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# **Report of the Chief Planning Officer**

**CITY PLANS PANEL** 

Date: 23<sup>rd</sup> July 2015

Subject: Planning Application 14/07352/OT: Outline planning application for residential development on land at Low Moor Farm, Albert Drive, Morley, LS27 8SH

APPLICANT
Persimmon Homes West
Yorkshire and Priestgate

Morley Limited.

**DATE VALID** 18<sup>th</sup> December 2014

**TARGET DATE** 10<sup>th</sup> August 2015

Electoral Wards Affected:		
Morley South		
✓ 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 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. Improvements to bus stop 11042 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information.
- iv. The provision of raised kerbs and a bus clearway to the above bus stop 11042 on Wide Lane;
- v. Travel Plan including a monitoring fee of £2,925
- vi. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.
- vii. Employment and training initiatives (applies to the construction phase).
- viii. Upgrade Peter Lane to a bridleway
- ix. The management and retention of buffer planting within the Green Belt for the foreseeable future in accordance with Saved UDP Policy N24.

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 185 dwelling.
- 5. Samples of walling, roofing and surfacing material to be approved.
- 6. Large scale details windows
- 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. Biodiversity enhancement conditions.
- 16. Lighting details
- 17. Details of drainage infrastructure and balancing pond.
- 18. Feasibility study into the use of infiltration drainage methods.
- 19. Details of surface water drainage.
- 20. Method statement for interim drainage measures.
- 21. Survey of the culvert up to its outfall to the north of the site
- 22. Intrusive investigation for mine entry.
- 23. Highway Condition Survey
- 24. Details of traffic calming along Albert Drive
- 25. Travel Plan
- 26. Access roads and car parking to be complete prior to first use.
- 27. Cycle provision.
- 26. Footpath connections
- 28. Statement of construction practice.

- 29. Contamination reports and remedial works.
- 30. Unexpected contamination.
- 31. Verification reports.
- 32. Soil importation condition
- 33. Details to achieve 10% of energy needs from low carbon energy.

## 1.0 INTRODUCTION

1.1 This outline planning application is presented to Plans Panel given the nature of the application comprising a site that is designated as a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP).

## 2.0 PROPOSAL

- 2.1 This application seeks outline planning permission for the demolition of the existing farm buildings and the residential development of a 7.65-hectare site comprising Low Moor Farm and associated farmland, which lies at the end of Albert Drive 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 submission, the application is supported by a Design and Access Statement and an illustrative plan, which indicates that the site can accommodate up to 185 new homes (maximum), which forms the basis for the assessment of the proposal. The red line boundary of the application also extends into adjoining farmland within the Green Belt to the north of the application in order to accommodate a balancing pond and drainage works. The adjoining land to the northern boundary and part of the eastern boundary is within the blue line of the application comprising land that is also within the applicant's control although no development is proposed within this land.
- 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, vehicular access to the site is proposed from Albert Drive comprising a continuation of the existing road. Within the site, the access road extends directly northwards with two-cul-de-sac roads branching off to the northwest and south-east. The access road crosses beneath the electricity lines that run across the site from south-east to north-west to a further area of development in the north-east corner of the site, which is also served by a secondary road from within the site. Pedestrian connectivity will be achieved from two pedestrian access points from the southern boundary onto Peter Lane connecting into an existing Public Right of Way.
- 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 will be constructed within the six parcels created by the proposed road network. A sterilized area will need to be retained beneath the high voltage power line that runs across the site, which the applicant has identified as open space/green corridor with a further area of green space within the south-east corner of the site. The Design and Access Statement indicates that approximately 5.24 hectares of the site would be utilised to accommodate up to 185 dwellings (maximum) with approximately 1.99 hectares

used to provide an area of open space (circa 25% of the total area) and 0.41 hectares within the Green Belt required to accommodate a balancing pond and drainage infrastructure. These proportions are indicative only. In the course of the application, a Parameters plan has also been prepared which indicates a requirement to address the minimum distances to secure amenity and privacy in relation to the existing houses that adjoin the site such that an 'amenity zone' is indicated between the existing and proposed dwellings comprising a minimum of 21 metres between main facing windows and a minimum of 12 metres between main facing windows and a flank elevation.

- 2.6 The appearance of the houses will be determined at Reserved Matters stage albeit that the Design and Access Statement sets three character areas within the site formal frontage either side of the main access road from Albert Drive, a general character within the site and a green edge to form the transition to the surrounding Green Belt. These character areas are identified to determine building type, height, materials and architectural details. In each case, it is proposed that the dwellings be constructed in brick with artstone cills and lintels to the windows. To the formal frontage, the dwellings will be designed with a pitched roof whilst to the general character and green edge it is indicated that there may be a mix of pitched roofs and gable fronts. In terms of house types, to the formal frontage and green edge, a mixture of detached and semi-detached are envisaged whilst the general character will include semi-detached and detached as well as occasional short terraces.
- 2.7 With regard to scale, the Parameters Plan and the Design and Access Statement indicate that the development will be predominantly 2-storeys to the formal frontage and green edge with the opportunity for 2.5 storeys at key locations within the general character part of the site, subject to a visual and design assessment. A buffer zone to the Green Belt is also provided beyond the boundary but on land that is within the applicant's ownership.
- 2.8 The landscaping strategy outlined within the Design and Access Statement indicates that the objectives of the strategy include the visually and physical softening of the eastern and northern edges with copses, trees and hedgerows, the creation of a new wetland and marginal habitats associated with the Sustainable Urban Drainage scheme, a new central park within the site to include a recreation area and a new footpath network linking the central park with the existing public rights of way to the east of the site.
- 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, a Landscape and Visual Assessment, a Transport Assessment and Travel Plan, a Flood Risk Assessment, a Phase 1 Ecological Appraisal and a Heritage Statement. In addition, a full Bat Survey was undertaken in May 2015.

## 3.0 SITE AND SURROUNDINGS

3.1 The application site comprises 7.65 hectares of open farmland, farm buildings and a stable block at Low Moor Farm positioned on the urban fringe of Morley. It is a broadly rectangular site with a (circa) 150 metre southern boundary that adjoins Peter Lane, beyond which are the rear gardens of 5 to 33 Newlands Crescent. The western boundary extends to circa 410 metres and adjoins the rear gardens of 51 to 85 Rydal Drive, 60 Albert Drive and 15 to 37 Rydal Crescent. The northern and eastern boundaries adjoin the Green Belt with the southern half of the eastern boundary adjoining an area of existing vegetation whilst the remainder of the Green

Belt boundary is open with views to the wider area. In this part of the City, the Green Belt provides a gap between the urban areas of Morley and Middleton with the White Rose Shopping Centre lying approximately 1.5 kilometres to the north-east. Low Moor Farm is a collection of farm buildings with the farmhouse itself comprising a traditional circa Victorian stone terrace.

- 3.2 A key feature of the land is the high-voltage electricity cable that runs just off-centre through the site in a south-east to north west direction with two pylons positioned towards the east of the site. It also slopes gently from the western boundary to the northern boundary with a varying gradient from 1:20 to 1:50.
- 3.3 To the east of the application site, within the main urban area of Morley, the character of the adjoining area is entirely residential comprising post-War two storey red brick housing.
- 3.4 A public footpath runs along the southern and part of the eastern boundary of the site proving a connection towards Dewsbury Road and also towards the White Rose Centre.

## 4.0 RELEVANT PLANNING HISTORY

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

## 5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant did engage in limited pre-application discussions with the Council, which focused at that time on an assessment of the site against the Council's interim policy to release Protected Areas of Search (PAS). At that time, the applicant was advised that the site did meet the criteria for release and that the site therefore contributed to the Council's five-year supply of deliverable land for the period 2014 to 2019, which is addressed further in the report below.

## 6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was initially advertised by means of a press notice in the Morley Advertiser and site notices as a major development posted on 9<sup>th</sup> January 2015.
- 6.2 A total of 33 objections have been received as well as a petition with 168 signatures.

The signatories of the petition oppose the scheme on the grounds that Morley is already overpopulated and they need to protect the green land that they have and the wildlife.

- 6.3 The letters objecting to the application are in the form of a template letter that raises the following issues:
  - 1. The application breaches the NPPF as the site is not sustainable and local infrastructure cannot cope with this level of over-development, which makes it unsustainable.
  - 2. The proposed access onto Albert Drive cannot cope with the additional traffic generated by this proposal. They consider local roads to already be congested and the additional highway movements associated with this development will make a difficult highway situation much worse.

- 3. The site contributes in a positive way to preventing the merger of Middleton and Morley and provides a positive Greenfield barrier to prevent communities coalescing.
- 4. Wide Lane already suffers from high levels of congestion, as does Dewsbury Road and the additional traffic generated by this site will make congestion much worse.
- 6.4 Morley Town Council objects to the application on the following grounds:
- At present the site is under two tenancies divided roughly along a continuation of the line of Albert Drive, though it is used more or less as one for horses and other livestock; the southerly part has an all-weather outdoor ménage. Both the application site and adjoining blue-lined land to the north and east are owned by Dartmouth Estates through their Priestgate Morley subsidiary; Persimmon Homes seem to have a contractual interest which would give them first refusal if the land were to be released for house-building, as well as binding them to promote actively the development of the land through the Planning system. A claim made in the application that no development is proposed on the blue-lined land seems a bit disingenuous in view of the fact that it has been put forward for housing in the Strategic Housing Land Allocation Assessment (SHLAA), an informal mechanism closely associated with the Leeds Local Development Framework (LDF); it seems likely that release of this land for housing will be pursued through the LDF site allocations process which will not be finished until well into 2016.
- 6.4.2 Development of the PAS would be constrained by an overhead power line, which crosses the site on its long axis; three pylons stand within it. A central green swathe is proposed running roughly north and south beneath the power line; to compensate for this, the houses shown in the indicative layout would be pushed close to the northern and eastern PAS boundaries, with no buffer planting between them and the adjoining Green Belt. This layout would be unacceptable and they object to it most strongly.
- 6.4.3 There might be negotiations with the power line owners to try to have the cables buried, as took place at Churwell New Village, but, the indicative layout currently proposed would breach guidance which requires substantial transitional planting buffers on the Green Belt edge.
- 6.4.4 Any Green Belt edge buffer planning must be within the boundaries of the PAS site itself, particularly because of the narrowness of the Green Belt gap here, a developer must not be allowed to steal a few extra yards for housing by pushing buffer planting into adjoining Green Belt.
- 6.4.5 Because this PAS land occupies part of the strategic green gap between Morley and Middleton, and Morley and the White Rose Shopping Centre, sometimes called the A653 Dewsbury Road corridor, any development should be held back by UDP and LDF phasing as long as possible, and, if eventually allowed, must have careful and extensive planting within what is now PAS along its Green Belt boundaries.
- 6.4.6 No roadway stubs or other gaps should be left on the edges of the PAS which might encourage attempts to extend development into adjoining Green Belt. The Parish Council would hope that late phasing would protect this land against development within the life of the LDF, which lasts until 31/3/2028. If implementation of the LDF falls well short of its new dwellings target of 74,000, which it surely will, appropriate phasing would give this land protection against development for many years.

- 6.4.7 Although the nearby Newlands Primary School has been rebuilt recently and expanded to three form entry, this was to cope with existing growth of numbers of children within the schools natural catchment hexagon and did not give spare capacity to cater for new housing.
- 6.4.8 Cumulative impact of recent Planning permissions in Morley, including Persimmons Daisy Hill and Owlers Farm, must be taken into account; hard-pressed infrastructure and essential community services such as education and health care must be given time to catch up. This application must be refused.
- 6.4.9 There would be one vehicular access to the site, from the end of Albert Drive, and two further pedestrian accesses across the southern boundary to Peter Lane, one a road from Morley to Middleton by way of Middleton Mill, but now no more than a grassy track only reaching Dewsbury Road. Newlands council estate, of which Albert Drive is a part, was laid out in the 1950s when few council house tenants had cars; its road network would be incapable of absorbing cars and other traffic generated by adding about 185 houses at Low Moor Farm.
- 6.4.10 Flood control earthworks are proposed on Dartmouth Estate Green Belt land to the north of the application site, made up of a ditch and detention pond. On their own merits in form and purpose these works should be acceptable, though not the development that they would support.
- 6.4.11 There is no mention of affordable housing, an omission to which they object, though there is a mention of footpath and cycle path improvements which might be paid for by Sec 106 contributions.
- 6.4.12 For the above reasons, the Parish Council objects to the development.
- 6.5 <u>Councillor Dawson</u> has also submitted an objection to the development raising the following points:
- Areas of land such as Low Moor Farm were included in the Unitary Development Plan (UDP) adopted in 2006 as a Protected Area of Search (PAS). The intention was that PAS sites were reserved for longer-term development needs. Quoting from the plan it states it is intended that no development should be permitted on this (PAS) land that would prejudice the possibility of longer term development, and any proposals for such development will be treated as departures from the Plan.
- 6.5.2 He believes there are still sufficient other areas earmarked for housing development in Leeds and Morley that mean there is no current requirement to use the land at Low Moor Farm in the first phase of the LDF plan. There are currently around 26,000 dwellings approved for new housing build in Leeds but for a variety of reasons developers/builders are not building on these sites.
- 6.5.3 Morley should keep its distinctive community feel and this is done by ensuring that areas adjacent to the Greenbelt around the town are preserved and not eroded further with housing development that would be welcomed in other parts of Leeds particularly on Brownfield and regeneration sites.
- 6.5.4 Any development should be curtailed for the next five years until there is a clear demonstration that this land is required for development.
- 6.5.5 The development goes against the proposed framework to be adopted in the new

LDF plan as development at Low Moor Farm could lead to the unrestricted sprawl of large built up areas, there is a requirement to prevent neighbouring towns from merging (i.e. the green corridor between Middleton and Morley), and to assist in safeguarding the countryside from encroachment. This proposed development does not comply with these aims.

- 6.5.6 This site is at the outer boundary of the built up area of Morley and is adjacent to the Green belt that acts as a buffer against the erosion of the Green belt between Morley and Leeds. Land at Low Moor farm should not be a priority development site and in any phasing plan to support the LDF process this land should be held back for development until the later years of the plan.
- 6.5.7 Highways and Traffic issues: Access is through a route which is in a built up residential near to a school, church and other amenities which has high number of elderly people and high number of children. Further traffic through the estate will increase the possibility of road traffic accidents and injuries on the narrow access road to the proposed development. This is a quiet cul-de-sac which currently has very little traffic and will now be faced with many more vehicles which makes this road much more unsafe for children and pedestrians with an expected additional 200 plus new vehicles per day travelling along this quiet street.
- 6.5.8 The transport assessment submitted with the outline application shows for the most recently available period between January 2009 and October 2014 inclusive that in the area covered (which includes a section of the B6123 Wide Lane extending from its junction with Magpie Lane up to and including its roundabout with the A653 Dewsbury Road) there have been 72 collisions with 107 injuries. The report states this is not high; however it does represent a significant number that can only increase as the number of car journeys in the area increases to and from new developments in the area.
- 6.5.9 The proximity of an extra high voltage overhead power line in the area is a potential hazard for local residents and children and as a planning condition Councillor Dawson would ask that a review is undertaken on whether this line overhead line should be removed or put undergrounded as part of the development of the site.
- 6.5.10 There are references in the design and access statement to the proximity of Morley railway station and as the crow flies it may be 800 metres but to walk to the station from the proposed development via a safe walkway would more than double the estimated distance and would take a minimum of 20 minutes to walk. The reference to using the public rights of way to reach the station would not be feasible as these are very basic footpaths through open countryside and present many safety hazards for anyone walking to the station.
- 6.5.11 Other: Development on this site may lead to further proposed development on nearby green belt sites. The houses shown in the indicative plan are adjoining the northern and eastern PAS boundaries, with no buffer between them and the adjoining Green Belt. This layout is not acceptable and should be altered. Any Green Belt edge buffer planning must be within the boundaries of the PAS site itself.
  - The population growth in housing from other nearby developments has not being adequately assessed when taking account essential community services such as education and health care for the community.
- 6.5.12 The Councillor also believes that the application is contrary to Policy H1 of the LDF. This site does not meet the above criteria in Policy H1. This site is not located in a

regeneration area; it does not have the best public transport accessibility, reasonable but not the best when compared with other sites; the site has limited access to a few services and most services will be a 35-minute walk from the development; This development will have an impact on the green belt, as it is adjacent to the green belt with no buffer. Development here will lead to possible moves to develop further into the green belt; the development of this site has a negative impact on the existing green space, green corridors and the rural feel of this land on the edge of town.

## 7.0 CONSULTATION RESPONSES

# 7.1 Statutory:

Environment Agency: Referred comments on this scheme to the Council's Flood Risk Management Team.

Coal Authority: The Coal Authority originally objected to the application by letter dated 9<sup>th</sup> January. However, following the submission of additional information prepared by Wardell Armstong and dated 31<sup>st</sup> March 2015, which analyses additional information and also takes account of the findings of intrusive site investigations on the site, the Coal Authority is now satisfied that this adequately addresses the issue of coal recovery potential and therefore addresses their previous objection. The Coal Authority therefore raises no objection subject to a recommended condition in relation to site investigations prior to commencement.

# 7.2 <u>Non-Statutory</u>:

<u>Highways</u>: No objections in principle subject to conditions and a Section 106 agreement.

Flood Risk Management: No objection subject to conditions.

<u>Public Rights of Way</u>: No objections in principle subject to improving the quality of the footpaths that adjoin the site.

<u>Air Quality Management</u>: They do not see the development as an area which will suffer from adverse air quality for the future residents, but the development will inevitably increase the amount of car journeys past other nearby areas which may not be so fortunate. It is therefore proposed that, regardless of any other conditions that are requested through the Travelwise SPD, this development should be conditioned that all residential property with off-street parking available should have included a separately fused 32amp rated spur cable to an external power point. Such a commitment would represent an element of future proofing the development and

providing an easily deliverable, low cost mitigation measure against future emissions and negate the need to assess the impact on air quality to surrounding residential properties. This is proposed as a condition of this recommendation.

Nature Conservation: In response to the original submission, the Nature Conservation Officer advised that the Extended Phase 1 Habitat Survey had identified 4 farm buildings with High bat roosting potential. Dusk and dawn activity surveys should therefore be carried out by an appropriately qualified consultant as recommended in the applicant's report prior to determination. These surveys were subsequently undertaken in May 2015 and find no evidence of bat roosts within the farm buildings and no recommendations for further surveys.

<u>TravelWise Team</u>: 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

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: The Transport Assessment (TA) provides a comprehensive appraisal of the public transport accessibility of the site and highlights a number of bus services that are within the vicinity of the development. Whilst WYCA acknowledge that the size of the site will inevitably mean that parts of the site will fall outside 400 metres of bus stops, it should be noted that the TA includes these services in their appraisal. They note that the Council Highways Officer comments indicate that the site meets the bus service level that is contained in the Public Transport SPD. Whilst this may be the case in terms of service frequency and destinations served, the walk distance to access these services is greater than usual 400m walk distance they recommend and it is unlikely that bus services can be diverted to reduce the walk distance to the site. They therefore recommend that the developer needs to ensure that the final site layout is designed in a way to minimise walk routes to the existing main public transport corridors on Dewsbury Road and Wide Lane including the suggestions made by the Council Highways Officer, which are secured by condition and the Section 106 agreement to enhance the accessibility.

In terms of influencing travel behaviour, they welcome the commitment within the Travel Plan to enter in to the Residential MetroCard scheme (Bus and Rail Zone 1-3). This allows each dwelling to receive a free MetroCard (funded for by the developer) for 1 year with a discount on the ticket for the subsequent 2 years provided by the MetroCard partners. The developer would be expected to pay for the cost of the ticket at the time of completion of the first dwelling. The current cost of this based on 2015 prices would be £605 per ticket (Total based on 181 dwellings £109,505). This will be incorporated into a S106 agreement.

They have identified bus stop 11042 located on Wide Lane that would benefit from a shelter with real time passenger information display. This is the closest Leeds bound bus stop to the site. The cost of this provision would be £20,000. Raised kerbs and bus clearway should also be provided; this is not included in the £20,000 quoted. This will again be included within the Section 106.

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).
- The site is identified on the LDF Policies Map as a Protected Area of Search site (PAS), which is a saved UDP policy designation.

# 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 considered most 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 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 T1: Transport Management

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

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

## Saved Policies - Leeds UDP (2006)

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.

N23/25: Landscape design and boundary treatment

N24: Development proposals abutting the Green Belt

N34: Protected Area of Search sites (PAS)

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)

- 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 polices 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 annually 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. 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.
- 8.13 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 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. Green Belt
  - viii. Residential Amenity
  - ix. Ecology
  - x. Sustainability
  - xi. Flood Risk
  - xii. 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

- 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 a Protected Area of Search for long-term development (PAS). It is situated just outside the Main Urban Area and it is also outside the Green Belt. It does, however, lie within the boundary of the South Leeds Regeneration Priority Areas as identified at Map 5D of the Core Strategy.
- 10.2 Within the UDP, Policy N34 advises that within those areas shown on the proposal map under this policy, development will be restricted to that which is necessary for the operation of the existing uses together with such temporary uses as would not prejudice the possibility of long term development. The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (Paragraph 5.4.9). The Site Allocations Plan is the means by which the

Council is reviewing and proposing allocations, which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It also phases their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure

- As Panel Members will be aware, on 13<sup>th</sup> March 2013 Executive Board agreed an 10.3 interim policy to release selected Protected Areas of Search (PAS) for development in advance of the Site Allocations Plan within the context of the National Planning Policy Framework and (at that time) to provide for the need for the Council to strengthen its five year housing land supply and to provide a broader diversity of sites. The Interim Policy was introduced as an interim measure to guide the release of sites, which gave rise to the fewest sustainability concerns and identified criteria to be applied to PAS sites to ensure a consistent approach to their release. The policy was designed to release a selection of smaller sites adjoining the main urban areas which were sustainable when measured against Core Strategy policy, so as to continue the PAS protection of larger sites and sites adjacent to smaller settlements which had potential to raise more significant sustainability concerns which needed to be addressed through the plan making process i.e. the Site Allocations Plan This site did satisfy the tests of the Interim PAS policy in being well related (adjacent to) the main urban area of Morley, not exceeding 10ha in size and not needed or potentially needed for an alternative use.
- 10.4 The Council's Interim PAS policy was withdrawn on 11<sup>th</sup> February 2015 by a decision at the Council's Executive Board, which also agreed a series of site allocations as the basis on which to prepare the Site Allocations Plan. At this time the interim policy was considered to have served its purpose in supplementing the Council's five-year supply of deliverable sites with a limited release of Greenfield land, which in line with national policy helped choice and competition in the market for land. It had also served to ensure protection for sites which did not meet the criteria as the Council had by that time taken its views on which sites (including former PAS) would be allocated for housing via the Site Allocations Plan and which sites would form the Council's PAS land for the LDF plan period and beyond. This application was validated on 18<sup>th</sup> December 2014 such that at the time of submission, the Interim Policy to release Protected Areas of Search (PAS) for development was still in place and the proposed site was compliant with it.
- 10.5 However, the report to Executive Board proposing the withdrawal of the PAS Interim Policy advised at Paragraph 4.19 that the Council would determine applications on PAS sites having regard to all material considerations including:
  - The decision of Executive Board on the proposed status of the sites in the SAP (Site Allocations Plan) (and AVLAAP)
  - ii. The Adopted Core Strategy policies, in particular on sustainability, location, settlement hierarchy and phasing
  - iii. The National Planning Policy Framework, including: i) "that planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development", ii) Core Planning Principles, including on the importance that plan-making should "be genuinely plan-led, empowering local people to shape their surroundings", iii) the issue of prematurity in advance of the Site Allocations Plan and iv) the weight to be attached to emerging plans, including 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)

- iv. Evidence about local land supply
- v. Emerging Site Allocations Plan evidence in particular on the sustainability and infrastructure needs / context of sites
- vi. Site specifics

Each of the above will be considered within this report.

# (i) Site Status

- In first considering the site status, it is advised that as part of the proposed site allocations agreed by Executive Board on 11<sup>th</sup> February 2015 to form the basis of the preparation of the SAP, within Appendix 4iii Outer South West Site Schedule, the application site is classified as a Preferred Housing Allocation 1320 Albert Drive Lower Moor Farm PAS, Morley. It is identified as a 7.2 Hectare Greenfield site within the Major Settlement Extension Settlement Hierarchy with a capacity for 190 houses. For the purpose of this report, the application is therefore primarily assessed as a Greenfield site. It is acknowledged that the site allocations proposals set out to Executive Board in February to agree in principle those sites which the Council were proposing for allocation, which would then, subject to further work including setting out site requirements and phasing, form the basis on which to prepare the Publication Site Allocations Plan for consideration by the Development Plan Panel and also for approval by Executive Board prior to being placed upon deposit for the purposes of public consultation in late Summer 2015.
- On 26<sup>th</sup> June 2015 a subsequent report was submitted to and agreed by Development Plan Panel to consider the Site Allocations Plan (SAP) Publication Draft. The focus of this report was the SAP Publication Draft Plan sections in relation to Housing, including phasing of development and safeguarded land (as relevant to this application) with a recommendation to the Executive Board that the Plan be agreed for public consultation. Significantly, within Appendix 11 of the SAP Publication Draft Plan the application site (HG2-154) is identified within Phase 1 for the outer south-west Housing Market Character Area. Phase 1 starts at 2012 (Year 0 of the Plan). A report has been submitted to Executive Board on 15<sup>th</sup> July 2015 with a recommendation that the Plan (including the delivery of this site within Phase 1) be agreed for public consultation. Plans Panel will be updated at the meeting on the outcome of the Executive Board's consideration.

# (ii) and (vi) Core Strategy and site specific compliance with the Core Strategy

10.8 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 with small settlements contributing to development needs subject to the settlement's size, function and sustainability. 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 is considered to constitute a sustainable extension to the Main Urban Area of Morley lying immediately adjacent to the boundary. Indeed, Morley is identified as a major settlement in Policy SP1 of the Adopted Core Strategy. At the Core Strategy Examination there was significant objection to the level of housing being proposed within the Outer South West Housing Market Characteristic Area in which Morley sits. However, the Core Strategy Inspector held a specific session dealing with these issues and considered that the plan as submitted was sound. In his report on the Core Strategy the Inspector said "I have considered the concerns of residents, including those of Aireborough, Morley and Scholes. Morley is a small town with its own town centre, a railway station, easy access to the motorway network and is rightly defined as a major settlement. I agree with the Council that as such, it should play its part in meeting the identified need and that its contribution should be proportionate to its place in the settlement hierarchy. I understand residents' concerns but Leeds cannot meet its objectively assessed need without developing Greenfield land and it is inevitable that some land which communities' value will be lost to development."

- 10.9 It is also the case that the site lays 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 185 new homes including the provision of 15% affordable homes to ensure affordability and choice.
- 10.10 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:

10.11 (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 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.

- 10.12 (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 where it is considered that new housing can be a lever for investment in regeneration areas and bring wider local benefits such as improving local housing markets and stimulating development on brownfield sites. 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 standard for new homes. The applicant has also advised that should the site secure planning permission, they would aim to submit the Reserved Matters by the end of 2015 and look to start on site in Spring 2016 with build out rates of circa 30 per year. The impact on the adjacent Green Belt and with regard to Nature Conservation and flood risk 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.
- 10.13 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 3,300 dwellings envisaged as an extension to the main urban area and 10,300 as extensions to major settlements. The application site is included within the provision of dwellings outlined above on the grounds that it is included within the Council's current 5-year housing land supply. Accordingly, in the event that the application site was not brought forward for housing at this time, it would be necessary to identify alternative locations within the Outer South-West Housing Market Character Area to meet the requirements of Spatial Policy 7.
- 10.14 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.

- 10.15 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. It should be noted that a number of sites within Phase 1 are large Greenfield sites, including within the Green Belt and the merits of their release will need to be considered through the SAP.
- 10.16 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 and ecological enhancements. To this extent, it can address the five criteria outlined in Policy H1 above.
- 10.17 A site-specific assessment of the application pursuant to Core Strategy policies in relation to design and layout, highways, flood risk, ecology, green space, Green Belt and amenity is fully considered in the report below suffice to acknowledge that the scheme is considered compliant with the Core Strategy to warrant a recommendation of approval and to support the principle of development.

# NPPF, Local Land Supply and Emerging Site Allocations

- 10.18 With reference to (iii), (iv) and (v) of Paragraph 4.19 of the Executive Board proposing the withdrawal of the PAS Interim Policy, this application must also be considered with regard to the NPPF, particularly in terms of local plan review and Paragraph 216 (the weight to be attached to emerging plans), evidence about local land supply and emerging Site Allocations Plan evidence.
- 10.19 The application site was originally included as a proposed housing allocation within the Issues and Options Draft of the Site Allocations Plan, which was subject to public consultation from the 3rd June to 29th July 2013. A total of 9 objections to the allocation of the site for housing were received raising specific issues of poor access through the existing estate, pressure on local services, full GPs/Dentists/Schools and loss of green space/ green corridor. The application site is still identified for housing within the Site Allocations Plan Publication Draft having had regard to the previous consultation. Development Plan Panel considered the SAP Publication Draft on 26<sup>th</sup> June 2015 with a further report to Executive Board on 15<sup>th</sup> July 2015 as noted above. The site was identified as a site for release as part of the Interim PAS policy and included in the Council's Five Year Land Supply; there has therefore been

an acknowledgement by the Council to the principle of its release in advance of the SAP. The release of this site for housing has been found to raise no harm to the policies of the Adopted Core Strategy.

- 10.20 Having regard to the 5-year housing supply, Members are advised that the Council submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028. The Council's Five Year Supply position 2014 to 2019 was subject to two recovered appeals during 2014. A decision on land off Grove Road, Boston Spa is expected in September. A decision on land at Bagley Lane, Farsley was received in March. The Secretary of State concluded that Leeds could demonstrate a five-year supply of land and that the Council has an overall requirement figure of about 24,440 homes and a supply in excess of this of some 26,500 homes. The Secretary of State concludes that a five-year housing land supply can be demonstrated with scope for some flexibility. Significantly, the five-year supply (as at April 2014) is made up of the following types of supply:
  - Allocated sites
  - Sites with planning permission
  - SHLAA sites without planning permission
  - An estimate of anticipated windfall sites including sites below the SHLAA threshold, long term empty homes being brought back into use and unidentified sites anticipated to come through future SHLAAs
  - An element of Protected Area of Search sites which satisfy the interim PAS policy (which includes the application site).
- 10.21 The Bagley Lane, Farsley decision by the Secretary of State has been challenged by the applicants and a High Court inquiry will be held in October 2015. Officers are currently updating the Strategic Housing Land Availability Assessment and a revised Five Year Supply. This will take into account significant major new planning permissions and align with the preferred draft Site Allocations Plan. Importantly, however, the application site is identified as contributing to the delivery of the City's five-year supply and it is therefore consistent with the objectives of the NPPF in this regard. Moreover, whilst it is a Greenfield site, the current 5-year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process such that the development of a further Greenfield site still accords with the Core Strategy approach to encourage the development previously developed land as set out in Policy H1.

## <u>Conclusion – principle of development</u>

10.22 This application was submitted in December 2014 in accordance with the Council's Interim Policy to release Protected Areas of Search (PAS) for development, with which the site was compliant and which was effectively the basis of the applicant's submission. The Interim PAS policy was then withdrawn on 11<sup>th</sup> February 2015 by a decision at the Council's Executive Board. However, the application site currently forms part of the Council's 5-year housing supply provision, which include an element of Protected Area of Search sites that satisfied the interim PAS policy such as this. A report to Executive Board on 15<sup>th</sup> July 2015 confirms the progression of the SAP Publication Draft for public consultation, which also includes the delivery of this site within the Phase 1 period (from 2012) such that it is currently consistent with the Council's objectives in relation to the 5-year housing supply. The failure to deliver this site would necessarily result in the need to identify further land within the

South West Market Area and potentially in more sensitive locations i.e. Green Belt. Whilst a Greenfield site, both the Core Strategy and the NPPF encourages the reuse 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 immediately adjacent to the Main Urban Area such that it is effectively an extension to the Main Urban Area. As a consequence, it 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. In this regard, it is concluded that a refusal on housing policy grounds could not be substantiated. Moreover, it is also not considered to establish a precedent in relation to other Protected Areas of Search with this City: this site is distinguished by the fact that it was compliant with the Interim PAS policy before its withdrawal, it forms part of the current 5-year housing supply assessment and it is also identified for delivery within Phase 1. The principle of residential development is therefore considered to be consistent with the objectives of the NPPF as well as Spatial Polices 1, 4, 6 and 7 of the Core Strategy and Policies H1 and H2 of the Core Strategy and it is therefore acceptable in principle. A site-specific assessment of the site is considered below.

# Housing Density and Housing Mix

- 10.23 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 35.5 dwellings per hectare and the delivery of circa 185 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 185 houses can be delivered.
- 10.24 Similarly, housing mix will also be assessed fully at Reserved Matters stage with the applicant needing to have regard to the preferred housing mix set out at Table H4 of the Adopted Core Strategy.

## Affordable Housing

10.25 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 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

10.26 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. The applicant is aware of the requirement, which will be considered fully as part of the Reserved Matters submission.

## Means of Access – Highways

- 10.27 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.
- As outlined above, vehicular access to the site is proposed from Albert Drive comprising a continuation of the existing road. Within the site, the access road extends directly northwards with two-cul-de-sac roads branching off to the northwest and south-east. The access road crosses beneath the electricity pylons that run across the site from south-east to north-west to a further area of development in the north-east corner of the site, which is also served by a secondary road from within the site to effectively create six development parcels within the site. Pedestrian connectivity will be achieved from two pedestrian access points from the southern boundary onto Peter Lane connecting into an existing Public Right of Way.
- 10.29 The application includes the submission of a Transport Statement to consider the highway impact of the proposed development on the basis of 185 dwellings. The Statement concludes that vehicular access can be provided from Albert Drive, the design of which accord with the LCC Street Design Guide and is within land under the control of the developer and/or adopted public highway. The Transport Statement includes a Highway Capacity Assessment focused particularly on junction capacity, which considered the Albert Road/Albert Drive Junction, the B6123 Wide Lane/Albert Road junction, the B6123 Wide Lane/Magpie Lane Signal Controlled junction, the A653 Dewsbury Road / B6123 Wide Lane Roundabout and the A653 Dewsbury Road / White Rose Shopping Centre Roundabout. It concludes that the junction capacity assessments indicate that traffic associated with the proposed development can be adequately accommodated on the surrounding highway network, without adverse impacts on the safe and free flow of traffic. With regard to Road Traffic Collisions, which have also been assessed, the Transport Assessment notes that on the highway network within the vicinity of the site a total of 72 collisions occurred over the five year study period, resulting in 107 injuries. Of these injuries, 101 were classified as slight, with 6 injuries of serious severity. No fatal injuries were reported during this period. It also notes that the most notable trend in the data is that the majority of the collisions have occurred at junctions and are the result of human driving error, most notably involving rear shunts into stationary/slowing vehicles on approach to junctions, caused by failure to look properly and failure to accurately judge other person's path and/or speed. There is no evidence to suggest that substandard road layout, inadequate or masked signs, or poor/defective road surfaces were significant contributory factors in any of the collisions. With regards to the development access proposals, no collisions have been recorded on Albert Drive during the study period.
- The Council's Highways Officer has considered the site layout and submitted Transport Statement and advises that the proposal to extend Albert Drive as the single vehicular access is acceptable. Most properties along this road do not have off-street parking so there are vehicles parked along both sides of the road. However, the carriageway width is sufficient for the number of vehicles expected if the site were developed for housing. It is noted that the carriageway approaching the site is in a poor state of repair and the loading from construction vehicles would exacerbate this situation. Albert Drive will therefore need to be resurfaced or

reconstructed prior to the occupation of any dwelling, which would be secured by a condition or by inclusion in the Section 278 agreement.

- 10.31 With regard to accessibility, the submitted Design and Access Statement and Transport Statement clarifies how the application complies with the Council's Accessibility Standards. It is confirmed that with regard to local services, there are local shops within 300 metres on Albert Drive, White Rose Shopping Centre within 1100 metres (14 minute walk based on a walk time of 3mph) and Morley Town Centre is within 1300 metres (16 minute walk) but there are sufficient series to be within a 15 minute walk of local services. The site is also within a 5 minute walk of bus stops on Albert Road and Wide Lane that provide a 15 minute service frequency to a major public transport interchange. It is within 500 metres (6 minute walk) of Morley Newlands Primary School, 1900 metres from the Morley Health Centre (24 minutes) (also accessible by bus stops), within a 30 minute walk of both Leeds City College Joseph Priestley Campus (1200 metres) and The Morley Academy (2100 metres) and finally, there is a weekday 10 minute bus service to Leeds City Centre and White Rose from Wide Lane with further bus stops on Albert Road.
- 10.32 With regard to non-vehicular means of access, Highways advise that the buses that presently use the stops on Albert Drive and Wide Lane together provide a service that meets the Core Strategy requirements. However, they have recommended that as part of the reserved matters application with regard to layout, a pedestrian route should be provided directly into the site from:
  - (a) The Peter Lane footway close to its junction with Rydal Crescent, and
  - (b) The existing footpath the runs along the eastern frontage.

These connections will minimise the walking distance to existing bus stops to improve accessibility will form part of a condition of this recommendation. Highways also advise that the applicant should look at upgrading the Peter Lane track into a shared footway /cycleway. These improvements are proposed as part of the Section 106 agreement. This would provide a direct connection with Dewsbury Road where there are plans to widen the footway to include an off-carriageway cycleway.

- 10.33 In response to the Transport Statement, the Council's Highways Officer initially advised that the vehicle trip rates used were too low and recommended that the rates used in the Transport Assessment for the Owlers Farm scheme (13/00902/OT). This was subsequently undertaken by the applicant in January 2015. In response, the Highways Officer reviewed the revised capacity assessment of the Wide Lane/Dewsbury Road roundabout and concluded that whilst there would be a material impact at the junction with the additional trips, particularly in the PM peak, it is not, on its own, of a scale to warrant improvements at the roundabout and the development impact would still be below the severe' threshold as set out in the NPPF such that the proposal could not be refused on these grounds and the Highways Officer concludes that there are no highway objections to the scheme.
- 10.34 Overall, the Council's Highways Officer concludes that there are no specific concerns raised with the proposals subject to the requested pedestrian links being provided to upgrade the Peter Lane track to a bridleway between Dewsbury Road and Rydal Crescent, and to provide a direct link to the existing public footpath on the eastern site frontage. On this basis, and subject to the requirements of the Section 106 it is concluded that the proposed development is located in an 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)

10.35 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. However, this application submission includes a parameters plan to establish key layout principles and a Design and Access Statement, which also provides an indication of the form of future landscaping and development.

## Layout

- 10.36 The indicative layout proposes that the residential development will be constructed within the parcels created by the highway network within the site. A sterilized area will need to be retained beneath the high voltage power line that runs through the site, which the applicant has identified as open space/green corridor with a further area of green space within the south-east corner of the site. The Design and Access Statement indicates that approximately 5.24 hectares of the site would be utilised to accommodate up to 185 dwellings with approximately 1.99 hectares used to provide an area of open space (circa 25% of the total area) and 0.41 hectares within the Green Belt required to accommodate a balancing pond and drainage infrastructure. These proportions are indicative only and not to be agreed as part of this application.
- 10.37 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. The parameters plan indicates the provisional location for the green space, determined principally by the no build zone beneath the pylon and electricity cables. Guidance has been sought on the provision of green space below a high-voltage cable but the National Grid website advises only that overhead electricity lines are normally bare (un-insulated) and if an object gets too close it is possible that a 'flashover' can occur, where electricity will jump over a distance to reach earth via the object. In order to prevent this happening, National Grid advises that there are minimum safety clearances between overhead lines and the ground, roads or objects on which a person can stand such that the following advice is adhered to - never fly kites or model aircraft near overhead power lines, overhead lines, do not light fires beneath overhead lines and do not aim shotguns or pistols at overhead power lines. There is no suggestion that public open space cannot be provided beneath lines albeit that the area of land around the pylon base and a buffer of 5 metres in each direction is to be excluded from the green space calculation on the grounds that it is not useable.
- 10.38 The parameters plan also indicates a requirement to address the minimum distances to secure amenity and privacy in relation to the existing houses that adjoin

the site such that an 'amenity zone' is indicated between the existing and proposed dwellings comprising a minimum of 21 metres between main facing windows and a minimum of 12 metres between main facing windows and a flank elevation. This will be assessed fully at Reserved Matters stage.

## Scale

10.39 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

# Appearance

- 10.40 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. However, to support the submission, the Design and Access Statement does include a number of principles to guide the future Reserved Matters submission. This includes the identification of three character areas within the site; formal frontage along the main access road, general character adjoining the existing built-up area and a green edge on the parts of the site adjoining the Green Belt. The appearance of the dwellings will reflect these character areas with, for example, formal frontage houses comprising a mix of detached and semi-detached dwellings constructed in red brick with low boundary walls to the site frontage and extending to mainly two storeys. The 'general character' dwellings will also be constructed in red brick but may extend to up to 2.5 storeys in key locations subject to an assessment of visual amenity whilst dwellings within the green edge will extend to a maximum of 2 storeys but will be provided with a softer boundary treatment such as a hedge appropriate to their more rural position. It is recommended that a condition be imposed requiring the submission of a Reserved Matters application broadly in accordance with the parameters established within the Design and Access Statement.
- 10.41 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

- 10.42 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.
- 10.43 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 intention to visually and physically soften the eastern and northern edges of the proposed development with

the use of copses, specimen trees and hedgerows, use the sustainable urban drainage system to create a new wetland and marginal habitat, create a central park within the site that is a focus for new and existing residents and create a series of streets and spaces that conform with best urban design practice and place making. It is 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.

## Green Belt

- The red line boundary of the application includes 0.41 hectares of land allocated as 10.44 Green Belt within the Leeds LDF Policies Map. However, this land will accommodate the balancing pond and associated infrastructure only. There will be no built development within the Green Belt. The NPPF confirms that the Government attaches great importance to Green Belts and notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. However, Paragraph 90 of the NPPF identifies certain forms of development (as relevant to this application) that are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes engineering operations. The provision of a balancing pond and associated infrastructure is considered to comprise engineering operations such that it is not inappropriate in principle within the Green Belt. On the basis that it will comprise a balancing pond and drainage infrastructure within the ground, the details of which will be secured by means of a planning condition, this is not considered to conflict with the objective of maintaining the opens of the Green Belt such that this incursion into the Green Belt is acceptable in principle in accordance with the NPPF.
- 10.45 It is also relevant to consider Saved Policy N24 of the UDP, which advises that where development proposals abut the Green Belt, their assimilation into the landscape must be achieved as part of the scheme. It states that if existing landscape features would not achieve this, a landscape scheme will be required to be implemented that deals positively with the transition between development and open land. In this case, it is acknowledged that to the northern boundary and half of the eastern boundary, the Green Belt buffer is shown on land outside the red line boundary of the application but on land that it within the applicant's control whilst to the southern part of the eastern boundary, there is already an area of substantial landscaping such that it is intended that the proposed landscaping will adjoin this area (leaving the footpath clear of obstruction) effectively creating a continuous landscape buffer along the eastern boundary of the site. The principle of including the Green Belt buffer on land beyond the red line boundary of the application site is acknowledged within the supporting text of Policy N24; UDP paragraph 5.3.13 states that transition planting may be acceptable on land outside the development site but immediately adjacent to it, provided that the local planning authority is satisfied that the applicant has control over the land, that the planting will be retained for the foreseeable future and that the planting on adjacent land would not, in itself, be harmful to the appearance of nearby open land. The applicant has confirmed their interest in the land and they are willing to enter into a clause within the legal agreement to confirm that they do have control over the land and to ensure that the planting will be retained for the foreseeable future. The applicant has also advised that the Council have also previously agreed to this approach at Persimmon's sites at Owlers Farm and Daisy Hill (12/04048/FU). On this basis, it is concluded that the provision of the landscaped buffer within the Green Belt is not contrary to Policy N24 in this instance and the buffer will ensure that the proposed

development delivers a sufficient transition between the development and the Green Belt.

# Residential Amenity

10.46 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 adjoin existing residential development to the south and west on Newlands Crescent, Rydal Crescent and Rydal Drive. However, as noted above, the parameters plan has been devised to ensure that any future development has regard to the privacy standards established within the Council's Neighbourhoods for Living. Furthermore, a detailed assessment of garden lengths and window to window distances will be undertaken at Reserved Matters stage, whilst conditions will ensure that means of enclosure, existing and proposed level changes within the site and any additional planting are also appropriate and adequate between existing and proposed properties. In view of the above, it is considered that the proposal will comply with the requirements of Saved UDP Policy GP5 in terms of impacts on residential amenity.

# **Ecology**

- 10.47 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 biodiversity.
- 10.48 The application includes the submission of an Extended Phase 1 Habitat Survey, which confirms that the majority of the site comprises improved grassland with the south part of the site comprising grazing land for horses and a small area to the north comprising semi-improved grassland as well as hedgerows to the south and east boundaries. The survey reveals opportunities for nesting birds, primarily within the hedgerows and field edges including house sparrow and swallows within the farm buildings. The survey also identifies possible and confirmed bat roost records to the north, east and west with the farm buildings identified to have a high bat roosting potential and the site boundaries and grasslands considered to provide suitable foraging and commuting opportunities. Further bat surveys were deemed necessary as a consequence of the Extended Phase 1 Habitat Survey, which were subsequently undertaken in May 2015. However, these additional surveys found no evidence of bat roosts present within the farm buildings. 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 provision of bird nesting opportunities will also be secured by condition. No evidence of badgers, reptiles or Great Crested Newts was found within the study area.
- 10.49 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

- 10.50 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.
- 10.51 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 and a Foul Sewerage, Surface Water Drainage and Utilities Assessment. This document confirms that with regard to surface water, it is proposed to implement a positive sustainable drainage system that restricts the rate of run-off to existing greenfield rates with an attenuation pond being provided to the north of the site to cater for storms up to and including the 100 year storm with due allowances for climate change. Foul drainage will be discharged to the public sewer system located along Albert Drive.
- 10.52 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 and a survey of the culvert to the north of the site. With regard to the sewer system, Yorkshire Water has advised that the public sewer is not an option for surface water disposal but they raise no objection to the development subject to conditions requiring no objective 5 metres either side of the sewer that crosses the site and a requirement for further details of works to provide a satisfactory outfall for surface water. 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

10.53 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 EN2 will be sought as a condition of this recommendation.

# 11.0 DEMOLITION OF THE EXISTING BUILDINGS

- 11.1 Since April 2011, the demolition of a building such as the application buildings at Low Moor Farm constitutes development such that it forms part of the consideration of this application. The application buildings comprise a mixture of agricultural and farmhouse buildings that reflect their function but they are not considered to be of particular architectural merit to warrant consideration as a heritage asset or to merit any listing.
- 11.2 It is acknowledged that the building is 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 farm and associated 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) As set out in the report above, the application does not breach guidance within the NPPF; the site is deemed accessible and it does not represent an over-development albeit that final housing numbers will be determined at Reserved Matters stage but it will not be in excess of the 185 dwellings indicated within the Design and Access Statement, which has formed the basis of the assessment of the application.
  - (ii) Following the submission and analysis of the submitted Transport Assessment, it is concluded that the proposed access onto Albert Drive and Wide Lane can cope with the additional traffic generated by this proposal as outlined in the report above;
  - (iii) Whist noting the concerns of local residents that the site contributes in a positive way to preventing the merger of Middleton and Morley and provides a positive Greenfield barrier to prevent communities coalescing; the merging of settlements is one of the primary objectives of the City's Green Belt and the Green Belt that adjoins the site does serve that function of preventing the merger of Middleton and Morley. The Green Belt is unaffected by this proposal with no new built development within it.
  - (iv) The concerns raised by Morley Town Council in relation to buffer planting to the Green Belt and in relation to the overhead power line are fully addressed in the report above.
  - (v) With regard to the concerns of Morley Town Council that no roadway stubs should be left on the edges of the PAS, which might encourage attempts to extend development into the adjoining Green Belt, it is still the case that notwithstanding this application, any future proposal for development of land within the adjoining Green Belt would constitute inappropriate development in accordance with National Planning Guidance and would only be considered for development in very special circumstances.
  - (vi) The issue regarding school and health care infrastructure and affordable housing is fully addressed in the report above.
  - (vii) Councillor Dawson's concern relating to the development of this PAS site and its contribution to the 5 year housing supply is fully addressed in the report above.

## 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. Due to the outline nature of this application, the floorspace is unknown at this stage.

- 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. Public open space on site of the size to comply with Core Strategy Policy G4.
  - iii. Improvements to bus stop 11042 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information.
  - iv. The provision of raised kerbs and a bus clearway to the above bus stop 11042 on Wide Lane:
  - v. Travel Plan including a monitoring fee of £2,925
  - vi. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.
  - vii. Employment and training initiatives (applies to the construction phase).
  - viii. Upgrade Peter Lane to a Bridleway.
- 13.3 From 6th 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

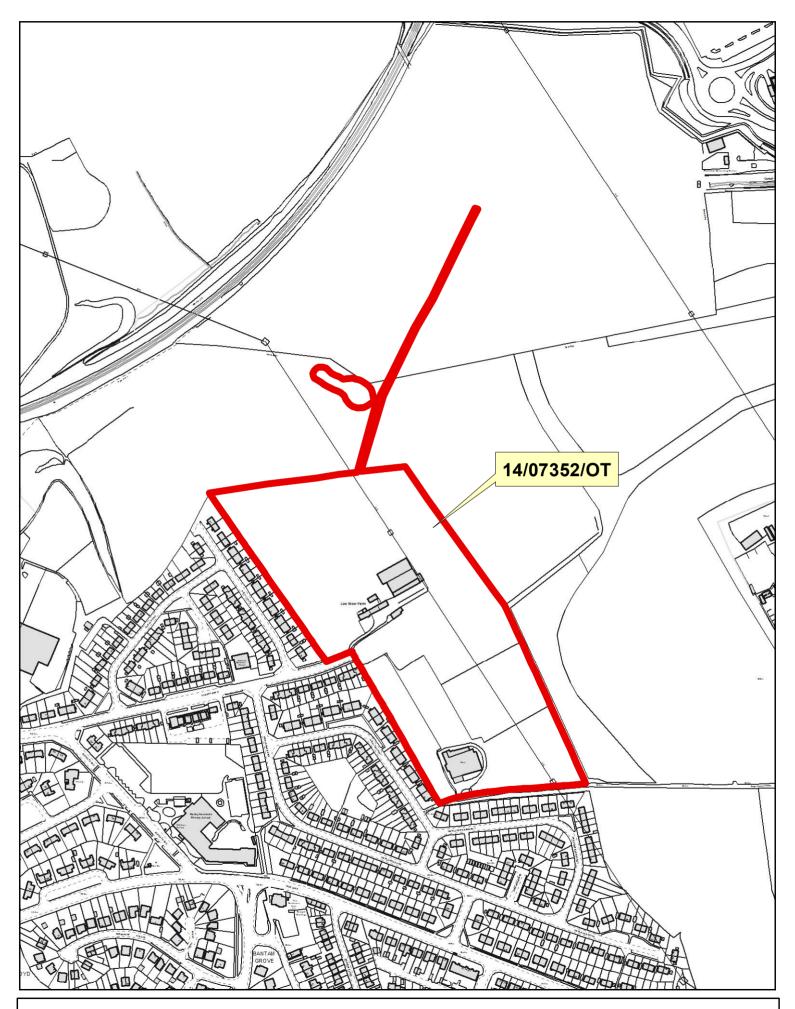
- 14.1 This application seeks outline planning permission for the demolition of the existing farm buildings and the residential development of a 7.65-hectare site comprising Low Moor Farm and associated farmland, which lies at the end of Albert Drive in Morley. The outline application seeks to consider means of access only such that matters of appearance, landscaping, layout and scale are reserved for future consideration.
- 14.2 The application was submitted in December 2014 in accordance with the Council's Interim Policy to release Protected Areas of Search (PAS) for development, with which the site was compliant. The Interim PAS policy was withdrawn on 11<sup>th</sup> February 2015 by a decision at the Council's Executive Board. However, the application site forms part of the Council's current 5-year housing supply provision, which include an element of Protected Area of Search sites that satisfied the interim PAS policy such as this. The report to Executive Board on 15<sup>th</sup> July 2015 confirms

that the delivery of this site should be included within the Phase 1 period (from 2012) such that it is currently consistent with the Council's objectives in relation to the 5-year housing supply and the failure to deliver this site would necessarily result in the need to identify further land within the South West Market Area and potentially in more sensitive locations i.e. Green Belt. 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 immediately adjacent to the Main Urban Area such that it is effectively an extension to the Main Urban Area. As a consequence, it 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. It is therefore concluded that a refusal on housing policy grounds could not be substantiated and the principle of residential development is consistent with the objectives of the NPPF as well as Spatial Polices 1, 4, 6 and 7 of the Core Strategy and Policies H1 and H2 of the Core Strategy.

- 14.3 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.
- 14.4 Overall, the report above demonstrates that the scheme is sufficiently compliant with current local and national planning policy such that having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 and Paragraph 12 of the NPPF, the application, 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



# **CITY PLANS PANEL**

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