



## Report of the Chief Planning Officer

### PLANS PANEL SOUTH AND WEST

Date: 24<sup>th</sup> November 2016

**Subject:** Application 16/03675/FU - Engineering and ground-works to facilitate residential development on adjacent site at land off New Village Way, Churwell, Morley, LS27 7GD.

Application 16/03676/FU - 46 dwellings with associated access, car parking, landscaping and public open space at land off New Village Way, Churwell, Morley, LS27 7GD.

#### APPLICANT

Persimmon Homes

#### DATE VALID

10<sup>th</sup> June 2016

#### TARGET DATE

28<sup>th</sup> October 2016

#### Electoral Wards Affected:

Morley North

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

16/03675/FU – GRANT PERMISSION subject to the specified conditions.

16/03676/FU - DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

1. Affordable housing – 15% (7 units) on-site in accordance with Core Strategy policy H5
2. Green Space Maintenance
3. £10,000 to install a new 'live' bus information display at Bus Stop number 10325
4. Local employment initiatives.

In the circumstances where the undertaking has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer.

## **Conditions**

### **Planning Application 16/03675/FU**

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Construction Management Plan to be submitted and approved prior to commencement of development
4. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays

## **Conditions**

### **Planning Application 16/03676/FU**

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Section 106 agreement.
4. Wall and roofing materials to be submitted and approved.
5. Levels details to be submitted.
6. Vehicle areas laid out prior to occupation.
7. Drive gradients.
8. Cycle parking.
9. Provision for contractors during construction.
10. Construction Environmental Management Plan (CEMP:Biodiversity)
11. Biodiversity Enhancement & Management Plan (BEMP).
12. Existing hedgerows to be retained at 2.5m in height.
13. Full Landscaping (including tree, planting, surfacing and boundary treatments).
14. Method statement for protection of retained trees during construction
15. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of on-site open space and areas of landscaping not within individual plots for the lifetime of the development.
16. Development not to commence until drainage scheme including calculations are submitted to, and approved.
17. PD rights removed on plots 4-7 and 22- 46.
18. PD rights removed on garage conversions
19. Soft landscaping areas to the front of all plots to be retained and not surfaced
20. Submission of a remediation statement.
21. Amended remediation statement in the event of unexpected contamination.
22. Verification reports following remediation.
23. Construction Management Plan to be submitted and approved prior to commencement of development
24. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays

## **1.0 INTRODUCTION:**

- 1.1 This application relates to proposal for a housing development, next to the M621 on a greenfield site. The proximity of the site to the M621, has created a challenge in devising a quality layout, which also offers protection from this noise source.
- 1.2 This proposal for 46 dwellings, has been submitted as two separate applications. The application (16/03676/FU) for 46 dwellings, is a re-submission of a previous application (15/04763/FU) and shares the same red-line boundary as this previous application. In order to ensure the levels changes on the site have steady gradient

changes, re-grading works are now proposed on an area of open green land located to south, which lies outside the red-line boundary of the previous application, to ease the transition of land levels. These regarding works are subject to a separate application 16/03675/FU.

- 1.3 This application is a revised scheme of a previous refusal which is detailed in the History section of this report in paragraph 4.1. It is considered that this revised application addresses the previous reasons for refusal, which related to noise levels, design and lack of green space, and therefore is now considered to be acceptable. The previous application was not refused on issues relating to the principle of development.

## 2.0 PROPOSAL

- 2.1 The proposal is for 46 dwellings, which comprise of the following mix. The properties include terraced houses, semi-detached dwellings and detached properties.

No of bedrooms	No of units	Proportion on site
Two	5	10.9%
Three	26	56.5%
Four	15	32.6%

- 2.2 The properties are 2, 2 ½, and 3 storeys in height. They are to be constructed from red and yellow brick, with a mixture of red and clay coloured roof tiles. The different brick colours and house types are interspersed throughout the site to add variety and visual interest.
- 2.3 The proposal also includes a total of 4736 sq m on site green space.
- 2.5 In accordance with core strategy policy H5, seven affordable units (15% of the total) are proposed as part of the development. These comprise of plots 30-32 and 36-39.
- 2.6 The application will be supported by a legal agreement covering the following obligations:
- Affordable housing – 15% (7 units) in accordance with Core Strategy policy H5.
  - £28,260.10 for Metro Cards at a 40% discount for future occupiers and £10,000 – to be used for the provision of residential Metrocards.
  - Local employment.
  - Maintenance of on-site Green Space

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

- 3.1 The site consist of an area of land which is roughly rectangular is shape, and measures approximately 185m x 105m. The site slopes upwards in a north to south direction. The site is a green field site, which lies between a modern housing development which is situated to the east of the site, and the M621 motorway which lies to the west. A buffer of trees lie between the motorway and the site, the motorway lies in an elevated position to the site. A public footpath also lies on the western edge of the site and buffer of trees lies on the eastern boundary, to the rear gardens of the properties which lie on May Avenue.
- 3.2 The site lies to the west of the settlement of Churwell and May Avenue. Access to the site is through the adjacent modern housing estate which was developed in the early 2000's and is locally knows as the 'New Village' estate. This is a modern suburban estate which is made up of semi-detached, detached and terraced properties. The heights of these properties include 2, 3 and 4 storey properties. To the south of the site lies a suburban estate of 1960's semi-detached bungalows, these are separated from the site by a green field. These are situated at a higher land level than the application site.

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

- 4.1 This application is a revised scheme of a previous application (15/04763/FU) which was refused planning consent on 17<sup>th</sup> December 2015, under delegated powers. This scheme was for 52 dwellings (a total of 6 more than this current scheme). The reasons for refusal related to;
- Poor design
  - Noise/ poor environment for future Occupiers
  - Lack of Green Space
- 4.2 This previous application was subject to a pre-application enquiry (PREAPP/15/00166). A response was given to this enquiry in a letter dated 27th April 2015. This letter stated '*Officers have serious reservations as to whether this site could deliver a housing scheme which offer an acceptable level of noise to the future occupiers in space around the properties and within their private garden areas*'.
- 4.3 This letter went onto state that it was considered a number of properties would need to be lost from the scheme, in order to increase the buffer to the adjacent motorway, and concerns were raised regarding the layout and spacing of the development. It is not considered this advice was taken on-board in devising this previous application. The pre-application enquiry was for 53 dwellings, and this application was initially submitted for 57, although the revised plans reduced this down to 52.
- 4.4 The site was put forward through the Site Allocations process as a housing site, and this was considered by colleagues in Local Plans. Following consultation with Ward members it was decided not to carry forward the site as a Housing allocation.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 A sketch of the proposed layout was submitted to Officers for informal comments, prior to the submission of the application. Officers advised the applicants that the layout appears to be acceptable in principle as it increased the size of the buffer to the M621 but careful consideration was required to the relationships and appearance between different plots, given the tight spacing (required to achieve a noise buffer).

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

### Ward Members.

- 6.1 Councillor Leadley has objected to the application on the following grounds.

- The site was located in the Green Belt until 2001 as the Inspector determined the M621 was a clear and defensible boundary of the Green Belt
- The site has not been promoted as a Housing site through the Site Allocation process due to noise generated by the adjacent M621 motorway
- The site acts as a noise buffer to the existing houses on May Avenue
- The noise levels within the gardens of the proposed dwellings will be high
- The proposal will exceed the capacity of the Spine road serving the development
- The site design is poor, lacking natural surveillance
- Streets are dominated by front hard surface and parking
- Application is premature

- 6.2 Morley Town Council have objected to the application on the following grounds

- Site is too close to the motorway
- Development is only served by one spine road
- Local doctors and schools are over-subscribed

### Other public response

- 6.3 To date the application has attracted 53 letters of individual objection. The points made in the objections are highlighted below.

- Loss of green space
- Local services such as schools/ medical centres are full, and cannot cope with additional residents
- Local roads are heavily congested and cannot cope with additional traffic
- Application does not address previous reasons for refusal
- Persimmon have misled residents who bought houses from them in an earlier phase of development over their future plans for this development
- Application is premature as Site Allocations process has not concluded
- House type should match those on May Avenue
- Risk of flooding from surface water run-off
- Site isn't suitable for housing given proximity to M621
- Future occupiers of the development will experience high levels of noise.
- Loss of wildlife
- Over-shadowing/ loss of privacy on properties on May Avenue
- Loss of view
- Impact on wellbeing of people who live adjacent to the site
- Adjacent beck is likely to be polluted as a result of the development

- Traffic surveys are inaccurate as they were taken when people were at work
- Spine road within the New Village development already serves 330 properties, allowing further properties to be served of this road is in breach of Leeds City Councils own policies

6.4 At the time of writing this report a total of 195 batch letters of objection have also been received to the application. This is a standard letter which has been photocopied and signed by individuals. The points raised in this letter are highlighted below

- Application is premature within the LDF process
- Spine road within the New Village development already serves 330 properties, allowing further properties to be served of this road is in breach of Leeds City Councils own policies
- Development not sustainable as local primary schools and health centres are full
- Churwell Hill is already congested, and adding traffic to this, will worsen problems and raise levels of pollution.
- Properties are too close to the M621 and will experience high levels of noise
- The site is green field and provides recreational space for wildlife to thrive

## 7.0 CONSULTATION RESPONSES:

### Coal Authority

7.1 No objection

### Environmental Protection

7.2 Although noise levels are high, and over 55dB in some instances, no objections are raised. All the rear gardens are under the Significant Observed Adverse Effect Level (SOAEL) of 60 dBLAeq.

### Contaminated Land

7.3 No objections, subject to conditions.

### Landscaping

7.4 Requested greater standoff distances of the retained hedgerow, as a positive setting for the development, to the rear garden of the properties located on the eastern side of the development, to allow for future growth of the hedgerow and reduce possible pressure on it in the future. Revised plans have been submitted to address this concern.

### Nature Conservation

7.5 No objections. Recommend conditions which relate to Construction Environmental Management Plan (CEMP:Biodiversity) and a Biodiversity Enhancement & Management Plan (BEMP). The existing hedgerows should not be cut below 2.5m in height.

### Flood Risk Management

7.6 The FRA acknowledges that there are significant problems with flooding within the catchment, in particular at Old Close, which is located approximately 0.5 km downstream of the proposed development. Engineers in Mains Drainage have requested S.106 contribution from the developer in the order of about £39,000, to pay for enhanced protect level flood protection measures at this location.

### Yorkshire Water

7.7 No objections subject to conditions.

### Public Rights of Way

7.8 The applicants have stated that Public Footpath No.31 Morley will need to be diverted. However, looking at the plan provided this would not seem to be necessary. Where the new access road crosses the right of way drop curbs or something similar would be advisable with regards to public safety.

### Highways

7.9 The proposal is to serve the 46 dwellings off a single point of access by extending New Village Way. This would result in more than 300 dwellings being served off a single access road which is contrary to the SDG and normally a second vehicular access would normally be required for more than 300 dwellings. It is however noted that the road layout pre-dates the SDG. The current spine road width and alignment with a verge would permit up to 700 dwellings based on the SPD were it not for a lack of a second access. One of the main reasons for the 300 limit is that it restricts access in the event of any blockage on the road. At this location, the existing development has loops off the spine road that would allow traffic to bypass around a blockage. Therefore there is no objection on highway. Recommend conditions if minded to approve.

### West Yorkshire Combined Authority

7.10 It is recommended that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The contribution appropriate for this development would be £28,260.10 for Metro Cards at a 40% discount for future occupiers and £10,000 to install a new 'live' bus information display at Bus Stop number 10325 on Cottingley Drive.

### West Yorkshire Archeology Services

7.11 The WYAAS have reviewed the Archaeological Desk Based Assessment and agree that the site has currently no apparent significant archaeological potential. Therefore we do not consider any further archaeological evaluation to be necessary.

### West Yorkshire Police

7.12 This area has experienced higher than average recorded crime figures. Burglary through lock snapping and vehicle crime have been the two most recorded. However on having looked over the plans the layout looks good from a crime prevention aspect and security measures regarding lock types and lighting are recommended.

### Local Plans

7.13 No objection in principle. The site is not in the green belt and can be brought forward as a windfall site. The Core Strategy allows for such sites to come forward under policy H2, subject to criteria, which are unallocated. (An assessment against Policy H2 is undertaken in para 10.2 of this report). Provides a significant contribution to the Council's housing land supply.

### Education

7.14 It is estimated that 46 family dwellings (2+ beds) would generate 12 additional primary school age children and 5 secondary school pupils. This would equate to approximately 2 pupils per year group in primary and 1 per year group in secondary.

## Design

- 7.15 Colleagues in SDU design have raised some concerns which relate to tight spacing between blocks, and massing of the blocks which face towards the M621. Have raised design concerns on the design of the 'Longford' house types, and the tapered gardens suggest they may not be a usable private amenity on Plots 5 to 7, 36 to 39. They have also raised issues on the lack of clarity on retaining walls within rear gardens, and how useable these gardens would be. (Persimmon have confirmed these retaining walls are 600mm high). SDU have however stated the scheme has some positive elements such as the fact the house designs are simple clear designs. It is positive that the windows have 'soldier course' heads to some of the windows (mainly ground floor and gables). It is also positive that the windows are of a decent proportion and with vertical alignment. The 'sash' windows are also positive.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The western part of site A is included in the UDP housing allocation for the Sharp Lane (now New Forest Village) development to the north. The remainder of site A, and sites B and C, are unallocated in the development plan.

### Relevant Policies from the Core Strategy are:

GENERAL POLICY – Presumption in favour of sustainable development  
SP1 – Location of development in main urban areas on previously developed land.  
H2 – Housing development on non-allocated sites.  
H3 – Housing density  
H4 – Housing mix  
H5 – Affordable housing  
H8 – Provision for independent living on schemes of 50+ units  
P10 – High quality design.  
P12 – Good landscaping.  
T2 – Accessibility.  
G4 – Greenspace  
G8 – Biodiversity improvements.  
EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m<sup>2</sup> of floorspace  
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m<sup>2</sup> of floorspace.  
EN5 – Managing flood risk.  
EN7 – Protection of mineral resources (coal, sand, gravel).  
ID2 – Planning obligations and developer contributions.

### Relevant Saved Policies from the UDP are:

GP5 – General planning considerations



N23 – Incidental open space around development.

N25 – Landscaping

BD5 – General amenity issues.

LD1 – Landscaping

Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

MINERALS3 – Surface Coal resources

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER4 – Effect of proposed development on flood risk.

WATER6 – Provision of Flood Risk Assessment.

WATER7 – No increase in surface water run-off, incorporate SUDs.

LAND1 – Land contamination to be dealt with.

LAND2 – Development should conserve trees and introduce new tree planting.

Draft Site Allocations Plan

- 8.4 Leeds' draft Site Allocations Plan (SAP) was subject to public consultation in autumn 2015. The Council is currently in the process of reviewing responses received from the consultation process and some revisions have been made in the light of these. The draft SAP is material to the consideration of the application, however as the draft is subject to further potential revisions and, ultimately, to final publication and examination before its adoption, the weight that can be given to it remains limited at this stage.

Supplementary Planning Guidance and Documents

- 8.7 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds

Street Design Guide SPD

Parking SPD

Travel Plans SPD

Sustainable Construction SPD

National Planning Policy

- 8.8 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.
- 8.9 The introduction of the NPPF 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. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Nationally Described Space Standards

- 8.10 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage.

## 9.0 MAIN ISSUES

1. Principle of development
2. Space standards
3. Noise Issues
4. Design, Layout and Appearance
5. Impact on Adjacent Occupiers
6. Highway
7. Greenspace
8. Landscaping
9. Education and GP provision
10. Drainage
11. Planning obligations and legal agreement
12. CIL
13. Crime Prevention
14. Other issues

## 10.0 APPRAISAL

### Principle of development

- 10.1 The proposal is considered to comply with policy H2 of the Core Strategy which is concerned with new housing upon unallocated sites, which states new housing on unallocated land is considered acceptable in principle, when the proposal does not conflict with Green Belt policy, does not have intrinsic value as amenity space or recreation, accord with accessibility standards and does not exceed the capacity of transport, education and health infrastructure. This policy goes on to state that in addition, greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or may be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.
- 10.2 The application site is greenfield land and is not located within the Green Belt. Local Plans have not objected to the principle of development stating that the site relates to the existing housing estate, and is located close to a train station which would make it a suitable housing site, and have raised no objections to the principle of development. However there is a public right of way through the site and it could be considered to contribute to recreation from the point of view of walkers although it would have views of a motorway on one side and views of housing on the other, and therefore is not considered to be of particularly high value. The fact the site was rejected by elected Members as an allocated Housing site through the Site Allocations process, does not automatically mean the principle of developing this site is unacceptable or fails to meet with adopted planning policy regarding new

build housing schemes. Policy H2 allows for housing on windfall sites such as this, which lie outside of the Green Belt.

- 10.3 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations, Sustainable locations, Preference for brownfield and regeneration sites, the least impact on Green Belt purposes, 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, the need for realistic lead-in-times and build-out-rates for housing construction, the least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation, and Generally avoiding or mitigating areas of flood risk.
- 10.4 In response to these considerations, it is considered that the proposal is located in a sustainable location, as an extension to a main urban area, which is already served by local amenities and public transport. Spatial Policy 6 does express a preference for brownfield and regeneration sites and it is accepted that this site is Greenfield and it is not a regeneration site. However, it is accepted that neither application of Policy SP1 above, and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. Moreover, the site is not within the Green Belt land such that there is no impact in this respect. With regard to design (iv), this is assessed fully in the report below but the scheme is now considered to reinforce the character of the adjacent neighbourhood. In terms of construction (v) the applicant has advised that should the site secure planning permission, they would look to start on site in January 2017 weeks after pre-commencement conditions were discharged, (assuming approval at this Panel). The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are addressed in the report in paras 10.27 and 10.32, but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.
- 10.5 Policy H3 of the Core Strategy recommends a density of 35 dwellings per hectare. This scheme works out to a density of 23 units per hectare. Given the proximity to the M621 motorway and the need to leave an area of land undeveloped to provide a noise buffer, it is not considered a higher density could be achieved on this site. Issues relating to spacing and layout are discussed later in this report.
- 10.6 It is considered that the proposal is acceptable in principle, subject to an assessment against all normal development control considerations. The main issue with regard to this application is the need to provide an adequate level of noise upon the site for the future occupiers of the development and whilst ensuring the layout is of a good design.

#### Space Standards

- 10.7 In terms of the Nationally Described Space Standards, the table below provides a breakdown of the property types with a comparison between the proposed floor areas and the NDSS recommendations:

House Type	No. of units	% of units	Type of property	Proposed floor area	NDSS (m <sup>2</sup> )	Difference (m <sup>2</sup> )
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				(m <sup>2</sup> )		
Alnwick	5	10.9	2 bed 2 storey	58.6	70	-11.5
Shilden	8	17.3	3 bed 2 storey	87.8	84	+3.8
Hanbury	5	10.9	3 bed 2 storey	70.7	84	-13.3
Souter	4	8.7	3 bed 3 storey	86.6	90	-3.4
Stafford	4	8.7	3 bed 2 storey	84.4	84	+0.4
Hatfield	5	10.9	3 bed 2 storey	90	84	+6.0
Roseberry	2	4.3	4 bed 2 storey	101.8	97	+2.3
Chedworth	4	8.7	4 bed 2 storey	113.5	97	+9.8
Lumley	1	2.2	4 bed 3 storey	113.3	103	+10.0
Longford	6	13.0	4 bed 2 storey	115.1	97	+18.1
Winster	2	4.3	4 bed 2 storey	118.5	97	+21.5

**Table 2:** House types and floor areas compared to NDSS

- 10.8 It is accepted that many of the properties (14 in total) do not meet the recommended minimum internal spacing standards; these are the smaller 2 and 3 bed properties. This equates to 30.4% of the dwellings proposed. However it is considered that these properties do have a good level of amenity being dual aspect and having clear outlook, high levels of natural daylight, and a good degree of privacy.
- 10.9 All of the 4 bed houses meet with the minimum spacing standards, along with some of the 3 bed properties. Although Leeds is seeking to adopt the national standards as part of the development plan and whilst this is a material consideration, this process is still at a relatively early stage and the weight that can be attached to the standards is limited at present. All of the houses would have good levels of separation (with the exception of the properties nearest the M621), outlook and external amenity space. In the light of the above, and the fact consent has been granted within Leeds for identical house types, and the relatively limited weight that can be given to the NDSS at this stage, it is considered on balance that the proposals are acceptable and that refusal of the application on these grounds would be difficult to justify.
- 10.10 Concerns have been raised that Social Registered Landlords (RSL's) may not take on, the 7 affordable units on site, due to the fact they do not meet with the National minimum spacing standards. The units which are to be affordable are the Alnwick and Shilden house types. Persimmon has confirmed that Leeds Federated Housing Association have recently taken on the Alnwick house types on other Persimmon schemes including the Rowans, Robin Hood, Daisyhill in Morley, and Woodlands in Whinmoor. Leeds Federated Housing Association have also confirmed, that in principle they would have no objections or concerns to taking on the affordable properties on this development.

#### Noise Issues

- 10.11 The BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, offers advice on acceptable noise levels. This legislation is technical advice and not adopted as planning policy. With regard to noise in private external amenity areas, Section 7.7.3.2 within BS 8233 specifies that it “is desirable that the external noise level does not exceed 50 dBLAeq,T with an upper guideline value of 55 dBLAeq, which would be acceptable in noisier environments”. However, BS8233 recognises that these guidelines values “are not achievable in all circumstances where development may be desirable.
- 10.12 In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”. Significant Observed Adverse Effect Level (SOAEL), which is defined as the level *which significant adverse effects on health and quality of life occur*, is set at 60 dBLAeq.
- 10.13 The site is located adjacent to the M621 motorway which lies to the west of the site. The previous application was refused due to the modelled noise levels within the rear gardens of 16 of the properties (which were over 55dB). In order to overcome this, the applicants have revised the layout to increase the buffer/ open green which lies between the properties located on the western edge of the site and have amended the siting of the properties to effectively provides a ‘build physical barrier’ to create a noise barrier. This results in a lower maximum dB in most rear gardens (by 1 or 2 dB at its peak, when compared to the previously refused scheme), and decreases the number of properties whose noise levels are over 55dB by one (15 in total) as more properties are located along the western boundary of the site, to create a noise buffer.
- 10.14 However the noise limit exceeds 55dB on 15 plots, the noise levels within all gardens are predicted to fall below the Significant Observed Adverse Effect Level (SOAEL) of 60 dBLAeq. On balance, it is considered that the noise levels upon the site for the future occupiers would be considered acceptable. Environmental Health Officers have raised no objections to the proposal on this basis. Other recent developments within Leeds such as the Strada development at Colton, and a Persimmon scheme at Robin Hood have a similar relationship and distance to the motorway. The future occupiers of the development would know the environment of the site, its surroundings, and would make their own judgement, prior to purchase as to whether the development provided them with an adequate level of noise and general amenity.

#### Design, Layout and Appearance

- 10.15 The design of the proposed scheme has been devised to ensure noise levels within the rear gardens of 31 properties are within the BS upper limit of 55dB, to give the future occupiers of the development an adequate standard of amenity within their rear gardens. In order to achieve this, it means the properties Plots 4- 10 and Plots 36- 46 are spaced very close together in tight clusters, only 1m apart in some instances.
- 10.16 This minimal amount of spacing, is contrary to the advice of the adopted SPG ‘Neighbourhoods for Living’. However there is clear reasoning for this approach. Given the very tight spacing between some plots, it has been considered very important to ensure a good transition between the properties in terms of their height

and elevation treatments, to ensure the transition in the heights is gradual.

Amended plans have been received which lowers the height of some properties to achieve this transition and to reduce massing, and ensure a smoother transition in the different properties heights and create interest.

- 10.17 The properties within the site, which are located away from the western end of the site nearest to the M621 are located within increasingly spacious plots with a greater degree of separation between the house types. The dense form of development only exists towards the boundary with the M621 motorway. It is considered the spacing of these properties meets with the minimum guidance and design advice of the adopted SPG 'neighbourhoods for Living' with regard to layout, spacing and garden areas. Most of the properties have gardens areas which meet the 2/3 gross floor space rule of the internal accommodation. The property types which fail on this guidance are the Shilden types (which are arranged in a cranked block). The properties located along the boundary with May Avenue have gardens areas which are over this guidance in size. The properties which are sited close together facing onto the M621 (to create a noise buffer) have parking located to the front of these properties. These frontages are broken up by areas of soft landscaping to avoid a hard sterilised, car dominated environment. A duty to retain these area of soft landscaping will be conditioned on the approval of the application.
- 10.18 The proposed properties are standard Persimmon house types, which vary in the design, and include detailing such as string courses, and artstone heads and cills. The site is not considered to be to be located in a sensitive location; it is located at the end of Churwell New Village estate, which comprises of modern properties which were built in the early 2000's. These properties vary in style, design and height from 2 to 4 storeys, although it is noted the properties located nearest to this site on May Avenue are 2 storeys in height (with the exceptions of plots 18 and 19) which are 2 ½ storeys in height). It is considered that the development generally respects the appearance and character of the development it will adjoin.
- 10.19 It is noted that some of the properties proposed are 3 storeys in height, with integral garages. There are only 4 of these units proposed, out of a total of 46. It is not considered that the development would have long expanses of 'dead; frontages which lack surveillance. These types of properties are located adjacent to 'traditional' 2 storey properties which have glazed windows on both levels. On balance, it is considered that the design of the proposal, although has it weakness, is acceptable and provides a solution to protect occupiers from excessive noise generated by the adjacent M621 motorway. The site is not considered to be a sensitive location and is not located within an existing townscape, or an in-fill site within an existing street scene. The proposal essentially seeks to extend an existing suburban housing development, towards the motorway, which acts as a definite boundary to contain this settlement. Any minor concerns which relate to the design/ layout of the scheme are considered to be outweighed by the benefits of the delivery of new housing, which is afforded significant weight. In order to provide a acceptable level of amenity for the occupiers some compromise has to be made in respect of layout.

#### Impact on Adjacent Occupiers

- 10.20 The properties located at numbers 2, 4, 6, 8, 10, 14, 16, 18, 20 and 22 May Avenue have their rear gardens boarding onto the eastern boundary of the site. These properties are located between 22.2m and 29.1m from the proposed development, where the relationship is defined as 'rear to rear'. This meets with the guidance of the adopted SPG Neighbourhoods for Living, which recommends a minimum

distance of 18m in such instances. An existing hedgerow which lies behind these properties on this application site is to be retained. Revised plans have been received which increases the clearance from the proposed development to this hedgerow.

- 10.21 Plots 1 and 15, have their side elevation facing towards May Avenue, and are located approximately 6m from the boundary with the properties located opposite on May Avenue. It is considered this distance is adequate to ensure the properties would not appear over-bearing or create significant levels of over-shadowing on the occupiers of no's 8 and 10 May Avenue. The adopted SPG 'Neighbourhoods for Living' advises a distance of 2.5m between the side elevation and boundary of a property. It is not considered the proposal would result in significant levels of over-shadowing or over-looking on these properties.
- 10.22 The property at number 22 May Avenue, is located in an angled position, with its front elevation facing north-east. The side elevation of plot 22 faces towards the rear boundary of this property. At its closest point, the distance between these properties is 17.2m. This relationship is defined as 'side to rear' and the adopted SPG 'Neighbourhoods for Living' recommends a minimum distance of 12m in such instances. It is considered that the house types have been carefully designed in relation to their position within the site in view of land levels and the relationship with the properties located on May Avenue. The application is supported by full sectional drawings showing streets scenes and land levels. There is no objection to Plots 18 and 19 being 2 ½ storey in height given the fact they are located approximately 28m away from the 2 storey dwelling located opposite on May Avenue.
- 10.23 The existing hedging and vegetation which lies along this boundary, which is within the ownership of the applicant is to be retained and this is shown on the submitted plans. This will be conditioned on the approval of the application. Although these properties will lose their view of green fields, this is not a material planning consideration. Due to the distances involved, it is not considered the occupiers of the properties located on the western side of May Avenue would be over-shadowed by the development or be over-looked by the properties proposed. It is not considered the traffic generation caused by 46 new dwellings through the New Village estate would have a demonstrable detrimental impact on the living conditions of the occupiers who presently reside there.

#### Highways

- 10.24 The 2009 Street Design Guide SPD (SDG) states that a 6m wide Connector Street with a verge or hard margin should be provided when serving more than 300 dwellings. New Village Way meets this requirement. The proposal is to serve the 46 dwellings off a single point of access by extending New Village Way. However, this would result in more than 300 dwellings being served off a single access road which is contrary to the SDG. A second vehicular access would normally be required for more than 300 dwellings. It is however noted that the road layout pre-dates the SDG. The current spine road width and alignment with a verge would permit up to 700 dwellings based on the SPD were it not for a lack of a second access. One of the main reasons for the 300 limit is that it restricts access in the event of any blockage on the road. At this location, the existing development has loops off the spine road that would allow traffic to bypass around a blockage. Therefore there is no objection to the principle of 46 new dwellings being located off the existing spine road.

- 10.25 It is noted that the proposal doesn't meet with all the accessibility standards, as set out in Table 2 of Appendix 2 of the adopted Core Strategy. The nearest bus stops to the site are located on Cottingley Drive and the A643 Elland Road, at a walking distance of approximately 1120m and 800m respectively from the site. Bus services on Cottingley Drive offer a service frequency of 3 buses per hour. This is over the recommended walk distance of 400m to a bus stop. The site is however located within 400m of Cottingley rail station, which is within the recommended walking distance of 800m to a rail station. Given the location of this site, and proximity to the Ring Road and M621, it is considered that the proposed development will appeal to people who want to live close to these roads networks. It is not considered the distances of the bus stops to the site, warrants grounds alone to refuse the application.
- 10.26 Highways have raised no objection to the level of parking within the development, it is considered this level of parking is appropriate for suburban dwellings of this size, within this location. The properties with integral garages have internal dimensions of 3m x 6m, and therefore can be used as a parking space. PD rights will be removed on the approval of this application to ensure these garages are not converted into additional residential accommodation.

#### Greenspace

- 10.27 The proposed layout includes on-site Green Space, resulting in a total of 4736 sq m. Following the advice of Policy G4 of the adopted Core Strategy which states on-site provision should equate to 80 sq m per unit, the scheme should deliver 3,680 sq m of green space. The proposal equates to provision at 129%, however it is not considered that all of the on-site green space would be useable to its proximity to the adjacent M621 motorway. It is however considered that the area which is not useable green space is less than 29% of the provision and therefore the proposal does follow the policy guidance of G4.

#### Landscaping

- 10.28 The site offers a large area for open green space and landscaping. A full landscaping scheme will be conditioned on the approval of the application. It is considered that a full programme of planting mature trees along the western boundary of the site, adjacent to the M621 motorway would enhance the quality of the development, as well as providing an element of relief, both visual and in terms of noise, from the adjacent motorway.
- 10.29 The Nature Conservation officer has recommended several conditions which will be imposed on the approval of the application. These include enhancements to include extending a native hedgerow northwards along the western boundary and managing this native hedgerow to achieve a tall hedge that is not cut below 2.5 metres and only cut every two years (or allowed to attain full height with berries left over-winter). These locally valuable ecological features will be protected and enhanced through conditions which relate to a Construction Environmental Management Plan and Biodiversity Enhancement Management Plan.

#### Education and GP provision

- 10.30 Concerns have been raised regarding the implications of the proposed development for education provision. Colleagues in Education have stated that they estimate that 46 family dwellings (2+ beds) would generate 12 additional primary school age children and 5 secondary school pupils. This would equate to approximately 2 pupils per year group in primary and 1 per year group in secondary.



- 10.31 There are two schools within the vicinity of the proposed development, Churwell Primary School is the nearest primary school to the site and Cottingley Primary Academy is located within one mile of the application site. Churwell Primary is consistently oversubscribed and is projected to be close to capacity until 2020/21, current projections indicate a maximum spare capacity of 4 places each year. Cottingley Primary has more children living nearby than it has available places and is projected to be full every year until 2020/21 with no spare capacity. This school is expanding by 15 places from 2017 to help it respond to immediate pressure for places in the area.
- 10.32 Secondary projections in the south of the city indicate that additional places are required to meet existing demand from 2017. Education has stated they are no current schemes to expand existing secondary provision in the area, and that they are aware that additional places are required to meet existing demand. In order to address this, a planning meeting with local head teachers has been arranged (in mid-November) to discuss and hopefully agree potential solutions to help manage pressure from 2017 onwards. A verbal update on this matter will be provided at the Panel meeting. The developer is paying the full Community Infrastructure Levy CIL contribution and this will allow for funds to increase both primary and secondary education provision, to meet the demands of a growing population.
- 10.33 Concerns have also been raised about the capacity of GP surgeries in the area and the potential implications of the proposed development in this respect, and the Public Health section and the NHS Clinical Commissioning Group (CCG) for the area have been contacted in this respect. The CCG have stated that the nearest GP practice (Cottingley Surgery) has an open list but it should be taken into consideration that this is single handed practice with limited premises capacity. However the site is just on the border between Leeds South & East and Leeds West CCG and many people may decide to travel up to Morley to register with a practice within Morley. The CCG also have stated that it is likely that a percentage of the future occupiers of the development would be local people moving up the housing ladder who are already registered with a practice locally.

#### Drainage

- 10.32 The FRA acknowledges that there are significant problems with flooding within the catchment, in particular at Old Close, which is located approximately 0.5 km downstream of the proposed development. This issue is existing and is not a consequence of the development. As such officers cannot request a financial contribution through a S106 agreement to part fund improvements at Old Close. Any drainage improvements would have to be covered by the CIL payment. Engineers in Mains Drainage have recommended conditions will also be imposed on the approval of the application, which will include a duty to submit summary calculations and investigations, detailing the surface water drainage works.

#### Planning obligations and legal agreement

- 10.33 It is intended that the application will be supported by a legal agreement to cover the following matters:
- Affordable housing – 15% (7 units) on-site. Plots 30-32 and 36-39.

- Sustainable Travel Fund (to be used for the provision of Residential Metrocards) -
- Local employment.
- Maintenance of on-site green space

10.34 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

### CIL

10.35 The site is within CIL zone 2a (£45/m<sup>2</sup>). Based on the floorspace currently proposed and discounting the affordable units, which would be eligible for CIL relief (subject to the submission of the appropriate documentation), the CIL requirement for the development would be £201,984.75.

### Crime prevention

10.36 The police architectural liaison officer (ALO) has been consulted on the proposals and has advised that the layout is considered acceptable from a crime prevention perspective. A number of suggestions have been made in relation to the design of various aspects of the houses themselves, boundary treatments etc, and these have been drawn to the developer's attention.

### Other issues

10.37 Permitted Development rights are to be removed from Plots 4-7 and 22-46. This is due to the fact these properties are located in close proximity together and have garden areas which are modest in size. Exercising PD rights on these properties may cause amenity issues on adjacent occupiers in terms of dominance and over-shadowing as well as lead to issues with over-development. PD rights will also be removed on converting garages into habitable accommodation as well as losing parking spaces, as stated in paragraph 10.24, this would also harm the patterning of openings upon the development, particularly on the terraced block of properties.

10.38 Many of the objections received relate to the loss of green space and loss of view. The site is private land and is not publically accessible green space. The applicants could restrict access to the land, regardless of this application. The loss of a view is not a material planning consideration. It is important to note that the Churwell New Village Development is a modern housing development which was built in the early 2000's and prior to this, was green fields.

## **11.0 CONCLUSION**

11.1 The application site presents challenges due to its proximity to the M621 motorway and the levels changes. It is considered that on balance the proposed scheme represents an acceptable solution, in terms of its layout and design to offer an element of protection from this noise source to its future occupiers, although it has

areas in terms of spacing/ design which are comprised, and this is recognised. The scheme does however offer generous areas of landscaping and greenspace and is adequately spaced away from the existing properties on May Avenue, to ensure the proposal would not have a significant impact on the occupiers of these existing properties.

- 11.2 The schemes offer other benefits, its provided new housing which will contribute towards the requirements of housing delivery of 70000 new homes as required by policy SP6 of the adopted Core Strategy, offer full affordable housing contribution, green space provision, and CIL contributions. It is considered these benefits; outweigh any harm caused by the development. On balance, it is therefore recommended that the application is approved, subject to the suggested conditions and completion of a legal agreement to cover the obligations discussed above.

### **Background Papers**

Application Files: 16/03676/FU and 16/03675/FU

Certificate of ownership: Notice served on Margaret Gaythorpe



SCHEDULE OF ACCOMMODATION

House type	Total
Alnwick 2 Storey 2 Bed Semi Detached	5 No.
Hanbury 2 Storey 3 Bed Semi Detached	5 No.
Stafford 2 Storey 3 Bed Detached House	4 No.
Souter 2.5 Storey 3 Bed Semi Detached / Terrace	4 No.
Hatfield 2 Storey 3 Bed Detached House	4 No.
Shilden 2 Storey 3 Bed Terraced House	8 No.
Roseberry 2 Storey 4 Bed Detached House	2 No.
Chedworth 2 Storey 4 Bed Detached House	4 No.
Lumley 2.5 Storey 4 Bed Detached House	2 No.
Longford 3 Storey 4 Bed Terraced/Semi House	6 No.
Winstar 2 Storey 4 Bed Detached House	2 No.
<b>Total</b>	<b>46</b>

- Rev P - 06.10.16 - CJB  
• Plot 40 amended from Hatfield to a Lumley
- Rev N - 29.09.16 - SAC  
• Hipped removed from Longfords, Plot 40 switch back to Hatfield following discussion with planner. Highway comments added.
- Rev M - 15.08.16 - CJB  
• Longfords amended to Hipped roof as per planners request
- Rev L - 01.08.16 - SAC  
• Plots pulled from existing hedge, 8-10 & 40 - 44 adjusted for levels/streetscapes
- Rev K - 02.06.16 - DRH  
• Rear access removed for plot 5 and bin store added to the front
- Rev J - 27.04.16 - DRH  
• Layout revised following engineering appraisal.
- Rev H - 09.02.16 - DRH  
• Layout revised following refusal, based on SK10 sketch layout.
- Rev G - 02.12.15 -  
• Layout amended following internal discussions and meeting with planning officer.
- Rev F - 17.06.15 - CJB  
• Plot 13 handed  
• Utility door omitted to plot 43 in line with engineering levels  
• 2.1m high close boarded timber fence added to southern boundary of plots 14-18 & 34
- Rev E - 02.06.15 - CJB  
• Separation between plots 38 & 39 increased to 2m as per Planners comments
- Rev D - 26.05.15 - CJB  
• Mix amended  
• Turning head added  
• Block & Garage sizes reviewed
- Rev C - 14.04.15 - CJB  
• Layout revised following internal discussions
- Rev B - 23.02.15 -  
• Layout amended following Noise feasibility report.
- Rev A - 02.01.15 -  
• Layout amended following internal discussions and Noise feasibility report.

- KEY:**
- DENOTES 2100 HIGH CLOSE BOARDED ACOUSTIC FENCE
  - DENOTES 1800 HIGH CLOSE BOARDED FENCE
  - DENOTES 1500 HIGH CLOSE BOARDED FENCE
  - DENOTES 1800 HIGH SCREEN WALL / FENCE
  - SHARED SURFACE BLOCK PAVING
  - TURF PLANTING AREA
  - PROPOSED TREES
  - DENOTES LINE OF EXISTING HEDGROW TO BE CUT BACK
  - \* DENOTES AFFORDABLE UNITS

- FOR FULL LANDSCAPE DETAILS SEE LANDSCAPE ARCHITECTS PLANS
- PARKING SPACES TO BE 5m X 2.5m
  - ALL DRIVEWAYS ARE A MIN OF 5.6m LONG
  - SINGLE DRIVEWAYS ARE 3m WIDE
  - DOUBLE DRIVEWAYS ARE 6m WIDE

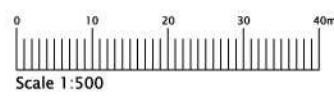
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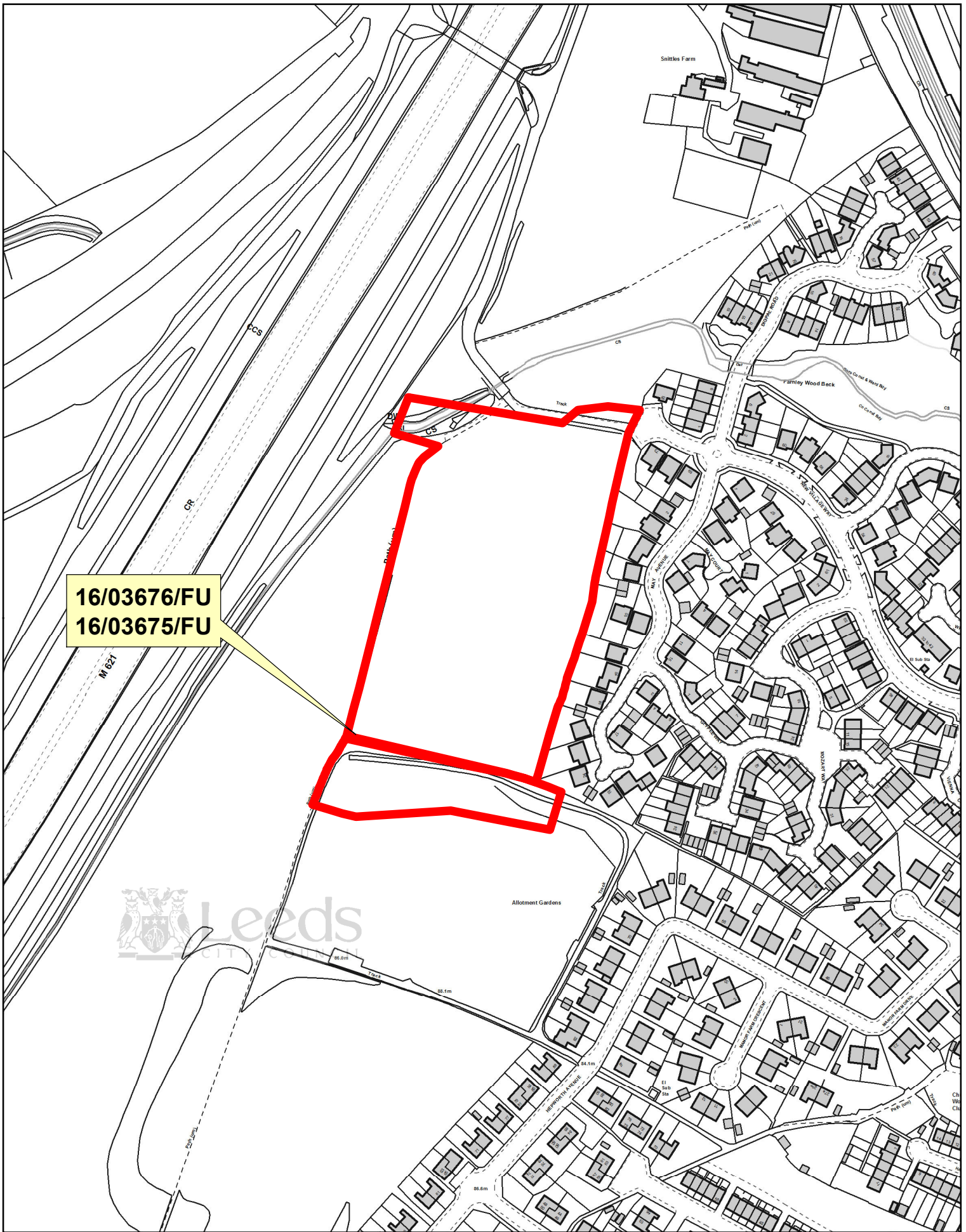
Land off New Village Way,  
Churwell

Planning Layout

Drawing No.	CH-2014-01P
Scale	1:500 @ A2 JUN 16
Drawn By	DRH
Checked By	SAC







# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500

