



**JohnsonMowat**

Planning & Development Consultants

**TAYLOR WIMPEY YORKSHIRE AND  
REDROW HOMES**

**EAST LEEDS EXTENSION  
SOUTHERN QUADRANT**

**PART OF SAP ALLOCATION HG1-288**

IN SUPPORT OF OUTLINE APPLICATION FOR CIRCA 925 DWELLINGS INCLUDING MEANS OF PRIMARY VEHICLE ACCESS AND CENTRAL SPINE ROAD, ASSOCIATED INFRASTRUCTURE WORKS AND A 2.6 HA COMMUNITY HUB FACILITY (PROVISIONALLY COMPRISING PRIMARY SCHOOL, CONVENIENCE STORE AND HEALTH PROVISION). (ALL OTHER MATTERS RESERVED).

**PLANNING CASE REPORT**



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Taylor Wimpey Yorkshire and  
Redrow Homes  
East Leeds Extension – Southern Quadrant

Planning Case Report

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## LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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- a) the date on which this assessment was undertaken; and
- b) the date on which the final report is delivered.

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## 1.0 INTRODUCTION

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- 1.1 This Planning Case Report has been prepared by Johnson Mowat on behalf of Taylor Wimpey (Yorkshire) Ltd and Redrow Homes in relation to East Leeds Extension Southern Quadrant. The application description can be summarised as follows:-

*Outline application for circa 925 dwellings including means of primary vehicle access and central Spine Road and associated green and blue infrastructure works and a 2.6ha community hub facility (provisionally comprising of primary school, convenience store and health provision).*

- 1.2 The site falls wholly within the defined settlement limit and forms part of a housing allocation site HG1-288 – East Leeds Extension in the adopted Leeds Site Allocations Plan (July 2019). The principle of the residential development of the site is therefore considered acceptable by its allocation as a housing site in the adopted plan (see Appendix 1). The site also formed a housing allocation in the 2001 Unitary Development Plan and the 2006 Unitary Development Plan Review as part of site reference H3-A.33.

- 1.3 This Southern Quadrant application forms part of a series of residential areas within the East Leeds Extension (ELE). Overall, ELE is expected to deliver circa 4,230 new homes alongside the new East Leeds Orbital Road (ELOR). From north to south the ELE project includes:-

Red Hall – 362 dwellings submitted by Redrow in 2021.

Northern Quadrant – Outline almost approved on 2,000 dwellings

Middle Quadrant – Application submitted in July 2020 on behalf Taylor Wimpey and Persimmon Homes for 875 dwellings with a further 70 dwellings to come from additional land. Validated 23<sup>rd</sup> July 2020.

Southern Quadrant – circa 925 dwellings.

- 1.4 The Quadrants are expected to operate as a single allocation and are guided by the Council's East Leeds Extension Supplementary Planning Document adopted in August 2018. This SPD expects each quadrant to be Masterplanned as a whole and submitted as such to ensure all necessary infrastructure is delivered.

- 1.5 This application site forms part of a wider Masterplan and supporting Masterplan Framework Document (submitted in support of the Planning Application) which also incorporate both the Middle and Southern Quadrants. Johnson Mowat submitted an application on behalf Taylor



Wimpey (Yorkshire) Ltd and Persimmon Homes (West Yorkshire) Ltd in July 2020, on the Middle Quadrant. That application was submitted with the following description:-

*Outline planning application for circa 875 dwellings including means of primary vehicle access and central Spine Road and associated green and blue infrastructure*

1.6 This Planning Case Report should be read alongside the technical documents which comprise the planning submission. The reports are as follows:-

- Statement of Community Involvement – Johnson Mowat;
- Masterplan Document and Supporting Plans - Pegasus;
- Environmental Statement Volume 1 (General Information);
- Environmental Statement Volume 2 (Technical Reports);
- Environmental Statement Volume 3 (Non Technical Summary);
- Travel Plan – Optima Highways;
- Arboricultural Survey- Iain Tavendale;
- Economic Benefits – Lichfields.

1.7 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

1.8 The Community Hub area which forms part of these Outline proposals is on land owned and controlled by Leeds City Council. The Hub area is currently envisaged to include a new 2 Form Entry Primary School, a retail store and potentially a new health facility. The health facility is the subject of ongoing discussions with health providers.

1.9 The Hub area is currently used as junior football fields. The Council is in dialogue with local football clubs and Sport England. The Council are proposing to relocate the playing fields to a new facility at Whinmoor Grange. Sport England have agreed this move in principle.

1.10 Leeds City Council are also proposing the new Primary School playing fields in the Hub to have a Community Use Agreement such that the playing area is available to residents in non-school hours.



## 2.0 LOCATION AND SITE DESCRIPTION

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- 2.1 The planning application site is located to the eastern edge of the city of Leeds. The Southern Quadrant which extends to 45.9 hectares, is located between Leeds Road (to the north) and Manston Lane (to the south) to the east of the urban area of Pendas Field.
- 2.2 The application site forms part of a wider Masterplan which also incorporates the Middle Quadrant which extends to circa 40.6 hectares, which is located between York Road (to the north) and Leeds Road (to the south) to the east of the urban area of Swarcliffe. Both Quadrants will be bounded by East Leeds Orbital Route (ELOR) (to the east) which has now commenced construction.
- 2.3 The Southern Quadrant is predominately agricultural in use with intersections of trees, hedges and scrub land. Some of the land within the southern quadrant however has been subject to other historic uses, as set out in the Phase 1 Geo-Environmental Report with evidence of historic unspecified pits (from a historic map regression from 1850 to 2020) and two mine entries on the southern boundary. Both quadrants are set amongst the settlement to the west and agricultural land to the east.
- 2.4 The Southern Quadrant site lies within the defined settlement limits as set out on the Council's policies map following the adoption of the Site Allocations Plan (adopted July 2019). The site is identified as housing allocation HG1-288 – "East Leeds Extension". The site also formed a housing allocation in the 2001 Unitary Development Plan and the 2006 Unitary Development Plan Review as part of site reference H3-A.33.
- 2.5 The site is predominately located within Flood Zone 1, however there are areas of Flood Zone 2 and 3 in proximity of Cock Beck, according to the gov.uk flood zone maps for planning. It should be noted that no dwellings are to be located within these areas.
- 2.6 The Southern Quadrant site is considered to be a suitable location in terms of overall sustainability by virtue of its recent allocation through the Site Allocations Plan.
- 2.7 In terms of public transport the supporting Transport Assessment by Optima details existing public transport service corridors along Leeds Road/Smeaton Approach, Smeaton Approach/Sandleas Way and Manston Lane. The report considers this to be adequate and the Spine Road proposed can accommodate a public transport route. The report also sets out the walking and cycle distances from the site to services and facilities.



- 2.8 It should be noted that the Southern Quadrant, includes the provision of a 2.6 Ha Community Hub Facility (provisionally comprising primary school, convenience store and health provision) which will serve both the Southern and Middle Quadrants.
- 2.9 Further detailed information relating to the site is contained in the Masterplan Framework Document. The intention of the Masterplan Framework Document is to describe the detailed evolution of the scheme based on a full analysis of all relevant constraints and opportunities.



## 3.0 PLANNING HISTORY

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### Development Plan

- 3.1 The East Leeds Extension land (which the Southern Quadrant is contained within) was removed from the Green Belt in the 2001 UDP and was identified as a Phase 3 Housing Allocation H3-A.33 in the 2006 UDP Review. Unlike several new allocations, the level of opposition to this retained allocation was extremely low.
- 3.2 The site remained allocated for housing HG1-288 in the recently adopted Leeds Site Allocations Plan (July 2019). There was little objection to the re-allocation of the site in 2019.

### Pre-Application and Public Engagement

- 3.3 Prior to the submission of the Middle Quadrant application in July 2020 numerous team meetings have been held between Leeds City Council and the applicants over a number of years. The meetings addressed a range of key topics including planning and landownership.
- 3.4 A meeting was held with Ward Councillors from the Burmantofts and Richmond Hill, Harewood and Temple Newsam Ward Areas on the 4<sup>th</sup> February 2020. It should be noted that there were 5 Councillors whom attended the meeting however at least 1 Ward Councillor from every ward attended the meeting.
- 3.5 Then following the meeting public consultation events were held with the local community and the development team:-

Tuesday 3rd March 2020 – 3pm to 7.30pm  
Swarcliffe Community Centre  
65 Stanks Gardens  
Leeds  
LS14 5LS

Monday 9th March 2020 – 3.30pm to 7.30pm  
Barnbow Social Club  
Manston Lane  
Leeds  
LS15 8ST

- 3.6 The event was well received by the local community and Johnson Mowat allowed feedback on the consultation website and via a comments form at the meeting. Full details of the public



engagement is set out in the Statement of Community Involvement which supports the application.

- 3.7 Johnson Mowat and the developer teams for both the Middle Quadrant and Southern Quadrant have continued to liaise with the Council and Councillors since July 2020. A full list of Council meetings and the developer's engagement with local forums is detailed in the SCI Report which accompanies this submission.



## 4.0 PROPOSED DEVELOPMENT

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- 4.1 This planning application is in Outline with some matters reserved for circa 925 dwellings including means of primary vehicle access and central Spine Road, associated infrastructure works and a 2.6 Ha Community Hub Facility (provisionally comprising primary school, convenience store and health provision) on behalf of Taylor Wimpey (Yorkshire) Ltd and Redrow Homes Limited.
- 4.2 The application site forms part of a wider Masterplan and supporting Masterplan Framework Document (submitted in support of the Planning Application) which also incorporates the Middle Quadrant which has already been submitted on behalf of Taylor Wimpey (Yorkshire) Ltd and Persimmon Homes (West Yorkshire) Ltd. The application on the Middle Quadrant has been submitted as an outline application for circa 875 dwellings including means of primary vehicle access and central Spine Road and associated infrastructure works, on behalf of Taylor Wimpey (Yorkshire) Ltd and Persimmon Homes (West Yorkshire) Ltd.
- 4.3 The Southern Quadrant proposals seek to provide:-
- Vehicular access points from Leeds Road (to the north) and Manston Lane (to the south); and Smeaton Approach for the Hub site only.
  - An appropriate mix of housing;
  - The provision of market homes;
  - Provision of onsite affordable dwellings;
  - A 2.6 Ha Community Hub Facility (comprising primary school, convenience store and health provision) to serve both the site, Middle Quadrant and the wider locality;
  - Provision of on site open space of 16.43ha of differing typologies;
  - Improved footpath and cycle linkages; and
  - High level drainage details.
- 4.4 It should be noted that the proposals for both quadrants do not provide direct vehicular linkages onto ELOR. Connection to ELOR will be made through proposed new junction arrangements off York Road, Leeds Road and Manston Lane.
- 4.5 In terms of timescale, the start of and rate of delivery is in part reliant upon three key topics, these are:-



- The time take to negotiate the Outline and any subsequent Reserved Matters application including reaching agreement on S106 payments to infrastructure.
- Delivery of ELOR Junctions.
- Market conditions.

4.6 In the event that market conditions remain strong (post Covid-19) and the ELOR is not delayed, there is a prospect a start could be made.

4.7 Current anticipated delivery rates for both Quadrants is as follows in Table 4.1 below:

**Table 4.1: Anticipated timings**

| <b>Year</b> | <b>Activity</b>               | <b>MQ<br/>875 dwellings</b> | <b>SQ<br/>925 dwellings</b> |
|-------------|-------------------------------|-----------------------------|-----------------------------|
|             | Outline Application submitted | May 2020                    | July 2021                   |
|             | Reserved Matters submitted    | Dec 2021                    | March 2022                  |
| 2022        | Residential development       | 50                          | 0                           |
| 2023        | Residential development       | 100                         | 100                         |
| 2024        | Residential development       | 100                         | 100                         |
| 2025        | Residential development       | 100                         | 100                         |
| 2026        | Residential development       | 100                         | 100                         |
| 2027        | Residential development       | 100                         | 100                         |
| 2028        | Residential development       | 100                         | 100                         |
| 2029        | Residential development       | 100                         | 100                         |
| 2030        | Residential development       | 100                         | 100                         |
| 2031        | Residential development       | 0                           | 100                         |
| 2032        | Residential development       | 0                           | 25                          |

**Table 4.2: The Hub anticipated delivery programme**

| <b>Community Hub</b> | <b>Construction<br/>Commence</b> | <b>Operational (in part or full)</b> |
|----------------------|----------------------------------|--------------------------------------|
| School               | 2023                             | From Late 2024 onwards               |
| Health Centre        | 2023                             | From Late 2024 onwards               |
| Retail Unit          | Early 2024                       | Mid to late 2024 - completed         |



- 4.8 Table 4.2 provides an anticipated delivery programme for the three elements that make up the proposed community hub. Current estimates from the DfE are that the School will be required in 2024, and initial indications from health partners are that the health centre would be required from 2024.
- 4.9 Any site start would commence with soil stripping, service diversions and construction compound works. All of these matters would be covered under a detailed Construction Management Plan (CMP) that would be agreed with LCC under a planning condition. The CMP would address matters such as:-
- Working hours,
  - HGV Vehicle Routes
  - Noise and Dust control measures.
  - Wheel cleaning measures to minimise dirt on the public highway.
  - Flood prevention and water run-off.



## 5.0 PLANNING POLICY

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5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”*

5.2 The Development Plan for this residential scheme comprises the following local documents:-

- The Leeds Core Strategy (November 2014) (CS) and the Core Strategy Selective Review (September 2019) (CSSR);
- The newly adopted Leeds Site Allocations Plan (July 2019) (SAP); and
- The saved policies of the Leeds Unitary Development Plan and Review (July 2006).

5.3 The site is part of a housing allocation in the SAP HG1-288 (see Appendix 1). It previously formed a housing allocation in the 2001 Unitary Development Plan and the 2006 Unitary Development Plan Review as part of site reference H3-A.33.

5.4 National Policy Guidance is provided by the National Planning Policy Framework (the Framework) which was adopted on the 27<sup>th</sup> March 2012 and subsequently revised. The most up to date version is the February 2019. The Framework is a significant material consideration.

5.5 The Council adopted a Supplementary Planning Document covering the whole Leeds Extension in August 2018, the East Leeds Extension Development Framework. The document covers not only the application site but the wider East Leeds Extension defined as allocation H3.3A.33. It expects ELE is to deliver circa 4,230 new homes alongside the new East Leeds Orbital Road (ELOR). From north to south the ELE project includes:-

Red Hall – 362 dwellings (recently released to the market)

Northern Quadrant – Outline almost approved on 2,000 dwellings

Middle Quadrant – submitted application on behalf of Taylor Wimpey and Persimmon Homes – 825 dwellings with a further circa 70 dwellings to come from additional land

Southern Quadrant – this application

5.6 The document includes topic areas including vision, context, ELOR delivery mechanism, broad development guidelines, phasing and delivery and monitoring. It should be noted that the document is not a Development Plan Document (DPD) but is a lower order Local Development Document (LDD) as is therefore a material consideration in the planning process.



## Local Policy

### Leeds Core Strategy (November 2014) and Leeds Core Strategy Selective Review (September 2019)

- 5.7 The Leeds Core Strategy (CS) was adopted on 12<sup>th</sup> November 2014 following an Examination in Public by an appointed Government Inspector. The CS was examined and adopted having regard to the Framework. The CS is a Part 1 Spatial Policy Document.
- 5.8 A selective review of the Core Strategy has subsequently been undertaken and was adopted on 19<sup>th</sup> September 2019 following an Examination in Public by an appointed Government Inspector.
- 5.9 For clarity Leeds City Council have produced a revised Core Strategy Document inclusive of the amendments in the Core Strategy Selective Review.

### General Policy

- 5.10 At page 23, the CS contains a 'General' policy that seeks to align the CS with the Framework. The General Policy is a decision taking policy in that it commences... "when considering development proposals...".
- 5.11 The policy requires the Council to take a 'positive approach' to fit in the Framework, and to 'work proactively with the applicants jointly to find solutions which mean that proposals can be approved wherever possible...". The policy informs:-

*"Planning applications that accord with the Policies of this Plan (and where relevant, with policies in neighbouring plans) will be approved without delay, unless material considerations indicate otherwise."*

- 5.12 The technical documents submitted in support of this residential application addresses all issues of harm and demonstrate that impacts arising from the development are not of such magnitude that they would outweigh the benefits. This is hardly surprising given the site has been re-affirmed as an allocation twice since 2001.

### Spatial Policy 1: Location of development

- 5.13 Policy SP1 'Location of Development' is an over-arching policy that informs of a balanced brownfield/greenfield approach to development distributed across the District with larger amounts being directed to the Main Urban Area and Major Settlements.



### Spatial Policy 2: Hierarchy of Centres and Spatial Approach to Retailing, Offices, Intensive Leisure and Culture

- 5.14 The policy sets out that the Council will support a centres first approach supported by sequential and impact assessments. The Council will direct retailing, offices, intensive leisure and culture, and community development to the City Centre and designated town and local centres in order to promote their vitality and viability. It sets out that the hierarchy of centres will be maintained to ensure that development is directed to the appropriate level of centre based of scale and catchment to 1. City Centre, 2. Town Centres and 3. Local Centres.
- 5.15 It should be noted that provision for centre uses including a convenience store is a requirement of the East Leeds Supplementary Planning SPD. There is therefore no policy conflict in this case.

### Spatial Policy 6: Housing Requirement and Allocation of Housing Land

- 5.16 This policy sets out the housing provision of 51,952 (net) new dwellings to be accommodated between 2017 and 2033, with a target that 3,247 dwellings per year should be delivered.
- 5.17 The Council will be guided by the Settlement Hierarchy in identifying new homes (46,352 dwellings (gross)) to support the distribution in Policy SP7, having regard to a number of considerations including:-
- i. Sustainable locations.  
  
There can be no dispute that the sites are sustainable settlement given its location in the main urban area (the highest role in the hierarchy). The application site is sustainable given its allocation in the SAP for development.
  - ii. Preference for brownfield land.  
  
The application and wider masterplan is greenfield. That said, the CS and SAP accept the need to release and develop both greenfield and brownfield land at all stages of the Plan. The site forms an allocated housing site.
  - iii. The least impact on the Green Belt.  
  
The proposed new housing site is allocated in the SAP and was previously in the UDP however it is noted that the site will adjoin ELOR to the east.
  - iv. The opportunity to reinforce neighbourhoods through good design.  
  
The application proposals offer the opportunity to represent good design.



- v. The need for realistic lead in times.

Both sites are immediately available for development with necessary lead in times for the delivery of the required infrastructure on the site.

- vi. The least negative and most positive impacts on green infrastructure.

This matter is addressed in the Masterplan Framework Document and ecological reports supporting scheme. These reports demonstrate the clear green infrastructure benefits that flow from the design such that they outweigh the inevitable loss of some greenfield land.

- vii. Generally avoiding or mitigating flood risk.

The application site is predominately in Flood Zone 1 however areas which are not are avoided for residential development. Through good design it reduces the risk of flooding having regard to climate change.

5.18 Paragraph 4.6.8 of the CS informs of dividing the District into sub-areas; that being areas with their own housing market area. The site falls within the East Leeds HMCA for the purposes of housing distribution.

5.19 Policy SP6 is inextricably linked to Policy SP7. There is no conflict with any of the seven criteria in Policy SP6 and the proposals are a very good fit with the objectives of SP6 being considered overall. The site is a longstanding allocation.

#### Spatial Policy 7: Distribution of Housing Land and Allocations

5.20 The policy sets out the distribution of housing land (excluding windfall) on the basis of HMCA's. The policy sets out that East Leeds will provide 17% of the districts housing land.

#### Spatial Policy 8: Economic Development Priorities

5.21 The policy sets out how a competitive local economy will be supported.

#### Policy H1: Managed Release of Sites

5.22 This policy states that the LDF Allocations Documents will phase the release of allocations according various criteria to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7. The application site forms an allocated housing site.



#### Policy H3: Density of Residential Development

- 5.23 This policy details that on housing development sites in (ii) other urban areas a residential density of 40 dwellings per hectare should be met (iii) fringe urban areas a residential density of 35 dwellings per hectare should be met. The proposals are on the eastern edge of the Leeds Urban Area.
- 5.24 Density is a matter to be considered in more detail in each Reserved Matters application that will apply to the residential zones agreed at this Outline stage.

#### Policy H4: Housing Mix

- 5.25 This policy details that developments should include an appropriate mix of dwelling types and sizes to address needs. These needs should be measured over the long term and take into account the nature of the development and character of the location including the provision for Independent Living (Policy H8). The proposal seeks to deliver a mix that is suitable for this market area.
- 5.26 For the development of over 250 units in or adjoining the Main Urban Area should submit a Housing Needs Assessment. It is requested that a separate housing needs assessment is submitted with each future Reserved Matters planning application (relating to each defined parcel) to cater for the market need at the time of each submission.
- 5.27 The mix assumed to assess the quantum of green space required under Policy G4 is broadly as follows:-
- 1-2-bed 30%
  - 3 bed – 32%
  - 4-5 bed - 38%

#### Policy H5: Affordable Housing

- 5.28 This policy details that the Council will seek affordable housing either on-site, off-site or financial contributions from all developments of new dwellings. On housing schemes in Zone 2 above a threshold of 10 dwellings the Council will seek up to 15% on-site affordable housing provision with 40% of these properties being for intermediate or 60% social rented.
- 5.29 The policy does allow for applicants to submit a viability appraisal (if required) to consider wider competing costs and priorities.



#### Policy H8: Housing for Independent Living

- 5.30 The Policy sets out that the developments of 50 dwellings or more are expected to contribute to the needs for Independent Living. This will be a matter for the Reserved Matters applications.

#### Policy H9: Minimum Space Standards

- 5.31 The policy sets out that all new dwellings must comply with the space standards set out in the policy. Whilst the proposal is in Outline only it is anticipated that these matters can be fully confirmed at the Reserved Matters Stage. However, the indicative proposals have been drawn up on the basis of meeting all current design standards.

#### Policy H10: Accessible Housing Standards

- 5.32 The policy makes the requirement to include 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations and 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of Building Regulations.

- 5.33 It further goes on to state that:-

*“Where the scale of development would generate more than one accessible dwelling, the mix of sizes, types and tenures of M4(2) and M4(3) dwellings should reflect the mix of sizes, types and tenures of the development as a whole as closely as possible (unless the applicant can demonstrate an evidenced need locally to provide accessible housing in dwellings of a particular size, type and / or tenure. Locally will normally mean the Designated Neighbourhood Area, or where this is not defined, will mean relevant settlement, or ward if the site lies within the main urban area).”*

- 5.34 The proposals whilst only in Outline will seek to incorporate the requirements of this policy during future Reserved Matters applications.

#### Policy P4: Shopping Parades and Small Scale Stand Alone Food Stores Serving Local Neighbourhoods and Communities

- 5.35 The policy sets out that proposals for stand alone or small scale food stores up to 372 m2 gross with residential areas, will be acceptable in principal where there is no local centre or shopping parade within a 500 metre radius capable of accommodation the proposals within or adjacent to it.

- 5.36 It should be noted that the requirement for a shop is from the East Leeds SPD.



#### Policy P9: Community Facilities and Other Services

- 5.37 This policy supports access to local community facilities and services. It sets out that new community facilities and services should be accessible by foot, cycling or by public transport. It also promotes locating centres with other community uses.

#### Policy P10: Design

- 5.38 This policy details that new development will be expected to deliver high quality inclusive design that has evolved, where appropriate, through community consultation and through analysis and understanding of the area. The policy sets out a number of key principles which development proposals should accord with. These are:

- I) *The size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.*
- II) *The development protects and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings spaces, skylines and views.*
- III) *The development protects the visual, residential and general amenity of the area through high quality design that protects and enhances surrounding routes, useable space, privacy, air quality and satisfactory penetration of sunlight and daylight,*
- IV) *Car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development,*
- V) *The development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion,*
- VI) *The development is accessible to all users.*

- 5.39 The design objectives are addressed in the supporting Draft Masterplan Framework Document.

#### Policy P12: Landscape

- 5.40 This Policy states that *“the character, quality and biodiversity of Leeds’ townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.”*

- 5.41 Landscape objectives are outlined in the Draft Masterplan Framework Document.



#### Policy T2: Accessibility Requirements and New Development

- 5.42 This policy requires that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. This is addressed in the Transport Assessment and Draft Management Framework Document.

#### Policy G3: Standards for Open Space, Sport and Recreation

- 5.43 This policy sets out the open space standards which will be used to determine the adequacy of existing supply and appropriate provision of new open space. The justified reasoning states that in areas of deficiency, the priority is provision of new green space and improved green links to existing green space.
- 5.44 The development team are in detailed dialogue with Leeds City Council Officers regarding the topic of greenspace and a suitable assessment will be used to guide the Outline and Reserved Matters Applications.

#### Policy G4: New Greenspace Provision

- 5.45 This policy details that on-site provision of greenspace per residential unit (dependant on numbers of bedrooms), will be on proposed development sites of 10 or more dwellings. The policy seeks the following either on site and/or via a financial contribution:-

|                            |                   |
|----------------------------|-------------------|
| 1 bedroom dwelling         | 23 m <sup>2</sup> |
| 2 bedroom dwelling         | 33 m <sup>2</sup> |
| 3 bedroom dwelling         | 44 m <sup>2</sup> |
| 4 bedroom dwelling         | 54 m <sup>2</sup> |
| 5 or more bedroom dwelling | 66 m <sup>2</sup> |
| Student bedspaces          | 18 m <sup>2</sup> |

- 5.46 As stated under Policy H4, there is currently no mix proposed in this Outline application. In dialogue with LCC on greenspace, the following mix has been used to calculate an approximate requirement under H4.

2-Bed 30%

3 Bed- 32 %

4 Bed 38%



5.47 Care must be taken not to confuse Green Space with open land. The Southern Quadrant Illustrative Masterplan informs of circa 16.43 Ha green space. The typologies and expected use for each area is addressed in the Draft Masterplan Framework Document.

Policy G6: Protection and Redevelopment of Existing Greenspace

5.48 This policy relates to the protection and redevelopment of existing green space. It should be noted that the pitches are not designated green space areas. It should also be noted that there are existing sports pitches on the site which will be partially lost as part of the proposals however will be replaced by better quality facilities with a greater capacity for use.

5.49 The policy sets out that green space will be protected from development unless:-

*“(i) There is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,*

*(ii) The green space/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or*

*(iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality”*

5.50 The Council has liaised with Sport England regarding the relocation of existing junior football pitches (John Smeaton) to a new sports hub at the Whinmoor Grange. In an exchange of emails between Leeds City Council and Sport England in April 2021, Sport England confirmed the relocation proposals meet the exception E4 Sport England Policy. It is expected Leeds City Council will submit a planning application for the new Whinmoor Grange pitch proposals soon.

Policy G8: Protection of Important Species and Habitats

5.51 This policy seeks to the protect important species and habitats, it states that development will not be permitted which would seriously harm, either directly or indirectly, any sites designated of national, regional or local importance for biodiversity or geological importance or which could cause harm to the population or conservation status of priority species.

5.52 The application site along with the Southern Quadrant has been surveyed for its ecological value and presence of protected species. The detail of this work is addressed in the Ecological Appraisal in the ES.



#### Policy G9: Biodiversity Improvements

5.53 The policy reads as follows:-

*“Development will be required to demonstrate:*

- i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and*
- ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and*
- iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.*

5.54 The Ecological Appraisal and assessments of biodiversity gain have regard to the development proposals and their ability to strengthen the ecological corridors, particularly along the western boundary containing the Cock Beck.

#### Policy EN1: Climate Change – Carbon Dioxide Reduction

5.55 The policy sets out that:-

*“All developments of 10 dwellings or more .... will be required to:*

- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and*
- (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.”*

5.56 The policy requires applicants to submit an energy assessment. It is requested that this is required at the Reserved Matters Stage for individual parcels. It can also be updated to reflect changing requirements of Building Regulations from 2023.

#### Policy EN2: Sustainable Design and Construction

5.57 The policy requires developments of 10 or more dwellings where feasible are required to meet a water standard of 110 litres per person per day. Non-residential developments of 1000m<sup>2</sup> or more where feasible are required to meet BREEAM standard of ‘excellent’. This matter will be addressed at Reserved Matters stage.

#### Policy EN4: District Heating



- 5.58 The policy sets out that where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose appropriate heating systems. This matter will be investigated at the Reserved Matters stage once the actual residential areas and sizes are agreed.

Policy EN5: Managing Flood Risk

- 5.59 This policy seeks to promote development in the areas of lowest flood risk by applying the sequential approach and where this may not be possible by introducing mitigation measures, in line with the Framework.
- 5.60 The indicative Masterplan has regard to the technical Flood Risk and Drainage strategy submitted in support of this application. The majority of surface water drainage in the proposal is contained in storage pipes within each parcel of development and potential flood water from storm events is controlled via 'basins' constructed in the open space area, mainly along the Cock Beck corridor.

Policy EN8: Electric Vehicle Charging Infrastructure

- 5.61 The policy requires that residential development includes the provision of 1 charging point per parking space and 1 charging point per 10 visitor spaces. For Office and educational uses it requires 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later date. Full details of the provision are to be agreed at the Reserved Matters stage in each parcel.

Policy ID2: Planning Obligations and Developer Contributions

- 5.62 This policy informs that Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonable related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.
- 5.63 This planning submission Heads of Terms identifies what topic areas contributions are to be directed towards:-
- On-site Education
  - CIL Contributions
  - Affordable Housing
  - On-site greenspace management



- On and Off-site Travel Plan and Bus enhancement
- ELOR construction payments – the ELOR ‘Roof Tax’

### **Leeds Site Allocation Plan (July 2019)**

5.64 The Site Allocations Plan (SAP) was adopted on 10<sup>th</sup> July 2019. The SAP contains very few policies relevant to this application other than the allocation itself – that being the principle of residential development on the Southern Quadrant area.

#### Policy HGR1

5.65 The policy sets out that the Site Allocations Plan will be reviewed in the plan period following the adoption of the Core Strategy Selective Review with the requirement to submit a Site Allocations Plan Review before the 31<sup>st</sup> December 2021. The Council is currently re-considering its Review position. This allocation is not affected by the SAP Mods Examination in September 2021.

#### Policy HG1 Identified Housing Sites

5.66 The policy sets out that the Site Allocations Plan identifies that the categories of sites contribute to the overall supply including sites that have existing planning permission, expired planning permissions for housing or mixed use deemed appropriate for housing delivery and allocations from the UDP.

5.67 The Southern Quadrant ELE site is identified as part of a previous UDP allocation (H3-A.22) taken forward as allocation HG1-288. There is no policy text or supporting text to inform what is expected for the allocation. This is explained in more details in the lower order ELE SPD.

#### Policy HG2 Housing Allocations

5.68 Relates to housing allocations and sets out that they are shown on the policies map.

### **Leeds Unitary Development Plan and Review (July 2006)**

5.69 The original Leeds UDP was approved in 2001. This Plan was reviewed and following consultation and a Public Inquiry the UDPR was adopted in July 2006, prior to the adoption of the Framework.

5.70 A number of policies in the UDPR were ‘saved by Directions of the Secretary of State in September 2007 and June 2009. The UDPR ‘saved policies’ forms part of the Leeds Development Plan until such time as it is replaced by the emerging Local Development Framework. Those policies that were saved, were not saved because they were up-to-date;



they were saved to ensure continuity in the plan led system and a stable planning framework locally and in particular a continual supply of land for development. The weight which can be afforded to these saved policies will reduce over time and in relation to the adoption of new policy at the national level.

- 5.71 It should be noted that the Core Strategy and now the Site Allocations Plan, now adopted replaces a number of policies in the UDPR. The remaining relevant policies are outlined below.

Policy GP1

- 5.72 The policy sets out that where the proposals map indicates a particular land use (or uses) for a site no other permanent use (or uses) will be considered appropriate.

Policy GP5

- 5.73 This policy requires development proposals to resolve detailed planning considerations. Full matters outside those for determination for this Outline application can be dealt with at the Reserved Matters stage.

Policy N6

- 5.74 The policy sets out that development of playing pitches will not be permitted unless:-
- “i. There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site’s functions; or*
  - ii. There is no shortage of pitches in an area in relation to pitch demand locally, in the context of the city’s needs, and city wide, and development would not conflict with UDP policies concerning protection of the green belt, protection and enhancement of greenspace and provision of additional greenspace, urban green corridors and other open land (policies N1 to N5 inclusive, N8 to N11 inclusive and N32).”*

- 5.75 In this case the development proposals in that area of the site will ensure a net gain in overall pitch quality in comparison with the existing offering, with wider openspace provision within the site.

Policy N7A

- 5.76 The policy supports new playing pitches and more effective layout or enhancements in areas where there is a recognised shortfall.

Policy N9



5.77 The policy sets out that all development proposals should respect and where possible enhance the intrinsic value of land in fulfilling a corridor function in terms of access, recreation, nature conservation and visual amenity. The Draft Masterplan Framework Document and other supporting documents have sought to maximise these matters.

#### Policy N23

5.78 The policy sets out that:-

*“Incidental open space around new built development should be designed to provide a visually attractive setting for the development itself and, where appropriate, contribute to informal public recreation and nature conservation. Existing features which make a positive visual contribution should be retained where possible”.*

5.79 The Draft Masterplan Framework Document and supporting documents have sought to ensure these are achieved. The areas identified as such are proposed to remain as open space.

#### Policy N24

5.80 Policy N24 remains a design policy that seeks an appropriate landscape planting belt on the edge of development sites where they abut the Green Belt in order to deal positively with the transition between the development and open land. This has been considered in the landscaping masterplan.

5.81 It should however be noted that ELOR forms the Green Belt boundary in this case. It is therefore the ELOR planning consent and its landscaping that address Policy N24.

#### Policy N25

5.82 Sets out that boundaries should be designed in a positive manner where appropriate to the character of the area. This is addressed in the Draft Masterplan Framework Document.

#### Policy BD5

5.83 The policy sets out that all new buildings should be designed with consideration to their own amenity and that of the surroundings. This is addressed in part in the Masterplan Framework Document which sets the scene for design expectations in subsequent Reserved Matters applications.

#### Policy H3.3A.33: - The East Leeds Extension Allocation document

5.84 This policy is a saved policy that specifically relates to the whole of the ELE Allocation and in part has been overtaken by events. The policy sets 3 criteria for bring forward the Allocation, these are:-



- To be developed only if a need for housing is demonstrated in line with the RSS housing targets.
- To be developed only if the need for the ELOR is proven.
- Sustainability Appraisal demonstrates there are no preferable alternative sites.

5.85 With the passage of time, these criteria are all now irrelevant. RSS housing targets have been abolished and replaced by the 2019 CSR. The need for ELOR is not only proven but under construction. The site was re-affirmed in the 2019 SAP, there were no preferable alternatives. For these reasons, this policy is, in part, redundant.

5.86 The remainder of this policy sets a series of requirements for the Allocation including:-

- The need for a Development Framework.
- Funding of ELOR.
- Provision of public transport.
- Consideration of a 'supertram' link (now abandoned)
- Financial support for public transport
- Provision of local community and education facilities.
- Affordable housing
- Significant landscaping, particularly along corridors
- Retention and enhancement of footpaths
- Submission of Sustainability appraisal, and
- Submission of floor risk report

5.87 The shopping list above in the policy is also in part now out of date. The Development Framework is partly covered by the 2018 ELE SPD. ELOR is under construction and there is no 'supertram' project. Elements in the list above that seek good design, affordable housing, connectivity and landscaping are all covered by more recent policy updates.

5.88 The only main outstanding element of this policy is for the development to contribute towards the cost of the ELOR project and address local community and education facilities. This matter will be addressed in more detail in the Viability Appraisal and S106 to accompany this application.



## National Policy

### National Planning Policy Framework

5.89 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.90 Para 2 of the advice states:-

*"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions."*

5.91 There are three objectives (Para 8) of sustainable development comprising the economic, social and environmental roles.

5.92 Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.93 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

*"For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay;" (JM underlining).*

5.94 It is considered that the proposal complies with the Development Plan which allocates the site for housing. Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below:-

#### Section 4: Decision Making

5.95 In determining applications, Para 38 states:-

*"Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with*



*applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

5.96 Para 47 requires that:-

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”*

5.97 Para 57 addresses the topic of considering ‘viability’ of a proposal having regard to the policies of the Plan. It states:-

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

5.98 The Middle and Southern Quadrant applications will need a Viability Appraisal approach to fully understand the push and pull factors involved in delivering homes on a constrained site while additionally providing affordable housing, CIL payments and an ELOR Roof Tax contribution. Given the cost of ELOR was an unknown throughout the Plan making process, the Development Plan has never viably tested the policies attached to delivering these Quadrants. The supporting ELE SPD equally falls short of providing guidance on this topic.

#### Section 8: Promoting healthy and safe communities

5.99 Para 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places by promoting social interaction, are safe and accessible and enable and support healthy lifestyles.

5.100 Para 92 sets out the need to provide social, recreation and cultural facilities, planning policies should amongst other requirements plan positively for the provision and use of shared spaces,



community facilities and other local services. It should also ensure an integrated approach for the location of housing, economic uses and community facilities and services.

5.101 Para 97 sets out that:-

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

5.102 The Southern Quadrant proposals will see a new Community Hub developed on existing junior football pitches. This loss will be partially replaced on site in the form of the new Primary School playing fields and a new football pitch Hub to be developed at Whinmoor Grange. This approach has been agreed with Sport England

#### Section 9: Promoting Sustainable Transport

5.103 Para 103 sets out that:-

*“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”*

5.104 Para 110 sets out development should:-

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles;*  
*and*



*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

5.105 Para 111 sets out that:-

*“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

#### Section 12: Achieving Well Designed Places

5.106 Para 124 stresses the Government’s commitment to achieving good design, high quality buildings and places.

5.107 Para 127 sets out planning policies and decisions should:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

#### Section 14: Meeting the challenge of climate change, flooding and coastal change

5.108 Para 150 sets out that new development should be planned to:-

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*



*b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."*

5.109 Further at Para 153 it sets out that:-

*"In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

#### Section 15: Conserving and enhancing the natural environment

5.110 Para 170 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-

- "d) minimising the impacts on and providing net gains for biodiversity....*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

#### Annex 1: Implementation

5.111 Para 212 with regard to decision taking:-

*"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication."*

5.112 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

#### **ELE Development Framework SPD (August 2018)**



- 5.113 The Council adopted their ELE SPD in August 2018 following a short period of consultation. There was no independent review of this SPD. While not part of the Development Plan, it is a lower order document that is a material consideration in the determination of this application.
- 5.114 Section 1 of the SPD contains a 'Vision' for ELE. The vision is for comprehensive masterplanning – a joined up approach between developers, the Council and other key stakeholders to deliver circa 5,000 new homes in a high quality urban setting.
- 5.115 The SPD seeks to bring together the expectations of the Northern, Middle and Southern quadrants and informs how these areas will not only work together but also link into new developments at Red Hall in the north and Thorp Park to the south. Integration with existing adjoining residential areas and their services is key to good planning.
- 5.116 Under 'Policy Context' the SPD relates back to the saved UDPR Policy H3.3A..33. As addressed in the UDPR policy text above, this site specific policy has largely been overtaken by more recent policy changes and on site events. However, the key theme of delivering a high quality design and supporting local and community infrastructure remain. In this case, community and education provision and ELOR payments are all address via the S106.
- 5.117 Section 3 of the SPD informs ELOR to be a means of both unlocking the allocation and delivering wider highway congestion benefits. It informs the ELE development will pay for the construction of ELOR albeit no sums are referenced. The phasing of ELOR 'roof tax' payments will be agreed through the Reserved Matters process.
- 5.118 Section 4 outlines the 'broad development guidelines' for each part of ELE. It expects all CSR policies to be complied with and deliver 15% affordable housing, 'pepper-potted' throughout the development. Each quadrant is to include a public transport 'Spine Road'. The Spine Road will additionally include walking and cycling links to ensure access to all services and employment opportunities nearby including Thorpe Park.
- 5.119 The SPD seeks provision of health, retail and education facilities. These facilities are located within the northern part of the Southern Quadrant and will serve both the Middle and Southern Quadrants and are easily accessible to future residents of both.
- 5.120 Section 4 recognises each quadrant contains a number of constraints including past mining. Each of these constraints are addressed in the technical reports contained within the ES.
- 5.121 Section 5 informs the Council expects each quadrant to be advanced as a single entity to ensure all necessary infrastructure is considered as a whole and demonstrate how each quadrant would not compromise the delivery of other quadrants. It requires all landowners in each quadrant to work in a partnership approach to ensure 'ransom strips' are avoided.



- 5.122 Section 5 sets out the planning application requirements for each application and seeks a Design and Access Statement and Design Codes. In this application, the Design Elements are addressed in Draft Masterplan Framework.
- 5.123 Section 5 additionally addresses the topic of S106 and CIL. It informs the Council will avoid any 'double dipping' requests for infrastructure.

**Summary on compliance with the Statutory Development Plan and the National Planning Policy Framework**

- 5.124 The above section of this report considers the various elements of the Statutory Development Plan and the extent to which those relevant elements of the plan are up to date and consistent with the Framework. It is clear the adopted 2014/2019 CS and 2019 SAP form a basis for decision taking although the Framework is a significant material consideration.



## 6.0 THE PLANNING CASE

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6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

### **Principle of Development**

6.2 The application site is allocated for housing under reference HG1-288 – East Leeds Extension in the adopted Leeds Site Allocations Plan (July 2019). The site also formed a housing allocation in the 2001 Unitary Development Plan and the 2006 Unitary Development Plan Review as part of site reference H3-A.33. The principle of the residential development of the site is therefore considered acceptable by its allocation as a housing site.

6.3 The 2006 Allocation text in Policy H3.3A.33 is now largely out of date but certain key principles remain in play. These are expanded upon in the more recent 2018 ELE SPD.

6.4 While the ELE SPD is not part of the Development Plan, it is a material consideration. The SPD covers the whole of ELE (Northern, Middle and Southern Quadrants). It seeks comprehensive planning applications for each Quadrant. The Southern Quadrant has been advanced by Taylor Wimpey and Redrow as a whole working closely with LCC as an additional landowner. The Southern Quadrant has been advanced alongside the proposals for the Middle Quadrant with Taylor Wimpey working jointly with Persimmon and LCC as landowners. The Draft Masterplan Framework that sits alongside this application illustrates the joint approach taken to both Quadrants.

6.5 The proposals make provision for a Community Hub in the Southern Quadrant to also serve the Middle Quadrant which includes a primary school, health facility and convenience store. Leeds City Council are largely in control of what happens in the Hub area.

### **Design and Sustainability**

6.6 The sustainability of the quantum and broad location of the Southern Quadrant proposal is already firmly established having now been endorsed in three separate land allocation events since 1996.

6.7 Each consideration of the site was examined by an independent examination with sustainability appraisals at each event demonstrating the suitability of the site having regard to 23 separate



sustainability indicators. The most recent of those events was the 2019 SAP where the re-allocation of this site faced very little opposition on the grounds of suitability.

- 6.8 The ES which forms part of this application contains multiple site specific assessments to inform how the Outline proposals would be laid out to protect those existing sensitive areas – mainly along the Cock Beck.
- 6.9 The ‘high level’ design rationale in this Outline application is located within the supporting Masterplan Framework Document which will be used to define the finer grained detailed material in the Reserved Matters applications. It is additionally supported by a Greenspace and Active Travel document.
- 6.10 The Outline application seeks to identify the residential parcels and Community Hub (inclusive of a primary school, healthcare facility and convenience store) on which Reserved Matters applications will be made. At this stage, the developers (Taylor Wimpey and Redrow) are seeking to establish the general location of all peripheral greenspaces, the nature and extent of the central Spine Road and the parcel for the Community Hub.
- 6.11 While this Outline does not address the proposed actual number of dwellings or actual mix, the Indicative Masterplan has been informed by the developers expectation of certain house types and a mix to deliver the approximate quantity of 925 dwellings. This broad quantum and mix is then used to assist in the understanding of the quantum and type of green space and the likely impact the proposal will have on existing community facilities including education capacity.

### **Highways**

- 6.12 The application is supported by a Transport Assessment and Travel Plan by Optima Highways. The Transport Assessment reports cover both the Middle and Southern Quadrants. The Travel Plan has been produced solely in relation to the Southern Quadrant. Both documents should be read in full alongside this submission. Optima have been in dialogue with Leeds City Council Highways and Highways England since July 2020 to consider the combined impacts of both Middle Quadrant and Southern Quadrant.
- 6.13 The Transport Assessment details the proposed access points and considers pedestrian and cycle access and considers that the site has very good accessibility by bus to services, facilities and employment. It also considers that subject to the delivery of ELOR and associated junction improvements the proposals can accommodate the impact of 2,000 dwellings generated by both the Southern and Middle Quadrants, with the only mitigation in relation to signal timings at the Eastwood Lane/Barwick Road/Church Lane crossroads junction.



- 6.14 The Transport Assessment concludes there are no reasons on highways or transport grounds why either the Middle and Southern Quadrant applications should not be granted planning permission.
- 6.15 The Travel Plan includes a number of themes including roles and responsibilities, monitoring and review, access on foot, cycling and public transport and a dedicated action plan. These requirements can no doubt be dealt with via condition.

### **Noise**

- 6.16 A Noise Report has been undertaken by SLR to consider the noise arising from the construction phase and the more general noise environment around the site once developed.
- 6.17 It is recognised the noise environment will change significantly from its current 'urban fringe' edge to one contained on the inside of ELOR post 2022/23, the expected opening date of ELOR. This will need to be factored into the more detailed work on layout contained in the Reserved Matters applications. While ELOR road noise will be more noticeable in those areas closest to ELOR, the road has been designed to include noise mitigation measures including bunds and acoustic fencing.
- 6.18 The Noise Report focuses on 5 Assessment areas:-
- Assessment 1: An assessment of environmental noise arising from noise sources in the vicinity of the Site incident upon the proposed residential Receptors.
  - Assessment 2: An assessment of environmental noise arising from noise sources in the vicinity of the Site incident upon the proposed School.
  - Assessment 3: An assessment of existing commercial/industrial noise incident upon the Site, and an assessment of proposed commercial/industrial noise incident upon the Site and existing off-Site Receptors.
  - Assessment 4: An assessment of the potential for playing field noise from the John Smeaton Academy to impact upon the Site.
  - Assessment 5: An assessment of the noise impact of development related traffic movements on existing sensitive receptors adjacent to transport links to and from the Site.
- 6.19 A baseline noise survey was undertaken to assess baseline noise levels at existing and proposed receptors. In addition to a baseline environment, a modelled development environment had to be undertaken to take account for future traffic along ELOR. A noise model of the site existing day and night and future day and night was also undertaken of the site.



- 6.20 The report recommends that:-
- Assessment 1 – external amenity areas to be designed to reduce the level of impact and habitable rooms are subject to the use of appropriate glazing;
  - Assessment 2 – careful layout design of the sports pitch.
  - Assessment 3 – careful design for existing commercial/industrial noise sources. The proposed commercial uses are subject to a condition ensuring the noise levels are within acceptable levels.
  - Assessment 4 – careful layout of residential partials.
  - Assessment 5 – no mitigation required.
- 6.21 It is no doubt that these matters can be dealt with via condition or considered as part of future reserved matters submissions.

### **Air Quality**

- 6.22 An Air Quality Assessment has been undertaken by SLR to consider the Air Quality arising from the construction phase and the operational phase once developed. The report should be read in full alongside the submission.
- 6.23 In relation to the construction stage the report identifies dust emissions associated with construction works, Heavy Duty Vehicle (HDV) trips anticipated during the construction phase of the development and emissions from plant/NRMM on site. In relation to these areas identified the report considers/proposes:-
- mitigation to control dust which will result in impacts being not significant and considers that dust impacts will be temporary and short term;
  - a low additional number of HDV trips during construction phase, are predicted to result in an insignificant effect on air quality from road vehicle emissions; and
  - plant/NRMM is predicted to not have a significant impact on air quality.
- 6.24 In relation to the operational phase, the assessment considers the operational phase of the middle and southern quadrants based on a 2027 interim opening year scenario and a 2031 complete development scenario. Both scenarios consider the overall effect of the development to be not significant.
- 6.25 The report considers that both the Middle and Southern Quadrant proposals do not represent a development constraint or require embedded design mitigation into the scheme. The overall



effect on air quality as a result of the site-suitability assessment is considered not significant in accordance with the stated guidance.

### **Open space/ Green Space and Blue Infrastructure**

- 6.26 An Open space Assessment has been undertaken by the design team working with LCC officers. The open space assessment has considered currently available public space in adjoining areas and how the linear nature of the site lends itself to linear features containing areas for formal play and informal play. The linear nature of the site has greatly assisted in providing longer distance routes from north to south with inter-connecting links east west at appropriate locations.
- 6.27 Throughout the design process, the Masterplanning team have been tasked with identifying appropriate connection points to ensure existing east Leeds residents can access these longer distance routes.
- 6.28 It is noted that there will be an overall reduction in quantity of sports pitch provision, it will however be enhanced as part of the Leeds City Council relocation proposals. In addition, the green space on the southern quadrant will be far greater than currently with a total of 16.43ha of openspace of differing typologies. These greenspace areas are outlined in more detail in the accompanying Greenspace and Active Travel Document.
- 6.29 The whole site has been designed with healthy living in mind and the aims of this approach are illustrated in the Draft Masterplan Framework Document.

### **Heritage**

- 6.30 A Heritage Statement has been produced to support the application and should be considered in full alongside this report.
- 6.31 The report sets out that there are no designated heritage assets that fall within the site however there are a number of assets within the vicinity of the site. It considers that in the majority of cases the site, due to distance and intervening landscape and built, it is not considered to form a significant element contributing to the setting of these assets.
- 6.32 It is considered that the site forms part of the historic landscape setting, evidence past agricultural use, of Lazencroft Farmhouse and a dovecote building at Manston Farm, both Grade listed buildings falling to the south of the site. It also takes in part of the Barnbow munitions factory scheduled monument and falls within the historic setting of the asset.



- 6.33 It sets out that the scheme does not propose development within the boundaries of the scheduled monument or within the currently known extent of the factory complex and as such no direct impacts are identified. The document considers development with give rise to the loss and diminution of the historic setting and openness to the identified assets and remove evidence of the functional historic relationship of Lazencroft Farmhouse and the dovecote with surrounding agricultural land. This will have a major impact upon the setting to the Farmhouse and as such mitigation through development layout, landscape treatment and arrangement of open space is recommended.
- 6.34 It considers that the harm identified should be considered having regard to the impact of the ELOR road construction which will introduce a substantial visual and physical boundary to the east of the development site. Similarly, the widening and realignment of Manston Lane and redevelopment of land to the south has impacted upon the setting to these assets.
- 6.35 It refers to the current historic environment records include evidence of historic settlement activity within the site and its vicinity, including evidence of medieval settlement around Lazencroft and Manston Farms to the south. It recommends that a phase programme of archaeological investigation, including geo-physical evaluation and targeted trial trenching, be agreed and undertaken prior to development commencing. This will allow for protection and recording of the archaeological resource and, where appropriate, measure to be adopted at detailed design stage.
- 6.36 In further goes on to relate to the historic environment records and reviews the historic environment records include evidence of historic settlement activity within the site and its vicinity, including possible evidence of late prehistoric/Roman settlement within the northern section south of Morwick Farm. It recommends that a phase programme of archaeological investigation, including geo-physical evaluation and targeted trial trenching, be agreed and undertaken prior to development commencing. To ensure the protection and recording of the archaeological resource and, where appropriate, measure to be adopted at detailed design stage.
- 6.37 Overall, development impact is assessed as having potential to give rise to harm to a number of designated heritage assets, this harm being less than substantial subject to adoption of mitigation measures. No doubt its recommendations can be dealt with via condition.



### **Arboriculture**

- 6.38 A tree survey has been undertaken by Iain Taverndale Associates which identifies a series of mature trees on and adjacent to the site. This survey data has been supplied to both SLR, the ecologist and to Pegasus, the Masterplanners.
- 6.39 The Tree Survey report informs the vast majority of trees on the Southern Quadrant site to be located along the Cock Beck corridor site. This area is to be protected.
- 6.40 In early 2020, pre-commencement works for ELOR began and included some felling of mature trees along the route of this new road. These works are not part of this application.
- 6.41 The Draft Masterplan Framework Document and the Indicative Masterplan and Indicative Landscaping Plan give a strong indication of the extent of proposed new planting across the site and along key transport and walking/cycling corridors. These new planting areas significantly increase tree cover on the site.
- 6.42 As part of the construction works, the developers will provide an Arboricultural Impact Assessment and tree constraints plan. The Arboricultural impact Assessment will make the following recommendations:-
- The appointment of a Project Arboriculturalist to ensure on and off site trees are considered during the process via planning condition.
  - Tree/Ground Protection Measures where necessary.
  - Tree work recommendations to standard BS 3998:2010.
  - Temporary tree protection fencing and ground protection during construction; and
  - The requirement for an arboricultural method statement.

### **Ground Investigation**

- 6.43 A Phase 1 Desk Study has been produced by AECOM to support the application.
- 6.44 From a review of historical maps from 1850 to 2020, it was identified that the majority of the southern quadrant has remained unchanged as undeveloped agricultural land, however unspecified pits and two pollution incidents have been recorded on the site. The risk of encountering ground contamination is considered to be low to moderate.
- 6.45 The surrounding land uses are predominately primarily agricultural land and with areas of coal mining and related land uses recorded to the South and West of the site, these pose a moderate risk of producing ground contamination on site. The Barnbow Filling Factory was recorded to the west of the site with a recorded T.N.T. Magazine feature to the north of Lazencroft Farm.



- 6.46 Three mine entries have been recorded on-site by the coal authority with one to the North East of the site and two located along the southern boundary. Large sections of the site have also been contained within the Coal Authority's High Risk Development area. Coal outcrops have been recorded on the site with the Beeston Seam being recorded as worked on-site.
- 6.47 The ground gas risk for the site has been identified to be low to moderate as there are infilled field boundaries, recorded old coal pits and a risk of on-site Made Ground in relation to open cast mining. Also, limited depths of superficial deposits have been recorded for the site, this removes any protection these deposits would provide for migrating ground gases from off-site sources.
- 6.48 The Radon level for the site has been identified as 1%.
- 6.49 The potential risks that have been identified have been assessed as very low to medium with the majority being low risk. The risks identified are not uncommon for undeveloped agricultural land, and the soils and geology expected at the site, however due to the presence of coal mining features and the proximity of the site to historical pits and landfills surrounding the site there is a raised risk for the potential presence of contaminants on Site.
- 6.50 The risks may be mitigated by further assessment through intrusive ground investigation, the obtainment of opencast abandonment plans and risk assessment at the detailed design stage, identifying the presence of contaminants on the site. This will allow for the inclusion of construction measures that will mitigate the risk posed by these contaminants, for example, ground gas and appropriate cover systems.

### **Ecology**

- 6.51 The Ecological Impact Assessment is produced by SLR and is informed by a suite of ecological surveys undertaken between April 2019 and January 2020, comprising: Extended Phase 1 Habitat, great crested newt, reptile presence/absence, breeding bird, bat roosting and foraging, water vole, white-clawed crayfish, badger and otter surveys.
- 6.52 The report considers that the majority of the development footprint comprises arable habitat, of low intrinsic nature conservation value. However, a number of habitats of local ecological importance are also present, specifically semi-natural broad-leaved woodland, hedgerows, mature trees, semi-improved neutral grassland and the Cock Beck watercourse. Some parts of the Site also lie within the Leeds Wildlife Habitat Network (LWHN).



- 6.53 The report notes that the linear vegetated corridor along the Cock Beck was found to be well used by commuting/ foraging bats, particularly common pipistrelle. An occasionally used otter holt was identified on Cock Beck downstream of the Site to the east, and otter field evidence was recorded along Cock Beck where it abuts and crosses the Site, as well as downstream of the Site for several kilometres. It is concluded that the Site forms the upstream end of the otter territory. Great crested newt are concluded to be currently absent from the Site; a medium population is present to the south of the Site including translocated populations from adjacent developments, however the population is prevented from dispersing onto the Site by amphibian fencing and Manston Lane. Reptiles, white-clawed crayfish and water vole were found to be absent from the Site. Badger activity has not been recorded within the Site itself, but this species is present in the wider area.
- 6.54 It considers that there is no significant effects are predicted upon statutory and non-statutory designated sites for nature conservation.
- 6.55 The report notes that the scheme has been designed to incorporate a wide development-free buffer alongside, and incorporating, the Cock Beck corridor, with only a single road crossing, thereby preserving the functionality of the Leeds Wildlife Habitat Network.
- 6.56 It considers that the proposals would result in the small-scale loss of semi-improved grassland, woodland, scrub, hedgerows and trees. This includes small amounts of habitat forming part of the LWHN, specifically where the spine road joins Manston Lane, and where it crosses the Cock Beck. These small-scale habitat loss and fragmentation effects, as well as potential effects resulting from increased recreational pressure, would be mitigated for by woodland, tree and hedgerow planting which is significantly greater than that which would be lost. New planting and habitat creation in landscape buffers and Public Open Space would create a series of interconnected networks, thereby strengthening and extending the existing corridors along the Cock Beck and the scrub embankment off Manston Lane, and creating new corridors for wildlife movement along the eastern boundary, linking up with landscape planting proposed for the East Leeds Orbital Road (ELOR) which is in the process of being constructed. In addition, existing habitats would also be enhanced through long-term positive management, including invasive species control, the creation of habitat piles, and positive hedgerow management.
- 6.57 Mitigation measures will be taken to protect otter and reduce potential disturbance impacts, including precautionary working measures during construction, and the incorporation of a suitable bridge design, sensitive lighting, and a buffer with appropriate planting and habitat features along the Cock Beck. Further mitigation measures for other species and habitats shall include pollution prevention measures, the adoption of a sensitive lighting scheme, sensitive



timing of vegetation clearance where possible (to avoid the bird nesting season), the undertaking of appropriate pre-construction surveys, including bat surveys and sensitive tree felling/ building demolition (for features with bat roosting potential) and Ecological Clerk of Works supervision, to minimise disturbance and ensure compliance with wildlife legislation.

- 6.58 It also notes that a number of ecological enhancements will also take place, including the provision of bird and bat boxes on retained trees as well as on a number of the new properties, the inclusion of hedgehog highways within the development, the creation of areas of wildflower grassland and construction of sizeable SuDS basins with over-deepened centres to create wetland/pond features.
- 6.59 Overall, it is concludes that with the implementation of the mitigation and enhancement measures set out within this report, the scheme is unlikely to result in any residual significant negative effect upon important ecological receptors, and indeed that the scheme would be likely to have a positive net impact upon a number of receptors, as well as on the Leeds Wildlife Habitat Network.

### **Flood Risk Assessment**

- 6.60 A Flood Risk Assessment (FRA) and Drainage Strategy has been produced by ID Civils Ltd. The work has been commissioned to cover both Middle and Southern Quadrants given all surface water flows into Cock Beck which has a history of flooding problems.
- 6.61 The FRA has been undertaken to an agreed methodology having liaised with Yorkshire Water, the Environment Agency and LCC's Drainage Department who are undertaking their own wider Cock Beck drainage assessment. The ID Civils report contains a Drainage Strategy for the Outline proposals. The recommended water attenuation areas (basins) are illustrated on the indicative Masterplan.
- 6.62 It has been established that all proposed residential zones in the Southern Quadrant (as shown on the Masterplan) are all Zone 1 flood risk – this being the lowest of all risk.
- 6.63 Existing surface water flood flow routes have been assessed and considered alongside the ongoing ELOR construction proposals which intersect the Cock Beck in the Southern Quadrant.
- 6.64 While groundwater levels have yet to be confirmed in the Southen Quadrant, it is understood all ground water levels are a minimum of 2m below the surface such that they pose no risk to flooding.



- 6.65 Water control discharges from the development are to be controlled to the existing greenfield run-off rate of 4.7//s/Ha. Storm rate flows in excess of the discharge rate are to be attenuated on site.
- 6.66 **Planning Balance**
- 6.67 The site is an allocated residential site in the newly adopted Site Allocation Plan. The site is within a sustainable location by virtue of its allocation in the Local Plan and has excellent access to social and physical infrastructure.
- 6.68 Development of the Southern Quadrant has been long anticipated and now pre-determined by the Council's decision to advance the delivery of ELOR on the grounds that the ELE Allocation will financially contribute to the cost of these major highway works. This principle is a long establish expectation written into the Allocation since 2001.
- 6.69 The Council's decision to advance ELOR before any part of ELE is approved is a recognition of the wider highway benefits that ELOR delivers through resolving congestion across the north east Leeds highway network.
- 6.70 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission (contained within the ES) demonstrate that there will be no significant adverse impacts.
- 6.71 The site is not of high environmental quality and there are no technical reasons for refusal.
- 6.72 The proposed development will be in keeping with the local character and, through subsequent Reserved Matters applications will provide a mix of property types and tenures. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Draft Indicative Development Framework – this document will be used as a tool to guide the Reserved Matters applications to ensure a consistent and comprehensive approach to the development of both Middle and Southern Quadrants.
- 6.73 The proposal of circa 925 dwellings and Community Hub, carries significant economic input that are of local and regional significance. The significance is further enhanced alongside the 875 dwellings of the Middle Quadrant. The Lichfields Economic Appraisal informs of the scale of the benefits for both quadrants which can be summarised as follows:-
- the provision of a range of new house types to provide increased housing choice.



- the development would generate a significant amount of investment to the area in terms of the construction value £224M and associated spend during the construction period.
- 530 full-time direct on-site jobs during the construction phase with a further 800 supply chain jobs.
- Planning Gain Package.
- £2.5M Council tax revenue per annum.
- £45,000 in business rates payments per annum.
- £10.5M New Homes Bonus payments over a 4 year period.
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.

6.74 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be technical issues which would prevent the grant of planning permission.

6.75 The submitted documents when taken as a whole seek to inform how all Local Plan policies are met. In addition, all material considerations such as the Framework and ELE SPD are met.

6.76 The basis for determining this Outline application is therefore contained in the Framework and all elements of the Development Plan. The starting point is the adopted policies of the Development Plan. The majority of the Development Plan in the form of the 2019 SAP and the 2019 CSSR is new and up to date. The application proposals are consistent with these new policies where they are applicable at this Outline stage.

6.77 It is acknowledged many of the new policies are not relevant at this time but will be engaged at the time of a Reserved Matters submission where the detail of the new dwellings can be assessed.

6.78 It is also recognised that the only site specific policy relating to the Southern Quadrant site (policy H3.3A.33) from the 2006 UDPR is largely out of date having been overtaken with time and the commencement of ELOR. While the lower order 2018 ELE SPD seeks to provide more up to date guidance for the whole of ELE, it is only guidance.

#### **Other Material Considerations**

6.79 Having regard to the site’s suitability in principle for residential development and the Outline nature of this application, the relevance of other material considerations is lessened.



6.80 As referenced earlier in this text, there will be a need to assess the Viability of the project once submitted and statutory consultee responses known. Only through this process can a view on the level of contributions be fully considered.



## 7.0 SUMMARY AND CONCLUSIONS

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- 7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.
- 7.2 This planning application seeks the development of an allocated housing site and is made in the context of the Government's requirement to significantly boost housing land supply, the presumption in favour of sustainable development and the Development Plan.
- 7.3 The development proposed constitutes sustainable development as accepted by the Council by virtue of its allocation in the recently adopted Site Allocations Plan. The site is a housing allocation and its development as well as the community hub, will assist the Council in meeting its aspirations for East Leeds together with a significant number of economic and social benefit.
- 7.4 The site would make for a compatible use and the technical reports in the ES accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers.
- 7.5 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that proposal clearly constitutes 'sustainable development'. There are significant material considerations that weigh heavily in its favour. The scheme is in accordance with the Local Plan when read as a whole and the application should be approved without delay.