



## SOUTH AND WEST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 12th September, 2013  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

J Akhtar  
M Coulson  
C Gruen  
J McKenna  
(Chair)  
C Towler  
P Truswell  
J Walker

J Bentley

A Castle  
R Wood

R Finnigan

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**Agenda compiled by:  
Andy Booth  
Governance Services  
Civic Hall  
Tel: 0113 24 74325**

# AGENDA

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES</b></p> <p>To confirm as a correct record, the minutes of the meeting held on 15 August 2013</p>	3 - 10
7	Burmantofts and Richmond Hill		<p><b>APPLICATION 10/05048/EXT - LAND AT TEMPLE GREEN, EAST LEEDS LINK ROAD, LS10</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for extension of time for outline planning permission 21/199/05/OT (Warehouse and distribution development with car parking and landscaping)</p>	11 - 30
8	Morley South		<p><b>APPLICATION/13/01941/RM - LAND AT BRUNTCLIFFE ROAD, MORLEY, LS27 0QG</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an reserved matters application to erect 173 dwellings</p>	31 - 54
9	Morley North		<p><b>APPLICATION 13/00625/FU - LAND OFF DAISY HILL CLOSE, MORLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for 14 detached houses with associated car parking and landscaping</p>	55 - 78

Item No	Ward	Item Not Open		Page No
10	Horsforth		<p><b>APPLICATION 13/02965/OT - LAND AT VICTORIA AVENUE, HORSFORTH</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for residential development</p>	79 - 88
11	Headingley		<p><b>APPLICATION 13/03169/FU - ST MICHAEL'S COURT, SHIRE OAK STREET, HEADINGLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of part ground floor and extension to side of part of medical centre to form restaurant</p>	89 - 96
12			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 10 October 2013 at 1.30 p.m.</p>	

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To:

Members of Plans Panel (South and West)  
Plus appropriate Ward Members and Parish/Town Councils

**Chief Executive's Department**  
Democratic Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Andy Booth  
Tel: 0113 247 4325  
Fax: 0113 395 1599  
andy.booth@leeds.gov.uk  
Your reference:  
Our reference: ppw/sitevisit/

Dear Councillor

### **SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY 12 SEPTEMBER**

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 11.05 am Application 13/02695/OT – Outline application for residential development, land at Victoria Avenue, Horsforth – Leave 11.20 am
  - 2 11.40 am Application 13/03169/FU – Change of use of part ground floor and extension to side of part of medical centre to form restaurant as St Michael's Court, Shire Oak Street, Headingley, LS6 2AF
- Return to Civic Hall at 12.00 pm approximately

**A minibus will leave the Civic Hall at 10.45 am prompt.** Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.40 am

Yours sincerely

**Andy Booth**  
**Governance Officer**

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## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 15TH AUGUST, 2013**

**PRESENT:** Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,  
M Coulson, R Finnigan, C Gruen, C Towler,  
P Truswell and R Wood

### **36 Chair's Opening Remarks**

The Chair welcomed everyone to the meeting and made reference to a request from the Leeds Citizen blog to make an audio recording of the meeting. Prior to the meeting there had been no objections from Elected Members or officers. It was reported that requests for the recording of meetings would be done on a case by case basis whilst a protocol was developed. Councillor Coulson raised objections to the meeting being recorded and informed the Panel that while he would remain in the meeting he would not participate. It was agreed to allow for the meeting to be recorded.

### **37 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **38 Minutes**

**RESOLVED** – That the minutes of the meeting held on 18 July 2013.

### **39 Application 12/02712/FU - Woodhouse Street Woodhouse LS6 - Appeal decision**

The report of the Chief Planning Officer referred to an appeal decision against the refusal of an application for a part three storey, part four storey block of cluster flats (112 rooms), retail store at ground floor, associated parking and landscaping.

Members were reminded that the reasons for refusal referred to grounds of over development and that the application did not comply with greenspace guidelines. The inspector suggested that the scale and massing of the application was within the character of the area and greenspace guidelines had been satisfied through the offer of a Section 106 agreement. The appeal was subsequently upheld. As the issues in relation to scale and design had been considered to be subjective, there were no costs applied for.

**RESOLVED** – That the report be noted.

**40 Application 12/03473/FU - 35 Claremont Drive Headingley LS6 - Appeal decision**

The report of the Chief Planning Officer referred to an appeal decision on application to refuse the change of use of a former children's home to a 7 bedroom House in Multiple Occupation (HMO).

Members were reminded of the recent planning history at the property and the reasons for refusal which included the loss of use for a family dwelling and an excess of HMOs in the area. The Inspector did not accept the reasons for refusal and felt that the design, sub-division of the property and lack of rear garden did not make it readily adaptable for a family dwelling and the appeal was therefore upheld. Full costs had been awarded against the Council.

**RESOLVED** – That the report be noted.

**41 Application 13/01965/FU - 6 Rodley Lane Rodley LS13**

The report of the Chief Planning Officer presented an application for the change of use of a vacant shop (A1) to a restaurant (A3) at 6 Rodley Lane, Rodley.

Site photographs and plans were displayed.

The following issues were highlighted in relation to the application:

- The application had been brought to Panel at the request of a local Ward Councillor who supported the application.
- The proposed restaurant would have 35 covers and would open until 11.00 p.m.
- There were six semi-detached properties to the rear of the premises.
- The premises fell within the Rodley Conservation Area.
- There were no concerns regarding the principal of the application as there were other similar premises in the area and no concerns regarding the impact on amenity or the conservation area.
- There were however, concerns in relation to highway safety and car parking. There was space for 6 vehicles at the rear of the premises and guidelines suggested that there should be parking for at least 16. This would lead to associated safety issues with parking on nearby streets.
- The application could be granted without planning permission for a temporary period of 2 years, but it was felt unlikely to do this as it would be more viable for a permanent change of use.
- It was recommended to refuse the application on grounds of highways safety and parking.

The applicant's agent addressed the Panel with reasons against the recommendation to refuse the application. He did not feel that the reasons for refusal represented the exact circumstances. Most staff would use public transport which would not affect car parking and it was felt there was sufficient

space for parking on adjacent streets. A survey had also shown that most customers would be local and live within walking distance.

In response to Members comments and questions, the following was discussed:

- A local Ward Councillor had never been made aware of problems with parking in this area and was supportive of the application.
- It was felt better to be in use as a local business than a vacant shop premises and the application should be supported.

Members resolved not to agree the recommendation for refusal and moved to delegate the decision for approval.

**RESOLVED** – That the application be delegated to the Chief Planning Officer for approval subject to the inclusion of appropriate conditions.

#### **42 Application 13/000625/FU - Land off Daisy Hill Close Morley LS27**

The report of the Chief Planning Officer presented an application for the erection of 14 detached houses with associated car parking and landscaping on land off Daisy Hill Close, Morley.

Members attended a site visit prior to the hearing and site photographs and plans were displayed.

Issues highlighted in relation to the application included the following:

- The application had been brought to the Panel at the request of local Ward Councillors.
- The site to the rear was a PAS site.
- Negotiations regarding design of the proposed properties.
- Landscaping proposals.
- The Section 106 package – the offer for the education contribution was £32,000 and not £66,692 as outlined in the report.
- Representations had been received from local Ward Councillors, local residents and Morley Town Council.
- It was recommended to defer and delegate the application to the Chief Planning Officer for approval.

A local resident addressed the Panel with objections to the application. Objections included the following:

- A previous application that was refused due to concerns with access and drainage.
- The proposals would cause problems with parked cars.
- Problems for delivery and emergency service vehicles.
- The proposals would leave an area open for young people to congregate too close to houses.

- In response to a Members question, current problems with traffic in the area were described.

The applicant's agent addressed the Panel. The following issues were highlighted:

- Revisions, in excess of normal requirements, had been made to the design and access since the application was originally submitted following discussion with planning officers.
- The site was previously recommended for development in the Unitary Development Plan.
- Section 106 contributions – offers had been made for education and greenspace.

In response to Members comments and questions, the following issues were discussed:

- There were conditions attached to the application to ensure that suitable drainage works would be implemented.
- Concerns regarding pressure on the public transport system and increased traffic. It was reported that trains were overcrowded and local bus services did not commence till later in the day.
- Concern regarding proximity to houses at King George Avenue –there would be landscaping to protect amenity.
- Concern regarding the number of developments approved in the local area and related sustainability issues in regard to school places, public transport and highways.

It was moved that the application be refused.

**RESOLVED** – That the application be deferred to allow for a further report to be brought to Panel with proposed reasons for refusal.

#### **43 Application 12/04571/FU - 21 Park Lane Rothwell LS26**

The report of the Chief Planning Officer presented an application for a detached dwelling at 21 Park Lane, Rothwell.

Members attended a site visit prior to the hearing and site plans and photographs were displayed.

Further information highlighted in relation to the application included the following:

- The proposals would allow an additional dwelling in the grounds of an existing property.
- The site fell within the Rothwell Conservation Area.
- Letters of objection had been received from nearby residents.

- The application had been brought to Panel at the request of a local Ward Councillor.

A local resident addressed the Panel with objections to the application. These included the following:

- Impact on privacy to neighbouring properties.
- Vehicle access – this would increase noise and pollution. It was felt that plans to demolish an existing garage at the property were not necessary.
- Unnecessary removal of trees.
- The property would be visible to other properties and the public, particularly in winter months.

The applicant's agent addressed the Panel. The following issues were raised:

- The applicant had worked with planning officers to address objections.
- The small detached dwelling which was proposed would be barely visible from elsewhere.
- There would be full landscaping to replace the loss of the small fruit trees that would be removed.

**RESOLVED** – That the application be granted subject to conditions outlined in the report.

#### **44 Application 13/00760/FU - Brown Lane East and Top Moor Side Holbeck LS11**

The report of the Chief Planning Officer presented an application for 24 houses and a block of 18 flats at Brown Lane East and Top Moor Side, Holbeck.

Members had attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The scheme would consist of 3 and 4 bedroom houses and 2 bedroom flats.
- The applicant was unable to meet the full greenspace contribution.
- All technical requirements had been met with regard to highways, water and gas.
- It was recommended to approve the scheme.

Members spoke in support of the scheme particularly the provision of affordable housing. There was some concern regarding the lack of one bedroom properties.

**RESOLVED** – That the application be granted subject to the conditions outlined in the report.

**45 Applications 13/01931/FU and 13/01932/LI - Ling Bob Farm Scotland Lane Horsforth LS18**

The report of the Chief Planning Officer presented an application and listed buildings application for the change of use of barn to a dwelling, extension to existing dwelling, restoration of and extension to former dwelling, erection of an additional dwelling and erection of livery stable block and ménage at Ling Bob Farm, Scotland Lane, Horsforth.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- Some of the listed buildings were in a poor condition and a decision was required before further deterioration.
- Changes to footpath to allow vehicular access.
- Protective measures for Great Crested Newts which could be found on site during development.
- Representations had been received in support of and against the application.
- An archaeological survey was to be carried out at the site.

Local residents addressed the Panel with objections to the application. Main concerns regarded access to the site. These included the following:

- The track to be used for vehicles was currently a popular right of way for walkers which was currently used by very few vehicles.
- The track would not be suitable for extra traffic that would be using it.
- There were no passing places for traffic and this would present a danger to pedestrian users.
- Suggestions of alternate access to the site.

The applicant's representative addressed the meeting. The following issues were highlighted:

- The site had previously been used as stables and for equestrian purposes.
- Two of the buildings on site were in need of repair and permission was required to do this.
- Reference to the previously approved application that had now lapsed.
- Measures that had been offered to alleviate concerns with access to the site.

**RESOLVED** – That the application be granted subject to conditions outlined in the report.

**46 Date and time of next meeting**

Thursday, 12 September 2013 at 1.30 p.m.

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Originator: Victoria Hinchliff  
Walker  
Tel: 0113 2224409

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 12<sup>th</sup> September 2013

Subject: APPLICATION 10/05048/EXT – Application for extension of time for outline planning permission 21/199/05/OT (warehouse and distribution development with car parking and landscaping).

#### APPLICANT

Keyland Development s and  
Aire Valley Land Ltd LLP

#### DATE VALID

08 November 2010

#### TARGET DATE

07 February 2011(PPA to be renegotiated).

#### Electoral Wards Affected:

Burmantofts and Richmond Hill



#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

***Members are asked to agree to continued negotiations by Officers on the issues arising in this report and to defer and delegate to the Chief Planning Officer for approval, following completing of a Section 106 Agreement and subject to conditions as set out in the report and minutes of Plans Panel East 01/12/11.***

*In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission, or in accordance with a re-negotiated Planning Performance Agreement, the final determination of the application shall be delegated to the Chief Planning Officer.*

#### 1 INTRODUCTION:

- 1.1 This application has previously been reported to East Plans Panel, once as a position statement on 17 February 2011, and once for a decision on 1<sup>st</sup> December 2011. At the December meeting members resolved that planning permission should be granted in accordance with the recommendation with changes to condition 2 and

5 and additional conditions to include a landscape and design framework and flood risk mitigation.

- 1.2 Following this decision officers have been pursuing completion of a s106 agreement with the applicants and this has recently come close to being signed. At this stage however some inconsistencies were discovered. Furthermore due to the lapse of time and the economic climate the applicant is now seeking additional time for the commencement of development on site. For this reason it has been determined that the application should be referred back to Plans Panel for agreement on the new timescales and s106 provisions.
- 1.3 This application is being dealt with through a Planning Performance Agreement which does require re-negotiation of the timescales.

## **2 CHANGES FROM LAST PANEL DETERMINATION**

- 2.1 Since the last Plans Panel determination the applicant has not been able to find operators for the sites or any of the proposed units, and the continued economic downturn has made things difficult. There are significant costs involved in remediating the site so that it is ready for development so speculative development is not economically feasible. The landowners therefore want to remove or minimise their liabilities in relation to timescales and triggers for financial payments.
- 2.2 Members are therefore asked to consider the following:
- That the time limit for submission of first reserved matters be changed to allow an additional 2 years, taking it to 2020 (condition 3) with submission of all reserved matters within 11 years (2024).
  - That the draft s106 be amended to remove the requirement that 28,000m<sup>2</sup> of floorspace be practically completed by 2018 in its entirety (clause 5.1).
  - That agreement be given to the consideration of removal or variation of the Backstop Date for payment of the East Leeds Link Road (ELLR) monies in agreement with the Homes and Community Agency.

## **3 CONSULTATIONS**

- 3.1 Discussions are ongoing with the Homes and Community Agency (HCA) who have taken over the ELLR funding from Yorkshire Forward. The HCA have advised that they are comfortable with extending the time limits for submission of reserved matters but that they are not comfortable with removal/variation of the backstop date, except perhaps as a minimum 2 year extension.

## **4 APPRAISAL**

- 4.1 This is a large development site that will benefit from Enterprise Zone funding streams and will significantly add to the regeneration aims for the Aire Valley. The site does however have significant costs involved with the initial ground works due to its former use for open cast mining. It is also clear that the site has been hit by the economic downturn with less interest in new build sites. The closest development site is just across the road and planning permission has recently been granted for an extension of time on this site, reserved matters on this site have not yet come forward and similar problems are being experienced in terms of marketing.
- 4.2 It seems logical that due to the amount of time that has lapsed since the last Plans Panel determination that the timescales should be amended to reflect this lapse, and consequently Officers have no issues with adding an additional two years to the extended time limits for reserved matter submissions.
- 4.3 There is also an anomaly between the draft conditions as agreed by Plans Panel and the draft s106 agreement in that the applicants would have been obliged to provide 17% of the floorspace built out, prior to the deadline for having to actually

submit a reserved matter application. It is not known how this arose but this is clearly unacceptable. There is therefore no Officer concern with regard to extending the time limit on this provision of floorspace so that things happen in a logical order.

- 4.4 The applicants would prefer to have this clause removed altogether given the financial liabilities this introduces to the scheme. The clause was originally included as Members felt that there needed to be some assurances with regards to a start being made on site. It is felt that there does need to be some enforcement power given the importance of the site to the Enterprise Zone, but it is also accepted that in the current climate the liabilities may result in the development failing altogether. It is recommended therefore that Officers negotiate with the applicants, and with the HCA to agree a more appropriate floorspace and time limit clause. Further clarification has been sought from the agents regarding steps taken since the application was last reported to Panel in terms of marketing the site etc, and anticipated timescales for the carrying out and phasing of the development if a further extension of time is granted. It is anticipated that a further verbal update on this matter will be provided at the Panel meeting.
- 4.5 With regard to the backstop date this is an important clause in the s106 that requires payment of the ELLR in full if the site has not been developed to an extent that all monies are repaid. Clause 2.3 of the draft 106 requires that if by March 2020 any part of the ELLR contribution has not been paid to the Council then AVL shall pay to the Council that remaining part of the ELLR Contribution to the Council prior to that date, plus interest.
- 4.6 The applicants would like to remove this clause altogether, however the HCA are unlikely to agree to this as this could result in public monies not being repaid. The HCA have indicated that they are willing to consider a variation to the date, but would like some comfort that Members agree with such a variation. An extension of between 2 – 5 years would seem appropriate as this would then fit in with the timescales for submission of reserved matters.

## **5 CONCLUSION**

- 5.1 Members are asked to agree to Officers continuing negotiations on these changes in accordance with the parameters set out. It is considered that the cause of the delays have been largely out of the applicants control, but it is also recognised that public money has been spent on the infrastructure to access the site and that this needs to be repaid. It is recommended that if Members are happy with the proposals set out that the decision be deferred and delegated to enable further negotiations.

Appendix 1 – Report to Plans Panel East 01/12/11

Appendix 2 – Minutes of Plans Panel East 01/12/11

# APPENDIX 1 – REPORT TO PLANS PANEL EAST, 01/12/11

Report of the Chief Planning Officer

## PLANS PANEL EAST

Date: 1 December 2011

Subject: APPLICATION 10/05048/EXT - Extension of time for Outline planning application 21/199/05/OT to allow submission of Reserved Matters until 2023 (to erect warehouse and distribution development with car parking and landscaping ) at Land at Temple Green off East Leeds Link Road, LS10

APPLICANT	DATE VALID	TARGET DATE
Keyland Developments And Aire Valley Land Ltd LLP	08.11.2010	PPA

<p><b>Electoral Wards Affected:</b> Burmantofts &amp; Richmond Hill Temple Newsam Garforth &amp; Swillington</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**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 to deal with the following matters;

- Delivery of 28,000 sq.m development floorspace by 2018.
- Vehicle Trip Generation – methodology for calculating trip generation
- Public Transport Infrastructure Improvements contribution £500k (to be index linked). Payment to be phased as follows;
  - £167,000 payable at first occupation
  - £167,000 payable at occupation over 93,000 sq. m.
  - £166,000 payable at occupation over 163,000 sq. m.
- Travel Plan Implementation and Monitoring Evaluation fee (£15k) and implementation
- East Leeds Link Road repayment to be phased (in agreement with HCA) as follows;
  - Stage 1: construction of main site access road, associated works and site preparatory ground works - nil contribution
  - Stage 2: commencement of construction of buildings in accordance with B8 planning permission - 25% of the contribution and interest
  - Stage 3: occupation of premises constructed on the site - contribution payable based on the following calculations: -
    - OF/TF x TC x 1.5 - for the first 93,000 sq.m
    - OF/TF x TC x 0.375 - for the remainder of the floorspace (approx 182,000 sq.m)

Where:

**OF = Occupied floorspace for the relevant phase**  
**TF = Total floorspace permitted by the planning permission**  
**TC = Total contribution with accrued interest under the S106 agreement**

- **Backstop date of 31 March 2020 for payment of any outstanding balance of the ELLR contribution**

**In the circumstances where the Sec.106 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. Approval of reserved matters.
2. Time Limit for submission of reserved matters and commencement of development. First RM by 2018, Second RM by 2023, 2 years for commencement of development.
3. Submission of programme for the phasing of the development
4. The development hereby approved shall not exceed the total amounts of gross floor area:  
275,000 sq m of Class B8 use , plus:  
Parking serving the development shall not to exceed 3081 spaces, of which no more than 2316 shall be allocated to the parking of cars
5. Phasing of B2 / B8 in a minimum of three phases, the amount in each phase not to exceed the following areas:  
Phase 1: not to exceed 60% of the gross floor area approved under Condition 4  
Phase 2: not to exceed 80% of the total gross floor area approved under Condition 4 on a cumulative basis taking into account the gross floor area approved for Phase 1.  
Phase 3: the remainder of the total gross floor area approved under Condition 4.
6. Vehicular trips restriction
7. System for automatic vehicle detection
8. Submission of information obtained from the approved system of automatic vehicle detection.
9. Car parking spaces shall not exceed:  
Phase 1 as defined in Condition 5 - 1,389 spaces  
Phase 2 as defined in Condition 5 - 1,852 spaces inclusive of the provision of parking spaces in Phase 1.  
Phase 3 as defined in Condition 5 - 2,315 spaces inclusive of the provision of parking spaces in Phase 1 and Phase 2.
10. A car parking management scheme to be submitted
11. Sustainable Travel Plan
12. Provision of internal roads DCB and DCF as shown as plan number BWA2 (or such other route as agreed between the parties) prior to the occupation of any floorspace on the development in excess of 60,000m<sup>2</sup> provided that the local planning authority demonstrates by way of a contractual commitment from a public transport provider for a minimum of two bus services per hour at peak periods and a bus gate shall be provided.
13. Access from East Leeds Link Road within the site to be provided
14. Samples of all external walling and roofing materials
15. Details of the position, design, materials and type of all walls and/or fences or permanent boundary treatment.
16. Area of site to be used by vehicles to be laid out, drained, surfaced and sealed.
17. Submission of hard and soft landscape details and masterplan for Green Infrastructure Proposals including measures to safeguard and enhance biodiversity.
18. Hard and soft landscaping works to be carried out in accordance with the approved details.
19. Replacement of any trees or plants if any trees or plants are removed, uprooted, destroyed or die within a period of five years from the planting.
20. All surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor.

21. Any above ground oil or liquid chemical storage tanks shall be located at least 10 metres from any watercourse and within a bund
22. No discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
23. Details of storage ponds, permeable paving areas to be submitted and approved in writing.
24. Details of bridge crossings of Wyke Beck
25. A separate system of drainage for foul and surface water shall be provided.
26. Details of the proposed methods of disposal of both water and foul waste from the site.
27. No piped discharge of surface water from the development prior to the completion of the approved surface water drainage works
28. No development shall take place until details submitted of the treatment of emissions to atmosphere, resulting from any processes, plant or activity, including the method of treatment and height, position and manner of discharges.
29. Details of machinery, water tanks, boilers, or other plant and ancillary equipment to be installed.
30. Sound-insulating material to plant and/or machinery
31. Details of mechanical ventilation or air conditioning system
32. Details of the method of storage and disposal of litter and waste materials.
33. No ground clearance or removal of hedges, shrubs or trees shall take place during the period 1 March to 31 August. To prevent disturbance to breeding birds.
33. Scheme for the restoration of Wyke Beck within the site.
34. Details of bird and bat boxes to be provided
35. A sustainability statement shall be submitted for approval at reserved matters stage for each phase of development. The statement shall have regard to the requirements of the Sustainable Construction SPD. The development shall be implemented in accordance with the approved details.
36. Submission of Phase 1 and Phase 2 Contamination reports
37. Notification of unexpected contamination
38. All remediation works to take place in accordance with the approved Remediation Statement and submission of verification reports
39. Revised remediation statement in the event of unexpected contamination
40. Notification of any unexpected significant contamination
41. An uncontrolled pedestrian crossing including dropped kerbs/ tactile paving on East Leeds Link Road shall be provided prior to first occupation.
42. On completion of the second phase of development, a review of pedestrian routes to and from the site shall be undertaken and submitted to the LPA. If justified in line with the Council's Pedestrian Crossing Sight Assessment Guidelines on the East Leeds Link Road, a controlled pedestrian crossing shall be provided within timescales to be agreed.

Reason for approval

This application has been considered in accordance with the requirements of the UDPR 2006 and the City Council considers that granting permission for an extension of time for the development of an allocated site with extant permission would give greater flexibility to bring forward development of the site whilst also ensuring delivery of development in reasonable timescales. The application is considered to comply with the following UDPR policies;

E4 (9), E8 (4), E7, GP5, GP7, T2, T20, BD5, N8, N9, N24, N38A, N38B, N39A, N39B, N51, R1

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.



## **INTRODUCTION:**

- 1.1 This application seeks a significant extension of time to a planning permission granted for a large employment site. Members will recall that a position statement was brought to Plans Panel East on 17 February 2011 where Members resolved to note the report and that at that stage no concerns had been raised regarding the proposed extension of time for the submission of Reserved Matters
- 1.2 The extant permission for the site can be implemented up to 2018, however the applicant seeks to extend this to allow submission of 2<sup>nd</sup> reserved matters details by 2023 and a further two years to implement the first reserved matters scheme. The applicant advises this is required in order to provide the developer with confidence of the longevity of the permission and therefore the ability to develop the site over a longer period of time given the current economic climate and the significant expenditure commitment in the early stages of development (reclamation of the site).
- 1.3 The extant outline permission was approved by Plans Panel East in February 2006 and allowed the submission of first reserved matters until 2016 (with further two years to implement the reserved matters scheme). This application is reported to Members due to the significance of the extension of time which is sought and the scale of the application which is to provide 275,000 sq.m of B8 floorspace.
- 1.4 The report below sets out the applicant's commitment to the carrying out of reclamation works and the first phase of development coming forward by 2018. The site is considered to be a strategic employment site and one of the sites within the announced Enterprise Zone and it is considered that assisting the applicant to achieve flexibility in delivering the development is in line with current government guidance and the aspirations for the Enterprise Zone. The extension of time application also provides the opportunity to secure travel plan evaluation monitoring and public transport contribution for the development as the relevant policies to deliver these contributions were not in place at the time the extant permission was granted.

## **2.0 PROPOSAL:**

- 2.1 The proposal is to extend the extant permission for a major proposal of B8 storage and distribution use, on an 84.7 hectare site. Part of the site is allocated for employment purposes in the UDP Review and part of the site is now included within the Knostrop strategic waste site allocation within the Natural Resources and Waste DPD (formerly part of the Knostrop treatment works).
- 2.2 Access into the site is proposed from a new roundabout off the East Leeds Link Road (ELLR), which has been constructed and opened since the extant permission was granted. A second emergency access is proposed from Knowsthorpe Lane to the south.
- 2.3 A new s106 agreement is also proposed to deal with the delivery of the first phase of development, public transport contribution and travel plan requirement. These are new matters arising since the grant of the extant permission. The s106 will also deal with the applicant's proposal to revise the phasing of the repayment of the East Leeds Link Road monies to central government.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is a major employment site within the Aire Valley. The site comprises 84.7 hectares of land to the south of the ELLR and to the west of Jct 45 of the M1 motorway. This site is one of a number of sites within the Aire Valley which is subject to a commitment to repay the funding for the construction of the East Leeds Link Road infrastructure which has been funded jointly by the City Council and Yorkshire Forward.
- 3.2 The site is partly on the site of Knostrop treatment works (comprising an extensive area of filter beds) and also partly on open pasture land. The land is generally fairly flat with a slight slope across the site from south to north. The site was previously used for open cast mining and was formerly part of Waterloo Colliery site. Wyke Beck and an effluent channel pass through the site.
- 3.3 To the north west of the site is Cross Green Industrial Area, through which access to the treatment works is gained. To the North of the site is Temple Newsam Park.
- 3.4 The M1 motorway is to the east of the site and Green Belt land is to the east of the M1. Part of the site (eastern boundary along M1 boundary) is within an Urban Green Corridor which extends up to Temple Newsam Park to the north of the site. Temple Newsam Park also lies within the designated Green Belt.

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

- 4.1 The development of the site is covered by a s106 legal agreement which requires a contribution of £2.88m to central government for the East Leeds Link Road. The s106 agreement is tied to the land rather than the implementation of a specific planning permission.
- 4.2 11/02133/FU - Engineering works, including ground preparation works, formation of levels to development plot and provision of access and spine road with associated bridge. Approved 29.09.2011
- 4.3 21/199/05 - Outline application to erect warehouse and distribution development with car parking and landscaping. Approved 24.05.2006. The extant permission subject of this extension of time application, requires submission of first reserved matters by 2016 with a further two years to implement.
- 4.4 21/252/02/OT - Outline application to layout access and erect industrial warehouse units. Approved 24.05.2006, permission requires submission of first reserved matters by 2016 with further 2 years to implement. This extant permission covers 46.4 ha of land subject to the current extension of time application. The site is smaller and notably does not include the Yorkshire Water filter beds.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The application is subject to a Planning Performance Agreement following pre application discussions with the applicant. The Planning Performance Agreement agreed timescales for reporting a position statement to Plans Panel however this timeframe slipped as there were a number of detailed outstanding matters to be resolved relating to the ELLR contribution and agreement with Yorkshire Forward now understood to be taken over by Homes and Communities Agency; as well as Highway matters including Public Transport Contribution measures; and Travel Plan.



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

- 6.1 Prior to submission of the application, the applicant wrote to Ward Members for the 3 wards affected by the application – the site falls mainly within Burmantofts and Richmond Hill Ward. The access roundabout of East Leeds Link Road is within Temple Newsam Ward and the access road leading to Knowsthorpe Lane is within Garforth & Swillington Ward. Ward Members have also been formally notified of the application.
- 6.2 Councillor R Grahame has written to confirm that he fully supports the application.
- 6.3 Site notices were posted on 19.11.10 and expired on 10.12.10 – no representations have been received.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

#### **Highways Agency -**

- 7.1 Comments have been received from the Highways Agency in conjunction with discussions with the Council Highways Officers.
- 7.2 The Highways Agency issued a holding direction on 29 November 2010 which directs that the application is not determined for a period of 3 months. A revised Travel Plan has been submitted and an addendum to the Transport Statement regarding the trip rates and comments from the Highways Agency are awaited. The Highways Agency removed the holding direction subject to requested conditions and securing the travel plan through the legal agreement.

#### **Environment Agency -**

- 7.3 The LPA should satisfy themselves that the flood risk sequential test has been met in accordance with the requirements of PPS25.
- 7.4 The proposed development will only be acceptable if the measures detailed in the Oct 2010 Flood Risk Assessment submitted with the application are secured and implemented by way of conditions. The final Environment Agency Wyke Beck Model 2010 information shall be used for the purposes of assessing the compensatory storage requirements and the setting of finished floor levels.
- 7.5 The EA also advise that when the layout for the site is produced, they will expect to see a sequential approach to flood risk has been adopted in accordance with the FRA.

#### **Health and Safety Executive**

- 7.6 Does not advise, on safety grounds, against the granting of planning permission in this case.

### **Non-statutory:**

#### **Yorkshire Forward**

- 7.7 No comments but negotiations regarding the ELLR repayment are now ongoing with Homes and Communities Agency (HCA) who have taken over dealing with Yorkshire Forward assets. HCA have indicated support for revised phasing of the repayment set out in the heads of terms at the start of the report. This will need to be agreed through HCA Board and it is unknown at this time whether approval is needed from central government.

## **Metro**

- 7.8 The Aire Valley is not currently served by public transport and as a result the development will be car dependent. Metro have been working with the Council in developing the Aire Valley Area Action Plan (AAP). As part of the delivery of the APP, an option which is under consideration is to introduce a park and ride site close to the development which would greatly improve the accessibility of the site and the Aire Valley. Metro point out that the park and ride option is at early stages and is not likely to be delivered in the short term and therefore raise concerns about the sustainability of the development without any public transport available.
- 7.9 Metro comment that the developer needs to demonstrate what role public transport has in ensuring the site can be accessed by non car users. A financial contribution to fund a bus service should be investigated through Metro or the Council should consider implementing the public transport SPD to help fund future major public transport initiatives in the area in the future.
- 7.10 In absence of any realistic public transport Metro advise that the developer needs initially to look into reducing car trips through car sharing, walking and cycling. The travel plan needs to set out in a clear and concise manner what interventions will be implemented with a timeframe and show how performance will be monitored.

## **Public Transport Improvements Contributions Officer**

- 7.11 The proposed development if implemented in full would comprise of 275,000sqm of B8 storage and distribution uses. At present the site is not served by public transport with bus stops in excess of 1km from the site boundary – clearly this is not adequate for an employment generator of this size. As part of the Aire Valley Area Action Plan, measures and infrastructure would have to be put in place to serve this and adjacent sites with appropriate levels of public transport. These measures, however, will require funding.
- 7.12 It is noted that the developer is required to pay a significant sum towards the completed East Leeds Link Road, which provides access to the site and nearby motorway, but this does not compensate for the requirement for public transport services as set out in the City Councils adopted Supplementary Planning Document (SPD) “Public Transport Improvements and Developer Contributions”.
- 7.13 An overall calculation of £680k was initially provided based on the public transport mode splits given in the submitted Travel Plan of 6% and the SPD generic daily person trip rate for B8 warehousing / distribution uses of 10 per 100sqm. This SPD rate was used rather than a site specific value as the Transport Statement did not identify daily trips.
- 7.14 The applicant’s Highway Consultant has since provided daily trip rates generated by the Highways Agency and the applicant and it is clear that this rate of 10 trips per 100sqm is too high for sites of this size (as expected) and that a lower rate would be applicable. The applicant’s Highway Consultant’s note gives a total daily person trips of 10,925 (which equates to a rate per 100sqm of 4), which has now been agreed.
- 7.15 The Public Transport Contribution Officer also notes the issue of the Aire Valley Area Action Plan Mode split target of 15% for public transport which should be used as the Travel Plan target and calculation of the SPD contribution.
- 7.16 Using the public transport mode split of 15% and daily person trips of 10,925 and recalculating provides a sum of £677k. Further negotiations have taken place and it is

considered that a public transport contribution of £500k could be accepted on the basis that the ELLR contribution could be considered partly towards public transport under paragraph 4.5.3 of the SPD. However, there should be flexibility in terms of the public transport contribution for this site and if the contribution is by way of a payment then the phasing of this payment needs to include an element of front loading and this needs to be agreed as well as the potential financial contribution should this be required rather than any direct provision. The following phasing has been agreed with the applicant.

- £167,000 payable on first occupation
- £167,000 payable on occupation over 93,000 sq. m.
- £166,000 payable on occupation over 163,000m sq. ft.

7.17 There is a need to maintain as much flexibility within the public transport options as possible whilst securing a contribution that enables a meaningful intervention. Regard also has to be had to the restrictions placed on the developer via the conditions relating to trip generation and phasing. It is therefore suggested that something along the following lines is incorporated within a s106:

- A defined level of contribution payable over the lifetime of the permission (£500k)– to be index linked. There would be nothing to stop the developer providing further funding if they saw fit or was required to meet trip generation targets
- The actual measures should not be tied down within the s106 but reference should be made to service bus diversions, a dedicated shuttle bus service, or contribution to a larger scheme such as a bus rapid transit service along the ELLR to a P&R site at the motorway or any other such measure as agreed between parties at the time of each reserved matters application
- This could require the need for a ‘steering group’ comprising of representatives from the developers, prospective occupiers, Leeds City Council, the Highways Agency and Metro. This group and funding could also be tied in with the Travel Plan
- The agreement to the above does not release the developer from conditions relating to trip generation targets, but should be seen as a means to achieve those targets

#### **Nature Conservation Officer**

7.18 There is a need for the development to make a contribution towards green infrastructure in the Aire Valley the need for which is identified in the Aire Valley Area Action Plan and eco settlement proposals. The use of green roofs should be considered. A condition should be imposed to require a Green Infrastructure masterplan. A comprehensive scheme is required at an early stage as part of the master plan and Green Infrastructure proposals.

7.19 The applicant proposes an amendment to condition 33 and the restoration of Wyke Beck on a phased basis rather than details of a full scheme prior to commencement of development. A comprehensive scheme for the beck corridor is required and this should be agreed at an early stage as part of the masterplan and green infrastructure proposals for the site. Further details can then be provided at the reserved matters stage for each relevant phase.

#### **Public Rights of Way Officer**

7.20 Public Bridle Way 51 lies in close proximity to the site but does not appear to be affected by the development therefore no objections.

### **Leeds City Council Flood Risk Management**

- 7.21 Support the comments and conditions put forward by the Environment Agency with regards to Wyke Beck which crosses the site, compensatory storage and finished flood levels at the site. Discussions regarding on site balancing facilities would be necessary prior to agreement of drainage details.

### **Contaminated Land**

- 7.22 Desk top report received in 2006 indicating potential for gross contamination. It is recommended the scope of works for investigation is agreed with the Council and the Environment Agency prior to site investigation. No objections subject to conditions.

## **8.0 PLANNING POLICIES:**

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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.

### 8.2 UDP Review (2006)

E4 (9): Employment allocation

E8 (4): Key employment site

E7: Retention of employment land

GP5: Detailed planning considerations including amenity and highway safety

GP7: Planning Obligations

T2: Highway safety

T20: East Leeds Link Road

BD5: Building design and amenity

N8: Urban Green Corridors

N9: Urban Green Corridors and development

N24: Green belt boundary

N38A: Flood Risk and development

N38B: Planning applications and flood risk assessments

N39A: Sustainable drainage

N39B: Watercourses and new development

N51: Nature conservation and enhancement

R1: Regeneration

### 8.3 Supplementary Planning Guidance

Aire Valley Area Action Plan (Draft - Preferred Options)

Draft SPG – A design guide for the Aire Valley

Draft Natural Resources and Waste DPD – currently out to consultation

Draft Travel Plan SPD (adopted for development control purposes)

Public Transport Improvements and Developer Contributions SPD (adopted)

Sustainable Design and Construction SPD (adopted)

### 8.4 Regional Spatial Strategy (RSS) (adopted May 2008)

ENV5: 10% renewable energy requirement.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

E1: Creating a successful and competitive regional economy

E3: Land and premises for economic development

- 8.5 National Policy Guidance  
PPS1 – Delivering Sustainable Development  
PPS4 – Planning for sustainable economic growth  
PPG13 – Transport  
PPS9 – Biodiversity and Geological Conservation  
PPS25 – Development and Flood Risk

Ministerial Statement – Planning for Growth, March 2011

## 9.0 **MAIN ISSUES**

1. Principle of development
2. Time periods for extension of time
3. Highway Issues
4. Flood Risk Assessment

## 10.0 **APPRAISAL**

### 1. Principle of Development

10.1 Part of the site is allocated for employment use and as a key employment site under Policies E4 and E8 of the Unitary Development Plan Review (the allocated site is 98 ha in area). The part of the site which is not within the employment allocation consists of sewage treatment works filter beds. This land the Knostrop strategic waste site allocation under the Natural Resources and Waste DPD which is currently undergoing an Examination in Public (programmed for 16 November to 7 December 2011).

10.2 Outline approval has been granted in principle for storage and distribution development on the application site and this remains an extant permission until 2016. The outline permission approved only the principle of development with all other matters reserved although an indicative layout was provided. An updated indicative masterplan has been provided.

10.3 As referred to above, part of the site was one of the Natural resources and Waste DPD allocated sites for strategic waste purposes. The policy (Waste 6 – Strategic Waste Management sites) allocated these sites for the lifetime of the document which covers a 15 year period unless it is shown that there is no requirement for the allocation. The applicant has made representations regarding this policy and the site has since not been the chosen site in the procurement process for an Energy from Waste development. The Forward Planning team confirm that the proposed text of the DPD, which is currently undergoing an Examination In Public, is to be altered to clarify that once the procurement process completes then the unsuccessful site will not be needed for strategic waste purposes. Therefore a condition safeguarding the site for the duration of the plan period is not required.

### 2. Time period for extension of time

10.4 The government reintroduced the ability for applicants to extend the time period for implementation of applications which were granted planning permission on or before 1 October 2009. It is only possible to grant one extension of time to each permission. The DCLG guidance document 'Greater flexibility for planning permissions' advises with regard to 'how local authorities should approach these applications', that in the current circumstances local planning authorities should take a positive and constructive approach to applications which improve the prospect of sustainable development being taken forward quickly. As the principle of development will have been accepted at an earlier date, the guidance goes on to state that local planning authorities should focus their attention on development



plan policies and other material considerations which may have changed significantly since the original grant of planning permission. There is discretion in terms of the length of time a permission can be extended for with discretion to grant longer permissions if this is justified on planning grounds.

- 10.5 The extension of time is a significant issue for the Council to consider. The proposal would allow submission of second reserved matters by 2023 and commencement by 2025, with further phases of reserved matters then coming forward no later than 2 years from approval of the last phase.
- 10.6 The applicant advises that this extension of time is required in order to provide them with the confidence that they can have the ability to start on site and carry out significant reclamation works and have further time to deliver this scheme given current market conditions.
- 10.7 The extant permission allows submission of first reserved matters by 2016 and implementation by 2018. The applicant has agreed a commitment to submission of the first reserved matters in line with this time period for the extant permission, therefore the proposed extension of time relates to the second reserved matters application to be submitted up to 7 years beyond that which the extant permission allows for in relation to both reserved matters and commencement of development respectively.
- 10.8 In order to ensure that the proposed extension of time does not result in significant delays in development of the site coming forward altogether, Officers have sought to reach agreement with the developer on delivering a reasonable level of development within the timescales of the extant permission. In this respect, the applicant has offered to commit, by way of the legal agreement, to the delivery of 28,000 sq.m of floorspace at the site by 2018. This represents just over 10% of the total floorspace approved at the site under the extant permission. It should also be noted that conditions on the outline permission restrict more than 60% of floorspace from being provided if the agreed trip rates for the site are exceeded at phase 1. This could therefore reduce the total floorspace delivered at the site to 165,000 sq.m and therefore the proposed 28,000 sq.m to be delivered by 2018 would then represent 17% of the development.
- 10.9 The applicant has however indicated that at the present time the aspiration is to deliver some 93,000 sq.m floorspace as Phase 1 of the development and this is likely to be the largest of the plots shown on the indicative masterplan. The developer would also carry out significant reclamation works at the site in the early stages of the development with substantial financial commitments in advance of securing future occupiers.
- 10.10 It is therefore considered that the proposed commitment by the developer to carry out the first phase of reclamation works and provide 28,000 sq.m of floorspace by 2018 represents an acceptable start to development of this site and will facilitate other phases of the development to come forward. As such, it is considered that the proposed extension of time will not lead to unacceptable delays to development given the current market conditions and significant commitment which is required from the developer in order to deliver development of this site.

### **3. Highway Issues**

- 10.11 The allocation of the site under Policy E4 included that development of the site is subject to the construction of relevant road proposals to serve the development. The East Leeds Link Road (ELLR) has now been constructed and is open to serve the

site. The condition preventing development until this time is therefore no longer necessary. It should be noted however that the applicant is seeking to revise the terms of the s106 agreement which covers the development of this site and which deals with the repayment of £2.88m funding for the ELLR to Yorkshire Forward (now replaced by HCA) and this is referred to below under the heading of s106 matters.

- 10.12 A revised Transport Statement has been submitted as part of the application and this is based on a gross floor area of 275,000 sq m of B8 warehousing with access from the East Leeds Link Road. Revised trip rates have recently been received and the Highways Agency has removed the holding direction subject to conditions and securing the Travel Plan through a legal agreement.
- 10.13 The extant permission was approved subject to a limit on the number of trips generated by the development, with Phase 1 being no more than 60% of the floorspace and Phase 2 not coming forward if agreed trip rates at the site are exceeded in order to ensure that the M1 motorway network is not overloaded.
- 10.14 The Travel Plan will be an important factor in achieving the trip rates restricting development on this site. Since the extant permission was granted permission, the draft Travel Plans SPD has been adopted for development control purposes and the applicant has therefore worked with the Council Highway Officers and the Highway Agency on agreeing a Travel Plan Framework for the site. The Travel Plan will be secured by way of the s106 agreement which will include the travel plan evaluation monitoring fee (estimated to be £15,000 based on number of staff anticipated).
- 10.15 The Public Transport Infrastructure Developer Contributions SPD has also been adopted since the extant permission was granted and therefore there is a requirement to secure this contribution as part of the s106 agreement however this will also be of benefit to the developer in helping them to achieve the trip rates which development must achieve in order to deliver phases 2 and 3.

#### **4.Flood Risk Assessment**

- 10.16 The Environment Agency have not objected to the application subject to conditions in accordance with the recommendations of the FRA. Officers are also satisfied that the applicant's approach to the sequential test required under PPS25 is acceptable in light of the limited part of the site which is within Flood risk zones 2 and 3, the less vulnerable end use proposed on the site and the sequential approach to future development of the site as part of the reserved matters as recommended in the FRA

#### **5. Revised conditions**

- 10.17 The applicant is seeking to revise the conditions attached to the original permission to allow development of the site to be phased. These conditions principally relate to materials, boundary treatments, landscaping, oil interceptor provision, drainage, ventilation and plant equipment, litter and waste storage, sustainability statement and contamination investigations/ remedial works. It is considered that this approach is entirely acceptable for such a significant amount of floorspace and it is expected that reserved matters applications will be submitted in a phased approach and therefore the original conditions should have reflected this. The original condition numbers and proposed revisions are set out below;
- Condition 3 – Submission of programme for the phasing of the development  
Revised to allow for submission of phasing plan at each stage of development, to increase flexibility
- Condition 4 – No development prior to completion of ELLR  
Delete – ELLR is now complete
- Condition 8 - System for automatic vehicle detection

- Revised to allow for submission prior to commencement of Phase 1.
- Condition 16 - Details of the position, design, materials and type of all walls and/or fences or permanent boundary treatment.  
Revised to allow phased submission
- Condition 18 - Landscape Details  
Revised to allow phased submission
- Condition 24 - Details of storage ponds, permeable paving areas and bridge crossings of Wyke Beck to be submitted and approved in writing  
Revised to allow phased submission and separate condition for Wyke Beck
- Condition 26 - Drainage details  
Revised to allow for phased submission
- Condition 27 - No development shall take place until details submitted of the treatment of emissions to atmosphere, resulting from any processes, plant or activity, including the method of treatment and height, position and manner of discharges.
- Condition 30 - Delete – the condition is not relevant to B8 development  
Details of the extract ventilation system  
Delete, the condition is duplicated at condition 32.
- Condition 32 - Details of mechanical ventilation or air conditioning system  
Revise to allow phased submission of details.
- Condition 33 - Details of the method of storage and disposal of litter and waste materials.  
Revised to allow phased submission of details
- Condition 35 - Bat survey to be carried out, by a licensed bat worker, of the dead tree along the north-west boundary of the site  
Delete – tree has been removed, appropriate bat surveys were undertaken
- Condition 36 - Scheme for the restoration of Wyke Beck within the site.  
Amend to allow for phased submission
- Condition 37 - Details of bird and bat boxes to be provided  
Amend to allow for phased submission
- Condition 38 - Sustainability statement  
Amend to allow for phased submission and in accordance with current Sustainable Construction SPD
- Condition 39 - Submission of Remediation statement  
Amend to allow for phased submission and in accordance with current contamination conditions
- Condition 45 - Intrusive investigation to assess and characterise potential land contamination  
Amend to allow for phased submission and in accordance with current contamination conditions

## **6. S106 matters**

- 10.18 The applicant has submitted heads of terms for the following matters to be dealt with by way of a s106 legal agreement. It is also considered that delivery of the travel plan will need to be secured through the s106 legal agreement as well as a commitment to the carrying out of the first phase of development by 2018. All of the obligations and contributions proposed within the S106 as contained within this report are considered to be directly related to the development and compliant with the three legal tests introduced by CILs Regulations ( necessary; directly related; and fairly and reasonably related in scale and kind to the development)



- 10.19 The existing s106 agreement which deals with repayment of the ELLR money relates to the land and not the implementation of a specific planning permission. It should also be noted that there is an inconsistency between the red line area of the site subject of the extant B8 planning permission and the land subject of the legal agreement as the full B8 site is not included. It is considered that this is likely to have been an oversight and should be rectified as part of the s106 agreement required for the extension of time application.
- 10.20 The developer has a commitment to pay a £2.88 m contribution to the ELLR to Leeds City Council by way of a legal agreement relating to the site. The Council are then party to a joint venture agreement and are required to repay this money to Yorkshire Forward. Yorkshire Forward's Assets are now being dealt with by the Homes and Communities Agency since Yorkshire Forward has been disbanded.
- 10.21 The terms of the existing legal agreement require payment of 50% of the money prior to stage 2 works (site preparation) and 50% prior to commencement of development. This is the same for 3 sites that are required to contribute to the ELLR monies.
- 10.22 The applicant has proposed to the Homes and Communities Agency (HCA) that the terms of the agreement are amended to alter the timing and phasing of the payment. This matter will need to be dealt with by way of a new legal agreement to accompany this extension of time application which can also deal with the discrepancy relating to the land tied to the legal agreement. The City Council does not have the authority to alter the terms of this agreement without agreement from HCA. It is recognised that it is desirable to provide some degree of flexibility to the developer in order to help bring development at this site forward and this has greater importance given that the site is one of the sites within the announced Enterprise zone. This is also consistent with government advice on Planning Obligations issues in March this year, in light of the Ministerial Statement, Planning for Growth. The government advice is that an appropriate review of planning obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes. The HCA have indicated support for an amended agreement based on the following repayment triggers that have been put forward by Aire Valley Land and KeyLand;
- Stage 1: construction of main site access road, associated works and site preparatory ground works - nil contribution
  - Stage 2: commencement of construction of buildings in accordance with B8 planning permission - 25% of the contribution and interest
  - Stage 3: occupation of premises constructed on the site - contribution payable based on the following calculations: -
    - OF/TF x TC x 1.5 - for the first 93,000 sq.m
    - OF/TF x TC x 0.375 - for the remainder of the floorspace (approx 182,000 sq.m)
 Where:
    - OF = Occupied floorspace for the relevant phase
    - TF = Total floorspace permitted by the planning permission
    - TC = Total contribution with accrued interest under the S106 agreement
- 10.23 On this basis the payments would be:

- £720,000 on commencement of buildings
- £1.4m *pro rata* spread across the first 93,000 sq.m. of occupation; and
- £720,000 *pro rata* spread across the remaining 182,000 sq.m..

10.24 Aire Valley Land and KeyLand also propose a backstop date of 31 March 2020 for payment of any outstanding balance of the ELLR contribution.

#### Public Transport Contribution

10.25 The public transport improvement contribution will need to be dealt with as part of a s106 legal agreement but needs to maintain flexibility in terms of agreement of the best delivery of public transport measures at the time development comes forward. The sum of £500k has been agreed between the developer and Officers and it is considered that this could be spent on a number of measures; funding of a Metro service (advice has been sought from Metro), direct funding of a shuttle bus service for a future occupier of the site if public transport services are not feasible, contribution towards the Park and Ride scheme or other such measures.

10.26 Phasing of the public transport funding has been agreed with the applicant to ensure an element of front loading in the delivery of public transport measures as follows;

- £167,000 payable on first occupation
- £167,000 payable on occupation of 93,000 sq. m.
- £166,000 payable on occupation of 163,000m sq.m.

10.27 The s106 and travel plan also include the setting up of a steering group to look at the different measures available at the time development comes forward.

### **11.0 CONCLUSION**

11.1 The site is considered to be an important strategic site within the announced Enterprise Zone. It is considered that subject to the matters set out in the report to be dealt with through a legal agreement and the delivery of the first phase of development by 2018, the proposed extension of time for submission of 2<sup>nd</sup> reserved matters is acceptable. Granting the extension of time should assist in providing the applicant with flexibility in delivering the development and in determining this application, regard should also be had to the government's agenda of fostering sustainable economic growth and the job creation associated with the proposed development.

11.2 Members are asked to defer and delegate approval of the application to Officers subject to the completion of a legal agreement to deal with the matters set out at the start of the report. The City Council is party to a joint venture agreement in respect of the repayment of the money for the East Leeds Link Road and therefore the legal agreement can only be varied in agreement with the government through the HCA.

#### **Background Papers:**

Application and history files; 21/199/05/OT  
Certificate of Ownership – Certificate B

## **APPENDIX 2 –MINUTES OF PLANS PANEL EAST 01/12/11**

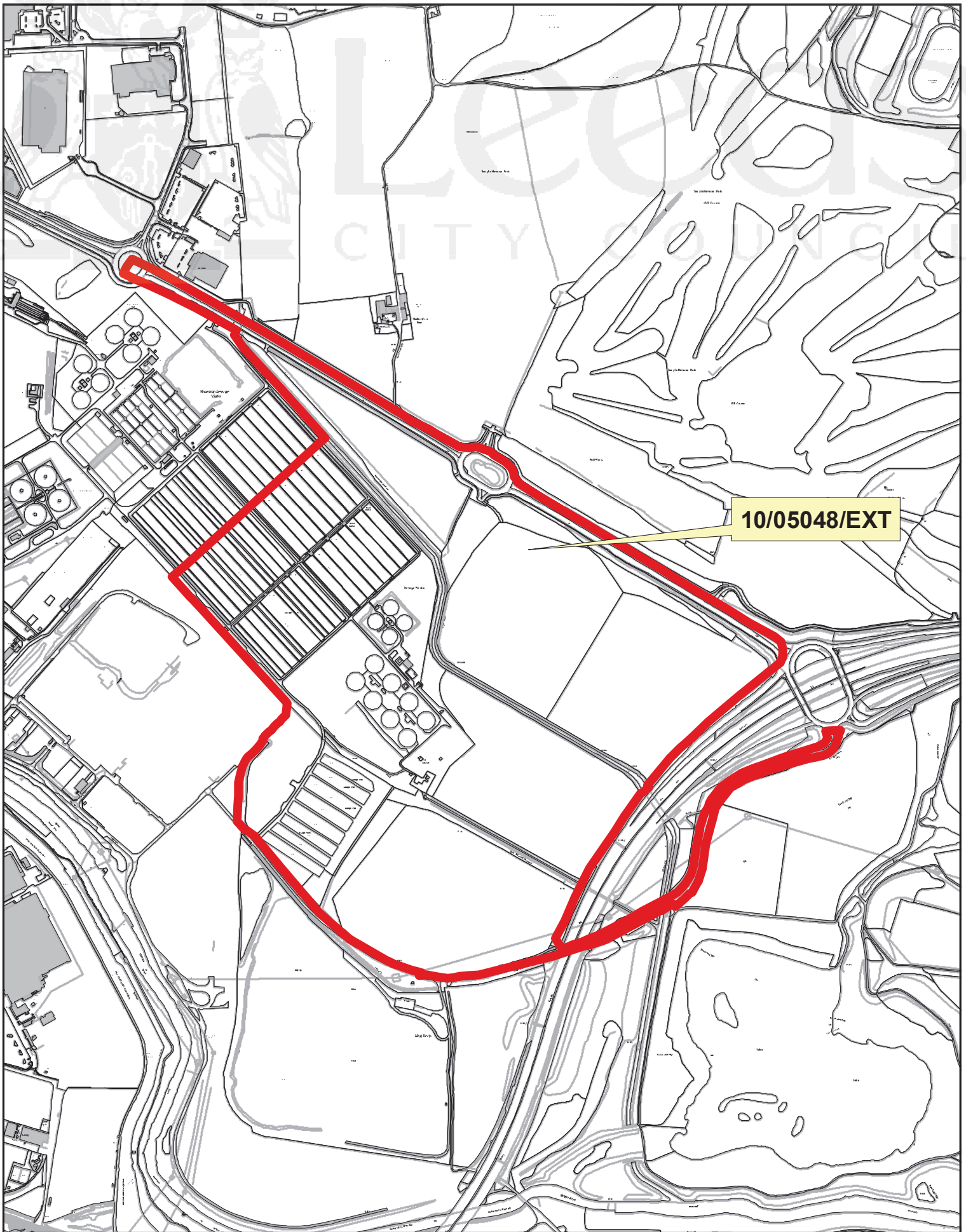
The report of the Chief Planning Officer referred to an application for extension of time for outline planning application 21/199/05/OT to allow submission of Reserved Matters until 2023 (to erect warehouse and distribution development with car parking and landscaping) at Land at Temple Green off East Leeds Link Road, LS10.

**RESOLVED** – That planning permission be granted in accordance with the recommendation.

- Condition 2 – to read ‘submission of first reserved matters and commencement of development both by 2018’
- Condition 5 – reference to B2 to be deleted.

Additional conditions:

- Update of Landscape and Design Framework for whole site to be submitted with each reserved Matters application.
- Development in accordance with the approved Flood Risk Assessment (October 2010).



# SOUTH AND WEST PLANS PANEL





Originator: David Jones

Tel: 247 8000

## Report of the Chief Planning Officer

### PLANS PANEL (SOUTH & WEST)

Date: 11<sup>TH</sup> JULY 2013

**Subject: APPLICATION 13/01941/RM: RESERVED MATTERS APPLICATION TO ERECT 173 DWELLINGS ON LAND AT BRUNTCLIFFE ROAD, MORLEY**

#### APPLICANT

Barratt Homes Yorkshire  
West & Priestgate Morley  
Ltd.

#### DATE VALID

6<sup>TH</sup> June 2013

#### TARGET DATE

16<sup>th</sup> September 2013

#### Electoral Wards Affected:

Morley South

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** Reserved matters are approved

## 1.0 INTRODUCTION:

1.1 A Position Statement for this application was considered by Plans Panel at the July meeting. In response to the points raised in the Officer's report, Members' provided the following comments:

- on the impact of the proposals on the setting of the Conservation Area, that further work remained but that the concessions made in respect of the stone wall and use of natural stone on some properties were welcomed
- regarding design, that the revisions, particularly the removal of rear bin stores to the rear were an improvement
- in respect of landscaping, the need to avoid the creation of large shrubberies was stressed
- on highway safety, some concerns were raised about the use of shared surfaces



- to note the comments made about the adjoining Masonic Lodge land being landlocked
- regarding the impact on residential amenity of adjoining occupiers, it was felt there would not be significant issues, although there was a need to carefully consider the relationship to the Arts and Crafts bungalows adjacent to the site
- on the acoustic fencing proposal, that there was a need to see the EPT response on this matter
- in terms of concerns about flood risk at the site, it was felt this was not an issue

- 1.2 Concerns were also raised at the impact on the public realm of parking areas to the front of the houses.
- 1.3 Members also considered that the proposed dwellings should have adequate privacy from the street, particularly corner plots.
- 1.4 Officers were asked to check that the S106 Agreement on the outline permission specified completion within 2 years.
- 1.5 Revised plans have been submitted to address the above points. This report addresses the outstanding concerns, and the up-dates the original July Plans Panel report, which is appended to this report.
- 1.6 The revised plans are described in more detail below, and include:
- Amendments to the elevations of Plots 1 – 3, which abut the conservation area boundary.
  - Retention of stone wall boundary to Bruntcliffe Road
  - Bin stores located to the rear
  - All open areas within the estate to be included within curtilages or to be within adopted highway.
  - Adopted roads up to the Masonic Lodge boundary.
  - An improved balance of parking solutions, so that long runs of parking have been broken-up by areas of planting, or have been provided as tandem parking, especially in visually prominent locations.
  - Improved privacy for future occupants by introduction of hedging to the front, and resiting of corner plots.
  - Four of the affordable houses to be 3 bedrooms, originally proposed as 2 bedrooms.

## **2.0 ISSUES RAISED BY PLANS PANEL**

### **2.1 Setting of the Conservation Area**

- 2.1.1 The three dwellings to the Bruntcliffe Road frontage have been revised so that they are now to be constructed in natural stone. In addition, the window details have been amended so that they have a more vertical emphasis, again, as is the local vernacular style, and chimneys have been added. The buildings are now considered to at least preserve the setting of the adjacent conservation area.
- 2.1.2 The existing stone wall to the Bruntcliffe Road frontage is to be retained.

### **2.2 Bin storage provision**

- 2.2.1 The original scheme showed bin stores to the front of a large numbers of properties, mainly to the front of terrace houses. The scheme has been amended so that the bin stores are now all to the rear of the houses. For example, the two pairs of

terrace houses (plots 12 – 17) have a central access point between the two pairs of houses, which allow a rear access for pedestrians to be provided which would be gated and have good surveillance. This proposal is considered acceptable. This arrangement is repeated on plots 43 – 48.

2.2.2 For plots 97 – 100, the bins are accesses to the side of the terrace block, again, via a locked gate, and this arrangement is considered acceptable .

### 2.3 Areas of shrubberies

2.3.1 Panel raised concern at the creation of areas described as shrubberies, which would lead to maintenance issues. Outside of the curtilage of properties and the public open space, no such areas are now proposed. The area adjacent to the Bruntcliffe Road frontage is to be conveyed to residents, and the open areas adjacent to the pedestrian link onto Scotchman Lane will have individual trees and grass only.

### 2.4 Shared surfaces

2.4.1 A shared surface is proposed to the dwellings between plots 149 and 156, with a segregated footpath only to the southernmost part of the street. The shared surface serves 15 dwellings and under the Street Design Guide criteria this would fall into that of a Street Type 3a Shared Space Streets. They can serve up to 100 vehicles in the weekday PM peak or be up to 300m in length.

2.4.2 The width can vary but overall should have a minimum carriageway width of 4.8m with an adoptable corridor with of 7.4m which this does.

2.4.3 Ideally, a 2m wide pedestrian route would be provided on both sides of the carriageway with a nominal upstand of 30mm. If the street served 10 dwellings or less there would be no requirement for a pedestrian route or footway at all.

2.4.4 In this instance, one pedestrian route has been provided for 15 dwellings and whilst this isn't totally complaint, Highways Officers do not consider that a highways reason for refusal on this basis alone could be substantiated.

### 2.5 Masonic Lodge

2.5.1 The revised plan clearly shows the proposed highways abutting the Masonic Lodge land (which is allocated for housing). Therefore, the Masonic Lodge land would not be landlocked.

### 2.6 Relationship to the Arts and Crafts bungalows

2.6.1 The two nearest houses to these bungalows are Plots 1 and 7, which present their gable walls onto the bungalows at a distance of 19m. As 12m is the minimum distance, even allowing for the new buildings being two storeys, the distance is well excess of the minimum required. This relationship, therefore is considered acceptable by officers.

### 2.7 Acoustic fencing to the M62 motorway

2.7.1 In order to reduce noise levels externally at both the proposed façades and within the proposed garden areas, the applicant is proposing that a barrier is constructed

along the M62 boundary of the application site. In addition, there is high specification glazing proposed for noise sensitive properties, and 2.4m high wall/fences to boundaries closest to the M62 motorway.

2.7.2 Environmental Studies Officers have confirmed no objections to the above proposals.

## 2.8 Car parking to the front of dwellings

2.8.1 Concern was raised, mainly in regard to the terrace houses, that in some areas, parking to the front of the dwellings, rather than to the sides/ rears of houses, would dominate the public realm, to the detriment of the streetscape.

2.8.2 Revised plans have been submitted, which reduce the impact of the parking, as follows:

(i) For plots 12 – 17, the shared drive to the front has been reduced in length, to allow two parking spaces to be provided at the end of the drive. This, and the removal of the bin stores to the rear has freed up space to break up the long run of (what was) 10 parking spaces.

(ii) On the previous layout, 9 dwellings off the shared access road (plots 132 – 140) produced a virtually solid row of 15 car parking spaces, with very limited relief. On the revised plan, there are 8 dwellings, which produce 10 car parking spaces onto the street, allowing for greater landscaping to be provided. On the opposite side of the street, the layout remains largely unchanged, with plots 152 – 155 set back to allow tandem parking, with landscaped areas between. On balance, this arrangement is considered acceptable.

(iii) On the previous layout, plots 94 – 97 presented eight parking spaces onto the road leading to the footpath link on Scotchman Lane, with the additional problem that the cars would be vulnerable, being adjacent to the footpath link. The revised layout shows three dwellings facing onto the road, instead of the four, with only three drives fronting onto the highway. This is considered a material improvement on visual and community safety grounds.

(iv) Plots 98 – 101 on the previous scheme had 8 parking spaces. The terrace has been relocated further into the site, towards the eastern site boundary, so the rear facing wall of the terrace is 14m from the rear boundary, reduced from 16m previously. This allows plots 97 and 100 to have tandem parking, again allowing greater landscaping and less cars in the street scene.

2.8.3 There are still locations in the estate where cars are parked to the front, however, Officers consider that there is now a much improved balance of parking solutions throughout the estate, such that the public realm would not be adversely impacted upon to a degree whereby a refusal could be sustained on these grounds.

## 2.9 Privacy for future occupiers

2.9.1 In the main, properties at the various road junctions have been resited further away from the junctions, so that the occupiers would have greater privacy from activity in the street. In addition, the revised plans show sections of hedge to the front of these properties, which often wrap around the junction, which not only improves the privacy for residents, but softens the properties in the street scene.

## 2.10 Affordable housing



- 2.10.1 The completed Section 106 Agreement requires affordable housing to be provided at 15%, in accordance with the Plans Panel resolution at outline stage.  
The relevant clause is:
- Either: 15% (rounded up) of the total number of dwellings provided that the Implementation of Development is within 2 years of the date of the grant of planning permission (i.e. by 28th March 2015), comprising 50% sub-market and 50% social rented affordable units:
- Or
- If Implementation of Development is later than 2 years from the date of the grant of planning permission the number of affordable units will accord with the affordable housing policy of the Council at the time of the implementation of the development.
- 2.10.2 There is no requirement for the development to be completed within two years. The issue of delivery of affordable housing is an issue considered at outline stage, and not subject to consideration at reserved matters stage.
- 2.10.3 The applicant has amended the original proposal, and Plots 158 – 161, which were originally 2 bedroom houses, are now 3 bedroom houses, following representations received from ward members regarding the mix of properties. This is considered acceptable.

### **3.0 UP- DATED REPRESENTATIONS**

- 3.1 The initial representations were set out in Section 6.0 of the July Plans Panel, and further representations have now been received.
- 3.2 A second Ward member briefing was held on 8<sup>th</sup> August to discuss the first set of revisions (see 3.3.1 below), attended by Councillor Elliott (Morley South), Councillor Finnigan (Morley North) and Councillor Varley (Morley South). Two local residents were also in attendance. The removal of the bin stores were welcomed, but concerns were still raised at the dominance of cars in the street scene. Potential noise concerns remained, pending final consideration by Environmental Health Officers. Concerns were raised that the houses facing the conservation area were not in keeping with the character and appearance of the area.
- 3.3 Morley Town Council (MTC) made the following comments in respect of the first set of revisions, which MTC noted as follows :
- 3.3.1 Many of the changes are on and around the north-western leg of the L-plan main access drive and consist of improved road corners, more visitor parking in roadside lay-bys, small additions to shrubbery and the provision of public benches. Depth of buffer planting is increased along some of the north-western site boundary. Bin stores have been taken from fronts of houses and put into back gardens.
- 3.3.2 Most of the site is part of a UDP housing allocation, the rest of which lies in the adjoining Masonic Lodge grounds, but the Barratt site has been extended westwards into what the UDP Inspector meant to be a buffer between housing and employment. A compensating extension of the buffer strip beyond the red line has been agreed; it is not clear from the information now supplied what the full buffer strip will be, or how it would be secured by legal agreement and installed on the ground. An access road leading to the Masonic boundary should be kept free of any ransom strips or similar devices, as it would be essential for development of the remainder of the UDP housing allocation within the Masonic grounds.

- 3.3.3 Land in the most northerly part of the site is within the Conservation Area extension about to be confirmed; most of the house at Street Farm is to be kept, with an appropriate a "vernacular" extension replacing demolished outbuildings, and the part nearest Bruntcliffe Road moved to give a reasonable sight-line. We still believe that new houses within and near the new Conservation Area around the site entrance should be more in keeping with traditional Morley styles; they should be in stone or good quality artstone and have roofs with shallower pitches, instead of the standard estate houses which are rather uninspiring. There are some stone boundary walls which should be kept and repaired.
- 3.3.4 Affordable housing is at 15% and well spread through the estate in pairs or short terraces; there is no ghetto. However, many defects remain; the tightness of the overall layout shows in the cramped nature of the affordable and similar open-market houses, frontages taken up entirely by car parking, some houses very close to highway edges and corners, and small back gardens, some of which may be below standard in terms of area in proportion to the floorspace of the dwellings which they serve. We maintain that it will be necessary to take out a few houses to allow a freer and better layout.
- 3.3.5 Permitted development rights should be withdrawn across the estate to protect the amenity of residents from the possibility of ill-advised or excessive alterations and extensions being made by their neighbours. There are general concerns across Morley about shortages of school places and the capacity of medical practices and dental surgeries and growth of traffic which should be taken into account as each new housing proposal emerges.
- 3.3.6 MTC still object to this revision, and consider there is more work to do.
- 3.4 Three letters of objection have been received, one from a local householder, and two from further afield, in Morley and West Ardsley. The objections all relate to the principle of development, that development is not sustainable, is over and above the housing allocation, and will lead to congestion and highway safety difficulties.
- 3.5 Gildersome Parish Council objects on the grounds as in para. 3.4 above.
- 3.6 The final set of revisions were advertised on 28<sup>th</sup> August, and any further representations will be reported verbally to Plans Panel. A ward member briefing was due to take place on 5<sup>th</sup> September, to discuss the final changes, and any comments will be reported verbally to Plans Panel.

## **4.0 CONCLUSION**

- 4.1 The proposal is a reserved matters submission, to consider the appearance, landscaping, layout and scale of the development. The scheme has been amended so that Officers now consider these reserved matters to be acceptable. The amendments to the three Bruntcliffe Road frontage plots, in terms of design and materials, addresses concerns at the impact on the setting of the conservation area. The amendments to the bin store provision, parking arrangements, and location of dwellings close to the junctions has produced a scheme which is acceptable in terms of visual and residential amenity. No technical concerns are raised.
- 4.2 As the revised plans satisfactorily address previous concerns raised by Members in respect of amenity in the public realm, residential amenity and conservation issues, the application is supported.



Originator: David Jones

Tel: 247 8000

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**Report of the Chief Planning Officer**

**PLANS PANEL (SOUTH & WEST)**

**Date: 11<sup>TH</sup> JULY 2013**

**Subject: POSITION STATEMENT for APPLICATION 13/01941/RM: RESERVED MATTERS APPLICATION TO ERECT 173 DWELLINGS ON LAND AT BRUNTCLIFFE ROAD, MORLEY**

**APPLICANT**

Barratt Homes Yorkshire  
West & Priestgate Morley  
Ltd.

**DATE VALID**

6<sup>TH</sup> June 2013

**TARGET DATE**

16<sup>th</sup> September 2013

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**Electoral Wards Affected:**

**Morley South**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:** Members are requested to note the contents of this position statement, provide feedback on the questions posed and are invited to provide comments on any other aspect of the proposals.

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## **INTRODUCTION:**

- .1 The purpose of this report is to provide Members with information, raise the issues involved and seek Members initial views on the reserved matters proposal for 173 dwellings.
- .2 The earlier outline application was brought to the Plans Panel because it related to a substantial development proposal and was subject to a considerable number of objections from residents.

## **2.0 PROPOSAL:**

- 2.1 Outline approval has been granted for residential development, with access also being approved. An indicative layout showed approximately 168 dwellings. The current reserved matters application seeks approval for appearance, landscaping, layout and scale.
- 2.2 The total site area is 7.7 hectares. The net area of development is 4.9 hectares and the open space and buffer areas amount to 2.8 hectares. The site layout shows 169 new build houses, and the conversion/new build at Street farm will form four units, so that a total of 173 units would be provided.
- 2.3 The 169 new build houses are all two storey in a mix of 85 detached houses, 50 semi-detached houses and 34 terrace properties. In terms of numbers of bedrooms, 13 x two bed houses are proposed, 83 x three bedrooms and 73 x four bedroom houses. The density is 35 dwellings per hectare.
- 2.4 Of these dwellings, 26 dwellings (15%) are proposed to be affordable units, under the terms of the completed Section 106 Agreement. 13 of these are proposed to be two bedrooms, and 13 would be three bedrooms. Four would be semi-detached, with the remainder (22) in terrace form. The affordable units are identified with asterisks on the site layout.
- 2.5 At Street Farm, adjacent to the Bruntcliffe Road frontage, it is proposed to demolish part of the farmhouse and convert and extend the barn behind the house, and demolish other outbuildings, to form four dwellings in a 'L' shape to the site frontage. These would form 1, one bedroom, 1, two bedroom and 2, three bedroom houses.

### Approved access

- 2.6 The proposed layout shows the housing to be served from a single vehicular access from Bruntcliffe Road, to the west of the Street Farm buildings. A footpath/cycleway with provision for emergency vehicle access is proposed onto Scotchman Lane. The bus stop on the frontage may need to be moved to accommodate the emergency access.
- 2.3 The access arrangements would involve building out the existing footway to provide a wider footway along the southern side of Bruntcliffe Road, to the east of the proposed access. A pelican crossing is proposed to facilitate pedestrian movements across Bruntcliffe Road
- 2.4 Two new pedestrian refuge islands are proposed on the A650 west of the proposed site access. In addition, new road markings in the form of additional hatching are

proposed on the stretch of the A650 between Scotchman Lane junction of Scott Lane. These arrangements were approved at outline stage.

#### Greenspace and buffer

- 2.5 2.8 hectares of open land (Green Infrastructure) is proposed to the south and west of the development, in the form of buffer zone and greenspace. A pedestrian walkway is proposed through the greenspace, which would connect with the pedestrian access onto Scotchman Lane, link to the footbridge over the M62 and connect to the northern part of the estate.
- 2.6 The buffer zone extends beyond the red line site boundary to the west, to provide a more extensive buffer to the proposed employment allocation. This buffer is required under the terms of the completed Section 106, and details are not required under this reserved matters application.

#### Completed Section 106 Agreement

- 2.7 The applicant has completed a s106 agreement that covers the following:
- 15% affordable housing contribution provided that the development is commenced within 2 years of the date of the grant of planning permission. This would comprise 50% sub-market and 50% social rented affordable units:
- Or
- If the development is implemented later than 2 years from the date of the grant of planning permission the number of affordable units will accord with the affordable housing policy of the council at the time of the implementation of the development.
- Bus stop improvement contribution of £60K.
  - A primary education contribution based on the following: number of dwellings x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost).
  - A secondary education contribution based on the following: number of dwellings x £18,469 (cost multipliers) x 0.10 (yield per pupil) x 0.97 (location cost). (see 10.65)
  - Public Transport Contribution: In the event of 168 dwelling being constructed a sum of £152,208 is provided. In any other event a sum of £906 per dwelling. (see 10.65)
  - Off-site highways contribution of £30, 321
  - Provision of on site greenspace.
  - Off site greenspace contribution of £244,117.53 in the event of 168 dwellings being constructed. In any other event the sum of £1,453.08 multiplied by the number of dwellings constructed.
  - MetroCard scheme for proposed residents (12 month card for use within zones 1 – 3).
  - Travel Plan.
  - Buffer Zone (west of the site) and Noise Buffer Zone to the south of the site.
  - Local employment scheme.

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

- 3.1 The application site is located on the south western periphery of Morley, adjacent to the M62. The site covers an area of approximately 7.7ha. It is bounded to the north by Bruntcliffe Road, allotments and a field boundary, to the south by the M62, to the east by residential properties on Scotchman Lane and to the west by agricultural fields.

- 3.2 As set out above, a significant majority of the site is in use as agricultural land, with the exception of the northwest corner, which is occupied by Street Farm, 3 barns and a vegetable patch. The site comprises largely of a Phase 2 Housing Allocation (H3-2A.5) within the Leeds Unitary Development Plan (UDP) Reviewed and adopted in 2006. Under the provisions of UDP Policy E4:47 6.5 hectares of land to the west of the application site is allocated for employment uses.
- 3.3 Morley town centre is located approximately 1km to the north of the site and is easily accessed along the A6123 (Fountain Street). Howley Park Industrial Estate is located to the east of the application site and can be accessed from Britannia Road and Scotchman Lane.
- 3.4 Junctions 27 and 28 of the M62 are located approximately 1.6km and 2.7km to the west and east of the site respectively and allow for access to the wider road network.
- 3.5 Fountain Primary School and Morley High School are both located within 0.7km of the site and recreational facilities exist at Dartmouth Park approximately 0.11km from the sites proposed access point.

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

- 4.1 12/01332/OT – outline planning permission granted for residential development on the site on 28<sup>th</sup> March 2013. Details of the outline are set out in para. 2.1 above and the provisions of the completed Section 106 is set out in para. 2.7.
- 4.2 Of relevance are two undetermined planning applications on the Bruntcliffe Road/A650 corridor, which contribute to traffic generation in the area:
- 4.2.1 10/04597/OT - Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking, Wakefield Road, Gildersome. Approved in principle by City Panel in April 2013, and subject to a Holding Direction by the Highways Agency and completion of a Section 106 Agreement.
- 4.2.2 12/02470/OT - Outline application for proposed employment development for use classes B1(b) and B1(c) (Research and Development/Light Industrial Uses), B2 (General Industrial Uses) and B8 (Storage and Distribution Uses) with new accesses, associated infrastructure and landscaping, land between Gelderd Road/Asquith Avenue and Nepshaw Lane North, Gildersome. Submitted on 1<sup>st</sup> June 2012. Currently under negotiation.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 In respect of the current reserved matters scheme, no negotiations have been carried out as yet, whilst the application is out to consultation, and seeking views from residents and members.
- 5.2 At outline stage, extensive negotiations took place in respect of the Section 106 Agreement, and in particular with the provision of a noise buffer zone which effectively reduced the scheme from approximately 200 to 170 dwellings. In addition, Street Farm house was proposed to be retained, and new development in the vicinity to be designed to give a courtyard appearance.

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



- 6.1 This application was advertised as Proposed Major Development, Affecting a Public Right of Way and setting of a Conservation Area by Site Notices on 21<sup>st</sup> June 2013.
- 6.2 Any representations will be reported to Plans Panel in due course.
- 6.3 A Ward member briefing was held on Friday 21<sup>st</sup> June, attended by Councillor Elliott (Morley South), Councillor Finnigan (Morley North) and Councillor Leadley (Morley North). The following comments were made:
- 6.3.1 Concern that the terrace properties do not allow bins to be provided for at the rear, and the proposed bin storage areas to the front are unacceptable.
- 6.3.2 Request that Officers consider whether there is scope to increase the size of the two bedroom affordable units, to provide more three bedroom family houses.
- 6.3.3 Concern that some of the garden sizes may be substandard and Officers should consider whether the minimum space standards are being met.
- 6.3.4 It is considered essential that permitted development rights are removed to prevent the potential overdevelopment of the site.
- 6.3.5 Care should be given that the houses facing the existing conservation area, i.e. along the Bruntcliffe Road frontage, should respect the character and appearance of the conservation area.
- 6.4 Morley Town Council - Most of the site is part of a UDP housing allocation, the rest of which lies in the adjoining Masonic Lodge grounds, but the Barratt site has been extended westwards into what the UDP Inspector meant to be a buffer between housing and employment. A compensating extension of the buffer strip beyond the red line has been agreed; the full buffer strip should be secured by legal agreement and installed on the ground. An access road shown leading to the Masonic boundary should be kept free of any ransom strips or similar devices, as it would be essential for development of the remainder of the UDP housing allocation within the Masonic grounds.
- 6.5 Land in the most northerly part of the site is within the Conservation Area extension about to be confirmed; most of the house at Street Farm is to be kept, with an appropriate "vernacular" extension replacing demolished outbuildings, and the part nearest Bruntcliffe Road removed to give a reasonable sight-line. We believe that new houses within and near the new Conservation Area boundary, around the site entrance, should be more in keeping with traditional Morley styles; they should be in stone or good quality Artificial stone and have roofs with shallower pitches, instead of the standard estate houses which are rather uninspiring. There are some stone boundary walls which should be kept and repaired.
- 6.6 Affordable housing is at 15% and well spread through the estate in pairs or short terraces; there is no ghetto.
- 6.7 However, the tightness of the overall estate layout does show in the cramped nature of the affordable and similar open market houses; there are frontages taken up entirely by car parking, bin stores in front of houses, and small back gardens the areas of some of which may be below standard. Overall, the removal of a few houses would allow a much freer and better layout. Greenspace in the west and south forms two buffers which merge at the south-west corner; these are to give the break between housing and industry referred to above, and to give a substantial stand off from the motorway formation along the southern boundary.

- 6.8 Permitted development rights should be withdrawn across the estate to protect the amenity of some residents from the possibility of ill-advised or excessive alterations and extensions being made by their neighbours.
- 6.9 There are general concerns across Morley about shortages of school places and the capacity of medical practices and dental surgeries and growth of traffic which should be taken into account as each new housing proposal emerges.
- 6.10 We object to the application as it stands; there is more work to do.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

- 7.1 Highways Agency – Comments awaited.
- 7.2 Highways – Comments awaited.
- 7.3 Environment Agency – No objections.

### **Non-statutory:**

- 7.4 Comments awaited.
- 7.5 Yorkshire Water – The indicative masterplan drawing, shows at least two trees will be within the requested 6m stand-off strip either side of the 3 YW water mains that runs through the proposed public open space area within Phase 2 of the proposed development.  
If there are to be any extra dwellings within the buffer area, the condition for the water mains, it is requested a condition be included to require a 6.0 (six) metres easement either side of the centre line of the three water mains, which cross the site.  
Further drainage details are required and conditions should be added to show details of surface water and foul water drainage
- 7.6 Metro – With respect to the S278 works, in order for Metro to progress the bus shelter installations, we require early payment of the funding secured in the S106 (£60,000). Without early payment, Metro will not be able to procure the shelters in line with the S278 programme of works. Finally we request that any S106 agreement which includes RMC should reflect current 2013 prices and amended terms and conditions. Metro are no longer able to issue RMC Scheme B and request that the developer funds all dwellings with a card (Scheme A). This would cost at current 2013 Prices: 170 x £462.00 = £78,540.00. This cost could be split into two equal phases if required.
- 7.7 Public Rights of Way – Public Footpath No.90 Morley abuts the site. The footpath does not appear to be affected by the development and as such, as long as the footpath is not encroached upon or interfered with in any way, no objection to the proposal.
- 7.8 West Yorkshire Archaeology – comments awaited.
- 7.9 Neighbourhoods & Housing comments awaited.

## **8.0 PLANNING POLICIES:**

### Development Plan

- 8.1 The Development Plan for the area consists of the adopted Unitary Development Plan Review, along with relevant supplementary planning guidance and documents.



The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

- 8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

#### **Leeds Unitary Development Plan (UDP), adopted 2001**

- 8.4 Under Policy N11 of the Leeds Revised Draft UDP (1993) Bruntcliffe Road, Morley was promoted as a tract of open land which represented a major visual amenity. It stated that *“on the following tracts of land, only open uses will be permitted. Building will only be allowed if it can be shown that it is necessary for the operation of farming or recreational uses and if it would not adversely affect the open character of the area”*
- 8.5 The UDP Inspector’s site specific comments regarding the allocation of land in the South Leeds area (Chapter 17) referred to Bruntcliffe Road, Morley under Topic 472 states at Paragraph 472.15 that *“the UDP be modified by deletion of this land from Policy N11 and its allocation under Policies E4 (6.5ha) and H4 (5.0ha) along the lines of the objectors’ Appendix RFH 7/2 and subject to the retention of substantial areas of open land and satisfactory highway arrangements”*. The Bruntcliffe Road site was therefore re-allocated for housing ‘New Proposals’.

#### **UDP Review 2006**

- 8.6 The Bruntcliffe Road site was re-allocated as a Phase 2 housing allocation in the UDP Review. The current allocation is referenced H3-2A.5 – Bruntcliffe Road, Morley. The UDP Review allocation describes the Bruntcliffe Road site as follows:
- 8.7 The following extract has been taken directly from the Morley Area text in Chapter 17 of the UDP Review where at paragraph 17.2.3 it states:

Bruntcliffe Road, Morley

Under Policy H3-2A.5, 5.0 ha of land are allocated for housing at Bruntcliffe Road, Morley, subject to:

- i. the provision of a satisfactory means of access;
- ii. the whole of the area between the housing allocation H3-2A.5 and the employment allocation E4(47) to remain open for amenity purposes;
- iii. retention and enhancement of existing public footpaths;
- iv. a satisfactory means of drainage;
- v. preparation of a planning framework to guide development of this site and adjoining employment allocation E4(47).

8.8 The following list of policies is relevant to the consideration and determination of this application. A short remark is made against each of these policies which are primarily dealt with in the submission of other technical reports that accompany this application.

8.9 General Policies:

Policy GP5: Development proposals should resolve detailed planning considerations including access, drainage, contamination, design, landscape. Proposals should seek to avoid environmental intrusion, loss of amenity, pollution, danger to health.

Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary.

Policy GP11: Where applicable, development must ensure that it meets sustainable design principles.

Policy GP12: A sustainability assessment will be encouraged to accompany the submission of all applications for major developments.

Environment Policies:

Policy N2 & N4: Provision of Green Space.

Policy N12: Principles of Urban Design.

Policy N13: High Standards of Design expected for all new buildings.

Policy N19: Proposals adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.

Policy N23: Incidental Open Space.

Policy N24 : Proposals to assimilate into the adjoining open area.

Policy N25: Boundaries of Sites.

Policy N49: Protection of natural habitat for wildlife

Policy N51: Design of new development should enhance existing wildlife habitat and provide new habitat.

Transport:

Policy SA2: Encourages development in sustainable locations.

Policy T2: Transportation and Highway Issues, and

Policy T2B: Submission of Transport Assessment, and

Policy T2C: Submission of Travel Plan

Policy T5: Provision of safe access in new developments for pedestrians and cyclists.

Policy T6: Adequate provision for access for people with disabilities within new development

Policy T7A: Provision of secure cycle parking, and

Policy T7B: Provision of secure motorcycle parking, and

Policy T24: Adequate provision of parking facilities.

Housing:

Policy H9: Balanced provision of housing types.

Policy H11: Provision of affordable housing

Policy H12: Submission of appraisal of affordable housing needs and negotiations of that provision, and

Policy H13: Affordable housing provided in perpetuity.

Building Design, Conservation and Landscape Design:

Policy BD5: New buildings designed with consideration of their own and others amenities, and

Policy BD5A: Use of materials that conserve energy and water, and

Policy LD1: Landscaping requirements.

Policy LD2: Guidance for new roads.

Policy N29: Archaeology considerations.

**Leeds Interim Affordable Housing Policy**

8.10 The Leeds Draft Interim Affordable Housing Policy came into force on 1st June 2011. The affordable housing requirements that make up this new interim policy are set out below:-

Existing housing market zone as in SPG	SPG policy	Informal Policy July 2008	New Interim Policy 2011
Outer suburbs	25%	30%	15%

The site is in the Outer suburbs category and so the interim policy seeks 15% affordable housing provision if delivered within 2 years.

**National Guidance**

8.11 The National Planning Policy Framework (2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable

of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.

- 8.12 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.13 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.14 Section 6 'Delivering a wide choice of high quality homes' and Section 7 'Requiring good design' are particularly relevant.
- 8.15 Noise Policy Statement For England (March 2010)

#### Local Guidance

- 8.16 SPD Designing for Community Safety (adopted).
- 8.17 SPG13 Neighbourhoods for Living (adopted).
- 8.18 SPD Street Design Guide (adopted).
- 8.19 SPG4 Greenspace relating to new housing development (adopted).

## **9.0 MAIN ISSUES**

- 9.1 The main issues are considered to be:
- Principle of development
  - Access
  - Impact on Street Farm and extended Conservation Area
  - Amenity/Layout considerations
  - Landscape design and visual impact
  - Impact on Landscape and Ecology
  - Highway Safety
  - Implications for land allocated for housing abutting the eastern site boundary
  - Residential Amenity
  - Noise intrusion
  - Flood Risk management
  - Relationship to employment land
  - Air quality

## **10.0 APPRAISAL**

### Principle of development/Access

- 10.1 The application is reserved matters, therefore **the principle of development is not an issue to be considered here**. Members may recall that the housing proposal does not strictly accord with the housing allocation, and includes an area of unallocated land to the west. Panel members were satisfied that the proposal was sustainable, and that subject to the completion of a s106 Agreement to address particular matters, the proposal was acceptable.
- 10.2 In addition to the principle of residential development, the outline permission approves the means of access into the site. The approved works to Bruntcliffe Road will provide a continuous footway link on the southern side where none currently

exists and will provide new crossing facilities in the form of two new islands and a pelican crossing. A stage 1 Road Safety Audit was submitted and identified no safety issues. Panel members were satisfied with the access arrangements.

#### Impact on Street Farm and extended Conservation Area

- 10.3 Morley Dartmouth Park Conservation Area currently lies to the north of Bruntcliffe Road, with part of the conservation area having a frontage onto Bruntcliffe Road, to the north west of the application site. The draft Morley Conservation Area extension (Area E) proposes to include back-to-back and through terrace development on Bruntcliffe Road, and also further villas towards Scotchman Lane and Street Farm. Street Farm is unlisted but dates back to the 18<sup>th</sup> Century. Street Farm is an important reminder of Morley's former agricultural character and is one of the earlier surviving elements of this part of town, shown on the 1st edition Ordnance Survey map of 1852. Also proposed to be included within the enlarged conservation area is the Masonic Lodge, formerly Thornfield, on Bruntcliffe Road and Rose Villa on America Moor Lane. These are impressive 19th century villas with surviving converted coach houses.
- 10.4 The proposed extension to the conservation area has been subject to consultation, and an objection has been received from the developer. All consultation responses have been evaluated and the appraisal will be amended in light of comments received as appropriate. The final version of the appraisal and boundary modification will then be formally adopted and will become a material consideration when applications for development within the conservation area and its setting are considered by the Council. Only limited weight could be applied until the final version is adopted.
- 10.5 The Reserved Matters plan shows the retention of the original farm building, with later extensions to be removed. Other outbuildings are proposed to be demolished and extended, but the new buildings are proposed to reflect the courtyard setting. This approach is supported in principle. Comments from the Conservation team are awaited.
- 10.6 In respect of the remainder of the site frontage, the three new houses (Plots 1-3) are set back 13m from the Bruntcliffe Road frontage. The ash tree to the frontage is to be retained, with the adjoining smaller self-seeding trees removed. New trees are proposed to the site frontage. The set-back of 13m is supported in principle, as is the retention of the ash tree. The house would be sited outside the canopy of the ash tree, and has a private south facing garden which would be unaffected by the presence of the tree. The comments of the Landscape section are awaited.
- 10.7 Plots 1-3 are detached two storey houses, to be constructed in brick. Consideration is being given as to whether the house types preserve or enhance the setting of the conservation area.
- 10.8 Do Members have any comments on how the proposal impacts on the setting of the conservation area?**

#### Amenity/Layout considerations

- 10.9 As a reserved matters application, there is now a level of detail that requires examination, including the detail of how the streets and spaces work and the detailed forms and elevations of buildings. At this stage, early discussions are taking place between officers and the applicants, taking on board the comments received so far from local members (see paragraphs 6.4 to 6.10) in order to ensure that the proposed development carries through the high quality design principles anticipated

at outline stage. This is particularly important in regard to the 'gateway' buildings proposed to the main estate road. The buildings proposed are all two storey, with very similar roof heights, therefore the location of the buildings and their materials and building styles will need careful consideration to provide an interesting and legible layout.

- 10.10 More generally, officers consider that the broad layout is acceptable, but will be seeking to negotiate on the following points in particular:
  - 10.10.1 The main junctions around the perimeter now have an area where an 'event' can occur giving coherence to the site layout. However, more needs to be done to these areas to make them more interesting and for them to become points of interest because they are important points of reference.
  - 10.10.2 The properties that turn corners are still problematic, the corners sit uncomfortably close to the radii of the road and leave very little defensible space to the frontage, e.g. you could tap on 122's front window from the footpath.
  - 10.10.3 Access to the rears of the terraced properties are problematic, for reasons of maintenance etc access is required, this may be overcome with a through gated access shared by neighbouring houses.
  - 10.10.4 More of the houses to have increased spacing and the cars to be absorbed off the frontage up the drives along the sides of dwellings. In the denser parts of the development the cars and hard standing dominate the street scene. By moving the cars from the back edge of the footpath to what would have been front gardens does not absorb the car off the street, it just bring it closer to the house frontage and makes it difficult to achieve any defensible space.
  - 10.10.5 Generally rear aspects are down to 10m, neighbourhoods for living suggests a starting point as being 10.5m
  - 10.10.6 Some garden spaces appear on the small side, included in the calculation must be usable garden space e.g. 124, 140, 67, 109, 73, 77, 13,11, 10, 5,
  - 10.10.7 Frontages to 94 - 97 are particularly poor, given that this area is already vulnerable, due to the through route onto Scotchman Lane, it is felt that these houses in particular require proper defensible space to their frontages. If no cars were parked there, the whole of the frontage is indefensible, if it is fully parked up then the cars would be vulnerable.
  - 10.10.8 The little stub feeding 98 -109 requires a bit more imagination and possibly the loss of some units to free up the space, achieve access to the rears and relieve the extent of car parking to the frontage.
  - 10.10.9 The through route between 131 – 156 requires a bit more imagination and possibly the loss of some units to free up the space, achieve access to the rears and relieve the extent of car parking to the frontage.
  - 10.10.10 Siting bin stores in front gardens is not a good design solution, this generally occurs with the terraced houses. There may be conflict between 46 and 47, and 44 and 43 without delineation between front garden space and access to the bins should the car spaces be full. There will likely be the need for a bin store to cater for 3x240 litre bins per property, if sited to the front these enclosures need the space to be absorbed into the curtilage rather than appearing as an inappropriate after



thought see 160 and 159 (if parked up the bins cannot be accessed), 106 and 107, 99 and 100 (these enclosures will have to cater for 6x240 litre bins)

- 10.10.11 There are some stone boundary walls which should be kept and repaired.
- 10.10.12 Where the houses face onto Morley Conservation Area, the houses need to reflect the character and appearance of the CA. Morley employs a very simple robust vernacular using a lot of stone and heavy stone detailing. The window detailing also has more of a vertical emphasis than the submitted house types. It would be interesting to understand what the contextual basis is for the finer arts and crafts detailing.
- 10.11 Officers, therefore, will be seeking to ensure that the proposals broadly comply with the guidance contained in Neighbourhoods for Living, with respect to distances between dwellings and relationships to adjacent properties in order to ensure good quality townscape and prevent amenity problems.
- 10.12 A series of street-scene sections and house types have been provided in order to gain feedback to refine the detailed design. Do Members have any comments relating to design?**

Landscape design and visual impact

- 10.13 The outline approval secured the buffer planting and the proposed greenspaces to the south and west of the application site, and these principles appear to have been carried through successfully into this reserved matters submission.
- 10.14 Nevertheless, given the detailed nature of this application, it is also important to consider the detailed design of the streets and spaces, including existing and proposed trees and hedges, infill planting where necessary, boundary treatments, the laying out of the greenspaces and their associated management.
- 10.15 Do Members have any comments on the quality of street and landscape planting throughout the development?**

Impact on Landscape and Ecology

- 10.16 A Biodiversity Enhancement and Management Plan to discharge Condition 22 attached to the grant of outline permission has been submitted. The key measures proposed to increase long term biodiversity are:
- Enhancing ecological networks*
- To enhance current levels of connectivity around the site as well as supplementing existing hedgerows while providing food sources and habitats for a range of species.
- Creating species rich grassland*
- Helping to develop and maintain a species rich grassland area sown with an appropriate seed mix .
- Providing mammal and bird refuges*
- To create a variety of new opportunities for birds to nest, bats to roost and hedgehogs to shelter/hibernate.
- 10.17 The Council's Nature Conservation Officer fully supports the recommendations set out in the report.

- 10.18 Do Members have any comments on the quality of the ecology proposals?**

Highway Safety

10.19 The means of access onto the A650 Bruntcliffe Road and pedestrian/emergency access onto Scotchman Lane was approved at outline stage. In respect of a detailed layout, it is considered the access can support the amount of development proposed. A loop road will allow emergency vehicles to safely access the site. Two parking spaces are proposed for the 3 and 4 bedroom houses, and 150% parking is proposed for the 2 bedroom houses.

**10.20 In light of the above do members have any concerns in respect of highway safety?**

Implications for land allocated for housing but not within application site

10.21 The Masonic Lodge buildings and land to the east are allocated for housing in the UDP, but not included within the application. In order to prevent this land from being land-locked, and not coming forward for housing, adopted highways are shown on the submitted layout abutting the boundaries of the site to the east and the west. These access points are supported.

**10.22 In light of the above do members have any concerns in respect of the adjoining Masonic Lodge land being landlocked?**

Residential Amenity

10.23 As set out in the section above, Officers are negotiating to seek compliance with the Council's standards in respect of space about dwellings. Matters in relation to noise and air quality are discussed in the section below.

10.24 In respect of impact on adjoining residents, additional pedestrian movements will take place onto Scotchman Lane, as an emergency access is proposed between houses. It is considered that the existing gap on Scotchman Lane is sufficient to allow this access without adversely impacting upon adjoining residents. In respect of the impact of the new houses, Plot 94 will present its side gable onto the nearest house at 15m. The minimum distance required is 12m, therefore 15m for a two storey dwelling is considered acceptable. Plots 98 – 102 face on to the backs of the houses on Scotchman Lane, at a distance of between 27 and 29m. The minimum required distance is 21m, therefore, there should be no undue overlooking.

10.25 The only other residential properties directly affected by the proposal are the two Arts & Crafts bungalows fronting the development at its most northerly point, adjacent to Bruntcliffe Road. The two nearest houses to these bungalows are Plots 1 and 7, which present their gable walls onto the bungalows at a distance of 19 and 20m. As 12m is the minimum distance, even allowing for the new buildings being two storeys, the distance is well excess of the minimum required. Plot 6 is close to the southern boundary of Ingleton bungalow, but at 6m from the boundary, it shouldn't adversely impact upon the bungalow. Officers consider that the existing occupiers would not be adversely impacted upon by the proposals.

**10.26 In light of the above do members have any concerns in respect of the impact on residential amenity of adjoining occupiers?**

Noise intrusion

10.27 At outline planning stage, a revised indicative layout was submitted which deleted dwellings on a 40m strip of land adjacent to the M62, and a revised Noise Assessment was submitted which was agreed by Neighbourhoods & Housing Officers. The note on the plan within this 40m strip states "Extent of development in this area to be determined at Reserved Matters stage through additional noise and



air quality monitoring'. The reserved matters application is now under consideration, and the 40m strip is designated as a Noise Buffer Zone.

- 10.28 In addition to the Noise Buffer Zone, the applicant is proposing either a 3m high acoustic fence or a 1m high bund with 2m high acoustic fence, close to the back edge of the M62 boundary. This would be adjacent to the proposed buffer planting, which would be to the northern side of the fence line. Advice is awaited from the Environmental Protection Team on the suitability of the acoustic fencing.

**10.29 In light of the above do members have any concerns in respect of the acoustic fencing proposal?**

Flood Risk Management

- 10.30 A Flood Risk Assessment was submitted at outline stage, and the Council's Flood Risk Management Section, the Environment Agency and Yorkshire Water raised no objections subject to conditions. It appears that soakaway drainage will be satisfactory without water affecting lower lying land (including the M62 motorway).

- 10.31 Yorkshire Water has commented that the indicative masterplan drawing shows at least two trees will be within the requested 6m stand-off strip either side of the 3 YW water mains that runs through the proposed public open space area within Phase 2 of the proposed development. These trees will need to be relocated.

**10.32 In light of the above do members have any concerns in respect of flood risk at the site?**

Relationship to employment land

- 10.33 The proposed housing intrudes onto the 'landscaped buffer' identified in the UDP to the west of the housing allocation. However, the developer has completed a Section 106 Agreement to deliver not only the greenspace, but a 'buffer zone' beyond which extends beyond the red line site boundary to the west, to provide a more extensive buffer to the proposed employment allocation. This buffer is required under the terms of the completed Section 106, and details are not required under this reserved matters application.

Air quality

- 10.34 The issue of air quality was addressed at outline stage and condition 17 of the outline permission requires detailed monitoring to take place. This is to be dealt with under an application to discharge the planning condition.

**11.0 CONCLUSION**

- 11.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal. Specifically, feedback is requested from Members on:

- (i) **Do Members have any comments on how the proposal impacts on the setting of the conservation area?**
- (ii) **Do Members have any comments relating to design?**
- (iii) **Do Members have any comments on the quality of street and landscape planting throughout the development?**
- (iv) **Do Members have any comments on the quality of the ecology proposals?**

- (v) Do members have any concerns in respect of highway safety?
- (vi) Do members have any concerns in respect of the adjoining Masonic Lodge land being landlocked?
- (vii) Do members have any concerns in respect of the impact on residential amenity of adjoining occupiers?
- (viii) Do members have any concerns in respect of the acoustic fencing proposal?
- (ix) Do members have any concerns in respect of flood risk at the site?

**Background Papers:**

Application and history file 12/01332/RM

Certificate of Ownership:



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Originator: Martin Sellens  
Tel. 0113 2478172

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 12<sup>TH</sup> SEPTEMBER 2013**

**Subject: APPLICATION 13/00625/FU – 14 detached houses with associated car parking and landscaping on land off Daisy Hill Close Morley LS27 8DL**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Ryancliff (Morley)Ltd	18 <sup>th</sup> February 2013	20 <sup>th</sup> May 2013

<p><b>Electoral Wards Affected:</b></p> <p><b>Morley North</b></p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION:**

Members are requested to reconsider this application in the light of the additional information supplied in this report and following the resolution to not accept the officers recommendation to defer and delegate approval to the Chief Planning Officer at the last Panel meeting in August. Officers consider there are insufficient grounds to refuse permission and recommend that the application be deferred and delegated for approval , subject to the conditions specified in the August panel report attached and any others considered necessary and following completion of a Section 106 Agreement to cover the following matters:

- **Education contribution of £32,736**
- **Greenspace contribution of £21,156**

**In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application to be delegated to the Chief Planning Officer.**

## **1.0 INTRODUCTION**

- 1.1 This application for a small infill residential development of 14 houses with an area of open space on an unallocated greenfield site on the edge of Morley was considered by members at the last Panel meeting in August following a site visit. Members resolved not to agree the officers recommendation to defer and delegate approval to the Chief Planning Officer subject to a Section 106 agreement covering greenspace and education contributions.
- 1.2 Members asked that a further report be brought back to Panel setting out possible reasons to refuse permission based on concerns about the sustainability of the site ( access, bus service provision and peak hour train patronage), that the site is unallocated in the Development Plan and concerns about the impact on school places in the locality.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site is an area of approximately 0.6 hectares in extent located at the end of the cul- de-sac and forming a natural extension to Daisy Hill Close. The site lies to the north eastern side of the settlement of Morley. The site is scrubland and is adjacent to residential development on three sides to the west, south and east. Existing housing surrounding the land has rear gardens of properties on King George Avenue ( west) and Margaret Close (south) backing onto it with the side gables of houses and gardens on Daisy Hill Close to the east.. The fourth and northern boundary adjoins the Laneside Farm site which is designated as a Protected Area of Search (PAS site) for longer term development in the adopted UDP. To the south is Morley railway station and the Daisy Hill Phase 2 greenfield allocated housing site which was approved by members for 92 dwellings in October 2012.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 It is understood that the applicants have owned the site since the early 1970's and built the adjacent development at Daisy Hill Close and Avenue, retaining the access into the site for future development.
- 3.2 The site was originally allocated as N5 (proposed greenspace) in the Draft Deposit UDP back in 1993 which had been carried forward from the Morley Local Plan. The UDP Inspector in his report in 1999 considered that the allocation should not be made as the site had not been brought forward over many years and concluded " the site has housing on three sides and would be well placed to provide a small windfall housing development now that drainage constraints applying have been overcome. It is however below the Council's threshold for allocation for housing". But for its size, therefore it is likely that it may well have been allocated for housing back in 1999 if the Inspector's report and recommendation had been followed. The fact it is unallocated does not mean that it is not suitable for housing, just that it was not big enough at the time to include when the UDP was being produced. The site is included in the most recent Site Allocations Issues and Options document which has just been out to public consultation where it is coded as a green site (site reference 3428) and described as " Site within the urban area, bordered on three sides by housing. Residential development acceptable in principle." The site is included in the SHLAA ( Strategic Housing Land Availability Assessment ) and a green coding identifies sites which have the greatest potential to be allocated for housing. In the Site Allocations Document the minimum size of site for allocation has been set at 0.4 hectares ( compared to the 1 hectare minimum site size in the UDP).

### **4.0 SUSTAINABILITY**

- 4.1 The main issues raised by Members at the last Panel in relation to sustainability concentrated around the access to the site, access to bus services and train capacity.
- 4.2 The NPPF ( National Planning Policy Framework) of March 2012 sets out at its heart the presumption in favour of sustainable development in both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole or specific policies in this Framework indicate development should be restricted.



4.3 Sustainable development in the NPPF is defined as having three strands;

- economic, social and environmental;
- Economic involves contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth....including the provision of infrastructure;
- Social involves supporting strong, vibrant and healthy communities , by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and
- Environmental involves contributing to protecting and enhancing our natural, built and historic environment...

4.4 Looking at this site in more detail then the sustainability credentials of the site have been assessed as follows ( distances are based on straight line distances) ;

- Distance to nearest bus stop - 400 m – 1 service per hour between 9.30am and 5.30pm serving Morley, Batley and Dewsbury ( service 213)
- Distance to bus stop with frequent service – 925m to Morley bound stop and 1000m to Leeds bound stop on Victoria Road ( 51and 52 - 15/20min service from Morley to Leeds, Little London, Meanwood and Moor Allerton; 55 – 30 min service From Morley to Leeds via Holbeck; 87 – hourly service to Morley, White Rose, Bramley, East Ardsley and Leeds )
- Distance to railway station – 640m
- Distance to Morley Town Centre and range of local services – 1450m
- Nearest primary school is within a 20 minute walk
- Nearest secondary school is within a 30 min walk

4.5 The site does fail the accessibility criteria for distance to a bus stop serving a 15 minute frequency to a major public transport node ( should be within 400m walk but actually between 925 to 1000 m which represents an 11 or 12 minute walk ) but is also not far to the rail station. The site is also a relatively small infill scheme and existing development around will also have similar sustainability criteria. It is not always possible to meet the accessibility criteria and other developments have been accepted which have not met them and there is a need for consistency in decision making.



- 4.6 The site is included in the Site Allocations Issues and Options Plan and was subject to a detailed site assessment as with all the other sites across the city. The Daisy Hill Close site scored relatively highly in 3 categories giving it an overall score of 12 out of a possible 15. Compared to other sites the site performs relatively well on sustainability grounds. In terms of the needs for growth in the city and bringing sites forward for housing then officers would consider that the site is sustainable in relative terms and that the principle of the presumption in favour of sustainable development set out in the NPPF does apply to this site. This is also consistent with the findings of the Inspector back in 1999 who considered it well placed to be an infill housing site.
- 4.7 Information has been obtained from Metro since last Panel on the capacity of train services from Morley over the past 2.5 years. These figures are based on averages from automatic people counters on Northern Rail trains. The figures show that in the period 0700 -1000 ( morning peak) then apart from one quarter out of 8 all loadings were 100% or more – up to a high of 128% in Q4 of 2011. Between 1000-1400 the capacities ranged from 34% to 69% per quarter indicating significant additional capacity. Metro have commented however that through the HLOS and the electrification of the Trans Pennine Line there are commitments in place to increase capacity by December 2018 if not sooner.
- 4.8 In relation to the local highway network and as acknowledged at the last Panel, Margaret Close is substandard in terms of width ( especially on the bend) and lack of forward visibility. The position of regular on –street parking makes matters worse. However this is a small development which will generate some 8-9 vehicle movements in the peak hour. Margaret Close would go from serving approximately 61 to 75 dwellings ( a 23% increase) and this does not exceed any threshold for road width. There is no technical reason why the road cannot serve 75 dwellings. There are no recorded injury accidents on Margaret Close or the adjacent cul-de-sac. Whilst the position is not ideal it would be difficult to justify any highway safety reason for not supporting the application. A condition is recommended to deal with construction traffic via a method statement and it is recognised that this will need to be carefully thought through in terms of delivery times, size of vehicles and parking for construction staff if disruption is to be minimised.
- 4.9 There is a need to consider the broader implications of decision making and to ensure a consistent approach in both plan making and decision taking when considering sustainability issues. The city has set out a clear strategy for growth in the Core Strategy which is now progressing to public examination and is being closely followed by looking at how that growth can be accommodated across the city through the Site Allocations process.

- 4.10 Members are reminded that approval has been given for similar sized developments at West Ardsley on unallocated sites as follows;

11/04754/OT for 14 houses on land adjoining 7 Waterwood Close, West Ardsley approved in January 2012 after members considered previous outline where an appeal for non-determination and invited a new application and delegated decision to the Chief Planning Officer.

12/03373/FU for 14 houses on site of the Church of the Nativity, Westerton Road and Waterwood Close, West Ardsley approved in December 2012 after Panel consideration in November .

- 4.11 Sustainability was considered in great depth at the Public Inquiry at Clariant / Riverside Mills, Calverley Bridge where the Secretary of State approved 550 dwellings at appeal on a brownfield site despite its relatively isolated position from the surrounding urban fabric and distance to centres / facilities. In his appeal decision letter the Secretary of State in March 2012 recognised the sites were in a location where there is no existing public transport service and accessibility standards for travel on foot are not met. However he concluded that taking into account the benefits included in the proposal ( bus service provision for 10 year period and cycling improvements) to existing uses and the ability of the sites to be reused for industrial purposes without such measures, the redevelopment of the sites would not be inappropriate having regard to policies which promote sustainable patterns of development.

- 4.12 Sustainability is therefore a relative concept and has to be weighed against the need to bring sites forward for housing and how they are placed in relation to supporting infrastructure.

- 4.13 Members should also bear in mind the detailed planning approval given to 92 dwellings on the Phase 2 greenfield housing site at Daisy Hill which is in close proximity to this site, of much greater size and has similar sustainability credentials. Against this backdrop it is not considered that a refusal on sustainability grounds can be supported or is tenable.

## **5.0 IMPACT ON EDUCATION**

- 5.1 Members will recall that notwithstanding our current adopted guidance on Education contributions (2001) that they will not be sought on schemes below 50 dwellings it was recognised that this scheme will have some limited impact and is likely to generate some school age children. Accordingly the applicant has put forward an offer of 2 primary school places and 0.5 secondary school place by means of a financial contribution based on our formula which comes to £32,736. This offer is made to mitigate any local impact. The offer from a local housebuilder with a commitment to the local area is welcomed in this instance.

## **6.0 CONCLUSIONS**

- 6.1 Officers are firmly of the view that permission should be granted for residential development on this site having examined the previous history, the sustainability credentials of the site, access and the education contribution offered , and the need for consistency in decision making given previous decisions made and highlighted above. This is a small scale proposal on an infill site which cannot be said to be unsustainable given its location and relationship to local services and facilities. It is recognised that the access from St Margarets Close is substandard compared to todays standards but no highway safety reasons can be put forward to support a refusal.
- 6.2 To date the applicant has been prepared to not appeal against non determination. Officers consider there is substantial risk to the Council of costs against the Council if an appeal is submitted and that the Section 106 offer is likely to be reduced in that case with the education sum removed.
- 6.3 Members are asked to reconsider this application in the light of this report and are strongly recommended to defer and delegate approval to the Chief Planning Officer subject to conditions and the signing of the Section 106 agreement covering the educational and greenspace contributions.

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 15<sup>TH</sup> AUGUST 2013**

**Subject: APPLICATION 13/00625/FU – 14 detached houses with associated car parking and landscaping on land off Daisy Hill Close Morley LS27 8DL**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Ryancliff (Morley)Ltd	18 <sup>th</sup> February 2013	20 <sup>th</sup> May 2013

<p><b>Electoral Wards Affected:</b></p> <p><b>Morley North</b></p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**RECOMMENDATION:**  
**DEFER AND DELEGATE** to the Chief Planning Officer for approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- Education contribution £66,692
- Greenspace contribution of £21,156.85

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application to be delegated to the Chief Planning Officer.

Conditions:

1. Time limit on permission
2. Plans to be approved
3. Details of fences and walls to be provided
4. Statement of Construction Practice
5. Details of existing and proposed ground levels and finished floor levels to be agreed
6. Laying out of areas to be used by vehicles
7. Maximum gradient to driveways
8. Adoption of highway (Section 38 works)
9. Minimum internal dimensions of garages
10. Submission and implementation of landscaping details
11. Landscape Management Plan
12. Protection of retained trees and hedges
13. Preservation of retained trees and hedges
14. Provision for replacement trees and planting as necessary
15. Submission of walling and roofing materials
16. Submission of surfacing materials
17. Flood Risk management details to be submitted
18. Surface water drainage works to be approved and implemented
19. Surface water drainage scheme to be implemented in accordance with approved scheme
20. Development to be carried out in accordance with approved drainage details
21. Reporting of unexpected contamination
22. Submission of verification reports
23. Removal of permitted development rights for extensions and roof alterations
24. Removal of permitted development rights for additional windows in gable ends
25. Coal Site Investigation works
26. Submission of bat roosting and bird nesting opportunities

## **1.0 INTRODUCTION:**

1.1 The application is for residential development on an unallocated greenfield site and is brought to Plans Panel at the request of Councillors Gettings and Councillor Finnigan for the following reasons in summary :-

- The application is contrary to the National Planning Policy Framework (NPPF) as it is not a sustainable development.
- This is Greenfield which adds additional burden to local schools without providing any contribution to resolve the problems it provides

## **2.0 PROPOSAL:**

- 2.1 The application is a full application for 14 detached houses comprising of 3 and 4 bed roomed houses. The proposed development consists of 525.15 sqm of on site public open space. Vehicular access is from Daisy Hill Close.
- 2.2 The proposed houses are of a traditional form and design approach . The houses are proposed in brick . The design and layout of the scheme is described in more detail in paragraphs 10.6 to 10.10 below.

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

- 3.1 The application site is an area of approximately 0.6 hectares in extent located at the end of the cul de sac namely Daisy Hill Close and forming a natural extension to Daisy Hill Close. The site lies to the north eastern side of the settlement of Morley. The site is scrubland and is adjacent to residential development on three sides to the west, south and east. Existing housing surrounding the land has rear gardens of properties on King George Avenue ( west) and Margaret Close (south) backing onto it with the side gables of houses and gardens on Daisy Hill Close to the east.. The fourth and northern boundary adjoins the Laneside Farm site which is designated as a Protected Area of Search (PAS site) for longer term development in the adopted UDP. To the south is Morley railway station and the Daisy Hill Phase 2 greenfield allocated housing site. The surrounding properties vary in age and design with private amenity space and garaging facilities.

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

- 4.1 H23/634/80 - Outline application to layout access road and erection of 18 Semi detached houses with garages.  
Refused 17<sup>th</sup> November 1980
- H23/110/85 - Outline application to erect residential development to vacant site .  
Withdrawn 9<sup>th</sup> September 1985
- 12/04988/FU - Demolition of outbuildings, laying out of access roads and erect 92 houses with landscaping on Phase 2 greenfield allocated site land at Daisy Hill, Morley  
Approved at South & West Panel 11<sup>th</sup> October 2012.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The application was submitted without any pre application negotiations or discussions.
- 5.2 Negotiations and discussions have taken place , to address the layout and highway revisions to achieve an acceptable scheme, following submission of the application

## **6.0 CONSULTATION RESPONSES:**

- 6.1 Yorkshire Water  
No objections in principle subject to drainage conditions to ensure work is carried out in accordance to the submitted drainage scheme.
- 6.2 Highways  
Initial consultation (dated 15<sup>th</sup> March 2013) raises objections on a number of issues with the layout. The applicant has revised the layout to address the highway concerns. Highways now have no objections subject to a suite of standard conditions.
- 6.3 Contaminated Land  
No objections subject to standard conditions and Directions around any unexpected contamination.
- 6.4 Flood Risk management  
No objections in principle, but recommend conditions for the submission of drainage works, plans and summary of calculations and relevant investigations.
- 6.5 Coal Authority  
Coal Authority agree with the recommendations of the Phase 1 Environmental Assessment submitted. The coal mining legacy potentially poses a risk to the proposed development. Site intrusive investigation works should be undertaken by rotary drilling prior to development , in order to establish the exact situation regarding coal mining legacy issues on site. Coal Authority has no objection subject to a condition to address the investigative works.
- 6.6 Architectural Liaison Officer  
The developer should be encouraged to include layout, design and security hardware, doors, windows and glazing as required by the Secured By Design scheme.
- 6.7 Metro  
In order to encourage the use of the Public transport services available, the developer should be requested to enter into a Metro`s Residential MetroCard Scheme A (RMC). The contribution would be £8,015.70.



6.8 Childrens Services - Education

This development is for 14 houses. Whilst Childrens services would not normally request a contribution from a small development, there is particular pressure for school places in the Morley area as a result of a rise in the birth rate and any housing development would exacerbate this. If all 14 houses were family dwellings, they would generate approximately 3.5 primary aged pupils. There are currently more children aged 0-5 living in the Morley planning area than there are places. This does not take account of children that maybe generated from this and other potential developments in Morley. The nearest schools which are Churwell Primary and Seven Hills are oversubscribed for September 2013. The proposed development would generate approximately 1.4 secondary aged pupils, with increasing demand in the south of the city. Any new housing will exacerbate this . As a whole the south wedge is predicted to run out of capacity in year 7 in 2014. In light of this request the following contribution is sought;

Primary	£41,612
Secondary	£25,080
Total	£66,692

6.9 Local Plans policy- Greenspace

Greenspace contribution for the proposed 14 detached houses at Daisy Hill is as follows :-

N2.1 - £0 (plan shows the requirement is to be fully provided on site)

N2.2 - £5,311.53

N2.3 - £5,311.53

Maintenance of N2.1-£0 (As it is expected that the developer will maintain the N2.1 green space provided on site)

Child play contribution -£8,802.24

Professional fees - £1,731.56

Total of £21,156.56

6.10 Sustainable Development Unit –Nature Conservation

Recommend Landscaping Plan and Landscape Maintenance Plan are amended to include native species rich hedges and their establishment / maintenance details. These measures will help offset the loss of native scrub patches across the site. To be addressed by condition. The loss of bat and bird foraging /roosting areas (open grassland and scrub patches) should be addressed by recommended conditions.

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by site notices posted on site on 15<sup>th</sup> March 2013. A total of 34 objections have been received from nearby



households on Daisy Hill Avenue, Daisy Hill Close, Margaret Close and King George Avenue.

7.2 In summary the representations raise the following concerns:-

- Additional traffic and highway concerns on Daisy Hill Close and the surrounding highway network
- Bottleneck of traffic on Daisy Hill Avenue
- This is a greenfield site no need to use these sites when brownfield land available
- No capacity in local schools
- Flooding problems locally –this will add to the problems
- Drainage concerns locally
- Strain on local infrastructure
- Not sustainable because the infrastructure is not able to support it and there is not sufficient finance available to address this
- Close proximity to dwellings
- Development will block the view to openspace
- Loss of semi rural area

7.3 Morley Town Council

Have submitted the following representations:-

- The proposed development is a modest natural infill worthy of support in principle.
- However there are points that need to be addressed around the layout where some of the dwellings appear cramped in part.
- Provision of visitor parking.
- Concerns around local sewerage especially during intense rainfall.
- Adverse cumulative pressure on school places which are projected to fall into deficit in Morley.
- Added traffic loadings on the local highway network.
- Local bus service timings not helpful during peak periods.
- Planning policy is in flux , house building targets are unrealistically large. 14 house project is not of strategic , Leeds wide significance.
- Would not be helpful to argue on the ground for or against this modest development.
- Worry is the cumulative impact of this and other new developments on the local schools , medical and dental services.
- Object to application as it stands , the layout should be changed to make better use of the space, so providing larger and more useable gardens. Street widths and turning circles should be re considered, with enough room for refuse vehicles to manoeuvre within the site.
- The cumulative impact on highways, sewerage , schools and local facilities should be considered.

7.4 Local Ward Member representation

Councillor Gettings and Councillor Finnigan have raised the following concerns and issues :-

- The application is contrary to the National Planning Policy Framework (NPPF) as it is not a sustainable development.
- The local infrastructure such as local schools and health centres cannot accommodate this development in a sustainable way which breaches the NPPF
- This site is controversial as it is a Greenfield site which adds additional burden to local schools without providing any contribution to resolve the problems it provides
- The RSS has been abolished since the date of the application .This abolition directly impacts on the need to use greenfield sites when brownfield sites are available
- Panel members need to decide if any further Greenfield sites need to be sacrificed while there remains over 20,000 planning permissions granted but not yet exercised on mainly brownfield sites.

## **8.0 PLANNING POLICIES:**

- 8.1 The Development Plan consists of the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD (2012).
- 8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 8.3 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.
- 8.4 Relevant Leeds Unitary Development Plan (UDP) Review Policies:  
SA1: Secure the highest possible quality of environment.  
SA3: Adequate provision for housing needs.  
SA7: Promote physical and economic regeneration of urban areas.  
SP3: New development concentrated largely within or adjoining the main urban areas.  
GP5: General planning considerations.  
GP7: Use of planning obligations.  
CP11: Sustainable development.  
N2: Greenspace hierarchy.

N4: Provision of greenspace.  
 N12: Priorities for Urban Design  
 N13: Design and New Buildings  
 N29: Archaeology.  
 N38a: Prevention of flooding.  
 N38b: Flood Risk Assessments.  
 N39a: Sustainable drainage.  
 N49: Habitat protection.  
 N51: Habitat enhancement.  
 T2: New development and highways considerations.  
 T2C: New development and Travel Plans.  
 T2D: Public transport contributions.  
 T5: Safe access for pedestrians and cyclists.  
 T7: Development and cycle routes.  
 T7A: Requirement for secure cycle parking.  
 T24: Car parking provision.  
 H2: Monitoring of annual completions for dwellings.  
 H3: Delivery of housing allocated sites.  
 H4: Windfall Development Sites  
 BD5: General amenity issues.  
 LD1: Landscape schemes.

- 8.5 Supplementary Planning Guidance / Documents:
- SPG4 Greenspace relating to new housing development (adopted).
  - SPG10 Sustainable Development Design Guide (adopted).
  - SPG11 Section 106 Contributions for School Provision (adopted).
  - SPG13 Neighbourhoods for Living (adopted).
  - SPG22 Sustainable Urban Drainage (adopted).
  - SPD Street Design Guide (adopted).
  - SPD Public Transport Improvements and Developer Contributions (adopted).
  - SPD Sustainable Design and Construction (adopted).

## 8.6 Emerging Core Strategy

### Spatial Policy 1 – Location of Development

Outlines that a spatial development strategy is based on the Leeds settlement hierarchy concentrate which seeks to concentrate the majority of new development within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration.

The largest amount of development will be located in the Main Urban Area with Major Settlements delivering significant amounts of development.

Settlements within the hierarchy will guide the identification of land for development, with priority given in the following order:

- a. Previously developed land and buildings within the settlement,
- b. Other suitable infill sites within the relevant settlement,
- c. Key locations identified as sustainable extensions to the relevant settlement.

Development should respect and enhance the local character and identity of places and neighbourhoods,

Development should recognise the key role of new and existing infrastructure (including green, social and physical) in delivering future development to support communities and economic activity.

### Spatial Policy 6 – p.35 – Housing Requirement and Allocation of Housing Land

References to the fact that the delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

### H2 – New Housing Development on Non allocated Housing Sites

New housing development will be acceptable in principle on non-allocated land, providing that:

- 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.
- ii) For developments of 5 or more dwellings the location should accord with the accessibility standards in Table 2 of Appendix 2

### H3 – Density of Residential Development

Housing development in Leeds should meet or exceed the following densities unless there are overriding reasons concerning townscape, character, design or highway capacity:

- ii) Other urban areas - 40 dwellings per hectare

### H4 – Housing Mix

Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

P10 - Design - highlights that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Proposals should accord with principles around size, scale, design, layout, character, surroundings, public realm, historic / natural

assets, visual, residential and general amenity, safety, security and accessibility to all.

#### T2 – Accessibility Requirements and New Development

This should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility:

- (i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network.
- (ii) Developer contributions may be required for, or towards, improvements to the off site highway and the strategic road network, and to pedestrian, cycle, and public transport provision.
- (iii) Significant trip generating sites will need to provide Transport Assessments/  
Transport Statements in accordance with national guidance.
- (iv) Travel plans will be required to accompany planning applications in accordance with national thresholds and the Travel Plans SPD.
- (v) Parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines.

#### G4 – New Greenspace Provision

On site provision of greenspace , will be sought for development sites of 10 or more dwellings that are outside the City Centre and for those which are located in areas deficient of greenspace. In areas of adequate supply, contributions of an equivalent value towards safeguarding and improvement of existing greenspace will take priority over the creation of new areas.

#### ID2 – Planning Obligations and Developer Contributions

Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

### 8.7 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Paras 11-14 and 49: Presumption in favour of sustainable development

Para 17 : Core principles including supporting delivery of homes and encouraging effective reuse of brownfield land

Para 50: LPAs should plan for a mix of housing, identify sizes, types, tenures in particular areas and identify affordable housing opportunities.

Para 56: Government attaches great importance to design of the built environment

Para 58: policies and decisions should aim to ensure developments:

- function to area quality over the long term
- establish strong sense of place, creating attractive, comfortable places
- optimise potential of site to accommodate development
- respond to local character and history
- create safe and accessible environments
- visually attractive (architecture and landscaping)

Para 69: Planning policies / decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life and community cohesion.

## 9.0 MAIN ISSUES:

- 9.1 Principle of Development and Sustainability
  - Highway Issues
  - Drainage
  - Urban Design
  - Impact on residential amenities
  - Landscaping and greenspace
  - S106 Package
  - Representations received

## 10.0 APPRAISAL:

### Principle of Development and Sustainability

- 10.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on an unallocated greenfield site, within the settlement of Morley.

10.2 The site lies at the edge of the Morley settlement and forms a natural extension of Daisy Hill Close . A large range of facilities are located within acceptable distances. The local 214 bus provides a local service. More frequent services are available on Victoria Road, with Morley railway station in close proximity. There is an existing footpath that links nearby Daisy Hill to Morley station. This footpath is to be upgraded as part of the adjacent residential development 12/040988/FU (approved development on land at Daisy Hill). This footpath is to be widened with additional lighting and there is the potential for this to form a cycle link.

10.3 In light of these factors it is considered that the site is located in a sustainable location. Given the site is surrounded on three sides by existing housing it is a natural infill site and it's development will assist in the housing numbers that the city needs to find and the windfall allowance within the emerging Core Strategy. The site is therefore considered acceptable in principle for residential development and consistent with UDP policies ( notably H4 ) and guidance in the NPPF.

#### Highway Issues

10.4 The site is accessed from Daisy Hill Close. Concerns have been raised around the dimensions of the road, the drive widths, gradients , turning provision and parking arrangements. The applicant has revised the layout to address these concerns and in highway terms the layout is considered acceptable.

#### Drainage

10.5 The Flood Risk assessment report submitted confirms a foul water connection to the public foul water sewer in Daisy Hill Avenue and a surface water discharge to the public surface water sewer in Daisy Hill Avenue via storage with a restricted discharge (three litres/second) . Yorkshire Water have raised no objections in principle subject to drainage being carried out in accordance with the submitted report. Flood Risk Management have raised no objections to the proposed drainage scheme submitted and recommend soakaways be used initially. With a scheme detailing surface water drainage works and plans summarising investigations and calculations to be submitted and agreed, before the development is brought into use. This is to be addressed by the relevant conditions. It is considered that the drainage network has the capacity to accommodate the additional development of 14 houses .

#### Urban Design

##### 10.6 Layout scale and design

The site essential provides 14 detached dwellings in the following forms:-

- The Harewood , two storey – 4 bedroomed (3 in total )
- The Laurel , two storey – 4 bedroomed ( 3 in total)
- The Sandringham , two storey – 4 bedroomed (4 in total)
- The Lilac , two storey – 3 bedroomed (4 in total)



- 10.7 The dwellings continue the layout of the existing dwellings on Daisy Hill Close following the building line of numbers 1 and 15 Daisy Hill Close and extend the Daisy Hill Close cul de sac by a further 14 dwellings. The dwellings face the internal road layout and provide a uniform frontage to the street scene. They are set back with grassed garden areas to the frontage with 10 of the dwellings each having a tree in the front gardens. These trees are spread across the site and provide an avenue of trees to the western streetscene. The dwellings each have detached garages with individual drives set back off the road towards the rear of the dwellings. The dwellings along the west of the site adjoin the rear garden areas of dwellings on King George Avenue. A public Open Space of 525sqm is provided centrally adjacent to number 8 Daisy Hill Close, with all the dwellings overlooking this openspace.
- 10.8 During negotiations the layout has been changed to accommodate both highway requirements and space between the dwellings along with moving garages and dwellings away from the rear western boundary (rear garden areas of King George Avenue)
- 10.9 The dwellings are proposed in brickwork and render with concrete roof tiles. The design of the houses follows a traditional form and reflects characteristics of the local area. The local area consists of modern two storey semis and detached along Daisy Hill Close. Dwellings along Margaret Close are two storey and appear in terraced form of 6 dwelling blocks. The dwellings along King George Avenue vary in design and character by having a two storey terraced row towards the south west corner of the site, moving towards the north the dwellings become two storey semis and bungalows.
- 10.10 The design of the houses , their scale and spatial setting has regard to local characteristics and accords with the guidance set out in Neighbourhoods for Living . Accordingly it is considered that the development has due regard to its context and that the design and layout of the development is acceptable.

#### Impact on residential amenities

- 10.11 The proposed dwellings along the western boundary of the site are located a distance of 11m, 12m ,13m, 13.2m 14m, 14.5m, 15m and 16.2m from the boundary. These dwellings adjoin the rear garden areas of dwellings on King George Avenue. The siting of houses along this boundary has had regard to the depth of gardens of the existing properties on King George Avenue. The rear gardens of dwellings on King George Avenue have garden lengths (to common boundary of application site) of 12m , 11m, and 8m - in some cases the introduction of conservatories have shortened the garden lengths to 3m and 4.5m. Some of the gardens have garages with the rear elevations facing the application site.

The existing boundary treatments consist of walling , rear elevation of garages , hedging and timber fencing all approximately at a height of 2m. The space between the proposed dwellings is 4m gable to gable end. Plot 11 and 12 in the north western corner have a distance between them of 2m. These are gable ends with no windows proposed in the elevations. The space about the dwellings satisfy the requirements of Neighbourhoods for Living.

- 10.12 The 4 dwellings along the southern boundary have rear garden lengths of 16m to plots 1 to 3. Plot 4 sides onto the rear garden area of 25 Margaret Close. This has a gable end located 3m away from the boundary .All four plots adjoin the rear garden areas of dwellings along Margaret Close.
- 10.13 In light of the above it is considered that the development meets the guidance set out in Neighbourhoods for Living , will not have an adverse impact on the amenities of nearby residents and will provide an adequate level of amenity (in terms of the layout of the development ) for the prospective occupiers.

#### Landscaping and greenspace

- 10.14 A Public open space of 525sqm is provided on site. This is accessible to the residents of the scheme and other local residents and is overlooked by properties affording a degree of security. It is located adjacent to number 8 Daisy Hill Close. Fencing, hedging and landscaping with trees are proposed in the corners that adjoin the rear and fronts garden of number 8 Daisy Hill Close. Landscaping is proposed to the northern boundary of the site where it borders the Protected Area of Search. This acts as a buffer to the boundary and an easement to the open area beyond.
- 10.15 Section 106 Package: The section 106 Package required consists of;
- Education contribution of £66,692
  - Greenspace contribution of £21,156.85
- 10.16 Section 106 requirements generally flow from policy . The development at 14 dwellings is above the threshold for a greenspace contribution but below the normal threshold of 50 units for an education contribution. However the pressures on local schools is acute and Education have requested a contribution.. This is currently a matter under discussion with the applicants and the outcome will be reported verbally to Panel.

#### Representations received

- 10.17 The above appraisal of the proposal addresses the concerns and issues that have been raised by both local people and the Morley Town Council

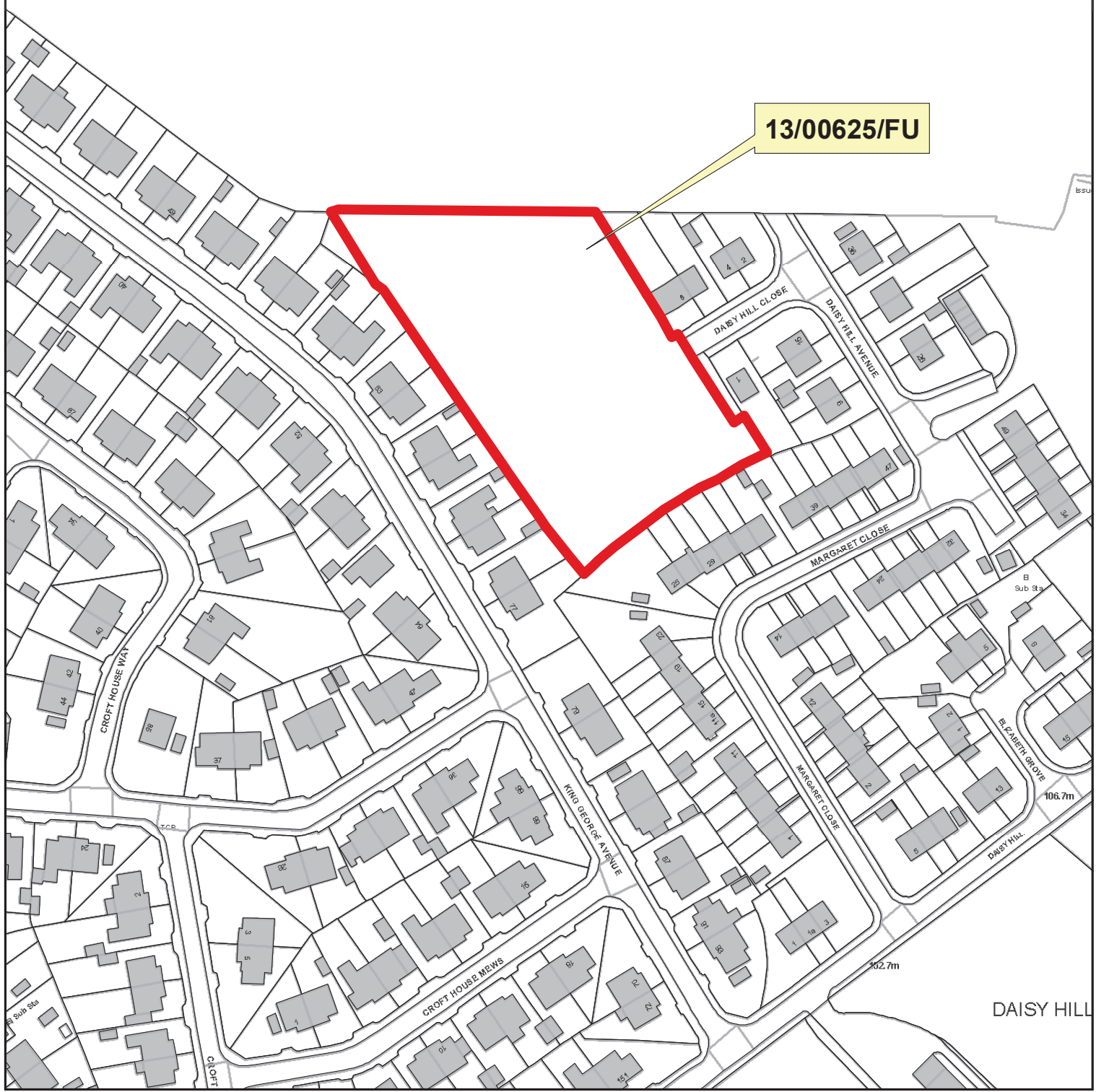
representations.

## **11.0 Conclusions**

- 11.1 It is considered that this is an infill site which is suitable for residential development and the application accords with policies in the adopted UDP and guidance in the NPPF. It is considered that the site is in a sustainable location and that the details of the scheme are acceptable. Whilst the scheme is small it is considered that it should make some contribution towards education given the situation with local schools. Providing this and the greenspace sum can be achieved then it is considered that the proposal represents sustainable development without adverse impacts and that the presumption in favour outlined in the NPPF applies and should be given significant weight.

### **Background Papers:**

Application files 13/00625/FU



## SOUTH AND WEST PLANS PANEL



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Originator: Laurence Hill  
Tel: 0113 3952108

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 12<sup>th</sup> September 2013

Subject: Application 13/02965/OT – Outline application for residential development, Land at Victoria Avenue, Horsforth

**APPLICANT**  
S.W. Fraser

**DATE VALID**  
8<sup>th</sup> July 2013

**TARGET DATE**  
2<sup>nd</sup> September 2013

#### Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**GRANT OUTLINE PLANNING PERMISSION subject to the following condition**

1. Three year time limit
2. Development to be carried out in accordance with the approved plans.
3. Walling and roofing, surfacing materials to be submitted and approved
4. Tree protection measures
5. Submission and implementation of a landscaping plan
6. Areas to be used by vehicles to be laid out, hard surfaced and drained
7. Details of bin storage to be provided
8. Boundary treatment on frontage not to exceed 1 metre in height.
9. Drive widths to be no less than 3.3 metres wide
10. All garages shall have a minimum internal dimension of 3m x 6m.
11. An adopted highway shall be formed and thereafter retained to the southern boundary of the site in accordance with details to be approved.

12. Pedestrian access on the claimed footpath through the site shall be maintained in accordance with a scheme to be approved.
13. Prior to the commencement of development a Biodiversity Protection & Enhancement Plan shall be submitted to and approved in writing by the LPA.
14. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
15. Phase 1 contaminated land survey to be submitted
16. Alternative Remedial Statement to be submitted if required
17. Works carried out in accordance with agreed Remedial Statement
18. No building within 3 metres of a sewer
19. Separate foul and surface water drainage to be provided.
20. Details foul and surface water drainage to be submitted.
21. No piped discharge of surface water until completion of agreed drainage scheme.
22. Removal of permitted development rights

## **1.0 INTRODUCTION**

- 1.1 This application is brought to South and West Plans Panel at the request of Local Ward Members Councillors Townsley and Cleasby due to the local interest in the proposal and the access shown to the site boundary implying future development of the adjoining land.

## **2.0 PROPOSAL:**

- 2.1 The application is for outline planning permission for residential development on a Phase 3 greenfield allocated housing site on land off Victoria Avenue. All detailed matters have been reserved.
- 2.2 An indicative layout plan has been submitted as part of the application. The layout shows 6 properties, 4 detached and 2 semi-detached dwellings, an access road with a turning head and a footpath continued through the development.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to an allocated housing site some 0.42 hectares in area to the immediate south of Victoria Avenue.
- 3.2 The site is characterised by open grassland with mature trees located on the western and southern boundaries. The northern boundary abuts properties located on Victoria Avenue and Victoria Mount. A non-defined footpath runs through the site providing access to the open fields to the south.
- 3.3 The area to the north of the site is largely residential predominantly comprising semi-detached properties. Horsforth Cemetery is located to the west and beyond this Park Lane College. The area to the immediate south and west is designated as Green Belt and Urban Green Corridor.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no relevant planning history.



## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Prior to the submission of the planning application pre-application discussion took place regarding residential development of the site. Horsforth Ward Members were involved in discussions. The applicant was advised that the principle of developing this allocated site would be considered acceptable. The layout would need to respond sensitively to the tree constraints to ensure the retention of the trees on and adjacent the site.

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

- 6.1 31 letters of representation have been received raising the following concerns:
1. The development will result in an increase in vehicular movements exacerbating the existing local traffic congestion issues.
  2. The development will put additional pressure on local services.
  3. The development will further erode open space locally.
  4. The development will result in a loss of a local recreational area.
  5. The site is allocated for up to 15 houses, therefore it is likely that more than 6 houses will be built.
  6. Plot 6 will overlook nearby properties.
  7. The new planting will result in overshadowing of nearby properties
  8. The opening up of the pedestrian route will cause a security issue for nearby properties.
  9. The development of the site will facilitate the development of the adjoining SHLAA site which has the capacity for 185 dwellings. The development of both site will have an adverse impact on the quality of life of the residents of the Newlaithes and Victorias.
  10. Brownfield sites should be developed on before the development of this greenfield site
  11. The development will impact on house values locally.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory**

Mains Drainage: No objections subject to condition

Highways Development Control: No objections subject to conditions including the formation and retention of an adoptable highway to the southern boundary of the site to facilitate access to the adjoining land should it be required in the future.

### **Non-Statutory**

Nature Conservation: No objections subject to conditions

Contaminated Land: No objections subject to conditions

Public rights of way – There is a claimed footpath running through the site which should be provided for as part of the development.

## 8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### Development Plan:

The relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD5: New buildings

Policy N12: Urban design priorities

Policy N13: Design quality for new housing

Policy N24: Development abutting the Green Belt

Policy H3.3A.1 Allocated housing site

Policy T2: Highways issues

Policy T24: Parking provision for new development

Policy LD1: Landscaping

### Relevant supplementary guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Street Design Guide SPD  
Neighbourhoods for Living SPG

### DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012.

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding

representations which have been made which will be considered at the future examination.

#### POLICY P10: DESIGN

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion.
- (vi) The development is accessible to all users.

#### SPATIAL POLICY 6: THE HOUSING REQUIREMENT AND ALLOCATION OF HOUSING LAND

70,000 (net) new dwellings net between 2012 and 2028 will be accommodated at a rate

Of:

- 3,660 per annum from 2012/13 to the end of 2016/17 (18,300)
- 4,700 per annum from 2017/18 (51,700)

Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

Guided by the Settlement Hierarchy, the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the

following considerations:

- i) Sustainable locations (which meet standards of public transport accessibility -see the Well Connected City chapter), supported by existing or access to new local facilities and services,
- ii) Preference for brownfield and regeneration sites,
- iii) The least impact on Green Belt purposes,
- iv) Opportunities to enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,

- v) The need for realistic lead-in-times and build-out-rates for housing construction,
- vi) The least negative and most positive impacts on green infrastructure, green corridors, greenspace and nature conservation,
- vii) Generally avoiding or mitigating areas of flood risk.

#### NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

#### 9.0 MAIN ISSUES:

- 1) Principle of development
- 2) Design and Character
- 3) Residential Amenity
- 4) Trees and Landscaping
- 5) Highway Safety and Parking
- 6) Other issues
- 7) Local Representations
- 8) Conclusions

#### 10.0 APPRAISAL:

##### Principle of development

- 10.1 In June 2011 the Council's Executive Board resolved *'that the release of all the Phase 2 and 3 housing allocations in the UDP be agreed, subject to proposals coming forward being otherwise acceptable in planning terms'*, to ensure a sufficient housing land supply for Leeds is provided. The application site is a Phase 3 allocated housing site (H3-3A.1). As such the principle of developing this site is acceptable subject to all other material planning consideration.
- 10.2 The allocation states that the site could accommodate up to 15 dwellings. However, given the site's specific constraints, particularly the presence of mature trees, achieving a development of this density is unrealistic. A scheme of circa 6 dwellings is considered to be a more appropriate density of development for the site.

##### Design and Character

- 10.3 The layout submitted as part of the application is indicative only and therefore would not form part of any approved plans. However, it is important that consideration is given to the appropriateness of the layout proposed to ensure that an acceptable development can be achieved on the site.

- 10.4 The layout includes 4 detached and 2 semi-detached properties. Plots 1 to 4 are detached properties which extend the line of properties on the western side of Victoria Avenue. The layout maintains and extends the building line and, whilst detached rather than semi-detached properties, the layout reflects the established pattern of development of Victoria Avenue. Plots 5 and 6 form a pair of semi-detached properties. The properties sit comfortably within the extended cul-de-sac layout and reflect the character and pattern of development of Victoria Avenue.
- 10.5 All properties are set back from the highway edge and sit within generous plots ensuring sufficient separation between properties and appropriately sized rear gardens.
- 10.6 The site abuts the Green Belt and Urban Green Corridor boundary, therefore consideration needs to be given to any potential impact the development will have on this protected landscape. As the site benefits from a belt of mature trees to the south and west, this will provide generous screening to the development preventing any adverse impact on the openness and character of the protected landscape.
- 10.7 Overall, it is considered that the indicative layout demonstrates that the site can comfortably accommodate 6 dwellings with a form of development that respects the established residential character of the area.

#### Residential Amenity

- 10.8 Consideration has been given to the residential amenity of both future residents of the development and residents of nearby properties.
- 10.9 With regards to future occupants, the layout ensures all properties will have an appropriate level of privacy and living space and outdoor amenity space will not be compromised by issues of overshadowing and dominance from neighbouring properties. All properties will have sufficient useable outdoor amenity space.
- 10.10 With regards to the amenity of the occupants of nearby properties, plot 1 is located approximately 2 metres from boundary with 10 Victoria Avenue and does not extend beyond the rear building line of this property. It is considered that this relationship will ensure no significant issues of overshadowing or dominance will occur and, subject to no windows being inserted in the side elevation, no overlooking or loss of privacy is anticipated. Plot 6 is located adjacent to 71-79 Victoria Mount and 1 Victoria Avenue, as such consideration has been given to any impact this property will have on the amenity enjoyed by the occupants of these properties. At its nearest point, plot 6 is located approximately 6 metres from the shared boundary and 36 metres from the rear elevations of these properties. This extent of separation will prevent any adverse issues of overshadowing or dominance. Plot 6 sits at an angle with the properties on Victoria Mount, this angle together with the generous separation will ensure that, subject to no habitable windows to the side elevation, no significant overlooking or loss of privacy will occur.
- 10.11 The development will result in an increase of vehicular movements on Victoria Avenue. However, given the increase in movements will be relatively modest and properties on Victoria Avenue are set back from the road, no significant adverse impact on amenity through noise and nuisance from increased vehicular movements is anticipated.

### Trees and Landscaping

- 10.12 Consideration has been given to the impact the development will have on the mature trees bounding the site to the south and west. The layout shown provides sufficient separation to the trees to ensure they will be retained and that limited future pressure will result for their removal due to issues of excessive shading and leaf fall. It is suggested that conditions ensuring the retention of trees together with appropriate protective measures are employed should be imposed.

### Highway Safety and Parking

- 10.13 Consideration has been given to the acceptability of the highway layout. The highway width, pavements and materials are designed to be adoptable. The dimensions of the turning head are acceptable.
- 10.14 As part of the application process, the design of the highway layout has been amended to extend the highway to the eastern boundary to ensure that a ransom strip is not created preventing access to the land to the south.

### Other issues

- 10.15 As part of the Strategic Housing Land Availability Assessment the open land to the south has been put forward as a potential future housing site. Through the Site Allocations DPD Issues and Options process, this land has been identified as an 'amber' site (1202) which has potential for 185 houses but has clear issues and is not as favoured as the identified 'green' sites. The site is located within the Green Belt and Urban Green Corridor. In the summary for reason of its classification, the allocated site subject to the application has been identified as potentially providing vehicular access to the site.
- 10.16 The Site Allocations process will consider whether the site is appropriate or needed to be allocated for housing taking into consideration the current and future policy constraints to developing the site together with local opinion. However, in the interest of future planning it is considered appropriate to maintain a vehicular access to this site to ensure the development of the allocated site does not in itself preclude or complicate future development of the SHLAA site. It is recommended that a condition should be imposed requiring this. It is important to stress that in ensuring vehicular access to the site is maintained this does not prejudice the acceptability of site 1202 for housing.

### Letters of representation

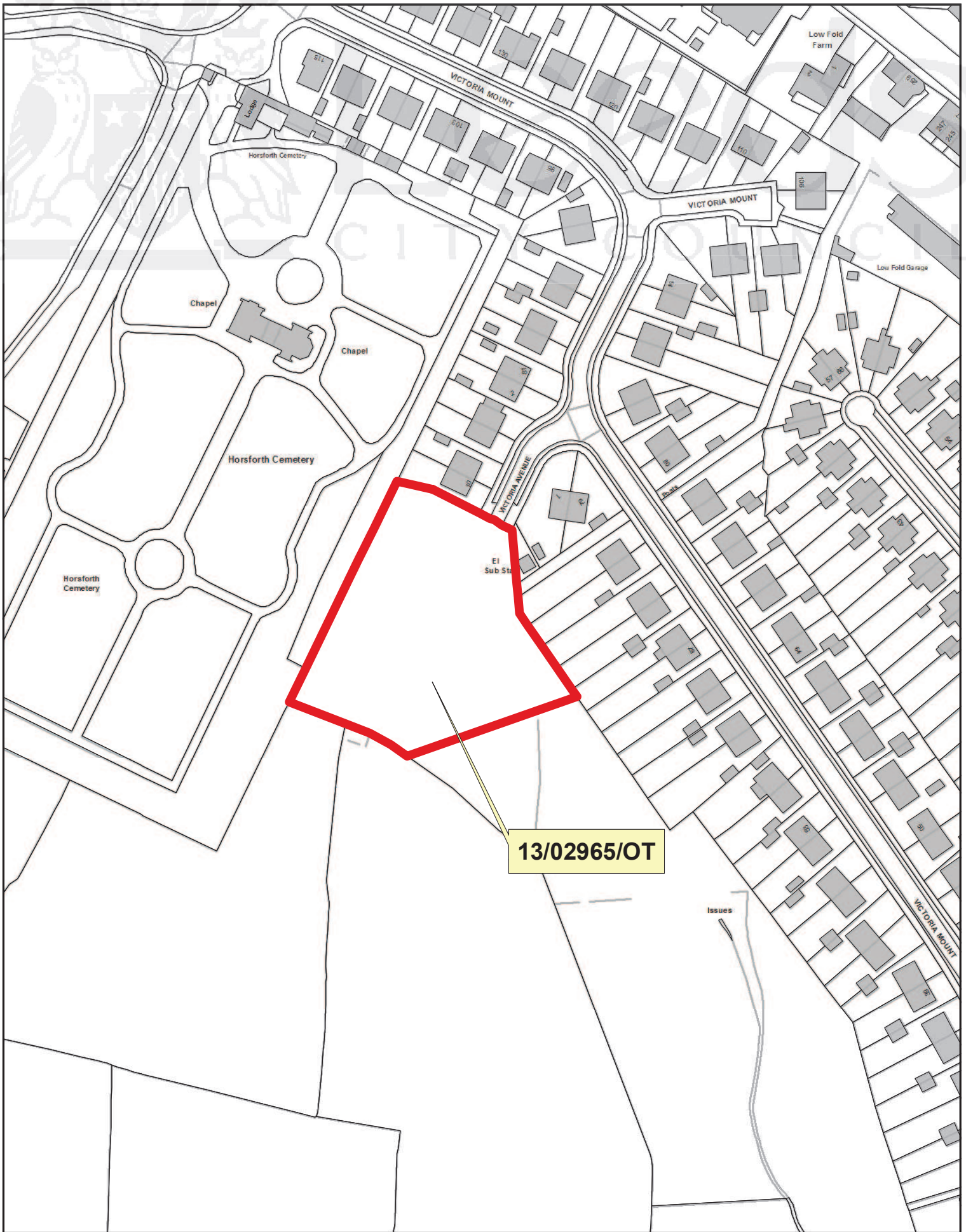
- 10.17 It is noted that local residents have raised a number of concerns relating to the proposed development. These concerns largely relate to the loss of an area of green space, impact the development will have on the amenity of local residents, the impact further housing will have on local schools and services and the development being a prelude and facilitator to the developing of the adjacent SHLAA site. These are all relevant material planning issues and have been fully considered within the report.

### Conclusions

- 10.18 In conclusion, it is considered that the principle of development is acceptable and the indicative layout demonstrates that 6 dwellings can be accommodated on the site. In light of this, and with due regard to all other relevant planning considerations, it is recommended that outline planning permission is granted.

**Background Papers:**  
Application and history files.  
Certificate of Ownership.





13/02965/OT

# SOUTH AND WEST PLANS PANEL





Originator: Mathias Franklin

Tel: 011322 77019

## Report of the Chief Planning Officer

### PLANS PANEL SOUTH & WEST

Date: 12<sup>th</sup> September 2013

**Subject: APPLICATION 13/03169/FU- Change of use of part of ground floor and extension to side of part of medical centre to form restaurant at St Michaels Court, Shire Oak Street, Headingley LS6 2AF**

APPLICANT	DATE VALID	TARGET DATE
Nando's Chickenland Limited	08.07.2013	20.09.2013

#### Electoral Wards Affected:

Headingley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION:

**GRANT PERMISSION subject to the following conditions.**

1. Commencement of development within 3 years.
2. Approval of plans
3. External materials to match the existing
4. 1:10 section details of windows to be submitted to ensure slim profile of window frames
5. Landscape scheme and implementation
6. Hours of opening 11am to 11pm Monday To Saturday and 11am to 10.30pm Sunday and Bank Holidays
7. Hours of use of external seating area restricted to 11am to 10.30pm Monday to Saturday and 11am to 10pm on Sunday and Bank Holidays
8. Servicing deliveries restricted to between 7am-8am and between 7pm-9pm only
9. Delivery vehicles size limited to 7.5metre.
10. Adherence to the Service Management Plan

11. No take away deliveries.
12. No music to be audible outside of the restaurant building or audible from upper floors of the building
13. No drinking outside without meals
14. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate.
15. Bin store to be erected and made available prior to first use
16. The external flue and chimney shall be erected and colour treated and made available prior to first use.
17. Maximum number of covers limited to 60 internally and 26 externally.

## **1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Martin Hamilton who objects to the proposal on the cumulative impact of additional A3 uses in Headingley and due to the unsuitability of a restaurant within a medical centre building. Councillor Hamilton also objects on the grounds that the use of the premises would cause harm to neighbouring residents amenity.

## **2.0 PROPOSAL:**

- 2.1 The proposal involves the change of use of a vacant part of the ground floor of the building to accommodate a restaurant. The ground floor would be used as the main restaurant with the kitchens and majority of the seating located here. The proposal also includes the erection of a single storey side extension to the elevation facing Wood Lane. The extension would have a flat roof. Its side elevation facing Wood Lane would be a glazed.
- 2.2 The proposals also include the creation of an outdoor seating area adjacent to Wood Lane to provide 7 tables for customers.
- 2.3 The proposal would also include the erection of a rear flue which would be encased in a brick chimney stack to match the existing property.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is located within the defined Headingley Town Centre which is characterised by a wide mix of uses, typical of an urban district centre. The existing building is 4 storey's in height and has a mixed-use comprising two doctors surgeries on the upper floors and an Opticians and pharmacy occupy part of the ground floor. There is a car park in front of the site which is used by visitors of the existing health centre and retail unit. Vehicular access to the site will be through this car park which is accessed from Shire Oak Street and exited from Wood Lane.
- 3.2 The site is bound by Shire Oak Street to the south and Wood Lane to the north. There is a terrace row between the site and Otley Road which has ground floor retail and commercial premises and some flats located in the upper floor. Across Wood Lane is the Arndale Centre which is a large 1960s shopping centre. To the rear of



the site is land protected for the NGT route. Beyond this are located residential properties on Shire Oak Street. The site is within the Headingley Conservation Area.

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

- 4.1 11/03511/FU - Change of use of part ground floor and single storey extension and alterations to side of proposed medical centre (D1 use) to form restaurant (A3 use) with car parking to rear. Withdrawn.
- 4.2 09/03233/FU - Change of use, including alterations and extension to form lobby and stair tower, of offices (B1) to primary care surgery (D1) and pharmacy (A1) with car parking. Approved 2009
- 4.3 11/03998/FU - Change of use of part ground floor of medical centre (use class D1) to opticians (use class A1) and installation of new entrance door. Approved 2011
- 4.4 12/00086/FU - Change of use of part ground floor medical centre to 2 retail units (A1 use class) from medical centre (D1 use class) and alterations to the front elevation to provide entrance doors to each unit. Approved 2012

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant had pre-application meetings with officers to address the issues around the design, size and appearance of the extension and also around the issues of deliveries and the impact of the proposal on the NGT scheme. The applicant reduced the size of the extension from the previous application and reduced the number of covers from the previous application in response to the comments. The operators of the medical surgeries have met with the applicants. They have not objected to the current application.
- 5.2 The applicant consulted Ward Members and also held a community consultation event in February 2013. 50 people attended and 30 responses were received according to the developer. The developer states 25 were in support, 2 against and 3 neither supported nor were against the proposal.

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

- 6.1 The application has been publicised by means of site notices. There have been a total of 11 representations received. There have been 7 objections and 3 letters of support. 1 letter making representations has also been received. The following main issues have been raised.
- Wood Lane Court has already been affected by previous developments.
  - Harm from noise and litter and the use of the outdoor seating area
  - No proof local people will be employed.
  - Loss of trees
  - Harm to residential amenity
  - Headingley has far too many restaurants, cafes, takeaways etc but more importantly the proposed fast food type outlet is totally unsuitable in the building that houses a medical centre.
  - The space should be used for medical or allied services.
  - Increased number of cars parking in the existing small car park, and an increase in traffic generally around that area, adding to noise and congestion at the end of Wood Lane
  - Restaurant should go in the Arndale Centre or on North Lane

- There is an objection to the increased traffic from the servicing of the site
- There is a lack of car parking for the restaurant and the interaction of restaurant users with surgery visitors is problematic
- The proposal would remove the green area next to the building which is harmful to the conservation area
- The proposal is contrary to policies in the development plan which seek to protect green areas.

6.2 **Councillor Hamilton:** His main concern is the addition of a further A3 Unit in Headingley Town Centre and the disruption this will cause nearby residents. The Councillor notes that outdoor dining is proposed. He feels that this is inappropriate for this type of outlet in a residential setting, but should the application be approved, he would request that use of the outdoor seating is restricted such that it is not operable after 10pm given the elderly residents living in the area. Would takeaway facilities be included? Can this be conditioned out? Is the closing time to be 11.30? This would mean that patrons could come from the earlier shutting bars at closing time, have food and then continue. This has the effect of extending the night time economy. If approval is granted, He would therefore suggest an 11pm closing time to tie in with the closure of bars such as Arcadia. Could you also confirm that alcohol would only be allowed when accompanied with food and if not could this be conditioned should the application be approved. We have seen in Headingley how A3 use is often a trojan horse to extend the availability of alcohol more generally. In isolation, these applications may seem innocuous but when taken in aggregate do have a negative effect on the overall living environment for residents.

## 7.0 CONSULTATION RESPONSES:

7.1 Highways – no objections subject to conditions to control servicing arrangements

7.2 Mains Drainage – no objections

7.3 NGT Team: Support the application as it will provide an active frontage to the proposed Headingley NGT stop.

## 8.0 PLANNING POLICIES:

8.1 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.

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

- GP5 development control considerations
- BD6 Alterations and Extensions should not harm neighbours amenity
- N12, N13 urban design principles
- N19 Alterations and extensions in conservation area should preserve or enhance that part of the conservation area
- LD1 landscape design
- T2, T24 – access and parking requirements
- S2 Town Centres

Neighbourhoods for Living SPG.

### 8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27<sup>th</sup> March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” (para 14).

### 8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages
2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

### **Emerging Core Strategy**

The Draft Core Strategy has been submitted for examination by an Inspector. The Draft Core Strategy has passed its first requirement with regards the legal test on the Duty to Cooperate. As the draft Core Strategy is submitted for examination some limited weight can be afforded to it. The weight to be given to policies will depend whether there are any outstanding challenges to them to be considered through the Public Examination in October.

## **9.0 MAIN ISSUES:**

### 9.1 The following main issues have been identified:

- (1) The principle of the change of use;
- (2) The impact of the development on the conservation area;
- (3) The impact of the development on the neighbouring residents and users of the health centre;
- (4) Servicing and car parking and highway safety

## **10.0 APPRAISAL:**

### 10.1 The premises are located within Headingley Town centre where A3 uses are an appropriate town centre use. Although the site currently has a medical centre and an opticians within the building the introduction of a restaurant in part of the ground floor would not conflict with these uses in relation to the operational effectiveness of the surgery or in relation to the retail function of the pharmacy or opticians. The restaurant would be open 11am to 11pm Monday to Saturday and 11am to 10.30pm on Sunday and Bank Holiday. The surgeries are open from 7.45am until 6.45pm. It is considered that the proposed use and the existing uses on site are all Main Town Centre activities that are normally found within a defined town centre and are uses that complement the function of a defined town centre as a destination for a range of services and facilities and retail and leisure activities. In addition the location of the

proposed restaurant entrance is at the opposite end of the building to the entrances to the surgeries which should help reduce any interaction between the two uses further. It is noted that the application premises has an extant consent for an A1 use from 2012. There are no restrictions upon what type of A1 use could operate from this planning permission except for a condition that restricts the premises merging into the other ground floor units to become a small supermarket. Accordingly the site is considered suitable to accommodate a range of mixed use operators.

- 10.2 The proposed single storey side extension has been reduced in height and width from the previous withdrawn application and the size of the outdoor seating area has also been reduced. This means that the existing tree on the boundary of the site can be retained. Overall the side extension is considered well designed and sited and should not have an adverse effect upon this part of the Headingley Conservation area. As the host building is a modern addition to the conservation Area and the site is opposite the Arndale Centre a contemporary design approach for the extension is considered appropriate. The flat roof and use of glazing to provide the outer wall of the extension is considered well designed. The development would take some of the existing grassed landscaped area at the side of the host building however the introduction of an active frontage in this part of the town centre is considered a positive development, especially in light of the potential NGT scheme which would have a stop located at the rear boundary of the site. The proposed rear flue would be encased within a brick chimney to help it blend in with the existing building. Although the flue will 9metres in height, 7.5metres of the flue will be encased in the brick chimney and the remaining 1.5m that projects above the eaves line of the rear roof plane will be powder coated to match the colour of the existing roof. The top of the flue will be visible from along Wood Lane but due to the colour treatment and the brick chimney the proposed flue should not have any significant effect upon the character and appearance of the conservation area.
- 10.3 The proposed servicing arrangements would see deliveries restricted to 7am-8.30am and then 7pm-9pm which are outside of main surgery hours. The Doctors surgery is open from 7.45am but the majority of Doctors do not start until 8.30-9am suggesting parking demand would be low during the morning servicing hour. It is noted that the doctor's surgeries have not objected to this current application. It is considered that this restriction in early morning deliveries should remove any serious conflict with early morning patients arriving for the surgery. The applicant advises that the site will only have 3 deliveries per week. The applicants will use the existing car park in front of the building to service the premises and will have control over 5 car parking spaces which they will use as a layby for the servicing vehicles. The size of the service vehicles will be restricted to 7.5tonne box vans. Once the servicing has been complete the vehicle will exit the site in a forward gear from Wood Lane.
- 10.4 The use of the ground floor as a restaurant is not envisaged to harm the living conditions of neighbouring residents. The nearest residents live in properties along Wood Lane to the rear of the site and are located over 20metres from the outdoor seating area. The nearest property to the site is earmarked for demolition to accommodate the NGT scheme, this property is owned by Metro. Beyond this property the next nearest property is over 40metres from the outdoor seating area. There would be 60 covers inside and about 26 outdoor seats. The previous withdrawn application was for 116 seats inside and 31 outdoor. The restaurant is proposed to be open until 11 pm each evening and until 10.30pm Sunday and Bank Holidays. A condition is proposed that no music speakers should be placed outside of the restaurant and also that any speakers used in restaurant are not audible from outside or from upstairs in the surgery. There is only a small outside seating area



proposed and as such it is not expected that significant problems would arise from the use of the area, however to ensure residential amenity is protected it is proposed to condition the closing off of this outside area 30 minutes before the main restaurant closes. The proposed restaurant would only provide 1 car parking space for a member of staff and one disabled bay for a customer. As the site is located within the town centre where public transport is available and there is also short stay free car parking in the Arndale Centre, for example a low car parking requirement is acceptable. The car park facilities for the medical centre therefore should be unaffected which should limit interaction of the proposed use and the existing medical use further.

- 10.5 One of the main areas of concern about this proposal relates to the potential for takeaways and the potential for noise and disturbance and from litter. Nando's does have a take away element. Nando's are set up as a sit in restaurant which can be seen from the layout. They are very similar to Pizza Express in that respect in that they don't have a dedicated takeaway counter and any takeaways are sold at the same price as the restaurant. Members may recall granting planning permission in 2010 for a Pizza Express in the Arndale Centre. Members may recall that Pizza Express had a planning condition attached restricting deliveries but not take away, as it was accepted that this is a restaurant and therefore any take away would be ancillary to the operation of the A3 restaurant. The applicant has agreed to a similar condition in relation to this application. Should the take away aspect of the business go beyond ancillary then a change of use would have taken place which requires planning permission and the Council could review the situation in light of a planning application. As such the condition restricting deliveries is considered sufficient to ameliorate this concern.

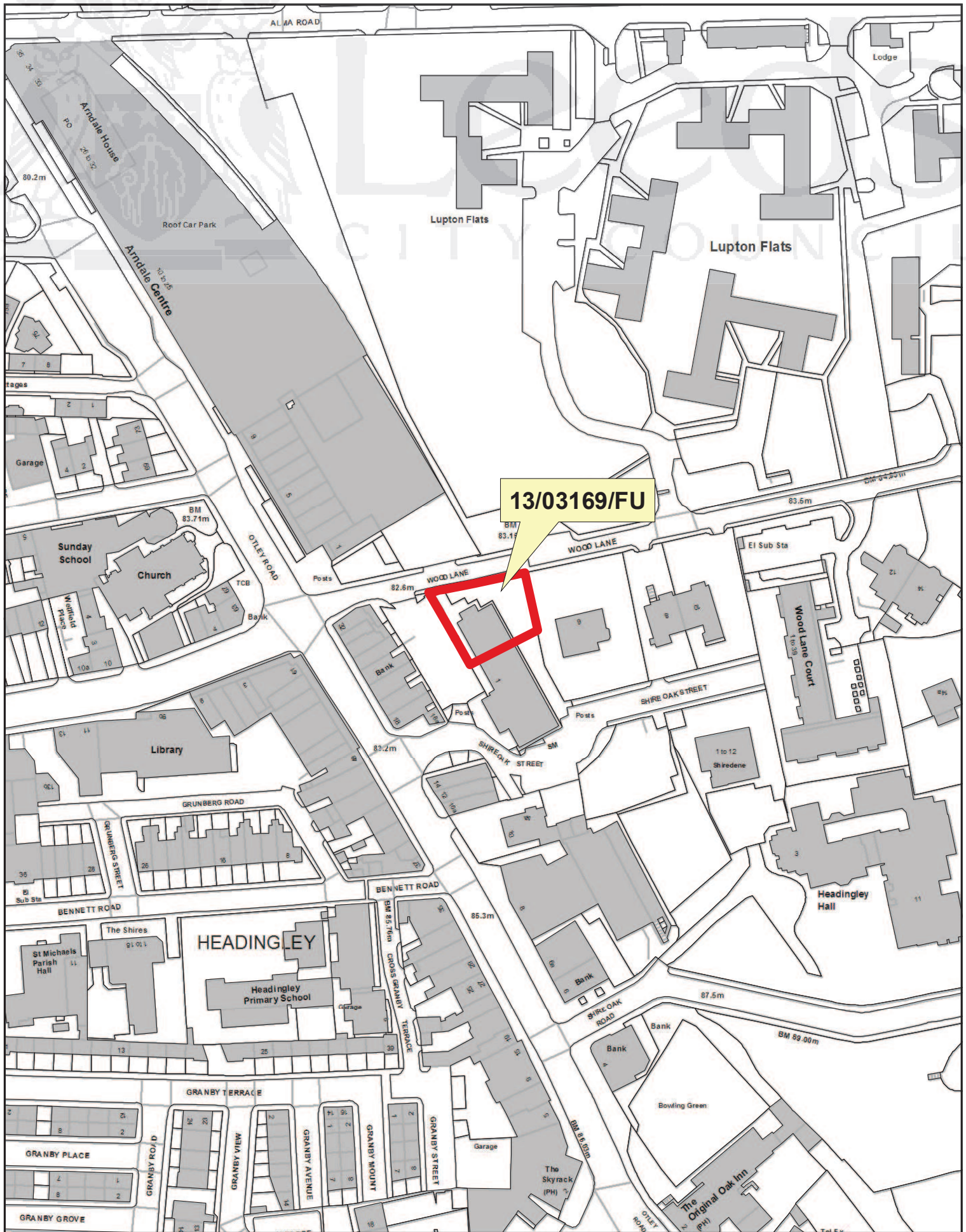
### **Conclusion**

- 10.6 Overall the introduction of a new A3 use within the town centre accords with planning policy. There are no planning reasons why an A3 use cannot be located next to medical and retail uses. The proposed extension, chimney flue and external works are considered well designed and proportioned and should have a positive effect upon the character and appearance of this part of the Headingley Conservation Area. There are no serious concerns arising from the impact of the use on neighbouring residents and appropriate planning conditions have been attached to ensure amenity is maintained.

### **Background Papers:**

Application file;

Certificate of Ownership.



# SOUTH AND WEST PLANS PANEL

