



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 21st July 2011

Subject: APPLICATION NUMBER: 09/04287/RM - Reserved matters application for laying out of access roads and erection of 138 dwellings, 21 flats in 3 blocks, 41 retirement apartments, 2 storey office block and alterations and extensions to mill building to form 36 flats and 1 office unit and change of use of building to bar/restaurant and 20 space public car park, greenspace and landscaping at Garnetts Paper Mill, Otley; and:

APPLICATION NUMBER 10/03695/FU - Laying out of access road at land adjacent to Gallows Hill, Pool Road, Otley LS21.

APPLICANT	DATE VALID	TARGET DATE
BDW Ltd 09/04287/RM	29.10.2009	PPA 18.03.2010
BDW Ltd 10/03695/FU	10.08.2010	09.11.2010

Electoral Wards Affected:

OTLEY AND YEADON

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

09/04287/RM DEFER AND DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement within 3 months from the date of resolution to include the following: laying out of public car park, affordable housing (59 units of affordable housing, 29 for social rent and 30 for submarket) greenspace (£185,951.21), education (£619,295), travel planning monitoring fee and contributions for cycle way and pedestrian footway improvements and £46,000.00 for bus stops, metrocards for residents and employees & £75,000.00 per annum for 3 years for a bus diversion service and contributions for off site highway works and the construction of the Eastern Access Road (10/03695/FU) prior to occupation of any dwelling at the Garnetts Mill site. The hydro electric turbine shall be brought back into beneficial use and the long term maintenance of the turbine and the pump house shall be secured. All contributions to be indexed linked.

10/03695/FU DEFER AND DELEGATE approval to the Chief Planning Officer

subject to the conditions specified and the completion of a Section 106 agreement within 3 months from the date of resolution to include the following: Mechanism and funding to ensuring that the Eastern Access Road is constructed and made available prior to first occupation or use of any development associated with application 09/04287/RM

Conditions 09/04287/RM

1. Development to be carried out in accordance with approved plans.
2. Highway works to be completed and brought into use prior to first occupation.
3. The new vehicular access and footway/cycleway onto Pool Road must be completed before first occupation of the Garnetts Mill Development (planning application number 10/03695/FU), unless otherwise agreed beforehand in writing with the local planning authority.
4. No vehicular access or egress to be taken to the residential development from Mill Lane and details of the operation of the bus gate are required.
5. A management plan is required for the maintenance and operation of Mill Lane, the bus gate and the flood warning scheme.
6. Pedestrian linkages to Otley Town Centre and connecting path and link to White Bridge to be provided prior to first occupation.
7. Means of Preventing Mud etc on Highway.
8. Removal of Permitted Development rights Part 1, Classes A-H (Extensions, roof alterations and outbuildings).
9. Area used by vehicles to be laid out prior to occupation
10. Prior to the commencement of development a scheme for the protection of the otter holt during the construction phase of the development shall be submitted and approved by the LPA.
11. Prior to first occupation a scheme for the external lighting of the riverside walk and public open spaces areas shall be submitted and approved in writing by the LPA.
12. Hours of use of pub-restaurant and offices to be approved by LPA.
13. Details of the type, style and reveals of window and door frames to be submitted and approved and installed in a manner traditional to the area.
14. Details of proposed works to re-use the hydro electric turbine to be submitted to and approved by the LPA.
15. Updated tree survey and programme of works to be submitted and approved by LPA.
16. Details and plans for extension to Manor Parade Gardens to be submitted and approved by LPA.
17. Construction management plan to be submitted and approved prior to the commencement of development including principle construction access to be via the eastern access road to be built in accordance with planning permission 10/03695/FU.

In approving these reserved matters the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

UDPR Policies: H1A, GP5, BD5, N2, N3, N4, N12, N13, N23, N25, N26, N38, N39, N49, N50, N51, H11, H12, LD1, T2, T5, T6, T24, BC7, BC8, N18, N18B, N19, N20, N21, N22 and H4.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

Conditions 10/03695/FU

1. The Eastern Access Road shall be built to a standard capable of serving the construction traffic for the redevelopment of the Garnetts site as agreed in writing by the LPA.
2. Development to be carried out in accordance with approved plans.
3. The off-site highway works shown on the approved plans must be completed before first occupation of the Garnetts Mill Development (planning application number 09/04287/RM), unless otherwise agreed beforehand in writing with the local planning authority.
4. Details of surfacing materials to be submitted.
5. Levels details to be submitted
6. Landscape scheme to be submitted and implemented.
7. replacement trees and shrubs to be provided.
8. Means of Preventing Mud etc on Highway
9. The Eastern Access Road hereby approved shall not be brought into use until all approved drainage works have been implemented in accordance with full details previously submitted to and agreed in writing by the Local Planning Authority.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N33, LD1, N37, T2, T5

On balance, the City Council considers there are very special circumstances to justify this development in the Green Belt.

1. INTRODUCTION:

- 1.1 This application was deferred from Plans Panel West in May 2011 at the request of the applicant who wanted some further time to look at the Eastern Access Road issues raised by the objectors and also to look at the feasibility of providing a pedestrian footbridge at the western end of the site. The developer supplied additional drawings on these matters which are considered within the body of this report. The drawings were put on the Public Access website and objectors were notified of these additional drawings. The drawings included, alternative options for the Eastern Access Road, 3D visuals and artists impressions of the current Eastern Access Road proposals and drawings showing footbridge options for the western end of the site (discussed in paragraphs 10.7 & 10.9). Member's will recall that in December 2010, this scheme was presented before Panel as a position statement. The applications are now brought to Panel for a determination. Application (09/04287/RM) relates to the former Garnett's Paper Mill site in Otley adjacent to the River Wharfe. The proposal represents a substantial redevelopment on the edge of Otley town centre. Application 10/03695/FU relates to the proposed Eastern Access Road which would serve the residential element of the Garnetts site and would be

accessed via Pool Road, close to the access track to Gallows Hill. Members comments from the December Panel report are shown below:

Members discussed the following issues with officers:

- *Reduction in the mix of uses. Members did note however the developed site would retain some element of destination and public spaces and have scope for further development in the future. The development of the riverside walkway was regarded as an attractive asset*
- *Sustainable access to the site. Members voiced concern over the impact of flooding on the developed site and accessibility for visitors/residents. Officers responded that even if Mill Road was raised; the western area could still be susceptible to flooding. The Panel noted the comment by the Mill owner who stated their records showed the site had not flooded to the point of impassibility in the previous 100 years.*
- *Pedestrian footbridge. Members commented that the area could become an island site particularly for pedestrians in the event of a major flood but recognised that more detail on the flood risk and necessary engineering works to establish a bridge would be required before they could comment further.*
- *Standard of design and quality of materials. Members were keen to ensure the proposals maintained the high quality originally proposed which had promised an exemplar estate. Members sought a consistent palette of materials for the substantial apartment block.*

- 1.2 This application follows on from an Outline planning permission issued first in 2007 ref: 29/267/05/OT (then renewed and conditions varied in 2008 ref: 08/02079/OT) for the redevelopment of the site for a mixed use development comprising, residential, offices, bar restaurant, hotel and nursing home and surgery with a public car park and associated landscaping and new access road to connect the site to Pool Road to the east of Otley town centre. The Outline approval granted planning permission for this mixed use scheme. All matters were reserved except for Access which included using the existing Mill Lane access road onto Bridge Street and creation of a new access road to connect to Pool Road running east out of the site at Gallows Hill. The Outline planning permission did not include any indicative details of the proposed mixed use scheme except for a masterplan which showed the areas of the site where the various uses would be located.
- 1.3 The Reserved Matters application has been submitted in accordance with the Outline planning permission. The notable changes from what was approved in Outline relate to the reduction in amount of office spaces proposed and the removal of the hotel and doctors surgery elements which the developer states have no market in Otley. The Reserved Matters proposal is still a mixed use scheme with the predominant use being residential. It is noted that the Outline planning permission does not contain any planning conditions to restrict the amount of residential development that can be built before commercial elements are built, accordingly it is accepted that the Reserved Matters application can remove some of the Uses approved under the Outline permission.
- 1.4 The Reserved Matters application is twinned with an application for the creation of a new vehicular access at land next to Gallows Hill out on to Pool Road. The application ref: 10/03695/FU has been submitted as the approved access onto Pool Road which the applicants state they could deliver would not be as efficient or as safe as the proposed Eastern Access Road. This application varies only slightly the point of access out onto Pool road which is now proposed to be slightly further to the east; about 40 metres. The proposed Eastern Access Road would be within the Green Belt and represents a Departure from the Development Plan and is inappropriate development. As such very special circumstances need to be

demonstrated by the applicant to justify this element of the scheme. This application would be linked to the Reserved Matters application by Section 106 agreement for the delivery of this access road prior to the commencement of development.

2.0 PROPOSAL:

- 2.1 The proposed masterplan shows the layout of the site. The commercial elements of the scheme are located next to the Mill Lane access road which is towards the western end of the site, nearest the town centre. In this area are proposed the new build offices, amphitheatre, public car park, and pub restaurant. These uses will have vehicular access from Mill Lane. The remainder of the site will be served via the new Eastern Access Road. Behind the commercial elements will be located the start of the housing estate and the nursing home. The retained mill and proposed extension located on the river front will be converted into apartments blending a mixture of contemporary and traditional designs unified by a constant palette of materials. The majority of the new build housing would be constructed out of artificial slate and stone, though the buildings in and adjacent to the Conservation Area would be natural stone and slate as would some of the new build houses to provide a change of appearance and to add interest and variety. The houses would be mixture of 2, 2.5 and 3 storeys. The houses would be of traditional design and appearance including heads and cills, pitched roofs and gable features. The nursing home would be 3-4 storeys in height and would be located in front of a proposed public and vehicular square and would incorporate a tower feature. Car parking would be accommodated mostly within communal courtyard areas. The proposal includes a few flats over garages within the courtyards which are considered important to provide surveillance and ownership of territory to enhance security and separate out private and public spaces.
- 2.2 The public open space would be located to the south of the site, described on plan as the 'ecological park'. This area of land would also accommodate the flood storage capacity for the site. The site would create pedestrian foot paths and cycle routes to link to both White bridge and Otley town centre. This is in line with the aspirations of creating an urban extension to make the site as connected to the town centre as possible and also to create a tourist destination by promoting a circular walk from Titty Bottle Park down to White Bridge and back round through Wharfemeadows Park and via the ecology park if desired.
- 2.3 The site would have two vehicular access points as per the Outline approval, though the proposed Eastern Access Road is about 40 metres east of the location of the Outline approved location. The site however, would not be a through access except for buses and emergency vehicles. A bus gate or similar device will be installed at a point on the internal spine road to control through access at a time of flood or emergency. This gate would be located close to the commercial element of the proposal near to the pub restaurant and offices during times of flood. The remainder of the time an enforcement camera would be used to ensure motorists did not use the spine road as a 'rat run'. Enforcement cameras are starting to be deployed in the City and are considered a more sophisticated method of highway enforcement than a raising bollard or just having a bus gate. Vehicles for the housing element of the scheme would only be able to enter and exit the site via the new eastern access connecting on to Pool Road. This eastern access would be constructed to ensure that the road was above the 1:100 year plus climate change level to ensure safe and dry means of access. The existing site access onto Mill Lane would not have its levels altered from the existing situation. Rather this road, which is shown in flood maps of the Environment agency to flood, would be allowed to flood and signage and appropriate flood warning procedures would advise people of this if the river is

thought to be flooding. The bus gates would prevent through traffic in this situation also.

- 2.4 A table showing a comparison between the proposed floor space and numbers of the approved Outline applications and currently proposed Reserved Matters scheme is shown below. The detailed proposals are consistent with areas of development approved in the outline permission.

Reserved Matters proposal (numbers and floorspace)	Outline approval 08/02079/OT Uses were granted permission in terms of Hectares (ha)
139 Dwellings and 21 new build apartments	Residential (apartments and housing) 3.20 Ha
325 sqm of pub restaurant in converted mill building and 36 apartments	Commercial uses (office, hotel and restaurant) 0.77 ha
604sqm of new build office space	(as above)
41 bedroom nursing home	Nursery and Surgery 0.08 Ha
20 space public car park	As proposed
Greenspace, cycle route and footpaths, circa 5.0ha	Open Space 5.0 Ha

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is that of the former Garnetts paper manufacturers on the riverside at Otley. The site as a whole extends to an area of 6.1 hectares. The main buildings and active part of the complex are concentrated towards the western end of the site and along the riverside. Access to the site is taken from this end along Mill Lane ie: along the rivers edge from Bridge St. The more eastern parts are open areas of former landfill area and flood plain land. A small part of the site located at the western end of the site is located within the Otley Conservation Area, namely half of the Mill buildings and the access road area between the site and Mill Lane. The site is surrounded by flood zone 2 but the main developable area is out of this zoning.
- 3.2 The location of the proposed Eastern Access Road is within the Green Belt. The boundary of the Green Belt is the track at Gallows Hill where the Outline approved eastern access road was proposed. The character of this area is rural edgeland with a mixture of uses and buildings. Pool Road is a main road, there is a row of semi detached dwellings fronting this section of Pool Road and there is a small cul de sac located behind these dwellings and further backland development served off East Busk Lane. The area to the east of Gallows Hill is largely open fields leading down to the river Wharfe.

4 RELEVANT PLANNING HISTORY:

- 4.1 08/02079/OT - Amendments to conditions numbers 22, 24 and 31 to extend planning permission 29/267/05/OT and to amend conditions relating to highways, footpath, cycleway and off site improvements including flood storage (approved 4th July 2008)
 29/267/05 – Outline application for access, residential, offices, pub, hotel, retirement complex and surgery. Approved 14 Nov 06

29/2/95: Outline application to erect business, warehouse and industrial units and nursing home –approved July 1995.

29/24/97: laying out access and hospital and residential development withdrawn March 1999.

29/265/97/OT: Outline proposal for housing on land to east of Garnetts Mill. (Appeal against non-determination was dismissed).

29/167/98 -25: Industrial and warehouse units and 3 storey nursing home approved 2002.

29/166/99/OT: Proposed Wharfedale General Hospital (relocation) withdrawn.

5 HISTORY OF NEGOTIATIONS:

- 5.1 The developer engaged with Officers in a formal pre-application process and also undertook community consultation prior to submitting this application. Pre-application meetings with officers took place and a community exhibition was held by the developer. Ward Members were also briefed during the pre-application process. The developer also presented the scheme to Plans Panel West in September 2009.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 These applications were advertised via site notices and also with adverts in the Press. The bullet points below relate to both planning applications. One letter has been received from Greg Mullholland and 13 letters of objection, 1 letter of support and 6 letters making general comments have also been received. 51 petition letters of objection have also been received. These letters are individually signed and addressed but contain the same pre-printed objections to the applications. Greg Mullholland MP is not objecting personally but is expressing the concerns of a constituent who has contacted him about the application. Councillor Campbell has objected to the access road planning application for the following reasons:

- The original application [2005 Outline] was for the current entrance to the area and though not ideal for residents opposite did not infringe on the green belt. There has to be a good reason for setting aside policy and I cannot see one in this case.
- The area in question has some historical significance hence the name Gallows Hill and was also a Victorian tip”.

- 6.2 The other grounds for objection, in summary, are:

- Scale and height of the proposed houses and offices,
- Impact on local roads, rat running and increased traffic and highway safety,
- Impact of the access road on Gallows Hill nature reserve,
- Concern over highway safety of the proposed eastern access,
- Harm to the green belt,
- Impact on trees and local landscape,
- Otley is already full and cannot accommodate more houses or cars,
- Design, appearance and layout objections,
- The impact on the character of the area,
- Impact on views across the river,
- Noise and disturbance,
- Insufficient car parking for increased tourism,
- Concerns over flood risk and drainage,

- Concern over construction phase,
- Relocation of large over ground sewer,
- Proposed bus route will create more traffic,
- Loss of local chimney landmark,
- Devaluation of property prices,
- Increased congestion at Pool Road access,
- Increased likelihood of accidents at Pool Road access,
- Harm to highway safety caused by density of the site and the impacts of high numbers of cars on Pool Road at the proposed access location,
- The applicants' very special circumstances as outlined in the letter from Walker Morris Solicitors are not supported.
- Objection to the technical specifications of the proposed eastern access road,
- One letter of support has been received for the new access onto Pool Road,
- The petition letters object to both the Reserved Matters application and the New Eastern Access Road application. The petition objects on the following grounds; over development and overly dense form of development on the site, Eastern access road will be within the green belt, promotes urban sprawl and is harmful to local character. No special circumstances demonstrated to justify the development in the green belt. Harm to residential amenity from eastern access road. Increases in traffic and congestion. Loss of on street parking for local residents.

6.3 Otley Council makes the following comments:

- The construction of the buildings should be natural stone with slate roofing.
- The road from Pool Road into the development should be built prior to the development in view of safety and parking issues, and there should be no direct access from Mill Lane.
- The Council is concerned that there is insufficient parking for the restaurant/bar.
- Allotments should be provided on the open areas for the benefit of the community of Otley.
- Section 106: Council requests that before the Section 106 is settled the developer is required to meet with Otley Town Council to decide what terms would be suitable.
- Council is disappointed to note that there will not be a hotel on the development.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees

- 7.1 **Highways** – All streets need to meet the requirements of Leeds Street Design Guide SPD. This requires that roads serving in excess of 5 dwellings need laying out to adoptable standards. Shared surface roads can serve up to 10 dwellings without the need for a footway / designated pedestrian route but if there is a desire line through the shared area then this should also be catered for. With regard to the application at Gallows Hill for a new access onto Pool road, this provides safe access to the new development, but action under the Highways Act will be necessary to close the existing track which emerges onto Pool Road at this point as it conflicts with the new access. The pedestrian crossing islands on Pool Road are for safety improvements and improved accessibility for local residents. A short right turn lane facility has been provided for the vehicular access between dwellings 57 and 63a Pool Road. The eastbound bus stop has also been moved to a suitable location. Highways support the inclusion of a pedestrian footbridge at the western of the site.

- 7.2 **Drainage** – Have no objections to the proposed layout in relation to flood risk matters. Drainage engineers have been engaged within the discussions and negotiations with the applicant. The drainage position is that this scheme should not result in flooding of the proposed houses and that the proposed flood storage areas located to the south of the site within the proposed ecological park is sufficient to meet the needs of PPS25. There are no serious concerns in relation to displaced flood waters affecting neighbouring residents or affecting flooding down stream. The eastern access road complies with the requirements of PPS25 and it is accepted in drainage terms that Mill Lane does not need to be raised and can remain within the flood zone. Overall the drainage considerations of the scheme have been resolved.
- 7.3 **Environment Agency** – have formally withdrawn their objection to the planning application and recommend conditions to be attached.
- 7.4 **Natural England** – Have withdrawn their previous objection to the scheme as the discovery of an Otter Holt at the site required that the layout of the proposed housing estate needed to be revised in order to protect this habit. Natural England is satisfied with the approach set out in the mitigation strategy. The construction of a barrier wall and erection of dog proof fencing should ensure that there is no direct disturbance to otters during the construction and operation phases. Natural England also welcome the steps that will be taken to ensure that otters are prevented from entering the proposal site. The establishment of a planting screen and the use of directional lighting should ensure that there is no indirect disturbance from noise and light pollution during the operation of the site. Natural England welcomes the fact that an ecologist will oversee the construction of the wall and that regular monitoring of the Otter Holt will be undertaken during the construction phase of the development.

Non- Statutory Consultees

- 7.5 **Contaminated land Team** - No objections subject to conditions
- 7.6 **Environmental Health** – Do not object.
- 7.7 **Education Leeds** – Require a contribution of £619,295 due to a shortfall of both places at both primary and secondary schools in the locality.
- 7.8 **Refuse Management Team**- The refuse collection arrangements on the above site look to be ok although closer attention will have to be paid to the size of the bin
- 7.9 **Yorkshire Water** – No objection but have requested the developer supply further information about the proposed drainage details for the site.
- 7.10 **West Yorkshire Police** - Fully support the application.
- 7.11 **Metro** – Had pre-application discussions with the development. No objections to the application. Some changes to the wording of the draft S106 requested as they have not identified a specific bus service at this time they intend to divert with the funds allocated.

8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan which consists of the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

8.1 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

The application site is unallocated within the UDP.

The adopted Leeds UDP (Review 2006) Proposals Map identifies the site within a defined shopping and conservation area. There are a number of relevant policies in the adopted Leeds UDP Review (2006) as follows:

Policy H1A of the Unitary Development Plan states that account must be taken of the guidance contained in PPS3 – Housing June 2010.

GP5: seeks to ensure development proposals resolve detailed planning considerations.

BD5: seeks to ensure appropriate design for new build developments

N2, N3, N4: seek to secure greenspace provision within new residential development. The type of greenspace required dependent on size and location of development.

N12: Seek to achieve appropriate urban design.

N13: Seeks to ensure that the design of the buildings is of a high quality and respects urban design.

N23: seeks to ensure quality in design of incidental open space, also aid nature conservation.

N25: Seek to ensure the design of boundary treatments is positive.

N26: Seeks with ensure a full landscape scheme for part of the proposal.

N33: Green Belt considerations

N38, N39: Washlands

N49, N50, N51: nature conservation

H11, H12: seek to secure affordable housing where appropriate.

LD1: Aims of landscape schemes.

T2 : Guidance relating to new development and the highway network.

T5: Safe and secure access for pedestrians/cyclists.

T6: Satisfactory access for disabled people and persons with mobility problems.

T24: Seeks to ensure that there is sufficient parking provision.

BC7 Development within Conservation Areas will be expected to be in traditional local materials.

BC8 Certain features of buildings may require to be salvaged.

N18, N18B, N19, N20, N21, N22: all advocate high quality design which, especially in Conservation Areas, respects its surroundings. N18 seeks to ensure that buildings which contribute to the character of a Conservation Area are retained.

N18B requires that plans for replacement buildings are approved prior to consent for demolition of the existing is granted.

N25: Seek to ensure the design of boundary treatments is positive.

SF8: Development within secondary shopping frontages.

H4: Residential development

Relevant supplementary guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living
Street Design Guide SPD
Travel Plan SPD
Greenspace relating to new housing development SPG
Otley CA SPG appraisal
Otley Riverside Strategy

Government Planning Policy Guidance/Statements:

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) are of relevance to the submitted proposal. This includes:-

PPS1: Delivering Sustainable Development (2005)

PPG2: Green Belts (1995)

PPS3: Housing (2010)

PPS4: Planning for Sustainable Economic Growth (2009)

PPS5: Planning for the Historic Environment (2010)

PPS25: Development and Flood Risk (2010)

9.0 MAIN ISSUES:

- Principle of the development
- Design and layout and masterplanning
- Highways and sustainability
- Drainage and flooding
- S106 package

10.0 APPRAISAL:

Principle of the development

10.1 The principle of the development was established when the Outline planning permission was granted for a mixed use redevelopment of the site. The proposal is still considered to be compliant with PPS3 Housing in relation to the preference for using previously developed land first. The site is in a sustainable location. The mixture and disposition of uses is considered well thought out. The re-use and conversion of the positive buildings on site along with sympathetic new build developments are considered to preserve the character and appearance of this part of the Otley Conservation Area. The creation of the Eastern Access Road within the Green Belt is considered acceptable and very special circumstances have on balance been demonstrated to outweigh the harm caused by inappropriate development.

Design and layout and masterplanning

- 10.2 The masterplan that was shown to the Panel by the developer in September 2009 prior to the submission of the Reserved Matters application has been revised through the course of negotiations and discussions with Officers. Broadly the layout remains similar and the architecture is similar to what was shown. It is considered that the design and layout in relation to streets, courtyards, public open spaces, pedestrian linkages into the site and through the site are well thought out and considered and will make a positive contribution to local character and amenity. The proposed new build elements adopt a traditional design on the whole except for the mill extension building for apartments located on the riverside and the new build office. The use of stone and slate materials predominantly is considered reflective of local character. Members will recall from the pre-application presentation that the style and layout of properties, broadly was welcomed however, much more detail needed to be shown. The presentation to Panel in December 2010 which showed drawings and plans of the masterplan, house types, riverside apartment building, nursing home and mill conversion was also well received by Members. The house types are traditional in appearance and are considered reflective of local character. The riverside walk is an attractive feature and properties will front onto this walkway. The main estate road has properties fronting on to the estate road with courtyards set behind this. The estate will not have properties with integral garages and courtyards have been considered a suitable way to accommodate car parking. The use of a limited number of flats over garages is considered appropriate for surveillance and security and also creates a homezone effect. The nursing home building is a large building located in the south western part of the site. This building has been reduced in height through negotiations and fronts onto a public space proposed as part of the layout of the site. Behind the nursing home would be the open space which is also the flood storage area. The scale of this building is acceptable given the openness and space around the building which officers feel allows a building of this 4 storey scale to work comfortably without being overbearing or dominant or out of local context.
- 10.3 The commercial elements have a mixture of styles and appearance though traditional materials on the whole unify the different design of this part of the scheme. The grouping of the commercial elements at the western end of the site closest to the town centre and the existing access off Mill Lane is considered appropriate to create a 'destination' which was an aspiration of the Outline approval. Whilst the hotel and doctors surgery elements of the Outline have not been brought forward the scheme is still considered likely to attract visitors to the pub restaurant located in the converted mill buildings and the office elements are hoped to be attractive to small sized businesses. The public car park will be located off Mill Lane at the Western end of the site enabling access for visitors. In addition the riverside walk is an attractive feature and discussion have been held to use the S106 greenspace money to upgrade and create connections to White Bridge and make a circuit connection to Wharfe Meadow Parks.
- 10.4 Overall the design and layout of the site is considered to result in a positive addition to Otley and should create an attractive place to live, work and visit. The proposals are considered to preserve the setting and appearance of this part of the Otley Conservation Area.

Highway and Sustainability Matters

- 10.5 The western access road cannot reasonably be raised above the 1:100 year flood level and the Highway Authority will not therefore take responsibility for the adoption and maintenance of this road. As the western access road will only serve the office car park, public car park, public house and public bus route it is considered that this

is acceptable subject to an acceptable maintenance and management plan. Outline consent has already been granted for a mixed use development on the site. The principle of the development is therefore acceptable and the proposed Eastern Access Road as the principle access road is on balanced considered acceptable. Further discussions between officers, the developer and legal representatives have been concluded in order to make the application for the new access next to Gallows Hill acceptable. The Highway Authority has no objection to the proposed Eastern Access Road and the existing track access to Gallows Hill will be closed off when the Eastern Access Road is completed and prior to the occupation of the development. Access to Gallows Hill will be retained within the new road arrangements. The site is fully connected in pedestrian terms. Whilst there is potential that the footway at the western end of the site may be liable to flooding. It is considered that the proposed Pool Road footway delivers a safe pedestrian link above the flood levels for this purpose.

- 10.6 The proposed bus service that will have access through the site from Pool Road out on to Mill Lane through the bus gate will be funded for by the developer and is included in the S106. Metro have not yet established which service will be extended but have agreed with the developer the contribution of £75,000 per year for 3 years.
- 10.7 The proposed Eastern Access Road as stated would be within the Green Belt. Very special circumstances need to be demonstrated to overcome the policy objection as stipulated in PPG2 if this element is to be accepted. The proposed Eastern Access road is required as the Outline application approved location of the Pool Road access would result in an inefficient and poor access solution, which is sub standard but it would potentially work in highway terms. This element of the scheme has drawn the majority of the objections. It is clear that the introduction of a new access road in this location would have some detrimental effects upon the visual amenity of the area and in relation to local character. It is considered however, that these impacts are relatively minor in nature given the amount of development involved and given the limited extent of the incursion into the Green Belt and the ability to appropriately landscape the area around the proposed road. Although the current proposal is in the Green Belt it is considered that resiting the access road through the adjacent cemetery just to the west of Gallows Hill is not a suitable option. This is because of sensitivities of developing within a cemetery, loss of trees, loss of boundary wall and because there would be no improvement in residential amenity considerations overall. The current proposed Eastern Access Road is acceptable to highways officers and would be a safer and more efficient junction arrangement than if the access that was approved under the Outline planning permission was installed. The proposed Eastern Access Road has been designed in accordance with the guidance in the Street Design Guide SPD. A signalised junction arrangement would be the only likely option that could be installed under the Outline approved access location at Gallows Hill. The current proposal is more efficient and safer than this option. The proposed Eastern Access may have a limited impact on the outlook of the local residents but it is not envisaged it would result in any serious harm to the living in conditions of the neighbouring residents by reason of noise and disturbance or comings and goings. It is noted that the Outline planning permission had sited the main access into and out of the site broadly in this location at Gallows Hill about 40 metres away. The proposal is not considered to adversely impact the car parking arrangements for existing neighbouring residents though the location of some on street car parking would be affected. This impact however is not considered significant. The current proposal would also enable the more effective delivery of the former Garnetts site which is a major development site within the urban area and would assist in the delivery of key policy objectives such as provision of housing on a sustainable brownfield sites, education contributions and

affordable housing provision. On balance therefore it is considered very special circumstances have been demonstrated that outweigh any harm to the objectives and purposes of including land within the Green Belt.

Drainage and flooding

- 10.8 Since the Outline was first approved, the flood maps for this area have been revised and updated. In addition there has been a change of planning circumstance with the publication of PPS25. Flooding and flood risk management are significant issues in the determination of this application. The Environment Agency have formally withdrawn their objection to the application. The discussions and revisions to the scheme involving officers, the applicant and the EA have addressed their [EA] concerns. The site is located adjacent to the River Wharfe, the surrounding area is liable to flooding. The site layout, access arrangements and compensatory flood storage provision have been part of the masterplanning process. The storage area is located to the south of the site and will also be part of the public open space provision. This accords with the approach of PPS25 as the land is not suitable for development but has ecological and amenity value. Due to the site being surrounded by areas highly liable to flooding it is necessary to ensure this development meets the requirements of PPS25. The Council's drainage engineer has been involved in the masterplanning phase of the application and has no objections in relation to PPS25 considerations or the application as a whole. Much time has been spent resolving and considering this issue. The broad layout is considered to be acceptable in relation to not adding to flooding in other parts of Otley or further downstream.
- 10.9 The Pool Road access will be above the 1:100 plus climate change level and the proposed arrangements for managing the flooding of Mill Lane in relation to the need for warning systems, signage and a management plan are being prepared by the developer for submission to the EA and is a condition of the Outline approval. The Outline approval had as part of its access arrangements plans to raise up Mill Lane; however the updated data in relation flood levels by the EA has shown that this would require raising of Mill Lane by about 1.8m in height. This is considered inappropriate given the length of road that would need to be raised and the impact on amenity and local character. Officers have on balance accepted this is not a suitable way to proceed with the access arrangements and have accepted that Mill Lane could flood and that the Pool Road eastern access would provide vehicular and pedestrian access at a time of flood. In addition and on balance a pedestrian route at the western end of the site which is above the 1:100 year plus climate change level has not been considered necessary. This is because of the length of bridge that would be required to provide a dry access route (99 metres in length to exit out of the flood zone or a bridge of 43 metres in length to exit into the 1 in 10 year flood level) and also due to the potential costs and the visual impacts of such a structure in addition to the few times it would be required in times of flood. Both bridges would require 3rd party land in order to be delivered. The applicants engineers have advised that the pedestrians links within the flood flow channel at the western end of the site should remain accessible and safe for up to the 1 in 10 years predicted flood event. The emergency warning signs and alarms in the area will alert members of the public for more extreme flood events, directing them to use the eastern access road for safe egress from the area. The emergency management procedures will form part of the S106 requirements and will involve the Environmental Agency in its formulation. The eastern access road out on to Pool Road enables this development to comply with PPS25.

- 10.10 The Outline planning permission first granted in 2007 did not have a Section 106 agreement attached, rather the use of planning conditions secured the delivery of the required policy contributions. The developer has submitted a draft S106 with the application and all the contributions outlined below have been agreed with the applicant. All contributions are to be indexed linked.
- 10.11 Affordable housing: 25% (50/50 split between submarket and social rented) of 236 dwellings. This equates to 59 units for affordable housing, of which 29 are for social rent and 30 for submarket. These affordable housing units will provide a range of the accommodation on offer in this development and will be pepper-pottered around the site.
- 10.12 A bus stop, £75,000.00 for bus diversion service per annum for 3 years, metrocard for each dwelling and metrocards for the employees of the commercial elements. Travel Plan monitoring fee and car club contribution are required along with additional travel planning measures.
- 10.13 Highway Section 106 and S278 requirements that require contributions.
- S278 Works:
- New access onto Pool Road likely re-location of bus stop. Reinstatement of Gallows Hill as a dropped vehicular crossing. Provision of pedestrian crossing islands and associated dropped crossings/tactile paving, Ghost island right turn lane facilities and centre hatching modifications, relocation of a street lighting column.
 - Mill Lane / Manor Street Works to restrict access.
 - Upgrade of existing zebra crossing on Cross Green to pelican crossing (including build-outs)
 - Upgrade to signals at Manor Square and Wesley Street to fit ADSL lines and Chameleon equipment
 - Deployable UTC Camera
 - £5,000 towards 20mph signage and legal fees.
- S38 - Internal Highway Works
- Additional signing requirements for bus gate and flooding to be provided - Will require commuted sums if within Highway along with contribution for the enforcement camera and maintenance.
- S106 Pedestrian / Cycle Links:
- Links to White Bridge (across 3rd party land)
 - Links to existing public footpath off Riverdale Road
 - Links to Cemetery Footpath
 - Cycle footpath links to town centre
 - Painting of the cemetery railings
- 10.14 The public car park shall be laid out and made available for the use at the developer's expense and maintained thereafter.
- 10.15 The Greenspace contribution is only required for policy N2.3 (district parks) and for equipped children's play equipment as the development is providing open space within its curtilage and Wharfe Meadow Park is on the other side of the River. The contribution is £185,951.21.
- 10.16 An Education contribution towards local school provision is required, Primary schools £386,401 and Secondary £232,894 overall the contribution is £619,295.

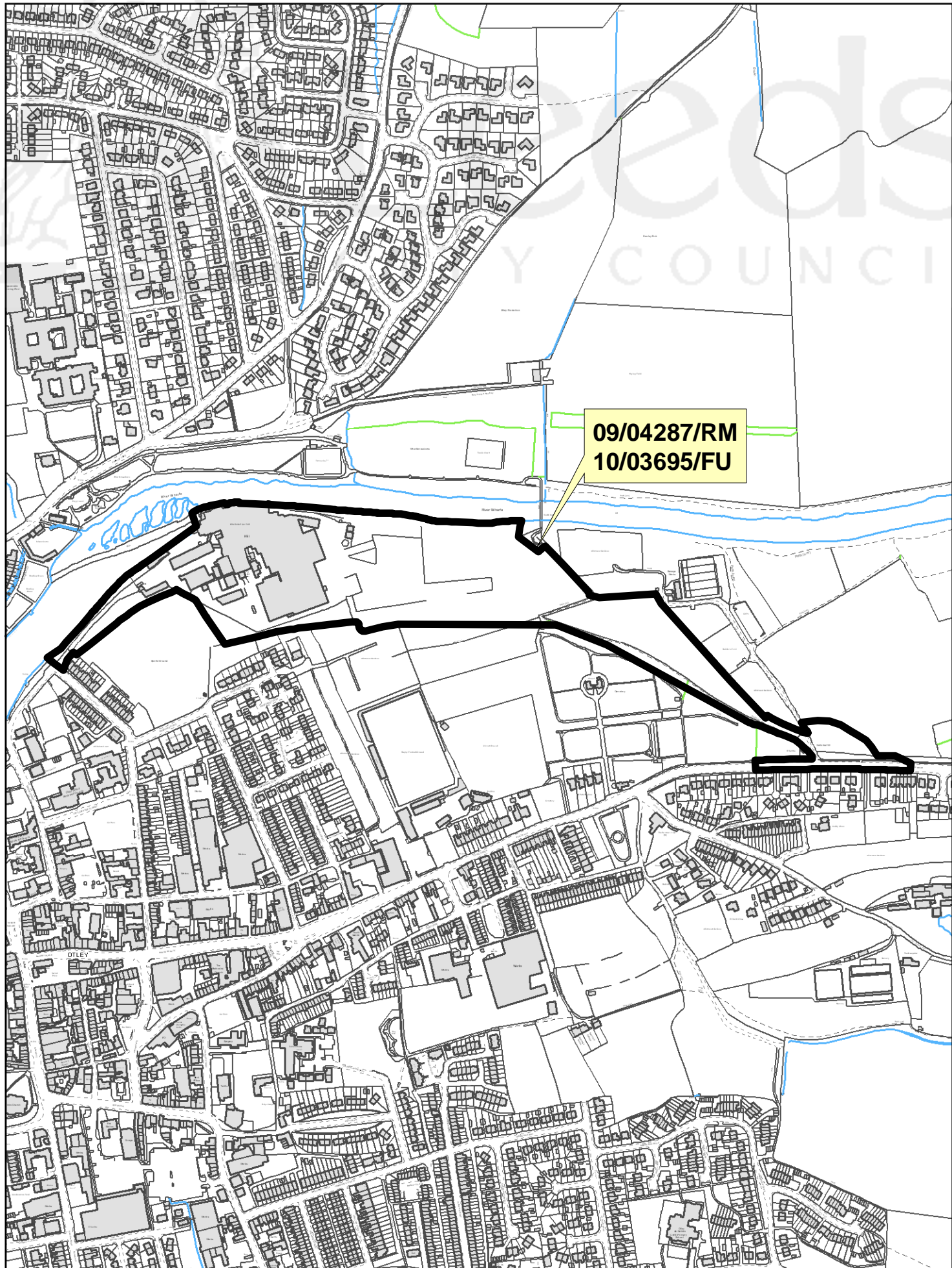
- 10.17 The contributions are required by UDP policies and the contributions are considered to be in accordance with the Community Infrastructure Levy (CIL) regulations introduced in April 2010.
- 10.17 The site contains the existing hydroelectric turbine, the developer has stated the continuing intention to bring this back into beneficial use. Due to the complexity of this and the need for a third party the developer has still to provide further details on the progress on this matter. This matter will be added into the S106 package and will be delivered. In addition although not a Section 106 requirement a condition on the Outline requires a fish pass to be built, again little detail has been provided but the developer remains committed to this condition precedent and recognises that both these elements are important in delivering a quality and exemplar development.

Summary

- 10.18 Overall it is considered that the progress made on the detailed matters of the Reserved Matters application has been positive and the scheme presented will deliver a good urban extension to Otley. The urban design and architectural elements are considered to have progressed well. It is considered that the layout of the site is acceptable. The developer has stated they intend to use artificial stone and slate for the majority of the new build elements, a sample panel has been erected on site which is considered to show a good quality palette of materials being promoted in this development. Whilst the buildings within and adjoining the Conservation Area will be constructed out of natural stone and slate it is considered that use of artificial materials outside the Conservation Area and away from key views and vistas is an appropriate selection and will not harm visual amenity or local character.
- 10.19 The proposed Eastern Access Road application has generated the majority of the objections received. It is considered that the applicants' very special circumstances have demonstrated that on balance this element of the application is acceptable and the harm to the Green Belt is outweighed by the benefits of the development.
- 10.20 The proposed redevelopment of Garnetts has been carefully assessed by the EA and by drainage engineers and the layout and accessibility of the proposed development complied with PPS25.
- 10.21 In conclusion the proposed redevelopment of the Garnetts Mill site and the associated Eastern Access Road applications accord with the relevant provisions of the Development Plan. The proposal is considered to preserve the character and appearance of this part of the Otley Conservation Area. The objectives and purposes of including land within the Green Belt along with the openness are on balanced not harmed by the proposed Eastern Access Road. The proposals are not envisaged to result in serious harm to the amenity of neighbouring residents or future occupiers of the development. There are no other material considerations that outweigh this finding. The Panel is therefore recommended to defer and delegate approval the application for residential and commercial development and the separate application for the new eastern access road.

Background Papers:

Application and history files.



WEST PLANS PANEL

