housing (4-7 bed accommodation) which meets the objectives of policy H4 (which is concerned with Housing Mix). It is noted that that the proposal would deliver larger homes with no 2 – 3 bedroom properties evident. The reasoning behind this is that the applicant carried out a consultation exercise within the community prior to submitting this application which highlighted the demand for larger homes in this area. The policy does set out that development should include an appropriate mix of dwelling types and sizes taking account of the nature of the

development and the character of the location, on these grounds it is not considered that the mix of houses is harmful to the delivery of homes in this area.

- 10.9 The scheme delivers a density of 20.45 dwellings per hectare. Policy H3 states in Fringe Urban Areas a density of 35 dwellings per hectare should be sought so the proposal does fall short of this. However the pre-revision proposal for 23 houses was considered to take the density calculation too high. The revised proposal therefore allows for greater space around dwellings which will enhance amenity and reflect the larger size of the properties being proposed (in terms of bedroom numbers).
- 10.10 It is considered the site is located within a sustainable location, within a suburban area, with access to public transport. It is therefore considered the proposals meet the requirements of policies contained within the Core Strategy and is therefore acceptable in principle, subject to all other material planning considerations.

Layout and Design

- 10.11 The site would create a new suburban residential complex that retains the character of the general form of development which lies on the opposite side of Tyersal Close and Tyersal Avenue, which contains a mixture of housing types and ages.
- 10.12 The layout has been subject to much negotiation between Officers and the applicant. The scheme has been amended to address the previous concerns which related to spacing, design and layout. The layout of the scheme is considered to be relatively generous in terms of the spacing between the dwellings, rear garden sizes, and the density of the development. Most dwellings have side driveways, which provide a good degree of visual relief throughout the scheme. The majority of dwellings comply with 10.5m minimum rear garden depths, as required by SPG13 (Neighbourhoods for Living), it is noted that plots 9 and 10 do not comply with the required 10.5m, the lengths of these are 9.6m. However, these are still seen to provide a good level of garden space, given the dwellings size and that the proposed gardens would comply with two thirds the total floor space requirement. Therefore the shortfall is considered acceptable.
- 10.13 The proposal includes a full landscaping scheme which shows planting throughout the site and the site boundaries, and is considered acceptable. It is considered that the scheme accords with the general design principles of the adopted SPG 13' Neighbourhoods for Living- A Guide for Residential Design', with regard to minimum spacing standards and general design principles.
- 10.14 The actual elevation details of the dwellings are relatively simple and all include heads and cill details to the windows. All dwellings are two storeys in height. All eighteen of the dwellings feature front bay windows with canopies to the front which adds detail and interest to their main elevations. Seven dwellings feature integral garages which have ground floor surveillance and eleven feature detached garages to the rear/side.
- 10.15 The LPA consider that either artificial stone or brick would be acceptable in this location, given the diversity of materials in this area. The applicant has specified artificial stone. An appropriate condition will be worded giving the choice to the applicant of either artificial stone or brick. The roofs would be covered in concrete tiles, also secured by condition, matching the appearance of the dwellings within the immediate vicinity in terms of height and general form which is considered to preserve the character and appearance of the wider street scene.

- 10.16 During the course of consideration of the application amendments have been requested in terms of the roof height and the dominance which was viewed to be created by this which was viewed as out of character. After revisions have been secured, the overall height of the dwellings have been reduced. The proposal would now match the roof pitch of surrounding dwellings and follow the context of the area. The proposal is considered compliant with policy P10 of the Core Strategy and GP5 of the saved UDP.
- 10.18 The dwellings vary in size. The table below highlights the differences of the proposed floor spaces of the dwellings on this scheme, when compared to the Department for Communities and Local Government - Technical housing standards – nationally described space standard. The government’s Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage.

Number of bedrooms	Proposed units size (Sqm)	DCLG Minimum Standard (Sqm)
4 (including study)	163	130
5 (including study)	166 – 216	134
6 (Including playroom and study)	238 - 332	138
7 (Including playroom and study)	301	138 (6 Bedroom)

- 10.19 The size of accommodation proposed would exceed the minimum space standards. In summary the design, character and appearance of the scheme is considered positive and thus acceptable with the proposals providing a good level of amenity for occupants. Conditions are attached which require the submission of appropriate, sympathetic materials prior to commencement.

Amenity and Spacing Considerations

- 10.20 The proposed row of dwellings to the east of the site would retain at the closest 12.5m to the rear boundary and 42m to the rear elevation of the dwellings fronting Tyersal Avenue.
- 10.21 To the north, the proposed row of dwellings would retain 9.6m at the closest to the rear boundary. It is acknowledged that this would fail to achieve 10.5m, however the dwellings boundary would join the side boundary of number 77 Tyersal Avenue, which benefits from a garden 84m long. This garden area is enclosed by fencing 1.8m high, as such no impact upon loss of privacy is considered to be created by this aspect. The first floor bedroom windows to this plot would retain at least 7.5m to the rear boundary, compliant with SPG 13 Neighbourhoods for living. The row of dwellings to the east would overlook towards Greenbelt and open fields. Therefore, no impact of overlooking is seen to be created by this aspect.
- 10.22 When considering the amenity of future residents, the proposal has been revised during the planning stage and as a consequence the numbers of dwellings have been reduced which has resulted in larger gaps between the dwellings, that would

comply with the recommended distance as specified within SPG 13 Neighbourhoods for living, 3.5m from side to side. This creates a spacious development which would follow the context of the area. An average distance of 21m would be retained from the front of dwellings to the west to the front of the dwellings to the east of the cul-de-sac. The garden sizes of all plots are also considered to comply with two thirds total floor space, as recommended in the SPG13.

Highways and Parking

- 10.23 Highways colleagues have been consulted and raise no objections, subject to conditions. Highways have commented that the access route to the site is narrow but Tyersal Close forms a loop and the site can be accessed from 2 directions and meets with the technical guidance set out for adopted highways serving up to 200 dwellings in the Street Design Guide, it would therefore be difficult to justify an objection to the proposal. The submitted vehicle tracking shows that an 11m x 2.5m 4-axle refuse vehicle could access the site from either direction and the revisions to the layout are acceptable.
- 10.24 Each dwelling would provide at least two/ three off street parking spaces in addition to a detached/integral garage which would also provide a bike store area. Parking on-street could however cause an issue with obstruction/congestion and consequently it is recommended that p.d. rights to convert the garages to non-vehicular use be applied so that the issue can be assessed properly to ensure each plot retains sufficient off-street parking. It is considered that the proposal complies with policy T2 of the adopted Core Strategy.

Landscaping

- 10.25 The site lies adjacent to the Green Belt to the North and East boundary. These boundaries are approximately 134m and 131m in length. This application includes landscaping buffers along these boundaries consisting of beech and native hedging to provide a degree of assimilation to the adjacent Green Belt land.
- 10.26 Policy N24 which is concerned with landscaping buffers to the Green Belt, allows for this buffer to be located on Green Belt land, which falls within the red line boundary of the site. It is considered that the proposal complies with policy N24 and would provide a good degree to assimilation between the proposed built environment and adjacent Green Belt.
- 10.27 The site did originally benefit from numerous mature trees which were evident for a number of years. During the consideration of the application the site has been cleared with the majority of trees removed. The trees in question did not benefit from any protection and as such these could be removed without any prior notification.
- 10.28 The details of the proposed landscape including plants/ trees, their sizes, and density of planting has been provided through a revised plan. As such a full detailed landscaping scheme has been provided which is deemed acceptable, a condition will be attached stating that the development shall be carried out in line with the Landscape Management Plan, provided by FDA landscape.

Greenspace

- 10.29 The proposed layout originally didn't include any on site or offsite Greenspace provision. Following the advice of Policy G4 of the adopted Core Strategy which states

on-site provision should equate to 80 sq m per unit. Local Plans have calculated the cost of providing this amount of greenspace offsite at £67,264.47

- 10.30 The applicants have stated that making a commuted sum of £67,264.47 would render the scheme unviable, and the level of profit would be further reduced.
- 10.31 Subsequently, the applicants have offered an area of land to the north-west of the site, which has been purchased by the applicant. The application has been amended to include this land which lies in the Green Belt. In order to comply with Green Belt policies and to preserve its openness, this land would need to be left undeveloped and not formally laid out. The public open space would feature a sweeping path linking this new development to Tyersal Avenue with meadow grass and various tree planting to soften its impact upon the Green Belt and to comply with policy N24.

Affordable Housing/ CIL Contribution/ Viability Issues

- 10.32 The application has been supported by a Viability Appraisal, which includes making a full CIL contribution of £143,730. The District Valuer has concluded that making this CIL contribution provides no scope to deliver Affordable Housing and that the scheme is unviable as the profit expected would be below the accepted industry norm. The District Valuer has confirmed that a scheme with Affordable Housing and CIL payments would deliver a scheme with a 2.82% profit. A profit of 9.35% would be delivered from the scheme with only CIL payments taken, this is below the norm of expected of usual profit level, the expected minimum profit return is 17.5%. The report on the appraisal is provided as an appendix for information.

11.0 CONCLUSION

- 11.1 In reaching a recommendation to approve the proposed development, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise and in this case, it is determined that the proposed development is in accordance with the development plan and there are no overriding material considerations to indicate otherwise. The application is therefore recommended for approval.
- 11.1 In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development as set out within the NPPF. This proposal is considered to represent sustainable development as set out in the NPPF. Members are therefore recommended to grant planning permission for the proposal subject to the conditions set out at the start of this report.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file. 17/08294/FU

APPENDIX 1: FINANCIAL VIABILITY REPORT

Andrew Perkins
Planning Officer
Planning Services South
Leeds City Council
Merrion House
110 Merrion Centre
LEEDS
LS2 8BB

Valuation Office Agency
6th Floor, Castle House
31 Lisbon Street
Leeds
West Yorkshire LS1 4DR

Our Reference : 1662043/SC
Your Reference : 17/08294/FU

Date : 5th July 2018

IN CONFIDENCE

Dear Andrew

DVS Independent Review of a Development Viability Appraisal

Proposed Development Scheme:	Land at Tyersal Close, Tyersal Close, Leeds, BD4
Scheme:	18 Residential Dwelling Apartments
Planning Ref:	17/08294/FU
Applicant:	SLJ (Wakefield) Ltd
Applicants Agent:	SLJ (Wakefield) Ltd

1. Introduction

Further to your instructions dated 4th January 2018 and my Terms of Engagement dated 14th January 2017. I have now inspected the site and reviewed the viability assessment prepared by SLJ (Wakefield) Ltd on behalf of the applicant, and I am pleased to supply my report.

It is understood that Leeds City Council Planning Authority require an independent opinion of the viability information provided by SLJ (Wakefield) Ltd, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

I note that the applicant original appraisal was for 23 dwellings. As a result of further discussions between Leeds City Council and the applicant the scheme has been reduced to 18 dwellings.

My appraisal is based on a revised 18 dwelling scheme.

The report gives overview of the applicant's viability appraisal, then provides advice on those areas of the appraisal, which I consider to be incorrect, along with justifications where appropriate. A summary of the key differences of opinion and impact is then provided.

This report explains that it is my independent conclusion that the planning policy compliant scheme with 20% Affordable Housing and £143,730 CIL is unviable.

Further you have asked ourselves to amend the report to advise on the developers profit level, for a fully compliant scheme and a scheme with no affordable homes and CIL only, and advising whether these profit levels are commercially acceptable.

2. Assumptions and Limitations

This report is for the purposes of determining viability. It is not a Red Book Valuation Report.

I have based my report on the information provided within SLJ (Wakefield) Ltd Financial Appraisal B - With 3 Affordable Housing Units Updated 25/04/2018.

3. Date of Viability Review

The viability review has been assessed at May 2018, adopts values, and built costs at this time. I note that the applicant's review is undated and have assumed that the applicants report has been prepared within the last three months. It is my opinion that the conclusions regarding viability remain valid as at the date of this report.

4. Viability

This report remains valid for 6 (six) months from the date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

5. Conflict of Interest

In accordance with the requirements of the RICS Standards, the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that I am unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

6. Restrictions on Disclosure and Publication

The report has been produced for Leeds City Council. The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

It is understood that the report may be made available to the applicant and their viability adviser listed above. It is agreed that your authority and applicant/their viability adviser will neither make available to any Third Party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to information) (Variation) Order 2006 and your Council is expected to treat it accordingly.

7. Status of Valuer

It is confirmed that the viability assessment has been carried out by myself, [REDACTED] RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased viability assessment.

The assessment of the applicant's viability assessment has been prepared in accordance with the recommended practice set out in the Royal Institution of Chartered Surveyors (RICS) Financial Viability in Planning Guidance Note (1st Edition); the RICS Valuation - Professional Standards 2014 UK Edition; the National Planning Policy Framework; and where appropriate the Viability Testing Local Plans (Harman) Report.

I have inspected the site and am familiar with the area and property values in the locality.

As part of the DVS Quality Control procedure, this report and my appraisal has been reviewed by [REDACTED], RICS Registered Valuer.

8. Background

The site is a rectangular shape Greenfield land, which is currently vacant and overgrown. The site area is approximately 0.82 hectares (2 acres). The west and south of the site are surrounded by residential dwellings.

The site is approximately 2.5 km west of Pudsey Town centre. Access into the site is via Tyersal Close.

I am not aware of any previous planning applications relating to the site.

9. Applicant's Assessment

I have disregarded the appraisals submitted within the original SLJ (Wakefield) Ltd report titled Affordable Housing Financial Viability Appraisal dated 15 December 2017. Instead I have adopted the SLJ (Wakefield) Ltd appraisal titled Financial Appraisal B - With 3 Affordable Housing Units Updated 25/04/2018, as this is an updated appraisal based on the 18 units.

I have not conducted any negotiations with SLJ the applicant or any of their other advisers.

The proposed amended development totals 18 dwellings of various houses types and sizes. Total floor area of 3,835m².

I make no comment about the density, design, efficiency, merit or otherwise of the suggested scheme. However I believe the size of the dwelling are considered to be larger (and the density lower) than those typically built in the surrounding area.

I have based the house type, size and number of units off the Schedules of Accommodation provided – Updated 17/04/2018.

In summary, SLJ appraisal allows no costs towards Section 106 contributions, but has a CIL contribution of £150,225 and 3 affordable dwellings. This is based on a scheme of 18 Dwellings. Leaves a profit of £158,468, which equates to a 3.4% profit on cost. The implication is that this is below the required level of developers profit and as a result the scheme is unviable.

The scheme including affordable units is as follows:

Market Housing		
Type	Bedrooms	Units
D1 Detached	4	1
D2 Detached	5	1
D4 Detached	4	3
S1 Semi	3	5
S2 Semi	4	3
S3 Semi	3	2
D3 Lower Decile	4	1
S1 Lower Decile	3	1
S2 Lower Quartile	4	1

10. SLJ (Wakefield) Ltd Appraisal Assumptions

10.1 Development Period

The appraisal and report by SLJ (Wakefield) Ltd makes no assumptions in terms of development period.

I have assumed a 2 month lead in period followed by 12 month development period. With sales commencing 5 months into the construction period, selling 2 units per calendar month.

10.2 Revenue - Gross Development Value (GDV)

I have considered the applicant's GDV of £4,825,674. I would comment as follows:

10.3 Market Housing Revenue

I have first considered the reasonableness of the sales prices for the Market Housing.

SLJ (Wakefield) Ltd have applied sales values ranging from £118.54 per sq ft (£1,276 per m²), to £125.04 per sq ft (£1,346 per m²). The details are as follows:

Type	Beds	Units	Sq.m (each)	Sq.m (Total)	£ per sq.m	£ each	£ Total
D1 Detached	4	1	315	315	1,268.84	400,000	400,000
D2 detached	5	1	219	291	1,288.66	375,000	375,000
D4 Detached	4	3	254	762	1,456.69	370,000	1,110,000
S1 Semi	3	5	155	775	1,483.87	230,000	1,150,000
S2 Semi	4	3	213	639	1,220.66	260,000	780,000
S3 Semi	3	2	203	406	1,354.68	275,000	550,000

My office holds details of all sales of residential properties in the region including referencing information such as accommodation, floor areas etc. I have analysed sales of dwellings built since 2016 in the surrounding post code areas.

The report by SLJ (Wakefield) Ltd provides no comparable evidence to support their sales figures.

I have also considered a number of new development sites within the local area and also looked at evidence provided by sales of existing stock within the locality of the site.

I would therefore comment as follows:-

Miller Homes Scheme – Mill Race Lane

Mill Race Lane is located off Dick Lane Tyersal. This is a scheme developed by Miller homes and is less than a mile from the subject site. The scheme has a mix type of units ranging from 3 – 5 bed mews and detached properties and some 1 – 2 bed apartments. The scheme is now complete with the most recent sales evidence is summarised as follows;

Scheme	Date	Property Type	Beds	Storeys	Mean Sales Price	Mean Area sq.m (GIA)	Mean price/sq.m
Miller Homes	May 16	Semi-detached	3	3	£138,781	93.5	£1,484
Miller Homes	Mar 16	Semi-detached	4	3	£142,495	107.1	£1,330
Miller Homes	Mar 17	Detached	4	3	£175,155	119.9	£1,461
Miller Homes	Mar 17	Detached	5	3	£212,505	148.8	£1,428
Miller Homes	Apr 16 – Oct 17	Terrace	4	3	£155,993	108.2	£1,444
Miller Homes	Sep/Oct 16	Terrace	3	3	£150,258	93.5	£1,607

Leeds Bradford Properties- Tyersal Road

This scheme is located on Tyersal Road. This is a small scale developments of 3 detached houses which have been sold as follows;

Scheme	Date	Property Type	Beds	Storeys	Mean Sales Price	Mean Area sq.m (GIA)	Mean price/sq.m
Leeds Bradford Properties	Jul/Aug 17	Detached	4	2	£175,000	118.2	£1,481
Leeds Bradford Properties	Dec 17	Detached	3	2	£200,000	124.1	£1,611

Gleeson – Carrwood Park

This is an ongoing Gleeson's development of a mix 2-4 bedroom properties. Below shows the sales price for different property types. Carrwood Park is approximately 1.5 miles away from the subject site.

Scheme	Address	Sale Date	Type	Price	Area sq.m (GIA)	Price Per sq.m
Gleeson	43 Tyersal Lane, BD4 0FH	30-Jun-17	Detached	£167,995	99	£1,696.92
Gleeson	55 Tyersal Lane, BD4 0FH	01-Jul-17	Terrace	£108,995	60	£1,816.58
Gleeson	53 Tyersal Lane, BD4 0FH	01-Jul-17	Semi-detached	£125,885	71	£1,774.58
Gleeson	57 Tyersal Lane, BD4 0FH	01-Jul-17	Terrace	£119,995	71	£1,690.07
Gleeson	41 Tyersal Lane, BD4 0FH	01-Jul-17	Detached	£139,995	72	£1,944.38
Gleeson	51 Tyersal Lane, BD4 0FH	01-Jul-17	Terrace	£129,995	75	£1,733.27
Gleeson	8 Saxon Place, BD4 0FB	28-Feb-18	Semi-detached	£125,995	71	£1,774.58
Gleeson	10 Saxon Place, BD4 0FB	28-Feb-18	Detached	£133,995	72	£1,861.04
Gleeson	1 Saxon Place, BD4 0FB	31-Jan-18	Detached	£166,995	97	£1,721.60
Gleeson	12 Saxon Place, BD4 0FB	22-Dec-17	Semi-detached	£109,995	76	£1,447.30
Gleeson	12 Thornton Grove, BD4 0FF	20-Dec-17	Semi-detached	£109,995	61	£1,803.2
Gleeson	10 Thornton Grove, BD4 0FF	20-Dec-17	Detached	£132,995	72	£1,847.15
Gleeson	14 Thornton Grove, BD4 0FF	18-Dec-17	Semi-detached	£103,995	61	£1,704.84
Gleeson	5 Thornton Grove, BD4 0FF	15-Dec-17	Detached	£139,995	72	£1,944.38
Gleeson	3 Thornton Grove, BD4 0FF	04-Dec-17	Semi-detached	£125,995	72	£1,749.93
Gleeson	1 Thornton Grove, BD4 0FF	09-Nov-17	Semi-detached	£121,995	72	£1,694.38

The proposed units to be built are significantly larger and incorporate 2nd floor accommodation, as such there are no direct comparables. I don't deem it appropriate to apply a price per sq.m, based on the above comparables, onto the submitted scheme as

these will generate a sales price above the local market demand as the size of the proposed units are a lot larger compared to the comparables.

I have therefore adopted the applicant's sales price for the property as there is no clear evidence to suggest otherwise.

My values are detailed below:

Gross Development Value (GDV)							
Type	Beds	Unit	NSA sq m (each)	NSA Sq m (total)	£ per sq m	£ each	Total
D1 Detached	4	1	315	315	£1,269.84	£400,000	£400,000
D2 Detached	5	1	291	291	£1,288.66	£375,000	£375,000
D4 Detached	4	3	254	762	£1,456.69	£370,000	£1,110,000
S1 Semi-detached	3	5	155	775	£1,483.87	£230,000	£1,150,000
S2 Semi-detached	4	3	213	639	£1,220.66	£260,000	£780,000
S3 Semi-detached	3	2	203	406	£1,345.68	£275,000	£550,000
Sub Total		18		3194			£4,365,000

10.4 Affordable Housing

SLJ (Wakefield) Ltd appraisal titled - Financial Appraisal B - With 3 Affordable Housing Units Updated 25/04/20. Has included 3 affordable homes which equates to 16.67%. The split is two lower decile homes at a rate of £645 per sq.m and one lower quartile homes at £828 per sq.m.

D3 Detached Lower Decile	4	1	272	272	£645.04	£175,251	£175,251
S1 Semi Lower Decile	3	1	155	155	£645.04	£108,425	£108,425
S2 Semi Lower Quartile	4	1	214	214	£828.10	£176,998	£176,998

I have applied the same areas and sales price but achieved a different value for the units, also in S1 Semi Lower Decile I have a smaller floor area as I have excluded the garage area.

D3 detached Lower Decile	4	1	272	272	£645	£175,440	£175,440
S1 Semi Lower Decile	3	1	155	155	£645	£99,975	£99,975
S2 Semi Lower Quartile	4	1	214	214	£828	£177,192	£177,192
							£452,607.00

10.5 Ground Rent Revenue

I have assumed that the houses will be sold freehold. If this is incorrect please let me know.

10.6 DVS Gross Development Value (GDV)

My opinion of the GDV for the scheme comprises:

Market Housing	£4,365,000.00
Affordable Housing	<u>£ 452,607.00</u>
Total GDV	£4,817,607.00

SLJ (Wakefield) Ltd GDV is £4,825,674,000.

As part of any future negotiations or appeal process, and in the event of further or better sales evidence, I may revisit this opinion of GDV.

10.7 Construction Costs

SLJ (Wakefield) Ltd based their construction cost on a rate of £875/m² for the build cost of the units and £55/m² for external works.

I consider that their construction costs are reasonable and have accepted their figure, but applied 7.25% to externals which includes the mains and services, rather than a price per sq.m or unit cost.

I have included construction cost for garages into my appraisal. Single at £7,500 per garage and doubles at £12,000 per garage. I believe this to be an omission by the applicant.

10.8 Abnormal Costs

SLJ's (Wakefield) Ltd appraisal provides some abnormal costs.

Surface Water Attenuation	£70,000
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These fees seem reasonable compared with other schemes of this size and scale, therefore I have adopted these figures into my appraisal.

Ideally abnormal costs would be examined by a DVS Quantity Surveyor (QS) or an independent expert as part of this review. This has not been required in this case.

If viability is contested and abnormal costs are to be a significant contributing factor the matter could be looked at, at a later stage by a DVS QS or another adviser to the Council.

10.9 Planning Obligations

SLJ (Wakefield) Ltd included the following s106 cost.

- Community Infrastructure Levy (Based on the CIL £45 per sq.m) = £150,225.00

Total - £150,225.00

I have calculated a CIL rate of £143,730, on a planning compliant scheme as CIL is not charged on affordable homes.

Please note for a scheme with no AH I calculate CIL to be £172,215

I have not been provided with any other S106 payments so have assumed there are none payable.

10.9 Section 106 Hierarchy and Timing

Regarding the timing of these contributions I note that SLJ (Wakefield) Ltd have not confirmed the sum of money that is available for Section 106 costs and have also not considered the timing of these costs. I have in my own appraisal spread the costs over the construction period.

10.10 Professional Fees

The applicant has put down individual professional fees and site investigation costs. These costs equate to 3.15% of build costs. I consider this is below what I might expect a reasonable developer to pay so I have increase it to 5% of build costs which gives me a total figure of £183,338.

Note I have also assumed that within the professional fees would be the cost of the site investigation work.

10.11 Finance

The applicant's has a budgeted a cost of finance at £50,000 and having an extra £10,000 relating to bank fees. In calculating the cost of finance for the scheme I would recommend a debit rate of 6%. I would also recommend that credit be included to reflect the reality that once the scheme is in credit a developer will use this to offset their debt elsewhere. A 2% credit rate has been included in my appraisal. I calculate my finance figure cost to be £59,431, plus an arrangement fee of £10,000 which equals a total finance cost of £69,431.

10.14 Profit

For moderate to large sized residential developments it is not uncommon for developers to state a profit figure as a certain percentage based on scheme costs or scheme value. There are no hard and fast rules here and some developers will be content if the profit is expressed as a significant cash sum.

SLJ (Wakefield) Ltd report states that based on 18 dwellings the residual profit margin equivalent to 3.4% of total cost. They imply that this is insufficient for the scheme to be viable. I agree a profit at this low level would not be brought forward for development

For my review I have adopted 17.5% of revenue for the market housing and 7% profit on cost for the affordable housing. I consider profit margins at these levels to be well supported by other similar developments DVS have appraised and reviewed across the region. Evidence can be supplied in a private forum if required.

To demonstrate viability therefore I am looking for the residual figure for profit of a planning compliant scheme to show a positive profit level in excess of 16.7% of GDV, a blended profit the rates detailed above. I have fixed this appraisal input.

10.12 Land Value

The applicant has stated within the report that they consider that the benchmark land value for the scheme for viability purposes is £425,000 this equates to a rate of £212,500 per acre. This is understood to be based upon the agreed purchase price of the site.

The site is a greenfield site and at the date of the original planning application was subject to the Local Plan policies (Site Allocations Plan Publication Draft dated 2015). The site within the Local Plan was allocated under the SAP for residential use (ref HG2-70).

The site abuts existing residential areas. In terms of planning status it is understood that the site that subject to meeting policy requirements would be likely to gain residential planning permission. The provision of affordable housing is the main item in dispute, and whether this can be viable depends on the Site Value benchmark.

Professional Guidance

In order to judge the reasonableness of the applicant's figure DVS have referred to Professional Guidance notes. The main publication which assist surveyors in Viability Appraisals is the "Financial Viability and Planning" August 2012 guidance note by the Royal Institution of Chartered Surveyors (RICS).

In terms of key points to consider in relation to this viability review the RICS Guidance states at:

Paragraph 3.6.1.2 It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition"

the definition is provided at Para. 2.3.2 (Box 7) as

"Site value should equate to the Market Value subject to the following assumptions that the value has regard to the development plan policy and all other material planning consideration and disregards that which is contrary to the development plan"

This is expanded at paragraph 3.4.5 The Site Value will be based on market value, which will be risk-adjusted, so it will normally be less than current market prices for development land for which planning permission has been secured and planning obligation requirements are known. The practitioner will have regard to current use value, alternative use value, market/ transactional evidence including the property itself if that has recently been subject to a disposal/acquisition, and all material considerations including planning policy in deriving the Site Value.

I have looked at market evidence at this is inconclusive, producing a wide range of values, i have been unable to establish the abnormal developments costs.

This difficulty in sourcing suitable comparables and agreeing the analysis is why valuers often turn to benchmarks and general tone of what volume housebuilders are applying to their viability agreements to judge the reasonableness of the natural residual land figure.

Therefore in determining the Benchmark Land Value (BLV) for the site I have considered other recent benchmark land values on other schemes in the vicinity of the subject site. These are as follows (anonymised for confidentiality)

Date	Location	Size (Acres)	Benchmark Land Value per acre
Sept 2016	Chapel Allerton	3.88	£198,481
Jan 2017	Bramley	1.79	£231,844

Natural Residual Land Value of the Compliant Scheme

For viability it is appropriate to determine the residual value for the site based upon the planning and planning policy requirements, whereby a figure in excess of the CUV would have the potential for a viable development, this residual figure would then be considered next to land owners reasonable expectations.

The natural residual land value of the compliant scheme with full affordable housing, and DVS assumption on abnormal costs gives a negative residual figure of -£60,174.

This clearly would not be acceptable to the land owner.

DVS Conclusion on Site Value

In determining our Site Value DVS have considered the applicant's figure and the approaches detailed above.

I do not agree with using the purchase price as the Site Value. It is higher than benchmarks applied on similar sites.

The Chapel Allerton and Bramley schemes are similar in terms of size of development and are both agreed benchmark land values. These schemes are located in a better area and would attract a higher price per acre compared to the subject.

I am in the opinion a benchmark land value of £175,000 per acre which equates to £346,500 for the site would be acceptable to the landowner.

10.13 Remaining Appraisal Inputs

All other costs have been carried forward into my review. I may not agree with all these inputs, and DVS reserve the right to reconsider these as part of any future discussions.

11. Key Differences

The key differences between the two appraisals are summarised below:

	SLJ (Wakefield) Ltd	DVS	Monetary Difference	Effect on Viability
Garage Build cost	£0.00	£76,500	£76,500	Less viable
Benchmark Land Value	£425,000	£346,500	£78,500	More viable

12. DV Appraisal and Conclusion

As detailed above, I have a difference of opinion on a number of inputs to the SLJ (Wakefield) Ltd appraisal and the cumulative effect is that my planning compliant appraisal with s106 contributions, generates an unviable scheme, there is a deficit of over £670,000

A copy of my appraisal is included in appendix 1.

This report explains that it is my independent conclusion that the planning policy compliant scheme with 20% Affordable Housing and £143,730 CIL is unviable. This scheme produces a developer's profit level of 2.82%. An amended scheme with no affordable homes but with a CIL contribution produces a developer's profit level of 9.35%. Both these profit levels are below the figure of 17.5% of GDV which we consider to be appropriate for a development of this type.

13. Recommendations

If the factual matters above relating to unit numbers, floor areas, planning obligation hierarchy, cost of planning obligations, cost of abnormalities etc. are incorrect my report would not be valid and I would have to revise my appraisal and advice.

I recommend that any increase in abnormal or build costs should be reviewed by an Independent Expert.

I would comment that should the SLJ (Wakefield) Ltd projected levels of value of the units be supported by the actual sale values then I would reconsider the requirement of s106 contributions. If however the final sales figures support my valuation then I remain of the opinion that s106 contributions are in fact required.

I emphasise that my appraisal embraces the costs and revenues appropriate to the review date and is therefore valid only if the building construction work commences within 3 months and proceeds at a rate consistent with achieving sales in the market.


If commencement of the works were to be delayed and is then undertaken at some other time when market conditions may be different, then I believe a re-appraisal will be required adopting the costs and revenues then obtaining.

Some of the content of this report may be regarded by DVS or the applicant SLJ (Wakefield) Ltd as commercially confidential and, in this regard, I assume that you will restrict the report's circulation as appropriate.

I would be pleased to discuss any of the foregoing with your Authority if you wish. My instruction does not extend to negotiations with the applicant SLJ (Wakefield) Ltd however if your authority think that this would be of benefit this can be facilitated through a separate instruction.

Should the applicant disagree with the conclusions of our assessment, we would recommend that they provide further information to justify the values and costs they have adopted. Upon receipt of further information and with your further instruction, we would be happy to review the information and reassess the schemes viability.

Yours sincerely


RICS Registered Valuer
Principle Surveyor
DVS

Report reviewed by



RICS Registered Valuer

Principal Surveyor DVS

Sector Leader Viability (North) and Local and Devolved Government (Northwest)

Appendix 1 – DVS Appraisal

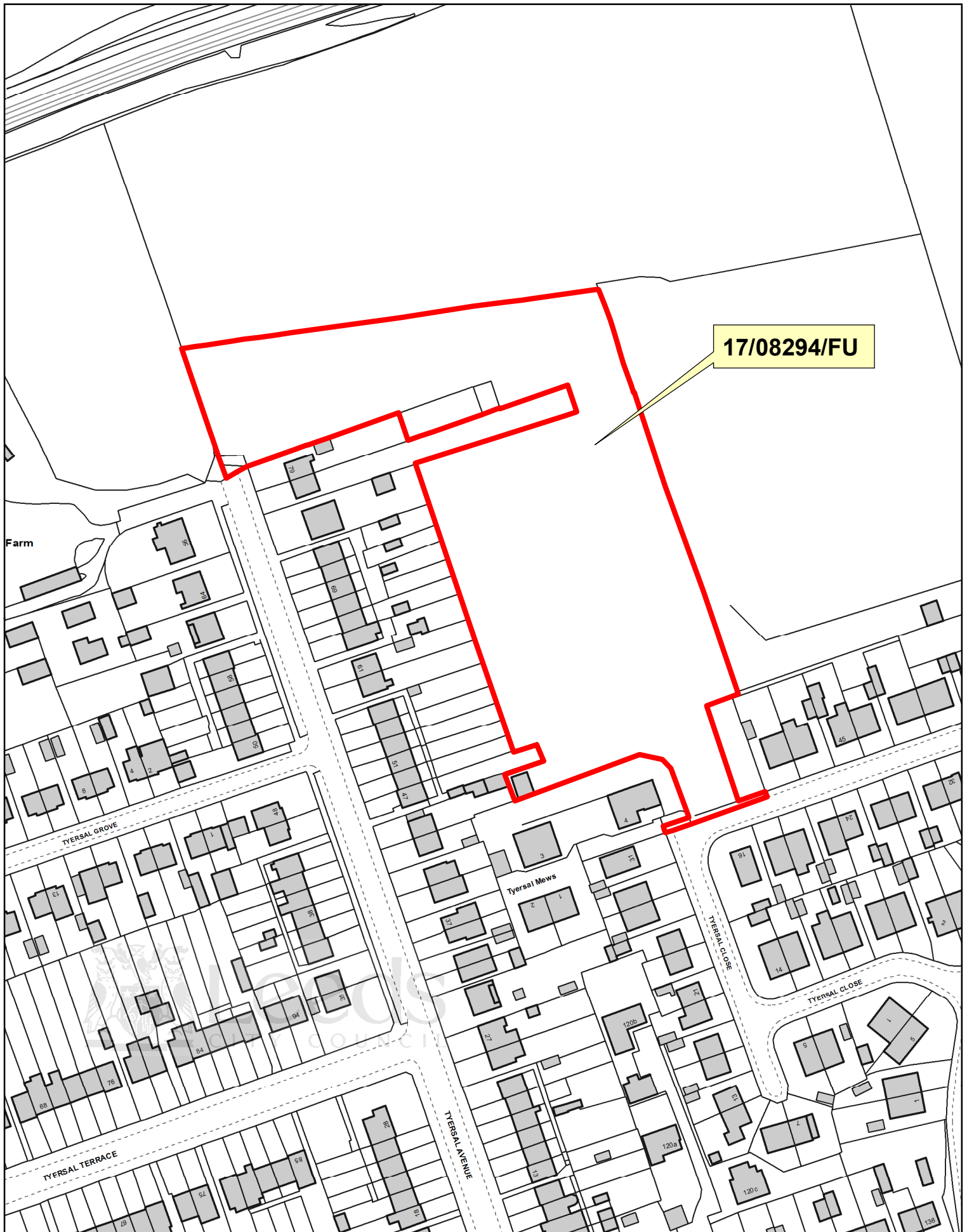
Address	Land off Tyersal Close, Tyersal, Bradford		DVS appraisal	Policy Compliant	Client Ref:	17/08294/FU	Date: 24/05/18	DVS Ref: 1662043	
GROSS DEVELOPMENT VALUE (GDV)									
Description	Type	Beds	Units	NSA sq m (each)	NSA sq m (total)	£ per sq m	£ each	£ total	
MARKET VALUE									
	D1 Detached	4	1	315.00	315	1,269.84	400,000	400,000	
	D2 Detached	5	1	292.00	292	1,284.25	375,000	375,000	
	D3 Detached	4	0	272.00	0	0.00	0	0	
	D4 Detached	4	3	254.00	762	1,456.69	370,000	1,110,000	
	S1 Semi	3	5	155.00	775	1,483.87	230,000	1,150,000	
	S2 Semi	4	3	214.00	642	1,214.95	260,000	780,000	
	S3 Semi	3	2	204.00	408	1,348.04	275,000	550,000	
								AV price per sq m	
	Sub totals		15		3,194			4,365,000	1,367
								Loss in income	
	D3 Detached Lower Decile	4	1	272.00	272	645.00	175,440	175,440	
	S1 Semi Lower Decile	3	1	155.00	155	645.00	99,975	99,975	
	S2 Semi Lower Quartile	4	1	214.00	214	828.00	177,192	177,192	
	Sub totals		3		641			452,607	
GDV TOTALS									
			Units	AH	Sq M			GDV in income	
			18	3	3,835			4,817,607	
				16.67%					
GROSS DEVELOPMENT COSTS (GDC) - including land value and developer's profit									
Benchmark / Threshold Land Value									
Gross site area	0.82 Ha		1.98 acre			per gross acre	346,500		
<i>Purchase costs</i>									
Purchase legal	0.5 %				1,733				
Purchase ager	1 %				3,465				
Stamp Duty Land Tax					6,825		12,023	358,523	
Standard Construction									
Houses	3,835 sq m GIA			at	875	per sq m	3,355,625		
Single Garages	7			at	7,500.00		52,500		
Double Garage	2			at	12,000		24,000		
Sub total							3,432,125		
Externals	7.00%	of build costs		or	121,338	per gross acre	240,249	all in £ / sq m	
Contingency	3.00%	of build costs					110,171	3,782,545	986

Abnormal Construction									
Water Attenuation								70,000	
									£ / gross acre
Total Abnormal								70,000	35,354
Professional Fees									
Architect, QS, Eng	5.00%		of build costs						183,619
Site investigation									
Ton planning / building regs fees									
Planning Policy Contributions									
CIL		3,194	sq m GIA		at	45	per sq m		143,730
Total Planning Cost									143,730
Disposal									
Marketing and sales	1.50%		of GDV					65,475	
Legals-MV residential sales	15		units		at	500	per unit	7,500	
Legals - AF Residential	3		units		at	250	per unit	750	73,725
Finance									
Interest	calculated by cash flow			6.00%	debit		2.00%	credit	59,431
Bank Arrangement									10,000
									69,431
Developer's Target Profit									
Market Value un	17.50%		of	GDV				763,875	Blended (GDV)
Affordable Units	7%		of	Cost				44,256	808,131 16.77%
TOTAL COSTS									5,489,703

Summary

Total income	4,817,607
Total outgoings	5,489,703
Outcome (any surplus deemed to show a viable scheme)	-672,096

Conclusion: UNVIABLE

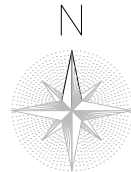
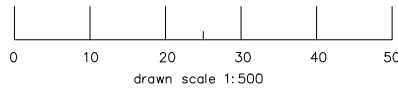


17/08294/FU

SOUTH AND WEST PLANS PANEL



KEY - TREE CONSTRAINTS PLAN	
○ TREE CENTRE	○ ROOT PROTECTION AREA
○ CATEGORY U FOR REMOVAL	○ CATEGORY B OF MODERATE QUALITY & VALUE
○ CATEGORY A OF HIGH QUALITY & VALUE	○ CATEGORY C OF LOW QUALITY & VALUE
○ SHRUB GROUPS	



NOTES:
This drawing is based on a topographical survey ref: sss-7778 produced by Site Surveying Services. Although the positions of individual trees are calculated accurately the positions of some of the trees should not be assumed to be accurate and all measurements should be checked on site.

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ALL DIMENSIONS TO BE CHECKED ON SITE FROM TO COMMENCEMENT OF WORKS. ANY DISCREPANCIES TO BE REPORTED BACK TO ARCHITECT IMMEDIATELY. DO NOT SCALE DRAWING.

Acoustic Solutions has recommended that all windows to noise-sensitive rooms (living rooms and bedrooms) of the proposed dwellings on plots 8-17, inclusive, be fitted with glazing of minimum specification 6mm glass x 12mm air-gap x 6mm glass with ventilation provided by acoustic vents. The provision of this glazing will attenuate daytime sound to levels that will meet the No Observed Adverse Effect Level (NOAEL) and BS 8233: 2014.

Acoustic Solutions has recommended that, where possible, bedrooms at the properties on plots 8-17 be located to the rear.

To protect the external amenity of the proposed dwellings on Plots 8-17, inclusive, an acoustic barrier, with a height no less than 1.8 metres has been recommended.



LANDSCAPING KEY	
○	proposed standard tree
○	proposed shrub planting

KEY	
—	900mm high drystone wall
—	refuse bins - 2no. to each property on concrete flag base
—	1.8m high timber fence - see fence detail
—	1.8m high timber gate between properties

Rev B - PLANNING APPLICATION
Rev A

Title
SITE PLAN AS PROPOSED

Project
Housing Development
Site off Tyersal Close
Tyersal, Bradford

Client
SLJ (WAKEFIELD) LTD

chris eyres design
Chartered Architect
13 Tiersal Close
Tiersal, Bradford
Tel: 01274 455323
Fax: 01274 733107

Scale 1:500 PA2 Draw de Job No 7034 27