



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 11th October 2012

Subject: APPLICATIONS 11/04988/FU and 12/04048/FU FOR THE DEMOLITION OF OUTBUILDINGS, LAYING OUT OF ACCESS ROADS AND ERECTION OF 92 HOUSES WITH LANDSCAPING – LAND AT DAISY HILL, MORLEY.

APPLICANT

Persimmon Homes (West
Yorkshire and Priestgate)
Morley Ltd

DATE VALID

5th December 2011

TARGET DATE

5th March 2012

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:

Members note the report and resolve not to contest the planning appeal against the non-determination of planning application 11/04988/FU.

Members defer and delegate to the Chief Planning Officer for approval application 12/04048/FU as recommended in attached report (6th September 2012 – Appendix 1) and following completion of the S106 Agreement.

1.0 Introduction

1.1 This application is presented to Plans Panel South and West for members consideration as a result of the recent geographical boundary changes to the Plans Panels. According to the Terms of Reference for area panels their delegated authority relates only to their respective geographical areas, with no scope to depart from this. As this application site now resides in the South West geographical area rather than East and North, and the application is currently undetermined. East and North Panel cannot determine an application outside of its geographical boundary even if the application has previously been considered by the Panel members.

- 1.2 This application was presented to Plans Panel East on 6th September 2012 with a recommendation for approval. Members resolved that the Officers recommendation to grant planning permission not be accepted, and that the Chief Planning Officer be asked to submit a further report to the next meeting, setting out further information and possible reasons for refusal based upon the unsustainability of the site, with reference to the policies set out in the National Planning Policy Framework (NPPF).
- 1.3 East Plans Panel Members considered that the application site is unsustainable for residential development as there is insufficient infrastructure to accommodate the needs arising from this development. In particular members raised concerns around the following sustainability issues:-
- Access to public transport
 - Education provision
 - Healthcare provision
 - Access to greenspace
 - Effective use should be made of brownfield land
 - Inadequate provision made for the drainage of the site.

It should be noted that no overriding concerns were raised in respect of the design of the houses or the layout of the development.

- 1.4 Since the last Plans Panel meeting the applicant has lodged an appeal with The Planning Inspectorate against the non- determination of the application. As such, Members cannot determine this application. Members need to take the following factors into account in deciding whether to contest the appeal.

1. Principle of development

Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on a Phase 2 allocated Greenfield site within the settlement of Morley. In confirming the allocation of the site for residential development the UDP Inspector in 1999 stated that “although *it has a pleasant rural appearance with open land to its east, the site is otherwise enclosed by existing housing and industrial development beyond the railway land. It is a reasonably convenient walk from the railway station and could be made more so by the provision of a path across the steeply sloping land. It is also reasonably close to Morley Town centre. These factors now weigh more heavily in national advice aimed at reducing dependence on private motor vehicles than when the UDP was prepared and are benefits enjoyed by this site which are not shared by many other former GB sites*”. The submission of this application for housing development follows the decision of Executive Board to support the principle of releasing Phase 2 and 3 Housing allocations following consideration of the adverse outcome of a number of earlier planning appeal decisions.

In light of the fact that this site is allocated for residential development, and the Executive Board decision to release such sites for development the Council would not be able to sustain a reason for refusal that goes to the principle of development.

2. Access to Public Transport

Turning to the issue of the accessibility of the site the following advice was given to East Panel. The normal expectation for a development of this type and location would be for bus stops to high frequency services to be within a 400m walk of the site or a rail station to be within an 800m walk. Bus stops are within 400m walk but

the services available are not high frequency. However the site is a short walk to the rail station giving access to Leeds. Access to public transport is therefore acceptable. In addition high frequency bus services are available approximately a 700m walk from the site and the applicant is also funding reconstruction of the footpath between Daisy Hill to the rail station. This link would benefit the site and also existing residents. In terms of the number of traffic movements the scheme would generate, the transport assessment which has been submitted has been audited using the industry standard TRICS database and Officers are satisfied the development would not have a significant impact on the local road network including Churwell Hill.

In light of the above it is not considered that an argument could be sustained that the site is not sufficiently well served by public transport and is therefore located in an unsustainable location.

3. Education Provision

The Council's policy in respect of education provision is set out in SPG11: Section 106 Contributions for school provision (2001). The SPG sets out a formula that is used to calculate what is the appropriate financial contribution that is required to meet the educational needs generated by the development. In this instance it has been calculated at £414,451. The applicant set out that they are committed to paying that sum. This position was reached following lengthy negotiations with the applicant. This contribution will go towards creating capacity within both the local primary and secondary schools. In this respect the proposed development meets the requirements of the Council's policy.

4. Healthcare

There is currently no requirement to make extra provision for health services through the planning system. However, Members will note that a dialogue is being developed around making these links.

5. Access to greenspace

The Council's policy in respect of greenspace provision is set out in SPG4: Greenspace relating to New Housing Development (1998). The proposed development includes an area of open space of 3680 sq.m. and a contribution of £131,197.99 to the improvement of on site greenspace. This complies with the guidance set out in the SPG. The on site greenspace has been designed so that it is easily accessible to residents, that it forms a visual link with adjacent open land and that it is overlooked by some of the proposed houses. As such the design of the open space is consistent with the guidance set out in Neighbourhoods for Living.

Again the proposal is considered to comply with the Council's own adopted planning policy.

6. Effective use should be made of brownfield land

The NPPF requires Councils to identify sites sufficient to provide five years worth of housing plus 5%. In Leeds there is an absence of a 5 year housing supply and this shortfall is recognized in the emerging Core Strategy. The Council has relatively recently contested and lost a number of appeals against proposals for residential development on allocated Greenfield sites. Part of the Council's case was that the proposed developments would prejudice the redevelopment of brownfield sites. Following the appeal decisions through Executive Board, the Council resolved to release all phase 2 and 3 sites for development. This is a phase 2 site.

Whilst planning policy, and the NPPF encourages the effective use of brownfield sites this does not preclude the development of Greenfield sites allocated for that purpose.

7. Inadequate provision made for the drainage of the site

Drainage from the development is away from Daisy Hill and the Valley Road area. Towards the east, further down, towards the existing watercourse. With attenuation measures providing Greenfield run off rates. This ensures that the impact of the development does not worsen the current situation. It is important to note that the planning test is not whether the development will improve or resolve local flooding issues but that it will not exacerbate an existing problem. Such decisions should also be based on clear evidence having regard to advice from technical consultees. Flood Risk Management Officers are confident that the site can be drained such that surface water discharges are no greater than the current greenfield rates.

Conclusion on planning merits

In light of the above reasoning Members are advised it is difficult to justify sustainability as a grounds for refusal. Where the policy test has been met it is extremely difficult to justify a refusal.

- 1.5 Members need to bear in mind costs advice set out in Circular 03/2009, "Costs Awards in Appeals and other Planning Proceedings". This is not a material planning consideration, however members need to be aware of the potential consequence that arises from this. The circular sets out the circumstances in which an award of costs maybe made against a local planning authority at appeal. It states that costs will be awarded where it can be shown that a party has acted unreasonably and this has caused a party to incur unnecessary and wasted expense. The following advice is set out:-

"B15. Planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted having regard to the development plan, national policy statements and any other material considerations. General guidance to authorities on propriety and the handling of planning applications is at paragraph 27 and 28 of *The Planning System: General Principles (ODPM, 2005)*.

"B16. Authorities will be expected to produce evidence to show clearly why the development cannot be permitted. The planning authority`s decision notice should be carefully framed and should set out in full the reasons for refusal...Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations including any relevant judicial authority. If they cannot do so , they risk a costs award against them for any unsubstantiated reason for refusalThe key test will be whether evidence is produced on appeal which provides a respectable basis for the authority`s stance , in the light of *R v SSE ex parte North Norfolk DC 1994 (2 PLR78)*"

- 1.6 Members attention is also drawn to the following recent Ministerial Statement (6th September 2012) by Eric Pickles MP Secretary of State for Communities and Local Government:-

“Given the importance of efficient and effective planning decisions for the economy. We need to ensure that where there are clear failures in performance, that applicants are able to access a better service. We propose to legislate to allow applications to be decided by the Planning Inspectorate, if the local authority has a track record of consistently poor performance in the speed or quality of its decisions. Planning is a quasi-judicial process: Justice delayed is justice denied. It is unfair to all parties for local planning authorities simply to fail to make timely decisions on a planning application – creating uncertainty both for applicants and local residents.”

“In support of this we will also require more transparent reporting of council performance, and will be working with the Local Government Association to increase the use of Planning Performance Agreements for major schemes- which commit both applicants and planning authorities to a clear timetable for determining proposals. In addition, *we intend to give Planning Inspectors more power to initiate an awards costs in planning appeal proceedings, where it is clear that an application has not been handled as it should have been with due process*”.

- 1.7 Against this background, the Council risks an award of costs by contesting the planning appeal on grounds which cannot be substantiated. In particular , in view of the fact that this site is allocated for residential development and the Executive Board has authorised the release of Phase 2 allocated sites , the Council would not be able to substantiate a reason for refusal that goes to the principle of development. Members are strongly recommended to indicate that they would have approved the application had they been in a position to do so. It is considered that this will serve to help the Council in defending against any claim that the Council has acted unreasonably. A Council can also reduce the risk of costs against them at appeal, or the extent of any award of costs, by notifying the Planning Inspectorate and appellant immediately that they will not be contesting the appeal.
- 1.8 The applicant has submitted on the 24th September 2012, a further planning application for the same form of development now at appeal. In light of this Members are strongly advised not to contest the appeal and that no evidence against the proposal is offered at the appeal. Approval of the submitted application to be deferred and delegated to the Chief Planning Officer subject to the specified conditions (in attached report 6th September East Plans Panel) and following completion of the S106 Agreement.
- 1.9 A copy of the previous report is attached for Members information as Appendix 1 and has been updated to include the verbal update reported to members at plans Panel East on the 6th September 2012.

2.0 Background Papers

Application files and history

Certificate of Ownership : Notice served on Priestgate Morley Limited and Earl of Dartmouth.



Report of the Chief Planning Officer

(APPENDIX 1)

PLANS PANEL EAST

Date: 6th September 2012

Subject: Application 11/04988/FU for the demolition of outbuildings, laying out of Access roads and erect 92 houses with landscaping on land at Daisy Hill Morley Leeds LS27 8ND

APPLICANT

Persimmon Homes (West
Yorkshire and Priestgate
Morley Ltd.

DATE VALID

5th December 2011

TARGET DATE

5th March 2012

**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 the specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- Greenspace contribution £131,197.99
- Education contribution £414,451
- Travel plan management fee £2,500
- Residential Metrocard scheme £44,844.80 – or as otherwise agreed
- Provision of 15% Affordable housing
- Public Transport Infrastructure £50,000
- Contribution of £240,000 to upgrade of footpath link
- Off site highway works contribution of £10,000
- Local training and employment initiatives during the construction of development.

In the circumstances where the Section 106 has not been completed within 3 months

of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time Limit on permission
2. Plans to be approved
3. Details of fences and walls to be provided.
4. Statement of construction practice.
5. Laying out of areas to be used by vehicles.
6. Retention of parking spaces.
7. Submission and implementation of landscaping details.
8. Landscape Management Plan.
9. Details of landscaping buffer and its implementation along eastern boundary
10. Submission of walling and roofing materials.
11. Submission of surfacing materials.
12. Submission of noise insulation scheme.
13. Flood risk management details to be submitted
14. Details of southern boundary treatment to be agreed.
15. Details of existing and proposed ground levels and finished floor levels to be agreed.
16. Development to be carried out in accordance with approved drainage details.
17. Reporting of unexpected contamination.
18. Removal of permitted development rights for extensions and roof alterations.
19. Removal of permitted development rights for additional windows in gable ends.
20. Reporting of unexpected contamination.
21. Submission of verification reports.
22. Maximum gradient to driveways.
23. Details of vehicular access gradients not to exceed specified gradients.
24. Details of sustainability in accordance with "Building for Tomorrow Today"
(Supplementary Planning Document)

Reasons for Approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within the NPPF and it is considered that the scheme provides for a good quality residential scheme. The application is allocated for residential purposes and therefore the principle of residential development is acceptable. The site is in a sustainable location and the proposals satisfactorily address highway and drainage issues and offer an acceptable level of amenity to future occupiers and will have no detrimental impact on the amenity of other nearby occupiers or to the visual amenity of the locality. The application is considered to comply with the policies as set out in the development plan and constitutes a sustainable form of development.

1.0 INTRODUCTION:

- 1.1 The application is for residential development on a Greenfield site allocated for housing in the Leeds Unitary Development Plan (UDP). Last year Executive Board agreed to release phase 2 and 3 housing sites and this is a Phase 2 site. Morley Town Council and Ward Members, Councillor Leadley and Councillor Gettings, have requested a site visit.
- 1.2 This application is brought to Plans Panel as it is a major proposal and is locally sensitive.
- 1.3 A Position Statement was presented to Plans Panel members on the 12th July 2012 Plans Panel. Members carried out a Panel Site Visit on the morning of the Panel meeting.

1.4 Plans Panel Members noted the Position Statement and provided the following comments:-

- Greater degree of openness to be provided/retained to street frontage.
- Details of the scheme to protect residents of properties on the southern boundary from the steep drop to be provided.
- Provide more information about the impact of the additional traffic on the junctions at Victoria Ave, New Bank Street and King George Ave.
- Implications that arise from the development for traffic flows on Churwell Hill.
- Further information on the frequency and routes of local bus services.
- Further information required on the implications of the development for local schools and how the children will be accommodated (i.e. how the contribution would be used).
- Further information on the development of the site for residential purposes and the consequences for nearby industrial uses.
- Concern about the amount of development proposed and the proximity of houses to the southern boundary.
- Further information required on drainage and the issues raised about localised flooding by residents.
- Officer from Flood Risk Management to attend the meeting the next time the planning application is reported to Panel.
- Design of houses needs to be amended to have regard to Morley context.

1.5 In light of the comments made by Panel the following revisions and information have been provided:

Greater degree of openness to be provided /retained to street frontage

1.6 The streetscene plans and landscaping scheme details the treatment to the frontage along Daisy Hill. The applicant has proposed to enhance the landscaping to soften the frontage. The illustrative drawings demonstrate the extent to which the proposed dwellings are set back off the frontage and the treatment to the frontage is similar to the existing positive examples on the opposite side to Daisy Hill.

1.7 The applicant did investigate changing the siting of those dwellings closest to Daisy Hill so that they were set further back from the road. However, this resulted in the vehicular access arrangements to these dwellings being changed and that access would have had to be gained directly from Daisy Hill as opposed to from the internal access road to the development. A consequence of this change was that the access drives would have cut through and resulted in a reduction in the amount of landscaping. On balance it was considered it was more beneficial to the character and visual amenities to maximise the amount of landscaping to the frontage.

Details of the scheme to protect residents on properties on the southern boundary from the steep drop to be provided.

1.8 The proposal has been revised to provide a double boarded 1800mm high close boarded fence for properties along the southern boundary, to address Members concerns around safety. Plots 20 to 23 (in the furthest south western corner) have also been site approximately 1 to 1.5 further away from the boundary to increase their rear garden lengths. The applicant has also provided cross sections through the development, including through rear gardens that are adjacent to the southern boundary and the public open space. These show that the rear gardens slopes gently

away from the house to the rear boundary. The open space also falls gently away towards the boundary.

Provide more information about the impact of the additional traffic on the junctions at Victoria Avenue, New Bank Street and King George Avenue.

Implications that arise from the development for traffic flows on Churwell Hill.

Further information on the frequency and routes of local bus services.

- 1.9 The following highways advice and comment was provided in respect of the development. It is considered that King George Avenue is of adequate width to accommodate development traffic, but does have very poor visibility to the right at the junction with Victoria Road due a narrow footway and garden wall. There is nothing that can be done to improve this visibility without having other, potentially detrimental, knock on effects on Victoria Road. There has been only one recorded personal injury accident at this junction in the last 10 years. The development is expected to add in the region of 28 movement at this junction in the AM peak (20 out and 8 in), and 29 in the PM peak (11 out and 18 in). These numbers are small and the site is a UDP allocated housing site. This together with the lack of an existing accident problem the vehicular access to the site make an objection on these grounds difficult to justify.
- 1.10 Since the comments from Members at the July Panel highway officers have reassessed the junction. It is considered that the comments above stand , but in order to maximise safety at this location (within the highway constraints), that Traffic Regulation Orders in the form of double yellow lines could be implemented around the junction to prevent parking at all times. It is envisaged that these would extend some 15m along King George Avenue and would allow several vehicles to wait to turn out, without restricting access for those turning in from Victoria Road. This would be an improvement on the existing situation and go some way in mitigating the small development impact at this junction.
- 1.11 The applicant has previously agreed to fund similar TROs at the junction of New Bank Street and Church Street. The works to these junctions would be secured by way of a contribution within the s106.
- 1.12 The level of traffic on Churwell Hill associated with the development would be minimal (less than 30 vehicles in each peak period), and would be significantly less than typical day to day variations.
- Further information on the frequency and routes of local bus services.
- 1.13 The 213 bus service linking Morley to Dewsbury passes along the site frontage with a stop within easy walking distance. This operates at a frequency of one bus per hour during the day (starting at 09:30), with no services in the evenings or Sundays. Bus stops on Victoria Road, 670m to 730m from the centre of the site (8 to 9 minutes walk) are served by 10 buses per hour to Leeds and Morley, including the high frequency 51 service. These high frequency services are outside of maximum walk distances, but do offer an alternative to the railway station.
- 1.14 Morley railway station is a 300m walk distance from the centre of the site. The developer has agreed to fund a full reconstruction of the full footpath (from Daisy Hill to the station), to a shared cycle / pedestrian route to adoptable standards. This path will be hard surfaced and lit. Initial estimates of this work are £240,000 which will be funded by the developer.
- 1.15 The following comments and advice have been received from METRO. It is noted that capacity is a problem on all rail lines at peak times during term time across West Yorkshire. This includes at Morley. The station being one of the last on the

approaches to Leeds suffers from notable crowding on trains at peak times. There are 3 major interventions happening that could help ease things at Morley:

1. Northern Hub
2. Trans-Pennine electrification
3. HLOS (**High Level Output Specification**) Additional Capacity for Leeds

The recent HLOS announcement includes making provision for future demand growth on all routes across Leeds. This includes the line through Morley through additional capacity at Morley likely to be delivered through longer trains. It is likely this will happen post electrification on the Trans Pennine line, planned by 2018, but could be earlier for the local services through Morley.

The franchise process may deliver some benefits by 2014, but the availability of rolling stock will be limited until other electrification schemes come on line circa 2018.

The station itself has limited car parking capacity, and suffers from poor access. METRO are developing plans to make improvements but are waiting the feedback from a meeting with local politicians. Funding is an issue and any scheme would have to demonstrate a favourable Cost Benefit Ratio so improvements cannot be guaranteed at this stage. The £50,000 secured as part of the application will go towards increasing car park capacity, resurfacing and improved lighting.

- 1.16 The site is within walking distance of local services and schools.

Further information required on the implications of the development for local schools and how the children will be accommodated (how the contribution would be used)

- 1.17 The applicant has agreed to contribute the full amount of £414,451 and this will go towards capacity within both the local primary school and secondary schools.

- 1.18 Children Services have set out that at this stage they cannot specifically say how the money will be spent, except that it will be used to expand existing schools in the Morley area, in order to cater for the extra children generated by the development. There is a process to follow in terms of identifying potential schools, for example carrying out options appraisals to identify which schools would be suitable for expansion, consultation with all affected parties, seeking approval from Executive Board, and of course, seeking planning permission for any expansion.

Further information on the development of the site for residential purposes and the consequences for nearby industrial uses.

- 1.19 As specified in paragraph 10.25 the oil depot is regulated by the Environment Agency and the animal by products plant is regulated by Environmental Health who on consultation state that the number of complaints over the years has declined. The implications for the industrial uses are that they are working within their required permits and therefore cannot do anymore than work within this permit.

- 1.20 The Environment Agency has further advised that if a business operates within the terms of their permit then they will not be closed down. The permit addresses such matters including odour and they are not aware of any breaches of the permit in this location.

Concern about the amount of development proposed and the proximity of houses to the southern boundary.

- 1.21 The applicant has undertaken a study of the urban grain of the area. This has included looking at the massing and spatial setting of existing development and how the proposed development fits in. It is noted that the surrounding area comprises a

mix of house types and ages. The proposed development reflects the mix of housing types (detached/semi's/terraces) and the spatial setting of the proposed houses reflects that of other similar housing types in the locality.

- 1.22 It should be noted that the amount of garden space provision and rear garden lengths the development complies with the guidelines set out in Neighbourhoods for Living.

Further information required on drainage and the issues raised about localised flooding by residents

- 1.23 Mains Drainage confirm that there is no record of complaints of flooding received locally to Daisy Hill. A more detailed comment on drainage issues is set out at 10.23 of this report. It should be noted that any decision on a technical matter such as drainage needs to be evidence based. To that extent significant weight should be attached to advice received from the relevant technical consultees and this advice should only be set aside if there exists clear and demonstrable evidence that their advice is incorrect.

Officer from Flood Risk Management to attend the meeting the next time the planning application is reported to Panel.

- 1.24 Flood Risk Management officer to be in attendance and will also be able to address the localised flooding raised by Members in the above section.

Design of houses needs to be amended to have regard to Morley context.

- 1.25 The applicant has carried out and submitted a character assessment of the local area. King George Croft and New Bank Street which are immediately adjacent to the site are two storey dwellings with upvc windows. There is no subtle transition between the modern brick to the traditional stone terraces on New Bank Street. The key characteristics of the stone terraces are dry verge gables small fascia with no soffitt and a standard pitch roof design. The assessment looks at dwellings and their features further afield on Albert Road and Sandringham Close. The conclusion reached is that there is no consistent character to Morley. A number of positive aspects of local character are reflected in the design of the proposed homes (including dry verge gables, roof pitch, recessed windows and stone heads and sills). Concluding that the site is of sufficient size for a scheme to create and sustain its own character.

2.0 PROPOSAL:

- 2.1 The application is a full application with layout details for 92 houses comprising of 2, 3, and 4 bedroom houses in the form of terraced, semi and detached dwellings. The proposed development consists of 3680sqm of on site public open space. Vehicular access into the site would be from three access points on Daisy Hill. Affordable housing is provided at 15% and the 14 units are pepper potted in 3 locations throughout the development.
- 2.2 The proposed houses are of a traditional form and design approach and are either two storeys or 2 storeys with accommodation in the roof. The houses are proposed to be of brick, with artificial stone heads and sills and tiled roofs. The design and layout of the scheme is described in more detail at paragraphs 10.9 to 10.13 below.

3.0 SITE AND SURROUNDINGS:

- 3.1 Site area of 2.9 hectares located at the north eastern edge of Morley positioned on rising land overlooking Morley Railway Station towards the east. The site slopes from the north to the south with a steep drop to the main railway line along the southern

boundary of the site. The site is bounded by existing housing towards the north and west. With established commercial and industrial development towards the south in close proximity to the railway station. Towards the east the area is designated as Green Belt. The site currently comprises of outbuildings contained within fields used for the keeping and grazing of horses. Adjacent to the western boundary of the site is a footpath which runs from Daisy Hill towards the railway station. To the other side of this footpath is a residential estate consisting of red brick dwellings built in a mixture of dwelling types, along this boundary the majority of dwellings are two storey detached. Along Daisy Hill on the opposite side facing the frontage of the application site are existing dwellings which are set back from the highway with front gardens. Opposite the footpath up to King George Avenue the dwellings are in the form of detached and semi detached bungalows. These are set back approximately 5m from the highway with low front walls with vegetation. Facing the frontage of the site going up Daisy Hill the dwellings are all set back approximately 6m and 8m with a mixture of two storey semis and detached. Towards the top end of Daisy Hill which culminates in a cul de sac the properties are detached and set further back with some having landscaped gardens. The majority of the dwellings are built in a red dark brick with buff pantile roofing.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 PREAPP/11/00656 Preapplication for Residential development
Received 12th July 2011

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has been engaged in discussions with officers since July 2011. Detailed discussions have been taking place with officers on layout design and highways issues, landscaping and planning obligations.
- 5.2 Negotiations at pre-application stage reduced the number of units from 96 to 87. The majority of these dwellings were detached.
- 5.3 As a result of the discussions in regards to layout and design some terraced properties have been introduced to replace some detached. Consequently the number of units has increased from 87 to 92 units.
- 5.4 The changes to the layout have increased the spatial setting and contribute towards an improved landscaping scheme. The units facing the site frontage are set back off the highway introducing some landscaping to the frontage.
- 5.5 Negotiations and discussions around Highway issues have resulted in the following:-
- Amendments to driveway widths, changes to private drive numbers and dimensions of car parking spaces and size of garages have been carried out.
 - The internal road layout has been revised.
 - TRO works in the form of parking restrictions at New Bank Street /Church Street and at the junction of King George Avenue and Victoria Road have been agreed as part of the S106 Agreement.
 - Metro have requested that the footpath be upgraded and £50,000 towards refurbishment of the railway station car park. The applicant has agreed to this and will be part of the S106 package.
 - Residential metrocard scheme agreed as part of travel plan.
 - The applicant has agreed to contribute towards the upgrade of the footpath.

- Information in relation to the cross sections and levels of the site has been submitted.

5.6 The application has been readvertised to accommodate this revision.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by site notices posted on site on 16th December 2011. A total of 67 individual letters of objection and 320 copies of a standard letter of objection were submitted. These objections may be summarised as follows:

- Highways around New Bank Street and King George Avenue are already congested. Parking on New Bank Street often leaves the road almost unpassable. An additional 180 traffic movements from this site would be unsustainable.
- Local Primary and secondary schools are full and cannot accommodate the additional pupils generated from this site. Local health centres cannot accommodate the patients the site will generate. This makes the site unsustainable.
- The area has a long history of drainage and flooding problems. The drains system cannot take the additional demand this development will generate.
- The loss of this valuable Greenfield site will remove the green corridor between the estate and the railway line.
- The site will have a detrimental impact on employment on local businesses as a new housing development will lead to increased complaints which could reduce employment at Harder Brothers and other employees.
- The loss of this Greenfield site will remove a positive community asset which the local community use for leisure.
- The view of the only bit of countryside will be blocked by the properties opposite, and will lower the value of the property.
- The new development has the majority of public open space at the bottom of the development to the benefit of few and only those of the new development.
- Commuter trains to Leeds are excessively loaded at peak times.

Morley Town Council

6.2 Object to the application for the following reasons in summary:-

Policy background comments are:-

“This presents most difficulty , Leeds City Councils longstanding and successful housing land supply and release strategy collapsed last year at Grimes Dyke, the last of a run of about ten Greenfield housing planning appeal defeats. Unfortunate that none of the appeal test cases were in Morley, as it meant that we had no opportunity to fend off a policy shift affecting our own fate. But that does not mean that we have to accept the shift without protest.”

Local detail comments are: –

- At one time the site was market gardening land, but has been pony pasture with associated stables and sheds for some years.
- Affordable housing would be provided at a rate of 16% or 14 units, marginally above the local policy requirement of 15%. Developers happy to set aside theoretical need when facing the economic reality of setting affordable housing levels in a recession.
- Hourly bus service needs to be extended to be of use to scholars and commuters.
- Morley station close but down an unsurfaced track which only has a street lighting adoption .An improved surface would be helpful and the pedestrian exit

shown from the sites south western corner should be kept even if there are amendments to site layout.

- Sewer surcharging on Daisy Hill and in croft House .Flooding of King George Avenue and New Bank Street by surface water which suggests lack of drainage capacity. This needs to be looked into, to avoid outfall from the application site adding to problems upstream by overloading the lower parts of the system and causing effluent to back up.
- The southern part of the site is an outcrop of Thornhill Rock sandstone which ends in a steep slope .Likely the rock will be deeply weathered and unstable along its edge. Few houses close to brink and might be at risk of subsidence.
- Object to closeness of development to Harder Bros and OSS oil recycling refinery which are local employers and by bringing housing close to them could make them focus of complaints from residents and health enforcement action which could hinder their working or reduce their economic viability.
- Object to extra traffic on existing junctions, and there should be measures to ensure that heavy goods vehicles do not go onto unadopted part of daisy hill which is unmade this would erode it further.
- Heavier loads on services such as doctors, schools and dentists.
- Public open space hidden away and close to railway –should be secured and more accessible to all houses.
- The buffer planting along the north eastern boundary of the housing site should all be within the housing site as defined in the UDP housing allocation.

“Object to the application for policy background and site specific reasons stated above. As the proposal is contentious, it should be determined by Plans Panel East after its members have made a site visit”

Councillor Gettings

- 6.3 Objections to application. Concerns regarding the two access roads – the one into Morley are already a major problem with buses not being able to get through and all local schools are full. Request Panel site visit.

Councillor Leadley

- 6.4 Following comments and request set out in 2 letters:-
“In view of the amount of public interest, request Plans Panel members carry out site visit to assess impact of this first post –Grimes Dyke Greenfield housing proposal in Morley on the relationship between the town and its surrounding countryside. To see the closeness of some of the proposed houses to the southerly cliffe edge, and the overall closeness of the proposed development to the OSS oil refinery and Harder Brothers sausage skin factory”

The buffer planting is located within the green belt and takes up land currently used as paddocks. This planting should be located the land allocated for housing.

Morley Town Councillor Joyce Sanders

- 6.5 On behalf of local constituents voicing their concerns raise the following:-
- Infrastructure cannot take the extra housebuilding.
 - Schools are full, waiting lists for children 4 to 10 and some have to go to Beeston, totally unacceptable due to transport and distance problems.
 - Traffic issues, roads cannot take the additional traffic generated.
 - Area susceptible to flooding, horses often standing in flood water. Adjoining railway station platform and track are also regularly under water.
 - Bungalows on Croft House estate also suffer from this problem.
 - Drains on Daisy Hill have a sewerage overflow problem in heavy rain.

- At least six of the houses would be built on crumbling land.
- Oil Recovery business which has been established for over 100 years. Owners good employers and built this business away from residential homes due to the smell the process caused. They have done all they can to reduce this problem but would probably have an increase in complaints with houses on the doorstep.

- 6.6 The receipt of revised plans was advertised by site notices published on 10th August 2012 with the period for comment ending on 24th August. 5 further letters of objection were received and the additional points raised relate to:
- The proposal will increase flooding.
 - Local amenities and facilities are already stretched/inadequate.
 - Loss of residential amenity through car headlights shining into neighbouring residential properties.
 - No need for the development as there are many empty properties nearby.
 - Residents will suffer noise nuisance from local industries and the railway during the night.
 - Nuisance and disruption to local residents during the construction of the development.
 - Loss of house values.

7.0 CONSULTATIONS RESPONSES:

Yorkshire Water

- 7.1 No objections in principle to the proposed building stand off from public sewer centre line (of six metres) submitted on drawing. If permission to be granted recommend conditions for easement of sewer line and drainage conditions.

Environment Agency

- 7.2 Proposed development will only be acceptable providing a condition is attached requiring the drainage details to be submitted to the Local Planning Authority and a scheme agreed in writing. The scheme shall include the following details:-
- Greenfield run off rates to be adhered to.
 - Written confirmation that Leeds City Council s Flood Risk Management Department are satisfied with the location of the point of connection to the watercourse. This is particularly important given the documented flooding problems in the Valley Road area of Morley.
 - Details of the scheme shall be maintained and managed after completion.

Network Rail

- 7.3 No objections in principle to the development. However the following requirements must be met:-
- Applicant to investigate all the covenants and understand any restrictions.
 - Drainage away from Network Rail property and infrastructure
 - Fail safe use of crane and plant.
 - Excavation/earthworks should have no interference with rail network.
 - Security of mutual boundary
 - Fencing –to provide trespass proof fencing along mutual boundary.
 - Excavation, piling, buildings located within 10m of the railway boundary requires a method statement to be submitted for NR approval.
 - Any demolition close to network rail infrastructure will require method statement.
 - Any buildings should be located 2m away from network rail boundary to allow maintenance and access.

- Adequate soundproofing for residential dwellings. as could be trains running 24 hours a day.
- Landscaping proposed adjacent to railway details to be agreed with NR to ensure no impact on Network Rail infrastructure.
- Lighting close to railway must be eliminated to ensure no dazzling to driver and colour not be confused with signal lights.
- Access to railway should remain open at all times during development.
- Childrens play area /openspace /amenities close to railway lineshould be securely fenced.

NR recommend boundary fencing, method statements, sound proofing, lighting and landscaping should all be conditioned. Direction for all the others to contact NR.

Neighbourhoods for Housing (Affordable Housing)

- 7.4 Site located within outer suburbs requirement for 15% affordable housing, with 50%/50% social rent and submarket split. Affordable housing should represent prorata mix of total units to be built on siteand should be pepper potted across the site.

Contaminated Land team

- 7.5 Desk study element acceptable, recommend conditions and directions.

Public Rights of Way

- 7.6 Public footpath number 58 abuts the site on its western boundary, no objection as long as the footpath remains open and available for use at all times.

Environment policy team

- 7.7 The information provided follows the general guidelines of the Code for Sustainable Housing however there is insufficient detail provided to enable a proper evaluation with respect to Code 3. Additional information required in accordance with Supplementary Planning Document (SPD) –Building for Tommorrow Today. Recommend conditions that relate to sustainability in accordance with the SPD “Building For Tommorrow Today”.

Architectural Liaison Officer

- 7.8 Recommendations for doors, windows, glazing, vehicle parking, boundary treatment, defensible space, planting and natural surveillance. In accordance with secure by design scheme.

Travel Wise

- 7.9 The Travel Plan has been revised and is now acceptable

Public Transport

- 7.10 The proposed use will have a significant travel impact, which will need to be addressed; therefore a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements (Detailed in the SPD).

Access Officer

- 7.11 Generally fine, any newly created crossing points and traffic calming area should have appropriate tactile paving laid at either end.

Environmental Protection Team

- 7.12 On far side of railway is an industrial area which includes an oil depot and an animal by products factory. Significant potential for the future occupants of development to be affected by noise and odour. Applicant has submitted a noise report with the application; recommend conditions for sound insulation scheme.
In reference to odours the industrial users are long established. The Council had previously received a substantial number of complaints, however the situation has improved for residents over recent years.

City Services streetscene

- 7.13 Refuse collection arrangements are considered acceptable.

West Yorkshire Archaeological service

- 7.14 No significant archaeological implications attached to the proposed development

Mains Drainage

- 7.15 Discussions and negotiations have resulted in an updated Flood and Drainage Assessment being submitted. This is now considered acceptable and the necessary drainage conditions are to be attached.

Highways

- 7.16 Discussions and negotiations have taken place, in regards to the layout and the upgrading of the footpath to the west to form a link and cycle path to the station. Further discussions are still taking place to resolve the cross sections and the upgrading of the footpath link which lies outside of the red line boundary. The applicant has agreed to contribute towards this upgrading as part of the section 106 package.

Education

- 7.17 The development would generate 21 primary aged pupils and 9 pupils at secondary level. The development resides within the Morley Planning area; there is a significant shortage of school places, both in primary and secondary. Using the formula for defining section 106 educational contributions an amount has been calculated.

Metro

- 7.18 Request £50,000 to improve Morley Station Car Park and support the upgrade of the footpath link.

Coal Authority

- 7.19 Based on the information submitted no objections raised and recommend relevant Informatives.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. The site is not designated for any particular purpose in the UDPR. Land abutting to the east is designated Green Belt.

- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following

consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.3 Regional Spatial Strategy (RSS) (adopted May 2008):

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

H4: affordable housing.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.4 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement identified in the RSS.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

8.5 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide

8.6 National Planning Guidance:

National Planning Policy Framework (2011)

9.0 MAIN ISSUES

- 9.1 Principle of Development
Sustainability

Highway Issues
Urban Design
Affordable Housing
Impact on residential amenities
Landscaping and Greenspace
Education
Drainage
Environmental issues
Section 106 Package

10.0 APPRAISAL

Principle of Development

- 10.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on a Phase 2 allocated Greenfield site, within the settlement of Morley.

Sustainability

- 10.2 The site lies at the edge of the Morley settlement. A large range of facilities are located within acceptable distances. The local 213 bus service passes by the site frontage at an hourly frequency. More frequent services are available on Victoria Road, some 600m from the site boundary. The site is also within 200m walking distance of Morley railway station.
- 10.3 The existing footpath links Daisy Hill to Morley railway station but is unmade and in poor condition with limited lighting. In order for this to provide a safe and effective link to the station the full length of the path must be improved to an adopted standard with a 3m hard surface and additional lighting. There is the potential for this to form a cycle link to the station with a wider path of 3m.
- 10.4 In light of these factors it is considered that the site is located in a sustainable location.

Highway Issues

- 10.5 The site is accessed at three points from Daisy Hill. The first serves a private drive of five dwellings and the other two form a loop through the development. Adequate visibility can be provided at all three access points.
- 10.6 The site is linked to the local highway network via either New Bank Street or King George Avenue. New Bank Street suffers from significant on street parking at its western end due to the terraced housing. The junction with Church Street would benefit from some TROs to restrict parking close to the junction.
- 10.7 King George Avenue is of adequate width to accommodate development traffic but does have poor visibility to the right at the junction with Victoria Road due to narrow footway and garden wall. There is nothing that can be done to improve this visibility without other detrimental knock on effects on Victoria Road. The development is expected to add in the region of 28 movements at this junction in the AM peak (20 out and 8 in) and 29 in the PM peak (11 out and 18 in) These numbers are small and the site is a UDP allocated housing site. Together with the lack of an existing accident problem the vehicular access to the site make an objection on these grounds difficult to justify.
- 10.8 Negotiations and discussions around highway issues are laid out in paragraph 5.5 above in section 5.0 History of Negotiations.

Urban Design

Layout scale and design

- 10.9 The site essentially provides 92 dwellings in the following forms:-
- Cherryburn, detached two storey – 4 bed (8 in total)
 - Clandon, detached two storey – 3 bed (3 in total)
 - Winster, detached two storey – 4 bed (8 in total)
 - Crathorne, detached two storey – 4 bed (6 in total)
 - Roseberry, detached two storey – 4 bed (11 in total)
 - Moulton, semi/terrace two storey – 2 bed (16 in total)
 - Hatfield, detached two storey – 3 bed (6 in total)
 - Souter, detached two and half storey – 3 bed (7 in total)
 - Rufford, two storey detached – 3 bed (11 in total)
 - Swale, two and half storey detached – 3 bed (6 in total)
 - Hanbury, two storey semi/terrace – 3 bed (10 in total)
- 10.10 The dwellings are laid out in a semi circle either side of the internal access road. The dwellings siding onto and facing the site frontage (Daisy Hill) are set back, to varying degrees, with landscaping proposed to the frontage. The majority of the houses front onto the street and rear gardens are secured (rear gardens of properties adjoin each other). Dwellings along the southern boundary adjoining the railway line are set into the site away from this boundary and plots 20 to 23 have been re-sited approximately 1.5m further into the site in response to concerns raised by Members. Towards the west adjoining the footpath is a similar residential estate.
- 10.11 Towards the east of the site is the designated green belt the proposed landscape buffer provides an acceptable level of transition from urban to rural. This land is located outside of the housing allocation but on land within the applicant's control. Suggestion condition 9 will require the implementation and delivery of the landscaped buffer.
- 10.12 During negotiations with officers the scheme has moved away from a scheme of detached and semi-detached dwellings only to introducing 3 terraced rows located across the site. Whilst the types of dwellings are predominantly detached there are a mixture of semis and terraces.
- 10.13 The dwellings are proposed in brick, a mixture of red and buff brick, with red and brown roof tiles. The design of the houses follows a traditional form and reflects some characteristics of the local area (see 1.25 above).
- 10.14 The design of the houses, their scale and spatial setting has regard to local characteristics and accords with the guidance set out in Neighbourhoods for Living. Accordingly it is considered that the development has due regard to its context and that the design and layout of the development is acceptable.

Affordable Housing

- 10.15 A total of 14 affordable housing units are proposed which is just above the 15% requirement set out in the Council's Interim Affordable Housing Policy. The affordable housing units comprise a mixture of 2 and 3 bed properties and are located in the in the centre of the development, to the southern boundary and in the south west corner. As such the development meets the Council's policy and 'pepper pots' the units across the development.

Impact on residential amenities

- 10.15 The majority of dwellings along the southern boundary have rear garden lengths, and are consequently located a distance, of 13m, 11m and 10m from the boundary. The rear of these properties face towards the railway line. Landscaping and boundary treatment to this southern boundary are subject to a landscaping scheme still to be submitted. The majority of the dwellings have a distance of 2m and 3m between them. All of the dwellings are set back off the highway having front garden lengths varying in size from 6m, 7m, 8m, 9m 10m and 11m.
- 10.16 The dwellings along the eastern boundary have garden distances of 10m, 11m and 12m and will be facing a landscaped buffer of approximately 10m depth. The majority of these houses rear elevations face out towards open land. Plot 79, in the north eastern corner of the site, is sited parallel to the gable end of No.28 Daisy Hill. There is a gap of some 20m between these properties (10m of which comprises the landscape buffer).
- 10.17 The dwellings along the site frontage to the site are set back off Daisy Hill and have distances of 20 to 21m from the existing dwellings on the opposite side of Daisy Hill. The proposed dwellings along Daisy Hill are all two storeys in height.
- 10.18 The three proposed dwellings sited along the western boundary present their gable end to that boundary. They are separated from the existing dwellings of King George Croft by a public footpath that runs along that boundary.
- 10.19 The dwellings in the semi circle of the heart of the proposed development have rear garden areas at varying lengths of 10m, 11m and 13m. These garden areas adjoin gardens to the rear properties which have a similar length providing distances between dwellings varying between 20, 21, 22 and 23m.
- 10.20 In light of the above it is considered that the development meets the guidance set out in Neighbourhoods for Living, will not have an adverse impact on the amenities of nearby residents and will provide an adequate level of amenity (in terms of the layout of the development) for the prospective occupiers.

Landscaping and Greenspace

- 10.21 As part of the discussions on layout of the scheme with officers a landscaping scheme has been submitted. Varying options of the Public Open Space (POS) have been discussed resulting in an open space of 3680sqm being located in the South east corner of the site. The area of greenspace meets policy requirements, is accessible to the residents of the scheme and other local residents, is overlooked by properties affording a degree of security and provides something of a visual link to neighbouring open space. As such the size, design and location of the open space accords with guidance set out within Neighbourhoods for Living.

Education

- 10.22 The Leeds established formula for defining section 106 educational contributions has calculated an amount of £414,451. The applicant has agreed to pay the full amount and forms part of the Section 106 Agreement. Accordingly the proposal complies with the Council's supplementary planning guidance.

Drainage

- 10.23 The drainage scheme in liaison with officers in Flood Risk Management (FRM) has been revised and the updated. Flooding and drainage assessment is now supported by FRM. There are no recorded flooding problems on Daisy Hill. The recorded flooding problems are towards the south of the railway line along Valley Road area

where FRM are working with residents and owners to alleviate the problems. It is important to note that the planning test is not whether the development will improve or resolve local flooding issues but that it will not in itself exacerbate an existing problem. The drainage scheme has been revised and the site is to be drained away from Daisy Hill and the Valley Road area towards the east further down towards where the culvert opens up. Having consulted with the relevant drainage bodies, officers are confident that the site can be drained such that surface water discharges are no greater than the current greenfield rates.

Environmental issues

- 10.24 Noise and disturbance: The assessment submitted of noise levels from the adjacent railway station covered daytime movements only. A further request from Environmental Health has resulted in this information being submitted and is considered acceptable and a condition for a noise insulation scheme is recommended and attached.
- 10.25 Odours emanating from existing industrial uses nearby: Environmental Health has received complaints about odour from both the oil depot and the animal by products plant affecting existing nearby residents, however the situation has improved over recent years. There is a greater potential for a significant loss of amenity to the residents of the development as they will be closer to the industrial uses. Environmental Health state that it would be extremely difficult and probably impossible to eliminate all the industrial odours. The oil depot is regulated by the Environment Agency. The animal by products plant is regulated by Environmental Health. The existing control on their permit seems effective in preventing disturbance to existing residents. It is considered that the plant is operating in accordance with best practical means and the company could not be asked to take any further measures even if complaints are subsequently received.
- 10.26 In considering this aspect due weight needs to be applied to the fact that the site is allocated for residential use.
- 10.27 Section 106 Package: The section 106 package consists of the following:
- Affordable Housing: Provision of 15 units in accordance with the 15% as required as part of the interim policy.
 - Public Open Space provision: The on site greenspace measures 0.328 hectares, is marginally smaller but consider the on site provision to be acceptable. In accordance with N2.2 and N2.3 there is not sufficient greenspace within the locality to satisfy either of these policies and further contributions are required. Breakdown of contribution is as follows:-

Laying out of greenspace	66,001.66
Maintenance of greenspace	2,721.47
Equipped childrens play	51,716.59
Fees	10,758.27
Total	£131,197.99
 - Education: The Leeds established formula for defining S106 educational contributions has calculated an amount of £414,451.
 - Travelplan: Management fee of £2500 for monitoring purposes.
 - Public transport Infrastructure: £50,000 towards the upgrade of Morley railway station car park. Applicant has agreed to contribute the sum of £240,000 to upgrade the footpath link.

- Contribution of £10,000 for Off –site highway works to provide parking restrictions further up the road at New Bank Street / Church Street and to the King George Avenue and Victoria Road junction.
- Employment and training clause: A clause to ensure local employment and training takes place.

10.29 Section 106 requirements flow from policy. The areas of Education, footpath upgrade and off site highway works involved lengthy negotiations. These have now been resolved and the applicant has agreed to pay the full amounts. The heads of terms for the Section 106 Agreement complies with the Council's policies.

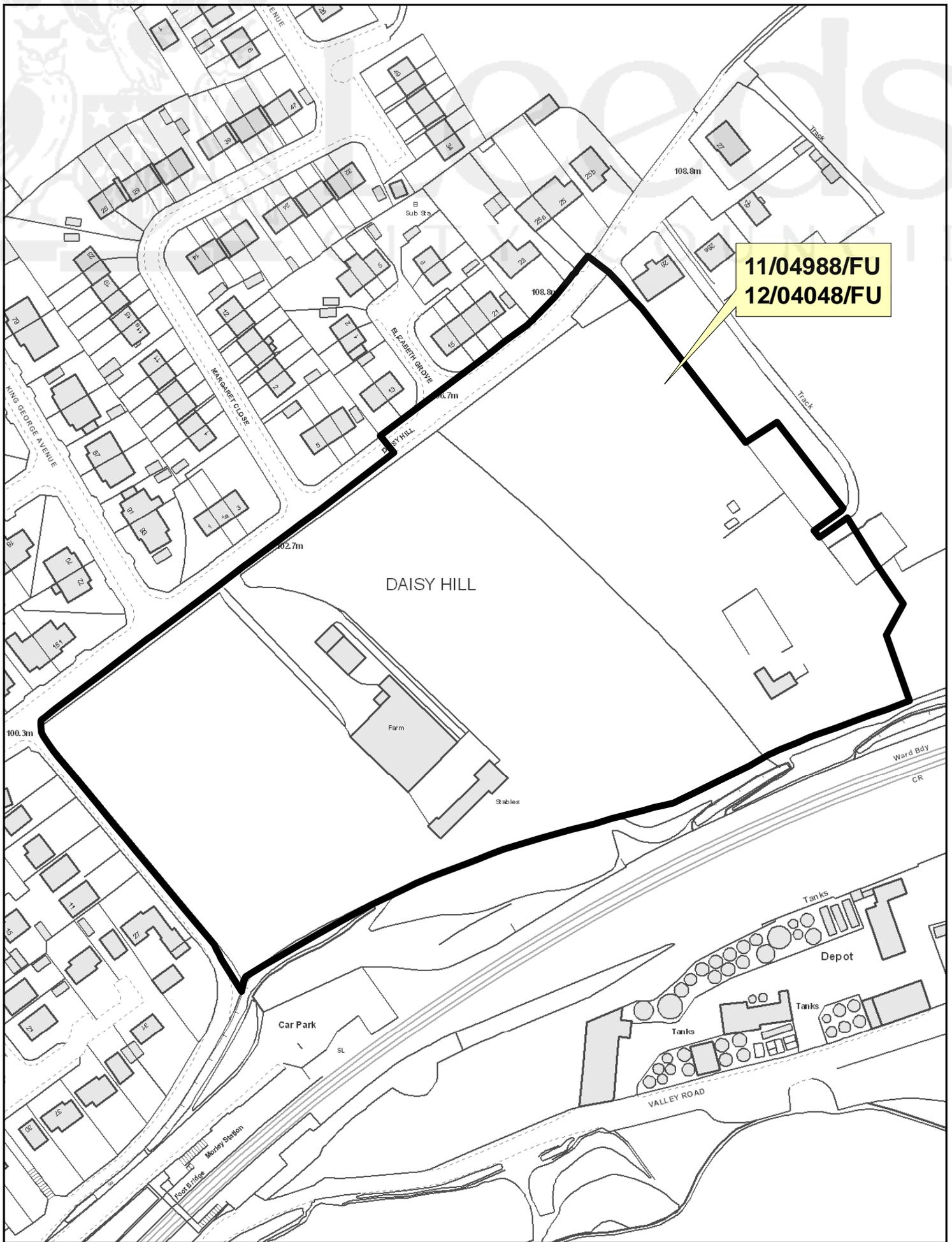
11.0 CONCLUSION

- 11.1 The planning act requires planning applications that comply with the terms of the development plan to be considered favourably. The principle of development accords with the Unitary Development Plan and the design and layout of the development is in line with the Council's residential design guide, Neighbourhoods for Living. These factors should be given significant weight in reaching a decision.
- 11.2 The proposed Sec.106 Agreement meets the requirements of the Council's planning policies. The development notably delivers affordable housing, an education contribution and improvements to the local highway network including the upgrading of the footpath link to the station. Again these factors should carry significant weight in the decision process.
- 11.3 It is acknowledged that the dwellings will be subject to exposure of noise from the railway line and noise and odours from some local businesses. The dwellings have been designed to protect the occupants from undue noise exposure. The nearby businesses are subject to environmental controls that are designed to protect the amenities of local people. In light of these factors, and that the site is allocated for residential development, it is considered that it would be very difficult to substantiate the refusal of planning permission on such grounds.
- 11.4 In light of the above, it is considered that the revised proposals are now acceptable and that a sustainable form of development is proposed. As such the key test as set out in the NPPF, a presumption in favour of sustainable development, is met.

Background Papers:

Application files and history

Certificate of ownership: Notice served on Priestgate Morley Limited and Earl of Dartmouth



11/04988/FU
12/04048/FU

DAISY HILL

Farm

Stables

Car Park

Mortley Station

Foot Bridge

VALLEY ROAD

Tanks

Depot

Tanks

Tanks

Ward Bay

CR

SOUTH AND WEST PLANS PANEL

