



Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 11 January 2024

Subject: 23/01733/FU – Residential development of 56 no. dwellings with associated landscaping and infrastructure at Land Off Bradford Road East Ardsley

APPLICANT	DATE VALID	TARGET DATE
Barratt and David Wilson Homes	17.03.2023	16.06.2023

Electoral Wards Affected:

Ardsley and Robin Hood

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 the specified conditions (and any amendment to these and addition of others which he might consider appropriate) and the completion of a Section 106 Agreement to include the following obligations:-

- Affordable Housing on site provision (9 units)
- Provision of and future maintenance of on site Greenspace
- Travel Plan and Travel Plan Review fee of £3,682
- Residential Travel Plan Fund of £29,103.20

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer. Subject to the conditions set out below (with amendments or addition to the same as deemed appropriate).

1. Time Limits
2. Approved plans
3. Materials
4. Surface water and foul drainage
5. Surface water drainage
6. Details of electric vehicle charging points
7. Parking spaces to be laid out, sealed and drained
8. Maximum gradient of access
9. Maximum gradient of driveways
10. Provision of forward visibility splay
11. Details of cycle and motorcycle facilities
12. Statement of Construction Practice
13. Construction Environmental Management Plan
14. Biodiversity Environmental Management Plan
15. Details of bat roosting and bird nesting features
16. Landscape Scheme
17. Protection of retained trees
18. Landscape Management Plan
19. Replacement planting (if required)
20. Contamination conditions
21. Accessible home implementation and verification
22. Renewable energy implementation and certification
23. Biodiversity implementation and verification

INTRODUCTION:

1. The application relates to a greenfield site that is currently allocation for a new school in the Site Allocations Plan under SAP Ref: HG5-8, which is located in the Outer South West Housing Market Characteristic Area (HMCA). This application proposes a development of 56 dwellings. The application is brought to Plans Panel as the proposal represents a departure from the Development Plan. This application is a full application seeking permission for all details and follows the approval of detail planning application ref 17/04308, which provided consent for 299 dwellings on the adjacent land by the same applicant. The land identified for 56 additional dwellings was reserved for a potential new primary school within the S106 of the larger site approval.
2. Local Ward Member Cllr Foster, has also made a request for the item to be reported to the Plans Panel for consideration as the land is allocated for school development until 2028. Cllr Foster notes that the change of use in land must be overseen by full Plans Panel and should consider the options to convert this land to parks, retail or commercial use.

PROPOSAL:

3. The proposal is a residential development consisting of 56 dwellings with associated landscaping and infrastructure. The housing will comprise of 2, 3 and 4 bedroom houses including 1 bungalow. The sites access will be served from St Michaels Drive which serves Bradford Road and the consented development to the north. Of the 56 houses, 9 of these will be affordable and are spread across the site.

4. In terms of the design and layout, the dwellings are arranged off one single spine road with a small cul-de-sac at the mid point and terminating in short private drives towards the eastern end. Dwellings will all be 2 storey, save for 1 bungalow which will be located at Plot 49 on the southern boundary. Materials include the use of brickwork and stone for the walling materials, with slate and terracotta roof tiles, providing a balanced mix and contrast of materials. The dwellings feature architectural details including heads and cills, dentils, corbels, bay windows and front door canopies. A proposed area of public open space sits towards the front (western) side of the site, adjacent to Bradford Road and would feature a children's play area (Local Area of Play / LAP). The adjacent development is currently under construction by the same developer, with many of the homes now occupied and benefits from a large tract of open Greenspace to the north and east, which adjoin the proposed development, allowing residents of both developments to utilise all areas of Greenspace communally. In terms of parking, all properties benefit from 2 car parking spaces each in the form of driveways and/or integral and detached garages. Bin stores will be located to the rear as well as space for cycle storage. In sensitive areas, where houses adjoin areas of public realm, boundary treatments will be brick walls.

SITE AND SURROUNDINGS

5. The application site is bound to the west by Bradford Road, with residential properties along Woodlands Drive, The Copse and Woodlands Close adjoining the sites southern boundary. Land to the north and east is to remain as Public Open Space for the Ambers Meadow development, as approved under application ref 17/04308/FU. The area has good pedestrian access to the newly created public open spaces on site. In determining Outline application ref:13/05423/OT, the Planning Inspectorate and Secretary of State found that the site was sustainably located with good accessibility to shops and services, and therefore the same applies to the current application site
6. In terms of topography, the site slopes gently upwards from west to east, where the listed St. Michael's Church is visible above some of the existing houses and tree canopies. Houses along the southern boundary are 2 storey of brick construction which are either orientated so that their rear elevation faces the site to the north, or they have a gable orientated towards the application site. Boundary treatments which separate the site and these houses are typically close boarded fencing with some properties having hedges. There are several semi-mature trees located along the boundary, mainly towards the eastern end.
7. To the west of the site lies Bradford Road (A650) with one detached and a pair of 2 storey semi-detached houses which partly abut the western boundary and are separated by a small driveway which runs behind the rear of these properties. On the opposite side of Bradford Road is open countryside, save for semi-detached housing which runs northwards where it lies opposite the access point to the development. To the north of the site is the Barratt Homes development which is currently under construction and known as Ambler's Meadow.

RELEVANT PLANNING HISTORY:

Planning applications:

8. 13/05423/OT - Outline application for means of access from Bradford Road and to erect residential development – Refused – 08.08.2014

17/04308/RM - Reserved matters for 299 dwellings with appearance, landscaping, layout and scale – Approved – 15.12.2017

17/08357/RM - Substitution of Dwellings from Approval 17/04308/RM Pursuant to 13/05423/OT – Approved – 21.03.2018

Pre-application enquiries:

9. PREAPP/22/00277 - Development of 58 dwellings on vacant land off Bradford Road – Full application submitted before advice was given.

Planning Enforcement cases:

10. None of relevance.

HISTORY OF NEGOTIATIONS:

11. The application site forms an addition to the existing development on the adjacent site to the North. This development was initially refused by Leeds City Council in Outline (ref 13/05423/OT) in August 2014, however the Planning Inspectorate recommend an appeal against the refusal be allowed (APP/N4720/W/15/3004034) following a Public Inquiry during early 2016. The Secretary of State agreed with this recommendation and allowed the appeal, granting outline permission, with a formal decision notice being issued on 22nd December 2016. It is noted that 2Ha of land was reserved for the allocation of a new primary school, agreed by Section 106, should such a facility be required.
12. The Reserved Matters submission was made in June 2017 and determined in December 2017. The approved layout designated the Application Site as a 2Ha land parcel that would be reserved for a potential new primary school subject to requirement. The Section 106 agreement associated with the Outline application (dated 7th March 2016), defines the 'Reserved School Land' as an area of land no more than 2 hectares, which shall be situated within the land and agreed with the Council prior to development. The development commenced on 26th July 2019, as is confirmed by the approved commencement notice. Clause 3 of the Section 106 agreement identifies that, if the Council notifies the Developer in writing that it wishes to acquire the Reserved School Land, the Developer shall transfer its title to the Reserved School Land to the Council. However, if the Council does not exercise its right to acquire the Reserved School Land within three years from the commencement of development, the Reserved School Land shall no longer be subject to restrictions and constraints within Clause 3 of the Section 106. The land was not requested for the use of a Primary School before 26th July 2022.
13. In terms of the current application site, revisions have been secured to address matters associated with the design and layout as well as technical highways matters.

CONSULTATION RESPONSES:

Statutory Consultees:

14. Coal Authority – No objections.
Historic England – no comments.
Yorkshire Water – No objection subject to conditions

Non-Statutory Consultees:

15. Design Team – No objections raised to the layout of the scheme.

Highways – No objections subject to conditions

Landscape Team – No objections subject to conditions.

Nature Team – No objection

Flood Risk Management – No objections subject to conditions requiring drainage details, sustainable drainage testing and feasibility.

Yorkshire Water – no objection. Public Rights of Way – No objection.

Contamination – No objections subject to pre-commencement conditions regarding site investigation works and remediation measures.

Environmental Health – No objections subject to conditions relating to construction hours, dust/noise control, environmental practice and sound insulation.

Environmental Studies Transport Team – No objection

Children's Services – No objection to loss of land for school

Influencing Travel Behaviour Team – Travel plan to be included in S106

PUBLIC/LOCAL RESPONSE:

The application was advertised as a Major Development and as affecting the setting of a listed building by site notices posted 17th May 2023 and advertised in the Yorkshire Evening Post on 7th April 2023. Revised plans were also re-advertised by sites notices posted on 25th October 2023. To date, the following representations have been received:

Ward Member Comments:

16. This land is designated for school development land in the SAP until 2028 and would require a change of use to allow houses to be built on it. This change must be overseen by a full plans panel and should consider the options to convert this land to parks, retail or commercial. LCC are conducting a city-wide survey on land use and this should be completed, reviewed and concluded on before changing this lands SAP status prior to 2028.

Leeds Ramblers Society

17. – Strongly support the recommendation in section 4.3 in the ecology report including the production of a Landscape and Ecology Amenity Plan
- Little effort has been made to improve the footpath for users to the north of the development
 - The developer is seeking to offset Biodiversity loss through contributions
 - This doesn't appear to provide the local community with any increase in amenity value

Comments in Objection:

18. A total of 14 letters of objections have been received from local residents objecting on the following grounds:

- Land better suited for local community amenities
- No new commercial properties but thousands of new houses developed
- Need to drive everywhere to access services
- The site is reserved for a school
- New housing would be contrary to the allocation of the site for school use
- Full public consultation with people of Ardsley and Robin Hood should be undertaken to determine the best use of the land before 2028 designation expires
- Field currently used by residents
- Proposed greenspace left for families and those with dogs will not be large enough
- Barratt Homes promised this land would be left as green space
- The land is used as a community social space
- There is already traffic onto Bradford Road from the estate
- This will drive families out of the community
- Lack of public transport solutions
- Loss of bridleway and impact on trees, wildlife and biodiversity
- Impact on St Michaels Church
- Not enough affordable homes being built
- Barratts have begun work on the area before receiving planning permission
- Increased carbon emissions
- Increase in traffic
- Should be left as open space for tree planting
- Influx of young people could create demand for school places in the future
- Open green space should be kept for mental health and wellbeing
- Some schools are already oversubscribed
- Bungalows or sheltered housing should be built
- Overlooking into gardens
- Loss of privacy
- No local supermarket

PLANNING POLICIES:

LOCAL PLANNING POLICY AND GUIDANCE

The Development Plan

19. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019), the Natural Resources and Waste Development Plan Document (2013 and 2015) and any made neighbourhood plan.

20. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:
 - General Policy – Sustainable Development and the NPPF
 - SP1 - Location of development
 - SP6 - The housing requirement and allocation of housing land
 - SP7 - Distribution of Housing Land and Allocations
 - SP13 - Strategic Green Infrastructure
 - H2 - Housing Density
 - H4 - Housing Mix
 - H5 - Affordable Housing
 - H9 - Minimum Space Standards

H10 - Accessible Housing Standards
P10 - Design and Context
P11 – Conservation
P12 - Landscape
T2 - Accessibility requirements
G1 - Enhancing and Extending Green Infrastructure
G4 - New Greenspace provision
G6 - Protection and Redevelopment of Existing Green Space
G8 - Protection of species and habitats
G9 - Biodiversity improvements
EN1 - Climate change
EN2 - Sustainable design and construction
EN4 – District Heating
EN5 - Managing flood risk
EN8 - Electric Vehicle Charging Infrastructure
ID2 - Planning obligations

21. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

GP5 – all relevant planning considerations
BD2 – design and siting of new buildings
BD4 – all mechanical plant
BD5 – amenity for occupants and surroundings should be provided
LD1 – landscaping
N23 – Space around new buildings
N25 – Boundary treatments

22. The following policies from the Site Allocations Plan are considered to be of most relevance to this development proposal:

Policy HG5:

The site allocations plan allocates sites for school use. These are shown on the policies map. In outer south west this site is:

HG5-8 Bradford Road, East Ardsley

23. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

AIR 1 – Management of Air Quality
WATER 1 – Water Efficiency
WATER 2 – Protection of Water Quality
WATER 6 – Flood Risk Assessments
WATER 7 – Surface Water Run Off
LAND 1 – Land Contamination
LAND2 – Development and Trees

24. No Neighbourhood Plan has been made for this particular area.

Relevant Local Supplementary Planning Guidance/Documents

25. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

SPD Travel Plans (2015)

SPD Building for Tomorrow Today: Sustainable Design and Construction (2011)
SPG Neighbourhoods for Living (2003, Updated 2015)
SPD Transport (2023)
SPD Accessible Leeds (2016)

National Planning Policy Framework

26. The National Planning Policy Framework (NPPF 2023) 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 NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
27. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.
28. The following sections of the NPPF are most relevant for the purposes of determining this application:
29. The National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
30. The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
31. The National Planning Policy Framework (NPPF) gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment, for proposals to add to the overall quality of the area and that are attractive places to live and respond to local character (section 12, NPPF). In addition, advice is contained within section 9, NPPF (Promoting sustainable transport) that deals with sustainable transport modes and avoiding severe highway impacts; and, section 5 (Delivering a sufficient supply of homes) which includes housing supply/ delivery and affordable housing provision; section 8 (Promoting healthy communities) in relation to access to existing open/ green space; and, section 14 (Meeting the challenge of climate change and flooding) which includes matters of flood risk and promote renewable energy sources.

National Planning Practice Guidance

32. The Planning Practice Guidance (PPG) provides commentary 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.

Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act)

33. Listed Building: Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Climate Emergency

34. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.

35. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

36. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

Public Sector Equality Duty

37. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

38. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required. [to be amended as appropriate where specific equality issues arise]

MAIN ISSUES:

Principle of Development
Design, Character and Layout (incl. setting of listed building)
Impact upon the amenity of existing and future occupiers
Access and Highways
Ecology, Trees and Landscaping
Drainage
Contaminated Land
Sustainability
Section 106 Agreement
Representations

APPRAISAL:

Principle of Development

39. The site is allocated (HG5-8) as a school use within the Site Allocations Plan (SAP). It is one of two sites which are proposed for school use only and do not form part of a housing allocation (the other being HG5-9 Land north west of Birchfield Primary School). Justification for the need for the school upon adoption of the SAP can be found within the SAP infrastructure background paper1. UDP Policy GP1 states that:

WHERE THE PROPOSALS MAP INDICATES A PARTICULAR LAND USE (OR USES) FOR A SITE, NO OTHER PERMANENT USE (OR USES) WILL BE CONSIDERED APPROPRIATE. PERMISSION WILL NOT BE GIVEN FOR PERMANENT DEVELOPMENT OTHER THAN FOR THE USE(S) SHOWN UNLESS:

i. THE OTHER LAND USE (OR USES) ARE AUXILIARY TO THE INDICATED USE (OR USES); OR ii. THE PROPOSED USE (OR USES) FORM SUBSIDIARY ELEMENTS OF A MIXED USE SCHEME OF WHICH THE UDP INDICATED USE (OR USES) REMAINS THE PRINCIPAL USE (OR USES); OR iii. CLEAR EVIDENCE HAS BEEN PRODUCED THAT CIRCUMSTANCES HAVE CHANGED MATERIALLY SINCE THE ADOPTION OF THE UDP, IN PARTICULAR IN RELATION TO THE NEED FOR THE ALLOCATED USE (OR USES), THE SUITABILITY OF THE SITE, OR THE NEED FOR SITES FOR THE USE (OR USES) NOW PROPOSED.

Although the policy refers to the adoption of the UDP, it is still an extant policy and without a comparable policy being adopted through the SAP, it is reasonable to assume that it is relevant to this application. Therefore, the application will have to justify how the allocated school use is no longer required for the SAP plan period, why the site is no longer suitable for a school or there is a greater need for the delivery of residential units.

40. The applicant has put forward evidence that a school is no longer required on this site, and therefore the Council's Children's Services team will have to assess whether that evidence is accurate and robust prior to a decision being made on whether the principle of residential is acceptable. Now that the Council's Education team has assessed the report and agreed with its contents, there is no longer the need for a school within this plan period and GP1 (iii) has been satisfied. To provide further clarity on why the school allocation was allocated, and is no longer required, a timeline of the SAP adoption process is fundamental:
The school (HG5-8) was allocated through the Site Allocations Plan (SAP) to meet the education needs of children within the OSW HMCA through the plan period.

- This need was calculated using the proposed allocations at that time (Publication Draft of the plan), which included several large Green Belt sites in the East Ardsley/Tingley area.
- The SAP was subject to a legal challenge, and following the SAP Remittal hearings, Green Belt housing sites were removed from the plan. The SAP remittal only concerned Green Belt housing and mixed use sites and not any other allocations such as schools. Therefore, there was not an opportunity to amend the plan in other ways to reflect the removal of the Green Belt housing sites.
- As the need for the school allocation was partially a result of the Green Belt sites being included in the plan, according to our Children Services team, there is no longer a need for a primary school in this location as the quantum of housing required to create the need is no longer is in the SAP

41. The Council's education sufficiency team note that, as in most other areas of the city, there has been a decline in the numbers of births across the Ardsley/Tingley Primary Planning Area (PPA). For example, births for the 2020 school entry year were 240

and for 2026 this has fallen to 165. The total number of reception places available across the schools in this area is 240 and we are recommending that schools monitor their levels of surplus in future years. 56 houses would generate approx. 2 pupils per year group which at the present time it is anticipated, would have little impact in terms of school availability. Furthermore, it may help to mitigate the impact of falling pupil numbers across the area, albeit in a very small way.

42. Spatial Policy 1 of the Core Strategy relates to the location of development and advises that to deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.
43. As the application site is not allocated for housing within the SAP or UDP, and residential development would be considered as windfall. Policy H2 relates to windfall development and states:
44. New housing development will be acceptable in principle on non-allocated land, providing that:
45. (i)The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
46. (ii)For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
47. In addition, greenfield land:
48. a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or
49. b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.
50. Following an assessment of the application, including consideration of the various technical consultee responses, it is not considered that the number of dwellings proposed (56) would have an adverse impact on infrastructure in terms of transport (highways capacity), educational and health infrastructure as well as drainage infrastructure. Furthermore, given that the site was allocated to provide a school it is not considered that the site has an intrinsic value as amenity space or makes a valuable contribution to the visual, historic and spatial character of the area. As such, it is considered that the proposed development is in compliance with Policy H2, subject to more detailed considerations are set out below.

Housing Mix

51. Policy H4 requires developments to include an appropriate mix of both dwelling types and sizes to meet the needs measures over a long term. The applicants are to take into account both the nature of the development and character of the location. Dwellings range from 2 – 4 bedrooms in size, with a mix of house types including terrace, semi-detached, detached and bungalows. The applicant has also provided a revised Housing Needs Assessment in which details the proposed developments compliance with Policy H4. Whilst the scheme does not fully comply with H4 Housing Mix as there are less 2 bed homes it is not objected to and a range of house types are

provided with an emphasis on family housing. Furthermore, the applicant amended the Housing Needs Assessment and the overall mix with two, 3 bedroom dwellings replacing two, 2 bedroom dwellings to improve the housing mix. The applicant notes that there is a need for family homes to be provided within the south of Leeds which the development seeks to address.

Affordable Housing

52. Policy H5 requires major developments to provide affordable housing on site with a mix designed to meet the identified needs of households. On housing schemes in Zone 2 above a threshold of 10 dwellings, the LPA will seek up to 15% on site affordable housing provision with 40% of these properties being for intermediate or 60% social rented. The proposed development provides for 15% affordable (9 dwellings) and is compliant with policy H5. This will be secured as part of the Section 106 Agreement.

Density

53. Policy H3 addresses housing density. The proposed development consists of for 56 dwellings, at a density of approx. 28 dwellings per hectare. The target density of housing for residential development in East Ardsley is 30 dwellings per hectare, therefore when site specific considerations are taken into account, the proposed development is considered to be in broadly in accordance with Policy H3.

Design, Character and Layout

54. The application proposes 40 semi-detached properties and 16 detached properties. The proposal will comprise mostly two storey houses with 1 bungalow. 16 of the properties will be built in stone under grey slate roofs and 40 built in brick under grey slate roofs and terracotta tiles. These properties are of a scale and design that are representative of the nearby surroundings and as such they would sit comfortably in the streetscene. The design of the properties has been amended from the original submission, to upgrade the appearance of the house types.
55. The properties have design features, such as gables, string courses, heads and cills, dentils, corbels, projecting porches and bays, which add visual interest to the properties, and avoid flat bland front elevations. The design is considered to be fairly traditional for a new build suburban housing development.
56. The layout of the site has a single access point from the existing road St Michaels Drive, leading on to two cul-de-sacs. Dwellings face onto the northern and eastern boundaries fronting the open space which responds to the existing consented development. There has been a slight reduction in frontage parking which has improved the layout and appearance of the dwellings within the site. Front gardens allow for softening between plot boundaries and the streetscene,
57. All the proposed properties have an amount of private useable garden space that is in accordance with the guidance given in Neighbourhoods for Living and the design and layout of the proposal ensures that properties address the street where possible and avoid the need for long stretches of high fencing and walling running adjacent to street frontages. It is therefore considered that the site proposes a scheme that would be acceptable in terms of design and character.
58. Within regard to the impact on the setting of any nearby listed buildings, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The

application has been advertised as affecting the setting of a listed building, this being the grade II St Michael's Church and the Old Vicarage on Church Lane. The Old Vicarage is set in the middle of existing residential development and therefore it is considered that the proposal for 56 dwellings would not impact upon views or its setting. With regard to St. Michael's Church, this is set towards the east of the site and its tower is clearly visible from medium to long range views from the west when positioned on Bradford Road and within the new Ambler's Meadow development. However, these views are partly obscured by the existing houses within Woodlands Close and nearby mature trees, with only the church tower visible. It is considered that the siting and scale of the new houses would still afford a similar view, with the roof tops of new housing set within the foreground of the church with longer distant views of the church tower being visible. Furthermore, it is noted that the site is allocated for a new school where a certain degree of urbanisation of the site would have taken place, resulting in a similar scenario to the current proposal. Therefore, it is concluded that the proposed development would not adversely affect the setting of St. Michael's Church.

Impact upon the amenity of existing and future occupiers

59. It is necessary to consider what impact the development will have upon the living conditions of immediate neighbours in terms of sunlight, overlooking and dominance, as well as upon the living conditions of future occupants.
60. The proposed 56 dwellings will be sited on the area of land adjacent to the common boundaries with properties to the South of the site at Woodlands Drive, The Copse, Woodlands Close and Bradford Road. Guidance within Neighbourhoods for Living requires that new housing for main habitable windows are set 10.5m from the rear boundary. Separation distances between main habitable room windows should therefore be generally 21m. Where main habitable windows are orientated towards side elevations, the minimum separation distance should be 12m. The houses within Woodlands Drive, The Copse, and Woodlands Close either have their rear elevations and gardens orientated towards the application site or they have gable ends orientated northwards. The proposed new dwellings along the southern boundary are all orientated so that they back onto the southern boundary, save for 2 dwellings (plots 32 and 52) which are orientated side on. Both are these are separated by dwellings to the south by 14m and 15m respectively. In terms of the other houses (plots 35-51) all have minimum garden length of 10.5m and as such, meet the minimum separation distances. It is therefore not considered that the proposal would have any significant impact in terms of privacy, loss of light and dominance.
61. In terms of the impact on the 3 houses to the west, adequate separation distances are proposed (24m - 26m) between rear habitable windows and the existing houses are also separated by a small, private driveway. As such, it is not considered that the proposal would have any significant impact.
62. In terms of the amenity afforded to new occupants of the proposed development, all dwellings will meet the minimum space standards as required by Policy H9 of the Core Strategy. Furthermore, all of the plots provide adequate garden sizes as required by Neighbourhoods for Living, while easy access to a choice of Greenspaces and children's play areas is available.
63. In terms of accessibility and the policy requirement under Policy H10 of the Core Strategy which requires a percentage of new homes to be accessible / wheelchair user and accessible and adaptable under M4(2) and M4(3) Part M of the Building Regulations. The scheme includes 1 bungalow which is M4(3) compliant and 22 dwellings which are M4(2) compliant. Policy P10 requires 2% meet M4(3) which

equates to 1.12 dwellings and 30% meet M4(2) which equates to 17 dwellings. Given there is an overprovision of M4(2) properties it is considered acceptable to round down the M4(3) requirement from 1.12 to 1 dwelling.

Access and Highways

64. Policy T2 of the UDP of the Core Strategy advises that new development should be served adequately by existing or programmed highways and will not create or materially add to problems of safety, environment or efficiency on the highway network. The NPPF notes at Paragraph 111 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
65. The internal road will be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development is shown as 20mph in accordance with the Transport SPD. It is considered the proposals do not adversely affect highway safety and are deemed acceptable in this regard. The access point is considered suitable to serve the proposed 56 dwellings without having an adverse impact upon the local highway network. Furthermore, the level of car parking, including visitor parking as well as provision for cycle parking and electric vehicle charging points are considered to be acceptable.
66. A Transport Assessment (TA) has been submitted. The trip generation estimates for the peak hours appear lower than has been experienced with similar developments in the area. Nevertheless, the comparison of the approved trip generation associated with a school on site and the likely trip generation associated with the residential development indicates reduced trips in the residential use scenario than what has been tested. The junction modelling that has been undertaken indicates the A650 Bradford Road/St Michaels Drive junction operates within capacity with very limited queues in the AM peak period with the proposed development in place.
67. In summary, the proposal raises no highway and pedestrian safety issues and will provide a well laid out development with good connections for pedestrian and cyclists. The proposal is considered to be compliant with Core Strategy Policy T2 as well as guidance within the Transport SPD. Furthermore, contributions will be secured towards a Residential Travel Fund (£519.70 per dwelling) as well as a Travel Plan and associated monitoring fee, all through the s106 Agreement.

Ecology, Trees and Landscaping

68. An Arboricultural Impact Assessment has been submitted which states that all site trees are to be retained. Garages for plots 40 and 41 are too close to existing trees T5, T6, T7 and it is likely that there will be ongoing conflicts with canopies and frequent pruning required. However, the applicant has provided a proposal to continuously manage these trees which is acceptable. The quantity of proposed new tree planting across the site would adequately offset this removal and accord with policy LAND2. The revised layout has reduced the dominance of frontage parking and introduced additional soft landscaping to the street frontages which has created an improved street scene.
69. The revised layout shows an LAP play space over the drainage tank to the west with a footpath link to the proposed LEAP to the east. The path navigates a level change and so must be of an accessible gradient.
70. The biodiversity net gain calculation indicates that a net gain in respect to habitat areas is likely to be achieved with the current scheme with biodiversity net gain of 3% for habitats and 9.25% hedgerow units. Consequently, conditions are imposed which

will require the submitted of a Biodiversity Construction Environmental Management Plan as well as checking for nesting birds and bats. As such, it is considered that the development meets the aims and objectives of CS Policy G9.

71. The current housing mix would require 2,614 sqm (0.26 hectares) of green space. The current layout is proposing 0.27ha, therefore in terms of quantity of green space, it is policy compliant. An obligation under a Section 106 Agreement would secure its provision and long term use and future maintenance.

Drainage

72. The application site is located within flood zone 2, the application site is at low risk of all forms of flooding and no specific flood mitigation is required. The FRA indicated that surface water will drain to what is understood to be the unadopted (in maintenance) surface water sewer serving the new development to the north. The original drainage design did not offer any meaningful SUDS features other than a hard engineered storage solution. The level of drainage design information was initially insufficient with the level of drainage design information associated with a full planning application as set out within the Leeds FRM Validation Requirements for Flood Risk & Surface Water Drainage.

73. The revised drainage strategy and flood risk assessment are considered to address the requirements for flood risk and surface water drainage. Following the revisions to the drainage information, FRM deem this to be acceptable, subject to the imposition of detailed conditions. As such, the proposal is considered compliant with Policy EN5.

Contaminated Land

74. The combined Phase 1 and Phase 2 Geo-environmental report has suitably demonstrated that the proposed development will be safe and suitable for its intended use and no remediation is required. The soil importation methodology document included within the report is also approved. It is expected that any soils imported to the site shall be tested and verified in accordance with this approved methodology.

Sustainability

75. Policies EN1 and EN2 of the Core Strategy will be fully complied with. These policies relate to low carbon, renewable energy and sustainable design and construction. Regarding policy EN1 and carbon reduction, as the application was received prior to June 2023 using Part L 2013 building regulations is the considered reference point to do 20% better. The applicant proposes the following sustainability measures and a condition will be imposed to ensure that the development satisfies both policies EN1 and EN2:

EV Charging Points to all homes -

- Minimum standards for electric vehicle charge points
- To comply with Part S, an electric vehicle charge point must meet the following minimum standards:
 - Have a minimum nominal rated output of 7kW.
 - This refers to the amount of power something is designed for. A 7kW charging point gives approximately 15-30miles of range per hour of charge.
 - Be fitted with a universal socket (also known as an untethered electric vehicle charge point).
 - It has to be a dedicated single circuit from the consumer unit to the charge point (so it will have its own isolator switch).
 - Be fitted with an indicator to show the equipment's charging status that uses lights, or a visual display.

- Be a minimum of a Mode 3 (a stationary charging point, permanently connected to the mains)
- It must be run on a dedicated circuit.
- It must be compatible with all vehicles which may require access to it

Flue Gas Heat Recovery (FGHR) to all homes with combi boilers

- Combi boilers with integrated flue gas heat recovery has additional technology fitted at the flue exit to recycle the waste energy which might have been lost through the flue, into the atmosphere.
- This extra heat is instead recycled back through the boiler, giving it a head start when heating up the incoming cold water.
- This bolt on system increases boiler efficiency and could save up to 50% (Based on information from Flue Gas Heat Recovery Supplier) of the gas used to heat hot water annually, which means lower energy bills for the homeowner and greater carbon savings.

Waste Water Heat Recovery (WWHR) to all homes

- Waste Water Heat Recovery is a system or technology that recovers the heat that would normally be lost down the drain in waste hot water from the shower.
- The device, which is attached to the drain of the shower, uses the outgoing waste warm water to pre-heat the fresh cold mains water coming into the home, reducing the strain on the boiler and the energy required to heat water up to the required temperature, saving energy and cutting costs.

Photovoltaics

PV stands for 'Photovoltaics' and means converting light into electricity (as opposed to Solar Thermal which is heating water).

- PV panels will not be fitted to all plots, so this must be checked on a development and plot specific basis. This will be indicated once the site specific calculations have been completed.
- Whether the PV panels are on the front or back of the home will depend on the orientation of the specific plot.
- The PV systems will come with a 12 month parts and labour warranty from the company that supplied and installed it.
- Customers must redeem their warranty in the same way they do with other appliances.

Decentralised mechanical extract ventilation (d-MEV)

Decentralised mechanical extract ventilation (d-MEV) is an energy-efficient ventilation solution using small fans that run continuously, that will be installed in all homes.

- They will be fitted in the kitchen and bathrooms.
- These fans are quieter than the intermittent versions and cost less to run.
- They ensure good indoor air quality as they continuously extract the stale air out of the room.

76. The sustainability statement details the primary metric from Part L (2021), DER (Carbon emissions). The results state low carbon emissions of around 10kgCO₂/yr/m². The sample SAP calculations show a pass percentage of between 2.9% and 14.23%. The emission rates are passing over and above Part L 2021.
77. The Primary Energy Rate (PER) for the sample house types as well as the fabric energy efficiency (FEE) are also sufficiently met. The sample SAP calculations show a pass percentage for PER by between 0.67% and 12.22% and for FEE by between

0.55% and 1.18%.The SAP 10 results show that all sample house types pass both metrics required for Part L 2021.

78. Regarding Policy EN2 sustainable design construction requires residential developments of 10 or more dwellings to meet a water standard of 110 litres per person per day. The applicant has provided sufficient intent and evidence to meet the policy target of 110L/person/day capacity. This will be corroborated as part of a post construction review sought through a condition.

79. Planning Obligations and CIL

A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:

- Leeds City Council Travel Plan Review fee of £3,682
- Provision of a Residential Travel Plan Fund of £29,103.20
- Affordable housing on site provision (9 units)
- On-site Greenspace provision and future maintenance

This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a reasonable contribution. The infrastructure requirements for this development are likely to relate to public transport and education provision. Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the Regulation 123 List (or Infrastructure Funding Statement as the case may be) at the time that decision is made.

Representations

80. 14 letters of representation were received with the material considerations addressed in the report above.

81. Neighbour objections state that the site should be maintained as open greenspace, however the site was originally allocated for a school and was not allocated to be greenspace. Suggestions were also made for the site to become a local supermarket or community social space, this is not within the remit of the application presented. Objections also state that Barratts have begun working on the area before receiving planning permission, the LPA is not aware of any unauthorised works which have taken place.

CONCLUSION:

Conclusion

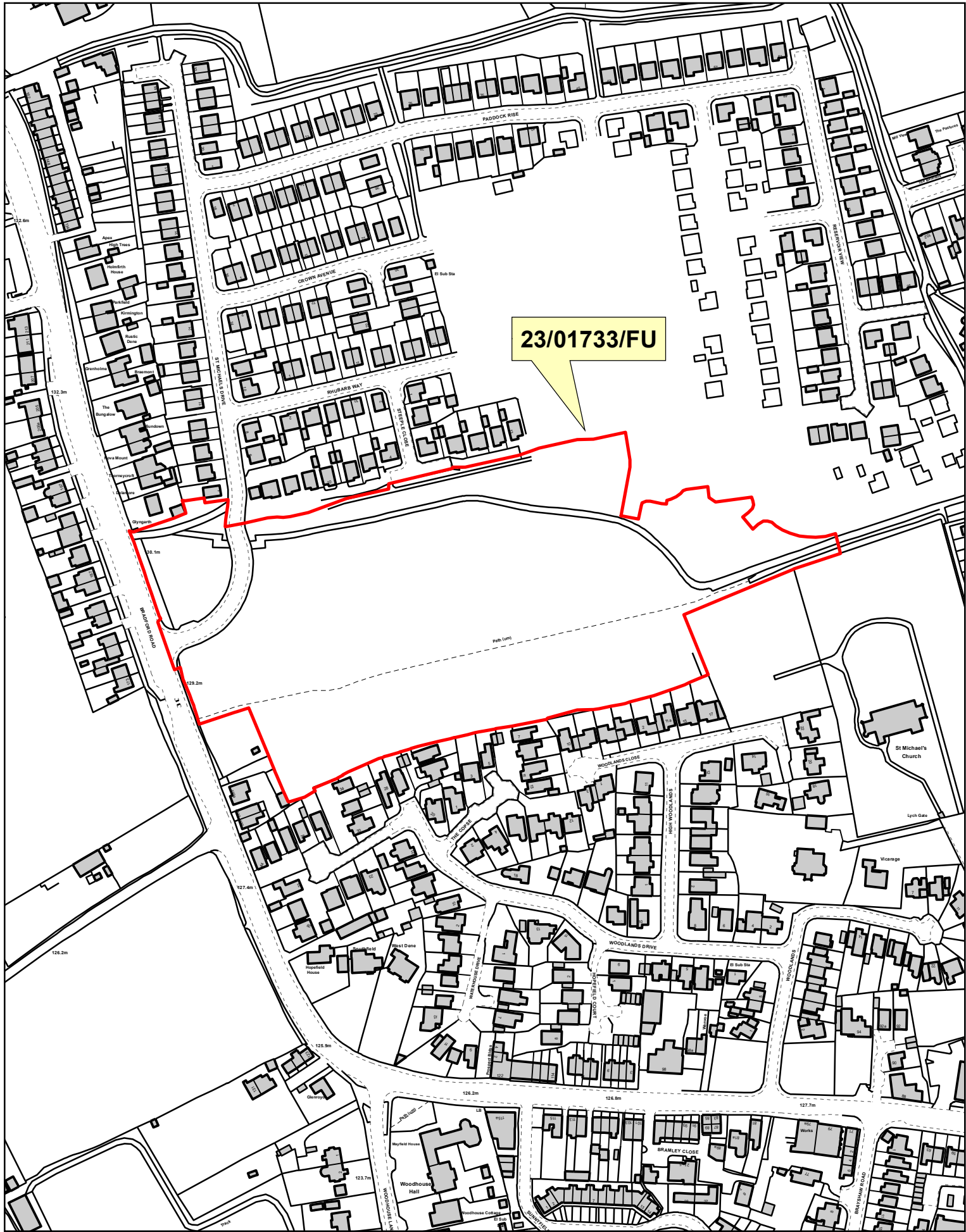
82. In light of the above, and particularly given that the applicant and the Council's Children's Services have provided evidence that states there is not longer a need for a school within this plan period in the area, and given the sustainable location within

an established residential area, then the principle of residential on this site is considered to be acceptable. The scheme provides a well laid out development that provides good connections through to established areas and would deliver appropriate levels of affordable housing and Greenspace. The development would have no significant impact on the local highway network, provides the required level of car parking and would have no significant impact on the living conditions of neighbours.

83. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise and, in this case, it is determined that the proposed development is in accordance with the development plan for the reasons set out in the report above and there are no overriding material considerations to indicate otherwise. The application is therefore recommended for approval.

BACKGROUND PAPERS:

Application file reference: 23/01733/FU



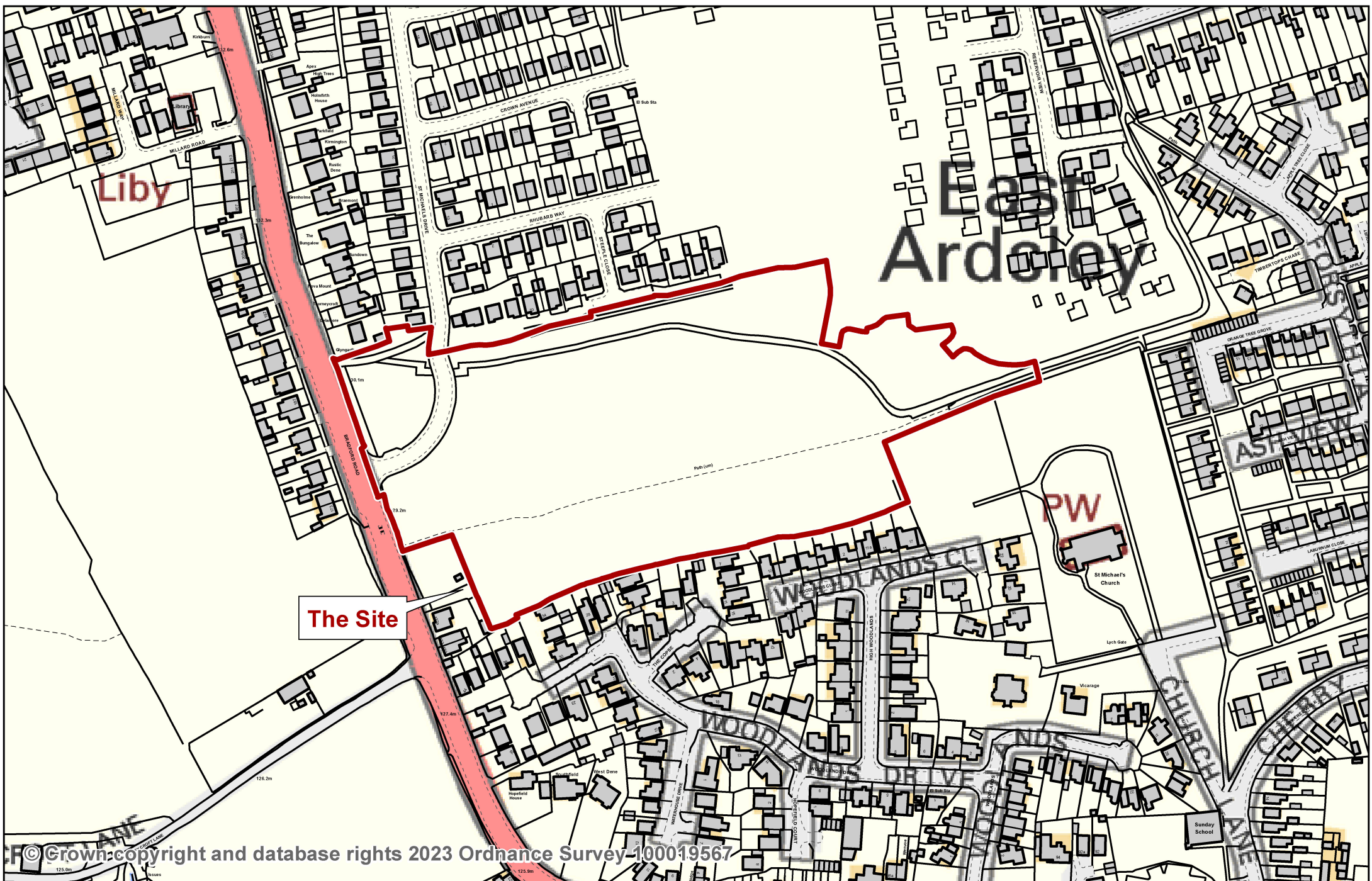
SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2023 Ordnance Survey 100019567

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

SCALE : 1/2500





© Crown copyright and database rights 2023 Ordnance Survey 100019567

PLANS PANEL PRESENTATION

SCALE 1:2500





The Site

© Crown copyright and database rights 2023 Ordnance Survey 100019567

PLANS PANEL PRESENTATION

SCALE 1:2500

