



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 3rd August 2017

Subject: Planning Application 16/07987/OT - Outline planning application (all matters reserved except for means of access to, but not within, the site) for the residential development of up to 208 dwellings and associated works, on land at Pitty Close Farm, Wakefield Road, Drighlington, BD11 1DH.

APPLICANT

Miller Homes Limited

DATE VALID

12th January 2017

TARGET DATE

4th August 2017 (PPA)

Electoral Wards Affected:

Morley North

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 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. A contribution of £100,000 to Flood Risk Management to construct an outlet from Lumb Wood Pond
- iii. Public open space on site of the size to comply with Core Strategy Policy G4;
- iv. Provision of a Sustainable Travel Fund of £88,407
- v. £40,000 for two new bus stops with Real Live Information
- vi. Travel Plan Review fee of £2,650.

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

1. Time limit for application for approval of Reserved Matters and commencement.
2. Approval of outstanding Reserve Matters details following outline permission.
3. List of plans to be approved.
4. Reserved Matters in accordance with the Masterplan to a maximum of 208 dwellings.
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. Tree protection measures
11. Landscape scheme.
12. Implementation of landscape scheme.
13. Landscape management plan.
14. Construction Environmental Management Plan (CEMP Biodiversity)
15. Biodiversity Enhancement and Management Plan.
16. Method statement for the control of Japanese Knotweed.
17. Submission of foul drainage scheme including details of provision for its future Maintenance.
18. Submission of drainage scheme (drainage drawings, summary calculations and investigations) detailing the surface water drainage works.
19. Archaeological recording scheme to be submitted.
20. Travel Plan.
21. Approved Vehicular Access.
22. Specified Off-site Highway Works.
23. Cycle provision.
24. Footpath connections.
25. Statement of construction practice.
26. Vehicle spaces to be laid out prior to development being occupied.
27. Maximum gradient to access.
28. Maximum gradient to driveways.
29. Provision of visibility splays of 2.4 metres x 90 metres at the King Street junction.
30. Highway condition survey.
31. Contamination reports and remedial works.
32. Unexpected contamination.
33. Verification reports.
34. Soil importation condition.
35. Details to achieve 10% of energy needs from low carbon energy.
36. Electric vehicle provision.
37. Scheme of intrusive site investigations for the shallow coal workings.

1.0 INTRODUCTION

- 1.1 This outline planning application is presented to Plans Panel on the basis that it represents a major development, which the Chair, in conjunction with the Chief Planning Officer considers is controversial. The site is identified as a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP) and is proposed as a Phase 3 Housing site within the Pre-Submission Draft Site Allocations Plan (SAP).

2.0 PROPOSAL

- 2.1 This application seeks outline planning permission for the residential development of a 9.3 hectare site to deliver up to 208 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 circa 208 dwellings (maximum). An indicative layout has been submitted which shows, 2, 3, 4 and 5 bed properties. The majority of which are detached. The application also includes a Transport Assessment, which has been undertaken on a maximum of 250 dwellings and this maximum figure therefore 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. This application only relates however to the access to and not within the site.
- 2.4 In this case, a single vehicular access to the site is proposed from King Street via a This is to be located via a simple priority junction and comprises of a carriageway width of 6.75m, footways to either flank of 2m and junction kerb radii of 10m, which lies between 35 and 41 King Street. The means of access is shared with a separate permitted housing development of 42 dwellings (ref 14/01904/FU) which is yet to commence development on site. The access road goes through a site which is currently used as a trade yard (Moorside Building Supplies) which sells building materials.
- 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.
- 2.7 The illustrative Masterplan indicates that the residential development will be constructed around the access road with a looped access around the site, although there are some instances where the roads within the development end, and offer no through access. The Design and Access Statement advises that the development will offer on-site green space provision at 2.65 ha.
- 2.8 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.
- 2.9 The landscaping of the site will also be determined at Reserved Matters stage. It is noted, however, that the Design and Access Statement confirms that existing Woodland buffer which lies on the north-western boundary of the site (towards Whitehall Road East) shall remain. Other trees which exist along the southern and eastern boundaries of the site are also to be retained and integrated within the site.
- 2.11 To support their submission, in addition to an illustrative Masterplan, the application has been supported by the following documents:

- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Minerals Recovery Report
- Planning Statement
- Noise Assessment
- Contaminated Land Reports
- Planning Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Arboricultural Survey
- Heritage Statement

3.0 SITE AND SURROUNDINGS

- 3.1 The site consists of agricultural land, sloping down from south to north (away from King Street) with limited existing vegetation primarily constrained to the boundaries, with the exception of a hedgerow and some individual trees in the eastern part of the site. The site has an open character with views to the north and east stretching across the wider landscape towards Pudsey, Gildersome and Leeds. The site is surrounded by Green Belt land to the north and east, towards Gildersome.
- 3.2 The main settlement of Drighlington lies to the north and west of the site. Relatively modern housing developments lie to the north, which are accessed from Whitehall Road East. Some of these have only recently been constructed and are generally of brick construction of a traditional design. The character of King Street is more varied with some older stone built terraced properties being situated in close proximity to the highway. Amenities located near to the site access include a convenience store, pharmacy, Public House, Beauty Salon, and Post Office. Opposite the entrance to the application site at Perkin House, 29 King Street, planning consent has been granted on King Street nearby for a new Aldi store (reference 15/01760/FU).
- 3.3 The proposed access from King Street is located on land currently occupied by Moorside Building Supplies, which is a large hard-surfaced area with some existing buildings of an industrial appearance within the site and a pair of stone semi-detached former houses fronting King Street, which also appear to have been used as part of the building supply operation. These existing buildings will be demolished as part of this application.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning consent was granted on 3rd November 2016 for '*The demolition of Moorside Building Supplies and construction of residential development comprising 42 dwellings*' (Reference 14/01904/FU). This application was submitted by the applicants, Miller Homes, on an adjacent area of land which lies directly to the north of this site, fronting King Street. Both this application and this previous approval share the same means of access. To date this consent has not been implemented.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A formal pre-application enquiry was submitted on 15th May 2015 to develop the site for 199 dwellings (PREAPP/15/00402). A meeting was held with the agents, and a formal response was sent on 11th August 2015. At that point in time, the Local Planning Authority considered the principle of developing this site was unacceptable on prematurity grounds. However this advice pre-dates the recent appeal decisions on other PAS sites in Leeds which concluded the Local Authority do not currently have a 5 year housing land supply.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was initially advertised by means of site notices, four were posted around the site on 17th January 2017 and a press notice in the Yorkshire Evening Post, published on 3rd February 2017. Ward members were notified of the application by e-mail.

- 6.2 At the time of writing this report, in total, 59 individual objection letters have been received in total with some residents having responded to both consultations. In addition, a petition has been received with a total of approximately 207 signatures. A summary of the issues raised by the objection letters and petitions is set out below:

- There are too many new houses in the local area, services are already stretched
- Scheme does nothing to add to the quality of life for existing residents
- Adverse impact on rural character of the locality
- Will harm sense of community
- Impact on historic nature of Dringlington
- Views of local people are being ignored
- Village character will be lost, Dringlington will become a town
- There are not enough local amenities to cope with an additional population, including doctors and schools
- Access is unacceptable, a single access for 179 dwellings
- Impact on property prices
- New houses should be developed on brownfield land over Greenfield;
- King Street cannot cope with additional traffic, particularly once Aldi is constructed
- Increase in road accidents
- Improvements should be made to local infrastructure before planning decisions are made on large developments
- Traffic and congestion – it is already a problem at peak times
- Dringlington should be kept as a village
- The field was supposed to be protected until 2028 as a PAS site – it is designated as PAS land in the Publication Draft Housing Allocations Document;
- Loss of attractive green fields, bridle ways are used by dog walkers and horse riders
- This land does not form part of the Council's housing strategy;
- Dringlington would almost become joined with Gildersome
- Increase in housing will impact upon surface water causing potential flooding.
- Development will defeat the objectives of the by-pass which was built 25 years ago

- Site accommodates a number of wildlife, which will be lost
- Increase in air pollution, Dringhlington is already near to the M62
- Query regarding contractors parking and jobs for local people
- There are no activities in the evening for local Teenagers, will increase risk of crime and anti-social behavior
- Development will only provide temporary jobs through the construction period
- Cumulative impact on wider services when considered with all the new housing developments in Morley
- Capacity of local services need to be assessed as part of the application
- Local highway network is already heavily congested at peak times
- It is unsafe to assume children will walk to local schools
- Visitor parking numbers are not adequate
- Development of this land is premature in the Council's Local Plan
- Bus services are very busy at peak times
- Following Brexit, we should be retaining land for farming, to be self sufficient
- The application has not been publicised adequately
- Loss of a view

6.3 Ward Members have been consulted on the application. Councillor Leadley has objected to the application on the following grounds:

- Loss of quality agricultural land
- Need to be certain of previous coal legacy of the site
- Proposed on-site green space doesn't appear to be usable
- Need to fully consider flood risk
- Increased demand on local schools
- Impact of increase in traffic on local highway network
- Development of a proposed Phase 3 housing site is premature
- Housing targets for new builds in Leeds are excessive and unrealistic

6.4 The Local MP Andrea Jenkyns has also objected to the application on the following grounds:

- Infrastructure is full to capacity, GP surgeries, local schools and bus routes into Leeds, Bradford and Wakefield
- Flooding Issues and concerns
- Loss of visual green break in the landscape
- Highways, increase in traffic on King Street will further increase the risk of accidents
- The A650 and A58 are already heavily congested , the proposal will worsen traffic congestion

7.0 CONSULTATION RESPONSES

7.1 Coal Authority: The Coal Authority concurs with the recommendations of the Stage 2 Geo-Environmental Report (December 2016, prepared by ARP Geotechnical Ltd). This Report confirms that worked seams of coal underlie the site at a depth where there would remain insufficient rock cover to afford ground. Consequently, the Report concludes that grouting will be required across much of the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning

permission be granted for the proposed development requiring details of remedial works for approval, and the implementation of those remedial works.

7.2 Highways: The proposed access road would be formed by an extension of the agreed access layout for the approved residential scheme 14/01904/FU for 42 dwellings. The site meets the Core Strategy Accessibility Standards in terms of access by non-car means; the site is permeable and Public Rights of Way (PROW) provide pedestrian routes which link the site to the A58, so that the bus stops on the A58 Whitehall Road and the B6135 King Street are within a 400m walking distance. There may be additional public transport improvements required to improve accessibility, along with bus stop improvements which will be required. 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.

7.3 Yorkshire Water: No objection subject to a planning condition which relates to no piped discharge of surface water from the site into the public sewer.

7.4 Landscape: Due to topography of this edge of countryside site, designing the layout carefully with the topography in mind will be important - for example considering road/path gradients, discretely handling level changes and considering how the development will 'sit' on the sloping terrain and the appearance of key views within it and into it - for example utilising existing perimeter hedging/trees, green areas, new hedge planting and new groups and lines of trees on perimeters and within the site to soften views into the development and provide a green framework/corridors within it for people and wildlife - as well as building massing and materials and discrete parking design. Production of a Landscape Strategy at an early stage of future layout /design thinking will therefore be important

If the principle of development was accepted the following detail would need to be carefully addressed at Reserved Matters stage in finalising any layout. New native shrub/hedge/tree planting buffer along the Eastern boundary will be important in line with Greening the Built Edge policy N24, and the retention of existing perimeter hedgelines/ tree belts, informed by the Tree Survey.

7.5 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 £2,900 b) provision of a Residential Travel Fund of £88,407 towards a residential travel plan fund for the provision of Travel Plan measures for the dwellings on the development and/or other sustainable travel measures to encourage the use of sustainable travel modes by the residents of the dwellings to accord with Core Strategy Policy T2 and c) conditions relating to the provision of cycle parking, electric charging points and the implementation of the Travel Plan.

7.6 Flood Risk Management: No objections subject to conditions, and a contribution of £100,000 to construct a new outlet from Lumb Bottom Pond to the watercourse, approximately 200m downstream. A detention basin is also proposed on-site, which is located at a northern part of the site, near to the properties on Lumb Hall Way and Lumb Bottom.

- 7.7 Nature Conservation: There are a number of sensitive ecological features that exist adjacent to all the boundaries of this site. The proposed layout appears to be sensitive to these by using access roads to form the boundaries and including a buffer area - and having houses looking out onto these areas rather than turning their backs on them (which could lead to unofficial extension of garden space or dumping of garden rubbish). To protect and enhance these buffers around the site boundaries the following conditions should be attached, which relate to Construction Environmental Management, Biodiversity Enhancement Plan and Management Plan, and method statement for the control and eradication of Knotweed.
- 7.8 Public Rights of Way (PROW): Public Footpath Nos.10, 12, 13 15 & 16 Morley affect the site. There is also a well-used, unrecorded path which is shown with green dashes on. As the development is likely to see an increase in use by the public we would want all the footpaths crossing and abutting the site to be surfaced to at least 2 metres wide with at least a crushed stone surface to a specification approved by the rights of way section. Safe crossing points with dropped kerbs will be needed where the footpaths cross with the estate roads.
- 7.9 Children's Services: The nearest primary school to this site is Drighlington Primary School. The next closest schools are both in Gildersome. Without knowledge of door to door reference points it is difficult to say whether either Gildersome school would be classed as a reasonable walking distance from the proposed development for some or all of the dwellings. There is not capacity at the local school in Drighlington to accommodate all demand from this development, depending on the year, but there may be some available capacity within the wider area. There are currently no planned Primary school expansions in this area. CIL contributions may be required to meet the cumulative need generated by housing granted planning permission in this area in the future.
- There are currently no agreed plans in place to increase capacity at either of the secondary schools in Morley although discussion is currently underway. Additional places will need to be created in this area to meet existing projected demand and there is no spare capacity to meet additional housing generated demand at present. CIL contributions would be requested to help meet the cost of creating additional capacity generated by the development should it be granted planning permission.
- 7.10 West Yorkshire Archaeology: A geophysical survey commissioned by the applicant has established that part of the site has archaeological potential. Anomalies detected by this survey point to settlement activity during the later Prehistoric and Romano-British periods. Evidence of agricultural boundaries from these periods through the medieval and post medieval periods are also like to be present as is evidence of early mining. The WYAAS recommend that the site's archaeological potential is fully established by carrying out an archaeological evaluation prior to the determination of the application. This could also be covered by a planning condition.
- 7.11 Air Quality: The Air Quality Team have confirmed there is no objection to this proposal on the grounds of local air quality. The air quality assessment submitted demonstrates that air quality is not at risk of falling below the relevant UK standards at this site and air quality objectives are not likely to be breached elsewhere as a result of traffic arising from the development. It appears from the Transport Assessment that junction capacity on the local road network is not likely be exceeded as a result of the proposed development. If this is the case then we would not expect to see a significant impact on local air quality.

- 7.12 West Yorkshire Combined Authority: As part of the development improvements to bus stop facilities on Whitehall Road East should be made. The development is likely to increase the use of these stops and therefore the improvements would be directly related to the development and improve the public transport offer for residents at this site and existing residents in the locality. Recommend that funding for 2 shelters and real time information displays be provided (total £40,000). The exact location would be subject to a more detailed site assessment but we suggest a shelter should be located close to Summerbank Close / Whitehall Road East and further north around Back Lane / Whitehall Road. In addition should the shelter (13025) secured through planning application 14/01904/FU not be delivered in advance of this application, then this application should fund this shelter on King Street (£10,000). Have also requested the same sum of the Travel wise team £88,407 towards a residential travel plan fund.

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) and any made neighbourhood plan.
- 8.2 The site is identified on the LDF Policies Map as a Protected Area of Search.

Adopted Core Strategy

- 8.3 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 P11: Conservation and Listed Buildings
Policy P12: Landscape
Policy T1: Transport Management
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

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

N34: Protected Area of Search sites (PAS)

LD1: Detailed guidance on landscape schemes

BD5: Amenity considerations of New Buildings

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

8.5 Within the Submission Draft Site Allocations Plan, the application site (SAP reference HG2-143) is identified as a 9.3 -hectare site with a capacity for 250 dwellings. It is identified as Phase 3 Housing site.

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.

8.14 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.

- 8.15 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. 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 determined that Paragraph 49 should be interpreted narrowly however given N34 is deemed to be a policy for the supply of housing it must currently be considered 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.

- 8.16 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.

8.17 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:

- Principle of development
- Loss of Agricultural Land
- Housing Density and Housing Mix
- Affordable Housing
- Independent Housing
- Accessibility
- Transport/ Highway Issues
- Layout
- Scale
- Landscaping
- Air Quality
- Green Belt
- Residential Amenity
- Education
- Health Provision
- Flooding / Drainage Issues

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).

- 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. N34 is a policy for the supply of housing and therefore is considered out of date so the presumption in favour of development applies unless adverse impacts significantly and demonstrably outweigh the benefits.
- 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.
- 10.8 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 a defined smaller settlement. Drighlington is now included in the Core Strategy settlement hierarchy being a Smaller Settlement.

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 Paragraphs 10.35 – 10.39, 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 10.58- 10.61. With regard to health infrastructure, NHS Leeds West Clinical Commissioning Group have stating they are confident of GP capacity in the area. This issue is addressed in more detail in paragraph 10.62.
- 10.11 (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. 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 40 per year, with development starting in 2018 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.
- 10.12 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. 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.

- 10.13 At the time of publishing the Site Allocation Plan submission Draft (SAP SD) (Feb 2017), a total number of 6,969 units are identified/ proposed in the OSW HMCA, which is under the Core Strategy target by 231 units. As a result of the site's consistency with the NPPF and the Core Strategy the site has been proposed to be a housing allocation in the SAP Submission Draft (Feb 2017).
- 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 3 Housing Allocation (HG2-143) principally on the grounds of its highway impact. The SAP notes that the development will directly impact on the congested A58 / B6135 junction.
- 10.16 In Drighlington, there are 8 proposed housing sites; of which 6 are identified sites with permission or in Phase 1 of allocation totalling 118 units. There are two proposed allocated housing sites, both of which being in Phase 3, i.e. HG2-143 for 250 units (majority of this application site), and another much smaller site HG2-144 (17 units) (existing Green Belt). There are no Phase 2 sites in Drighlington. Therefore the major adverse impact relating to this application is that development of this site is prematurity, coming in advance of the adoption of the Site Allocations Plan, which is recognised by the NPPF as being the most appropriate method of determining where and when development should take place. Early release of this proposed Phase 3 greenfield site could hinder Phase 1 and 2 sites coming forward, particularly the Phase 1 housing allocations (most of which being brownfield). This could have an adverse impact on achieving the previously development land target and regeneration (Criteria 1 of Core Strategy H1).
- 10.17 However, the SAP Housing Background Paper also recognises the significance of maintaining a 5 Year Housing Land Supply. It specifies the circumstances where phasing could be altered. In particular, Paragraph 6.3 explains that "... Phases are not time limited but movement between phases will happen when the Council is no longer able to maintain a 5YHLS and needs to supplement its deliverable pool of sites from the next phase in the Plan period". Therefore whilst earlier release of this proposed phase 3 site (greenfield smaller settlement extension) might have adverse impact i.e. hindering Phase 1 brownfield sites and regeneration, significant weight may be attributed to the benefit of bringing forward a deliverable site in the absence of a 5 Year Housing Land Supply.

Conclusion – Principle of development:

- 10.18 Having regard to up-to-date policies within the Adopted Core Strategy, as set out in Paragraphs 10.7 to 10.17 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. The application site comprises Greenfield land immediately adjacent to a Smaller Settlement Area such that it is effectively an extension to a Smaller settlement. As a consequence, it sufficiently meets the Council's Accessibility Standards and it is appropriately accessible to local facilities and services.
- 10.19 The only concern with regard to the Policy H1 of the Core Strategy, with regard to phasing. Although it would be preferred the phasing of this site be made through the SAP process and impact on delivery of other brownfield sites be fully explored, Leeds is currently in lack of 5YHLS. In this case, the adverse impact of granting permission does not significantly and demonstrably outweigh the benefits, discussed in detail as above. It must therefore be considered in the context of the presumption in favour of sustainable development and, in accordance with paragraph 14 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 11 of this report following consideration of detailed matters set out below.

Loss of Agricultural Land

- 10.20 A number of objections, including one from a Ward Councillor is concerned with the loss of quality agricultural land, and the impact this would have on the ability to grow local produce. The application is supported by an Agricultural Land Classification Report which has been produced by third party Agricultural Consultant. The method used to create this report is based on primary research in the form of a detailed on site Agricultural Land Classification survey, following the guidelines and criteria as stated in the documents listed below.
- "The Revised Guidelines and Criteria for Grading the Quality of Agricultural Land" DEFRA 1988
- 10.21 Agricultural Land is graded from 1 to 5, with 1 being excellent quality, and 5 being very poor quality agricultural land. The land subject of this application has been classified as 22.5% being Grade 3a quality, and 77.5% being Grade 3b quality.

3a Sub-grade

This grade accounts for approximately 22% of the total area and is typically defined by 300 mm of sandy loam top soil, over coarse sandy loam. The main restrictive aspects that limit these soils to 3a are shallowness of topsoil, stone content and steepness of slope.

3b Sub-grade

This grade is the largest area of land accounting for 78% of the total. The soil is sandy clay loam topsoil, from 250 mm to 450 mm depth, over stoney coarse sandy loams. The land at the southern end of the area has a gleyed clay subsoil. The limiting factors for these soils were primarily the slope and depth of the topsoil.

- 10.22 DEFRA regard the loss of 20ha of the 'Best and Most Versatile Land' as a requirement for consultation. The proposed development would require only 1.8 ha

of the 'Best and Most Versatile Land' and as such can be regarded as 'not significant' in national terms. In local terms the loss has to be compared with alternative development sites in the locality. Detailed ALC surveys of the area, shown on the Governments MAGIC website, provide more information and reveal that to the north and west of Drighlington there are considerably larger areas of better quality land.

- 10.23 Whilst there will be a loss of some Grade 3a land with this development, this is not regarded as 'significant' on a National level, and it is not considered the proposal could be resisted on these grounds, particularly when considering the site is proposed to be allocated for Housing through the emerging SAP.

Housing Density and Housing Mix

- 10.24 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 'smaller settlement' a minimum density of 30 dwellings per hectare would be sought. The number of properties proposed has been increased to 208 from 180 to raise the density of the site, to comply with the SAP, which recognized the wider site (including the 42 dwellings already approved) can accommodate up to 250 dwellings.
- 10.25 Applying policy H3 at a density of 30 dwellings per hectare on a site of this site (9.3 ha) would equate to 279 dwellings. However the need to retain edge landscaping, woodlands and a buffer to the adjacent Green Belt do mean this density isn't readily achievable. It is considered the need to provide an adequate degree of landscaping and green space on-site, which will help assimilate the development the existing environment, adjacent to the Green Belt, outweighs the need to achieve to higher density on site.

Affordable Housing

- 10.26 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 applicants have confirmed their commitment to delivering this on-site provision. The proposed development is therefore in accordance with Policy H5.

Housing for Independent Living

- 10.27 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.

Accessibility

- 10.28 In terms of compliance with the Council's Accessibility Standards, the site meets the Core Strategy Accessibility Standards in terms of access by non-car means; the site is permeable and Public Rights of Way (PROW) provide pedestrian routes which

link the site to the A58, so that the bus stops on the A58 Whitehall Road and the B6135 King Street are within a 400m walking distance.

- 10.29 The main bus corridor closest to the site is located on Whitehall Road East. Pedestrian access to Whitehall Road East is therefore essential to ensure that the site is considered accessible by bus. The indicative masterplan shows pedestrian links to facilitate this access and large proportions of the site will be able to access bus services either on King Street or Whitehall Road East.
- 10.30 West Yorkshire Combined Authority have stated that as part of the development they require a contribution to improve bus stop facilities on Whitehall Road East. The development is likely to increase the use of these stops and therefore the improvements would be directly related to the development and improve the public transport offer for residents at this site and existing residents in the locality.
- 10.31 WYCA have requested funding for 2 shelters and real time information displays be provided (total £40,000). The exact location would be subject to a more detailed site assessment but it is suggested that a shelter should be located close to Summerbank Close / Whitehall Road East and further north around Back Lane / Whitehall Road. In addition should the shelter (13025) secured through planning permission 14/01904/FU not be delivered in advance of this application, then this application should fund this shelter on King Street (£10,000). The applicants have agreed to make these requested contributions. The applicants have also agreed to make a contribution Travel Plan Fund of £88,407 which is the sum requested by the Travel Wise team, and is policy compliant.
- 10.32 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, mainly to the fact the site is outside a direct 30min walk (2400m) to the nearest secondary education facility (Tong High School or Bruntcliffe High School) however, the bus stop frequency complies with the required 15 minutes daytime frequency. The site is within a 15minute walk (1200m) of local services comprising a convenience store, post office, hot food takeaway and a sandwich shop. Planning permission for an A1 (Aldi store) on King Street opposite the site was granted in December 2015, though no development has yet to take place
- 10.33 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 3 Housing Allocation (HG2-143) within the Submission 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 and location of Primary schools, would not itself warrant a recommendation of refusal.

- 10.34 A failure to entirely meet the Accessibility Standards has recently been tested at the Public Inquiries relating to 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, and it is considered this site is increasingly accessible, when compared to these other sites.

Transport Assessment and Mitigation

- 10.35 A single vehicular access to the proposed residential development is proposed from King Street, which is an extension to the access associated with the approved 42 house scheme under ref 14/01904/FU. The proposal is for 208 dwellings, which would mean that the access would serve 250 dwellings. The Street Design Guide indicates that a second vehicular access should be considered for this level of development; and a secondary emergency access is proposed, with access from Lumb Bottom. The proposal includes a 6.75m wide access road with 10m kerb radii with 2m footways, which highways have confirmed is acceptable.
- 10.36 Highways officers requested the Transport Assessment was amended to include the vehicle trips generated by the approved permission ref 14/01904/FU which shares the access with this application site. The addendum submitted to the Transport Assessment provides revised trip rates and assignment, which are accepted. The revised junction analysis for the proposed new access is also accepted, which indicates that the junction will operate well within capacity for the predicted flows.
- 10.37 The revised assessment of the A58/King Street/Bradford Road Junction is accepted; the junction is predicted to operate within capacity with growth. When a red stage every cycle is included (which is when pedestrians use the signalised crossing at this junction to stop traffic), the junction would be predicted to operate over capacity in the PM peak, and both with and without the development flows; however, counts indicate that there are very few pedestrian movements in the PM peak. On balance, therefore, it is considered that no mitigation is required for the impact of the development on the operation of this junction.
- 10.38 It is noted that the site has been identified as a potential housing site for Phase 3 in the draft Site Allocations Plan, Ref HG2-143, with the need for mitigation of the impact of the development identified: "The proposed development will directly impact on the congested A58 / B6135 junction. To mitigate this impact the development will be required to contribute towards an improvement scheme." However Highways Officers have stated it is not *practical* to deliver any improvements at this junction due to the 3rd party land issues, and the fact buildings at this junction abut the highway to two sides.
- 10.39 Highways have requested that the applicants fund a pedestrian crossing across King Street which will offer a safe pedestrian link to the nearby A1 store which is due to be constructed in the near future. This is recommended to be secured through a planning condition and S278 agreement. Highways have requested a Road Safety Audit is submitted which will assess the impact of the pedestrian crossing. The applicants have agreed to carry out this audit, and a verbal update on this, will be made at Plans Panel. The applicants have also agreed to fund 2 bus shelters with real time information displays along Whitehall Road, and make a contribution of £88,407 to the Travel Plan Fund.

Highways Conclusion:

- 10.40 Overall, it is concluded that the proposal is acceptable in highway terms. Subject to 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

- 10.41 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.
- 10.42 The indicative layout proposes 208 dwellings. The Masterplan proposed different 'places' within the site which will result from the way that the buildings frame different parts of the public realm i.e. greenspaces, streets and mews. These 'places' reflect the principles of the indicative layout, and proposed two broad character areas, Spine Streets and Green Edges. The majority of the site access is formed in 'looped' arrangements, with only a few properties being located on cul-de-sacs which offer no through access. There is a central area of green space which can be accessed of the main spine road.
- 10.43 The 'Spine Street' character area consists of the area of housing accessed from the primary road loop in the centre of the site, and the central part of the northern development cell. The tree lined section of the primary route frames views as vehicles enter the site, softening this more urban, formal character area. The proposed housing consists primarily of semi-detached and terraced properties with the occasional use of detached properties, in particular on street corners. The denser layout of these properties in comparison to the edges of the site creates a contrasting character, with these properties extending up to 3 storeys high in places.
- 10.44 The 'Green Edge' character area follows the boundaries of the site and includes the proposed open space, existing footpaths and properties facing outward onto site boundaries. It would have lower density, 2 storey properties facing out onto the green space network and the eastern boundary to create a development edge that has a sensitive interface with the Green Belt landscape to the east. Buildings fronting onto the green space network should be detached and semi-detached in a more informal arrangement to create an "edge of settlement" character. Variations in building line and ridge heights should provide visual interest.
- 10.45 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 208 houses, this would equate to a requirement of 1.66 hectares.

- 10.46 The submitted Parameter Plan 530A-09 shows the total amount of space for green infrastructure within the application site as 2.65 ha. This is 1.01 ha more than is required on-site by policy G4. It is therefore considered that the site can deliver 208 dwellings and a policy compliant level of green space. The exact provision of open space in accordance with Core Strategy G4 will be determined at Reserved Matters stage.

Scale

- 10.47 The Design and Access Statement indicates that the development will be predominantly 2-storeys with the opportunity for 2.5 storeys within the middle of the site. 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.
- 10.48 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

- 10.49 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.
- 10.50 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 tree planting throughout the development. Tree planting will be of predominantly native species selected from the existing range of species found in the local area to contribute to carbon capture
- 10.51 The illustrative Masterplan shows a network of greenspaces are proposed which respond to the existing features within and around the site to help knit the scheme into its wider setting, enhance its ecological value, create attractive movement corridors through the site, provide opportunities for informal recreation and play, and create a unique sense of place for the scheme. Existing features would be enhanced and strengthened. The green space network broadly follows the existing Public Right of Way network to create an attractive movement network throughout the site with easily accessible amenity and recreation areas. Additional pedestrian routes will be provided through the urban areas to provide convenient linkages from the site into the wider area. A SuDS detention basin will create an attractive ecological feature in the lowest part of the site to the north. The Landscape Officer

has raised no objections to the proposal but has made recommendations to inform a future Reserve matters application, and has suggested conditions that are recommended if the application should be approved on the approval of the application.

Air Quality

- 10.52 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. The air quality assessment submitted demonstrates that air quality is not at risk of falling below the relevant UK standards at this site and air quality objectives are not likely to be breached elsewhere as a result of traffic arising from the development. It appears from the Transport Assessment that junction capacity on the local road network is not likely to be exceeded as a result of the proposed development. If this is the case then we would not expect to see a significant impact on local air quality.
- 10.53 However in order to provide a level of mitigation against increased vehicle emissions as a result of the development, and in support of paragraph 35 of the National Planning Policy Framework, a condition is recommended to place a duty to ensure electric vehicle charging points (EVCPs) are provided at all the properties to the requirements of the Leeds Parking SPD.

Green Belt

- 10.54 Green Belt land lies to the east of the site. It is therefore 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.
- 10.55 The indicative Masterplan shows a sizable landscape buffer to this boundary, which varies in depth but is on average approximately 10m. Although full consideration of this will be assessed at the Reserve Matters stage, it is considered that the extent of the indicative 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

- 10.56 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 (Whitehall Road and Lumb Hall Way), south (Wakefield Road), and west (Summerbank Close). The Masterplan site includes sizable landscape buffers to all of these edges.
- 10.57 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. 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.

Education Provision

- 10.58 The nearest primary school to this site is Drighlington Primary School. The next closest schools are both in Gildersome. Without knowledge of door to door reference points it is difficult to say whether either Gildersome school would be classed as a reasonable walking distance from the proposed development for some or all of the dwellings. There is not capacity at the local school in Drighlington to accommodate all demand from this development, depending on the year, but there may be some available capacity within the wider area. There are currently no planned Primary school expansions in this area. CIL contributions may be required to meet the cumulative need generated by housing granted planning permission in this area in the future.
- 10.59 There are currently no agreed plans in place to increase capacity at either of the secondary schools in Morley although discussion is currently underway. Additional places will need to be created in this area to meet existing projected demand and there is no spare capacity to meet additional housing generated demand at present. Education have confirmed that CIL contributions could help meet the cost of creating additional capacity generated by the development should it be granted planning permission.
- 10.60 It is important to note that current school census figures provide a snap shot of current capacity in each existing school year group and are subject to change. The phased build out of the King St and Pitty Close Farm developments means that number on roll in each school are likely to change between now and 2023 due to inward and outward population movement making it difficult to predict how many vacancies may be available 'in-year' for additional children moving into the area. However, it is anticipated the impact of the development to build gradually over a number of years meaning that children currently on roll in several of the year groups will have completed their primary education by the time demand will be generated by the new housing at Pitty Farm.
- 10.61 Therefore, future projections are a potentially a better predictor of available capacity to manage new housing generated demand in the area (previously provided in our initial education assessment). However, should it be found that there is a sufficiency issue in a particular existing year group(s) Education Leeds would seek to address the situation appropriately and in line with LCC Admissions Policy either by requesting that schools admit above their admission limit or looking at available options within the vicinity of the development to create some temporary additional places (a bulge class).

Health Services Provision

- 10.62 A number of objections have cited concerns that there is no capacity at local doctors surgeries to take on new patients, which would be generated by this development. NHS Leeds West Clinical Commissioning Group has commented on the application, stating that *'At our primary care improvement group in March we considered the housing growth for the Morley and district locality. At the time we were confident of GP capacity in the area. We will continue to keep a focus as we are aware that there is significant growth in this area.'*

Flooding / Drainage Issues

- 10.63 The application has been supported by a Flood Risk Assessment and further reports relating to Lumb Wood Pond. The site lies on a hillside and there is potential for surface water runoff to flow across the site. Levels suggest surface water runoff will be predominantly to the north-east. The Environment Agency surface water flood maps identify an area at medium risk of flooding on, or close to, the eastern site boundary.
- 10.64 The submitted Flood Risk Assessment states there is a risk of surface water runoff from the site affecting properties on Lumb Bottom. This is an existing risk and is a risk to others rather than to occupiers of the site. This risk can be managed by on-site flood routing which will steer any surface water runoff away from properties on Lumb Bottom. The Flood Risk Assessment proposed a detention basin, which is located at a northern part of the site, near to the properties on Lumb Hall Way and Lumb Bottom. This is shown on the submitted Masterplan, and would have a capacity of 3500 cubic meters. This is shown on the submitted Masterplan, and would have a capacity of 3500 cubic meters. The basin will be provided with a high level (emergency) outlet which will discharge into the beck. This will protect the properties at Lumb Bottom against flooding from the site during an exceedance (ie exceptional) rainfall event.
- 10.65 Flood Risk Management colleagues have stated they are aware of a potential problem with the existing outlet from Lumb Wood Pond, which is located about 150m downstream of the proposed development. The Pond is a man-made feature which was created sometime in the last century and it performs a valuable surface water balancing function for the upstream urban catchment. Given that the proposed development will result in an increase in the volume of water discharged to the watercourse, a request was made for the developer to assess the impacts of the additional runoff on the Pond, in order to demonstrate that there will not be any increase in flood risk as a result of the proposed development.
- 10.66 The developer submitted a report stating that the existing arrangement at the Pond could deal with the additional volume of runoff, but Flood Risk Management team did not accept the findings, because they considered that there's a possibility that the existing outlet may become silted up, over the lifetime of the proposed development. They have therefore have advised that if this happens, it will not be acceptable for the pond to overtop and flow overland, as illustrated in the developer's report. In order to mitigate the impacts of the proposed development, Flood Risk Management team have stated it's necessary to construct a new high level outlet from the pond to the watercourse, approximately 200m downstream. The existing outlet may also need to be grouted and sealed. This work can be carried out by the Council, using its statutory powers, subject to a developer contribution of £100, 000 which can be secured via a planning obligation.
- 10.67 The developers have agreed to make this contribution. This will be pooled with other contributions from other nearby development 10/02675/OT - £18,275 (Received) and 14/01904/FU - £20,000 (Pending) to carry out these works. Flood Risk Management has stated the total costs of the works are estimated at approximately £140,000. It is considered subject to this contribution that the development complies with Policy EN5: Managing flood risk.

10.68 No objections to the proposal are raised, subject to this contribution and planning conditions which relate to details of a foul drainage scheme to be submitted and approved, and details of a drainage scheme (drainage drawings, summary calculations and investigations) to be submitted and approved by the Local Planning Authority.

11.0 RESPONSE TO REPRESENTATIONS

11.1 Many of the points raised by objectors are dealt with in the appraisal of this report, such as the principle of development, highway issues, impact on local education and health services, impact on air pollution etc. The following key points raised in objections which not appraised in this report are noted below:

- It is not considered the proposal will result in the settlements of Drighlington and Gildersome merging. These will still be separated by Green Belt land.
- Loss of a view is not a material planning consideration
- The development of green field land is not precluded through the adopted Core Strategy
- Parking numbers for the properties will be considered at the Reserve Matters stage.

12.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

12.1 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 and therefore the level of CIL liability cannot be calculated at present.. In any event, consideration of CIL is not a material planning consideration. Further, where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

12.2 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. Contribution of £100,000 of £100,000 to Flood Risk Management to construct an outlet from Lumb Wood Pond
- iii. Public open space on site of the size to comply with Core Strategy Policy G4
- iv. Provision of a Sustainable Travel Fund of £88,407
- v. Two new bus stop with live information, cost £40,000
- vi. Travel Plan Review fee of £2,650

12.3 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) Necessary to make the development acceptable in planning terms – Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

(ii) Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) Fairly and reasonably related in scale and kind to the development – Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

13.0 CONCLUSION

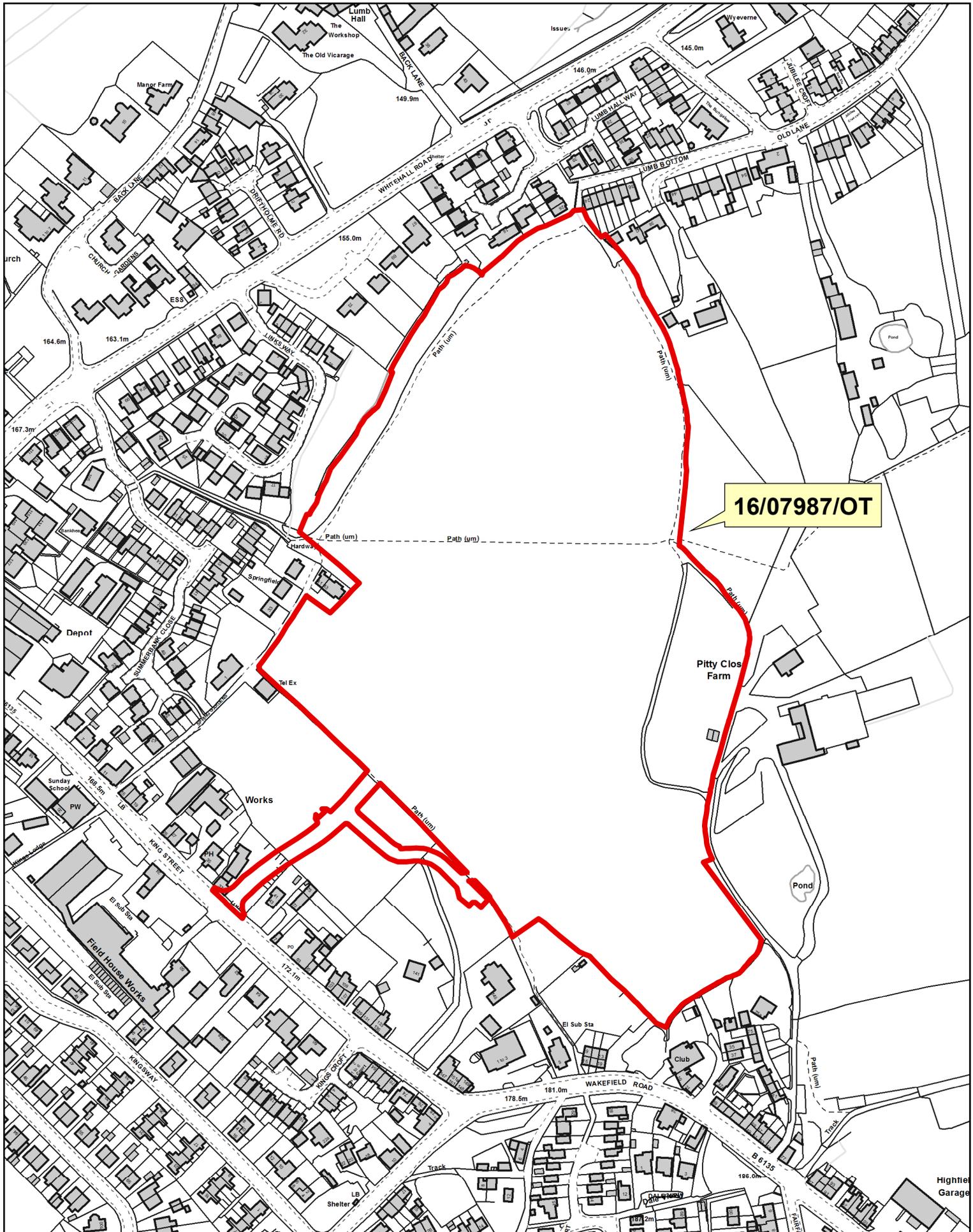
- 13.1 This application seeks outline planning permission for up to 208 dwellings to consider the principle of the development and means of access into the site only. Matters of appearance, landscaping, layout and scale are reserved for future consideration.
- 13.2 The application site is identified as a Protected Area of Search (PAS) on the UDP Policies Map and is proposed as Phase 3 Housing site through the Site Allocations Process. However, at this point in time, Policy N34, is time expired, is deemed out of date (due to the Council's lack of 5YHLS) and as such is afforded some weight. Similarly, due to its stage of preparation, the Submission Draft of the Site Allocations Plan (SAP) can also be afforded limited weight. On this basis, whilst it would be preferable to determine whether development should take place on this site through the SAP process, paragraph 14 NPPF applies and it is considered there are insufficient grounds to refuse the application in principle at the current point in time and the assessment should be site-specific in the context of the presumption in favour of sustainable development.
- 13.3 It is accepted that the application does not fully meet the aspirations of Core Strategy Policy H1 or SP6 in terms of directing the majority of new development within and adjacent to the main urban area and seeking to encourage the re-use of brownfield land. But neither the Core Strategy nor the NPPF specifically exclude development on greenfield land outside of the main urban area. Of significant weight, however, is the fact that the scheme will bring forward up to 208 new dwellings to include 15% affordable housing and the fact that the means of access is considered to be safe and without any significant detriment to the adjoining highway. It is also considered to be sufficiently accessible to local services and facilities in accordance with the Council's Accessibility Standards such that it is on balance, considered to represent a sustainable development with a presumption in favour of such development clearly expressed within the NPPF.
- 13.4 The planning balance exercise is set out at Section 10 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 (upon a site which is allocated for housing through the emerging Site

Allocation Plan) and it is considered to represent a sustainable development. Therefore, having taken all representations received into account and given the compliance of this application relevant Policies within the Core Strategy, including Spatial Policy 6 and 7, Policy H2, H3, T2, EN2, G8, P10 and ENV5 of the Core Strategy as well as Saved Policy GP5 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 file: 16/07987/OT

Certificate of Ownership: Notice served on Martin George, Mavis Webster, Mr & Mrs J Hirst.



SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2017 Ordnance Survey 100019567

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

SCALE : 1/3000

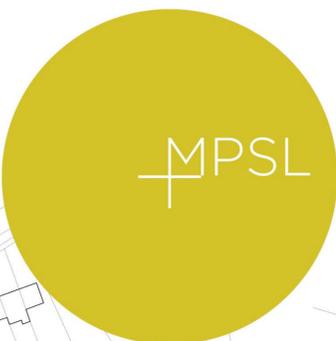


ILLUSTRATIVE MASTERPLAN

Pitty Close Farm, Leeds.

Job No: 16045 Date: 26.09.2016 Scale: 1:1000@A1

Miller Homes
the place to be®



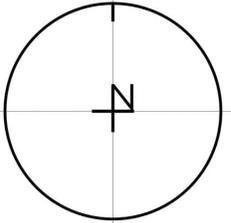
Pitty Close Farm

SCHEDULE OF ACCOMMODATION - Pitty Close Farm 22nd July 2016

House Type	Description	2 SB	No	Parking	Stores	Bspace	2 SB	sq. ft	sq. ft Total
2 BEDROOM	2 BED TERRACED HOUSE	PS	2	3	657	9199	14		
YARE	3 BED TERRACED HOUSE	PS	2	5	754	9802	13		
3 BEDROOM	3 BED TERRACED HOUSE	PS	2	5	892	12842	22		
TOLKIEN	3 BED DET HOUSE	PS	2	5	921	12894	14		
DARWIN	3 BED DET HOUSE	IG	2	5	1010	7070	7		
LARKIN	3 BED DET HOUSE	IG	2	5	1061	11671	11		
MALORY	4 BED DET HOUSE	IG	2	6	1081	9729	9		
GREENE	4 BED DET HOUSE	SG	2	6	1098	6586	6		
ESK	4 BED DET HOUSE	SG	2	6	1264	5056	4		
BUCHAN	4 BED DET HOUSE	IG	2	6	1277	16601	13		
TRAVERS	4 BED DET HOUSE	IG	2	7	1275	6375	3		
ASHBERRY	4 BED DET HOUSE	SG	2	7	1293	12903	10		
REPTON	SPLIT LEVEL 4 BED DET HOUSE	ISG	2	8	1310	2620	2		
ALMOUTH	4 BED DET HOUSE	SG	2	7	1381	19334	14		
MITFORD	4 BED DET HOUSE	IG	2	7	1400	15400	11		
RYTON	5 BED DET HOUSE	IDG	2	8	1502	1510	10		
BUTTERMERE	5 BED DET HOUSE	DG	2	8	1601	9696	6		
THAMES	5 BED DET HOUSE	IDG	2	9	1679	13432	8		
JURA	SPLIT LEVEL 5 BED DET HOUSE	ISG	2	9	1710	5130	3		
BURNMOUTH									
TOTAL			0			202600	179		23.4

GROSS SITE AREA ACRES
NETT SITE AREA ACRES
COVERAGE SQ.FT/ACRE

Note - SB - Add 8 sq ft to each house type per square bay



MPSL Planning and Design Ltd
Commercial House
14 West Point Enterprise Park
Trafford Park
Manchester
M17 1QS
T 0161 772 1999
F 0161 772 1980
E info@mpsdesign.co.uk
www.mpsdesign.co.uk