
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 16th March 2017

Subject: Planning Application 16/02988/OT - Outline planning application for residential development of up to 550 dwellings including means of access on land at Lane Side Farm, Victoria Road, Churwell, Morley

APPLICANT

Persimmon Homes West
Yorkshire and Priestgate
Morley Limited.

DATE VALID

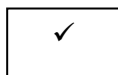
19th May 2016

TARGET DATE

31st March 2017 (PPA)

Electoral Wards Affected:

Morley North



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. An Off site Highway Works contribution of £1.5M;**
- iii. Reservation of a parcel of land of no less than 1.8 hectares to accommodate the provision of a new two form entry primary school and should it be required, the provision of the new school on the application site or, alternatively, within the catchment of the site to be delivered prior to the occupation of the 241st dwelling;**
- iv. Public open space on site of the size to comply with Core Strategy Policy G4;**
- v. Provision of a Sustainable Travel Fund of £338,167.50;**
- vi. Improvements to two bus shelters (ref 11354 and 10328) to provide for an upgrade to have real time passenger information displays to the sum of £40,000;**
- vii. Travel Plan Review fee of £4,750.**

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 Masterplan to a maximum of 550 dwelling.
5. Samples of walling, roofing and surfacing material to be approved.
6. Existing and proposed levels
7. Details of means of enclosure.
8. Details of bin stores.
9. Retention of existing hedgerows and trees and any removal to be agreed;
10. Landscape scheme to include details of buffer planting.
11. Implementation of landscape scheme
12. Landscape management plan.
13. Biodiversity enhancement condition.
14. Method statement for the control of Himalayan Balsam and Japanese Knotweed.
15. Lighting details
16. Details of drainage infrastructure and balancing pond.
17. Feasibility study into the use of infiltration drainage methods.
18. Details of surface water drainage.
19. Method statement for interim drainage measures.
20. Travel Plan
21. Access roads and car parking to be complete prior to first use.
22. Cycle provision.
23. Footpath connections
24. Statement of construction practice.
25. Contamination reports and remedial works.
26. Unexpected contamination.
27. Verification reports.
28. Soil importation condition

- 29. Details to achieve 10% of energy needs from low carbon energy.
- 30. Electric vehicle provision.
- 31. Details of site access including relocation of the bus stop and infrastructure (s278).
- 32. Details of emergency vehicle, pedestrian and cycle access from Broad Oaks farm.
- 33. Details of pedestrian and cycle access from Mountcliffe View and Daisy Hill Avenue.
- 34. Details of the farm access control gates to be submitted and approved.
- 35. Details of the diversion of Footpath 37 off the access track and through the open space.

1.0 INTRODUCTION

- 1.1 This outline planning application is presented to Plans Panel on the basis that the application site is identified as a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP) and as a Phase 2 site within the Pre-Submission Draft Site Allocations Plan (SAP). A request for this application to be determined by Plans Panel was also submitted by Councillor Finnegan given the nature and scale of the proposal, which may be considered to impact wider than immediate neighbours.

2.0 PROPOSAL

- 2.1 This application seeks outline planning permission for the residential development of a 24.02 hectare site to deliver circa 550 dwellings that will provide a combination of 2, 3 and 4 bedroom units comprising a mixture of terraced, semi-detached and detached dwellings. **The outline application seeks to consider the principle of development and the means of access into the site only.** Matters of site layout, the appearance of the dwellings, the scale of development and the landscaping of the site (the Reserved Matters) are reserved for future consideration and accordingly, such matters do not form part of the assessment of this application.
- 2.2 The application is supported by a Design and Access Statement and an illustrative plan, which indicates that the site can accommodate up to 550 new homes (maximum). This maximum number of dwellings forms the basis for the assessment of this proposal.
- 2.3 Means of access is defined within the Town & Country Planning (General Development Procedure) Order 2015 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.
- 2.4 In this case, a single vehicular access to the site is proposed from Victoria Road. This primary access is located towards the south-west corner of the site onto Victoria Road. It comprises a standard junction with a right turn lane from Victoria Road into the site and a 6.75 metre width carriageway within the site that is widened to 7.3m for the initial length from Victoria Road. In terms of pedestrian access, there is an existing Public Right of Way through the site (Morley Footpath 37) from Victoria Road, which runs along the existing farm track to Broad Oaks Farm, to be retained as part of this proposal and incorporated within a landscaped corridor. Additional pedestrian and cycle access points are proposed via Daisy Hill Avenue and Mountcliffe View.
- 2.5 **All other details pertaining 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.**

- 2.6 The indicative layout indicates that the residential development will be constructed in three blocks around a primary access route that runs throughout the site, which then provides access onto smaller roads and cul-de-sacs. One linear block runs adjacent to the southern boundary of the site to the rear of dwellings on King George Avenue and Daisy Hill Avenue; this is separated from the main central block of housing by a green corridor that sits beneath the existing pylons that run across the site. The third and smallest section of housing is positioned along the northern boundary of the site to the rear of dwellings on Harwill Croft, from which it is segregated from the main area of housing by another green corridor. This green space runs alongside a secondary emergency access route that comprises an existing track, which serves as an access to Broad Oaks Farm and it is also a public right of way. This public right of way continues eastwards towards the White Rose Centre. A further area of open space is positioned in the northeast corner of the site to the rear of dwellings on Harwill Rise. The Design and Access Statement advises that of the 24.05 hectares, 15.54 hectares is the developable area with 3.64 hectares of open space as well as an additional 1.16-hectare landscape buffer that runs along the eastern most boundary of the site adjacent to the Green Belt. The final 3.69 hectares comprises surface water drainage works, which includes an underground storage tank in the south-east corner of the site and a further attenuation pond to the east, which lies within the Green Belt. The attenuation pond and associated works is the only part of the development to fall within the Green Belt.
- 2.7 The appearance of the houses will be determined at Reserved Matters stage although the submitted Design and Access Statement identifies that design influences will be informed by a contextual analysis of the area, including having regard to the spacing of dwellings, key features such as roof form and specific detailing such as overhanging eaves as well as roof and elevation materials.
- 2.8 With regard to scale, the Design and Access Statement indicates that the development will be predominantly 2-storeys to the formal frontage and green edge parts of the site with the opportunity for 2.5 storeys at key locations, subject to a visual and design assessment that will be required at Reserved Matters stage.
- 2.9 The landscaping of the site will also be determined at Reserved Matters stage although the landscaping strategy outlined within the Design and Access Statement indicates that the objectives of the strategy include the intention to deliver two linear parks and a landscape buffer along the eastern edge of the site to help screen the development from the Green Belt.
- 2.10 To support their submission, in addition to an illustrative Masterplan (which is for illustrative purposes only and would not become an approved plan) the application also includes a Design and Access Statement, Planning Statement, a Landscape and Visual Assessment, a Transport Assessment and Travel Plan, a Flood Risk Assessment and a Phase 1 Ecological Appraisal.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site extends to 24.02 hectares positioned to the east of Victoria Road between the settlements of Morley and Churwell. It is a broadly rectangular plot (excluding the area of engineering works for surface water drainage). To the west/north-west, the site presents a 140 metre frontage directly onto Victoria Road; the red line boundary then runs to the rear of Laneside Farm itself and then to the rear of the detached and semi-detached dwellings that front the western side of Victoria Road for 316 metres. The red line boundary then adjoins the rear boundary

of 6 and 8 Mountcliffe View for 18 metres and the side boundaries of 8 and 11 Mountcliffe View as well as the rear boundary of the All Saints Church for a further 94 metres. The northern boundary extends for 340 metres and runs along the rear gardens of Eastergate, Orchard Lea, the rear gardens of 19-31 Harwill Croft, the side gardens of 6, 17, 38 and 69 Harwill Road and the rear gardens of 75-91 Harwill Rise. Indeed, Harwill Road terminates adjacent to the site boundary between Nos.38 and 59. The southern boundary extends to 431 metres running adjacent to the garden of 138 Victoria Road and 2 George Grove, the rear gardens of 11-55 King George Avenue and 2-6 Daisy Hill Close and the side garden of 36 Daisy Hill Avenue. The main eastern boundary is more fluid in form but covers a distance of circa 450 metres positioned adjacent to the Green Belt.

- 3.2 The site principally comprises agricultural fields that are utilised for pasture and associated with Broad Oaks Farm and the cluster of farm buildings that lie to the east, outside of the red line boundary. It also incorporates a high voltage overhead power line, which runs across it from the southeast to the west, before continuing into the adjoining housing development through Westwood Side.
- 3.3 Topographically, the site falls away from Victoria Road, sloping from a high point at Victoria Road to a lower point on the eastern boundary. The land then continues to fall more steeply to the east of the site towards the railway line.
- 3.4. Located approximately 500m to the east of the site on the other side of the railway line is White Rose Shopping Centre. Pedestrian access is possible via a footbridge over the railway line and this footpath connection will remain as existing.
- 3.5 The site is surrounded on three sides by existing residential development of mixed character. The dwellings that adjoin the site on Victoria Road vary from the stone buildings of Laneside Farm to circa 1930s red brick semi-detached and detached dwellings with front gable and round bay window detailing and more modern bungalows. It is considered that the 1930s post-war house type is the predominant character of the site frontage as it is also evident on the east side of Victoria Road. Further along Victoria Road, towards Mountcliffe View, the houses include some earlier Victorian/Edwardian terraces as well as more contemporary red brick circa 1960s/70s houses. The dwellings on Harwill Court and Harwill Road lie within a contemporary red brick housing estate of circa 1960s/70s comprising mostly two-storey semi-detached dwellings whilst on the opposite side of the site, the houses on King Georges Avenue are of a similar post-War age but mostly red brick bungalows.

4.0 RELEVANT PLANNING HISTORY

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

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant did seek to engage in some pre-application discussions with the Council to determine scoping for the submission of documents although no formal pre-application is recorded.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was initially advertised by means of a press notice in the Yorkshire Evening Post, published on 10th June 2016 as well as site notices and direct neighbour notification letters.

6.2 A total of 917 objection responses were received to the first round of public consultation.

The vast majority of these objections are in the form of a standard template letter, which highlight the following objections:

- a. *The site is a Protected Area of Search Phase 2 site confirmed within the Council's formally adopted Local Plan. Leeds City Council has a 5-year land supply for housing and does not need this land at this point. Any development proposal is premature and the application should be refused on this basis.*
- b. *The application proposes access onto Victoria Road on Churwell Hill. This is already congested at peak times and busy outside peak times. An additional 1000+ traffic movements will lead to greater congestion and increased pollution levels.*
- c. *The site is not sustainable, as it will generate over 130 primary school children and over 30 secondary school children. All primary and secondary schools across the area are full. There are not enough school places locally to accommodate this level of development*
- d. *The site is not sustainable, as the local health centre does not have the capacity to accommodate the additional 2000+ patients this proposal will generate.*
- e. *The site provides a "green belt" between Churwell and Morley and it is the last piece of Greenfield that prevents both communities merging. It also prevents urban sprawl and is a valuable community resource.*

6.3 A summary of the issues raised by the objection letters that have not been submitted on the template are set out below:

1. Churwell is a densely populated area with limited facilities that cannot cope with a further 550 dwellings.
2. Churwell Hill is a narrow road that cannot be widened; it is already constantly congested and could not support traffic from a further 550 dwellings, many of which will have 2 vehicles. There are no alternative routes for drivers to take and the congestion would also affect the ring road at the bottom of the hill. Rush hour traffic often backs up to the top of the hill in the mornings already and onto the ring road in the evenings.
3. It is a Phase 2 site in the Local Plan, which means that it should not be used for residential development until all Phase 1 sites are all used up, which is post 2028.
4. Impact on local green space and infrastructure as local primary schools are full and the local health centre cannot cope with the number of patients this proposal will bring. High schools are also full with several appeals being lodged for children presently in the area. This proposal will bring an additional 137 primary school children and additional 50+ secondary children who cannot be accommodated in local schools. Churwell Hill is also presently congested at peak times and has higher levels of pollution because of this.
5. The air pollution due to traffic will increase.
6. There are too many houses in a small area already and this development would make matters worse.

7. The increased numbers of new residents' vehicles seeking to exit the proposed development onto Victoria Road will be intolerable, especially with the proposal of a staggered traffic light controlled junction nearly opposite Westwood Side. If the development is approved, planners should first consider creating a true crossroads with Westwood Side, and installation of either traffic lights or a mini roundabout.
8. The plans would have a hugely negative impact on the local area and this was clearly highlighted during the Community Involvement consultation. With the majority of any new residents adding significantly to the number of car journeys in the area, a main concern is the additional traffic on the already congested Churwell Hill A643 and A6110. A new traffic signal controlled junction on the A643 would simply make this congestion even worse. Priority should be given to improving the current situation.
9. Public transport is already congested too.
10. The proposed development area is a haven for wildlife, foxes, grouse, sparrow hawks, field mice, curlews to name a few.
11. Green spaces are few and far between.
12. There are plenty of other brownfield sites in Leeds, which could be converted into affordable housing.
13. Leeds 27 has already had its share of recent new builds
14. If each of these houses had £5000 added to their prices, this would raise £27,500,000, which would be used to build a new primary school and a health centre. Also, should there be a second and possibly third road access for the site then additional traffic numbers could be spread.
15. It is a peaceful oasis of green field land surrounded by roads, motorways and other traffic attracting sites e.g. Elland Road the White Rose shopping centre.
16. This is the last area of open green space left on Churwell Hill. The only oasis for wildlife, people and breathing space. This number of houses would produce an overload of people and cars for roads, schools, shops and doctors and high levels of pollution in many forms. The area just could not cope.
17. Concern about increased traffic pollution and associated health impacts. The effect is magnified from a combination of increased traffic (which is already stationary outside the objector's home on a regular basis) and the development resulting in the loss of valuable farm land which can currently help offset the impacts of pollution.
18. Concern about the loss of privacy and a view that no serious consideration has been given to minimising the impact on existing residents with properties that border the site. The proposed properties extend to the very edge of the site with only the minimum required distance separating them from existing properties.
19. The elderly are never considered when new housing is built. Bungalows are needed.
20. The Transport Assessment relies heavily on the suggestion that alternative modes of transport will be readily adopted by future occupiers but there are a number of infrastructure and topographic constraints e.g. steepness of Churwell Hill, which the proposed development does nothing to address.
21. The existing farm access is to be retained for the use of emergency vehicles but there is no comment on how this will be implemented. Also, the proposed development will cross this track twice and what measures will be put in place to stop this ultimately becoming a second access to the site in a location that could not be considered safe.
22. There are red kites in the area and other birds of prey as well as skylarks and lapwings, so the site is important.
23. Churwell Hill (Elland Road/Victoria Road) is at maximum capacity. The figures submitted with this application in terms of traffic counts and capacities of the

road are 'laughable' in the objector's view and warrants independent verification. At peak times, the road is at a standstill and causes knock on effects to the ring road, and the exit from the Millshaw Park. The proposed addition of a roundabout/traffic lights would further adds to this congestion. The only logical solution to this would be a completely new road from the bottom of the site, crossing the railway line and connecting with the back of the White Rose Centre.

24. The reclassification of this land under Leeds CC's development plan made provision for this as a Phase 2 site, which means it should not be touched until all the Phase 1 sites have been developed.
25. The land drains a huge area of rainfall and again, independent checking of the likely flash flood effects on the train line at the bottom of the site should be fully investigated. The proposed solution of a draining reservoir at the bottom of the site brings with it a whole new set of risks and dangers to local children.
26. The development frameworks guidelines for preservation of greenspace have been ignored in the proposal by the developer's own admission as the greenspace is less than required. The development is more than the 12 hectares envisaged in the site allocations list. The developers admit this and do nothing to address it. The greenspace proposed is ugly, being nothing more than two stripes though the development, one mainly filled with pylons.
27. The public rights of way on this site are well used and provide a rare spot of quiet and peace in an increasingly congested area of Leeds. The sight sounds and appreciation of nature such as skylarks and red kites is a vital amenity in terms of health and wellbeing and is also educational. The scale and design of this development would remove this amenity completely.
28. The single access point will not only increase congestion on Churwell Hill but will cause congestion within the development itself, causing noise and air pollution causing the existing residents quality of life to diminish and the loss of the right to quiet enjoyment of their own property.
29. The land on the proposed site is, at the majority of boundary points, higher than the surrounding houses; any development would likely result in overshadowing and loss of visual amenity.
30. Flood risk has not been adequately assessed. The amount of building that has been taking place in the immediate area (e.g. Dairy hill/Daisy Hill Close) has resulted in significant loss of drainage land. It is not clear that the idea of a "reservoir" would prevent flooding, again particularly relevant given the contour profile of the site. Flooding is likely to impact on the quality of life for those at the southern boundary of the site.
31. The land has also been subject to mining over a prolonged period and little is known about the extent of this mining as such this land may be unsafe or cause long-term problems for new buildings despite any work undertaken by developers to try and deal with this.
32. The development will significantly overshadow existing houses in the Harwill Croft area.
33. Leeds Council has overestimated the amount of new homes that are required and they should not allow building on green field sites until brown field has been used.
34. Concerns regarding the proposed new traffic light controlled junction and its adverse effect on the nearby T-junction at Westwood Side. Emerging from Westwood Side turning right onto Victoria Road is difficult at the best of times and extreme difficult at peak times. The proximity of the proposed access to the Laneside development will make matters worse. A possible solution would be to incorporate the Westwood Side junction in the traffic light control system, or to install a double mini roundabout instead of the traffic lights.

35. Traffic congestion (notably the A6110 / Elland Road / Victoria Road / A643) and air pollution are already at levels, which severely impact upon the quality of life of existing communities and residents. This development would only exacerbate already problematic issues.

6.4 As part of the initial consultation, Morley Town Council objected to the application on the following grounds:

'Morley Town Council Members object to this outline planning application on the grounds of this application is a premature application on a Phase 2 site, together with road safety and environmental issue, this application would significantly increase level of traffic and level of pollution on Churwell Hill (Elland Road/Victoria Road). Demand on the infrastructure of the area with schools, doctors and dentists in the area already full. This application would diminish the green 'belt' which separates Morley – Churwell'.

6.5 Following an amendment to the secondary site access, which resulted in a minor modification to the red line boundary, a further consultation of all the residents that had responded to the original application was undertaken. As a result of that second consultation, to date, a further 79 letters have been received, which largely re-iterate the concerns raised above, particularly in relation to infrastructure and traffic, albeit with the following more specific points:

- i. Churwell Primary School is oversubscribed and if this project goes ahead, the small catchment will become smaller and children will be unable to attend their local school;
- ii. This proposal is closer to the three Morley High Schools than Churwell and may push children who live in Churwell into schools in Leeds;
- iii. Traffic on Churwell Hill is a major concern and turning out of Westwoodside would be particularly problematic;
- iv. Are there any provisions for additional doctors or dentists?
- v. The scale of development is out of character with the single layer of housing stretching up the left hand length of Churwell Hill and therefore contrary to paragraph 64 of the NPPF;
- vi. The objector identifies Article 1 and Article 8 of the Human Rights Act in relation to peaceful enjoyment of all possessions and the substantive right to respect for private and family life.
- vii. Air quality and noise issues;
- viii. There is not the infrastructure to support this development.
- ix. The existing junction at Westwoodside is problematic and creating a staggered junction would not assist the situation, particularly as there are no plans for traffic signals.
- x. The houses to the right of the existing farm access have no off-street parking and will part of the road, thus obstructing visibility.
- xi. Traffic dropping off and picking up from Churwell Primary School causes problems at peak times.
- xii. 'Now we are leaving the EU, not as many houses will be needed' and this is a Phase 2 site after all the Brownfield land has been used.
- xiii. The proposed plans show a sub-standards radii on the junction, which will require vehicles to negotiate the entrance at a very slow speed;
- xiv. The proposed visibility splays are optimistic and poor visibility will present a significant hazard;
- xv. There is no evidence that an independent road safety audit has been undertaken;
- xvi. There is very little greenspace left.

- 6.6 Morley Town Council have responded to the second consultation period to confirm their objection to this planning application on the grounds of the impact this access would have on the already congested highway leading to the inner ring road and the impact on the infrastructure of the area.
- 6.7 Ward Members have been consulted on the application. No formal response has been submitted other than a request from Councillor Finnegan that the application be considered by Plans Panel.
- 6.8 Finally, it is noted that the application includes a Statement of Community Involvement, which confirms that the applicant held a public consultation event prior to the submission of this application on 9th March 2016 at Morley Victoria Primary School, which was attended by approximately 160 people. A questionnaire was available at the event, which was completed by 104 residents of which 60% lived directly adjacent to the site and 34% within 1 mile. The consultation event identified a number of issues including highway concerns, visual impact, impact on and the provision of local services (especially education), flooding and drainage, the ecological impact and loss of green space, the amenity of existing properties and access to the footpath network.

7.0 CONSULTATION RESPONSES

7.1 Statutory:

- 7.1.1 **Highways:** Overall, the Council's Highways Officer concludes that the proposal is acceptable. Subject to the requirements for a planning obligation, which includes an off-site highway contribution of £1.5M as well as improvements to two bus shelters, which will be secured by a Section 106 Legal Agreement, it is considered that the proposed development is located in a sufficiently accessible location and it will provide a safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision such that the means of access is acceptable. Subject to the contributions to be agreed within the Section 106 Legal Agreement in relation to off-site highway works, the development is also not considered to result in a severe residual cumulative highway impact to warrant a refusal 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.
- 7.1.2 **Environment Agency:** The site lies within Flood Zone 1 (low risk) and the EA therefore have no comments on flood risk grounds.
- 7.1.3 **Coal Authority:** The Coal Authority concurs with the recommendation of the Coal Mining Risk Assessment report submitted within the application; that coal-mining legacy potential poses a risk to the proposed development and that intrusive site investigation work will be necessary to establish the exact situation on site. They consider that the content and conclusions of the Coal Mining Risk Assessment report are broadly sufficient for the purpose of meeting the requirements of the NPPF in demonstrating that the application site can be made safe and they therefore have no objection to the development subject to the imposition of an appropriate planning condition to secure further site investigations, which is proposed as part of the recommendation above.

7.2 Non-Statutory:

7.2.1 **Children's Services:** Children's Services estimate that the demand for education provision generated by this proposed development, based on 550 dwellings, would be:

Primary need: The site as a whole would potentially generate 138 primary aged children, equivalent to 20 children per year group

Secondary need: The site as a whole would potentially generate 55 secondary aged children, equivalent to 11 per year group.

They note that the two nearest primary schools to this development would be unable to accommodate the additional demand generated by the proposal, as they are currently projected to be close to or above capacity over the coming years, and any additional demand is also likely to create localised pressure elsewhere within the Morley area. The issue of education provision is considered in detail in the report below at Section 11.0 of this report.

7.2.2 **Air Quality Team:** The air quality assessment submitted with this application showed that air quality levels in the local area following completion of the development are not expected to exceed national air quality standards. However, the Air Quality Team noted in their initial response that ambient levels of NO₂ in the local area are relatively high and the expectation for the introduction of queuing traffic along Victoria Road as a result of signalisation associated with the scheme (described in section 7 of the Transport Assessment) could lead to locally elevated levels at residential properties along Victoria Road between the access site and Westwoodside. Members are advised that the proposed signalisation has subsequently been omitted from the scheme. Nevertheless, the Air Quality team do not object to the proposal on the grounds of air quality but, given the scale of the development, recommend that it is important that efforts are made to minimise the contribution to vehicle emissions from new vehicles introduced to the road network from the development. Therefore, they strongly support the implementation of measures set out in the Travel Plan to promote sustainable travel, including the introduction of electric vehicle charging points at the level specified in the Parking SPD.

7.2.3 **Travelwise:** In accordance with the SPD on Travel Plans the Travel Plan should be a required planning obligation along with the following:
a) Leeds City Council Travel Plan Review fee of £4,750 b) A contribution to upgrading walking and cycle routes c) provision of Sustainable Travel Fund of £338,167.50

7.2.4 **Flood Risk Management:** Surface water discharges from this site would be allowed at Greenfield rates of runoff of 4.7 l/s/ha and appropriate consideration must be given to the effects of the proposed development on flood risk, both on-site and off-site during the period of the construction as well as post development. In addition, it is the council's expectations that Green "above ground" SuDS systems would be implemented as far as practicable for dealing with surface water runoff from the site instead of tank/ underground storage systems. No objection subject to conditions.

7.2.5 **Neighbourhoods and Housing:** The site sits within Zone 2, which has an **affordable housing requirement of 15%**. On a development of 550 houses, the Council would expect 83 of those to be identified for affordable housing, 40% of which should be disposed of to households on lower quartile earnings and 60% to households on lower decile earnings.

- 7.2.6 **Nature Conservation:** There are some features of ecological value that will be impacted upon including nesting birds, but protected species should not be adversely affected. No objection subject to conditions in relation to bio-diversity protection and biodiversity general enhancements.
- 7.2.7 **West Yorkshire Combined Authority:** The Transport Assessment (TA) submitted as part of the application provides a comprehensive appraisal of the local public transport services, walking and cycling opportunities for the site. WYCA support Leeds City Councils approach to improving accessibility at new developments. The accessibility criteria detailed in the Core Strategy stipulates that new housing developments should be located within 400 metres of bus services offering a 15-minute frequency service to a key destination, namely Leeds, Bradford or Wakefield.

WYCA consider that it is inevitable that on large sites, parts of the site will fall outside this 400m standard. This is clearly detailed in the TA Figure 20 which acknowledges that part of the site falls outside the 400m standard to access bus services. When assessing sites, we generally take a pragmatic approach to walk distances to take the size of development sites into account. When doing so, we also have to consider the level and quality of service (frequency and destinations served) at the closest bus stops and the likelihood of the bus operator diverting the service into the site.

WYCA consider the service level of bus services on the A643 Victoria Road to be excellent with buses operating between Leeds and Morley (51 / 52) every 8 minutes or better in each direction on a commercial basis. Other services also operate on the A643 to compliment this main service. Given the frequency of the bus services, in their view, it is likely that residents living in units over 400m from the bus stops at the site would be willing to walk the additional distance to access these bus stops. As a main corridor WYCA do not anticipate that bus operators would be prepared to divert the service from the A643 due to the adverse impact on existing passengers in terms of additional journey time between Morley and Leeds.

On balance, WYCA conclude that the bus would be seen as a viable alternative to the car given the excellent service levels operating past the site despite part of the site falling outside the 400m standard.

Improvements are needed to the bus stop infrastructure in the area to cater for the increased demand as a result of this development. A new bus shelter with real time passenger information display should be provided opposite the existing stop 10330. The footpath width is currently too narrow to position a shelter at this location but this should be incorporated into the site layout / access. WYCA consider that the two bus shelters (ref 11354 and 10328) should also be upgraded to have real time passenger information displays. The total cost for these improvements would be £40,000 (to be secured by means of a Section 106 Agreement). Rail services are available from Morley station around 800m (straight line distance) from the centre of site. Access to Morley station would therefore be achievable by foot and cycle. WYCA are aware that capacity at peak times at Morley is a concern to local rail users. They anticipate that some of these issues could be addressed through smarter working practices allowing users to travel at less congested times. In addition, the new Northern and Trans Pennine Express rail franchises have plans to increase capacity on the network by 37%, which ultimately (directly or indirectly) will benefit Morley rail users.

To ensure that sustainable transport can be a realistic alternative to the car, WYCA suggest that the developer needs to fund a package of sustainable travel measures.

They recommend that the developer contribute towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Based on our current RMC scheme, there is an option for the developer to purchase (in bulk) heavily discounted Residential MetroCards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements (bus or rail) that come to light as the development commences. The later measures would not be delivered by WYCA. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with LCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £337,892.50. This equates to 550 x bus and rail zone 1-3 Residential MetroCards.

A development of this size will predictably generate additional car trips. WYCA have some concerns that the development will increase local congestion levels on Victoria Road / Elland Road which may result in delays to local bus services. Whilst the TA indicates that the proposals are in accordance with local and national policy, the mitigation measures detailed in this response must be implemented to minimise the car trips generated from the site should planning consent be granted.

- 7.2.8 **Public Rights of Way (PROW):** Morley Footpath No.37 and two branches of Morley Footpath No.36 cross the site. In their initial response to the application, officers noted that the illustrative Masterplan indicated two roads crossing footpath 37 to which they objected unless there were safe crossing points with dropped kerbs and other suitable facilities. Officers also note that the surface water drainage system crosses both footpaths, which are well used and provide access for Network Rail to the railway line and footbridge. The applicant subsequently met with officers to discuss the site. With regard to the latter matter of potentially diverting footpaths 37 and 37 around the attenuation pond, officers have agreed that the matter can be finalised at Reserved Matters stage. In terms of the road crossing, officers confirm that they are not opposed to the use of the track as an emergency access only (as now proposed) as this is likely to be a rare occurrence and the provision of lockable gates on the access track would prevent vehicular access for the residents of the estate, the details of which are sought as condition of this recommendation. They also recommend a condition (proposed at Condition 36) requiring the diversion of the public footpath off the access track and through the public open space, which would remove their objection.

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 as a Protected Area of Search.

Adopted Core Strategy

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

Spatial Policy 1: Location of development
 Spatial Policy 4: Regeneration Priority Programme Areas
 Spatial Policy 6: Housing requirement and allocation of housing land
 Spatial Policy 7: Distribution of housing land and allocations
 Spatial Policy 11: Transport infrastructure investment priorities
 Policy H1: Managed release of sites
 Policy H3: Density of residential development
 Policy H4: Housing mix
 Policy H5: Affordable housing
 Policy P10: Design
 Policy T1: Transport Management
 Policy P12: Landscape
 Policy T2: Accessibility requirements and new development
 Policy G4: New Greenspace provision
 Policy G8: Protection of species and habitats
 Policy G9: Biodiversity improvements
 Policy EN2: Sustainable design and construction
 Policy EN5: Managing flood risk
 Policy ID2: Planning obligations and developer contributions
 Map 5D: Core Strategy Regeneration Priority Areas – South Leeds

Saved Policies - Leeds UDP (2006)

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

GP5: Development Proposals should resolve detailed planning considerations.
 N23/25: Landscape design and boundary treatment
 N24: Development proposals abutting the Green Belt
 N34: Protected Area of Search sites (PAS)
 LD1: Detailed guidance on landscape schemes.

Submission Draft Site Allocations Plan (SAP) (February 2017)

- 8.5 Within the Submission Draft Site Allocations Plan, the application site (SAP reference HG2-149) is identified as a 20.64-hectare site with capacity for 542 units. It is identified for delivery in Phase 2, principally on the grounds of the projected impact on the local highway network. The assessment notes that the development will directly impact on the congested length of the A6110 Outer Ring Road, particularly the A643 / A6110 junction. To mitigate this impact, it advises that a contribution will be required towards an improvement scheme on the A6110, taking into account the cumulative impact of other allocated sites in the area. It also notes that the site is within, or is in the setting of, a *proposed* Conservation Area such that when adopted, any development should preserve or enhance the character or appearance of the Conservation Area. Finally, the assessment remarks that the site forms an important break site between Churwell and Morley and it would be important to keep the sense of this as a break between the two settlements in any development here. With regard to the proposed Conservation Area, Members are advised to note that the south-east corner of the site lies adjacent to a *proposed extension* to the Morley Conservation Area around Victoria Road/King George Grove, which is identified in the Morley Conservation Area appraisal but the extension has not been progressed to any extent and it is therefore not a relevant consideration at this time. The weight to be attached to the Submission Draft SAP (limited) is considered at Paragraph 10.15 below.

Relevant supplementary guidance:

- 8.6 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
Parking Standards SPD (January 2016)

National Planning Policy Framework (NPPF)

- 8.7 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.
- 8.8 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.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing applications, the NPPF states at paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

8.12 Paragraph 49 of the National Planning Policy Framework states the following:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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 sites.”

8.13 In the appeal decision dated 8th June 2016 in relation to land at Grove Road, Boston Spa in accordance with APP/N4720/A/13/2208551, the Secretary of State took the view that on the basis of the evidence available to him at that time, the Council was unable to demonstrate a deliverable 5-year supply of housing land. This conclusion has subsequently been reinforced by the Secretary of State decision(s) on the conjoined appeals at Breary Lane, Bramhope, Bradford Road, East Ardsley and Leeds Road, Collingham (the “Ken Barton Conjoined Appeals”), which were considered by Planning Inspector Ken Barton in Spring 2016. On 22nd December 2016, the Secretary of State issued his decision on these conjoined appeals and agreed with the Inspector’s conclusions that the appeals should be allowed. In reaching the decision on land at Bradford Road at East Ardsley (APP/N4720/W/15/3004034), which is representative of the other conjoined appeal decisions, the Secretary of State concluded the following (summarised):

*Paragraph 11: The Secretary of State agrees with the Inspector that on past performance, **the buffer must be 20% - so that the 5-year housing land supply requirement across the City would be 31,898 or 6379 units per annum.***

*Paragraph 12: The Secretary of State agrees with the Inspector’s conclusion that the failure [of Leeds City Council] to produce an Adopted SAP (Site Allocations Plan) until at least December 2017 means that there is no policy set out to show how delivery of any houses, never mind the magnitude required, will actually take place; that the safety margin of 2262 dwellings can soon be whittled away when realism is applied and that **the Council has failed to demonstrate a robust 5 year housing land supply. The Secretary of State therefore agrees with the Inspector’s conclusion that the solution is to deliver housing now, including much needed affordable housing.***

*Paragraph 13: Having regard to the Development Plan position, the Secretary of State agrees with the Inspector that **there is no 5-year housing land supply.** Therefore, whilst he agrees with the Inspector that the UDPR policy N34, which designates sites as a Protected Area of Search (PAS) is a policy for the supply of housing, he also agrees with the Inspectors conclusion that policy N34 cannot be considered up-to-date. He further agrees with the Inspector that, rather than being a restrictive policy, the purpose of Policy N34 was to safeguard land to meet longer term development needs, so that, as it envisages development, the appropriate test to apply is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.*

8.14 **Accordingly, the Council is now in the position that it does not have a 5 year housing supply and the policies within the Unitary Development Plan and Core Strategy that are relevant to the supply of housing are considered to be out of date. Paragraph 14 of the NPPF is, therefore, now particularly relevant, which states the following:**

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent 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 this Framework taken as a whole; or

— Specific policies in this Framework indicate development should be restricted.”

It is important to note that an ‘out of date’ policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.

- 8.15 In relation to highway matters, Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.16 Finally, also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises decision-takers may also give weight to relevant policies in emerging plans according to:
- (i) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - (ii) 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
 - (iii) 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. Means of Access – Highways
- iii. Layout, Scale and Appearance (including Green Space)
- iv. Landscaping
- v. Green Belt
- vi. Residential Amenity
- vii. Ecology
- viii. Sustainability
- ix. 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 a Protected Area of Search for long-term development (PAS). The red line boundary of the site is situated just outside (but immediately adjacent to) the Main Urban Area and the proposed illustrative masterplan indicates that all housing development is positioned outside of the Green Belt with the red line boundary protruding slightly into the Green Belt to accommodate drainage related engineering works. The site does, however, lie within the boundary of the South Leeds Regeneration Priority Areas as identified at Map 5D of the Core Strategy.
- 10.2 On the basis of the recent appeal decisions, it is evident that Leeds City Council is currently unable to demonstrate a 5-year housing land supply and it is considered to be consistently under-delivering. Accordingly, the principle of development on this site must be determined with regard to Paragraph 49 of the NPPF, in the context of the presumption in favour of sustainable development and also, in accordance with Paragraph 14, which notes that where the development plan is absent, silent or relevant policies are out-of-date, granting planning 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.
- 10.3 In determining which policies are defined as ‘relevant policies for the supply of housing’, in terms of those policies that should be considered out-of date, case law has held that **Paragraph 49 should be interpreted widely and applies to all policies which are restrictive of where housing development can go.**
- 10.4 Of most relevance to the application site is Unitary Development Plan Review (UDPR) Policy N34, which designates the site as Protected Area of Search (PAS). N34 advises that within those areas shown on the proposal map under this policy, development will be restricted to that which is necessary for the operation of the existing uses together with such temporary uses as would not prejudice the possibility of long term development. The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (Paragraph 5.4.9). The Site Allocations Plan is the means by which the Council is reviewing and proposing allocations, which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It also phases their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to

local services and with least negative impact on green infrastructure

- 10.5 As noted in Paragraph 8.13 above, the Secretary of State's decision on the conjoined appeals noted above confirms that **UDPR Policy N34 is a policy for the supply of housing and it cannot be considered up-to-date**. The appeal decisions also confirm the Secretary of State's view that '**Policy N34 is now time expired and that its use to prevent development would be contrary to the terms of the Framework**'. It must therefore attract little weight and, accordingly, there needs to be a balancing exercise within the parameter that there is a presumption in favour of granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 10.6 **Having regard to relevant policies within the Adopted Core Strategy, it is noted that the Core Strategy is up-to-date**; it was published after the NPPF and was found to be sound. Accordingly, full weight can be attached to the distribution strategy for the appropriate location of development as set out in Core Strategy Spatial Policies SP1, SP6 and SP7.
- 10.7 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It confirms that the largest amount of development will be located in the main urban area and major settlements with small settlements contributing to development needs subject to the settlement's size, function and sustainability. As a consequence, the priority for identifying land for development is (i) previously developed land within the Main Urban Area/relevant settlement, (ii) other suitable infill sites within the Main Urban Area/relevant settlement and (iii) key locations identified as sustainable extensions to the Main Urban Area/relevant settlement. This site is considered to constitute a sustainable extension to the Main Urban Area of Morley lying immediately adjacent to the boundary. Indeed, Morley is identified as a major settlement in Policy SP1 of the Adopted Core Strategy. At the Core Strategy Examination there was significant objection to the level of housing being proposed within the Outer South West Housing Market Characteristic Area in which Morley sits. However, the Core Strategy Inspector held a specific session dealing with these issues and considered that the plan as submitted was sound. In his report on the Core Strategy the Inspector noted, "*I have considered the concerns of residents, including those of Aireborough, Morley and Scholes. Morley is a small town with its own town centre, a railway station, easy access to the motorway network and is rightly defined as a major settlement. I agree with the Council that as such, it should play its part in meeting the identified need and that its contribution should be proportionate to its place in the settlement hierarchy. I understand residents' concerns but Leeds cannot meet its objectively assessed need without developing Greenfield land and it is inevitable that some land which communities' value will be lost to development.*"
- 10.8 It is also the case that the site sits 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 550 new homes including the provision of 15% (83) affordable homes to ensure affordability and choice.

10.9 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:

10.10 (i) In terms of a sustainable location, the accessibility of the scheme is considered fully in the Transport section below at Paragraph 10.38, 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 sufficiently 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, the matter of education is considered fully below at Section 11.0.

10.11 With regard to health infrastructure, 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. 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 registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. For information, however, Members are advised that the NHS Leeds West Commissioning Group have noted that they do not currently have any practices in the locality that are operating with a 'closed list' meaning that patients are able to register with all the practices in the area. They do acknowledge that capacity is becoming a concern in Morley, principally due to existing workforce vacancies within the range of small, medium and large practices in that area with recruitment an increasing problem. However, NHS Leeds West is seeking to work with practices to look at workforce development over the next few years. Moreover, in terms of Churwell, they note that there is a surgery on Elland Road (assumed to be Shenstone House Surgery), who have confirmed to the NHS that they are planning for increased capacity for additional patients although there are existing constraints with their building; they are therefore working with the NHS to determine how this can be addressed. Essentially, however, the provision of

health facilities is a matter for NHS England rather than a matter that can be addressed by the planning system.

- 10.12 (ii) to (vi) Whilst it is a Greenfield rather than Brownfield site, neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites and furthermore, the application site does lie within the South Leeds Regeneration Priority Programme Area where it is considered that new housing can be a lever for investment in regeneration areas and bring wider local benefits such as improving local housing markets. The standards and design of the development, which will be determined at Reserved Matters stage, should offer the opportunity to enhance the distinctiveness of the locality and provide a high quality design standard for new homes. It is anticipated that the applicant would have a build out rates of circa 10 per year in the first year (2018) with circa 50 per year thereafter to contribute to housing supply. The impact on the adjacent Green Belt and with regard to Nature Conservation and flood risk have been fully considered and are addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.
- 10.13 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 7200 dwellings (11% of the 66,000) within the Outer South West area within which the application site lies, with 3,300 dwellings envisaged as an extension to the main urban area and 10,300 as extensions to major settlements. In the event that the application site was not brought forward for housing at this time, it would be necessary to identify alternative locations within the Outer South-West Housing Market Character Area to meet the requirements of Spatial Policy 7.
- 10.14 With specific regard to the managed release of sites, Policy H1 of the Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations according to the following five criteria to maintain a 5-year housing supply:
- i. Location in regeneration areas,
 - ii. Locations which have the best public transport accessibility,
 - iii. Locations with the best accessibility to local services,
 - iv. Locations with least impact on Green Belt objectives,
 - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 10.15 Having regard to the Site Allocation Process it is acknowledged that within the Submission Draft SAP, the application site is identified as a Phase 2 Housing Allocation (HG2-149) principally on the grounds of its highway impact. The SAP notes that the development will directly impact on the congested length of the A6110 Outer Ring Road, particularly the A643 / A6110 junction. To mitigate this impact a contribution will be required towards an improvement scheme on the A6110, taking into account the cumulative impact of other allocated sites in the area. However, with reference to Paragraph 212 of the NPPF, the **Submission Draft SAP can, at this point in time, be afforded limited weight** due to its stage of preparation, as confirmed by the recent appeal decisions. Accordingly, the determination of this application is a balancing exercise within the parameter that there is a presumption in favour of granting permission. Given the status of the SAP, this application is not considered contrary to Policy H1 particularly given its location within the South Leeds Priority Regeneration Area, the fact that (addressed fully in the report below) it is also considered to be accessible and, given its location adjacent to but not within the Green Belt, it can be delivered with minimal impact on Green Belt objectives. It will also provide some improvements to publicly accessible green

space by providing on-site public open space and ecological enhancements. To this extent, it can sufficiently address the five criteria outlined in Policy H1 above.

- 10.16 A site-specific assessment of the application pursuant to Core Strategy policies in relation to design and layout, highways, flood risk, ecology, green space, Green Belt and amenity is fully considered in the report below suffice to acknowledge that the scheme is considered sufficiently compliant with the Core Strategy in these aspects to warrant a recommendation of approval and to support the principle of development.

Conclusion – principle of development

- 10.17 Having regard to up-to-date policies within the Adopted Core Strategy, as set out in Paragraphs 10.7 to 10.16 above, it is concluded that **the principle of residential development on this site does not conflict with Spatial Policies 1, 4, 6 and 7 of the Core Strategy or Policy H1 of the Core Strategy.** The application site comprises Greenfield land immediately adjacent to the Main Urban Area such that it is effectively an extension to the Main Urban Area. As a consequence, it 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. **It must therefore be considered in the context of the presumption in favour of sustainable development and, in accordance with guidance within the NPPF, approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,** when assessed against the policies in this Framework taken as a whole. This balancing exercise is considered at Paragraph 12 of this report following consideration of detailed matters set out below.

Housing Density and Housing Mix

- 10.18 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 an average density of 34 dwellings per hectare based upon providing up to 532 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 550 houses can be delivered.
- 10.19 Similarly, housing mix will also be assessed fully at Reserved Matters stage with the applicant needing to have regard to the preferred housing mix set out at Table H4 of the Adopted Core Strategy to comply with Core Strategy Policy H4.

Affordable Housing

- 10.20 Policy H5 of the 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 to be secured by means of a planning obligation via a Section 106 Legal Agreement. The proposed development is therefore in accordance with Policy H5.

Housing for Independent Living

- 10.21 Policy H8 of the Core Strategy advises that developments of 50 or more dwellings are expected to make a contribution to supporting needs for independent living such as including the provision of bungalows or level access flats. The applicant is aware of the requirement and will give consideration to the provision of bungalows. This will be assessed as part of the Reserved Matters submission.

Means of Access – Highways

- 10.22 Means of access is the sole issue for determination as part of this application in addition to considering the principle of development. 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 generating significant movements should be supported by a Transport Assessment and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site is currently a PAS (safeguarded) site not within the green belt and it is proposed to be allocated in Phase 2 of the SAP.

Site Allocations Plan Site Requirements

- 10.23 The SAP Site Reference HG2-149 has a highway site requirement as follows: -

“The development will directly impact on the congested length of the A6110 Outer Ring Road, particularly the A643 / A6110 junction. To mitigate this impact a contribution will be required towards an improvement scheme. In addition there will be a direct impact upon the A6110/M621 Junction 1. To mitigate this impact the development will be required to contribute towards any improvement scheme as agreed with Highways England”.

- 10.24 As part of the SAP suite of documents the Infrastructure Background Paper identifies the junction of A6110 / A643 Elland Road as a ‘Congestion Hotspot’ and the location for future improvement.
- 10.25 For the purpose of this application, it is intended that the applicant contributes to a strategic improvement scheme at this junction in lieu of their own identified development mitigation as proposed within the SAP, so as to bring forward the ultimate comprehensive solution as detailed below in the *Transport Assessment and Mitigation* section.

Means of Access and Internal Layout

- 10.26 The application proposes a primary vehicular access and a secondary emergency only access. The primary vehicular access to the site is from Victoria Road, sited towards the south-west corner of the site and comprises a priority junction with a right turn lane from Victoria Road into the site and a 6.75 metre minimum width carriageway. The initial width of the carriageway would be 7.3m so that would allow planned maintenance to be carried out in such a way that the carriageway would not need to be closed.
- 10.27 In the course of the application, the potential for a secondary access into the site has also been assessed, as this is the normal requirement for large residential sites

with more than 300 units as detailed in the Street Design Guide. In this regard, the applicant investigated a number of options for a second vehicular access as follows:

- Second access to Victoria Road frontage
- Harwill Road
- All Saints Church Access
- Mountcliffe View
- Laneside Farm Buildings
- Daisy Hill Avenue
- Farm Access

Each secondary access was considered and discounted for the following reasons:

- 10.28 Regarding a second access from the Victoria Road frontage, the available frontage within the red line boundary is not sufficient to allow two junctions to be delivered whilst also meeting junction spacing standards.
- 10.29 In terms of an access onto Harwill Road, there are two separate landowners at the end of the road and therefore a connection is not possible without securing this land. However, the developer has agreed to align the internal roads and footways so that such a potential route is not prejudiced.
- 10.30 Regarding All Saints Church Access, the access is unadopted and the land unregistered. Ownership is likely to be with several separate landowners and junction visibility with Elland Road is unsuitable such that this access has been ruled out.
- 10.31 Regarding Mountcliffe View, whilst the access is adopted, the carriageway width and junction visibility with Elland Road are unsuitable. Such an access would also be unpopular with existing residents. Pedestrian and cycling and potentially emergency access can be achieved here, the details of which will be controlled by condition.
- 10.32 Regarding an access via the Laneside Farm buildings, the required land would require demolition of existing buildings and the land is in 3rd party ownership and therefore an access here is undeliverable at this time.
- 10.33 Regarding a second access via Daisy Hill Avenue, there are no ownership constraints that would prevent a vehicular access. However, the route (including Margaret Close) has a substandard layout, narrow carriageway and on-street parking which makes it unsuitable to serve significant additional development. Such an access would likely be unpopular with existing residents. Pedestrian and cycling and potentially emergency access could be achieved here, the details of which would be controlled by condition.
- 10.34 In terms of a second access via the current Farm Access, there are no ownership constraints that would prevent a vehicular access. In addition, the available width would permit an informal secondary access. The developer's highway consultant has therefore considered the feasibility of several designs at this location. Pedestrian and cycling and emergency access could also be achieved here. However, the presence of on-street parking fronting the existing terraced housing and the proximity of the Westwoodside junction opposite present technical difficulties. Also, as a significant amount of development traffic arrives and departs

from and to the north, it is a concern that this would become a main rather than secondary access for which it is unsuited.

- 10.35 Given the above, highway officers are therefore satisfied that the applicant has explored, as far as can reasonably be expected given the site constraints and ownership issues, options for a second vehicular access point, and whilst more than one vehicular access would normally be required, in these particular circumstances a single point of access with an emergency access is considered to be the optimum vehicular access solution. An emergency access (with pedestrian and cycle access) is therefore proposed via the Farm Access. It is proposed that the Farm Access be upgraded to adoptable standards and details for emergency access and farm vehicle access controlled by condition.
- 10.36 In addition to an emergency access, further measures are proposed to mitigate for the absence of a second access. The internal layout will not prejudice future access to Harwill Road and the internal route of the site will be required to be a loop design to maximise connectivity within the site and allow alternative routes to be gained to the majority of dwellings. In addition, the connector street between the primary site access and the internal site loop will be as short as practical and designed with a minimum 7.3m carriageway width that would allow planned maintenance to be carried out in such a way that the carriageway would not need to be closed.
- 10.37 The indicative masterplan takes the opportunity to maximise pedestrian and cycle connectivity within and beyond the site. There are a number of routes within the site that provide access toward the south west (via the main site access), north west (via Morley Footpath 37) or Mountcliffe View, the south east (via Daisy Hill Avenue) and potentially at the north east (via Harwill Road subject to 3rd party land). In addition, there are surrounding leisure routes.
- 10.38 With regard to accessibility, Core Strategy Policy T2 refers to Accessibility Standards, which are set out at Appendix 3 of the Adopted Core Strategy. They are based upon an average walking speed of 3 miles per hour. In relation to this site, the Accessibility Standards comprise the following:

Destination	Standard	Compliance of this site
To Local Services	Within a 15-minute walk.	Tesco Express on Elland Road and Victoria Road Post Office and Nisa are within a 15-minute walk.
To Employment	Within a 5 minute walk to a bus stop offering a 15 minute frequency to a major public transport interchange Or, where appropriate, 10 min walk to a rail station offering a 30 min frequency service	Approximately 75% of the site is within 400-metres/5 minute walk of bus stops on A643 Victoria Road. There is a weekday high frequency service (c8 minutes) to Leeds City Centre and Morley (Services 51/52, 54). Other services are also present which include direct routes to the White Rose Centre. (Service 47). Morley railway station is also within a 800m walk for part of the site.
To Primary Education and	Within a 20 minute walk or a bus stop offering a direct	Within a 20-minute walk to Churwell Primary School and

Health	service at a 15 minute frequency	Shenstone House Surgery as well as GP and Dentists in Morley, which are accessible by bus as noted above.
To Secondary Education	Within a 30 min direct walk or 5 min walk to a bus stop offering a 15 min frequency to a major public transport interchange Or, where appropriate, 10 min walk to a rail station offering a 30 min frequency service	Within a 30-minute walk to Morley Academy. Morley Academy can also be reached by bus, as noted above, with a short walk from the bus stop to the Academy. 75% of site with 400m of a bus stop with high frequency service to a major public transport interchange, and part of site within a 800m walk of Morley railway station.
To Town Centres/City Centre	Within 5 min walk to a bus stop offering a 15 min frequency service Or, where appropriate, 10 min walk to a rail station offering a 30 min frequency service	75% of the development is within 5 minutes of a bus stop with a 8 minute frequency service to Morley town centre and Leeds City Centre. Additional bus services also give access to the White Rose Centre. Part of the site is within a 800m walk of Morley railway station.

- 10.39 In terms of compliance with the Council's Accessibility Standards, it is recognised that a proportion of the development is more than 5 minutes walk from a bus stop with a 15 minute frequency, thus affecting accessibility principally to employment and town/city centres. The applicant notes that the bus stops on Victoria Road and King George Avenue receive a service frequency that far exceeds the minimum provision of a 15-minute frequency service and in fact, there are 11 buses per hour in each direction during weekdays, 9 on Saturday and 5 on Sunday. In their view, the high frequency on Victoria Road is sufficient to offset the longer walking distance than specified in the Accessibility Standard.
- 10.40 It is noted that WYCA consider the service level of bus services on the A643 Victoria Road to be excellent with buses operating between Leeds and Morley (51 / 52) every 8 minutes or better in each direction on a commercial basis. Other services also operate on the A643 to complement this main service. Given the frequency of the bus services, in their view, it is likely that residents living in units over 400m from the bus stops at the site would be willing to walk the additional distance to access these bus stops.
- 10.41 However, it is acknowledged that the site in its entirety does not fully meet the Council's Accessibility Standards set out at Appendix 3 of the Core Strategy. However, it is considered that the site's accessibility to goods and services forms part of the overall balancing exercise, which is considered at Paragraph 12 of this report. Moreover, it is also the case that the site is a proposed Phase 2 Housing Allocation (HG2-149) within the Publication Draft SAP in which the public transport assessment is scored as 4/5 and mostly meeting Core Strategy standards. However, Policy T2 does not state that compliance with Appendix 3 is a requirement of meeting the policy but rather that new development should be located in

accessible locations that are *adequately* served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Moreover, the test established in the NPPF with regard to highway matters is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. On balance, it is therefore considered that failure of part of the site to comply fully with the accessibility standards, particularly taking into account bus service frequency generally, would not itself warrant a recommendation of refusal. A failure to entirely meet the Accessibility Standards has recently been tested at the PAS Public Inquiries for Breary Lane, Bramhope, Bradford Road, East Ardsley and Leeds Road, Collingham. The Inspector and Secretary of State dismissed the Council's accessibility concerns at these sites. It should be noted that accessibility at Lane Side Farm is markedly better than all three of these sites.

Transport Assessment and Mitigation

- 10.42 The application includes the submission of a Transport Assessment to consider the highway impact of the proposed development on the basis of up to 550 dwellings. It is estimated that the site would generate up to 370 2-way trips in the peak hour and 62% of these trips would turn right out of the site access while 38% would turn left onto the A643 Victoria Road in the morning peak.
- 10.43 The results of the primary site access/A643 Victoria Road junction assessment indicates that the junction would operate within capacity in the 'with development' scenario with background growth applied in both peak periods and is therefore considered robust.
- 10.44 Beyond the site access, the key constraint on the highway network is the junction of A643 / A6110. The developer's highway consultant has developed a scheme of mitigation at the junction that involves enlarging the roundabout, signalling the junction and providing improved controlled crossing points for pedestrians. Their scheme has been designed so that the traffic queues and delay at the junction result in a nil-detriment when the additional traffic associated with the additional housing is added to the junction.
- 10.45 If approved the predicted final occupation of houses would be in 2025. To test the relative performance of the existing and proposed junction of A643/A6110, the developer's scheme of mitigation in 2025 (with development traffic added) has been compared to the predicted performance of the existing roundabout in 2025 without development traffic (i.e. assuming the development does not take place). This is described later in the report as the 'with' and 'without' development scenarios. This work includes scenarios where background traffic growth is applied to the peak periods. The existing roundabout junction has been tested with the industry standard Junction 9 software. The proposed mitigation has been tested with the industry standard Transyt software used for signalised junctions.
- 10.46 Junction 9 output is given in queues and the ratio of flow to capacity (RFC). A RFC of 0.85 or lower is regarded as operating within practical capacity, a RFC of between 0.85 and 1.0 is regarded as operating above practical capacity but below absolute capacity (where the junction or arm of junction will struggle), and a RFC above 1.0 is above absolute capacity where significant delay and queues can be expected. Similarly Transyt output is given in queues and the degree of saturation (DoS). A DoS of 90% or lower is regarded as operating within practical capacity, a DoS of between 90% and 100% is regarded as operating above practical capacity but below absolute capacity (where the junction or arm of junction will struggle), and a

DoS above 100% is above absolute capacity where significant delay and queues can be expected. The 'with development' modelling has been carried out assuming that the signal controlled crossings on the A6110 approaches and exits are demanded every cycle, i.e. a worst case scenario.

- 10.47 Assuming traffic growth on the highway network, the Elland Road arm of the junction 'without development' is expected to be significantly over absolute capacity in the AM peak with extensive queuing and over absolute capacity in the PM peak. In the 'with development' scenario the arm is at absolute capacity in the AM peak, and above practical capacity but below absolute capacity in the PM peak. In summary the mitigation is anticipated to deliver improved operation on this arm of the junction.
- 10.48 The Manor Mill Lane arm of the junction 'without development' is expected to be well within practical capacity in the AM peak with little queuing but over absolute capacity in the PM peak with significant queuing. In the 'with development' scenario the arm is well within practical capacity in the AM and PM peak periods. In summary the mitigation is anticipated to deliver improved operation on this arm of the junction in the PM peak.
- 10.49 The A6110 Northbound arm of the junction 'without development' is expected to be significantly over absolute capacity in the AM and PM peak periods with extensive queuing particularly in the AM. In the 'with development' scenario the arm is also above absolute capacity in the AM and PM peaks with extensive queuing. In summary the mitigation is not expected to deliver clear benefits at this arm, but equally there is no disadvantage. The Transyt/signals modelling also assumes that the pedestrian crossings are utilised every cycle, and the signal control could at least manage congestion to an extent.
- 10.50 The A6110 Southbound arm of the junction 'without development' is expected to be significantly over practical capacity in the AM peak and significantly over absolute capacity in the PM peak with extensive queuing. In the 'with development' scenario the arm is over practical capacity in the AM peak, and slightly below absolute capacity in the PM peak. In summary the mitigation is expected to result in similar performance in the AM peak but significant improved operation in the PM peak period.
- 10.51 Given the above comparison of the 'with' and 'without' development scenarios, on balance the mitigation scheme with improved provision for pedestrians and traffic control at an already congested location is considered acceptable.
- 10.52 However, while these works could be delivered to mitigate the development impact at the junction, congestion would remain and it would not provide the comprehensive solution that is being planned for, and in terms of timing, the works would soon be abortive as a comprehensive scheme is developed and implemented. This would also introduce additional disruption on the highway network within a relatively short period of time.
- 10.53 The current application is in outline only. In terms of timescales, should this application be approved, the applicant has submitted a programme that indicates that following the resolution of a legal agreement and the preparation and approval of Reserved Matters, house building would begin in early 2019. The programme further indicates that 50 dwellings would be built by the end of 2019, 130 dwellings by end of 2020 and 160 dwellings by the end of 2021. The slower build out leading up to 2021 is as a result of internal infrastructure requirements.

10.54 As detailed above the proposed SAP site requirement is: -

“The development will directly impact on the congested length of the A6110 Outer Ring Road, particularly the A643 / A6110 junction. To mitigate this impact a contribution will be required towards an improvement scheme. In addition there will be a direct impact upon the A6110/M621 Junction 1. To mitigate this impact the development will be required to contribute towards any improvement scheme as agreed with Highways England”.

- 10.55 As part of the SAP suite of documents the Infrastructure Background Paper identifies the junction of A6110 / A643 Elland Road as a ‘Congestion Hotspot’ and the location for future improvement. Regarding the delivery of a comprehensive solution for Leeds district, recent significant changes in government policy have led to the City Deal, the creation of the West Yorkshire Combined Authority, RailNorth and Transport for the North. These changes facilitate more local decision-making and in combination with the West Yorkshire Plus Transport Fund will result in a significant increase in investment and a more streamlined delivery process.
- 10.56 The £1 billion West Yorkshire Plus Transport Fund comprises £600m of Government funding over 20 years, £183m of other devolved transport funding previously secured through the City Deal and local contributions. Managed by the West Yorkshire Combined Authority (WYCA), the fund will be targeted at facilitating growth by improving roads and railways and connecting people to jobs and services. A package of transformational transport schemes, which meet the WYCA and the LEP’s aims of supporting economic growth has been identified and includes a number of major projects in Leeds
- 10.57 Regarding the area impacted by the proposed development, measures have been prioritised within the West Yorkshire Plus Transport Fund as well as a number of other schemes where a proportion of the investment will have a direct role to play in facilitating the economic growth of the city by reducing congestion. These comprise:-
- Leeds Outer Ring Road A6110 – junction improvement package
 - A653 Leeds-Dewsbury Corridor – bus priority measures, highways efficiency, express bus service and local safety scheme
- 10.58 The Leeds A6110 junction improvement package includes junctions between the White Rose access and the A647, including the junction of A643 Elland Road (S) and A6110. The current programme for the scheme is that it would be delivered post 2020 albeit development work has commenced to enable the scheme to be delivered at the earliest opportunity. A significant contribution to the scheme would increase the chances of being able to deliver the scheme early. A significant contribution of £1.5M as part of this application could bring forward the more comprehensive A643/A6110 junction improvement to potentially 2019. As detailed above, the developer anticipates that 50 dwellings would be delivered on site by the end of 2019 assuming a positive Panel outcome.
- 10.59 It is therefore considered that it would be reasonable and in the wider public interest to take a contribution in lieu of and proportionate in value to the works shown on the applicant’s proposed highway improvement scheme. This would supplement other funding and maximise the level of contribution from the private sector and therefore minimise the burden on public funding, with the intention of delivering the long-term solution at the junction sooner rather than later, which would also cater for the growth from this housing site.

- 10.60 Officers are also mindful of the approach taken by the Inspector and Secretary of State in the Breary Lane, Bramhope, Bradford Road, East Ardsley decisions. They did not consider additional congestion in these cases to be severe. In the case of Breary Lane, the draft SAP site requirement placed the proposed allocation in Phase 3 of the plan and restricted development until after delivery of NGT or another comprehensive solution along the A660. In that case, the applicant had not even carried out an assessment without NGT being delivered. In evidence, Officers stressed that NGT was not a committed scheme, may not be approved and could not be relied upon. Subsequently NGT has been rejected and the planning appeal was still allowed. In this context, the receipt of a significant contribution is considered a positive outcome in lieu of the identified mitigation.

Highways Conclusion

- 10.61 Overall, it is concluded that the proposal is acceptable in highway terms. Subject to relevant conditions and the planning obligations specified above, it is concluded that the proposed development is located in a sufficiently accessible location and it will provide a safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision such that the means of access is acceptable. On this basis, the development is also not considered to result in a severe residual cumulative highway impact to warrant a refusal 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)

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

Layout

- 10.63 The indicative layout proposes that the residential development will be constructed in three blocks around a primary access route that runs throughout the site from the main access on Victoria Road, which then provides access onto smaller roads and cul-de-sacs with a potential link to the secondary access onto Victoria Road. The detailed layout and the relationship between existing housing and the proposed new housing will be fully considered at Reserved Matters stage. This will include a detailed assessment of the appropriate distances between dwellings as the layout submitted within the illustrative Masterplan would be unlikely to be acceptable in this regard.
- 10.64 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 where they are in excess of 720 metres from a community park and for which are located in areas deficient of open space, which is in effect, the entire City. This is a required planning obligation set out within the

Section 106 agreement. Should the site be developed for 550 houses, this would equate to a requirement of 4.4 hectares. The Design and Access Statement and illustrative masterplan currently identify only 3.66 hectares of open space, determined principally by the no build zone beneath the pylon and electricity cables. In this regard, it is noted that guidance has been sought on the provision of green space below a high-voltage cable but the National Grid website advises only that overhead electricity lines are normally bare (un-insulated) and if an object gets too close it is possible that a 'flashover' can occur, where electricity will jump over a distance to reach earth via the object. In order to prevent this happening, National Grid advises that there are minimum safety clearances between overhead lines and the ground, roads or objects on which a person can stand such that the following advice is adhered to - never fly kites or model aircraft near overhead power lines, overhead lines, do not light fires beneath overhead lines and do not aim shotguns or pistols at overhead power lines. There is no suggestion that public open space cannot be provided beneath lines albeit that the area of land around the pylon base and a buffer of 5 metres in each direction is to be excluded from the green space calculation on the grounds that it is not useable. Accordingly, the exact provision of open space in accordance with Core Strategy G4 will be determined at Reserved Matters stage.

Scale

- 10.65 The Design and Access Statement indicates that the development will be predominantly 2-storeys with the opportunity for 2.5 storeys in response to local context, which is identified to be within the site, fronting Victoria Road and along the boundary with King George Avenue. The proposal to deliver 2 storey dwellings 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 will be subject to a visual and design assessment at Reserved Matters stage to take account of topography, residential amenity and design.

Appearance

- 10.66 The appearance of the dwellings will also be determined at the Reserved Matters stage to ensure that it is a development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function in accordance with Policy P10 and guidance within the NPPF. However, to support the submission, the Design and Access Statement does identify a number of design influences to guide the future Reserved Matters submission based upon a contextual analysis of the locality. It identifies three character areas – main street frontage, formal green frontage and informal green frontage. The main street frontages will incorporate houses spaced at regular intervals with similar materials and regularly spaced trees of the same species. The houses will be predominantly red brick and incorporate pitched roofs and overhanging eaves and fascias. Fronting the formal linear park alongside the pylons, the houses will also be built in brick with a greater variety of pitched roofs and gable frontages whilst the informal green frontage along the northern side of the site will also be built in brick with a variety of pitched roofs and gable frontages and greater levels of landscaping along the frontage. The Design and Access Statement is indicative only at this stage and the appearance will be fully assessed at Reserved Matters stage to ensure compliance with Core Strategy Policy P10 and guidance within the NPPF.
- 10.67 Overall, it is 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

- 10.68 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.
- 10.69 In this case, landscaping is reserved for future consideration as part of a Reserved Matters submission. However, the submitted Design and Access Statement does establish a clear landscape strategy, which includes the intention to deliver two linear parks and a landscape buffer along the eastern edge of the site to help screen the development from the Green Belt. It also confirms that Footpath 37 will be retained and supplemented by a new recreational route alongside it.
- 10.70 The northern linear park will incorporate a series of children's play area but the Design and Access Statement indicates that it will be more informal in character and incorporate the existing track to Broad Oaks Farm. The second linear park, beneath the pylon, will be kept open and form a linear green space. A 1.16-hectare landscape buffer is also indicated along the eastern boundary of the site adjacent to the Green Belt to help screen the site from the Green Belt and more rural landscape to the east. It is intended that this will create a mature landscape to support the integration with the surrounding countryside, the details of which would be sought at Reserved Matters stage. Conditions are recommended as part of this application to secure full details of hard and soft landscaping across the site as well as further details of the buffer planting. It is considered that a successful landscape scheme can be established in accordance with the objectives of Core Strategy Policy P12 and UDP Policy LD1 subject to conditions and the details to be submitted as part of a Reserved Matters Landscape submission.

Air Quality

- 10.71 Within the Core Strategy, there are no specific policies relating solely to Air Quality. The supporting text at Paragraph 4.9.7 of the Core Strategy does acknowledge that Leeds has 6 Air Quality Management Areas and 32 Areas of Concern and that by reducing air pollution levels through the promotion of walking, cycling and public transport and moving to lower carbon transport systems the burden of disease from respiratory infections can be reduced. It is also relevant to consider the appropriate location for development in accordance with SP1 and encourage travel by means other than the private car. Following the submission of this application, due to the scale of development, the Council's Air Quality Management Team requested the submission of an Air Quality Assessment, which was duly submitted. The Air Quality Assessment confirms that the application site does not lie within an AQMA. It does identify the potential risk factors in relation to Air Quality, principally arising from dust during construction and road traffic exhaust emissions during the operational phase. With regard to the former, assuming good practice construction measures are implemented, which can be secured by condition, the impact of dust during construction was identified to be 'not significant'. With regard to road traffic exhaust, the AQA considers that impacts on Nitrogen Dioxide and PM₁₀ particle concentrations are predicted to be negligible and all receptor locations and the impact on air quality therefore also deemed to be not significant.

- 10.72 In response to the submitted AQA based upon the original submission, the Council's Air Quality Team advised that air quality assessment indicates that air quality levels in the local area following completion of the development are not expected to exceed national air quality standards. However, ambient levels of NO₂ in the local area are relatively high and the expectation for the introduction of queuing traffic along Victoria Road as a result of signalisation associated with the scheme (actually now omitted from the scheme) could lead to locally elevated levels at residential properties along Victoria Road between the access site and Westwoodside. Nevertheless, the Air Quality Team do not wish to object to the proposal on the grounds of air quality, but given the scale of the development, they consider that it is important that efforts are made to minimise the contribution to vehicle emissions from new vehicles introduced to the road network from the development. Therefore, they strongly support the implementation of measures set out in the Travel Plan to promote sustainable travel, including the introduction of electric vehicle charging points at the level specified in the Parking SPD to be secured by means of a planning condition.

Green Belt

- 10.73 The red line boundary of the application includes circa 3.69 hectares of land allocated as Green Belt within the Leeds LDF Policies Map. The submitted Design and Access Statement advises that the extension of the application into the Green Belt is to accommodate surface water drainage features (balancing ponds) and landscaping and the applicant has submitted details of the expected drainage works, including site sections. The submitted Flood Risk Assessment states that it is intended that the drainage works within the Green Belt will comprise a predominantly dry detention basin, with a possible small wetlands area such that the overall appearance of the works will remain as open grassland as existing with some very minor modifications to the gradient to create the basin. An existing track that runs across the land would be upgraded to provide access for maintenance vehicles only, with the addition of a small turning head, which could be constructed in grasscrete or similar to minimise any visual impact.
- 10.74 The NPPF confirms that the Government attaches great importance to Green Belts and notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. However, Paragraph 90 of the NPPF identifies certain forms of development that are not inappropriate within the Green Belt *provided* that they meet the two tests of preserving the openness of the Green Belt and not conflicting with the purposes of including land in Green Belt, including checking unrestricted urban sprawl and safeguarding the countryside from encroachment. Paragraph 90 includes engineering operations. Accordingly, as engineering operations, the provision of surface water drainage and associated infrastructure is not inappropriate in principle within the Green Belt provided that the works meet the two tests noted above in respect of preserving the openness of the Green Belt and not conflicting with the purposes of including land in Green Belt.
- 10.75 In this case, as noted above the drainage works within the Green Belt will essentially not alter the appearance of the landscape. It will comprise an attenuation pond, which will be a grassed area that is predominantly dry. A service access track and turning head will be required to the attenuation pond but in this case, the track is largely an upgrade of an existing track across the land with the small addition of a turning head. It is intended that the turning head be constructed in grasscrete or similar to ensure that it is of limited visual impact; its purpose will be for maintenance vehicles only such that it is rarely used and on this basis, it is not considered to

represent an urbanising feature or undue encroachment into the Green Belt. Indeed, the character of the land will remain as open grassland as existing so there is no impact upon the openness of the Green Belt in this regard. It is therefore concluded that the works constitute engineering operations that preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt such that it is considered to be acceptable in accordance with the NPPF.

- 10.76 It is also relevant to consider Saved Policy N24 of the UDP, which advises that where development proposals about the Green Belt, their assimilation into the landscape must be achieved as part of the scheme. It states that if existing landscape features would not achieve this, a landscape scheme will be required to be implemented that deals positively with the transition between development and open land. A landscape buffer of 1.16 hectares is shown within the red line to the eastern boundary (outside of the Green Belt) to achieve this objective, the details of which will be required by condition. Whilst precise planting details of the landscaped buffer will be required by condition, it is considered that the extent of the buffer is sufficient to meet the objectives of Policy N24 in principle and that there is scope to ensure an appropriate planting scheme to achieve a sufficient transition between the development and the Green Belt.

Residential Amenity

- 10.77 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. The application site does adjoin existing residential development to the north (Harwill Croft and Harwill Rise), south (King George Avenue) and west (Victoria Road). Accordingly, a detailed assessment of garden lengths and window to window distances will be undertaken at Reserved Matters stage, as well the imposition of conditions to ensure that means of enclosure, existing and proposed level changes within the site and any additional planting are also appropriate and adequate between existing and proposed properties. Indeed, the submitted Design and Access Statement confirms that the separation distances set out within Neighbourhoods for Living will all be met as a minimum. In view of the above, it is considered that a scheme can be developed at Reserved Matters stage that will comply with the requirements of Saved UDP Policy GP5 in terms of impacts on residential amenity.

Ecology

- 10.78 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.
- 10.79 The application includes the submission of an Extended Phase 1 Habitat Survey, which confirms that the majority of the site comprises improved grassland and arable fields with a network of farm tracks. The survey reveals opportunities for nesting birds, primarily within the hedgerows and skylarks were also recorded during the site survey. Within regard to bats, no trees with bat roosting potential were recorded within or on the boundaries of the site during the survey visit and the site is assessed to be of low habitat quality for bats generally although the scattered scrub and trees within and on the periphery of the Site are considered likely to provide

suitable foraging habitat and commuting routes for bats and are recommended for retention. There was neither evidence of Great Crested Newts on site nor any sign of badger activity. However, both Japanese knotweed and Himalayan balsam were found to be growing on or directly adjacent to the site, which are identified as invasive species. It is noted that hedgerows lie on the site boundaries and these are anticipated to be retained within the development. Many of these conform to the definition of a Habitat of Principal Importance. The sections of hedgerow recorded to consist predominantly of Leyland cypress; laurel and privet do not conform to the definition of a Habitat of Principal Importance and are considered to be of low intrinsic ecological value but they could be enhanced through new planting and gapping up of existing hedgerows.

- 10.80 The report does recommend opportunities for bio-diversity enhancement, which includes, for birds, the creation of skylark nesting plots and the installation of general bat and bird nesting boxes as well as minimising the illumination of features such as hedgerows, measures that will be secured by planning condition. A further condition is also proposed to require a Method Statement for the control and eradication of Himalayan Balsam and Japanese Knotweed. Subject to these conditions, it is concluded that the proposed development has the potential to provide the opportunity to conserve and enhance bio-diversity in accordance with Policy G8 and guidance within the NPPF.

Flood Risk

- 10.81 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.
- 10.82 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 the site is not at risk of fluvial flooding from rivers or water courses and the development of the site within the use of soakaways or other infiltration should be investigate further, otherwise attenuation methods will be required. If infiltration systems are not feasible, then it will be necessary to attenuate flows from the site and provide storm water attenuation. The details of surface water drainage will be required by condition.
- 10.83 In response to the submitted documents, the Environment Agency confirmed that they have no comments on Flood Risk grounds. The Council's Flood Risk Management Team, in their role as Local Lead Flood Authority, advise that surface water discharges from this site would be allowed at greenfield rates of runoff of 4.7 l/s/ha and appropriate consideration must be given to the effects of the proposed development on flood risk, both on-site and off-site during the period of the construction as well as post development. In addition, it is the Council's expectations that Green "above ground" SuDS systems would be implemented as far as practicable for dealing with surface water runoff from the site instead of tank/ underground storage systems. It is noted that there are several watercourses in the general vicinity of the proposed site, however, little is known of the connectivity of several of these watercourses to the main watercourse in the area at Cotton Mill Beck. Consequently surface water discharge from the site to these watercourses would not be supported by the Council unless extensive investigations are carried out and their connectivity to Cotton Mill Beck has been positively identified and proven to have sufficient capacity to accommodate the determined flows from the development site. It is therefore indicated that any required outfall connection from

the site be made to the open watercourse located just upstream of the culvert under the railway embankment which continues eastwards to Cotton Mill Beck. FRM would also expect specific SuDS features to be incorporated within the residential housing, where appropriate to include permeable paving, to be utilised on all exterior paving and hard-standing areas and water butts to be provided on the rainwater downpipes to be provided for each dwelling, measures which can be secured by condition. 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

- 10.84 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. The applicant has advised within the Design and Access Statement that a key sustainable principle in the delivery of sustainable housing is the usage of the 'fabric first' approach as these thermal performance considerations will affect the building throughout its lifetime. However, a condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy to comply with Policy EN2 will be sought as a condition of this recommendation.

11.0 EDUCATION

- 11.1 It is acknowledged that a primary concern amongst local residents in their objections to the scheme is the education capacity within the locality. Members will be fully aware that in accordance with the Adopted Community Infrastructure Levy (CIL) Charging Schedule, the site is liable for CIL at a rate of £45 per square metre. Based upon a comparable scheme by the applicant, it is anticipated that the CIL liability should 550 houses be developed would exceed £2 million in total.
- 11.2 The Regulation 123 List advises that CIL can be gathered for primary education, except for large scale residential development identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations. The Charging Schedule makes clear that where a scheme in itself creates such a level of need for school places that it cannot be easily accommodated elsewhere, it follows that the site should provide the land for a school on site. On large-scale major sites, therefore, it is likely to be necessary to provide schools directly on site to meet the needs of the development, or it may be appropriate to locate the school on a nearby site where the school will meet the needs of a number of medium to large scale developments. In such cases, an appropriate S106 contribution will be secured. Given the scale of this application at up to 550 dwellings, the applicant was requested to consider the matter of education and they have submitted an Education Report as part of their application.
- 11.2 The Education Report takes into account all Primary Schools within a 2 mile walking distance and all Secondary Schools that lie within a 3 mile distance, which is consistent with the distances beyond which local authorities are required to fund travel where the nearest available school is further away. There are 9 primary

schools within a 2-mile walking distance – Churwell, Asquith, Morley, St Francis Catholic PS, Seven Hills, Cottingley, St Anthony's Catholic, Beeston PS and Hugh Gaitskell PS. Whilst there is a peak in school places in 2016/17, the report does identify a leveling off in demand for pupil places and some existing surplus. However, the likely pupil yield from this site is estimated at 138 pupils after full completion of the site, which represents 66% of a 1-form entry school. Although identifying some surplus school places within 2 miles of the site, it is acknowledged that when taken together with the likely quantum of housing indicated to come forward, these places are likely to be used by 2020 to 2021. The likelihood of the need for a new primary school is therefore projected to arise at around the occupation of 240 dwellings on this site.

- 11.3 It is noted that one of the sites in Churwell (HG2-150 – Churwell (land to the east of) that is allocated in Phase 2 is identified as a host site for a new primary school but in the event that this site does not come forward in the time at which Laneside Farm progresses to the occupation of 240 dwellings, the applicant will need to accommodate a new Primary School within their site before progressing onto the remaining housing. It is therefore proposed that 1.8ha of land is set aside within the site with the capacity to deliver a new two form entry school should it be required and the developer will only be able to occupy a first phase up to 240 dwellings. After that, a new primary school will either need to be delivered on site or it will have been accommodated on the Churwell site should that site be brought forward.
- 11.4 In terms of secondary education, there are three secondary schools within a 3-mile radius of the development – Bruntcliffe Academy, Morley Academy and Cockburn School with a combined capacity of 4400 places and a current role of 3350. The Education Report notes that contributions towards new secondary school places in Leeds will be collected via CIL.
- 11.5 The Council's Children's Services have considered the submitted Education Report and advise that they concur with its findings. Children's Services support the opportunity of an option for the applicant to provide land for a new primary school on this site with the opportunity to review the need for school provision upon occupation of a maximum of 240 dwellings, at which time the demographic data and school place projections will be revisited. Children's Services would expect 240 dwellings at Laneside Farm to generate approximately 9 primary aged children per year group and current projections indicate that this level of additional demand could be absorbed within schools in Morley and Cottingley. With regard to Secondary Provision, Children's Services comment that there are currently insufficient secondary school places to meet existing future demand. However, contributions to future demand can be made through CIL. They would expect 240 dwellings to generate 24 secondary pupils or approx. 5 per year group and 550 units would potentially generate 55 secondary pupils or approximately 11 per year group.
- 11.6 In recognition of particular primary school capacity issues within the locality, this application therefore seeks to address the matter by requiring a planning obligation to identify a parcel of land within the site of not less than 1.8 hectares to be reserved for a potential two-form entry primary school. The applicant will be able to develop and occupy a first phase (up to 240 dwellings) but no further dwellings can be built until the matter of education provision has been reviewed in terms of a change to capacity demands locally or resolved and delivered locally via the provision of a new school on this or another site within the local catchment.

12.0 PLANNING BALANCE

- 12.1 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development and Paragraph 14 of the NPPF advises that development proposal that accord with the development plan should be approved without delay unless any adverse impacts of doing so would *significantly and demonstrably outweigh the benefits*, when assessed against the policies in the Framework taken as a whole, with regard to the social, economic and environmental dimensions of the plan. If the adverse impacts do not significantly and demonstrably outweigh the benefits then the development should be considered sustainable. It is therefore necessary to undertake such a planning balance exercise
- 12.2 In this case, considerable weight must be attached to the fact that this application will make a reasonably significant contribution to housing supply within the City providing up to 550 units at a time when the Secretary of State has determined in the recent appeal decisions that the 5-year housing land supply requirement across the City is 6379 units per annum. It will therefore contribute to providing a supply of housing required to meet the needs of future generations and importantly, include a supply of affordable housing, which at 15% provision of the maximum of 550 homes would equate broadly to 83 units.
- 12.3 With regard to the economic dimensions of the NPPF, it is determined that the proposal is therefore a response to a competitive economy and equates to the provision of land of the right type in the right place on the basis that the proposal sufficiently accords with the spatial distribution of new homes set out at Policy SP1 and SP6 of the Core Strategy. The application site does comprise Greenfield land and a small element of Green Belt to accommodate the drainage works but, as set out in the report above, it does not constitute inappropriate development in the Green Belt; it is also considered to be sufficiently sustainable, adjacent to the main urban area and within the South Leeds Regeneration Area. In terms of social and environmental factors, the issue of education capacity has been addressed as part of this application, which will either accommodate a primary school within the site or ensure that there is sufficient capacity within the locality. It will also result in payment of the Community Infrastructure Levy, which could be utilised for a range of benefits including contributing towards secondary education provision, green infrastructure or public realm improvements. Subject to the imposition of appropriate planning conditions, it is also determined that the proposal has the capacity to sufficiently protect and enhance the bio-diversity on site, as set out in the report above, introduce positive drainage onto the site to ensure that there is no flood risk and require that the houses are adapted to climate change through Building Regulations (fabric first) and the provision of 10% of energy needs from low carbon energy
- 12.4 In terms of potential adverse impacts, it is acknowledged that for local residents that adjoin the site, the development will result in a visual change to the landscape from the existing open fields and their existing views. However, the right to a view is not a material planning consideration and with regard to their residential amenity, to include matters such as privacy and outlook, the application will be fully assessed at Reserved Matters stage to ensure that privacy and amenity distances between existing and proposed dwellings are sufficient and have due regard to the existing character but given the scale of the site, it is considered that such matters can be appropriately addressed. Whilst there are concerns about the urbanizing nature of this development, eliminating any break between Morley and Churwell, it is noted that the housing is not located on land that is designated as Green Belt such that it cannot be assessed in terms of the merging of settlements or safeguarding the countryside from encroachment. Indeed, the site has no special landscape

designation and there is already ribbon development linking Morley and Churwell along Victoria Road. This development effectively infills the space between existing development on Harwill Croft and Harwill Rise and King George Avenue and rounds off the settlement in terms of the ensuring that the Green Belt buffer between Morley/Churwell and Middleton is protected.

- 12.5 It is also acknowledged that the proposed development will result in some increase to traffic movements within the locality, albeit not to the extent to constitute a severe cumulative impact. However, it will also bring about infrastructure improvements in terms of a significant off-site highway contribution of £1.5M to towards a comprehensive scheme of improvement at the junction of A643 Elland Road (S)/A6110 as well as real-time bus information to two bus stops on Victoria Road. Overall, however, it is concluded that these adverse impacts do not significantly and demonstrably outweigh the benefits of bringing the site forward to deliver housing and on that basis, the site is considered sustainable and in accordance with the NPPF. Thus, the presumption should be to approve without delay.

13.0 RESPONSE TO REPRESENTATIONS

- 13.1 The objections from local residents raise five key objections, which are largely addressed within the report above but the following key points are noted:
- a. In response to the objection that the site is a Protected Area of Search Phase 2 and Leeds City Council has a 5-year land supply for housing and does not need this land at this point, it is very clear that circumstances have changed since the original consultation undertaken in early Summer 2016 as the Council cannot be considered to have a 5-year land supply; the application must therefore be determined on the basis of the presumption on favour of sustainable development and also, in accordance with Paragraph 14 of the NPPF, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
 - b. Concerns in relation to highways and air quality are addressed fully in the report above.
 - c. The objections in relation to school capacity are also addressed in the report above.
 - d. Concerns in relation to health care provision are addressed in the report above and it is clarified that health 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.
 - e. In response to the comment that the site provides a “green belt” between Churwell and Morley, it must be clarified that whilst the drainage infrastructure is located within the Green Belt, as set out in the report above, the main housing development does not lie within the Green Belt and it cannot be assessed against Green Belt policies in terms of the merging of settlements of urban encroachment into the countryside. It is a Greenfield site and neither the Adopted Core Strategy nor the NPPF preclude the development of Greenfield land for housing in principle.

14.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

- 14.1 The Community Infrastructure Levy (CIL) Charging Schedule 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. In any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.
- 14.2 There is also a requirement for site-specific requirements to be secured via a Section 106 agreement as detailed below and the various obligations 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. A contribution of £1.5M towards a comprehensive scheme of improvement at the junction of A643 Elland Road (S)/A6110;
 - iii. Reservation of a parcel of land of no less than 1.8 hectares to accommodate the provision of a new two form entry primary school and should it be required, the provision of the new school on the application site or, alternatively, within the catchment of the site to be delivered prior to the occupation of the 241st dwelling;
 - iv. Public open space on site of the size to comply with Core Strategy Policy G4;
 - v. Provision of a Sustainable Travel Fund of £338,167.50;
 - vi. Improvements to two bus shelters (ref 11354 and 10328) to provide for an upgrade to have real time passenger information displays to the sum of £40,000;
 - vii. Travel Plan Review fee of £4,750
- 14.3 Affordable Housing – 15% (with a 60% social rent and 40% submarket split)
- 14.3 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.

15.0 CONCLUSION

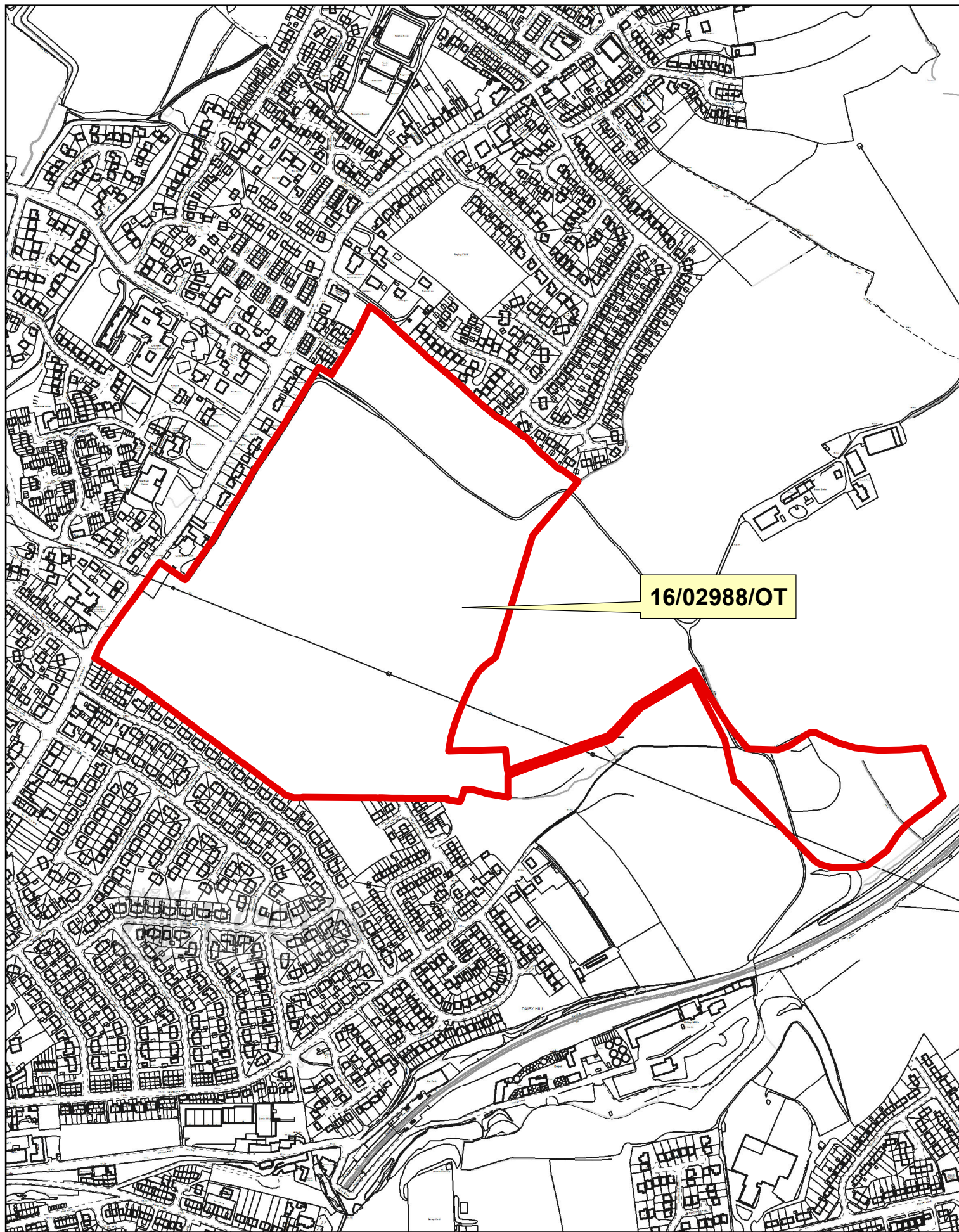
- 15.1 This application seeks outline planning permission for up to 550 dwellings on land at Laneside Farm to the south of Victoria Road in Churwell. It seeks to consider

means of access into the site only such that matters of appearance, landscaping, layout and scale are reserved for future consideration.

- 15.2 The site is a Protected Area of Search (PAS) on the 2014 Policies Map. However, following recent appeal decisions, the Secretary of State has set out very clearly that in his view, the Council does not have a 5-year housing supply and the buffer must be 20% due to the persistent under delivery. These decisions have also made it very clear that UDPR Policy N34, which relates specifically to PAS sites is time expired, conflicts with the objectives of the NPPF and can be afforded little weight. Similarly, whilst the site is identified with the Submission Draft of the Site Allocations Plan (SAP) for delivery within Phase 2 principally due to the impact on the congested length of the A6110 Outer Ring Road, particularly the A643 / A6110 junction, due to its stage of preparation, the SAP can be afforded little weight. Moreover, as noted in the report above, this application has sought to mitigate this highway impact in any event.
- 15.3 Consequently, the primary basis for the determination of this application is to have regard to Paragraphs 14 and 49 of the NPPF. It should be considered in the context of the presumption in favour of sustainable development and given that it sufficiently accords with the development plan as set out in the report above, it should be approved without delay 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.
- 15.4 The planning balance exercise is set out at Section 12 of this report where it concludes that any adverse impacts arising from this proposal are not considered to significantly and demonstrably outweigh the benefits of bringing the site forward to deliver housing and it is considered to represent a sustainable development. Therefore, having taken all representations received into account and given the compliance of this application with Spatial Policies 1, 4, 6 and 7 and Policies H1, H2, H3, T1, EN2, G8, P10 and ENV5 of the Core Strategy as well as Saved Policies GP5 and N24 of the UDP, it is on this basis, subject to conditions and a Section 106 Legal Agreement, that the application is recommended for approval.

Background Papers:

Application and history files.
Certificate of Ownership



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