
Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15TH AUGUST 2013

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

APPLICANT

Ryancliff (Morley)Ltd

DATE VALID

18th February 2013

TARGET DATE

20th May 2013

Electoral Wards Affected:

Morley North

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters:

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

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

Conditions:

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

1.0 INTRODUCTION:

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

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

2.0 PROPOSAL:

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

3.0 SITE AND SURROUNDINGS:

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

4.0 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS:

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

6.0 CONSULTATION RESPONSES:

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

6.8 Childrens Services - Education

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

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

6.9 Local Plans policy- Greenspace

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

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

N2.2 - £5,311.53

N2.3 - £5,311.53

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

Child play contribution -£8,802.24

Professional fees - £1,731.56

Total of £21,156.56

6.10 Sustainable Development Unit –Nature Conservation

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

7.0 PUBLIC/LOCAL RESPONSE:

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

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

7.2 In summary the representations raise the following concerns:-

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

7.3 Morley Town Council

Have submitted the following representations:-

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

7.4 Local Ward Member representation

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

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

8.0 PLANNING POLICIES:

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

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

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

8.6 Emerging Core Strategy

Spatial Policy 1 – Location of Development

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

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

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

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

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

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

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

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

H2 – New Housing Development on Non allocated Housing Sites

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

- i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.
- ii) For developments of 5 or more dwellings the location should accord with the accessibility standards in Table 2 of Appendix 2

H3 – Density of Residential Development

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

- ii) Other urban areas - 40 dwellings per hectare

H4 – Housing Mix

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

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

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

T2 – Accessibility Requirements and New Development

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

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

G4 – New Greenspace Provision

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

ID2 – Planning Obligations and Developer Contributions

Section 106 planning obligations will be required as part of a planning permission

where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

8.7 National Planning Policy Framework

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

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

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

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

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

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

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

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

9.0 MAIN ISSUES:

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

10.0 APPRAISAL:

Principle of Development and Sustainability

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

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

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

Highway Issues

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

Drainage

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

Urban Design

10.6 Layout scale and design

The site essential provides 14 detached dwellings in the following forms:-
-The Harewood , two storey – 4 bedroomed (3 in total)
-The Laurel , two storey – 4 bedroomed (3 in total)
-The Sandringham , two storey – 4 bedroomed (4 in total)
- The Lilac , two storey – 3 bedroomed (4 in total)

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

Impact on residential amenities

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

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

10.12 The 4 dwellings along the southern boundary have rear garden lengths of 16m to plots 1 to 3. Plot 4 sides onto the rear garden area of 25 Margaret Close. This has a gable end located 3m away from the boundary .All four plots adjoin the rear garden areas of dwellings along Margaret Close.

10.13 In light of the above it is considered that the development meets the guidance set out in Neighbourhoods for Living , will not have an adverse impact on the amenities of nearby residents and will provide an adequate level of amenity (in terms of the layout of the development) for the prospective occupiers.

Landscaping and greenspace

10.14 A Public open space of 525sqm is provided on site. This is accessible to the residents of the scheme and other local residents and is overlooked by properties affording a degree of security. It is located adjacent to number 8 Daisy Hill Close. Fencing, hedging and landscaping with trees are proposed in the corners that adjoin the rear and fronts garden of number 8 Daisy Hill Close. Landscaping is proposed to the northern boundary of the site where it borders the Protected Area of Search. This acts as a buffer to the boundary and an easement to the open area beyond.

10.15 Section 106 Package: The section 106 Package required consists of;

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

10.16 Section 106 requirements generally flow from policy . The development at 14 dwellings is above the threshold for a greenspace contribution but below the normal threshold of 50 units for an education contribution. However the pressures on local schools is acute and Education have requested a contribution.. This is currently a matter under discussion with the applicants and the outcome will be reported verbally to Panel.

Representations received

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

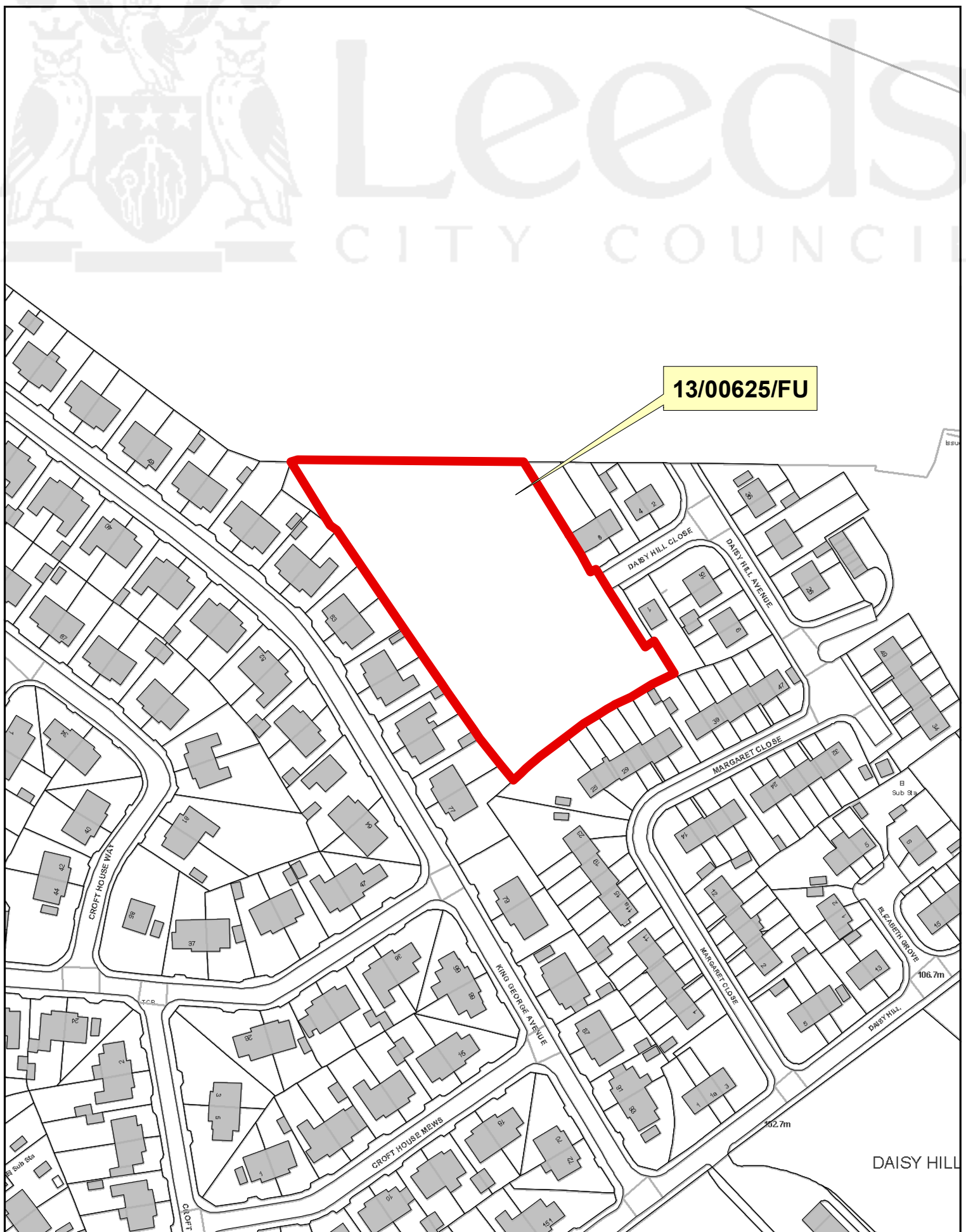
representations.

11.0 Conclusions

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

Background Papers:

Application files 13/00625/FU



SOUTH AND WEST PLANS PANEL

