



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 3rd April 2014

Subject: Application number 12/03580/OT – Erection of 59 dwellings and associated works at Pollard Lane, Bramley.

| APPLICANT | DATE VALID | TARGET DATE |
|----------------------------|---------------------------------|------------------|
| Renaissance Land (D20) Ltd | 19 th September 2012 | 19 December 2012 |

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| <p>Electoral Wards Affected:</p> <p>Bramley and Stanningley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p> | <p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p> |
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RECOMMENDATION

Defer and delegate approval to the Chief Planning Officer subject to the signing of a S106 agreement for a commuted sum of £123,000 for improvements to footpath to Kirkstall Forge Railway Station and canal tow path, laying out and maintenance of open space and public access areas and any detailed design changes required to the proposed house types and subject to the following conditions;

1. Time limit on full permission
2. development in line with approved plans
3. Sample of walling and roofing materials
4. details and samples of surfacing materials
5. Details of walls, fences and boundary treatment
6. Vehicles spaces to be laid out
7. Details of storage of litter and waste materials
8. Details of cycle storage
9. Details of hard and soft landscaping
10. Hard and soft landscaping to be implemented
11. If within period of 5 years any trees or plants die, removed, uprooted replacement required
12. details of surface and foul waste
13. Method statement for implementation of remediation works
14. Remediation works to be fully carried out in line with approved method statement

- 15. Details of unexpected contamination**
- 16. remediation statement to be submitted**
- 17. Integral garages shall be used for storage of private motor vehicles**
- 18. Planning permission required for extensions, roof alterations, garages, free standing buildings or structures**
- 19. Built in accordance with finished floor levels**
- 20. No security or high intensity lighting to cast light on canal retaining walls**
- 21. Details of construction method statement**
- 22. Hours of delivery for construction vehicles**

1.0 INTRODUCTION

- 1.1 The application is for a revised residential scheme to complete the redevelopment of a previously developed industrial site within the green belt. The scheme still proposes a total of 120 dwellings but replaces flats with houses which have a greater land take. The revised proposal therefore involves building on an area previously shown as public open space and includes an additional piece of land which was not in the previous application red line boundary but was within the curtilage of the previous industrial use. Open space would be provided within the site and on land the applicant owns adjoining the site. The site has remained part completed for some time and this scheme if approved would be built as it is viable to bring forward whereas the previous scheme was not. Significant upfront costs have already been spent in remediating the whole site, improving Pollard Lane and providing affordable housing. Residents living on the scheme have been consulted and engaged on bringing forward the rest of the site and strongly support the completion of the development. Whilst there are some limited additional impacts on openness the need to complete the scheme is recognized and on balance officers recommend that the application is approved. Members are recommended to visit the site to understand the issues and assess the impact.

2.0 PROPOSAL:

- 2.1 Planning permission was granted in 2006 for a residential development comprising 54 dwelling houses and 66 flats (total 120) on the site of the former Woodside Works, Pollard Lane, Bramley. At the time there were significant industrial buildings on the site and the site was dealt with as a "major developed site" within the Green Belt where development close to the main urban area could be made sustainable and where there would be a net gain in terms of openness.
- 2.2 Part of the development has been constructed which consists of the 9 affordable houses which face towards the railway line, the 28 dwellings to the western (river) boundary, the 6 dwellings facing onto Pollard Lane and one block of 18 flats within the centre of the site. A total of 61 dwellings have therefore been built. The proposed highways works including the localized widening of Pollard Lane and the traffic lights on the listed bridge over the canal on Pollard Lane have been implemented.

The rest of the site has not been developed due to the economic climate and the fact that the scheme included a high proportion of apartments which are currently not viable. Of the 59 dwellings to be built 11 were terraced houses at the edge of the site and 48 flats in two main blocks (both increasing from 2 storey to 4 storey) in the centre of the site.
- 2.3 The revised planning application subject of this report was submitted in 2012 to change the proposed layout of the unbuilt parts of the site. This new application

proposes 2 apartment blocks of 6 and 14 units (20 in all) and 39 houses giving 59 dwellings in total.

- 2.4 Dwellings will be constructed on a piece of POS that was planned within the centre of the site under the original scheme and the application also extends the red line boundary of the proposal by approximately 70 metres to the south of the site.
- 2.5 To make up for the loss of POS within the site the applicant proposes to improve the land beyond the proposed red boundary on land within the same ownership to open up the land for recreation.
- 2.6 The only part of the signed Section106 agreement on the previous permission which has not been implemented is the shuttle bus to take passengers up Pollard Lane to access other bus services that are available on the Leeds and Bradford Road. It has now been agreed that this bus shuttle will not be provided so the money is going to be used to fund footpath improvements from the site to the proposed Kirkstall Forge train station and along the canal tow path.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application concerns the site of an former industrial complex known as Woodside Works, which was last occupied by an engineering company. The industrial buildings have now been completely demolished, the site remediated and part of the 2006 development has been constructed.
- 3.2 The development site previously comprised the site of the former mills and the wooded area to the south which has been subject to tipping in the past. The site is on the valley floor and is bounded to the north by the railway line, to the west by the River Aire, to the south east by the Leeds Liverpool Canal (which is raised above the site at this point by some 14 metres and separated by a rock face/high retaining wall), to the east by Pollard Lane and the Abbey Inn, (a Grade II listed building), and to the south by an undeveloped woodland area. To the north of the railway line is a further area of land in the applicants' ownership – a triangular area adjacent to Pollard Lane and the river which has a number of mature trees which has now been transferred to the Newlay Conservation Society to look after.
- 3.3 Access to the site is via Pollard Lane, which runs down towards the canal and river from Leeds and Bradford Road. There is no vehicular access to the site from Horsforth as Newlay Bridge over the River Aire is pedestrian access only due to its listed status and lack of weight bearing ability. Pollard Lane is, in parts, narrow, of steep gradient with inadequate footpath provision, and has the "feel" of a country lane. There is also a listed bridge over the Canal which is very narrow and has a 'blind summit'.
- 3.4 The railway line marks the boundary of the Newlay Conservation Area to the north. The site for the residential development therefore adjoins but is not within the Conservation Area. It is however located within the Green Belt, and urban green corridor. The adjoining Leeds – Liverpool Canal is also a SSSI.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 24/52/03/FU – Planning permission granted 24 June 2005 for 47 dwelling houses and 73 flats subject to conditions and a section 106 agreement concerning the provision of affordable housing, off site highway improvements, a public transport

contribution, provision and future maintenance of green space land and public access areas. This application was approved as the site was considered to be previously developed.

- 4.2 06/00252/FU – planning permission granted in August 2006 for 54 houses and 66 flats subject to conditions and a section 106 agreement concerning provision of affordable housing, off site highway improvements, a public transport contribution, provision and future maintenance of green space land and public access areas.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by site notice posted on site on the 5 October 2012 and an advert was placed in the Yorkshire Evening Post.
- 5.2 Two letters of support - one from Newlay and Whitecotes Residents Association - completion of this site would build the community and the site is currently unsightly and incomplete. It is an unpleasant place to live.
- 5.3 Ward Members are generally supportive of the site being completed.

6.0 CONSULTATION RESPONSES:

Highways

- 6.1 Have concerns regarding the private road for plots 38 to 45 as it is more than 5 houses on a private road and there is a requirement for financial contribution to improvements to the canal path and links to the proposed Kirkstall Forge Railway Station.

Neighbourhoods and housing

- 6.2 No objections in principle subject to conditions for operating hours, dust suppression, storage and disposal of litter and notification of existing residents when work is to commence.

Flood Risk Management

- 6.3 Conditional approval recommended

Metro

- 6.4 Metro state that if they agree to re-allocated the funding secured for the bus service it would be on the basis that it would be used for other sustainable transport schemes (at a similar level) i.e. the cycle route to Kirkstall Forge or even potentially towards the station itself.

Public Rights of Way

- 6.5 Public footpath no 39 abuts the site on its eastern boundary which appears not to be affected by the development so no objections.

Yorkshire Water

- 6.6 Conditional approval recommended

Environment Agency

- 6.7 No objections subject to conditions in relation to the approved Flood Risk Assessment, groundwater, contamination land and working method statement to cover bank works.

Coal Authority

- 6.8 No objection to the application subject to a condition to ensure that in the event of site investigations confirming the need to treat and shallow mine areas the workings required should be approved and implemented prior to the commencement of development

Canal and River Trust

- 6.9 if planning permission is granted request an informative regarding works to comply with Canal and River Trust Code of Practice for works affecting a Canal and River.

Children's Services LCC

- 6.10 The proposal would generate 10 primary school aged pupils which amounts to a education contribution of £115,920.

Natural England

- 6.11 No objections

Nature Conservation

- 6.12 Require further information in relation to impact on otters.

7.0 PLANNING POLICIES:

Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 7.1 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 7.2 The site is allocated as green belt in the UDP. The following policies are therefore relevant to the consideration of the application:

GP5 – General planning considerations, including amenity.

GP11 – Sustainable design principles

N13 – Design and new buildings

N25 – Development and site boundaries

N32 – Areas designated as green belt

N33 – lists acceptable development within green belt

T2 – Highway safety

T2B – Requirement for Transport Assessment

T2C – Requirement for a Travel Plan

T2D – Requirement for public transport contribution where necessary

T5 – Provision for pedestrians and cyclists

T6 – Provision for disabled people and those with mobility problems

T7A & T7B – Cycle and motorcycle parking

T24 – Parking requirements

BD5 – New development and amenity

LD1 – Landscaping

H1 – Provision of annual completions for dwellings

H3 – Delivery of housing on allocated sites

H11/H12/H13 – Affordable housing

Draft Core Strategy

- 7.3 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed and examination has largely taken place and the suggested main modifications from the Inspector have recently been advertised..
- 7.4 Some weight can now be attached to the policies given the advanced stage which has been reached.
- 7.5 The following policies within the Draft Core Strategy are relevant.

Spatial policy 1 – Location of development (page 22)
Spatial policy 6 – Housing requirement and allocation of housing land (page 34)
Spatial policy 7 – Distribution of housing land and allocations (page 37)
Spatial policy 10 – Green Belt (page 44)
Policy H1 – Managed release of sites (page 59)
Policy H2 – New housing development on non allocated sites (page 60)
Policy H3 – Density of residential development (page 60)
Policy H4 – Housing mix (page 61)
Policy H5 – Affordable housing (page 63)
Policy P10 – Design (page 88)
Policy P11 – Conservation (page 90)
Policy P12 – Landscape (page 91)
Policy T1 – Transport Management (page 92)
Policy G4 – New greenspace provision (page 98)
Policy G7 – Protection of important species and habitats (page 101)
Policy G8 – Biodiversity improvements (page 101)
Policy ID2 – Planning obligations and developer contributions (page 117)

Supplementary Planning Guidance and Documents

- 7.6 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

Neighbourhoods for Living – A guide for residential design in Leeds
Street Design Guide
Public Transport and Developer Contributions SPD
Travel Plans SPD
'Building for Tomorrow Today': Sustainable Design and Construction SPD.

National Planning Policy

- 7.7 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 7.8 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The development plans have to achieve economic, environmental and social aspects of sustainable development.

The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being.

The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. from good planning, and should contribute positively to making places better for people.

Paragraph 89 details exceptions as to when the construction of new buildings in the green belt is not inappropriate development. It states 'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on openness of the green belt and the purpose of including land within it than the existing development.'

8.0 MAIN ISSUES

- Viability
- Principle of development/green belt
- Design and scale
- Highways
- Greenspace
- Education

Viability

- 8.1 A viability statement was submitted with the application and has been assessed by asset management. This viability does show that without the extra number of dwellings within the additional area the scheme will remain unviable and the development will not be completed. This is also confirmed in the fact that work has ceased on the site for a number of years. The developer is asking for this additional land so that the development can be completed. It should be noted that the developer has already provided the affordable housing for the scheme, has completed the offsite highways works and remediated the complete site. As part of this application greenspace on site is being provided and in lieu of a shuttle bus a contribution is being provided to finance footpath improvements to Kirkstall Forge Railway Station and canal tow path.

- 8.2 With the additional number of houses being provided Childrens Services have confirmed there is a requirement for an educational contribution of £116K. Further discussions are taking place with the applicant on this and it is hoped to provide an update to Panel members at the meeting.
- 8.3 The NPPF at paragraph 173 states that “Pursuing sustainable development requires careful attention to viability and costs in decision –taking.....To ensure viability , the costs of any requirements likely to be applied to development.....should when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”
- 8.4 The site was acquired at the height of the market and whilst the development has been partly built out and significant monies spent on infrastructure requirements the remainder of the site has not been viable to develop given the high number of apartments and the economic climate. The market is now improving and there is a greater emphasis on the provision of family housing.
- 8.5 There are existing residents who are living on a half completed development who have been engaged and are supportive of the application in terms of the type and layout of the scheme. It is important to be able to bring forward a scheme which is viable for the developer, completes the development and delivers family housing on a brownfield site which is in the 5 year housing land supply figures.

Principle of development/green belt

- 8.6 The site is located within green belt and there is already approval for residential development on the site for 120 dwellings. When this was granted permission it was in recognition that the site was brownfield, would result in improvements to openness and was reasonably well related to the main urban area. The approved scheme had a total footprint of 4,305m² and a total volume of 39,193m³ which was equivalent to approximately 25% of both the footprint and volume of the previous mill. The original scheme gave the area many benefits in the form of highway works and affordable housing and improve to the openness of green belt as it reduced the built form by 75%.
- 8.7 The land take for this revised scheme is greater but is still within the original curtilage of the mill, its outbuildings and yards and still results overall in an improvement in openness compared to the industrial buildings. The buildings have all now been demolished and the land remediated and vegetation has begun to regenerate in places. On site however the wall marking the extent of the industrial complex is still visible and discernible. The advantage of this proposal is that it does include a greater proportion of family housing which is to be welcomed and the massing of the housing is lower in the middle of the site allowing views through the site..
- 8.8 Since the last approval the NPPF has replaced previous guidance within PPG2. Paragraph 89 of the NPPF states:
‘ that the Local Planning Authority should regard the construction of new building as inappropriate in Green Belt except for a number of exceptions. One of these exceptions which is relevant to this application states
‘Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development’

- 8.9 The NPPF is the most relevant material consideration in relation to Green Belt policy and replaces policy N33 in the Development Plan as it is later, national policy and up to date. The additional land proposed in this application was in the operational area of the former Aire Valley Dye Works which incorporated a boundary wall, outbuildings, a mill pond, tanks and structures which were constructed between 1924 and 1934. There was also a mill pond, haul road and later air raid shelters.
- 8.10 The former mill buildings on the site had a total footprint of 17,457m² and due to their significant height a total volume of 152,029m³. The current proposal when added to what has already been constructed results in an increase of the footprint to 5,545m² and a total volume of 42,287.5m³. This equates to 32% of the original mill building and 28% of its volume. In this context the proposals for the revised scheme still offer a significant reduction in both footprint and volume over the previous mill buildings. Officers have therefore concluded that the proposal has less impact on the openness of green belt overall than the former industrial complex, although more than the previously approved scheme, and that the purposes of including land in the Green Belt are not unduly harmed by the proposal. As such the development falls into one of the exceptions categories in para 89 and is not inappropriate.

Layout and design

- 8.11 The layout and the design of the buildings varies from the approved scheme in a number of ways. There were some apartments along with a large area of POS in the centre of the site which allowed for views out of the site along the valley bottom. This scheme now has houses in this central area but as they are set back from the road and overall will be lower in height than the apartments they replace there will still be views over and through the houses to the wider valley beyond.
- 8.12 Whilst the loss of much of the central portion of open space is regrettable it is one of the compromises which are required to enable a viable scheme to progress. It is also preferable to use this area than to expand the site further onto undeveloped land to the south.
- 8.13 There are some plots on the proposed development which are tighter in terms of space and garden sizes but generally the layout is considered acceptable. The introduction of a variety from other house types of the same family are generally welcomed. The design of the larger new apartment building is similar to the existing apartment buildings on the site. The existing houses are mainly 3 storey town houses in terraces with garages on the ground floor with living quarters on the second and third floors. The new houses proposed include some terraces, some semi detached and a few detached. Whilst some of the house plots still have garages on the ground floor the houses are generally lower in height and some have dormers in the roof space. This is considered acceptable in design terms. The other properties on the site are different being the classic house design of lounge/kitchen on the ground floor and being 2 and a half storey instead of the 3.
- 8.14 On the additional piece of land to the south and where the built form ends it has been designed as a farmhouse with courtyard behind to give a more rural feel. It is felt by officers that some detailed design work is still needed to improve the appearance of the scheme but that is a matter of detail which can be resolved if members are content with the overall scheme and its layout and numbers.
- 8.15 The southern boundary is clearly defined by the remains of a wall, entrance pillars and a tree line. Adjoining the river the entrance pillars will give public access to the

land beyond to be used for recreational purposes and included in the Section 106 agreement as such.

- 8.16 On balance to assist the completion of the site the layout ,design and scale are considered acceptable subject to some detailed points which can be resolved through officer delegation.

Highways

- 8.17 In relation to highways the off-site highway works on Pollard Lane have already been completed. The change in residential units does not require any additional off site highway works. The original scheme as part of the s106 agreement was to fund a shuttle bus from Leeds and Bradford Road down to the site so residents could link up with the existing bus services. It has been accepted that the take up for this bus shuttle will be low and there have been discussions with Metro and highways officers into how else could the money be spent. It has been agreed that an existing footpath will be upgraded to provide a safe pedestrian access from the site to the proposed Kirkstall Forge railway station and improvements towards the canal tow path. The sum required is £123,000 and payments will be phased through stages of the occupation of dwellings.

- 8.18 The internal layout is revised to not include a turning head to accommodate a shuttle bus as this is no longer required. There is a concern regarding the private road for plots 38 to 45 as it is more than 5 dwellings off a private highway so this needs to be altered. The proposed internal layout and the level of car parking proposed are acceptable and the scheme should not have a detrimental impact on the safe and free flow of traffic.

Greenspace

- 8.19 There are some elements of greenspace provided within the development and these can be covered by the Section 106 agreement and conditions for landscaping. The application does involve improvements to an area of open land beyond the application site and this is considered acceptable in principle. There are still ecological issues to be addressed regarding the access and formal works within this area but this can be negotiated by officers whilst the Section 106 agreement is being drawn up , agreed and signed.

Education

- 8.20 The scheme now involves a higher percentage of family homes than the previous scheme so a contribution to education is now required. This amounts to 10 primary school aged pupils and a commuted sum payment of £115,920. Negotiations on this point are ongoing and will be reported to members at Panel.

9 Conclusion

- 9.1 Overall officers are supportive of finding a way for the development here to be completed and ensuring that the scheme is viable for the developer and implemented. The introduction of a higher proportion of family houses is welcome whilst recognising that they involve a greater land take. The delivery of family housing on a brownfield site within the 5 year housing land supply is clearly of importance and to be encouraged. Whilst the proposal involves the loss of much of the central POS area and additional development on land to the south officers have concluded this is not inappropriate having regard to para 89 of the NPPF.. The proposed additional footprint and volume is significantly less that the buildings that

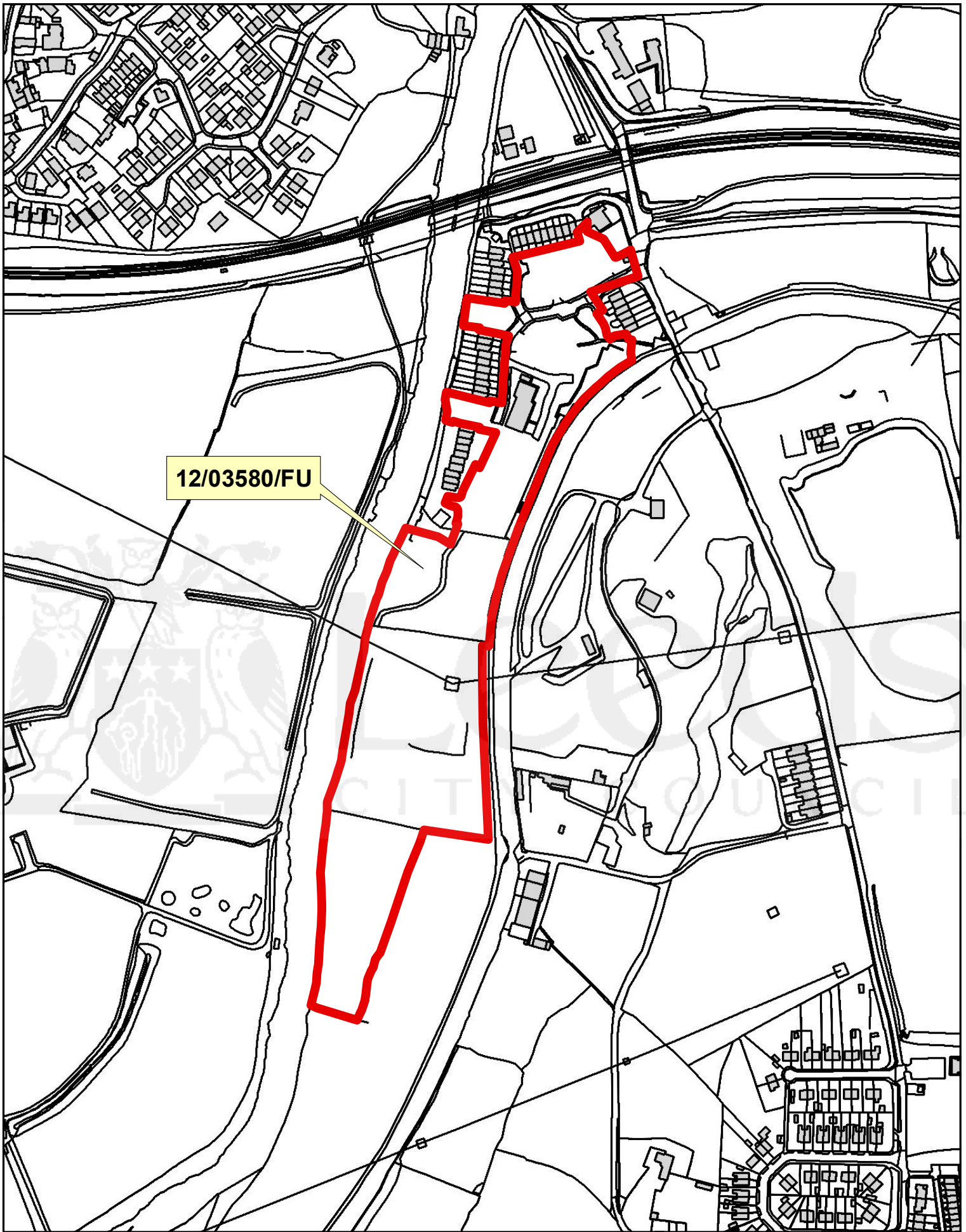
existing when the site was used as an industrial use so the impact on openness is reduced overall and is within the industrial curtilage that previously existed.

- 9.2 Negotiations are ongoing in relation to the education contribution and the updated position will be reported to members at Panel. Whilst some compromises have to be made to ensure delivery of the scheme it is considered on balance that these should be supported. To ensure delivery it is recommended that implementation be conditioned to within a year of approval. Officers also recommend that the application be deferred and delegated to ensure the Section 106 is completed and that any further detailed design discussions can take place and proposals for the greenspace area finalised.

Background Papers:

Certificate of ownership: signed by applicant

Planning application file



12/03580/FU

SOUTH AND WEST PLANS PANEL

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

SCALE : 1/3500

