



Leeds
CITY COUNCIL

Originator: Ian Cyhanko
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Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 22nd November 2018

Subject: Application 18/00251/FU - 87 dwellings with associated access and public open space on Land at Snittles Farm, Gelderd Road, Churwell, Leeds

APPLICANT
Berkeley Deveer

DATE VALID
23rd January 2018

TARGET DATE
PPA 30th November 2018

Electoral Wards Affected:

Morley North

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

18/00251/FU - DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. Affordable housing – 15% (14 units) on-site in accordance with Core Strategy policy H5.**
- 2. Green Space Maintenance.**
- 3. £20,000 to install 2 new bus stops.**
- 4. Travel Plan Fund of £43, 065.**
- 5. Contribution of £3000 per property towards an improvement scheme on the A6110 Outer Ring Road, particularly the A643 Elland Road / A6110 junction.**
- 6. Local employment initiatives.**
- 7. TRO contribution of £7000 for New Village Way**
- 8. Travel Plan Monitoring fee.**

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

Conditions

1. Time limit – 3 years.
2. Development to be carried out in accordance with approved plans.
3. Wall and roofing materials to be submitted and approved.
4. Vehicle areas laid out prior to occupation.
5. Cycle parking.
6. Details of works comprising site access works at New Village Way and works associated with stopping up of the existing turning area at New Village Way have been submitted to and approved in writing.
7. Details of access control measures for the provision of emergency access only between A62 Gelderd Road and the western boundary of the site shall be submitted and approved.
8. Electric charging points to all properties
9. Maximum drive gradients.
10. Submission and approval of Statement of Construction Management and Practice.
11. Details of Construction loading area
12. No construction or deliveries to be undertaken outside the hours of 08:00 and 18:00 Mondays to Saturdays
13. Construction Environmental Management Plan (CEMP:Biodiversity)
14. Biodiversity Enhancement & Management Plan (BEMP).
15. No works to buildings 3c or 6 unless the LPA has been provided with either: a) The Mitigation Method Statement and licence issued by Natural England authorising the specified activity to go ahead; or b) a statement in writing from an appropriately qualified ecologist to the effect
16. Full Landscaping (including tree, planting, surfacing and boundary treatments).
17. Method statement for protection of retained trees during construction
18. Landscape management plan to cover maintenance of all new landscaping for the first 5 years, and the management of on-site open space and areas of landscaping not within individual plots for the lifetime of the development.
19. Prior to commencement of development a Lighting Design Strategy for Bats shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA.
20. Development not to commence until drainage scheme including calculations are submitted to, and approved.
21. PD rights removed on plots 29-57, 77-87.
22. PD rights removed on garage conversions
23. Soft landscaping areas to the front of all plots to be retained and not surfaced.
24. Details of all boundary details to be submitted and approved in writing
25. Submission of a remediation statement.
26. Amended remediation statement in the event of unexpected contamination.
27. Verification reports following remediation.
29. Duty to submit levels plan for approval, which show the plots 1-15, their rear gardens, and relationship with no's 19-39 Diggall Road.
30. Installation and completion of all acoustic mitigation measures, prior to the 1st occupation of any property.

1.0 INTRODUCTION:

- 1.1 The application is brought to Plans Panel as it is contrary to policy, with regard to density, housing mix, and some design principles of the adopted SPD 'Neighbourhoods for Living', which regard to spacing between new properties and the extent of frontage parking.
- 1.2 At the time of the submission of the application, the site was situated within the Farnley and Wortley ward. However following the recent ward boundary changes the site now lies within the Morley North Ward. Both the Farnley and Wortley, and Morley North Ward Members were informed of the application.

2.0 PROPOSAL

- 2.1 The proposal is for 87 dwellings, which comprise of the following mix. The properties include terraced houses, semi-detached dwellings and detached properties.

No of bedrooms	No of units	Proportion on site
Two	10	11.5%
Three	42	48.3%
Four	35	40.2%

- 2.2 In accordance with core strategy policy H5, 14 affordable units (15% of the total) are proposed as part of the development, these comprise of four 3-bed properties, and ten 2-bed properties (plots 33-36, 63-67 and 81-84).
- 2.3 All the proposed properties are 2 storeys in height, and have facing materials of reconstituted stone and render, with grey coloured mock slate roof tiles. The proposal also includes a total of 11,210 sq m on site green space, with landscaping. Access to the development is located at the end of May Avenue, and the proposed new access road crosses over Farnley Wood Beck. The proposal has a single point of access, and an emergency access is proposed via Gelderd Road underneath the M621 motorway.
- 2.4 The application is supported by the following documents
- Arboricultural Impact Assessment
 - Design and Access Statement
 - Bat Survey
 - Contaminated Land Appraisal
 - Planning Statement
 - Statement of Community Involvement
 - Air Quality Assessment
 - Drainage Strategy
 - Noise and Vibration Assessment
 - Transport Assessment
 - Travel Plan
 - Noise Assessment
 - Transport Assessment
- 2.5 The application proposes a legal agreement covering the following obligations:

- Affordable housing – 15% (14 units) in accordance with Core Strategy policy H5.
- Local Employment and Training Clause
- Maintenance of on-site Green Space
- £20 000 to provide 2 bus stops at Bus Stop locations 11344 and 11345
- Travel Plan Fund of £43, 065
- Contribution of £3000 per property towards an improvement scheme on the A6110 Outer Ring Road, particularly the A643 Elland Road / A6110 junction.
- TRO contribution of £7000 for New Village Way
- Travel Plan Monitoring Fund

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of an area of land which has an irregular shape and 4.2 ha in size. It has an average size of 300m x 140m, with associated farm buildings. The site slopes upwards in a south to north direction, with the difference being approximately 20m across the site. The application site consists of a series of outbuildings/ barns which lie to the east of the farm house of Snittles Farm. These buildings vary in form, appearance and condition. There are predominantly single storey and brick built, and are situated at different levels, in a series of 'steps' which follow the slope of the land. The farm house at Snittles Farm is a traditional stone built, double fronted dwelling. Snittles Farm is not a working farm and the outbuildings are redundant farm outbuildings, which appear run-down in their appearance. The applicant (who owns Snittles Farm and other land around the application site) has stated that the farm building or land around it has not been in agricultural use and are redundant for this type of use.
- 3.2 The site lies to the west of the settlement of Churwell and Diggall Road. The site lies between a modern housing development which is situated to the east of the site, and the M621 motorway which lies to the west. The motorway lies in an elevated position to the site at the southern part of the site but becomes increasingly level with the site towards the north. Farnley Wood Beck lies on the southern boundary of the site. Access to the site is through the adjacent modern housing estate which was developed in the early 2000's and is locally known as the 'New Village' estate. This is a modern suburban estate which is made up of semi-detached, detached and terraced properties. The heights of these properties include 2, 3 and 4 storey properties. To the south of the site lies a new housing development of 46 dwellings currently under construction by Persimmon Homes.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A similar proposal for 109 dwellings was submitted to the LPA for pre-application advice (PREAPP/17/00042). A formal response was issued by the LPA on 11.4.2017. In summary, this response raised no objections to the principle of development, but raised issues with layout, levels, and the requirement to consider noise issues and to provide an acoustic survey.
- 4.2 06/07404/FU- Change of use and extensions of redundant farm buildings to form 7 dwelling houses. Approved 29.8.2007- not implemented.
- 4.3 10/00852/EXT- Extension of time of planning application 06/07404/FU for change of use and extensions of redundant farm buildings to form 7 dwelling houses.

Approved 21.4.2010- not implemented.

4.4 24/24/95/FU- Change of use of farm building to dwelling.
Approved 21.4.1995

4.5 24/92/94/OT - Outline application to erect detached bungalow to agricultural site
Refused 28.9.1994

5.0 HISTORY OF NEGOTIATIONS:

5.1 The layout of the scheme has been amended twice, since the submission of the application, following Officer concerns on the layout, density, lack of space between plots and dominance/ size and concentrated form of parking areas.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members.

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

- The site is a green field site, not brownfield as stated by the applicants
- The site has not been promoted as a Housing site through the Site Allocation process due to noise generated by the adjacent M621 motorway
- Various reports to support the application , appear to be drafts and are incomplete, such as the Air Quality Assessment and Noise Assessment
- Planning Statement refers to 13 and 15 Affordable Housing units, this is a contradiction
- Lack of 5 year housing land supply does not provide justification to allow this proposal
- The single point of access is not acceptable and should be rejected
- Pedestrian access to the buses on Gelderd Road should be upgraded
- Trains services at Cottingley Station and poor and infrequent
- Design should include chimneys to break up the mass of the roofs
- Houses are sited too near the M621 and train line
- Trees near the railway should be retained

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

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

Other public response

6.3 To date the application has attracted 58 letters of individual objection. The points made in the objections are highlighted below.

- Loss of green space
- Local services such as schools/ medical centres are full, and cannot cope with additional residents
- Any trees lost, should be replaced
- Local roads are heavily congested and cannot cope with additional traffic
- Adjacent residents are already suffering from the construction of an adjacent site

- Local train services are at capacity
- People who live with New Village, already have to queue to exit the development in the morning, this will worsen an already bad situation
- The proposal is an eye-sore
- Application is premature as Site Allocations process has not concluded
- Risk of flooding from surface water run-off
- Site isn't suitable for housing given proximity to M621
- Future occupiers of the development will experience high levels of noise.
- Loss of wildlife
- Over-shadowing/ loss of privacy on properties on May Avenue
- Loss of view
- Impact on wellbeing of people who live adjacent to the site
- Adjacent beck is likely to be polluted as a result of the development
- Traffic surveys are inaccurate as they were taken when people were at work Spine road within the New Village development already serves 330 properties, allowing further properties to be served of this road is in breach of Leeds City Councils own policies

7.0 CONSULTATION RESPONSES:

Coal Authority

7.1 No objection, the application site does not fall with the defined Development High Risk Area.

7.2 Environment Agency

No objection.

Environmental Protection

7.3 All the rear gardens of the proposed properties are under the Significant Observed Adverse Effect Level (SOAEL) of 60 dB, and most properties have rear gardens which are under 55dB. No objections are raised on noise grounds. This issue is appraised in paragraphs 10.10 – 10.13.

Nature Conservation

7.4 No objections. Recommend conditions which relate to Construction Environmental Management Plan (CEMP:Biodiversity) and a Biodiversity Enhancement & Management Plan (BEMP) and Bat mitigation measures.

7.5 Travel Wise

No objections, subject to S106 agreement to secure Travel Plan Review fee of £2,500 and Provision of Residential Travel Plan Fund of £43,065, and conditions to cover cycle parking and electric vehicle charging points.

Air Quality

7.6 No objection to this proposal on the grounds of local air quality. The air quality assessment submitted indicates that the relevant air quality objectives will not be breached either at the development site or elsewhere as a result of the proposed development. The dispersion modelling used in the AQ assessment considers the impact of weather conditions on the dispersion of air pollution, and it may be that the prevailing south-westerly wind means that air quality is better than some may expect at that location given the proximity of the M621. Air Quality monitoring in this locality has ceased as the results were low in four consecutive years 2009- 2012.

Contaminated Land

- 7.7 No objections, subject to conditions.

Landscaping

- 7.8 Recommend full landscaping scheme is conditioned on the approval of the application.

Education

- 7.9 It is estimated that 87 family dwellings (2+ beds) would generate 22 additional primary school age children (3 per year group) and 9 secondary school pupils (2 per year group). Cottingley Primary Academy has recently expanded from 45 to 60 places and although the numbers of children living nearest to the school are set to rise, it is anticipated that this school may have capacity to absorb additional pressure from this development unless the numbers of children in the area or preferencing patterns change over time. Based on a yield of approximately 2 pupils per year group we anticipate that there would be sufficient secondary places available.

Highways

- 7.10 The proposal is to serve the 87 dwellings off a single point of access by extending New Village Way. This would result in more than 300 dwellings being served off a single access road which is contrary to the SDG and normally a second vehicular access would normally be required for more than 300 dwellings. It is however noted that the road layout pre-dates the SDG. The current spine road width and alignment with a verge would permit up to 700 dwellings based on the SPD were it not for a lack of a second access. One of the main reasons for the 300 limit is that it restricts access in the event of any blockage on the road. There are loops of the spine road which could avoid a blockage. Recommend conditions if minded to approve and a contribution of £3,000 per dwelling should be made towards measures to mitigate that impact on the A6110 Outer Ring Road, particularly the A643 Elland Road / A6110 junction.

West Yorkshire Combined Authority

- 7.11 It is recommended that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The contribution appropriate for this development would be £43,065 for Metro Cards at a 40% discount for future occupiers and £20,000 to install new bus stops at locations 11344 and 11345.

Flood Risk Management

- 7.12 No objections subject to a condition. The Drainage Strategy shows there should be no run-off additional run-off caused by this proposal. Mains Drainage are requesting a contributions towards resolving flooding issues, within the catchment, in particular at Old Close, which is located approximately 0.5 km downstream of the proposed development.

Yorkshire Water

- 7.13 No objections subject to conditions.

Public Rights of Way

- 7.14 There are rights of way through the site. Part of which are required to be diverted, which is acceptable, however the diversion through the Public Open space is not acceptable and should remain unaltered.

- 7.15 The Ramblers Leeds

The documentation submitted by the applicants shows little understanding of Public Rights of Way. The failure to do this makes it impossible to judge the effect on the

rights of way network. *(it is important to note that this response on made on the original submission and the layout has been revised since, following he comments made by the Rights of Way officer).*

7.16 Local Plans

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

8.0 PLANNING POLICIES:

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

Development Plan

8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plan.

Relevant Policies from the Core Strategy are:

GENERAL POLICY – Presumption in favour of sustainable development
SP1 – Location of development in main urban areas on previously developed land.
H2 – Housing development on non-allocated sites.
H3 – Housing density
H4 – Housing mix
H5 – Affordable housing
H8 – Provision for independent living on schemes of 50+ units
P10 – High quality design.
P12 – Good landscaping.
T2 – Accessibility.
G4 – Greenspace
G8 – Biodiversity improvements.
EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floor space
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floor space.
EN5 – Managing flood risk.
EN7 – Protection of mineral resources (coal, sand, gravel).
ID2 – Planning obligations and developer contributions.

Relevant Saved Policies from the UDP are:

GP5 – General planning considerations
N23 – Incidental open space around development.
N25 – Landscaping
BD5 – General amenity issues.
LD1 – Landscaping

Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

MINERALS3 – Surface Coal resources

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER4 – Effect of proposed development on flood risk.

WATER6 – Provision of Flood Risk Assessment.

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

LAND1 – Land contamination to be dealt with.

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

Draft Site Allocations Plan

- 8.3 Leeds' draft Site Allocations Plan (SAP) Hearings were held in October 2017 and July August 2018. Subsequently Inspectors have confirmed the SAP should be modified by deletion of some sites previously intended to be removed from Green Belt. A list of main modifications to the plan to address this has been prepared and will be submitted to Inspectors imminently. It is only when the Council receives the Inspectors comments on these modifications that the Plan can be given more weight. At this time however, the weight that can be given to it remains limited at this stage.

Supplementary Planning Guidance and Documents

- 8.4 The following SPGs and SPDs are relevant:

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

Street Design Guide SPD

Parking SPD

Travel Plans SPD

Sustainable Construction SPD

National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF), was updated in July 2018. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.6 Relevant paragraphs are highlighted below.

Paragraph 12 Presumption in favour of sustainable development

Paragraph 34 Developer contributions

Paragraph 59 Boosting the Supply of Housing

Paragraph 64 Need for Affordable Housing

Paragraph 91 Planning decisions should aim to achieve healthy, inclusive and safe places

Paragraph 108 Sustainable modes of Transport

Paragraph 110 Priority first to pedestrian and cycle movements

Paragraph 111 Requirement for Transport Assessment

Paragraph 117 Effective use of land

Paragraph 118 Recognition undeveloped land can perform functions

Paragraph 122 Achieving appropriate densities

Paragraph 127 Need for Good design which is sympathetic to local Character and history

Paragraph 130 Planning permission should be refused for poor design

Paragraph 163 Planning decisions should not increase flood risk

	Paragraph 170	Planning decisions should contribute to and enhance the natural and local environment
Paragraph 175		Protection and mitigation for biodiversity

Nationally Described Space Standards

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. 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. The Council does not currently have a five year land supply and it is unlikely it will have one until the adoption of the SAP. The lack of the 5 year supply means that significant weight should be afforded to the delivery of new housing to delivered on sites which are not-allocated for housing.
- 10.2 The site is unallocated within the Leeds UDP, and is not situated in the Green Belt. The Council's plans policy officers do not objected to the principle of development stating that the site relates to the existing housing estate, and is located close to a train station which would make it a suitable housing site, and have raised no

objections to the principle of development. Policy H2 allows for housing on windfall sites such as this, which lie outside of the Green Belt.

- 10.3 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations, Sustainable locations, Preference for brownfield and regeneration sites, the least impact on Green Belt purposes, opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes, the need for realistic lead-in-times and build-out-rates for housing construction, the least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation, and Generally avoiding or mitigating areas of flood risk.
- 10.4 In response to these considerations, it is considered that the proposal is located in a sustainable location, as an extension to a main urban area, which is already served by local amenities and public transport. Spatial Policy 6 does express a preference for brownfield and regeneration sites and it is accepted that this site is Greenfield and it is not a regeneration site. However, it is accepted that neither application of Policy SP1 above, and neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites. Moreover, the site is not within the Green Belt and so that there is no impact in this respect. With regard to design (iv), this is assessed fully in the report below but the scheme is now considered to reinforce the character of the adjacent neighbourhood. In terms of construction (v) the applicant has advised that should the site secure planning permission, they would look to start on site in early 2019 weeks after pre-commencement conditions were discharged, (assuming approval at this Panel). The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are addressed in the report at paras 10.35 and 10.40, but none of these issues are considered to preclude development in accordance with Spatial Policy 6.
- 10.5 Policy H3 of the Core Strategy recommends a density of 35 dwellings per hectare. This scheme provides a density of 20.7 units per hectare. Given the proximity to the M621 motorway and the need to leave an area of land undeveloped to provide a noise buffer, it is not considered a higher density could be achieved on this site. Issues relating to spacing and layout are discussed later in this report. The proposal also delivers a mix of housing (2- 4 bed accommodation) which meets the objectives of policy H4 (which is concerned with Housing Mix). It is noted that that the proposal only has ten 2-bed properties, which equates to 11.5% which is below the minimum of 20% as stated in policy H4. The developers have cited the reasoning behind this is that they found over recent years since the introduction of the Government 'Help to Buy scheme' there has been a clear shift from the popularity of 2 bedroom homes to 3 bedroom homes, as customers are taking advantage of the reduced loan to value borrowing, of the Help to Buy Scheme and using this to reach for a 3 bedroom homes instead of 2 bedroom. This avoids future house moves (and expense) for young families. It is not considered the application could be refused solely due to the low percentage proposed of 2 bed properties.
- 10.6 There is no concern with regard to the loss of the existing farm buildings and their functions. The farming use of the site has ceased and most buildings upon the site are of a functional design are unremarkable in their appearance. Although the farm house and some stone adjacent barns are attractive structures, it is not considered

their demolition could be resisted. The property is not listed and not within a Conservation Area. The farm house is fairly typical of building of this age and it not unique within Leeds.

- 10.7 It is considered that the principle of this proposal accords with the Core Strategy polices on new housing (as stated by paragraph 59 of the NPPF) subject to an assessment against all normal development control considerations. Housing regeneration and growth is a key priority for Leeds; it is a breakthrough project in the Best Council Plan. The main issue with regard to this application is the need to provide an adequate level of noise mitigation within the site for the future occupiers of the development and whilst ensuring the layout is of a good design. The proposal will contribute towards the housing delivery of 70000 new homes as required by policy SP6 of the adopted Core Strategy and contribute towards Leeds City Council’s five year housing land supply. It is also considered that the tilted balance in NPPF para 11 (d) applies, in that due to the lack of a 5 year housing land supply, such that at d (ii) “any adverse impacts must *significantly and demonstrably* outweigh the benefits” (which include provision of additional housing) .

Space Standards

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

House Type	No. of units	% of units	Type of property	Proposed floor area (m ²)	NDSS (m ²)	Difference (m ²)
A6	10	11.5	2 bed 2 storey	68.8	70	-1.2
A7	4	4.6	3 bed 2 storey	89.7	84	+5.7
N1	16	18.4	4 bed 2 storey	123.6	97	+26.6
T4	6	6.9	4 bed 2 storey	124.4	97	+27.4
T7	32	36.8	3 bed 2 storey	93	84	+9
T10	6	6.9	3 bed 2 storey	89.7	84	+5.7
T11	13	14.9	4 bed 2 storey	116.5	97	+19.5

Table 2: House types and floor areas compared to NDSS

- 10.9 6 out of the 7 properties types exceed the minimum spacing standards. The only house type which fails on the spacing standard is the A6 house type, which has a short-fall of 1.2 sq m. Given the fact the spacing standards are not yet adopted planning policy, and the shortfall equates is only on 11.5% of the total number of units, and is only 1.2 sq m, it is on balance, considered that the proposed dwellings are acceptable and would offer an adequate level of amenity to the future occupiers and does not constitute grounds to refuse the application.

Noise Issues

- 10.10 The BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, offers advice on acceptable noise levels. This legislation is technical advice and not

adopted as planning policy. With regard to noise in private external amenity areas, Section 7.7.3.2 within BS 8233 specifies that it “is desirable that the external noise level does not exceed 50 dBLAeq,T with an upper guideline value of 55 dBLAeq, which would be acceptable in noisier environments”. However, BS8233 recognises that these guidelines values “are not achievable in all circumstances where development may be desirable.

10.11 In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”. Significant Observed Adverse Effect Level (SOAEL), which is defined as the level *which significant adverse effects on health and quality of life occur*, is set at 60 dBLAeq.

10.12 The site is located adjacent to the M621 motorway which lies to the west of the site. The proposed properties located nearest to the M621 are Plots 29-40, 57- 67 and 77-87. The nearest property is plot 67 and this is located 36m away. The other plots located on the western boundary on the site are on average located 50m away from the M621. The applicants have arranged the layout of the site, to site the properties close together towards the western boundary with the M621 to provide a ‘built physical barrier’ to create a noise barrier. This results in a lower maximum dB in most rear gardens, and decreases the number of properties whose noise levels are over 55dB. Measures which are proposed to reduce the noise levels include

- A 3m high barrier/bund adjacent to the M621 at the northern end of the site.
- 1.8m high acoustic barriers around the perimeters of gardens.
- 3m high barriers around gardens where additional noise reductions are required.

10.13 However, the noise levels exceed 55dB on 10 plots (Plots 27, 28, 29, 30, 59, 63, 64, 65, 71 and 81) the noise levels within all gardens are predicted to fall below the Significant Observed Adverse Effect Level (SOAEL) of 60 dBLAeq. The exact noise levels are illustrated in the table below.

Plot Number	Noise level dB	Comment and Noise Mitigation Measures
27	55.5	The small exceedance of between 0.5 to 1.4 dB is due to sound from the M621 flanking the bund via the railway line.
28	56.4	
29	55.8	
30	55.8	
59	57.2	The 3m high acoustic fence on the perimeter of this plot has provided a significant reduction to 57.2 dB.
63	56.2	These plots have a 0.5 to 1.2 dB exceedance of the noise target and are protected by the 3m barrier at plot 71.
64	55.5	
65	56.2	
71	56.3	The 3m high acoustic fence on the perimeter of this plot has provided a significant reduction.
81	55.9	The 3m high acoustic fence on the perimeter of this plot has provided a significant reduction.

- 10.14 On balance, it is considered that the noise levels within the site for the future occupiers would be considered acceptable. Environmental Health Officers have raised no objections to the proposal on this basis. Other recent developments within Leeds such as the Strata development at Colton, and a Persimmon scheme at May Avenue and Robin Hood have a similar relationship and distance to the motorway. The future occupiers of the development would know the environment of the site, its surroundings, and would make their own judgement, prior to purchase as to whether the development provided them with an adequate level of noise and general amenity.

Air Quality

- 10.15 The application has been supported by an Air Quality Assessment (dated January 2018). Dispersion modelling was undertaken in order to predict Nitrogen Dioxide (NO₂) and Particulate matter with an aerodynamic diameter of less than 10µm (PM₁₀), concentrations across the proposed site as a result of traffic exhaust emissions from the local highway network. Results were subsequently verified using local monitoring results obtained from Leeds City Council. Exceedances of the annual mean Air Quality Objectives for NO₂ and PM₁₀ were not predicted at any location across the development (assuming the development is completed in 2022). Modelling was also done for the construction period. As such, the site is considered suitable for residential usage in regards to air quality and mitigation measures are not required to protect future users from elevated pollution levels.
- 10.16 It is considered that due to the prevailing south-westerly wind air quality is better than may be predicted at this location, given the proximity of the M621. Leeds City Council's own monitoring and modelling processes under the Local Air Quality Management regime have not flagged up any air quality concerns in this vicinity, including at the existing residential area a short distance away to the south-west, which is also in close proximity to the M621. Air monitoring has been carried out at 66 Cottingley Drive, which is one of the closest properties to the M621 at approximately 50m away, for four years from 2009 through to 2012. All the annual mean results were below the 40ug.m⁻³ objective contained in the UK Air Quality Regulations. The results at this location were 33, 38, 31 and 31ug.m⁻³ for 2009 to 2012 respectively. Air Monitoring at this location ceased as there was no likelihood of the UK Air Quality Regulations being breached.

Design, Layout and Appearance

- 10.17 The design of the proposed scheme has been devised to ensure noise levels within the site are minimised, and the majority of the rear gardens of the properties are within the BS upper limit of 55dB, to give the future occupiers of the development an adequate standard of amenity within their rear gardens. In order to achieve this, it means the properties located closest to the M621 motorway, are spaced very close together in tight clusters, and mainly in terraced blocks. This arrangement does create frontage parking as a consequence. However there is clear reasoning for this approach, which was accepted on the adjacent Persimmon scheme, which is now under construction on site. These frontages are broken up by areas of soft landscaping to avoid a hard sterilised, car dominated environment, where possible. A duty to retain these area of soft landscaping will be conditioned on the approval of the application.
- 10.18 The properties within the site, which are located away from the western end of the site nearest to the M621 are located within increasingly spacious plots with a greater degree of separation between the house types. The dense form of development only exists towards the boundary with the M621 motorway. It is considered the spacing of

these properties meets with the minimum guidance and design advice of the adopted SPG 'Neighbourhoods for Living' with regard to layout, spacing and garden areas. Most of the properties have garden areas which exceed the 2/3 gross floor space rule of the internal accommodation. The property types which fail on this guidance are a few of the A6 type (5), as these are narrower frontages in terraced blocks.

- 10.19 The proposed properties consist of 7 standard house types, which vary in the design, and include detailing such as bay windows, gable canopies to some entrance doors, and art stone heads and cills. The design is considered to be influenced by arts and craft architecture. The facing materials include reconstituted stone and render, with grey mock slate roof tiles. The site is not considered to be located in a sensitive location; it is located at the end of Churwell New Village estate, which comprises of modern properties which were built in the early 2000's, and is not located within an existing townscape, or an in-fill site within an existing street scene. The proposal essentially seeks to extend an existing suburban housing development, towards the motorway, which acts as a definite boundary to contain this settlement.
- 10.20 The existing properties on the New Village estate vary in style, design and height from 2 to 4 storeys, and include both red and buff brick, and reconstituted stone. All of the proposed properties are 2 storeys in height. The nearest properties located on Digpal Road consists of both 2 and 3 storeys houses. The layout has been amended to have house types grouped together to provide a degree of constituency and patterning throughout the site. It is considered that the development generally respects the appearance and character of the development it will adjoin, and the proposal complies with policy P10 of the adopted Core Strategy.

Impact on Adjacent Occupiers

- 10.21 The properties located at odd numbers 19-39 Digpal Road have their rear gardens boarding onto the eastern boundary of the site. These properties are located between 22.3m (at no 19 Digpal Road on a rear to side relationship to Plot 1) and 33m between plot 7 and 27 Digpal Road (rear to rear relationship). All of the distances to the properties on Digpal Road exceed the guidance of the adopted SPG Neighbourhoods for Living, which recommends a minimum distance of 18m between the rear elevations of properties.
- 10.22 It is considered that the house types have been carefully designed in relation to their position within the site in view of land levels and the relationship with the properties located on Digpal Road. The application is supported by sectional drawings showing streets scenes and land levels. It is not considered the proposed development would appear overly dominant or appear overly elevated, when viewed from the existing properties at Digpal Road. In some instances the properties at Digpal Road, such as no 19, are located at a higher land level than the nearest new build property proposed on this site (Plot 1) which is located opposite. Most level changes from Digpal Road, mean the new build properties are located approximately 1m higher, over a distance of approximately 20m away, from the existing properties at 19-39 Digpal Road.
- 10.23 These properties at numbers 19-39 Digpal Road are separated from the site by close boarded fencing. Most of these properties have dense vegetation and trees within their gardens which provide a buffer from the site. The proposal layout has been devised so rear gardens of the new properties are located adjacent to these existing boundaries. As stated above, although sectional drawings have been submitted, they do not include the garden levels for each plot which backs onto the existing properties on Digpal Road. In order to ensure these gardens are not raised, with retaining walls being constructed along the rear boundaries of the properties on Digpal Road, a full

level plans for each plot which lies adjacent to Digpal Road will be conditioned on the approval (if granted). It is considered the land levels (rear gardens of Plots 1- 15) adjacent to Digpal Road should remain unaltered.

- 10.24 Although these properties will lose their view of green fields, this is not a material planning consideration. Due to the distances involved, it is not considered the occupiers of the properties located on the western side of Digpal Road would be over-shadowed by the development or be over-looked by the properties proposed. It is also not considered the traffic generation caused by 87 new dwellings through the New Village estate would have a demonstrable detrimental impact on the living conditions of the occupiers who presently reside there. The submitted Transport Assessment states that the trip generation would be a total of 65 vehicle movements in the AM peak and 63 vehicle movements on the PM peak.
- 10.25 It is recommended that Permitted Development rights are removed on Plots 29-57, 77-87 as the test within the NPPF is satisfied. These properties are the ones located closest to the M621 which are located in the tightest arrangements and any extensions under PD could cause issues on adjacent occupiers with regard to over-shadowing and dominance and lead to the over-development of the site.

Highways

- 10.26 The 2009 Street Design Guide SPD (SDG) states that a 6m wide Connector Street with a verge or hard margin should be provided when serving more than 300 dwellings. This proposal would lead to circa 400 dwellings if the proposed development were to be approved, which is contrary to the Street Design Guide SPD, and this is noted. Highways would also prefer to see a second access, however it is clear that there is no deliverable additional access to serve the site. It is considered there are no capacity issues at the Old Road/A643 Elland Road/ Little Lane and Old Road/A643 Elland Road junctions as a consequence of a single point of access. As stated in paragraph 10.24 it is anticipated the proposal would generate circa 65 vehicle movements at the AM and PM periods. Highways consider that in view of the apparent lack of a deliverable additional access (which is desirable), in the absence of safety concerns arising from the proposed development it would be difficult to sustain a highway objection on those grounds.
- 10.27 There is on-street parking along New Village Way through the existing estate and Old Road from its junction with A643 Elland Road. A commuted sum of £7,500 to fund Traffic Regulations Orders along New Village Way, to ensure on-street parking does not cause obstructions to the free flow of traffic along the highway is also secured through a S106 agreement. This TRO scheme is yet to be devised and agreed, but it is anticipated it will be in-place (in 2 sections) near junctions along New Village Way. This will be subject to a separate round of consultation by residents following adopted Highways legislation.
- 10.28 A second vehicular access would normally be required for more than 300 dwellings. It is however, noted that the road layout pre-dates the SDG. The current spine road width and alignment with a verge would permit up to 700 dwellings based on the SPD were it not for a lack of a second access. One of the main reasons for the 300 limit is that it restricts access in the event of any blockage on the road. At this location, the existing development has loops off the spine road that would allow traffic to bypass around a blockage. An emergency means of access is also proposed along an existing access route that runs from the western boundary of the site via the M621 underpass and on to Gelderd Road. It is recommended for a condition to be imposed requiring details of access control measures for the provision of emergency access

only between A62 Gelderd Road and the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. West Yorkshire Fire & Rescue Service has provided guidance on access for fire appliances and noted that if the access control requirements are met and the access widths comply they have no adverse comments to the proposed use of the existing access route via the M621 underpass as a secondary emergency only access

- 10.29 Highways have also stated the development will cause a cumulative impact on the congested length of the A6110 Outer Ring Road, particularly the A643 Elland Road / A6110 junction. To mitigate this impact a contribution will be required towards an improvement scheme at the junction taking into account the cumulative impact of other allocated sites, including Lane Side Farm, Churwell. A contribution of £3,000 per dwelling should be made towards measures to mitigate that impact. This accords with the Core Strategy Planning Obligations and the Community Infrastructure Levy section where 6.30 states “Developer contributions will also be expected to take a role in the funding and delivery of any required new infrastructure as a result of the cumulative impact of the high level of growth proposed for Leeds. Therefore, planning obligations will be used to secure matters including education provision, green space and public realm, **and transport provision such as highway improvements**, cycle routes, and public transport improvements. The applicants have agreed to make this contribution and it will be secured through a S106 agreement. It is considered appropriate to ask for this as in comparison with the adjacent scheme 16/03676/FU (which is now on site) this scheme is of a scale to require a transport assessment, the junction analysis contained therein showed an unacceptable impact on the A643/A6110 junction that can realistically only be mitigated by contributing to a major improvement scheme.
- 10.30 It is noted that the proposal doesn't meet with all the accessibility standards, as set out in Table 2 of Appendix 2 of the adopted Core Strategy (Policy T2). The nearest bus stops to the site are located on Cottingley Drive at a walking distance of approximately 300m, which is within the recommended walking distance to a bus stop, but is via the proposed footpath link and relies on use of the railway footbridge so is not accessible to all. There are other bus stops at A62 Gelderd Road and A643 Elland Road located circa 500m and 800m from the site respectively. Bus services on Cottingley Drive offer a service frequency of 2 buses per hour similarly that service at A62 Gelderd Road is 2 buses per hour. The bus service at A643 Elland Road is more frequent with 8 services an hour. The site is located at a distance of 220m via the footpath link from Cottingley rail station, which is within the recommended walking distance of 800m to a rail station.
- 10.31 The site is located within the preferred maximum walking distance to a primary school. Cottingley Primary School is via footbridge 1600m away, which is 20 minutes' walk and Churwell Primary is 1800m away, only an extra 2.5 minutes. The distance between the site and the nearest secondary school is outside the preferred maximum walking distance to education. The Core Strategy accessibility standards are not met in regards to location of the site to secondary education. On balance it is considered that accessibility is not so poor as to offer a reason to refuse the application alone, particularly when this was not raised as an issue in relation to application 16/03676/FU for the 2016 Persimmon consent on the adjacent site.
- 10.32 Highways officers have raised no objection to the level of parking within the development, it is considered this level of parking is appropriate for suburban dwellings of this size, within this location. A condition to remove PD rights will be recommended to ensure these garages are not converted into additional residential accommodation.

Greenspace

- 10.33 The proposed layout includes on-site Green Space, resulting in a total of 11,210 sqm. Following the advice of Policy G4 of the adopted Core Strategy which states on-site provision should equate to 80 sq m per unit, the scheme should deliver 6,960 sq m of green space. The proposal equates to provision at 161%, however it is not considered that all of the on-site green space would be useable to its proximity to the adjacent M621 motorway. It is however considered that the area which is not useable green space is less than 61% of the provision and therefore the proposal does comply with the policy guidance of G4.

Landscaping

- 10.34 The site offers a large area for open green space and landscaping. The application is supported by a Landscaping Strategy, which shows the extent of tree planting. This shows mature trees planting along the western boundary of the site, and proposed bund (adjacent to the M621 motorway). This also shows the retention of the tree belt to the northern boundary, which it lies adjacent to the train line. The amount of trees on site would increase through this proposal and this strategy shows also tree planting within the front and rear gardens of the plots, and the Public Open Space located to the south-west of the site. A full landscaping scheme will be conditioned on the approval of the application. It is considered that a full programme of planting would enhance the quality of the development, as well as providing an element of relief, both visual and in terms of noise, from the adjacent motorway.
- 10.35 The Nature Conservation officer has recommended several conditions which will be imposed if Members are minded to approve the application. These include conditions to ensure the new bridge crossing is of design which keeps the watercourse in its natural bed and banksides using an open span approach. These are locally valuable ecological features which need to be protected and enhanced through conditions which relate to a Construction Environmental Management Plan and Biodiversity Enhancement Management Plan. Conditions are also proposed which relate to bats and lighting.

Education and GP provision

- 10.36 Concerns have been raised regarding the implications of the proposed development for education provision. Colleagues in Education have stated that they estimate that 87 family dwellings (2+ beds) would generate 22 additional primary school age children and 9 secondary school pupils. This would equate to approximately 3 pupils per year group in primary and 2 per year group in secondary.
- 10.37 There are two schools within the vicinity of the proposed development, Churwell Primary School and Cottingley Primary Academy are both located approximately 1.2 miles away of the application site. Churwell Primary is consistently oversubscribed and is projected to be close to capacity for the foreseeable future. Cottingley Primary Academy is located at the other side of the railway line from the development and although there appears to be a railway crossing bridge, this would need to be assessed in relation to a safe walking route from the proposed development to this school. Cottingley Primary Academy has recently expanded from 45 to 60 places and although the numbers of children living nearest to the school are set to rise it is anticipated that this school may have capacity to absorb additional pressure from this development unless the numbers of children in the area or preferencing patterns change over time.

- 10.38 There are a number of secondary schools (Bruntcliffe Academy, The Morley Academy, Cockburn Academy and Cockburn John Charles Academy) which are all within a reasonable distance of this proposed development. Based on a yield of approximately 2 pupils per year group we anticipate that there would be sufficient secondary places available. The development attracts liability for Community Infrastructure Levy contribution and this will allow for funds to be available towards infrastructure which includes both primary and secondary education provision, to meet the demands of a growing population.
- 10.39 Concerns have also been raised about the capacity of GP surgeries in the area and the potential implications of the proposed development in this respect, and the Public Health section and the NHS Clinical Commissioning Group (CCG) for the area have been contacted in this respect. The CCG have stated that the nearest GP practice, Cottingley Surgery (which is now a branch of Bramley Village Health and Wellbeing Centre). The other practice in Churwell also has an open list as do all of the local practices in Morley. The CCG also have stated that it is likely that a percentage of the future occupiers of the development would be local people moving up the housing ladder who are already registered with a practice locally. However, planning cannot influence the capacity of GP surgeries as they are operated as businesses and open in response to demand in the area.

Drainage

- 10.40 Colleagues in the Main Drainage team within the Council have raised no objections to the proposal, the proposals for surface water discharge and attenuation storage which are consistent with the council's Minimum Development Control Standards for Flood Risk. The general proposals for the new access bridge over Farnley Wood Beck as indicated in the Outline Update to Farnley Wood Beck and Assessment of the New Bridge Crossing is also acceptable in principle. A condition is recommended which places a duty for a drainage scheme (i.e. drainage drawings including, summary calculations and investigations) detailing the surface water drainage works as well as arrangements for its future maintenance
- 10.41 The Flood Risk Assessment acknowledges that there are significant problems with flooding within the catchment, in particular at Old Close, which is located approximately 0.5 km downstream of the proposed development. This issue is existing and is not a consequence of the development. As such officers cannot request a financial contribution through a S106 agreement to part fund improvements at Old Close.

Planning obligations and legal agreement

- 10.42 The following planning obligations are required to make the application acceptable in policy terms and these will be secured via a s.106 agreement:
- Affordable housing – 15% (14 units) on-site. Plots 30-32 and 36-39.
 - £20 000 for two new bus shelters.
 - Local employment.
 - Maintenance of on-site green space
 - Travel Plan Monitoring fee
 - Travel Plan Fund of £43, 065
 - Contribution of £3000 per property towards an improvement scheme on the A6110 Outer Ring Road, particularly the A643 Elland Road / A6110 junction.
 - TRO contribution of £7000 for New Village Way

- 10.43 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly and reasonably related in scale and kind to the development.

CIL

- 10.44 The site is within CIL zone 2a (£45/m²). Based on the floor space currently proposed and discounting the affordable units, which would be eligible for CIL relief (subject to the submission of the appropriate documentation), the CIL liability for the development would be £291.654.42

Other issues

- 10.45 Many of the objections have raised matters which are not material planning considerations. These include loss of a view, impact on property prices, and the potential behaviour of the developers with regard to construction and causing pollution. Other issues raised by the objections are covered in this report.

11.0 CONCLUSION

- 11.1 The application site presents challenges due to its proximity to the M621 motorway and the levels changes. However, it is considered that on balance the proposed scheme represents an acceptable solution, in terms of its layout and design to offer protection from this noise source to its future occupiers, although it has areas in terms of spacing/ design which are comprised. The scheme offers generous areas of landscaping and greenspace and is adequately spaced away from the existing properties on Digpal Road, to ensure the proposal would not have a significant impact on the occupiers of these existing properties. It is not considered the proposal would pose a risk to highway safety.
- 11.2 The schemes offer other benefits, it provides new housing which will contribute towards the requirements of housing delivery of 70000 new homes as required by policy SP6 of the adopted Core Strategy, offer full affordable housing contribution and green space provision. It is considered these benefits; outweigh any harm caused by the development and that conversely the tilted balance in NPPF para 11 (d) ,is complied with in that due to the lack of a 5 year housing land supply , such that at d (ii) “any adverse impacts are not considered to *significantly and demonstrably* outweigh the benefits” (which includes provision of additional housing).
- 11.3 On balance, it is therefore recommended that this application - is approved, subject to the suggested conditions and completion of a legal agreement to cover the obligations discussed above.

Background Papers

Application Files: 18/00251/FU