



**Report of the Chief Planning Officer -**

**CITY PLANS PANEL**

**Date: 21st November 2013**

**Subject: Application 13/00902/OT Outline application for circa 125 dwellings  
on land at Owlars Farm Wide Lane Morley LS27 8ST**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Persimmon Homes (West Yorkshire)Ltd and Priestgate Ltd	05.03.2013	04.06.2013

**Electoral Wards Affected:**

**Morley South**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

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

- 15% provision of affordable housing on site or a financial contribution towards provision of affordable extra care provision off site
- Public Transport Infrastructure £1,226 per dwelling
- Travel Plan Management Fee £2,700
- Residential Metrocard Scheme £572.55 per dwelling
- Metro, bus stop improvements £40,000
- Management Fee £4,000
- Education Contribution £4,763 per dwelling
- Local training and employment initiatives during the construction of development.
- Greenspace contribution –provision of N.2.1 Greenspace on site and commuted sum payment per dwelling for N2.2 and N2.3 to be agreed
- Off Site Highway Works -  
Parking restrictions in the general vicinity of the junction

## Works for a bus clearway

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

### Conditions

1. Time limit on permission 2 years
2. Submission of reserved matters to include details of layout , scale ,appearance and landscaping
3. Plans to be approved
4. Details of materials to be submitted
5. Submission of level details
6. Details of boundary treatment to be submitted
7. Biodiversity Protection and Enhancement Management Plan to be submitted
8. No site clearance of vegetation , trees or shrubs during wild birds breeding season
9. Bat roosting survey to be carried out and submitted
10. Submission of method statement for control of Himalayan Balsam
11. Submission of floodlighting scheme to minimise the impact on nature conservation
12. Submission of Site Investigation Methodology as outlined in submitted report
13. Reporting of unexpected contamination
14. Site Investigation details of contamination to be submitted
15. Submission of highway details specifying visibility splays, vehicle access and vehicle spaces
16. Submission of drainage details and flood management works
17. Details of treatment of watercourse
18. No trees or structures within 9m of embankment of watercourse
19. Details of surface treatment to designated footpaths to be submitted
20. Submission of archaeological programme
21. Statement of construction practice
22. Submission and implementation of landscaping details
23. Landscape Management Plan
24. Details of landscape buffer to the southern and eastern boundary to be submitted
25. Coal Investigation works prior to commencement of development
26. No building works over or within 5m of sewers crossing the site
27. Details of wildlife buffer zone to be submitted

## **1.0 INTRODUCTION**

- 1.1 This is an outline application for new residential development for circa 125 dwellings. The application seeks approval for means of access only, all other matters are reserved. Vehicular access is to be taken from the existing Wide Lane, Bedale Court junction which currently serves the 16 dwellings on Bedale Court, towards the north of the site . This existing vehicular access is a short cul-de –sac at the top end of Bedale Court development. This access is to be extended into the application site to provide the only vehicular access into the development. A pedestrian access is also proposed from Wide Lane adjacent to the proposed Public Open Space.

The site has an area of 3.8 ha and is designated as a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to provide for long term development needs if required. The application is recommended for approval and key considerations in reaching this recommendation are matters of housing land supply and sustainability.

In order to identify a sufficient housing supply to meet the requirements and in order to diversify the type of supply being made available the Council accepts that there should be some further greenfield land released for housing development in addition to the releases that were made under UDP Policy H3 ( Phase 1, Phase 2 and Phase 3 sites ). In advance of consideration through the Site Allocations Plan, an Interim Policy (see para's 1.16 – 1.17 below) provides a policy basis for the release of some Protected Areas of Search (PAS) sites. Sites at Fleet Lane, Oulton and Royds Lane, Rothwell have already been granted planning permission on this basis following consideration by City Plans Panel.

- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Examination into the Core Strategy commenced in July 2013 and following the close of hearing sessions in October the Council is awaiting a response from the Inspector on its Main Modifications arising from the hearings. The Inspector has yet to make any recommendations on substantive matters in relation to the overall housing requirement and the distribution of housing growth as set out in the plan.

As the Core Strategy Examination is well advanced its policies can be given some weight, although it should be recognised that the Inspector's findings may well result in changes to these policies.

- 1.5 The Council is currently progressing a Site Allocations Development Plan Document, which has been subject to Issues and Options consultation ( 3<sup>rd</sup> June to 29<sup>th</sup> July 2013) and is in the process of reviewing the representations received. In advance of the Site Allocations Plan it has been considered appropriate to promote an interim policy providing criteria against which certain PAS sites can be released for housing development to help provide for sufficient housing supply whilst facilitating the delivery of brownfield sites.

#### **Five Year Supply Position**

- 1.6 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for 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. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, as articulated in the NPPF.
- 1.7 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber

Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

- 1.8 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies can be substantially reduced.
- 1.9 The context has now changed. The RSS was revoked on 22<sup>nd</sup> February 2013 and it is clear that when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. The Core Strategy is in the process of being Examined and contains a housing requirement that, in the opinion of the Council, is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 1.10 Executive Board has approved the Authority Monitoring Report 2012, which states that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 407<sup>1</sup> units against a target of 20,307 units. This is measured against Submission Core Strategy targets and applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.
- 1.11 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites but due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 1.12 Therefore, in order to demonstrate a deliverable 5 year supply there is a need to include brownfield and greenfield sites that are not allocated and do not have planning permission. The SHLAA lists these as "LDF to determine" simply because they are not allocations or sites with planning permission. This includes some Protected Areas of Search. In reality, many of these sites, including unallocated brownfield and non-green belt or PAS greenfield sites have the potential to come forward for development now judged against the NPPF, the UDP and Draft Submission Core Strategy policies. In the case of PAS sites this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations has advanced sufficiently.
- 1.13 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.
- 1.14 The Housing Delivery Report included an Interim Policy setting out criteria for the release of certain Protected Areas of Search (PAS) sites for development. The

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<sup>1</sup> The AMR approved by Executive Board stated a 5 year supply of 21,512 units. Following a S78 appeal at Outwood Lane, Horsforth the Council revised its position to 21,407 as a result of duplicate sites being identified.

application site is located adjacent to the built up area of Morley, in close proximity to a variety of shops and services located within Morley. As such, the development of the site would form an extension to the existing settlement of Morley. The application site satisfies the criteria of the Interim Policy for the release of a selection of PAS sites. Whilst the interim policy is subject to a challenge in the High Court, pending the outcome of the hearing it can be regarded as a material consideration albeit that it is not part of the development plan or a formally adopted Supplementary Planning Document and has not been subject to consultation.

1.15 This application is presented to City Plans Panel for consideration for the following reasons:

- The application site is a PAS site and its release would constitute a departure from the UDP.
- All previous PAS site applications have been presented to City Plan Panel. The applications at Fleet Lane in Oulton and Royds Lane in Rothwell, that are smaller sites, have been approved and decision notices issued.
- In the light of the resolution reached by Executive Board which is summarised below, the site is acceptable when assessed against the Interim Policy setting criteria for release of PAS land
- The Interim Policy has been challenged in the High Court and we are currently awaiting a hearing date for the matter to be heard in the High Court.
- The application site is in line with specific policies of the NPPF
- At the request of Local Ward Members Councillors Elliott and Varley reasoning concerns of an overloaded and inferior infrastructure, lack of school places and generally a blight on current residents health and well being.

#### **EXECUTIVE BOARD DECISION OF 13<sup>TH</sup> MARCH 2013**

1.16 The Housing delivery report was presented to Executive Board on the 13<sup>th</sup> March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. The proposed Interim Policy is:-

**In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-**

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;**
- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan ) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and**
- (iii) The land is not needed , or potentially needed for alternative uses**

**In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:**

- (iv) It is an area where housing land development opportunity is Demonstrably lacking; and**

- (v) **The development proposed includes or facilitates significant planning benefits such as but not limited to:**
  - a) **A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;**
  - b) **Proposals to address a significant infrastructure deficit in the locality of the site.**

**In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.**

- 1.17 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13<sup>th</sup> March 2013 ) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
  - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

## **2.0 PROPOSAL:**

- 2.1 The application is made in outline to consider the principle of the development and means of access only. Vehicular access is to be taken from the existing Wide Lane, Bedale Court junction which currently serves the 16 dwellings on Bedale Court, located towards the north of the site. This existing vehicular access stops as a cul-de-sac at the top end of the Bedale Court development. This access is to be further extended within the development site ( and is referred to by the applicant as partial access.) A pedestrian access is also proposed from Wide Lane adjacent to the proposed Public Open Space. Indicative details of the layout and scale, have been provided and refer to a development of approximately 125 dwellings with associated road infrastructure, parking provision, amenity space and landscaping. These details are not for approval at this stage and will be considered under a future application for the approval of Reserved Matters.
- 2.2 The Design and Access Statement indicates dwellings will be a mix of detached, semi detached and terraced houses across the site. The Design and Access statement indicates that the dwellings will range from two to two and half storeys in height.
- 2.3 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for greenspace, 15% affordable housing, Education, Travel Plan and any other matters that arise through the course of the application.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site of 3.83 hectares is located on the eastern edge of the town of Morley and is approximately 300m to the west of the A653 Dewsbury Road which links southern Leeds to the M62. Leeds City Centre is 4.5km northeast of the proposed site. The site is bounded to the north by Wide Lane (B6123). Towards the north and west are residential properties along Bedale Court, Topcliffe Crescent,

Mews and Avenue. The southern and eastern boundaries are Green Belt. Topcliffe Beck runs along the southern boundary of the site and the eastern boundary is formed by agricultural farmland. Newlands Farm is located to the east of the site and Topcliffe farm is situated to the southeast. Trees and landscaping are present along and close to the north, east and south boundaries of the site. Housing towards the west and north are predominantly modern two storey dwellings. The site is designated as a Protected Area of Search (PAS) on the Leeds Unitary development Plan and is currently in agricultural use.

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

- 4.1 23/429/01 15 three bedroom dwelling houses  
Approved 30<sup>th</sup> January 2003
- H23/160/82 Outline application to lay out access roads and erect residential development to vacant agricultural site  
Refused 13th September 1982
- H23/168/80 Change of use of rhubarb sheds to form shop and stores  
Approved 28<sup>th</sup> April 1980

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Council Officers have met with the applicant to discuss the application. The discussions revolved around the principle of development

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

##### 6.1 Community Engagement

A public event was held by the applicant on 28<sup>th</sup> January 2013 at Morley newlands Primary school between the hours of 4.30pm and 7.30pm. Members of the public were provided with comment sheets. The public consultation process demonstrated that the local community has specific concerns in relation to:-

- Increased pressure on local services
- Effect upon existing wildlife on site
- The loss of view over existing fields
- To leave Morley alone and build in other areas that have more greenfields.
- Concern from Bedale Court residents in relation to proposed access
- Comments on flooding of site
- Proposed plots should not overlook existing properties
- Request for bungalows to be added to the proposed scheme
- Increased traffic that would be generated from the development
- Concerns in relation to stretched resources such as doctors surgeries.

##### Ward Members

Persimmon Homes e- mailed three Ward Councillors for the Morley South Ward to advise of forthcoming planning application and the public consultation exercise on the 17<sup>th</sup> January 2013. A meeting was also offered to the Ward Councillors. One Ward Councillor attended the public exhibition.

6.2 The application was advertised as constituting a departure to adopted UDP by site notice posted on site on the 15<sup>th</sup> March 2013. Publicity expiry date being 5<sup>th</sup> April 2013. To date the following representations have been received:-

A total of 207 representations have been received with the following comments in summary:-

- Traffic impact and the problems it brings
- Impact on local infrastructure and traffic volume
- Consistently battling against developers to preserve our greenbelt
- Should be protecting greenfield land should not be developing on it
- Noise and disturbance effecting residential amenities by way of overlooking ,sunlight and privacy
- Damage to local environment
- Local services such as doctors and schools cannot take anymore
- Local schools already oversubscribed
- Destruction of trees and landscapes
- Drainage problems already, situation will worsen
- Effect on local wildlife and destruction of open character.

#### Morley Town Council

Have raised the following concerns:-

- Additional traffic generated
- This is a greenfield site , 21,000 units on mainly brownfield sites have already been granted permission
- Morley schools cannot accommodate any further children. Not enough funding to generate sums needed for a new school
- Drainage and flooding problems
- Local Infrastructure cannot cope
- Does not comply with National Planning Policy Framework as site is not sustainable.

#### Local Ward Members

Local Ward Members Councillor Elliott and Councillor Varley have raised the following:-

- Request that the application be presented to Panel
- Already overloaded and inferior infrastructure
- Lack of local school places
- General blight on current residents health and well being.

## **7.0 CONSULTATION RESPONSES:**

### Nature Conservation

7.1 Submitted Phase 1 Habitat and Protected species Survey indicates that there may be a habitat present of UK BAP Priority level of importance (Lowland Meadows). Local Authorities have a duty to conserve biodiversity. The survey has been carried out at a sub optimal time of year to identify the botanical importance of the open grassland areas. Recommend that further botanical surveys are carried out to fully understand the nature conservation value of the site. Topcliffe Beck needs to be protected and enhanced. The buffer shown along the eastern side of the site is supported and should be planted with native species creating a strong green corridor. A bat roost and inspection surveys are required to be carried out.

### Highways

7.2 On balance, it is considered that a highways objection to the scheme on the grounds of an unacceptable impact on the local highway network would be difficult to justify.



1. Although existing traffic conditions within the local area have been observed to be busy within the peak period, particularly on Dewsbury Road at the roundabout junction with Wide Lane, it is assessed that the traffic generated by the proposed development would only slightly add to the existing traffic flows and that this would not have a material adverse impact on the local network.
2. The proposed development would utilise the existing junction of Bedale Court/Wide Lane to access the external highway network. An examination of the existing geometry of Bedale Court reveals that it complies with the requirements of the Street Design Guide for a Type 2 Local Residential Street in terms of corner radii, junction visibility and road width. The Street Design Guide advises that a Type 2 Street can serve up to 200 dwellings, whereas the combined total of the existing dwellings on Bedale Court (16 units) and the proposed development (125 units) would fall below this threshold.

However, car parking has been observed to take place on Wide Lane opposite the Bedale Court junction close to an existing bus stop and the Traffic Management section have reported that this is a typical occurrence that can lead to problems of bus accessibility. Accordingly, any approval of the planning application should include a requirement for the development to fund a scheme of off site highway works to introduce parking restrictions in the general vicinity of the junction as well as works for a bus clearway.

With regard to the proposed illustrative site layout, the Design Services section has made a number of additional points and these are summarised below, as follows:

- The 3m wide footpath connection to Wide Lane should be lit and constructed to adoptable standards.
- Most of the shared private drives could be replaced with adoptable areas with only marginal changes to the layout.
- Changes to the junction configuration of the shared surface road at the southern end of the site would be required.

It should be noted that the internal roads will need to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act. The speed limit for the proposed development should be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs).

#### Public transport Improvements and developer contributions

- 7.3 The proposed use will have a significant travel impact, which will need to be addressed. Using the SPD formula the calculation results in a figure of £1,226 per dwelling which represents the required contribution.

#### Contaminated Land team

- 7.4 The report submitted in support of the application recommends some site investigation. Given the sensitive nature of the development the applicant should be asked to provide a site investigation methodology in support of application - this is to be addressed by condition.

### Neighbourhoods and housing

7.5 Requirement for 15% affordable housing split 50/50 social rent/submarket housing in this area. Therefore there is a requirement of 19 affordable units (based on 125 units) 9 for social and 10 for sub market.

### 7.6 Flood Risk Management

A comprehensive Flood Risk Assessment and Surface Water Management Strategy (Report 3676/FRA1 (Rev A) dated Jan 2013) has been undertaken for this proposed development at Owlars Farm. The Report acknowledged and addressed the flood related issues in accordance with the present regulatory framework, guidance and council policies appropriate for the development of this Greenfield site.

The final surface water drainage design and details should therefore be in accordance with the proposed drainage strategy set out in the Report. The following aspects of the Report must be adhered to unless appropriate revisions are made to the report and these revisions have been submitted to and approved by the council prior to implementation of any changes.

- The extent of the proposed habitable/ developed area of the site should be consistent with that outlined in the “Drainage Strategy – 3767 –FRAO4” as the proposed dwellings shown in the Drainage Strategy are set within acceptable limits of the extent of the areas indicated by the EA’s flood map to be prone to flooding from surface water runoff from the surroundings, notwithstanding the fact that the site has been identified to be in Zone 1.
- Any new outfall to the watercourse should be designed with a maximum discharge rate of 11.4 l/s
- Appropriate overland flood routes must be created through the site to address the potential flood risk from the areas west of the site.

A separate application must be made to the council in accordance with the statute set out in Schedule 2 (Para 32 & 33) of the Flood & Water Management Act 2010, for approval of any outfall structure in the vicinity of the watercourse.

The following conditions should therefore be applied to this development:

1. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The details must be consistent with that outlined in the approved Flood Risk Management & Surface Water Drainage Strategy (Report 3676/FRA1 (Rev A) dated Jan 2013). The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and PPS25.

2. Before development commences details of the proposed treatment of the watercourse in and alongside the site must be submitted to and approved by the Council.

In compliance with the Leeds Land Drainage By Laws and to ensure that the watercourse is properly dealt with.

3. Without the previous consent of the council, no trees must be planted or structures erected over or within 9 metres of the landward toe of the bank of the watercourse where there is an embankment or wall, nor within 9 m of the top of the batter where there is no embankment or wall.

In compliance with the Leeds City Council Land Drainage Bylaws and to protect the watercourse so that it can effectively drain the site and its surrounds.

### Waste management

7.7 Refuse collection arrangements are considered acceptable

### Travelwise

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

- Leeds City Council Travel Plan Review Fee of £2,700
- Residential Metrocard scheme
- Conditions for cycle parking for houses that have no direct access to garden, cycle parking will need to be designed in at the front of the dwelling
- Provision of electric vehicle charging points within garages

### Yorkshire Water

7.9 The principle of development is acceptable in drainage terms.

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 5 (five) metres either side of the centre line of the each sewer that crosses the site. (In order to allow sufficient access for maintenance and repair work at all times )
- The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences. (To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading )
- No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. (To ensure that the development can be properly drained ) Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. (To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal)
- Foul water domestic waste should discharge to the public combined water sewer recorded crossing the site.

### Environment Agency

7.10 Recommend conditions to meet the requirements of NPPF.

### Metro

7.11 Recommend a Metro Residential card scheme by way of S106. The current Cost to the developer is £71,568.75, which is £572.55 per dwelling . Along with improvements to bus stop numbers 11043 and 11044 at a cost of £10,000 each and "live "bus information displays at each bus stop at the cost of £10,000 each. In total a cost to the developer of £40,000

### Coal Authority

7.12 Coal mining information submitted identifies that the application site may have been subject to unrecorded shallow coal mining activity. Further site investigation required - recommended conditions to be attached.

## Local Plans and Policy

### (i) Policy

7.13 The site is allocated as Protected Area of Search (PAS) land within the UDP review (policy N34). Following recent Executive Board Approval an interim policy currently exists which provides criteria for the release of less significant PAS land in sustainable locations for housing development that accord with the main focus for development set out in the Core Strategy. This policy will assist Leeds in strengthening its supply of deliverable housing land in advance of the adoption of Leeds `Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. It will also help to stimulate the housing market to meet specific local needs. The interim policy only supports housing development on PAS sites subject to the specified criteria being met. The proposed site is under 10 hectares in size and relates well to the main urban area of Morley. Furthermore it is not envisaged that the site is required for any alternative uses. As such it is considered that the site meets the criteria for release as a new housing site. Consequently the principle of housing development on the site is accepted. One of the conditions of the Interim policy is that the 5 year period of validity for the permission is reduced to 2 years.

### (ii) Greenspace

The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace. The Councils adopted Supplementary Planning Document (SPD) advises that on- site greenspace provision should be a useable and safe space which is distinct from purely visual landscaping required under other policies within the UDP. Greenspaces should be in one block to ensure its function is performed, centrally located and overlooked by dwellings. The greenspace on this application is situated on the periphery of the site in areas where development would be difficult to achieve, the southern section acts as a green belt buffer and for drainage, rather than being open useable space. The northern section in terms of layout is on the periphery of the site. This section includes a steep level change, and would be difficult to maintain. This is a greenfield PAS site with no constraints and the developer should provide the full amount of Public Open Space. The developer would need to provide for a functional open space. There is potential to develop the N5 site or improve nearby greenspace. The provision of N2.1 greenspace on site and a commuted sum payment per dwelling for N2.2 and N2.3 should be agreed with the location of the on- site space agreed at reserved matters stage and the commuted sum included as part of the Section 106 agreement.

## 7.14 Children Services – Education

### Primary

The development is for 125 houses, assuming all are family dwellings, this would generate approximately 31 primary aged pupils. Due to a rising birth rate there is pressure on the existing school estate across the city, and any new housing will add to this pressure. The Morley area in particular has seen an increase in demand for school places, and this is expected to continue. There are currently more children aged 0-5 living in the Morley Planning Area than there are places, and this does not take into account children that would potentially be generated from this and other planned developments in Morley. The nearest schools to the development, Morley Newlands Primary School has been expanded to 3 form entry from September 2013 to accommodate children already living within the area. The second nearest school, Seven Hills Primary is oversubscribed for September 2013, receiving more first preferences than there are places.

## Secondary

Should all the houses be family dwellings, the development would generate approximately 12.5 secondary aged pupils. As for Primary there is increasing demand for secondary school places, with particular pressure in the south of the city. Any new housing will exacerbate this. As a whole, the south wedge is predicted to run out of capacity in year 7 in 2014.

Should other housing applications in the area come to fruition, it will add further pressure for places in Morley.

In light of the above, we would request a full education contribution:

Primary:  $125 \text{ (dwellings)} \times \text{£}12,257 \text{ (cost multipliers)} \times 0.25 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}371,540$

Cost per dwelling = £2,972

Secondary:  $125 \text{ (dwellings)} \times \text{£}18,469 \text{ (cost multipliers)} \times 0.10 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£} 223,937$

Cost per dwelling = £1,791

Total = £595,477 or £4,763 per dwelling

## **8.0 PLANNING POLICIES:**

### **Development Plan**

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and The Natural Resources and Waste Development Plan. These are supplemented by supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The site is not designated for any particular purpose in the UDPR. Land abutting to the east is designated Green Belt.
- 8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination, and the hearings in the Examination have now taken place. As the Council has submitted the Publication draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached maybe limited by outstanding representations which have been made and which are being considered by the Inspector following the Examination. The Draft Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban extensions.
- 8.3 Leeds Unitary Development Plan (UDP) Review:  
GP5: General planning considerations.  
GP7: Use of planning obligations.  
GP11: Sustainable development.  
N2/N4: Greenspace provision/contributions.  
N10: Protection of existing public rights of way.  
N12/N13: Urban design principles.  
N23/N25: Landscape design and boundary treatment.  
N24: Development proposals abutting the Green Belt.  
N29: Archaeology.  
N34: Protected Areas of Search  
N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.  
BD5: Design considerations for new build.  
T2 (b, c, d): Accessibility issues.  
T5: Consideration of pedestrian and cyclists needs.  
T7/T7A: Cycle routes and parking.  
T24: Parking guidelines.  
H1: Provision for completion of the annual average housing requirement.  
H2: Monitoring of annual completions for dwellings.  
H3: Delivery of housing on allocated sites.  
H11/H12/H13: Affordable housing.  
LD1: Landscape schemes.

8.4 Interim Policy – Release of PAS sites – 13<sup>th</sup> March 2013 (see 1.16 to 1.17 above)

8.5 Supplementary Planning Guidance / Documents:  
Neighbourhoods for Living – A Guide for Residential Design in Leeds  
Street Design Guide  
SPG4 – Greenspace  
SPG11- Education contributions  
SPD- Street Design Guide  
SPG25 – Greenspace and Residential Developments

### **National Guidance**

- 8.6 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.7 Paragraph 49 requires that housing applications 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.
- 8.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
  - not include land which it is unnecessary to keep permanently open;
  - where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
  - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
  - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
  - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

## 9.0 MAIN ISSUES

- Principle of Development
- Sustainability
- Impact on Residential Amenity
- Highways
- Flood Risk Management and Drainage
- Green Belt edge
- Public Open Space
- Local representations, Ward Member and Morley Town Council representations received
- Joint Letter of Representation received from Ward Councillors
- Provision of Affordable Extra Care off Site
- Section 106 Package
- All other matters

## 10.0 APPRAISAL

### Principle of Development

- 10.1 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application must be regarded as a departure from the Development Plan. In order to identify a sufficient housing supply to meet requirements and in order to diversify the type of supply being made available the Council has accepted that there should be some further greenfield land to be released for housing development in addition to the releases that were made under UDP policy H3. The criteria of the interim policy are intended to ensure that PAS sites of relative significance in terms of size and locational impact will only be, identified as housing sites, through the development plan process, namely the Site Allocations Plan. However the interim policy envisages that other PAS sites, notably smaller sites (below 10ha) that are well related to either the Main Urban Area or the Major Settlements defined in the Core Strategy are capable of being developed for housing should go ahead of the Site Allocations Plan process providing that there are no other material considerations indicating otherwise.
- 10.2 The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for 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. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 Paragraph 49 of the NPPF requires that housing applications 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.

- 10.4 It is acknowledged that Leeds has a five year land supply and that an element of that supply is expected to come from land which has been identified as to be determined through the Site Allocations DPD. The application site is located on the edge of the urban area, and the site appears to be both accessible and sustainable.
- 10.5 Paragraph 85 of the NPPF provides that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development.
- 10.6 The interim policy supports housing development on PAS sites subject to the following criteria being met.

Criteria (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.* The site is an extension to the settlement of Morley and is considered sustainable. As such the development of the site would form an extension to the main urban area. It is considered that the site satisfies criteria (i).

Criteria (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.* The application site is below this threshold.

Criteria (iii) *Land is not needed, or potentially needed for alternative uses.* The application site is not needed for alternative uses and therefore satisfies this criteria.

The proposed site is less than 10 hectares, relates well to the main urban area of Morley which is a major settlement in the settlement hierarchy and it is not envisaged that the site is required for any alternative use. It is therefore considered that the site meets the criteria of the Interim Policy for release as a new housing site. Consequently the principle of housing development on the site is considered acceptable.

### **Sustainability**

- 10.7 The site is approximately 300m to the west of the A653, Dewsbury Road which links southern Leeds to the M62, Leeds City Centre is 4.5km north east of the proposed site.

The site is located in close proximity to a range of shops, leisure facilities, community facilities and employment uses. A summary is given below:-

- The Gardeners Arms Public House 0.3km
- Morley Newlands Primary School 0.4km
- Albert Drive Convenience Shops 0.6km
- Morley Convenience Store 0.6km
- Levisham Park 1.1km
- Morley train Station 2.2km



- Queenswood School 1.7km
- Joseph Priestley College 1.7km
- White Rose shopping Centre 1.9km
- Bruntcliffe High School 3.0km

Bus stops that are west and eastbound are available on Wide Lane. This provides the site with regular bus services to a range of destinations such as Leeds, Wakefield, White Rose Shopping Centre and Morley Town Centre.

The bus stops on Wide Lane are approximately 130m from the centre of the site. Services using the stops are the 64 Gildersome to Leeds and Aberford service at a 30 minute frequency. Services 220, 221, 222 and 223 from Leeds to Huddersfield, Heckmondwyke and Mirfield combine to provide four buses per hour in each direction. All services stop at the White Rose Centre.

The bus service provision on Wide Lane is better than required to meet accessibility standards in the Draft Core Strategy in both frequency and walk distance from the site.

The site benefits from its location alongside established amenities and public transport, therefore in relative terms it can be argued that the site is in a sustainable location. It is also noted that the applicant has submitted a travel Plan which includes a series of measures that promote walking, cycling, use of public transport and car sharing . Accordingly when looked at in the round it is considered that the proposal is consistent with policies that promote sustainable patterns of development.

### **Impact on Residential Amenity**

- 10.8 A modern residential development of approximately 16 dwellings , at Bedale Court is located towards the north of the site and is served by a vehicular access from Wide Lane. The existing development has a court layout with some of the dwellings facing the road which will be extended to be the main vehicle access into this site. Currently the residents enjoy a low level of vehicular and general activity. The proposed development will therefore give rise to a significant increase in vehicle and pedestrian movements which will impact on the living conditions of existing residents. The western boundary of the site also adjoins existing dwellings and there will be some impact although the layout and design will be considered at reserved matters stage. Set against the impact on existing residents is the fact that the site has been reserved and allocated for long term development in the UDP since it was adopted.

### **Highways**

- 10.9 Compared to other PAS sites it is considered that the site is well located and meets the criteria for the release as a new housing site. As such no objections are raised now to the principle of development for reasons relating to the sustainability of the site.

It is considered that there is no overriding highway safety or capacity concerns. A vehicular access can be achieved with appropriate visibility and a layout can be achieved that allows for appropriate parking provision and safe manoeuvring of

vehicles. The following off site highway works are to be agreed as part of the S106 Agreement:-

- Parking restrictions in the general vicinity of the junction with Wide Lane
- Works for a bus clearway

### **Flood Risk Management and Drainage**

- 10.10 A Comprehensive Flood Risk Assessment and Surface Water Management Strategy (Report 3676/FRA1 (Rev A) dated January 2013 ) has been undertaken. The report acknowledges and addresses the flood related issues in accordance with the present regulatory framework, guidance and council policies appropriate for the development of this greenfield site. The final surface water drainage design and details should be in accordance with the proposed drainage strategy set out in the Report. Conditions are to be attached for the submission, approval and implementation of flood risk management measures and drainage design details.

### **Green Belt Edge**

- 10.11 Adjacent to the eastern boundary of the site is a landscaped strip in the form of trees and vegetation abutting the green belt beyond. This strip of landscaping is outside of the red line boundary but is in the applicants ownership. In accordance with UDP policy N24 a landscaping scheme can achieve the transition from development to Green Belt. Similarly the southern boundary can assimilate the development to the Green Belt by a landscaping and bio- diversity scheme and is conditioned.

### **Greenspace**

- 10.12 The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace at this stage but this can be resolved through detailed discussion and the consideration of a reserved matters application. On site greenspace to meet policy N2.1 will need to be achieved with a Section 106 contribution for meeting the requirements of N2.2 and N2.3.

### **Representation Received**

- 10.13 207 representations have been received from individual households, local organisations, and letter of representation from Ward Members. The majority of the points raised have been addressed in the relevant sections of the report and these include matters relating to:
- Highway safety and concerns (Paras: 10.8 to 10.9)
  - The principle of the development (Paras: 10.1 to 10.6)
  - The Local Infrastructure (Para: 10.7)
  - Drainage and flooding concerns (Paras: 10.10 )
  - Sustainability (Para: 10.7)

### **Provision of Affordable Extra Care off Site**

- 10.14 Morley North and Morley South are identified as priority areas for extra care housing with the demand analysis showing a current undersupply of 41 units (Morley North) and 38 units (Morley South). It is predicted that by 2020 the undersupply is predicted to increase. Extra care is a much needed but often an expensive model to

deliver. Taking the affordable housing contribution as a commuted sum from this site will enable options to be explored to ensure good quality extra care is delivered in the locality. It could be that this sum of money would enable the Council to negotiate additional affordable units or specialist units (such as dementia care) that the market would not otherwise deliver. There is a pressing need for accommodation in this part of the city which the commuted sum can contribute towards. The applicant has agreed to the principle of this so long as the final commuted sum can be agreed and still subject to further discussion. If a figure cannot be agreed the applicant has the option to revert to the provision of affordable housing on site. Local Ward Members have been notified and have been asked for their preference of either affordable housing on site or the extra care provision.

### **Section 106 Package**

10.15 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Section 106 Package consists of the following:-

- 15% affordable housing provision on site or commuted sum for extra care accommodation (based on Affordable Housing requirement)
- Education Contribution of £4,763 per dwelling
- Public Transport Infrastructure £1,226.00 per dwelling
- Travel Plan Management Fee £2,700
- Management Fee- £4,000
- Residential Metrocard scheme £572.55 per dwelling
- Bus stop improvements - £40,000
- Local training and employment initiatives during the construction of the development.
- Off site highway works consisting of parking restrictions in general vicinity of the junction as well as works for a bus clearway.

The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals.

10.16 The application originally included provision of 15% affordable housing on site and this equates to 19 units. This is compliant with the councils planning policy. The Councils Housing Investment Team have been consulted on the planning application and have set out there is an acknowledged need for the provision of affordable extra care accommodation for older persons. If there is limited potential for specialist housing to be delivered on site a commuted sum towards the delivery off site could be considered. As set out above discussions are currently ongoing to see if this can be delivered within the scope of affordable housing and through clauses within the Section 106 Agreement.

## **All Other Matters**

- 10.17 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of extra care accommodation meeting an important local need.
- 10.18 It is also considered that a development can be achieved that respects the character of the area in relation to the spatial setting of the houses, their scale and appearance and the landscaping of the site. These matters ultimately will be subject to future consideration as part of a submission for the approval of reserved matters.
- 10.19 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents from the positioning of future housing. The current layout is indicative only - it will be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living.
- 10.20 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.
- 10.21 The layout of circa 125 dwellings could be accommodated albeit in a different layout to that so far indicated. This plan is indicative only the matters of design and layout are not being agreed as part of this application. These details will be the subject of a reserved matters application.

## **11.0 CONCLUSION**

- 11.1 Considering the advice given in paragraphs 85 and 49 of the NPPF it is important that the Council demonstrates it has a five year supply of deliverable housing sites. The Council has a 5 year supply of land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan and in the case of PAS sites that this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations work has advanced sufficiently. Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for limited release of sustainably located PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds' Site Allocations Development Document, which will identify a comprehensive range of new housing sites. The proposed site is less than 10 hectares in size, relates well to the main urban area of Morley. Furthermore it is not envisaged that the site is required for any alternative uses. As such, the site meets the criteria for release for housing development. Consequently the principle of housing development on the site is considered acceptable and is entirely consistent with the recent decisions at both Royds Lane (Rothwell) and Fleet Lane (Oulton) . It is recognised that the development of this site for housing will impact on the living conditions of existing residents of Bedale Court but that has to be balanced against the need to bring forward this site for development and provide housing for the city. Overall it is considered that great weight should be given to the release of this site for housing in accordance with the interim policy and that there are no other material

considerations which outweigh this – the application is therefore recommended for approval..

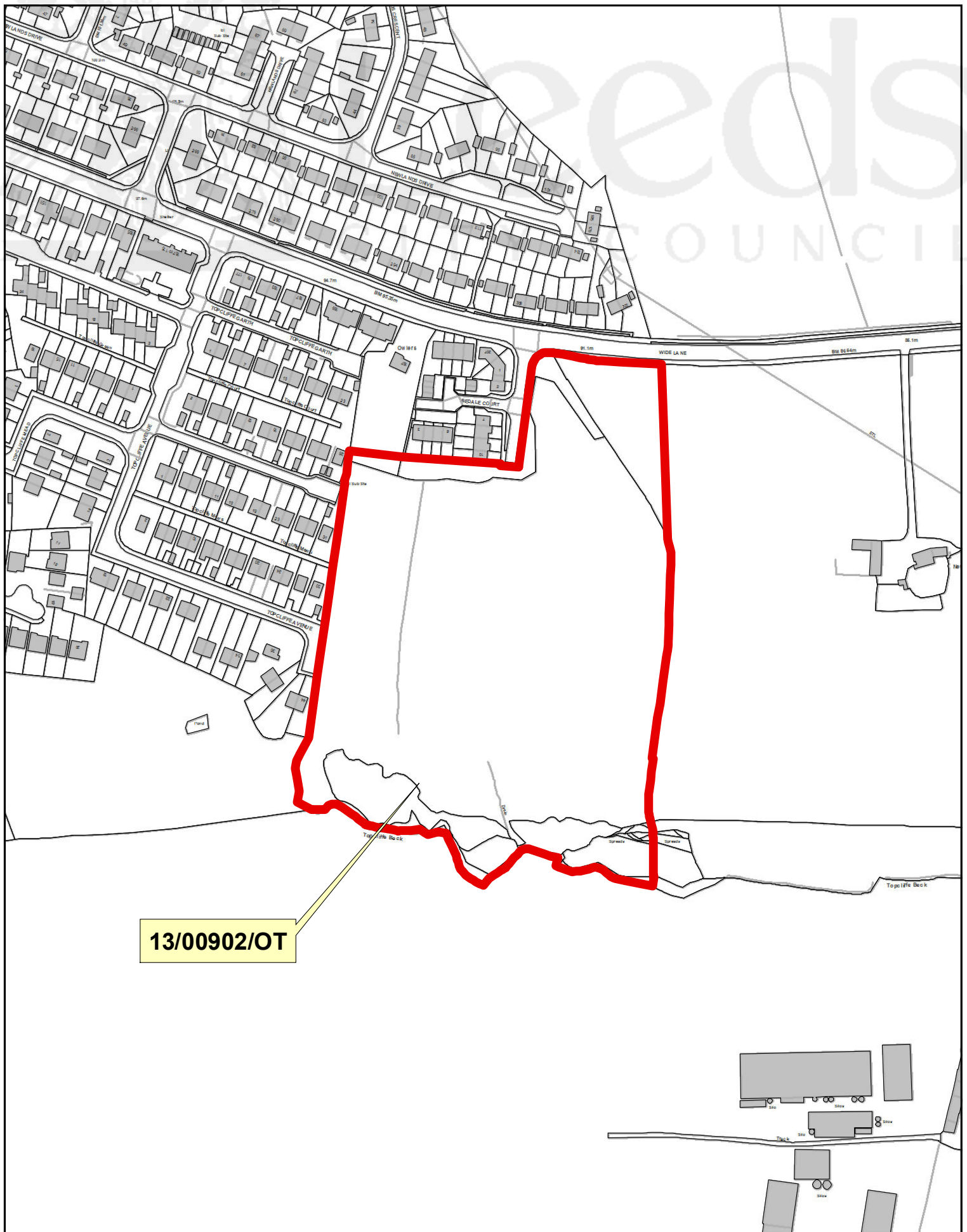
**Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report



13/00902/OT

# CITY PLANS PANEL

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