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**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 12<sup>th</sup> April 2018**

**Subject: 17/05126/OT – Outline application for mixed use development for medical centre, retail, six flats and 15 dwellings at Land off Fall Lane and Meadow Side Road, East Ardsley WF3.**

**APPLICANT**  
**Mr S Cunningham**

**DATE VALID**  
**9 August 2017**

**TARGET DATE**  
**15 December 2017**

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**Electoral Wards Affected:**

Ardsley and Robin Hood

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: Refuse permission for the following reasons:**

1. The Local Planning Authority considers the proposed development fails to provide a suitable mix of dwelling sizes to address housing needs due to the significant number of 4 bedroom dwellings. The scheme is therefore considered contrary to Policy H4 of the Core Strategy and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development is poorly designed. The scale of the proposed development is not compatible with the surroundings. The layout and design provide poor natural surveillance with consequent security issues. The proposed detached garages facing the internal road and the splayed design of Plot 21 appear incongruous and inappropriate within the streetscene. The proposal is therefore contrary to policy P10 of the Core Strategy, Neighbourhoods for Living (SPG) and the NFL Memorandum (2015), Designing for Community Safety (SPD) and the National Planning Policy Framework.

3. **The Local Planning Authority considers the proposed layout results in a lack of any communal amenity space and the consequent poor level of residential amenity for future occupiers. The proposal is therefore contrary to policy P10 of the Core Strategy, GP5 of the RUDP and the National Planning Policy Framework.**
4. **In the absence of a suitable Section 106 agreement the proposed development fails to provide the necessary review mechanism for contributions and/or obligations for the provision and delivery of affordable housing and without which the proposed development would fail to meet directly (and fairly and reasonably) related needs of the City and of prospective residents, contrary to the requirements of Policies H5, G4 and ID2 of the Leeds Core Strategy and the National Planning Policy Framework.**

## **1.0 INTRODUCTION**

- 1.1 This is an outline application for residential development, comprising 15 dwellings, 6 flats, a medical centre and retail unit and associated parking. The applicant seeks approval for access, layout, appearance and scale and wishes to reserve details of landscaping only. This application has been subject to a viability appraisal.
- 1.2 The application was reported to South and West Plans Panel on 8 February 2018 to seek the views of members on the lack of any planning gain to be delivered (affordable housing or Public Open Space) and the proposed design and layout of the development including the proposed housing mix. Members did not support the proposed development and raised the following concerns:
  - 1) Members did not accept the proposed housing mix. The general consensus was that there are too many 1 bed flats as they encourage a transient population. It was suggested the housing mix should be 8 x 4 bed dwellings and 7 x 3 bed dwellings.
  - 2) Members did not accept the development was unviable. Any subsequent submission would need further information to justify the position. Members did not accept that the site was unviable and justification was needed for the 17.5% profit.
  - 3) Members did not support the design or the layout and it was not considered the design mistakes on the wider site should be perpetuated on this site. A fundamental redesign was considered necessary.
- 1.3 The applicant has made some minor modifications to the proposed layout including the relocation of plot 16.

## **2.0 PROPOSAL**

- 2.1 Permission is sought to develop the cleared site adjacent to the existing Meadowside residential development. The proposed scheme is a mixed use development of 21 residential dwellings, a health centre and small retail unit, intended to be used as chemist.
- 2.2 The scheme includes a three storey building in the southern part of the site to accommodate the medical centre and retail unit at ground floor level, 2 x 1 bed flats and 4 x 2 bed flats on the upper floors. The proposed brick building has a pitched

roof utilising concrete tiles, with Juliette balconies at front second floor level. The ground floor incorporates glazed shopfronts to the front elevation at ground floor level. Visitor parking for 12 vehicles for the medical centre and retail unit are proposed as well as 6 residential spaces, one allocated for each flat.

- 2.3 The remainder of the site will be developed to deliver 14 three storey dwellings, arranged as two pairs of semi-detached dwellings and terraces of 3 and 4 dwellings, and 1 two storey dwelling. Each dwelling benefits from either integral or detached garages and off street car parking. Each dwelling also has a private rear garden.
- 2.4 The dwellings are arranged with the rear elevations of plots 7-12 and the mixed use block facing the adjacent railway line to the south and the front elevations facing the internal road. Proposed dwellings 14-16 will face the internal access road. Proposed dwellings 17-20 face Meadow Side Road. The front elevations of plots 16 and 17 and the detached garages for plots 17-19, sited to the rear of these dwellings, also face the internal road. Plot 21 has a splayed frontage with the front elevations facing onto Meadow Side Road and a side elevation facing the access road. The garages for plots 20 and 21 are located in between the nos. 20 and 21, but set back from the building line of the dwellings.
- 2.5 A 5.5m wide road runs through the site from the site access on Meadow Side Road, located to the south east of the site, to a turning head located adjacent to the North West site boundary. The road provides vehicular access to the retail/residential block and plots 7 -15 and the garages of plots 16-21.
- 2.6 The plan also shows landscaping including a row of trees, along the south, east and northern site boundaries and within the car park of the mixed use block. Landscaping is also proposed within the housing development with grassed verges adjacent to the off street parking spaces. However it is acknowledged that a full landscaping plan would be considered at reserved matters stage.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is located in East Ardsley at the junction of Fall Lane and Meadow Side Road. The site is a cleared site that sits at a lower level than Fall Lane. Fall Lane forms a bridge where it abuts the application site, and Meadow Side Road is also at a higher level, with an embankment down to the site. The site area is 0.58 ha.
- 3.2 The site abuts the Leeds – Sheffield railway line to the South, and a new residential estate abuts the South-East and Eastern boundaries. A three storey block of flats abuts the site. The wider area is predominantly residential in character. East Ardsley Primary school is located 0.5m from the site to the south west.
- 3.3 Land to the North of Meadowside Road is undeveloped, and falls away towards Dolphin Beck. Land to the West of Fall Lane has been developed as residential dwellings by Miller Homes (249 units).

### **4.0 RELEVANT PLANNING HISTORY**

#### The wider site

- 4.1 22/293/00/OT - Outline permission for mixed commercial and residential development – approved July 2001. The current application is on the site originally identified for commercial use. Siting was not approved, but the application indicated:

20 000 sq. ft offices;  
10 000 sq ft. family pub;  
4000 sq ft retail, in three units.

- 4.2 22/126/03/RM - reserved matters approval was granted for 320 houses and flats on the remainder of the site in February 2004.
- 4.3 22/3/05/OT - planning permission granted for variation of Condition 20 of permission 22/293/00

#### The application site

- 4.4 07/03388/FU – application for for laying out of access and erection of 3 storey block of 12 two bedroom flats, 2 storey nursery and single storey block comprising surgery and 4 retail units, with car parking and landscaping - withdrawn September 2007.
- 4.5 08/00541/FU - Permission was granted for laying out of access and erection of 4 storey block comprising 12 two bedroom flats ground floor surgery and pharmacy, detached 2 storey nursery and detached single storey block of 3 retail units, with car parking and landscaping in April 2008. This was never implemented and has now expired.
- 4.6 Pre-application discussions took place in June and July 2016 for residential development with retail (chemist) and a health centre. Officers were supportive of the principle of residential development and the medical centre and ancillary retail accommodation. Pre-application advice was provided advising that the layout should be revised to reduce the dominance of hard-surfacing and parking throughout the scheme, to increase the sizes of the gardens and to amend the elevation treatments of some of the blocks.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Pre-application advice was provided in July 2016. This identified some design concerns such as the ratio of hard to soft landscaping and the design and appearance of Plot 8 due to the integral garage. The proposed layout is very similar to the scheme considered at pre-application stage. Additional soft landscaping is proposed to break up the areas of hardstanding.
- 5.2 During the course of the application revisions have been made to the scheme including alterations to the windows and clarification of the proposed housing mix.
- 5.3 Following discussions at the Panel meeting on 8<sup>th</sup> February a revised site layout has been provided with Plot 16 relocated to front the access road instead of Meadow Side Road. The applicant also provided some further information regarding occupation of the development. The occupants of the Chemist are already known. There are also ongoing discussions with local health practices. However at this stage the applicant cannot confirm the occupiers at this stage due to Health Service procedure and protocols. The applicant has also advised that a developer and construction company is in place and ready to commence.

### **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 Major Application site notices posted on 29 August 2017 and Press Advertisement in Yorkshire Evening Post published on 30 August 2017.

6.2 Eight objections (and two general comments) have been received raising the following issues:

- Further information on who will occupy the medical centre and chemists
- Question whether sufficient parking is proposed
- Concerns over access in and out of the estate
- Disruption should be kept to a minimum during construction
- Inadequate provision of parking
- Residents will park on Meadow side road and existing estate
- Further congestion in the estate
- Access located at a Hazardous junction on corner
- A convenience store is needed
- Anti social behaviour – groups congregating
- More homes are not needed in this area
- Additional infrastructure would be required for new residential properties
- The medical centre and chemist should be provided before the residential or there is a risk it will not be provided
- Parking is problematic between 7 and 8am and after 9pm
- Garages would not be used for parking
- Health centre should have ample parking
- Health centre is inadequate size for the need for the doctors
- If retail is used as a convenience store this could result in anti social behaviour and late night disturbance and litter
- Need for adequate access for emergency services
- The double yellow lines are not enforced
- Safety of children playing in the estate
- Land should be used as a play area for children, a park or for parking for the estate
- This is a ploy to build a business premises and a change of use would be sought
- Local health centres are not aware of the plans for a health centre
- Estate roads have blind bends
- Do not support mixed use – should be either medical centre or housing but not both
- Plans incorrectly labelled as retail and consulting room
- Thorpe Pharmacy should be given first refusal of the chemists
- Another pharmacy would compete with Thorpe pharmacy
- Another pharmacy is not needed
- Plans are vague and further clarification is needed regarding the pharmacy
- Retail is needed but not a chemist
- Detailed landscaping proposals and long term management required for the embankment
- Double yellow lines should be provided adjacent to the site
- Bollards should be provided to prevent parking on the pavement
- Further details of planting needed

6.3 Four representations supporting the scheme have been received including one which states the development will improve the appearance of the site.

6.4 Ward Councillors have been notified of the application. Ward Councillors requested clarification of who are the intended occupiers of the proposed Health Centre and

the chemist and also whether sufficient parking is to be provided as part of this scheme.

- 6.5 Councillor Mulherin provided comments prior to the Panel on 8<sup>th</sup> February, stating residents have had enough of the derelict site and the amenities proposed are long overdue. However the estate suffers from parking problems and the development must meet the minimum parking standards. The homes must also meet the minimum special standards.

## **7.0 CONSULTATION RESPONSES**

- 7.1 Highways: No objection subject to conditions
- 7.2 Flood Risk Management: No objection subject to conditions
- 7.3 Contaminated Land: No objection subject to conditions
- 7.4 Landscape Team: No objection subject to conditions
- 7.5 West Yorkshire Police: No objection
- 7.6 Coal Authority: No objection
- 7.7 Network Rail: No objection on the basis that the surface and foul water is collected and diverted away from the railway infrastructure. Appropriate conditions and directions are recommended.
- 7.8 Travel Wise: The development does not meet the threshold for a Travel Plan.
- 7.9 Housing Growth: The affordable housing requirement is 4 units

## **8.0 PLANNING POLICIES**

### Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.
- 8.2 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 11: Transport infrastructure investment priorities
  - P10 Seeks to ensure high quality design
  - P11 Conservation
  - P12 Landscape
  - H2 New housing development on un-allocated sites
  - H3 Housing Density
  - H4 Housing mix
  - H5 Affordable Housing
  - T2 Transport infrastructure

G4 On Site Greenspace Provision  
G9 Nature Conservation  
EN1 Climate change and carbon dioxide reductions  
EN2 Sustainable Design and Construction  
ID2 Planning obligations and developer contributions

Saved Policies - Leeds UDP (2006)

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

Policy GP5 - Development Proposals should resolve detailed planning  
Policy BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings.

- 8.4 The following Supplementary Planning Policy documents are relevant:

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

Submission Draft Site Allocations Plan (SAP) May 2017

- 8.5 The Site Allocations Plan Publication Draft was submitted to the Secretary of State on 5<sup>th</sup> May 2017.
- 8.6 The site has been allocated for employment use (ref EG2-20). However, following the consideration of representations received and the comments received in the Employment Land Review, Local Plans team propose to de-allocate EG2-20 and for the site to revert to 'White Land' with no specific designation.

National Planning Policy Framework (NPPF)

- 8.7 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.9 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.10 The NPPF establishes at Paragraph 7 that there are three dimensions to

sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

- 8.11 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.12 With specific regard to housing applications, the NPPF states in paragraph 47 that to boost the supply of housing, local planning authorities 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, local planning authorities should increase the to 20%.
- 8.13 Paragraph 49 of the NPPF 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 local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*
- 8.14 In the appeal decision dated 8<sup>th</sup> June 2016 in relation to land at Grove Road, Boston Spa in accordance with APP/N4720/A/13/2208551, the Secretary of State took the view that on the basis of the evidence available to him at the time, the Council was unable to demonstrate a deliverable 5 year supply of housing land.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Housing density and mix
3. Affordable Housing
4. Provision of greenspace
5. Layout, Design and Appearance
6. Residential Amenity
7. Highways and Parking
8. Flood Risk
9. Contamination
10. CIL

## **10 APPRAISAL**

### Principle of Development

- 10.1 Core Strategy Policy P9 states that access to local community facilities such as health facilities is important to the wellbeing of a neighbourhood. New community facilities should be accessible by foot, cycling or public transport and where possible and appropriate, should be located in centres with other community uses.
- 10.2 From the responses received it is apparent that there is a local need for a medical centre in this location. The provision of the medical centre (82m2) in this location is therefore welcome.
- 10.3 The proposed retail unit is small scale (82m2) in size and is located outside a town centre or local centre. However, as the unit is below 200m2, no sequential assessment is required. The provision of retail accommodation, possibly for a chemist, is acceptable in principle in accordance with Policy P8 of the Core Strategy.
- 10.4 The site is not allocated on the UDP Proposals Map. This site is identified in the Publication Draft Site Allocation Plan as employment use (EG2-20). However, following the consideration of representations on the SAP and comments received on the employment land review, Local Plans officers propose a major modification to de-allocate the site for employment use and revert to 'White Land' with no specific land use designation.
- 10.5 On this basis the site is considered unallocated and as such should be considered against Core Strategy Policy H2. The policy states that the Council will support proposals for residential development providing that:
- i) *The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,*
  - ii) *For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,*
  - iii) *Green Belt Policy is satisfied for sites in the Green Belt*
- 10.6 The proposed development will provide housing and will appear as an extension of the existing housing estate. The number of dwellings proposed is not considered to exceed the capacity of transport, educational and health infrastructure. The application site comprises brownfield land outside of the Green Belt. The site is located within a smaller settlement, East Ardsley. It is noted that the site does not fully accord with the accessibility standards for development in smaller settlements set out in Appendix 3 of the Core Strategy (an assessment is set out in paragraph 10.40 of this report). However the provision of additional housing in this established residential location is considered acceptable in principle.
- 10.7 The proposal would make good use of previously developed land, in a way that would not exceed the capacity of local infrastructure. In view of these considerations the proposal is therefore acceptable in principle when considered against the guidance set out in the NPPF and adopted local planning policies in the round. Having regard to the absence of a 5 year land supply and the guidance at Paras 49 and 14 of the NPPF above, in the situation where the Council's housing policies are considered to be out-of-date, specific policies in the NPPF do not indicate development should be restricted in this case. The accessibility shortcomings of the site, for a relatively small development do not significantly and demonstrably

outweigh the benefits, when assessed against the framework as a whole. The provision of housing on this site is therefore deemed acceptable in principle.

#### Housing density and mix

- 10.8 Policies H3 of the Core Strategy sets out the minimum densities for housing development. In smaller settlements the minimum density should be 30 dwellings. The site area is 0.6ha with a net area of 0.5ha. This gives a density of 42 dwellings per hectare which exceeds the minimum density set out in H3. The proposed density is considered acceptable in this case given the proposed layout respects the local character and provides adequate private amenity space for future residents.
- 10.9 Core Strategy Policy H4 sets out the Council's preferred housing mix and sets a target of 75% to be houses and 25% to be flats. The proposed development will deliver 6 flats (29%) and 15 houses (71%). This does not comply with the Council's target however in this location is considered to provide an acceptable mix.
- 10.10 Following the discussion at Panel on 8<sup>th</sup> February with regards to the dwelling mix the applicant has revised the proposed housing mix is as follows:
- 2 x 1 bed flats (10%)
  - 4 x 2 bed flats (19%)
  - 7 x 3 bed dwellings (33%) (Plots 8,11,12,14,15,16 and 21).
  - 8 x 4 bed dwellings (38%) (Plots 7,9,10,13,17,18,19 and 20).
- 10.11 Dwellings 8, 11, 12, 14, 15 and 16 comprise living room, dining and kitchen at first floor level, 3 bedrooms at second floor level. The ground floor comprises integral garage, utility room and a study. It is recognised that the study at ground floor level could be used as a bedroom. Therefore these dwellings could be used as 4 bed dwellings. Plot 21 is a 3 bed house with living room, kitchen and dining room at ground floor and three bedrooms at first floor. The remaining dwellings are all four bedroom dwellings with kitchen and dining room/study at ground floor level, living room and bedroom at first floor level and three bedrooms at second floor level. The revised dwelling mix is not considered to respond to the concerns of members or comply with Core Strategy Policy H4 given the proportion of dwellings which could be used as 4 bed dwellings is 71%. It is not considered that the proposed development includes an appropriate mix of dwelling sizes to address long term needs. Whilst the Core Strategy accepts this is not overriding, there has been no justification provided of the proposed dwelling mix. As such the proposed development is not considered acceptable as it is contrary to the aims of Policy H4.

#### Affordable Housing

- 10.12 Core Strategy Policy H5 states that housing developments above a certain threshold should include a proportion of affordable housing, normally to be provided on site. The site is located within Zone 2 for which there is a requirement of 15% the housing to be affordable (for schemes of over 15 dwellings). This equates to 3 dwellings of the proposed 21 to be delivered as affordable.
- 10.13 Policy H5 recognises that applicant can choose to submit viability appraisals to verify that the affordable housing target cannot be met and in such case, affordable housing provision may be reduced accordingly. This is underpinned by the NPPF (para. 173) which highlights the importance of taking viability into account in decision making.

- 10.14 The applicant is not proposing to provide any affordable housing and a viability assessment has been submitted to demonstrate that it would not be viable to develop the site with any contribution towards affordable housing. This conclusion is supported by the District Valuer who was instructed to independently assess the viability of the development. A copy of the District Valuer's report is provided as an appendix to this report.
- 10.15 Officers sought the views of Panel members on the viability at the meeting on 8<sup>th</sup> February who expressed significant concern over the development of the site without any planning gain. Members questioned the sale price of the land. Whilst this figure is not known, the applicant placed a land value of £295,000 (£205,000 per acre). In the viability assessment the DV disagrees with this value and considers a land value of £270,000 (£182,432 per acre) is appropriate based on the location and the land value agreed on other comparable sites.
- 10.16 Members considered that a profit margin of 17.5% was too high when no affordable housing (or Public Open Space contribution) would be delivered. The DV adopted a 17.5% of revenue for the market housing and commercial accommodation and 7% for affordable housing. The DV considers these profit margins are well supported by other similar developments. For the purposes of the viability assessment the DV concluded a blended rate of 17.3% of the revenue should be applied. The DV's viability appraisal identified a profit of £654,357 (16.9%) would be achieved (without the inclusion of affordable housing, s106 contributions or CIL which would equate to £379,828).
- 10.17 Since the Panel meeting the applicant has stated that bank funding for residential development requires a profit of 20-25% of the Gross Development Value to be achieved. The applicant has also stated that Court and appeal decisions have set out that 17.5% profit is the minimum profit level and that they see no reason to reject the District Valuer's advice. On this basis the applicant is not offering any contributions towards affordable housing or Public Open Space.
- 10.18 The appraisal has been independently assessed by the District Valuer who concludes, after considering acquisition costs, build costs and rental and sales values in the area, it would not be viable to develop the site with any affordable housing provision or even a commuted sum. The District Valuer has stated that '*a planning compliant appraisal (with 15% on site affordable) generates a loss and therefore a policy compliant scheme is unviable.*' The District Valuer has also considered whether a reduced level of affordable provision would be viable but has concluded that the scheme is unable to provide any affordable housing. The District Valuer has suggested that a review and re-appraisal could be undertaken when market conditions change, if the commencement of works on site is delayed, which the applicant has agreed to.
- 10.19 Officers have considered the views of members on viability, however on the basis of the independent advice provided by the District Valuer, officers consider it would be unreasonable to recommend refusal on this basis. However a clawback clause in the s106 requiring review and re-appraisal of viability at an appropriate time is recommended.

#### Provision of Greenspace

- 10.20 Policy G4 of the Core Strategy identifies that on site provision of green space of 80 square metres per residential unit will be sought for sites of 10 or more dwellings that are outside the city centre and in excess of 720 metres from a community park,

or are located in areas deficient of green space. This means that the provision of green space is required from all eligible schemes in areas where there is a deficiency in green space, regardless of the distance from a community park.

- 10.21 In accordance with Policy G4, the 21 dwellings (6 flats and 15 houses) proposed would generate a requirement for 0.17 ha of green space. Whilst the policy refers to this being provided on site, the supporting text to the policy acknowledges that in some instances the provision of green space on site may not be appropriate. In this case it is recognised the site is constrained in terms of size (0.6ha) as well as its topography and it would be difficult to deliver the greenspace on site. As a result, the provision of an equivalent contribution toward greenspace, in lieu of the on-site requirement, is considered more appropriate.
- 10.22 The total cost of the commuted sum that is required in lieu of the onsite provision of green space for the proposed 21 dwellings £75,140.05. The District Valuer has assessed the applicant's viability appraisal, adopting a s106 greenspace contribution of £84,000 as calculated by the applicant. Although this is higher than the policy requirement, the District Valuer's conclusion is that the scheme is not viable if any green space contribution is required. At the Panel meeting members expressed concern that the scheme deliver a profit but would not deliver any Public Open Space. However as set out above with regards to the affordable housing, officers must consider the outcome of the independent viability appraisal and therefore it is not considered reasonable to recommend refusal of permission on this basis.
- 10.23 The applicant has also stated that the original development (the existing estate) provided over 10 acres of greenspace (although the amount required at the time was 3.33 acres). In 2008 the applicant also made a contribution of £95,000 towards greenspace and a play area. The applicant also states that to date these funds have not been spent. This information is noted, however officers have to consider the proposed development subject to this application rather than past decisions. As set out above officers accept that the scheme cannot deliver the requisite Public Open Space contributions for viability reasons. Whilst it is recognised the application does not comply with Core Strategy policy G4, it is not considered permission could be reasonably refused for this reason.

#### Layout, Design and Appearance

- 10.20 Policy P10 sets out the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF, which also highlights the importance of good design at paragraph 56.
- 10.21 The site has already been cleared and is considered to be an eye sore on the edge of the existing residential area. Therefore the principle of development of the site is supported in terms of improving the visual amenity of the area. The proposed layout is similar to the scheme considered at pre-application stage and during pre-application discussions, revisions were made to address initial concerns raised by officers.
- 10.22 The proposed development includes the provision of three storey properties and one two storey dwelling located on the corner of Meadow Side Road and the proposed site access. The scale of buildings have been designed to respond to the

local character of the area in terms of scale, appearance and materials. There are existing residential properties facing Meadow Side Road, opposite and adjacent to the application site comprising a mix of two and three storey blocks of flats, terraced and semi-detached houses. The existing properties are predominantly brick with concrete tiled roofs, some with front dormer features.

- 10.23 Members raised concerns over the height and scale of the proposed buildings, which are predominantly 3 storeys. It is recognised there are examples of 3 storey dwellings i.e. the flats located to the south of the application site, most dwellings are 2 or 2.5 storey houses including the properties directly opposite the site fronting Meadow Side Road. The proposed three storey buildings are considered to be excessive in terms of their scale. Properties of 2 or 2.5 storeys are considered to be more appropriate in this area, particularly facing Meadow Side Road. The proposed dwellings are considered generally compatible with the surrounding properties, in particular the block of flats located to the south east of the site.
- 10.24 With regards to the detailed design officers have identified some issues. The provision of integral garages for plots 8, 11, 12, 14, 15 and 16 results in no front windows at ground floor level. Neighbourhoods for Living (Update 2015) recognises the importance of providing active frontages with ground floor rooms and windows facing the street. The guidance, along with the SPD Designing for Community Safety, recognises that streets which have integral garages and no interplay between the outside and inside is not an appropriate response. Whilst it is recognised there are ground floor front facing windows in Nos. 7,9,10 and 13 which provide some natural surveillance for this part of the site, the prevalence of integral garages is not considered to be acceptable or comply with the guidance. The revised scheme has introduced another garage in Plot 16 which results in a row of three properties without any ground floor windows. The appearance of the integral garages was also raised as an issue by officers at pre-application stage and during the course of the application. However, this aspect of the scheme has not been revised.
- 10.25 The proposed layout, with the garages for flats 17-21 fronting the internal road, is unusual. There are other examples of single storey garages which form part of the street scene along Meadow Side Road. An extensive part of the street frontage within the new development, to the north of Plots 7,8 and 9 comprises garages rather than houses. This also results in a lack of natural surveillance and is also considered to represent poor design appearing incongruous within the proposed streetscene. This is not considered compatible with the existing area. There are examples of garages facing the street, however these are to the side of existing dwellings which is more typical in residential development.
- 10.26 Officers raised concerns regarding the form of Dwelling 21 in terms of its splayed frontage which is considered to appear as incongruous within the streetscene and the proposed development. The applicant has sought to justify the proposed design of dwelling 21 stating that it has been designed to address both the access road. Whilst officers note the applicant's justification the concerns remain and it is considered this property could be redesigned to relate appropriately within the streetscene.
- 10.27 The proposed dwellings have been designed to mirror the design of existing dwellings in this estate in terms of materials and detailing. Members considered that the existing estate is not an example of good housing design and past mistakes should not be repeated. The proposed dwellings and mixed use block are considered bland and uninspiring. As Core Strategy Policy P10 encourages high

quality design, it is not considered the proposed development complies with the policy. The site could potentially be developed to provide high quality residential accommodation and the design and layout as proposed does not achieve this.

- 10.28 The concerns of officers and members regarding the proposed design and layout have not been addressed and as such the proposed development is considered unacceptable in urban design terms. The proposed development does not comply with Core Strategy Policy P10 or guidance contained within the SPG Neighbourhoods for Living and the Update to the guide.

### Residential Amenity

- 10.31 Paragraph 17 of the NPPF places an emphasis on seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and building. Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. Furthermore, Policy BD5 advises that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight sunlight.
- 10.32 Consideration has been given to the Government's Technical Housing Standards Nationally Described Space Standards which deals with internal space within new dwellings and is defined as being suitable across all tenures. These standards can only be given limited weight in the decision at this stage on the basis that the standards have not yet been adopted as part of the local plan process and they must still be the subject of public consultation. However the standards are considered to provide a good indication of whether a residential unit is of sufficient internal size to meet the basic daily living needs of its occupants.
- 10.33 The proposed dwelling sizes are set out in the below table and considered against the Nationally Described Standards.

Plot	Accommodation	Size (m2)	National Space Standard Size	Difference
Flats 1, 3, 4 & 6	2bed 4person	64	70	-6
Flats 2 & 5	1bed 2person	42	50	-8
7	4bed 7person	115	121	-6
8	3bed 6person	114	108	+6
9	4bed 7person	115	121	-6
10	4bed 7person	115	121	-6
11	3bed 6person	114	108	+ 6

12	4bed 7person	115	121	-6
13	3bed 6person	114	108	+6
14	4bed 7person	115	121	-6
15	4bed 7person	115	121	-6
16	3bed 6person	114	108	+6
17	4bed 7person	114	121	-6
18	4bed 7person	114	121	-6
19	4bed 7person	114	121	-6
20	4bed 7person	114	121	-6
21	3bed 5person	111	93	+18

10.34 The flats fall below the NDSS and fall short of the minimum space standards for 1 bedroom, 2 person flats by 8m<sup>2</sup> and 2 bedroom, 4 person flats by 6m<sup>2</sup>. However the flats are considered to provide an acceptable standard of accommodation with adequate room sizes, storage and circulation space. The 3 bed dwellings exceed the NDSS by 6m<sup>2</sup> (and 18m<sup>2</sup> in the case of No.21). The 4 bed dwellings fall slightly below the NDSS by 6m<sup>2</sup>. If all of the dwellings are to be considered as 4 bed dwellings (with the exception of 21) all of the houses fall below the NDSS by either 6m<sup>2</sup> or 7m<sup>2</sup>. However the dwellings are considered to provide an acceptable standard of accommodation in terms of room sizes, circulation space and storage. The dwelling sizes are considered therefore considered acceptable and it is not considered a reason for refusal on this basis could be justified.

10.35 In terms of the site layout the Council's SPG Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings to ensure privacy between existing and proposed houses, which has an impact on layout. The most relevant to this site are the following:

- i) Private gardens should have a minimum of two-thirds of total gross floor area of the dwelling (excluding vehicular provision);
- ii) A minimum of 10.5 metres between main ground floor windows (living room/dining room) to the boundary;
- iii) A minimum of 7.5 metres between a secondary window (ground floor kitchen/bedroom) to the boundary;
- iv) A minimum of 4 metres from a ground floor main window or secondary window to a highway
- v) A minimum of 12 metres from a main ground floor window (living room/dining room) to a side elevation;
- vi) A minimum of 2.5 metres between a side elevation and the boundary.
- vii) Shared amenity space equating to one quarter of the proposed floorspace per flat

10.36 The proposed site layout has been assessed against this guidance:

- i) The proposed site layout is generally considered to comply with this guidance. The private rear gardens range in size from approximately 63m<sup>2</sup> to 123m<sup>2</sup>. The proposed garden sizes meet the guidance in that they equate to two thirds of the Gross Internal Area. There are two exceptions, namely Plot 19 (63m<sup>2</sup>) and Plot 14 (70m<sup>2</sup>) which fall below the required 76m<sup>2</sup>.
- ii) The dwellings all achieve 10.5m from the ground floor windows to the rear site boundary.
- iii) The dwellings achieve 7.5m from secondary windows to site boundaries.
- iv) Only plot 21 has side facing windows which are located at first floor level, 3.5m from the side boundary.
- v) A distance of 12m is maintained between ground floor windows to side elevations.
- vi) Dwellings 13, 15 and 19 do not maintain the required 2.5m to the side boundary. However these properties do not have side facing windows and therefore this does not raise any privacy issues.
- vii) Amenity space for the occupants of the flats is not provided due to the need for resident and visitor parking provision. It is considered the occupants of the flats would not benefit from an acceptable level of amenity.

10.37 There is a separation distance of 32m from the existing properties on the opposite side of Meadow Side Road and the three storey dwellings. A distance of 22m would be maintained between the neighbouring properties and the proposed two storey dwelling, plot 21. In terms of overlooking, the distances between the rear windows (which serve ground floor living areas and first floor bedrooms) and the rear boundaries comply with the 10.5m minimum recommended by 'Neighbourhoods for Living' (p.57).

10.38 It is considered that the proposed dwellings will provide an acceptable level of amenity for future residents and will not have a harmful impact on the amenity of existing neighbouring residents. However the amenity of the future occupants of the flats is considered poor due to the lack of any external amenity space. This element of the proposed scheme is therefore not considered to comply with Core Strategy P10 and UDPR Policy GP5 and the SPG Neighbourhoods for Living. An alternative layout which provides some communal amenity space is likely to be more supported by officers and members.

#### Parking and Highways matters

10.39 The proposed development has been assessed by highways officers who have raised no objections to the scheme subject to conditions and off site highways works. Officers have assessed the proposed development against the accessibility standards for smaller settlements set out in Appendix 3 of the Core Strategy:

Destination	Standard	Compliance of this site
To Employment	Within a 5 minute walk to bus stop/10 minute walk to a train station.	The site is within a 5 minute walk to a bus stop on Mary Street. (Complies)  Outwood station is located 1.4miles from the site (Does not comply).
To Primary Education and Health	Within a 10 minute walk to bus stop/10 minute walk to a train station.	The site is within a 5 minute walk to a bus stop on Mary Street. (Complies).

		Outwood station is located 1.4miles from the site (25 minute walk). (Does not comply).
To Secondary Education	Within a 10 minute walk to bus stop/10 minute walk to a train station.	<p>The site is within a 5 minute walk to a bus stop on Mary Street. (Complies)</p> <p>Outwood station is located 1.4miles from the site (25 minute walk). (Does not comply).</p>
To leisure and retail	<p>Within 5 min walk to a bus stop offering a 15 min frequency service to a major transport interchange.</p> <p>Or, where appropriate, 10 min walk to a rail station offering a 30 min frequency service</p>	<p>Within a 5 minute walk from the site there is a bus stop providing services to Leeds (1 per hour), The White Rose Centre (1 per hour) and Wakefield (1 per hour).(Does not comply)</p> <p>Outwood station is located 1.4 miles from the site (25 minute walk). (Does not comply)</p>

- 10.40 Officers have accepted that whilst the site does not fully meet the accessibility standards, on balance it would not be reasonable to refuse permission on this basis.
- 10.41 The location of the proposed vehicular access is considered acceptable. Some further amendments to the access are required including relocating the dropped kerbs and tactile paving further from the mouth of the junction.
- 10.42 The internal road layout which comprises a block paved shared space street and a TRO to protect the turning head is considered to be acceptable. Vehicle tracking has been provided which demonstrates the internal road layout is acceptable.
- 10.43 The proposed dwellings have sufficient parking (curtilage and garages). The proposed parking provision for the flats, retail unit and medical centre is also considered acceptable. However objections have been received from local residents regarding parking on Meadow Side Road. In order to address these objections officers recommend the extension of waiting restrictions to protect the junction. Conditions are recommended to address these matters.
- 10.44 Subject to conditions and a s278 agreement for the new access, it is not considered the proposed development will result in harm to the local highway network.

#### Other matters

- 10.45 The proposed development has been assessed by officers in Flood Risk Management who raise no objection to the proposal subject to a condition requiring submission of a drainage scheme for surface water drainage.

- 10.45 The proposed development has been assessed by officers in Contaminated Land. No objection has been raised although further information is required by condition.
- 10.47 Due to the proximity of the railway line to the rear of some of the properties a condition is recommended requiring submission of a noise insulation scheme to ensure that the dwellings achieve an acceptable standard of accommodation. A noise buffer running along the site boundary adjacent to the railway line is proposed to provide acoustic mitigation.

#### Response to representations

10. 48 As set out above, objections have been received raising concerns that future residents will park in Meadow Side Road. The proposed scheme provides sufficient parking for the future residents and the medical centre and retail unit. Therefore parking should be contained within the site and there should be no overspill onto Meadow Side Road. Subject to the conditions and required s278 agreement the proposed development is acceptable in highways terms.
- 10.49 Some local residents and ward Councillors have requested further details of the future occupiers of the medical centre and retail unit and there is some concern that these units will not be occupied and converted into commercial use. The applicant has confirmed that they have occupiers lined up however are not able to provide the details of these. It is anticipated that these units would be occupied and not left vacant. If that were to be the case any other use of the ground floor units other than as a health centre (D1) and retail (A1) would require planning permission and the suitability of another use would be considered.

#### Community Infrastructure Levy

- 10.50 The Community Infrastructure Levy (CIL) 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 floorspace.
- 10.51 In this case the CIL charge based on the proposed residential floorspace (2170m<sup>2</sup>) would be approximately **£103,682.43**. This would be calculated as part of a future reserved matters application.

#### **11.1 CONCLUSION**

- 11.1 As set out above the application is not policy compliant given that no affordable housing or Public Open Space provision is proposed. However officers have had regard to the independent advice of the District Valuer which advises that a financially viable policy compliant cannot be delivered. Had permission been recommended for approval a s106 agreement for a clawback mechanism for a review of the viability would be required. Officers and members have significant concerns over the design and layout of the development and the amenity of the occupants of the proposed flats. Furthermore it is considered the proposed development provides too many 4 bed dwellings. For these reasons the application does not comply with adopted policies and is therefore recommended for refusal for the reasons set out at the head of this report.

#### **Background Papers:**

Planning application file: 17/05126/OT

Certificate of ownership: signed by applicant.

