



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 5 October 2017

**Subject: APPLICATION 16/06514/FU - Planning application for residential development of 52 dwellings on land off Galloway Lane, Stanningley, Pudsey, Leeds, LS28**

#### APPLICANT

Berkeley Deveer

#### DATE VALID

2<sup>nd</sup> December 2016

#### TARGET DATE

11 September 2017

#### Electoral Wards Affected:

Calverley and Farsley

Yes

Ward Members consulted  
(Referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE APPROVAL to the Chief Planning Officer subject to the conditions set out below (at Appendix 1) and the completion of a Sec.106 Agreement to secure the following:**

**Affordable Housing at 15% - 8 units provided**

**Travel Plan Fund contribution of £26,522.10**

**Real time unit at bus stop at £10,000**

**Travel Plan monitoring fee of £2,500**

**Contribution of £2500 per plot to mitigate the cumulative impact of this development and other sites on the Outer Ring Road junction with the A647 (Dawsons Corner)**

**Contribution to zebra/pelican crossing of £10,000**

**In the circumstances where the Sec.106 has not been completed within 3 months of the determination the final determination of the application shall be delegated to the Chief Planning Officer.**

## 1.0 SUMMARY & BACKGROUND

1.1 This application was considered at South and West Plans Panel on the 7 September 2017, where Officers had recommended approval of the proposal,

subject to the prior completion of a section 106 Agreement and the specified conditions. Members raised a number of issues regarding:

- (i) The provision of a zebra crossing.
- (ii) Members also raised the possibility of a Pelican crossing rather than a Zebra crossing.
- (iii) At the time of the 7 September the cost regarding crossings were not available and the applicant was not in a position to comment until such costs were available for consideration.
- (iv) How would the boundary fencing along Hillfoot Drive be maintained, and how would access occur for Hillfoot residents to maintain their own boundaries.

- 1.2 Members deferred consideration of the application with the draft minute of the resolution stating “that the application be deferred for further discussion with the applicant regarding maintenance of the strip of land to the rear of the site and provision of a suitable crossing on Galloway Lane.”

### Crossing

- 1.3 The applicant has cited that in principle they would consider funding a crossing subject to costs. The LPA must consider whether such a request is reasonable and justified in light of guidance on the imposition of planning obligations as set out in the Planning Policy Guidance:

*“Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.”*

*In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.*

*Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.*

*Planning obligations must be fully justified and evidenced.”*

- 1.4 On the basis of the current information before us it is not considered at this time that any justification or evidence has been presented that would reasonably conclude that the crossing and all peripheral works are directly related to the development. Highways have not raised the issues throughout the life of the application and considered the scheme acceptable in highways terms without the need to further mitigate the impact on the local road network above the £2500 per plot contribution. This therefore raises concern that the crossing is not necessary to make the development acceptable in planning terms. Nevertheless the applicant has set out that they are willing to make a contribution of £10,000.
- 1.5 Highways (Traffic Engineers) have provided an estimate for the provision of either a zebra or pelican crossing as set out the below:

- Zebra crossing, including removal of existing refuge: £25,000;
- Pelican crossing, including removal of existing refuge: £60,000.

The costs of the other additional works quoted:

- A new pedestrian refuge: £8,000;
- A Traffic Regulation Order: £6,000;
- Bus shelter alteration: £6,000;
- Bollard provision: £5,000;
- Design fees at 20% of works costs: £10,000.

The total design fees would be altered dependent on the amount of work taken forward. If there are monies to be provided to WYCA as part of this application then there is no need for the bus shelter alteration works. The second pedestrian refuge would be of use, but could be dropped as it could be argued that by providing a formal facility in the vicinity is acceptable. Highways (Traffic Engineers) are of the view that the bollard provision is important. Parking takes place on the footway in the area of the proposed zebra crossing/ existing refuge which would not be prevented by TRO/ zig-zag provision and this should be taken forward to protect this area. A TRO is also required to allow for parking restrictions in the area of the new junction and other elements in the locality that require remedial works.

- 1.6 By dropping the refuge and bus stop and taking forward a zebra crossing, the total cost would be £43,200.
- 1.7 The applicant has questioned whether any of these works are necessary to make the development acceptable but as stated above are willing to contribute £10000 towards the cost of an appropriate crossing. This could be included in the section 106 Agreement. However, as it is not considered at this time that such a crossing is necessary to make the development acceptable in planning terms no weight can be afforded to this offer in reaching a decision on this planning application. Members will also recall that a contribution of £2500 per plot will be secured through the section 106 Agreement to mitigate the cumulative impact of this development and other sites on the Outer Ring Road junction with the A647 (Dawsons Corner).

#### Boundary treatment

- 1.8 A revised site plan has been submitted that highlights the boundary treatments around the edge of the site. The proposal is to erect a 1.8m high close boarded fence along the boundary with properties in Hillfoot Drive. From a planning point of view this is an acceptable form of enclosure.
- 1.9 The existing fences along the Hillfoot Drive boundary are not within the ownership of the applicant, and belong to each of the existing dwellings. Therefore, the applicant/developer would not be able to remove these or do any works to them without the permission of the owner. As normal practice dictates the new fence that would belong to the future residents would be erected directly abutting the existing boundary treatment. There will be little or no gap between the fences that requires maintaining or security.
- 1.10 Each side would therefore maintain their own fence/boundary treatment, and if necessary engage with the relevant neighbour for access as and when required.

- 1.11 If the current situation is that existing residents are going onto third party land to maintain their fences then they do not appear to have the correct permissions from the land owner.
- 1.12 A copy of the previous report is attached for Members information at appendix 1.

# APPENDIX 1



Originator: Aaron Casey

Tel: 0113 378 7995

Report of the Chief Planning Officer

**SOUTH AND WEST PLANS PANEL**

Date: 7 September 2017

**Subject: APPLICATION 16/06514/FU - Planning application for residential development of 52 dwellings on land off Galloway Lane, Stanningley, Pudsey, Leeds, LS28**

**APPLICANT**

Berkeley Deveer.

**DATE VALID**

2<sup>nd</sup> December 2016

**TARGET DATE**

11 September 2017

**Electoral Wards Affected:**

Calverley & Farsley

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE APPROVAL to the Chief Planning Officer subject to the conditions set out below and the completion of a Sec.106 Agreement to secure the following:**

**Affordable Housing at 15% - 8 units provided**

**Travel Plan Fund contribution of £26,522.10**

**Real time unit at bus stop at £10,000**

**Travel Plan monitoring fee of £2,500**

**Contribution of £2500 per plot to mitigate the cumulative impact of this development and other sites on the Outer Ring Road junction with the A647 (Dawsons Corner).**

**In the circumstances where the Sec.106 has not been completed within 3 months of the determination the final determination of the application shall be delegated to the Chief Planning Officer.**

2. Plans to be approved.
3. Samples of walling, roofing and surfacing material to be approved.
4. Details of means of enclosure.
5. Details of bin stores.
6. Retain all existing hedgerows and trees shown on plan to be retained
7. Tree protection measures
8. Implementation of approved landscape scheme.
9. Landscape management plan.
10. Drainage
11. Statement of construction practice
12. Pre-Occupation - Details of measures to control on-street parking in the vicinity of the site comprising no waiting at any time restrictions to protect the junction and the Galloway Lane frontage including timescales for implementation.
13. Vehicle spaces to be laid out prior to development being occupied.
14. The access hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on the approved plan
15. Electric vehicle charging point provision.
16. Cycle/motorcycle parking
17. Standard Contamination conditions
18. Network Rail conditions (Methods statement : drainage, boundary fencing, Asset Protection/method statements/ soundproofing, lighting and landscaping)
19. Construction Environmental Management Plan (CEMP Biodiversity)
20. Details to achieve 10% of energy needs from low carbon energy.
21. Provision of a linear drain along the site boundary, adjacent to Nos. 63 and 65 Hillfoot Drive
22. Demolition of existing buildings on site to take place outside bird nesting season unless a Method statement/demolition plan is submitted to and agree by the LPA.
23. Implementation of Travel Plan

## **1.0 INTRODUCTION**

- 1.1 The site is proposed as a Phase 1 Housing Allocation Site (HG2-66) in the Submission Draft Site Allocations Plan (SAP). The site is identified as a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP) but it is not retained as safeguarded land within the SAP.
- 1.2 This planning application is presented to Plans Panel at the requested of Cllr Andrew Carter and Cllr Amanda Carter who have set out the below:
  - The proposal is premature in advance of the adoption of the Site Allocation Plan (SAP).
  - The layout presents over-development that is injurious to the living conditions of existing residents on Hillfoot Drive.
  - There is insufficient Greenspace to serve the development.
  - The site is in a very difficult location, and development would severely and adversely impact on the highway infrastructure, requiring the creation of an additional road junction, which in our view would be dangerous.

## **2.0 PROPOSAL**

- 2.1 This application seeks planning permission for the residential development of approximately 2.68 hectare site to deliver 52 dwellings, which provide a combination of 3, 4 and 5 bedroom units comprising a mixture of terraced, semi-detached and detached dwellings. Dwelling will be served by private garden space and off-street parking and the site would be landscaped.
- 2.2 The proposed houses would be 2 storeys and 2.5 storeys constructed in a palette of materials that include brick, stone, render. Fenestration detailing is also proposed i.e. heads sils, bays.
- 2.3 A single vehicular access into the site is proposed from Galloway Lane.
- 2.4 The proposed layout shows that there would be on-site greenspace provision compliant with the aims of Policy G4 of the Core Strategy.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site, which presently comprises an open field but for a pylon and overhead lines, is some 2.68 hectares and has a former farmhouse and barns to its frontage closest to Galloway Lane, known as Hillfoot Farm. The site sits within the urban area with well established residential development located around the site although there are open fields directly to the south-west separating the site from the Ring Road. The site is located close to local amenities and good public transport routes and can therefore be regarded as sitting within a sustainable location.
- 3.2 There is also an underground railway line that runs through the eastern part of the site. The site is not level and the ground level rises steeply towards the existing housing on Hillfoot Drive. These existing properties have the rear boundaries of their gardens abutting the site, some with outbuildings also close to the boundary line. There are hedgerows, trees and low level stone walls along some parts of the site; these and the existing stone farmhouse and barns on site echo back to the sites former pastoral character pre-mass development of the area in the 20<sup>th</sup> century. Sitting adjacent to the site
- 3.3 The character of the surrounding area is residential comprising development from varying periods of construction which is reflected in the array of architectural styles, scale, form and detailing. The size of gardens also vary, as does boundary treatments.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 A pre-application enquiry was presented to the local planning authority (Ref: PREAPP/15/00554) for the erection of 10 dwellings and 65 affordable plots. The applicant was not the developer and was not part of these pre-application discussions. The LPA gave advice in respect of policy requirements, general layout and design principles including advice on the DCLG space standards. The planning statement accompanying the application now before Members states the scheme presented at pre-application has not been progressed as it was not deemed viable.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The site layout has undergone a number of revisions due to a variety of comments from consultees and the case officers concerns regarding separation distances and general layout issues. The layout now before Members is considered acceptable

and due regard is given to the council's need to provide housing over the plan period and that there is currently no 5 year housing supply in Leeds, a point concluded at several recent appeals. Details of these appeals are expanded upon later within this report.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application has been advertised by means of site notices (23 December 2016) and a press notice in the Yorkshire Evening Post (14 December 2016).

6.2 There have been 15 letters of objection. The matters raised are summarised below:

- The development is premature in advance of the adoption of the SAP
- The site is Greenfield
- The site is Green Belt
- Strain on the existing highway network
- Overloading of the local amenities
- Poor living conditions of future occupants of plots 14 and 15 due to proximity to the on-site pylon
- Loss of greenspace
- Proximity of plots 12, 13, 32 and 33 to boundary with existing properties on Hillfoot Drive is poor and will reduce living conditions of existing residents.
- Detrimental impact on highway safety
- The development would merge Leeds and Bradford
- Health implications due to the powerline
- Increased levels of noise and disturbance
- Accessibility
- Proposals to improve existing routes within the area submitted
- Loss of views
- Loss of light
- Drainage

6.3 Ward Members have been consulted on the application and Cllrs Andrew Carter and Amanda Carter have raised objections as set out in the introduction of this report.

## **7.0 CONSULTATION RESPONSES**

7.1. National Rail:  
No objections subject to a condition for the submission of a Method Statement for protection of the adjacent railway during the construction period.

7.2 Yorkshire Water:  
No objections have been raised.

7.3 Highways:  
No objections to layout subject to conditions and £2500 per plot contribution towards the cumulative impact on the adjacent highway network.

7.4 Landscape:  
No objections subject to conditions for protection of retained trees, provision of a biodiversity habitat area within the public open space; details of landscape and a landscape management plan.

- 7.5 Travelwise:  
In accordance with the SPD on Travel Plans the Travel Plan should be a required planning obligation along with the following:  
a) Leeds City Council Travel Plan Review fee of £2,500  
b) Residential Travel Plan Fund of £26,522.10
- 7.6 Flood Risk Management:  
No objections subject to conditions securing that drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works are submitted for approval pre-commencement of development.
- 7.7 Ecology:  
The bat survey prepared by Ecus dated June 2017 is satisfactory and concludes that no roosting bats are present.
- 7.8 Contaminated Land:  
No objections subject to standard contamination conditions
- 7.9 Local Plans:  
A greenspace assessment concludes that there is sufficient on-site provision and accords with the aims of Core Strategy Policy G4.
- 7.10 Metro:  
Real Time bus information displays at bus stop number 12288 at a cost of approximately £10,000 (including 10 years maintenance) to the developer.

## **8.0 PLANNING POLICIES**

- 8.1 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. The Development Plan for Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) as well as any made Neighbourhood Plan.

### Submission Draft Site Allocations Plan (SAP) (May 2017)

- 8.2 The site is identified on the LDF Policies Map as a Protected Area of Search (PAS) but it is not retained as safeguarded land in the Draft SAP where it is identified as a Phase 1 housing allocation. However, at present the SAP does not outweigh the current PAS status. The Plan was formally submitted to the Secretary of State for Communities and Local Government on 5 May 2017. This means the Plan is now in the examination period (which is a continuous process running from the date of submission through to the receipt of the appointed Planning Inspectors Report.) The Plan now is highly advanced and has material weight in considering planning applications. The LPA must however apply balance and planning judgment against the current PAS policy against the Councils lack of a 5 year housing supply.
- 8.3 Within the Submission Draft Site Allocations Plan, the application site (SAP reference HG2-66) is proposed as a 2.68 hectare site with a capacity for 60 dwellings. The application is considered to be premature given the allocation of the site should be determined via the plan making process. However, the application is in general conformity with the SAP proposed allocation which proposes the land be identified for 60 dwellings. There is a cumulative impact of development on the Outer

Ring Road junction with the A647 (Dawsons Corner) and the Dick Lane/A647 Leeds Road/Leeds Old Road junction (Thornbury Gyratory). The development will be required to contribute to measures to mitigate the cumulative impact of this and other allocated sites affecting these junctions.

#### Adopted Leeds Core Strategy (LCS)

8.4 The following Core Strategy policies are considered most relevant:

Spatial Policy 1: Location of development  
Spatial Policy 6: Housing requirement and allocation of housing land  
Spatial Policy 7: Distribution of housing land and allocations  
Spatial Policy 11: Transport infrastructure investment priorities  
Policy H1: Managed release of sites  
Policy H3: Density of residential development  
Policy H4: Housing mix  
Policy H5: Affordable housing  
Policy P10: Design  
Policy P12: Landscape  
Policy T1: Transport Management  
Policy T2: Accessibility requirements and new development  
Policy G4: New Greenspace provision  
Policy G8: Protection of species and habitats  
Policy G9: Biodiversity improvements  
Policy EN2: Sustainable design and construction  
Policy EN5: Managing flood risk  
Policy ID2: Planning obligations and developer contributions

#### Saved Policies - Leeds UDP (2006)

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

GP5: Development Proposals should resolve detailed planning considerations.  
N23/25: Landscape design and boundary treatment  
N34: Protected Area of Search sites (PAS)  
LD1: Detailed guidance on landscape schemes.

#### Relevant supplementary guidance:

8.6 Street Design Guide SPD  
Neighbourhoods for Living SPG13  
Sustainable Design and Construction SPD  
Parking Standards SPD  
Public Transport Improvements and Developer Contributions SPD  
Travel Plan SPD

Natural Resources and Waste Development Plan Document

#### National Planning Policy Framework (NPPF)

8.7 The National Planning Policy Framework (2012), and the National Planning Practice Guidance (NPPG) (2014) set out the national policies for England and how these are expected to be applied. One of the key principles running through the

Framework is a presumption in favour of Sustainable Development set out in three parts: Social, Economic and Environmental.

8.8 With regard to housing applications, the NPPF sets out at paragraph 47 that to boost the supply of housing, LPAs must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, LPAs should increase the buffer to 20%.

8.9 Paragraph 49 of the National Planning Policy Framework states the following:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.”*

8.10 In the appeal decision dated 8 June 2016 in relation to land at Grove Road, Boston Spa in accordance with appeal APP/N4720/A/13/2208551, the Secretary of State (SoS) took the view that on the basis of the evidence available to him at that time, the Council was unable to demonstrate a deliverable 5-year supply of housing land. Paragraph 13 of the SoS finding states that: *Having regard to the Development Plan position, the SoS agrees with the Inspector that there is no 5-year housing land supply. Therefore, whilst he agrees with the Inspector that the UDPR policy N34, which designates sites as a Protected Area of Search (PAS) is a policy for the supply of housing, he also agrees with the Inspectors conclusion that policy N34 cannot be considered up-to-date. He further agrees with the Inspector that, rather than being a restrictive policy, the purpose of Policy N34 was to safeguard land to meet longer term development needs, so that, as it envisages development, the appropriate test to apply is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.*

8.11 In light of the above findings, the Council is now in the position that it does not have a 5 year housing supply and the policies within the saved UDP and LCS that are relevant to the supply of housing are considered to be out of date. In determining which policies are defined as 'relevant policies for the supply of housing', in terms of those policies that should be considered out-of date, case law has determined that Paragraph 49 should be interpreted narrowly and applies to all policies which relate to the supply of housing (of which Policy N34 is one).

8.12 Also relevant is the guidance contained within the NPPF that relates to policy implementation and the status to be given to emerging plans is also relevant. Paragraph 216 of the NPPF advises decision-takers may also give weight to relevant policies in emerging plans according to:

(i) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

(ii) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(iii) The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the Site Allocation process in Leeds that is at a highly advanced stage and is under inspection by the SoS.

8.13 The below sections are also considered to be relevant:

Section 1 - Building a strong, competitive economy  
Section 4 - Promoting Sustainable transport  
Section 6 - Delivering a wide choice of quality homes  
Section 7 – Requiring good design  
Section 11 - Conserving and enhancing the natural environment

#### DCLG - Technical Housing Standards 2015

8.14 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage.

In this instance the proposal consists of 52 units that are split into:

- 6 x two bedroom units (house type T6)
- 22 x three bedroom units (house types T14, T10, T7 and A7)
- 23 x four bedroom units (house types T4, T8, T11, N1, N1sp, T15)
- 1 x five bedroom unit (house type T4 2.5 storey variant)

The technical housing standards provide a table that sets out the minimum gross internal floor areas. Below are figures set out by the DCLG and the proposed floor-spaces of the units.

- 2x bedroom 4x bed-spaces (T6 terraces, T6 semi-detached)  
79 sq/m (DCLG)  
T6 = 741 sq/ft / 69 sq/m
- 3x bedroom 6x bed-spaces (T14)  
102 sq/m (DCLG)  
T14 = 1061sq/ft / 99 sq/m
- 3x bedroom 5x bed-spaces (A7, T10, T7)  
93 sq/m (DCLG)  
A7 = 966 sq/ft / 90 sq/m  
T10 = 966 sq/ft / 90 sq/m  
T7 = 1001 sq/ft / 93 sq/m

- 4x bedroom 8x bed-spaces (T8,N1sp)  
124 sq/m (DCLG):  
T8 = 1343 sq/ft / 125 sq/m  
N1sp = 1331 sq/ft / 124 sq/m
- 4x bedroom 7x bed-spaces (T11,T15,T4)  
115 sq/m (DCLG):  
T11 = 1254 sq/ft / 117 sq/m  
T15 = 1290 sq/ft / 120 sq/m  
T4 = 1339 sq/ft / 124 sq/m
- 4x bedroom 6x bed-spaces (N1-stone)  
106 sq/m (DCLG)  
N1 = 1331 sq/ft / 124 sq/m
- 5x bedroom 9x bed-spaces over three floors (T4 2.5 storey)  
134 sq/m (DCLG)  
T4 (2.5)1673 sq/ft / 155 sq/m

NB: T4 at 2.5 storey is 9 bed-spaces but the maximum for 8 bed-spaces over three floors as set out in the DCLG document has been used in this instance.

## 9.0 MAIN ISSUES

- Principle of development
- Housing Density and Housing Mix
- Affordable Housing
- Highways
- Layout, Scale and Appearance inclusive of Greenspace
- Landscaping
- Residential Amenity
- Ecology
- Flood Risk
- Sustainability
- Other Matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 Within the January 2014 Policies Map, which comprises the Saved UDP Review 2006 policies and the Adopted Natural Resources and Waste Local Plan, the application site is identified as a Protected Area of Search for long-term development (PAS). Members are also advised that a thorough review of all UDP PAS sites has been undertaken as part of the preparation of the Site Allocations Plan (SAP). As a result of a comprehensive comparative site assessment exercise, the Submissions Draft SAP proposes that this land should be allocated for housing development as a Phase 1 housing site however the SAP does not currently outweigh the current Protected Area of Search (PAS) status.
- 10.2 It has been recently concluded at appeal that Leeds City Council is unable to demonstrate a 5-year housing land supply and it is considered to be consistently

under-delivering. The key assessment in determining this application is therefore the extent to which weight can be attached to the policies of the existing and emerging Local Plan in light of a shortfall in the 5-year housing land supply. Therefore, there needs to be a balancing exercise within the parameters that there is a presumption in favour of granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 10.3 It is very clear from the Secretary of State's decision on the conjoined appeals noted above that saved UDP Policy N34, which relates to PAS sites, is a policy for the supply of housing and it cannot be considered up-to-date. The appeal decisions also confirm the Secretary of State's view that '*Policy N34 is now time expired and that its use to prevent development would be contrary to the terms of the Framework*'. Policy N34 must therefore attract little weight in the determination of this application.
- 10.4 Having regard to relevant policies within the Adopted Core Strategy, it is noted that the Leeds Core Strategy (LCS) is up-to-date; it was published after the NPPF and was found to be sound. Accordingly, full weight can be attached to the distribution strategy for the appropriate location of development as set out in Core Strategy Spatial Policies SP1, SP6 and SP7.
- 10.5 Spatial Policy 1 of the Core Strategy relates to the location of development and confirms the overall objective is 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 confirms that the largest amount of development will be located in the main urban area and major settlements with small settlements contributing to development needs subject to the settlement's size, function and sustainability. As a consequence, the priority for identifying land for development is (i) previously developed land within the Main Urban Area/relevant settlement, (ii) other suitable infill sites within the Main Urban Area/relevant settlement and (iii) key locations identified as sustainable extensions to the Main Urban Area/relevant settlement. The site falls within the urban area and within the NPPF, the effective use of land by reusing brownfield land is encouraged but the development of Greenfield land is not precluded with the presumption in favour of sustainable development the primary determinant.
- 10.6 The determination of this application must be on the basis of a planning balance in the context of the shortfall in the 5 year housing supply. In this regard, it is also the case that the site is adjoined by existing housing development.
- 10.7 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) (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 (which identifies a need for 4700 new homes in the Outer West Housing Market Character Area within which the site is located, representing 7% of the City-wide distribution) using the following considerations:
- (i) Sustainable locations (which meet standards of public transport accessibility), supported by existing or access to new local facilities and services, (including

Educational and Health Infrastructure);

(ii) Preference for brownfield and regeneration sites;

(iii) The least impact on Green Belt purposes;

(iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes;

(v) The need for realistic lead-in-times and build-out-rates for housing construction;

(vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation;

(vi) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

- 10.8 (i) In terms of a sustainable location; the site sufficiently meets the Accessibility Standards established at Table 2, Appendix 3 of the Core Strategy such that it is considered to be a sustainable and accessible location with suitable access to local facilities and services.
- 10.9 With regard to health infrastructure, the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to, on average, 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. The Site Allocations Plan cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. The site is located directly adjacent to Hillfoot Surgery.
- 10.10 (ii) to (vi) Whilst it is a Greenfield rather than Brownfield site, neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. It is also outside of the Green Belt and will therefore not impact upon it. The standards and design of the development will offer the opportunity to add and enhance the distinctiveness of the locality and provide a high quality design standard for new homes having regard to the character and urban grain of the wider area. The impact with regard to nature conservation and flood risk have been fully considered and are addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.
- 10.11 With specific regard to the managed release of sites, Policy H1 of the Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations according to the following five criteria to maintain a 5-year housing supply:
- i. Location in regeneration areas,
  - ii. Locations which have the best public transport accessibility,
  - iii. Locations with the best accessibility to local services,
  - iv. Locations with least impact on Green Belt objectives,
  - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 10.12 Having regard to the Site Allocation Process it is acknowledged that within the Submission Draft SAP, the application is being proposed for housing with a capacity of 60 dwellings. It is also acknowledged that the NPPF (paragraph 85) makes clear

that safeguarded / PAS land is not allocated for development and that planning permission for its permanent development should only be granted following a Local Plan review which proposes the development. With reference to Paragraph 212 of the NPPF, the Submission Draft SAP can, at this point in time, be afforded material weight given that it is with the SoS for examination. As set out above, the application is premature as it seeks approval for housing prior to the site being allocated as such as part of the plan making process – however it is acknowledged that it does conform with the proposals put forward in the emerging SAP.

- 10.13 Policies SP1, SP6 and SP7 of the Core Strategy, which provide a framework for directing housing development to the most sustainable locations, are considered to be broadly consistent with the NPPF, and so the principle of the approach promoted by them may be given significant weight.
- 10.14 The presumption in favour of sustainable development means that planning permission must be granted 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. As will be demonstrated in the report below, the majority of the site is within suitable journey times (as established through Policy T2 of the Core Strategy) from a number of the key services and facilities. This, and the fact that the site is bounded on three sides by existing development so its impact on the wider landscape is limited, and that there are no unresolved objections from other specialist consultees is considered to weigh in favour of this housing proposal.
- 10.15 As set out in the below report it is determined that there is a presumption in favour of granting permission and that there are no demonstrably adverse impact which outweighs that presumption, and a site specific analysis is required as set out in the report below. It must therefore be considered in the context of the presumption in favour of sustainable development and, in accordance with guidance within the NPPF, approved without delay 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.

#### Housing Density and Housing Mix

- 10.16 Policy H3 of the Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as the site falls with the ‘smaller urban area’ a minimum density of 40 dwellings per hectare would comply with Policy H3. The site is some 2.68 hectares and the SAP identifies a site capacity of 60 units. This application proposed 52 units which is considered to have regard to responding to the local character, design as well as highway capacity and the delivery of on-site green space.
- 10.17 The scheme offers a range of 6 x two bedroom units, 22 x three bedroom units, 23 four bedroom units and 1 x five bedroom unit. Policy H4 aims to ensure that the new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the Plan Period, taking account of SHMA preferences and difference in demand in different parts of the City, and changing demand. With this aim in mind, the Policy is worded to offer flexibility. For small developments such as that proposed, achievement of an appropriate mix to meet long term needs is not overriding. The form of development and character of area should be taken

into account too. The preferred housing mix set out at Table H4 of the Adopted Core Strategy states that target values of 2 bedrooms should equate to 10% of the scheme with a minimum of 30% and maximum of 80%, 3 bedroom units at a target of 30% with a maximum of 70% and minimum of 20% and 4 bedroom units at a target of 10% with maximum of 50% and minimum at 0%. No figure is set out for units above 4 bedrooms. This therefore means that the proposed 2 bedroom units equate to some 12% below the minimum set out in table H4, the 3 bedroom units at 42% and 4 bedroom units at 44%, both figures within acceptable ranges. It is considered that the mix proposed responds to the grain of the area and is appropriate in terms of type and size.

#### Affordable Housing

- 10.18 Policy H5 of the Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City to be provided (and secured in perpetuity by means of a planning obligation via a Section 106 Legal Agreement). On a development of 52 houses, the Council would expect 7.8 (rounded to 8 units) of those to be identified for affordable housing, 40% of which should be available to households on lower quartile earnings and 60% to households on lower decile earnings. The proposed development offers 8 units as affordable and is therefore in accordance with Policy H5.

#### Highway Matters

- 10.19 Paragraph 32 of the NPPF states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.20 As part of the assessment of this application a technical view was sought from Highways who have raised no objections to the proposed layout and parking provision subject to conditions and a contribution of £2500 per plot towards the cumulative impact on the adjacent highway network from this and other sites on the outer ring road junction with the A647 (Dawsons Corner). This site is shown as a proposed phase 1 allocation in the Draft Site Allocations Plan and identifies in that document that this site will be required to contribute to measures to mitigate the cumulative impact of this and other allocated sites affecting the junction. Therefore the basis for the contribution to mitigate the cumulative impact of development has been identified in the Core Strategy Policy T2:
- (ii) Developer contributions may be required for, or towards, improvements to the offsite highway and the strategic road network, and to pedestrian, cycle and public transport provision. These will be secured where appropriate through Section 106 Agreements and/or the Community Infrastructure Levy, and by planning conditions
- 10.21 Supporting text is available in paragraph 6.30 of the Core Strategy which states that developer contributions will also be expected to take a role in the funding and delivery of any required new infrastructure as a result of the cumulative impact of the high level of growth proposed for Leeds. Therefore, planning obligations will be used to secure matters including *inter alia* transport provision such as highway

improvements, cycle routes, and public transport improvements.

10.22 The contribution can be secured through a S106 agreement along with a travel plan fund of £26,522.10 and a real time unit at £10000 which are in accordance with Core Strategy Policy T2.

10.23 Furthermore, for the development to be acceptable off-site highways works will be required and a condition is recommended to secure this.

#### Layout, Scale and Appearance (inclusive of Greenspace)

10.24 Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Moreover, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

10.25 It is fundamental that the new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions and that LPA's should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Moreover, paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including *inter alia* widening the choice of high quality homes.

10.26 Good design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the built environment. Design can also assist in tackling the most cross cutting issues of sustainable development such as climate change, car dependence, community cohesion and health and wellbeing. The Council has a long-standing commitment to delivering high quality urban design and this is reflected in the Ten Urban Design Principles (adopted by Executive Board in January 2005) as a basis to inspire and enhance the design quality in Leeds.

10.27 In union with the aims of the NPPF policy P10 of the LCS deals with design and states that development should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. 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.

10.28 The proposed layout show that in the main dwellings will run along the main spine road with a number of cul-de-sacs coming off it. Given the relatively small scale of the development there is a constant character although the cul-de-sacs offer more intimate senses of place with the green edges provided by front gardens and the Public Open Space (POS) as well as the woodland outside of the site to the north-

west of the site offering a green fringe. The POS can be easily accessed and offers good levels of recreational use as well as the visually softening impact it will have to the benefit of the development. The spine road and cul-de-sacs have good levels of proposed tree coverage which also acts to soften the formal urban character area within the site and responds to the wider character of the area.

- 10.29 The proposed housing consists primarily of detached and semi-detached with one terrace of four units all with pitched roofs and either constructed in brick, render or stone; this offers an acceptable pattern of development within the site and again reflects the residential character and domestic scale of the area.
- 10.30 The immediate and wider area has a relatively diverse architectural theme with buildings representing the period of construction as well as having a variety of scale, form, height and materials as well as plot size and shape. Consideration has been given to the character of the surrounding where residential development prevails. The proposed appearance, detailing and scale of the proposed units are clearly residential and domestic and add positively to the architectural vernacular of the surroundings. Moreover, the proposed palette of materials provide visual interest breaking up any monotony of over-repetition as does the proposed orientation of buildings. The scheme is considered to deliver a layout and design that meets with the Council's design aspirations established within Core Strategy Policy P10, the advice contained within the NPPF and guidance within SPG 13 - Neighbourhoods for Living. The details of all materials and boundary treatments can be secured by conditions which are recommended.
- 10.31 With regard to the provision of green space within the site Policy G4 of the Core Strategy requires the provision of 80 sq/m of green space per dwelling where they are in excess of 720 metres from a community park and for which are located in areas deficient of open space, which is in effect, the entire City. The proposed scheme meets with the requirements of G4 and a policy compliant on-site provision of greenspace is provided.
- 10.32 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.
- 10.33 The submitted landscape details identify that there would be some tree loss and trimming of canopies within the site however a replacement planting scheme is proposed that will be integrated into the development and its surroundings.
- 10.34 The Council's Landscape Officer has advised that the landscape proposals are a positive step in that they increase the proposed tree planting and add hedge planting at the front of plots. Therefore no objections are raised. Conditions are recommended to secure protection of all existing trees and hedgerows to be retained, the implementation of the submitted landscape proposals and a Landscape Management Plan. Subject to the recommended conditions it is considered that the proposed landscaping of the site is in accordance with the objectives of Core Strategy Policy P12 and UDP Policy LD1

#### Residential Amenity

- 10.35 SPG13 – Neighbourhoods for Living provides recommended separation distances that should be achieved between new dwellings, these distances primarily seek to maintain appropriate levels of privacy for existing and future occupiers; although it is noted that the guidance also advises that the suggested separation distances are intended as a guide and should not simply be applied without further consideration regarding the local character.
- 10.36 Guidance suggests that a separation distance of 10.5m from main windows (living and dining rooms) to boundaries and 7.5m from secondary windows (bedrooms and ground floor kitchens) to boundaries are acceptable. Guidance also suggests a separation distance of 18m between secondary windows (bedrooms) and main aspect windows and 21m between main aspect windows and 12m to side elevations.
- 10.37 The separation distances between properties within the site are considered to be acceptable and the layout will provide future occupiers a good level of amenity. All of the proposed properties have dual aspects to the front and rear elevations. The rear gardens offer the 66% of the gross floor area of the units as set out in SPG13 – Neighbourhoods for Living with units nearer the powerlines have larger gardens to compensate. There will be outlooks onto the pylon within the site and whilst this will have some visual intrusion in the main outlooks from the dwellings will be appropriate within a residential estate context i.e. other dwellings, landscaping, good levels of POS.
- 10.38 There are existing residential properties located to Hillfoot Drive, Orchard Drive and The Fairway as well as properties located on Galloway Lane. Properties to Hillfoot Drive are set at a higher ground level with their rear gardens backing onto the site, properties on the Fairway closest to the site also have gardens that back onto the site.
- 10.39 The proposed units closest to the boundaries with the rear gardens of the existing properties will have their blank side elevations facing that boundary and the resulting separation distances to the existing properties are in excess of the 12m set out in SPG13. The separation distances in union with the higher ground level on which the Hillfoots sit is considered to be acceptable in planning terms and accords with the Councils aims to avoid overly dominant development. On a number of plots closest to the boundaries with Hillfoot Drive and The Fairway there will be tree planting which will provide a physical barrier that will lessen visual reception of the proposed dwellings. Ideally a planted buffer could run the length of the boundaries with the site and the existing properties on Hillfoot Drive, The Fairway and Orchard Drive but this would undoubtedly require a significant reduction in the quantum of development and is not proposed for the Councils assessment. All other separation distances are in excess of those set out in SPG13.
- 10.40 Clearly the levels of shade would increase towards rear gardens of the existing houses on Hillfoot Drive closest to the sites boundary at sunrise and sunset, although this shade will not affect all effected properties at the same part of the day and there will remain opportunities for solar gain into existing rear gardens and habitable room windows. To the northern part of the site (plot 49) this would cast shade towards the existing property on The Fairway closest to the site boundary, however two boundary trees would absorb much of that shade and the existing neighbour would also have good opportunities for gardens and habitable rooms to receive solar gain. The proposed dwellings are laid out so that the gardens and habitable room windows would not be unduly shaded.

- 10.41 Another impact of the development would be the change of outlook from existing properties from an open natural area with powerline to a developed residential site. Whilst from a residents point of view to leave the site undeveloped is preferable the scheme proposed has an acceptable layout, well design houses and good levels of landscaping as well having a phase 1 identity in the SAP. Therefore the change in outlook is not considered to be outweighed by the benefits of housing in this location as set out already in this report.
- 10.42 The 52 units proposed will add to the noise and disturbance within the area but the scheme is relatively small and sits within a well established residential area and the increase in noise disturbance is unlikely to be unduly harmful within the wider scope of the area. Conditions are recommended to limit construction times to be included within a construction management plan.

### Ecology

- 10.43 Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF advises that when determining planning applications, LPA's should aim to conserve and enhance bio-diversity. The whole site has locally valuable habitats (semi-improved grassland, hedgerow, scrub) that form part of the Leeds Habitat Network.
- 10.44 The application includes the submission of an Ecological Appraisal, including bat surveys. The existing derelict outbuildings on site will be demolished; these buildings have been identified as having multiple features of potential interest to roosting bats however no evidence of current or previous use of the buildings by roosting bats have been recorded during the nocturnal surveys undertaken in 2017, or during inspection and nocturnal survey works carried out during 2015. In view of the findings it is considered that roosting bats are not using buildings proposed for demolition.
- 10.45 The submitted ecological details identify that the trees and grassland on the site are used as a foraging and commuting resource by a number of bat species however they are limited in extent and similar alternative habitat is present within gardens and amenity space located in the immediate surrounding area.
- 10.46 No active bird nests were noted at the time of the sites ecological survey, the existing buildings on site do have potential to be used by nesting bird species during the bird breeding season. It is therefore recommended that demolition should be undertaken outside of bird breeding season (i.e. between September and February inclusive). However, if it is not possible to schedule demolition for these months, the submitted ecological report recommends that care is taken to avoid destruction of any nests. This seems a sensible approach to seek to ensure no offence is committed and a condition is recommended to secure that demolition is restricted to outside bird breeding season unless a scheme detailing method of demolition is presented to and agreed by the Council.
- 10.47 The POS on site will offer benefits in terms of biodiversity to maintain a degree of green corridor and habitat network.

### Flood Risk

- 10.48 Policy ENV5 of the LCS advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments.
- 10.49 The Council's Flood Risk Management Team have advised that the FRA and Drainage Strategy submitted is acceptable subject to a condition requiring the submission of a drainage scheme detailing how surface water drainage is to be dealt with. On this basis, it is concluded that the scheme will manage and mitigate flood risk in accordance with Policy ENV5 and guidance within the NPPF.
- 10.50 Yorkshire Water also raise no objections but note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water industry Act 1991), they must contact Yorkshire Water directly as this does not fall within the planning remit.

#### Sustainability

- 10.51 Core Strategy Policy EN1 requires that all developments of 10 dwellings or more will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations and provide a minimum of 10% of total energy needs from local carbon energy. Policy EN2 then requires all developments of 10 or more dwellings to achieve Code Level 4 from 2013 and Code Level 6 from 2016. However, following a fundamental review of technical housing standards the Government withdrew the Code for Sustainable Homes (from 27<sup>th</sup> March 2015). A condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy is recommended.

#### Other matters

- 10.52 The objections from local residents and Ward Members are largely addressed within the above report but the following point is noted:

Health Implications from powerlines:

- 10.53 A Government guidance document: Electric and Magnetic Fields: Health Effects of Exposure, was published on the 1 July 2013. Studies investigating the effects of electric fields have suggested that small charged particles, known as corona ions, which are generated by power lines, may cause health effects. However, there is little evidence to support this possibility. This guidance offers cases for and against effects on child health and cancer risk but comes to no firm conclusion either way. Advice provided by the National Grid (July 2008) states that: The Health Protection Agency (HPA, previously the National Radiological Protection Board) is responsible for monitoring the hazards to health from all forms of radiation. The Government relies on the scientific advice of the HPA, and has brought electric and magnetic fields (EMF) exposure limits into force in the UK accordingly. All of the electricity system, including all overhead lines, complies with these limits. The limits are set to prevent all established effects of EMFs on people, and the HPA advises that there is insufficient evidence of harmful effects (for example, cancer) below these levels to reduce the limits. The Government are considering whether any precautionary measures might be justified in addition to the exposure limits, based on a report from a stakeholder group called SAGE, but have not yet introduced any. Therefore, in the

UK at present, there are no restrictions on EMF grounds on building close to overhead lines.

## **11.0 PLANNING BALANCE**

11.1 In this case, although the application site is currently identified in the saved Leeds UDP as a Protected Area of Search (PAS), as it forms a group of land, which was considered to offer the potential to meet longer-term development needs. UDP Policy N34 is a policy for the supply of housing, as has been found in the recent appeal decisions to be deemed out of date. As Members will be aware Leeds has been found to have no 5 Year Housing Land Supply and as such Policy N34 cannot be considered up to date. Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and for decision-taking this means:

*Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent 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 this Framework taken as a whole;*

It is important to note however that an 'out of date' policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.

The Inspector has found that rather than being a restrictive policy, at paragraph 85 of the NPPF, bullet points 3 and 4 specifically relate to safeguarded land, which, whilst not allocated at the present time, meets longer term development needs. The test that then applies is whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole. The conclusion of this test will be a material consideration to be weighed in the balance when considering whether material considerations exist to outweigh the presumption in favour of the development plan in accordance with Section 38(6).

11.2 Weight must be attached to the fact that this application will make a reasonable contribution to housing supply within the City providing 53 units at a time when the Secretary of State has determined in the recent appeal decisions that the 5-year housing land supply requirement across the City is 6379 units per annum. It will therefore contribute to providing a supply of housing over the current plan period.

11.3 In terms of location of the development, whilst this is a greenfield site it is within the main urban area and whilst it is acknowledged that development of brownfield sites should be sought over the development of greenfield, development of undeveloped sites are not precluded by either the LCS or the NPPF. It is also Officers view that this site can be regarded as an infill development within the immediate area as it is adjoined on most sides by residential development.

11.4 In terms of social and environmental factors, it is noted that this proposal will result in the payment of the Community Infrastructure Levy, which although not a material consideration, could be utilised for a range of benefits e.g. contributing towards

education provision, green infrastructure or public realm improvements. Subject to the imposition of appropriate planning conditions, it is determined that the proposal has the capacity to sufficiently protect and enhance the bio-diversity on site, as set out in the report above, introduce positive drainage onto the site to ensure that there is no flood risk and require that the houses are adapted to climate change through Building Regulations and the provision of 10% of energy needs from low carbon energy.

- 11.5 Whilst there are some identified potential adverse impacts of the development (it is acknowledged that there will be an impact on outlook as well as an increase in traffic movements) however these are not considered to be so detrimental that they outweigh the presumption in favour of granting permission imposed by paragraph 14 of the NPPF. For local residents that adjoin the site, the development will result in a visual change to the landscape from the existing open nature and their existing views across the open site. With regard to their residential amenity, to include matters such as privacy and outlook, the application has been fully assessed to ensure that privacy and amenity distances between existing and proposed dwellings are sufficient to comply with the Councils separation standards as well as having due regard to the immediate and wider areas character.

## **12.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 12.1 The CIL Charging Schedule was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floor-space. However, CIL is not a material consideration and in any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.
- 12.2 There is also a requirement for site-specific requirements to be secured via a Section 106 agreement as assessed in the report and summarised below:
- Affordable Housing – 15% (with a 60% social rent and 40% submarket split);
  - Provision of a travel plan fund contribution of £26,522.10
  - Contribution of £2500 per plot to mitigate the cumulative impact of this development and other sites on the Outer Ring Road junction with the A647 (Dawsons Corner)
  - Travel Plan Review fee of £2,500.
- 12.3 From 6th April 2010 guidance was issued stating regarding planning obligations and the list of obligations above are considered to meet the tests set out in the PPG.

## **13.0 CONCLUSION**

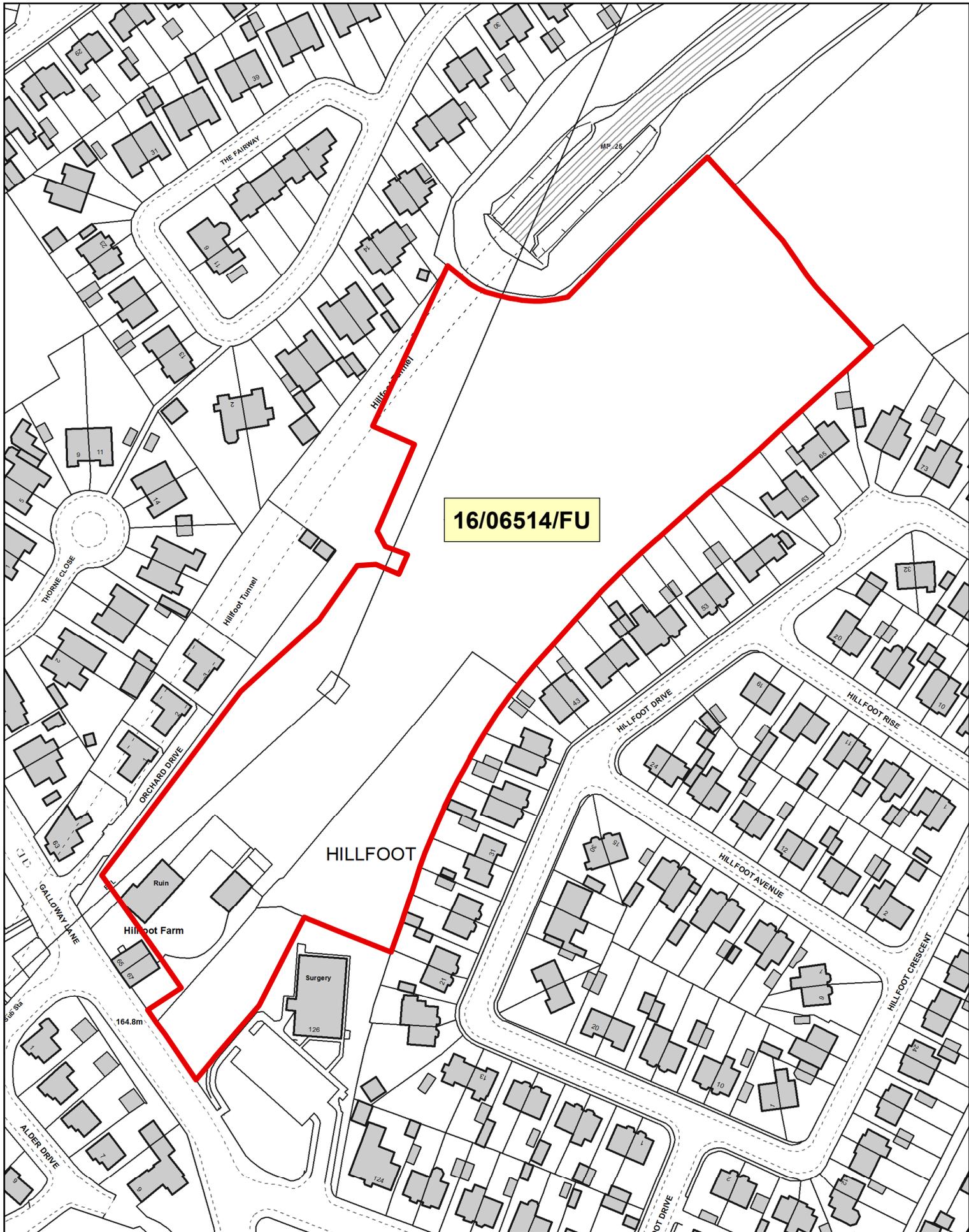
- 13.1 The application site is identified as a Protected Area of Search (PAS) on the UDP Policies Map but is further proposed as a phase 1 housing site in the Submissions Draft SAP. At this point in time, Policy N34, is time expired, conflicts with the objectives of the NPPF and can be afforded little weight. Due to its stage of preparation, the Submission Draft of the Site Allocations Plan can also be afforded material weight and whilst the application is considered premature in light of the stage of plan making, it does accord with the proposal in the SAP. Further, in light of the lack of 5 year land supply there is a presumption in favour of granting permission and there are considered to be no significant demonstrable adverse impacts which outweigh that presumption

- 13.3 The scheme will bring forward 52 new dwellings to include 15% affordable housing and there are no highways impact concerns. The site is also considered to be sufficiently accessible to local services and facilities in accordance with the Council's Accessibility Standards such that it is considered to represent a sustainable development with a presumption in favour of such development clearly expressed within the NPPF.
- 13.4 Therefore, having taken all representations received into account and given the compliance of this application with relevant Policies within the Core Strategy, it is recommended that planning permission be granted subject to the list of recommended conditions at the head of this report and a S106 Legal Agreement.

**Background Papers:**

Application file: 16/06514/FU

Certificate of Ownership: Notice served on Mr Stuart Fielding



16/06514/FU

# SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

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

SCALE : 1/1500



# GALLOWAY LANE | PUDSEY



### Enclosure Details.

- Indicative Landscaping - Refer to Landscape Architects Details
- Rear and dividing fences to be 1.8m Close boarded timber fence
- 1.8m Brick Wall
- 450mm Timber Knee Rail
- Garden Gate - SW legged and braced gate 1.8m high
- Tarmac driveways with concrete path edging
- Rear Garden Patios and Access Paths Marshalls Saxon concrete paving slabs. Colour Buff.
- Affordable Units
- 15m Standoff - No habitable rooms in this zone

Refer to Landscape Architects details for proposed Landscaping

Site Access road - Tarmac to adoptable highway standards

- Retained tree
- Removed tree
- Root protection

House Type	Accommodation	Floor Area Ft²	Total Units	Total Ft²
<b>Private</b>				
T4	4B HOUSE	1339	5	6695
T4alt	5B HOUSE	1673	1	1673
T8	4B HOUSE	1343	3	4029
T11	4B HOUSE	1254	4	5016
N1	4B HOUSE	1217	2	2434
N1sp	4B HOUSE	1331	4	5324
T15	4B HOUSE	1290	5	6450
T14	3B HOUSE	1061	6	6366
T10	3B HOUSE	966	4	3864
T7	3B HOUSE	1001	10	10010
<b>Sub total</b>			<b>44</b>	<b>51861</b>
<b>Affordable</b>				
T6	2B HOUSE	741	6	4446
A7	3B HOUSE	966	2	1932
<b>Sub total</b>			<b>8</b>	<b>6378</b>
<b>TOTAL</b>			<b>52</b>	<b>58239</b>

Rev	Date	Comments
A	20.10.16	Layout updated in line with highway consultant comments. forward vis displayed. plots moved to accommodate.
B	01.11.16	Layout updated to suit drainage easements. Plots 52-55 included in schedule.
C	18.11.16	Layout updated to show revised drainage easement
D	21.11.16	Layout updated to suit clients comments
E	23.11.16	N1+ Types updated to New Hay Type, schedule updated to suit latest sq ft
F	17.01.17	Layout updated in line with local authority comments.
G	21.02.17	Plots 51 & 52 removed from scheme. Plot 3 substituted to T12. Plots 31 & 32 substituted to pair T7's. Plots 35-37 replanned. Overall units reduced by 2.
H	23.02.17	Minor boundary tweaks inline with clients comments. Rear gardens to 45-47 increased, rear gardens to 48-50 decreased. 5 bed T4 variant introduced. Garage position of plots 22 & 50 amended. Plots 35-37 replanned. T14 removed. N1 sqft updated.
J	16.03.17	Plots 51 & 52 reinstated, plot 53 removed. entrance junction widened to 6m. T14 replaces T13. Section of hedge to the rear of plots 35/37 removed.

Rev	Date	Comments
K	20.03.17	Position of plots 11 & 12 amended. Vis splay indicated to junctions. Plots 51 & 52 attached.
L	27.03.17	Woodland edge to north easterly edge retained in its entirety, footpath connection removed. Parking to plot 37 amended to suit.
M	28.03.17	Additional Vis splay shown. Plots 3 switched to T10. Landscape proposals shown.
N	03.05.17	Parking area for plots 33, 4 & 5 amended. Plots 31-32 now affordable and switched to affordable 3 bed type. 37 now private
P	06.06.17	Site renumbered. Amends to plots 51/52 & 2. Schedule amended to suit. Rear boundary to plots 41-47 amended. Speed ramps rationalised
Q	23.06.17	Width of the road at bends increased to accommodate revised vehicle tracking.

Rev	Date	Comments
R	14.07.17	T11 house type updated in line with clients comments. Schedule amended to suit.
S	23.08.17	Updated inline with latest landscaping design.

Drawing Number: 1623.02	Project: Galloway Lane, Pudsey	Date: August 2016
Client: Berkeley DeVeer	Drawing Title: Planning Layout	Scale @ A1: 1:500
		Revision: S



STEN Architecture Ltd  
 Suite 4, Unit 1,  
 Benton Office Park,  
 Bennett Avenue,  
 Horbury,  
 Wakefield,  
 WF4 9SA.  
 Tel: 01924 688424

Web: www.sten-architecture.co.uk  
 Twitter: @STEN\_arch  
 Facebook: stenarchitectureltd  
 LinkedIn: Sten Architecture

