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## SOUTH AND WEST PLANS PANEL

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Meeting to be held in the Civic Hall, Leeds on  
Thursday, 19th November, 2015  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

J Akhtar	J Bentley	A Castle	R Finnigan
M Coulson		R Wood	
C Gruen (Chair)			
J Heselwood			
E Nash			
A Smart			
C Towler			

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

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="678 427 970 461"><b>SITE VISIT LETTER</b></p> <p data-bbox="678 568 1401 640"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="678 680 1380 824">To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p data-bbox="678 864 1385 1008">(*In accordance with Procedure Rule 15.2, 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.</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>	
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY 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 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	

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6			<p><b>MINUTES - 22 OCTOBER 2015</b></p> <p>To confirm as a correct record, the minutes of the meeting held on 22 October 2015.</p>	5 - 16
7	Morley South		<p><b>APPLICATION 15/04780/FU - 122 FOUNTAIN STREET, MORLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for detached garage, gates and boundary fence to front.</p>	17 - 22
8	Morley North		<p><b>APPLICATION 15/02692/FU - DEANHURST, GELDERD ROAD, GILDERSOME</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the variation of condition No. 5 (external storage) of planning permission 12/01608/FU (change if use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear)</p>	23 - 30
9	Morley North		<p><b>APPLICATION 14/01904/FU - MOORSIDE BUILDING SUPPLIES, 37-39 KING STREET, DRIGHLINGTON</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of Moorside Building Supplies and erection of residential development for 42 dwellings.</p>	31 - 60
10	Morley South	10.4(3)	<p><b>APPLICATION 14/06825/OT - LAND AT SCOTT LANE, MORLEY</b></p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an outline application for residential development.</p>	61 - 96
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 10 December 2015</p>	

Item No	Ward	Item Not Open		Page No
			<p data-bbox="675 181 1015 215"><b><u>Third Party Recording</u></b></p> <p data-bbox="675 255 1382 472">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 512 1310 584">Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li data-bbox="724 624 1382 842">a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li data-bbox="724 860 1394 1160">b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	

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## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.

- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime



**Legal & Democratic Services**

Governance Services  
4<sup>th</sup> Floor West  
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Leeds LS1 1UR

To:

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

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, 19 NOVEMBER 2015**

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

- 1 10:55 **15/04780/FU – Retrospective application for a detached garage, gates and boundary fence to front at 122 Fountain Street, Morley, LS27 0PX – Leave 11.10** (if travelling independently meet at rear of site off Oak Road).
  
- 2 11:20 **14/06825/OT: Outline planning application for residential development on land to the south-east of Scott Lane, Morley. LS27 0NQ - Leave 11.40** (if travelling independently meet at entrance to site off Scott Lane).

Return to Civic Hall at 12:00 approximately

**A minibus will leave the Civic Hall at 10.30 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 10.25 am

Yours sincerely

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

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## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 22ND OCTOBER, 2015**

**PRESENT:** Councillor C Gruen in the Chair

Councillors J Akhtar, B Anderson,  
J Bentley, A Castle, M Coulson,  
R Finnigan, J Heselwood, E Nash, A Smart  
and C Towler

### **48 Late Items**

The Chair admitted the following late item to the agenda:

- Application 15/02901/OT – Outline application for residential development of up to 27 dwellings at Horsforth Campus, Calverley Lane, Horsforth

The report was late to allow for a revised traffic impact assessment.

### **49 Declarations of Disclosable Pecuniary Interests**

Councillor J Heselwood declared a disclosable pecuniary interest with regards to Application 15/02901/OT – Outline application for residential development of up to 27 dwellings at Horsforth Campus, Calverley Lane, Horsforth due to her employment at Leeds City College.

### **50 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor R Wood. Councillor B Anderson was in attendance as substitute.

### **51 Minutes - 17 September 2015**

**RESOLVED** – That the minutes of the meeting held on 17 September 2015 be confirmed as a correct record.

### **52 Application 15/03928/OT - 36 Town Street, Carlton**

The report of the Chief Planning Officer presented an application for a link detached house with two garages, to consider matters of access and layout only.

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

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

- The application had been referred to Plans Panel as it was made on behalf of an Elected Member.
- Old outbuildings currently on the site would be demolished.
- Access arrangements were shown.
- The proposals would mean the re-location of the bus stop outside the property.
- Letters of representation had been received regarding the relocation of the bus stop and boundary planting.
- The application was recommended for approval.

During further discussion on the application it was felt that the proposals would offer an improvement to the current street scene.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

**53 Application 15/03297/FU - Costcutter Supermarket, Lowry Road, West Ardsley**

The report of the Chief Planning Officer presented an application for the change of use from a supermarket (A1) to church and community centre (D1) at Lowry Road, West Ardsley.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- Access arrangements including pedestrian access.
- Hours of operation applied for were from 10.00 a.m. to 10.00 p.m. every day of the week.
- The church had a congregation of 25 to 30 and it was also planned to use the premises for community use.
- Representations received had shown concerns regarding traffic, noise, parking and ant-social behaviour at the site.
- It was not anticipated that the intensity of the use of the site would increase.
- It was felt that there was sufficient car parking at the site.
- The application was recommended for approval.

A local resident addressed the Panel with concerns regarding the application. These included the following:

- Car parking spaces – the nursery owned the car park and the rights for use could be withdrawn. This would lead to parking on Heatherdale Road which could be dangerous.

- The loss of a retail facility was damaging to the area and people without access to cars.
- Losing the option for a retail facility would also see the loss of employment opportunities.
- The church attracted a congregation from outside the area and this would lead to an increase in traffic.
- In response to questions from Members the following was discussed:
  - The shop opening hours were 8.00 a.m. to 9.00 p.m.
  - The parent company of the nursery held the rights for car parking and the applicant had no formal rights.
  - It would be preferred to have another retail unit at the site.

The applicant addressed the Panel. Issues highlighted included the following:

- The church wanted to serve the needs of the community and would welcome opportunity to discuss this with local residents.
- There had been discussions with the nursery regarding the proposals and it was hoped the church and nursery would be able to work together.
- The opening hours would not be fully utilised as applied for but gave an option for flexibility.
- The church wanted to engage young people and address concerns relating to anti-social behaviour.
- The church had 25 regularly attending members and 16 of these came from 4 families. It was not felt that this would cause any problems with traffic or parking.
- In response to questions from Members, the following was discussed:
  - The church wanted to engage with the community and use the premises for things such as youth groups, coffee mornings and mums and tots groups.
  - The applicant had not yet consulted the local community.

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

- Potential use of the service area for car parking.
- Clarification of parking rights – the nursery currently had 5 spaces exclusively for their use.
- It was not felt that a retail use would be viable due to the location of the building and the lack of passing trade.

#### **RESOLVED**

#### **54 Application 14/01904/FU - Moorside Building Supplies, 37-39 King Street, Drighlington**

The report of the Chief Planning Officer presented an application for the demolition of Moorside Building Supplies and the erection of residential development for 42 dwellings on land at 37-39 King Street, Drighlington.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on the application.

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

- The site was in a predominantly residential area.
- The site was mainly greenfield with a PAS site to the rear.
- The original application was for 47 dwellings, this had since been reduced to 42.
- The design of the site would allow access to the PAS site.
- The proposals would include open space and landscaping.
- Dwellings at the entrance to the site would be made from natural stone.
- It was recommended to defer and delegate the application for approval.

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

- Members would like to have seen a clearer layout of the site. This had been requested from the applicant.
- The site had never been part of the PAS site.
- In response to concerns regarding the use of greenfield land, it was reported that this would be necessary to meet the 5 year housing plan.
- Concerns over sustainability, particularly transport, health and school provision – it was reported that there were good public transport links to Leeds and Wakefield and that there would be a contribution to education through the Community Infrastructure Levy. It was recognised that there was very limited school availability in the area.
- Future of the 37 King Street building – the applicant had been asked to consider retaining this.
- Drainage – concern as to whether the proposals and costs would provide adequate drainage.
- The need for more affordable housing and whether the site could be 100% affordable housing.
- A request for further information regarding school provision and the calculations for demand for school places.

**RESOLVED** – That the application be deferred for further clarification on the following:

- Request for 100% affordable housing.
- Inclusion of schools formula illustrating how many school places would be required by the development.
- Further details of drainage solutions.
- Sustainability credentials of the site.
- Improved quality plans for presentation.

**55 Application 14/07087/FU - St Ann's Mills, Commercial Road, Kirkstall**

The report of the Chief Planning Officer presented an application for the retrospective change of use of land and buildings from B2 to B8 with 48 storage containers.

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

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

- The application had previously been considered by Panel where it had been deferred subject to the expiry of the consultation period and no new significant material consideration raised either through that process or by the Environment Agency. There was also an issue relating to land ownership.
- There had not been any objection from the Environment Agency and further representations had not raised any fresh concerns.
- The containers at the site would be moved further into the site and there would no longer be any containers overhanging the Goit.
- There would be a condition relating to the landscaping at the site.

Further to discussion with Members it was agreed to include an additional condition to paint the containers adjacent to the Goit.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report with the following additional condition:

- To ensure containers adjacent to the Goit are painted 'Leaf Green'.

## **56 Applications 15/02489/FU & 15/02490/LI - Elinor Lupton Centre, Headingley Lane, Leeds**

The report of the Chief Planning Officer presented an application for the change of use of education facility (D1 use) to A4 public house, external alterations and creation of outdoor areas to the front of the building and car parking to the rear and accompanying Listed Building Application at the former Elinor Lupton Centre, Richmond Road, Headingley.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this item.

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

- The building was Grade II listed and fell within the Headingley Conservation Area.
- The area was predominantly residential.
- Access arrangements for deliveries to the site were explained. These included arrangements should the New Generation Transport Scheme (NGT) be implemented.

- Hours of operation and deliveries.
- Highways issues both with and without the NGT.
- The building was in need of restoration.
- Members were asked to carefully consider the balance between the need to restore and re-use a listed building and the potential impact on local amenity and breach of policy. It had been recommended to defer the application to the Chief Planning Officer for approval.

A local Ward Member addressed the Panel with objections and concerns regarding the application. These included the following:

- The proposals were contrary to both national and local planning policy.
- The area was a quiet residential neighbourhood away from the town centre.
- The proposals would generate an increase in HGV and LGV traffic.
- The clientele would involve a high number of students on the Otley run and create disturbance to residents.
- The building was in a Cumulative Impact Area.
- Further to questions from Members the following was discussed:
  - An additional public house would increase the numbers of people accessing the area and increase anti social behaviour.
  - Leeds Music Hub had expressed an interest in the use of the building and this would be a preferable option.

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

- There had been extensive negotiations with Planning Officers and public consultation in the development of the proposals.
- The building had been empty since 2008 and was beginning to deteriorate.
- The building required £3 million of investment and the applicant was willing to do this.
- The proposals would create employment for up to 50 people.
- The plans were sympathetic and would restore the heritage of the building.
- Further to concerns regarding the potential impact on residential amenity the original proposals had been amended following public consultation. There would also be responsible management practices and the company received very few complaints regarding their other premises.
- Further to questions from Members, the following was discussed:
  - Security arrangements would include door staff and CCTV.
  - The applicant would contribute to improvements to the local highways infrastructure.
  - Early opening hours had been requested due to the breakfast trade not for the sale of alcohol.
  - The applicant was looking to create a family atmosphere for food and drink.



- This would be a long term proposition which was reflected by the applicants willing to invest in the property.

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

- The proposals would have a negative impact on a residential area.
- The proposals were the only realistic option to restore a decaying building.
- Concern that the proposals overlooked residential properties and were nearby to a residential home.
- This was a quiet area and local residents should be considered.
- Concern regarding the ongoing deterioration of the building.
- Concerns with parking and other highways issues.

Members voted against the officer recommendation to defer and delegate the application to the Chief Planning Officer for approval and discussed reasons for refusal.

## **RESOLVED**

- (1) That the listed building consent for application 15/02490/LI be granted subject to the conditions outlined in the report.
- (2) That application 15/02389/FU be refused – draft reason below subject to consideration by Legal Services:

The proposed development would by reason of its out of centre location, sited midway between Headingley Town Centre and Hyde Park Corner on a popular and well known route used by students and others for drinking and entertainment result in a serious loss of residential amenity to nearby residents. The harm would arise from the comings and goings associated with a large capacity public house venue, including late night noise and disturbance caused by people on foot and in their cars and taxis arriving and departing in a predominantly residential area. This harm to residential amenity outweighs the considerable weight afforded to the re-use and restoration of the listed building and the economic benefits of the proposed use. As such the proposal is contrary to Saved Unitary Development Plan (Review 2006) policy GP5 and guidance in the National Planning Policy Framework paragraph 17 detailing Core Principles which includes always seeking a good standard of amenity for all existing and future occupants of land and buildings.

### **57 Application 15/01313/FU - Unit 4, Westfield Mills, Kirk Lane, Yeadon**

The report of the Chief Planning Officer presented an application for the demolition of an existing retail unit (use class A1) and construction of foodstore (use class A1) with parking, landscaping and associated works at Westfield Mills, Kirk Lane, Yeadon.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- The site was within the town centre and conservation area.
- Existing buildings would be demolished.
- There would be removal of 13 trees to improve access arrangements. There would be a further 25 trees planted and a landscaped buffer zone.
- With regard to the demolition of the remaining part of the Westfield Mills building it was reported that the historic and visual importance had been diminished with previous development and demolition would only cause low level harm.
- Materials from the mill building would be used for a boundary wall.
- The application was recommended for approval.

The Panel heard from a local resident and a representative of the Airebrough Civic Society. Issues raised included the following:

- Concerns regarding highways and opening hours.
- 10.00 p.m. was too late. The current operators of the site finished at 8.00 p.m. and the Morrisons store in the town centre closed at 9.00 p.m.
- Customers would drive to the store and there would be an increased risk of accidents and to pedestrians.
- Concern regarding the loss of a possible building.
- A request that more of the stone from the mill building be used as part of any new building – it was reported that there would not be enough to do this.
- The impact of another large food store on other traders within the town centre.

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

- It would not be feasible to use the current building.
- Amenity and highway measures had been thoroughly discussed and there would be a contribution for highway improvements.
- The application had received considerable public support.
- The provision of a new store would give increased food and shopping choice and would provide up to 50 new local jobs.
- In response to questions from Members the following was discussed:
  - All the applicant's stores elsewhere opened till 10.00 p.m. and some were closer to residential properties.

- The applicant wanted to remain open till 10.00 p.m. as staff would still be present. This was to provide a later service for customers.

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

- The nearby Morrisons store did not have a condition restricting hours of operation.
- The proposals were felt to be appropriate for a town centre location and there was a 50 metre distance between the delivery bay and residential properties.
- The applicant had provided traffic surveys of similar stores and it was felt that this one would have sufficient capacity.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report and that condition 16 be amended to read 6 hours opening between 1000 hours and 1800 hours on a Sunday.

#### **58 Application 15/04285/FU - Billing Dam, Billing View, Rawdon**

The report of the Chief Planning Officer presented an application for the erection of a dwelling with angling facility, car parking and retaining wall at Billing Dam Fishery, Billing Dam, Billing View, Rawdon.

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

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

- The application had been referred to the Panel at the request of a Local Ward Councillor.
- The proposals would involve a dwelling with attached angling and visitor centre. This would help to manage and safeguard the site.
- The applicant had not demonstrated special circumstances to allow development on greenbelt land.
- It was recommended that the application be refused.

The applicant and his representative addressed the Panel. The following issues were highlighted:

- The proposals would provide a first class educational facility not just for angling but for conservation as well.
- Freshwater lakes were a target for theft of fish. It cost £50,000 to stock the lake with fish and insurance was not available. The proposals would give a 24 hour presence and a level of security.

- It was requested that the application be deferred so that further discussion could be held regarding design.
- In response to questions from Members, the following was discussed:
  - The lake was not currently used for angling.
  - The applicant would be the head coach at the proposed centre.
  - It was felt that parking was sufficient and there would not be a problem with access to and from the site.
  - The site had previously been used by other angling clubs and had been a working fishery for over 50 years.

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

- Members broadly supported the proposals and the business opportunity created.
- Members were advised that a key element was whether the development on greenbelt land was appropriate. Design issues could be discussed in further detail.

**RESOLVED** – That the application be deferred to allow the applicant to submit further information to substantiate special circumstances.

## **59 Application 15/02901/OT - Horsforth Campus, Calverley Lane, Horsforth**

The report of the Chief Planning Officer presented an outline application for a residential development of up to 72 dwellings at Horsforth Campus, Calverley Lane, Horsforth.

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

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

- A position statement was given at the last meeting. There had been a revision to the indicative layout and an increase in the number of dwellings from 66 to 72.
- The site was within the greenbelt and was already developed.
- School provision in the area.
- There would be up to 25 affordable housing units on the site.
- Traffic assessment – it was not considered that the proposals would significantly add to congestion at peak times.
- There would be a condition for maintenance of the adjoining sports pitches and grassed areas.
- The application was recommended for approval subject to conditions and a Section 106 agreement.

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

- The site had a long history of educational provision and could continue to be used for this purpose.
- The current buildings could be used to provide secondary or 6<sup>th</sup> form education of which there was a shortage in the area.
- The proposals were in dispute with the Site Allocation process.
- There was opposition to the development of housing on the site.
- It was requested that the application be deferred to allow Asset Management to find a different solution.

The applicant addressed the Panel. Issues highlighted included the following:

- As part of the Leeds City College estate rationalisation it had been decided to dispense with this site.
- The Horsforth college site was due to close in July 2016.
- There had been some opposition to the proposals during public consultation but the proposals had been relatively well received.
- There had been extensive dialogue with Children's Services and it had been concluded that there was not a demand for the use of the site from their perspective.

The Panel heard representations from Children's Services. Issues highlighted included the following:

- According to data numbers for primary provision were currently at a high rate and it was suggested that this could decrease. It was factored in that there would be uplift in development and it was considered that there needed to be another half form entry for primary provision in the Horsforth area.
- With regards to secondary provision, it was reported that Horsforth School was oversubscribed though there were places available in other schools in the area. Expansion possibilities had been discussed with Horsforth School.

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

- Concern that the site was isolated and not suitable for housing.
- Further to concern that the site should be kept for education provision, it was reported that granting outline planning permission for this application did not necessarily mean that the site could still not be used for education.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

(Councillor J Heselwood withdrew from the meeting during the discussion and voting on this item)

**60 Application 15/04256/FU - Acanthus Golf Centre, Thorpe Lane, Tingley**

The report of the Chief Planning Officer presented a position statement for the development of a garden centre with outdoor sales area, service area, car parking and landscaping at land at Acanthus Golf Centre, Thorpe Lane, Tingley.

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

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

- Plans of the proposed garden centre building and materials to be used were shown.
- The site was a brownfield site within the greenbelt.
- The proposals had the support of local Ward Councillors.
- There would be an equal split between outdoor and indoor sales.
- There would be a subsequent application for wind turbines at the site.

Further to questions detailed in the report, Members were in support of the proposals and indicated that when a full application was received that it should be deferred and delegated to the Chief Planning Officer for approval. There was some concern regarding the sale of non-gardening related products such as furniture and clothing and the impact this may have on other shopping centres.

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

**61 Date and Time of Next Meeting**

Thursday, 19 November 2015 at 1.30 p.m.



Originator: Michael Howitt

Tel: 0113 247 8000

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## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 19<sup>th</sup> November 2015

Subject: 15/04780/FU – Retrospective application for a detached garage, gates and boundary fence to front at 122 Fountain Street, Morley, LS27 0PX.

#### APPLICANT

Mr Marko Milanovic

#### DATE VALID

7<sup>th</sup> August 2015

#### TARGET DATE

2<sup>nd</sup> October 2015

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<b>Electoral Wards Affected:</b>  <b>Morley South</b>  <input type="checkbox"/> Yes Ward Members consulted (referred to in report)	<b>Specific Implications For:</b>  Equality and Diversity <input type="checkbox"/>  Community Cohesion <input type="checkbox"/>  Narrowing the Gap <input type="checkbox"/>
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### RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Development in accordance with approved plans
2. Within 3 months, details of roller shutter door including materials colour to be submitted and installed

#### 1.0 INTRODUCTION:

- 1.1 This application seeks retrospective permission to construct a detached garage, gates and boundary fence to the front a back to back terrace property. The fence was erected approximately one year ago and has been amended and the garage erected following the refusal of the original application and the advice given by the planning officer at that time.

- 1.2 This application is reported to Plans Panel at the request of Councillor Dawson who considers that the proposal is out of character with the Conservation Area and harmful to highway safety.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 Although addressed as Fountain Street, the site fronts onto Oak Road. The property is a stone built back-to-back with garden and yard facing onto Oak Road. There is a mixture of boundary treatments in the street with examples being either red brick or stone walls. Despite the variety of materials, the unifying characteristic is the low level of the boundaries and the openness this creates in the streetscape. There is a large brick structure at 112 which projects towards the highway. Properties on the opposite side of Oak Road are more modern, and generally have 1m high walls.

- 2.2 The area is predominantly residential in character and the property is located within the Morley Dartmouth Park Conservation Area.

## **3.0 PROPOSAL**

- 3.1 At the time of the site visit, it was clear that works had been carried out making the application retrospective. The works consist of the following:

- 3.2 Along both party boundaries, there have been erected bow topped close boarded fencing panels set in concrete posts on top of concrete gravel boards to a height of 1.5 metres with the last panel dropping to 0.9 metres in height. There has been erected a 6 metre by 3 metre pre-cast concrete detached garage with a maximum height to its flat roof of 2.5 metres that has a pebble dash finish. There are also gates to the same height as the fencing set back 1.9 metres back from the highway.

- 3.3 The application differs from its predecessor in that the gates and the garage were located adjacent to the highway whereas the current proposal now sets back the garage in line with advice given by the planning officer after the refusal of permission. Also the final fence panels are dropped below 1 metre in height to allow for adequate visibility.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 14/06017/FU : Detached garage and new gates to front; retrospective application for boundary fence to front. Application refused 19<sup>th</sup> December 2014

Reasons for refusal were

1 The Local Planning Authority considers that the boundary fence and garage by reason of their design, materials and scale constitutes an incongruous form of development which fails to relate sensitively to the character and appearance of the Morley Dartmouth Park Conservation Area. As such, the development conflicts with saved policies N25 and GP5 of the Leeds Unitary Development Plan Review (2006), Policy P10 of the Core Strategy, the guidance within the draft Morley Conservation Area Appraisal and Management Plan and with the guidance contained with the National Planning Policy Framework.



2. The proposed garage, by reason of doors opening over the footpath, would be detrimental to pedestrian safety, contrary to Core Strategy Policy T2 and advice in Leeds Street Design Guide.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Upon refusal of the previous application, the agent had correspondence with the planning officer responsible for that refusal and agreement was reached upon changes that could be made to overcome those reasons for refusal. It is considered that this proposal is broadly in accordance with the advice given at that time to relocate the gates and the garage back from the back edge of the highway and to drop the height of the last fence panels to below 1 metre in height.

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

6.1 The application was advertised by neighbour notification letters sent on 11<sup>th</sup> August 2015 and site notice posted 20<sup>th</sup> August 2015.

6.2 The publicity period for the application expired on 11<sup>th</sup> September 2015.

6.3 One letter of representation has been received in response to the proposal. This was received from Ward Councillor Neil Dawson, who raises the issues of the previous refusal as still being valid in that this application fails to overcome these matters, these being that the fence is an incongruous and dominant feature within the Morley Dartmouth Park Conservation Area due to height, materials, dimensions and impact and that the proposal still impacts on highway safety due to it being located closer than 1 metre from the highway.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways – Objection to up and over door projecting over the highway

7.2 Sustainable Development Unit (Conservation) – The garage is no more harmful than the one it replaced and would therefore be acceptable. The fencing is out of character with the surroundings of the Conservation Area in terms of materials detailing dimensions and impact.

7.3 Morley Town Council – No response

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act The Development Plan comprises of the Core Strategy, saved policies of the UDP (2006) and the Natural Resources and Waste Local Plan. The relevant policies are:

- T2 - Highways safety requires new development to 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.
- P10 – Good Design.

- GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.
- BC7 – Traditional Local materials to be used in Conservation Areas
- N25 – Development and site boundaries

## 8.2 **Supplementary Planning Guidance/Documents**

*Neighbourhoods for Living: A Guide for Residential Design in Leeds (SPG13)*

*Householder Design Guide* Supplementary Planning Document

The guide gives advice on how to achieve high quality design for extensions and additions to existing properties, in a sympathetic manner that respects the spatial context. The following policies are relevant to this application.

HDG1: all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality. Particular attention should be paid to:

- i. the roof form and roof line,
- ii. window details,
- iii. architectural features,
- iv. boundary treatments
- v. materials

HDG2: all development proposals to protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

*Street Design Guide* guidance on access and parking layout

## 8.3 **National Policy**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The following parts of the NPPF have been considered in on the consideration of this application.

- Requiring good design

## 9.0 **MAIN ISSUES**

1. Impact on the character and appearance of the conservation area
2. Highway safety

## 10.0 **APPRAISAL**

Impact on the character and appearance of the conservation area

- 10.1 There is a mixture of boundary treatments in the street with historic examples being either red brick or stone walls. Despite the variety of materials, the unifying characteristic is the low level of the boundaries and the openness this creates in the

streetscape. The proposed 1500mm close boarded timber panelled gates and fencing are significantly different in character by way of its materials, detailing, dimensions and impact. It reduces the characteristic openness in a negative way and makes the boundary treatment a more dominant feature of the streetscape. However, the major consideration here is that the fence is a party fence and as it is below 2 metres, is permitted development. It drops to below 1 metre where it is adjacent to the road and as such whilst its appearance as described is unfortunate, it is nevertheless permitted. This also applies to the gates that have been set back from the highway and are therefore permitted development.

- 10.2 The garage does however require planning permission, but it is considered by the Conservation Area Officer that as it is no more harmful than the previous garage that stood on the site and that it is partly screened by the aforementioned fencing that it will not be harmful to the character or appearance of the Morley Dartmouth Park Conservation Area. There are a number of other structures within the streetscene facing Oak Road all with differing appearances, including a large brick garage/workshop to the North that sits on the back edge of the highway, a small timber shed within the neighbouring garden to the South and two larger garages both set on the back edge of the highway and towards the South. Given these another nearby structures and the minimal impact on the Conservation Area, it is considered that the application is recommended for approval in this regard.

### **Highway Safety**

- 10.3 The highway consultation response objected to the application on one single matter. This was that the garage should be set back 1 metre from the highway rather than the 0.76 metres that it is currently located. The reason for this is that the existing up and over door would project over the highway. However, the agent, on behalf of the applicant has agreed that they would be happy to have any permission conditioned requiring the replacement of this door with a roller shutter door that would overcome the issue, and therefore, subject to this condition, there would be no harm to highway safety from this proposal.

### **11.0 CONCLUSION**

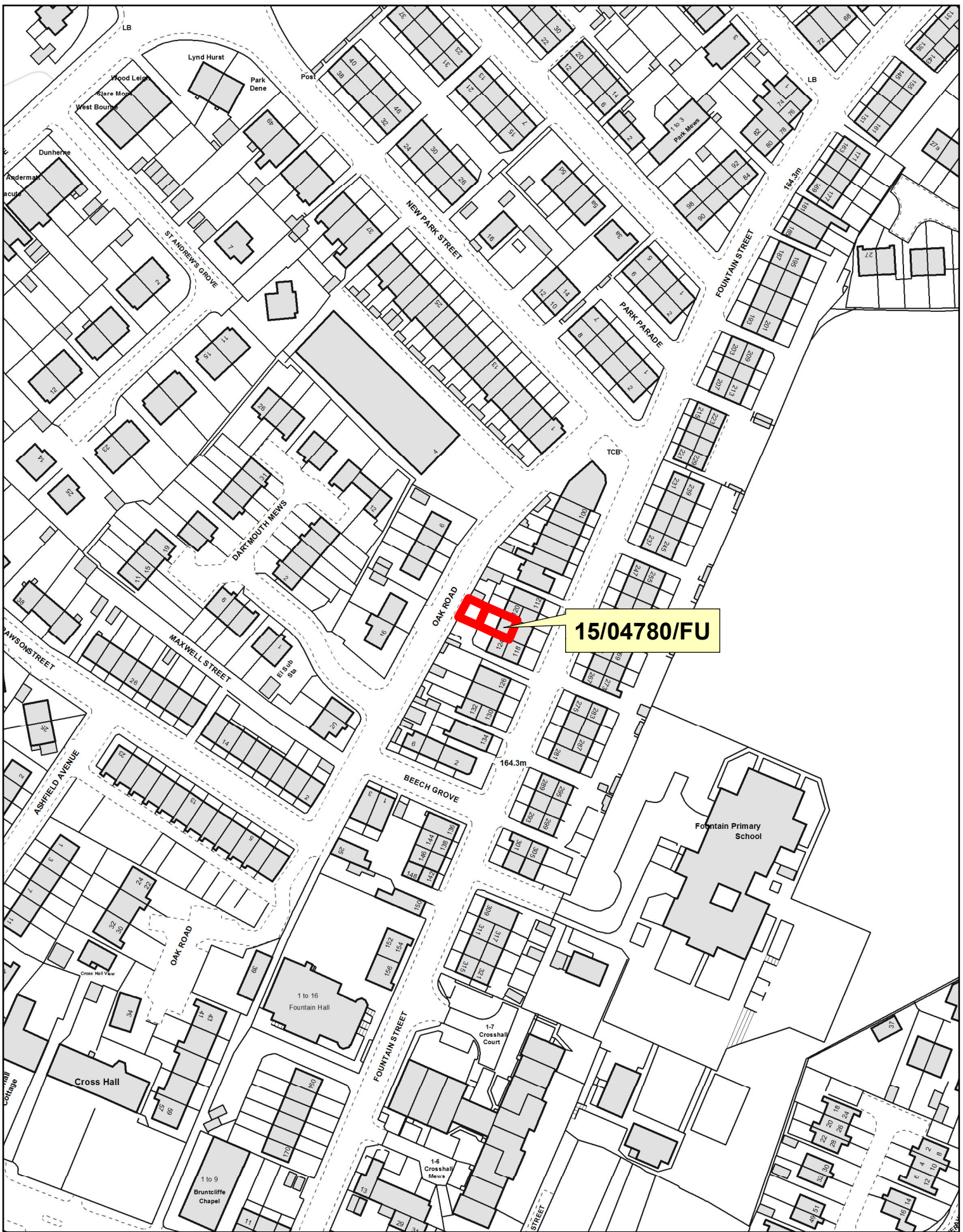
- 11.1 In light of the above, the application is considered to be acceptable. The development is not considered to be harmful to the character and appearance of the Morley Dartmouth Park Conservation Area, nor would it have a harmful impact on highway safety and as a result, subject to appropriate conditions detailed above, the application is considered to be compliant with the relevant policies and guidance and approval is recommended.

### **Background Papers:**

Application files  
14/06017/FU/S  
15/04780/FU/S

### **Certificate of ownership:**

Certificate A signed by agent



# SOUTH AND WEST PLANS PANEL





Originator: Michael Howitt

Tel: 0113 247 8000

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## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 19<sup>th</sup> November 2015

**Subject: APPLICATION 15/02692/FU– Variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision) – Deanhurst, Gelderd Road, Gildersome, Leeds, LS27 7LG**

**APPLICANT**  
Innergy LPG Ltd

**DATE VALID**  
12<sup>th</sup> May 2015

**TARGET DATE**  
7<sup>th</sup> July 2015

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

#### Conditions

1. Plans to be approved
2. Opening hours restrictions
3. Hours of delivery
4. Areas to which palletised external storage is restricted
5. Areas to which trailer storage is restricted



## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel (South and West) at the request of Ward Councillor Robert Finnegan as he considers that the proposal raises issues of noise and environmental intrusion to local residents and fails to overcome previous concerns of Plans Panel at the time of the determination of planning application 13/05511/FU.

## **2.0 PROPOSAL:**

- 2.1 The proposal is to allow for a variation of a condition of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision) restricting the areas available for external storage so that areas on the Western, Northern and Eastern boundaries can also be used for this purpose. The original permission allowed only for storage along the Southern boundary of the yard and also on trailers located centrally within the yard. The application is retrospective as the business has been operating in this manner, ever since opening in 2012. This proposal also provides acoustic fencing along the Northern boundary of the site with Kenilworth Avenue in line with the request of the previous South and West Plans Panel resolution.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located on the northern side of Gelderd Road on a small employment site known as Deanhurst Park, which contains a couple of small office blocks and the application site. The application site comprises of a brick built single storey building (with basement) that is set back slightly from Gelderd Road but runs parallel to it, with a storage yard located to the rear. The site was formally used as a haulage office and HGV parking area but has been used by the current user for around 18 months.
- 3.2 There are residential properties situated opposite the site, immediately north (to the rear) and east. The site is situated on the outer edge of the built up-limits of development (Gildersome) with open land located on the southern side of Gelderd Road in the vicinity. This open land is designated as E4 land (employment use) in the UDP.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There have been a number of planning applications relating to this site with the most recent / relevant as follows.

13/05511/FU - Variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision). Refused 24 April 2015

12/01608/FU - Change of use of former haulage office and HGV parking area to a use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision. Approved 1 June 2012.

11/01427/FU - Change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away. Refused 1 June 2011. Subsequent appeal dismissed.

09/04919/FU - Change of use and extension of former haulage yard/ ancillary office building to fish and chip restaurant and ancillary take away with associated car parking. Refused 14 May 2010. Subsequent appeal dismissed.

23/63/97/FU - Use of cleared site as commercial vehicle parking area. Approved 9 May 1997.

23/64/96/RE - Extension of permission for use of cleared site as commercial vehicle parking area. Approved 26 April 1996.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 There were no pre-application enquiries prior to the submission of the previous application and the application was submitted following a compliance investigation which found that storage of gas canisters was taking place outside of areas that were designated on the approved plan of planning application 12/01608/FU. Subsequently, several meetings and site visits have taken place with both complainants and applicants to attempt to resolve the outstanding issues.

## **6.0 CONSULTATION RESPONSES:**

### Statutory Consultations:

6.1 None.

### Non Statutory Consultations:

6.2 Neighbourhoods and Housing – No objection to the areas requested being used for the storage of gas cylinder pallets, but given that it is trailer storage that they perceive to be the issue in terms of noise generation, they request that no trailer loads be located in these areas.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice on 18 May 2015. No letters of representation have been received although representation of local resident concerns has been relayed by Councillor Finnigan.

7.2 The issues raised is that the aims and requirements of the Plans Panel have not been met in terms of their advice following the refusal of planning application 13/05511/FU as to what would be acceptable in terms of mitigation to remove the harm in terms of noise and disturbance to the residents of Kenilworth Avenue.

## **8.0 PLANNING POLICIES:**

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary

Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

#### Saved Policies - Leeds UDP (2006)

- 8.2 The following saved policies within the UDP are considered most relevant to the determination of this application:

Policy GP5 – Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

#### 8.3 National Planning Policy Framework

The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

#### 9.0 **MAIN ISSUES:**

1. Overview of previous approval
2. Residential Amenity
3. Visual Amenity
4. Hazardous Substances

#### 10.0 **APPRAISAL:**

##### 1. Overview of previous approvals.

- 10.1 The change of use to the current use as a B8 storage and distribution depot was granted on 1<sup>st</sup> June 2012 and the delegated report dealing with the issues considered at the time is attached to this report. The previously submitted application 13/05511/FU attempted to amend the same condition on that approval as this application and at its consideration by Plans Panel it was resolved :-

*To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; an additional condition to ensure parking is marked out on site prior to first use; consultation with Ward Members regarding the provision of acoustic fencing to the northern boundary and swapping of car parking on the southern boundary with storage of unpalletised gas containers on the northern boundary, with a revised plan being submitted showing these alterations. In the event that agreement on these matters could not be achieved, that the application be brought back to Panel for determination*



However, no acceptable scheme was submitted and the matter was referred back to South and West Plans Panel on 23 April 2015 where it was refused for the following reason.

“The proposed development by reason of the increased activities close to the common boundary with the properties on Kenilworth Avenue will result in noise and disturbance that will significantly harm the residential amenity of the occupiers of those properties. As a result, the proposal is contrary to Leeds Unitary Development Plan (Review 2006) saved Policy GP5 and the guidance within the National Planning Policy Framework (2012).”

## 2. Residential Amenity

- 10.2 The proposal was considered by Neighbourhoods and Housing (Environmental Health) at the time of the previous application and the response was that the majority of the noise generated from the site, was emanating from the loading and unloading of canisters and cylinders that are located within the central part of the yard. It was considered that the palletised gas cylinder storage areas, that are the subject of this revision of the condition, do not contribute to the noise nuisance that is raised by the residents adjacent to the site. The applicant has informed the Council that the noise on the site emanates from the collisions of loose gas bottles that are contained on the trailers for individual collection, rather than from removal of the bottles from the trailers. The cylinders are removed by forklift, rather than dropped for obvious safety reasons. As such, the variation of this condition was not objected to by Neighbourhoods and Housing, subject to the areas being used for palletised cylinder storage and not trailer storage and with the provision of the acoustic fencing that is provided by this application, it is considered that there will be no significant harm to residential amenity from this application and that the wishes of Panel members have been met by this proposal. (A noise report was submitted to explain and elaborate on these points at the time of the previously refused application but it was considered that that report did not prove that there are no issues raised by the proposal. The Environmental Health officer commented that the report considered the continuous equivalent energy levels which were not overly useful in this case as the method ‘averages out’ noise levels. As the complaints from residents highlight impact noises, the method used is not appropriate and therefore the harm, or lack of it, could not be assessed using this data and as such, the report did not prove that the business is not harmful in this respect) No further information has subsequently been submitted in this respect.

## 3. Visual Amenity

- 10.3 At the time of the original permission, a condition was applied, to restrict the area available for external storage. The reason for this condition was stated on the decision notice was to protect visual amenity, preventing the storage of gas cylinders in areas that would be visually detrimental. This application proposes to use areas that are all contained within the yard that is well screened with fencing, landscaping and is located behind the main building. It is therefore considered that any visual intrusion will be minimal and certainly not harmful from any public vantage point and would therefore remain acceptable in terms of visual amenity.

## 4. Hazardous Substances

- 10.4 This matter was considered at the time of the previous application but to reinforce the issue and to respond to public concerns, the matter is addressed again here
- 10.5 Whilst the concerns of local residents are appreciated and understood it is not considered that planning can get involved in the issue of what exactly is to be stored on this site from a safety point of view because, in this instance, it is a duplication of powers contained in other legislation, namely the Planning (Hazardous Substances) Act 1990.
- 10.6 During the processing of the original application, the Fire Service, Health and Safety Authority and the Health and Safety Executive (HSE) were all contacted with regard to the proposals. The HSE advised that the HSE's role in providing land use planning advice is as a statutory consultee on proposed developments in the vicinity of major hazard sites and major accident hazard pipelines, and on applications for hazardous substances consent. That application involved neither of those. As planning permission was granted, the site is subject to the HSW Act and associated legislation, which is enforced by HSE. HSE had no comment to make on the proposed change of use which was a planning legislation matter.
- 10.7 The HSE went on to advise that hazardous substances consent legislation (Planning (Hazardous Substances) Act 1990) is a matter for Leeds City Council, acting in their capacity as the Hazardous Substances Authority. If the site stores less than 25 tonnes of LPG then it is HSE's understanding that they do not require hazardous substances consent.
- 10.8 It was also noted that both the Fire Service and the Health and Safety Authority advised that it was not within their remit to comment on the proposals.

## **11.0 CONCLUSION:**

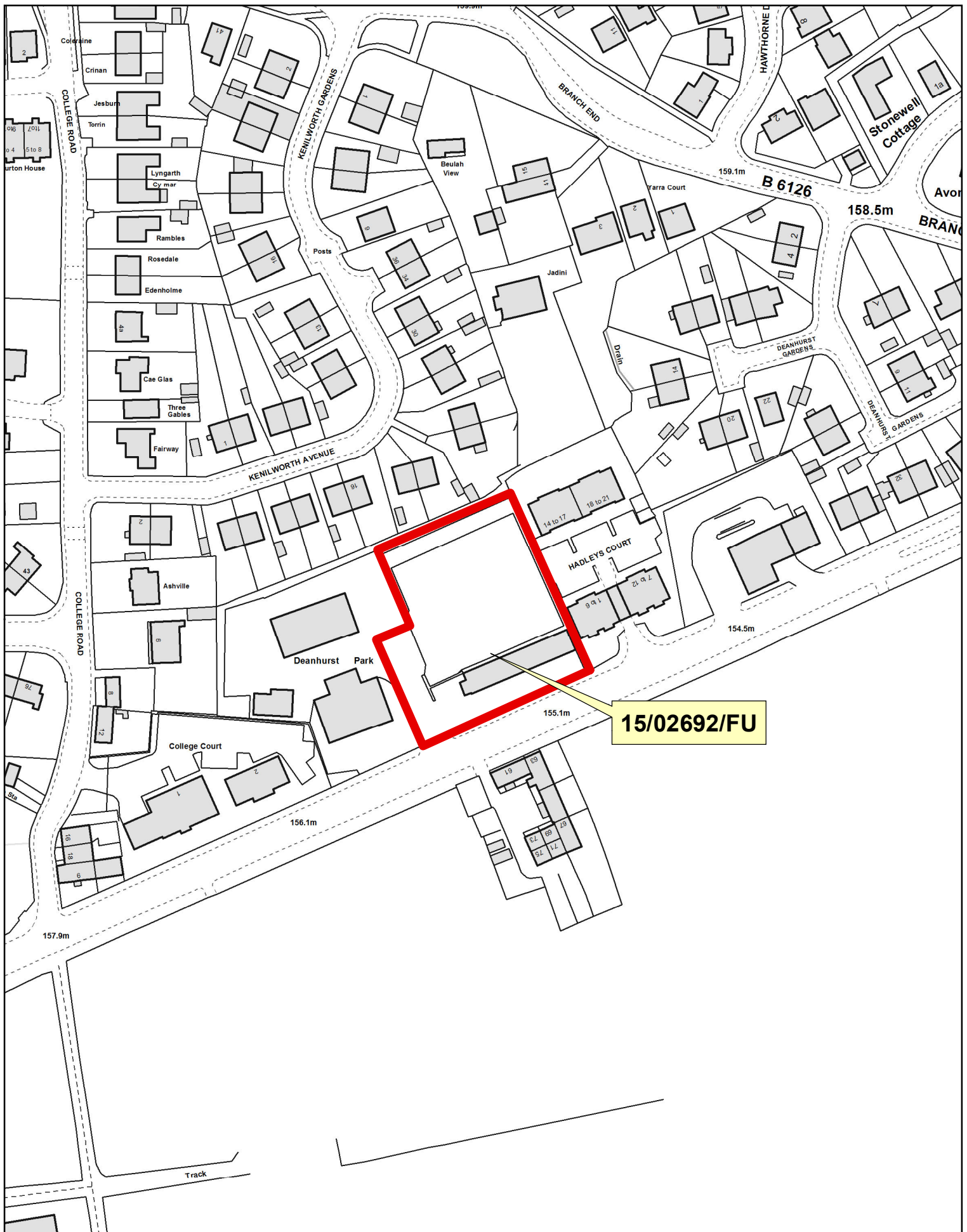
- 11.1 On balance, it is considered that as discussed above, the application is acceptable and has complied with the wishes of the South and West Plans Panel members at the meeting of 3<sup>rd</sup> April 2015. The proposal complies with the relevant provisions of the Development Plan and there are no other material considerations that outweigh this finding.

### **Background Papers:**

Application files  
12/01608/FU  
13/05511/FU  
15/02692/FU

### **Certificate of ownership:**

Signed as applicant



# SOUTH AND WEST PLANS PANEL



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Originator:	Kate Mansell
Tel:	0113 247 8360

## Report of the Chief Planning Officer

### **PLANS PANEL SOUTH AND WEST**

Date: 19<sup>th</sup> November 2015

**Subject: Application 14/01904/FU - The demolition of Moorside Building Supplies and the erection of residential development for 42 dwellings on land at Moorside Building Supplies Limited, 37-39 King Street, Drighlington.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Miller Homes Limited.	4 <sup>th</sup> July 2015	1 <sup>st</sup> December 2015 (PPA)

<p><b>Electoral Wards Affected:</b></p> <p><b>Morley North</b></p> <p><input checked="" type="checkbox"/> 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 within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations;**

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);**
- ii. Improvements to bus stop 13025 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information;**
- iii. The undertaking of off-site drainage works to be agreed in order to mitigate the impact of flows downstream, which may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond to a maximum of £20,000;**
- iv. A contribution of £73,453.26 or the provision of 0.13ha of new open space to be located off-site within the vicinity of the development;**
- v. Travel Plan including a monitoring fee of £2,925;**
- vi. Employment and training initiatives (applies to the construction phase).**
- vii. A mechanism for the long-term management of open space within the site.**

**In the circumstances where the S106 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.**

## **CONDITIONS**

1. Commencement of development within three years – standard time limit.
2. Plans to be approved.
3. Samples of walling, roofing and surfacing materials to be approved.
4. Details of window reveal to achieve a minimum 75mm reveal.
5. Lintel detail to comprise one piece
6. Details of boundary treatment
7. Removal of Permitted Development
8. Existing and proposed levels
9. Retention of hedgerows.
10. Details of means of enclosure.
11. Details of bin stores.
12. Landscape scheme.
13. Implementation of landscape scheme
14. Landscape management plan.
15. Tree protection measures.
16. Biodiversity enhancement conditions – bird and bat boxes.
17. No removal of hedgerows between 1<sup>st</sup> March and 31<sup>st</sup> August.
18. Control of Himalayan Balsam.
19. Lighting details.
20. Compliance with the ARP Geotechnical Report to address the Coal Mining legacy.
21. Feasibility study into the use of infiltration drainage methods.
22. Details of surface water drainage.
23. Method statement for interim drainage measures.
24. No development within 3 metres of the centre line of the sewers that cross the site.
25. Details of a satisfactory outfall for surface water.
26. Highway Condition Survey
27. Approved Visibility Splays
28. Maximum gradient to access.
29. Maximum gradient to driveways.
30. Retention of garages.
31. Vehicle space to be laid out.
32. Provision for contractors during construction.
33. Travel Plan
34. Cycle provision.
35. Statement of construction practice.
36. Contamination reports and remedial works.
37. Unexpected contamination.
38. Verification reports.
39. Soil importation condition
40. Details to achieve 10% of energy needs from low carbon energy.
41. External power point to accommodate electric vehicles.

### **1.0 INTRODUCTION:**

1.1 This application was deferred from Plan Panel on 22<sup>nd</sup> October to provide further clarification on the following issues:

- i. A request by Cllr Finnegan for 100% affordable housing;

- ii. Inclusion of schools formula to illustrate how many schools places are generated by the development;
- iii. Further details of the proposed drainage solution;
- iv. The sustainability credentials of site;
- v. Improved quality plans for presentation.

The above information is contained within the Plans Panel Report but for clarity, a summary is provided below:

(i) Affordable Housing – The matter of affordable housing is considered at Paragraph 10.16 of this report. In response to a specific request for 100% affordable housing from Councillor Finnegan, Members are advised that the Council's Adopted Core Strategy Policy H5 in relation to Affordable Housing is very clear that affordability of affordable housing should be designed to meet the identified needs of households to comprise 40% affordable housing for households on lower quartile earnings and 60% affordable housing for households on lower decile earnings, which equates to a 60% social rent and 40% submarket split. Forward Planning advise that the 60:40 split set is based on evidence set out in the Council's Strategic Housing Market Assessment (SHMA) (2011) which provided the evidence base for policy H5 and which was also tested at Examination as providing an appropriate mix of affordable housing. This application is therefore fully compliant with Policy H5 and will accommodate a range of housing needs. There is no planning policy justification to seek 100% social rent in this instance as it would be contrary to the requirements of Policy H5 and the 60:40 split between social rent and submarket housing will accommodate a range of housing needs within the locality.

(ii) With regard to education provision, in terms of the schools formula, Children's Services advise that the estimate of how many pupils a housing development generates is based upon Pupil Product Ratios (PPRs). Through the use of empirical studies, the Education Department has established PPRs appropriate to Leeds of 28 primary children and 10 secondary pupils per 100 new dwellings. So for 42 dwellings, this would equate to 12 primary children and 4 secondary pupils. As noted at Paragraph 10.5, Children's Services also advise that the nearest primary school to this development is Drighlington Primary School, where there is little or no spare capacity in the coming years whilst the nearest secondary school is Bruntcliffe High School, which similarly has little or no spare capacity in the coming years. However, Members will also be aware that the Community Infrastructure Levy was adopted by Full Council on 12<sup>th</sup> November 2014. The CIL Regulation 123 list requires the Council to set out a list of infrastructure it may fund through CIL and Section 106 cannot then be spent on the infrastructure on the list. The adopted Regulation 123 List includes secondary education and primary education (except for large scale residential schemes identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as a result of no more than 5 separate planning obligations). Accordingly, with regard to the Council's Adopted CIL policy, this application will be subject to the Community Infrastructure Levy to a sum of £149,040.00, which can contribute towards the provision of infrastructure within the locality including primary and secondary education.

(iii) Drainage solution – this is addressed in the report at Paragraphs 10.39-10.43 with further detailed drainage design required by Conditions 21, 22 and 23 and a Section 106 clause for the undertaking of off-site drainage works to be agreed in order to mitigate the impact of flows downstream, which may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond to a maximum of £20,000. The key point to note is that there is no obvious positive

drainage system on the site at present; it presently drains towards Lumb Wood Beck but has no formal connection. In comparison, once the development has been carried out, the discharge will be formalised with storage on-site, which will represent an improvement. As noted in the report, the Council's Land Drainage and Flood Risk Management Team have confirmed that the drainage strategy does address the drainage and flood risk related matters associated with the site with the recommendations and conclusions of these documents being acceptable and forming the basis of the drainage and flood risk management proposal for the site to be secured by condition.

(iv) With regard to sustainability credentials, as detailed in the report at Paragraphs 10.4 and 10.5 Spatial Policy 6 of the Adopted Core Strategy defines sustainable locations to be those which meet standards of public transport accessibility, which are set out at Table 2 of Appendix 3 of the Core Strategy. The compliance of this scheme with Table 2 of Appendix 3 is fully set out at Paragraph 10.5

(v) Coloured elevation plans have now been provided by the applicant and will form part of the presentation to Members.

## **2.0 PROPOSAL:**

- 2.1 This application seeks full planning permission for the demolition of the existing buildings within the site and the construction of 42 residential units on a 1.3-hectare site to the rear of 37-39 King Street. The development proposes a range of apartments, terraces, semi-detached and detached dwellings comprising 4 x 1 bedroom flats, 5 x 2 bedroom semi-detached and terraced houses, 15 x 3 bedroom semi-detached/terraced houses, 4 x 3 bedroom detached houses, 2 x 4 bedroom semi-detached houses and 12 detached four bedroom houses. The majority of houses extend to two storeys in scale with two house types out of the eleven house types proposed within the site extending to 2.5 storeys. The application form indicates that the housing will be constructed in reconstituted regular coursed stone with a grey concrete tile roof. They are traditionally detailed with artstone lintels and cills, a window hierarchy with typically larger windows to the ground floor, a window reveal and chimneys.
- 2.2 The housing layout is principally determined by the internal access road. Vehicular access to the residential properties will utilise the existing access from King Street, which will be widened to accommodate the adopted highway. It then extends to a T-shaped road with two cul-de-sac spurs to the east and west of the main access road. It is noted that the main central access road does extend to the edge of the eastern boundary of the site and it is identified on the submitted layout plan as a 'possible future access'. This is a reference to land outside of the red line boundary and to the east of the application site, which is a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP). The housing layout seeks to address the access road and King Street by providing a detached dwelling fronting King Street to correspond to the existing building line with the houses within the site fronting the access road as far as practicable.
- 2.3 A 0.2-hectare public open space is indicated on the part of the site beneath which there are some existing Yorkshire Water storage tanks, which precludes development above.
- 2.4 This full planning application is supported by detailed plans of each house type as well as fenestration details, a Design and Access Statement, a Flood Risk Assessment, Transport Statement, Sustainability Statement, Ecological Report, Foul



and Surface Water Drainage Strategy and a Contamination Report. An affordable housing viability appraisal has been undertaken in the course of the application but in order to move the application forward, this submission includes the provision of 15% affordable housing in accordance with the Council's Adopted Policies.

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

- 3.1 The application site presently incorporates the former Moorside Building Supplies at 37-39 King Street at the entrance to the site and then extends to a large area to the rear comprising open unused land. Moorside Building Supplies is a large hard-surfaced area with some existing buildings of an industrial appearance within the site and a pair of stone semi-detached former houses fronting King Street, which also appear to have been used as part of the building supply operation. These existing buildings will be demolished as part of this application. The unused land to the rear is primarily open and constitutes Greenfield land albeit that Yorkshire Water have previously constructed drainage storage tanks in the north-eastern quadrant of the site, albeit not physically evident, which precludes any development above.
- 3.2 To King Street, the site presents a narrow 28-metre frontage situated between the Public House at 35 King Street and two modern red brick houses at 41-43 King Street. The majority of the site lies to the rear of 14-141 King Street with 145 King Street bounding the site to the south-east. Spring Gardens forms the eastern boundary to which the site presents a 35-metre frontage whilst to the north and north-east, the site is bounded by arable land that forms a Protected Area of Search (PAS) site. This northern boundary extends to circa 210 metres.
- 3.3 The character of the surrounding area is mixed albeit predominantly residential. To King Street, the properties are largely residential with the exception of the Post Office at 17 King Street, the Public House at No.35, a small grocery retail unit at No.93 and a food outlet at No.95. To Spring Gardens to the east, the site lies opposite a recently completed residential development that is accessed from Summerbank Close. Opposite the entrance to the application site at Perkin House, 29 King Street, is a current application for the construction of a new Aldi supermarket in accordance with planning reference 15/01760/FU, which is pending consideration.
- 3.4 A public footpath runs along the rear boundary of the site connecting Spring Gardens with Wakefield Road.
- 3.5 The PAS land adjacent is proposed for release in Phase 3 of the Site Allocations Plan as part of proposed allocation HG2-143. The application site also forms part of this proposed allocation, though the current PAS element and the application site have distinctly different characteristics. The application site currently is not subject to any specific allocation or designation in an existing development plan, whilst the PAS land which forms the remainder of the proposed allocation is specifically safeguarded from development by Policy N34 of the UDP.

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

- 4.1 The most relevant planning history is summarised below:
- 4.2 23/408/05/FU: Laying out of access and erection of 42 dwelling houses and detached 2 storey community centre. Refused: 30.12.2005

- 4.3 This application, the red line boundary of which extended further than the red line boundary of this site to include an access onto King Street adjacent to 141 King Street, was refused with five reasons for refusal including on the grounds that the development of this greenfield site was unacceptable in that it would prejudice the need to achieve sustainable housing development and maximise the re-use of previously developed land contrary to UDP policy H1a (now superseded by the Core Strategy Spatial Policy 6) and the advice given in the now cancelled Planning Policy Guidance Note 3 Housing, which had established a 'Brownfield' first approach to development, now superseded by the NPPF. It was also refused on the grounds that the proposed community centre would adversely impact the residential amenity of the occupiers of neighbouring residences, unacceptable design and layout, failure to provide sufficient usable car parking for residents and visitors and insufficient visibility for emerging drivers at the proposed junction with King Street.
- 4.4 The applicant, Miller Homes, previously submitted a separate application (14/01954/FU) for the development of 5 houses on land adjacent to 141 King Street. This was refused in October 2014 on the grounds that it would result in the loss of 4 mature protected trees, the planting of new trees in very close proximity to new houses and on the grounds that the layout of the scheme constituted over-development giving poor amenity. A revised scheme for one detached house and one pair of semi-detached dwellings in accordance with 15/03417/FU was approved at Plans Panel on 17<sup>th</sup> September 2015.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposal has been the subject of extensive revision in the course of the application process following a number of meetings between Council Officers and the applicant. The principal changes are as follows:
- (a) The position and form of the access road that runs eastward within the site has been significantly amended; the original scheme included a group of houses, including two blocks of flats over garages that failed to meet the Council's recommended distance between dwellings and result in a poor streetscene. There was also concern about the layout of this part of the site. The access road has subsequently been realigned to allow the site layout to be re-designed. This has resulted in a reduction in the number of proposed dwellings from the 47 originally sought to the 42 now proposed.
  - (b) The application originally included a footpath into the site from Spring Gardens; however, this resulted in a poor relationship to the proposed dwellings within that part of the site and it was not considered to form a particular desire line of movement in the area such that it was omitted;
  - (c) The original scheme included a pair of semi-detached dwellings at the entrance to the site that extended to three storeys. These were considered inappropriate given that the predominant scale of development around the site is two-storeys.
  - (d) The design and appearance of the houses have been fundamentally reviewed to ensure that the proposal respects and enhances local distinctiveness and character. This has included the introduction of artstone cills and lintels to both the front and rear windows and larger windows to the ground floor to provide an appropriate window hierarchy and a more traditional appearance, consistent with the character of the surrounding area.

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

6.1 The application was initially advertised by means of a press notice in the Morley Advertiser posted 7<sup>th</sup> May 2014 and a site notice as a major development and a development affecting a Public Right of Way posted on 2<sup>nd</sup> May 2014.

A total of 345 objections have been received from local residents, the majority of which (333) are in the form of a template letter. The objections raise the following concerns:

- i. The village cannot facilitate the number of family homes without first building additional schools, doctors, surgeries and dentists.
- ii. Once the infrastructure is in place, development of existing brownfield sites should be explored before developing the green fields around Drighlington, which makes it a special place to live.
- iii. The residents advise that in a letter to Drighlington Parish Council in April 2014 the Chief Executive of Leeds City Council expresses a general view that a brownfield first approach to development across the City is the right one and that new housing should be prioritised in regeneration areas and areas where there is a clear unmet housing need;
- iv. The development would place an undue pressure on village infrastructure;
- v. Concerns regarding sewage issues as there is an on-going Yorkshire Water project at Lumb Bottom;
- vi. This development will give the potential for an additional 210 vehicle movements per day on an already busy road;
- vii. No proposal for surface water included within the application;
- viii. Concern about access onto King Street given that a previous application for a single house adjacent to 1 Spring Gardens was refused due to the effect on King Street. Members are advised to note that an application for a new detached dwelling to the garden of 1 Spring Gardens was withdrawn by the applicant in 2009; Highways had objected to this application on the grounds that it would intensify the use of Spring Gardens, which is a narrow thoroughfare with poor visibility splays onto King Street.

6.2 The Drighlington Conservation Group has written to object most strongly to the application on the following grounds:

- a. This is a Greenfield site and should not be developed until all Brownfield sites, such as Drakes Mill Moortop, Drighlington (also unallocated) have been developed;
- b. There is insufficient infrastructure in place to support a development of this size and it will also generate significant traffic movements on an already busy road;
- c. There are currently major problems with water/sewerage, which are the subject of investigation by Yorkshire Water at the present time;
- d. A comment has been received from a local resident requesting a swept path plan to show the tracking of large vehicles accessing the site from King Street,

arising from a concern that such vehicles will need to cross over the carriageway to access the site and this is directly adjacent to the access to the Public Open Space.

- 6.3 A revised consultation exercise comprising site notices to advertise the revised scheme were posted on 28<sup>th</sup> August 2015. A further 5 letters of objection have been received, which repeat the concerns raised as part of the original consultation exercise outlined above with the following additions:
- a. In the view of the objectors, King Street is already busy with speeding motorists and the road will only get busier following the completion of the proposed Aldi store;
  - b. The bend in the road towards Morley can become a skating rink in winter;
  - c. The local school is full and cannot even take all Drighlington children;
  - d. The increased surface water discharge will invariably end up at Lumb Wood Pond, which has had flooding problems for years.
  - e. The foul water pipe adjacent to the north-west has been overwhelmed during storms in the past resulting in sewage backing up into properties on Spring Gardens.

- 6.4 Ward Members were formally consulted on the planning application and have received subsequent e-mail updates in September 2014, December 2014 and August 2015 with a recent update to confirm that the application would be reported to this Plans Panel. No specific comments from Ward Members have been received.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory Consultation Responses:**

Environment Agency: The EA advises that they have agreed with the Leeds City Council Flood Risk Management (FRM) team, as the Lead Local Flood Authority (LLFA), that they will provide comments in relation to the sustainable management of surface water. With regard to foul drainage, the EA advises that a mains connection has been proposed for foul drainage disposal and the Council should ensure that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed by consulting Yorkshire Water.

Coal Authority: The Coal Authority concurs with the recommendations of the letter from ARP Geotechnical Ltd to Neil Manock Residential Development Consultancy (28 November 2012); that coal mining legacy potentially poses a risk to the proposed development and that works should be undertaken prior to development in order to ensure that the site can be made safe and stable, in accordance with the requirements of the NPPF. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site remediation works to be undertaken prior to the commencement of development. On this basis, the Coal Authority would have no objection to the proposed development.

### **7.2 Non-Statutory Consultation Responses:**

Highways: No objection to the revised layout subject to conditions.

West Yorkshire Combined Authority: There is a regular bus service running next to the development serving Wakefield, East Ardsley, Morley, Gildersome etc. There are also more services nearby. Metro advise that bus stop number 13025 should have a shelter installed at a cost to the developer of around £10,000; this payment also includes maintenance of the shelter. A new shelter would benefit the residents of the new development. The shelter should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing. Metro also advise that future residents would benefit if one of Metro's new 'live' bus information displays (see picture attached) were to be erected at bus stop number 13025 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed. In order to encourage the use of the public transport services available, the developer should also be conditioned to enter into Metro's Residential MetroCard (RMC).

Flood Risk Management: FRM advise that the recommendations of the submitted Flood Risk Assessment prepared by ARP Associates (Ref:425/53r5) and the Foul & Surface Water Drainage Strategy ref: 425/53r4 both dated March 2014, based on pre planning consultations with FRM and others have addressed the drainage and flood risk related matters associated with the site and the recommendations and conclusions are acceptable subject to conditions.

Public Rights of Way: No objection subject to conditions. However, they do note that the Public Footpath number 10 - Morley abuts the site as recorded on the Definitive Map and which has a minimum definitive width of 1.2 metres. The Definitive map provides conclusive proof of the existence and status of Public Rights of Way. Currently the surface is roughly metaled, but as the development is likely to see an increase in use by the public, the developer should provide an improved surface to a specification approved by the Public Rights of Way Section (preferably up to adoptable standard).

Yorkshire Water: Yorkshire Water initially submitted an objection to the application on the basis that one unit was sited over the public sewerage system. However, the layout was subsequently significantly revised and Yorkshire Water has been re-consulted. The outcome of that consultation remains outstanding and will be reported directly to Plans Panel should the objection be unresolved. Yorkshire Water has provided a list of conditions should planning permission be recommended.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The application site is unallocated on the LDF Policies Map (January 2014). It is considered to comprise a part-Brownfield site (in relation to Moorside Building Supplies) and part-Greenfield with the majority of the site being Greenfield.

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant

Spatial policy 1: Location of development  
Spatial policy 6: Housing requirement and allocation of housing land  
Spatial policy 7: Distribution of housing land and allocations  
Spatial policy 11: Transport infrastructure investment priorities  
Policy H1: Managed release of sites  
Policy H3: Density of residential development  
Policy H4: Housing mix  
Policy H5: Affordable housing  
Policy P10: Design  
Policy P12: Landscape  
Policy T2: Accessibility requirements and new development  
Policy G4: New Greenspace provision  
Policy G8: Protection of species and habitats  
Policy G9: Biodiversity improvements  
Policy EN2: Sustainable design and construction  
Policy EN5: Managing flood risk  
Policy ID2: Planning obligations and developer contributions

Saved Policies - Leeds UDP (2006)

- 8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development Proposals should resolve detailed planning considerations.  
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.  
LD1: Relates to detailed guidance on landscape schemes.

Relevant supplementary guidance:

- 8.5 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  
Affordable Housing SPG (Interim Policy)

National Planning Policy Framework (NPPF)

- 8.6 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission

must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent 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 the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annual a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

## **9.0 MAIN ISSUES**

9.1 The main issues to consider in the determination of this application include the following:

- i. Principle of development – Policy and Land Use
- ii. Housing density and mix;
- iii. Affordable Housing
- iv. Highways
- v. Design
- vi. Landscaping
- vii. Residential Amenity
- viii. Ecology
- ix. Sustainability
- x. Flood Risk
- xi. Demolition of the existing buildings

9.2 The Council must also consider representations received as part of the public consultation exercise.

## **10.0 APPRAISAL**

### Principle of development – Policy and Land Use

10.1 Within the January 2014 Policies Map, which comprises the Saved UDP Review 2006 policies and the Adopted Natural Resources and Waste Local Plan, the application site is unallocated. It is, however, determined to be a part-Greenfield and part-Brownfield site with the latter correlating to the small portion of the site originally occupied by Moorside Building Supplies.

10.2 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It advises that the distribution and scale of development will be in accordance with the following principles:

(i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs with the scale of growth having regard to the settlement's size, function and sustainability.

(ii) In applying (i) above, the priority for identifying land for development will be as follows: (a) – Previously developed land and buildings within the Main Urban Area/relevant settlement; (b) – Other suitable infill sites within the Main Urban Area/relevant settlement; and (c) – Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.

(iii) For development to respect and enhance the local character and identity of places and neighbourhoods.

10.3 The application site is located within the Smaller Settlement of Drighlington. Spatial  
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Policy 1 does not preclude development within such smaller settlements as long as the scale of growth has regard to the settlement's size, function and sustainability with a priority for identifying land being previously developed land and buildings first, followed by other suitable infill sites. In this case, the application site is relatively small in scale with a proposal for 42 dwellings, which, in the context of the wider settlement of Drighlington, is not considered to exceed the settlement's size, function and sustainability. It is also the case that whilst the site is primarily Greenfield, the site of the former Moorside Building Supplies, which largely forms the site entrance and access, is Brownfield. **Moreover, the application is considered to represent an infill site within the existing pattern of development in this part of Drighlington; the site's north/north-eastern boundary is very clearly defined by the public footpath that runs along the rear boundary of the site connecting Spring Gardens with Wakefield Road, beyond which is the open PAS land.** This application is considered to represent a 'rounding-off' of the settlement and clearly delineated from projecting into more open countryside by the public footpath and is therefore distinctly different from the PAS land to the north, which forms the remainder of the proposed allocation currently subject to consultation as part of the plan making process and does not benefit from such delineation.

10.4 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) 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), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure);
- (ii) Preference for brownfield and regeneration sites;
- (iii) The least impact on Green Belt purposes;
- (iv) Opportunities to reinforce or 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, green space and nature conservation;
- (vii) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

10.5 (i) - In terms of a sustainable location, the 'Accessibility Standards' at Table 2 of Appendix 3 of the Core Strategy require 5 or more dwellings outside the Main Urban Area to be within a 15 minute walk (up to 1200 metres) of local services, within a 5 minute walk to a bus stop offering a 15 minute service to a major public transport interchange for employment, within a 20 minute walk or a 5 minute walk to a bus stop offering a direct service at a 15 minute frequency to Primary Health/Education, within a 30 min direct walk or 5 min walk to a bus stop offering a 15 minute service frequency to a major public transport interchange for secondary education and within a 5 minute walk to a bus stop offering a direct 15 minute frequency services to town centres/City Centre. The development is determined to be within 400 metres (5 minute walk) of bus stops located on King Street and Station Road. The daytime service frequency is 30 minutes for services 425/427 and 60 minutes for service

209. The routes provide access to all three major public transport interchanges of Leeds, Bradford and Wakefield as specified in the Core Strategy such that the combined daytime frequency meets the 4 buses per hour to major Public Transport interchanges as specified in the Core Strategy. The bus stops closest to the site (circa 70 metres) also provide an hourly service to Wakefield and Bradford. The site is within a 15 minute walk (1200m) of limited local services comprising of a convenience store, hot food takeaway and a sandwich shop. The site is also within the recommended 20-minute walking distance (1600m) to primary health services (Drighlington Medical Centre) and local primary school provision (Drighlington Primary school). It is outside a direct 30min walk (2400m) to the nearest secondary education facility (Tong High School or Bruntcliffe High School) however, as stated above, the bus stop frequency complies with the required 15 min daytime frequency. **The site is therefore considered to sufficiently comply with the Council's Accessibility Standards and it is deemed to be within a sustainable location within the boundary of the settlement of Drighlington with suitable access to local services and facilities and public transport access to larger settlement.** With regard to health infrastructure (including Doctor and Dentist services) the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to on average 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. Leeds already has over 100 existing practices of varying sizes, so the addition of 5-6 GPs a year is not considered to be a significant number for the population of Leeds. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours but it is for individual practices to determine how they run their business. Practices consult with the NHS about funding for expansion albeit that funding is limited. With regard to education provision, Children's Services have advised that the nearest primary school to this development would be Drighlington Primary School where there is little or no spare capacity in the coming years whilst the nearest secondary school is Bruntcliffe High School, which similarly has little or no spare capacity in the coming years. However, it is relevant to acknowledge that this application is below the threshold of 50 dwellings for which an education contribution could have been sought in accordance with the Supplementary Planning Guidance 11: Section 106 Contributions for School Provision. **It is also the case that this application will be subject to the Community Infrastructure Levy to a sum of £149,040.00, which can contribute towards the provision of infrastructure within the locality including primary and secondary education. It is therefore considered that the application could not be refused on the grounds of education capacity.**

- 10.6 (ii) to (vii) - Spatial Policy 6 (ii) does express a preference for brownfield and regeneration sites and it is accepted that this site is primarily Greenfield and it is not a regeneration site. However, it is accepted that through application of Policy SP1 above, the development in Smaller Settlements can occur and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. Moreover, with regard to (iii) the site is not within and nor does it adjoin Green Belt land such that there is no impact in this respect. With regard to design (iv), this is assessed fully in the report below but the scheme is now considered to reinforce the character of the existing neighbourhood. In terms of construction (v) the applicant has advised that should the site secure planning permission, they would look to start on site in Spring 2016 with build out rates of circa 30 per year. **The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are**

**addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.**

- 10.7 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 7200 dwellings (11% of the 66,000) within the Outer South West area within which the application site lies. **SP7 also sets out that 2300 are expected to be infill developments within Smaller Settlements city wide.** This application, if granted, would result in a small housing development on an infill site in Drighlington in the short to medium term, which would contribute to overall housing delivery across the City, with further development of the adjacent site expected to occur at the back end of the plan period as part of Phase 3.
- 10.8 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations. This is to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and the achievement of a previously development land target of 65% for the first five years and 55% thereafter and the following five criteria:
- i. Location in regeneration areas,
  - ii. Locations which have the best public transport accessibility,
  - iii. Locations with the best accessibility to local services,
  - iv. Locations with least impact on Green Belt objectives,
  - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 10.9 Members will be aware that a report was presented to Development Plans Panel on 19<sup>th</sup> May 2015 setting out an overall approach to housing phasing having regard to the fact that the Leeds Core Strategy (Policies SP1, SP6 and SP7 above) and Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites, make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period. Members were invited to comment on and to endorse the overall approach to Housing Phasing, which effectively seeks to translate the Core Strategy policy requirements into a realistic and deliverable approach. The report advocates 3 phases for the managed release of sites for the Site Allocations Plan. Phase 1 is identified as starting at 2012 (year 0 of the plan) with Phases 2 and 3 following on sequentially to meet supply requirements in line with Paragraph 47 of the NPPF.
- 10.10 As noted in the site and surroundings section of this report, Members are also advised that within the Publication Draft Site Allocations Plan and Aire Valley Leeds Area Action Plan, which is currently the subject of public consultation (22<sup>nd</sup> September – 16<sup>th</sup> November 2015) the application site and the PAS land to the rear is identified together as proposed allocation Ref HG2-143 (SHLAA reference 2124\_3003). In total, this proposed allocation extends to 10.8 hectares with a capacity for 250 houses, and it is all proposed within Phase 3. For Members information, this is in contrast to the Issues and Options stage of the Site Allocations Plan (June 2013), which was the available document at the time that this application was submitted (April 2014) when the application site was identified as a potential allocation in its own right, distinct from the PAS site to the north. At Issues and

Options stage, the application site was identified as being a 'green' site, which was considered to have the greatest potential to be allocated for housing, whilst the PAS element of the proposed allocation was an 'amber' site, which was considered to have potential and was not as favored as 'green' sites.

10.11 With regard to the application site, whilst acknowledging the later phasing of the site within the Publication Draft Site Allocations Plan (SAP) as part of a wider allocation with the adjoining PAS land, it is considered that there are specific circumstances in relation to the application site to warrant the recommendation for approval at this point in time. With regard to (i) to (iv) of H1 above, it is noted that there are no sites within the smaller settlement of Drighlington within a regeneration area and it is also the case, as confirmed in the report above, that the site is centrally located within Drighlington such that it is considered to be accessible by public transport, accessible to local services, have no impact upon the Green Belt nor any impact on green infrastructure or nature conservation. Significantly, the application site can also be clearly distinguished from the larger part of the allocation that extends beyond the application site comprising PAS land. Physically, there is a public footpath delineating the application site from the PAS land to the north and as noted above, the application site is considered to comprise an infill within the village that effectively 'rounds-off' this part of the settlement. Furthermore, within the LDF Policies Map (January 2014) the application site is unallocated in contrast to the adjoining PAS land. It is also the case that Paragraph 216 of the NPPF sets out the weight that can be attached to emerging plans as noted above. In this regard, whilst the SAP is at a relatively advanced stage of preparation and has been prepared in accordance with the NPPF, as it is currently the subject of public consultation, the extent to which there are unresolved objections is not yet known. Therefore, the Publication Draft Site Allocations Plan does not yet have full weight. In comparison, adopted policies within the Core Strategy and saved Policies within the UDP can be given full significant weight. As this report will demonstrate, on balance, the application site in isolation sufficiently complies with the development plan policies Spatial Policy 1, Spatial Policy 6 and H1 which set out the approach to phasing. It should be noted that the application, which has been under consideration for a considerable period of time, was originally considered under the Issues and Options Site Allocations Plan, and it is only relatively recently that a proposed decision on phasing, as it applies to individual allocation sites, has been published.

10.12 Having regard to the Adopted Core Strategy and the scheme's compliance with it, Policy H2 of the Adopted Core Strategy relates specifically to new housing development on non-allocated sites (which is the status of the application at the current point in time). It states that 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 3,
- (iii) Green Belt Policy is satisfied for sites in the Green Belt (not relevant to this site)

In addition, it states that Greenfield land:

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or

b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment (not applicable in this instance).

Considering each point in turn, the following is advised:

(i) and (ii) This application proposes 42 dwellings, a reduction of 5 houses from the original proposal of 47 dwellings. The issues of health and education infrastructure is considered fully at Paragraph 10.11 above and it is concluded that given the relatively small number of houses proposed as part of this application, it is not concluded that a refusal on the grounds of the scheme exceeding the capacity of health and education infrastructure could be substantiated. It is also demonstrated at Paragraph 10.11 that the site is considered to sufficiently comply with the Council's Accessibility Standards. It is therefore concluded to be a sustainable location within the boundary of the settlement of Drighlington with sufficient access to local services and facilities and public transport access to larger settlements.

With regard to the classification of the majority of the site as Greenfield land, it is a privately owned site that is not accessible to the public such that it is not considered to have any intrinsic value as amenity space or for recreation or for nature conservation nor is it considered to make a particularly valuable contribution to the visual, historic and/or spatial character of an area. Overall, the application is therefore considered to comply with Policy H2.

#### Housing Density and Housing Mix

- 10.14 Policy H3 of the Adopted Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as a 'smaller settlement area' a minimum density of 35 dwellings per hectare is required to comply with Policy H3. At 42 dwellings, the site delivers a density of 32 dwellings per hectare, which is just below the minimum requirement. However, Policy H3 does acknowledge that there may be overriding reasons concerning townscape, character, design or highway capacity, which result in a lower density. **In this case, the layout has been revised and is considered to be appropriate to achieve the Council's minimum distances between residential dwellings and minimum garden sizes and to also achieve a density that is consistent with the form of surrounding residential development such that it is not considered contrary to Policy H3 in this instance.**
- 10.15 With regard to housing mix, Core Strategy Policy H4 advises that 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 the character of the location. However, only for sites over 50 units in Smaller Settlements is a Housing Needs Assessment required such that in this instance, it is noted for information. **In this case, the scheme just achieves a minimum of 10% flats to houses (4 out of 42 units) although it falls below the preferred mix of a minimum of 30% 2 bedroom units within only 12% (5 out of 42 units) being 2 bedroom units. Twenty of the 42 units are 3-bedroom units (48%), which meets the 3-bedroom target of a minimum of 20% and a maximum of 70% with the remaining 30% being 4-bedroom units, which is within the maximum threshold of 50% recommended by Policy H4.**

## Affordable Housing

- 10.16 Policy H5 of the Adopted Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City with affordability to meet the identified needs of households in terms of 40% affordable housing for households on lower quartile earnings and 60% affordable housing on lower decile earnings. As originally submitted, the application advised that the scheme would deliver 15% affordable housing in accordance with Policy H5 with a 60% social rent (owned by local authorities or private registered providers of social housing to households who are eligible for social rented housing) and 40% submarket split (homes for sale and rent above provided at a cost above social rent, but below market levels). As the application developed, the applicant subsequently advised that in their view, the scheme was no longer viable and they opted for an independent viability appraisal to be undertaken by the District Valuation Officer, which was completed in Spring/Summer 2015. However, the outcome of that process is that **the applicant has now advised that in order to move the application forward, they are willing to comply with all policy requirements and they will meet the requirement for the development to deliver 15% affordable housing (equating to 6 units). This provision will be secured by means of a Section 106 Legal Agreement and ensures full compliance with Policy H5.**

## Highways

- 10.17 With reference to the Development Plan, Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. Appendix 3 of the Core Strategy also sets out accessibility standards for development. The NPPF seeks to support sustainable transport solutions and but it advises at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.18 In this case, the submitted Transport Statement advises that a single simple priority junction will serve the site with King Street located between 35 and 41 King Street. It will comprise of a traditional estate road with a carriageway width of 5.5m, footways to either flank of 2m and junction kerb radii of 7.5m. The Transport Statement advises that visibility at the proposed junction is in accordance with the guidance set out within Manual for Streets. Pedestrian access to the site is provided via the footways to the traditional estate road from King Street
- 10.19 The Transport Statement confirms that the design of the proposed layout is also in accordance with Manual for Streets principles and the adoption standards of the City Council. It notes that where non-standard arrangements, such as turning facilities are proposed, these are verified by swept path analysis. The proposed layout will be a mix of shared surface roads and private drives linked into the traditional estate road
- 10.20 With regard to car parking, the Transport Statement confirms that parking provision (two spaces per dwelling) is in accordance with the maximum standards established within the UDP. Visitors are also accommodated within the site with capacity for on-street parking.
- 10.21 Finally, the Transport Statement confirms that based upon the original submission of 47 dwellings (now reduced to 42), the proposed development in total would

generate in the region of 27 two way vehicle trips in the AM and PM peak, which relates to a flow of one vehicle every 2.2 minutes.

- 10.22 In the course of the planning application the highway layout has changed in response to amendments to the housing layout and also in response to comments received from the Council's Highways Officer, with particular regard to ensuring that the sightlines are satisfactory, that the City Council's refuse vehicles will be able to turn within the site and that there is sufficient parking provision. Highways also advised that the internal road needed to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development would be 20mph in accordance with the Street Design Guide. As a consequence of amendments to the scheme, the Council's Highways Officer confirmed that with regard to the revised layout, it is now considered acceptable. As demonstrated in the report above, the development is accessibly located and can provide safe and secure access for vehicles, pedestrians, cyclists and people with impaired mobility as well as ensuring an appropriate parking provision. It is also considered that the site and the adjacent highways have the capacity to accommodate the 42 dwellings and the 27 two way vehicle trips in the AM and PM peak such that there is certainly no evidence to indicate that the residual cumulative impact of the development would be severe; on this basis, the application should not be refused or prevented on highway grounds in accordance with the NPPF. **Accordingly, the proposal must therefore be considered to comply with Core Strategy Policy T2 and guidance within the NPPF.**

#### Design

- 10.23 Within the Adopted Core Strategy, Policy P10 establishes a requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. These policies reflect guidance within the NPPF.
- 10.24 In this case, the scheme has been subject to revision to ensure that the development is based upon a contextual analysis. The original scheme proposed 12 house types that included a three-storey house and dwellings above garages. With regard to scale and appearance, the original house types proposed plain fenestration, a poor solid: void ratio, stone cills to the front elevation but brick to the rear and lacked chimneys. The design and appearance of the house types have been fundamentally reviewed as part of this application. There are now 11 house types proposed within the site with the three storey houses and flats above garages omitted completely. The scale of development is now two-storey, which is comparable with the form of development in the surrounding area with only one house type (Tolkein), which is positioned within the site, providing accommodation within the roof space. However, even the Tolkien has been amended to position the dormer windows to the rear rather than to the front elevation to reduce their visual impact. In addition, the detailing of the houses has been amended to include the introduction of artstone cills and lintels to both the front and rear windows and larger windows to the ground floor to provide an appropriate window hierarchy and a more traditional appearance, consistent with the character of the surrounding area. Chimneys are also proposed to the main house types.
- 10.25 With regard to materials, this has also been a matter for discussion in the course of the application. The application form suggests that the development will be constructed in reconstituted stone facings with regular coursing and grey concrete tiles, which is reflective of the development at Kings Court and 64-70 King Street,

which is within the vicinity of the application site. However, it is acknowledged that there is a mix of materials within the vicinity of the site with the predominant material comprising natural stone as well as red brick, with some buildings rendered. Existing roof materials are a mixture of slate and tiles. It is the view of Officers that the reconstituted stone currently evident on King Street does not deliver the best opportunity to deliver a scheme that respects the scale and quality of the external spaces and wider locality; it is considered that this would be best achieved by a natural stone scheme, at least to the site frontage and the dwellings visible from King Street on the access road (Plots 38-42) with the opportunity for red brick within the site to reflect another traditional material evident within the locality. It is acknowledged, however, that there is some variation in the quality of reconstituted stone and a condition is recommended requesting samples of the proposed materials.

- 10.26 Overall, it is concluded that as a result of the revisions secured in the course of the planning application and subject to achieving an appropriate quality of building material, **the development now has sufficient regard to the context and it is appropriate to its scale and function such that it will respect and protect the visual, residential and general amenity of the area** in accordance with Core Strategy Policy P10 and guidance within the NPPF.

#### Landscaping

- 10.27 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.
- 10.28 The application includes the submission of a tree survey and a landscape plan. The Tree Survey confirms that the majority of the site consists of disused land that has been subject to significant disturbance as a result of the installation of a large water retention tank as well as incorporating the Moorside Builders Merchants. In terms of trees within the site, none are subject to a Tree Preservation Order (TPO) with the existing trees within the boundary principally comprising a group of small elders adjacent to the boundary with Spring Gardens, further elders and a sycamore to the south-west boundary and mature hawthorns to the south-eastern corner. The majority of trees around the site are situated outside the application site with the most significant being a large Ash tree growing well outside the site to the south of 141 King Street, which is the subject to a TPO. This is identified to have a Root Protection Area of 14 metres and will be unaffected by this development.
- 10.29 It is noted that there will be some tree loss as a result of the proposed development comprising the mostly young trees around the boundary of the site although the row of elders to the southern boundary, a Sycamore and Ash to the Spring Gardens boundary and a row of trees and an Alder to the northern boundary are identified for retention. In addition, **the landscape scheme indicates the planting of 47 new ornamental trees within the site, hedgerow to the boundary with the adjacent footpath and both ornamental and shrub planting within the site.** Details of the planting will be required by condition as well as measures to protect the trees to be retained and subject to the recommended conditions, the application is considered to comply with Core Strategy Policy P12 and Saved UDP Policy LD1

#### Residential Amenity



10.30 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. In this case, in terms of protecting existing residential amenity, the application site immediately adjoins existing residential development to its southern boundary lying adjacent to 41-45 King Street, 75 King Street and 141 and 145 King Street. To the eastern boundary, the site lies opposite 1 Spring Gardens.

10.31 In terms of standards for site layouts to protect privacy and amenity, the Council's Neighbourhoods for Living: A Guide for Residential Design in Leeds recommends a number of key distances between dwellings. The most relevant to this site are the following:

(i) Private gardens should have a minimum of two-thirds of total gross floor area of the dwelling (excluding vehicular provision);

(ii) A minimum of 10.5 metres between main ground floor windows (living room/dining room) to the boundary (a distance of 21 metres between main facing windows);

(iii) A minimum of 7.5 metres between a secondary window (ground floor kitchen/bedroom) to the boundary;

(iv) A minimum of 4 metres from a ground floor main window or secondary window to a highway

(v) A minimum of 12 metres from a main ground floor window (living room/dining room) to a side elevation;

(vi) A minimum of 2.5 metres between a side elevation and the boundary.

10.32 In relation to existing dwellings, the following is noted:

(i) The distance between the main ground floor windows on the rear elevation of No.41 King Street and the side elevation of Plot 1 is 21 metres, significantly in excess of the 12-metre minimum outlined above;

(ii) The distance between the side elevation of No.41-43 and Plot 41 is 20 metres; again, well in excess of the 12-metre minimum above;

(iii) The flank elevation of 75 King Street adjoins the garden of Plot 1 whilst the terrace of new houses at Plots 5-7 have garden lengths of circa 11 metres to the boundary adjoining the garden of No.75, also in accordance with the minimum distances above.

(iv) 141 King Street is angled towards the southern boundary of the application property at a distance of 10.5 metres at the closest point but there are no properties within the proposed development with a direct line of sight to the rear elevation of No.141 with the closest dwelling being Plot 19 at a distance of 13 metres from the side elevation to the rear corner of No.141 in accordance with the minimum distances above;

(v) 145 King Street is a very large detached property with windows to the side elevation facing towards the application site. However, the distance from the rear elevation of Plots 20-22 that lie closest to No.145 is 21.5 metres in accordance with the guidance above.

(vi) To Spring Gardens, the distance between the rear elevation of Plots 36 and 37 and the front elevation of 1 Spring Gardens is 21 metres, which also complies with the guidance above.

**Thus, overall, the layout of the scheme ensures that the distances between existing and proposed dwellings is in accordance with the minimum distances outlined within the Council’s Neighbourhoods for Living SPG such that it will not result in any loss of amenity to existing residents by virtue of loss of privacy or over-dominance.**

10.33 With regard to the amenity of future occupiers of the housing development, the revisions to the scheme were, in part, to ensure that minimum distances between main facing windows and between side elevations and main facing windows were achieved, as they were not as part of the original submission. Accordingly, as part of the revised layout, the distance between main facing windows and front and side elevations fully accords with the guidance above. With regard to garden distances, with the exception of Plots 14, 15, 16, 31, 39, 41 and 42 all the new dwellings achieve a minimum garden depth of 10.5 metres and all achieve a garden that is a minimum of two-thirds of total gross floor area. The seven properties highlighted have garden depths that are just below 10.5 metres at depths of between 7.5 and 10 metres. However, these gardens to comply with the requirement to deliver a minimum of two-thirds of total gross floor area and in each case, there is no issue with loss of privacy as the gardens adjoin either garages or other gardens such that it is considered that a refusal on these grounds would not be warranted given that the layout is satisfactory in all other regards.

10.34 Members will also be aware that on 27<sup>th</sup> March 2015 the Government published a new nationally described space standard in relation to new housing to replace existing different space standards used by local authorities as part of a housing standards review package. The document, titled ‘Technical Housing Standards – Nationally Described Space Standard’ deals with internal space within new dwellings and is defined as being suitable across all tenures. These standards do represent a material consideration but they cannot be given any weight in the decision at this stage on the basis that the standards have not yet been adopted as part of the local plan process and they must still be subject to public consultation. However, for information, Members are advised that the applicant, Miller Homes, proposes to utilise 11 of their house types on this site ranging from 1-bedroom flats to 4 bedroom houses. The table below summarises compliance with the space standards

House Type	Bedrooms (Persons)	Space Standard (m <sup>2</sup> )	Actual size (m <sup>2</sup> )	Compliance
Apartment	2 (2p)	50	48.36	x
Yare	2 (3p)	70	61.1	x
Hawthorne	3 (4p)	84	76.2	x
Tolkien	3 (5p) (3 storey)	99	82.9	x
Darwin	3 (5p)	93	87.5	x
Rolland	4 (6p) (3 storey)	112	94.5	x
Esk	4 (6p)	106	103	x
Ashberry	4 (7p)	115	119	✓
Buchan	4 (6p)	106	117	✓
Repton	4 (7p)	115	120	✓

Wells	4 (7p)	115	125	✓
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- 10.35 As will be noted, seven of the eleven house types fail to comply with the national space standards with only the larger 4 bedroom houses being compliant. However, on the grounds that space standards can be given limited weight at this time, it is necessary to balance the failure of the scheme to comply with the Government's space standards against the overall benefits of the scheme. In this case in particular it is advised that the application was submitted prior to the introduction of the Government's space standards and moreover, it is noted that the scheme will contribute to the City's 5-year housing supply within a sustainable location, provide a mix of house types and sizes as well as a full contribution of affordable housing. **In this case, such factors are considered to outweigh the matter of space standards and given the weight to be attached to them; it is not considered that a refusal on these grounds alone could be justified.**

#### Public Open Space

- 10.36 Policy G4 of the Adopted Core Strategy advises that in relation to the on-site provision of green space, a requirement of 80 square metres per residential unit will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of green space. In this case, the site is within 720 metres of a community park (Drighlington Park) but it is still an area that is deemed deficient in green space in terms of outdoor sports, play facilities and allotments. A total of 42 dwellings are proposed, which equates to a requirement for 3360 square metres or 0.33 hectares. The site layout incorporates a large area of public open space above Yorkshire Water's underground storage tanks, which extends to 0.21 hectares; this is 0.12 hectares below the requirement of Policy G4 and to compensate, the Section 106 agreement will include a requirement for the developer to either deliver 0.12 hectares of new open space off-site within the vicinity of the site or otherwise to pay a financial contribution of £73,453.26 on first occupation of the development in lieu of meeting the policy requirement on-site. **This is considered sufficient to ensure that the scheme is compliant with Core Strategy Policy G4.**

#### Ecology

- 10.37 Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance bio-diversity.
- 10.38 An Ecological Assessment was submitted as part of this application, which confirmed that no protected, rare or uncommon species were encountered during the site survey, particularly as the works undertaken by Yorkshire Water to install storage tanks previously resulted in significant disruption to the site. The Assessment notes that the only habitat on the site with the potential for use by protected species are the buildings in the builders yard but their potential has been identified as low. With regard to the impact of the development, the Assessment notes that whilst there will clearly be a significant change in the landscape character, domestic gardens provide a diversity of habitat and feeding opportunities for a wide range of species in addition to the area of public open space within the site allowing the potential for the planting of trees and wildflower meadows of both habitat and

landscape benefit. **A condition is therefore proposed seeking full details of planting schedules to include the provision of new trees and wildflower meadows within the site as well as bird and bat nesting opportunities to aim to enhance bio-diversity in accordance with Core Strategy Policy G8 and guidance within the NPPF.**

#### Flood Risk

- 10.39 Policy EN5 of the Leeds Core Strategy advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments. This application includes the submission of both a Flood Risk Assessment and a Foul and Surface Water Drainage Strategy.
- 10.40 The FRA confirms that the site is located within Flood Zone 1 of the Environment Agency's indicative flood map and as such, it is considered to be at a low risk of flooding. It acknowledges that a restricted Greenfield surface water run off rate of 5 litres/second/hectare would be expected from this development to ensure that the speed and volume of surface water run-off is reduced. It also confirms that Sustainable Drainage Systems may be suitable on this site and infiltration testing will be carried out prior to the commencement of development, which will form a planning condition.
- 10.41 With regard to drainage, the Foul and Surface Water Drainage Strategy acknowledges that there is no obvious positive drainage system on the site at present with the nearest watercourse being the culverted section of an open watercourse that appears to enter the west corner of the site before passing under Spring Gardens and around the back of the existing dwellings to the west. The watercourse becomes an open channel, approximately 100m from the site boundary and flows northwards to Lumb Wood Pond some distance to the north. Should infiltration techniques prove unsuccessful, it has been agreed with the Local Land Drainage Authority, Leeds City Council, that a restricted discharge rate of 7.75l/s will be accepted into the culverted watercourse located in Spring Gardens. This is on the basis that a contribution be made to the Authority for downstream improvements. Foul water can be discharged to the 305mm diameter public combined sewer recorded in Spring Gardens, at a point adjacent to the northwest of the site.
- 10.42 In response to the consultation exercise in May 2014 the Council's Land Drainage and Flood Risk Management Teams confirmed that the Flood Risk Assessment and Foul & Surface Water Drainage Strategy addresses the drainage and flood risk related matters associated with the site with the recommendations and conclusions of these documents being acceptable and forming the basis of the drainage and flood risk management proposal for the site. Indeed, it is the case that the current Greenfield site drains towards Lumb Wood Beck but has no formal connection and certainly, once the development has been carried out, the discharge will be formalized with storage on-site. However, FRM's acceptance of the proposals is on the basis of the requirement for the continued maintenance of Lumb Wood Pond and its feeder drain to which the surface water runoff from this site eventually be discharged and the requirement for the developer to contribute towards these maintenance works at a suggested rate of £500 per dwelling.
- 10.43 The applicant has undertaken further discussions with Flood Risk Management with regard to the nature of the works envisaged at Lumb Wood Pond. The outcome of the discussion with Flood Risk Management is an agreement that the proposed foul and surface water drainage measures are acceptable subject to a condition detailing

the surface water drainage measures and a clause within the Section 106 to identify specific off-site works to be agreed but to a maximum cost of £20,000. The Council's Flood Risk Management team has confirmed such an approach to be acceptable and on this basis, **the proposal is considered to comply with Policy EN5.**

### Sustainability

- 10.44 Core Strategy Policy EN1 requires that all developments of 10 dwellings or more will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations and provide a minimum of 10% of total energy needs from local carbon energy. Policy EN2 then requires all developments of 10 or more dwellings to achieve Code Level 4 from 2013 and Code Level 6 from 2016. Following a fundamental review of technical housing standards the Government has withdrawn the Code for Sustainable Homes with effect from 27<sup>th</sup> March 2015 such that the objectives of Policy EN1 will not be sought. However, a condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy to comply with Policy EN2 will be sought as a condition of this recommendation to ensure compliance with the Core Strategy and guidance within the NPPF.

## **11.0 DEMOLITION OF THE EXISTING BUILDINGS**

- 11.1 Since April 2011, the demolition of a building such as those at Moorside Building Supplies constitutes development such that it forms part of the consideration of this application. The existing buildings on site comprise a mixture of industrial units and a stone 'cottage' fronting King Street. It is relevant to note that in the course of the application Officers did request that applicant consider the retention and conversion of the existing stone building fronting King Street but the applicant has not chosen this option. On the basis that the building is not of particular or special architectural merit to warrant consideration as a heritage asset or to merit any listing, grounds to insist on its retention are not forthcoming and its demolition must be considered on the basis of a suitable replacement dwelling.
- 11.2 It is acknowledged that the buildings are in relatively close proximity to existing residential properties such that its demolition will have to be carefully managed to protect the amenity of adjoining residents, with particular regard to noise and dust. However, in this regard, it is noted that demolition also requires compliance with the Building Act 1984 and in issuing a Demolition Notice, it is the case that a number of conditions normally have to be complied with during the demolition works necessary to maintain public safety and public amenity such that this issue of amenity in relation to demolition is a matter dealt with under other legislation. There is therefore no objection to the demolition of the existing buildings in this instance.

## **12.0 RESPONSE TO REPRESENTATIONS**

- 12.1 The objections from local residents raise four key objections, which are addressed below:

(i) The concerns regarding school and health care infrastructure are fully addressed in the report above;

(ii) In response to the brownfield first approach to development, whilst Spatial Policy 7 of the Adopted Core Strategy identifies a preference for Brownfield sites as one consideration in the distribution of housing across the City, neither the Core Strategy

nor the NPPF promote a Brownfield first approach to development nor do they preclude the development of Greenfield sites as noted in the report above.

(iii) Whilst the concerns regarding drainage issues are noted, this is principally a matter to be determined through the Building Regulations process and neither Flood Risk Management, Yorkshire Water or the Council's Land Drainage Team raise an objection to the development such that a satisfactory drainage and surface water solution can clearly be achieved and it will be secured by means of a planning condition.

(iv) The highway impact of the development is fully considered in the report above.

In response to the objections raised as part of the recent re-consultation that are not addressed either in the report of above, the following is advised:

(i) In response to the concerns of residents in relation to traffic and the additional impact of the proposed Aldi store, that is the subject of a current planning application that is pending consideration, Members are advised that the traffic generation arising from this application is considered as a committed development within the Transport Statement for the proposed Aldi store such that the cumulative impact of traffic on King Street will be fully considered.

### **13.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY**

13.1 The Community Infrastructure Levy (CIL) was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floorspace, which will deliver an overall CIL payment of £157,140. This is not a material consideration but it is provided for information.

13.2 There is also a requirement for a site-specific Section 106 agreement as detailed below and the various clauses will become operational if a subsequent reserved matters application is approved and implemented:

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);
- ii. Improvements to bus stop 13025 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information;
- iii. A contribution of £500 per dwelling (£21,000) for off-site works in order to mitigate the impact of flows downstream. The necessary works may include watercourse improvement work and the ongoing maintenance of Lumb Wood Pond;
- iv. A contribution of £73,453.26 or the provision of 0.13ha of new open space to be located off-site within the vicinity of the development;
- v. Travel Plan including a monitoring fee of £2,925;
- vi. Employment and training initiatives (applies to the construction phase).
- vii. A mechanism for the long-term management of open space within the site.

13.3 From 6<sup>th</sup> April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

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

(iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

## **14.0 CONCLUSION**

- 14.1 This application seeks full planning permission for the demolition of the existing buildings associated with Moorside Building Supplies and the construction of 42 new homes.
- 14.2 The application site comprises mostly Greenfield land but it is assessed as meeting the Council's Accessibility Standards such that it is appropriately accessible to local facilities and services. Furthermore, Spatial Policy 6 of the Core Strategy and the NPPF encourage the re-use of previously development land (of which a part of the site comprises) but it is not to the exclusion of Greenfield sites and this proposal will also contribute to the City's housing supply. It is therefore considered to be in a sustainable location and suitable for development in the short-term in accordance with Core Strategy Policies H1 and Spatial Policies 6 and 7.
- 14.3 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, the application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application site is unallocated within the LDF Policies Map and, when assessed against current development plan policies, would be considered suitable for development at the current point in time.
- 14.4 Whilst it is acknowledged that within the Publication Draft Site Allocations Plan (SAP), the application site is part of a wider site allocation with the adjoining PAS land that is identified for development within Phase 3, regard has been had to Paragraph 216 of the NPPF, which sets out the weight that can be attached to emerging plans and only limited weight can be appropriated to the Publications Draft SAP at the present time due to its stage of preparation. It is also the case that the application site can be clearly distinguished from the larger part of the allocation comprising the PAS land with the application site comprising a small infill scheme on land that is sub-divided from the wider allocation by an existing public footpath. It should be noted that the application, which has been under consideration for a considerable period of time, was originally considered under the Issues and Options Site Allocations Plan, and it is only relatively recently that a proposed decision on phasing, as it applies to individual allocation sites, has been published.
- 14.5 The scheme has been significantly revised in the course of the application process to secure an improved residential layout and a housing design that more appropriately respects the character of the existing area. This has resulted in a reduction of dwellings from the 47 originally proposed to 42 now proposed and an improvement to the design quality and landscaping within the site. The layout of the scheme has also been reviewed to ensure that minimum privacy distances are

sufficiently met and the development will not result in the loss of amenity to either existing or future residents. To this extent, the application is deemed compliant with Core Strategy Policies P10 and P12, Saved UDP Policies GP5 and L1, guidance within the Council's Neighbourhoods for Living SPG and guidance within the NPPF.

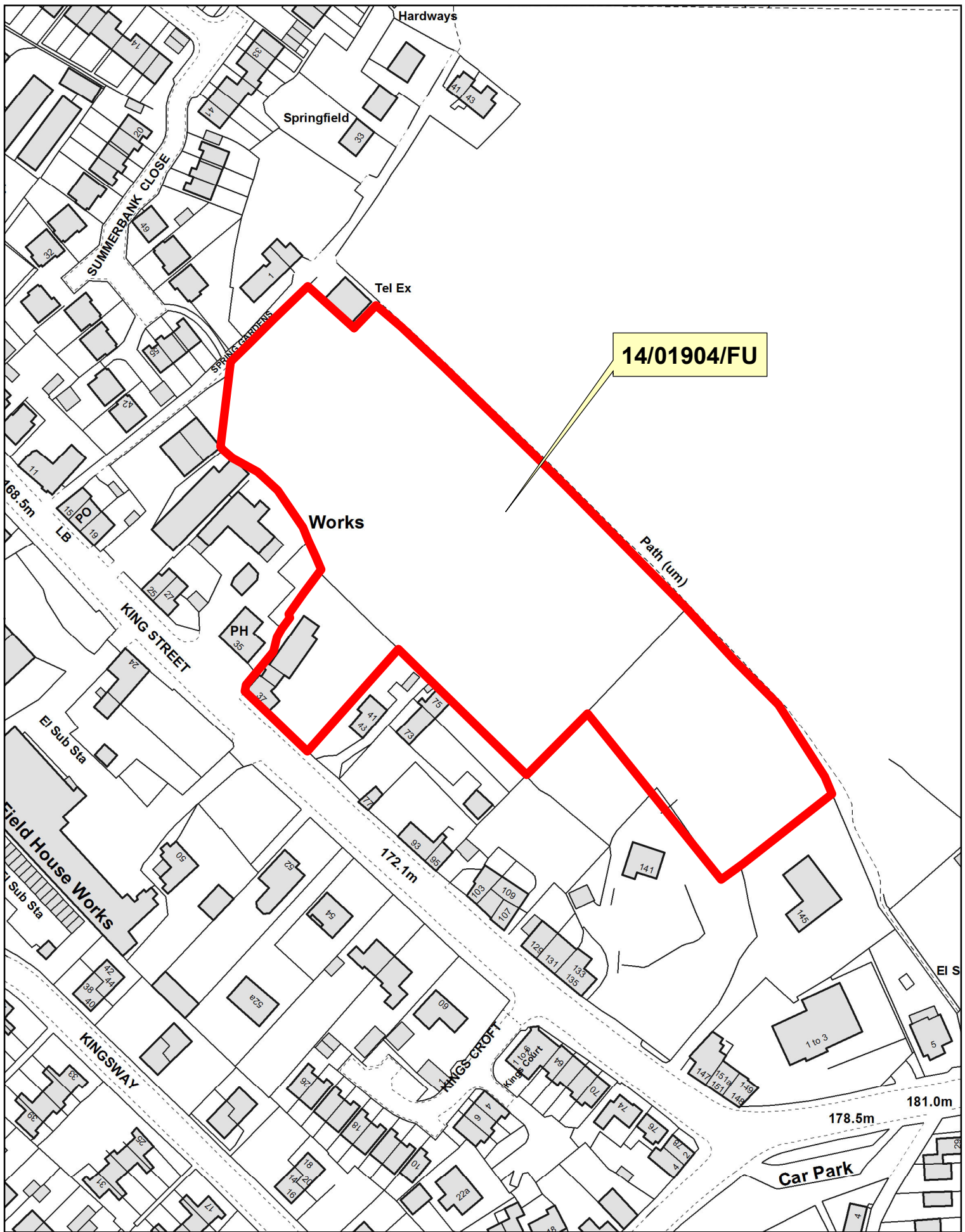
- 14.6 The highway impact of the development has also been fully assessed in the course of the application and the proposal is considered to comply with Core Strategy Policy T2 and guidance within the NPPF. It is also concluded that a satisfactory drainage scheme can also be delivered to be secured by means of planning conditions in accordance with Core Strategy Policy EN5 and a suitable scheme that addresses Core Strategy Policy EN2 in relation to sustainable design and construction.
- 14.7 Whilst acknowledged that the scheme does not provide a full contribution of on-site greenspace in accordance with Core Strategy Policy G4, it does provide a useable and well-placed area of public open space that will be managed by the application with an appropriate off-site contribution or delivery of the shortfall within the vicinity of the site to ensure compliance with Policy G4. The scheme is also proposing to deliver 15% affordable housing in accordance with UDP Policy H5.
- 14.8 It is therefore recommended the Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise the wording of the S106 agreement and conditions

**Background Papers:**

Application and history files.

Certificate of Ownership





# SOUTH AND WEST PLANS PANEL



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Originator:	Kate Mansell
Tel:	0113 247 8360

**Report of the Chief Planning Officer**

***PLANS PANEL SOUTH AND WEST***

**Date: 19<sup>th</sup> November 2015**

**Subject: Planning Application 14/06825/OT: Outline planning application for residential development on land to the south-east of Scott Lane, Morley. LS27 0NQ**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Barratt Homes	1 December 2014	November 2015 (PPA)

<p><b>Electoral Wards Affected:</b></p> <p><b>Morley South</b></p> <p><input checked="" type="checkbox"/> 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 conditions to cover those matters outlined below (and any others which he might consider appropriate) and the completion of a S106 agreement to secure the following:**

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);**
- ii. Public open space on site of the size to comply with Core Strategy Policy G4;**
- iii. Provide a bus shelter to Bus Stop 11464 and install real time bus information at a cost of £20,000;**
- iv. Travel Plan including a monitoring fee of £2925;**
- v. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.**
- vi. Upgrading of the road surface to Scott Lane and its realignment;**
- vii. Improved surface to the Public Right of Way that adjoins the site;**
- viii. Employment and training initiatives (applies to the construction phase).**

**In the circumstances where the S106 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.**

## **CONDITIONS:**

1. Time limit for application for approval of Reserved Matters and commencement.
2. Approval of outstanding details following outline permission.
3. Plans to be approved.
4. Reserved Matters in accordance with the Parameters Plan to a maximum of 115 dwellings.
5. Samples of walling, roofing and surfacing material to be approved.
6. Large scale details – fenestration treatment window reveals.
7. Archaeological investigation.
8. Existing and proposed levels
9. Retention of planting to the south-eastern boundary adjoining the M62.
10. Boundary details and details of means of enclosure.
11. Details of bin stores.
12. Landscape scheme.
13. Implementation of landscape scheme
14. Landscape management plan.
15. Biodiversity enhancement conditions.
16. Details of the location and design of the bund and acoustic fence.
17. Details of noise attenuation measures.
18. Construction working hours.
19. Details of surface water drainage.
20. Method statement for interim drainage measures.
21. No development within 6 metres either side of the water mains.
22. Separate systems for foul and surface water.
23. Details of a satisfactory outfall for surface water.
24. Details of means of disposal of foul water drainage.
25. Details of highway works.
26. Laying out of highway areas.
27. Statement of construction practice.
28. Contamination reports and remedial works.
29. Unexpected contamination.
30. Soil importation condition.
31. Details to achieve 10% of energy needs from low carbon energy
32. Electric vehicle provision.

### **1.0 INTRODUCTION**

- 1.1 This outline planning application is presented to Plans Panel on the basis that it proposes residential development on a site that is allocated for employment use within the UDP (UDP E4-47) and it is also proposed to be retained for employment use within the Publication Draft Site Allocations Plan (Hub 62 EG1-54).

### **2.0 PROPOSAL**

- 2.1 This application seeks outline planning permission for the residential development of a 5.14-hectare site on land to the west of Scott Lane and to the south of Bruntcliffe Road in Morley. The outline application seeks to consider means of access only such that matters of appearance, landscaping, layout and scale are reserved for future consideration.
- 2.2 Given the outline nature of the submission, the application is supported by a Design and Access Statement and an illustrative plan, as well as a Transport Statement. These documents indicate that the site can accommodate up to 115 dwellings; this

capacity forms the basis for the Transport Statement and also for the assessment of the proposal.

- 2.3 Means of access is defined within the Town & Country Planning (General Development Procedure) Order 1995 to cover accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. In this case, the application proposes that the main highway access to the site will be taken from Scott Lane via a priority-controlled junction and then via Bruntcliffe Road. The access arrangements will involve the re-alignment of Scott Lane on its eastern side, to the north of the proposed access junction to remove the existing curve; the footway will be similarly realigned. To the east, south and west of the site, a 3 metre cycle/footway route is proposed to connect into the existing public footpath the runs along the southern boundary of the site and connects to the adjoining Barratt Homes development.
- 2.4 All other details relating to the Reserved Matters of layout, scale, appearance and landscaping are for indicative purposes only such that they will be considered in detail at Reserved Matters stage.
- 2.5 The indicative layout indicates that the residential development of 115 dwellings will be constructed around the access road with a landscaped buffer to the eastern edge of circa 42 metres between the rear boundary of the nearest dwellings and the edge of Scott Lane and a buffer of circa 20 metres between the rear boundary of the nearest dwellings and the southern boundary of the site adjoining the M62. There is a distance of circa 58 metres from the rear elevation of the closest dwelling to the nearside land of the M62. To the western edge of the site is a further circa 28 to 30 metres landscape buffer between the edge of development and the site boundary to accommodate a drainage easement. The indicative layout illustrates a mix of house types including terraced, semi-detached and detached dwellings.
- 2.6 The appearance of the houses will be determined at Reserved Matters stage with regard to the surrounding context of development.
- 2.7 With regard to scale, the Design and Access Statement indicate that the development will be predominantly 2-storeys with the opportunity for 2.5 storeys at key locations, which will be subject to a visual and design assessment.
- 2.8 The landscaping strategy outlined within the Design and Access Statement indicates that the objectives of the strategy include the need to retain and enhance existing buffer planting to the south-west to ensure an appropriate relationship to the M62 and also to the east and west to settle the new development within the landscape. It notes that existing vegetation is a feature of the site and will be retained and enhanced such that the evolution of the landscape design will consider how to integrate and extend these elements within the development.
- 2.9 It is intended that any development be broadly in accordance with the Parameters Plan outlined above and any specific requirements determined by this outline application. To support their submission, the application also includes a Planning Statement, an Employment Land Assessment, a Landscape and Visual Assessment, a Transport Assessment and Travel Plan, a Flood Risk Assessment, a Phase 1 Ecological Appraisal, a Tree Survey and a Travel Plan.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site comprises 5.14 hectares of Greenfield land situated approximately 125 metres to the west of Bruntcliffe Road in Morley. It is a rectangular plot that is circa 280 to 300 metres in width and between 145 and 210 metres in depth. It is separated from Bruntcliffe Road by an open field and also a covered reservoir (Victoria Service Reservoir) beyond which are residential properties on the opposite side of Bruntcliffe Road. The site's northern boundary is delineated in part by Scott Lane and also adjoins a public footpath that extends along Scott Lane to the boundary of the M62, beyond which are manufacturing and warehouse units that are also accessed from Scott Lane. The M62 motorway forms the south-western boundary, which is defined by a timber rail fence and intermittent planting. Part of this boundary comprises an existing embankment and substantial tree planting to screen the motorway from the site, with the motorway effectively within a cutting at this point. Finally, to the south-eastern boundary the site adjoins another public footpath from Bruntcliffe Road to a bridge across the M62 and on to Morley Spring Wood. Beyond this is an area of open space that forms part of a new residential development, also by Barratt Homes, for 170 houses, which was approved in accordance with 12/01332/OT.
- 3.2 Approximately two-thirds of the site is presently in use by The Highways Agency as a site compound associated with highway works on the M62/M1 with the remainder as open land. Historically, the site has generally remained as open agricultural land albeit with a portion of the western part of the site evidently utilised as a railway and spoils heap associated with the Victoria Colliery.
- 3.3 There is presently a level change across the site; it falls gradually away from Bruntcliffe Road in a southerly direction towards the south-eastern corner of the site with a maximum level difference of circa 15 metres.

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

- 4.1 There is no planning history to the application site that is directly relevant to the consideration of this application.

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

- 5.1 The applicant did engage in initial pre-application discussions with the Council, which focused at that time on the principle of development given the allocation of the site on the UDP Policies Map for employment use. At that time, the applicant was principally advised that within the Employment Land Review the site was considered to be a suitable and deliverable part of Leeds' employment supply and any assessment of a proposal for residential development would be considered in the context of Core Strategy Policy EC3 Part A (considered in detail below).

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

- 6.1 The application was initially advertised by means of a press notice in the Morley Advertiser and 4 site notices as a major development posted on 12<sup>th</sup> December 2014.
- 6.2 One letter of objection has been received from a local resident, who raises the following comment:

*'This application has been slipped in under the back-door; it has not been posted on lamp posts and the application number has not been advertised so that residents can lodge an objection (Members are advised to note that this is not the case and*

four site notices were posted). The resident strongly objects to this application as it is designated in the UDP and the LDF for employment land and that a corridor be kept open between Scott lane and the reservoir for views from Bruntcliffe Road’.

- 6.3 Ward Members were consulted on this application and Councillor Neil Dawson has objected and raises the following issues:

*‘The land on which Barratt Homes are proposing to build is allocated within the newly adopted Leeds Development Framework (LDF) core strategy for employment use. The Council have recently reviewed employment land allocation as part of the LDF, and it was the view of all local councillors that this site should be protected for employment use. The Council have considered their requirements for housing and employment for the LDF core strategy plan period up to 2028 and have undertaken a review of employment land as part of the Core Strategy process. It is the view of the Council, and the Inspector reviewing the LDF core strategy has agreed, that this land is still required for employment use. It is appropriately located in close proximity to the M62 and is part of a small allocation of employment land within the Morley area. Barratts state there is a lack of a 5-year deliverable housing land supply but the Council have demonstrated to the LDF planning Inspector and he has agreed that as part of the LDF core strategy there is a 5 year deliverable housing supply in Leeds. Barratt Homes state they have been marketing the site since 2008 but have to date not received any committed interest but I would add that the economic position for the last few years has been one of economic recession so it is not entirely unexpected that there has been little interest. There are strong grounds for not permitting the loss of the employment site within the Core Strategy. It is likely that there will be interest in the site for employment in the coming period and therefore this is required, as it will one of a few sites designated for employment use in the Morley area’.*

- 6.4 Ward Councillor Varley and Ward Councillor Elliot have also advised as follows:

‘One concern is the proposed access being Scott Lane; the number of heavy duty vehicles, even with the removal of the highways depot is very daunting and the impact on residential dwellings would be intolerable. This land is now categorized as industrial land and should remain so.’

- 6.5 Morley Town Council also objects to the application on the following grounds:

*‘An application like this has been expected for some time, in that it has been known that Barratts had bought the land from Dartmouth Estates with a view to building houses, despite the clear UDP employment allocation. A tract of land, from Scott Lane in the west to Scotchman Lane in the east, was to have employment land, then a green buffer, then housing. Most of the housing allocation, less the Masonic Hall grounds, plus a bit taken from the green buffer, was given planning permission some months ago. Barratts are now in build. This new application seeks to build houses on the Scott Lane employment allocation, which has survived as such so far in the Leeds LDF site allocations process, which is only part way through and unlikely to be finished until 2016. Any attempts to get permission for housing now is therefore premature and would short-circuit the site allocations process in which there will be at least one more round of public consultation followed by a public hearing at which disgruntled landowners will be able to present their cases.*

*The site is allocated for employment in the UDP and so far has survived as such in the LDF site allocations process, which is far from complete. A Leeds Development Plan Panel meeting held on 6/1/15 endorsed the employment designation. There is*

*no shortage of housing land in Morley or further afield in Leeds as a whole; if this application succeeded, any owner of an employment allocation would have a reasonable chance of having it re-assigned for housing, to the detriment of employment users who would not be able to pay housing land prices, so eroding the vitality of the local economy. This land is part of a section of former Green Belt on the north side of the M62 which was allocated for development in the Leeds Unitary Development Plan (UDP) of 2001; according to the UDP Inspector, there should be employment uses immediately east of Scott Lane, then a green buffer, then housing eastwards to Scotchman Lane, with another green buffer on the Bruntcliffe Road frontage. Permission was granted fairly recently to Barratt Homes to build houses on the most easterly part; construction there has begun. They are trying now to introduce housing onto the westerly employment allocation, to which we object. Scott Lane, which would provide access from Bruntcliffe Road, is narrow and in poorly surfaced; we believe it to be unadopted for at least part of its length. It is outside the application redline and there seem to be no plans for its improvement; this is unacceptable and a reason for refusal.*

*At present the site, and an adjoining triangle of land to the north, is being used as a temporary Highways Agency depot associated with M62 highway improvements; as such it didn't need Planning permission and was made by stripping soils from what had been mostly grade 2 and grade 3a best and most versatile arable land, and a small amount of rough land in the south which had once been covered by part of the tip of Bruntcliffe Victoria Colliery whose yard is now occupied by industrial users west of Scott Lane. When the highway works have finished, the depot should be dismantled and the land restored to agriculture. In their supporting statement, Barratts claim that the site is 8 miles from Leeds, 20 miles from Wakefield and 20 miles from Bradford. In fact, those cities are far closer than that; any open land between them shouldn't be lost unnecessarily or prematurely, to avoid coalescence. There is reference to a bus service along the A650 Bruntcliffe Road; this is patchy and infrequent, mostly being hourly and to varying destinations, making the site unsustainable. We would draw attention also to the fact that local primary schools and medical practices are at capacity and that Bruntcliffe High School, which has been through a bad spell in which it lost pupils, is recovering and will be able to fill its places without new building. At paragraph 2.1 Barratts say that the site amount to 5.14 ha; they claim that Leeds lacks a five-year land supply, which we dispute, even at the inflated levels set out in the LDF Core Strategy. It is conceded that the site is an employment allocation. Some confusion was caused, such as at 6.0, by exploring a red herring proposal to build an office block on land now occupied by the Highways Agency which lies to the north, beyond the employment allocation and in the Bruntcliffe Road green buffer; space and time could have been saved if this exploration hadn't taken place or at least hadn't been mentioned. It is claimed that Leeds Planning Services accepted residential development at a pre-application meeting despite non-compliance with site allocations policy in the UDP and emerging LDF; we find this unlikely. Permission should be refused'.*

- 6.6 It is also relevant to note that the applicant undertook pre-application consultation with Ward Members and local residents, which is detailed in their Statement of Community Consultation. Barratt Homes advise that prior to submitting the planning application, they issued an invite for a public meeting to 529 businesses and homes that are situated closest to the site by means of a leaflet drop. The public meeting was held on 7th August 2014. Barratt Homes confirm that 63 people attended that event with 26 completing feedback forms. In terms of the use of the site, the feedback forms indicated that 13 would prefer neither use (housing or employment) or were left blank, 3 stated employment if it had to be developed at all whilst of the 9 who did express a preference, it was 5 for housing and 4 for employment. Possible



benefits of a housing scheme were identified as lower traffic impact compared to employment and visual improvements whilst possible impacts were identified as traffic congestion and the demand for local education and health services.

## **7.0 CONSULTATION RESPONSES**

### **7.1 Statutory:**

Coal Authority: The Coal Authority originally objected to the application on the grounds that the submission did not include a Coal Recovery Report in accordance with the Policy Minerals 3 of the Natural Resources Plan. A Coal Recovery Report was subsequently submitted and the Coal Authority then withdrew its objection subject to the imposition of an informative on the planning decision notice to clarify that the proposed development lies within a coal mining area, which may contain unrecorded coal mining related hazards and any coal mining feature encountered during construction must be reported to the Coal Authority.

Environment Agency: The EA confirm that they have agreed with the Council's Flood Risk Management team as the lead Local Flood Authority that FRM will provide comments in relation to the sustainable management of surface water on this site.

### **7.2 Non-Statutory:**

Highways: No objections in principle subject to conditions and a Section 106 agreement relating to highway improvements to include (i) a new priority junction access onto Scott Lane, (ii) a dropped crossing at Scott Lane/Bruntcliffe Road and (iii) Scott Lane carriageway reconstruction or resurfacing.

Flood Risk Management: No objection subject to conditions.

Environmental Protection Team: No objections subject to conditions.

Public Rights of Way: Public Footpath No.87 crosses the site on its south-western boundary and Footpath No.90 abuts the site. As the development is likely to see an increase in use by the public, the development should provide an improved services to a specification to be agreed with PROW prior to work commencing.

Nature Conservation: There are no significant ecological impacts associated with this application.

TravelWise Team: In accordance with the SPD on Travel Plans the Travel Plan should be included in the Section 106 Agreement along with the following:

- a) Leeds City Council Travel Plan Review fee of £2925;
- b) Residential MetroCards at a cost of £605 per dwelling.

Walking routes to the rail station also require improvements and conditions should cover provision of cycle parking and electric vehicle charging points

West Yorkshire Combined Authority: Metro advise that bus stop number 11464 on the eastern side of Bruntcliffe Road should have a shelter installed at a cost to the developer of around £10,000; This payment also includes maintenance of the shelter. A new shelter would benefit the residents of the new development. The shelter should include seating, lighting and bus information and should be provided

by a contractor of Metro's choosing. Future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 11466 at a cost of approximately £10,000) (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed.

West Yorkshire Archaeology: It is likely that features and remains dating from the Iron Age and Roman period lie within the development site such that there is potential to disturb/destroy archaeological remains and an archaeological evaluation is recommended as a condition should planning permission be granted.

Yorkshire Water: No objections subject to conditions.

## **8.0 PLANNING POLICIES**

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

8.2 The site is identified on the LDF Policies Map for Employment Use (UDP E4-47)

### Adopted Core Strategy

8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

Spatial Policy 1: Location of development

Spatial Policy 4: Regeneration Priority Programme Areas

Spatial Policy 6: Housing requirement and allocation of housing land

Spatial Policy 7: Distribution of housing land and allocations

Spatial Policy 9: Provision for employment

Policy EC1: General employment land

Policy EC3: Safeguarding existing employment land

Policy H1: Managed release of sites

Policy H3: Density of residential development

Policy H4: Housing mix

Policy H5: Affordable housing

Policy P10: Design

Policy P12: Landscape

Policy T1: Transport Management

Policy T2: Accessibility requirements and new development

Policy G4: New Greenspace provision

Policy EN2: Sustainable design and construction

Policy EN5: Managing flood risk

Policy ID2: Planning obligations and developer contributions

Map 5D: Core Strategy Regeneration Priority Areas – South Leeds

Minerals Policy 3 (Natural Resources and Waste Development Plan Document (2013).

### Saved Policies - Leeds UDP (2006)

8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

E4: Employment allocations.

GP5: Development Proposals should resolve detailed planning considerations.

N23/25: Landscape design and boundary treatment

N29: Archaeology

T7A: Cycle Parking

T24: Parking guidelines

LD1: Detailed guidance on landscape schemes.

Relevant supplementary guidance:

8.5 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 most 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 SPG13

Affordable Housing SPG (Interim Policy)

Sustainable Design and Construction SPD

National Planning Policy Framework (NPPF)

8.6 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approved proposals that accord with the development plan without delay and where the development plan is silent, absent 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 the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

- 8.10 Paragraph 17 also confirms that a planning principle is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, to ensure high quality design but also to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With regard to employment allocations, Paragraph 22 of the NPPF advises that planning policies should avoid the long-term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should therefore be regularly reviewed. It states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need of different land uses to support sustainable local communities.
- 8.12 With specific regard to housing supply, the NPPF states at Paragraph 47 that to boost the supply of housing, local planning authorities must identify and update an annual supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.13 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. It also notes that 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.
- 8.14 Also of relevance is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

## **9.0 MAIN ISSUES**

- 9.1 The main issues to consider in the determination of this application include the following:

- i. Principle of development – Policy and Land Use
- ii. Housing density and mix;
- iii. Affordable Housing
- iv. Means of Access – Highways
- v. Layout, Scale and Appearance (including Green Space)
- vi. Landscaping
- vii. Residential Amenity including noise considerations
- viii. Flood Risk

9.2 The Council must also consider representations received as part of the public consultation exercise.

## 10.0 APPRAISAL

### Principle of development

- 10.1 Within the January 2014 Policies Map, which comprises the Saved UDP Review 2006 policies and the Adopted Natural Resources and Waste Local Plan, the application site is identified as an employment allocation. It also lies within the boundary of the South Leeds Regeneration Priority Areas as identified at Map 5D of the Core Strategy.
- 10.2 The application site comprises site allocation UDP E4-47 Bruntcliffe Road, Morley, which is listed in Saved UDP Policy E4 as a site allocated for general employment purposes.
- 10.3 Within the Adopted Core Strategy, Policy EC1 refers to general employment land and advises that such land will be identified in the first instance to meet the identified need for land for industry and warehousing including a margin of choice by the market by (as relevant to this site) carrying forward existing allocations and other commitments that have been assessed to be suitable, available and deliverable.
- 10.4 Policy EC3 of the Adopted Core Strategy relates to the safeguarding of existing employment land and industrial areas. The Core Strategy acknowledges that the Council has a commitment to deliver an appropriate balance between potentially competing uses of land, particularly housing and employment. Policy EC3 applies to proposals on sites that are allocated for employment and the issue to be determined is whether there is a planning need for the site to remain in employment uses. Significantly, Policy EC3 sets out the criteria for the release of land from employment allocations. It is a criterion-based policy that applies to the consideration of all planning applications and the actual assessment is dependent upon whether the site is in or outside of areas of employment shortfall. Paragraph 5.2.60 of the Core Strategy confirms that the Leeds Employment Land Review (2010 update) identifies only the following areas – Inner North-East, Inner North-West, Outer North-West and Outer North-East as areas where there is currently shortfalls in employment land provision. The application site lies within Morley (Outer South-West), which is not an identified area of employment shortfall.
- 10.5 On the basis that the application site does not lie within an area of identified employment shortfall, this application must be assessed against Part A of Policy EC3, which states the following:

*Policy EC3 Part A: For all sites across the District outside of areas of shortfall*

*Proposals for a change of use on sites which were last used or allocated for employment or other economic development uses, including town centre uses or to non-employment uses will only be permitted where:*

*(i) The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period ('employment needs' are identified in Spatial Policy 9),*

Or

*(ii) Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses,*

Or

*(iii) The proposal will deliver a mixed-use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site.*

Only one of the criteria above needs to be met to release a site allocation to a non-employment use.

- 10.6 In this case, of the three criteria, only (i) is relevant. Criterion (ii) is not relevant because it applies only to all existing premises and land previously or currently used for employment uses but which are not allocated. Criterion (iii) is not relevant because the proposal does not include mixed-use development. Accordingly, to consider the release of this allocated employment site to a non-employment use, **it will only be permitted where it would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period.**
- 10.7 The primary test in the consideration of this application is therefore whether the application site is a deliverable employment site. It is acknowledged that the application site has been part of the assessment of UDP allocations - the Employment Land Review 2010 – which sought to retain those sites that were considered suitable and attractive to the market. It has also been concluded through the Site Allocations Plan preparation to be a suitable, available and *potentially* deliverable site. Indeed, as part of the Issues and Options stage of the Site Allocations Plan this site was identified with a “Lime Green” category of site status for sites that are already allocated or have planning permission. The Employment Land Review (ELR) Update 2010 had thoroughly assessed all the remaining UDP employment allocations to see which ones remained suitable and of market interest. This site was advanced to supply 5.94ha of general employment land for industrial and warehouse development to contribute to the total requirement of 493ha identified at Spatial Policy 9 of the Core Strategy. It also continues as an employment allocation within the Publication Draft Site Allocation Plan (SAP), which is presently the subject of public consultation, identified as Hub62, Bruntcliffe Road (EG1-54 2303020), albeit it must be acknowledged that limited weight can presently be attributed to the Publication Draft SAP given its stage of preparation.
- 10.8 As part of the application submission, the applicant appointed GVA Grimley to prepare an Employment Land Assessment to consider the suitability, availability and deliverability of the site.

- 10.9 With regard to suitability, the Employment Land Assessment concludes that there are no specific physical conditions that would preclude employment development with the exception of development costs, considered as part of its deliverability and therefore the site is also considered suitable for housing development, which is viable.
- 10.10 With regard to availability, the Employment Land Assessment confirms that availability is defined as whether planning permission is in place for employment or alternative uses and whether the site has been actively marketed in the past for employment uses. In this case, the site has not previously benefitted from any planning permission for employment uses but the applicant has provided evidence to confirm that the site has been actively marketed since 2006. The Assessment confirms that in Spring 2008, Barratt Homes agreed a three year option with Landmark Developments to promote the site for commercial uses. After the three year option expired, it is advised that Landmark had the option to extend it further but evidently declined to do so feeling that the site was undeliverable for commercial uses given their experience to that date. In July / August 2008, Knight Frank and Carter Jonas were appointed to market the site for employment purposes for the three year period. This included marketing brochures, signage, the use of websites and the mailing and circulation of property particulars. It is advised that Knight Frank continued to market the site directly for Barratt Homes independently for the next two years with a combination of the previous marketing and technical information. Holder & Co Ltd. were then appointed as joint agent in February 2013. The Assessment advises that two potential interests in the site were progressed as a result of the marketing but the first failed to progress because the potential occupier felt that there would be problems with multiple HGV trips to and from the site given the heavy congestion between the J27 roundabout and the traffic lights where Bruntcliffe Road intersects the A643. They also felt that the existing access on to Bruntcliffe Road via Scott Lane was not suitable for heavy volumes of HGV traffic movement as well as the company being financially constrained at that time. A second interest from a 'click and collect' home delivery business did not progress due to perceived non-specific highways issues and the difficulty of enabling the site for development; this potential occupier subsequently selected an alternative site in Morley. The Employment Land Assessment therefore concludes that whilst the site is clearly available, there has been some difficulty delivering it.
- 10.11 **With regard to the matter of deliverability** - the likely associated costs of developing the sites in order to be able to bring the site / location forward during the plan period, the Employment Land Appraisal identifies that site constraints have been one of the main considerations for those who have considered progressing the site for employment use. Key constraints identified include topography, drainage, site attenuation and an easement running across the site. These constraints make the development of the site more costly than other competing sites. **The Employment Land Appraisal submitted with the application concludes that the site is not considered deliverable for general employment use.**
- 10.12 In response to the submitted Employment Land Appraisal, the Council responded to advise that whilst not necessarily convinced that the marketing showed no interest for the site, given that the site has been largely occupied by the Highways Agency for the period, which may preclude some interest, if the Council were satisfied that the site has abnormal costs that would make industrial development unviable but housing development viable, it may result in a conclusion that the site is undeliverable for general employment development and the requirements of Policy EC3A(i) could be satisfied.

10.13 The information presented within the originally submitted Employment Land Appraisal was not considered to be sufficiently detailed to enable Officers to reasonably conclude that the site was non-viable for employment purposes. Accordingly, **the applicant was requested to undertake a full viability appraisal for employment uses on the application site with consideration given to three difference scenarios that might be applicable to the site:**

- (a) Scenario 1: The development of one large industrial/warehouse unit;
- (b) Scenario 2: The development of two industrial/warehouse units;
- (c) Scenario 3: The development of a collection of smaller warehouse/industrial units.

The applicant was also advised that each appraisal be undertaken on the basis of both B2 (industrial) and B8 (warehouse) uses in order to understand whether there are significant differences in value between these use classes to ensure a comprehensive assessment although GVA Grimely have confirmed that there is unlikely to be any significant differences between these uses and the conclusions of the Viability Appraisal are applicable to both uses.

10.14 Each scenario above was tested with regard to development costs and commercial values as well as all other expected costs including Section 106/CIL contributions, abnormal costs, profit levels etc. The submitted viability appraisal concluded that none of the scenarios would achieve a sufficient profit. The Viability Appraisal considers that a developer would expect to achieve a profit of 20% on cost, without which there would be no commercial justification for a developer to invest money into the site. The three scenarios above produced a projected profit on cost of 2.91%, 11.10% and 15.02% respectively with the residual amount insufficient to pay the landowner such that the report concludes that there is no incentive for the landowner to release the land for development.

10.15 The Viability Appraisal prepared by GVA Grimely on behalf of Barratt Homes was submitted to the District Valuer Service (DVS) for independent appraisal. The DVS were asked to comment on whether any of the employment use scenarios would result in a viable development scheme for that use. **The full Viability Report from the DVS is available as a Pink Paper to Panel; however the conclusion of the DVS assessment of the Viability Appraisal is that Scenario 1 would produce a loss equivalent to -4.69% on cost whilst Scenario 2 would produce a profit equivalent to 1.39% on cost, a deficit significantly below the 15% profit on cost that the DVS consider appropriate for this type of scheme. Accordingly, neither option can be considered viable.**

10.16 **Scenario 3 was identified by the DVS to offer the best opportunity of a viable scheme although the DVS concluded that it produced a profit equivalent to 10.41% on cost; still below the 15% profit on cost that the DVS considered appropriate for this type of scheme and significantly below the 20% profit on cost identified by the applicant to be appropriate.** However, in reaching this initial recommendation the DVS considered that a closer scrutiny of the external and abnormal costs would be appropriate given that they have a significant bearing on viability.

10.17 To ensure a thorough assessment of the applicant's Viability Appraisal, the applicant subsequently agreed to fund an evaluation of abnormal costs associated with Scenario 3 (the only potentially viable scenario) to be undertaken by the City Council's Geotechnical Services, who reviewed the Viability Appraisal having regard to the specific site requirements, including the need for cut and fill works,



construction of gabion and retaining walls, the installation of drainage works and surface water holding tanks. The Council's Geotechnical Services (GS) compared the GVA schedule of works with similar projects/evaluations undertaken by GS over the past 5 years; Geotechnical Services concluded that they agree with the costs presented in the Scenario 3 assessment of abnormal costs.

- 10.18 Consequently, **the DVS has concluded that after further scrutiny of the abnormal costs by Council's own Geotechnical Team, it is considered that the abnormal costs presented by the applicant are robust. The DVS concludes that none of the three development scenarios can be considered viable on a market return basis.** The DVS also notes that he does not fundamentally disagree with the applicant's consultant's general observation on the market for employment use accommodation in this area i.e. that there are a significant number of areas in Leeds that would be more attractive in terms of both the nature of the immediate environment and also the potential financial benefits for employment space to be developed than in this particular location.
- 10.19 On the basis of the full evaluation of the costs associated with an employment use on the application site and the conclusion that none of the three development scenarios can be considered viable, **it is concluded that the applicant has robustly demonstrated that the site is undeliverable for general employment development. Accordingly, have regard to Core Strategy Policy EC3, it must be accepted that a proposal for a change of use of this employment allocation can be permitted because the applicant has met the test established by EC3 Part A (i) having regard also to Paragraph 22 of the NPPF**, which advises that planning policies should avoid the long-term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose. The release of the site from an employment allocation to an alternative use such as housing is therefore considered to accord with Core Strategy Policy EC3.

#### Principle of residential development

- 10.20 Having regard to the principle of housing on the site, Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It confirms that the largest amount of development will be located in the main urban area and major settlements. As a consequence, the priority for identifying land for development is (i) previously developed land within the Main Urban Area/relevant settlement, (ii) other suitable infill sites within the Main Urban Area/relevant settlement and (iii) key locations identified as sustainable extensions to the Main Urban Area/relevant settlement. This site lies within the Main Urban Area of Morley such that it is considered to constitute a suitable infill within the Main Urban Area.
- 10.21 It is also the case that the site lies within the boundary of the South Leeds Regeneration Priority Programme Area. Spatial Policy 4 confirms that within this Regeneration Area, priority will be given to developments that improve housing quality, affordability and choice. This application is submitted in outline with all matters (except access) reserved but it is anticipated that the site can deliver up to 115 new homes including the provision of 15% affordable homes to ensure affordability and choice.

- 10.22 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and

the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that 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), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure),
- (ii) Preference for brownfield and regeneration sites,
- (iii) The least impact on Green Belt purposes,
- (iv) Opportunities to reinforce or 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, green space and nature conservation,
- (vi) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

- 10.23 (i) In terms of a sustainable location, the accessibility of the scheme is considered fully in the Transport section below, which will acknowledge that the site does sufficiently meet the Accessibility Standards established at Table 2, Appendix 3 of the Adopted Core Strategy such that it is considered to be a sustainable and accessible location with suitable access to local facilities and services. With regard to access to facilities and services, including education and health infrastructure, it is advised that the application will be liable for the Community Infrastructure Level at a rate of £45 per square metre of development, which will contribute towards the provision of infrastructure within the locality, including primary and secondary education. With regard to health infrastructure (including Doctor and Dentist services) the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to on average 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. Leeds already has over 100 existing practices of varying sizes, so the addition of 5-6 GPs a year is not considered to be a significant number for the population of Leeds. The Site Allocations Plan cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. This is up to individual practices as to how they run their business. Practices consult with the NHS about funding for expansion albeit that funding is limited.
- 10.24 (ii) to (vi) Whilst it is a Greenfield rather than Brownfield site, neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites and furthermore, the application site does lie within the South Leeds Regeneration Priority Programme Area. The standards and design of the development, which will be determined at Reserved Matters stage, should offer the opportunity to enhance the distinctiveness of the locality and provide a high quality design. The applicant has also advised that should the site secure planning permission, they would aim to start on site in late 2016/early 2017 with build out rates of circa 30 per year. The site is not considered

to have any impact on the Green Belt and there are no Nature Conservation issues arising from the proposal. Matters of flood risk has been fully considered and are addressed in the report below such that none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.

- 10.25 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 7200 dwellings (11% of the 66,000) within the Outer South West area within which the application site lies, with 30,000 dwellings envisaged within the main urban area to which this development will contribute.
- 10.26 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations according to the following five criteria:
- i. Location in regeneration areas,
  - ii. Locations which have the best public transport accessibility,
  - iii. Locations with the best accessibility to local services,
  - iv. Locations with least impact on Green Belt objectives,
  - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 10.27 Members will be aware that a report was presented to Development Plans Panel on 19<sup>th</sup> May 2015 setting out an overall approach to housing phasing having regard to the fact that the Leeds Core Strategy (Policies SP1, SP6 and SP7 above) and Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period. Members were invited to comment on and to endorse the overall approach to Housing Phasing, which effectively seeks to translate the Core Strategy policy requirements into a realistic and deliverable approach. The report advocates 3 phases for the managed release of sites for the Site Allocations Plan and AVLAAP. Of most relevance to this application is the list of sites identified within Phase 1 (which would start at 2012 (year 0 of the Core Strategy) as it includes Greenfield sites within Regeneration Areas. This application is a Greenfield site and it lies within the boundary of the South Leeds Priority Regeneration Area such that it is consistent with the proposed Phase 1 release. As noted above (and addressed fully in the report below) it is also considered to be accessible and it can be delivered with minimal impact on Green Belt objectives as well as providing some improvements to publicly accessible green space in the locality by providing open space. To this extent, it can address the five criteria outlined in Policy H1 above.

#### Conclusion – principle of development

- 10.28 This application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this regard, the application site is an allocated employment site on the UDP Policies Map. However, in accordance with Part A of Policy EC3(i), **the applicant has robustly demonstrated that the site is undeliverable for general employment development.** Accordingly, having regard to Core Strategy Policy EC3(i), it is accepted that a proposal for a change of use of this employment allocation can be permitted, having regard also to

Paragraph 22 of the NPPF, which advises that planning policies should avoid the long-term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst acknowledging that the site is also proposed for employment use within the Publication Draft SAP, having regard to Paragraph 216 of the NPPF in relation to the stage of preparation, it is considered that this document can only be given limited weight. With regard to the site's development for housing, whilst a Greenfield site, both the Core Strategy and the NPPF encourages the re-use of previously development land, but not to the exclusion of the development of Greenfield sites if such sites have been appropriately considered. In this case, the application site comprises Greenfield land within the boundary of the Main Urban Area; it sufficiently meets the Council's Accessibility Standards and it is appropriately accessible to local facilities and services. It is also within the South Leeds Priority Regeneration Area. The principle of residential development is therefore consistent with the objectives of the NPPF as well as Spatial Policies 1, 4, 6 and 7 of the Core Strategy and Policies H1 and H2 of the Core Strategy and it is considered acceptable in principle. A site-specific assessment of the site is considered below.

#### Housing Density and Housing Mix

- 10.29 Policy H3 of the Adopted Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as a 'fringe urban area' a minimum density of 35 dwellings per hectare would comply with Policy H3. The Design and Access Statement submitted to support this application envisages a density of circa 35.9 dwellings per hectare and the delivery of circa 115 dwellings albeit that the density of development will need to be balanced against a consideration of character, design, highway capacity and the delivery of on-site green space. It is therefore a matter that will be assessed fully at Reserved Matters stage with a condition to confirm that a maximum of 115 houses can be delivered.
- 10.30 Similarly, housing mix will also be assessed fully at Reserved Matters stage with the applicant to have regard to the preferred housing mix set out at Table H4 of the Adopted Core Strategy.

#### Affordable Housing

- 10.31 Policy H5 of the Adopted Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City. The applicant advises that the proposal will accord with the requirements of Policy H5 such that the proposed development is in accordance with Policy H5 and the delivery of affordable housing will be secured through the Section 106 agreement.

#### Housing for Independent Living

- 10.32 Policy H8 of the Adopted Core Strategy advises that developments of 50 or more dwellings are expected to make a contribution to supporting needs for independent living such as including the provision of bungalows or level access flats. This will be considered fully as part of the Reserved Matters submission.

#### Means of Access – Highways

- 10.33 Means of access is the sole matter for determination as part of this application. With reference to the Development Plan, Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. Appendix 3 of the Core Strategy also sets out accessibility standards for development. The NPPF seeks to support sustainable transport solutions and but it advises at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.34 As outlined above, vehicular access to the site is proposed via a new junction on to Scott Lane, which in turn leads to the A650 Bruntcliffe Road. Scott Lane is an adopted highway up to the point of access into the application site.
- 10.35 The application includes the submission of a Transport Statement to consider the highway impact of the proposed development on the basis of 115 dwellings, which is the level of development assessed within the Transport Assessment. The Statement advises that the main highway access to the site from Scott Lane will be taken by a priority-controlled junction. Scott Lane will also be re-aligned to straighten the route and create a footway from the site to connect with an existing footway on Scott Lane. In terms of traffic generation, the Transport Assessment predicts that the development will generate 71 trips in the AM peak and 79 trips in the PM peak, which is considered to form a small portion of existing flows such that the development will not have a material or severe impact on the operational performance of the surrounding highway network. The Transport Assessment therefore concludes that the site is a suitable location for the proposed development
- 10.36 The Council's Highways Officer has considered the site layout and submitted Transport Statement and advises that the proposed access onto Scott Lane and its realignment are acceptable with the addition of a dropped crossing at the Bruntcliffe Road bell mouth. It is noted that the Scott Lane carriageway is in a poor state of repair and as part of the S278 works, the road should either be resurfaced or reconstructed between the site access and Bruntcliffe Road, which will form a clause within the Section 106 agreement. With regard to the trip distribution and trip rates, the Highways Officer considers that the trip distribution and trip rates have been agreed and there are no specific road safety concerns arising from this development.
- 10.37 With regard to accessibility, the submitted Transport Statement clarifies how the application complies with the Council's Accessibility Standards, which are set out at Table 2 of Appendix 3 of the Core Strategy. They require developments of 5 or more dwellings within the Main Urban Area to be within a 10 minute walk (up to 800 metres) of local services, within a 5 minute walk to a bus stop offering a 15 minute service to a major public transport interchange for employment, within a 20 minute walk or a 5 minute walk to a bus stop offering a direct service at a 15 minute frequency to Primary Health/Education, within a 30 min direct walk or 5 min walk to a bus stop offering a 15 minute service frequency to a major public transport interchange for secondary education and within a 5 minute walk to a bus stop offering a direct 15 minute frequency services to town centres/City Centre. In this case, local services are principally within 1.2km comprising the Asda at Howley Park although there is a convenience store at Fountain Street. In terms of accessibility to bus stops, there are bus stops on Bruntcliffe Road circa 300 metres from the site but these only provide daytime services to Morley, Batley and Dewsbury although bus services with a circa 8-9 minute frequency to Leeds are available from stops on Fountain Street, Scotchman Lane and Bruntcliffe Lane at a distance of circa 700-

800 metres from the site. With regard to education, Fountain Primary School is circa 750 metres from the site whilst Bruntcliffe High School and Morley Academy are 1.1km and 1.3km respectively. Finally, Morley Health Centre is within 1.6km of the site. The Council's Highways Officer has concluded that the site does not meet the accessibility requirements in terms of the maximum 400 metre walking distance to bus stops that have at least a 15 minute frequency to Leeds. However, it is acknowledged that there are also bus stops on Fountain Street, which, although slightly further away, offer a more frequent bus service, providing a combined bus service provision that is, on balance, acceptable. The site is therefore considered to be sufficiently accessible having regard to the Council's standards.

- 10.38 Overall, the Council's Highways Officer concludes that there are no specific highway concerns raised by the proposals. On this basis, and subject to the requirements of the Section 106, it is concluded that the proposed development is located in a sufficiently accessible location and it will provide safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision such that the means of access is acceptable. The development is not considered to result in a severe residual cumulative highway impact such that it must be concluded that the proposed means of access is acceptable and the development is in accordance with Policy T2 of the Core Strategy and guidance within the NPPF.

#### Layout, Scale and Appearance (including Green Space)

- 10.39 Core Strategy Policy P10 reinforces the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. Within the UDP, Saved Policy BD5 advises that new buildings should be designed with consideration of their own amenity. These policies reflect guidance within the NPPF. In this case, matters of layout, scale and appearance are reserved for future consideration at the Reserved Matters stage and are not part of the assessment of this outline application.

#### *Layout*

- 10.40 The indicative layout proposes that the residential development will be constructed around parcels that are effectively created by the highway network within the site. The Design and Access Statement indicates that the site can accommodate up to 115 dwellings. The D&A also reproduces the Council's minimum distance standards set out within Neighbourhoods for Living to protect future privacy and amenity, to which future applications will be expected to comply. The details will be agreed as part of a future Reserved Matters application.
- 10.41 With regard to the provision of green space within the site, which will also influence the layout, Policy G4 of the Core Strategy requires the provision of 80 square metres of green space per dwelling, which is set as a requirement within the Section 106 agreement to be detailed at Reserved Matters stage.

#### *Scale*

- 10.42 The Parameters Plan indicates that the development will be predominantly 2-storeys with the opportunity for 2.5 storeys at key locations. This is acceptable in principle given the character of the surrounding area, which is predominantly two-storey. The appropriateness of 2.5 storeys on part of the site in key locations is likely to be

acceptable in key locations subject to a visual and design assessment as part of the Reserved Matters submission.

### *Appearance*

- 10.43 The appearance of the dwellings will also be determined at the Reserved Matters stage to ensure that it is a development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function in accordance with Policy P10 and guidance within the NPPF.
- 10.44 Overall, it is therefore concluded that matters of layout, scale and appearance will be considered at the Reserved Matters stage but there is sufficient scope within the site and sufficient detail within the Design and Access Statement to ensure that a scheme can be delivered to meet the Council's design aspirations established within Core Strategy Policy P10, guidance within the NPPF and guidance within the Council's Neighbourhoods for Living SPG.

### Landscaping

- 10.45 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.
- 10.46 In this case, landscaping is reserved for future consideration as part of a Reserved Matters submission. However, the submitted Design and Access Statement does establish a clear landscape strategy, which includes the need to retain and enhance existing buffer planting to the south to ensure an appropriate relationship to the M62 and also to the east and west to settle the new development within the landscape. It notes that existing vegetation is a feature of the site and it will be retained and enhanced such that the evolution of the landscape design will consider how to integrate and extend these elements within the development. The application does include the submission of a tree survey, which identifies four main groups of trees of which only one mixed deciduous group along the boundary with the motorway are within the site; these trees are to be retained as maintaining their density is likely to assist with noise attenuation. It is therefore considered that a successful landscape scheme can be established in accordance with the objectives of Core Strategy Policy P12 and UDP Policy LD1 with the details to be submitted as part of a Reserved Matters submission.

### Residential Amenity

- 10.47 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. The application site does not directly adjoin any existing residential development such that the primary consideration is the residential amenity of future occupiers. In this regard, the reserved matters submission, as noted above, will be expected to have regard to the privacy and amenity standards set out within the Council's Neighbourhoods for Living as well as any room space standards that are a material consideration at the time of the determination of any Reserved Matters application. However, a primary consideration with regard to future residential amenity is noise associated with the nearby industrial/warehouse units and the M62 Motorway.

10.48 The NPPF was published in March 2012, replacing the Planning Policy Guidance 24, which had set out clear noise impact criteria. These criteria were omitted within the NPPF, which now seeks to advise at Paragraph 123 that 'planning decisions should seek to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development' and they should also 'mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions'. Regard must also be had to the continued operation of existing commercial businesses, which must not have unreasonable restrictions placed upon them as a result of development.

10.49 The application includes the submission of a Noise Impact Assessment, which is based upon a Noise Survey undertaken on the site in May 2014. The Noise Assessment principally determines that road traffic noise associated with the M62 is the dominant noise source during the day with distance road traffic noise and activity at adjacent industrial units being the primary noise source during the night-time. The Noise Assessment establishes appropriate noise criteria that should be achieved in living rooms during the daytime and in bedrooms at night. In order to achieve the criteria on this site, the Noise Assessment sets out a number of mitigation measures:

(i) A 3.5 metre attenuation barrier along the southern portion of the south-west boundary to comprise a 1.5 metre bund and a 2 metre acoustic fence in order to ensure that there is no line of sight from the motorway to the first floor windows of any dwelling. A barrier is not required along the northern portion of the south-western boundary where the M62 is positioned within a deep cutting with a wooded embankment;

(ii) A 2 metre high rear boundary fence to the gardens that back onto the M62;

(iii) A 55-metre buffer zone between the dwellings and the nearside carriageway of the M62, which is achieved on the indicative layout submitted with the application;

(iv) A clear glazing and ventilation specification.

(v) A 50 metre buffer between the proposed residential dwellings and the existing industrial units on Scott Lane, which is also achieved on the indicative layout.

Subject to the above, the Noise Impact Assessment concludes that the ambient noise climate is not considered to represent a constraint to the proposed development.

10.50 The Council's Environmental Protection Service have reviewed the contents of the Noise Impact Assessment and consider that the implementation of the above measures would attenuate both the road traffic noise and noise from the nearby commercial units such that they raise no objection to the development subject to the imposition of relevant planning conditions.

10.51 In view of the above and subject to appropriate planning conditions, it is considered that the proposal will comply with the requirements of Saved UDP Policy GP5 in terms of impacts on residential amenity.

### Ecology

10.52 Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect



advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance bio-diversity.

- 10.53 The application includes the submission of an Phase 1 Habitat Survey, which confirms that the remaining grassland on site is of low ecological value. The Survey does, however, make recommendations such as the retention of hedgerows and care with site lighting to avoid/minimise illumination of habitat features such as hedgerows and adjoining woodland and grassland, which will form a condition of this application. The Survey recommends that opportunities should also be taken to enhance bio-diversity such as the provision of bird nesting opportunities, which will also be secured by condition.
- 10.54 Overall, subject to the conditions outlined above, it is concluded that the proposed development will provide the opportunity to conserve and enhance bio-diversity in accordance with Policy G8 and guidance within the NPPF.

#### Flood Risk

- 10.55 Policy ENV5 of the Leeds Core Strategy advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments.
- 10.56 The site is located within Flood Zone 1 of the Environment Agency's indicative flood map and as such, it is considered to be at a low risk of flooding. However, due to the size of the site in excess of 1ha, the application includes the submission of a Flood Risk Assessment. This document confirms that with regard to surface water, in order to comply with the NPPF, it will be necessary to consider aspects of Sustainable Drainage techniques for the site subject to intrusive investigations, which will form a condition of this proposal.
- 10.57 In response to the submitted documents, the Environment Agency confirmed that they have agreed with the Leeds City Council Flood Risk Management (FRM) team that FRM will provide comments in relation to the sustainable management of surface water. FRM raise no objection to the development subject to conditions relating to a scheme detailing surface water drainage, a feasibility study into the use of infiltration drainage methods. Yorkshire Water also raises no objection subject to conditions. Overall, it is therefore concluded that the subject to conditions, the scheme will manage and mitigate flood risk in accordance with Policy ENV5 and guidance within the NPPF.

#### Sustainability

- 10.58 Core Strategy Policy EN1 requires that all developments of 10 dwellings or more will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations and provide a minimum of 10% of total energy needs from local carbon energy. Policy EN2 then requires all developments of 10 or more dwellings to achieve Code Level 4 from 2013 and Code Level 6 from 2016. Following a fundamental review of technical housing standards the Government has withdrawn the Code for Sustainable Homes with effect from 27<sup>th</sup> March 2015 such that the objectives of Policy EN2 will not be sought. However, a condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy to comply with Policy EN1 will be sought as a condition of this recommendation.

## **11.0 RESPONSE TO REPRESENTATIONS**

11.1 The objectors to the application raise three key points, which are addressed below:

(i) The application site is allocated for employment purposes: this is addressed fully in the report above.

(ii) Local primary schools and medical practices are at capacity: whilst it is not disputed that local schools are facing capacity issues, the mechanism to secure contributions towards primary and secondary education is via the Council's Adopted Community Infrastructure Levy (CIL) for which the development will be liable. With regard to health infrastructure (including Doctor and Dentist services) the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to on average 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. Leeds already has over 100 existing practices of varying sizes, so the addition of 5-6 GPs a year is not considered to be a significant number for the population of Leeds.

(iii) In response to the objection comment that the application has not been posted on lamp posts and the application number has not been advertised so that residents can lodge an objection: as noted in Section 6.0 above, four site notices were posted on Scott Lane and Bruntcliffe Road and a press notice also appeared in the Morley Advertiser.

## **12.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY**

12.1 The Community Infrastructure Levy (CIL) was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable floorspace. Due to the outline nature of this application, the floorspace is unknown at this stage.

12.2 There is also a requirement for a site-specific Section 106 agreement as detailed below and the various clauses will become operational if a subsequent reserved matters application is approved and implemented:

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split);
- ii. Public open space on site of the size to comply with Core Strategy Policy G4;
- iii. Provide a bus shelter to Bus Stop 11464 and install real time bus information at a cost of £20,000;
- iv. Travel Plan including a monitoring fee of £2925;
- v. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.
- vi. Upgrading of the road surface to Scott Lane and its realignment;
- vii. Improved surface to the Public Right of Way that adjoins the site;
- viii. Employment and training initiatives (applies to the construction phase).

12.3 From 6<sup>th</sup> April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

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

(iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

## **13.0 CONCLUSION**

- 13.1 This application seeks outline planning permission for the residential development of a 5.14-hectare site on land to the west of Scott Lane and to the south of Bruntcliffe Road in Morley. The outline application seeks to consider means of access only such that matters of appearance, landscaping, layout and scale are reserved for future consideration. A Design and Access Statement and an illustrative plan, as well as a Transport Statement support the application, which indicate that the site can accommodate up to 115 dwellings.
- 13.2 Whilst the site is an employment allocation on the UDP Policies Map, following a full evaluation of the costs associated with an employment use on the application site, which have been independently evaluated by the District Valuer Service with input from the Council's Geotechnical Services in relation to abnormal costs associated with such development, it is concluded that the applicant has robustly demonstrated that the site is undeliverable for employment purposes. The release of the site from an employment allocation to an alternative use such as housing is therefore considered to accord with Core Strategy Policy EC3 Part A(i).
- 13.3 As detailed in the report above, the principle of residential development is also consistent with the objectives of the NPPF as well as Spatial Policies 1, 4, 6 and 7 of the Core Strategy and Policies H1 and H2 of the Core Strategy.
- 13.4 Additionally, it is concluded that an acceptable scheme can be secured at Reserved Matters stage in relation to urban design, protection of residential amenity, sustainability, landscaping and greenspace and that the approach to drainage is also compliant with up-to-date policy.
- 13.5 It is therefore recommended the Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise the wording of the S106 agreement and conditions.

### **Background Papers:**

Application and history files.  
Certificate of Ownership





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