



## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 25<sup>th</sup> November 2010

**Subject: Application 10/03984/FU – 8 bungalows and 21 houses with landscaping at Scott Hall Square, Chapeltown, Leeds, LS7.**

#### **APPLICANT**

Unity Housing Association

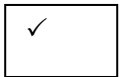
#### **DATE VALID**

9<sup>th</sup> September 2010

#### **TARGET DATE**

9<sup>th</sup> December 2010

**Electoral Wards Affected: Chapel Allerton**



Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

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

- 1. That all housing on the site shall remain affordable**
- 2. Fee of £750 for management of the obligation**

**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.**

1. Time limit for commencement of development.
2. Plans to be approved.
3. Submission and approval of walling and roofing materials.

4. Submission and approval of surfacing materials, to include porous surfacing as far as is practicable.
5. Boundary treatment details.
6. Submission of landscape scheme.
7. Implementation of landscaping scheme.
8. Laying out of vehicle areas prior to occupation.
9. Access gradients.
10. Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of a scheme for the provision of a secure lockable cycle parking space for each of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.
11. Development shall not commence until a plan showing the visibility splays at the site access onto Scott Hall Grove has been submitted to and approved in writing. There shall be no obstruction to visibility of over 0.6m high within these splays. None of the dwellings hereby approved shall be occupied until the visibility splays have been provided in accordance with the details thereby approved, and they shall thereafter be retained and kept clear of any obstructions to visibility of over 0.6m high.
12. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers which cross the site.
13. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
14. Development shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing and/or off site works, have been submitted to and approved in writing by the local planning authority. No piped discharge of surface water from the development shall take place until the surface water drainage works have been completed and the dwellings hereby approved shall not be occupied until the approved foul water drainage works have been completed.
15. Details of provision for contractors during construction.
16. Measures to suppress dust during construction.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any works within Schedule 2, Part 1, Class A, B or E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order) are carried out at any of the dwellings hereby approved.

## 18. Contaminated Land reports.

**Reasons for approval:** It is considered that the proposed development would be appropriate to the character and appearance of the wider area, would provide an appropriate level of amenity for future residents whilst maintaining the amenities of neighbouring residents, and would not detract from highway safety in this locality. The development is therefore considered to comply with policies GP5, GP7, H4, H11, N2-N4, N12, N13, N25, BD5, T2, T5, T6, T24 and LD1 of the Leeds Unitary Development Plan Review 2006 and the guidance in Neighbourhoods for Living, the Street Design Guide SPD, PPS1 and PPS3.

### 1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel at the request of Councillor Dowson on the grounds of concerns regarding the layout of the development, the design of some of the buildings, size of the gardens, the number of houses proposed and the levels of parking on the site.
- 1.2 Permission is sought for 29 dwellings on a site which has formerly been occupied by housing, but which was cleared some years ago. The proposals, which have been submitted by Unity Housing Association, would be for 100% affordable housing comprising a mix of intermediate/sub market dwellings and social rented properties. A Section 106 agreement has been submitted to ensure that all of the housing would remain affordable.

### 2.0 PROPOSAL:

- 2.1 Full planning permission is sought for a development of 29 dwellings on a site at Scott Hall Square, off Scott Hall Grove in Chapeltown. The site was formerly occupied by dwellings, which were demolished some years ago, although the cul-de-sac roadway which served the dwellings remains. A block of two bungalows has now been built in the northern part of the site as part of the Independent Living programme.
- 2.2 It is proposed to construct the development in a cul-de-sac layout around the existing roadway which remains within the site. All proposed dwellings would be constructed brick with tiled roofs. The proposed development would be made up of the following:
- Seven 2-bedroom bungalows and one 3-bedroom bungalow. These would be located in the western (rear) part of the site, backing onto existing houses on Scott Hall Road.
  - Eight 2-bedroom 2 storey houses and eight 3-bedroom 2 storey houses. Most of these would be built as semi-detached houses, although two blocks of three terraced houses are proposed along the Scott Hall Grove site frontage.
  - One 4-bedroom 2 storey detached house located in the rear part of the site.
  - Four 4-bedroom 2½ storey semi-detached houses with rooms in the roofspace. These would be located in two blocks either side of the site entrance on the Scott Hall Grove frontage.
- 2.3 It is proposed to use and widen the existing access road from Scott Hall Grove to serve the development, and to provide additional individual access points and drives directly from Scott Hall Grove to serve the properties along the site frontage, with the exception of the two properties immediately adjacent to the main access, whose drives and parking would be to the rear. All properties would have individual access drives/parking areas, with one parking space being provided for all 2 bedroom

houses and two spaces for the 3 and 4 bedroom houses. The existing public footpath leading from the south western corner of the site onto Scott Hall Road to the rear is to be retained.

- 2.4 All properties would be set back slightly from the road frontages, with small front gardens. Some of the properties, particularly those along the site frontage, would have parking spaces to the front, separated by areas of lawns and landscaping. Individual front garden areas would be enclosed and separated from each other by 0.9m high metal railings. All properties would have private garden areas to the rear, enclosed by timber fencing. The site entrance would be marked by a low wall running to the front of the two semi-detached blocks either side of the site entrance and into the site. This would rise to a 1.5m high wall with railings above to screen the rear gardens of the properties either side of the access road.
- 2.5 It is proposed to remove existing trees from along the site frontage and within the site. New trees and planting are proposed within the development, to the front of properties along the site frontage and in the rear gardens of properties throughout the site.
- 2.6 All of the proposed dwellings would be affordable housing, and a draft Section 106 Agreement to ensure that they remain affordable has been submitted as part of the application.

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

- 3.1 The application relates to an area of land on the western side of Scott Hall Grove in Chapeltown, to the east of properties on Scott Hall Road (the A61). The site was formerly occupied by dwellings, however these were demolished some years ago. The former access road leading into the site from Scott Hall Grove remains, however the remainder of the site has grassed over. A block of two bungalows have recently been erected on the northern part of the site as part of the Independent Living Programme, and a number of trees have been planted along the site frontage. A public right of way runs from the south west corner of the site through to Scott Hall Road to the west.
- 3.2 The site is within an existing residential area in Chapeltown, to the north of Leeds city centre. The area immediately surrounding the site is characterised almost exclusively by post-war brick houses with hipped roofs, including a mix of semi-detached houses such as those immediately opposite the site to the east, and blocks of 4 houses to the west on Scott Hall Road and the south east on Scott Hall Grove, and blocks of 6 houses immediately to the south of the site. The bungalows which have recently been built to the north are constructed in a single block with a glazed link in-between, and are also built of brick with tiled gable-ended roofs.
- 3.3 There are a number of small shop units on Sholebrook Mount, approximately 250m metres away to the south, and some newer brick properties with gabled roofs on the corner of Scott Hall Grove and Sholebrook Mount. There are playing fields approximately 120 metres away to the north of the site.

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

- 4.1 An application for prior approval to demolish the 40 houses which formerly stood on the site was approved in May 2000 (application 34/71/00/DN).

4.2 Outline planning permission for the two 5-bedroom bungalows and staff accommodation in the northern part of the site was granted in July 2006. Reserved matters approval was granted in January 2008 (applications 06/03494/LA and 07/06587/RM respectively). Permission was granted for 1.8m high entrance gates to the bungalows in June 2010 (application 10/01389/FU).

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The scheme as originally submitted was for 32 dwellings (8 bungalows and 24 houses), including two three storey properties immediately adjacent to the site entrance on Scott Hall Grove. Following a number of concerns from residents, Ward Members and officers regarding the scale, intensity, layout and design of parts of the development, a meeting was held between planning, design and landscape officers and the architects and applicants for the scheme to discuss the following concerns:

- The number of dwellings proposed
- The scale of the large block either side of the site entrance
- The window and roof design of properties throughout the site
- The substandard size of a number of the garden areas
- The uneven layout of properties along the site frontage and the projection of these further forward than other existing properties in the streetscene
- Large expanses of hardstanding proposed along the site frontage and an apparent lack of boundary treatments along the site frontage.
- Lack of natural surveillance in some parts of the site, including the blocks immediately adjacent to the main site access, and the area around the public footpath in the south western corner.
- Lack of defensible space to the front of the bungalows in the eastern part of the site and the side of the properties either side of the site entrance – concerns regarding security.
- Landscaping in parts of the site.

5.2 Following the meeting, revised plans have now been received with the following key changes:

- A reduction in the number of dwellings proposed from 32 to 29, reducing the density of the development on the site and allowing larger gardens to be provided for the proposed dwellings.
- Reduction of the houses either side of the site entrance from 3 storeys to 2½ storeys with rooms in the roofspace.
- Revisions to the roof designs to incorporate some hipped roofs to reflect those on the majority of surrounding properties
- Revisions to simplify window designs to more closely reflect the more simple design of those on surrounding houses.
- A reduction in the number of houses along the site frontage, resulting in a reduction in the amount of hardstanding along Scott Hall Grove and meaning that houses could be more easily accommodated to follow the line of the road frontage rather than projecting forwards as was originally proposed.
- Reorientation of the house adjacent to the public footpath to provide primary windows facing southwards towards the public footpath as well as eastwards towards the road frontage, in order to improve overlooking and surveillance of the public footpath.
- Resiting the bungalows in the rear part of the site further away from the road frontage.

- Resiting the properties immediately to the north and south of the site entrance further away from the road frontage, and providing larger windows in the side elevations of these properties to improve the visual appearance of these elevations and provide greater potential for overlooking and surveillance of the access road.
- Amendments to the boundary treatments along the northern and southern sides of the site access to provide 1.5m high walls with railings above, with the intention of ensure sufficient screening for the privacy of these rear garden areas, whilst maintaining gaps through to allow for surveillance and provide a sense of activity in these areas, preventing a 'dead' site frontage.
- Improvements to the landscaping within the site, including the provision of additional planting along the site frontage.

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

### Ward Members

6.1 Councillor Dowson has requested that the application be referred to Plans Panel for a decision. Her comments on the proposals as originally submitted, prior to their being revised are as follows:

- Layout of the site is of concern – the proposed three storey buildings are not typical of the area and whilst recognising that the developers need an entrance effect to the site, this can be done without such an overwhelming building.
- Houses along Scott Hall Grove are in front of the build line of others.
- No fences to the front of properties along Scott Hall Grove – concern regarding dogs getting into properties and perceived danger to children.
- Gardens are too small for family houses – they should have family sized gardens.
- Mass of houses is too much.
- Drives do not all allow for two off-street parking spaces.

### Tenants and Residents Association (TRA)

6.2 Letters of objection have been received from 'Scott Hall TRA and supporting members of the local community' and from Impact Residents Network Chapeltown Harehills and Scott Hall in response to the originally submitted plans, raising the following concerns:

- Loss of an area of open land that is regularly used by children and the wider community. TRA has regularly lobbied for the site to be developed as a children's play area. Playground at the top of Scott Hall Grove is too isolated and has drink and drugs problems, and the MUGA at the Prince Philip Centre on the west side of the A61 is not an option for residents on the east as their children would have to cross a busy dual carriageway to get there.
- Development will increase number of children living in the area but reduce the amount of green space.
- Three storey houses not in keeping with the rest of the area.
- More houses are proposed than previously existed on the site, on a smaller area now that the Independent Living Centre has been built to the north – no assessment has been carried out of impact on local area.
- Overbearing effect on neighbouring properties.
- Loss of privacy for neighbouring residents, particularly those overlooked by the 3 storey houses.
- Overshadowing of neighbouring houses.
- Additional noise and disturbance for neighbours.

- Additional parking problems.
- Cul-de-sac layout with public footpath through to Scott Hall Road will be difficult to police. This was a problem with the previous houses on the site. Could be threatening to elderly residents of the proposed development and residents of the care home to the north of the site.
- Previous houses on the site were demolished because anti-social behaviour problems were so bad, how is this going to be any better?
- Seem to be no positive impact for existing residents of the area.
- High rates of infant mortality in the area and lower life expectancies than areas such as Wetherby due to a number of factors including access to green environment areas.
- Lack of contact or consultation of residents from applicants.

#### Other local response

- 6.3 The application was originally advertised as a major application by site notice and press notice. A petition with 156 signatures objecting to the proposals has been submitted, objecting to 'any plans for housing on Scott Hall Square'.
- 6.4 18 letters of objection have been received, raising the following concerns:
- Land should not be developed at all, it provides a space for children to play within sight of their homes and for people to exercise, and a pleasant space for residents to look out over, as well as being a social area for the community. Loss of this space will impact on sense of community.
  - Too many houses proposed – 32 houses on a site that only had 27 on previously, and is now smaller owing to the construction of the housing in the northern part of the site.
  - 3 storey properties not in keeping with the area. Quantity, size and type of housing are out of keeping.
  - Area has been much quieter since the previous housing on the site was demolished – additional noise pollution from extra cars.
  - Loss of privacy
  - Overshadowing
  - Impact on outlook from existing bungalows in the northern part of the site.
  - Elderly residents in the bungalows in the rear part of the site will be vulnerable by being surrounded with larger houses and may feel trapped in their homes.
  - The '8 person' houses proposed are not really large enough for large families.
  - Gardens for the proposed houses are too small.
  - Increased traffic problems. Insufficient parking proposed will lead to additional on-street parking and reduce visibility.
  - Removal of trees from the site.
  - Increase in crime. Cul-de-sac layout will allow criminals to escape, and provide an enclosed area for dumping stolen cars.
  - Residents have worked hard to get the area cleaned up and drugs problems reduced, and are opposed to more housing which will make the problem worse.
  - There are enough houses standing empty and unkempt.
  - No community benefit from the development.
  - Children in the area have nowhere safe to play. Nearest play area is across a dual carriageway. Development will bring more children but take away safe play area. Would be better to develop the site as a play area, with seating and landscaping.

- If it necessary to build on the land, a better proposal would be to build warden controlled sheltered housing for the elderly.
- Previous housing was demolished following anti-social behaviour problems – a documentary was made about the problems of this part of the estate.
- Concerns about how tenants will be ‘vetted’ – problems with management and tenants of applicants’ existing housing nearby.
- Lack of consultation from applicants prior to submission of application – nothing residents have said has been taken into account.
- Impact on house prices.

6.5 Following the receipt of revised plans the application was readvertised on 10<sup>th</sup> November. The publicity period expires on 24<sup>th</sup> November and any additional comments received will be reported verbally to Members at the Plans Panel meeting.

## 7.0 CONSULTATIONS RESPONSES:

### **Statutory**

None

### **Non-statutory:**

#### Yorkshire Water

7.1 Objected to the plans as originally submitted, as the submitted plans appear to show new buildings being sited over the public sewers within the site. Additional information was requested regarding the position of sewers on site and the proposed building stand-off distances from the sewers and Yorkshire Water have now advised that they have no objections to the proposals on this basis.

#### Highways

7.2 No objections subject to conditions. Some concerns in response to the originally submitted plan distribution of parking across the site, however in view of the site location and type of housing proposed a highway objection would be difficult to justify. Boundary treatments adjacent to the junction with Scott Hall Grove should be no higher than 0.6m and houses fronting Scott Hall Grove should have most parking to avoid vehicles parking on street and interfering with visibility at the site entrance.

7.3 Following the receipt of revised plans, highways have advised that on balance they would not wish to object to the proposals, provided that the visibility splays alongside the site access are kept clear of any obstructions over 0.6m in height, including landscaping and boundary treatments.

#### Contaminated Land

7.4 No objections, subject to conditions.

#### Public Rights of Way

7.5 No objections.

#### Mains Drainage

7.6 No objections, subject to conditions, including the submission of surface water drainage details and the use of porous surfacing as far as practicable.



### West Yorkshire Police

- 7.7 Concerns are raised regarding the footpath link from the south west of the site to Scott Hall Road. Culs-de-sac are usually considered to be one of the most secure forms of housing layout, as only residents would be expected to be there, and any unfamiliar persons would stand out. However there is evidence to suggest that where the head of a cul-de-sac has a footpath link leading elsewhere, incidences of crime increase, as these links give anonymity to anyone walking through the development, and potential criminals could walk through unchallenged.
- 7.8 As the development is proposed in part to provide bungalow accommodation for vulnerable residents, ideally the footpath link should be removed altogether. However, as the link is a public right of way it is accepted that this is unlikely, and therefore if it is to remain, it should as wide as possible with boundary treatments carefully designed so as not to create 'tunnel' effect. The existing motorcycle barriers should remain. In addition, care must be taken when designing boundary treatments to the bungalows to prevent the creation of a step allowing access to the roofs.

### Access Officer

- 7.9 No objections. Confirmation is requested on a number of matters, including footpath gradients and widths. Confirmation and clarification of these matters has now been received.

### Metro

- 7.10 Residential Metro cards for residents are suggested.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

- 8.2 The site is unallocated in the Leeds UDP. The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations

GP7 – Planning Obligations

H4 – New housing

H11 – Affordable housing provision

N2-N4 – Provision of greenspace

N12 – Urban design

N13 – Design and new buildings

N25 – Design of boundary treatments

BD5 – New buildings and amenity

T2 – Highway safety

T5 – Access for pedestrians and cyclists

T6 – Access for disabled people and those with mobility problems

T24 – Parking

LD1 – Landscaping

### **Relevant supplementary guidance**

- 8.2 The following supplementary planning guidance (SPGs) and supplementary planning documents (SPDs) are relevant to the consideration of the proposals:

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

### **Government Planning Policy Guidance/Statements**

- 8.3 The following national policy and guidance is relevant to the consideration of the application:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing

## **9.0 MAIN ISSUES**

1. Principle of development
2. Visual amenity and landscaping
3. Residential amenity
4. Highways and access
5. Crime
6. Section 106
7. Other issues

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Whilst the site is vacant at present, it has formerly been occupied by housing which has been demolished within the last 10 years, and some new development has now taken place in the northern part of the site. In view of this, it is considered that the site constitutes previously developed land. The site is located close to public transport links along Scott Hall Road to the city centre, and it is considered that the principle of redeveloping the site for residential use is acceptable, provided that it would not detract from the character and appearance of the area, the amenities of nearby residents or from highway safety.

- 10.2 Concerns regarding the loss of an open space in the area which is accessible and safer for younger children to access and play on than the other playing fields to the north of the site and on the opposite side of Scott Hall Road to the west are noted. Whilst sympathetic to these concerns, it is noted that whereas the two other open spaces referred to are both designated as Greenspace in the UDP, the application site itself is not, and therefore less weight can be given to these concerns in this respect. The site is not designated as a protected playing field or open space, and has previously been occupied by residential development, making it previously developed land and therefore suitable for residential development, therefore on balance it is considered that it would be difficult to justify refusal of the application on this basis.

### Visual amenity and landscaping

- 10.3 Following concerns from local residents and officers regarding the density, layout and design of the proposed development, in this respect, revised plans have now been provided to address concerns raised. The changes made are discussed in more detail in section 5.2 above, but briefly include:

- Reduction in the number of properties proposed from 32 to 29 to overcome concerns regarding overdevelopment and substandard garden areas.

- Reduction of 3 storey dwellings adjacent to the site entrance to 2½ storey properties with rooms in the roofspace.
- Replacement of gabled roofs on the two storey semi-detached and terraced properties with hipped roofs to reduce their massing and more closely reflect the design of other properties in the area.
- Resiting dwellings further from site frontages, allowing greater separation and more defensible space to the front of these properties.
- Reorientating the dwelling adjacent to the footpath in the south western part of the site to provide primary windows both the front and side elevations, retaining an active frontage to the street and providing better overlooking/surveillance of the footpath area.
- Improvements to the fenestration in the side elevations of the block adjacent to the site entrance to provide larger windows and a more active frontage alongside the site access road.
- Revisions have also been made to the proposed boundary treatments, including the reduction in height of the rear garden boundaries alongside the access drive to provide 1.5m high walls with railings on top, maintaining the privacy of these rear garden spaces whilst retaining gaps to allow surveillance and provide a greater sense of activity in these areas and a more active frontage.
- The indicative landscaping proposals for the site have also been revised, including the incorporation of some small trees along the site frontage, softening the appearance of the development, and a reduction in the amount of hardstanding along the site frontage and incorporation of more landscaping between parking spaces.

10.4 The revised plans have been discussed with the design and landscape officers, who have advised that changes made would greatly improve the scheme, and that they now have no objections to the proposed development. It is considered that the proposals as revised would better reflect the design and character of surrounding dwellings, and that the layout takes the opportunities to maximise surveillance within the site and alongside the public footpath in the south west, and provide more active frontages alongside the access drive whilst maintaining the privacy of the rear gardens adjacent to this access.

10.5 Whilst concerns raised by local residents regarding the removal of trees from the site are noted, a number of the trees proposed for removal are either tall poplars of limited amenity value, or are smaller non-mature trees. An indicative plan showing the planting of a larger number of trees within the gardens of the proposed dwellings and along the site frontage, and on balance it is not considered that refusal of the application on these grounds could be justified.

10.6 In view of the above, and the revisions which have been made to the scheme, it is considered that the proposed development is acceptable, and would not detract from the character and appearance of the streetscene or the wider area. Conditions are recommended requiring materials, boundary treatment and landscaping details to be submitted and approved, to ensure that these are appropriate to the character of the area.

#### Residential amenity

10.7 Local residents' concerns regarding the impact of the proposed development on the amenities of neighbouring residents are noted. Following concerns regarding the density of the site layout, revisions have been made to the plans to reduce the number of dwellings and, along the site frontage, provide greater separation

between properties and from site boundaries. The bungalows in the rear part of the site would be between 15 and 17 metres from the rear elevations of the two storey properties on Scott Hall Road to the rear, and in view of this level of separation and the single storey nature of these proposed properties, it is not considered that any significant increase in overlooking, overshadowing or overdominance would result. It is considered that the separation distances between existing and proposed dwellings would be appropriate, and that, subject to conditions requiring details of landscaping and boundary treatments to ensure that these are sensitively designed to provide appropriate screening of the proposed dwellings and their gardens, on balance refusal of the application on these grounds could not be justified.

- 10.8 Following concerns that a number of the garden areas as originally proposed would be substandard and fail to meet the standards in Neighbourhoods for Living, revised plans have been received, showing a reduction in the number of dwellings proposed and a revised layout which seeks to maximise the amount of available outdoor space for each property. According to the submitted plans, all proposed dwellings now have a rear garden depth of at least 10.5m, in accordance with the guidance in Neighbourhoods for Living, with the exception of the bungalows in the rear part of the site, whose gardens are approximately 9.5m deep on average. In view of the smaller size of these properties and the fact that they are wider than others within the site, it is considered on balance that their garden areas are acceptable and that refusal on these grounds could not be justified.
- 10.9 Concerns were raised in response to the plans as originally submitted regarding the substandard size and depth of a number of the garden areas to the proposed dwellings, which fell well below the space about dwellings and garden area guidance in Neighbourhoods for Living, which recommended garden areas of at least 2/3 of the floorspace of the dwelling and rear garden depths of at least 10.5m. Revised plans have been received with 3 houses deleted from the scheme, greater separation distances between properties and larger garden areas, and on the majority of the plots the garden areas proposed now exceed the 2/3 recommended in Neighbourhoods for Living. Whilst there are still a couple of plots where the garden sizes would fall below this, it is considered that given the relatively small number of plots in which this is the case and the relatively minor shortfall (around 5-7%) refusal of the application on this basis could not be justified. At depths of 9.7m, the depths of the gardens to the bungalows in the rear part of the site fall slightly short of the recommended 10.5m depths, however on the basis that these gardens are wider, and are over 160% larger in area than the dwellings themselves, it is considered on balance that it would not be possible to justify a refusal of the application on this basis. It is therefore considered that the proposed development is now acceptable in this respect. Furthermore, there are two areas of Greenspace within close proximity to the site. There are playing pitches located 150m to the north of the site, and other playing pitches located on the opposite side of Scott Hall Road which are some 200m away. It is considered that access to these areas is good and should be considered in the context of the overall development.
- 10.10 In view of the above, it is considered on balance that the proposed development would provide appropriate levels of amenity space and separation for properties within the site, and would not detract from the amenities of neighbouring residents as a result of overlooking, overshadowing or overdominance. It is therefore considered that the proposed development is acceptable in this respect. However, in view of the density of the development and the size of some of the gardens proposed, which in some cases do fall very close to the threshold level suggested in Neighbourhoods for Living, it is considered that the erection of extensions and outbuildings could have the potential to impact on neighbours within and

surrounding the development. It is therefore recommended that permitted development rights for extensions and outbuildings are removed as a condition of any approval.

#### Highways

- 10.11 Concerns regarding parking and highway safety are noted. Revised plans have been received reducing the number of dwellings proposed on the site and therefore the amount of parking required. One parking space is proposed for all of the two bedroom properties, and two spaces each for all of the 3 or 4 bedroom houses, leading to a total of 44 spaces for the 29 houses proposed. The highways officer has advised that on the basis of the revised plans received, they feel that the site layout and the amount of parking proposed are acceptable, and that they do not feel that refusal of the application on these grounds could be justified. Conditions are recommended.

#### Crime

- 10.12 Concerns regarding the potential for increased crime and antisocial behaviour, and the West Yorkshire Police Architectural Liaison Officer's concerns regarding the existing footpath link in the southwestern corner of the site are noted. The path provides a public right of way through to Scott Hall Road to the west, part of which is outside the control of the applicant, and therefore it is intended to retain the footpath as part of the scheme. In the light of this, it is considered that the most appropriate solution is to ensure that any risk of crime or antisocial behaviour in this area is minimised as far as is possible. To this end, the layout of the proposed development has been revised to include a two storey property to the north of the footpath link and to provide primary windows in the elevation of this property which faces the footpath, in order to improve the level of surveillance of this area. The area at the entrance of the footpath has also been kept more open and free of buildings, restricting obstructions to the surveillance of this area and providing a less enclosed and less forbidding area of footpath. Boundary treatments alongside the footpath are also likely to be important in this respect, in order to maximise surveillance and prevent a 'tunnel' effect for users of the footpath. A condition regarding boundary treatment details is recommended to ensure that these are appropriately designed. On balance, and subject to a condition to this effect, it is considered that the scheme incorporates measures to minimise the risk of crime as far as possible, and that refusal of the application on these grounds would be difficult to justify.

#### Section 106 Agreement

- 10.13 A draft Section 106 Agreement has been provided with the application to ensure that the proposed dwellings remain affordable. Whilst the proposed development exceeds the threshold at which a contribution towards greenspace provision/enhancement is required, the scheme is for 100% affordable housing and falls within the criteria set out in the agreed report to Executive Board on the 13<sup>th</sup> February 2009 which agreed to waive Greenspace requirements for schemes of this nature. Whilst the decision was due to be reviewed earlier this year and has not, to date, been reviewed, this policy is still being implemented and it has been agreed that no greenspace contribution will be required for the proposed development.
- 10.14 The proposed development falls below the thresholds for public transport contributions and Travel Plans, and therefore these are not required.
- 10.15 In terms of the Section 106 Agreement, on 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

**(i) necessary to make the development acceptable in planning terms**

Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

**(ii) directly related to the development; and**

Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

**(iii) fairly and reasonably related in scale and kind to the development**

Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

- 10.16 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer relate to the provision of affordable housing on the site. In this particular case all of the dwellings are proposed to be affordable units, rather than just a proportion as would usually be required. However, in the absence of a Section 106 Agreement in this respect, there would be no obligation for the developer to provide any affordable housing and the development would therefore be contrary to policies GP7 and H11 of the UDP.
- 10.17 Officers are of the view that its provision is necessary to make the development acceptable in planning terms. The proposed obligation is physically and functionally related to the development site and the level of provision offered is considered to be fairly and reasonably related to the proposed development.

Other issues

- 10.18 Concerns that insufficient consultation has taken place with residents in drawing up the proposals is noted. Whilst resident engagement is encouraged as part of pre-application discussions, this is not something that the local planning authority can insist upon. The application has been publicised by the Council in accordance with its Statement of Community Involvement, and residents' concerns regarding aspects of the design, layout and density of the proposed development have been taken into account in discussions during the application and in formulating revised plans, which seek to address some of these concerns.
- 10.19 It has been suggested by some residents that a development of housing solely for elderly residents would be more suitable for the site, however it is not for the Council to consider whether alternative schemes may or may not be more appropriate, but to determine the application for development as submitted. The application has therefore been considered on this basis.
- 10.20 Concerns regarding the vetting of tenants for the proposed dwellings and the impact of the proposed development on house prices are not material planning considerations and can be given little weight in the determination of this application.

**11.0 CONCLUSION**

- 11.1 On balance, and following the receipt of revised plans addressing residents' and officers' concerns regarding the design and layout of the proposed scheme, it is considered that the proposed development would not detract from the character and appearance of the area, from the amenities of neighbouring residents or from

highway safety in the locality, and on balance it is considered that the proposals are acceptable. It is therefore recommended that the application be approved.

**Background Papers:**

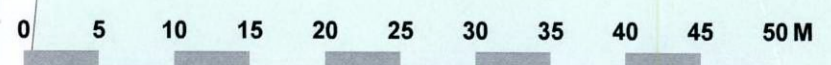
Application file 10/03984/FU

Certificate of Ownership: Notice served on Leeds City Council and Certificate B signed.

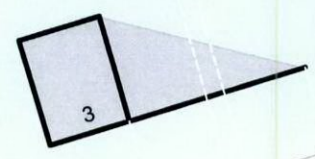
**Schedule of accommodation**

Type A - 2 bed 3 person bungalow	@ 62.4sqm	1No.
Type C - 2 bed 3 person bungalow	@ 59.2sqm	6No.
Type D - 2 bed 4 person house	@ 74.2sqm	4No.
Type D1 - 2 bed 4 person house	@ 74.2 sqm	4 No.
Type E - 3 bed 5 person house	@ 86.2sqm	5No.
Type E1 - 3 bed 5 person house	@ 86.2 sqm	2No.
Type E2 - 3 bed 5 person house	@ 86.2 sqm	2No.
Type F - 4 bed 8 person house	@ 132.2sqm	2No.
Type F1 - 4 bed 8 person house	@ 132.2sqm	2No.
Type K - 4 bed 6 person house	@ 123.2sqm	1No.
Type J - 3 bed 5 person bungalow	@ 91sqm	1No.
<b>Total</b>		<b>29No.</b>

revision  
K 8/11/10 cs Drawing updated as Planner's comments, sewers added.



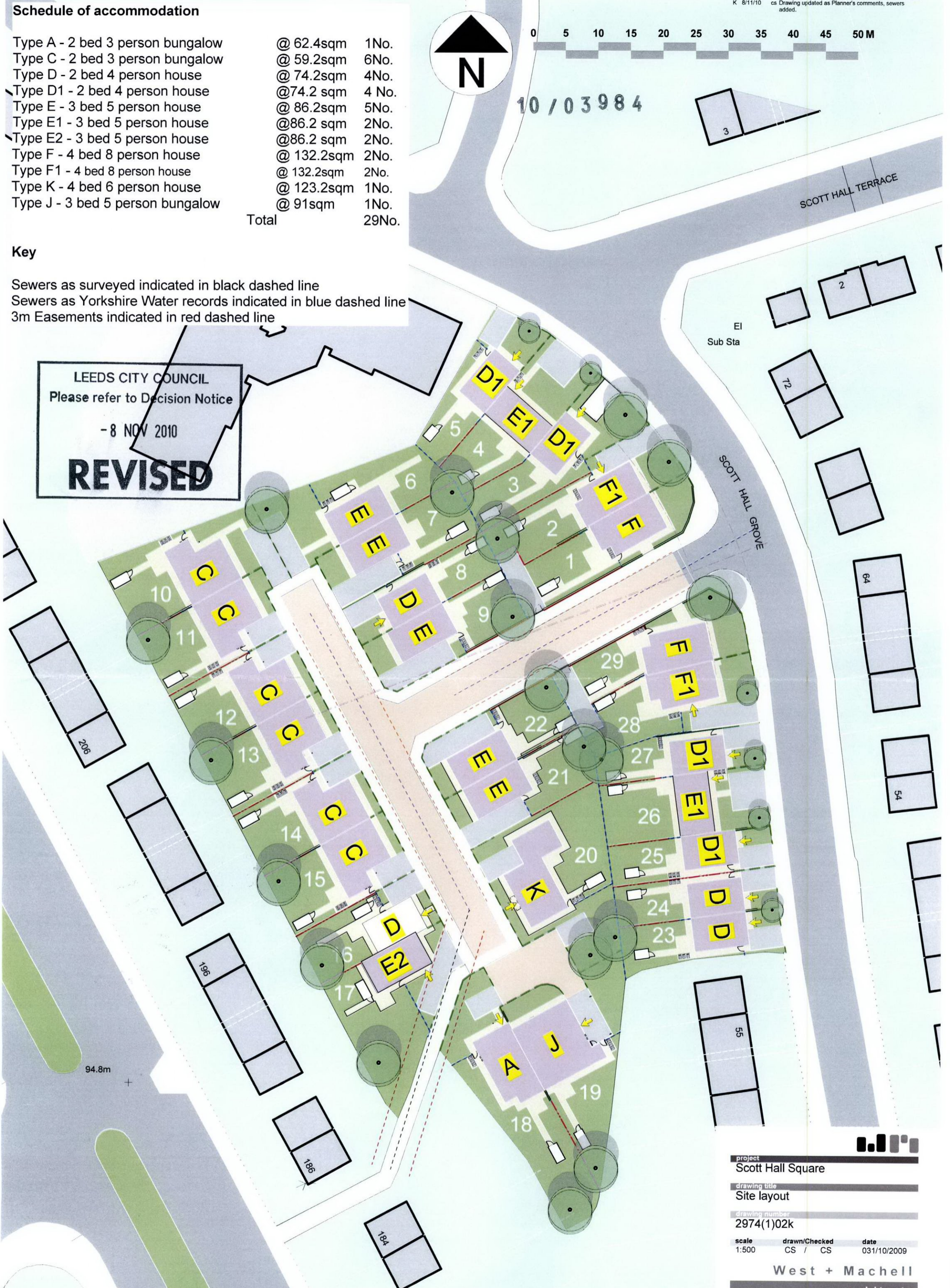
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**Key**

Sewers as surveyed indicated in black dashed line  
Sewers as Yorkshire Water records indicated in blue dashed line  
3m Easements indicated in red dashed line

LEEDS CITY COUNCIL  
Please refer to Decision Notice  
- 8 NOV 2010  
**REVISED**



**project**  
Scott Hall Square

**drawing title**  
Site layout

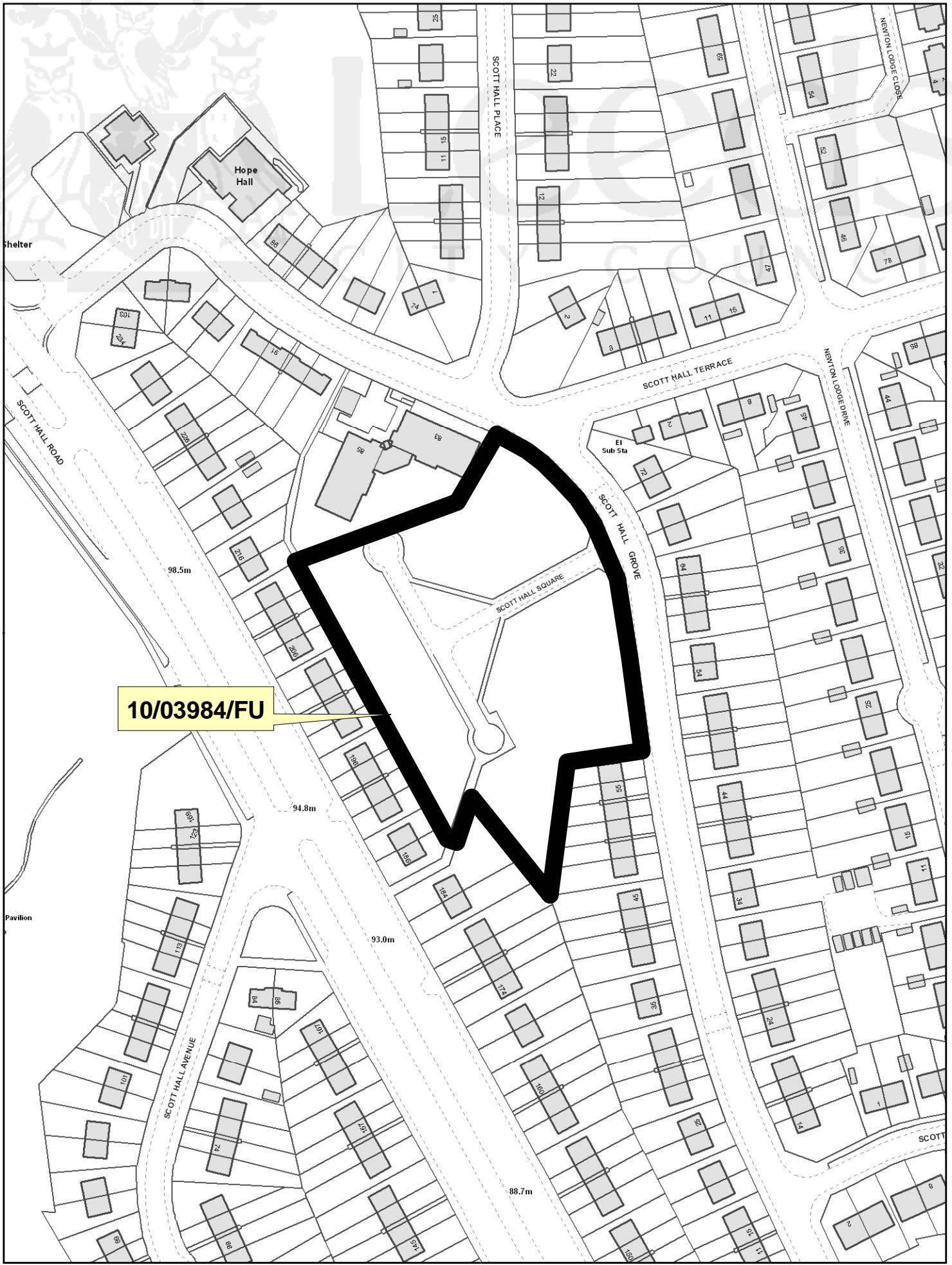
**drawing number**  
2974(1)02k

**scale** 1:500    **drawn/Checked** CS / CS    **date** 031/10/2009

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10/03984/FU

# EAST PLANS PANEL