



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th November 2015

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

APPLICANT

Barratt Homes

DATE VALID

1 December 2014

TARGET DATE

November 2015 (PPA)

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. Provide a bus shelter to Bus Stop 11464 and install real time bus information at a cost of £20,000;
- iv. Travel Plan including a monitoring fee of £2925;
- v. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.
- vi. Upgrading of the road surface to Scott Lane and its realignment;
- vii. Improved surface to the Public Right of Way that adjoins the site;
- viii. Employment and training initiatives (applies to the construction phase).

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

CONDITIONS:

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

1.0 INTRODUCTION

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

2.0 PROPOSAL

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

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

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

3.0 SITE AND SURROUNDINGS

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

4.0 RELEVANT PLANNING HISTORY

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

5.0 HISTORY OF NEGOTIATIONS

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

6.0 PUBLIC/LOCAL RESPONSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0 CONSULTATION RESPONSES

7.1 Statutory:

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

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

7.2 Non-Statutory:

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

Flood Risk Management: No objection subject to conditions.

Environmental Protection Team: No objections subject to conditions.

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

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

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

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

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

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

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

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

Yorkshire Water: No objections subject to conditions.

8.0 PLANNING POLICIES

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

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

Adopted Core Strategy

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

Spatial Policy 1: Location of development

Spatial Policy 4: Regeneration Priority Programme Areas

Spatial Policy 6: Housing requirement and allocation of housing land

Spatial Policy 7: Distribution of housing land and allocations

Spatial Policy 9: Provision for employment

Policy EC1: General employment land

Policy EC3: Safeguarding existing employment land

Policy H1: Managed release of sites

Policy H3: Density of residential development

Policy H4: Housing mix

Policy H5: Affordable housing

Policy P10: Design

Policy P12: Landscape

Policy T1: Transport Management

Policy T2: Accessibility requirements and new development

Policy G4: New Greenspace provision

Policy EN2: Sustainable design and construction

Policy EN5: Managing flood risk

Policy ID2: Planning obligations and developer contributions

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

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

Saved Policies - Leeds UDP (2006)

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

E4: Employment allocations.

GP5: Development Proposals should resolve detailed planning considerations.

N23/25: Landscape design and boundary treatment

N29: Archaeology

T7A: Cycle Parking

T24: Parking guidelines

LD1: Detailed guidance on landscape schemes.

Relevant supplementary guidance:

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

Street Design Guide SPD

Neighbourhoods for Living SPG13

Affordable Housing SPG (Interim Policy)

Sustainable Design and Construction SPD

National Planning Policy Framework (NPPF)

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

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

8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approved proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

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

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

This is pertinent to the site allocation process in Leeds.

9.0 MAIN ISSUES

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

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

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

10.0 APPRAISAL

Principle of development

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

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

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

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

Or

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

Or

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

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

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

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

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

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

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

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

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

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

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

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

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

Principle of residential development

- 10.20 Having regard to the principle of housing on the site, Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It confirms that the largest amount of development will be located in the main urban area and major settlements. As a consequence, the priority for identifying land for development is (i) previously developed land within the Main Urban Area/relevant settlement, (ii) other suitable infill sites within the Main Urban Area/relevant settlement and (iii) key locations identified as sustainable extensions to the Main Urban Area/relevant settlement. This site lies within the Main Urban Area of Morley such that it is considered to constitute a suitable infill within the Main Urban Area.
- 10.21 It is also the case that the site lies within the boundary of the South Leeds Regeneration Priority Programme Area. Spatial Policy 4 confirms that within this Regeneration Area, priority will be given to developments that improve housing quality, affordability and choice. This application is submitted in outline with all matters (except access) reserved but it is anticipated that the site can deliver up to 115 new homes including the provision of 15% affordable homes to ensure affordability and choice.
- 10.22 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and

the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:

- (i) Sustainable locations (which meet standards of public transport accessibility), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure),
- (ii) Preference for brownfield and regeneration sites,
- (iii) The least impact on Green Belt purposes,
- (iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
- (v) The need for realistic lead-in-times and build-out-rates for housing construction,
- (vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
- (vi) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

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

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

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

Conclusion – principle of development

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

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

Housing Density and Housing Mix

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

Affordable Housing

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

Housing for Independent Living

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

Means of Access – Highways

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

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

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

Layout, Scale and Appearance (including Green Space)

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

Layout

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

Scale

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

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

Appearance

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

Landscaping

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

Residential Amenity

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

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

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

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

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

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

(iv) A clear glazing and ventilation specification.

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

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

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

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

Ecology

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

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

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

Flood Risk

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

Sustainability

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

11.0 RESPONSE TO REPRESENTATIONS

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

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

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

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

12.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

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

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

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

12.3 From 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.

13.0 CONCLUSION

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

Background Papers:

Application and history files.
Certificate of Ownership

