



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 15th February 2018

Subject: 17/02790/FU - Residential development of 43 houses with associated landscaping and access on land to the rear of 5 and 14 Merton Close, Kippax

Applicant – Berkeley Deveer

Electoral Wards Affected:

Kippax and Methley

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions (including any amendments/additions as requested) and the prior completion of a Section 106 Agreement to cover the following:

- **Provision of Affordable Housing (7 units).**
- **On site landscaping / green space to be made available and maintained by the developer and retained for the lifetime of the development.**
- **Employment and training initiatives in relation to the construction process.**

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions:

1. Time limit (3 years)
2. Plans to be approved
3. Details of materials to be approved
4. Construction Management Plan
5. Submission and implementation of landscaping details, including replacement tree planting.
6. Landscape management plan.

7. Protection of retained trees and hedges.
8. Preservation of retained trees and hedges.
9. Provision for replacement trees.
10. Construction Environmental Management Plan
11. Biodiversity Enhancement and Management Plan
12. Scheme of Bat roosting and bird nesting features
13. Surface water drainage details to be agreed, in accordance with Flood Risk Assessment
14. Vehicle spaces to be laid out
15. Cycle parking
16. Electric vehicle charging points
17. Removal of permitted development rights for extensions and roof alterations.
18. Removal of permitted development rights for additional windows in gable ends.
19. Site investigation report
20. Amended remediation statement
21. Verification report
22. Importation of soil

1.0 Introduction:

- 1.1 The application is presented to City Plans Panel as it involves a major housing development on part of a site which is designated as a Protected Area of Search (PAS) in the Leeds UDP Review.
- 1.2 Some Members may recall a previous planning application, reference 13/03846/FU, which proposed a residential development of 156 dwellings and associated works on a much larger area of the same PAS site, to the west of the current application site. In that particular case, Members resolved to refuse planning permission on the grounds of prematurity, highway impact and the lack of a signed S106 agreement. Following the lodging of an appeal by the developer, the highway and S106 matters were ultimately resolved, leaving only the prematurity matter to be considered at the public inquiry. However, the subsequent release of a number of other adverse appeal decisions determined that the Council could not demonstrate a 5 year housing land supply. Following the exchange of evidence, it became clear that the Council had no reasonable prospect of success at appeal and consequently it was not contested. The public inquiry proceeded in summer 2016 and the appeal was ultimately allowed by the Planning Inspector in 2016. The developer is now on site and delivering new homes as part of that consent.

2.0 Site and Surroundings:

- 2.1 The site relates to a small field to the north of residential properties located along Sandgate Drive and Merton Close. The site is relatively level and is largely grassed, with some elements of self-seeded tree and shrub growth. The field boundaries to the north-west and north-east are comprised of existing hedgerows. The southern boundary against the residential properties is comprised of domestic fences, hedging and other ornamental planting. A public right of way (Sandgate Lane) exists to the west of the site and links Sandgate Drive to Selby Road (A63) in Garforth. A field gate provides access to the field from the northernmost tip of the site, adjacent to the Sandgate Lane footpath. A bridleway and claimed byway also exists outside the eastern boundary of the site.
- 2.2 Access to the site is to be achieved from the end of Merton Close, utilising the existing private drive part of the front garden area to No. 14 Merton Close. The

private drive is currently comprised of loose chippings and a landscaped area including shrubs and small trees currently exists in front of the turning head, probably planted when the existing development was constructed.

- 2.3 The existing residential properties to the south of the application site, along Sandgate Drive and Merton Close, are all bungalows. Bungalows are common in the surrounding area, though there are also some two-storey houses, such as along Sandgate Drive, to the west of the Sandgate Lane footpath.
- 2.4 The area of land behind Sandgate Drive and to the west of the Sandgate Lane footpath leads westwards towards the current housing development of 156 dwellings, as described in the introduction, and comprises part of the greenspace. The remainder of the land to the north-west appears as open grassland on the brow of the hill and contains a number of informal paths used by walkers. The land to the north and east contains open agricultural land.

3.0 Proposals

- 3.1 The development was originally submitted for 41 houses and through negotiations over time, principally relating to layout and housing mix issues, that number increased to 46 and is now reduced to 43 units.
- 3.2 The proposals include what is inevitably a cul-de-sac development, due to the size, nature and location of the site, through extending the existing highway beyond the end of Merton Close. The layout includes a rudimentary spine road leading to a cul-de-sac with houses on one side, overlooking the Sandgate Lane footpath and the greenspace and other open land to the west. A cul-de-sac to the north results in houses overlooking the landscape buffer, retained existing hedgerow and agricultural land to the north. The cul-de-sac to the south contains houses which front the street. Two properties are located sideways on to the street, but this is over a short distance and is not an unusual relationship. The properties on the southern side of the site essentially back on to the existing properties on Sandgate Drive and Merton Close, though they are separated by a narrow strip of land which is not in the applicant's ownership.
- 3.3 The scheme contains a bungalow proposed to the north of No. 14 Merton close, though the remainder of the properties are two storey houses. Thirteen house types, including the bungalow, are proposed for the market sale units, whilst a further two house types are proposed for the Affordable Housing units.
- 3.4 The proposals include the retention of the strong hedgerow feature to the north and east of the site, as well as the retention of vegetation and landscape setting to Sandgate Lane, to the western side of the site.

4.0 Relevant Planning History

- 4.1 13/03846/FU - Residential development of 156 dwellings and associated works – Refused, but allowed on appeal.

5.0 Engagement

5.1 The applicant had historically carried out a community consultation exercise in 2014, though no application was subsequently submitted. A second consultation exercise, pertinent to the development scheme now proposed, was then carried out in early 2017. Leaflets were distributed to residential properties in close proximity to the site, as well as to Ward Members and Kippax Parish Council. Additionally electronic consultation took place via a website that was set up. It is understood that 6 responses were received by the applicant which raised concerns regarding overshadowing and loss of privacy / outlook; access, highways and increase of traffic concerns; landscape buffer with neighbouring Green Belt; ecology; drainage and sewerage issues; noise from construction; property devaluation; boundaries; and detailed plans of proposed properties.

6.0 Public / Local response

6.1 The application has been advertised by site notices posted 26th May 2017 and 26th October 2017, as well as through publication in the press, dated 17th May 2017.

6.2 A total of 13 representations have been received in relation to the application.

6.3 Kippax Parish Council has stated objection to the proposals on the following grounds:

- Infrastructure in Kippax cannot cope with traffic that another housing development will bring.
- The site plan shows cul-de-sac roads that are too narrow for emergency vehicles.
- The height of the houses, which are adjacent to existing bungalows, will have a negative impact on the view from the surrounding area.
- The site plan does not show enough green spaces for the proposed residents.
- The Parish Council also objects to construction traffic coming through the village if permission is granted. Sandgate Lane gives direct access to the site from Selby Road, Garforth, and should be improved by the developer to bring their construction vehicles on to site, thus alleviating the problem of village congestion and disturbance to residents.

6.4 The remaining 12 letters of representation from local residents (all objections) have stated concerns in relation to the following matters:

- The ability for existing residents in Merton Close to reverse out of their driveways safely. The plans have omitted to show existing private driveways.
- The earlier 2014 consultation did not include all residents of Merton Close.
- The proposed site has never been included on the original or revised Site Allocations Plan (SAP).
- The proposal will extend over the settlement boundary for Kippax.
- There will be a loss of trees, hedgerows and habitats for wildlife, which will compound already diminishing habitats in the local area.
- This development is close to an already ongoing similar development of 156 houses with properties of a similar size.
- Merton Close is a cul-de-sac serving 10 properties, 5 of which are accessed by 2 private drives and these drives are not on the plans for the proposed development. Therefore they do not show the difficulty residents from these properties will encounter when exiting their drive. There is a lack of sight from the proposed access to the development from the private drives serving the 5 properties. Cars reverse out of these onto Merton Close.

- On the plans for the proposed development access is at the head of Merton Close. There is no access at the point where the curb is dropped and a telephone pole is in the centre of this proposed access. This telephone pole serves all the properties in Merton Close.
- There will be an increase in traffic using Merton Close and also the surrounding roads leading onto the main access roads in and out of Kippax, particularly at peak commute times if these are to be family homes.
- Construction traffic will access the proposed development through Merton Close therefore increasing noise and the daily amount of vehicles in the cul-de-sac causing an impact on existing residents.
- Water pressure in Merton Close is only adequate in my property and increasing the amount of houses taking the supply will have an adverse effect my pressure.
- Proposed 2 storey housing is not in character with the immediate boundary properties which are bungalows.
- There will be an increase on local amenities such as an already overwhelmed Health Centre.
- 3 & 4 bedroomed "family homes" do not allow younger members of our families to buy homes and stay within their local communities.
- Many residents purchased houses in the area because it is a quiet cul-de-sac and residents are of similar ages.
- Local residents feel let down that the previous appeal relating to the remainder of the PAS site was not contested – the objections are still valid and relevant to this application. The Council does not listen to the views of local people.
- The proposal will erode further greenspace around Kippax
- Brownfield sites should be considered in preference to greenfield sites such as this.
- The proposals will be noisy and unsafe.
- The developer of the adjacent development site, via Baildon Avenue and Bula Close, has caused significant problems with their disregard for the Construction Management Plan.
- Merton Close is made up entirely of bungalows and houses will be out of keeping, despite attempts to landscape.
- When some properties were completed in 1979, the developer had to move a boundary by 1m due to the discovery of a vent shaft nearby. It is questioned whether there are others in the vicinity.
- Water pressure is an issue in the area, despite the pumping station on Sandgate Drive. Additional properties will exacerbate the situation.
- The planning application form is inaccurate in respect of trees and hedgerows. The site has an abundance of wildlife including many birds nesting, these will all be displaced should development be allowed.
- Approaching Kippax from the north along Sandgate Lane there is no visible site of any housing, the view is of open countryside and should this development be permitted the proposed 2 storey houses would stand above the present eye line of houses and have an adverse effect on the view.
- Travelling along Ridge Road and looking over to Kippax the view is of open countryside and building 2 storey housing on the land behind Merton Close will extend the boundary of Kippax and have an adverse impact on the view over open land.
- The Persimmon development is having a negative impact on all the surrounding roads in Kippax and not just the ones in close proximity to the development. Allowing this development to proceed will compound this. The lack of good traffic management practice from the Persimmon site on a daily basis onto the roads of Kippax could be alleviated on this site by considering access to the Merton Close development from the A63 along Sandgate Lane.

- This development is at the highest point overlooking the Sandgate estate and will have an imposing detrimental effect on the eye line of the surrounding houses.
- The full impact of the development already taking place in Kippax should be considered before any more major developments are approved because the flow of water supply to Merton Close is only adequate and the sewers in Kippax are old and are prone to bursts without adding more houses into the mix.
- Concern that the strip of land outside the applicant's ownership could become a footpath in time.

7.0 Consultation responses

Statutory

Highways: - The revised proposals address the issues raised in previous consultation responses. The scheme is acceptable subject to conditions relating to vehicle spaces being laid out, construction management plan, cycle parking and the provision of electric vehicle charging points.

Non-statutory

West Yorkshire Combined Authority: - The site is located within the recommended 400m from the nearest bus routes that operate on Gibson Lane. We generally take a pragmatic approach to walk distances to take the size and location of development sites into account. When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop.

Bus services which operate on Gibson Lane include the 163/166 which operate between Leeds and Castleford at a 15 minute frequency. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route or frequency.

The closest bus stops on this corridor 13303 and 25930 do not have shelters. As part of this scheme, a bus shelter could be provided at the above named stops at a cost of £20,000 to the developer to improve the public transport offer. In order to access these stops, safe and direct pedestrian links are required.

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.

The payment schedule, mechanism and administration of the fund would have to be agreed with Leeds City Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £20,137.15. This equates to bus only Residential MCards.

Contaminated Land: - The phase 1 desk study report submitted in support of the application identifies the need for a phase 2 site investigation. Overall, no objections

subject to conditions to secure site investigation, provision for amended remediation statement, verification reports and the importing of soil.

Flood Risk Management: - No objection subject to the imposition of conditions dealing with surface water drainage.

Public Rights of Way: - The erection of the houses does not appear to affect the rights of way, and if this is the case, this office has no objection to the proposal. It is confirmed that the built development does not impact on the route of the public right of way.

Yorkshire Water: - No objections, subject to the development being carried out in accordance with the submitted Flood Risk Assessment and associated details.

8.0 Relevant Planning Policies

8.1 The Development Plan

8.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Review Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. The Aire Valley Leeds Area Action Plan (adopted November 2017)
5. Any made Neighbourhood Development Plan

These development plan policies are supplemented by supplementary planning guidance and documents. The UDP designates the application site as a Protected Area of Search (PAS).

8.1.2 The following Core Strategy (CS) policies are 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 8 Economic Development Priorities
- Policy H1 Managed release of sites
- Policy H2 New housing development on non-allocated 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 G1 Enhancing and extending green infrastructure
- 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

8.1.3 The CS sets out a need for 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations. It is noted that the application site falls within the Outer South East Housing Market Characteristic Area (HMCA) identified in the CS. In terms of distribution 4,600 houses are anticipated to be delivered in the Outer South East Area.

8.1.4 The application site is identified in the Unitary Development Plan (UDP) Review as being covered by Policy N34. The full wording of Policy N34 is as follows:

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT.

8.1.5 Other UDP Review policies considered to be of relevance are as follows:

GP5: General planning considerations.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N34: Protected Area of Search (PAS).
BD5: Design considerations for new build.
H3: Delivery of housing on allocated sites.
LD1: Landscape schemes.

8.1.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Development Plan. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

8.1.7 Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).
SPG10 Sustainable Development Design Guide (adopted).
SPG11 Section 106 Contributions for School Provision (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (adopted).
SPD Leeds Parking SPD (adopted).
SPD Sustainable Design and Construction (adopted).

Emerging Policy:

8.1.8 The Submission Draft Site Allocation Plan (SAP) identifies the site as Safeguarded Land (site HG3 – 19), essentially carrying forward the PAS function from the UDP Review. The full wording for Policy HG3 is as follows and will replace Policy N34:

HG3 – SAFEGUARDED LAND THE SITE ALLOCATIONS PLAN DESIGNATES SITES TO BE SAFEGUARDED FROM DEVELOPMENT FOR THE PLAN PERIOD (TO 2028) TO PROVIDE A RESERVE OF POTENTIAL SITES FOR LONGER TERM DEVELOPMENT POST 2028 AND PROTECT THE GREEN BELT.

8.1.9 The SAP is at examination and accordingly significant weight can be given to this emerging policy.

8.1.10 The Pre-submission Draft Kippax Neighbourhood Plan was published and consulted upon and a Pre-Submission Plan is now being prepared. The Neighbourhood Plan does not propose to allocate any land for housing, but does currently propose housing related policies in respect of housing mix, Affordable Housing and design, which reflect those in the current Development Plan. As the plan is in its early stages in moving towards adoption, only limited weight can be applied to this document at this time.

8.2 National Planning Policy Framework (NPPF)

8.2.1 The introduction of the NPPF 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.2.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. The overarching policy of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both plan-making and decision-taking. Paragraph 14 states that, for decision-taking, this, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent or silent or where policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. The NPPF identifies 12 core planning principles (paragraph 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Conserve and enhance the natural environment
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable

8.2.3 The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of Chapter 4 of the NPPF.

8.2.4 At paragraph 32 of the NPPF, it is advised that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether: (i) the opportunities for sustainable transport modes have been taken up; (ii) the residual cumulative impacts of development are severe.

8.2.5 At paragraph 35 of the NPPF, opportunities for sustainable transport modes should be exploited. Where practical, priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Where practical, safe and secure layouts should be provided which minimise conflicts between traffic and cyclists or pedestrians.

8.2.6 The Government attaches great importance to the design of the built environment. Section 7 (paragraphs 56-66) 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. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.2.7 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.2.8 At paragraph 85 it states that when defining Green Belt boundaries, Local Planning Authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plan area of 'safeguarded land' between the urban and Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and

- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

8.2.9 At paragraphs 111, 113 and 118 the NPPF gives guidance relevant to this proposal in respect of ecological and related matters.

8.2.10 The NPPF also sets out guidance that regard should be had to contamination and that development sites should be made suitable for their end use and mineral interests should be protected/safeguarded.

8.2.11 Policy at Annex 1 to the NPPF (Implementation) includes paragraph 215 which is to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. The degree of consistency between relevant, existing policies and the proposed development has been appropriately considered.

8.3 Online Planning Practice Guidance (PPG):

8.3.1 Further to the NPPF, appropriate regard has been had to the PPG, including to the section advising in respect of the circumstances in which it may be justifiable to refuse planning permission on the grounds of prematurity (in the present case, with regard to the SAP).

8.4 DCLG - Technical Housing Standards 2015:

8.4.1 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 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. These are being considered as part of the Core Strategy Selective Review.

8.4.2 The proposal consists of 43, two, three and four bedroom dwellings ranging from 4 to 8 potential bed spaces. Having analysed the house types and their sizes, 60% would comply with the standard and all of the houses either comply with the standard or are within 15sqm of the technical standard.

8.4.3 A verbal update regarding the latest position with the SAP and Core Strategy Selective Review (where relevant) will be provided as part of the officer presentation.

9.0 Main issues

1. Principle of development
2. Housing issues
3. Highways and Transportation
4. Urban design
5. Landscape and greenspace

6. Ecology
7. Drainage and flood risk
8. Residential amenity
9. Section 106 obligations and CIL

10.0 Appraisal

10.1 Principle of development

Background

- 10.1.1 This application site forms part of the eastern extent of the PAS site to the north of Kippax. The majority of the site (85%) was subject to planning application 13/03846/FU which proposed 156 dwellings. That application was refused planning permission by the Council on the grounds of prematurity (including conflict with the emerging SAP), highway impact and lack of a S106 agreement at that time. However, following the release of a number of other adverse appeal decisions following the exchange of evidence, it became clear that the Council had no reasonable prospect of success at appeal and so it was not contested. The public inquiry went ahead in summer 2016. The Inspector noted in paragraph 6 of her decision *'The main issue in this case is whether or not the proposed development represents sustainable development having regard to local and national planning policies.'* The appeal was ultimately allowed by the Planning Inspector. The developer is now on site and delivering new homes. The current application subject to this report therefore seeks to complete the residential development on the remaining 15% of the PAS site.

National Planning Policy Framework (NPPF)

- 10.1.2 The NPPF compliments the requirement under section 38(6) of the Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.
- 10.1.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary.
- 10.1.4 The overarching policy of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both plan making and decision-taking.
- 10.1.5 Paragraph 14 of the NPPF provides, specifically in the context of decision-taking, that development proposals that accord with the development plan should be approved without delay, and where the development plan policies are out of date etc., planning permission should 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 (or where specific policies in the NPPF indicate development should be restricted).
- 10.1.6 The approach taken by officers to, and application of, paragraph 14 of the NPPF, is outlined below.

- 10.1.7 First, for the purposes of paragraph 14 and decision-taking, it is considered that the proposed development does not accord with the Development Plan. The application site is not allocated for housing purposes, rather it is specifically designated as a Protected Area of Search (PAS) under Policy N34 of the UDP Review. It is noted that the Submission Draft Site Allocations Plan (SAP) proposes to retain the site as Safeguarded Land – this is due to a decision to proceed on that basis being taken before the appeal on application 13/03846/FU was lodged and subsequently allowed. This is therefore not a case in which planning permission should simply be approved “without delay”, though clearly some regard and balance must be struck with the fact that the majority of the PAS site is already being developed for housing as granted on appeal.
- 10.1.8 Second, for the purposes of decision-taking under paragraph 14, officers note paragraph 49 of the NPPF, which advises that housing applications should be considered in the context of the presumption in favour of sustainable development, where 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. The LPA is currently unable to demonstrate a five-year supply of deliverable housing sites (with the shortfall in housing land also having duly been taken into account by the LPA), meaning that any relevant policies for the supply of housing should not be considered to be up-to-date for the purposes of paragraph 14.
- 10.1.9 Thirdly, Paragraph 85 of the Framework is a restrictive policy in the context of the paragraph 14 and footnote 9. The Council considers that Paragraph 85 is plainly restrictive of development on Safeguarded Land. Consequently, development must not occur on Safeguarded Land whilst the site remains identified as such. These designations are not in place in perpetuity, and when they are removed via the Local Plan process development can be envisaged. There is nothing in paragraph 14 footnote 9 that requires the restrictive nature of the policy to be in perpetuity, and as such the correct reading of paragraph 85 is to find that it is restrictive in its own terms whilst the designation of Safeguarded Land remains in place.
- 10.1.10 Furthermore, Paragraph 85, and Policy N34 is fully compliant with the provisions of this paragraph provisions (particularly bullet points 3 and 4). Bullet point 4 states that local authorities should *“make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposed the development”*. Where, by paragraph 85, Safeguarded Land only to attract weight when the plan under which the policy was initially housed was extant Policy N34 serves the very purpose of ‘safeguarded land’ that is promoted by paragraph 85 (bullets 3 and 4).
- 10.1.11 Both N34 and paragraph 85 are fully aligned as their stated intention to ensure that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review proposing the development of a particular safeguarded site. This is already underway as mentioned earlier in this report.
- 10.1.12 With regards this application, whilst these paragraphs are fully engaged, the Council considers having taken a review of the NPPF policies as whole, that the presumption in favour of sustainable development does not, in this specific instance, require or render appropriate a restriction of the development so as to refuse permission.

- 10.1.13 The conclusion that the proposed development amounts to sustainable development (considered in the remainder of this report) is had especially with regard to the economic and social dimensions of sustainability, as they are defined under paragraph 7 the NPPF, etc. In terms of the economic role not least, the appeal site is considered an acceptable location (in the context of the already allowed appeal) for residential development. Further, and in terms of the social role not least, the residential development of this remaining part of the PAS site is considered to be adequately accessible and relatively well located in relation to public transport infrastructure.
- 10.1.14 The proposal is for a modest quantum of housing (43 units) and this provision is to be welcomed in and of itself (as is the case in each housing scheme, especially in the absence of a five-year housing land supply).
- 10.1.15 Third, this is therefore a case in which, ultimately, a grant of permission is not considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, in applying paragraph 14 of the NPPF. As a result therefore, the proposed development is considered to be sustainable.
- 10.1.16 As such, in terms of the proposed development, it is considered that the presumption positively applies in favour of the application proposals.
- 10.1.17 Given the decision-taking presumption under paragraph 14 to positively favour the application proposal, for the purposes of section 38(6), officers conclude that this material consideration would prove significant enough as to indicate that planning permission should be granted.
- 10.1.18 It is noted that the Submission Draft SAP seeks to persevere in promoting the site as safeguarded land (essentially carrying forward the PAS function) and that other sites are being promoted as a housing sites in order to meet the identified needs for this Housing Market Characteristic Area (HMCA). However, as noted above, the vast majority of the PAS site is subject to an allowed appeal and the application proposal under consideration here constitutes a relatively small quantum of development (43 units) on the small remaining piece of the PAS site. Given the particular specific circumstances in this case, it is not considered that there would be any significant undermining or negative effects to granting permission and thus the proposed development is not considered to be objectionably premature.
- 10.1.19 Noting that paragraph 14 (decision-taking) is required to be considered in the light of all relevant policies of the NPPF, 12 core planning principles are identified at paragraph 17, which advise (amongst other matters) that planning should:
- Be genuinely plan-led
 - Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving places, with every effort being made to objectively identify the development needs of an area
 - Encourage the effective use of land by reusing land that has been previously developed (brownfield land)
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable.

10.1.20 At paragraph 216, the NPPF also advises on the weight to be given to emerging plans, which is of relevance to the SAP (of which there is an Examination Submission/draft, and which is at a very advanced stage):

216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

10.1.21 No part of the application site is proposed to be allocated for housing in the SAP in so far as it relates to Outer South East Area. Identified housing sites (under Submission draft/policy HG1) and housing allocations (under Submission draft/policy HG2) located within this Area, coupled with Broad Locations (under Revised Submission Policy BL1) provide housing to meet the indicative housing allocation capacity/target of 4,600 “new units”. At Submission stage of the Plan the Outer South East HMCA was 222 units below the HMCA target. However, the allowed appeal on the remainder of the Sandgate Drive PAS site for 156 units will have to be taken into account before Adoption of the SAP.

Site Allocations Plan (SAP)

10.1.22 For the purposes of paragraph 216 of the NPPF, the SAP is at a very advanced stage. The Submission draft was submitted to the Secretary of State for Examination on 5th May 2017. The expectation is that housing element of the Examination will be held in Summer 2018 with the likely adoption of the SAP in Spring 2019.

10.1.23 No part of the application site is either identified or allocated for any housing under the SAP (just as is the case under the Development Plan). As discussed above, any residential development of the appeal site would be contrary to emerging (and existing, under the UDP Review) allocations.

10.1.24 Further to the fact that no part of the appeal site is allocated for housing under the SAP, the SAP explains, at paragraph 3.6.9, that even in the case of the in principle acceptability of residential development (i.e. in the event that the specific site is allocated for housing), various site-specific and generic requirements (including schools delivery, ecology, flood risk and highways) additionally fall to be considered over and above the allocation, as part of the consideration of the particular proposal on the merits. In the instance of the application proposals, the quantum of development is relatively small, particularly with regard to the wider development allowed on appeal and also noting the context and size of the wider settlement of Kippax. It is not therefore considered that a grant of permission for this level of development would undermine the SAP as to significantly affect decisions about the planning and provision facilities such as schools etc.

10.1.25 Accordingly, the application proposals are not considered to constitute a significant and harmful departure from the SAP and would not undermine the assessed and strategically preferred sites intended for the delivery of housing consistent with the identified sites and allocations under the SAP draft policies HG1 and HG2.

National Guidance – Five Year Supply

10.1.26 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for 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. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered.

10.1.27 The LPA currently lacks a 5 year deliverable supply of housing land, and as above, under paragraphs 14 and 49 of the NPPF, any relevant policies for the supply of housing should be considered to be out of date. Even in this event however, they remain relevant under the Development Plan for decision-taking pursuant to section 38(6) of the 2004 Act, it being a matter of the weight to be attached to these relevant policies.

10.1.28 Further to the above discussion of paragraph 14 of the NPPF and the view that the proposed development would be sustainable, it is also considered that the application proposals would be deliverable given the modest quantum of development and straightforward, greenfield nature of the site. It is therefore considered that housing development on this site would likely contribute swiftly to housing land supply, as is the current development on the majority of the PAS site, previously allowed on appeal.

Conclusion

10.1.29 In light of the above, the context is that having considered the sustainability credentials of the proposals (discussed in the remainder of the report), together with those of the larger development on the majority of the PAS site, and in light of the Council's lack of a 5 year housing land supply, the principle of housing development is considered to be acceptable, as it was also previously been found to be on the appeal scheme. Logically, it therefore follows that the smaller amount of development for the 43 houses proposed in this application, on an adjacent part of the same PAS site, in what are essentially the same circumstances in terms of sustainability and housing land supply, is also be acceptable in principle.

10.2 Housing Issues

10.2.1 The Council is not able to demonstrate a 5 year housing land supply and so a windfall development on this site could help to remedy the Council's 5 year housing land supply position in advance of the adoption of SAP. As discussed above, for the quantum of development proposed, on a site which is already largely being developed for housing and is considered to constitute sustainable development, the principle of housing is accepted.

10.2.2 As discussed further in the remainder of this report, it is considered that there are no significant adverse impacts that cannot be mitigated through the use of planning conditions and planning obligations in order to ensure that the proposals are

acceptable in planning terms. The development is considered to constitute sustainable development, in compliance with the NPPF, and will assist in the delivery of housing, to which significant weight is attached.

10.2.3 The planning application proposes dwellings to be provided at the following mix:

	Policy H4 Min %	Policy H4 Max %	Policy H4 Target %	Proposed Housing Mix %
1 Bed	0	50	10	0
2 Bed	30	80	50	16.3%
3 Bed	20	70	30	34.9%
4 Bed	0	50	10	48.8%

10.2.4 The proposed mix has improved through negotiations during the application process to more closely comply with the requirements of Policy H4. It is noted that the number of 2 bed units falls below the stated policy minimum. However, it is important to remember that the mix is to be considered in the context of new housing across the whole city, including the city centre etc. the local area is characterised largely by bungalows, many of which are smaller properties. Accordingly, introducing new houses with the mix proposed is not considered injurious in terms of the local context and arguably will help to diversify the local range of housing available.

10.2.5 Assessment of the scheme against the DCLG Technical Standards (and which the Council is also seeking to adopt as part of the Core Strategy Selective Review), is set out in the policy section of this report. The proposal consists of 43, two, three and four bedroom dwellings ranging from 4 to 8 potential bed spaces. Having analysed the house types and their sizes, 60% would comply fully with the standard. Of those which do not fully meet the recommended standard, the shortfall is generally relatively modest and does not exceed 15spm of the technical standard. Furthermore, officers consider all the houses types to provide good levels of amenity in terms of the receipt of natural light and ventilation, separation, outlook and external amenity space provision. The overall quality of the internal living environment proposed is not therefore considered to have been compromised as a result of the shortfall.

10.2.6 The affordable housing policy requirement for this area is 15% and it is noted that the Core Strategy Selective Review proposes this target as a minimum. The application proposals seek to be policy compliant and provide 5 two bedroom houses and 2 three bedroom houses, therefore providing 16.3% on site Affordable Housing provision. Whilst the Council has a policy of 'pepper potting' Affordable Housing, registered providers generally prefer to take on small clusters of houses across a development, rather than a very literal approach being taken to 'pepper potting'. Such an approach was advanced on the appeal scheme for 156 houses to the west of the site. In the context of the application site, there are two clusters of Affordable Housing units, located in the central / southern side of the site. In view of the clustering and geographical locations on the larger appeal site, it is considered that the overall approach in this application is acceptable given the scale of development and takes a comparable approach.

10.3 Highways and Transportation

Accessibility

- 10.3.1 The wider PAS site does not fully meet Core Strategy Accessibility Standards and this application site boundary is comparable in this respect. Whilst access to local services, primary education and health centre are all within the prescribed criteria, the closest bus stops located on Gibson Lane are slightly beyond the designated 400m walking distance. These stops are served by Service No.'s 163/166, which provide the required combined service frequency of 4 buses per hour to Leeds and Castleford. The nearest secondary school (Brigshaw High School) is around 2700m walking distance from the site, slightly beyond the recommended walking distance of 2400m.
- 10.3.2 Whilst the site does not fully achieve Core Strategy Accessibility Standards, the principle of residential development at this location requires consideration in light of the assessment which was also carried out by the Inspector for the 156 house scheme to the west of the site, which was allowed. Accordingly, whilst the scheme does not fully meet the standards, any perceived harm is not considered to be so significant as to warrant a refusal of planning permission. Indeed, in light of the appeal decision, it would be extremely difficult for the Council to substantiate evidence of harm in the event of an appeal.
- 10.3.3 It is noted that West Yorkshire Combined Authority (WYCA) have provided a consultation response seeking the installation of bus shelters at bus stops 13303 and 25930, both located at the western end of Gibson Lane, close to its junction with Leeds Road. However, it is noted that the allowed appeal scheme for 156 houses is subject to a S106 agreement with a planning obligation requiring the provision of shelters at stop 13303 and 13302 (eastbound on Gibson Lane adjacent to Medhurst Avenue). Given that the appeal scheme is under construction, the shelter at stops 13303 should be provided shortly in any event. Officers consider that the provision of a shelter at stop 25930 (serving services towards Castleford) is somewhat unreasonable as it is remote from the current application site and with the intervening stretch of Gibson Lane having other eastbound stops (including 13302, which will also shortly have a shelter). Accordingly, it is not proposed to seek further bus shelter contributions on this application. WYCA also provided advice in relation to sustainable travel measures, though it is noted that the scale of development falls below the threshold where a Travel Plan is required.

Traffic impact

- 10.3.4 It is acknowledged that there are currently capacity issues on the A63 Selby Road corridor between the signalised junctions with Lidgett Lane and Ninelands Lane. The recently allowed appeal for residential development on the adjoining site includes works to signalise the Leeds Road/ A63 Selby Road junction, which will improve the operation of the junction and help reduce peak hour delays at this junction. These works are currently being progressed and should be implemented in the near future. Furthermore, the recent approval for housing of the former Stocks Blocks site for which initial works are now progressing also secures improvements to both the Ninelands and Lidgett Lane junctions.
- 10.3.5 The assessment indicates that the proposed development will generate in the order of 25 and 27 two-way vehicle movements respectively in the AM and PM peak periods. Based upon the previously agreed trip distribution, this results in an additional 15 and 17 two-way trips respectively, in the AM and PM peak periods, on the A63 Selby Road corridor. Compared against the volume of traffic currently using the A63 Selby Road corridor in the peak periods, this represents an increase of less than 1.3%. An increase of this magnitude is considered to be negligible and within the expected daily variations in traffic flow along the corridor. It is considered that traffic generated by the proposed development will have no material impact on the

operation or safety of the A63 Selby Road corridor that would justify mitigation works.

Road safety

- 10.3.6 A review of accident records indicates no accident clusters or specific road safety concerns, which would warrant further investigation or mitigation.
- 10.3.7 All of the proposed houses have two off-street car parking spaces each, with the exception of three of the Affordable Housing units which have one space each, plus four visitor spaces in close proximity. Overall, the level of car parking provision is considered to be acceptable and accords with the requirements set out in the Parking SPD. A condition is included as part of the officer recommendation to ensure this level of parking remains in place going forward.

Summary

- 10.3.8 Overall, the proposals are considered to be acceptable in terms of accessibility, traffic impact and car parking provision.

10.4 Urban Design

- 10.4.1 The application proposals inevitably form something of a cul-de-sac development, due to the scale and location of the site. Nevertheless, this is considered to be an acceptable approach for a scheme of 43 units. The general layout has been designed to pull development away from the sensitive edges of the site, retaining a landscaped corridor to the Sandgate Lane footpath and also a sufficient stand off to the existing hedge to the northern boundary. Whilst the hedge along the eastern boundary falls partly within four rear garden areas, it is sited some distance from the proposed dwellings and its retention can be secured by condition.
- 10.4.2 All of the proposed houses face onto streets, with only a small number of limited areas where houses have a side elevation relationship to a street. That said, this is not an uncommon relationship in many housing developments and is not considered to have any harmful effect in these circumstances.
- 10.4.3 The proposed dwellings benefit from off-street car parking either in front of or to the sides of the dwellings. Using both approaches has helped to retain a reasonable amount of soft landscaping to front garden areas, avoiding long runs of parking, whilst also creating larger gaps between some houses, providing a more suburban feel, commensurate with the character of the surrounding area.
- 10.4.4 The design approach provides for a detached bungalow to the north of No. 14 Merton Close, easing the transition into the two storey houses then found in the remainder of the proposed development. The proposed development is comprised of a mixture of detached and semi-detached dwellings, using 15 different house types. The design of the dwellings may be described as traditional in their nature and are considered to appear as being of a good quality. The applicant has confirmed that each of the dwellings is to be faced in Artstone, which is considered to be acceptable in the context of the site. In any event, the submission of samples of walling and roofing materials shall be secured by way of a condition.
- 10.4.5 Overall, the proposals are considered to be acceptable in design terms.

10.5 Landscape and greenspace

- 10.5.1 The application site is generally level, though it is in part slightly elevated above properties on Sandgate Drive (as evidenced by the slope at the southern end of the

Sandgate Lane footpath where it meets Sandgate Drive). The site is otherwise relatively well enclosed by existing hedgerow features to the north and east, which will help to filter longer distance views of the development from the surrounding open land in the Green Belt to the north and east. Currently, it is possible to glimpse some of the existing development on the north-eastern edge of Kippax from Ridge Road (A656), to the east. Whilst some elements of the roofscape of the development may become visible, overall it is not considered that this would be so intrusive as to have a significantly harmful impact on the landscape. Views from Selby Road (A63) to the north are from further away and are filtered by other farm buildings, hedgerows and vegetation and in those circumstances, the effects are negligible.

10.5.2 Ordinarily, where a development abuts the Green Belt or other open land, the usual approach would be to secure some form of planted landscape buffer to act as mitigation. In this particular case, a reasonably substantial hedge exists along the northern and eastern boundary. In these circumstances, provided that the hedge is retained and this is a matter that will be conditioned, this provides more of an instant landscape buffer than any new planting and is considered to be an acceptable approach.

10.5.3 In terms of greenspace, it is noted that the adjacent housing scheme that was allowed on appeal and is under construction also provides for a significant amount of greenspace, wrapping around the north of the development and incorporating an area north of Sandgate Drive and linking to the Sandgate Lane footpath and thus is adjacent to this current application site. The level of greenspace approved as part of the appeal scheme is in excess of what is required by Core Strategy policy G4. Additionally, it is noted that footpaths extend to the north, providing well used leisure routes through the open countryside towards Garforth. In these circumstances, given the relatively small scale of the current application site, it is considered to be somewhat illogical that a further (and relatively modest) area of greenspace is created merely to comply with the requirements of Policy G4, when an acceptable level of greenspace is being created immediately adjacent to the site. Further, had the PAS site been developed as a whole (including the appeal scheme and current application), it is likely the greenspace proposed in the appeal scheme would be sufficient for the whole development. With this context in mind an informal landscape setting is nonetheless proposed to the Sandgate Lane footpath which will help to soften the edge of the development and its relationship to the adjacent greenspace.

10.5.4 In light of the above, the proposal is considered to be acceptable in landscape terms.

10.6 Ecology

10.6.1 The Site is characterised by a field of poor semi-improved grassland, surrounded by a stock-proof fence with an intact boundary hedgerow. Scattered broadleaved trees, and areas of dense scrub and tall ruderal are present throughout the area of grassland. Amenity grassland and hardstanding are situated at the southern extent of the site (in the area forming the new access from Merton Close).

10.6.2 A preliminary ecological appraisal has been undertaken and submitted as part of the application. The appraisal notes that the on-site dense scrub, scattered broadleaved trees and hedgerow habitats are considered suitable for supporting nesting birds and the grassland and tall ruderal habitats are also considered suitable for support ground nesting birds. The site offers a suitable mosaic of habitats suitable to support

basking and sheltering reptiles, whilst the fly-tipping, comprising garden waste, and woodland within the local area provide opportunities for hibernating, basking and sheltering. Whilst the trees at the site lack suitable features for supporting roosting bats, the hedgerows at the site provide suitable habitat for foraging and commuting. The site offers foraging opportunities for badger, and the surrounding arable habitat may also provide suitable habitat, therefore, it is possible the species may venture on-site during the proposed development works. Cotoneaster from a private garden was recorded encroaching onto site from the residential gardens adjacent to the southern boundary. Five sub-species of this plant are listed on Schedule 9 of the Wildlife and Countryside Act (WCA, 1981, as amended), as invasive non-native species.

- 10.6.3 The appraisal goes on to make a number of recommendations including carrying out clearance works outside of the bird nesting season, the need for a sensitive lighting plan such that there continues to be suitable foraging and commuting habitat for Bat species along the site boundaries, grass cutting prior to the commencement of works and checking for reptiles and ground nesting birds. It is also noted that a precautionary approach should be taken to removing Cotoneaster on site in order to prevent it from spreading to nearby farmland.
- 10.6.4 The Council's Senior Nature Conservation Officer does not object to the application and has recommended a number of conditions to secure a Construction Environmental Management Plan, a Biodiversity Enhancement and Management Plan and a scheme of Bat roosting and bird nesting features. Additionally, through the early pre-application discussions, it was agreed that a landscape buffer be retained to the western edge of the site, abutting the Sandgate Lane footpath, as discussed above. In light of the above, and subject to the conditions mentioned the proposals are considered to be acceptable in terms of their impact on ecology as they comply with policies G8 and G9.

10.7 Drainage and flood risk

- 10.7.1 The site falls within Flood Risk Zone 1 and is therefore at low risk of flooding. The applicant has submitted a comprehensive Flood Risk Assessment that the Council's Flood Risk Management Team and Yorkshire Water are all satisfied with, subject to the imposition of appropriate conditions relating to surface water drainage.
- 10.7.2 The comments from objectors regarding water pressure are noted, though this is ultimately an issue for Yorkshire Water in terms of ensuring a satisfactory service is provided to customers. Yorkshire Water do not object to the proposals and have not noted that they are likely to result in any difficulties in terms of maintaining a water supply.

10.8 Residential amenity

- 10.8.1 The latest revised layout provides for a development which is now considered to be acceptable in planning terms, not least including the provision of adequately sized rear garden areas, which now all meet the requirements of the Council's guidance in Neighbourhoods for Living. It is noted that a Weeping Willow tree exists on the boundary of No. 5 Merton Close and plot 43. Through negotiations, this plot has been amended to the point where notwithstanding the fact that the tree does overhang the proposed rear garden area, it is considered that there is sufficient private amenity space in order to provide a reasonable level of amenity to the future occupiers.

- 10.8.2 It is noted that the site is slightly elevated above properties on Sandgate Drive, though the proposed units along the southern boundary are separated from the existing houses by rear garden areas and also land outside the applicant's control. This relationship is also very similar to that found on the allowed appeal scheme in relation to properties in Baildon Avenue and Bula Close, where the level of elevation is greater. Accordingly, the relationships between these properties is considered to be acceptable and will not give rise to an unacceptable level of over-dominance or overlooking having regard to the separation distances advocated within the Council's Neighbourhoods for Living design guidance. With regard to properties in Merton Close, three of the new plots are to be located behind the existing houses, though these are arranged sideways on and slightly to the north of the existing houses. This is not an unusual relationship and again, it is not considered to give rise to an unacceptable level of over-dominance or overlooking. Of course, plot 1 is a bungalow and located to the north of No. 14 Merton Close.
- 10.8.3 Overall, it is considered that the proposals are considered to be acceptable in terms of their impact on residential amenity.

10.9 Section 106 obligations and CIL

- 10.9.1 If the application is approved and the development implemented, obligations for the provision of Affordable Housing, the management of the on-site landscaping / greenspace and the provision of employment and training initiatives will become effective in order to make the development acceptable.
- 10.9.2 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

- 10.9.3 All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

11.0 Conclusion

- 11.1 The principle of development on this PAS site has been established by virtue of the development allowed on appeal in 2016 for 156 houses. The proposals in this application essentially seek to complete the residential development on the remainder of the PAS site with a remaining 43 houses. In this instance, a grant of permission is not considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the

policies of the NPPF as a whole, in applying paragraph 14 of the NPPF. As a result therefore, the proposed development is considered to be sustainable and outweighs the PAS and safeguarded land designations. Additionally, given that the sustainability credentials of the larger development were tested through the appeal process, it is considered that the proposals here represent a logical completion of residential development on this PAS site and are therefore acceptable in principle.

- 11.2 The application proposals will provide a relatively modest quantum of much needed housing, in the context of an absence of a demonstrable 5 year housing land supply. As a relatively small greenfield site, it is highly likely that the proposals are deliverable in a relatively short term period. The proposals provide a reasonable mix of dwellings, given the context on the edge of Kippax and will nevertheless diversify the housing offer in the immediate area. The proposals slightly exceed the level of Affordable Housing required by Core Strategy Policy H5 and an acceptable approach is taken to the location and integration of such units in the context of the wider development, including the wider development of the PAS site as a whole.
- 11.3 The small scale of development is not considered to result in a level of traffic generation that would give rise to the need for any off-site highway works. Furthermore, highway officers do not consider that the proposals would lead to any highway safety concerns. More generally, whilst the location of the site is such that it narrowly misses some of the Core Strategy accessibility standards, this is only to a marginal degree. Further, the presence of public transport infrastructure and other local services was robustly interrogated on the appeal scheme and given that the application proposals relate to a small part of the same PAS site, it is considered that the conclusion that the site is in a sustainable location is sound.
- 11.4 Whilst the scheme proposes houses and one bungalow, at odds with the dominant immediate character which is bungalows, it is considered that the proposals provide something of a more diverse housing offer. In any event, the revised proposals are considered to provide for a layout which is acceptable in planning terms, specifically in encouraging active streets, overlooked public spaces and secure rear garden areas. The design of the dwellings and the indicative materials are also considered to be acceptable and would provide for an attractive development.
- 11.5 The site is bound by strong landscape features in the form of existing hedgerows which are to be retained in order to provide a buffer to the Green Belt and filter longer distance views of the development on the edge of the settlement. The retention of a soft landscaped buffer to the Sandgate Lane public right of way will not only help to retain a soft setting to the footpath, but also help to integrate the development with the greenspace immediately to the west, forming part of the wider appeal scheme development currently under construction. In that regard, the lack of on site greenspace provision is not considered to be problematic given the significant amount of greenspace delivered on the appeal development and also bearing in mind the wider rights of way through open countryside to the north.
- 11.6 The application site has been robustly assessed in terms of its current environment and the potential impact of development. Whilst it is considered that there are no direct impacts, conditions are suggested to manage the construction process and also to secure biodiversity enhancements.
- 11.7 The site is at low risk of flooding and Flood Risk Management officers have suggested appropriate conditions to secure final surface water drainage details.

- 11.8 The proposals provide for a range of house types, all of which provide for reasonable levels of private amenity space and parking provision in accordance with current guidance. Furthermore, the relationships between the dwellings, both on site and off site is such that their positioning is not considered to give rise to any detrimental impacts on terms of overlooking, overshadowing or over-dominance.
- 11.9 A S106 agreement will make provision for planning obligations covering both the on site Affordable Housing provision and also the common greenspace / landscaped areas of the site to ensure that they are properly managed in the future.
- 11.10 The Council has taken a full review of the NPPF policies as whole, and consider applying the facts of this case in this instance it does amount to sustainable development. In light of this, and subject to the conditions and planning obligations set out above, the application proposals are considered to be acceptable and are therefore recommended for approval.

Background Papers:

Application file: 17/02790/OT

Certificate of Ownership:

Notices served on:

- Janice Belton, 14 Merton Close, Kippax, Leeds LS25 7NR
- Lee Andrew Smith, 44 Whitehouse Lane, Great Preston, Leeds, LS26 8BJ
- Philip Adam Smith, 40 Whitehouse Lane, Great Preston, Leeds, LS26 8BJ
- Ideal Homes, Persimmon House, Fulford, York, YO19 4FE

Proposed Residential Development at Sandgate Lane, Kippax

House Type	Accommodation	Floor Area Ft²	Total Units	Total Ft²
T9	4B HOUSE	1649	2	3298
T2	4B HOUSE	1541	6	9246
T3	4B HOUSE	1405	1	1405
Bu1	4B HOUSE	1400	1	1400
T4+	4B HOUSE	1412	2	2824
T4	4B HOUSE	1339	2	2678
N1+	4B HOUSE	1331	5	6655
T11	4B HOUSE	1254	1	1254
N1	4B HOUSE	1217	1	1217
T14	3B HOUSE	1061	4	4244
T7	3B HOUSE	1001	8	8008
T10	3B HOUSE	966	1	966
T6	2B HOUSE	1001	2	2002
AFFORDABLE				
A6	2B HOUSE	741	5	3705
A7	3B HOUSE	966	2	1932
			43	50834

Enclosure Details.

-  Indicative Landscaping - Refer to Landscape Architects Details
 -  Rear and dividing fences to be 1.8m Feather edge timber close boarded Fence
 -  1.8m Brick Wall
 -  Garden Gate - SW leged 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.
 -  Bin collection point
 -  Secure Cycle Store (Shed)
 -  250litre water butt
- Refer to Landscape Architects details for proposed Landscaping
- Site Access road - Block paved to adoptable highway standards

J	JG	Additional A6 affordable plot added at planners request	11.01.17
H	JG	Layout amended following planning comments	07.12.17
G	JG	Layout amended following planning comments	15.11.17
F	JT	Layout updated in accordance with planners comments. T8 replaced by N1+ on plot 41. Parking for plot 29 reviewed.	01.11.17
E	JT	Plots 1-2 and 45-46 reviewed and parking numbers corrected. Turning circle integrated in front of plots 23-24.	18.10.17
D	JG	Housing mix reviewed	31.08.17
Rev	By	Note	Date



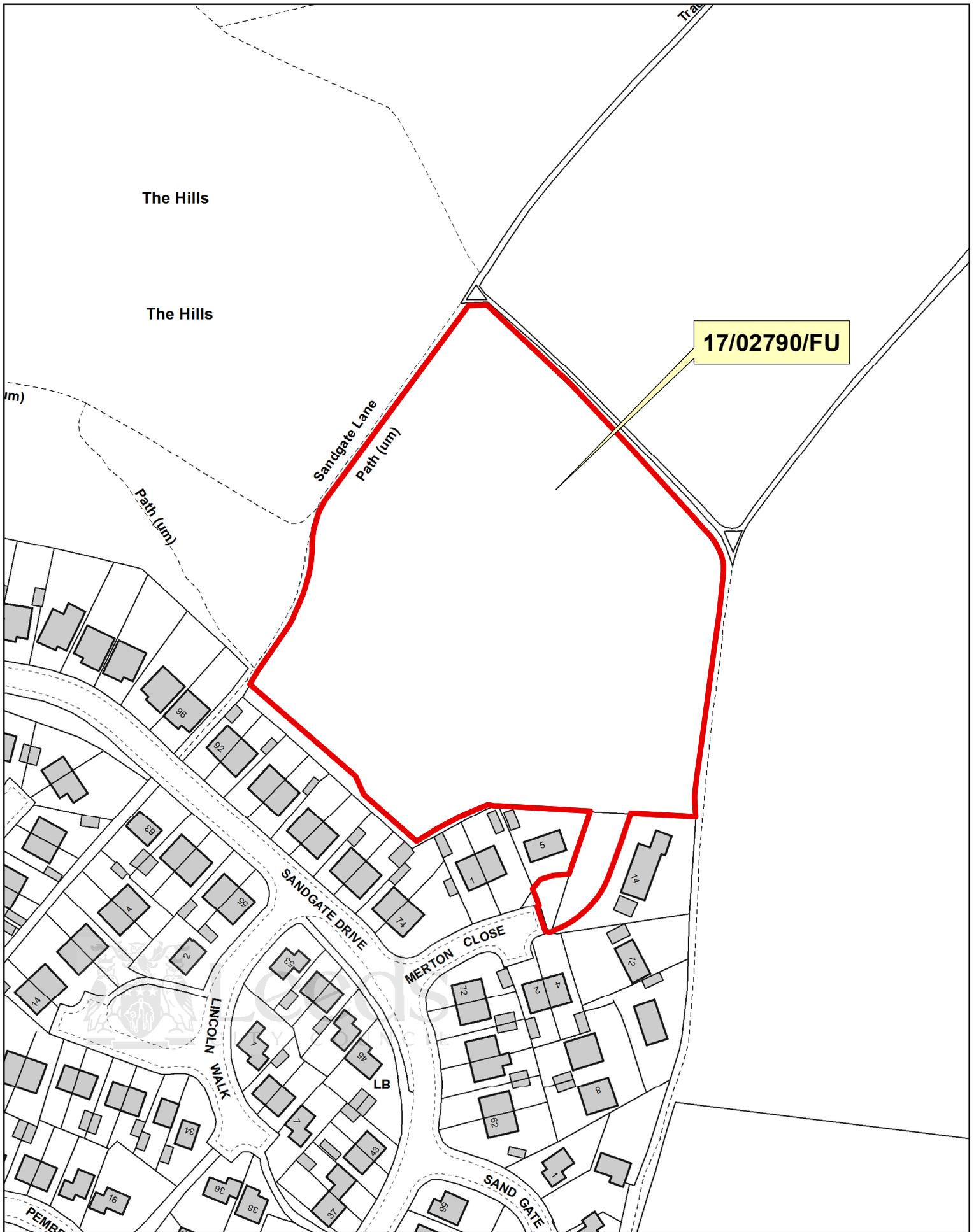
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PROJECT	Sandgate Lane, Kippax		
TITLE	Indicative Site Layout		
DATE	October 2016	SCALE	1:500@A2
DWG NO	BDV.04.02	REVISION	J
DRAWN	JG	CHECKED	DN

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Proposed Site Layout





CITY PLANS PANEL

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SCALE : 1/1500

