



## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 15 October 2015

Subject: 14/06918/OT Outline application (all matters reserved except for partial means of access to, but not within, the site) for circa 335 residential units and 149 sq m of ancillary retail (Class A1)

#### APPLICANT

Burford Delta Ltd

#### DATE VALID

09.12.2014

#### TARGET DATE

16 October 2015 (extended)

#### Electoral Wards Affected:

Weetwood, Horsforth and Kirkstall

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:

1. Affordable Housing provision of 5% of the total number of units constructed of which 40% of which should be disposed of to households on lower quartile earnings and 60% to households on lower decile earnings.
2. Access and maintenance of publicly accessible public realm areas and biodiversity enhancement scheme for adjoining woodland areas of the site.
3. 10 years of funding for the hopper bus service to serve Horsforth train station and off peak destinations including Holt Park.
4. A Travel Plan monitoring and evaluation fee of £4075.00.
5. A contribution to the travel plan of £50,000.00 for failure to meet the travel plan targets for the hopper bus service, £25,000 towards the carclub scheme, metrocards £251,075 for residents as detailed in the Travel Plan. Improvements to the cycle lockers at Horsforth train station.
6. £60,000 towards bus shelters and real time displays plus any additional kerbing and bus stop clearways.
7. Employment and training opportunities for local people.

**8. Rail halt land and land for multi storey car park (Max 3 storeys) reserved. In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

Conditions

1. 1 year Time Limit on Outline Permission (reduced to reflect viability or updated viability will be required after this time).
2. Outline condition with phasing.
3. Outline condition, Reserved Matters approval will be required for Layout, Scale, External Appearance, and Landscaping.
4. Material Samples (surfacing, walls, roofs, boundary treatments etc).
5. Retention of Garage/Car Port as such for lifetime of development,
6. Laying out of hardstandings laid out sealed and drained
7. Levels details.
8. Separate System of Drainage.
9. Scheme for investigation of infiltration methods for drainage scheme to be approved
10. Surface water drainage works scheme required including relating Network Rails and Yorkshire Water requirements.
11. Surface water run-off limitation scheme required.
12. The development will proceed in accordance with the submitted Environmental Impact Analysis (EIA).
13. A method statement with details of the proposed Great Crested newt mitigation to be submitted.
14. Agreement of Dust Action Plan.
15. A scheme of archaeological mitigation and recording is required.
16. Protective fencing to woodland adjacent to access roads.
17. No development shall take place until an Ecological Design Statement (EDS) that addresses adverse impacts on light-sensitive commuting and foraging bats (specifically to address impacts on Myotis bats) caused by the new access road from the Quarry to Silk Mill Way and Clayton Wood Road has been submitted to and approved in writing by the LPA
18. Prior to commencement of development a Badger Mitigation Plan will be submitted to and approved in writing by the LPA.
19. Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the LPA.
20. Prior to the commencement of development a Method Statement for the control and eradication of Cherry Laurel, Montbretia, Rhododendron, Japanese Knotweed and Buddleja shall be submitted to and approved in writing by the LPA.
21. Prior to the commencement of development a Biodiversity Enhancement & Management Plan for both the Quarry site and Oak Farm (BEMP) shall be submitted to and approved in writing by the LPA.
22. Prior to commencement of development a "Lighting Design Strategy for Bats" shall be produced by an appropriately qualified ecological consultant and submitted to and approved in writing by the LPA.
23. Prior to commencement of development an Open Mosaic Habitat (OMH) Ecological Design Statement (EDS) will be submitted to the LPA and approved in writing. The EDS will include a minimum 10 metre width of OMH immediately adjacent to the Proposed Quarry Edge Treatment area along the north-west quarry edge as shown on the Illustrative Master Plan dated 20.05.15 Revision G Drawing 513A-22G.

24. Prior to the commencement of development the LPA will receive either confirmation of a licence from Natural England for Newts relocation or confirmation a licence is not required
25. Implementation of landscape scheme.
26. Tree report update required.
27. Method statement for tree care.
28. Work to treat and landscape the quarry edges shall take place in accordance with the report and drawings contained within the Whitby Bird Engineering report or to any variations first agreed in writing with the local planning authority.
29. The developer shall undertake recording and monitoring of archaeological features on site and provide a written report for the Archaeological Service on any findings and required actions.
30. Off site highway works including access on to Ring Road to be completed prior to the commencement of development within the main former quarry site and footpath improvements to access local services and schools.
31. Silk Mill Way access to be completed and made available prior to occupation of any dwellings.
32. Hopper bus service to be in place and available prior to first occupation of any dwelling and thereafter retained and maintained for a minimum period of 10 years.
33. The Environmental Statement (Ref: Ramboll, 33415ESVol1\_RO1, 25/11/2014) and letter (Ref: Ramboll, 61033415/ENV/150226/LO1, 26/02/2015) indicates that further ground assessment works are required.
34. Construction management plan, including hours of construction and deliveries, noise from plant and equipment.

## **1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel to allow Members to consider the redevelopment of a large brownfield site which although having benefitted from an Outline planning permission since 2010 has been unable to be brought forward for Reserved Matters and ultimately redevelopment. The main reasons for this are due to the significant costs associated with the remediation works required to make the quarry suitable for development, the significant off site highway works also required before house building can commence, a large Section 106 obligation and also due recession factors.
- 1.2 Members are asked to consider the issues set out as material planning considerations that are pertinent the ability to bring this site forward.
- 1.3 This site was acquired by Burfords in around 2004 and was bought as part of portfolio. An Outline application was submitted in 2006 following pre-application discussions with Officers and a public consultation event with the local communities bordering the site. The 2006 Outline application was designed with high density, apartments and 3 storey townhouse accommodation in mind which was a product of the planning policy requirement of the time to maximise previously developed land. The 2006 scheme also included a significant amount of commercial floorspace, including a gym, hotel, retail, offices, cresse and pub restaurant. The masterplan was ambitious in seeking to create a new community within the Quarry but due to the amount of development being proposed and the planning issues this generated in relation to ecology, sustainability, highways implications and agreeing a Section 106 package the length of time these matters took to resolve meant the application fell into the recession period. At this time the desire for high density apartments and townhouses also changed and the housing market reverted back to lower density traditional two storey housing.

- 1.4 The developer was unable to sell the site or partner with a house builder. The site was actively marketed with only one expression of interest which did not materialise. The developer and Officers had several meetings post 2010 and formal mediation discussions were commenced by a Homes and Communities Association backed scheme to bring 'stalled' sites forward. The Government also produced a number of initiative and good practice guidance documents to help stimulate the development industry and promote house building as a way of helping the economy recover. In addition the introduction of the NPPF in 2012 recognises the implications viability has on bringing stalled sites forward for redevelopment. In addition including sites within a 5 year housing land supply assessment requires those sites to be viable. This site makes an albeit modest contribution towards the Council's current 5 year housing supply position.
- 1.5 In 2011-2014 in response to the recession the Council as part of a series of measures designed to encourage development lowered the Affordable Housing requirements. The site went from being in a 25% affordable housing area down to a 15% requirement. The 2006 Outline permission had a Section 106 agreement to provide 25% affordable housing which was a factor in why the viability of the site had prevented it coming forward for redevelopment. At this time the developer was actively seeking to engage with the Council with a view to bringing the site forward with a revised Section 106 package that would achieve 15% affordable housing, education requirements and a hopper bus service within a lower density predominantly housing led scheme.
- 1.6 The developer submitted the current Outline application in the autumn of 2014 shortly afterwards the Core Strategy was adopted and the affordable housing requirement for the site had jumped to 35%. The CIL levy had also identified the site as being within zone 1 of the charging zones which equates to £90 per square metre of floorspace created. These shifts in policy added significant costs back onto a scheme that was already loaded with significant up front infrastructure and remediation costs.
- 1.7 Members are advised that having regard to the protracted planning history and circumstances of the site are necessary in the determination of this application. Members are asked to defer and delegate the approval of this application with a reduced affordable housing requirement which has been reviewed by the District Valuer. Members should note this is a brownfield site, in the main urban area where the principle of residential development has been previously agreed. It regenerates a site which suffers from antisocial behaviour. It can be made sustainable with the introduction of a hopper bus service. It provides a high proportion of family sized houses with a number of apartments. It safeguards land for a rail halt and multi storey car park which otherwise could be developed for housing. It also makes a significant CIL receipt and also creates large areas of public open space and safeguards a Great Crested Newt community in purpose built habitats. All of these factors align with the aims of the Core Strategy.
- 1.8 This is a balanced recommendation as the reduction in affordable housing provision will prejudice those waiting for affordable units in the locality but Members are advised that agreeing to a reduced provision brings this stalled site forward and without this compromise it is unlikely the site will come forward.
- 1.9 Weetwood Ward Members acknowledge the harm arising from the reduced number of affordable units generated by the site but are supportive overall of the redevelopment of the site for the reasons cited above. They also consider that the re-use of an existing brownfield site is preferable to the release of greenfield and

greenbelt sites within their ward. The Horsforth Ward Members do not support the application as the proposed hopper bus service will bring future residents to Horsforth Train station which they consider is over used and needs infrastructure including additional car parking. They suggest the bus should route to Kirkstall Forge train station. They are also concerned that the application does not proposed an significant works to Low Lane Roundabout which they have an aspiration to signalise similar to that undertaken at Rodley and Horsforth Roundabouts.

## **2.0 PROPOSAL:**

- 2.1 The proposal relates to an Outline Planning Application which seeks approval for the principle of up to 335 dwellings, with up to 275 dwellings in the Main Quarry and a further 60 flats on the Ring Road frontage site. A small A1 retail unit is also proposed on the frontage site.
- 2.2 The Outline Application includes the detail of the Access proposals which include a new cross road traffic signal controlled junction across the Ring Road aligned with Fillingfir Drive. A new access road would also be created at the northern end of the site out on to Silk Mill Way. The access proposals are similar to the previous 2006 Outline access proposal. The only difference relates to the position of the new access onto the Ring Road which will align with Fillingfir Drive. The 2006 application moved Fillingfir Drive north to align with Clayton Wood Rise.
- 2.3 All other matters are reserved. An indicative masterplan has been supplied to show that 275 dwellings can be created in the main quarry, with associated internal spine roads, open space areas and an ecological buffer zone to the western quarry wall to allow of ecological enhancements and retention. The indicative masterplan shows a flat scheme on the frontage site facing the Ring Road for up to 60 flats.
- 2.4 The Outline application is accompanied by an engineering document (Whitby Bird quarry wall treatment and landscaping). This document sets out the proposals for the existing quarry walls and surface that is required to make the quarry safe and suitable for residential development. This document was form part of the approved list of plans and would allow the developer to take this site to the market place and secure a volume residential developer in the knowledge that they can accurately establish the developable area of the site, the works required to remediate the quarry floor and walls and cost that accordingly.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises a former sandstone quarry and landfill works, with surrounding ancient woodland on the higher levels above the worked quarry and a cleared area of land formerly home to business/office buildings on the Ring Road frontage. The site is discretely located and is largely screened from view from any highway surrounding the site by mature trees and also by the topography of the land. The site is approximately 25ha in size. The site is situated in a mixed area, however it is predominantly residential but with business park development along the Ring Road with some A3 use. The site drops in level some 65m from Silk Mill Way at the northern end of the site to the Low Lane roundabout at the south. The site cannot be seen from either the Ring Road to the east or from Silk Mill Way to the north and west due to substantial tree covering around the top of the quarry. There is currently only one vehicular access into the site from Clayton Wood Road a short spur off the Ring Road. The Leeds-Harrogate railway line forms the south/west boundary of the site.

- 3.2 The quarry walls are exposed primarily on the western side. The quarry also has steep embankments on the eastern and northern edges. The quarry floor in places is approximately 15-20m lower than the top of the quarry edges. The floor of the quarry is undulating in nature and comprises a number of former haul roads, benches and faces which mark the extent of the former sandstone workings. There is an existing colony of Great Crested Newts in the quarry floor.
- 3.3 To the north and west outside of the site are located traditional post war dwelling houses, predominantly 2 storey in nature. To the south of the site beyond the railway line is further post and pre-war housing stock. Across the Ring Road is located two post war residential tower blocks and to the south of them is located a row of two storey terraced housing.
- 3.4 To the north of the site where the proposed Silk Mill Way access is to be created is located a swathe of mature ancient woodland. Within the woodland but outside of the site is located a scheduled ancient monument.
- 3.5 The site was allocated within the now withdrawn UDP as an identified employment site under policy E8 as a Key Employment site and also under policy E4 (18) and the northern end of the site on the upper part of the site the land is identified as proposed Open Space under policy N5 of the UDP. The whole site is 'washed over' as Urban Green Corridor (N8). All of these policies have also been 'saved'. The draft Site allocations plan which is out for public consultation has the site allocated for Mixed Use (MX1-2 reference in draft Site Allocations Plan). Suitable site for residential and employment uses.
- 3.6 The outer perimeter of the north, east and west flanks of the site were allocated as a Leeds Nature Area and were allocated as Green Space under policy N1 of the UDP, this policy has been 'saved' this area of the site will be retained as open space.

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline application to layout access including amendments to ring road, to erect multi use development comprising housing, offices, hotel, public house, pub-restaurant, creche, gym, medical centre, land for multi storey car park, nursing home and retail was approved on 26.03.2010, planning reference 06/04013/OT.

<b>Mix proposed:06/04013/OT 2006 application</b>
<b>B1</b> (Office) 16,1544 m
<b>C1</b> Hotel – with A3 6,7056 sq.m and 3,048sq.m
<b>A1</b> (Retail) 609.6sq.m
<b>D2</b> (gym) 1,219.2sq.m
<b>A4</b> (pub/restaurant) 51,524sq.m
<b>D1</b> (Medical ) 1,828.8sq.m
<b>D1</b> (Creche) 1,524sq.m
<b>C2</b> (Nursing Home) 13,716sq.m
<b>C3</b> Houses and flats up to 485 dwellings in total

- 4.2 The above application was for a more intensive scheme on this site of up to 415 dwellings in the main quarry which would have seen a lot of 3 storey town house style dwellings and flats and a large amount of office space and other commercial

uses including a hotel on the frontage area of the site facing the Ring Road. However due to significant costs associated with remediating and preparing the quarry for development and off site highway works, coupled with a 25% affordable housing S106 requirement the density of the site was not attractive to volume house builders. In addition the timing of the site achieving planning permission was at the height of the recession. The developer has not been able to bring the site forward since achieving planning permission and it is on that basis that the revised outline application was submitted for a lower density residential only scheme of fewer larger two storey housing and a reduced S106 package.

- 4.3 07/06005/FU: Engineering works to create wildlife pond with associated landscaping at Oak Farm, Horsforth (south of the Leeds Harrogate Railway line). Approved December 2007 and now constructed and the landscaping has established ready for the Newts to be translocated.

## **5.0 PUBLIC/LOCAL RESPONSE:**

- 5.1 One letter of support has been received to the publicity of this application. The residents makes comments on the detailed construction and design of the proposed Silk Mill Way access road and would like to see the details of the road design in order to understand the impact on the trees.

## **6.0 CONSULTATIONS RESPONSES:**

### **6.1 Statutory**

The Environment Agency state that they have no objections to the proposal.

Flood Risk Management have no objection subject to conditions.

Natural England have no objection in relation to the proximity of the development to a SSSI – the Leeds Liverpool Canal Site of Special Scientific Interest.

English Heritage support the application. The site lies immediately adjacent to the scheduled monument known as ‘Stone hut circle settlement in Clayton Wood on the south west side of Iveson Drive’ (NHLE Ref:1018814). They agree with the assessment of impact within the Archaeology and Cultural Heritage chapter of the Environmental Statement (Volume 1). They welcome the recognition that there may be minor impacts on the monument from the construction and occupation phases of the works and suggest robust measures are put in place to prevent this. They welcome the location of the proposed access road onto Silk Mill Way as this will act as a buffer to the monument and subject to appropriate design any houses in the location should be acceptable.

Coal Authority- No objections

Network Rail With reference to the protection of the railway, Network Rail has no objection in principle to the development subject to conditions

Highways No objections subject to conditions and hopper bus solution to help make the site more sustainable in accessibility terms.

The Silk Mill Way traffic calming scheme would be included in the Section 278 agreement. The type of calming and location of cushions/ tables would be agreed

during the detailed design after a reserved matters application and following consultation with bus operators.

## **6.2 Non-statutory:**

Nature Conservation - the updated Illustrative Masterplan dated 20.05.15 No.513A-22D is acceptable from an ecology perspective – it now shows:

1. the Open Mosaic Habitat adjacent to the Quarry Edge Buffer along the north-western edge of the quarry – the details of which can be agreed at Reserved Matters
2. a revised road layout along this boundary that should avoid the location of back gardens onto the Open Mosaic Habitat
3. the removal of woodland gardens north of the Clayton Wood Gateway apartments

West Yorkshire Archaeological Advisory Service state that due to the site's significance to Leeds and the history of engineering, a programme of archaeological recording is required.

Yorkshire Wildlife Trust & Buglife – Both objected to the original masterplan due to the loss of biodiversity priority habitat and the impacts on invertebrates. They have not commented upon the revised plan which shows the Open Mosaic Habitat adjacent to the Quarry Edge Buffer along the north-western edge of the quarry.

Children's Services - have calculated that this development, should it be granted planning permission based on the number of dwellings indicated (335 units), would generate an additional 12 primary aged children per school year group. We would also expect this number of dwellings to generate an additional 7 secondary aged children per year group. Therefore, if planning permission was granted Children's Services would be seeking the maximum possible CIL contribution towards the costs of expanding both primary and secondary school provision to meet this additional demand. A Full CIL contribution would be paid.

## **7.0 RELEVANT PLANNING POLICIES:**

### **7.1 National Planning Policy Framework (NPPF)**

7.2 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

7.3 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to state that there should be a presumption in favour of sustainable development.

7.4 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.5 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.



- 7.6 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 7.7 Paragraph 126 states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.
- 7.8 The Development Plan for Leeds currently comprises the following documents:
1. The Leeds Core Strategy (Adopted November 2014)
  2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
  3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
  4. Any Neighbourhood Plan, once Adopted
- 7.9 **Core Strategy**
- 7.10 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.
- 7.11 Policy T2 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.
- 7.12 Policy G4 On site provision of green space of 80 square metres per residential unit, will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of green space.
- 7.13 Policy G8 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 would cause any harm to internationally designated sites, or would cause harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan (UK BAP and WY BAP) Priority species and habitats. In considering development proposals affecting any designated sites and UK or WY BAP Priority species or habitats, the needs of the development and the requirements to maintain and enhance biological and geological diversity will be examined.
- 7.14 Policy G9 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.
- 7.15 Policy H4: Policy to achieve an appropriate Housing Mix on residential sites.
- 7.16 Policy H5 Policy which incorporates Targets and Thresholds for the Affordable Housing Market zones.

7.17 Policy P10: Design states that:  
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

7.18 Policy EC1 General Employment land considerations

7.19 Policy T1: Transport Management states that support will be given to the following management priorities:

c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.

## 7.20 **Leeds Unitary Development Plan Review Retained Policies**

7.21 Policy BD2 (Design and siting of new buildings)  
Policy BD5 (All new buildings and amenity)  
Policy GP5 (All planning considerations)  
Policy E4 (Allocated employment sites)  
Policy N1(Greenspace)  
Policy N5 (Proposed Greenspace)  
Policy N8 (urban Green corridors)

## 7.22 **Leeds Natural Resources and Waste DPD 2013**

7.23 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding land use, energy, coal recovery, drainage, and waste will be relevant to this proposal.

## 7.24 **Supplementary Planning Guidance**

7.25 Adopted Supplementary Planning Document 'Travel Plans' (February 2015)

7.26 Neighbourhoods for Living SPG

7.26 Street Design Guide SPD

## 8.0 **MAIN ISSUES**

1. Principle of the proposed development.
2. Sustainability/Highway issues.
3. Environmental/ecological issues.

4. Masterplan/creation of community.
5. S106 Package.

## **9.0 APPRAISAL**

### 9.1 Principle of the mix of uses

9.2 The proposal is for a predominantly residential scheme with a small scale commercial unit. The development would involve the regeneration of a large brownfield site. The site is brownfield within the main urban area. It is an identified housing site with mixed uses (housing and employment) in the list of sites proposed in the draft Site Allocations Plan, reflecting the previous planning permissions on the site. The principle of residential use is therefore accepted. The 2010 permission also includes retail use up to 232 sqm, therefore the proposed retail floorspace (149sqm) is also accepted.

### 9.3 Sustainability/Highway issues.

9.4 There is no objection in principle to the proposals subject to the site being made genuinely accessible by non-car modes of transport. The access strategy, with connections to the highway at the A6120 via Clayton Wood Road and onto Silk Mill Lane, is acceptable in principle and is similar to the 2006 Outline Access proposals. The access onto the Ring Road has been amended during the course of the application to create a new road from the site, through land formerly of the Gilchrist Studio (now demolished and the site cleared). This new road would align with Fillingfir Drive on the opposite side of the Ring Road. This junction would be signalised. A similar signalised crossing was approved as part of the 2006 Outline application. The 2006 application moved Fillingfir Drive north to align with Clayton Wood Rise. In order to keep costs down by retaining Fillingfir Drive in its current location a saving of around £1,000,000 can be achieved by not needing to divert a high voltage cable that exists on the Fillingfir Drive side of the Ring Road.

9.5 Individually the impact on the highway network generated by this application is not significant but in viewing the overall effects on the network, when taking account of general growth envisaged over the lifetime of the Core Strategy and in particular at the Low Lane roundabout this development will add to an already congested junction. The previous 2006 application included the creation of two lanes on the Ring Road approaching Low Lane roundabout from the site and a pedestrian crossing near to the Petrol station and Woodside Public House. The current application does not generate enough traffic to require these works and therefore a Section 106 contribution towards roundabout/ring road improvements cannot be justified against the CIL requirements of being necessary. In addition as there are no highway proposals in the Council's 123 CIL list, money from CIL cannot be readily spent improving this junction, alternative sources of funding need to be found. There is no specific scheme in place in which to pool a contribution towards Low Lane Roundabout improvements. It should also be noted that given the viability issues around the delivery of this site adding further financial obligations on this development will make it even harder for the site to be built out. Highways officers had initially suggested a contribution towards Low Lane roundabout could be requested but for the reasons of viability and also meeting the CIL Regulations this contribution was not able to be pursued. In the planning balance therefore the lack of works to improving the Ring Road approach to Low Lane roundabout is a dis-benefit of the current application over the more intensive 2006 mixed use scheme but is not in itself a reason to resist the planning application.

- 9.5 The site is in a relatively inaccessible location. The walking distance to existing bus stops is below the 400m required in the Core Strategy. This is exacerbated by the steep gradient; there is a level difference of approximately 65m across the site. This will increase the walking time to access buses and would make it much more difficult for the elderly and disabled. The Transport Assessment states that the site meets the Core Strategy accessibility standards in terms of the walking distance to local services. However, even without taking into account the gradient, the nearest convenience store and post office are beyond a 10 minute walk. (Whilst the application contains a proposal for a local shop, there is no guarantee that this would be commercially attractive to an operator). The proposal meets the minimum walking distance to the primary and secondary schools. Improvements such as surfacing will be required to several existing footpaths that provide links between the site and existing facilities such as schools.
- 9.6 The 2006 Outline application included two bus schemes for the site, the first involved extending the No.56 Bus Service from The Kirkstall side of the Ring Road down Fillingfir Drive and into the site to loop back across the Ring Road and back through the Hawksworth estate towards the city centre. The second bus scheme involved a local hopper bus services to be created to serve the site and go to destinations in Horsforth and Holt Park. Given the scale of the development has been significantly reduced from the 2006 Outline application only one bus scheme is now required.
- 9.7 A shuttle bus has been proposed as the applicant has stated that the extension of the 56 service into the site (as agreed for the larger scheme that was granted approval) could only be viable for a 5 year period. In pre-application discussions the applicant argued that a shuttle bus, similar to that provided with the Clariant scheme, could be funded for 10 years and that this would increase the likelihood of the service being commercially viable beyond the funding period. The proposed bus service replicates the model used at the Redrow Riverside Mill / Clariant site which provides a shuttle service is Horsforth railway station for 10 years opposed to the usual 5 years. The route suggested in the TA seems logical but has drawn objections from Horsforth Members due to existing capacity and infrastructure issues with this station. The suggestion to go to Kirkstall Forge station was examined but due to the distance involved and the need to maintain a high frequency service, at least 2 buses would likely be required. The estimated cost of one bus over 10 year period is £1.5M. Given the financial constraints of the scheme routing to Kirkstall Forge is not viable and cannot be justified in Planning terms when Horsforth station is achievable and recently has had programmed improvements scheduled to address the concerns raised.
- 9.8 With respect to the rail provision to the site, land within the site has been safeguarded to facilitate the delivery of a rail halt. There is no recent work that can be used to indicate what the land requirement for a station and car park may be. The 2006 Outline Permission included the land for both a Rail Halt and land for a mutli storey car park, up to 3 storeys high. This has been safeguarded in this current application.
- 9.9 The rail offer is a significant reduction from the original application that was going to provide funding for the feasibility to GRIP 4 stage and fund some of the rail construction of the a rail halt at the site. WYCA's current position is that Horsforth Woodside is considered to be a site for further investigation in the medium-to-long term, but not a high priority. A particular issue is that the catchment would be likely to overlap with, the NGT terminus (about 1.5km away), but also with Kirkstall Forge station (about 2.0km away). There are also other variables too, such as whether the

line will be electrified and the impact this may have on train stopping patterns. If these issues are overcome, securing the funding to build a station would remain a major stumbling block (that the original application dealt with in part). It should be noted that in safeguarding the land for the rail halt and car park this land is not available for housing development and is another factor in reducing the developable space available on site which impacts on the overall viability of the site.

9.10 Environmental/ecological issues.

9.11 This site does have features of considerable countywide (West Yorkshire) and local ecological interest, made up of woodland above the quarry edges and a mixture of other valuable habitats across the quarry floor and edges – all of which are important at a countywide level. A number of important plants have been identified that are significant at a countywide level, as well as features that are important for European Protected Species including Great Newts and Bats. All 11.5Ha. (100%) of the UK BAP Priority Habitat Open Mosaic Habitat will be removed from this site. As was the case with the 2006 Outline Planning Permission. Given the former land use of the quarry, the entire site requires remediating in order to make it safe and fit for houses to be built. This includes both the quarry floor and the quarry walls.

9.12 Core Strategy Policies G2, G8 and G9 have become formally adopted as part of the LCC Development Plan since the previous 2006 permission and need to be considered in relation to the level of impacts and mitigation/compensation for this new scheme. The NPPF also has policy wording that has a different emphasis since the previous consent.

9.13 In response to this changing policy context the applicant has amended the indicative masterplan to help ameliorate the loss of the biodiversity from the site. Updated Illustrative Masterplan dated 20.05.15 No.513A-22D is acceptable from an ecology perspective as it creates an ecological buffer along with entire western quarry wall side. A minimum of 10metres from the floor of the quarry wall edge will be maintained. This should create an area of some 3.5ha of continuous ecological buffer and enhancement that offsets the loss of the existing situation and will relate well to the ancient woodland located on the top of the quarry wall boundary.

9.14 The site has been identified as being important for foraging and commuting bats which use the edges of the woodland around the quarry. The creation of the two access roads and the railway link will impact on the ability of bats (which includes some Myotis species which are more sensitive to light levels) to continue moving from one woodland edge area to another. The Environmental Statement concludes that provided there is no lighting on these sections of the access road and tree planting in the highway verge allows trees to form a canopy over the new roads then there will be little long-term impact – and suggests these design aspects can be agreed at detailed submission stage. It seems likely that there will need to be lighting along the new access roads for both safety of cars and pedestrians (and at the rail platform and parking area). These impacts need to be carefully designed and controlled through conditions and detailed layout at Reserved matters stage.

9.15 There is an existing Great Crested Newts (GCN) colony located in the existing water features located in the centre of the quarry site. The levels of surveys for this species that have been carried out are sufficient to determine this application. As there will be destruction of breeding ponds and removal of terrestrial habitat used by this European Protected Species there will be a breach of Article 12 of the Habitats Directive and therefore we need to consider whether a licence will be likely to be

granted by Natural England. In order to do this Members need to consider whether the “3 Tests” will be met – we need to consider whether the favourable conservation status of this species can be maintained in this area. The provision of the receptor ponds on land under the applicant’s ownership to the west of the railway will be suitable to receive any GCNs moved from the quarry and having considered the submitted information officers believe this is acceptable in principle. The detail of this can be controlled through planning condition for a GCN Mitigation Strategy. Members should also note that 2006 Outline permission established the principle at the GCN would be relocated to Oak Farm Natural England have yet to formally issue a licence for the Newts relocation but it is understood that Natural England would not object to the Newts being relocated due to the redevelopment requirements of the site and having regard to the enhanced habitats which the developer has created for them at Oak Farm, Horsforth.

- 9.16 A S106 obligation will be required for long-term management of the woodland areas both within the ownership of the applicant and the wider woodland affected by indirect recreational pressure – and a Woodland Management Plan agreed to guide this. The new woodland creation that forms compensation for loss of woodland to the development will also need to be included in a S106 Woodland Management Plan.
- 9.17 Overall the ecological impacts of the development are acceptable. It is acknowledged that bringing the site forward will result in harm to biodiversity. As did the previous application scheme but the compensation measures proposed mitigate the harm and in reaching a balanced decision on the application the merits of redeveloping this brownfield site for housing outweigh the harm arising to ecology.
- 9.18 Masterplan/creation of community.
- 9.19 The indicative layout shows a housing estate of predominantly detached and semi detached dwellings, with a central spine road connecting the site to Silk Mill Way and the Ring Road. The form and layout shown on the indicative plan is considered likely to result in an attractive residential estate within a woodland setting. The scheme should afford future occupiers with a good level of amenity in terms of daylight, size of dwelling and gardens and sufficient off street car parking. Areas of public open space are proposed throughout the development.
- 9.20 The frontage element of the site is a separate character area to that of the main quarry. This site lends itself for higher density flats over 4 storeys. There are examples of flats along the ring road, from the high rise social housing schemes opposite to more modern 3-4 storey flat blocks approaching Low Lane Roundabout.
- 9.21 The detail of the layout, external appearance and landscaping are matters reserved but overall it is envisaged the site will create a high quality attractive residential development that respects the landscape setting and provides a good quality environment for a range of future occupiers.
- 9.22 Following the adoption of the Core Strategy in November 2014, planning applications for residential use should be assessed against Policy G4 which requires 80sqm of greenspace per units on site.
- 9.23 The application site lies within the Weetwood ward, an area with an identified shortfall of greenspace provision, therefore applying the provisions of Policy G4, provision should be made for 3.32 ha of on-site greenspace. It is noted from the

Design and Access Report that 10.73 ha of 'green infrastructure' is proposed, although it's not clear whether this includes the area earmarked for the proposed rail halt. The indicative layout identifies a number of areas of greenspace across the site including a children's play area (LEAP). At this outline stage, the greenspace policy requirements appear to be addressed by the application although clearly more details will be required at the reserved matters stage.

### Section 106

- 9.24 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
- 9.25 There is a requirement for a number of obligations that sit outside the Community Infrastructure Levy regime. As such a Section 106 levels agreement is required for the following obligations;
1. 5% affordable housing provision, 40% of which should be disposed of to households on lower quartile earnings and 60% to households on lower decile earnings however this is subject to a financial viability appraisal.
  2. Access and maintenance of publicly accessible public realm areas and a scheme for ecological enhancement and woodland management.
  3. A Travel Plan monitoring and evaluation fee of £4075.
  4. A contribution of £50,000 if the hopper bus service does not produce the model split required as detailed in the Travel Plan and travel plan measures of metrocards, bus stop improvements.
  5. Employment and training opportunities for local people from the Leeds.
- 9.26 The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.
- 9.27 However, the Applicant has submitted a development appraisal which demonstrates that they consider the development to be not viable based on the proposed scheme if it is required to deliver a full affordable housing contribution. Officers have instructed the District Valuer to independently assess the viability report who has determined that 6.27% affordable housing units can be viably delivered by the scheme with a split of 48/52% sub market to social rented tenure. Members should be aware that consideration of this application is to be accompanied by a separate paper. The applicant has offered 5% affordable housing with a split of 41/59% submarket to social rented tenure which on balance is acceptable to officers in the overall context of bringing this difficult site forward for large scale residential development. The findings are discussed at Confidential Appendix 2 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position.
- 9.28 In considering viability appraisals, timing is a key factor. The appraisal is only valid for a short period of time once it has been agreed. This is due to changes in the

economy and local housing markets which can render the assumptions made by the Valuers at the time open to challenge as economic conditions change. To address this a reduced time frame for the Outline planning permission is proposed along with a short time frame to commence development. This is a standard approach Council's use when agreeing to accept viability as a justification for reduced contributions. In addition a further mechanism exists to allow a future review of the viability of a scheme as a development is built out of a number of years and economic circumstances change. This is known as a Review Mechanism and is written into Section 106 agreements. This works by agreeing a developer profit percentage and then any extra profit that is generated by sales values of houses increasing can be split between the Council and the developer. The Council can then use this to add additional affordable housing units. This option was put to the developer but they cannot agree to this clause in the Section 106 as they consider their existing affordable housing offer is difficult to achieve and relies on an optimistic outlook that house prices will rise and therefore they will be able to achieve a return on their existing investment as the site builds out which allows them to make a profit and ultimately incentive them to bring the site forward for development which is a key component of viability as set out in the NPPF. The details of the profit margins and the estimated housing costs are set out in the Exempt report. Members are advised that the applicant would not sign a Section 106 if this clause was required which would prevent the site coming forward in the short term for housing. As such, on balance Officers consider that the heads of terms set out in the report should be accepted without a review clause being included.

## **10.0 CONCLUSION**

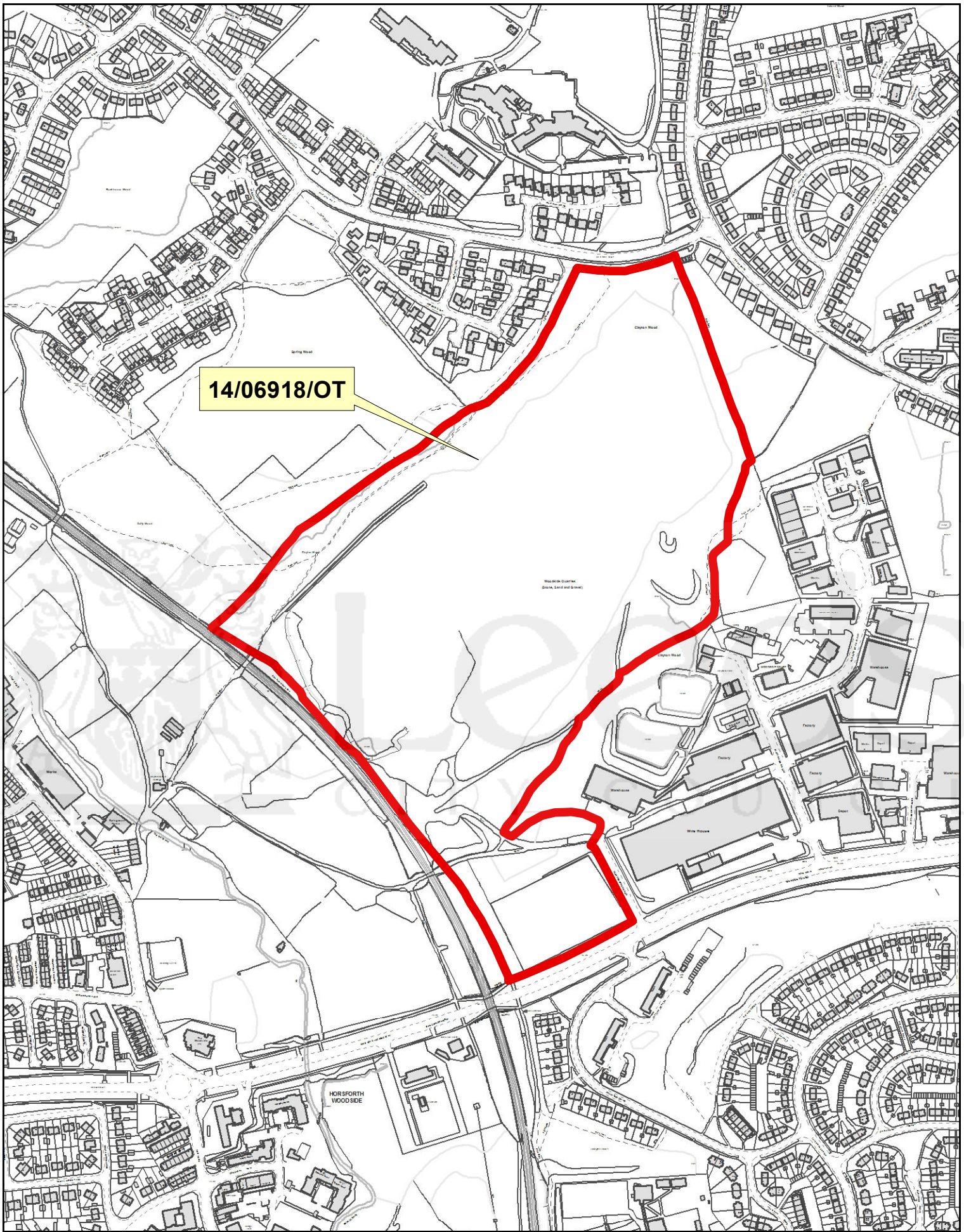
- 10.1 This application relates to a site with a protracted history. At its simplest is a large brownfield site, where the principle of a residential use has been accepted. The previous industrial uses and employment allocation from the withdrawn UDP have long since been abandoned and the site is effectively sitting there doing nothing. It is a brownfield site that has not been brought forward to be redeveloped because of the substantial remediation and infrastructure costs. If Members are able to agree a reduced S106 offer then this site could make a meaningful contribution towards housing in this housing market characteristic area and bring forward a stalled site which ward embers want to see built out for housing.
- 10.2 It is clearly a balanced decision Panel need to make as there is harm arising from the lack of affordable housing, there is also an impact on the existing biodiversity and ecology on the site that has become established over the last few decades as another reminder of the difficulties of redeveloping this site. However, the ecological impacts are mitigated and in some ways enhanced, in particular the relocation of the Great Crested Newt colony to a purpose built habitat at Oak Farm.
- 10.3 There are also impacts on the surrounding highway network that will arise from this development and disbenefits of having to accept the current application over the off site highway package secured as part of the 2006 Outline planning permission. Simply, the 2006 scheme was not viable and the housing market has changed since the time that scheme was conceived and the substantial S106 package attached to the 2006 permission was a factor in why the site has not come forward in the last 5 years. In addition the current application delivers on its planning policy requirements of creating a sustainable travel solution in the form of the hopper bus service and has a detailed travel plan to encourage none car based travel.



10.4 Members have a significant S106 package and CIL receipt arising from this application. Large areas of public open space will be created and land will be safeguarded for a rail halt and multi-storey car park which otherwise could be built upon. Bringing this site forward will add to the Council's housing growth targets and number of affordable housing units will be achieved on site. The application complies with the general aims of the Core Strategy and the saved UDP Review policies. Overall any harm is outweighed by the positive benefits of bringing this housing scheme forward on a brownfield site. There no other material planning considerations that outweigh this finding.

**Background Papers:**

06/04013/OT – Previous Outline application on this site.



14/06918/OT

# CITY PLANS PANEL

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