



Report of the Chief Planning Officer

CITY PLANS PANEL

12th March 2020

Subject: 18/07433/FU – Erection of 437 dwellings with new roads, open space, landscaping, drainage and associated works at Radial Park, Manston Lane, Leeds, LS15 8ST

APPLICANT

Strata Homes Ltd;
Redrow Homes Ltd; and
Zurich Assurance Ltd

DATE VALID

17th December 2018

TARGET DATE

TBA

Electoral Wards Affected:

Crossgates and Whinmoor

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to a satisfactory Road Safety Audit (Stage 1), final resolution of off-site highway mitigation works, resolution of replacement playing pitch provision, completion of a S106 agreement and conditions specified at the head of this report.

The S106 agreement will secure the following:

- provision of affordable housing at 7.5%;
- commuted sum for replacement sports pitch provision;
- provision of bus stops;
- off-site highway works;
- Travel Plan and monitoring provisions;
- local employment and skills initiative;
- provision of Public Open Space;
- commuted sum related to attenuation management; and
- community infrastructure payment.

In the event the S106 agreement has not been completed within three months of the panel resolution the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

1. Time limit
2. Approved Plans
3. Materials to be agreed (walling, roofing, surfacing)
4. Removal of PD for fences and walls
5. Removal of PD Classes A and B
6. Landscape submission and implementation
7. Landscape management plan
8. Landscape protection during construction
9. Ecological and biodiversity protection / enhancement
10. Access provided in accordance with agreed details
11. Provision of offsite Junction improvements
12. Parking laid out in accordance with agreed details
13. Retention of parking free from obstruction
14. Provision of Electric Vehicle Charging Points
15. Provision of cycle storage
16. Construction practice (including safety of operational railway)
17. Hours of construction activity (including delivery)
18. Provision of acoustic mitigation
19. Surface water management
20. Provision of foul and surface water systems
21. Provision of lighting scheme
22. Contaminated land conditions
23. Energy and water efficiency measures
24. Community use agreement for the Barnbow Sports and Social Club
25. Removal of café / sales area after final sale
26. Provision of accessible housing

1.0 INTRODUCTION

- 1.1 This application was considered at City Plans Panel on the 6th January 2020, following a detailed Position Statement presented to Members at the Plans Panel meeting on 10th October 2019. A copy of the minutes of the January meeting are attached at Appendix 1, and those of the October meeting at Appendix 3. Copies of the previous panel reports are attached at Appendix 2 (January) and Appendix 4 (October); the viability update report relating to the October meeting is attached at Appendix 5.
- 1.2 At the meeting on the 20th October 2019, Members were generally content with the proposal in almost all detailed respects. As such the report in January 2020 focussed only on those matters outstanding that required an update to Members: layout and design; landscape detail; off-site highway works, future maintenance of on-site green space and the overall planning balance.
- 1.3 At the time of the previous meeting the extent of necessary off-site highway works was not finalised. Following the meeting, the detailed proposals (including initial costings) for two identified junctions (Austhorpe Lane/Austhorpe Road and Selby Road/Colton Lane) have been submitted and are under review by the Council's Urban Traffic Control (UTC) team. Additionally, the UTC team is considering if further works to a third area (where Austhorpe Road meets the Ring Road) is necessary and in turn if a further contribution is needed. Final agreement to these requirements is contained within the Defer and Delegate officer recommendation and ultimately will be secured as part of the S106 agreement. However, in accordance with Panel

Members discussions at the January 2020 meeting, Ward Members will also be kept informed about the final proposals. A condition will also ensure that no dwelling shall be occupied until these works have been completed (if necessary) to the satisfaction of the council, or the necessary commuted sum has been paid.

- 1.4 At the January 2020 meeting Members were verbally updated as part of the officer presentation about additional representations that has been received since the report had been prepared. These included comments from Ward Councillors P Gruen and P Grahame who offered general support but raised some concerns about the detailed design, that replacement sports pitches needed to fall within the same Ward, the future of the sports and social club needed to be formally secured so as to protect the history of the site and that consultation with Ward Members was needed regarding any off-site highway works. Two neighbours also commented further raising objections about antisocial behaviour from any on-site affordable housing, access was poor and didn't also connect into a nearby cycle route, lack of retail provision, that more modern construction methods were needed and generally that the site was being over-developed.
- 1.5 During consideration of the application at January 2020 meeting, Members again raised concerns relating to the design of some houses (in particular the window details) and a question was raised relating to the provision of heritage information in addition to securing the club's future. This is discussed in para 3.10 – 3.16 below.
- 1.6 Members undertook to revisit the question of accessible dwellings and this is discussed in paras 3.6 – 3.9 below. A question was also raised relating to the provision of solar panels within the development and this is discussed in paras 3.17 – 3.19 below.
- 1.7 The previous Panel report, as well as previous Position Statement and its accompanying Viability Update Report presented the up-to-date policy context and detailed analysis of all material planning considerations. These reports are contained at Appendices 2, 4 and 5 respectively. As such, the current report largely provides an update on design and heritage, accessibility, and sustainability, before presenting an overall planning balance. This report should therefore be read in conjunction with those at Appendices 2, 4 and 5 where all other details of the proposal, planning history, consultee comments and the policy context are to be found.
- 1.8 Since the January 2020 panel meeting, Ward Members (via Cllr Gruen) have been keep up to date with the revisions that have been undertaken and are particularly pleased with the improvements that have been secured in respect of accessible housing. Ward Members therefore remain supportive of delivering housing on this brownfield site. One further objection letter has also been received. This raises concern relating to the provision of public open space on the development and the lack of a bridge to the proposed Green Park, as well as raising concern about the lack of provision for cyclists. In response it is noted that the Position Statement of the 20th October 2019 outlines that the development should provide 19200m² of on-site Green Space and the development achieves this, providing a little over the policy requirement (approximately 19800m²). This calculation includes only those areas of the site considered to represent useable Green Space, and excludes areas such as the northern bund, and thus overall the landscaped areas of the site clearly exceed the policy requirement. The development does not provide a direct link to Green Park, and there is no requirement nor expectation that this should be provided. Furthermore the provision of a bridge over the operational railway would require the

consent of Network Rail as well as other landowners, and it is considered that the significant logistical and financial constraints of such an enterprise are prohibitive. The development includes a cycleway to the northern boundary, connecting into the Manston Lane cycleway and with the ability to connect into future projects as they are delivered. As such the development is considered to make adequate provision for cyclists.

2.0 MAIN RESIDUAL ISSUES

- 1) Accessibility
- 2) Design and Character / Heritage
- 3) Sustainability
- 4) Planning Balance

3.0 APPRAISAL

Accessibility

3.1 Much of the discussion at the January 2020 meeting focussed on accessibility housing. As outlined within the earlier Position Statement, officers had given limited weight to policy P10 due to the specific circumstances of this development (viability and the timing of emerging policies). This reasoning, and subsequent weighting, was also agreed by Members at that time.

3.2 However, following the concerns raised at the meeting in January 2020, officers and the developers have met with the Accessibility Officer and the scheme has been subsequently revised. For Members information the requirements of Core Strategy policy H10 are as follows:

New build residential developments should include the following proportions of accessible dwellings:

- 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.
- 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling.

3.3 Both housebuilders have responded positively to addressing Members concerns. Strata have amended the Geneva and Vienna house types to make them both M4(2) compliant, and taken together this equates to 59 plots on the site. To achieve this compliance the Geneva has increased in footprint and the depth of the dwelling has increased by 450mm. The Vienna changes have been accommodated without making the dwelling any larger with only internal changes being necessary. Redrow have amended their Cambridge, Harrogate, Leamington, Dart, Dart Ginnel, Tavy and Tavy Ginnel to make them M4(2) compliant; this equates to 73 plots on the site. In total therefore this provides 132 plots across the site, which is 30.2% of the total 437 plots on the site, and thus compliant with policy.

3.4 Policy H10 also requires that 2% of all dwellings be M4(3) compliant (8 units) and here two options have been considered. In order to provide the policy compliant number of units, eight 1 bed AH1s can be provided. This would however require the

loss of the only bungalows on the site and their replacement with a four block unit of one bedroomed dwellings. The second option is to provide one four block unit of one bedroomed dwellings, and retain the pair of two bedroomed bungalows but making these M4(3) compliant, thereby providing 6 units instead of 8. The preference of the Accessibility Officer was for a slight under provision as this provides greater variety, thus providing a better overall choice for future residents. This is the option that is currently proposed.

Design and Character / Heritage

Design and Character

- 3.5 Members have previously raised concerns about elements of the layout and the design of some house types. From the discussion at the panel meeting in January it was clear Members understood the rationale for the layout but concerns about some house types still remained. These concerns centred on the lack of visual interest to some of the houses, with Members focussing in particular on window design and articulation.
- 3.6 Officers (including the Design Officer) have subsequently met with the designers from both housebuilders to discuss these particular concerns in detail. As a consequence string courses have now been included to all elevations of Strata's Vienna and Tivoli product, and Redrow have also amended all of their house types to continue the brick banding around the full perimeter.
- 3.7 Regarding window details, this was more of an issue for Strata's house types so revisions have been secured. Strata have essentially amended the window detail for all dwellings to include a projecting stretcher course below each window to ensure both the window head and cills are 'dressed'. Sectional details have also been provided showing that a 60mm window reveal is achieved to provide further depth and articulation.
- 3.8 During the design meeting it emerged that it would be difficult to include heads and cills to Strata's stone dwellings which had been used on corner properties to aid way finding and provide further visual interest. Noting Members particular concern about this lack of detail Strata have omitted all stone built properties and these have been replaced with a brick version that does now include window head and cill details. The brick choice will however be varied to those used on the main streets to ensure these buildings retain their original design function. Combined, officers consider these design changes to be acceptable and a positive response to the concerns expressed by Members at the January meeting.

Heritage

- 3.9 Members accepted that the development would not harm identified heritage assets, but sought further recognition of the site's former use and the munitions history of the city. The developers are happy for the streets to memorialise the remaining ladies who died in the Barnbow explosion and this would be a continuation of what has happened on the adjacent Bellway development. An information panel has also been developed to provide information about the site's previous use and is to be included within the main area of POS on the site. These additional measures in addition to those already included as part of the officer recommendation are considered to fully capture the historical importance of the site..

Sustainability

- 3.10 During the panel discussion in January 2020 Members questioned whether solar panels could be added to the roofs of all houses to boost the development's sustainability credentials. At the meeting it was explained that the current proposal was policy compliant and also that not all potential purchasers consider solar panels as desirable, and thus the discussion moved on to the question of whether it was possible to future-proof all houses so that panels can be added should they be required.
- 3.11 This matter has been explored further, and for solar panels to function they simply require an electricity supply and an inverter. This latter piece of technology transforms the DC current generated by the panel into useable AC current, and is specific to the type and size of panel to be installed. Whilst inverters could be provided in each home this would mean that occupiers were severely restricted in their future choice of unit, and they could also become quickly obsolete as solar technology develops. Thus rather than provision of inverters future proofing each house, they would likely build in obsolescence.
- 3.12 However, in response to panel's concerns Strata have committed to providing solar panels on 36% of their dwellings and they will also be added as an optional extra to any house sold off plan. This additional solar capacity, along with a 'fabric-first' approach to the construction of the houses, provision of an Electric Vehicle Charging Point to each plot, and measures to reduce water consumption mean that the development complies with policy EN1 and EN2, and all sustainability measures will be secured by condition. Homeowners without panels will also be provided with the relevant contact details and specification of those which are binding installed should they want to pursue this separately. Somewhat surprisingly it has also been confirmed that an extra charge for properties with solar panels is not made which supports the view that not all occupiers see these as a benefit.

4.0 Planning Balance

- 4.1 The application would provide housing in accordance with strategic policies SP1 and H1 of the Development Plan and HG2 of the SAP. Some tension is identified with strategic policies SP4 and the centres first retail policies of the Core Strategy. The development is also in accordance with policies H4, H8 and H5 (subject to viability). Some minor conflict has been identified with policy H3 and policy H10, although in this specific instance these are afforded less weight and a near compliant scheme with policy H10 is now proposed. Overall it is considered that the application broadly complies with the strategic aims and intentions of the development plan in respect of housing delivery. This is a key material consideration that must be given substantial weight.
- 4.2 The development is considered to provide an acceptable layout and revisions to the design have also been undertaken which officers support. The scheme will not harm heritage assets; delivers an acceptable standard of residential amenity for future and existing occupants; and will not undermine highway safety nor harm biodiversity. Technical matters relating to flood risk, contaminated land and sustainable construction can be resolved by condition. All these are neutral matters which weigh neither for nor against the scheme and which can be mitigated by conditions where required.
- 4.3 The development will comply with policy G6 and provide a commuted sum toward betterment of proposed off-site playing pitch provision. This is also a neutral matter which weighs neither for nor against the scheme.

4.4 The development will result in the loss of a small number of protected trees to provide access and this conflicts with Core Strategy policy G8, NRWLP Policy Land 2, saved UDP policy LD1 and section 15 of the National Planning Policy Framework. This harm attracts moderate weight but significant new planting is also proposed to compensate for this loss.

5.0 Conclusion

5.1 The National Planning Policy Framework directs that where an application accords with the development plan it should be approved without delay. Conflicts have been identified with policies relating to protection of local centres and protection of landscape features and these attract moderate weight. The benefit of providing housing on a brownfield site within the Main Urban Area in accordance with the overall aims and intentions of the development plan, and contributing to the council's ongoing housing supply attracts substantial weight. All other matters are considered to be neutral.

5.2 It is thus considered that overall the proposal does accord with the Development Plan and as such the application is recommended for approval.

Background Papers:

Application files 18/07433/FU

Certificate of ownership: Certificate B signed by the agent

Appendix 1 – Extract of Published Minutes 6th January 2020

Application No. 18/07433/FU - Erection of 437 dwellings with new roads, open space, landscaping, drainage and associated works at Radial Park, Manston Lane, Leeds, LS15 8ST With reference to the meeting held on 10th October 2019 when Members received a detailed position statement in respect of the application, the Chief Planning Officer now submitted a report seeking agreement of the proposals in principle.

Site photographs and plans were displayed and referred to throughout the discussion of the application.

Planning Officers addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site/ location/context;
- The proposal to construct 437 dwellings (29 different house types);
- Creation of new roads, 3 new access routes, open space provision, drainage and associated works;
- Building heights predominantly 2 and 3 storeys;
- Amended window features;
- Materials plan;
- Sustainability condition to include some photovoltaic cells.

The Planning Officer reported the receipt of additional representations from Ward Members who had: expressed a need to avoid a blandness to the design of the houses, good design of the street scenes was required, it was important that an off-site payment for replacement sports facilities within the Ward was pursued, the future of the Barnbow Sports and Social club was a key consideration and must be included within the Section 106 Agreement, the heritage aspects as described in the report were welcomed, and the unresolved highways issues must, in the first instance, be agreed with Ward Councillors before any recommendation to defer and delegate to officers would be acceptable.

Further representations had also been received from two local residents who had identified the following issues: the minimum separation distance standards must be applied, there were anti-social behaviour issues from nearby Housing Association properties and a resultant need for affordable housing to be 'pepper-potted' throughout the site, there was a lack of permanent retail provision included within the Masterplan, there was no clear benefit to the provision of a link road to Maggie Barker Avenue, there were no direct links across the railway line to the proposed Green Park, and the construction methods and materials proposed for use were not sufficiently advanced in terms of ensuring carbon reduction and contributing towards climate change mitigation.

Members raised the following questions to officers/ applicant's representatives:

- The provision of photovoltaic cells was included on some houses but not all, could a condition be added requiring the infrastructure for photovoltaic cells to be included on all properties?
- Could more sustainable building materials and an overall sustainable building approach, in terms of construction methods, be considered?

- The proposed house types appeared to be very bland and uninteresting, could further thought be given to a more modern/ interesting house types design similar to those at the Thorpe Park development?
- It was disappointing that there was no accessible housing provision on site and the application as a whole was not in accordance with recently adopted Core Strategy Policy H10;
- The provision of only 2 bungalows was unacceptable on a site of this size?
- Was there any heritage proposals for remembering the former activities on the site during its use as a munitions factory?
- What was the proposed timescale for completion of the development?
- Could speed tables be provided within the site to reduce both vehicle and cycle speed, particularly at the access point from Manston Lane?

In responding to the issues raised, Planning Officers/ the applicant's representatives said:

- conditions discharge submissions is still on-going;
- In order for conditions to be added they needed to be necessary to make the development acceptable in planning terms. In this case there was no planning policy requirement for all houses to be built with photovoltaic cells. Therefore officer advice is that such a condition would fail the legal tests and should not be added;
- Policies regarding environmental sustainability credentials can be met in a variety of ways by developers, be this via use of low-carbon materials, inclusion of photovoltaic cells on properties etc. A mixture of approaches had been proposed here, such that existing policy requirements are met;
- Members were informed that the modern house type design at the Thorpe Park development replicated the modern design of the nearby Business Park, the Radial Park design was more traditional so as to ensure links / sympathetic design maintained in relation to the nearby Belway and Avant development sites;
- Members were informed that the report before Members dealt with the outstanding issues remaining following Members consideration of the earlier Position Statement. Providing accessible and adaptable dwellings does increase build-out costs and also requires additional space, which could adversely impact on the overall viability of the scheme, a matter which was considered at the time of the Position Statement;
- Provision of accessible and / or adaptable dwellings has to be balanced against other planning considerations, such as the provision of affordable housing on-site – which Members had previously considered should be a priority on this development site due to the reported viability position;
- Members were informed that the two bungalows had been provided at the request of Members, with the presence of bungalows on a development proposal of this nature in fact being rare;
- All dwellings will have electric vehicle charging points;
- The Planning Case Officer said the WWII Pill Box on Austhorpe Road would be retained but the former tank factory was a relatively modern building with limited heritage interest, such that it had been demolished in its entirety and nothing historical remains on site;
- Members were informed that road names on the development will serve as a remembrance to the munitions' workers that lost their lives at the site, as has been the case on the Belway development. There was also a scheduled monument nearby remembering the workers of the munitions factory and Members were keen to ensure the future of the Barnbow Sports and Social Club was secured to retain this additional historic link;
- The applicant's representative said the development should be complete within a period of 4 - 5 years;

- LCC Highway Officer confirmed that some speed tables could be considered near the entrances to the site and the junctions with the cycle routes.

In offering comments Members raised the following matters:

- conditions discharge submissions is (sic) still on-going;
- One Member expressed the view that “this was a boring development with boring house types – Where’s the ambition?”;
- The majority of Members expressed disappointment with the design of the house types suggesting they were too bland and uninspiring and could further design work be undertaken;
- Could further discussions take place with a view to achieving an increase on the number of photovoltaic cells?
- A number of Members expressed concern about the lack of accessible housing and requested if the issue could be revisited?
- Unresolved highway issues require the agreement of Ward Councillors.

It was suggested by a number of Members that the application be deferred to look again at the concerns raised by Members

The Chair thanked the developers for their attendance and contribution, commenting that there appeared to be a number of concerns raised by Members which required further discussion.

RESOLVED – That the application be deferred, to return to Panel for consideration at a later date following further discussion/ negotiations having been undertaken with the applicant concerning:

- Alternative design solutions of the house types;
- An increase in the provision of photovoltaic cells or adaptability of properties to incorporate cells at a later point
- Accessible housing provision
- Unresolved highway issues
- Incorporation of additional elements linking the development to its former use (and heritage significance of the same)

Appendix 2



Originator: J Thomas
Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

6th January 2020

Subject: 18/07433/FU – Erection of 437 dwellings with new roads, open space, landscaping, drainage and associated works at Radial Park, Manston Lane, Leeds, LS15 8ST

APPLICANT

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Ward Members consulted
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Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to receipt of a satisfactory Road Safety Audit (Stage 1), resolution of replacement playing pitch provision, completion of a S106 agreement and conditions specified at the head of this report.

The S106 agreement will secure the following:

- provision of affordable housing at 7.5%;
- commuted sum for replacement sports pitch provision;
- provision of bus stops;
- offsite highway works;
- Travel Plan and monitoring provisions;
- local employment and skills initiative;
- provision of Public Open Space;
- commuted sum related to attenuation management; and
- community infrastructure enhancement payment.

In the event the S106 agreement has not been completed within three months of the panel resolution the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

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31. Removal of PD Classes A and B
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43. Hours of construction activity (including delivery)
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45. Surface water management
46. Provision of foul and surface water systems
47. Provision of lighting scheme
48. Contaminated land conditions
49. Community use agreement for the Barnbow Sports and Social Club
50. Removal of café / sales area after final sale

1.0 INTRODUCTION

1.9 This application is brought back to City Plans Panel following the detailed Position Statement presented to Members at the Plans Panel meeting on 10th October 2019. The application was the subject of a site visit on the morning of the Panel and detailed discussion during the meeting. A copy of the minutes of that meeting are attached as Appendix 1.

1.10 As highlighted within the summary of the minutes members were satisfied that:

- the development accords with the housing policies of the development plan;
- the identified impact upon heritage assets was outweighed by the public benefits of the development (housing delivery).
- the development adequately protects the amenity of existing neighbours and provides a good standard of amenity for future occupants;
- three access points onto Manston Lane were acceptable;
- a commuted sum for off-site provision was acceptable in lieu of replacement playing pitch provision on site, subject to the agreement of Ward Members on the final strategy.
- the development provided an adequate quantum of replacement planting, taking into account the constraints of the current layout;
- the development sought to adequately address sustainability and climate change matters in light of the Climate Emergency (though there was also an ambition to go beyond the existing policies within the Core Strategy);

- that priority had been given to the right matters when considering the viability of the development; and
- that officers had given appropriate weight to each material consideration, and that the balance fell in favour of approval (subject to the resolution of matters raised by Members and the outstanding issues highlighted in the submitted report).

- 1.11 Members were thus generally content with the proposal in almost all detailed respects and the current report therefore does not revisit any of these issues. Some concerns were raised in respect of the site layout and detailed design of the houses, with some Members being concerned that the road design was too rigid and some house types and roofscapes were too bland. Further comment upon these matters is contained within paragraphs 3.1-3.9 below. Questions were also raised about the landscaping proposals, detail of tree species to be planted and future maintenance of on-site green space. Further comment on all landscape matters is contained within paragraphs 3.15-3.24 below.
- 1.12 At the time of the Position Statement, the extent of necessary off-site highway works was unknown and discussions were still ongoing with the applicant. As outlined in paragraphs 3.10-3.14 below these matters are still outstanding.
- 1.13 The previous Position Statement and accompanying Viability Update Report presented the up-to-date policy context along with a detailed analysis of all material planning considerations. These reports are contained at Appendix 2 and 3 respectively. As such, the present report seeks to provide an update on design, landscaping and off-site highway works only before presenting an overall planning balance. This report should therefore be read in conjunction with those at Appendix 2 and 3 where all other details of the proposal, planning history, negotiations held during the course of the application, consultee comments and the policy context are to be found.
- 1.14 Since Members considered the Position Statement three further objection letters have been received. The first letter raises concerns about the lack of retail provision on the site and asks whether the sequential test that has been carried out. In response it is noted that the masterplan for application 14/02514/OT did include retail space within the layout, however this masterplan has not been pursued since that application was withdrawn, and the application before Members is a new Full Planning Application and should be considered on its own merits. Additionally subsequent to previous proposals for development of the site, the Site Allocations Plan has been advanced and was adopted by Full Council in July 2019. The Site Allocations Plan has not identified a need for retail provision within the site, with part of the reasoning being that the site is located a sustainable distance from existing retail and other service provision within Crossgates Town Centre. Other facilities, albeit more limited, are also available at Pendas Way. As such, the lack of dedicated retail provision is not considered harmful. As noted within the previous Position Statement (paragraph 10.5), the application does propose a temporary café within the sales area and the relevant sequential assessment has been carried out. This concludes that the presence of a single A3 unit for a temporary period would not harm Crossgates Town Centre and as such there is no objection to its inclusion on the site.
- 1.15 The second letter is from a resident of the neighbouring Bellway development, also raising concern about the retail provision, reiterating the points made in previous objection letters and stating that these points have not been adequately addressed. These reiterated points relate to affordable housing provision, overlooking distances

and the western link into the adjacent development. The third letter expresses support for the second and also states that objections have not been adequately considered. All material planning considerations made by residents were fully addressed within the Position Statement and Members were made verbally aware of the additional representations submitted after publication of the Position Statement. The question of affordable housing provision was explicitly discussed during the meeting. Members accepted the level of provision, and did not consider there was a causal link between affordable housing and antisocial behaviour. Therefore the comments and objections of local residents have been fully considered, both within the written reports and discussion.

2.0 MAIN RESIDUAL ISSUES

- 5) Layout / Design and Character / Heritage
- 6) Offsite Highway Works
- 7) Landscape and Green Space Maintenance
- 8) Planning Balance

3.0 APPRAISAL

Layout / Design and Character / Heritage

3.13 As noted within the earlier Position Statement, officers consider that the development provides an acceptable layout and design. Members raised some questions about the grid pattern of the road layout and the detailed design of some of the Strata house types, expressing concern that in some areas the development was bland and rigid.

Layout

3.14 These concerns have been put to the developers and although they recognise that more articulation to the streets, perhaps through the use of curving roads was discussed, having reflected on these suggestions further do not consider that these changes are necessary as the variety of house types within each of the streets would provide the necessary articulation and visual interest. Furthermore the developers advise that the detailed landscape proposals should help to soften the streetscapes as the majority of houses do benefit from front gardens, and the main spine road also includes tree planting. For these reasons, and also noting the work already undertaken to remediate and stabilise the site is based on the current layout (which would have consequential implications for the viability position as currently settled) further layout alterations have not been provided.

3.15 Whilst officers are aware Members will be disappointed that the developers have not taken the opportunity to respond more fully to the above point, both Design and Planning Officers remain for the view that the layout of the development is acceptable. The main concern of Members related to the overall length of the roads that run east-west through the site, with the suggestion that these were rigid, unrelieved runs of housing. In response Members are advised that these roads are punctuated at regular intervals by those that run north-south through the site and at each intersection there is a change of surfacing material, and often also a change in the orientation of housing. For instance whilst the northernmost horizontal road appears long on plan, this is punctuated twice by the north-south roads, and at each intersection the housing running north-south presents a gable end to the horizontal road, providing a visual bookend. In visual terms therefore the streets, although long in places are broken down into two smaller runs of housing so are not necessarily viewed as a single entity, but as a series of smaller, areas that are defined by bookend gables and a change in surfacing material. For these reasons officers

consider this results in a layout that is experienced as a series of legible character areas, rather than as a single, undifferentiated mass of housing. As such officers remain of the view that the proposed layout is acceptable.

Design and Character

3.16 Concern was also raised about the detailed design of some of the dwellings within the Strata sections of the site particularly. The visual relationship where the two housebuilders meet was also highlighted as an area where improvements could be made to ensure a more cohesive design.

3.17 As with the wider layout issues, the developers have not sought to undertake amendments to individual house types and consider them to be appropriately designed. With this in mind and noting the difficulty that generally occurs in terms of successfully articulating the actual product in presentation material, the built product will feature small but important details such as string courses and entrance canopies, that all add definition and articulation. These same issues also apply to the interface between the two different housebuilders, and both the more generous design of the street itself and range of house types proposed ensure a more consistent design approach is provided. In considering the above, officers remain of the view that the house types and general interface between the two developers is acceptable.

3.18 Members also suggested that the roofscape of the development would be bland and suggested the incorporation of dormer windows. In responding to this, it may not have been clear from the original presentation material provided but the Rosa house type does include a dormer within its roof, and the housetops within the Strata sections are both two and three storey, and thus there will be variation in the eaves heights. It is considered that this variation in eaves height and the inclusion of dormers to the front of some houses strikes the appropriate balance between bringing visual interest to the development without introducing a potentially harmful level of variety. The current balance is therefore considered to be appropriate and as such officers remain of the view that the resulting roofscape that would be acceptable.

Heritage

3.19 The Position Statement noted that the redevelopment of this former Tank Factory site has the potential to cause some harm to the industrial heritage of the City as it removes the last visual link to munitions production. Members are reminded that S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to have special regard to the desirability of preserving historic building(s) or their setting or any feature of special architectural or historic interest which such a building possesses.

3.20 At the time of the Position Statement, it was noted that should a mechanism be found to ensure the retention of the Barnbow Sports and Social Club this would help to preserve an important element of the social history of the area. Since this time provision of a Community Infrastructure Payment has been agreed with the developers and is to be used to ensure continued community use of the club. This, combined with a community use agreement that can be secured by condition will help to ensure this link to the area's heritage is retained, and thus overall the development has a neutral impact upon this non-designated heritage asset.

3.21 As such officers are content that the development will not lead to harm to the visual amenity of the area nor to identified heritage assets.

Highways Matters

- 3.22 As outlined within the earlier Position Statement, Highways officers considered that the development site was broadly sustainable and that safe access points from Manston Lane could be achieved. At the time of writing the Position Statement, the final location and number of access points, as well as the need for offsite highway works, had not been clarified. This unfortunately remains the position.
- 3.23 Members were content with the three access points proposed by the developer and the application will thus proceed on this basis. However, as noted within earlier consultation responses from Highways colleagues, before the access points can be finally considered acceptable by Highways officers, a supplementary Independent Stage 1 Road Safety Audit (RSA1) will be required. To date this has not been provided and Highway colleagues consider that the permission cannot be issued until this final check has been undertaken and the works found to be acceptable. This position is therefore reflected in the recommendation at the head of this report, with Members asked to defer and delegate permission to allow a number of outstanding detail matters to be resolved – one being receipt of a satisfactory RSA.
- 3.24 With regard to further offsite highway works, the information initially submitted by the developers identified that the Austhorpe Lane / Austhorpe Road junction to the west of the site will likely operate above capacity and further work has identified that there will also be an impact upon the Selby Road / Colton Lane junction. The impacts upon both these junctions require some form of mitigation and Highway officers have been exploring with the developer what form this should take. It is likely that some form of limited carriageway widening will be required, as well as the relocation of a bus stop in the vicinity of the Selby Road / Colton Lane junction. It is considered that a commuted sum is the most appropriate method of ensuring this work or a suitable alternative is carried out. The exact cost of this work is still being assessed, however the monies for this will be secured by S106 obligation and any subsequent Highway agreements as required. This is thus also a matter that members are requested to defer and delegate to officers for final resolution.
- 3.25 It is therefore considered that whilst some aspects of detailed highway design and auditing remain outstanding, it is clear that the development is acceptable in principle, is capable of achieving safe access from Manston Lane and has an acceptable internal road layout. Final consideration of the outstanding technical matters will be resolved following receipt of a RSA1 and completion of a S106 agreement with appropriate obligations, such that it is appropriate that this is delegated to officers for final resolution.
- 3.26 Conditions will be imposed to prevent occupation of any dwelling until the necessary site access works have been undertaken, along with a condition restricting occupation of a percentage of dwellings until the cycleway has been provided. Other conditions preventing occupation of any dwelling until its parking, EVC point and cycle storage have been provided will also be imposed. Subject to these caveats and conditions the development is considered acceptable in Highways terms.

Landscape and Green Space Maintenance

- 3.27 During the panel discussion relating to landscape two issues were raised by Members. The first was the detail of the landscape design, in particular the proposed tree species. The second was the question of the charges levied in order to maintain the public open space within the development.

- 3.28 Final landscape schemes are frequently a matter that is reserved by condition, meaning that the fine detail of layout, design and planting proposals are agreed in consultation with the council's Landscape Architects. Ultimately officers still advocate this approach and condition 6 within the header of this report would achieve this. However, in order to aid Members consideration of this important issue, noting in particular the size of the site and that circa 800 new trees will be planted along with extensive shrub planting, some main headlines are provided:
- 13 semi mature trees;
 - 149 extra heavy standard trees;
 - 156 heavy standards;
 - 114 select standards;
 - 94 multi stemmed and half standard trees.
- 3.29 It is also the case that within any sizeable development there will be a range of landscape typologies and each will likely require a slightly different planting proposal. The range and species of tree that are appropriate within a domestic rear garden will differ from those to be planted within a highway verge or within a children's play area. These will again be different from those that can be accommodated within larger areas of open space or those that need to account for ground conditions (eg a semi-wetland environment) or to provide biodiversity benefits. As such, being prescriptive at the initial decision making stage is not always possible and it is appropriate that final consideration of such detail is undertaken by the council's Landscape Architects. Ultimately officers would expect that within the more expansive areas of open space larger trees such as limes are provided (and also that these are the more established specimens), within verges and gardens these should be species that do not become overly large, and around the areas of POS that will be semi-wetland species that thrive within damper conditions should be proposed. Officers will also seek to secure early planting of the main site boundaries (e.g. Manston Lane and along the railway and potentially also within the POS area) so the planting has longer to establish and in recognition the site will take a number of years to build out.
- 3.30 Turning then to the question of green space maintenance and the concern as to how this is to be funded. Officers are very alive to Members concerns on this matter, however ultimately all planning applications must be determined in accordance with the development plan. A decision maker must consider all relevant material planning considerations, and crucially cannot give weight to matters that are not material to the decision.
- 3.31 The provision of green space within a development is clearly a material planning consideration. It is a requirement of the Development Plan (Policy G4) and a critical element of creating attractive, useable places. Once provided it is also reasonable and necessary that the green space is retained in perpetuity and maintained in such a manner that it remains attractive and useable. Provision, retention and maintenance of onsite green space are therefore all relevant material planning considerations.
- 3.32 Unfortunately however, Leeds' Development Plan does not seek to stipulate nor control the mechanism by which onsite green space is maintained. Nor does current national policy or guidance suggest this matter can, or should, be controlled although officers are aware this is also a significant concern nationally and further legislation could come forward. The question of how, or importantly who, maintains green space is therefore not a material planning consideration and should not be given weight in the decision making process.

- 3.33 There are broadly two methods by which onsite green space is maintained. One method is that the green space is adopted by the council and the developer pays an upfront commuted sum (to cover a 10 year period) to help mitigate the additional financial burden on the council. After this date the Council accepts the maintenance costs in perpetuity. The second method is for the developer to retain the maintenance liability themselves. Overwhelmingly this route is now adopted since the advent of private maintenance companies and is obviously attractive to housebuilders since it avoids significant upfront costs. Responsibility is passed to a maintenance company and an annual charge levied on homeowners to finance this undertaking. It is understood that this is the method to be employed by the developer in this instance
- 3.34 The concerns of members in relation to this matter are wholly understood, as looked from one perspective private homeowners are paying for the maintenance of public green space. However, the need for the green space only arises as a result of the development, and it is well established that developments must meet their own needs and not place an additional burden on infrastructure. As such the cost of green space maintenance does still need to be met, however housebuilders do tend to pass these costs onto the homeowners. Notwithstanding this, any levy or maintenance charge does require the perspective buyer's consent and forms part of the legal package at point of sale. As such, if potential house-buyers do not wish to enter into such an agreement, then ultimately they could choose not proceed with the purchase.
- 3.35 The concerns of Members in relation to this matter are appreciated. However, the need for the green space distinctly arises as a result of the development and it is accepted that developments should meet their own needs in this regard and not place an additional burden on existing infrastructure. As such, it is right that the cost of green space maintenance is met by the developer. Whether a developer's decision to pass this financial cost onto homeowners is not a material planning consideration or a matter the Council can seek to influence or control.
- 3.36 In summary, in its decision-making, the Council must give weight to the provision and maintenance of green space but cannot give weight to the specific mechanism by which this is achieved.

4.0 Planning Balance

- 4.1 The application would provide housing in accordance with strategic policies SP1 and H1 of the Development Plan and HG2 of the SAP. Some tension is identified with strategic policies SP4 and the centres first retail policies of the Core Strategy. The development is also in accordance with policies H4, H8 and H5 (subject to viability). Conflict has been identified with policy H3 and policy H10, although in this specific instance these are afforded less weight. Overall it is considered that the application broadly complies with the strategic aims and intentions of the development plan in respect of housing delivery. This is a key material consideration that must be given substantial weight.
- 4.5 The development provides a broadly acceptable layout, design and landscape scheme; will not harm heritage assets; delivers an acceptable standard of residential amenity for future and existing occupants; and will not undermine highway safety nor harm biodiversity. Technical matters relating to flood risk, contaminated land and sustainable construction can be resolved by condition. All these are neutral matters which weigh neither for nor against the scheme and which can be mitigated by conditions where required.

4.6 The development will comply with policy G6 and provide a commuted sum toward betterment of proposed off-site playing pitch provision. This is also a neutral matter which weighs neither for nor against the scheme.

4.7 The development will result in the loss of protected trees and this conflicts with Core Strategy policy G8, NRWLP Policy Land 2, saved UDP policy LD1 and section 15 of the National Planning Policy Framework. This harm attracts moderate weight.

6.0 Conclusion

6.1 The National Planning Policy Framework directs that where an application accords with the development plan it should be approved without delay. Conflicts have been identified with policies relating to protection of local centres and protection of landscape features and these attract moderate weight. The benefit of providing housing on a brownfield site within the Main Urban Area in accordance with the overall aims and intentions of the development plan, and contributing to the council's ongoing housing supply attracts substantial weight. All other matters are considered to be neutral.

6.2 It is thus considered that overall the proposal does accord with the Development Plan and as such the application is recommended for approval.

Background Papers:

Application files 18/07433/FU

Certificate of ownership: Certificate B signed by the agent

Appendix 3 – Extract of Published Minutes 20th October 2020

Application No. 18/07433/FU - Erection of 437 Dwellings with New Roads, Open Space, Landscaping, Drainage and Associated Works at Radial Park, Manston Lane, Leeds, LS15 8ST

The Chief Planning Officer submitted a report which provided a Position Statement in respect of an application for the erection of 437 dwellings with new road, open space, landscaping, drainage and associated works at Radial Park, Manston Lane, Leeds, LS15 8ST.

Members visited the site prior to the meeting. Site photographs and plans were displayed and referred to throughout the discussion of the application.

Both the planning case officer and the applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site / location/ context
- Site lies within a valley
- Former industrial site, some contamination of the land
- The site excludes the Barnbow Social Club
- Masterplan demonstrates connectivity throughout the site
- Areas of greenspace throughout the development
- Newt pond on site
- The site is currently undergoing remedial works, it is understood that the final phase of these works (grouting to stabilise the ground) has been commenced and work on conditions discharge submissions is still on-going
- A bund is located at the northern end of the site
- Access into the development is from Manston Lane via three access points
- The proposal is to erect 437 dwellings, variation of house types, heights and number of bedrooms
- The site is being developed by two house builders: Strata at the eastern portion of the site and Redrow would develop the western portion
- Houses will be constructed using a mix of artificial stone and brick (Red and buff) with render present to some elevations
- Issues of viability due to "abnormal costs"
- Affordable Housing 7.5% (based on a financial viability assessment)

The Planning Case Officer reported the receipt of two further representations from members of the public. One suggested that the provision of affordable housing led to issues of anti-social behaviour and further affordable housing provision should be resisted. The other suggests that the submitted viability assessment was inaccurate and so there should be the provision of more affordable housing on-site.

Members raised the following questions:

- Was it correct that one of the proposed house types did not meet the Council's adopted space standards
- It had been suggested that the overall design on the masterplan is of "calmness", but how has this conclusion been reached
- There appeared to be a number of long straight roads throughout the development, but how was it envisaged that speed would be restricted here to 20mph to avoid vehicles "racing"

- This was an intensive layout, did the development meet the Greenspace Standards and were the garden size also in accordance with policy requirements
- It was disappointing that the full provision of affordable housing could not be delivered, there was some abnormal costs associated with the development but had the developers paid too much for the land
- The developers had contributed to the Manston Lane Link Road, but were there other schemes in the area where developers had not contributed to the MLLR
- What was the future relationship with and plans for Barnbow Social Club
- Could some variety be given to what is an otherwise very geometric design, such as via additions to the roofspace to provide variety
- Could Members be made aware of the species of trees to be planted
- The greenspace and public realm how would it be maintained
- Could the Council adopt the greenspace and be responsible for maintenance
- Members queried why there were 3 highway access points onto Manston Lane
- Was there a cycling route throughout the site

In responding to the issues raised, officers and the applicant's representatives said:

- Members were informed that the submission of revised plans had corrected the house size anomaly. All properties would meet the Council's adopted space standards.
- Members were informed that "calmness" was considered to come from the varied house types, which bring sensible variety, provide subtle set backs, no common building lines and shallow curves within the site.
- In terms of long straight roads, there would be a 20 mph restriction throughout the development for residential safety, but there were no physical traffic calming measures proposed, in addition there were no physical traffic calming measures except some build-out elements but ensuring that the carriageway remains sufficiently wide enough to allow for bus use.
- Members were informed that greenspace and garden size was in accordance with revised Policy G4 (onsite Greenspace), appearing to even slightly exceed policy requirements in certain instances.
- The DV informed Members that the price paid by the developer for a site was not used to test viability. Instead a benchmark land value was calculated to reflect the market value for the site at the time of the appraisal. The current benchmark land value was £260k per acre, using the NPPG's guidance on how this land value is to be calculated
- There have been considerable costs incurred by the developer here in terms of remediation works.
- The East Team leader said that contributing to the MLLR was an historic decision for the developers of the site. Other developers could have been asked to contribute to the scheme, but the MLLR was already planned and its delivery secured. Instead other developers had been prevented from commencing further phases of development until the MLLR was in operation.
- The DV confirmed that the MLLR contribution figure had been interrogated and corrected as part of his assessment of the viability appraisal, with the correct cost now being reflected in terms of the developer's contribution.
- Members were informed that Barnbow Social Club would remain and its future was dependent on the landowner, but there had been discussions on this.
- Members were informed that a full list of tree species to be used would be supplied to Members
- Members were informed that a Management Company would provide the maintenance for the greenspace and public realm areas via an annual fee to residents, which would be as per each individual unit's contract

- Greenspace and public open space needs to be maintained, so the most appropriate method for securing this is via the Management Company and maintenance fee option. If the land was to be adopted by the Council an upfront maintenance payment for a 10 year period would be required, which was a large commitment from the developer and could adversely impact on viability.
- The applicant's representative said there were various reasons why 3 highway access points were proposed: (i) Dilution of traffic exiting onto Manston Lane and so reduction of congestion, (ii) Shorter build programme for the developers, so less disruption in the construction process and a faster build-out rate and (iii) Would assist in the servicing of the site.
- Members were informed a cycling route ran along Manston Lane then into the site alongside the bund, there was also a wider ambition for a cycle route to Scholes.

In offering comments Members raised the following issues:

- Members were generally supportive of the 3 access points onto Manston Lane.
- Could the size of the garages be of sufficient dimensions to accommodate a modern car.
- The layout appeared to be very rigid, could some curves be introduced and could the roof-scape be varied, the overall site needs to be more attractive.
- Could further consideration be given as to how greenspace and public realm could be maintained, the use of a landscape Management Company who charged an annual fee to residents was a grossly unfair mechanism. Future residents should at least be made aware of the costs they would incur by their solicitors before purchase and occupation.
- In response to this, the City Centre Team Leader confirmed that the wider point on options for managing the public open space would be noted. However, the rates that would be charged to future occupiers was not strictly a planning issue for consideration by the Panel at this time.
- It was suggested that more replacement tree planting would be welcomed. The landscape scheme needs to overall be of a good quality, particularly in terms of boundary treatment and providing a "buffer" to the railway line with mature trees planted.
- There had been some degree of naivety around the viability of the site, but the DV's report had given transparency and significantly aided understanding of the position.
- The future of the Barnbow Social Club was an important issue and some definitive responses from the developer are expected on this. The social and historical importance of the Barnbow Social Club is not to be under-estimated.
- Members were supportive of the affordable housing provision proposed. The suggestion that affordable housing led to issues of antisocial behaviour was not supported.

In drawing the discussion to a conclusion Members provided the following feedback

- Overall, Members were satisfied that the development accords with the housing policies of the development plan.
- Members were satisfied that the identified impact upon heritage assets was outweighed by the public benefits of the development (housing delivery).
- Members were of the view that the layout and design of dwellings within the two portions of the development, and the relationship to neighbouring developments could be improved.
- Members were satisfied that the development adequately protects the amenity of existing neighbours and provides a good standard of amenity for future occupants.
- Members considered that 3 access points onto Manston Lane was acceptable and needed.

- Members were satisfied that a commuted sum for off-site provision was acceptable in lieu of replacement playing pitch provision on site, subject to the agreement of Ward Members on the final strategy.
- Members were satisfied that the development provided an adequate quantum of replacement planting, taking into account the constraints of the current layout.
- Members were satisfied that the development sought to adequately address sustainability and climate change matters in light of the Climate Emergency but there was also an ambition to go beyond the existing policies within the Core Strategy.
- Members were satisfied that priority had been given to the right matters when considering the viability of the development.
- Members were satisfied that officers had given appropriate weight to each material consideration, and that at present the balance fell in favour of approval, subject to the resolution of those matters raised by Members today and the outstanding issues highlighted in the submitted report.

The Chair thanked the developers for their attendance and contribution. He suggested that the maintenance of the public open space provision was a real concern to Members and asked if further consideration could be given to this issue.

RESOLVED – That the contents of the report be noted.

Appendix 4



Originator: J Thomas
Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

10th October 2019

Subject: 18/07433/FU – Erection of 437 dwellings with new roads, open space, landscaping, drainage and associated works at, Radial Park, Manston Lane, Leeds, LS15 8ST

APPLICANT

Strata Homes Ltd;
Redrow Homes Ltd; and
Zurich Assurance Ltd

DATE VALID

17th December 2018

TARGET DATE

TBA

<p>Electoral Wards Affected:</p> <p>Crossgates and Whinmoor</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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POSITION STATEMENT: Members are requested to note this report on the proposal and to provide views in relation to the questions posed to aid the progression of the application.

1.0 INTRODUCTION

- 1.1 The application is presented to City Plans Panel as this is a significant application which, has an unresolved objection) from a statutory consultee (Sport England and is of a scale of development that requires a strategic overview.
- 1.2 As will be outlined below the applicants have identified viability concerns and are seeking to provide a reduced level of affordable housing equating to 7.5%, limited older persons housing and no accessible dwellings. At present the impact upon

offsite highway junctions remain unresolved and work is ongoing with Highway Officers and the developers.

- 1.3 The application seeks permission for 437 dwellings delivered by two house builders (Strata and Redrow) and provides a mix of two and three storey detached and semi-detached dwellings, short terraces, two bungalows and several of Strata's 'Livorno' vertical flats. These provide a range of one to four bedroomed houses.
- 1.4 The site is currently undergoing remediation works following approval of application 18/00778/FU approximately eighteen months ago. Work has commenced on site and it is understood that the final phase of these works (grouting to stabilise the ground) has been commenced, and work on conditions discharge submissions is still on-going.

2.0 PROPOSAL:

- 2.1 As noted above the development proposes 437 dwellings which are a mix of house types, heights and number of bedrooms. The site is to be developed by two house builders, Strata who retain the eastern portion of the site and Redrow who will develop the western portion. The site is divided along the central access point and the road that runs north-south through the site. This serves as the dividing line between the two developers and includes an area of green space overlooked by three storey dwellings in a neo-Georgian style.
- 2.2 There is a clear difference between the two areas of the site with Strata's house types being largely gabled, set within semi-detached pairs and with double driveways separating plots. The Livorno house types and the flat blocks are hipped, although these are set within more generous spaces with landscaping and parking located to the sides and front. The Redrow section is characterised by pastiche Arts and Crafts dwellings which are largely separated by single driveways with some terraced blocks of four dwellings having areas of frontage parking. Several houses have forward projecting garages and gables, and the design of the dwellings overall leads to a more articulated character.
- 2.3 Houses will be constructed of a mix of artificial stone and brick (red and buff), with render present to some elevations. The palette of materials is largely within the buff and muted red range, although some dwelling to the southern and eastern boundary have a deeper red colour. Roofs are largely to be artificial grey slate.
- 2.4 Access into the development is to be taken from Manson Lane via three access points which lead into roads running north-south through the site, and also transverse roads running east-west. The western portion of the site adjoins a previous housing development by Bellway (08/03440/OT & 11/02315RM), and one access point is proposed into this site.
- 2.5 The site includes an identified sales area that will be retained during the build-out period; this includes a café area which will be open to members of the public. When this is no longer required this will be removed and the area turned over to public open space.

Viability

- 2.6 A viability report has been submitted with the application. This provides a list of abnormal costs which are stated to be circa £14.6 million and additional upfront costs

of circa £9.3 million (£23.9 million). The report concludes that no S106 contributions or affordable housing is possible.

- 2.7 The abnormal costs include (but are not limited to) acoustic glazing, provision of renewable energy, off-site highway works, retaining walls and drainage attenuation. The two upfront cost items are the site reclamation (£4.75m) and the payment relating to the Manston Lane Link Road (£4.6m). The report also identifies a profit level of 20% for the developers.
- 2.8 The development has a series of policy requirements that must be met in order to ensure compliance with the development plan. These cover a range of matters such as highway safety, residential amenity, sustainable transport, affordable housing etc. Discussions regarding viability have been ongoing with the developers over a number of months, and have resulted in a revised position to the one originally presented but one that still accepts that the development is not viable with all S106 and development plan policy requirements.
- 2.9 In negotiating with the developers officers have considered that highway safety, residential amenity, landscaping, monies for sports and community provision and affordable housing are key requirements that should be given first priority when assigning those monies that are available. Other matters such as wider sustainable transport measures, contributions toward additional bus stop improvements have been given lesser priority.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the former Vickers tank factory located to the south-eastern edge of Crossgates and close to what is currently open countryside. The approximately 20ha site was formally occupied by the factory building, other ancillary structures, the former tank testing grounds and the large car park and landscaping fronting Manston Lane. A sportspitch and open greenspace also lay to the eastern section of the site. Following approval at North and East Plans Panel in April 2018, the site has been undergoing clearance and remediation works in preparation for future development. All on-site buildings have already been demolished and ground works are continuing.
- 3.2 The East Coast Main Line lies to the far south of the site with Barnbow Social Club and associated land between immediately adjoining the site to the north-east, and a small business / trading estate is situated beyond the site boundary to the north. A listed grade II medieval Dove Cote lies within the ruins of Manston Farm to the east and the site of the former Barnbow Munitions factory, including associated earth works and trackway further to the east of the site is now a Scheduled Monument. The existing residential areas of Crossgates lie to the north and west, including recent housing developments to the immediate north (Avant Homes on the former Optare site) and west (Bellway which was the first phase of the Vickers site)
- 3.2 The wider area is undergoing significant change, with the approved Thorp Park development currently being built out to the south and which also includes some housing by Redrow adjacent to the railway, the Manston Lane Link Road (MLLR) which is now complete and open, and further housing allocations located to the east (HG1-288 – East Leeds Extension). The site lies within the East Leeds Regeneration Priority Area (Core Strategy Policy SP4) and is an allocated housing site within the Site Allocation Plan (SAP) (HG2-120).

4.0 RELEVANT PLANNING HISTORY:

4.1	<u>Application Site</u>	
	18/05028/FU	Variation of condition 2 (approved plans - tree removal) and condition 18 (hours of working) of approval 18/00778/FU Pending
	18/04942/COND	Consent, agreement or approval required by conditions 3, 5, 7, 11, 13, 14, 19, 23, 24, 28 and, 31 of Planning Application 18/00778/FU Pending
	18/00778/FU	Demolition of existing buildings and structures, ground remediation and earthworks for future site redevelopment Approved
	14/02521/FU	Site remediation works (including prior extraction of coal, demolition of existing buildings, removal of hard standing, mine shafts and other below ground structures and re-instatement of ground) Approved
	14/02514/OT	Hybrid application for outline application for up to 385 dwellings, retail development, associated site access, landscaping and site works with full details provided for an additional 100 dwellings including site access, public open space and landscaping Withdrawn
	09/04999/OT	Outline application for residential (C3), employment (B1c), health centre (D1), foodstore (A1), ancillary uses (A1/A2/A3/A4), community building (A4/D2), associated car parking, landscaping and infrastructure Withdrawn
	32/374/01/FU	Change of use of former tank factory to B8 (storage and distribution) Approved
	<u>Adjacent Site</u>	
	08/03440/OT	Outline application for partial redevelopment of the former Vickers tank factory for residential development Approved
	11/02315/RM	Reserved Matters Application for 129 houses and 19 flats Approved
	13/04658/FU	Substitution of house types on plots 31-37, 42-47, 50-68 & 134-148 (47 in total) on previously approved residential development (11/02315/RM) Approved
4.2	Members will note that an application to vary the remediation permission is also currently being considered. The developer has retrospectively applied to remove further trees along the southern bank and to vary the hours of working to allow longer hours during the lighter months. This application is currently being considered, however has broadly been held in abeyance whilst the current planning application is ongoing, as detailed consideration of landscaping proposals for the housing	

development will superseded any potential restoration scheme associated with the remediation.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application enquiry was submitted to the Council in November 2017, and a meeting held that same month. The pre-application proposed approximately 460 dwellings and included an illustrative layout that showed a three access points onto Manston Lane, a layout based upon a grid-pattern and a central spine/axis boulevard.
- 5.2 The written response (May 2018) identifies some areas of detail concern, for instance in relation to garden depths / quantum, but overall was considered to be a sound design approach and an application was encouraged. The current scheme is broadly based upon the layout provided to officers at pre-application stage.
- 5.3 Discussions have been held during the consideration of the application to address concerns relating to the loss of TPO trees, the drainage strategy, highway safety, design, layout, affordable housing, S106 contributions, loss of the sports pitch and residential amenity. As a result the layout has been amended, access details varied, overall unit numbers reduced to provide a better spatial character and the location of external storage areas amended.
- 5.4 Consultations have also been held with Ward Members who have expressed general support for housing on the site but have wanted to understand the viability position better, the extent of replacement planting along the southern boundary with the railway and the highway implications of the development.
- 5.5 The layout of the scheme is now considered to be acceptable, however as will be discussed below landscape colleagues are concerned about the quantum of replacement planting, as well as the design and layout of some of the Public Open Space (POS) areas. Some detailed highway matters also remain outstanding.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The development has been advertised by Site Notice posted on 11th January 2019 and within the Yorkshire Evening Post on 9th January 2019.
- 6.2 Forty objections have been received from thirty-six properties. Eighteen of these are from houses within the adjacent estate to the west with the remainder from the wider East / North-East areas of Leeds including two from out of the area. Those from nearby houses raise concerns regarding overlooking, property values, the perceived impact of social housing tenants, the lack of connectivity (including cycle connectivity) between the development site and housing to the west, the proposed connectivity between the development site and housing to the west, the lack of community facilities, mediocre design, unsustainable construction materials, lack of greenspace and lack of S106 commitments for community projects. Those from within the wider area and out of area raise concerns about the loss of a sports pitch.
- 6.3 A letter has been received from the Barnbow Sports and Social club that lies adjacent to the site, highlighting its historic links to the former munitions use, the clubs current social and health initiatives and their ambitions to develop as a community resource.

7.0 CONSULTATIONS RESPONSES:

7.1	<u>Statutory Consultations</u> Highways England	No objection subject to pre-commencement conditions relating to improvement works to J46 (M1) and post implementation monitoring.
	Sport England	Accept the principle of a contribution (£280 000) toward offsite playing pitch provision but maintain a holding objection until the mechanism of delivery is secured. Additional local sports provision is also requested.
	Network Rail	No objection subject to conditions and sufficient offset distance from new planting to the railway.

Non-Statutory Consultations

Landscape	Raise concerns relating to the quantum of replacement planting, the quality and design of public open spaces, and the impact of the central access upon TPO trees.
Highways	Raise no concern in principle but consider that revisions are required to produce an acceptable scheme. The main concerns relate to the central access, the road layout to the south-west portion of the site and the impact upon off-site junction(s), possibly including a Stage 1 RSA. Conditions will be required to control accesses, parking, EVCs, cycle storage, and contractors' parking.
WYCA	Note the need for additional bus stops and poles on Manston Lane.
Travelwise	Note the need for Residential Travel Plan Fund (RTPF) contributions (circa £220 000), provision of a car club space on site, and the need for cycle parking within residential plots.
Flood Risk Management	No objection subject to conditions
Children's Services	Note that there are insufficient places at present to meet anticipated primary and secondary need but raise no objection noting that local schools can be expanded subject to feasibility studies
Environment Agency	No objection but note the possibility for ground contamination.
Nature Conservation	No objection subject to conditions
Design	No objection subject to greater space around dwellings within western portion of the site and less hardstanding to frontages (addressed through revised layout).
Contaminated Land	No objection subject to conditions

Coal Authority	No objection subject to conditions
Parks and Countryside	Raise questions relating to the management of on-site greenspace and trees within the Highway verge.
West Yorkshire Police	Raise concerns regarding the placement of the Livorno units to the eastern section of the development and the location of external storage areas (addressed through revised layout).
Yorkshire Water	No objection subject to the imposition of conditions.
Environmental Health	Query the submitted noise assessment but notes that some dwellings will require mechanical ventilation and triple glazed windows.
Environmental Studies	No objection in respect of noise from the road network
Accessibility	Object to the proposal as no accessible dwellings (M4(2) and M4(3)) are provided in accordance with policy H10.
Conservation	No objection
District Valuer	To date no formal Viability Report has been received from the District Valuer however it is understood that agreement has been reached on all principal matters and it is concluded that the development is not viable.

8.0 PLANNING POLICIES:

8.1 Section 38(6) 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 currently comprises the Core Strategy (amended 2019), the Site Allocations Plan (2019) saved policies within the Leeds Unitary Development Plan (Review 2006) (included as Appendix 3 of the SAP) and the Natural Resources and Waste Development Plan Document (2013) (NRWLP), The Aire Valley Area Action Plan and any made Neighbourhood Development Plan.

Local Planning Policy

8.2 The Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The following Core Strategy (amended 2019) policies are relevant to the proposal:

<u>SP1</u>	Seeks to ensure development accords with the spatial hierarchy
<u>SP4</u>	Regeneration Priority Areas
<u>SP6</u>	Quantum and location of new housing allocations
<u>SP7</u>	Distribution of new housing
<u>SP11</u>	Transport Infrastructure Investment
<u>H1</u>	Housing on allocated sites
<u>H4</u>	Housing Mix
<u>H5</u>	Affordable Housing

<u>H8</u>	Older persons housing
<u>H9</u>	Space Standards
<u>H10</u>	Accessible Dwellings
<u>EN5</u>	Managing flood risk
<u>P1</u>	Identified Centres
<u>P2</u>	Edge of Centre Uses
<u>P3</u>	Town Centre Uses
<u>P8</u>	Sequential and Impact assessments for main town centre uses
<u>P9</u>	Community facilities and their retention/enhancement
<u>P10</u>	Seeks to ensure that new development is well designed and respect its context.
<u>P11</u>	Heritage assets
<u>P12</u>	Seeks to ensure Leeds' landscapes are protected
<u>T2</u>	Accessibility requirements and new development
<u>G4</u>	Onsite greenspace
<u>G6</u>	Protection of existing greenspace
<u>G8</u>	Protection of important species and habitats
<u>G9</u>	Biodiversity Improvements
<u>EN1</u>	Climate Change
<u>EN2</u>	Sustainable Design and Construction
<u>EN4</u>	District Heating Network
<u>EN5</u>	Managing flood risk
<u>EN8</u>	Electric Vehicle Charging Infrastructure
<u>ID2</u>	Developer Contributions

8.3 The Site Allocations Plan was adopted by Leeds City Council on 10th July 2019 and sets out employment, housing and Green Space allocations across the city.

The Site is identified as HG2-120 and allocated for housing development. The detailed site requirements are as follows:

- The site access will require a right turn ghost island arrangement that will involve widening of the highway into the site.
- This site should not be brought forward until completion of Manston Lane Link Road (MLLR). The site will have a direct impact upon Manston Lane Link Road (MLLR) and M1 jn 46 and mitigating measures will be required. This may take the form of a contribution towards the cost of future works on MLLR, in line with the proposals for East Leeds Orbital Road, together with a contribution to works at Jn 46 in line with the requirements of Highways England.
- An Ecological Assessment of the site is required and where appropriate, mitigation measures will need to be provided, including provision of a biodiversity buffer (not private garden space) adjacent to the railway line on the southern boundary.
- The site is in the setting of a Listed Building. Any development should preserve the special architectural or historic interest of Listed Buildings and their setting.

8.4 The following saved UDPR policies are also relevant:

<u>GP5</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
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<u>BD6</u>	Seeks to ensure that development proposals respect the scale, form and detail of the original building
<u>BD5</u>	Seeks to ensure new development protects amenity
<u>N24</u>	Development and incidental open space
<u>N25</u>	Seeks to ensure boundary treatments are appropriate
<u>N29</u>	Sites of Archaeological Importance
<u>LD1</u>	Development and landscape schemes

The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The Plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

8.5 The following NRWLP policies are also relevant:

<u>Min 3</u>	Development proposals and surface coal
<u>Water 1</u>	Water efficiency
<u>Water 6</u>	Flood risk assessment
<u>Water 7</u>	Surface water run-off
<u>Land 1</u>	Contaminated Land
<u>Land 2</u>	Development and Trees
<u>Air 1</u>	Air quality considerations

Neighbourhood Planning

8.6 No made neighbourhood plans are relevant to this application

Supplementary Planning Guidance

8.7 Accessible Leeds SPD
Travel Plans SPD
Parking SPD
Street Design Guide
Building for Tomorrow Today: Sustainable Design and Construction
Neighbourhoods for Living SPG

National Planning Policy

8.8 The National Planning Policy Framework (2019) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.10 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that all for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

Paragraphs 11 and 213

8.11 Paragraph 11 directs Local Authorities on how to makes plans and determine planning applications. This states that a Local Planning Authority should determine applications in accordance with the Development Plan except for where there are no relevant DP policies or the policies which are most important for determining the application are out-of-date.

8.12 This paragraph also directs (footnotes 7) that if a Local Planning Authority cannot demonstrate a 5 Year Housing Land Supply (5YHLS), when considering a housing scheme all most important policies should be considered 'out-of-date'.

8.13 In such circumstances a decision taker is told to grant permission unless:

- specific policies in the Framework provide a clear reason for refusal;
- or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.14 Following adoption of the Site Allocations Plan and the revised housing target within SP6 (CSSR) at present Leeds is able to demonstrate a Housing Land Supply of circa 8 years.

8.15 Leeds' Development Plan is considered to be in wholly accordance with the Framework and thus full weight is to be given to all Development Plan documents and policies, unless otherwise identified in the below appraisal.

9.0 MAIN ISSUES

- 1) Principle/Land Use
- 2) Housing Delivery
- 3) Layout / Design and Character
- 4) Residential Amenity
- 5) Highway Matters
- 6) Loss of Playing Pitch
- 7) Landscape and Biodiversity
- 8) Climate Change Emergency / Sustainability and Carbon Reduction / Health and well being
- 9) Planning Balance

10.0 APPRAISAL

Principle of Development

10.1 Policy SP1 of the Core Strategy seeks to promote the most sustainable forms of development, seeking the development of brownfield land over greenfield, and adopting a hierarchical spatial approach to the location of development which

promotes development in urban areas first and rural areas last. The development of a former industrial site within the Main Urban Area (MUA) is thus of the highest priority and therefore development accords with the spatial hierarchy of the Core Strategy, as well as policy H1 which provides support to the phased release of housing allocations within LDF documents.

- 10.2 The relevant LDF document in this instance is the SAP which allocates the site for housing development under HG2 (HG2-120) with a list of site requirements which are:
- provision of right turn ghost islands;
 - no commencement of development until completion of MLLR;
 - contributions toward J46 (M1) improvements;
 - ecological mitigation as required; and
 - preservation of adjacent heritage assets.
- 10.3 As such the provision of housing on the site is in accordance with the strategic land use policies of the development plan. It is also noted that for the city council to be able to demonstrate a five year housing supply in the coming years the development of identified and allocated housing sites will be required, with this allocation contributing to and forming a part of that supply.
- 10.4 Policy SP4 of the Core Strategy provides support for development within identified Regeneration Priority Areas that provides improved housing quality, affordability and choice, improved access to employment and skills development, enhanced green infrastructure and green space, upgrades local business environment, and improves local facilities and services. The site is located within the East Leeds Regeneration Priority Areas. There is some tension with this policy, as whilst the development provides housing of an adequate quality and does provide choice of bedrooms, it does not provide policy compliant affordable housing (H5), only limited accommodation more suitable for older persons (H8) and no accessible dwellings (H10). The development also involves the loss of a sports pitch with no replacement or mitigation conclusively secured at this point. Thus it is not possible to determine the full impact on green space provision although the proposed playing pitch contribution within the S106 will secure the necessary mitigation.
- 10.5 The development also proposes a temporary small scale retail use on the site throughout the sales process (café). The provision of a café that is open to members of the public would be an A3 use, which is a form of development that policy suggests should be directed toward town centres. Such provision is therefore contrary to the 'centres first' approach that is outlined by policies P1, P2 and P3 of the Core Strategy. However, this said, the above policies seek to ensure that the viability and vitality of existing town and local centres are not undermined by provision of out-of-centre retail opportunities. In the specific context of this site it should be noted that the use is of a small scale and is for a temporary period only, and cannot be said to be providing realistic competition for business that would otherwise be directed to Crossgates Town Centre. As such whilst the development is in conflict with these policies, there is no identified harm from this conflict and thus this matter is given very little weight.
- 10.6 Overall it is considered that the redevelopment of the site for housing is broadly in accordance with the strategic policies of the Development Plan. The application would redevelop a brownfield site within the MUA, is allocated for housing within the emerging SAP, and is within a regeneration priority area. As such its redevelopment, including a temporary small scale retail use, is not contrary to the Development Plan.

- 10.7 As such it is considered that the principle of housing development and the temporary retail use is acceptable, subject to the consideration of the detailed matters outlined below.

Housing Delivery

- 10.8 Housing Delivery is a key material consideration. The Framework requires that Local Planning Authorities maintain a sufficient amount of variety of land so that housing can come forward where it is needed, and that the needs of groups with specific housing requirements are met. Within this context the size, type and tenure of housing needed for different groups should be assessed and reflect in policies including (among others) those who require affordable housing, older persons, people with disabilities and travellers. Planning policies should also identify a supply of specific, deliverable sites for a period of five years (the five year housing land supply (5YHLS)).
- 10.9 Accordingly policies H1, H4, H5, H8 and H10 of the Core Strategy all seek to provide a sufficient supply of dwellings that reflect identified housing need, including provision of affordable housing, accessible dwellings for those with physical needs and older persons housing.
- 10.10 As will be outlined below the application is in tension with several of these identified housing policies. Policy H1 is a strategic policy which seeks to provide the overall quantum of land and as discussed above (para 10.3) the development is in accordance with this policy.

Density and housing mix

- 10.11 Policy H3 (density) and H4 (housing mix) seek to promote the efficient use of land and ensure that a range of housing typologies are provided within major developments. The development is located within the Main Urban Area and thus a minimum density of forty dwellings per hectare should be achieved; the development achieves approximately twenty dwellings per hectare. This policy however is a relatively crude tool and does not take account of site specific constraints, nor the need to ensure well designed and spatially appropriate layouts. The SAP has considered each proposed housing site in more detail and suggests 450 dwellings could be achieved on this site. As originally submitted the development met this figure, however following discussions with officers relating to concerns about the layout and spatial density of the development the overall housing numbers have been reduced to 437. This is considered to be an appropriate figure and represents a balance between the efficient use of land and the need to ensure a well-designed layout.
- 10.12 Policy H4 requires development to include an appropriate mix of dwellings and includes the below table providing guidance on the preferred housing mix.

Table H4: Preferred Housing Mix (2012 – 2028)			
Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

- 10.13 The development proposes approximately 80% houses and 20% flats and thus is within the target preference for the type of dwellings. The scheme proposes 0.9% one bed, 29.1% two bed, 30% three bed and 40% four bed. Although the development doesn't meet the target preferences for different sized dwellings and is clearly weighted more towards the provision of larger family houses, it does still fall within the specified minimum and maximum percentages as stated in policy H4 with the exception of two bed dwellings. Whilst this is somewhat disappointing, 4 one bed dwellings are proposed which when combined with the two bed dwellings takes the total up to 30%. This level of provision in terms of smaller properties is therefore considered to be acceptable and officers are satisfied that overall the development delivers an acceptable housing mix.

Affordable housing

- 10.14 Policy H5 states that the council will seek affordable housing provision on site. The development lies within zone 2 and thus 15% provision is required. This policy also identifies that applicants may choose to submit individual viability appraisals to verify that the affordable housing target cannot be met. In such cases affordable housing provision may be reduced accordingly.
- 10.15 The applicants are pursuing a viability case. A viability appraisal was submitted during consideration of the application that concluded no affordable housing was possible. However, work has been on-going with the District Valuer since submission of this document and it has now been agreed that circa 7.5% affordable housing can be provided on site. The main reasons for this change are due to the developers accepting a lower benchmark land value and recent house sale data from the adjacent Bellway and Optare sites demonstrating good market demand within the area. Whilst clearly it is disappointing that full provision of affordable housing still cannot be delivered it is clear from policy H5 and also government guidance that where a viability case is verified, affordable housing provision can be reduced, and thus there is not in this instance a conflict with policy H5.

Older Persons Housing and Accessible Housing

- 10.16 Policy H8 notes that developments of over fifty dwellings or more are required to make a contribution to supporting the needs of Independent Living. It goes on to note that housing aimed at elderly or disabled people should be located within easy walking distance of town or local centres or have good access to a range of local community facilities. The development includes two bungalows to the north of the site which are suitable for occupation by older and/or disabled persons. These are located close to the public transport provision on Manston Lane and thus are considered to be within the most accessible sections of the site .

- 10.17 New CSSR Policy H10 now requires that developments provide accessible housing, ie that which is adapted / adaptable to the needs of disabled persons. The policy makes reference to the standards as set out within the Building Regulations, but in summary requires that thirty percent of dwellings on the site are accessible at ground floor, and two percent of dwellings are fully accessible. No accessible dwellings are provided and thus development does not meet this recently adopted policy.
- 10.18 During consideration of this scheme at pre-application and application stage the CSSR has progressed through several stages. A pre-application was submitted in November of 2017 and a meeting also held within that month. This was after the consultation on the scope of the review but prior to consultation on the Draft Plan. Although this consultation included information about the move towards an accessible dwellings policy based upon Building Regulations no weight could be given to this intention at this early stage of the plan's preparation. Thus no reference to the policy was made within the council's pre-application response. The current application submitted in December 2018 was on the basis of the initial pre-application discussions; this was after submission of the draft plan to the Inspector but prior to the commencement of examination.
- 10.19 It is thus clear that detailed engagement with the Local Planning Authority on the layout and form of the development proposal began before policy H10 had been drafted, or could carry any weight. As the application has progressed this policy has now gained full weight.
- 10.20 Both developers have been made aware of this policy during its period of emergence. In response both have stated that compliance will require all house types within their portfolio to be reviewed and this is not possible within the consideration of this application. Strata have undertaken some work on a small section of the site and this concludes that to comply with the policy all accessible house types will require a greater footprint. This means that in order to comply with emerging policy H10 a fundamental revision of the layout, would be required, and this would affect matters of design, density and spatial character. It is also stated by the developers that this would have a significant affect upon viability and would require this to be reviewed almost wholesale.
- 10.21 Officers have considered this matter carefully, noting both the weight that the policy now carries, as well as the fact that detailed engagement with officers began in 2017 prior to the text of this policy being drafted. Given the length of time the developers have been working with the Local Planning Authority officers have taken a pragmatic view in this specific instance, and have not required the developers to fundamentally redesign the scheme from first principles in order to achieve compliance with policy H10.
- 10.22 There is therefore conflict with this policy, however for the reasons outlined above in this particular instance it is considered there are reasons to afford this conflict limited weight.

Five Year Housing Land Supply

- 10.23 As noted within the policy section above (para 8.14) Leeds is currently able to demonstrate in excess of a 5YHLS. The precise figure has not yet been recalculated following adoption of the SAP and the CSSR, and the 2019 SHLAA is underway at present, but a figure of circa 8 years is considered to represent a reasonable working position.

- 10.24 Housing land supply remains a relevant consideration and the deliverable supply is important because the Council must be able to demonstrate a continuing five year housing land supply. As Members will be aware from recent Public Inquiries, in circumstances where an authority cannot demonstrate a 5YHLS, less weight should be given to conflicts with the housing policies of the Development Plan and Leeds has been in this position in recent years. However as the authority can now demonstrate well in excess of a 5YHLS there is no immediate assumption that less weight should be given to the policies of the Development Plan. It is therefore open to members to give full weight to all adopted policies of the Core Strategy (amended 2019), although it must be remembered that in order to maintain supply, housing must be approved and delivered particularly on key strategic sites.

Housing Delivery and the Development Plan

- 10.25 Conflict has been identified with policy H3 of the Core Strategy, however this conflict is given less weight in light of the SAP and the need to ensure a well-planned layout. Conflict has also been identified with policy H10, although in this specific instance this is afforded less weight. The development is in accordance with policies H1, H4, H5, H8 and the Site Allocations Plan. Overall officers have reached the view that the identified policy conflicts are marginal and that the application complies with the overall aims and intentions of the strategic housing policies of the Development Plan.

- 10.26 Are members content that overall the development accords with the housing policies of the Development Plan?**

Layout / Design and Character

- 10.27 Section 12 of the National Planning Policy Framework highlights the importance of good design, and paragraph 127 provides a series of principles that should be followed to ensure developments are of good quality. Authorities are encouraged to refuse development of poor design that fails to take the opportunities available for the improving the character and quality of an area and the way it functions. Policy P10 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context whilst policy P12 seeks to protect the character, quality and biodiversity of Leeds' townscapes and landscapes. Similarly a number of saved policies in the UDPR relating to design and layout considerations seek to achieve the same basic goals. In order to be acceptable development should not harm either the architectural or spatial character of an area and these will be discussed in turn. Section 13 requires the protection of heritage assets and this is replicated within policy P11 of the Core Strategy.

Heritage

- 10.28 As outlined above the site lies close to the Barnbow Munitions Factory Scheduled Monument and listed buildings lie opposite a small section of the northern boundary. The site itself is also the last remaining visible link to munitions/armament production in this section of the city. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses. This statutory framework is reinforced by the National Planning Policy Framework (the Framework) at Section 12. Core Strategy policy P11 reflects this special duty and seek to ensure that development is appropriate to its context and preserves the city's heritage assets.

- 10.29 The loss of the tank factory building (allowed under the previous remediation application) has removed the last easily visible link to the munitions production within the area and this does cause some harm to the industrial heritage of the city. However, this harm must be weighed against the fact that the site has not been in active use for a number of years, is identified for redevelopment within the SAP and neither Historic England (application 14/02521/FU) nor local conservation officers raise concerns regarding its loss. The provision of housing will change the setting of the Barnbow monument and the nearby listed buildings, all of which will historically have been within open space and well beyond the urban areas of the city. The encroachment of housing development will lead to some marginal loss of significance, however this must be seen within the existing semi-urban context of the area and the planned East Leeds Extension.
- 10.30 Policy P9 seeks to support the provision of local community infrastructure, and the adjacent Barnbow Sports and Social Club is an existing community asset. A mechanism to help secure the future of this club is currently being explored, and if this can be achieved this will also allow an important element of the social history of the area to be retained.
- 10.31 There is therefore some harm to the significance of identified heritage assets and as directed by the Framework the public benefits of the development must outweigh this identified harm. In the event the application can help to secure the future of the club then the impact upon heritage assets is considered to be neutral.

Layout

- 10.32 As already outlined above the layout of the scheme has been revised during consideration of the application. As originally submitted there was significant concern in relation to the western portion of the site (Redrow). This centred upon the spatial layout and the gaps between houses, bulk and massing in close proximity to pavement / highway edges and sections of the frontage being dominated by hard surfacing and car parking. Taken together these resulted in an overly dense layout that was in stark contrast to the eastern (Strata) portion of the site. There was also concern about the differing house styles between the two developers and as will be discussed below, these remain to some extent.
- 10.33 The overall layout of the scheme is a basic grid pattern with houses arranged in rectilinear blocks between roadways. The site proposes three access onto Manston Lane, one within the centre of the frontage and one to the western and eastern ends. The central access leads onto a spine / axis which forms the boundary between the two developers. This is a wide, tree lined street with a central area of green space and houses of two - three stories in height, with a neo-classical form and a similar materials palate / tone. Several of Redrow's Arts and Crafts inspired dwellings are present which dilutes the attempt to present a unified character area, however these have been paired with a hipped roof house type of Strata, and thus overall there is a sense of balance and unity to this spine.
- 10.34 The sections of the development do have differing characters, and this is simply a direct result of the two different developers and two different house type portfolios. However, difference in design or appearance throughout a large housing scheme does not automatically suggest a disunity in design, or harm to visual amenity. The key question is whether these differing house type portfolios and the predominance of detached house types within the Redrow section result in an unacceptably disjointed spatial or architectural character.

- 10.35 To the east the Strata development provides largely gabled dwellings (or a simple hipped design) and the siting of houses is such that at least a double driveway width is provided between most housing blocks. This results in a very calm streetscene and an open layout with sizeable gaps provided around blocks of development. In contrast the Redrow layout predominantly provides a single driveway width between dwellings, and the Arts and Crafts style of the houses results streets that have a greater variety of elements.
- 10.36 Turning first to the spatial character. It is considered that the scheme does now have an acceptable character overall. Whilst there is a difference in the gaps that are retained around blocks of development, the density and massing of the two portions of the site is considered comparable. Furthermore the existing housing development to the west is a dense scheme, indeed denser than is proposed within the Redrow portion of the site. There is a thus sense of transition from the denser Belleway scheme, through the Redrow portion of the site, into the more spacious Strata section and then into the open space at the western end of the site. Thus overall the spatial character of the development is acceptable.
- 10.37 Turning then to architectural character. One of the key matters officers have been concerned with when addressing matters of design and character is the need to ensure that the development is cohesive. This is of particular concern as two developers, both with very different products, are to develop the current scheme, and a third (Bellway) have already developed the western portion of the former factory site. In very broad terms Strata's products have a simple, vernacular style and other than the Livorno products most roofs are gabled. Similarly Bellway's houses are predominantly gabled, and articulated with transverse projections and bay windows to the front. In contrast the Arts and Crafts style of the Redrow portion of the site have hipped roofs and are more articulated, and thus could be said to contrast with the houses of the adjacent developers.
- 10.38 However this said, it must be expected that there are differing house types across a development of 437 dwellings, and indeed some difference and variety is required in order to create a sense of place and visual interest. The key is in ensuring that there is appropriate transition between areas of difference, and that variety does not become a harmful sense of variance. The key areas of transition are around the edges of the site (where the development will be viewed in association with the western Bellway scheme) and within the site moving between the two development parcels. The housing located to the outer edges of the Redrow scheme do have a simpler form and are broadly the less articulated product. These are thus considered to have an appropriate degree of sympathy with the Bellway scheme, and should not result in a jarring visual transition between the two sites. The material will also be key to this, and a unified roofing material in particular will help to ensure a visual connection. The other key areas of transition are then the internal east-west roads, which move from the very articulated Redrow products into the simple gables of Strata. Some sense of a change in character is inevitable, however all of these roads pass through the central spine / axis where the transition is addressed through the use of similar house types facing each other across a 'boulevard' style street. Thus those moving between the development parcels will have some sense of a transition area. It also noted that both sections of the development have attempted to create character areas in which differing house types are 'grouped' together, either around an area of green space or by utilising the same elevation material. Thus overall the scheme has a character of smaller areas of development set within a wider unified design. Set within this context it is considered that the articulated house designs

within the centre of the Redrow section are acceptable, and that overall the scheme results in an acceptable sense of visual cohesion.

- 10.39 **Are members content with the impact upon heritage assets? In accepting the impact upon heritage assets members need to be satisfied that the identified harm is outweighed by the public benefits of the development (housing delivery).**
- 10.40 **Are members content with the layout and design of dwellings within the two portions of the development, and the relationship to neighbouring developments?**

Residential Amenity

- 10.41 Policy P10 of the CS supported by Neighbourhoods for Living and policy H9 seek to provide an adequate standard of residential amenity by ensuring that houses and gardens are of an appropriate size, receive adequate daylight/sunlight, have adequate outlook and are not overlooked.
- 10.42 The developers have provided an assessment of the dwellings against policy P9 that demonstrates the majority of dwellings do meet the minimum sizes of rooms for each dwelling type. The Livorno house type falls outside the standard as it is a three storey dwelling with two bedrooms so is not an identified house type within the national standard. However it has been confirmed that each bedroom meets the minimum required dimensions and overall the quality of provision is considered to be acceptable. The Bilbao house type within the eastern portion of the development that provide the four 1-bed units does not comply with the space standards, being 48m² against a requirement of 58m² and thus twenty percent beneath the minimum required standard. The sole double bedroom is also 10.4m² against the minimum requirement of 11.5m², and thus ten percent beneath the minimum required standard. The failure of this house type to comply with the space standards in two regards is a negative element of the scheme.
- 10.43 The housing layout plan demonstrates that the majority of gardens within the development do meet the required two thirds gross floor area and these are largely not overlooked. The Livorno and Bilbao house types do not provide any private amenity space and thus there is some conflict with Neighbourhoods for Living, however, these are akin to vertical flats rather than family housing and thus the lack of dedicated private amenity space does not result in significant harm to amenity. The units do have defensible space around them to help differentiate between the public and private realm, and they are also located close to areas of green space, including the large open area to the east. It should also be noted that the Livorno units have been delivered elsewhere in the City including at Otter Island and Seacroft Hospital and thus overall have been considered to provide an adequate standard of amenity for future residents.
- 10.44 The development is located within a semi-industrial area, and the Communisis site to the north is a light industrial use which can generate harmful levels of noise. The submitted noise report has identified that triple glazing and mechanical ventilation will be required in order to ensure an acceptable standard of amenity for further residents within portions of the site. Residential gardens within the most affected areas of the site are largely screened by the dwellings, although some plots to the south of the site do have gardens that are orientated east-west and thus are not shielded by houses. Equally, care will need to taken with the gardens that share a

boundary with Manston Lane to the north to ensure that these are protected from excessive road noise and industrial noise from Communisis, and Environmental Health Officers recommended conditions to ensure adequate glazing and ventilation is included. The East Coast Mainline will also be a source of noise to the south of the site that could affect the dwellings, however the landscape buffer means that no houses are located unreasonably close to this intermittent noise source.

- 10.45 Developments must also protect the amenity of existing residents and housing is present to the north and west of the site. That to the north lies beyond the landscape bund and the MLLR and thus it is considered there is sufficient distance (and mitigating factors) to ensure that the new housing will not harmfully affect residential amenity. The existing housing to the west along Maggie Barker Avenue, Olive Yeats Way and Ethel Jackson Road share a boundary with the development and thus it is important to ensure that harmful overlooking does not occur, and that houses retains sufficient outlook and are not unreasonably overdominated or overlooked.
- 10.46 Initially little significant objection had been received from surrounding houses, with only three objections from the western estate. Two of these largely focus upon wider issues of layout and do not object to the development in principle. The houses that will be most affected are those along Olive Yeats Way whose rear gardens directly abut the development, and third objection is from one of these more immediately affected dwellings. Concern is raised in relation to the impact of affordable housing tenants, loss of privacy, impact upon house prices and noise and disturbance during construction works.
- 10.47 The application will result in new development set significantly closer than the previous industrial sheds that were situated on the site. However provided that the development allows existing occupiers a reasonable outlook from their windows and does not result in significant overdominance, then it is generally considered that a reasonable standard of amenity is retained. Neighbourhoods for Living expects that at least 12.5m is retained from main windows to new two storey development in order for neighbouring dwellings to retain a sense of outlook and adequate penetration of light. The submitted site plan shows that between 16.0m is retained from the existing houses to the proposed dwellings. As such it is clear that the development meets the minimum distances, and thus adequate outlook and light penetration will be retained. The development will result in some sense of enclosure and some loss of direct sunlight for those houses directly on the boundary, however this will be in the very early morning only and for a brief period of the day and thus is not considered to be unduly harmful. This must also be weighed against the fact that the former tank building had a significantly greater massing than the housing now proposed.
- 10.48 Turning then to overlooking. Neighbourhoods for Living also outlines minimum distances that are required from new windows to neighbouring boundaries in order to prevent harmful overlooking, with ground floor main windows needing to retain approximately 10.5m, and secondary windows such as bedrooms to retain 7.5m. The new houses do broadly meet these minimum required distances, both within the development and in respect of surrounding houses. The houses do not all retain 10.5m from ground floor main windows to the ground floor windows of the neighbouring Bellway development (being approximately 1.0m short in some instances. However, this is due to the fact that the rear gardens within the Bellway scheme are slightly shorter than the guidance, and the new housing does accord with Neighbourhoods for Living. Furthermore it is noted that), however views from any such windows can be adequately mitigated by an appropriate form of boundary screening. The minimum distance of 15.0m (7.5m x 2) between bedroom windows

is retained to the edges of the development. As such the scheme will both retain an adequate standard of amenity to existing and future occupants and thus complies with the development plan in this respect.

- 10.49 Further objections have been received more recently from a number of properties within the western estate focussing upon the proposed southern link between the two developments and the impact of additional traffic flows into the adjacent site. Whilst these concerns are noted, these are in contrast to an earlier objection that raised concern about the lack of connectivity between the two developments. One key feature of good design and successful development is connectivity, and the Framework talks specifically about the need for developments to promote social interaction and foster positive interactions. It is considered that the creation of a link helps to ensure more cohesive and connected forms of development, rather than the creation of separate residential enclaves where residents are physically and socially disconnected from their immediate neighbours through poor design. A connection into the Bellway site has also always been envisaged as the Bellway development was specifically designed (and also conditioned) to ensure the road is built to the site boundary so future a connection into the current application site could be made.
- 10.50 The concern raised in relation to house price is not a material consideration. The fear of antisocial behaviour relating to affordable housing tenants is also not a material consideration to which weight can be given.

10.51 Are members content that the development adequately protects the amenity of existing neighbours and provides a good standard of amenity for future occupants.

Highways Matters

- 10.52 Policies T1 and T2 of the Core Strategy seek to ensure that development is adequately served by existing and planned transport network(s), that developments are located in sustainable (accessible) locations, that safe access is achieved, and that a development provides an appropriate internal road layout and meets its parking demand; these matters will be addressed in turn.
- 10.53 As outlined above (para 10.2) one of the site requirements identified through the SAP process was that the site was not developed prior to the delivery of the MLLR. This road, which is now operational, is part of the wider transport infrastructure investment that is required to support the future extension of East Leeds. It is therefore part of the planned development of this section of city, and thus also has an impact upon the wider Strategic Road Network (SRN) that falls within the purview of Highways England. A holding objection was originally issued in order to allow further modelling work to assess the impact upon J46 of the M1. This modelling work has been carried out, and has identified a series of small improvements to aid the operation of the motorway roundabout, that will be required as a pre-commencement condition, with monitoring work carried out after implementation. Subject to these conditions Highways England raise no objection to the proposal, and it is considered that the development of the site will not harm the SRN nor prejudice delivery of future development.
- 10.54 Turning then to the impact upon the local network within the immediate area. The submitted information identifies that there will be an impact upon local junctions, however work remains ongoing to fully understand the impact that is caused by

general traffic growth, and that caused specifically by the development. The information submitted by the developers identifies that the impact upon the Austhorpe Lane / Austhorpe Road junction to the west of the site will be severe. Work with the developer's highway consultants continues to date, and no firm conclusion is therefore possible at this time. This said, highway officers remain reasonably content that the impacts of the scheme can be mitigated, and the main question is therefore how these are addressed, and not if they can be addressed. It is therefore considered that there is no principal reason relating to the strategic and local highway network that suggest the development is unacceptable, and work will continue to address the detailed mitigation required. Indeed, this was also the view taken as part of the preparation work into the SAP when deciding to allocate the site for housing and providing a capacity estimate of circa 450 units.

- 10.55 The site is considered to be in a broadly sustainable location, as assessed against the accessibility standards within Appendix 3 of the Core Strategy. The eastern portion of the site is within 800m of shops on Pendas Way and Crossgates Town Centre, and whilst the western portion lies a little beyond this, the additional distance is not considered to be prohibitive. The site is reasonably well served by bus services within the wider area and following the opening of the MLLR the X27 bus service has been introduced. The consultation response of WYCA identifies the need to upgrade bus infrastructure along Manston Lane and these are to be met in part by the developer. The site is also considered to provide good access to primary and secondary education, as well as wider services. As part of the development a new section of cycleway connecting the eastern and western ends of Manston Lane is also to be provided, as is a car club space, and both these are of benefit. As such, whilst there are some slight deficits identified (walking distance to the nearest centre from part of the site) it is clear that the site is within an accessible location, with good access to sustainable transport options and access to all necessary services / facilities.
- 10.56 Turning then to the access into the site. There remains an area of dispute between highway officers and the developer in relation to the site access. At the present time three points of access are proposed, and all are considered to be safe and to achieve all necessary visibility splays and other technical requirements. However, highway officers consider that the central access point is unnecessary and also lies a little close to an internal junction, and thus should be deleted from the scheme. This would have the benefit of reducing the need for road widening (and all associated climate, energy and financial costs), being able to retain protected trees on the MLLR frontage and creating a cycle route that is not interrupted by the need to cross a principle access point. In response the developers have commented that the access point will allow a more controlled and speedier construction process, and that services will need to be laid in the area of the access that will necessitate the removal of trees in any event, and that the third access provides more permeability and greater options for leaving/entering the site. Members' views on this access point are specifically sought, noting that it has several disadvantages from a highways, financial and sustainability perspective, however would allow a quicker build out rate and thus reduce the construction time and the concomitant disruption to the local area.
- 10.57 Highway officers have also raised some concerns about the internal road layout. Whilst the development is considered broadly acceptable the need for a link into the adjacent Bellway site to the west is considered essential, and stemming from this link it is recommended that a direct connection to the scheme's main internal spine road be provided. The plans do now show access into the adjacent site, however the

developers are not willing to provide the link to the main spine road as this will require significant layout revisions. Highway officers have also requested a small change to the location of a substation such that future access from the development into the adjacent Barnbow Social club is not prejudiced. To date this has not been provided. The site will meet its own parking demands, with the necessary level of off-street parking provided throughout the site. Matters such as provision of EVC points and cycle parking will be conditioned, and provision of sustainable transport infrastructure (bus stops / car club space) will be controlled by condition / S106.

10.58 What are members' views on the third access to Manson Lane, and also the request for a direct connection to the spine road? Members views relating to the outstanding matters highlighted above (access and layout) are of particular interest.

Loss of Playing Pitch

10.59 Policy G6 seeks to protect existing Green Space, and states that Green Space will be protected from development unless: there is an adequate supply of green space within the area *and* the development site provides no opportunity for alternative open space; or the green space is replaced by an area of at least equal size, accessibility and quality in the locality; or where redevelopment proposals demonstrate a clear relationship to improvements of existing green space in the same locality.

10.60 As identified above (Site and Surroundings) there was a playing pitch to the eastern portion of the site which is located within the centre of the former tank test track. It is understood from the developers that this has not been in community use since the current land owners (Columbia Threadneedle) purchased in 2000. From 2012 – 2015 the land was leased to the adjacent social club, however on renewal of the lease the sports pitch was excluded. However, despite this fact representations received in relation to this application state that there was use of the land for sports activities until 2017, with St Theresa's Athletics Club using the land in association with their activities. This is supported by reference to their website which states that the club meet weekly at the Barnbow Social Club.

10.61 The site is identified in the Council's 2006 Playing Pitch Strategy document which notes that the site provides one adult pitch of poor quality with peak-time capacity of one match per week. The recent Green Space Background Paper that supported the SAP identifies the nature of Green Space typologies within the Cross Gates and Whinmoor ward. As is shown in the table below there is a noted deficiency of outdoors sports provision.

	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Children & Young People Equipped Play	Allotments	Natural
Standard	1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people	2 facilities/ 1000 children	0.24ha/1000 people	2ha/1000 people
Cross Gates & Whinmoor	Surplus (0.01ha)	Deficiency (-0.19ha)	Surplus (0.56ha)	Surplus (0.25)	Deficiency (-0.24ha)	Surplus (0.07ha)

- 10.62 Sport England are a statutory consultee as the application affects a playing pitch. Their Playing Fields Policy is similar to policy G6 in that it resists the loss of playing pitches unless: there is demonstrable overprovision within the area; the application is for ancillary development to support an existing sports use; the land relates to an area not used as a playing pitch; equivalent or better quality provision is to be provided; betterment of existing provision is being provided.
- 10.63 Sport England initially submitted a holding objection as no replacement provision for the loss of the pitch had been proposed. The loss of the playing pitch is a key issue which must be resolved, and this has been the focus of discussion between planning officers, Ward Members, Parks and Countryside and the developers. In order to overcome conflict with policy G6 and the thrust of Sport England's Playing Fields Policy the application will either need to provide replacement provision on site, or to provide equivalent or better provision within the locality.
- 10.64 The replacement of the pitch within the green space provided to the eastern section of the site has been considered, however at the present time this is not considered by officers to be desirable for two particular reasons. Firstly, the replacement of sports provision on the site would take up a large proportion of the proposed green space to the east and would severely limit its design and use by the wider public as it does not have to be publically available to address the policy. As such the replacement sports pitch would likely result in less use of the land than if it remains an open, publically accessible space. The provision of isolated pitches is also something which is generally no longer promoted due to a lack of use and investment which can lead to their decline over the years which appears to have occurred here. It is therefore considered that an off-site commuted sum which is to be spent on improved / new provision within the ward is considered to be the better option in this instance.
- 10.65 Sport England are receptive to this approach, and whilst their holding objection is retained at the present time, this now solely relates to the mechanism of delivery (S106 / pre-occupation delivery etc) and not to the principle of an off-site sum. Discussions are continuing with Ward Members in order to explore how best an off-site solution can be achieved. As part of these discussions Ward Members have made clear that the loss of the existing playing pitch is of concern, however the benefit of pursuing an integrated strategy to deliver good quality provision within the area is recognised.

10.66 Are members content that a commuted sum for offsite provision is accepted in lieu of replacement provision on site, subject to Ward Member agreement of the final strategy?

Green Space, Landscape and Biodiversity

Green Space

- 10.67 Amended Policy G4 of the Core Strategy requires that the development provide 19200m² of on-site Green Space. A calculation of those areas of the site considered to represent useable Green Space shows that the development achieves this, providing a little over the policy requirement (approximately 19800m²). It should also be noted that this calculated excludes areas of open space that are not deemed useable due to their size, location or form. Whilst these excluded areas are unlikely to form outdoor amenity space, they nonetheless include relatively sizeable areas of vegetation (such as the northern bund) which do offer wider amenity and

environmental benefits. Landscape Officers note that the useable areas of Green Space should be well defined, provide attractive areas and that a range of Green Space should be provided (play areas / open space etc). The spaces within the development can provide this variety and the detailed design would be a matter for condition. It is understood that the green space within the development will be passed over to a management company and future residents will be required to pay for its upkeep.

- 10.68 The development thus provides for a range of green space typologies, including the large open area to the east and smaller sections of green space within the development. The exact layout of these spaces is to be reserved by condition, but it will be expected that overall the scheme will provide a range of good quality, accessible open spaces for all residents of the development. As such it is considered that the application complies with the development plan in this regard.

Landscape and Biodiversity

- 10.69 The development site has a number of identified landscape and ecological features. The majority of trees to the north and south boundaries of the development site are protected by a TPO and the wider landscaped boundaries and areas of open space contribute the wider amenity of the area. These landscape features also provide habitats for wildlife and breeding ponds for Great Crested Newts have been identified to the southern boundary. As such Core Strategy and saved UDP Policies relating to landscape and ecological features are applicable (P12, G8, G9 and LD1), as is policy Land 2 of the NRWLP.
- 10.70 The removal of some trees (largely along the southern boundary) has been agreed through the approval of the remediation scheme, however this was with the proviso that a comprehensive landscape scheme would provide appropriate replacement planting. During the consideration of the scheme further protected trees have been lost along the northern boundary to accommodate the widened access points and the right hand turn lanes, and care will also be needed to ensure that the building of the cycleway/footway along Manston Lane does not result in further loss. The trees that are being removed to facilitate safe access cannot be replaced within a similar locale, and thus there will be some weakening of the planted northern boundary.
- 10.71 Landscape officers accept the necessity of tree removal to enable safe access points, and the provision of appropriate cycle and pedestrian facilities, subject to conditions relating to the protection of remaining trees during work, replacement at a ratio of three to one in the event of damage during construction works and a suitable landscape scheme. Landscape officers also remain concerned about the central access point that Highway Officers have identified as unnecessary and consider that this should be removed from the scheme.
- 10.72 The developers have provided a revised landscape scheme that seeks to address the majority of these comments, but consider that it is not possible to fully replant the southern boundary and keep to the current layout. This is because there is insufficient space to this portion of the site to plant sufficient trees and to achieve the off-set distances required by network rail. As noted within the highway section above the developers also are resisting the deletion of the central access point which will necessitate further removal of a small number of trees. Landscape officers have accepted that the current layout does mean that the southern boundary cannot be fully replanted and that the scheme now proposed is the best that can be delivered accepting the constraints of the current layout, and provides an adequate buffer as

required by saved UDP policy N24. Officers will also seek to ensure that any replanting within this area is comprised of specimens that are already well established, and ensure that the replanting is undertaken at an early stage to ensure that it becomes established as early as is practicable. Landscape Officers however do not at this time accept that the central access point is required. As such overall there remains some conflict with Core Strategy Policy P12, saved UDP policy LD1 and NRWLP Land 2.

10.73 The remediation scheme has also required the temporary removal of the newt ponds under licence from Natural England however replacement habitats must be provided within the redeveloped site as a condition of the licence. The replacement of these habitats will reduce the available green space by circa 100m², albeit this does introduce variety into the open area proposed to the west. Nature Conservation officers are content with the impact of the scheme subject to conditions. As such it is considered that the application complies with the development plan in this regard.

10.74 Are members satisfied that the development provides an adequate quantum of replacement planting, taking into account the constraints of the current layout?

Climate Change Emergency / Sustainability and Carbon Reduction / Health and Well being

10.75 It is important that development proposals incorporate measures to reduce the impact non-renewable resources, particularly in light of the climate change emergency declared by Full Council on 27th March 2019. Policies EN1, EN2, EN4 and EN8 of the Core Strategy seek to reduce carbon consumption, energy and water usage in new developments, and to reduce vehicle emissions.

10.76 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.

10.77 A Carbon and Energy Reduction report has been submitted with the application which provides detail of the measures that are being proposed to ensure compliance with EN1, and these include fabric improvements beyond part L of the building regulations, low air permeability, renewable technology (solar panels), energy efficient heating systems, advanced heating controls, low energy lighting and measures to prevent thermal bridge heat loss. The report concludes that these measures would result in a total carbon saving of 20.4% across the site, and an energy improvement percentage of 12.3. As such the development complies with policy EN1.

10.78 Core Strategy Policy EN2 requires residential developments of 10 or more dwellings (including conversion) where feasible to meet a maximum water consumption standard of 110 litres per person per day. Information submitted in relation to this matter provides detailed flow rates for toilets, baths, showers, sinks and white goods such as dishwashers and washing machines. Whilst greywater and rainwater measures do not form part of the proposal, this report concludes that the total water consumption per person, per day will be 109.76 litres. As such the development complies with policy EN2.

- 10.79 With regard to policy EN8, the applicant has confirmed that electric vehicle charging points will be provided and thus will be subject to a planning condition. EVC charging points will also help to lessen the air quality impact and assist in the move away from carbon based modes of transport to more sustainable modes, as will provision of a car club space within the site.
- 10.80 In respect of health and wellbeing it is considered that the layout provides for a well planned development that offers a range of houses that provide an adequate standard of amenity for future residents. The site provides walking and cycling opportunities for residents, and the tree planting proposed across the site and the provision of greenspace areas and gardens throughout the development have sustainability and health and wellbeing benefits for both future occupiers and also visitors to the development.
- 10.81 As such it is considered that the development complies with the Development Plan in respect of sustainable construction, low carbon measures and promotes health and wellbeing.
- 10.82 Are members satisfied that the development seeks to adequately address sustainability and climate change matters in light of the Climate Emergency?**

Viability Priorities

- 10.83 As noted above, the developers have submitted a viability report that identifies a number of abnormalities and upfront costs which affect the viability of the development. These costs include payments relating to the delivery of the MLLR and the legacy of coal mining and former uses resulting in unstable and contaminated land; the report also identifies a profit level of 20% for the developers. The District Valuer has assessed this report, and following extensive discussion and negotiation an agreed position has been reached.
- 10.84 As briefly referenced above the main focus of discussion between the District Valuer and the developers has been around the benchmark land value and the resale value of houses. Work has been undertaken to assess similar employment sites within the city and to reach agreement on the benchmark land value, which has now been agreed. There has also been significant discussion relating to the possible sale value of the proposed dwellings. The developers have sought to draw comparisons between the site and other brownfield land developments in other areas of the city, particularly the old Seacroft Hospital site. However this was not considered to be a reasonable comparator and instead data from recent sales on the neighbouring Bellway and Avant sites were considered to be directly applicable. The developers do not agree that these house sales are reflective of values within the area since they relate to different products, but have agreed to accept the District Valuer's position on this point. The following is therefore the agreed position, which accepts that the development is not able to provide for the full affordable housing requirement.
- 10.85 The key contributions that the development will provide are therefore, affordable housing at 7.55% (33 units against a usual requirement of 66), football pitch contribution and a community sports / community facility contribution, The development will also provide the sustainability measures noted in the above report (carbon reduction measures and EVC points / sustainable transport measures), offsite highway works and public open space. It is noted that the development will deliver a 20% profit for the developer. This has been assessed by the District Valuer

and is considered to be reasonable in this instance. Whilst this may seem high in light of the financial constraints of the scheme, the site does present particular challenges for development. Its former use has resulted in a heavily contaminated site and the legacy of coal mining and the ground conditions require that the site is stabilised before residential development can be considered. These matters mean the site carries with it financial risks for any developer, and thus the profit level anticipated is considered to be a reasonable reflection of this risk.

- 10.86 The main material issues and policy requirements that the development must meet have been discussed in detail in the above report. The list of policy requirements that the development can meet (or partially meet) as well as the mitigation that will be delivered have been arrived at through discussion with Ward Members and consultees. These are considered to represent the most significant issues and / or to address the most significant impacts of the development.

Are the viability priorities acceptable?

- 10.87 Are members content that priority has been given to the right matters when considering the viability of the development?**

11.0 Planning Balance

- 11.1 The application would provide housing in accordance with strategic policies SP1 and H1 of the Development Plan and HG2 of the emerging SAP. Some tension is identified with strategic policies SP4 and the centres first retail policies of the Core Strategy. The development is also in accordance with policies H4, H8 and H5 (subject to viability). Conflict has been identified with policy H3 and policy H10, although in this specific instance these are afforded less weight. Overall it is considered that the application broadly complies with the strategic aims and intentions of the development plan in respect of housing delivery. This is a key material consideration that must be given substantial weight.

- 11.2 The development provides a broadly acceptable layout, design and landscape scheme; will not harm heritage assets; delivers an acceptable standard of residential amenity for future and existing occupants; will not harm highway safety nor biodiversity. Technical matters relating to flood risk, contaminated land and sustainable construction can be resolved by condition. All these are neutral matters which weigh neither for nor against the scheme and which can be mitigated by conditions where required.

- 11.3 It is assumed that the development will comply with policy G6 and provide a commuted sum toward betterment of proposed off-site pitch provision. In the event an appropriate legal mechanism is found this is a neutral matter which weighs neither for nor against the scheme.

- 11.4 The development will result in the loss of protected trees and this conflicts with CS policy G8, NRWLP Policy Land 2, saved UDP policy LD1 and section 15 of the Framework. This harm attracts moderate weight.

12.0 Conclusion

- 12.1 The Framework directs that where an application accords with the development plan it should be approved without delay. Conflicts have been identified with policies relating to protection of local centres and protection of landscape features and these

attract moderate weight. The benefit of providing housing on a brownfield site within the Main Urban Area in accordance with the overall aims and intentions of the development plan, and contributing to the council's ongoing housing supply attracts substantial weight. All other matters are considered to be neutral.

12.2 It is thus considered that overall the proposal does accord with the Development Plan and as such the application is recommended for approval.

12.3 Are members content that officers have given appropriate weight to each material consideration, and that at present the balance falls in favour of approval, subject to resolution of the matters highlighted in the above report?

Background Papers:

Application files 18/07433/FU

Certificate of ownership: Certificate B signed by the agent

Appendix 5



Originator: J Thomas
Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

10th October 2019

Subject: 18/07433/FU – Erection of 437 dwellings with new roads, open space, landscaping, drainage and associated works at, Radial Park, Manston Lane, Leeds, LS15 8ST

APPLICANT	DATE VALID	TARGET DATE
Strata Homes Ltd; Redrow Homes Ltd; and Zurich Assurance Ltd	17 th December 2018	TBA

<p>Electoral Wards Affected:</p> <p>Crossgates and Whinmoor</p> <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>
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<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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<p>UPDATE REPORT: Members are requested to note this summary of the District Valuer's Viability Report.</p>
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1.0 INTRODUCTION

1.1 The below report provides supplementary information to the Position Statement relating to Radial Park, Crossgates published on 2nd October. This follows receipt of the District Valuer's Viability Report and Appraisal which accompany this update report.

1.2 As noted within the Position Statement the developer has submitted a viability case to the Local Planning Authority. This viability case has been independently reviewed for the council by the District Valuer. The report highlights the main discussions that have taken place and ultimately concludes that a full policy compliant scheme is not viable. The accompanying viability appraisal summary sets out the expected gross sales, construction costs, abnormal and S106 contributions.

- 1.3 Viability is discussed within the Position Statement at paragraphs 2.6-2.9 and 10.15, both of which provide a brief summary of the applicants' viability case. Paragraphs 10.83 – 10.86 provide a brief overview of the negotiations that have taken place and identifies those items officers have prioritised in discussions with the applicant.

2.0 VIABILITY - MAIN CONCLUSIONS

- 2.1 The tabulated executive summary at the head of the District Valuer's report (paragraph 1.3 (p2)) provides a brief comparative overview of the position of both the applicant and the District Valuer. As members will observe although there are very slight differences in some figures, overall there is now broad consensus on each key issue / input. The District Valuer concludes that the scheme is able to provide affordable housing at 7.55% (33 units), meet its CIL requirements in full and provide £280,000 toward off-site playing pitch provision.
- 2.2 The main body of the District Valuer's report provides a detailed commentary of the discussions and negotiations that have taken place to reach the noted consensus, as well as providing the evidence base that underpins the District Valuer's conclusions.
- 2.3 As noted within paras 10.83 – 10.86 of the Position Statement the main points of discussion have related to the market housing revenues and benchmark land value and these can be found at paras 3.5 and section 6 respectively. The District Valuer's report also highlights discussions that have taken place in respect of construction costs and why a lower figure than the applicant's has been used (para 4.1) and at para 4.3 provides a summary of the abnormal costs.
- 2.4 In relation to the abnormal costs members should note that all those within the first table (acoustic glazing, renewables, highway works, public open space etc) have been independently reviewed and it is accepted that the applicant's costs will be high.
- 2.5 There are two significant abnormal items (MLLR and remediation costs) associated with this development. The District Valuer has been able to review the MLLR contribution and concludes a maximum payment of £4,117,636. No independent review of the remediation costs has been possible and thus this figure is untested and unverified. This work is being undertaken by the current landowner and as noted at section 4.3, this means that neither the applicant nor the District Valuer can comment on whether this cost estimate is accurate or reasonable.
- 2.6 As also noted within the Position Statement the applicants are seeking a 20% profit (para 10,85). Section 5.0 of the District Valuer's appraisal notes that this is considered reasonable due to the complexity of the site.

3.0 VIABILITY - PRIORITIES

- 3.1 As the District Valuer has concluded that a full policy compliant scheme is not viable decisions have to be made about where the available S106 monies will be directed. As highlighted within the Position Statement these are affordable housing at 7.55% (33 units against a usual requirement of 66), football pitch contribution and a community sports / community facility contribution. The development will also provide the sustainability measures (carbon reduction measures and EVC points / sustainable transport measures), offsite highway works and public open space. The development will not provide a residential travel fund (metro cards) nor upgrade works to bus stops on Manston Lane as requested by WYCA.

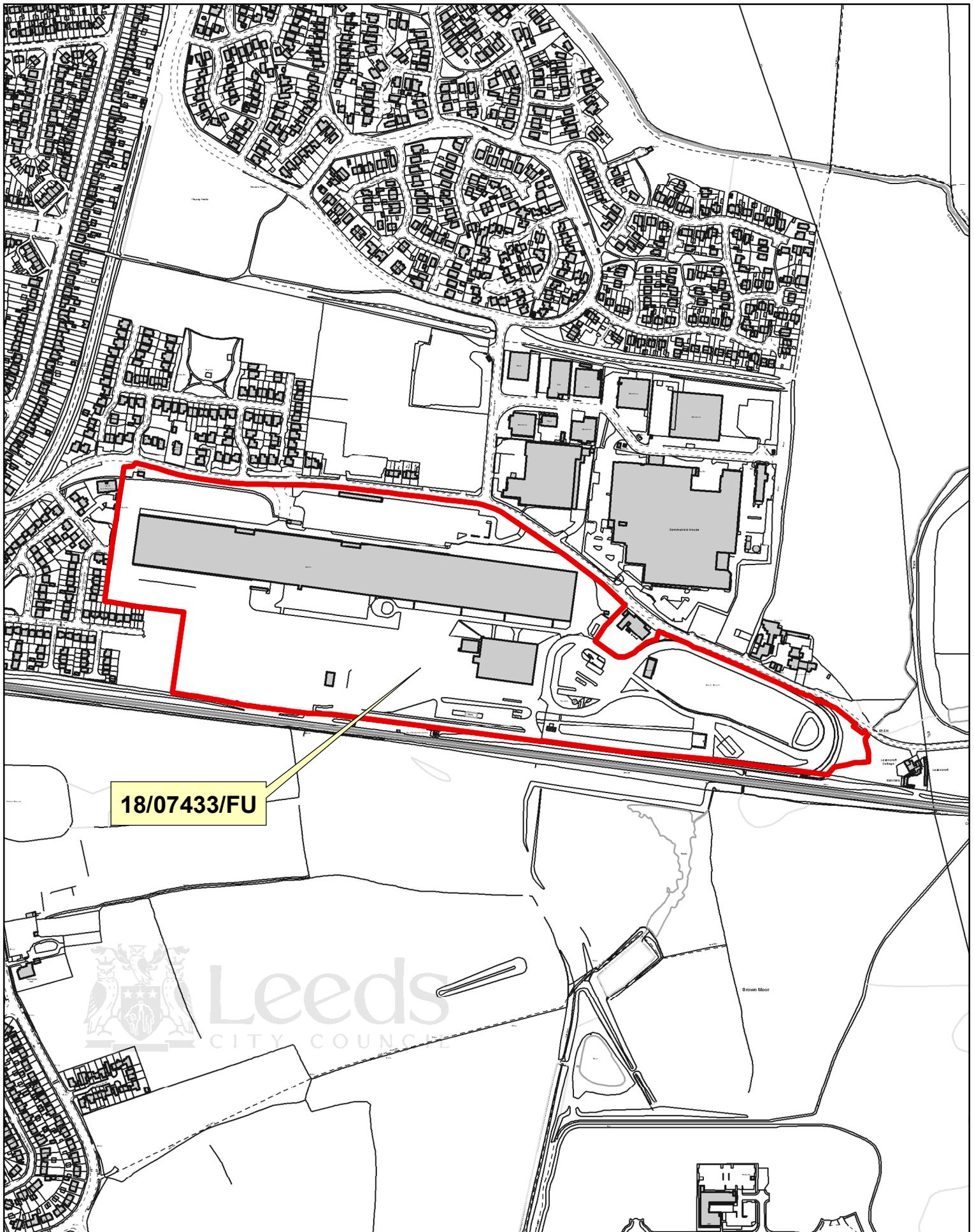
Background Papers:

Application files

18/07433/FU

Certificate of ownership:

Certificate B signed by the agent



18/07433/FU



CITY PLANS PANEL

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SCALE : 1/6000



Notes:
 Do not scale from this drawing.
 All contractors must visit the site and be responsible for taking and checking Dimensions.
 All construction information should be taken from figured dimensions only.
 Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.
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This drawing is for planning purposes only. It is not intended to be used for construction purposes, whilst all reasonable efforts are used to ensure drawings are accurate, JTP accept no responsibility or liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated above.

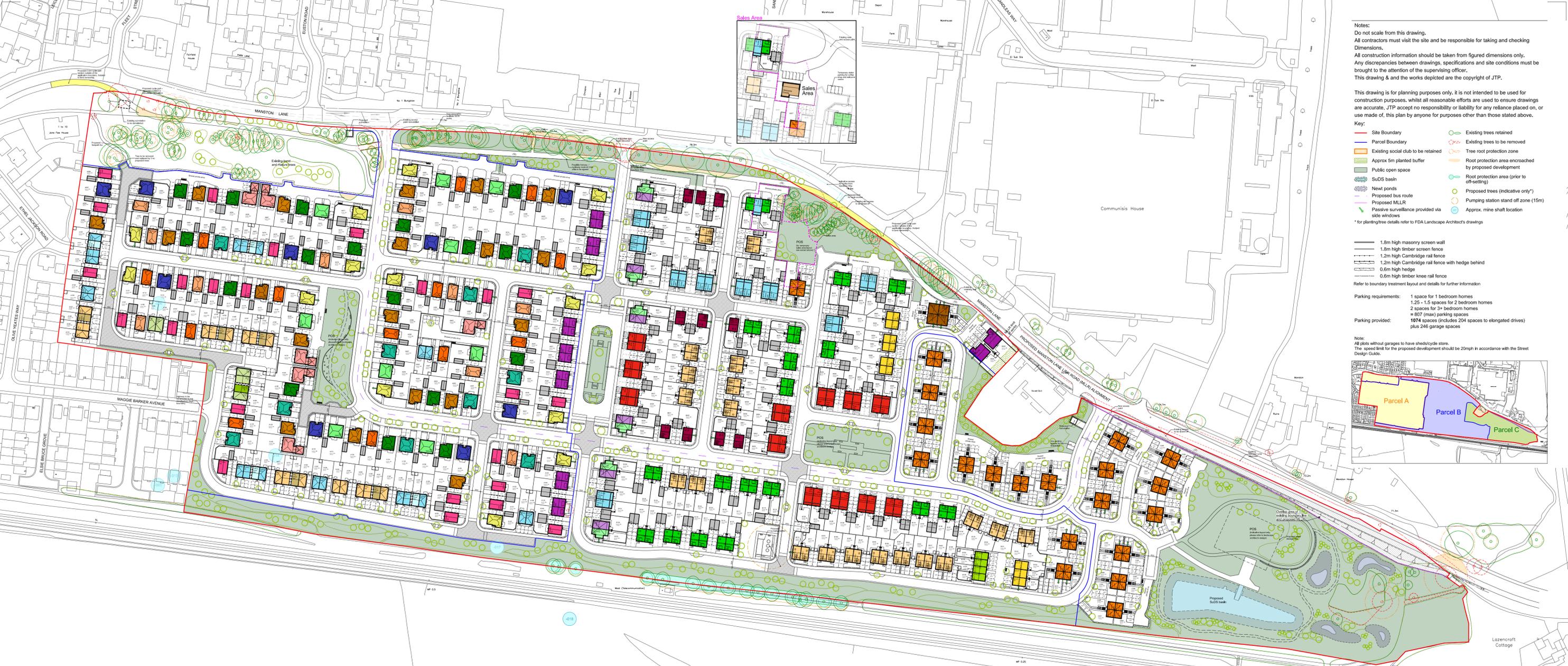
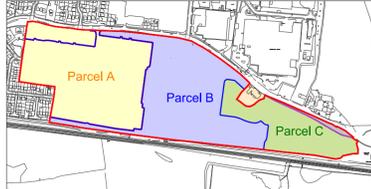
- Key:
- Site Boundary
 - Parcel Boundary
 - Existing social dub to be retained
 - Approx 5m planted buffer
 - Public open space
 - New ponds
 - Proposed bus route
 - Proposed MLRD
 - Passive surveillance provided via side windows
 - Existing trees retained
 - Existing trees to be removed
 - Tree root protection zone
 - Road protection area encroached by proposed development
 - Road protection area (prior to off-setting)
 - Proposed trees (indicative only)
 - Pumping station stand off zone (15m)
 - Approx. mine shaft location

- 1.8m high masonry screen wall
- 1.8m high timber screen fence
- 1.2m high Cambridge rail fence
- 1.2m high Cambridge rail fence with hedge behind
- 0.6m high hedge
- 0.6m high timber knee rail fence

Refer to boundary treatment layout and details for further information

Parking requirements: 1 space for 1 bedroom homes
 1.25 - 1.5 spaces for 2 bedroom homes
 2 spaces for 3+ bedroom homes
 = 807 (max) parking spaces
 1074 spaces (includes 204 spaces to elongated drives) plus 246 garage spaces

Note:
 All plots without garages to have sheds/cycle stores.
 The speed limit for the proposed development should be 20mph in accordance with the Street Design Guide.



RADIAL PARK ACCOMMODATION SCHEDULE - WHOLE SITE											
Beds	HT Code	House Type	Building Regs M4 category	Storeys	No.	ft²	Total ft²	GDSS required m²	Total m²	%	Garden req'd (m²)
1	HT-A-151	MH	M4(3)	2	4	852	3412	792	580	317	0.7%
1	HT-A-205	Leadbury	M4(1)	2	20	764	15285	710	700	14200	10.2%
2	HT-R-202	Tory	M4(2)	2	17	829	16578	770	750	13090	3.9%
2	HT-R-202	Leadbury	M4(1)	3	80	706	56489	85.6	n/a	52480	18.2%
2	HT-A-251	Leadbury - General	M4(1)	2	4	806	3225	749	700	299.6	0.7%
2	HT-A-251	Leadbury - General	M4(2)	2	5	904	4521	840	840	4200	1.1%
2	HT-A-351	Tory - General	M4(1)	2	9	923	8307	85.8	840	771.8	2.1%
2	HT-A-351	Tory - General	M4(2)	2	5	936	4682	870	840	435.0	1.1%
2	HT-A-351	Tory - General	M4(2)	2	1	1023	1023	95.0	93.0	95.0	0.2%
2	HT-A-351	Tory - General	M4(2)	2	24	1076	25833	1000	930	24000	5.2%
2	HT-R-302	Genova	M4(2)	2.5	40	1265	50590	1175	990	4700.0	9.2%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	10	1218	12185	1132	1020	11320	2.3%
2	HT-R-404	Stratford Lifestyle	M4(1)	2.5	36	1246	44873	1158	1120	4168.8	8.2%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	13	1218	15840	1132	1020	1471.6	3.0%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	10	1313	13132	1220	1020	12200	2.3%
2	HT-R-404	Stratford Lifestyle	M4(2)	2	19	1378	26178	1280	1020	2432.0	4.2%
2	HT-R-404	Stratford Lifestyle	M4(1)	2.5	14	1259	17631	1170	1120	1638.0	3.2%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	9	1313	13132	1220	1020	12200	2.3%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	13	1218	15840	1132	1020	1471.6	3.0%
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2	HT-R-404	Stratford Lifestyle	M4(1)	2	9	1313	13132	1220	1020	12200	4.6%
2	HT-R-404	Stratford Lifestyle	M4(2)	2	17	1394	23698	1295	1150	2201.6	8.6%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	14	1422	20442	1330	1240	1862.0	7.1%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	6	1475	8848	1387	1300	832.2	3.5%
2	HT-R-404	Stratford Lifestyle	M4(2)	2	9	1372	14144	1440	1340	13140	4.6%
2	HT-R-404	Stratford Lifestyle	M4(1)	2	9	1372	14144	1440	1340	13140	4.6%
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