



## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 16<sup>th</sup> January 2020

Subject: Application 19/03367/FU – Planning application for 41 dwellings and 8 apartments (Use Class C3) with associated internal access, car parking and landscaping at:

Land off Moorhouse Avenue and Old Lane, Beeston

#### APPLICANT

Engie Regeneration Limited

#### DATE VALID

31<sup>st</sup> May 2019

#### TARGET DATE

PPA

#### Electoral Wards Affected:

Beeston and Holbeck

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

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

- 1 Affordable Housing Commuted Sum £18,000
- 2 Green Space Commuted Sum £107,000
- 3 Bus Stop Improvement £10,000
- 4 Clause to ensure development is retained as a PRS scheme or full Planning gain contributions are delivered if the properties are sold on the open market

**In the circumstances where the S106 agreement has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer**

## Conditions

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Wall and roofing materials to be submitted and approved.
4. Levels details to be submitted and approved.
5. Off-site highway works, informal pedestrian crossing to link with the footpath along the north edge of Moorhouse Avenue, and improvements to the junction of Moorhouse Avenue with Old Lane, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation.
6. Visibility splays of 2.4m x 33m to be provided on either side of access, prior to occupation and retained for lifetime of development
7. Electric charging points to be installed at all properties
8. Full details of Construction Practice, including mud cleaning, prevention of dust, compound location and statement of practice
9. Provision for Contractors during construction.
10. Vehicle areas laid out prior to occupation.
11. Cycle and motorcycle parking.
12. Closing off of redundant access.
13. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays
14. Full Landscaping (including tree, planting, surfacing and boundary treatments).
15. Method statement for protection of retained trees during construction
16. 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.
17. Retention and protection of trees shown on approved plans
18. Soft landscaping areas to the front of all plots to be retained and not surfaced
19. CCTV survey shall be carried out of the existing drainage layouts to identify the condition of the system,
20. Full drainage details to be submitted and approved
21. No development shall be brought into use/occupied until a SUDS management and maintenance plan for the lifetime of the development
22. Details of 2m high close boarded acoustic fence to be submitted for Plots 1-15 boundaries
23. Full boundary details to be submitted and approved.
24. Submission of a remediation statement.
25. Amended remediation statement in the event of unexpected contamination.
26. Verification reports following remediation.
27. Imported soil tested for contamination
28. Details of bird nesting and bat roosting features to be submitted
29. No removal of hedgerows, trees and shrubs between 1<sup>st</sup> March and 31<sup>st</sup> August.
30. Enhanced double glazing (rated 31 dB Rw+C) and acoustic trickle vents (rated 42 dB Dnew per 5000 mm<sup>2</sup> open) is appropriate to windows adjacent to and unscreened from Old Lane.
31. PD rights removed on plots 32- 36, 45 and 46
32. A minimum of 10% on site energy consumption is to be from a renewable energy source. Full details of which are to be submitted to, and approved in writing by the LPA.

## 1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel as the proposal is contrary to policies H5 and G4 of the adopted Core Strategy with regard to affordable housing and green space contributions.
- 1.2 The application has been accompanied with a Financial Viability Appraisal, which has now been submitted to and assessed by the District Valuer. The findings of this are discussed in paragraphs 10.17- 10.20 of this report.

## 2.0 PROPOSAL

- 2.1 The proposal is for 49 units, which comprise of the following mix.

No of bedrooms/ Type	No of units	Proportion on site
Two bed apartments	8	16.3%
Three bed semi-detached	38	77.6%
Three bed detached	3	6.1%

- 2.2 The properties are 2 and 2 ½ storeys in height. They are to be constructed from brick, with concrete roof tiles. Design features include canopies over the front doors, brick cills and heads to windows. Some property types feature bay windows and gable features. No on-site green space is proposed.
- 2.4 One vehicular access is proposed to the site, this is from Moorhouse Avenue. The applicants have stated it is their intention to retain ownership of all the dwellings and rent the entire development privately, which is commonly known as a (PRS) model.
- 2.5 The application is supported by the following documents

- Design and Access Statement
- Noise Assessment
- Contaminated Land Appraisal
- Planning Statement
- Flood Risk Assessment
- Transport Assessment
- Tree Survey
- Biodiversity Survey
- Flood Risk Assessment
- Financial Viability Appraisal

- 2.5 The application will be supported by a legal agreement covering the following obligations:

- Affordable Housing Commuted Sum £18,000
- Green Space Commuted Sum £107,000
- Bus Stop Improvement £10,000

- Clause to ensure development is retained as a PRS scheme or full Planning gain contributions are delivered if the properties are sold on the open market

### **3.0 Background:**

- 3.1 The PRS (Private Rented Sector) Real Estate Investment Trust [REIT] plc was established by Sigma in May 2017 and is listed on the London Stock Exchange and would fund and own the development at Old Lane in Beeston with support from its investors. Investors in the PRS REIT include Homes England and primarily pension funds including Invesco, Aviva, West Yorkshire Pension Fund, Blackrock.
- 3.2 The purpose of the REIT is to create long-term risk diversified income streams for investors that is only possible through the creation of attractive living space where customers stay by choice. A fundamental requirement is to provide homes at a suitable price point alongside a letting and management service which can meet the needs of customers. In this regard, the applicants state that the Private rented Scheme (PRS) model is long term and there is no intention to develop the dwellings for rent with a view to converting them to open market sale at a later date.
- 3.3 The applicant states that the application of a tenure restriction through the provisions of a S106 creates a challenging situation for Sigma with regards to its investors as this would reduce the net asset value [NAV] of the development, an important reportable metric for investors. If a proposed scheme does not meet the investors minimum investment criteria, of which the NAV is one metric, a scheme will not attain board approval to progress. BtR does not generate the capital profit that a market sale scheme can generate because BtR schemes are appraised on an investment model and not a sales revenue model and long term stable income is the key metric as opposed to short term developer profit. This is the applicants reasoning as to why they will not accept a S106 restriction which places a duty for the properties to remain as PRS properties in perpetuity. They have suggested instead a 'Revenue Clause' in the S106 which places a duty on the applicants to make a further Affordable Housing contribution, should the properties ever be sold on the open market. Further information from the applicants on the exact working of this clause has been sought, and at the time of writing of this report which issue remains outstanding.
- 3.4 The applicant states that their product is fulfilling a gap in the market which doesn't currently exist – most other corporate landlords and investors are involved in high rise city centre apartments. The potential occupiers need access to employment, good transport links, local amenities and good local schools which we strive to build our homes close to. Typically occupiers are too economically active to qualify for social housing, but don't have sufficient resources for home ownership
- 3.5 All the properties come with fully integrated appliances including dishwasher and washer/ dryer, flooring throughout and blinds to all road facing and bedroom windows so a tenant can move in and start living with minimal financial outlay because the homes are ready to live in. The applicants also state that as the properties are constructed to current building regulations they are very energy efficient and cost effective to run as they all have modern boilers and are well insulated so monthly energy bills are reduced.

### **4.0 SITE AND SURROUNDINGS:**

- 4.1 The application site consists of a cleared brown field site which is situated in Beeston, approximately 4.2km south-west of Leeds City Centre, 1.6km to the A6110 Ring Road and 500m to the south of Beeston Local Centre. Historically the site was used for employment uses. The application site has an area of approximately 1.21ha with levels being relatively flat. The site sits at the junction of Old Lane and Moorhouse Avenue. A row of large substantial protected trees lies within the site along the frontage with Old Lane.
- 4.2 The site lies in a predominantly residential area, which is generally characterised by 1940/ 50's age of housing. Immediately to the south of the site lies a new modern Asda Petrol Station with Supermarket beyond. To the west lies modern warehouse/ light industrial 'shed' type buildings. To the north across Moorhouse Avenue lie allotments, and to the east across Old Lane lie traditional styled, post-war semi-detached properties, which are located within generously sized plots.

## **5.0 RELEVANT PLANNING HISTORY:**

- 5.1 Outline planning consent for residential development with means of access was approved on 31.8.2018 (ref 16/08003/OT).
- 5.2 The site was formerly in use for employment use and has subsequently been the subject of planning application for an A1 Retail foodstore development. A planning application (10/04404/FU) was submitted on behalf of Tesco Stores, for the erection of retail store with car parking and landscaping. This application was refused in June 2013. The application was refused due to the cumulative impact that the proposed retail store, when considered with other commitments, would be likely to have a significant adverse impact on the vitality and viability of Beeston Local Centre.
- 5.3 The erection of the existing Asda store and associated parking, landscaping and access immediately to the south of the application site was approved in December 2013 (11/04306/OT).

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

- 6.1 The application was publicised by 4 site notices which were posted adjacent to the site on 25th June 2019, and an advert was placed in the local press on 26th June 2019. To date no objections have been received to the application.
- 6.2 Ward Members have also been briefed on the application but have made no formal representation on the application.

## **7.0 CONSULTATION RESPONSES:**

- 7.1 West Yorkshire Combined Authority  
Requested £13,000 to fund real time information display at the nearest bus stop to the site (bus stop 12123), a further £10,000 for real time information at bus stop 10075, and £24,524.50 to fund bus passes for the future occupiers.
- 7.2 Yorkshire Water  
No objection. The developer should however note that the site drainage details submitted, have not been approved for the purposes of adoption or diversion.

### Mains Drainage

- 7.3 Recommend conditions which relate to sustainable drainage measures, and a CCTV survey to identify the condition of the existing drains.

### Highways

- 7.4 No objections subject to conditions.

### Landscape

Raised concerns on the loss of trees and lack of scope of replacement planting at a 1:3 ratio. It is likely there will be pressure from the future occupiers of the development to prune T16 due to the proximity to the development.

### Environmental Protection

- 7.6 No objection subject to a condition regarding construction hours.

### Environmental Studies

- 7.7 No objection to this proposed development in terms of transportation noise.

### West Yorkshire Police

- 7.8 Security measures regarding lock types and lighting are recommended.

### Contaminated Land

- 7.9 The Phase 2 Report submitted has concluded that remediation is required for the proposed development. Therefore, a Remediation Strategy is required to be submitted in support of this planning application. The outstanding matters can be covered by planning conditions.

### Nature Conservation

No objection subject to a condition which relates to no clearance works between 1<sup>st</sup> March and 31<sup>st</sup> August and a further condition for integral bat roosting features and bird nesting.

### Design

Raised concerns regarding small garden sizes on some plots, remote parking for 2 plots, and the extent of frontage parking. Object on design grounds.

### Local Plans

- 7.12 No objection, the site is allocated for housing through the adopted SAP. Policy G4 requires a Green space of commuted sum of £107,495.12.

## **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.

### Development Plan

- 8.2 The development plan for Leeds is made up of the a Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013, Aire Valley Leeds AAP (2017) the Sire Allocations Plan 2019 and any made neighbourhood plan. .

Relevant Policies from the Core Strategy are:

SP1	Location of development in main urban areas on previously developed land.
SP6	The Housing Requirement and Allocation of Housing Land
SP7	Distribution of Housing land and Allocations
H2	Housing development on non-allocated sites.
H3	Housing density
H4	Housing mix
H5	Affordable housing
H9	Minimum Spacing Standards
H10	Accessible Housing Standards
P10	High quality design.
P12	Good landscaping.
T2	Accessibility.
G4	Greenspace
G8	Biodiversity improvements.
EN1	Climate Change – Carbon Dioxide Reduction
EN2	Sustainable design and construction
EN4	District heating
EN5	Managing flood risk.
EN7	Protection of mineral resources (coal, sand, gravel).
EN8	Electric Vehicle Charging Infrastructure
ID2	Planning obligations and developer contributions.

Relevant Saved Policies from the UDP are:

GP5	– General planning considerations
N23	– Incidental open space around development.
N25	– Landscaping
BD5	– General amenity issues.
LD1	– Landscaping

Relevant DPD Policies are:

GENERAL POLICY1	– Presumption in favour of sustainable development.
MINERALS3	– Surface Coal resources
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
- Travel Plans SPD
- Sustainable Construction SPD

National Planning Policy

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 110	Priority first to pedestrian and cycle movements
Paragraph 111	Requirement for Transport Assessment
Paragraph 117	Effective use of land
Paragraph 118	Recognition undeveloped land can perform functions
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 155	Inappropriate development in areas at risk of flooding should be avoided
Paragraph 163	Planning decisions should not increase flood risk
Paragraph 170	Planning decisions should contribute to and enhance the natural and local environment

## 9.0 MAIN ISSUES

- Principle of development
- Space standards
- Design, Layout and Appearance
- Amenity considerations
- Highways
- Affordable Housing/ Viability issues
- Greenspace
- Landscaping
- Planning obligations and legal agreement
- CIL
- Crime Prevention
- Other issues

## 10.0 APPRAISAL

### Principle of Development

10.1 The principle of development has already been established through the granting of outline planning permission for residential development. This outline consent is still extant and valid. The site is also allocated for housing development through the SAP. Policy H3 of the adopted Core Strategy recommends a minimum of 40 dwellings per

hectare in urban locations such as this. The site area is 1.2 ha, which equates to a density of 40.8 units per hectare. The proposal therefore complies with policy H3. The proposal is therefore considered acceptable in principle, subject to an assessment against all other normal development management considerations.

### Space Standards

- 10.2 The space of each house type is highlighted below, and the table includes the requirement of policy H9.

House Type	No. of units	% of units	Type of property	Proposed floor area (m <sup>2</sup> )	Policy H9 (m <sup>2</sup> )	Difference (m <sup>2</sup> )
A	1		2bed apartment	62.6 - 66.1	61	+1.6
B	2		3 bed 2 storey	87.3	84	+3.3
C	2		3 bed 2 storey	91.9	84	+7.9
D	3		3 bed 3 storey	97.3	90	+7.3

- 10.3 As these table shows, all the proposed properties meet with the minimum spacing standards and as such it is considered the proposed dwellings would offer an adequate level of amenity to future occupiers.

### Design, Layout and Appearance

- 10.4 The layout of the development has been subject to much discussion with officers, and has been amended through the course of the application. The layout has been amended to retain a greater number of trees which exist at the junction of Old Lane and Moorhouse Avenue and adjacent to the site access. The layout includes an active frontage to Old Lane and the protected tree belt to Old Lane is retained.
- 10.5 The majority of the properties have side driveways. Only 2 dwellings (out of 41) have frontage parking, and only 2 plots (plots 2 and 27) have parking remote from their frontages. All of the apartments (plots 8-15) have frontage parking, however there is a landscaping buffer included to the front of this block to provide a degree of privacy and security to the occupiers of the ground floor flats, which have front facing windows.
- 10.6 The proposed properties are of a traditional design with 3 house types (excluding the flats), and all include detailing such art-stone heads and cills. The House Types B and C are described as having a traditional appearance with pitched roofs, these house types are 2 storeys in height. The house type C, which are located at junctions within the site have bay windows upon their side elevation, to provide a 'dual frontage', and a projecting gable feature to the front elevation. Types A and B have projecting porches and type D has a canopy over the front door. All of these features provide a degree of visual interest and focal points to the properties. The design of the dwellings are considered acceptable with small detailing features which does aid their quality and general appearance. House type 'D' (which is 2 ½ storey's) has been amended at the request of Officers to reduce the massing of the front elevation above the first floor windows, by lowering the eaves level.

- 10.7 The site is not considered to be located in an architecturally sensitive location. The immediate locality, across Old Lane, is characterised by post war, traditional styles semi-detached properties, which have generous sized gardens, and spaced out in regular patterns. In many ways, this site would appear as a standalone residential development, as this side of Old Lane is not residential in character and the existing tree belt would screen much of it from view. The scale of the development in terms of its height is considered acceptable and respects the form of the nearby existing houses.
- 10.8 Notwithstanding the design concerns raised by the Design Officer (whose main concern relating the spacing and over-development), on balance it is considered the layout and design of the development are acceptable. It is important to note the quantum of development just meets the minimum requirements of policy H3 in terms of density, and increasing the spacing around the proposed dwellings would reduce the density to below the requirements of policy H3. The purpose of policy H3 is to ensure the effective use of land.
- 10.9 It is considered the layout and design would offer the future occupiers a good level of amenity to the future occupiers. The site is fairly level and there is no need for vast retaining structures or any element of 'cut and fill'. All the proposed properties have open outlooks from the front and rear elevations. Most of the properties have good sized rear garden areas, which comply with the guidance of 'Neighbourhoods for Living'. It appears only three plots fall short of the 2/3 gross floor space rule, these are Plots 7, 45 and 46. Most of the properties also have rear gardens which are 10.5m in depth, (quoting an average depth) the exception to these are Plots 5 and 6 (9.6m), Plots 45 and 46 (7.5m), Plot 47 (9.6). This equates to approximately 10 % of the properties proposed. It is not considered these grounds alone warrant the refusal of the application, as the short-fall is relatively minor.
- 10.10 The site is disused and derelict, the proposal would improve the appearance of the site and regenerate the immediate locality. It is considered that the proposal complies with policy P10 and the design principles of Neighbourhoods for Living.

#### Amenity Considerations

- 10.11 It is not considered the proposal would have any impact on existing residents, in terms of over-shadowing and over-looking. The only nearby residential dwellings lie opposite the site across Old Lane and are sited way in excess of the minimum guidance as stated through 'Neighbourhoods for Living'. All of the spacing within the site, and the relationship between the properties complies with the general guidance of the adopted SPG 'Neighbourhoods for Living'.
- 10.12 The application has been supported by a Noise Survey, given the proximity to the warehouse/ light industrial buildings which lie to the rear of the site. This report has been reviewed by Officers in Environmental Health, who have stated the application site is located within a mixed residential and commercial / industrial area, and that the report has highlighted any restrictions imposed on the neighbouring commercial units by way of planning conditions (opening hours, deliveries, plant noise) which in combination with noise mitigation measures incorporated into the new housing development will reduce the noise impact on the future occupiers of the new dwellings. Environmental Health have raised no objections to the application, subject to the highlighted mitigation been provided;
- Enhanced double glazing (rated 31 dB Rw+C) and acoustic trickle vents

(rated 42 dB Dnew per 5000 mm<sup>2</sup> open) is appropriate to windows adjacent to and unscreened from Old Lane

- Standard glazing and standard ventilation (no minimum rating) for all other windows
- Gardens adjacent to the boundaries to be enclosed with an 1800 mm high solid timber fence (or brick wall or brick wall and piers with solid timber fence in-fills).

10.13 These mitigation measures will be secured through planning conditions. The noise assessment report which was produced in support of the planning application for the petrol filling station which lies adjacent to the site, has also been reviewed and of these reports are fairly consistent in their findings / noise assessments.

#### Highways

10.14 The site is in an accessible location in terms of public transport. The site also meets the Core Strategy requirements in terms of local services such as food shopping and education. The proposal includes a footpath link to Old Lane which provide future occupiers with a direct route to Asda and the shopping facilities at junction of Old Lane/ Dewsbury Road without having to walk out of the development along the vehicular access which is located in the opposite direction, via Moorhouse Avenue.

10.15 Highways have raised no objection to the level of parking within the development, it is considered this level of parking is appropriate for suburban dwellings of this size, each property has two surface parking spaces (with the exception of the flats) and as such it is not considered the proposal would lead to additional on-street parking on Old Lane. A condition will ensure that each of the properties have an electrical charging point.

10.16 The scheme provides visibility splays of 2.4m x 90m at the Moorhouse Ave/ Old Lane junction across the site frontage. In addition, visibility splays of 2.4m x 33m are achieved at the site access on to Moorhouse Avenue, which will ensure adequate visibility on exiting the development. Highways have raised no objections to the proposal.

#### Viability Issues/ Affordable Housing/ Greenspace Contributions

10.17 Policy H5 of the adopted Core Strategy has recently been amended, by the Selective Core Strategy Review. One of the main amendments to this policy was to account for the PRS model. Policy H5 now states that on PRS schemes affordable housing can be delivered in 3 ways, to give the developers a degree of flexibility, which is highlighted below.

10.18 Build-to-rent developments shall provide either:

- i) on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents administered by a management company with appropriate arrangements for identifying households in need, including city council nomination rights, which apply in perpetuity, or
- ii) on-site, the percentage of affordable housing specified for zones 1-4 and mix of Intermediate and Social Rented types of affordable housing set out in the first paragraphs of this Policy, or
- iii) a commuted sum in lieu of on-site provision of affordable housing of option ii)

- 10.19 The application also proposes no on-site green space. Policy G4 requires green space of 0.2068 hectares on-site. The equivalent commuted sum for this green space of size is £107,495.12.
- 10.20 A PRS scheme has less scope to provide planning gain contributions, when compared to an open market scheme as the fact the landlords are responsible for managing the properties which means they will have to pay for buildings insurance, maintenance, staff costs, voids (periods of vacancy) and lettings. These costs are commonly referred to as “operational costs”. These costs are typically approximately 15-25% of the rent. This application has been supported by a Viability Appraisal. The District Valuer has concluded that based on the viability information, full policy compliance it is not viable for this PRS scheme. However the DV has confirmed the scheme is viable to contribute up to £135,000 in planning obligations which officers are suggesting is split as follows
- Commuted sum in lieu of on-site affordable housing of £18,000.
  - £107,000 commuted sum for public open space
  - £10,000 for bus stop improvements.
- 10.21 The applicants have agreed to make these contributions. However, as decision makers it is entirely within the gift of Members to decide how the £135,000 should be split across the three obligations. For example, Members could, if they preferred, decide to forgo the whole of the greenspace contribution in favour of an Affordable Housing contribution of £125,000. As the scheme's viability relates directly to the fact it is a PRS scheme, the S106 will need to ensure the development is retained as a PRS scheme, or a revised clause is devised which places a duty on the applicants to provide the full Affordable Housing contributions, should the units ever be sold on the open market. The S106 agreement will include a clause to safeguard this reduced contribution (as it is based on a PRS scheme), the exact wording of which, yet needs to be agreed with the applicant.
- 10.22 The District Valuer has concluded that if the development was an open market housing development, the full planning gain contributions could be delivered from this development which would equate to 7 affordable housing units on-site in addition to the full green space contribution of £107,000.

#### Landscaping/ Trees

- 10.23 The site contains four trees which are protected by Tree Preservation Orders, all of these are proposed to be retained. The majority of the trees upon the site are located along the Old Lane frontage. The layout has been amended to increase the clearance to these trees, and retain a greater number of trees. It is considered the retention of the trees is a very positive aspect of the scheme and would help integrate the development with the existing surrounding environment. The retention of these mature trees also play an important role in Co2 storage, as they filter pollutants, provide O2, they also provide shade and don't absorb heat in the same way as hard surfacing which is a key contributor to the urban heat island effect. Trees, and all soft landscaping, absorb water helping to minimise surface water run-off and thus minimising flood risk.
- 10.24 The proposal seeks to remove 7 individual trees and 3 small groups, none of these trees are covered by the Tree Preservation Order, meaning the best and most mature trees are retained. The application is supported by an Arboricultural Impact Assessment. Out of the 10 trees/ groups proposed for removal, 3 are rated as

category U and 7 are rated as category C2. These trees are required for removal to facilitate the development. It is considered the application strikes a good balance between the preserving the best trees on site and not unreasonably constraining the development of the site (which is allocated for housing through the SAP). In total 2/3 of the trees are to be retained and a full landscaping scheme, which will include new tree planting, will be conditioned if the application is approved, along with full details of tree protection.

### Mains Drainage

- 10.25 The Flood Risk and Conceptual Drainage Design is generally considered acceptable in principle. The report proposes a 50% reduction in the surface water runoff from the existing rate into the combined public sewer on Moorhouse Road. It is not considered appropriate to use the Modified Rational Method for the detailed design of the surface water drainage. Therefore Flood Risk Management do not have any objection to the proposals subject to the inclusion of the drainage conditions being included with any grant of planning permission. conditions are recommended if the application is to be approved.

### Sustainability Credentials

- 10.26 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.
- 10.27 The proposed dwellings are to be built in accordance with the requirements of Building Regulations. A condition requiring the inclusion of such renewable energy installations and securing at least 10% on site energy consumption from renewable energy is to be imposed. The applicant has also stated that they are seeking to ensure energy efficiency is integrated into the detailed design, including through the following measures:
- Each dwelling will include insulation with zero global warming potential or volatile organic compounds;
  - Each dwelling will be fitted with a low NOx gas fired boiler, minimum A rated white goods and smart meters;
  - The proposed development promotes sustainable transport by providing 1 electric charging point per dwelling in line with the Council's emerging Core Strategy Policy EN8 (Electric Vehicle Charging Infrastructure). It also complies with the Council's cycle parking standards as each dwelling will include one cycle parking space (Parking SPD, January 2016);

### Planning Obligations and Legal Agreement

- 10.28 Subject to members views, it is intended that the application will be supported by a legal agreement to cover the following matters:
- Commuted sum in lieu of on-site affordable housing of £18,000.
  - £107,000 commuted sum for public open space.
  - £10,000 for bus stop improvements.

- Clause to ensure development is retained as a PRS scheme or full Planning gain contributions are delivered if the properties are sold on the open market.

10.29 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

### CIL

10.30 The site is within CIL zone 2a (£23/m<sup>2</sup>). Based on the floorspace currently proposed, the CIL requirement for the development would be £119, 622.

### Crime prevention

10.31 The police architectural liaison officer (ALO) has been consulted on the proposals and has advised that the layout is considered acceptable from a crime prevention perspective. A number of suggestions have been made in relation to the type of doors and locks, which should be fitted to the properties. The information will be relayed to the applicants by way of an informative, on the Decision Notice.

### Other issues

10.32 Permitted Development rights are to be removed on selective plots, as it is considered the development as a whole is at its development limits, and side extensions which can be built under PD would result in the loss of off-street parking for that particular property, displacing parking onto the highway, or case amenity issues on adjacent properties. PD rights will be removed on plots, 32- 36, 45 and 46 as these properties are situated in smaller plots.

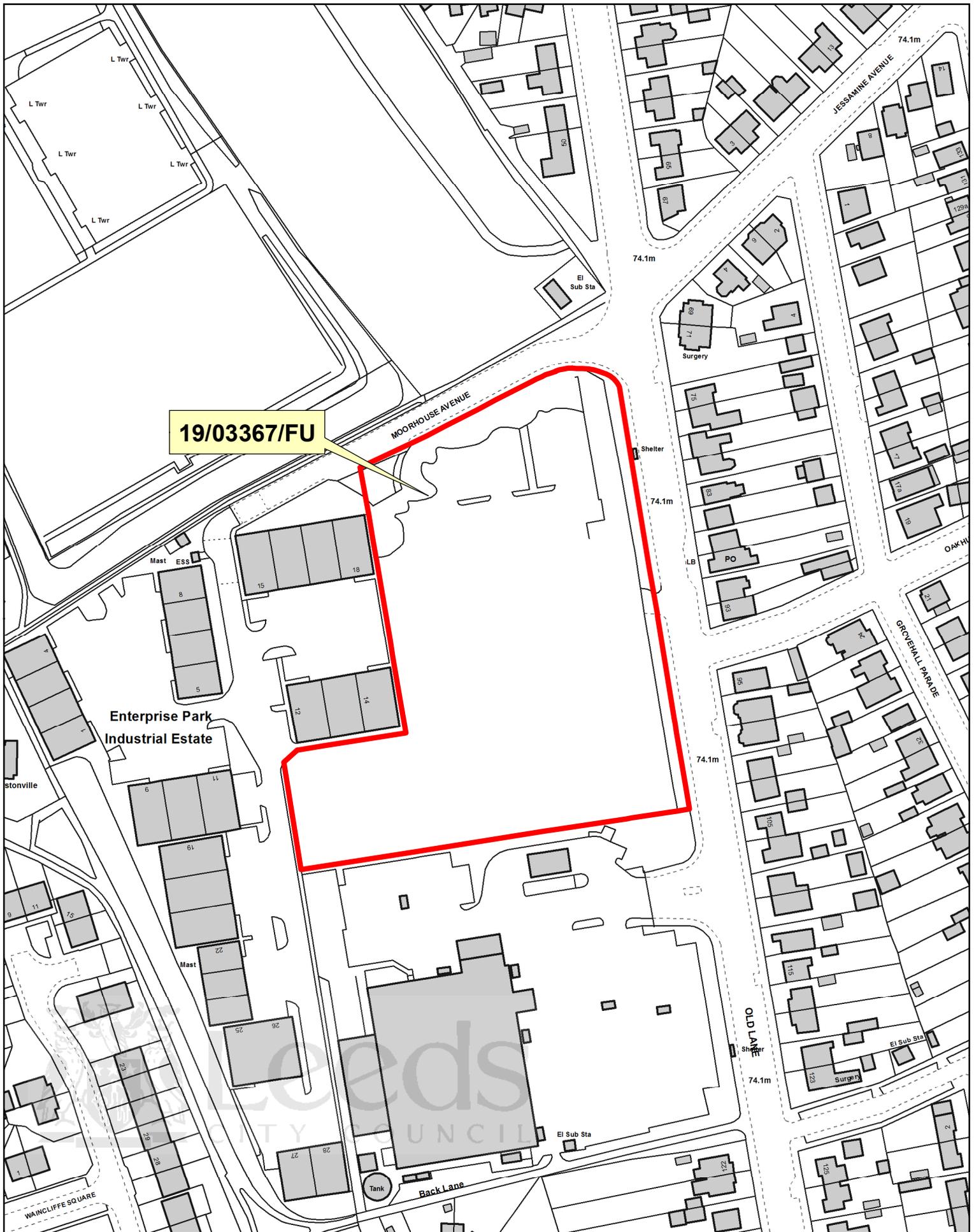
## **11.0 CONCLUSION**

11.1 The application is considered to be a quality scheme which retains most of the large mature trees upon the site. The application will develop a long standing brownfield site, which is allocated for housing.

11.2 The scheme offers other benefits, it provides quality new housing which will contribute towards the requirements of housing delivery. The scheme is offering the maximum policy compliance possible due to viability which is verified by the District Valuer. It is considered these benefits; outweigh any harm and constitute sustainable development. On balance, it is therefore recommended that the application is approved, subject to the suggested conditions and completion of a legal agreement to cover the obligations discussed above.

## **Background Papers**

Application Files: 19/03367/FU



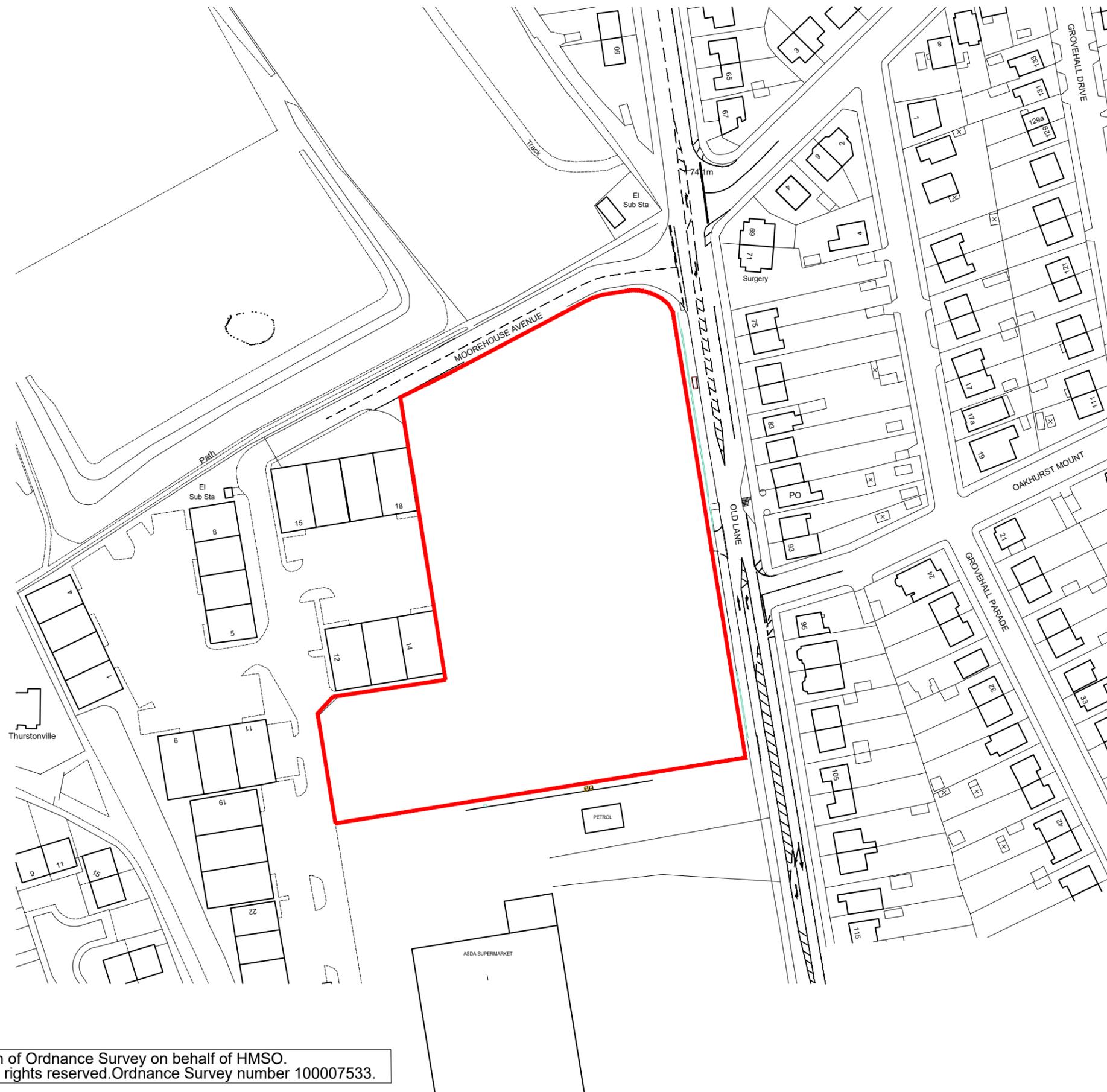
# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500





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Rev	Date	Revision	Initial

+ Client



+ Drawing Title  
**SITE LOCATION PLAN**

+ Project  
**Proposed Residential Development,  
 Old Lane, Beeston, Leeds.**

Job No	Dwg No	Drawn	Rev
18087	00	AB	--
Scale	Date	Stage	
1:1250 @ A3	16.05.2019	For Planning	

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