



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 18th February 2021

Subject: 20/04141/OT - Outline application for residential development of 23 dwellings (details of access, appearance, layout and scale submitted, landscaping reserved), including provision of a new access onto Killingbeck Bridge at Land Off York Road, Killingbeck Bridge And Selby Road, Leeds LS14 6AU

Applicant:
Durkin Homes Ltd

Date Valid:
21.07.2020

Target Date:
20.11.2020

Electoral Wards Affected:

Killingbeck & Seacroft

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the conditions specified below:

- 1 Outline time limit of 3 years to submit reserved matters application
- 2 Reserved matters
- 3 Plans to be approved
- 4 Samples Wall/Roof Mats to be submitted
- 5 Policy H10 - Post Construction
- 6 Approved Vehicular Access
- 7 Cycle Parking

- 8 Vehicle Space to be Laid Out
- 9 Provision for Contractors
- 10 Highway condition survey
- 11 No work to trees March to Aug.
- 12 Birds and Bats
- 13 Wall Cotoneaster
- 14 Flood Risk Assessment and buffer strip (Environment Agency)
- 15 Phase II Site Investigation
- 16 Verification Reports
- 17 Importing Soil
- 18 Electric Vehicle Charging Points
- 19 Public water supply protection
- 20 Sewer buffer
- 21 Separate foul and surface water
- 22 Surface water discharge
- 23 Noise
- 24 Interim and temporary drainage measures
- 25 Drainage maintenance
- 26 PD rights removed A, B, C, D, E and F
- 27 Visibility splays
- 25 Cycle and pedestrian route beyond Killingbeck Bridge
- 26 Vehicle access gradient
- 27 Drive gradient
- 28 Statement of Construction Practice
- 29 Retention of bollards
- 30 Provision of water butts
- 31 Use of porous materials for hard surface areas
- 32 Compliance with policies EN1 and EN2

INTRODUCTION:

1. The application proposes the redevelopment of a vacant and disused highway depot site within the applicant's ownership. It relates to a site that is allocated for housing in the Site Allocation Plan. It is a brownfield site in a sustainable location and, consequentially, the proposal for housing on the site is considered to be acceptable in principle.
2. A previous outline application for 25 residential units was refused in 2020 (see paragraph 18 below). This application for a revised scheme has reduced the number of units on site from the previously refused scheme, and is now considered acceptable in terms of residential amenity, the streetscene, and the character of the immediate area. It is not considered that the proposal would result in the unmitigated loss of, and harm to trees both on and off site, including

future pressure to remove retained trees. The application is recommended for approval accordingly.

3. However, it should be noted that the proposal generates a policy requirement to deliver a greenspace contribution and affordable housing. The applicant has set out that the scheme would not be viable if those planning requirements formed part of this proposal. Accordingly, the applicant has submitted a viability statement that has been assessed by the District Valuer (DV) who has agreed with the overall conclusion reached. A copy of the Executive Summary of the DV's report is attached for Members information. This application has been discussed with the Chair of the Plans Panel and it has been agreed that the proposal constitutes a significant departure from the development plan and it is appropriate that the application be reported to Plans Panel for determination.

PROPOSAL:

4. The application is in outline, with access, layout, appearance and scale to be considered at this time, landscaping is a reserved matter.
5. The latest layout includes 23 units proposed, comprising 14 no. two and a half storey dwellings (with a second floor in the roofspace), a 3 no. terrace row of two storey dwellings, and 6 no. flats in two, again two and a half storey apartment blocks with rooms in the roofspace.
6. Two different house types are proposed. Type 1 has a floor area of just over 109sqm and is provided as 6 pairs of semi-detached (12 in total) 3 bed family houses (albeit a second, first floor living area is also identified) and two detached dwellings with the same layout. House type 2 is slightly smaller at just over 94sqm and is provided in a terrace of 3. These properties are indicated to be a 3 bed house (albeit a second floor study is also provided).
7. The apartments provide a mixture of 4 x 2 bed units and 2 x 1 bed unit per block.
8. Vehicular and pedestrian access would be gained directly off Killingbeck Bridge. However, vehicular access would be gained from the York Road and Diadem Drive junction and along Diadem Drive until it meets with Killingbeck Bridge.
9. The layout of the site would form a 'T' shape, with the proposed apartment blocks sited along Killingbeck Bridge, and the semi-detached and terraced dwellings sited either side of the proposed straight stretch of highway, running parallel to the railway line, along the remaining length of the site.
10. The proposed apartments would be served by a mixture of private and shared amenity space. The proposed dwellings are each served by areas of private

amenity space. A total of 44 allocated car parking spaces are proposed including 3 visitor spaces.

11. The proposed units adopt a contemporary design and would be externally clad in buff brick with render detail to the front and grey/black roof tiles.
12. No Public Open Space (greenspace) or Affordable Housing provision is proposed.
13. The applicant has submitted a Viability Appraisal to support their application. This has been assessed by the District Valuer and a copy of their report is attached for Members information.

SITE AND SURROUNDINGS:

14. The site is situated off York Road and surrounded by Killingbeck Bridge (the road) to the north and west and Diadem Drive to the northeast. Diadem Drive is a cul-de-sac of existing semi-detached properties. The Leeds to York/Selby railway embankment, which is steeply sloped, runs adjacent to the site along the southern boundary. Wyke Beck passes through an adjacent culvert to the west of the site. The York Road Highways flats complex sits opposite the site on the other side of Killingbeck Bridge.
15. The site was formerly a Leeds City Council depot for the Highways Department. All the buildings have been demolished and the site is currently vacant, with large areas of hard-standing towards the centre of the site, which was previously overgrown by self-seeding plants and shrubs, though has recently been cleared.
16. There are trees protected by a Tree Preservation Order (TPO) to the perimeter of the site along Diadem Drive and Killingbeck Bridge. The existing trees along the Killingbeck Bridge periphery are proposed to be felled by virtue of this application.
17. Killingbeck Bridge is closed off to vehicular traffic by cast iron bollards.

RELEVANT PLANNING HISTORY:

18. 14/03958/OT 'Outline application for residential development to former depot site (including details of access, appearance, layout and scale)' was refused planning permission on 17th April 2020 for the following reason:

"The Local Planning Authority considers the proposed development would represent an over development of the site as evidenced by the harm to the living conditions of future occupants of the development (through a loss of privacy due

to substandard separation distances between main windows, poor outlook and private garden provision due to a combination of close proximity to existing trees and/or substandard garden sizes), unmitigated loss of, and harm to trees both on and off site, including future pressure to remove retained trees due again to their close proximity to built development and/or garden areas, and an unacceptable impact on visual amenity and the streetscene through a dominance of hard-surfacing over parts of the site and the lack of separation provided to the site boundaries. Cumulatively therefore the proposed development would be contrary to Core Strategy Policies P10, P12, G9, saved UDP Policies GP5, N23, N25, LD1, Natural Resources and Waste Local Plan policy LAND2 and the general guidance set out in Neighbourhoods for Living (2003 and 2015), Guideline Distances from Development to Trees (2011) and the NPPF”.

PUBLIC/LOCAL RESPONSE:

19. The application was publicised by site and press notices and neighbour notification letters. In response 4 letters of objection were received.

Points raised therein can be summarised as follows:

- Harm to highway safety
- Bollards should remain on Killingbeck Bridge
- Impact on on-street parking on Diadem Drive
- Impact on proposed cycleway
- Impact on residential amenity
- Impact on remaining trees on site

20. Ward Members have been briefed about the scheme and have raised no objection.
21. Leeds Civic Trust have made general comments about the suitability of the window fenestration within the proposed one bedroom apartments. They have also suggested that a ‘masterplan’ of the wider site would be appropriate.

CONSULTATION RESPONSES:

22. Environment Agency: Having reviewed the additional information, original objection withdrawn. Conditions recommended preventing construction within close proximity of Wyke Beck to ensure access to the watercourse is maintained at all times.
23. Local Plans: No objection in principle, it is acknowledged that the proposal does not meet the preferred Policy H4 housing mix. Lack of POS and affordable housing to be justified by way of the viability study.

24. Landscape: Concerns raised with regard to tree protection across the site and proximity to category B1 trees to the north of the site.
25. Highways: No objection, subject to the inclusion of conditions addressing cycle/motorcycle storage, EVCP, visibility splays, laying out of spaces, implementation of a cycle route and other highway safety/amenity conditions.
26. Flood Risk Management (FRM): Summary – No objection, subject to the provision of a drainage scheme and surface water drainage works and sustainable drainage features.
27. Contaminated Land: No objection, subject to the provision of further detail for the Phase II (Site Investigation) report and remediation statement.
28. Environmental Studies Transport Strategy Team: No objection, subject to conditions addressing the provision of EVCP, noise mitigation, and assessment and mitigation in accordance with the Institute of Air Quality Management (IAQM) guidance as proposed in the submitted air quality report.
29. West Yorkshire Police: No objection, but WYP would encourage the developer to source Secured by Design approved products for the doors and windows.
30. Nature Team: No objection, subject to the inclusion of conditions addressing the protection of wildlife.
31. Design Team: No comment.
32. Yorkshire Water: No objection, subject to the protection of public water supply, and adequate drainage.
33. Public Right of Way Team: No objection.
34. West Yorkshire Combined Authority: No objection, but recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.
35. Access Officer: No objection, proposal is in compliance with accessibility policies.

PLANNING POLICIES:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless

material considerations indicate otherwise. For the purposes of decision-making, the development plan for Leeds currently comprises the adopted Core Strategy (amended 2019), the Site Allocation Plan (adopted 2019) (SAP), saved policies within the Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Local Plan (NRWLP, adopted January 2013) and any made Neighbourhood Plans. These development plan policies are complemented by supplementary planning guidance and documents. No relevant neighbourhoods plans. The policies below are considered to be most relevant in this instance:

Local Policy

36. Core Strategy (amended 2019):
- SP1 - Location of development
 - SP6 - The housing requirement and allocation of housing land
 - SP7 - Distribution of Housing Land and Allocations
 - SP11 - Transport Infrastructure investment Priorities
 - SP13 - Strategic Green Infrastructure
 - H3 - Housing Density
 - H4 - Housing Mix
 - H5 - Affordable Housing
 - H9 - Minimum Space Standards
 - H10 - Accessible Housing Standards
 - P10 - Design and Context
 - P12 - Landscape
 - T1 - Transport Management
 - T2 - Accessibility requirements and New Development
 - G1 - Enhancing and Extending Green Infrastructure
 - G4 - New Greenspace provision
 - G9 - Biodiversity improvements
 - EN1 - Climate change and carbon dioxide reduction
 - EN2 - Sustainable design and construction
 - EN5 - Managing flood risk
 - EN8 - Electric Vehicle Charging Infrastructure
 - [ID1 - Implementation and Delivery Mechanisms
 - ID2 - Planning obligations and Developer Contributions
37. Saved UDP (2006):
- GP5 - General planning considerations
 - N23 - Open space around new development
 - N25 - Site Boundaries
 - BD2 - Design and siting of new buildings
 - BD3 - Disabled access and new buildings
 - BD5 - New buildings and amenity
 - LD1 - Landscaping
 - LD2 - New and altered roads

38. Site Allocations Plan (SAP):
The SAP was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

This site is allocated in the SAP as HG2 – 121. As the site was not in the green belt immediately before the adoption of the SAP it is not affected by the statutory challenge, it remains adopted within the SAP and its allocation for housing carries full weight.

39. Natural Resources and Waste Local Plan (2013):
The NRWLP addresses where land is needed to enable the City to manage resources, e.g. 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. Relevant policies are as follows:

WATER1 - Water efficiency, including incorporation of sustainable drainage
WATER2 - Protection of water quality
WATER4 - Effect of proposed development on flood risk
WATER6 - Provision of Flood Risk Assessment
WATER7 - Seeks to ensure no increase in the rate of surface water run-off and the incorporation of sustainable drainage techniques.
LAND1 - Requires submission of information regarding the ground conditions and identification of contaminated land
LAND2 - Relates to development and trees and requires replacement planting where a loss occurs.
AIR1 - Air quality initiatives and management of air quality through development

40. Supplementary Documents/Guidance:
Neighbourhoods for Living SPG (Dec 2003) and associated Memorandum (Aug 2015)
Street Design Guide SPD (Aug 2009)
Guideline Distances from Development to Trees (2011)
Accessible Leeds (Nov 2016)
Parking SPD (Jan 2016)
Sustainable Drainage (July 2004)
Building for Tomorrow Today: Sustainable Design and Construction SPD (Aug 2011)
Accessible Leeds SPD (2016)

National Planning Policy

41. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and provides a framework for Local Planning Authorities to follow when preparing their local plans. The framework was revised in January 2019 and must be taken into consideration in the preparation of local plans and is, therefore, a material planning consideration in determining planning applications. The aforementioned local planning policies have been considered to be sound when viewed in the context of the NPPF.
42. The NPPF promotes sustainable development and in order to achieve this, breaks down the role of the planning system into three overarching objectives. The NPPF seeks to ensure that development is sustainable and promotes the economic, social and environmental objectives it has outlined.
43. At the heart of the NPPF there is a presumption in favour of sustainable development. This means for determining planning applications, development should be approved where it accords with an up-to-date development plan, or is refused consent where adverse impacts of granting consent would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
44. The following sections are particularly relevant:
 2. Achieving sustainable development
 5. Delivering a sufficient supply of homes
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 9. Promoting sustainable transport
 11. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment
45. At paragraph 57 the NPPF gives specific guidance in respect of viability and sets out:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”
46. The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF. The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of

with an outline planning application (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:

- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

46. For the current application, the applicant is seeking the determination of details of access, appearance, layout and scale submitted as part of the outline consent.

47. The PPG also give guidance on the issue of viability. With specific regard to the issue of viability and decision making the PPG sets out:

"Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up to date plan policies..." (paragraph 007).

48. The PPG set outs the circumstances in which a viability statement may be submitted and taken into account in the decision making process and the examples given include "...where further information on infrastructure or sites costs is required..." (paragraph 007).

MAIN ISSUES:

- Principle of Development
- Highways Considerations
- Appearance, layout and scale
- Residential Amenity
- Affordable Housing and Greenspace
- Other matters

APPRAISAL:

Principle of Development

49. The application site is an unused brownfield site which is not of high environmental value and which is situated in a sustainable location within the existing urban area. Specifically, the site is allocated as a Housing Allocation (site ref: HG2-121) in the SAP.
50. The adoption of the SAP means that the site should come forward for housing and accordingly the principle of development of the site for housing in land use terms is acceptable.

Highways Considerations

51. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy, it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
52. The proposed access from Killingbeck Bridge requires the removal of existing boundary trees. Officers accept that a suitable access must be provided to what is now a formally allocated housing site and the chosen arrangements are the most sensitive option. Accordingly no objection is raised to the proposed means of access.
53. With regards to the bollards which currently close off Killingbeck Bridge to vehicular traffic and which some objectors have comments about, these are not proposed for removal. In fact, if the application were to be recommended for approval, a condition would be imposed to require their retention to avoid Killingbeck Bridge becoming a through route once again.
54. There is also an obligation on the scheme from an access perspective to provide a suitable pedestrian and cycle links to Killingbeck Bridge. A footway is now

shown to be extended beyond the point closure but the carriageway of Killingbeck Bridge should also be resurfaced as far as the point closure and bollards. The block paved point closure would also need to be re-constructed to provide level access for cyclists using the carriageway. These are, however, relatively minor details that can be secured by condition.

55. The site is accessible by alternative non-car transport modes. The site accords with accessibility standards set out in the Draft Core Strategy, from a transportation perspective the site is considered sustainable.
56. Given the above, subject to the inclusion of conditions, the proposal is considered to provide a suitable means of access and all accessibility requirements can also be met.

Appearance, layout and scale

57. Core Strategy Policy P10 sets out the requirement for new development to be based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality; and protects the visual, residential and general amenity of the area. Saved UDP policy BD5 has similar requirements, as does the planning guidance outlined in 'Neighbourhoods for Living'.
58. The local housing context comprises a mixture of traditional, brick built two storey semi-detached houses in Diadem Drive and more modern, high rise flats on the opposite side of Killingbeck Drive. Boundary trees and landscaping also feature prominently, both within the site itself and in the immediate area.
59. The mixed built form, combined with the level difference relative to Diadem Drive and the existence of a mature tree belt along this particular common boundary, are such that the site is considered suitable for both the contemporary building design that has been advanced and also the slightly greater scale and massing associated with what are essentially three storey buildings. More generally, the mix of detached apartment blocks and both semi-detached and detached dwellings and a short run of terraced properties can also be accepted in principle.
60. With respect to the proposed layout it-self, broadly speaking a 'T' shape would be formed, with the proposed apartment blocks sited along the Killingbeck Bridge boundary, and the semi-detached and detached dwellings running along the length of the site, running parallel to the railway line. The proposed terraced dwellings would be sited to the south west corner of the site. This detailed layout has been heavily influenced by the presence of two sewer easements which run through the site.

61. The existence of the easements are accepted by Officers as being a significant site constraint and accordingly full compliance with policy H3 (density) has not be sought.
62. The detailed layout has been revised in response to the previously refused application. The layout of the proposal is considered to have a positive impact on the character of the area, in compliance with Neighbourhoods for Living and Policies P10 and GP5 which sets out that new development should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function with the intention of contributing positively to place making, quality of life and wellbeing.
63. Some buffer planting is included to Diadem Drive and Killingbeck Bridge, but as discussed above, existing landscaping features would be lost. In order to facilitate the proposed development, it will be necessary to remove T20, T21, T22, T24 and G26. Of these T20, T21 and T22 fall into retention category 'B' and T24 and G26 fall into retention category 'C'.
64. Whilst the development will require the removal of some trees within the site, there is ample opportunity within the site for a robust landscaping scheme to be agreed which will replace the trees at a ratio of in excess of 1:3 at Reserved Matters stage. This will act to mitigate tree losses, improve the visual benefits of the site and the surrounding area.
65. The loss of existing trees to facilitate the access into the site has been accepted, as above.
66. Subject to the inclusion of conditions addressing the protection of the existing trees on the periphery of the site, and the provision of a robust landscaping scheme at reserved matters stage, the development is considered to comply with policies P10, P12, N23, N25, GP5 and LAND2.

Residential Amenity

(a) Neighbouring dwellings

67. The nearest dwellings are located to the north and east, on Diadem Drive, and to the northwest on the north of Killingbeck Bridge. Dwellings would be separated from those on Diadem Drive to the northeast by a mature tree belt (which is outside the application site but adjacent), which is retained, and Diadem Drive itself.
68. The proposed units would be sited at a lower topographical level than the existing dwellings on Diadem Drive, and would be sited 20m from the nearest dwelling at the pinch point, at an acute angle.

69. Given the siting and separation distance it is not considered that the proposal would have a detrimental impact on the amenity of occupiers of Diadem Drive.
70. The site is separated from The Highways flats to the west by a distance in excess of 29m and a public footpath which runs beneath the adjacent railway line. This relationship is such that the Highways flats to the west would be unaffected, again due to the separation provided. The proposal would not therefore have any undue adverse impact on neighbouring residential amenity or privacy and is policy compliant in this regard.

(b) Future Occupiers

71. Paragraph 127 of the NPPF states that decisions should ensure developments create a *“high standard of amenity for existing and future users”*. New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers. Local plan policies and guidance including in ‘Neighbourhoods for Living’, also seeks to secure these same basic requirements.
72. In considering the above, regarding the issue of minimum space standards, Policy H9 requires all new dwellings to comply with the national criteria. The proposed units comply with the relevant space standards although the existence of a second living space on the first floor of one house type and also a second floor study in another does raise the possibility that these rooms could equally be used as bedrooms. Were this to be the case, both house types still meet national requirements, though it should be acknowledged that the occupancy levels would differ. On the basis of the rooms being used as indicated, the proposal is considered compliant.
73. In terms of private amenity space, the space for both the dwellings and apartment blocks comply with the ‘Neighbourhoods for Living’ guidance and is therefore considered acceptable.
74. Housing Policy H10 requires a percentage of dwellings to meet different accessibility standards: 30% of dwellings meet the requirements of M4(2) ‘accessible and adaptable dwellings’ of Part M Volume 1 of the Building Regulations; and, 2% of dwellings meet the requirement of M4(3) ‘wheelchair user dwellings’ of Part M volume 1 of the Building Regulations. Compliance with policy H10 is achieved and, as such, no concerns on this matter are raised.(See also paragraphs 93 to 96 below).

Affordable Housing and Greenspace

75. In order to comply with Policy H5, affordable housing should be provided. The SHMA evidences the need for affordable housing more specifically. The satisfaction of this need is necessary in order to ensure that the residents of Leeds have a good standard of housing available to everyone.
76. In this instance, based on the location of the proposal and the proposed number of units (23), it is expected that a minimum of 15% (3 Units) should be affordable. The application proposes no affordable housing, either on-site or by way of the provision of a contribution in lieu such that affordable housing could be provided elsewhere.
77. Policy G4 requires greenspace for developments of 10 or more dwellings. The purpose of Policy G4 is to ensure that the extra burden on existing Greenspace by new development is mitigated by the provision of new Greenspace for sites outside the City Centre. The application shows no on-site public open space or contribution towards off-site improvements.
78. As discussed in the introduction, the applicant has raised viability concerns and has therefore submitted a formal Viability Appraisal (VA) for consideration. The District Valuer (DV) has undertaken an independent review of the VA information in terms of the extent to which the accompanying appraisal was fair and reasonable and whether the assumptions made were acceptable and could be relied upon to determine the viability of the scheme. The DV concluded that the submitted scheme could not viably provide affordable homes or make Section 106 contributions towards off-site greenspace improvements.
79. It is not considered that the reduction in units would create a more viable scheme. It is therefore acknowledged that scheme as submitted would not be able to deliver these important benefits and is not policy compliant with regards to affordable housing and greenspace provision. However, as advised in the NPPF and the PPG (see paragraphs 45 and 46 to 48 above) – and also recognised by local policy (particularly relating to affordable housing) – viability is a legitimate material planning consideration to take into consideration. Accordingly, non-compliance with policy on these two elements does not alone amount to a reason for refusal. It is instead an aspect to be noted by Members and taken into account as part of the overall planning balance in the decision-making process – whereby any adverse impacts arising from and deficiencies in terms of policy compliance of a proposal are to be weighed against the benefits and advantages that would arise if permission were to be granted. It is also acknowledged that the layout could be altered to provide on-site greenspace but in the circumstances where viability is clearly an issue, officers have not pursued this, particularly noting the relative small space of the development and also the availability of existing greenspaces in the area at Primrose Valley Park and Wykebeck Valley Park, both within a 10 minute walk of the application site.

Other matters

(a) Housing Mix

80. Policy H4 requires that all developments include an appropriate mix of dwelling types and sizes to address needs measured over the long term, taking into account the nature of the development and the character of the location. The explanatory text to the policy sets out that:

“...the Policy is worded to offer flexibility. For small developments, achievement of an appropriate mix to meet long term needs is not overriding.” (paragraph 5.2.11)

81. The application proposes a mix of 1, 2 and 3 bed units, in both flats and houses. The proposal provides the following mix:

17 x 3 bed houses
4 x 2 bed flats
2 x 1 bed flats

82. The Core Strategy sets out a preferred housing mix. This preferred mix is not part of the policy itself but is used as guidance to help inform the policy. The table below sets out how this proposal sits against that preferred mix:

Type	Max %	Min%	Target %	Proposed %
Houses	90	50	75	73
Flats	50	10	25	26
Size	Max %	Min %	Target %	Proposed %
1 bed	50	0	10	9
2 bed	80	30	50	17
3 bed	70	20	30	74
4 bed	50	0	10	0

83. The split between houses and flats is in close to and broadly in line with the target of H4, as is the percentage of 1 bed units.
84. However, the application does not accord with the preferred distribution of house types as it is above the preferred mix for the larger 3 bed units and below the preferred mix for 2 bed units. However, the proposal does provide a range and variety of residential types and sizes of residential units. In light of this and the other factors set out above, and having regard to the site constraints and character of the locality, it is considered that the proposal broadly falls within the policy intent with some demonstrable accord with the guidance on preferred

mix set out in the explanatory text to the policy. The proposal is therefore considered to comply with policy H4.

(b) Flood Risk:

85. Following the receipt of a Flood Risk Assessment, the Environment Agency has withdrawn its objection to the proposal and has suggested a condition. Leeds City Council Flood Risk Management (FRM) as Lead Local Flood Authority comment on surface water drainage considerations. FRM comment that conditions are required to set minimum internal floor levels (150 mm above adjacent levels) and a fully detailed surface water drainage scheme, which demonstrates sustainable urban drainage solutions, and which results in greenfield run-off rates. Subject to these conditions the development would not be at undue risk of flooding and nor would the proposal result in an increased risk of flooding elsewhere.

(c) Sustainability measures and climate change:

86. The Council declared a Climate Emergency in March 2019. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.
87. The applicant has agreed and committed to the scheme being designed to comply with the requirements of policies EN1 and EN2. However, the specific details of how the scheme will achieve that have not been provided and it is appropriate to add conditions to demonstrate how the proposed development proposals would incorporate measures to reduce the impact of non-renewable resources and improve energy performance in line with the adopted EN1 and EN2 policies. Similarly, electric vehicle charging points (as required by policy EN8) will be secured in the same way.
88. Conditions will also require the use of water butts and the use of porous materials for hard surface areas.

(d) Contaminated Land:

89. A Phase 2 Desk Study has been undertaken which recommends further investigation works are necessary. Whilst it would be preferable to have further clarity of these matter, ultimately appropriate conditions could be imposed to secure these details, including any requirements for remediation works that may be necessary.

(e) MetroCards:

90. The request from WYCA for Metro cards is noted. However, the development does not exceed the 50 unit threshold where such contributions can reasonably be requested. Accordingly, this request has not been pursued.

(f) Biodiversity

91. Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network.
92. The applicant has provided an ecological appraisal in support of the application and this has been reviewed by the council's Nature Conservation Officer. It is noted that the site is largely covered in hard standing and has no significant nature conservation value. It is considered that the landscaping associated with the scheme, the protection and creation of new habitats will result in a net gain for bio-diversity. Conditions are suggested to achieve this.

(g) Accessibility

93. 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
94. 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.
95. Where the scale of development would generate more than one accessible dwelling, the mix of sizes, types and tenures of M4(2) and M4(3) dwellings should reflect the mix of sizes, types and tenures of the development as a whole as closely as possible (unless the applicant can demonstrate an evidenced need locally to provide accessible housing in dwellings of a particular size, type and / or tenure). Locally will normally mean the Designated Neighbourhood Area, or where this is not defined, will mean relevant settlement, or ward if the site lies within the main urban area.
96. The applicant has confirmed that 30% of the units proposed meet M4(2) standards and 2% meet M4(3) standards. The applicant has indicated which units specifically will meet these standards. The wider site is also considered

acceptable in terms of accessibility and gradients within the site. Given the above, the Access Officer is in support of the scheme.

CONCLUSION:

97. This proposal seeks permission for residential development on a site that is allocated for housing in the SAP and, as such, a site on which residential development is acceptable in principle. This revised proposal has reduced the number of units on site from the previously refused scheme, and is now considered acceptable in terms of residential amenity, the streetscene, and the character of the immediate area. It is not considered that the proposal would result in the unmitigated loss of, or harm to trees, either on or off site.
98. The proposal does not satisfy planning policy requirements in respect of affordable housing and greenspace – either by way of on-site provision or contributions in lieu for provision elsewhere. The applicant has submitted a VA that demonstrates that if these planning policy requirements formed part of the development then it would be unviable. This has been assessed on the Council's behalf by the District Valuer who has agreed that the scheme would be unviable if these policy requirements were imposed. In these circumstances planning policy allows for these normal policy requirements to be set aside.
99. In this instance, it is therefore felt that the benefits of the development outweigh any harm created and the planning balance weights in favour of granting planning permission. Taking into account all relevant factors, including representations made, the application is therefore recommended for approval accordingly – subject to the conditions outlined (and any further deemed necessary by the Chief Planning Officer) in this Report.

Background Papers:

Application file 20/04141/OT

Certificate of ownership B – Mr Gary Bartlett, Chief Officer Highway and Transportation (note that the purchase of the site has since been completed by the applicant).

DVS Independent Review of a Development Viability Appraisal

Proposed Development	Killingbeck Bridge,
Address:	York Road, Leeds, LS14 6AU
Planning Ref:	20/04141/OT
Applicant:	Mr Kevin Durkin
Applicant's Planning Advisor:	
Applicant's Viability Advisor:	

Executive Summary

Viability Conclusion

This report explains that it is my independent conclusion that the proposed scheme is not able to meet full planning policy requirements of 15% on site Affordable Housing and the required £49,082 CIL.

This report explains that it is my independent conclusion that a scheme fully compliant with planning policy is unviable

Having regard to the requirements of your authority including the preferred hierarchy of obligations, it is my conclusion the scheme cannot deliver affordable housing or the required £49,082 CIL.

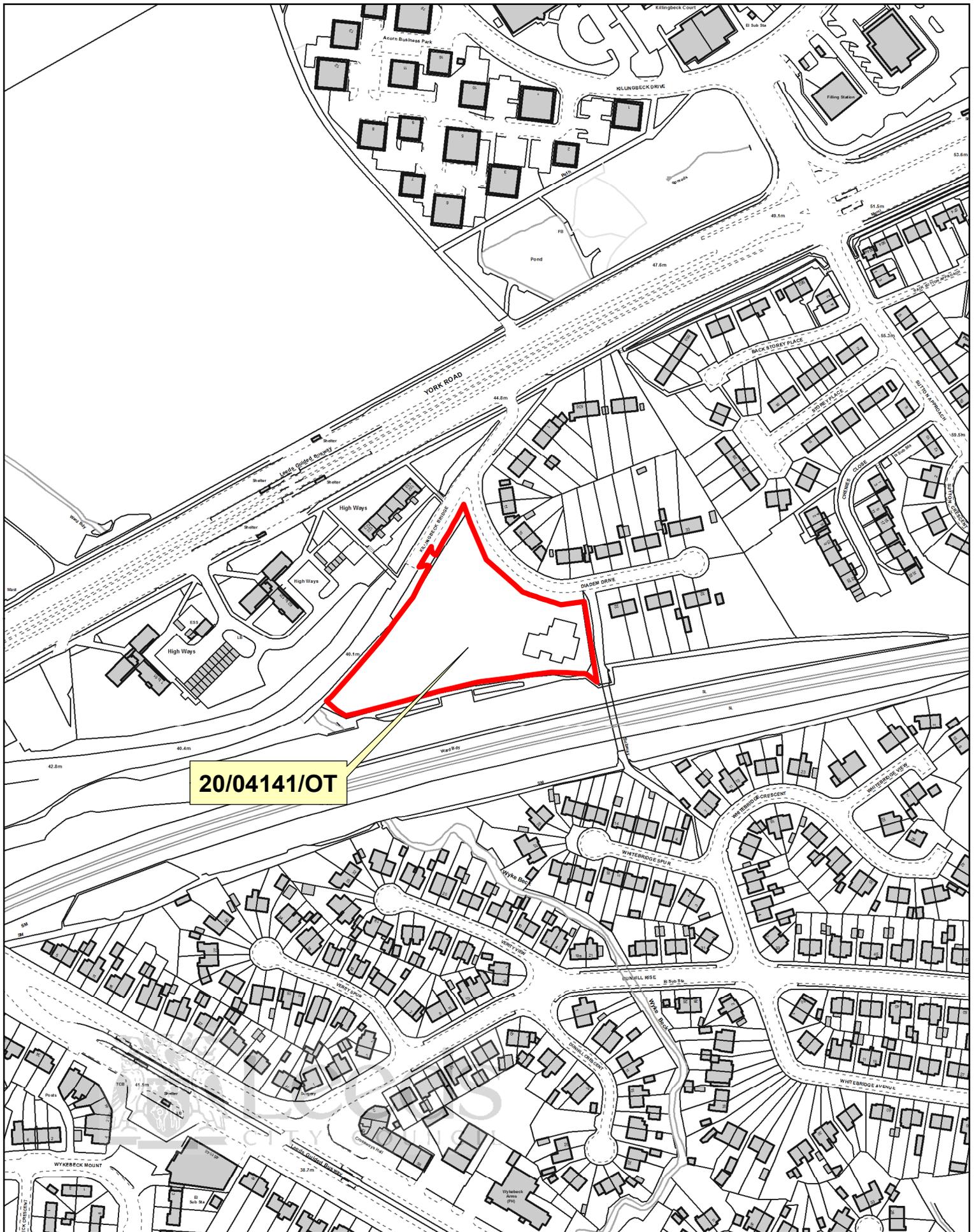
1.2 Non Technical Summary of Main Viability Assessment Inputs Policy Compliant Inputs	Local Plan Viability Study	Applicants Appraisal	DVS Conclusion	Agreed
Scheme, Gross Internal Area, Site Area	Classed as medium site 2 x 1 bed apartments 4 x 2 bed apartments 12 x 3 bed Semi (3 Storey) 3 x 2 bed Terrace (3 Storey) 2 x 3 bed Detached NSA = 2,134sqm	17 Houses 6 Apartments 2 x 1 bed apartments 4 x 2 bed apartments 12 x 3 bed Semi (3 Storey) 3 x 2 bed Terrace (3 Storey) 2 x 3 bed Detached NSA = 2,134sqm	17 Houses 6 Apartments 2 x 1 bed apartments 4 x 2 bed apartments 12 x 3 bed Semi (3 Storey) 3 x 2 bed Terrace (3 Storey) 2 x 3 bed Detached NSA = 2,134sqm	Agreed
Gross Development Value	£4,007,510	£4,337,500	£4,399,818	Not agreed
Market Housing blended value rate	£1,949 per sqm	£2,068 per sqm	£2,055 per sqm	Not agreed
% Affordable Housing, tenure split and blended value	(Zone 2a) 15% on developments of 15 and over 3 units, 1 Lower Quartile & 2 Lower Decile	Unviable – no affordable homes	Unviable – no affordable homes	Agreed

Planning policy / S.106 total	80sqm of greenspace per unit onsite contribution Total £154,800	Onsite POS	Onsite POS and CIL included	Agreed
CIL	Zone 2a £23 psm Totals £49,082	Total £49,056	Total £49,082	Agreed
Construction Cost inc. External Works	£1075 psm (BCIS lower quartile) Apartments £926 psm (BCIS lower quartile) Houses 10% External works Total £2,231,913	£1,151 psm for terraced houses £1,135 psm for Semi Detached houses £1,310 psm for Detached houses £1,324 for apartments (BCIS median) 10% External works	£1,143 psm for terraced houses £1,093 psm for Semi Detached houses £1,143 psm for Detached houses £1,270 for apartments (BCIS median) Plus 10% for External	Not agreed

Key Differences

The key differences for a planning compliant scheme are summarised below:

Applicant – No Affordable Homes	DVS		Monetary Difference /positive or negative impact on viability
GDV	£4,377,500	£4,268,479	£109,021 Negative – due to DV scheme being policy compliant
Construction Cost	£2,917,953	£2,553,894	£364,059 positive
Externals	£252,637	£240,624	£12,013 positive
Abnormals	£360,484	£360,484	Nil
Section 106 total	£49,056	£49,082	£26 negative
Benchmark Land Value	£200,000	£220,000	£20,000 negative
Profit	20% blended	17.36% blended	Positive



20/04141/OT

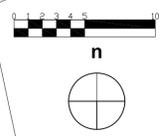
NORTH AND EAST PLANS PANEL

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

SCALE : 1/2500





NOTES
 Contractor must verify all dimensions on site before commencing any work or shop drawings.
 Report any discrepancies before commencing work to the Architect. If this drawing exceeds the quantities taken in any way, the architects are to be informed before the work is initiated.
 Only figured dimensions to be taken from this drawing. Do not scale off this drawing.
 Drawings based on Ordnance Survey and/or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals.
 Work within the Construction (Design & Management) Regulations 2007 is not to start until a Health & Safety Plan has been produced.
 This drawing is Copyright and must not be reproduced without consent of Nick Brown Architects Ltd.

KEY

Rev.	Description	Drawn	Date	Chk'd	Date
A	Planning Issue	YA	Oct 2016		
B	Layout / Revised Further to Highway comments	YA	March 2017		
C	Layout / House Types Revised further to LCC Comments	YA	Oct 2019		
D	Updated further to Highways Comments	YA	Dec 2019		
E	Updated further to LCC Comments - EV Bays at 2.6m	YA	18.01.2020		
F	Reduction to hardstanding / increased landscape / trees	YA	18.06.2020		
G	Revised Layout as part of resubmission to LCC	YA	14.07.2020		
H	Landscape proposals by FDA added to the site plan	YA	14.07.2020		
I	Further to EA Comments - Culvert shown with 4m / 8m easement	YA	08.08.2020		
J	Unit Type 3 revised further to consultee comments	YA	24.08.20		
K	Layout updated further to Highways comments	YA	11.09.2020		
L	Layout updated further to Highways comments	YA	03.08.20		
M	Unit 19 Moved away from boundary further to LCC Comments	YA	22.12.20		
N	POLICY H10: ACCESSIBLE HOUSING - Information added	YA	03.02.21		

- Indicates Proposed Red line Boundary: 6300 sqm (0.63 hectares)
- Drainage Easements
- Access Road / Adopted Highway
- Pavements:
- Dropped Pavements drive access
- Shared Surface
- Edge of Culvert / top of culvert bank
- 4m easement from culvert bank
- 8m easement from culvert bank
- Residential Private Drives
- Proposed suggested replacement Trees
- Amenity Space
- House Type 01 Units 08 / 09 / 10 / 11 / 12 / 13 / 14 Are M4(2) Dwellings
- House Type 02
- House Type 03 (Unit A) within blocks 18 & 19 are M4(3) Dwellings
- EV POINT ALL PARKING BAYS TO BE PROVIDED WITH ACCESS TO AN EV POINT

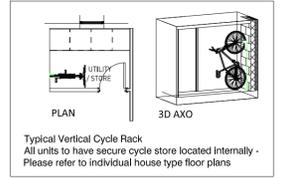
SCHEDULE OF HOUSE TYPES

TYPE 1 (SEMI DETACHED) = 14 UNITS
TYPE 2 (TERRACED) = 3 UNITS
TYPE 3 APARTMENT BLOCK

1 BED = 2 UNIT
 2 BED = 4 UNIT

TOTAL = 23 UNITS

Note: Refer to House Type drawings for detailed information and areas per unit.



Notes
 Please Refer to drawings and information produced by JCA :
 15477 Arboricultural Implications Plan
 15477 Tree Constraints Plan
 15477 Killingbeck Bridge Arboricultural Implications Assessment

Landscape / details to be considered under reserved matters
 Please refer to FDA Landscape Proposals - Drawing R/2370/1

In line with Leeds Core Strategy Policy H10 - The M4(2) / M4(3) units are listed below:

Units - 08 / 09 / 10 / 11 / 12 / 13 / 14 are M4(2) Dwellings
 Please refer to individual drawing for layout - 2016-118_102 - PROPOSED HOUSE TYPE 01_REV C

Ground Floor 2 Bed Apartments (Unit A) within blocks 18 & 19 are M4(3) Dwellings
 Please refer to individual drawing for layout - 2016-118_106 - PROPOSED HOUSE TYPE 03_REV D

NICK BROWN : ARCHITECTS

Project
Killingbeck Bridge
York Road, Leeds
Site 1 - Residential

Drawing Title:
Proposed Site Plan

Scale: **1:250 @A1** Date: **Sep 2016** Drawn: **YA** Checked: **YA**

Drawing Number: **2016_118_P010** Revision: **N**

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