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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date:** 3 October 2019

**Subject:** Application 18/05373/RM: Reserved Matters (Access, Landscaping, Scale and Appearance and layout) application for residential development of 21 dwellings at South Park Mills, Hare Lane, Pudsey, Leeds, LS28 8DR

**APPLICANT**

Acrivarn Holdings Ltd &  
Mandale Homes North  
Yorkshire Ltd

**DATE VALID**

14 September 2018

**TARGET DATE**

10 October 2019

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**Electoral Wards Affected:**

**Pudsey**

☐ Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**18/05373/RM– Approve subject to the below conditions**

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Samples of external materials including all hard-surfacing and retaining walls.
4. Details of boundaries to be submitted and approved in writing.
5. Details of bin storage to be submitted and approved in writing
6. Tree Preservation/Protection.
7. Landscaping implementation and retention.
8. Landscaping Management Plan (to include a copy of the Licence in relation to the bat roost on-site, and measures to stop Himalayan Balsam being spread)
9. Standard Contamination Conditions.
10. Drainage conditions.
11. Parking spaces to be laid out.
12. Details of cycle parking to be submitted and approved in writing.

13. Details of the Electric Vehicle Charging Points to be submitted and approved in writing.
14. Construction Practice and management plan (construction times/deliveries/works traffic and storage) to be submitted for approval.
15. Sustainability Report to be submitted for approval.
16. Removal of Permitted Development Rights.
17. Details of windows (1:20 scale showing a 75mm minimum recess)
18. Speed Limits to be restricted to 20mph within the development
19. Submission of a bio-diversity protection and enhancement plan to be agreed in writing

## **1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel on the request of Cllr Simon Seary and former Cllr Richard Lewis. The concerns raised are that the number of dwellings and layout will impact detrimentally on the local character and the amenity of the neighbouring occupants, and have a detrimental impact on highway safety and environmental implications.
- 1.2 The site benefits from outline planning approval for the principle of residential development only for up to 21 units on the current site of a (former) manufacturing business. The outline approval is accompanied by a S106 legal agreement requiring improvements to Hare Lane, the provision of on-site greenspace, the diversion and provision of a replacement footpath and for the full contribution in terms of 15% affordable housing.
- 1.3 There was an indicative layout plan supplied with the outline application which was considered to successfully demonstrate that up to 21 dwellings could be accommodated within the developable area. All matters were reserved and these are now subject to this current reserved matters application before Members.

## **2.0 PROPOSAL**

- 2.1 The proposal is for the 21 detached dwellings to be located on the South Park Mills site which is currently occupied by industrial buildings and what appear to be peripheral office buildings and areas of hard-standing. The proposed houses would be laid out in two linear formations following the sloping land levels that drop steeply from north to south. Other options for the layout were given due consideration i.e. small clusters with courtyards but the engineering constraints of the site and potential extent of civil engineering works have directed the layout as now proposed.
- 2.2 Each house would have a private rear garden and off-street parking provision.
- 2.2 The proposal comprises of the following house types and floor-spaces. In brackets are the minimum standards as set out in Core Strategy Review Policy H9:
  - Types A and C: 4 bedroom, (2.5 storeys): 142 sq/m (130 sq/m)
  - Type D: 2 bedroom, (2 storeys): 79 sq/m (79 sq/m)
  - Type E: 4 bedroom, (2.5 storeys): 156 sq/m (130 sq/m)
- 2.3 These properties were initially proposed of a contemporary design but Officers were of the view that given the generally rural character of the area, a more traditional design approach was more appropriate. Most of the properties (x18) would be two storeys with

accommodation in the roof with small well designed dormer windows, with the units identified as the affordable units (x3) terminating at a true two storeys. The external materials would be stone under grey slate roofs. The windows would be grey uPVC frames and rain water goods would be black.

- 2.4 The properties also contain architectural features such as over-hanging eaves in order to create shadow lines, sills, window heads and gable end chimneys.
- 2.5 Landscaping of the site is also proposed as well as an area of public open space to the south of the site. In light of the ground levels retaining walls (stone facing) will also be necessary.
- 2.6 The site access would be retained so that the development accesses and egresses onto Hares Lane.
- 2.7 Part of the outline planning permission there is an accompanying s106 legal agreement requiring improvements to Hare Lane, the provision of on-site greenspace, the diversion and provision of a replacement footpath and for the full contribution in terms of affordable housing.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 This is an identified housing site in the Site Allocations Plan (SAP) HG1-206. The application site is a secluded light industrial area of land and buildings located to the southern end of Hare Lane; the site has been in an industrial use since the 19<sup>th</sup> century. Since that time the site has evolved in terms of extensions and alterations as well as demolitions. Currently, there are a variety of industrial buildings on the site; these vary in height from single to split level three/four storey buildings and are constructed of a combination of brick, render and industrial sheeting. The site sits within the Green Belt.
- 3.2 The access into the site curves sharply to the right from the southern end of Hare Lane and runs along the northern side of the main complex of buildings in the centre of the site. To the north of the access is a detached two storey building and parking area. The access continues along the western side of the main complex and along the southern boundary, in part as an unmade track. Large areas of the site are undeveloped particularly to the south of the existing buildings where there is evidence of former substantial industrial buildings, these were demolished c.1980's.
- 3.3 The site slopes downwards from the northern boundary towards Pudsey Beck and the Leeds Country Way, a definitive footpath, which runs along the length of the southern site boundary. A footpath linking Hare Lane with the Leeds Country Way runs through the site adjacent to the western boundary. This is not a definitive footpath but may be considered to be a public right of way. Trees and shrubs provide screening to the northern, eastern and western site boundaries. There are also fringe trees along the southern site boundary.
- 3.5 Details within the Officers report responding to the outline planning application state that the buildings have been subject to anti-social behaviour and vandalism i.e. graffiti particularly along the western elevations, arson attacks, broken windows and break-ins. In order to combat this a fence was erected by the entrance in order to avoid and/or reduce incidences.
- 3.6 Hare Lane, which provides vehicular access to the site, is a narrow and winding rural lane, which is relatively steep in places and is without footpaths. The lane runs from the

junction with Fartown and Fulneck to the north and ends at the entrance to the application site.

- 3.7 The surrounding area has a prevailing rural character with the nearest residential properties located close to the sites entrance at South Park Terrace; a terrace of nine houses along a short un-adopted road which runs off Hare Lane opposite the application site entrance. Other than South Park Terrace is South Park Villa, a detached house, which overlooks the site and is located well away to the north of the site.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 15/00169/OT: Outline application for residential development of up to 21 dwellings: Approved for principle of development only with all other matters reserved (Layout, Access, Scale, Appearance and Landscaping).

- 4.2 13/04986/FU: Laying out of access road and erection of 14 dwellings: Approved.

This was more or less identical to the previous approved scheme and given there was no change in the policy approach to its determination it was considered suitable for determination under delegated powers.

- 4.3 08/06050/FU: Laying out of access road and erection of 14 dwellings at South Park Mills, Hare Lane, Pudsey. This application was approved, as recommended by Officers, by Plans Panel West on 17<sup>th</sup> December 2009 subject to a referral to the Secretary of State, the completion of a s106 agreement and subject to the conditions attached to that report.

- 4.4 06/01882/FU: Laying out of access road and erection of 24 dwellings: Refused.

This application was refused planning permission by Plans Panel West on 29 November 2007, (Officers had recommended approval):

*(i) Inappropriate development within the Green Belt. No very special circumstances were put forward to justify the development, which was considered to result in an isolated residential development that consequently placed an undue emphasis on use of the private car.*

*(ii) The existing access from Hare Lane is substandard and inappropriate.*

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The reserved matter scheme before Members has been revised since its original submission. Officers including the Urban Design Officer met with the Applicants agent and design team (architect and engineer) in order to explore potential layouts, scale and appearance as the linear approach and design of the buildings as initially proposed raised concerns that they failed to respond to the rural character. The conclusion of that meeting was that due to the sites steeply sloping nature that a linear approach was the most realistic and achievable; whilst cluster buildings with courtyards arguably had a more pastoral appearance these are not the only form of architecture that one can expect in rural surroundings. Further negotiations have been undertaken throughout the course of this application with regards to layout, highways matters, landscaping and impacts on bio-diversity as well as residential amenity.

#### **5.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by site notices posted on Hare Lane and to the end of South Park Terrace on the 18 October 2018, 14 February 2019 and 17 May 2019 as well as advertised in the press on the 3 October 2018.

6.2 In response to the above 22 letters of representation have been received from local residents and an agent acting for the Moravian Union Incorporated. The comments raised are summarised below:

- The layout and architecture fail to respond to the character and appearance of the area.
- Lack of spacing between proposed and existing housing.
- Over-development of the site.
- No.1 South Park Terrace will be subject to loss of privacy, over-dominance and light pollution by virtue of the proximity of proposed plot 1.
- General increase of noise and disturbance, light pollution and vehicular movements when compared to the existing use of the site, to the detriment of nearby residents.
- Loss of green boundaries will be detrimental to Green Belt character as well as impacting upon wildlife habitats.
- Highway safety (Hare Lane not able to support additional traffic, visibility constraints).
- Inadequate parking and visitor parking.
- Interference with existing public footpath routes through the site.
- Impact on the openness of the Green Belt.
- The Applicant does not have permission to undertake improvement works to part of Hare Lane in the ownership of the Moravian Union Incorporated as required by the outline permission.
- The additional 21 houses could not be accommodated by the existing drainage infrastructure.

Ward Members.

6.2 Former Councillor Richard Lewis raised concerns as set out in the introduction of this report. In addition Councillor Simon Seary has also objected to the development: These comments are summarised below:

- The development would be unacceptable from a highways perspective for 21 properties to be built on a site which is serviced by an un-adopted road.
- A development of this scale would substantially increase vehicle numbers along what is essentially an un-made road.
- It would also impact on pedestrian safety, as there is currently no footpath along Hare Lane.
- Concerned that the potential for traffic congestion and access problems on what is a single track road for most of its length.
- (For the above reasons) Cllr Seary is of the view that the maximum number of dwellings that should be considered on this site is 14.
- This development lies within the Green Belt. The layout and design are not characteristic of a rural Green Belt locality and the character of the area will therefore be impacted upon.
- Loss of privacy for occupiers of the adjacent properties.
- The development will cause a loss of business premises, and therefore a loss of employment opportunity in the immediate area.
- The increased demand on local services has not been fully considered within the current plans.

## **7.0 CONSULTATION RESPONSES:**

### Highways

- 7.1 No objections raised subject to the Ss106 agreement (subject to the outline planning approval) and suggested conditions as set out at the head of this report.

### Environmental Studies

- 7.2 No objections. On examination of Defra's strategic road maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements.

### Contaminated Land

- 7.3 No objections subject to conditions.

### Landscaping

- 7.4 No objections subject to conditions.

### Nature Conservation

- 7.5 No objections.

### Flood Risk Management (FRM)

- 7.6 No objections subject to the imposition of a conditions securing a scheme detailing surface water drainage works to be submitted to the LPA for written approval.

### Yorkshire Water

- 7.7 No objection in principle to the proposed site layout (the public water mains and public sewers are not affected). The submitted drawing does not however show any foul water or surface water drainage proposals.

### Public Rights of Way (PRoW)

- 7.8 It has been agreed with the developer that Public Footpath No.59 Pudsey and a claimed footpath will be diverted under Section 257 of the Town and Country Planning Act 1990, which is required for the development to occur. An application will need to be made by the Applicant/Developer to PRoW regarding this diversion.

### Local Plans

- 7.9 The site is an allocated site within the Adopted Site Allocations Plan (reference HG1-206). Objections have been raised to the housing mix and density (Core Strategy policies H3 and H4) and have requested justifications why this is a 100% housing scheme with no flats and that there is a lack of 2 bedroom.

## **8.0 PLANNING POLICIES:**

- 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 is made up of the adopted Site Allocations Plan (2019). The Site Allocations Plan (SAP) demonstrates that the Council has in excess of a 5 year housing supply, the Core Strategy (2014) and the Core Strategy Review (2019), Saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste

Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.

Relevant Policies from the Core Strategy are:

GENERAL POLICY – Presumption in favour of sustainable development

Spatial policy 1: Location of development

Spatial policy 6: Housing requirement and allocation of housing land

Spatial policy 7: Distribution of housing land and allocations

Spatial policy 10: Green Belt

Policy H1: Managed release of sites

Policy H3: Density of residential development

Policy H4: Housing mix

Policy H5: Affordable housing

Policy P10: Design and context

Policy P12: Landscape

Policy T1: Transport Management

Policy T2: Accessibility requirements and new development

Policy G4: New Greenspace provision

Policy G8: Protection of species and habitats

Policy G9: Biodiversity improvements

EN1: Carbon dioxide reduction in developments of 10 houses or more, or 1000 m<sup>2</sup> of floor-space

EN2: Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m<sup>2</sup> of floor-space.

EN5: Managing flood risk.

Policy ID2: Planning obligations and developer contributions

Relevant Saved Policies from the UDP are:

GP5: General planning considerations.

N23/N25: Landscape design and boundary treatment.

BD5: Design considerations for new build.

LD1: Landscape schemes.

N33: Green Belts

Relevant DPD Policies are:

GENERAL POLICY1: Presumption in favour of sustainable development.

AIR1: Major development proposals to incorporate low emission measures.

WATER1: Water efficiency, including incorporation of sustainable drainage

WATER4: Effect of proposed development on flood risk.

WATER6: – Provision of Flood Risk Assessment.

WATER7 – No increase in surface water run-off, incorporate SUDs.

LAND1 – Land contamination to be dealt with.

LAND2 – Development should conserve trees and introduce new tree planting.

Supplementary Planning Guidance and Documents

8.4 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds

Street Design Guide SPD

Parking SPD

## Sustainable Construction SPD

### National Planning Policy (2019)

- 8.5 The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.6 Relevant paragraphs are highlighted below.

Paragraph 12	Presumption in favour of sustainable development
Paragraph 34	Developer contributions
Paragraph 59	Boosting the Supply of Housing
Paragraph 64	Need for Affordable Housing
Paragraph 91	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 108	Sustainable modes of Transport
Paragraph 117	Effective use of land
Paragraph 122	Achieving appropriate densities
Paragraph 127	Need for Good design which is sympathetic to local Character and history
Paragraph 130	Planning permission should be refused for poor design
Paragraph 143	Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
Paragraph 145	List of exceptions to development within Green Belts.
Paragraph 163	Planning decisions should not increase flood risk elsewhere
Paragraph 170	Planning decisions should contribute to and enhance the natural and local environment
Paragraph 175	Protection and mitigation for biodiversity

### Core Strategy Selective Review (CSSR)

- 8.7 The CSSR was adopted 11 September 2019. The CSSR sets a revised lower housing requirement and contains policies on affordable housing, housing standards, accessible housing, greenspace and electric vehicle charging points. The below policies are considered to be most relevant:

Spatial Policy 6: The Housing Requirement and Allocation of Housing Land  
Spatial Policy 7: Distribution of Housing land and Allocations  
Policy H5: Affordable Housing  
Policy H9: Minimum Spacing Standards  
Policy H10: Accessible Housing Standards  
Policy G4: Green Space Improvement and New Green Space Provision  
Policy EN1: Climate Change – Carbon Dioxide Reduction  
Policy EN2: Sustainable design and construction  
Policy EN4: District heating  
Policy EN8 Electric Vehicle Charging Infrastructure

## **9.0 MAIN ISSUES**



- Principle of Development
- Green Belt implications
- Layout and Design
- Housing Mix and Density
- Residential amenity
- Landscaping and Ecology
- Green-space and affordable housing provision
- Highway matters
- Sustainability and Climate Change
- Other Matters
- Planning Obligations and CIL

## **10.0 Appraisal**

### Principle of Development

- 10.1 The principle of residential development for up to 21 units on this brownfield site within the Green Belt has already been established under the extant outline planning permission. Moreover, the site is allocated for housing within the Adopted Site Allocations Plan (HG1-206).
- 10.2 Housing regeneration and growth is a key priority for Leeds; it is a breakthrough project in the Best Council Plan. The proposal will contribute towards the housing delivery of new housing as required by the Core Strategy and be a contributory development to the Councils five year housing land supply.

### Green Belt implications

- 10.3 Paragraph 133 of the NPPF sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 sets out the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.4 The NPPF sets out a list of exceptions at paragraph 145 and this includes the re-development of brownfield land within Green Belts but this does come with caveats that require development not having a greater impact on the openness of the Green Belt than the existing development. The proposed new builds would be around 7871m<sup>3</sup> with the existing buildings on site being around 21285m<sup>3</sup>. The proposed development of 21 houses will in the main be contained on the existing foot-print of the existing industrial and office buildings and the proposed volume is significantly lower than existing. In union with the reduced volume of built development having benefits to openness, it is also appropriate to consider the visual dimension as well as the spatial effects on openness when ascertaining harm to the Green Belt. Guidance within the NPPG sets out that assessing impact on openness requires

judgement based on the circumstances of the case.

- 10.5 Currently the form of development on site is at odds with the rural surroundings and is very clearly of industrial scale and appearance, the fact that it has been sat within the Green Belt landscape for as long as it has does not alter this i.e. it has not become of accepted rural appearance simply because of its siting within a rural setting. The proposed scheme for housing would, in Officers opinion, improve the visual dimension of openness and whilst adding greater levels of domestic activities within the area as well as domestic paraphilia it would remove an industrial use that also brings or could bring its own trappings of use e.g. large commercial vehicles, greater degrees of noise and disturbance, sub-division of the site (subject to no material changes of use) where unrestricted activities could in principle take place. Whilst the site is at present underused for industrial purposes there could come a time when that changes either through economic attraction or bespoke needs of potential users.
- 10.6 The linear layout provides greater permeability through the site and produces good quality architecture with resultant buildings and walls being read individually and cumulatively as domestic in scale; responding more to the Green Belt surroundings than that of the industrial expanse of the existing buildings and the area to the south which still shows clear evidence of the former buildings on this part of the site. The proposed landscaping would not be of a suburban appearance and the public open space created would not be overly manicured thus creating a fluency and amalgamation with the land beyond the site. The access route would follow that of the existing situation.
- 10.7 These are considered to be benefits to the visual dimension of this part of the Green Belt and it is considered that whilst there would be some harm (domestic paraphernalia) that harm would not outweigh the possibilities that the site does offer by reason of its use, scale and appearance or the potential amplification of the use if the site was brought back to capacity use or split into multiple units operating within the industrial use classes. Despite there being some impact the openness of the Green Belt this would not be unduly harmful and subsequently there would be no greater impact on openness than currently exists with the scheme reducing the harm with regard the visual dimension of openness.
- 10.8 It is therefore not considered that the proposed housing scheme would have an unduly harmful impact on the openness of the Green Belt and the reduced built volume along with the visual improvements within the Green Belt would not fracture the five purposes the Green Belt serves and would comply with the aims set out in the NPPF and the general aims of Saved UDP Policy N33 insofar as considering impact on the openness of the Green Belt.

#### Layout and Design

- 10.9 Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that creates high quality buildings and places which is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 10.10 The NPPF goes on to say at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- 10.11 In union with the aims of the NPPF policy P10 of the Core Strategy deals with design and states that development should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality. The Core Strategy is clear that good design is a key aspect of sustainable development and essential in creating places in which current and future generations can enjoy a high quality of life which is fulfilling and healthy. Good design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the built environment.
- 10.12 The proposed layout show that in the main dwellings will run along the existing internal route from the access from Hare Lane and follow the declining land levels towards the south of the site; there would also be a cul-de-sac coming off it with a turning area located between the two main linear areas of housing. Given the small scale of the development there is a constant character where the architecture has sought to respond to its rural surroundings. Green edges are provided by front lawns and the ecological buffers including the area of Public Open Space (POS) as well as the open and wooded areas beyond the sites boundaries which offer a substantial

green fringe. The POS can be easily accessed and offers good levels of recreational use as well as the visually softening impact it will have to the benefit of the development. The built areas and fringes of the site would have good levels of proposed tree coverage which also acts to soften the built forms within the site.

- 10.13 The proposed housing consists of detached houses laid out with good levels of separation between each unit that following the levels. The architecture would appear appropriate within a rural context with natural stone and lintel and window detailing such as heads and sills resulting in a cottage style, and whilst there will be some urbanisation with the engineering of the site there is compensation by virtue of the landscaping proposals and the public open space to the south creating a fluent visual amalgamation with the land beyond. There is very little to reference within the area with a row of existing terraces being the closest to the site. The proposed design and scale of the units are what could reasonably be found within rural contexts and this offers an acceptable pattern of development within the site and the linear layout reflects the only direct point of built reference of the adjacent terrace (South Park Terrace).
- 10.14 The proposed appearance, detailing and scale of the units are clearly residential and domestic and will add positively to the architectural vernacular of the surroundings and act to enhance the area above that of the existing buildings on the site. Moreover, the proposed variation in house types along the internal road provides good levels of visual interest breaking up any monotony of over-repetition. The scheme is considered to deliver a layout and design that meets with the Council's design aspirations established within Core Strategy Policy P10, the advice contained within the NPPF and guidance within SPG 13 - Neighbourhoods for Living. The details of all external materials and boundary treatments can be secured by conditions which are recommended.
- 10.15 The properties all have a dual aspects, with good clear outlooks, and all units meet with or exceed the minimum spacing standards as set out in CSSR Policy H9. The three units that meet the standard are the two bedroom affordable units with the remaining 18 units exceeding the minimum standards.

#### Housing density and Housing Mix

- 10.16 The CSSR states in the preamble to Policy H3 that a minimum density Policy is needed for Leeds to ensure sustainable housing development. This means efficient use of land in order to avoid more greenfield land being developed than is necessary and in order to achieve a higher population in proximity to centres. Lower density schemes will be accepted in exceptional circumstances relating to townscape and character.
- 10.17 The site is around 1.34 hectares and CSSR Policy H3 states that housing development in Leeds should meet or exceed the following net densities unless there are overriding reasons as set out above. Part (iii) of H3 provides the requirement for fringe urban areas and sets out that 35 dwellings per hectare is required. In this instance the proposed 21 units falls below the requirements of H3. Subsequently the need to consider any overriding reasons is engaged. In this instance the site falls within the Green Belt and the tests of openness present some level of opposition to the H3 requirements i.e. if H3 is to be met then the tests of openness would likely fail; not necessarily on the volumetric dimension of openness but certainly on the visual dimension of that concept. The outline sets a ceiling figure for the number of units at up to 21 and it is considered that to breach this in order to gain density would erode the approach taken to minimise the visual impact and substantially reduced the

volume of built development on this site. Moreover, more units would result in less verdant areas, greater pressures on trees, greater level of traffic movements beyond the limits that Hare Lane could likely accommodate and fundamentally a form of development that would move away from a rural response and become overly urbanised to the visual detriment. A balancing exercise therefore has directed Officers to apply greater weight to the benefits of the scheme as proposed and its response to the rural/Green Belt context of the immediate surroundings.

- 10.18 CSSR Policy H4 states in part that that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location. This should include the need to make provision for Independent Living (see Policy H8)
- 10.19 Policy have noted that the site proposes all houses and no flats in accordance with H4. This is a sensitive site within the green belt and the house types have been designed to respond to that it is considered that a block of flats in this location which would likely need to be designed to be much larger than the detached houses and require a greater expanse of parking above that of the surface parking spaces of the houses, would be detrimental to the ethos of the scheme in its efforts to be contextually and sympathetically responsive to its rural surroundings.
- 10.20 The proposed 21 houses are split into four house types (B, C, D and E). B, C and E are four bedroom houses with D having two bedrooms. This proposal is for a small housing development and the Core Strategy states that for small developments, achievement of an appropriate mix to meet long term needs is not overriding. The form of development and character of area should be taken into account too. The Core Strategy provide the example of a scheme of 100% flats that may be appropriate in a particular urban context. That example can reasonably be amended as a scheme for 100% housing in this rural/Green Belt context thus responding to that character and appearance of this immediate area.

#### Residential Amenity

- 10.21 SPG13 – Neighbourhoods for Living provides recommended separation distances that should be achieved between new dwellings, these distances primarily seek to maintain appropriate levels of privacy for existing and future occupiers; although it is noted that the guidance also advises that the suggested separation distances are intended as a guide and should not simply be applied without further consideration regarding the local character.
- 10.22 Guidance suggests that a separation distance of 10.5m from main windows (living and dining rooms) to boundaries and 7.5m from secondary windows (bedrooms and ground floor kitchens) to boundaries are acceptable. Guidance also suggests a separation distance of 18m between secondary windows (bedrooms) and main aspect windows and 21m between main aspect windows and 12m to side elevations.
- 10.23 The separation distances between properties within the site are considered to be acceptable and generally accord with guidance; the layout will provide future occupiers a good level of amenity. All of the proposed properties have dual aspects to the front and rear elevations. The rear gardens offer provisions that meet with the guidance set out in SPG13 – Neighbourhoods for Living.
- 10.23 The nearest properties are located on South Park Terrace and the closest properties on this terrace (No.1) would have its side elevation around 11.5m at the closest point

and approx. 14m at the furthest point from the side elevation of proposed plot one. No.1 is also set at marginally higher ground level and set forward of proposed plot one.

- 10.21 Proposed plot one would have rear facing upper floor windows and a dormer all serving bedrooms; these would gain direct outlooks down this plots garden area and across the site beyond. It would be possible that oblique outlooks could be gained towards No.1's rear garden area but the main sight lines are towards open land and across the internal areas of the site. Subsequently whilst there could be some degree of over-looking the gaps between the properties and the outlooks being oblique it is not considered that this carries sufficient weight to be of undue detriment and the impact would likely be similar than can occur from the adjoining property to No.1.
- 10.22 No proposed units would face directly towards the existing terrace. The separation distances in union with the higher ground level on which the existing dwellings sit is considered to be acceptable in planning terms and accords with the Councils aims to avoid overly dominant development. The retained tree planting will provide a physical barrier around the development that will lessen visual reception of the proposed dwellings. All other separation distances accord with those set out in SPG13.
- 10.23 The levels of shade towards No.1 South Park Terrace would increase there will remain good opportunities for solar gain into the existing rear gardens of the terrace as a whole and their habitable room windows. The proposed dwellings are also laid out so that their gardens and habitable room windows would not be unduly shaded.
- 10.24 Another impact of the development would be the change of outlook from existing properties from the existing industrial site to a developed residential site. The scheme proposed has an acceptable layout, well design houses and good levels of landscaping as well having a Phase 1 identity in the SAP. Therefore the change in outlook is not considered to be outweighed by the benefits of housing in this location.
- 10.25 The 21 units proposed will add to the noise and disturbance within the area but the scheme is relatively small and would likely offer benefits of decreased noise and disturbance if the site as existing was brought back to capacity with Use Class B2 (general industry) or split into multiple units. Conditions are recommended to limit construction times to be included within a construction management plan.

#### Landscaping and Ecology

- 10.26 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level. Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment.
- 10.27 The outline approval has landscaping and ecological conditions imposed and in order to protect the biodiversity features in accordance with the requirements of condition 26 of the outline permission (submission of a bio-diversity protection and enhancement plan) as well as condition 27 (tree protection) the Councils Ecologist

provided advice to the Applicants to achieve an acceptable retention of bio-diversity qualities. Revised plans were subsequently issued to the LPA in order to achieve a layout that avoided additional bat surveys and Ecology have not raised any concerns regarding the impact of this development on the areas ecology including any protected species i.e. bats. The tree protection fencing location and wider sites landscaping/ecology buffer area are also acceptable in avoiding intrusion on the ecology. Conditions are suggested for the submission of a landscape management plan (to include a copy of the Licence in relation to the bat roost on-site, and measures to stop Himalayan Balsam being spread) and a bi-diversity protection and enhancement plan) to be agreed in writing by the LPA. The POS on site will offer benefits in terms of biodiversity to maintain a degree of green corridor and habitat network

- 10.28 In addition to the above the Landscape Officer has responded to the proposed scheme plans and concluded that in his view the submitted tree protection fencing layout is acceptable and is to be inspected on site by the LPA or suitable images can be submitted for written approval prior to commencement of other works on site. This is suggested to be dealt with by condition. Two tree are shown to be removed (annotated as T10 and T19) on the submitted landscape plan and the re-planting scheme exceeds the 3:1 ratio set out in Policy LAND2. No objections have been raised with regards the proposed retaining walls and the level of detail submitted is acceptable. Moreover the landscaping of the site is also appropriate within this Green Belt and ecological context and would protect and enhance the landscape and bio-diversity values whilst minimising impacts on wildlife. Subject to the recommended conditions it is considered that the proposed landscaping of the site is in accordance with the objectives of Core Strategy Policy P12 and UDP Policy LD1

#### Green-space and Affordable Housing Provisions

- 10.29 CSSR Policy G4 requires developments over 10 units to provide for green-space improvement and new green-space provision. However, in this instance the outline permission pre-dates the CSSR and the on-site provision was assessed against G4 prior to the CSSR amendments. In addition the site falls within zone 2 of the affordable market housing and the 15% requirement has not changed as part of Policy H5 of the CSSR which now requires the 15% provision for all major scheme (i.e. above 10 units whereas the pre-CSSR H5 Core Strategy Policy had a trigger of 15 units within zone 2)
- 10.30 The on-site green-space and the 15% affordable housing units remain secured by the S106 agreement as part of the Outline planning permission.

#### Highways

- 10.31 The NPPF states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.32 As set out in the assessment of the outline application; the site is remote from public transport routes, (approximately 675m from the nearest bus stop on Fartown), and local services and facilities and is not a sustainable location for either residential or

commercial development. Hare Lane is approximately 650m in length is void of any footpaths, is narrow and in steep in places. The pattern of the road presents users with a blind bend and high verges and in all reality is not attractive for use by pedestrians or cyclists and it is likely that future residents of this development before Members would rely on private vehicles. Highway officers considered that at the time of the outline application that a proposal for up to 21 dwellings would result in a reduction in vehicle trips in comparison to the current industrial use. This equates to a more sustainable option for the future use of the site when compared to the existing situation.

- 10.33 Hare Lane is un-adopted and falls outside the Applicant's ownership but they do benefit from rights of way along it. As part of the outline approval a S106 Agreement secures the issues of maintenance of Hare Lane. This requires the Applicants not to commence development until a report together with a maintenance scheme for Hare Lane is submitted to the Council for approval. At this time no report is with the Council but that requirement still stands. The s106 Agreement states that the Applicant will only be required to maintain Hare Lane to the standard referred to in the report and will not be required to upgrade or put Hare Lane in to a better state of repair.
- 10.34 The Council will then have 30 days from the receipt of the report and maintenance scheme to either agree to the works or will, acting reasonably, provide in writing its proposed amendments to the report and/or maintenance scheme. The owner would then be required to submit a revised report and maintenance scheme incorporating those amendments. If agreement cannot be made within 40 days of submission of the report and maintenance scheme the s106 Agreement requires that an Independent Chartered Surveyor is appointed to resolve any dispute arising from this process. Once the report and maintenance scheme are approved the developer is required to engage a Management Company who will be responsible for the maintenance and management of Hare Lane from one month after the completion of the sale of the final dwelling.
- 10.35 The owners of each new dwelling and any future owners thereafter will be required to proportionally pay the Management Company the costs and expenses incurred by the Management Company in respect of its administration and maintenance of Hare Lane.
- 10.36 Moving now to highway safety; the proposed quantum of development (21 dwellings) is as agreed by Highways at outline stage when it was determined that the level of vehicular and pedestrian activity was acceptable. Highways advise that the speed limit for the proposed development should be 20mph in accordance with the adopted Street Design Guide. The cost of all road markings, signage and appropriate speed limit Orders would be fully funded by the developer (inclusive of staff fees and legal costs). A condition can secure that a plan is submitted to the LPA for written approval annotating the 20mph speed limit.
- 10.37 The access road plan is considered to be acceptable. The carriageway width is shown at 5.5m wide throughout and is flanked by a 2m footway where necessary elsewhere the carriageway is flanked by a 600mm margin. Localised widening has been introduced on the bend at plot 9 and Highways are satisfied that this can now safely accommodate the movement of refuse and delivery vehicles. The centreline radius of the bend is shown at 14m and a satisfactory level of forward visibility is achieved across the bend. The maximum gradient of 1 in 12 at the steepest points is acceptable and the maximum gradient of individual driveways/parking spaces should be 1 in 12.5. A condition is recommend to secure maximum gradients.
- 10.38 In respect of parking provision, sufficient parking is shown for each dwelling. Where



garages are provided two surface spaces are also proposed. There are also two visitor parking spaces. Each dwelling would have a secure cycle parking space and where garages are provided it is accepted that these could securely house cycles. Conditions are suggested to implement the cycle parking pre-occupation of any unit and that each unit is provided with an Electric Vehicle Charging Point (EVCP) in the interests of sustainable form of travel.

- 10.39 Each dwelling is shown to be provided with sufficient space for 3 wheelie bins. Conditions could secure details of the storage facilities and the implementation of the provision.
- 10.40 The site is located within 675m from the nearest bus routes that operate on Roker Lane. Bus services which operate on Roker Lane include the No. 14 which operates between Leeds and Pudsey at a 30 minute frequency, and the 205 which operates between Pudsey and Dewsbury at a 60 minute frequency. The bus availability for the site is therefore acceptable. West Yorkshire Combined Authority (WYCA) have identified the closest bus stop (12217) as not having a shelter and have requested that a bus shelter could be provided at a cost of £13,000 to the developer to improve the public transport offer and that a Real Time Information display could be provided at another nearby bus stop (12218) at a cost to the developer of £10,000.00 as well as funding a package of sustainable travel measures including including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site at a cost of £10,395.
- 10.41 WYCA requested contributions as part of the outline application and the LPA did not request such from the Applicant at that time as the scale of the development was considered too small to justify the contributions. The size of the scheme has not increased and subsequently the above is not sought.

### Sustainability and Climate Change

- 10.42 Members will be aware that the Council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact non-renewable resources. 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.
- 10.43 The proposed dwellings are to be built in accordance with the requirements of Building Regulations. 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. photovoltaic panels on the appropriate roof slopes. A condition requiring the inclusion of such renewable energy installations and securing at least 10% on site energy consumption from renewable energy is recommended. The Applicant has also stated that they are seeking to ensure energy efficiency is integrated into the detailed design, including through the following measures:
- A fabric first strategy which aims to achieve long term reductions in CO2 emissions and climate change.
  - The proposed fabric and building services specification will permanently reduce emissions by 6.48% and the proposed energy demand by 7.04% This is a significant betterment and seeks to demonstrates that the proposed development

will have a reduced reliance on national resources (gas and electricity).

- In order to address the planning requirements, renewable technologies will be utilised.

- 10.45 With regard to emerging policy EN8, electric vehicle charging points would be provided at each property and for each parking space, this is also recommended to be subject to a planning condition.

#### Other Matters

##### CIL

- 10.46 The site is within CIL zone 2b (£45/m<sup>2</sup>). Based on the floor-space currently proposed and discounting the affordable units, which would be eligible for CIL relief (subject to the submission of the appropriate documentation), the CIL requirement for the development would be £166,733.86

##### 10.47 Flood Risk Management (FRM)

- 10.48 Policy EN5 of the Core Strategy seeks to manage and mitigate flood risk. The Councils Flood Risk Management Team have requested that the drainage condition imposed on the outline application be repeated on this reserved matters application. The condition will require a scheme detailing surface water drainage to be submitted to and approved in writing by the Local Planning Authority. The surface water drainage works should be consistent with the recommendations of the Flood Risk Assessment set out in report reference 724/01r2 and dated October 2013. In addition, Yorkshire Water have raised no objection in principle to the proposed site layout and set out that the public water mains and public sewers are not affected. However, the submitted drawings do not show any foul water or surface water drainage proposals. Yorkshire Water can be consulted in union with the Councils FRM team when details of both foul and surface water are submitted to the LPA.
- 10.49 Subject to the above the scheme will manage and mitigate flood risk in accordance with Policy EN5 and the advice set out within the NPPF.

##### Representations

- 10.50 Matters raised regarding character, highways, landscape and ecology, impact on amenity, drainage and Green Belt implications have been covered in the above sections of this report. The point raised that the Applicant does not have permission to undertake improvement works to part of Hare Lane in the ownership of the Moravian Union Incorporated as required by the outline permission are duly noted. This would be a matter between the two parties and if the Applicant cannot undertake the requirements of the S106 then they will need to revert back to the LPA as this would affectively void the planning consent. The loss of the business premises and demand on local service were accepted as part of the outline approval.

## **11.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 11.1 The CIL Charging Schedule was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable

floor-space. However, CIL is not a material consideration and in any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

11.2 There is also a requirement for site-specific requirements as secured via a Section 106 agreement:

- Affordable Housing – 15%
- On-site Greenspace.
- Improvement works to Hares Lane

## **12.0 Conclusion**

12.1 Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and for decision-taking this means:

*Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*

12.2 Weight must be attached to the fact that this application site is an identified housing site within the SAP and has outline planning permission for up to 21 houses, has previous approvals for housing development and would contribute to the housing numbers within the City.

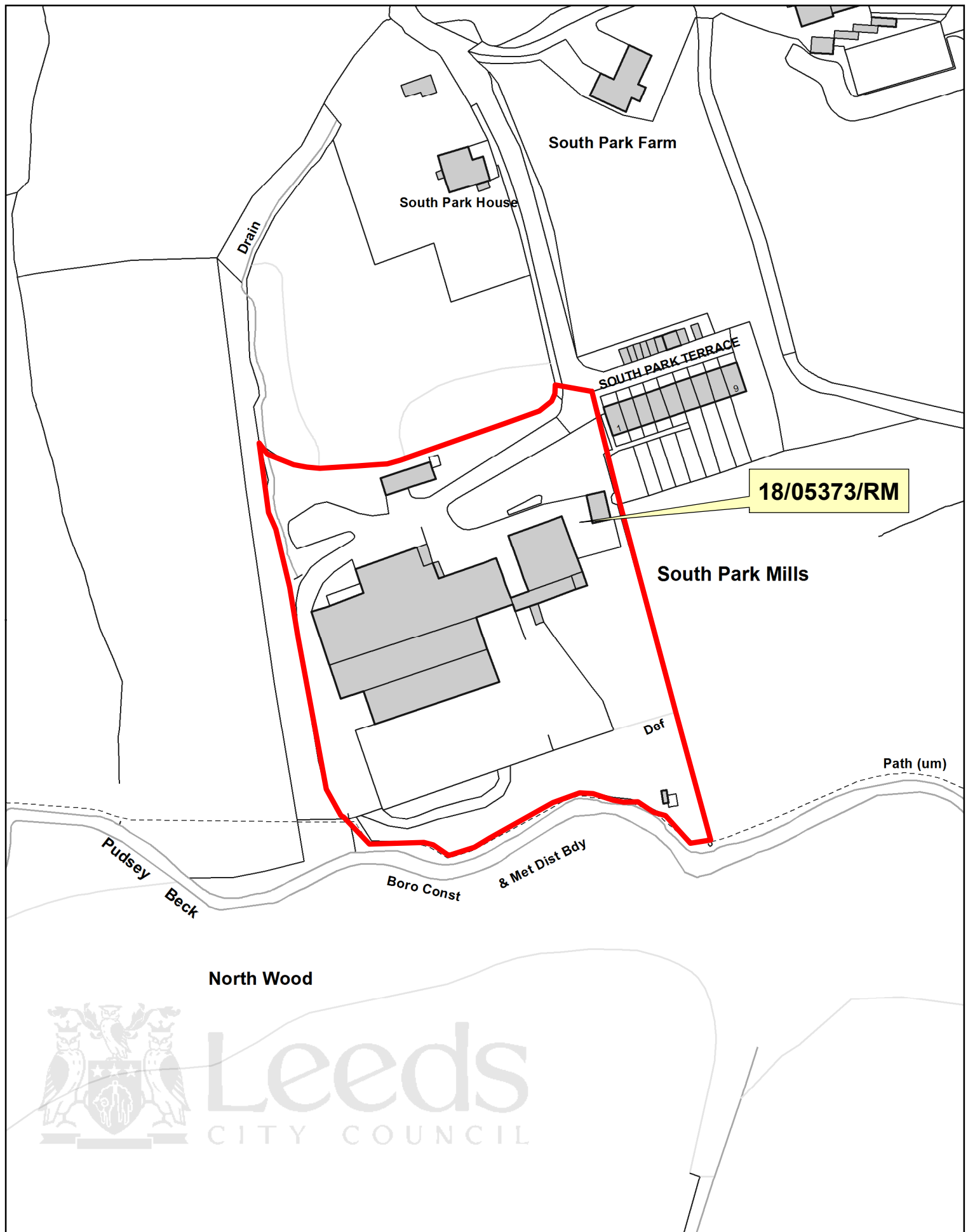
12.3 In terms of social and environmental factors, it is noted that this proposal will result in the payment of the Community Infrastructure Levy, which although not a material consideration, could be utilised for a range of benefits e.g. contributing towards education provision, green infrastructure or public realm improvements. Subject to the imposition of appropriate planning conditions, it is determined that the proposal has the capacity to sufficiently protect and enhance the bio-diversity on site, as set out in the report above, introduce positive drainage onto the site to ensure that there is no flood risk and require that the houses are constructed in accordance with the enhanced climate change requirements for carbon reduction set out in the CSSR.

12.4 Whilst there are some identified potential adverse impacts of the development (it is acknowledged that there will be an impact on outlook from existing houses) however this are not considered to be so detrimental that it should outweigh the presumption in favour of granting permission imposed by the NPPF. For local residents that adjoin the site, the development will result in a visual change from industrial units to a residential development but the scheme will also secure landscape, lower volume of built development and design improvements. With regard to their residential amenity, to include matters such as privacy and outlook, the application has been fully assessed to ensure that privacy and amenity distances between existing and proposed dwellings are sufficient to comply with the Councils separation standards as well as having due regard to the immediate and wider areas character.

- 12.1 The scheme will bring forward 21 new dwellings to include 15% affordable housing and there are no severe highways impact concerns.
- 12.2 The proposal offers good quality design and a layout that responds to the sites constraining steep ground levels whilst offering good levels of green-space that now exceeds the requirements of CSSR Policy G4. It is considered the proposal will provide good levels of habitation in an attractive and secluded setting. The housing proposed would act to improve the quality of the area above that of the existing industrial buildings.
- 12.3 It is recommended that planning permission be granted subject to conditions set out at the head of this report and with the already secured s106 that requires the affordable housing provision, on-site green-space and the maintenance of Hares Lane.

## **Background Papers**

Application Files:



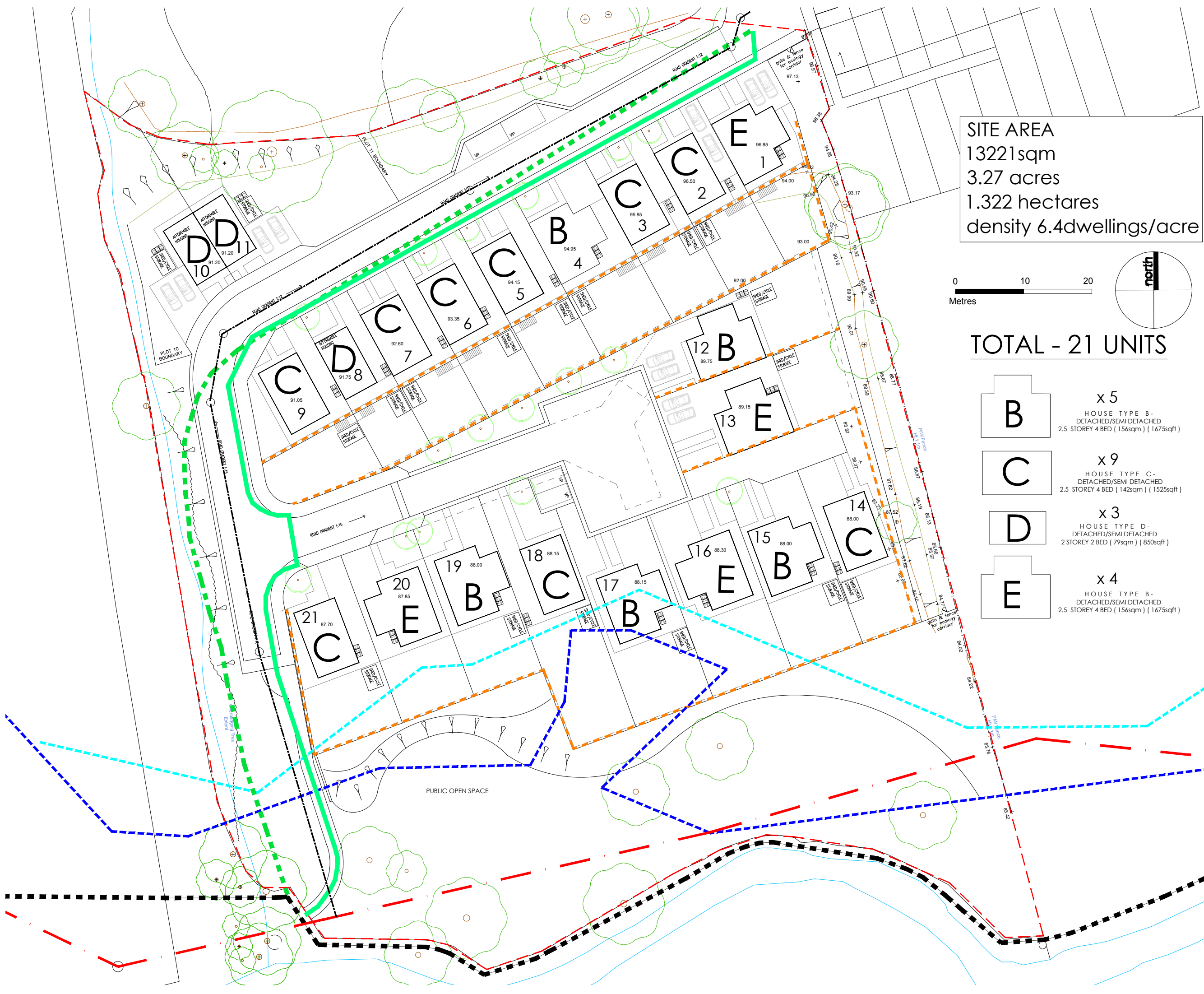
# SOUTH AND WEST PLANS PANEL

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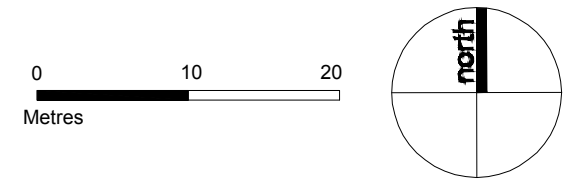
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500





SITE AREA  
13221sqm  
3.27 acres  
1.322 hectares  
density 6.4dwellings/acre



TOTAL - 21 UNITS

- B** x 5  
HOUSE TYPE B -  
DETACHED/SEMI DETACHED  
2.5 STOREY 4 BED ( 156sqm ) ( 1675sqft )
- C** x 9  
HOUSE TYPE C -  
DETACHED/SEMI DETACHED  
2.5 STOREY 4 BED ( 142sqm ) ( 1525sqft )
- D** x 3  
HOUSE TYPE D -  
DETACHED/SEMI DETACHED  
2 STOREY 2 BED ( 79sqm ) ( 850sqft )
- E** x 4  
HOUSE TYPE B -  
DETACHED/SEMI DETACHED  
2.5 STOREY 4 BED ( 156sqm ) ( 1675sqft )

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REV	DATE	DETAILS
P	18-09-19	TYPE D AMENDED TO SUIT SPACE STANDARDS
O	18-09-19	TYPE D AMENDED TO SUIT SPACE STANDARDS
N	30-07-19	TREE PROTECTION AND LANDSCAPING ZONE REMOVED
M	30-07-19	FFL AMENDED TO SUIT CIVIL ENGINEERS PROPOSALS
L	15-07-19	TREE PROTECTION ZONE AND LANDSCAPING ZONE INDICATED TO EASTERN BOUNDARY
K	11-06-19	EXISTING DRAIN RUNS ADDED
J	24-04-19	SITE LAYOUT AMENDED- FENCE ZONES AND WATERCOURSE ADDED
H	03-04-19	PROW LIMITED
G	18-03-19	LAYOUT AMENDED
F	18-03-19	LAYOUT AMENDED-LPA COMMENTS -04-03-19
E	17-01-19	LAYOUT AMENDED
D	27-01-19	LAYOUT AMENDED-PLANNING/CIVILS COMMENTS
C	24-01-19	LAYOUT AMENDED-HOUSE TYPES UPDATED
B	17-01-19	LAYOUT AMENDED-PLANNING MEETING 10-01-19
A	12-11-18	LAYOUT AMENDED

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CLIENT :  
MANDALAY HOMES LTD

PROJECT :  
HARE LAKE  
PUDSEY

DRAWING TITLE :  
PROPOSED SITE PLAN

PURPOSE OF ISSUE :  
FEASIBILITY

SCALE : 1:500 @ A3 1:250 @ A1

DATE : JULY 18

DRAWN : sjd

DRAWING NO: 1778 - 18 - 102

P