

Report of the Chief Planning Officer

SOUTH AND WEST PANEL

Date: 18th October 2018

Subject: Application 17/08294/FU – Construction of 22 dwelling houses and associated works - Land off Tyersal Close, Tyersal, Leeds

APPLICANT

SLJ (Wakefield) Ltd

DATE VALID

3rd January 2018

TARGET DATE

4th April 2018 (EOT until 26th October 2018)

Electoral Wards Affected:
Pudsey

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. Offsite Green Space Contribution of £82,212.13 to be spent on sport and recreational facilities at Tyersal Park**
- 2. Viability re-test after 15th dwelling sale and any additional moneys over an above agreed profit level given as a commuted sum towards off site Affordable Housing**

1. Standard time limit of 3 years to implement.
2. Plans to be approved.
3. Samples of all external materials to be submitted and approved.
4. Separate Highway Authority approval for the specification and construction details of the approved highway layout and enter in to an agreement under Section 38 of the Highways Act 1980.
5. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 15 (6.6%)
6. Visibility splays shown on the approved plan.
7. Cycle/motorcycle parking and facilities to be submitted and approved.
8. Electric Vehicle Charging Points to be submitted and approved.
9. All areas shown on the approved plan to be fully laid out, surfaced and drained.
10. Provision of bin stores implemented in full before the use commences.
11. Construction management plan
12. Drainage scheme to be submitted and approved
13. A plan shall be submitted to and approved in writing demonstrating integral bat roosting features within buildings; and bird nesting features.
14. A Phase II Desk Study to be submitted and approved.
15. Remediation works shall be carried out in accordance with the approved Remediation Statement.
16. Any soil tested for contamination and suitability for use
17. Remove PD rights for outbuildings and extensions due to garden sizes and for conversion of garages due to need to ensure each plot retains adequate parking off-street.
18. Full details of Landscaping scheme and Implementation.
19. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of areas of landscaping not within individual plots for the lifetime of the development.
20. Replacement planting for die back for five years.
21. Remove PD rights for rear dormer windows to plots 1 to 7.

1.0 Introduction

- 1.1. This application was originally reported to Plans Panel on 19th July 2018. At that meeting Panel Members resolved that the application should be deferred to negotiate further with the applicants with regard to clarity on housing mix, size of houses and the house prices put forward by the applicant. In addition to these points, clarity was also needed over the area of land to the East of the access road which appeared to be neither in the applicants red line boundary or the garden of the adjacent third party property. This report should be read in conjunction with that presented to Panel on 19 July and which is attached to this report.
- 1.2. Since that meeting further negotiations with the developer have been undertaken, the outcome of which is outlined below.
- 1.3. Revised plans were submitted on 24th August, showing the onsite green space area removed and an additional four units provided with one Affordable unit. As such neighbour notification letters have been issued as a duty of care and site notices displayed to Tyersal Avenue and Tyersal Close, dated 30th August, to advertise this change. The overall expiry date of these notifications was 22nd September.

2.0 Public Response to Revisions

2.1. Following revisions a further 8 letters of objection have been received raising the following concerns:

- Concerns over the current state of the land and listing of the land as Green Belt.
- Increase in number of units would lead to overdevelopment of Tyersal.
- Concerns over the lack of infrastructure currently serving Tyersal.
- Concern over plots 4/5 retaining at least 10.5m to the rear boundary, overlooking from Velux windows towards number 55 and 57 Tyersal Road.
- Red Kites spotted in and around the site.
- No correspondence sent about the Panel date.
- Garages of plots 3 and 6 appear closer than the original plan.
- Loss of existing mature trees on site and potential impact on wildlife.
- Development would increase traffic, lead to loss of privacy and noise and disturbance.

3.0 Consultation Responses to Revisions

3.1 Nature Team - There should be no significant nature conservation concerns with this application. The Red Kite survey is adequate to conclude this species will not be affected. However, in order to provide biodiversity enhancements a condition should be attached.

3.2 Highways – No objections, the proposed layout is now acceptable subject to conditions already specified and a further condition in regard to the maximum gradient to access.

4.0 Appraisal

4.1 As noted above, there have been two changes since this application was last presented to Members. The changes which have taken place are the increase in four dwellings, the removal of onsite green space and alteration to the proposed housing mix.

4.2 The Housing mix would now consist of a wider range of dwelling sizes, comprising of three – six bedroom homes. A change from the previous reported scheme which consisted of 4 – 7 bedrooms.

4.3 The Housing mix would now consist of the following:

House Type	Number of Bedrooms (including playroom and study)
Semi Detached x 8 (4 pairs)	Three Bedrooms
Semi Detached x 4 (2 pairs)	Four Bedrooms
Semi Detached x 8 (4 pairs)	Five Bedrooms
Detached x 1	Four Bedrooms
Detached x 1	Six Bedrooms

4.4 The revised proposal delivers a mix of housing (3-6 bed accommodation) which meets the objectives of policy H4 (which is concerned with Housing Mix).

4.5 Clarification has been sought from colleagues within Local Plans who have confirmed that according to the Strategic Housing Market Assessment 2017, this suggested proportionately Outer West Leeds has a slightly lower stock of 4 and 5+

dwellings than the rest of Leeds and that there is a need for varied sizes of houses to this area of West Leeds. It is not considered that the mix of houses comprising of 3 – 6 bedrooms would not be harmful to the overall delivery of homes in this area, and would be in accordance with the Strategic Housing Market Assessment 2017.

- 4.6 The increase of dwellings has been achieved by reducing the size and scale of the dwellings to the North of the site which has changed from two, semi-detached houses and two, detached houses to four, semi-detached houses and one detached house. The dwellings to the East of the site have also been altered to facilitate an extra unit. The changes are from three detached houses and one semi-detached house to three semi-detached houses.
- 4.7 The majority of dwellings still comply with 10.5m minimum rear garden depths, as required by SPG13 (Neighbourhoods for Living), it is noted that plots 8,11,12, 15 & 16 do not comply with the required 10.5m, the lengths of these differ from 9.6m – 10.3m. However, these are still considered to provide a good level of garden space, given the dwellings size and that the proposed gardens would comply with two thirds the total floor space requirement. In addition, these dwellings boundaries would join the side boundary of number 77 Tyersal Avenue, which benefits from a garden 84m long. This garden area is enclosed by fencing 1.8m high, as such no impact upon loss of privacy is considered to be created by this aspect. Therefore the shortfall is considered acceptable.
- 4.8 The dwellings proposed to the East of the site facing the rear elevations of dwelling fronting Tyersal Avenue measure 8.5m high. The existing dwellings measures 7.1m high. The land slopes down from the West to the East and as such these proposed dwellings would sit lower than the existing dwellings to Tyersal Avenue. All dwellings remain two storeys in height, with living accommodation provided in their roof spaces.
- 4.9 The revised dwellings vary in size. The table below highlights the differences of the proposed floor spaces of the dwellings on this scheme, when compared to the Department for Communities and Local Government - Technical housing standards – nationally described space standard. The government's Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage.

Number of bedrooms	Proposed units size (Sqm)	DCLG Minimum Standard (Sqm)
3 ((including study)	95 - 103	90
4 (including playroom)	163 - 182	103
5 (including study)	192 – 216	116
6 (Including playroom and study)	237	129

- 4.10 As demonstrated in the table above the size of accommodation proposed, would still exceed the minimum space standards. In summary the proposal would provide a good level of amenity for occupants.

- 4.11 During the previous Panel meeting Members raised concerns over a parcel of land located to the East of the proposed access road, which isn't in the ownership of the applicant. The owners of this parcel of land cannot be identified. This said, the applicant has committed that they will maintain this piece of land within the wider management of the site, which would tidy the appearance of it.
- 4.12 Discussions were held after the last Panel meeting in regard to the provision of onsite green space. From these discussions it was considered an improvement to the proposal to remove the onsite green space and provide a commuted sum instead. This decision was taken given that this land fell within Greenbelt and after concerns were raised by Members and Members of the public over the safety and use of this Green Belt land, which would have been formalised as use of public open space. As such, none of the proposal now falls within Green Belt land.
- 4.13 The off-site green space contribution has been calculated at £82,212.13. Discussions have taken place with the relevant ward Members and it has been confirmed that this money would be spent on improving sports and recreational facilities within Tyersal Park. An alternative scenario has been discussed with ward Members in regard to providing two affordable units and an offsite contribution of £20,000. This option has been rejected by ward Members who consider that the offsite greenspace currently proposed would go towards regenerating Tyersal Park, in the form of sports and recreational facilities.
- 4.14 In response to Members comments this revised scheme has been accompanied with a revised Viability Appraisal. The changes to house types should be read in conjunction with the viability assessment attached within the appendix below.
- 4.15 The information in Appendix 1 of this report has been identified as being exempt from publication in accordance with Access to Information rule 10.4(3) because it is commercially sensitive relating to the business affairs of the Council and third parties, publication of which at this time may prejudice the Council's negotiating position if published at this stage. It is therefore considered that the public interest in maintaining the exemption at this time outweighs the public interest in disclosing the information.
- 4.16 In response to Members concerns previously the scheme has been revised to include one affordable dwelling (plot 15). The District Valuer has confirmed that a profit of 7.23% would be delivered from the current proposal which gives one Affordable Housing unit, CIL payment and offsite green space contribution. This is below the norm of expected of usual profit level, the expected minimum profit return is 17.5% and what would be expected on a development of this size.
- 4.17 The further objections raised by local residents are noted, however many of these stem from the overall development of this site and subsequent highway impacts. The objections relating to the harm of protected bird species has been formally addressed by the submission of a Red Kite survey, confirming that this species would not be affected by the proposal.
- 4.18 On balance it is considered that the proposal has satisfactorily addressed matters of housing mix, design, scale and protected species. It is therefore recommended that the application be approved subject to the conditions as set out above and the signing of a legal agreement.

APPENDIX 1, ORIGINAL REPORT TO PLANS PANEL

Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 19th July 2018

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

APPLICANT

SLJ (Wakefield) Ltd

DATE VALID

3rd January 2018

TARGET DATE

04th April 2018

Electoral Wards Affected:
Pudsey

☐ Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to conditions specified below

22. Standard time limit of 3 years to implement.
23. Plans to be approved.
24. Samples of all external materials to be submitted and approved.
25. Separate Highway Authority approval for the specification and construction details of the approved highway layout and enter in to an agreement under Section 38 of the Highways Act 1980.
26. Visibility splays shown on the approved plan.
27. Cycle/motorcycle parking and facilities to be submitted and approved.
28. Electric Vehicle Charging Points to be submitted and approved.
29. All areas shown on the approved plan to be fully laid out, surfaced and drained.
30. Provision of bin stores implemented in full before the use commences.
31. Construction management plan
32. Drainage scheme to be submitted and approved
33. A plan shall be submitted to and approved in writing demonstrating integral bat roosting features within buildings; and bird nesting features.
34. A Phase II Desk Study to be submitted and approved.
35. Remediation works shall be carried out in accordance with the approved Remediation Statement.

- 36. Any soil tested for contamination and suitability for use
- 37. Remove PD rights for outbuildings and extensions due to garden sizes and for conversion of garages due to need to ensure each plot retains adequate parking off-street.
- 38. Full details of Landscaping scheme and Implementation.
- 39. Landscape management plan to include public open space.
- 40. Replacement planting for die back for five years.

1.0 INTRODUCTION

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

2.0 PROPOSAL

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

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

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

3.0 SITE AND SURROUNDINGS

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

4.0 RELEVANT PLANNING HISTORY

- 4.1 25/88/02/OT – outline application to erect residential development. Refused due to development of greenfield land and lack of provision for affordable housing and greenspace.
- 4.2 H25/460/76/ - renewal of outline permission to erect residential development. Approved.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The current scheme has been the subject of many negotiations after concerns were raised by Officers in relation to the initial design, external space provided and the overall design of the site which was heavily parking space dominated. The initial proposal also lacked any public greenspace on or off site.
- 5.2 Following on from these comments a meeting was held and subsequently revised plans provided. The main changes involved a reduction from 23 to 18 units, redesign of the dwellings, greater space given around the units and more planting provided in compliance with N24 Green Belt buffer requirements and on site Greenspace provided to the North of the site.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Site notices were posted around the application site on Tyersal Close and Tyersal Avenue on 17.01.2018. In addition to this neighbour notification letters were also issued to surrounding dwellings, along with the publication of a newspaper advertisement on 10.01.2018 (Major Development Notice). The publicity period for the application expired on 11.05.2018. Following revisions of the application these were re advertised through a site notice posted 20.04.2018 and neighbour notification letters sent 17.04.2018. The expiry date of this re notification was 11.05.2018.
- 6.2 In total ten letters of representation have been made to the original application. These consist of eight objections and two letters of support. The letters of objection raise the following concerns,
- Highways safety access and increase in traffic
 - Site already cleared before application determined / loss of habitat and trees
 - Lack of Greenspace
 - Overall design of the units
 - Encroaching onto protected Green Belt
 - Lack of affordable housing
 - Proposed materials out of character
 - Loss of privacy to dwellings fronting Tyersal Avenue and Tyersal Close
 - Lack of public transport to this area
 - Noise levels
 - Use of the public open space

The two letters of support relate to,

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

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

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

7.0 CONSULTATION RESPONSES

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

Estimated demand generated by the proposed development

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

Impact on primary places

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

The site is also very close to another housing development (Tyersal Lane, Tyersal) which is currently under construction which may also lead to increases in local schools.

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

Impact on secondary places

Current secondary projections suggest that demand is expected to outstrip the total available number of school places in the west of the city from 2019 onwards.

Although any additional demand from new housing will exacerbate this situation further, the anticipated pupil yield from this proposed development is very small and is therefore unlikely to have a significant impact.

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

8.0 PLANNING POLICIES

National Planning Policy Framework

- 8.1 Para 49 Presumption of sustainable development

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

Core Strategy

8.2 The following core strategy policies are considered most relevant

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

Saved Policies - Leeds UDP (2006)

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

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

8.4 Supplementary Planning Policies

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

Natural Resources and Waste Development Plan Document

Neighbourhoods for Living – A Guide for Residential Design in Leeds

National Technical Housing Standards (not adopted)

SPG Neighbourhoods for Living

SPD Parking

Leeds Street Design Guide

Designing for Community Safety – A residential Design Guide

9.0

MAIN ISSUES

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

10.0

APPRAISAL

Principle of Development

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

- 10.4 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It advises that the distribution and scale of development will be in accordance with the following principles:
- i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs with the scale of growth having regard to the settlement's size, function and sustainability.
 - ii) In applying (i) above, the priority for identifying land for development will be as follows: (a) – Previously developed land and buildings within the Main Urban Area/relevant settlement; (b) – Other suitable infill sites within the Main Urban Area/relevant settlement; and (c) – Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.
 - (iii) For development to respect and enhance the local character and identity of places and neighbourhoods.
- 10.5 The application site is considered to be an extension to the main urban area of, Tyersal, Leeds which lies directly adjacent to the west, south and east of the site. It is therefore considered to fulfil the general objectives of policy SP1.
- 10.6 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations, Sustainable locations, Preference for brownfield and regeneration sites, the least impact on Green Belt purposes, Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes, The need for realistic lead-in-times and build-out-rates for housing construction, The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation, and Generally avoiding or mitigating areas of flood risk.
- 10.7 In response to these considerations, it is considered that the proposal is located in a sustainable location, as an extension to a main urban area, which is already served by local amenities and public transport. Spatial Policy 6 does express a preference for brownfield and regeneration sites and it is accepted that this site is Greenfield and is adopted within the Site Allocation Plan. It is accepted that neither application of Policy SP1 above, and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites.
- 10.8 The proposal complies within general objectives policies H1 and H2 which are concerned with new housing developments. This is due to the fact the proposal protects Green Belt land, delivers a sizable number of units. The proposal also delivers a mix of housing (4-7 bed accommodation) which meets the objectives of policy H4 (which is concerned with Housing Mix). It is noted that that the proposal would deliver larger homes with no 2 – 3 bedroom properties evident. The reasoning behind this is that the applicant carried out a consultation exercise within the

community prior to submitting this application which highlighted the demand for larger homes in this area. The policy does set out that development should include an appropriate mix of dwelling types and sizes taking account of the nature of the development and the character of the location, on these grounds it is not considered that the mix of houses is harmful to the delivery of homes in this area.

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

Layout and Design

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

tiles, also secured by condition, matching the appearance of the dwellings within the immediate vicinity in terms of height and general form which is considered to preserve the character and appearance of the wider street scene.

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

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

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

Amenity and Spacing Considerations

- 10.20 The proposed row of dwellings to the east of the site would retain at the closest 12.5m to the rear boundary and 42m to the rear elevation of the dwellings fronting Tyersal Avenue.
- 10.21 To the north, the proposed row of dwellings would retain 9.6m at the closest to the rear boundary. It is acknowledged that this would fail to achieve 10.5m, however the dwellings boundary would join the side boundary of number 77 Tyersal Avenue, which benefits from a garden 84m long. This garden area is enclosed by fencing 1.8m high, as such no impact upon loss of privacy is considered to be created by this aspect. The first floor bedroom windows to this plot would retain at least 7.5m to the rear boundary, compliant with SPG 13 Neighbourhoods for living. The row of

dwellings to the east would overlook towards Greenbelt and open fields. Therefore, no impact of overlooking is seen to be created by this aspect.

- 10.22 When considering the amenity of future residents, the proposal has been revised during the planning stage and as a consequence the numbers of dwellings have been reduced which has resulted in larger gaps between the dwellings, that would comply with the recommended distance as specified within SPG 13 Neighbourhoods for living, 3.5m from side to side. This creates a spacious development which would follow the context of the area. An average distance of 21m would be retained from the front of dwellings to the west to the front of the dwellings to the east of the cul-de-sac. The garden sizes of all plots are also considered to comply with two thirds total floor space, as recommended in the SPG13.

Highways and Parking

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

Landscaping

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

will be attached stating that the development shall be carried out in line with the Landscape Management Plan, provided by FDA landscape.

Greenspace

- 10.29 The proposed layout originally didn't include any on site or offsite Greenspace provision. Following the advice of Policy G4 of the adopted Core Strategy which states on-site provision should equate to 80 sq m per unit. Local Plans have calculated the cost of providing this amount of greenspace offsite at £67,264.47
- 10.30 The applicants have stated that making a commuted sum of £67,264.47 would render the scheme unviable, and the level of profit would be further reduced.
- 10.31 Subsequently, the applicants have offered an area of land to the north-west of the site, which has been purchased by the applicant. The application has been amended to include this land which lies in the Green Belt. In order to comply with Green Belt policies and to preserve its openness, this land would need to be left undeveloped and not formally laid out. The public open space would feature a sweeping path linking this new development to Tyersal Avenue with meadow grass and various tree planting to soften its impact upon the Green Belt and to comply with policy N24.

Affordable Housing/ CIL Contribution/ Viability Issues

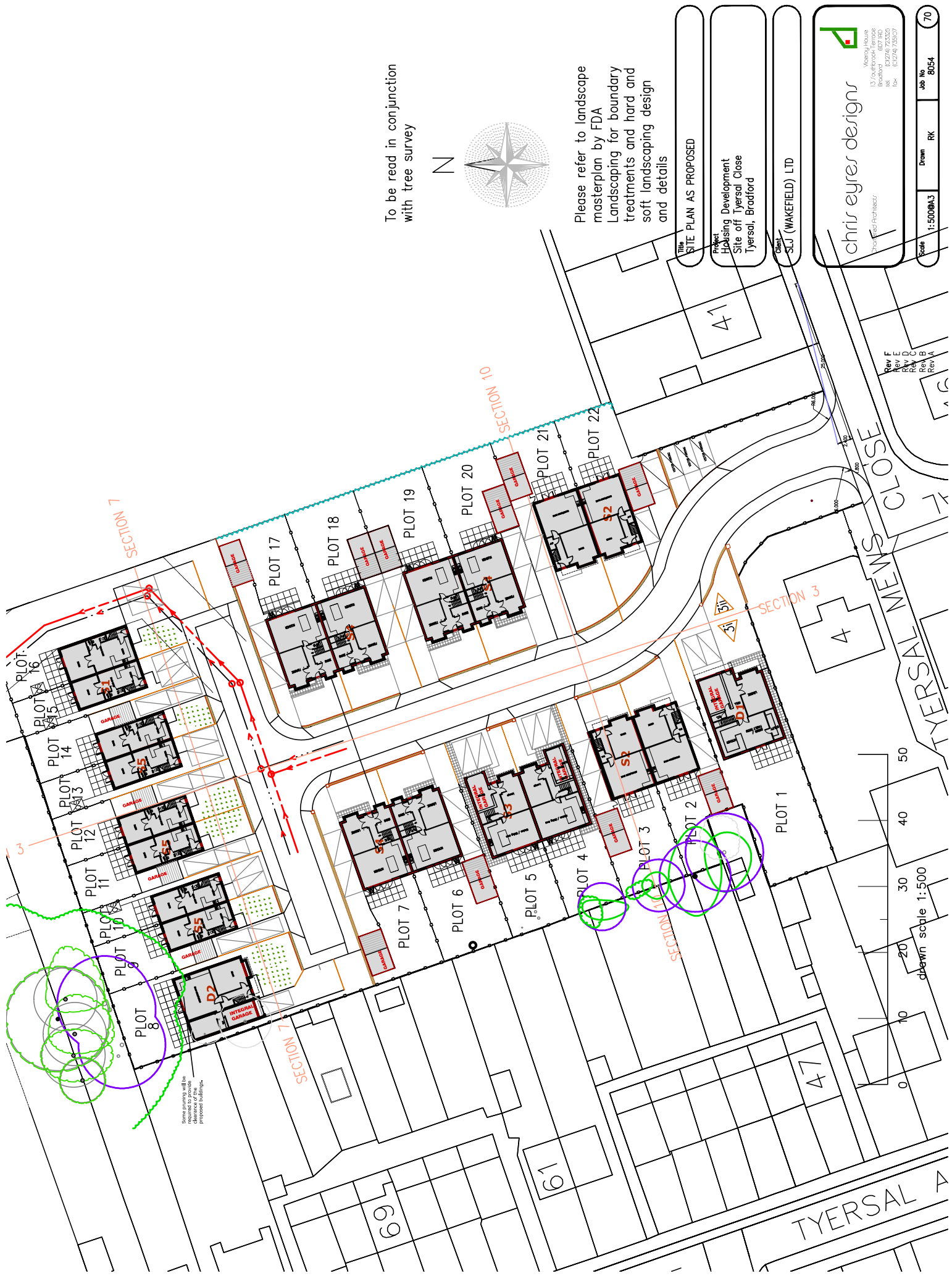
- 10.32 The application has been supported by a Viability Appraisal, which includes making a full CIL contribution of £143,730. The District Valuer has concluded that making this CIL contribution provides no scope to deliver Affordable Housing and that the scheme is unviable as the profit expected would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

11.0 CONCLUSION

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

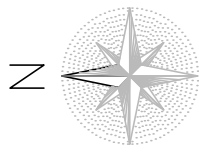
Background Papers:

Certificate of ownership: signed by applicant.
Planning application file. 17/08294/FU



Some activity will be required to provide the balance of the proposed buildings.

To be read in conjunction with tree survey



Please refer to landscape masterplan by FDA Landscaping for boundary treatments and hard and soft landscaping design and details

Title
SITE PLAN AS PROPOSED

Project
Housing Development
Site off Tyersal Close
Tyersal, Bradford

Client
SLJ (WAKEFIELD) LTD

Scale
1:500@A3

Drawn
RK

Job No
8054

Rev
Rev F
Rev E
Rev D
Rev C
Rev B
Rev A

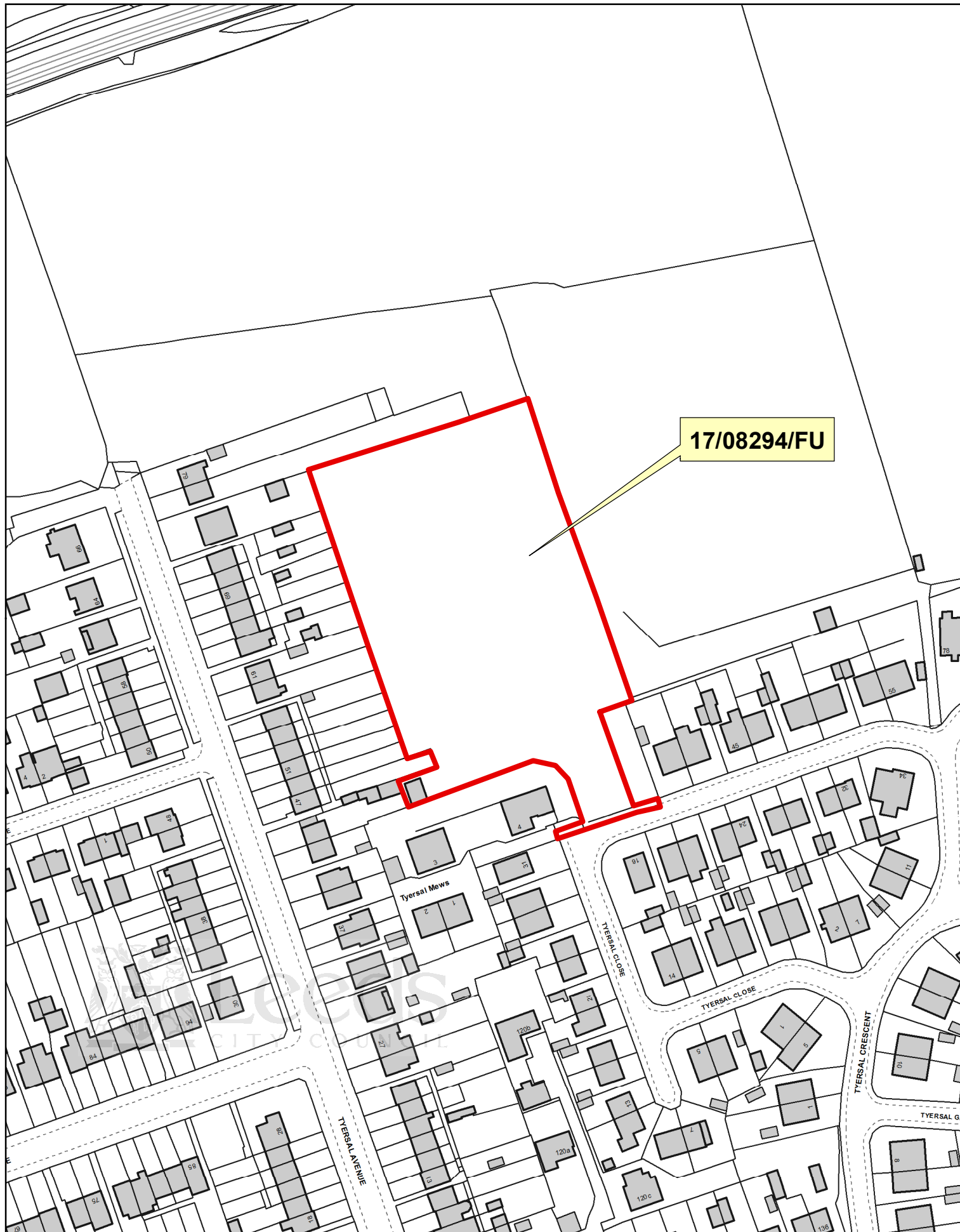
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TYERSAL AVENUE

TYERSAL CLOSE

drawn scale 1:500



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

