



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 3rd October 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	DATE VALID	TARGET DATE
Pemberstone (Oulton Properties Ltd)	28/11/17	27/02/18 Ext until 30/10/18

Electoral Wards Affected:

Rothwell

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 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 – 11 properties in total.
- Commuted Sum Off-Site Greenspace – new figure to be calculated under policy G4 of the Core Strategy (as amended) 2019.
- Clause covering commitment for Council and developer to work together to minimise disruption to local community.

Conditions

1. Time limit to commence— 3 years.
2. Development to be carried out in accordance with approved plans.
3. Details of phasing of build to include heritage recording, areas to be developed, timing of moves of the Regulated and Assured tenants etc.
4. Ground investigation works to establish position regarding coal mining legacy issues
5. Site investigation report to be submitted for approval
6. Remediation statement to be submitted
7. Works to be carried out in accordance with remediation statement and verification reports submitted
8. Submission and approval of Statement of Construction Management and Practice.
9. Details of Construction loading area
10. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays with no works on Sundays and Bank Holidays.
11. Construction Environmental Management Plan (CEMP)
12. Bat Demolition Method Statement
13. Bat Mitigation Statement and Natural England Licence.
14. Method statement for protection of retained trees during construction
15. Development not to commence until drainage scheme including calculations are submitted to, and approved.
16. 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.
17. Heritage recording of dwellings prior to demolition for review by WYAAS.
18. No works/demolition to take place between 1 March and 31 August in any year
19. Renewable energy sources on site to provide minimum 10% on site and to achieve minimum band B energy efficiency – details to be submitted and approved.
20. Full Landscaping (including trees, planting, surfacing and boundary treatments).
21. 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.
22. Materials to be submitted for approval including walling, cladding, roofing, doors and windows.
23. Details of bat and bird roosting features.
24. Vehicle areas laid out prior to occupation.
25. Cycle parking to be provided in accordance with policy.
26. Footpath Crossings to be reinstated/closed where applicable.
27. Electric charging points to all parking spaces at all properties.
28. Maximum drive gradients.
29. Development to comply with accessibility requirements set out in new Core Strategy policy H10 - Evidence of completion of M4(2) and M4(3) homes.
30. Preservation of all existing and planted trees for 5 years.
31. PD rights removed for extensions (Classes A, B and C).
32. PD rights removed on garage conversions (Class B).
33. Soft landscaping areas to the front of all plots to be retained and not surfaced (removal of p.d. rights under Class B).

1.0 Introduction

- 1.1 Panel Members last considered this application on 30th May 2019. The resolution of that panel required that the application be deferred and brought back to Panel for further consideration of the following matters:
- More detail around design quality and layout.
 - Assessment of the proposed garden sizes and depths.
 - More information on the impact on the existing community including from the developer on the mitigation they have considered e.g. timescales/phasing for redevelopment.
 - More consideration of the overall effect in sustainability terms e.g. energy costs/savings involved in demolition and rebuild compared to refurbishment.
 - Review of the actual housing mix need in the area (is there need for as many 4 bed houses here).
 - More information of the heritage value and significance of the existing houses.
- 1.2 Members also requested that the focus of the update should be solely on those matters outlined above so accordingly the following report looks at each in turn. A revised set of conditions is provided above.
- 1.3 It is advised that the sections of this report be read in conjunction with the previous report to plans panel which is appended to this report. A short summary is given at the start of each section and the relevant paragraphs of the original report are referenced.
- 1.4 Members are further advised that since the last report to Panel the Core Strategy Select Review has now been adopted. This was noted to have significant weight in the last report and the proposal was assessed against the policies contained within, consequently the adoption is not considered to change the overall appraisal and balance. The Core Strategy and Core Strategy Select Review is now referred to as one document - the “Core Strategy (as amended) 2019”.
- 1.5 At the time of writing this report a further 6 objections have been received. Three were received prior to amended plans being submitted and are all from members of the public who do not live on the application site. The concerns raised relate to lack of affordable housing and people becoming homeless. Three have been received since the new plans were advertised, these raise similar concerns to those made previously as well as the following new comments:
- Refurbishing the homes will be more energy efficient, cheaper and more environmentally friendly. All properties could achieve a C banding. Landlord has not carried out any works to improve the efficiency of the properties.
 - Demolition will contribute to landfill and waste output.
 - New homeowners are unlikely to fit solar panels.
 - All properties could achieve a C banding for energy efficiency if the landlord upgraded the properties. What guarantee is there that the new houses will achieve a B banding.
 - 4 bed middle class houses may result in more cars.

- The working class architecture and heritage cannot be replicated through the new designs and the new estate will be middle classed. LCC will lose the heritage forever.
- Residents have not been provided with any further information about the Equalities Survey the Council carried out. Lack of transparency in use of this data.

1.6 Any further comments received will be reported to Panel verbally on the day.

2.0 Design Quality and Layout

- 2.1 Members raised concerns about the quality of the design of the housing units, and it was felt that this area had perhaps been neglected due to the complexity of other issues. Following the panel meeting officers and the applicant have worked together on revising the overall design and appearance of the properties and the layout. The comments around design included that the houses did not appear of particularly high quality and that there was a lack of overlooking onto the green fields to the east so discussions have sought to address these concerns. This has led to changes to layout and house design which is considered to provide a higher quality design now in compliance with policy P10 of the Core Strategy (as amended) 2019. Please also see paragraphs 10.30 – 10.34 of the original report to Panel.
- 2.2 To address the issues relating to appearance small changes to fenestration and wall to void ratio's as well as materials have been given further consideration. The estate which did at one point consist almost exclusively of Airey houses, now has a number of styles and types of house, mostly from the late 1980's and early 1990's which have no particular character. The developers are of the view that it is appropriate to try and retain some features of the older Airey houses, whilst also giving the area a more modern feel. These houses will be different to others on the wider estate but this is considered to be appropriate as it will help to retain the current distinctiveness.

2.3 Features that have been changed or added include the following:

- Use of a unifying feature which will be a type of cladding that has a timber appearance. This provides a feature on the front elevations that replicates the concrete boarding and timber boarding that was used on the Airey houses. It also gives a strong horizontal emphasis that is very apparent on the original houses. Whilst the cladding specifics are still to be firmed up it is likely this will be a cement fibre, or GRP product which is highly weather resistant, fire retardant and does not fade in the same way as more natural materials.
- Other materials to be red brick and light render with dark grey window frames.
- Alterations to the front doors to provide vertical feature windows reflecting those on the original Airey houses.
- Amendments to canopies to reflect the more simple structures found on the original houses.
- Reduced wall to void ratio by making ground floor windows larger where practical and ensuring that upper windows reflect the original 3 pane windows or have more vertical feature windows.

- Use of both hipped and gabled roof forms to provide small character areas and again to reflect varied roof form of the original houses.
 - An eaves overhang has also been introduced.
- 2.4 With regard to layout the angled, or cranked, housing forms on the corner plots have been replaced with standard forms to avoid having triangular or impractical garden forms. House types have been moved around and amended to provide increased overlooking onto the green belt to the western boundary. The number of four bedroom houses has been reduced enabling a reduction in frontage parking and further landscaping to be introduced. The landscaping includes hedging, of both deciduous and evergreen types to boundaries including front garden areas and outer edges.
- 2.5 The proposal is now considered to be of a high quality in design terms providing an attractive but modern enclave that is reflective of past history.
- ### **3.0 Garden Sizes**
- 3.1 Members wanted additional clarification on whether garden areas met the guidance set out in Supplementary Planning Guide Neighbourhoods for Living which advises that a garden area should aim to have a size that is two thirds the floorspace of the proposed house. A few of the gardens on the original plans looked compromised due to awkward shaping which has been overcome by removing the corner/cranked units. Garden sizes have been assessed for all properties and their size, orientation, and layout are considered to provide residents with good quality private amenity space in line with policy P10 of the Core Strategy (as amended) 2019, policy BD5 of the UDP and guidance in Neighbourhoods for Living. Paragraph 10.31 of the appended report refers to this issue.
- 3.2 Measurements of the gardens, as scaled from plans, show the following:
- Sugar Hill Close: Plots 1 – 5 have eastern facing gardens with good depth. Plot 5 has the smallest garden area at 62 m². The house itself is 102 m² meaning that the garden is under the 68 m² guidance figure. However, the property does also have a side garden area onto the road in addition to the rear.
 - Sugar Hill Close: Plots 6 – 9 have northern facing gardens. Plot 9 has a limited depth but an area of 107 m² which is over the 93 m² guidance figure so overshadowing would not be significantly harmful despite the shorter depth.
 - Sugar Hill Close: Plots 10 – 13. 10 – 12 all have gardens that exceed guidance. Plot 13 has an irregular shaped garden but the area of this garden is 147 m² which far exceeds the 80 m² requirement for the house type. The gardens on this edge of the site will suffer from overshadowing in the morning periods due to their easterly orientation however the depth of the gardens (13m), and the area to the side of plot 13 will ensure there are shade free areas.
 - Sugar Hill Close: Plots 14 – 17. These all back onto the open area and are south facing. The sizes of these are good, for example plot 14 achieves 103 m² and plot 17 achieves 120 m² which would more than meet guidance. Furthermore these gardens are also south facing so would not suffer from shade and have open views across greenfield land.

- Wordsworth Close plots 18 – 25: The smallest areas are to the rear of plots 21 and 22. Garden areas on these two are 89 m² which would be over the 80 m² guidance figure. Again these gardens are south facing receiving good levels of solar gain.
- Wordsworth Close plots 26 – 31 – gardens here serve houses that are accessed off a cul-de-sac and this means that garden shapes are more irregular. Plot 26 has a garden area of 75 m² which meets the guidance area. Along with plots 27 and 28 these would all receive good sunlight in the afternoon. Plot 29 has the shortest garden depth here at 9m which is to the north of the house and would give rise to concerns about shade. The garden extends to the eastern side and has an area of 86 m² which would be under the guidance figure, however the unit is set immediately adjacent to open space and the side area garden will provide space that is not shaded. Plot 31 has a large but irregular south facing garden with the house being 15m approximately to the nearest corner of plot 30.
- Wordsworth close plots 32 – 36. Again these are all south facing gardens, several trees will require removal here to allow for the build and to limit overshadowing. These are category C trees within a group of conifers and deciduous trees. New tree planting is proposed to the eastern boundary in close proximity as well as within the front garden areas of these plots. Plots 35 and 36 will have 10.5m garden depths, of which 2m would be under tree canopy. All garden areas would meet guidance figures and there are good levels of solar gain, and good outlooks to the rear or to the side as in the case of plot 36 which overlooks greenfield land.
- Wordsworth Close plots 37 and 38 – these are two western facing gardens that both achieve areas of 65 m² which is under the 72 m² guidance. However both gardens have good levels of outlook onto open land and tree planting, and both would receive good morning sunlight levels.
- Wordsworth Close plots 39 – 43 – these are all south facing gardens. The smallest garden is plot 40 with an area of 57 m², guidance requires this house-type to have 58 m². This amount of deficit would not give rise to concern.
- Wordsworth Close plots 44 – 48. These plots are north facing but have good depths of 11m to help with overshadowing. The smallest garden is plot 47 with an area of 53 m² which is below the 58 m² guidance figure. The other gardens here would all exceed that required by guidance. It should be noted that the nearest houses to these are 30m away (rear elevation to rear elevation) allowing good outlook across garden areas.
- Wordsworth Close plots 49 – 51. Plot 50 falls 7m² short of guidance but has a depth of 10.5m with 11.5m to the side elevation of plot 51. Plot 51 has a substandard depth at 8.5m but a very good size at 120m². Part of this garden area would also be out of the shadow of the house during the morning period. Plot 51 has an outlook to the rear of 11m to the side elevation of plot 52. In areas where size can fall short this can be offset against other considerations such as

depth and orientation. The aim is to achieve a consistent level of amenity and practical, usable space.

- Wordsworth Close plots 52 – 55. These are north facing gardens, the smallest area of garden is 75 m² (plot 52). The house type would have a guide area of 76 m². Again this does not give cause for concern and outlook to the rear is across front gardens or drives so is not curtailed by built form.
- Wordsworth Close plots 56 – 62. These are all western facing gardens. Plot 56 has a garden area of 71 m² which is over the guidance of 69 m². All the other gardens are over guidance.
- Wordsworth Close plots 63 – 67. These are south facing gardens. The smallest garden size is 59 m² at plot 66. Guidance area would be 61m² which the other gardens here would all meet. Again the level of outlook, orientation, lack of overshadowing would mean that the minimal deficit would not cause significant harm.
- Wordsworth Close plots 68 – 70. These gardens are easterly facing with a minimum area of 66 m² against a guidance area of 72 m². Distances to rear elevations of nearest dwellings is 21.5m across level ground so outlook will remain good.

- 3.4 Across the development as a whole 14% of houses would have garden sizes that are slightly under the recommended guidance figures. This contrasts with the existing estate where 8% are under guidance figures. Whilst it is acknowledged that not every single garden meets the guidance figures for their individual house types it should be noted that this is a rather crude guidance based solely on floorspace and does not factor in other important matters which must be taken into account including depth, outlook, orientation and the presence of trees, awkward boundaries and shade. It is considered that the garden areas are well thought out and would all provide good levels of amenity and practical space for occupants.
- 3.5 Another factor at play is the requirement for the new houses to meet space standards, which under newly adopted Core Strategy (as amended) 2019 policy H9 would require a minimum of 70m² for a 2 bedroom house (3 occupants) and 79m² for a 2 bedroom house with 4 occupants. All of the new build houses meet or exceed the relevant space standard for the size of property. The existing dwellings however are all 78m² which would be just shy of the 79m² for a 2 bed unit intended for 4 occupants. The developers have had to take these space standards into account, along with the desire to keep the existing road layout and this results in a small trade off with some garden areas. It is very rare that a housing development would achieve full guidance compliance across the whole site due to the competing needs of road design and parking spaces, as well as consideration of features such as front setbacks etc. The advice in Neighbourhoods for Living is also guidance and not policy and consequently any refusal on this reason would require evidence of significant harm likely to be caused. The proposal before us is considered to meet the aims and objectives of the guidance that is set out in Neighbourhoods for Living and would provide suitable amenity space for intended occupants.

4 Public Sector Equality Duty - Impact on Community and Mitigation Measures Proposed

- 4.1 This section looks in more detail at the impact on the Community that the development causes, and whether the Council fulfills its duty under the Public Sector Equality Duty to ensure its actions do not disproportionately affect a group of

people. The proposal is considered here in terms of the number of residents with protected characteristics and whether they would be impacted negatively or positively. It is concluded that these impacts have been reasonably considered and addressed in both reports and that the Council has discharged its duties responsibly.

- 4.2 It is important that the information in this section is read in conjunction with paragraphs **10.7 to 10.24** of the appended report to Plans Panel as this section is additional to and builds on the information provided then. Members are reminded that equalities survey undertaken concluded that the proposals are likely to impact on persons with protected characteristics relating to age and disability more than persons without a protected characteristic. 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
- 4.3 Separate to the planning process, the Council has considered the potential for a local lettings policy in respect of this development which would assist with securing an existing 11 families being rehoused into the 11 affordable housing units that are to be provided on the development required under Core Strategy (as amended) 2019 policy H5. These affordable units will be in addition to the 12 units that will be provided for the Regulated and Assured Tenants. The local lettings policy would, in order to mitigate the identified potential detriment suffered by residents with protective characteristics relating to age and disability, give preference to these tenants.
- 4.4 A local lettings policy would be taken forward by the Council's Housing Team and is not something that could be dictated via planning legislation, however it is recommended that an obligation be inserted into a s106 legal agreement that seeks to ensure that the developers and the Council work together and use reasonable endeavours to prevent discrimination against residents. The justification for this is that the development could impact negatively on those residents with protected characteristics and consequently under the Public Sector Equality Duty the Council is required to minimize such impacts through its work.
- 4.5 Policy H5 requires that the development provides 15% affordable housing as a minimum with 40% of those being for intermediate or equivalent affordable tenure, and 60% being for social rent or equivalent affordable tenure. A revised plan layout shows that there will be 4 three bedroom properties (housing 5 people) and 7 two bedroom properties (housing 4 people). Two are provided as a semi-detached pair on Sugar Hill Close backing onto open countryside, four are provided as two semi-detached pairs looking onto Wordsworth Drive with a further semi-detached pair and a row of three provided off the short cul-de-sacs being created off Wordsworth Drive. In terms of location and type of housing therefore the proposal is considered to meet the requirements of H5.
- 4.6 All of the affordable units are proposed to be M4(2) compliant which means that they will be accessible and adaptable dwellings as set out in Part M, volume 1 of the Building Regulations. These provide higher levels of accessibility and adaptability than standard houses. Work carried out by the Council with the residents in 2019 identified that across the site 34 people had some form of protected characteristic including being elderly or disabled. 13 of these are either Registered or Assured Tenants who will be housed in the 12 replacement homes (and for whom the Courts would determine if the accommodation was of an appropriate standard), 21 were Assured Shorthold Tenants who may be eligible for re-homing in the affordable units subject to any local lettings policy drawn up.

- 4.7 With regard to the split between intermediate and social tenures this may be dictated to a large extent by the requirements of any approved local lettings policy. There may well be a requirement for 100% of them to be provided for social rent rather than intermediate forms of tenure such as shared ownership. Until any such policy is formulated therefore it is not known what form the affordable housing will take. This may result in the development being not wholly in accordance with policy H5, however it is considered that there would be substantial benefit to local residents by relaxing this requirement so that the local lettings policy can arrive at the best solution for this particular case. A local lettings policy would need to determine this in discussion with a registered provider, however such cannot be formulated until planning permission has been granted. It is recommended therefore that the required legal agreement be suitably flexible with regard to the provision of intermediate and social tenures in the event that a local lettings policy is agreed.
- 4.8 The new build process itself will be phased such that the Regulated Tenants would not have to move into intermediate accommodation. The law provides protection here as grounds for eviction of Regulated or Assured Tenants would only be granted if there is suitable, alternative accommodation available and the Court would need to be satisfied that the new property was "reasonably suitable" in terms of location, cost and size. The Court can also take into account proximity to a family members' home if that is required for the health and wellbeing of the tenant. This is set out in the Rent Act 1977 for Regulated Tenants and the Housing Act 1988 for Assured Tenants. Members should be clear that this is a process wholly outside the planning process and this advice is provided for information only.
- 4.9 Final details of the construction phases have not settled however the build phases are anticipated to be as follows based on the developer's knowledge of existing tenants and their tenures and rights:
- Phase 1 – Construction of 12 dwellings in order to facilitate re-homing of existing Regulated and Assured tenants (Wordsworth Drive). (this will further protect existing community cohesiveness of existing tenants as they will all be rehoused in the same phase and area of the new development)
 - Phase 2 – Construction of circa 19 dwellings on Wordsworth Drive of which 3 will be affordable.
 - Phase 3 – Construction of circa 22 dwellings on Wordsworth Drive of which 6 will be affordable.
 - Phase 4 – Construction of circa 17 dwellings on Sugar Hill Close of which 2 will be affordable.
- 4.10 This would mean that those waiting for affordable homes may have to find intermediate accommodation, however as the affordable houses are pepper potted in order to comply with policy it is not practical to build all these properties first. A condition to cover the details of this phasing is recommended.
- 4.11 The developer is also proposing to grant each Assured Shorthold Tenant a 2 year fixed term tenancy from the point at which planning permission is granted. This gives each of these tenants security for the next two years (over and above the minimum required by law) and allows time for new accommodation to be found. This confirms that AST tenants are not being disadvantaged as a result of the planning process. Details on this could be included in the condition recommended

on phasing, however planning could not insist on this being done as it would conflict with legislation laid down regarding private rentals.

4.12 With regard to length of tenancy revised figures received in May 2019 show that:

- 9 tenants have occupied their property for 10+ years.
- 8 tenants have occupied their property for 5 – 10 years.
- 6 tenants have occupied their property for 3 – 5 years.
- 17 tenants have occupied their property for 1 – 3 years.
- 14 tenants have occupied their property for less than 1 year.

4.13 Seventeen tenants can therefore be said to be “long standing” occupants and 12 of these will be those on the Regulated or Assured tenancies. Note that Regulated Tenancies are no longer granted to private tenants, and have not been since 1989, and that Assured Tenancies can only be granted through special steps since the Housing Act 1996 introduced Assured Shorthold Tenancies.

4.14 The Regulated and Assured Tenants age range of the respondents were 50 – 91 and as set out above these tenants will be required to be rehoused on the development. With regard to the remaining tenants being rehoused within the development, this would be facilitated by the local lettings policy but limited to the number of affordable units.

4.15 There will be benefits for those tenants being rehoused within the development as they will benefit from more energy efficient homes that are cheaper to heat, with more efficient heating and hot water systems than they currently have. There is no doubt that warmer and drier homes would contribute to increased health benefits. All of the affordable units would be M4(2) compliant, meaning that they would be accessible and adaptable dwellings under Part M, Schedule 1 of the Building Regulations 2010. The provision of such homes must be sufficient to meet the needs of differing occupants, to allow adaptations to be carried out both in terms of accessing the dwelling, and within the dwelling. A further 5 of the open marking houses will be M4(2) compliant, and 3 will be M4(3) compliant meaning that they are wheelchair accessible. It is currently unlikely that anything but very basic adaptations could be carried out on the existing properties due to their age.

4.16 There are also a number of families with school age children for whom the upheaval of a move could also mean a change in schools and loss of friends or any special adaptations a particular school has put in place. The equalities survey was answered by four families with 10 school age children (age 18 or lower) between them. Two children have disabilities although it is noted that one specifically cited the current accommodation as causing health problems due to the damp and cold. None of these families benefit from a Regulated or Assured Tenancy and consequently could at present be evicted at very short notice. If planning permission is granted, they will be offered a fixed term 2 year tenancy and would be assessed for preference within the local lettings policy.

4.17 Working with the applicants the local planning authority together with housing officers have sought to ensure that appropriate procedures are ready so that suitable and adequate mitigation is in place relating to residents with protected characteristics relating to age and disability. The local lettings policy if approved will provide modern, quality homes for those residents that are deemed to be a priority. Furthermore all tenants will have a period of 2 years in which to seek alternative accommodation which is far longer than the usual statutory period of notice for Assured Shorthold Tenants.

4.18 Consequently it is considered that the LPA has fully considered the needs of residents currently living on the estate and has given due regard to the application in terms of equality. The information in this section is a material planning consideration in so far as it relates to Member's duty to have regard to the Public Sector Equality Duty, as it provides important information relating to mitigation of the impact on those with protected characteristics relating to age and disability.

5.0 Consideration of the Impacts on Climate Change and Sustainable Development

5.1 At the previous panel meeting Members requested additional information on the costs and benefits of refurbishment versus redevelopment in terms of the overall impact on climate change or the carbon footprint of the site and the objectives of sustainable development. The proposal before Members is to demolish and re-develop and no proposal to refurbish the houses has been made, which is a business decision for the applicants. The climate change impacts are considered below in terms of Council planning policy which includes Core Strategy (as amended) 2019 policies and objectives as below:

- Spatial Vision objective 18 – development should have regard to its impact on the local environment and be resilient to climate change, including flood risk.
- Spatial Vision objection 19 – promote opportunities for low carbon and energy efficient heat and power.
- Spatial Vision objection 20 – make efficient use of natural resources including sustainable construction techniques and minimization of waste.
- General Policy 1 – the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF, and where application accord with policies in this Plan approve without delay.
- SP1 – location of development – to prioritise previously developed land and buildings within the Main Urban Area/relevant settlement.
- H2 – new housing on unallocated land – number of dwellings should not exceed capacity of transport, educational and health infrastructure.
- EN1 – carbon dioxide reductions – all developments of 10 or more dwellings should reduce 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.
- EN2 – sustainable design – developments of 10 or more dwellings should meet a water standard of 110 litres per person per day.
- EN8 – electric vehicle charging infrastructure – 1 charging point per parking space.

5.2 The applicants have not provided information regarding climate change impact comparisons themselves, however they have provided a policy EN1 statement which sets out how they will meet the provisions of EN1 in terms of reducing carbon dioxide. The advice set out below is therefore provided as background to try and assist in weighing up the carbon footprints of both refurbishment and

redevelopment. This is a highly nuanced area as each development proposal will differ so it is not a simple matter to directly compare schemes. In having given greater consideration to this matter, and the information below, officers are satisfied that the proposal to redevelop will not have a significantly greater impact on climate change and that in the longer term particularly there would be greater benefits for both the environment and the residents of the new houses which would outweigh the benefits of refurbishment. The proposal would also meet the requirements of policies as set out above and in the original report.

- 5.3 A review of energy performance certificates, which are issued when any property nationwide is sold or re-let, show a consistent poor performance of the Airey properties with the application homes achieving D to F bandings for both energy efficiency and Carbon Dioxide ratings. This is in large part due to the lack of cavity walling and the subsequent inability to easily insulate walls. The properties also lack insulated floors and double glazing in a number of instances. All energy performance certificates provide suggestions for improving the efficiency of the property. The lack of cavity walling in these examples means that the suggested improvements that a homeowner could make to improve energy efficiency would only ever achieve an increase to a C or D banding. In comparison the flats that are of more modern construction on Sugar Hill Close achieve C bandings, and the new build properties would achieve B bandings as a minimum (and which could be achieved through a condition). An F banding has an energy rating of 21 – 38 SAP points (Standard Assessment Procedure) out of a maximum of 100. A category C banding achieves 69 – 80 points, B is 81 – 91 points and A is 92 – 100 points (most efficient).
- 5.4 For example, an energy performance certificate for 13 Wordsworth Drive carried out in February 2012 rated the energy efficiency of the property in band E (52 points) with a potential to improve it to a band D (60). The environmental impact (carbon dioxide) was rated as an E (48) with potential to improve to a D (56). Energy use was estimated at 328 kWh/m² per year with heating costing up to £813 per year and hot water costing £100 per year. With improvements heating costs could be brought down to £693 per year and hot water to £83 per year. The CO₂ emissions however were 4.9 tonnes per year with potential to only bring this down to 4 tonnes per year. Suggested improvements to achieve these reductions were the fitting of low energy lighting and upgrading of heating controls along with the installation of a new condensing boiler (at cost of £1500 - £3500) but still only providing the potential to improve the energy efficiency and environmental impact to a band D.
- 5.5 Similarly, an energy performance certificate for 40 Wordsworth Drive dated February 2017 rated the house as a band F for energy efficiency with potential to raise this to a band D, this however is only after improving floor insulation, draught proofing, fitting thermostats, installing solar water heating, installing double glazing and adding solar photovoltaics which all comes at considerable cost (approx. £16,975 is the estimated minimum cost for all recommended improvements).
- 5.6 It appears clear therefore that the existing properties are extremely poor in terms of the energy efficiency and the environmental impact, and that improving these properties through simple measures alone would be very costly and would only achieve minimum benefit. This has consequential impacts on residents through higher energy costs and running bills which will have a significantly greater impact on those who are elderly, disabled, or have larger families. This has to therefore be taken into account when considering refurbishment.
- 5.7 Refurbishment could also include new wall cladding to improve insulation and this will involve more structural works having to take place to repair supporting

structures, replace the walling systems, install insulation etc. The costs involved with this are also substantial. The submitted Structural Survey identifies the following works as required:

- Removal of existing load-bearing PRC designated defective components and replacement with new external wall structure.
- Extension of foundations.
- Temporary propping to support first floor structure.
- Construction of new external walls.
- Application of external brickwork or render treatments.

- 5.8 The costs of this are assessed to be between £58,000 and £65,000 per property. These figures do not include further investigation works to identify other defects, scaffolding, contractor overheads or fees. The presence of asbestos or bats for example would result in higher costs. The costs also do not include upgrading of doors or windows, any required maintenance or repairs or installation of render other than standard smooth render. To assess whether these costs are indicative of such works an example case from University of London research on an estate of 14 pre-cast reinforced concrete homes (the type of home an Airey house is) from the 1950's in Petersfield, Hampshire, estimated retrofit costs at £91,900 per unit – this does however seem to include internal finishes and services as well as new roofing materials and flooring so would be a complete cost. The estimated lifespan of a retrofitted PRC house appears to be 50 years maximum however it should be borne in mind that strengthening works and structural improvements may only carry a 15 year warranty. It is clear that the extent of refurbishment required would also likely include decanting of existing tenants during the works or significant disruption as a minimum. Leeds as a Council has gone down the route of refurbishment on some pre-cast reinforced concrete homes however nationwide today many repairs carried out in the 1980's are now considered to be defective as well.
- 5.9 The cost of building a new house will vary widely depending on builder's costs, materials, site specifics etc. Spon's Architects and Builders Price Book 2017 gives an average building cost for private developed single detached houses as £1375 - £1725 per m². House type 3H at plot 13 is a two storey detached house of 116 m², so assuming the lower figure this would cost £159,500 which is significantly more than the cost of retrofitting. Note this is a very rough and ready calculation. A new build house however can be expected to have a life span of 60 years plus and many are expected to be standing for well over a century depending on the materials used.
- 5.10 As well as actual monetary costs there are environmental benefits and dis-benefits to refurbishment and rebuilding. Both enable improvements to be made to energy efficiency and carbon release, however the ability to build a new home from scratch using most up to date technologies allows new homes to achieve much higher energy efficiencies. This does however need to be offset against the environmental costs of the construction process and materials such as the quarrying of materials for brick or concrete and the transport of materials. There will be an element of this in retrofitting however the amount of material needed for new build will be proportionately more. It should also be remembered that the original houses themselves will have had a carbon footprint from their inception.
- 5.11 It is clear this is a very complex area with numerous factors at play so to conclude one method over another is better is almost impossible. However a recent example from Leeds has attempted this and reached the following conclusions. A report to

Executive Board in July 2019 looked at a proposal to demolish two high rise blocks in Killingbeck which are Council owned with a proposal to rebuild new housing on the cleared site.

- 5.12 The two high rise blocks were built in the 1960's and are considered to have exceeded their original design life, requiring significant investment to bring them up to the standards required by national guidance and the Council. Three options were looked at for value:
- Option 1 – managed decline over 10 years with flats not being re-let once tenants moved out, and eventual demolition when fully empty. This was discounted on the grounds that there was complete loss of rent and a high negative financial impact over 30 years.
 - Option 2 – clearance and demolition with residents supported to move to new homes and site cleared. This was discounted as it resulted in the loss of 120 social housing units in direct contradiction to the Best Council Plan ambitions for housing growth.
 - Option 3 – to demolish and rebuild with new Council homes. This option has high initial costs and would not payback within 30 years, however there were social and financial effects that cannot be modelled. These included the longer life cycle than refurbished buildings, lower ongoing investment costs, improved thermal efficiency, better accessibility and space standards. Also a good design would provide modern, fit for purpose homes in line with the Best Council Plan. Payback would be achieved by year 44 and from that point on a profit could be made.
 - Option 4 – refurbishment of the two blocks once residents had moved out, including undertaking strengthening works and replacement of interior fixtures such as bathrooms and kitchens etc. This option provided the smallest financial loss over 30 years, and ensured the ongoing provision of 120 social units. Longer term the properties would need further upgrading and maintenance and repairs and their layouts may well not allow for the introduction of new technologies or living styles. This reduces their financial benefits when considering anything longer than 30 years.

- 5.13 Whilst not directly comparable the above example does demonstrate that there are many factors to take into account when determining whether refurbishment is better for the environment than redevelopment. In the short term refurbishment may have financial advantages, however new build properties last longer, provide more energy efficiency, result in lower utility bills for residents and provide financial payback well into the future. In addition, the properties proposed are also adaptable so that requirements for older age or for disabilities and ill health can be more readily put in place and this is a consideration of the social dimension of sustainable development. The proposal would provide quality homes that are warm, bright and healthy and which would fully represent sustainable development and contribute towards the long term aims of reducing carbon output. Conditions can further be used to ensure that policies EN1, EN2 and EN8 are achieved and that best practice is used in terms of sustainable construction methods. The proposal to redevelop would therefore be a good option in terms of helping the Council to meet its climate change responsibilities.

6.0 Review of Housing Mix

- 6.1 Members were previously concerned about the amount of four bedroom units being provided and wanted clarity over whether the scheme complied with Core Strategy (as amended) 2019 policy H4. Since then the layout changes have resulted in a change to a number of the units with regard to size which has reduced the overall number of four bedroom units. The proposal was in line with the policy previously and is considered to still be in line with that policy. Paragraphs 10.3 to 10.4 deal with housing mix in the appended report.
- 6.2 Policy H4 requires that development include an appropriate mix of dwelling types and sizes to address long term needs taking into account the nature of the development and the character of the location. The text to policy H4 sets out a preferred housing mix which aims to ensure that a range of types and size of houses are provided to meet the mix of households expected over the Plan Period. The policy is worded for flexibility, so that smaller developments are not disadvantaged and to allow for the character of a location to be taken into account. The preferred housing mix, along with the actual provided on site is set out below:

Table 1 Housing Mix

Type	Max %	Min%	Target %	Previous %	Actual%
Houses	90	50	75	100	100
Flats	50	10	25	0	0
Size					
1 bed	50	0	10	0	0
2 bed	80	30	50	30	36
3 bed	70	20	30	34	36
4 bed+	50	0	10	36	28

- 6.3 The change in housing mix has come about as a result of changes to the layout and design of the proposed properties. As can be seen from Table 1 the housing mix requirements for 2, 3 and 4 bed properties is met, the difference being that the revised proposal has reduced the number of 4 bed units and increased the number of 2 and 3 bed units. The development is not of a size that requires a Housing Needs Assessment however the 2017 Strategic Housing Market Assessment did identify that there is a demand for 4 bedroom units in the Outer South Housing Market Character Area. Although this does not evidence “need” for such house types, as policy H4 requires, the NPPF (para 122 part b) does allow decisions to take account of local market conditions. Consequently the provision of these additional 4 bedroom units would help to meet local demand and the aspirations of families in Rothwell and the Outer South Housing Market Character Area.
- 6.4 The Oulton and Woodlesford Neighbourhood Plan has now been through a pre-submission consultation and has a draft housing mix that requires a minimum of 50% units that are 1 or 2 bedroom types. This has been evidenced by a (draft) Local Housing Assessment. The Neighbourhood Plan has limited weight at this current stage although the Local Housing Assessment does reflect the District wide need for 1 and 2 bedroom properties.

6.5 It is acknowledged that the proposal does not meet the targets for flats or 1 bed units however the wider estate is predominantly housing for families and the existing site does not provide for flats, consequently the proposed development would fit in with the existing character. It is further noted that there are flats available directly adjacent to the site on Sugar Hill Close itself. The application is providing an acceptable amount of smaller units, with the amount of 4 beds being justified by evidence within the Strategic Housing Market Assessment that showed aspirations for larger family homes. The proposal does comply with the minimum and maximum ranges for house sizes that are set out in H4 and consequently it is not considered that a refusal on the grounds of lack of one bedroom units could be substantiated.

7.0 Heritage Value and Significance

7.1 Members wanted further detail and clarity on the significance of the Airey homes as non-designated heritage assets, and whether this significance was of local, national or regional importance. Paragraphs 10.25 to 10.29 of the appended report set out the reasons why officers felt the homes were of local significance and that their demolition could be justified. Further information is provided below on this which sets out how officers have arrived at this conclusion. As the homes are not designated heritage assets there are no policies that directly relate to their conservation, so guidance is taken from the National Planning Policy Framework and associated Guidance. Officers conclude that the homes are still considered to be of local significance only and that subject to a condition requiring a record to be produced then their demolition would not be objected to.

7.2 National Planning Policy Guidance defines “significance” as the value of a heritage asset to this and future generations because of its heritage interest. This heritage interest may be archaeological (showing evidence of past human interest), architectural and artistic (design, aesthetics), or historic in nature (an interest in past lives and events). The deterioration of a heritage asset can be taken into account unless there is evidence of deliberate damage or neglect.

7.3 Paragraph 197 of the NPPF states that *“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 or indirectly affect non-designated heritage assets, a balanced judgement will be required to have regard to the scale of any harm or loss and the significance of the heritage asset”*.

7.4 As previously noted the applicant has assessed the existing properties as being of local significance only and the LPA would agree with this. In determining this several factors are taken into account as discussed below.

7.5 Airey houses and other similar pre-fabricated homes can be found across the country. Many utilize similar construction techniques and appearances and arose out of the urgent need for housing following the destruction wrought during the two World Wars. During the 1940's and 1950's a total of 156,000 single storey pre-fab houses were built in 11 different styles based on a standard government design that was put out to tender under the Temporary Housing Programme. The system designed by Airey proved popular in rural areas due to the lightness of the materials used, making transportation and erection easier.

7.6 Approximately 26,000 Airey house types were commissioned during the 1940's and 50's of which 20,000 were of the rural type which had a pitched, tiled roof as per the application site. Many were erected across Leeds including in Seacroft and Otley.

- 7.7 When considering the significance of the Airey properties their rarity must be taken into account. There are a number of surviving examples across the country including (but not limited to) the following sites:
- Little Ryle, Alnwick, Northumbria (single property).
 - Sydenham Grove, Oxfordshire (small estate). An application to demolish 8 properties at this site and replace with 8 new homes was made in 2017. Officers recommended for approval but this was overturned at Panel and the application was refused. An appeal against refusal was allowed on 6/09/19. The Panel refused the application on the grounds that the new dwellings would be out of character with surrounding area. The appeal decision raised no comments about the loss of the housing other than its affordability.
 - Priors Mede (small estates)
 - The Pinfold, Digby, Lincoln (larger estate)
 - Manor Road, Park Avenue, North Walsham, Norfolk
 - Earls Barton, Northants
 - Hopewell Gardens, Norwich
 - High Green, Sheffield – large concentration of 140 largely unaltered Airey Houses.
 - Chinnor, Oxfordshire
 - Four Airey houses from Colspool in Gateshead have been acquired by Beamish Museum in County Durham. These were due for demolition but will now be dismantled and re-erected in the “1950’s town” in Beamish, presumably in their original form and with structural defects remedied.
- 7.8 Following nationalization of the coal industry in 1947 land to the east of Wakefield Road in Oulton was bought and allocated for housing. 210 of the rural house model were erected on the site emulating the characteristics of the Garden City Movement. Much of the estate was then redeveloped in the 1990’s with modern properties leaving the 70 that remain on the application site.
- 7.9 Pre-fabricated, or pre-cast reinforced concrete, houses were only intended as a temporary measure and the Government in the 1940’s labelled them as such in order to persuade the public to accept them. As well as being seen as harmful to the traditional building unions, the properties were small with two bedrooms but families with children were expected to take them on until better provision of new permanent three bed homes could be provided. There were fears that the temporary properties would again lead to the overcrowding that the slum clearances had hoped to overcome.
- 7.10 The application Airey houses themselves are therefore reflective of the following:
- Post-war accommodation, labour and materials shortages.
 - New manufacturing methods to mass produce the required elements.
 - An aesthetically pleasing form with a simple appearance, ship-lap walls, weather-boarded gables.
 - Estate layout that reflects the Garden City Movement.

- Communal value due to their ownership by the National Coal Board and occupation by mining families.
- 7.11 Set against this however are the following considerations:
- The houses on the site have lost some of their significant appearance through replacement of original metal windows with modern alternatives, alteration of original landscaping, road finishes and paving.
 - The installation of garages on some plots which are visually intrusive in places.
 - The loss of the majority of the estate in the 1990's thereby resulting in a loss of integrity of the wider estate and its origins.
- 7.12 The Oulton and Woodlesford Community Design Statement, adopted in August 2014, notes the original building of the estate "*caused much consternation and opposition owning the loss of amenity as well as the form of construction....They were considered poorly conceived and low budget for the time and so the estate was dubbed "Cardboard City".....The concrete clad houses are simple in design with no frills but with a harsh texture and rather drab colour.....The roads on which the older houses still remain ...are narrow, leading to cars parking partly on the pavement...Some front gardens retain their hedge boundaries but many have been replaced by fencing...much of it in need of maintenance and some have been converted to parking spaces with a loss of greenery*" (p49). The central greenspace and links to the countryside are considered to be positive attributes but no mention is made of the need to retain the Airey homes themselves. Likewise the Conservation Area whilst extending down Wakefield Road to encompass the historic gardens of Oulton Hall does not include this estate.
- 7.13 Such housing types were designated as "defective" within the meaning of the 1985 Housing Act. This was due to the appearance of major defects in Airey and other pre-cast reinforced concrete houses during the 1980's leading to large repair bills for occupants with some unable to move due to the property becoming un-mortgageable. These defects include concrete deterioration and corrosion of steel tube reinforcement within the slender pre-cast reinforced concrete posts which can lead to seriously compromised structural integrity.
- 7.14 Structural investigations taking place confirm the houses on the site exhibit signs of "*ongoing deterioration to the posts due to the expansive corrosion of the embedded steel tube reinforcement*". Intervention to remedy the identified defects would result in a significant loss of heritage significance. Whilst the basic form and layout would remain the works required would include:
- Formation of new foundations and propping to support first floor.
 - Removal and disposal of pre-cast reinforced concrete posts and panels.
 - Construction of new external walls including brackets and blockwork.
 - Transfer of roof loadings onto new blockwork.
 - Construction of external facing wall in brick or render.
- 7.15 The above factors weighed both for and against retention of these assets, however it is concluded that these assets are of local significance only, and that the scale of their loss would be limited. The proposal also brings about other benefits including providing new housing stock which will be of higher quality, more environmentally efficient and contribute to the health and wellbeing of families within Rothwell.

7.16 The loss of these assets can be mitigated through the provision of a complete historic record which would record the estate in its current form and allow for the creation of a publicly accessible archive. A condition to cover this is therefore recommended and this would need to be carried out prior to any construction works taking place. Consequently the LPA considers that the loss of the non-designated heritage asset is justified and would fully comply with guidance outlined in the NPPF.

8.0 Further Objections

8.1 Whilst to date only a limited number of further objections have come in these are in the main dealt with in the above information. Commentary on the new issues raised is made below:

- Refurbishing the homes will be more energy efficient, cheaper and more environmentally friendly. All properties could achieve a C banding. Landlord has not carried out any works to improve the efficiency of the properties. *Whether or not the landlord has carried out required works is not a material planning consideration. Section 5 above deals with issues of energy efficiency.*
- Demolition will contribute to landfill and waste output. *The demolition would create waste, however so would renovation which would require removal of the existing outer skins.*
- New homeowners are unlikely to fit solar panels. *Policy EN1 requires carbon reductions to be achieved which may incorporate provision of solar technology. A condition regarding this is recommended.*
- What guarantee is there that the new houses will achieve a B banding. *A condition regarding this is recommended.*
- 4 bed middle class houses may result in more cars. *The emphasis here is on the additional emissions that would be caused, however it is not possible to say how many cars each property would end up with, and the proposal does accord with housing mix guidance.*
- The working class architecture and heritage cannot be replicated through the new designs and the new estate will be middle classed. LCC will lose the heritage forever. See section 7 on loss of these assets.
- Residents have not been provided with any further information about the Equalities Survey the Council carried out. Lack of transparency in use of this data. *This is not a material planning consideration.*

9.0 Conclusion

9.1 Additional details and advice are given above on matters that were deemed to be outstanding at the last panel meeting. The opinion of the LPA is not changed, the development is still considered to be compliant with policy and would deliver a quality housing scheme that represents sustainable development and will help to improve the health and wellbeing of local residents.



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Report of the Chief Planning Officer**SOUTH AND WEST PLANS PANEL****Date: 30th 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	DATE VALID	TARGET DATE
Pemberstone (Oulton Properties Ltd)	28/11/17	27/02/18 Ext until 30/10/18

Electoral Wards Affected:
Rothwell

 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 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

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

Tenancy Type	Total Properties	No. of residents with Protected Characteristics**
Regulated (RT)	8	13
Assured (AT)	4	0
Assured Shorthold (AST)	54	21
Vacant	4	N/A
Total	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 reviewed. 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 of 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 12th November 2014 and was implemented on the 6th 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 (2717m²), 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.

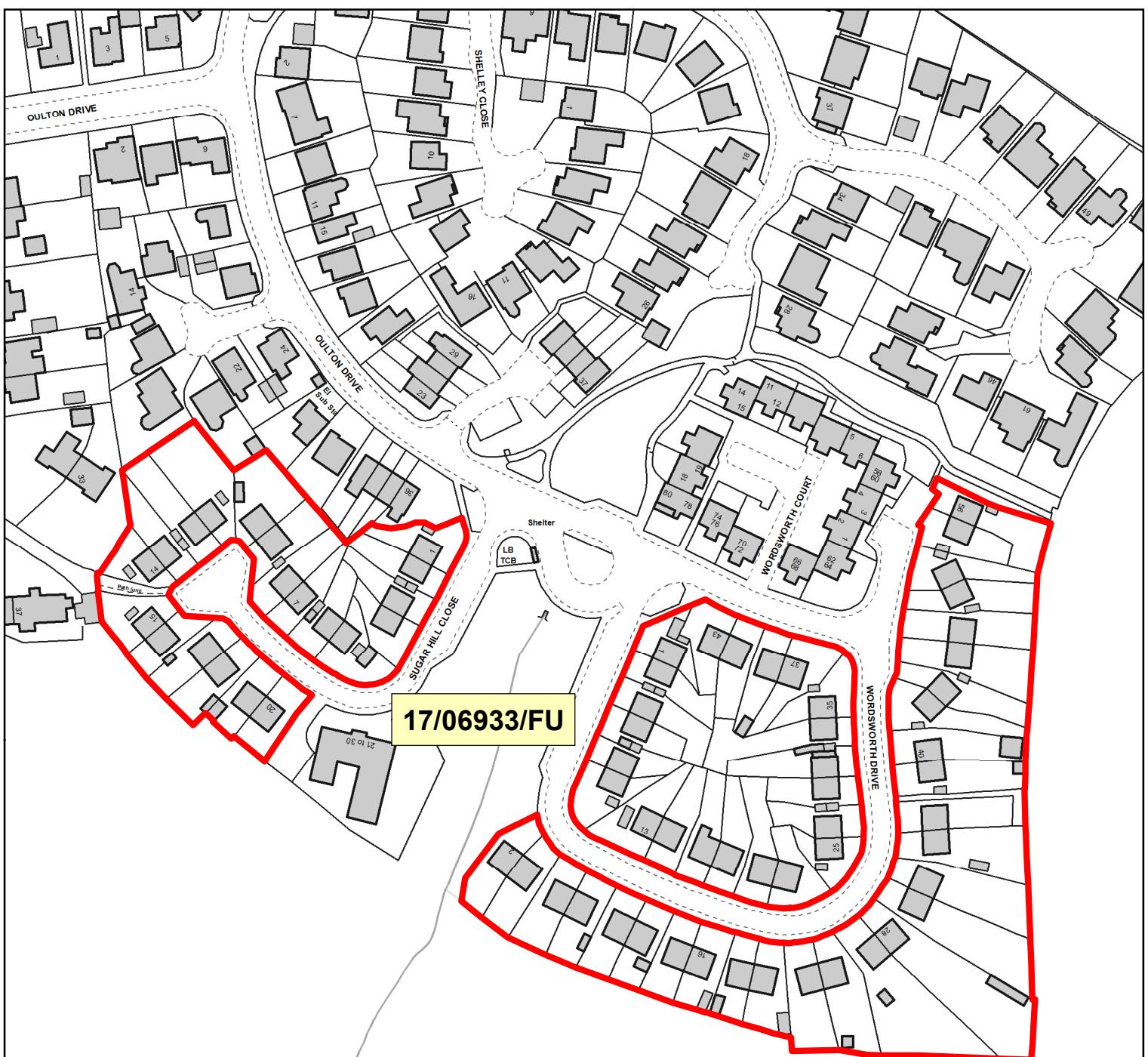
11.0 Conclusion

- 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 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.



Path (m)

SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500



HOUSETYPE	BED No.	AMOUNT
AFFORDABLE 2N 2 Storey Semi-detached M4(2) Compliant	2 Bed	7 No.
3A 2 Storey Semi-detached M4(2) Compliant	3 Bed	4 No.
OPEN MARKET		
2N 2 Storey Semi-detached, Terrace M4(2) Compliant	2 Bed	18 No.
3A 2 Storey Semi-detached, Detached M4(2) Compliant	3 Bed	5 No.
3H 2 Storey Semi-detached / detached	3 Bed	10 No.
3H+ 2 Storey detached	3 Bed	3 No.
3H+(SPEC) 2 Storey detached	3 Bed	1 No.
3H+ M4(3) 2 Storey detached Wheelchair Accessible	3 Bed	2 No.
4K 2.5 Storey Semi-Detached	4 Bed	16 No.
4M 2.5 Storey Detached	4 Bed	4 No.
TOTAL		70 No.

REV I	21.08.19	HIPPED ROOFS ADDED TO 14.no 2NS, PLOT 17 CHANGED TO 4M TA/SD LM/SD
REV H	10.06.19	CLOSE BOARDED TIMBER FENCE TO BE STAINED DARK BROWN TO REDUCE VISUAL IMPACT
REV G	21.05.19	LAYOUT TO REFLECT COMMENTS RECEIVED AT PLANNING COMMITTEE MEETING AS REQUESTED
REV F	09.05.19	PLOT 1 AND PLOT 8 HOUSE TYPE REVISED TO 3H M4(3) TYPE - KM LM
REV E	22.02.19	SITE LAYOUT UPDATED TO INCREASE UNIT SIZES AS PER PLANNING OFFICER COMMENTS
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 KW LM
REV B	01.08.18	HOUSE TYPES CHANGED. ELECTRIC POINTS ADDED SD LM
REV A	12.07.18	TYPE 3G REPLACED BY TYPE 3H AND 3A WITH NUMBER OF PLOTS INCREASED TO 71 AS PER CLIENTS COMMENTS SD LM

REV	DATE	DESCRIPTION	BY	CHECK



CLIENT: PEMBERTONE (OUTON PROPERTIES) LTD
 PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT @ SUGAR HILL LANE, OUTON
 DRAWING: PROPOSED SITE LAYOUT
 DRAWN: SD
 CHECKED: LM/RAN
 DATE: OCT 17
 DRAWING NUMBER: P11:4519:02 - I
 SCALE @ A1: 1:500
 DATE: OCT 17
 DRAWN: SD
 CHECKED: LM/RAN
 DATE: OCT 17

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