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**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 30<sup>th</sup> May 2019**

**Subject: 17/06933/FU; Demolition of existing dwellings and construction of 70 dwellings and associated infrastructure. Land at Sugar Hill Close, Oulton Drive, Wordsworth Drive, Oulton, Leeds, LS26 8EP.**

**APPLICANT**

Pemberstone (Oulton  
Properties Ltd)

**DATE VALID**

28/11/17

**TARGET DATE**

27/02/18 Ext until 30/10/18

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**Electoral Wards Affected:**

Rothwell

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

☒

Community Cohesion

☒

Narrowing the Gap

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**RECOMMENDATION:** Defer and delegate approval to the Chief Planning Officer subject to conditions set out below and the signing of a legal agreement to cover matters below, and subject the application not being called in for determination by the Secretary of State:

- Travel Plan review fee £3000
- Residential Travel Plan Fund £500.50 per dwelling
- Mitigation measures if mode split targets not met
- Real time passenger information display at cost of £10,000 at bus stop 14679
- £11,000 for Speed Limit Order
- Affordable housing
- Commuted Sum Off-Site Greenspace

## Conditions

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Wall and roofing materials to be submitted and approved.
4. Vehicle areas laid out prior to occupation.
5. Cycle parking.
6. Footpath Crossing
7. Electric charging points to all parking spaces at all properties
8. Maximum drive gradients.
9. Submission and approval of Statement of Construction Management and Practice.
10. Details of Construction loading area
11. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays
12. Construction Environmental Management Plan (CEMP)
13. Bat Demolition Method Statement
14. Bat Mitigation Statement and Natural England Licence.
15. Details of bat and bird roosting features.
16. No works/demolition to take place between 1 March and 31 August in any year
17. Full Landscaping (including tree, planting, surfacing and boundary treatments).
18. Method statement for protection of retained trees during construction
19. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of on-site open space and areas of landscaping not within individual plots for the lifetime of the development.
20. Preservation of all existing trees for 5 years.
21. Prior to commencement of development a Lighting Design Strategy for Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA.
22. Development not to commence until drainage scheme including calculations are submitted to, and approved.
23. PD rights removed for extensions.
24. PD rights removed on garage conversions
25. Soft landscaping areas to the front of all plots to be retained and not surfaced.
26. Details of all boundary details to be submitted and approved in writing
27. Recording of dwellings prior to demolition
28. No demolition of housing before a contract for new housing is let
29. Renewable energy sources on site to provide minimum 10% on site
30. Development to comply with accessibility requirements set out in new Core Strategy policy H10
31. Ground investigation works to establish position regarding coal mining legacy issues
32. Site investigation report to be submitted for approval
33. Remediation statement to be submitted
34. Works to be carried out in accordance with remediation statement and verification reports submitted

## 1.0 Introduction

- 1.1 This application is brought to Plans Panel as it is for a major development which the Chair considers to be sensitive, controversial or would have significant impacts on local communities. The proposal is to replace existing housing for new housing but has potential implications for community cohesion in this area. It should be noted that a third party request has been made to the Secretary of State to intervene in the application. The Ministry of Housing, Communities and Local Government has indicated that following the consideration by Plans Panel, a decision would then be made as to whether or not to call in the application in.

## **2.0 Proposal**

- 2.1 The application seeks approval for the demolition of the existing 70 dwellings and their replacement with 70 new dwellings. The existing road layout is retained, although the houses themselves will have a different layout. The proposal includes both semi-detached and detached housing forms, as well as some short run terraces. Each property is laid out with parking and rear garden spaces. 11 affordable housing units are shown on the proposed plan.

## **3.0 Site and Surroundings**

- 3.1 The application site is part of a wider area that sits separate to Oulton itself. Constructed originally for housing for local miners much of the wider estate has already been demolished and replaced with newer housing. The estate is accessed off Wakefield Road and is surrounded by open land.
- 3.2 The application site sits on the south eastern edge of this estate and is formed by two roads, Sugar Hill Close to the western side – a dead end road serving 20 houses and a block of flats (not part of the application site); and Wordsworth Drive, a loop road that serves 51 houses. In between the two roads is a broad greenspace. A number of houses have gardens that back onto open space, with boundary treatments varying between fencing, hedging, and in parts mature tree growth – particularly to the south east corner where a copse of mature trees is seen.
- 3.3 This is a mature and well established estate so incidental landscaping is mature giving an attractive character. The application site does however sit in stark contrast to the rest of the estate which is now formed of modern built housing. The character of the houses is discussed below.
- 3.4 There is one bus stop on the edge of the application site, and further bus stops on Wakefield Road itself. The estate sits adjacent to Rothwell Leisure Centre but is some distance away from retail and commercial facilities (the Lidl in Oulton is 1.17km away as the crow flies).

## **4.0 Relevant Planning History**

- 4.1 PREAPP/17/00150 – demolition of existing dwellings and redevelopment. Advice given.
- 4.2 PREAPP/11/01135 – Residential development. Advice given.
- 4.3 H22/252/89/ - Laying out of access and erection of 117 dwellings. Approved 05/07/90. (This includes the application site as well as the estate area to the north).

- 4.4 H22/144/91/ - 31 dwelling houses. Approved 25/09/91. (This incorporates an area of the estate to the north of the application site around Shelley Crescent).
- 4.5 H22/1/91/ - Laying out of car parking and bus turning area to highway and public open space. Approved 02/06/92. (Area around the greenspace between Wordsworth Drive and Sugar Hill Close).
- 4.6 H22/226/90/ - Laying out of access and erection of 41 dwelling houses. Approved 24/09/90. (This is an area north of Sugar Hill Close, off Oulton Drive).
- 4.7 H22/81/91/ - 28 dwelling houses. Approved 09/07/91. (This is an area to the north west of the site, off Oulton Drive).
- 4.8 22/143/92/FU – 11 dwellings, 29 flats and one shop unit. Approved 25/01/93. (This is the area directly adjacent to the application site near Wordsworth Drive).
- 4.9 22/102/92/FU – Laying out of road and 28 detached houses. Approved 22/09/92. (Area to north, off Shelley Crescent).

## **5.0 History of Negotiations**

- 5.1 As noted above the proposal to redevelop the site was subject to pre-app discussion in 2017. This was based on an illustrative proposal similar to that now put forward. No in principle objections were raised at that time and general advice around design and access issues was provided.
- 5.2 During the course of the application the applicant has undertaken additional work and revisions where requested which have arisen out of consultee responses. Work has also been undertaken with regard to structural survey and heritage aspects.

## **6.0 Public / Local Response**

- 6.1 The application has been advertised in accordance with legislation. A major site notice was posted on 14/12/17 and an advert appeared in the Yorkshire Evening Post on 13/12/17. Neighbour notification letters were also sent out on 30/11/17, and objectors have been re-notified of revisions to plans that merit further comment.
- 6.2 To date 64 objections from third parties have been received,
- 6.3 Alec Shelbrooke MP raises concerns regarding the impact on the local community raising issues such as the number of years tenants have lived in the properties and the strong local connections that have built up. Also raises concerns regarding the financial burden of having to relocate.
- 6.4 Ward Cllr Golton objects on the grounds that the housing is existing, and is not beyond repair, and offers affordable rented accommodation. Current residents would have great difficulty finding similar affordable accommodation in the local area impacting on their employment and education needs. The proposal will not add to local housing supply or community wellbeing.
- 6.5 Former Ward Cllr Bruce objected on the grounds that residents are happy living in their current homes and finding replacement properties will be impossible. The proposal would therefore worsen the housing situation in the ward and will be

harmful to community wellbeing. The proposal will also widen inequality in the area and disadvantage those who need affordable housing the most. There are a significant number of women living on the estate who have already seen significant financial disadvantage and hardship due to pension law changes. The properties are also believed to provide roosts for bats across the site. A huge variety of wildlife would be impacted upon. Increase in hardstanding will exacerbate existing flooding issues on adjacent sites such as the sports field, Toby Carvery and New Masons Arms.

- 6.6 Elmet & Rothwell Constituency Labour Party object on the grounds that the proposal is inherently unsustainable and conflicts with a number of guiding principles in the NPPF; the importance of the existing housing stock; there is no contribution to existing housing supply; loss of viable housing is inefficient and would have a significant carbon footprint; social implications of loss of a community; loss of heritage assets.
- 6.7 The Oulton Society endorse the comments made by the Oulton and Woodlesford Neighbourhood Forum and objects to the application.
- 6.8 National Union of Mineworkers Yorkshire Area objects to the redevelopment of this former Coal Board estate due to the detrimental impact on the local community, many of whom have lived there for 30 years. The current houses are in good order and could be renovated to modern standards.
- 6.9 Leeds Civic Trust do not support the application as the houses represent the largest number of externally unaltered post war "Airey" homes remaining in the UK and as such must be regarded as a rare group of non-designated heritage assets of both local and national significance. The surviving estate constructed by the National Coal Board in the 1950's shows no sign of structural defect but their group value, pleasant location and settled community represents a fitting legacy and tribute to a major Leeds industrialist whose pioneering house design and construction method helped Britain recover during the post war period.
- 6.10 Oulton Health Centre have written in objecting to the proposal as it does not have the health interests of the community as key aspects of any planned outcome. Many of the residents are vulnerable, elderly or suffer with health complaints. Living with the threat of being forcibly rehoused is causing many physical and mental health issues.
- 6.11 Local representations make the following objections;
- Loss of community and the impact of upheaval, loss of social cohesion, family, friends etc.
  - Impact on education of children who will have to move.
  - Lack of available housing in nearby area.
  - Homes are currently affordable.
  - Impact on biodiversity including bats, newts.
  - Impact on drainage and flooding.
  - Discrimination against residents, many of whom are elderly or on low incomes.
  - Houses are perfectly fine to live in and are liked by the residents.

- Public consultation by developers was inadequate and together with the proposals has stress which include some that elderly, disadvantaged and/or in poor health made worse by the uncertainty
- Loss of trees.
- Gardens of new houses are too small.
- Structural survey is flawed – not enough properties were sampled, one of them was damaged in a severe flood event.
- Properties are of more than just local interest given their post-war importance in the UK as “Homes for Heroes”.
- The homes are important to the coal mining history of this area and the homes were specifically built to house coalminers and their families.
- Assessment of viability should be done to the level of “liveability” rather than “mortgageability”.
- Lack of detail about affordable homes to be provided.
- The bat survey was inadequate
- The replacement housing of predominantly 4 bed housing to replace 2 or 3 bed properties which is the local need.

6.12 Local residents were re-consulted on the revised layout and further responses were received raising the following issues:

- The omission of one dwelling will not increase green space
- The development will result in a loss of greenspace and established trees
- The proposed gardens are smaller than existing gardens
- There will be an increase in paved areas
- The loss of green space will have an impact on birds and small mammals
- The development is contrary to the Council’s proposals to become carbon neutral
- Plans Panel must follow its Climate Emergency declaration
- The existing dwellings are energy efficient
- The development will not increase housing stock and reduce available affordable housing
- Removing affordable housing is social cleansing
- One of the largest estate of Airey Homes in West Yorkshire will be lost forever
- The loss of the houses will destroy the strong community
- Local public transport is inadequate with infrequent buses and possible closure of Woodlesford train station. This will encourage car travel.
- Existing houses have one car. The proposed large houses will have more than one car increasing traffic exiting the estate in the morning
- No safe crossing for 200m
- Travel Plan is based on assumptions and there is no proof the expectations will be delivered.
- HS2 will cause major disruption to road and rail
- 200 people will be displaced for gentrification
- Demand for social housing is outstripping supply

#### Outer South Community Committee

6.13 Comments received state that the vote of 11 councillors serving this area was in favour of opposing the application, with one other Councillor abstaining as he served

on the plans panel which will consider the application. It further states the vote reflects the shock and distress which the councillors felt at the proposal by the landlord to evict longstanding tenants of the area and to rebuild homes which the current communities cannot afford. The Committee considered such an approach cannot be sustainable in community terms, and the loss of affordable homes for residents of modest means is not acceptable for the area.

- 6.14 Concerns were raised by the councillors and members of the public at the meeting and clarification sought from the senior planning officer present that the community aspect of the NPPF would be given due consideration when producing the report. The planning officer confirmed that this would be taken into consideration. The NPPF emphasises the need to provide for and support residential communities, offer a range of housing and cater for the needs of different groups.

## **7.0 Consultation Responses**

- 7.1 Highways DM – The revised Proposed Site Layout addresses the highways comments and is acceptable. Considering that cycle storage is indicated for dwellings without garages, and space provided for cycle storage within garages where they are provided, a condition requiring the storage should also be included. No objection subject to all conditions provided previously with the above amendment.
- 7.2 Housing Growth Team – Affordable housing is required at 15% of the total which equals 11 units, 4 of which should be affordable housing for households on lower quartile earnings and 7 of which should be affordable for households on lower decile earnings. Subject to the addition of a further 2 bed unit then the team would be supportive of the AH approach taken here (7 x 2 bed units and 4 x 3 bed units), and this falls in line with policy H4.
- 7.3 Travel Wise Team –A Travel Plan has been submitted and reviewed by Travelwise. They have requested s106 planning obligations; Travel Plan Review fee, provision of Residential Travel Plan Fund and mitigation measures if split targets are not met.
- 7.4 Landscape Team – No objection to the proposed landscaping subject to conditions.
- 7.5 Nature Team – No objections; subject to 4 conditions relating to no works before a bat demolition method statement, a bat emergence survey, no works in the nesting season without evidence that there would be no disturbance, and requiring new bat roosting and bird nesting features in the scheme.
- 7.6 Coal Authority – The Coal Authority concurs with the recommendations of the Stage 1 Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken to establish the exact situation regarding coal mining legacy issues on site. A condition is therefore required for information to be submitted prior to commencement of development.
- 7.7 West Yorkshire Combined Authority – Request a real time passenger information display at cost of £10,000 at bus stop 14679.
- 7.8 Contaminated Land Team – A phase 2 site investigation and follow up reports will be required. Conditions are recommended.

- 7.9 Oulton & Woodlesford Neighbourhood Forum – Concern raised that there are insufficient affordable homes, single storey or accessible homes in the local area. The proposal falls short of providing 15% affordable house, and no provision is made for any one-bedroom or one-storey properties. The application does not satisfy the policies being put forward in the draft Neighbourhood Plan. Design is very basic and not reflective of local character. If approved the proposal will leave the majority of residents homeless whilst those being rehomed are likely to be given accommodation that does not meet their needs or lifestyle. Strongly object to the proposal.
- 7.10 Twentieth Century Society – Maintain objection following submission of a structural survey report and heritage assessment. The houses are identified as non-designated heritage assets. Consider there to be no evidence of structural insecurity in the houses. Airey type houses were designated defective in 1985 and a nationwide scheme of repair work was undertaken. The structural report notes that previous repairs may not be of good quality but this does not confirm structural instability. Also concerned that superficial observation carried out on 4 houses is being used to justify the demolition of 70. The report also makes assumptions that are refuted including that the concrete is of uncertain quality, the age of the concrete does not automatically mean it must be suspect. Further work required. The surveyors report recommends a further series of repair works to all properties, we do not oppose this but do not agree that the original PRC cladding needs to be removed as this would cause major disruption and no evidence has been provided to show the panels to be unsound. We also refute the claims made in the heritage statement including that the preservation of the houses can only be achieved in a museum setting, and that repair works will harm the heritage significance.
- 7.11 Conservation Team – The revised heritage statement gives examples of extant unaltered Airey houses in support of the statement that "survival is reasonably widespread" and, furthermore, that there are surviving examples where the layout of estates survives either in totality or in a far more unaltered state.. It seems that a significant stock of such houses survive at both national and regional level and the overall assessment that the study area is of local significance is a logical conclusion. In the NPPF non-designated heritage assets are conferred less weight in the decision making process than designated assets. Paragraph 198 of the NPPF states that "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred." It is therefore reasonable to ensure by condition that the demolition of the Airey houses is linked to the letting of a contract for the replacement houses. Should permission be granted for redevelopment, a record should be made of the Airey houses to help mitigate the loss of significance. In accordance with paragraph 199 of the NPPF, the manner of the record should be proportionate to their significance and this case should be a photographic record to a specification to be agreed and secured by condition.
- 7.12 Local Plans: The proposed density and housing mix are considered appropriate. The area is considered to be deficient in green space and an offsite contribution is considered appropriate.

## **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) the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan (there is currently no Neighbourhood Plan in place for this area).

8.2 The following Core Strategy policies are considered most relevant

- SP 1: Location of development – Oulton is classed as a village.
- H2: New housing development on non-allocated sites.
- H3: Density of residential development.
- H4: Housing mix.
- H5: Affordable housing.
- P10: Seeks to ensure high quality design
- P11: Conservation.
- P12: Landscape
- T2: Accessibility requirements and new development.
- G1: Extending and enhancing green infrastructure.
- G4: New greenspace provision.
- G8: Protection of species.
- G9: Biodiversity improvements.
- EN1: Climate change and carbon dioxide reductions
- EN2: Sustainable Design and Construction
- EN5: Managing flood risk.
- 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:

- GP5 - Development proposals should resolve detailed planning issues.
- BD5 – New buildings to be designed with consideration of their own amenity and that of their surroundings.
- N24 – Development proposals abutting the Green Belt or open land.

8.4 The following Supplementary Planning Policy documents are relevant:

- Leeds Street Design Guide (2009)
- Parking SPD (2016)
- Neighbourhoods for Living (2013).

Emerging Policy: Submission of Site Allocations Plan (SAP) May 2017

8.5 The Leeds Site Allocations Plan is at a highly advanced stage with the Inspectors recommended Main Modifications having been subject to consultation prior to the

Inspectors' report being issued, following which the Plan will be considered for adoption by the Council.

- 8.6 The site is not allocated within the draft SAP. The areas immediately to the east and south are designated as both greenspace and Green Belt and that status will continue in the adopted SAP.

#### Core Strategy Selective Review (CSSR)

- 8.7 The Council's CSSR was subject to hearing sessions in February. The policies subject to independent examination were:
1. Reviewing the housing requirement.
  2. Extending the plan period to 2033, given that 5 years has elapsed into the Adopted Core Strategy plan period.
  3. Incorporating new national policy regarding the Code for Sustainable Homes by updating the wording of Policies EN1 and EN2.
  4. Reviewing Affordable Housing Policy in response to the Housing White Paper and changes in national legislation.
  5. Reviewing the requirement for Greenspace Policy in new housing developments by amending Policy G4.
  6. Incorporating National Housing Space and Accessibility Standards for new housing
  7. New policy relating to Vehicle Electrical Charging Points
- 8.8 The Inspector has recommended a small number of proposed Main Modifications to the policies within the Plan which are now subject to consultation prior to the Inspector issuing her final report. Policies not subject to modifications by the Inspector can be afforded significant weight. Of specific relevance to the Application is the policy relating to National Housing Space and Accessibility Standards as well as emerging policy EN2 and vehicle electrical charging points, neither of which are proposed for modification so do now carry significant weight in the consideration of the application.

#### National Planning Policy Framework (NPPF) 2019

- 8.9 The NPPF 2019 continues to reflect the fundamental requirement under section 38(6) of the 2004 Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise: see e.g. paragraphs 12 and Annex 1. The policy guidance in Annex 1 to the NPPF is accordingly that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given. This also substantially reflects the position with regard to emerging policy, under NPPF paragraph 48, with regard to both the SAP and the CSSR.
- 8.10 The overarching policy of the NPPF continues to be the presumption in favour of sustainable development, there being three dimensions to sustainable development, as a basic premise: economic, social and environmental.
- 8.11 Paragraph 11 of the NPPF specifically directs that development proposals that accord with the development plan (which is the case here) should be approved without delay, and where there are no relevant development plan policies, or the

policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 8.12 Chapter 8 deals with promoting healthy and safe communities. This sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places that promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Paragraph 93 states that “planning...decisions should consider the social, economic and environmental benefits of estate regeneration”.
- 8.13 Chapter 12 deals with designing places. Paragraph 124 states that “good design is a key aspect of sustainable development”. Paragraph 127 states that “planning...decisions should ensure that developments function well and add to the overall quality of the area...are sympathetic to local character and history...establish or maintain a strong sense of place...create places that are safe, inclusive and accessible...”.
- 8.14 Chapter 15 deals with conserving and enhancing the natural environment including the protection of habitats and species, contamination and pollution issues.
- 8.15 Chapter 16 deals with conserving and enhancing the historic environment.
  - Paragraph 189 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
  - Paragraph 190 – LPA’s should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
  - Paragraph 192 – In determining applications LPA’s should take account of:
    - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses.
    - The positive contribution that conservation of heritage assets can make to sustainable communities.
    - The desirability of new development making a positive contribution to local character and distinctiveness.
  - Paragraph 197 –The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.

## **9.0 Main Issues**

1. Principle of development
  - a) Assessment against adopted and emerging policy.
  - b) Public Sector Equality Duty.
2. Impact of loss of non-designated heritage asset.
3. Design and Character.
4. Impact on residential amenity.
5. Landscaping

6. Impact on ecology
7. Accessibility and highway safety.
8. Flood Risk
9. Sustainability and Climate Change
10. Objections and representations.
11. Planning Obligations and legal agreement]
12. Community Infrastructure Levy

## 10 Appraisal

### Principle of Development: Assessment against Adopted and Emerging Policy.

- 10.1 The application site is unallocated in both the UDP, Core Strategy and the draft Site Allocations Plan due to its established use for housing. Consequently the replacement of existing housing on this site with further housing is considered to be acceptable in principle. Furthermore the site sits within a small residential area, and whilst not in a wholly sustainable location, the proposal does not seek to increase the number of units beyond that which already exists. There will therefore be no additional burden on infrastructure, education or other social provision. The proposal is therefore considered to comply with policy H2 regarding housing on unallocated sites.
- 10.2 Policy H3 of the Core Strategy sets out appropriate densities of housing, for smaller settlement areas this is considered to be 30 dwellings per hectare, although it is noted that this area is classed as a village. Currently the housing stock on site achieves a density of 39 dwellings per hectare (dph), which would not change as the same number of replacement houses would be built. It is acknowledged that this is higher than would normally be sought in this area, however this proposal is replacing existing housing stock. Other areas within this estate have been redeveloped at similar densities, for example Wordsworth Court has a density of 44 dph, whilst properties on the outer eastern edge are at a density of 26 dph. This reflects the larger footprint and detached forms of these 1990's developments which achieved higher density, with reduced garden depths and space between properties. Subject to an assessment of space (addressed in the section on design and character) it is considered that the density of this development is acceptable due to its proposal to replace existing housing with a similar number of properties.
- 10.3 In terms of housing mix the proposal provides a range of 2 – 4 bedroom properties in the following mix:
- 21 x 2 beds = 30%
  - 24 x 3 beds = 34%
  - 25 x 4 beds = 36%
- 10.4 This broadly accords with policy H4 which requires between 30 – 80% 2 beds; 20 – 70% 3 beds and 0 – 50% 4 beds. Whilst the proposal does not provide for any one or 5 bedroom properties, the policy does not require this. The proposal also does not propose any flatted accommodation; however this would be difficult to achieve on this site due to local constraints (i.e. the need to keep to a maximum of 2 storeys height, and the existing road layout).
- 10.5 Policy H5 requires the provision of affordable housing which in this location is 15% of the total amount, equalling 11 units. The applicants have provided for this in the

layout and demonstrated the anticipated positions of these houses. 7 of the units are proposed to be 2 beds, and 4 are proposed to be 3 beds. The proposal is therefore considered to be compliant with policy H5 subject to a s106 to ensure implementation. It is understood that the applicants are already in discussions with Registered Providers regarding the uptake of these units.

- 10.6 The application site boundaries follow the curtilages of the properties to be demolished. There is a large area of open space between Sugar Hill Close and Wordsworth Drive. Given this existing greenspace area immediately adjacent to the site and the need to provide good sized private garden space and adequate on-site parking for the replacement dwellings, it is considered appropriate, having regard to Core Strategy Policy G4, to require a contribution to safeguard and improve off site open space in lieu of onsite provision. This would also comply with the requirement of emerging policy G4 in the Core Strategy Review. A commuted sum would be secured via a s106 agreement.

#### Public Sector Equality Duty

- 10.7 In determining the planning application, the Council has to comply with the public sector equality duty.
- 10.8 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty whereby a public authority must, in the exercise of its functions (which includes planning) have due regard to the need to –
- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
  - b) Advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.9 With regard to b) above due regard must be given to the need to:
- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 10.10 The relevant protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.11 It is clear from case-law that this duty is personal to Members, and that Members cannot be taken to know what officers know, or what may have been in the minds of officers in providing their advice. Members must assess the risk and the extent of any adverse impact, and the ways in which such risk may be eliminated before making their decision. The duty must be exercised in substance, with rigour, and with an open mind, and it must not be simply a matter of “ticking boxes”. A general regard to issues of equality is not the same as having specific regard, by way of a conscious approach to the statutory criteria. In addition, the duty requires Members to be properly informed before taking a decision, and if the relevant material is not available, there is a duty to acquire it, and this includes consultation with appropriate

groups in some circumstances, and for this reason the LPA has consulted with residents in the affected properties. It is to be noted however, that the duty is not a duty to achieve a result, but a duty to have due regard to the need to achieve the goals in Section 149. The Courts have also made it clear that the weight and extent of the duty is highly fact-sensitive and dependant on individual judgment, and that it is for the decision-maker to decide how much weight should be given to the various factors informing their decision.

- 10.12 The Local Planning Authority (LPA) has undertaken an equality impact assessment and have given due regard to the application in terms of equality. This included writing to the residents of each property within the development to ask for residents' views on what they think the impact of the development will be on them. It also asked for details to ascertain what, if any, their protected characteristics are. The survey results conclude that with the exception of some protected characteristics, (e.g. pregnancy and maternity) many of the residents identify as having one or more protected characteristic. In collating the information on protected characteristics, those responses that have referred to any mental health condition have all been included, as there is no further detail as to whether these are substantial or long term and so constitute a disability.
- 10.13 An assessment as to whether the proposals are likely to impact on those persons more than persons without a protected characteristic concludes that the proposal does have the potential to cause a detrimental impact to those people who are elderly (7 respondents are aged 70 or above) and disabled (27 respondents identified as being disabled) more than those who are not. There is no evidence that residents with other protected characteristics would be disproportionately affected as a result of this development. However the impact on all of the protected characteristics has been considered.
- 10.14 Elderly persons may well have lived for many years in a home and wished to spend the rest of their years in that same home. Disabled persons may well have had an existing home adapted and can be certain that they can live, and function, in that environment. Further disabled school age children may benefit from special educational provision in their current locality. To lose that environment may give rise to particular considerations as to the impacts of such a loss which are different from, and greater than, the impact on other persons.
- 10.15 In this regard, it is necessary to consider this in determining the planning application and consider whether the contemplated benefits of the proposed development outweigh these identified negative impacts (together with any others) having regard also to the mitigation in relation to some of existing tenants who will be rehoused.
- 10.16 In addition, the responses received raise several issues (not all associated directly with protected characteristics of the residents) and for completeness these are summarised as follows:
- Financial implications: residents having to move house and pay higher rent, being priced out of the local area, increased debt and living further away from work meaning travel costs will increase or they will have to look for new jobs. Some residents have also invested money in the houses to make them into their home.

- The impact on children's education: moving house will disrupt preparation for GCSEs, children will have to change schools and give up after school or weekend clubs.
- Health implications: the proposed development is causing stress, depression and anxiety and worsening existing medical conditions. Moving house will be particularly difficult for elderly people. Residents moving away from the area will have to find a new doctor. Some houses have been specially adapted to meet their physical needs e.g. adding a downstairs WC or shower. Houses with these adaptations will be difficult to find.
- Social implications: residents including children will have to leave friends and family members who live nearby. Moving to a new area may be isolating. The existing community support each other and the proposed development will destroy the community spirit. Some residents are also carers for family members who live locally.
- Other issues raised include residents being added as low priority to a long and overstretched Council House waiting list (with a 3 year waiting list in the local area). There is a fear that residents will have to live in temporary accommodation. There has been a lack of loyalty and communication from the landlord and residents will only be given 8 weeks' notice to find new accommodation and the proposed development is morally wrong.
- Some residents say the existing houses are structurally safe and fit for habitation whilst others say they are in need of repair with problems of damp which is exacerbating health problems.

10.17 The developer has advised that 8 households are currently on Regulated tenancies, which are long-term tenancies whose occupants have most protection against their tenancy being terminated. There are also 4 Assured Tenancies who again have more protection against termination of their tenancy when compared to assured shorthold tenancies. In respect of these 12 tenancies, the applicant as landlord is obliged under Housing law to re-house the tenants. The Applicant has confirmed that they propose to re-house these tenants (and family members who currently occupy the property under the tenancy) in a similar or suitable property on the new development. These houses will be developed first in order to avoid the need for any interim accommodation. Of the remaining, 58 households 4 are vacant and the remaining 54 are occupied on an Assured Shorthold tenancy basis with limited rights where the tenancy can be terminated by a statutory notice period of a minimum of 8 weeks, in any event (regardless of any proposal to redevelop the site).. The type of tenancies and the number of residents with protected characteristics in each is summarised in the table below.

<b>Tenancy Type</b>	<b>Total Properties</b>	<b>No. of residents with Protected Characteristics**</b>
<b>Regulated (RT)</b>	8	13
<b>Assured (AT)</b>	4	0
<b>Assured Shorthold (AST)</b>	54	21
<b>Vacant</b>	4	N/A
<b>Total</b>	70	34

\*72 responses to the equality impact assessment exercise received from 37 properties

\*\* Disability/health condition, race or sexual orientation

- 10.18 Looking at the length of tenancy of Assured Shorthold Tenants (ASTs) i.e. those tenancies where there is no obligation on the landlord to rehouse:-
- 9 tenants have been in occupation of their property for 10 years or more,
  - 6 have been in occupation for 5 – 10 years,
  - 10 have been in occupation for 3 – 5 years.
  - 13 have been in occupation 1 and 3 years
  - 16 have been in occupation for less than 1 year.

Outside of the Planning process, under Housing Law the Council will need to assess these tenants in order to place them on the housing waiting list with regard to priority and need. It is understood that this process has already commenced

- 10.19 In considering whether or not those with protected characteristics would be disadvantaged by this development it is first necessary to establish what impact the approval of the application would have. As set out above, for those on assured or regulated tenancies the impact would be limited as they will be re-homed in suitable accommodation on site. The Council's survey results indicate that there are tenants with protected characteristics in at least 9 of the 12 properties where there is an obligation on the developer to rehouse them. For the ASTs from the survey there are 21 residents with protected characteristics, for whom the impact would be the loss of an existing home and the need to find alternative accommodation.
- 10.20 It is known that rental accommodation within the Rothwell area is limited in number and tends to be relatively highly priced, compared to the wider south and east Leeds area. In contrast existing rents on the application site are currently artificially low due to the quality and nature of the properties. Occupants being displaced would therefore likely have to seek accommodation outside of Rothwell which will have impacts on existing service provision, schooling and employment. These are impacts that would be faced by all occupants, but for disabled or elderly residents in particular the impacts may be greater if any specialist provision that they currently have in place cannot easily be transferred (e.g. house adaptations, specialist educational provision).
- 10.21 Regard must also be had to the rights of ASTs under Housing law, which are limited, and that following the end of a fixed term contract they can be subject to possession proceedings be evicted. This means they currently have no certainty of long-term stability and could be served notice regardless of whether planning permission for this development was granted. Tenants will be fully aware of these rights when entering into their tenancy agreement. Notwithstanding this, the Council's Housing Services team has held discussions and meetings with affected tenants to provide advice on the options available to them, albeit the intervention and involvement of the team in rehousing tenants is limited until a notice to leave the premises are served. The team has also indicated it would seek nomination

rights for the 11 affordable houses that would be required as part of this development. Such rights could be secured as part of a section 106 agreement.

- 10.22 When considering the impact of this development on those with protected characteristics, it is considered that it is not the proposed development per se that is potentially causing inequality or disadvantage, rather it is the nature of the tenancy. It is not the remit of a planning authority to seek to deal with issues that arise out of Housing law. Nor is it appropriate or within the powers of a local planning authority to seek to override other legislation by, for example, seeking to require that existing tenants are shortlisted for all of the new houses on the site (as has been suggested). If such an agreement is to be reached this must be outside the scope of this decision.
- 10.23 Representations have also been received referring to the recent Government announcement in respect of tenancy laws and specifically eviction requirements under Section 21 of the Housing Act, with a request to delay the determination of this application until the proposed change has been fully considered. As set out in paragraph 10.20 above, at present private sector tenants can be evicted from their home after their fixed-term contract has come to an end at any point. Landlords do not have to give a reason for eviction and can give as little as eight weeks' notice. This is known as the Section 21 process. A Section 21 notice of the Housing Act 1988 is the first step a landlord must take to evict a tenant on an assured shorthold tenancy. They do not need a reason to issue one. The landlord does still need to obtain a court order and tenants can put forward a defence during these court proceedings. Under the new proposals landlords will have to have a good reason to remove someone from their property. To bring a tenancy to an end they will have to provide a "concrete, evidenced reason already specified in law". However, court proceedings will be accelerated if tenants are behind on rent or there is property damage.
- 10.24 It is expected that the Housing Act will be amended so that Landlords will be able to evict their tenant if they want to move back in themselves or sell up. It is expected that proceedings under section 8 notices and Housing Act 1988 Schedule 2 grounds of possession are also to be review. These circumstances would not alter the position in respect of tenants within this application site as their tenancies are being terminated as a result of the landlord selling for redevelopment.

#### Impact of the Loss of Non-Designated Heritage Assets

- 10.25 The houses earmarked for demolition are Airey homes which have been identified by the Council, and others, as non-designated heritage assets. Paragraph 197 of the NPPF (2019) directs that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining an application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.26 The estate was built in around 1959 with Airey houses which were a form of mass production housing that came about following the labour shortages at the end of the First World War. The construction method employed concrete and prefabricated elements which helped to reduce the need for skilled labour involved in house building. After the Second World War and the resulting housing shortage the manufacturing firm Aireys of Leeds produced a system of concrete slabs and posts

that were light enough to be handled without lifting equipment which proved popular in rural areas where transport was more difficult. Between the 1940's and 1950's approximately 26,000 Airey house types were constructed.

- 10.27 Following the nationalisation of the coal industry in 1947 the Coal Board bought the land, which was previously part of the Oulton Hall estate, and housing was developed. Around 210 Airey homes were erected for miners and their families laid out with reference to the Garden City Movement with houses located around crescents and cul-de-sacs. In the late 1990's however many of these were demolished and replaced with the new houses that can be seen around Shelly Crescent, Oulton Drive and Sycamore Close. The application site is therefore the only remaining part of the original 1950's development. The proposed application would result in the total loss of this non designated heritage asset.
- 10.28 The properties themselves are semi-detached houses with pitched or hipped roofs. External walls are composed of precast concrete panels laid in a ship-lap arrangement, with concrete porches over the front doors. Original window frames would have been metal but a number have been replaced with upvc with concrete mullions also being removed on some properties. The importance of the houses comes not from their appearance but rather their construction methods and their reflection of the immediate post-war need for rebuilding amidst a time of immense shortage. These properties also have a further importance in their history of housing miners and their association with the National Coal Board and the long history of mining in this part of Leeds. Indeed some of the older tenants were original tenants from the Coal Board days.
- 10.29 The further heritage assessment work conducted has shown that a significant number of such houses survive at both national and regional level. It is reasonable therefore to conclude that the properties are of local rather than national or regional importance. This local significance of the Non-Designated Heritage Asset is clearly affected by the proposed demolition, but the national and regional significance remains due to the prevalence of these house types. The impact of this loss can on balance be mitigated by conditions requiring, prior to any demolition, the letting of a contract for the replacement houses and that a record should be made of the Airey houses to help mitigate the loss of significance as recommended by the Conservation team.

#### Layout, Design and Appearance

- 10.30 The redevelopment of the properties proposes to retain the existing highway layout. However the dwelling frontages would not all be aligned with the street frontage as currently, with the introduction of 3 short cul de sacs off Wordsworth Drive, The orientation of properties is in part driven the mix of house types; detached, semi-detached and terraced housing. The scheme introduces short terraces of 3 dwellings to the east of Wordsworth Drive. The layout has been amended to ensure that areas of existing trees along the east boundary and south east corner of the site are retained and provided with sufficient space to be protected during the construction and from the threat of future growth.
- 10.31 The layout, spacing and garden areas meet the design and guidance advice of the adopted SPG Neighbourhoods for Living. The layout of the dwellings is considered to provide acceptable spacing between dwellings. Most dwellings have side driveways, some with access to garages, although some properties have parking

bays to the front of the dwellings. The majority of dwellings comply with the 10.5m minimum garden depths as set out in the SPG. Officers have identified 21 dwellings that fall short of this and typically achieve between 8.5m to 9.5m distance to the rear boundary with two achieving 6.5m to the boundary. On balance, it is considered that the dwellings provide a good level of garden space generally in accordance with the requirement for two thirds of the total floor space.

- 10.32 The proposals comprise 9 different house types, all of which would be of two storey height and brick and tile construction. The scale (2 and 2.5 storey) and the traditional design of the dwellings is considered compatible with the surrounding area.
- 10.33 The dwellings vary in size and the below table provides a comparison of the proposed dwelling size and the Nationally Described Space Standards (NDSS) which is reflected also in emerging CSSR Policy H9 which can be afforded significant weight.

House Type	Number of bedrooms	Proposed units size (Sqm)	DCLG/ H9 Minimum Standard (Sqm)	Difference (Sqm)
2N *	2	79	79	0
3A *	3	93	93	0
3G	3	109	93	+16
3G	3	109	93	+16
3H +	3	93	93	0
3H	3	93	93	0
3H	3	93	93	0
3P	3	101	93	+8
3P	3	101	93	+8
4K	4	122	121	+1
4K	4	122	121	+1
4M	4	121	121	0
4M	4	121	121	0
4T	4	119	115	+4
4T	4	119	115	+4

(\* affordable units)

- 10.34 The dwellings fully comply with NDSS (and emerging policy H9) and each dwelling either meets or exceeds the nationally described standards for dwelling sizes. The proposed development is therefore considered to be acceptable in this regard.

#### Impact on Residential Amenity

- 10.35 Some of the proposed dwellings will front onto Oulton Drive and sit opposite and adjacent to existing dwellings in Oulton Drive. The proposed development will maintain acceptable separation distances between the front elevations of existing and proposed dwellings (a minimum of 15m). Therefore it is not considered the proposed development will have any detrimental impact on existing residents' privacy and residential amenity. The proposed development is considered to comply with Core Strategy Policy P10 and UDPR Policies GP5 and BD5.

### Landscaping

- 10.36 Policy N24 requires landscaping buffers along the boundary with the Green Belt which lies to the south and east of the application site. The proposed housing will replace existing housing and there is currently no existing buffer along the boundary with the Green Belt. As such it would be unreasonable to require a buffer along the length of the boundary. However it is considered that the proposed landscaping scheme does comply with policy N24 and would provide a good degree to assimilation between the proposed built environment and adjacent Green Belt.
- 10.37 The proposed layout has been subject to negotiation with regards to landscaping and retention of existing trees. A landscape masterplan has been submitted which seeks to retain as many trees and groups of trees along the site boundary as possible. Two groups of trees on the eastern and south eastern boundary are to be retained to provide a visual buffer. One dwelling initially proposed in the south east corner of the site has been omitted to allow for a large area of tree cover to be retained. New planting is also proposed along the eastern, southern and south western boundary. The existing open space in the centre of the site (outside the site boundary) is to be retained. The Landscaping Officer has confirmed the proposed layout is acceptable, subject to conditions to protect and retain existing trees and requirement for submission of a landscaping management plan.

### Impact on Ecology

- 10.38 A Bat Roost Suitability Assessment, a Bat Emergence Survey and a Nesting Bird Survey have been submitted in support of the application. The surveys were carried out in May, June and July 2018 and identified 16 House Sparrow nests and a bat roost (in No.17 Sugar Hill Close).
- 10.39 Nature Conservation officers have assessed the proposals and raised no objection subject to conditions including the submission of a Bat Demolition Method Statement and a Mitigation Method Statement and licence by Natural England. A condition requiring details of bat roosting and bird nesting features within the proposed buildings is also recommended. Subject to these requirements the proposed scheme is considered to comply with Core Strategy Policy G9 and the NPPF.

### Accessibility and Highway Safety

- 10.40 The proposed housing is to replace existing housing and therefore, whilst the site does not fully meet the Accessibility Standards as set out in the Core Strategy in terms of local bus services, Highways Officers have raised no objection in terms of accessibility.
- 10.41 Access to the site, via Sugar Hill Close and Wordsworth Drive, both adopted roads, will remain as existing. The road layout has been subject to negotiation and revisions to the layout including the width of the private drives have been made. The applicant also proposes to adopt the access from Oulton Drive.
- 10.42 Each dwelling has at least two off street parking spaces and many of the houses have integral or detached garages. There are also 14 visitor bays distributed around the site. Each dwelling also has cycle parking and an electric charging point which can be extended to cover two parking spaces, in compliance with emerging core

Strategy policy EN8. Following necessary revisions to the scheme, highways officers have no objection to the proposed development.

- 10.43 Highways officers require the speed limit for access roads and surrounding streets to be changed to 20 mph. Subject to off-site highways works including the introduction of a TRO at the Wakefield Road/Oulton Drive to prevent parking at this junction and s106 contributions towards bus stop improvements, Residential Travel Plan Fund and the cost of a speed limit order, the scheme is considered to be acceptable in highways terms in accordance with Policy T2 of the Core Strategy.

#### Flood Risk

- 10.44 Flood Risk Management officers have assessed the proposals and raised no objection subject to conditions. Contaminated Land officers have not raised any objections but request a Phase 2 Site Investigation report is submitted prior to any works commencing on site.

#### Sustainability and Climate Change

- 10.45 Members will be aware that the Council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact non-renewable resources.
- 10.46 Core Strategy EN1 requires all developments of 10 dwellings or more to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 10.47 The applicant has confirmed that the *existing* properties are not energy efficient and do not meet these standards. The proposed dwellings are to be built in accordance with the requirements of Building Regulations. The proposed dwellings will represent an improvement in energy efficiency and will have less of an impact on the environment in terms of carbon dioxide emissions. In addition the proposed dwellings will be built to maximise solar gain to reduce energy consumption for heating. The roofs of the properties will be designed so they can accommodate low carbon technologies e.g. photo voltaic panels on the appropriate roof slopes and the applicant has confirmed that such panels will be installed. A condition requiring the inclusion of such renewable energy installations and securing at least 10% on site energy consumption from renewable energy could reasonably be imposed if the application were to be approved.
- 10.48 Core Strategy Policy EN2 requires residential developments of 10 or more dwellings (including conversion) where feasible to meet a maximum water consumption standard of 110 litres per person per day. The dwellings will be designed to encourage rain water collection and less water consumption with restricted water flow taps, showers etc. It is considered that the proposed development will represent a significant improvement in comparison to the existing dwellings and therefore complies with the aims of EN2
- 10.49 With regard to emerging policy EN8, the applicant has confirmed that electric vehicle charging points would be provided at each property and for each parking space; this can be subject to a planning condition. Generally it is considered that the

replacement of 70 existing dwellings by the same number, but with new EV charging points and a travel plan with contributions for each dwelling would potentially improve air quality impact and assist in the shift away from carbon base modes of transport to more sustainable modes.

- 10.50 In terms of accessibility of the properties themselves, the applicant has confirmed that the development would meet the requirements of emerging Core Strategy policy H10 by being designed to ensure that at least 30% of properties meet the accessible and adaptable dwellings standards of Part M of the Building Regulations (in fact 46% would meet the standards) and 2% being wheelchair user dwellings (scheme proposes 3%). The existing dwellings do not meet these standards. Such requirements and the distribution and mix of units across the site can be controlled via a condition.

#### Objections and Representations

- 10.51 Objections have been received regarding the loss of trees and the impact on biodiversity including bats. These issues have been considered and addressed in the body of this report. Appropriate conditions are recommended to ensure there is no detrimental impact on biodiversity and bats will be protected during demolition and construction.
- 10.52 Objections have also been received regarding the garden sizes. It is considered that, on balance, the proposed gardens are acceptable in size and most comply with the guidance in Neighbourhoods for Living. Comments on the Travel Plan are noted. Travelwise have assessed the report and subject to s106 obligations, are satisfied with the aims for sustainable travel.
- 10.53 It is considered that the other objections relating to the eviction of residents and demolition of the existing houses have been addressed in this report.

#### Section 106 and Planning Obligations

- 10.54 The following planning obligations are required to make the application acceptable and will be secured via a s106 agreement:
- Travel Plan monitoring fee £3,000
  - Residential Travel Plan Fund £500.50 per dwelling
  - Real time passenger information display at cost of £10,000 at bus stop 14679
  - Cost of Speed Limit Order – £11,000
  - Affordable housing (11 dwellings on site)
  - Commuted Sum for Off-Site Greenspace of £265,320.96.

#### Community Infrastructure Levy

- 10.55 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12<sup>th</sup> November 2014 and was implemented on the 6<sup>th</sup> April 2015. The application site will attract a CIL contribution of £150,125.15 and is calculated on the basis of the increase in floorspace (2717m<sup>2</sup>), having deducted the existing floorspace in the calculation. This is for the decision taker's information and is material as a matter of fact, on local financial considerations for this application.

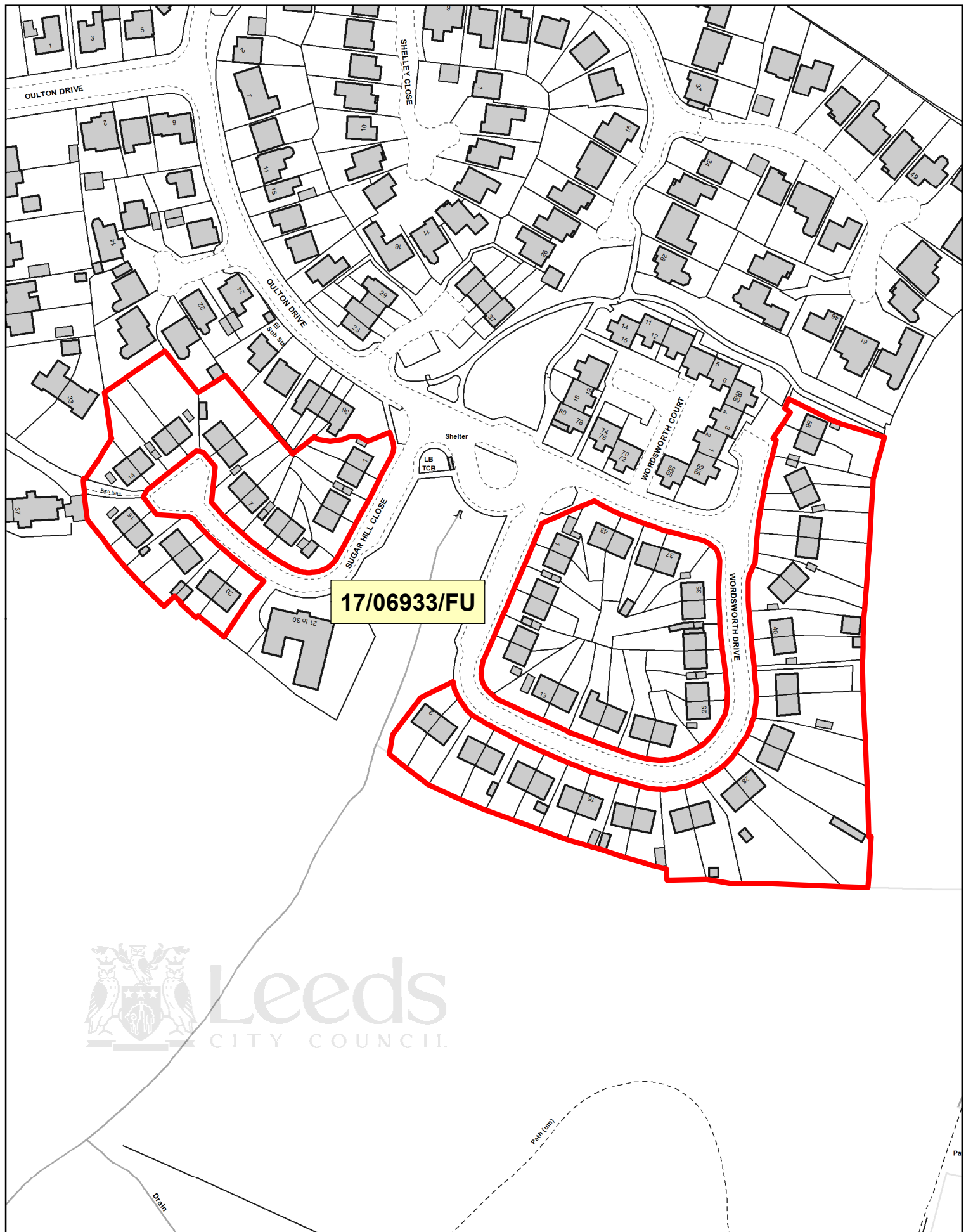
## **11.0 Conclusion**

- 11.1 An Equality Impact Assessment has been undertaken as part of the consideration of this application. This has considered both the impact of the proposal on the existing residents, and associated mitigation. It has had due regard and consideration to what impact the application has in terms of equality on the protected characteristics of those residents and how this can be mitigated. The mitigation includes the obligation to rehouse 12 of the households within the new development in relation to the long term leases, in which 9 residents have reported a protected characteristic.
- 11.2 In relation to the remaining shorthold leases where there is no obligation to rehouse the tenants, 21 residents have reported having a protected characteristic. The impact and mitigation have also been considered to include the Councils Housing Services team have held discussions and meetings with affected tenants to provide advice on the options available to them. Nomination rights for the affordable houses provided on site as part of the development would be included within a Section 106 agreement.
- 11.3 In relation to the concerns regarding the impact upon the longstanding community of residents here as a whole, 16 of the of those 54 dwellings without protected tenancies have been let for less than a year, 29 for less than three years, and 39 in total for less than 5 years. This suggests a large proportion of those dwellings are not in settled, long term occupation.
- 11.4 Bearing in mind the information and received sought about the circumstances of tenants and the mitigations available, it is considered the proposal would safeguard and promote the objectives protected by section 149 of the Equality Act as far as reasonably possible, due regard has been given to equality.
- 11.5 As set out in the Appraisal, it is not the proposed development itself that is potentially causing inequality or disadvantage, rather it is the nature of the tenancy. It is not the remit of a planning authority to seek to deal with issues that arise out of Housing law. Nor is it within the powers of a local planning authority to seek to require that existing tenants are shortlisted for new houses on the site.
- 11.6 The proposal involves the development high quality sustainable, energy efficient homes that will contribute to minimising climate change (compared to the existing dwellings), and addresses the requirements of emerging Core Strategy policy in relation to sustainability and accessibility.
- 11.7 Taking into account all of the material considerations including the representations received and the benefits of the scheme, and in the absence of any clear, convincing and reasonable planning grounds to refuse the application, the application is recommended for approval subject to a legal agreement to secure Travel Plan contributions, highway impact mitigation, affordable housing and a green space contribution, as well as the conditions as outlined.

## **12.0 Background Papers:**

12.1 Planning application files:

12.2 Certificate of ownership.



# SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500



PLANNING LAYOUT LAYERS KEY

- 1800mm BRICK WALL
- 1800mm TIMBER FENCE (DARK BROWN)
- 450mm KNEE HIGH RAIL
- GATE
- AFFORDABLE
- PARKING SPACE IN GARAGE
- BIN COLLECTION POINT
- BLOCK PAVING
- ELECTRIC VEHICLE CHARGING POINT
- CYCLE STORE

SCHEDULE OF ACCOMMODATION

HOUSETYPE	AFFORDABLE	BED No.	AMOUNT
2N	2 Storey Terrace	2 Bed	7 No.
3A	2 Storey Semi-detached	3 Bed	4 No.
OPEN MARKET			
2N	2 Storey Terrace	2 Bed	14 No.
3A	2 Storey Semi-detached	3 Bed	2 No.
3H	2 Storey Semi-detached / detached	3 Bed	5 No.
3H+	2 Storey detached	3 Bed	5 No.
3G	2 Storey Detached Integral	3 Bed	5 No.
3P	2 Storey Semi-detached	3 Bed	3 No.
4K	2.5 Storey Semi / Terrace	4 Bed	15 No.
4T	2 Storey Detached	4 Bed	3 No.
4M	2.5 Storey Detached	4 Bed	7 No.
TOTAL			70 No.

REV F	09.05.19	SITE LAYOUT UPDATED TO INCREASE UNIT SIZES AS PER PLANNING OFFICERS COMMENTS.	SD	LM
REV E	22.02.19	SITE LAYOUT UPDATED IN LINE WITH PLANNING OFFICER COMMENTS	SD	LM
REV D	06.11.18	SITE LAYOUT UPDATED IN LINE WITH PLANNING OFFICER COMMENTS	SD	LM
REV C	21.09.18	HIGHWAY COMMENTS INCORPORATED. PLOTS 4 & 5 HOUSE TYPES CHANGED. ELECTRIC POINTS ADDED.	KW	LM
REV B	01.08.18	TYPE 3G REPLACED BY TYPE 3H AND 3A WITH NUMBER OF PLOTS INCREASED TO 71 AS PER CLIENTS COMMENTS.	SD	LM
REV A	12.07.18	SITE LAYOUT AND MIX UPDATED FOLLOWING CONSULTATION	SD	LM

REV	DATE	DESCRIPTION	BY	CHECK
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CLIENT: PEMBERSTONE (OULTON PROPERTIES) LTD	DRAWING NUMBER: P11:4519:02 - F
PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT @ SUGAR HILL LANE, OULTON	SCALE @ A1: 1:500
DRAWING: PROPOSED SITE LAYOUT	DRAWN: SD DATE: OCT 17
	CHECKED: LM/RAN DATE: OCT 17



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