



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 8th September 2011

Subject: Application 11/02315/RM – Reserved Matters application for 132 houses and 19 flats at Manston Lane, Cross Gates, Leeds, LS15 (Discharge of condition 1 only of outline planning permission 08/03440/OT)

APPLICANT

Bellway Homes and Zurich
Assurance Ltd

DATE VALID

14th June 2011

TARGET DATE

13th September 2011

Electoral Wards Affected:

Cross Gates and Whinmoor

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate).

1. Time limit
2. Plans to be approved
3. Tree planting in the event of tree loss due to remediation
4. Levels to be agreed
5. Details of vehicular access to be approved
6. Closure of redundant accesses
7. Maximum vehicular access gradient
8. Maximum gradient to drives
9. Visibility splays
10. Retention of forward visibility splay
11. Full details of cycle and motorcycle parking for flat blocks
12. Details of disabled parking spaces for flat blocks to be agreed
13. Retention of garages for vehicular use
14. Parking to be unallocated, except for disabled spaces
15. Details of Traffic Regulation Orders to be agreed

16. All areas to be used by vehicles to be laid out, surfaced and drained
17. Details of contractor's plant to be agreed
18. Statement of Construction Practice to be agreed
19. Detailed footway works to Manston Lane to be agreed
20. Details of pedestrian crossing point to Manston Lane to be agreed
21. Details of pedestrian crossing point to Austhorpe Lane to be agreed
22. Proposed street connections to land east of the site to be constructed up to the boundary.

Details of conditions to be deferred and delegated to officers.

Reasons for approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within PPS1 and PPS3 and it is considered that the scheme provides for a good quality residential scheme. The proposals offer an acceptable level of amenity to future occupiers and will have no detrimental impact on the amenity of other nearby occupiers or to the visual amenity of the locality. The application is considered to comply with the following policies:

RSS Policies H1, H2, H3, H4, H5, ENV5, YH1, YH2, YH4, YH5, YH7, LCR1 and LCR2

UDPR Policies GP2, GP3, GP5, N2, N4, N10, N12, N13, N23, N25, BD5, GM4, T1, T2 (b, c, d), T5, T7, T7A, T24, H4, H11, H12, H13, H21 and E7.

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.

1.0 INTRODUCTION:

1.1 The application is being presented to Plans Panel due to the size and sensitivity of the proposals and follows a position statement that was presented to Members at the 11th August Plans Panel meeting. The previous outline planning application, 08/03440/OT, was also determined at Plans Panel and granted consent in March 2009. This current application only seeks to discharge condition 1 of the outline consent, which requires approval of the 'Reserved Matters' before development is commenced. The Reserved Matters consider the issues of access, appearance, landscaping, layout and scale.

1.2 At the Plans Panel meeting of 11th August, it was clear that Members had concerns about the highway impact of the development and asked questions about the delivery of the Manston Lane Link Road (MLLR). A detailed update on these issues is provided in section 6.0 of this report. However, it is noted that highway issues were dealt with at the outline planning application stage and an extant planning permission now exists for the quantum of residential development proposed. It should also be noted that the first phase of development is not reliant on the MLLR and that the delivery of the MLLR is not reliant on this development taking place. Overall, it is not now possible to re-visit the highway impact aspect of the scheme at this reserved matters stage, which is to specifically agree the detailed layout, design and landscape matters. The design is at an advanced stage, although at the time of writing, it does require some minor adjustment, hence the recommendation is to defer and delegate approval to the Chief Planning Officer.

2.0 PROPOSAL:

2.1 The scheme is to comprise a residential development of 132 houses and 19 flats. The principal vehicular access is to be taken from Manston Lane, in the vicinity of an existing site entrance. A pedestrian / cycle access is also proposed to link the site to Austhorpe Lane in the south-west corner of the site. The layout mainly comprises a

network of connected streets, although a number of small cul-de-sacs are proposed on the southernmost position of the site, where it abuts the railway line. The proposal allows for two streets to connect into the remainder of the Vickers tank factory site, should this be developed in the future. There are a mixture of detached, semi-detached and terraced houses proposed, all being two to three storeys in height. The scheme also includes three areas of public greenspace which are spread throughout the development.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application site has an area of 4.93 hectares and occupies the most westerly part of the former Vickers tank manufacturing site which comprises 24.28 hectares in total. The land covered by the application site is vacant although the whole site benefits from a storage and distribution use granted permission in 2002.
- 3.2 The site itself includes extensive areas of hard-surfacing associated with the previous tank manufacturing use and the previous buildings have now been demolished. Vehicle access into the site is provided both from Manston Lane and Austhorpe Lane and most on-site vegetation is located towards the boundaries with the railway line and around the vehicle entrances. The site slopes down (by approximately 4m) across its width from Manston Lane to the main railway line to the south.
- 3.3 The application site is located within a part of Manston Lane which is generally characterised by industrial development/sites, although a small number of residential properties are located on the opposite side of the road. The mainline railway line is situated directly to the south (beyond which a new public park is to be created as part of the Thorpe Park development). A disused railway line is situated along the western boundary (with residential properties beyond). To the north, on the opposite side of Manston Lane is the bus manufacturing company, Optare, the former Draka UK cable manufacturing site (now vacant and cleared – also owned by Optare) and the ice cream factory, Richmonds. The remainder of the former tank factory extends to the east and includes a large scale industrial building and an associated outdoor tank test track. The storage and distribution use is operational but remains relatively low key in terms of its intensity of use, currently being used by Autoquake for the storage and distribution of cars.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/03016/COND - Application to discharge conditions 10, 11, 12, 13 and 14 (drainage) of planning application 08/03440/OT – Pending decision.
- 4.2 11/02808/COND - Application to discharge condition 16 (landscaping scheme) of planning application 08/03440/OT – Pending decision.
- 4.3 11/02731/COND – Application to discharge conditions 21 and 22 (remediation) of planning application 08/03440/OT – Pending decision.
- 4.4 09/04999/OT - Outline application for residential (C3), employment (B1c), health centre (D1), foodstore (A1), ancillary uses (A1/A2/A3/A4), community building (A4/D2), associated car parking, landscaping and infrastructure (eastern half of the former Vickers site) – Pending decision.
- 4.5 08/03440/OT - Outline application for partial redevelopment of the former Vickers tank factory for residential development – Approved 16/3/09.
- 4.6 08/00298/OT - Outline application to layout access and erect residential development (Optare site) – Pending decision.

- 4.7 32/147/05/FU - Residential development involving 110 dwelling houses and 78 flats to former tank factory site – Refused 2/5/07.
- 4.8 32/374/01/FU - Change of use of former tank factory to B8 (storage and distribution) – Approved 26/7/02.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The previous outline application, 08/03440/OT, was submitted following negotiations about how to share highway capacity between both this site and the nearby Optare site, subject to outline planning application 08/00298/OT. The solution was to promote two distinct phases of development. The first phase comprises of 260 units in total across both sites. The second phase of development (allowing up to 407 units in total across both sites) would only be permitted on the opening a new road Manston Lane Link Road (MLLR) to link Manston Lane with the M1 motorway to the east. Accordingly, for the purposes of this reserved matters application, the development is comprised of two phases, phase 1 containing 122 units (this site's share of the initial 207 units allowed before the MLLR is in place) and for phase 2 a further 29 units (post completion of the MLLR).
- 5.2 Further to the granting of the outline planning permission, pre-application discussions have taken place between the applicant and officers regarding the proposed layout of development on the site. The developer has also undertaken a public consultation exercise in May 2011.

6.0 UPDATE SINCE 11TH AUGUST PLANS PANEL

- 6.1 The draft minutes of the 11th August Plans Panel meeting indicate that Members raised no objections to the layout of the development and the appearance of the proposed dwellings. However, it was requested that a further report be submitted to the Panel setting out the context of the application, including:
1. What planning permissions have been granted and what are the terms of those planning permissions (Optare, Manston Lane, Thorpe Park)
 2. What has been previously agreed in respect of the off site highway works and contributions including the delivery of the MLLR.
 3. Key dates for the delivery of the MLLR and the approved developments.
- 6.2 Taking the above issues in order, a number of planning permissions have been granted in the vicinity of the site. In terms of further detail:

1. Planning Permissions

Application site - Vickers site (west)

- 08/03440/OT - Outline application for partial redevelopment of the former Vickers tank factory for residential development – Approved 16/3/09. This is the planning permission to which this reserved matters application relates. Condition 3 of the planning permission restricts the development to a maximum of 151 units and no more than 122 units (split into 112 houses and 10 flats) can be constructed until the MLLR is built and opened to the public. The planning permission has been granted and the reserved matters application seeks only to resolve the detailed design/layout issues.

Optare

- 08/00298/OT - Outline application to layout access and erect residential development (Optare site) – Pending decision. This is the planning application

which was also considered by Members at the 11th August Plans Panel when a request to amend the affordable housing contribution was made. Although the application was deferred, based on the figures presented in paragraph 5.1 of this report and the draft conditions, a total of 256 units may be developed, but with no more than 138 units being constructed until the MLLR is built and open to the public. Thereafter, a second phase of development for a further 118 units could be developed. The 138 unit first phase trigger assumes the existing Optare use would cease completely. In the event it remains, only 98 units can be constructed.

Vickers site (east)

- 09/04999/OT - Outline application for residential (C3), employment (B1c), health centre (D1), foodstore (A1), ancillary uses (A1/A2/A3/A4), community building (A4/D2), associated car parking, landscaping and infrastructure (eastern half of the former Vickers site). Whilst this application is still outstanding, officers do not consider any development should take place in advance of the MLLR being delivered.

Thorpe Park

- There are a number of planning applications relating to the overall development of the Thorpe Park scheme. The most relevant aspect is that Thorpe Park is required to construct the MLLR before it can exceed 1,000,000sqft of floorspace. The development that has taken place so far equates to approximately 600,000sqft (permission exists for approximately 1,800,000sqft) and falls substantially short of this figure. Nevertheless, the link road itself has already been started as part of the Thorpe Park development although further stretches are still to be constructed before its route over the railway line and connection with Manston Lane is progressed.

2. Agreed highway works

- 6.3 The off-site highway works associated with the approved outline planning permission for the Vickers site, 08/03440/OT, are set out in detail at para. 10.2 of this report. There is no express requirement to contribute to or carry out work on the MLLR. However, as above, the amount of development that can be permitted in the absence of the MLLR has been established and restricted by condition and planning permission granted on this basis. Clearly, the future phase 2 development of the Vickers and Optare sites are reliant upon the opening of the MLLR.

3. Key dates

- 6.4 The key timescales in relation to the planning applications and permissions are as follows:
2. The proposed development, which is the subject of this application, is required to be carried out before the expiration of two years from the date of the last reserved matters approval.
 3. The Optare re-development does not yet have planning permission, but is likely to be subject to the standard time limit conditions – requiring the submission of reserved matters before the expiration of 3 years and for the development to be begun before the expiration of two years from the date of the last approval of reserved matters.
 4. The Thorpe Park development has been underway for a number of years, although it is still likely to be some time before a quantum of development is reached that requires the MLLR to be completed.

Accordingly, it is likely to be some years before the implementation of the Manston Lane developments, if approved, and/or the Thorpe Park development is such that the MLLR is required in order to facilitate further development. It is also noted that an agreement is in place between the Council and Network Rail to facilitate the necessary bridge over the railway by 2015. However, In the meantime, each application must be determined on its merits.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 7 site notices have been displayed, posted 24th June 2011.

7.2 One letter of representation has been received from Cllr Suzi Armitage, objecting to the proposals on the grounds that:

- The development will have a negative impact on local residents in terms of additional noise and volume of traffic generated both during construction and after its completion.
- The number of properties appears to have increased to 151 from the 122 approved in application 08/03440/OT.
- Local residents were informed that no housing development would take place on this site before the Manston Lane Link Road was built. A traffic census was carried out which revealed that there are issues of access to the site.

7.3 One letter of representation has been received from Barwick in Elmet and Scholes Parish Council, stating support for the application as it will provide much needed housing for Leeds, as identified in the Strategic Housing Market Assessment (SHMA).

7.4 One letter of representation has been received from Cross Gates Watch Residents Association, commenting as follows:

- No development should take place until the Manston Lane Link Road (MLLR) is built or at least commenced construction. Reference is made to the fact that such an assurance was given by the landowner at a public meeting in February 2010.
- Any development must fulfil the full spectrum of housing required in Cross Gates, to ensure that people are able to climb the housing ladder locally.
- It is felt that the public consultation was limited and only asked irrelevant questions. Concern is expressed about the increase in the number of flats apparently due to positive comments made by local residents at the consultation.
- Concern is expressed that the development will not be of the quality desired in the local area and will attract buy-to-let investors, letting to those with little civic interest in the local area.
- If the site is developed in the absence of MLLR, it could be regarded as a poor 'cul-de-sac' development, reinforcing the image of a buy-to-let estate.
- Concern is expressed about the drainage proposals and the location of the attenuation basin. Local residents have noted that the local area suffers from drainage problems.
- Concern is expressed as to whether the Austhorpe Lane access, to the south-west, is for pedestrian / cycle access or emergency access or both. It is noted that there are limited sightlines.
- Concern is expressed about the ability for Cross Gates to deal with emergencies more generally, given the volumes of traffic already in the local area, especially at peak times. It is also noted that a high pressure gas main exists under Austhorpe Road. This again supports the need for MLLR.
- It is felt that the site history relating to armaments and explosives gives rise to some concerns. Assurances are needed that conditions in relation to site remediation will be imposed.

- Questions are asked as to whether the railway crossing necessary to enable MLLR is still being negotiated or whether it has been dropped.
- Overall, it is felt that the site offers excellent development potential, but this is subject to MLLR.

7.5 Twenty letters of objection have been received from local residents, stating concern that:

- Residents were promised publicly that no housing development would take place before the MLLR is built.
- The MLLR is needed as an emergency access facility anyway.
- The proposals do not properly consider highway impact and will result in traffic problems.
- Residential amenity will be harmed by the increase in volume and noise of traffic.
- The proposals take no account of the views expressed in any of the public consultation exercises.
- The development will not cater for local need and is of poor quality. The nature of the development will jeopardise the chances of successfully developing the whole site later.
- There are drainage problems on site and these are not addressed adequately in the application. Substantial drainage improvements are required.
- There are no assurances in the application about industrial site pollution and contamination.
- It is unclear whether the Austhorpe Lane access, to the south-west, is for pedestrian / cycle access or emergency access or both. It is noted that there are limited sightlines.
- The Council would be better served attracting more industry to the city, rather than allowing unnecessary housing
- The number of dwellings appears to have increased from 122 to 151.
- All of the conditions applied on the outline consent should be applied to any Reserved Matters approval.

7.6 One letter of support has been received from a local resident, stating that the proposals will make good use of sites which have been left in a desolate state for far too long.

8.0 CONSULTATIONS RESPONSES:

8.1 Statutory:

Environment Agency: - The EA provided a consultation response on the previous outline application where a Flood Risk Assessment was submitted and assessed. All drainage related conditions attached are to be discharged at a later date.

Health and Safety Executive: - The HSE does not advise, on safety grounds, against the granting of planning permission.

Coal Authority: - No objections - the application is purely for reserved matters, following the grant of outline planning permission, to which the necessary conditions have already been applied.

8.2 Non-statutory:

Highways: - As a reserved matters application, the conditions and obligations relating to the outline permission also apply. Detailed advice was initially provided in terms of amendments required to the layout (i.e. size and widths of roads and footways,

closure of redundant accesses, layout of parking areas) in order to make it acceptable in highway terms. The revised scheme is now understood to have addressed the initial comments. It is noted that the primary access from Manston Lane is acceptable and compatible with the approved access for the Optare site.

Police Architectural Liaison Officer: - Advice is provided in relation to the layout of properties, the creation of robust boundary treatments and the management of landscaping to retain passive surveillance.

Yorkshire Water: - The site layout plan is acceptable and maintains the requested stand off distances to a sewer. No further comments are made as they require the submission of details previously required by condition on the outline approval.

Land Drainage: - It is noted that no Flood Risk Assessment has been submitted. Advice is provided in relation to the requirements and comments made during the outline application stage. (It is noted that a discharge of condition application has since been submitted to discharge drainage conditions).

Parks and Countryside: - No objections in principle with the suggested areas of open space. It is felt that the areas are not substantial enough to be vested with Parks and Countryside and would therefore have to be privately managed.

Environmental Health: - Advice was provided on the outline application that sound insulation measures were required and it is noted that this was dealt with by condition.

9.0 PLANNING POLICIES:

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

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

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

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

H4: affordable housing.

H5: making the best use of existing stock.

ENV5: 10% renewable energy requirement.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

9.3 Leeds Unitary Development Plan (UDP) Review:

GP2: Seeks to utilise vacant and under-used sites.

GP3: New developments should fit in with their surroundings.

GP5: General planning considerations.

N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N23/N25: Landscape design and boundary treatment.
BD5: Design considerations for new build.
GM4: Development on sites containing mineral deposits.
T1: Investment in transport improvements.
T2 (b, c, d): Accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T24: Parking guidelines.
H4: Sequential approach to un-identified sites proposed for residential.
H11/H12/H13: Affordable housing.
H21: Provision relating to the development of housing developments.
E7: Employment land.

- 9.4 National Planning Guidance:
PPS1 – Delivering Sustainable Development
PPS3 – Housing

10.0 MAIN ISSUES

Highways
Design and Visual impact
Impact on residential amenity
Drainage
Other matters

Highways

- 10.1 The principle of development, including the highway impact for this quantum of development, was accepted on the outline planning permission. The site layout does provide for a phasing of development, comprising 122 units on phase 1 and a further 29 units on phase 2, totalling 151 units overall. Accordingly, phase 1 of the site may be developed for housing in the short term, prior to the construction of the MLLR, as allowed by the outline consent. However, the construction of phase 2 may only commence following commencement of the MLLR. In light of the above, the number of units proposed to be developed is in accordance with what has previously been agreed.
- 10.2 It is worth noting that the outline planning application required certain off-site highway works to be carried out. These measures consist of the following: -
- Minor modifications to the Cross Gates roundabout signals, which would consist of a queue detection loop and corresponding controller modification. This would allow an automatic adjustment to signal timings when queues extend back onto the circulatory carriageway and block traffic.
 - Implementation of bus priority on Austhorpe Road by the installation of local priority hardware and controller modification. This facility would allow a bus to be detected on Austhorpe Road. The traffic signals would then give priority to the bus by adjusting the signal operation.
 - CCTV to enable monitoring of queues on Austhorpe Road and the A6120 Ring Road. This would allow a UTMC control operator to make slight changes to signal green time to mitigate the effect of short term fluctuations in traffic queues.

- Traffic signal control on Austhorpe Lane over the substandard railway bridge. Austhorpe Lane narrows over the railway bridge and will only allow single file traffic. The bridge parapets severely restrict forward visibility for vehicles travelling in either direction. These issues are a significant safety hazard and additional trips at this location would not be acceptable without signal control to remove the obvious conflict.
- Weight restriction on Whitkirk Lane and Austhorpe Lane to prevent HGV movements (other than for access/loading) through residential areas.
- Weight restriction on streets north of Austhorpe Road to prevent HGV movements (other than for access/loading) through residential area.
- A contribution towards bus stop facilities in the area.

10.3 A Section 278 Agreement will also be required for the widening and footway works to Manston Lane and to achieve the forward visibility splay to Manston Lane.

10.4 Overall, following consultation with Highways Officers, it is considered that the detailed proposals are acceptable. Following the initial comments received, revised plans have been submitted to ensure that garages and driveways are of the correct size and footways are of the correct width. A condition has been suggested that requires approval of suitable visibility splays to be agreed at the junction with Manston Lane.

10.5 In conclusion, the scheme raises no fundamental road safety concerns, subject to the various detailed design issues being resolved.

Design and Visual impact

10.6 The proposals have been subject to detailed discussions that have taken place at pre-application stage, as well as during the current application. It is considered that the layout is permeable and can be easily negotiated by pedestrians, cyclists and vehicle drivers. It is noted that the site is heavily constrained by the presence of the existing and former rail lines, to the west and north. The potential for future links to a residential development on the remainder of the Vickers site is welcomed as this will ensure good connectivity in the longer term. Overall, the general layout is considered to be an appropriate response to the nature of the site and its constraints.

10.7 Detailed discussion has also taken place with the applicant about the range of housetypes proposed. The application has been submitted with a range of contemporary house designs, which have been revised following discussion with Design Officers. The palette of materials is predominantly brick, with some limited use of render and timber and concrete roof tiles. Overall, the revised design of the housetypes is considered to be acceptable.

10.8 Greenspace is provided for in three areas – at the western end adjacent to Austhorpe Lane, in the centre of the site and adjacent to the eastern boundary. The greenspace adjacent to Austhorpe Lane is an informal area which also contains the attenuation basin designed to deal with surface water drainage. It is understood that this area will remain as usable greenspace except in times of heavy flood. The central greenspace is really the focus of this part of the development. This part of the scheme has been revised to create more of a ‘village green’ feel. This has been achieved by providing for a change in road surface around the open space, likely to be finished in tegula setts, rather than tarmac. The space also provides for a greater amount of tree and shrub planting. The greenspace adjacent to the eastern boundary was discussed at

the position statement presentation to Panel, which provides for the retention of part of a good quality belt of Lime trees. These would have been lost on the original layout proposed. The retained trees will act as an important buffer to the neighbouring industrial building should it remain and also provide a mature setting to flat Block B. This space also provides for further tree planting to help mitigate against views of the industrial building and could potentially link into a larger area of greenspace if development of the neighbouring site is ultimately permitted.

- 10.9 A strategy for tree retention adjacent to the southern boundary has also been agreed between the developer and Landscape Officers. Many of these trees are of poor quality and are to be removed. However, a strip of the best quality trees is to be retained for inclusion within the garden areas of those properties adjoining the southern boundary of the site. Outside of the site boundary, an existing significant buffer of vegetation between the application site and the railway line is to remain.
- 10.10 Due to highway requirements for a 2.4m x 90m visibility splay from the site access on to Manston Lane and in order to achieve a 90m forward visibility to the junction along Manston Lane, a number of existing trees along the site frontage will need to be removed. Additionally, an existing foul sewer runs parallel to Manston Lane along this part of the site. The effect of this is that it would not be acceptable to plant new trees behind the visibility splays and over the sewer easement. Ornamental planting to mitigate against the loss of trees will nevertheless be provided and is considered to be a reasonable response bearing in mind the importance of bringing forward a significant brownfield site for residential development.
- 10.11 Notwithstanding the best endeavours to retain existing trees on the site, it is recognised that the site does contain contamination as a result of its historic uses. The effect of this contamination is that the site will need to be remediated in order to make it suitable for the residential use proposed. The strategy for remediation will need to be determined following further exploration on site and will need to deal with any unexpected contamination that is found. In a worse case scenario, it may be that the remediation necessitates the loss of some or all the trees that are to be retained in the areas of public greenspace and/or private garden areas. A condition is therefore suggested that will ensure a suitable landscape scheme is agreed in mitigation for such circumstances.

Impact on residential amenity

- 10.12 The site is relatively self-contained, with two boundaries formed by the existing and former rail lines and a third boundary with the remainder of the Vickers site. The application site has a small amount of frontage to Manston Lane and Austhorpe Lane. Accordingly, the proposed houses are sited some distance away from the nearest residential properties and so it is considered that the proposals in themselves will not give rise to any problems of overlooking, overshadowing or over-dominance. It is noted that many existing residents are concerned by the highway impact of the proposals, although this was accepted at outline stage and appropriate conditions and off site highway works have been secured to mitigate against any impact.
- 10.13 Within the site, the proposed layout benefits from a rational siting of properties, always fronting onto the street and with secure private garden areas provided to the rear. Separation distances between buildings and windows and garden sizes are also considered to be acceptable.
- 10.14 It is also noted that the outline planning consent includes a condition requiring a sound insulation scheme to be submitted and approved. The scheme will need to detail measures to protect the amenity of the future occupants of the development

from noise emitted from the nearby industrial premises and adjacent railway line. Overall, it is therefore considered that the proposed development will offer a good level of amenity to future occupants.

Drainage

- 10.15 A Flood Risk Assessment was submitted with the outline planning application and was considered by the relevant drainage bodies. Appropriate conditions were then attached to the outline consent. It is noted that some local residents have concerns about drainage issues in the vicinity of the site. However, the applicant has submitted a condition discharge application with the full details of the drainage solutions proposed for the site. These are currently being considered by Yorkshire Water, the Environment Agency and the Council's own Flood Risk Management Team. No objection is raised to the overall drainage strategy proposed although some minor amendments have been requested. The developer is currently in the process of responding to the issues that have been raised.

Other matters

- 10.16 As discussed in the position statement presentation to Panel in August, it is now known that the site contains coal measures at a depth of 11-16m below the surface. UDP Policy GM4 is therefore relevant and states that:

The Council will, where practical, safeguard mineral resources from unnecessary sterilisation by surface development or will permit the minerals to be extracted before surface development begins where this can be undertaken within a reasonable timescale in a form compatible with the intended afteruse and in an environmentally acceptable way.

At this stage, the applicant is not proposing to extract the coal, but rather to cap the site leaving the coal in situ. Strictly speaking, this means the development would not satisfy Policy GM4. However, the context is that outline planning permission has already been approved and this is a reserved matters application for determination. It is also noted that the Coal Authority do not object to this application. Following discussion with Minerals Planning Officers, it is considered that it would be unreasonable to require the extraction of coal prior to the implementation of the planning consent given that outline permission has already been granted. In any event, the extraction of coal from the site would require a separate application for planning permission.

11.0 CONCLUSION

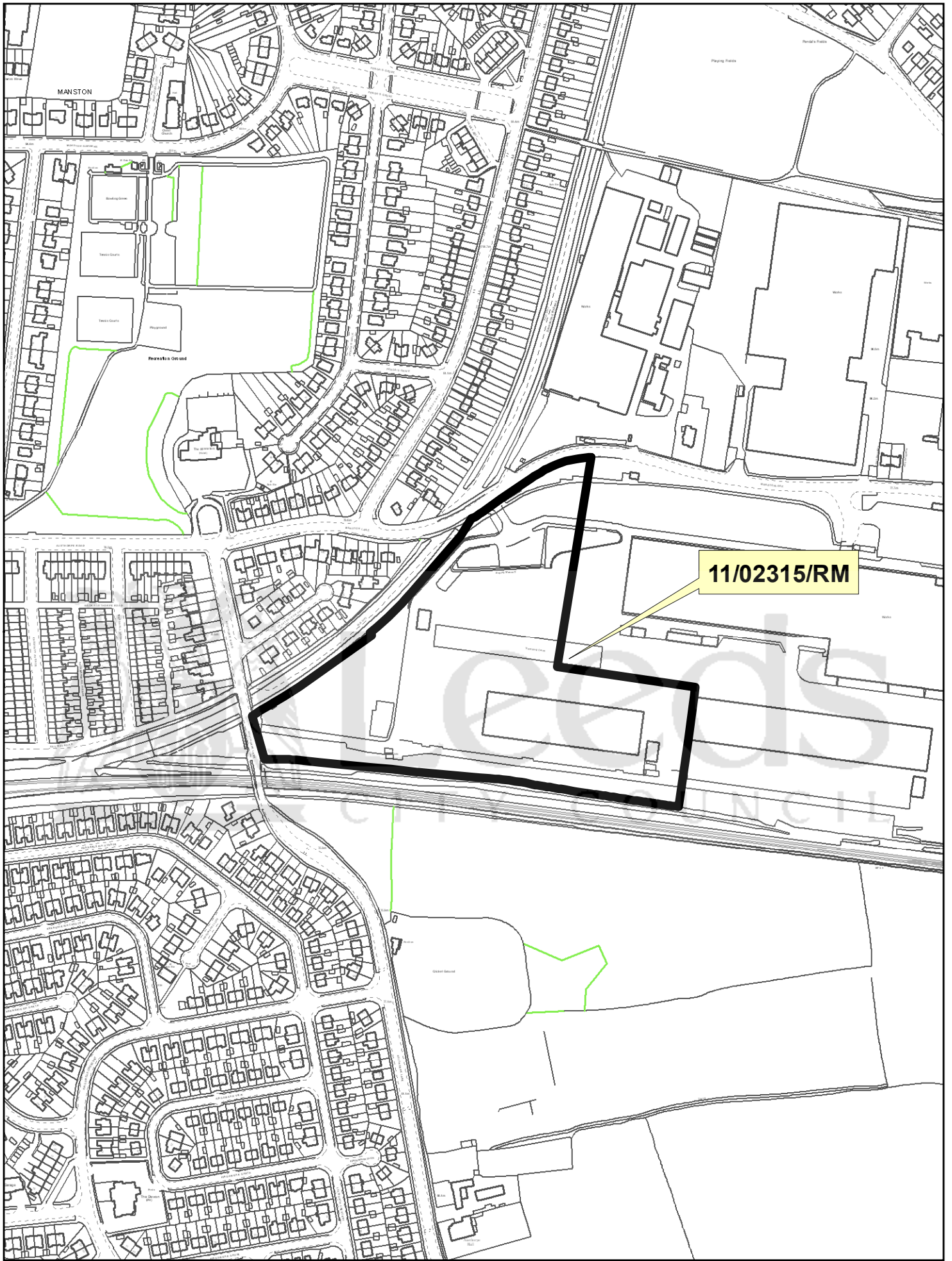
- 11.1 In conclusion, it is noted that Members and local residents have significant concern about the highway impact of the development. However, this was dealt with at the outline planning application stage and an extant planning permission now exists for the quantum of residential development proposed. It is not now possible to re-visit the highway impact aspect of the scheme at the reserved matters stage, which is to specifically agree the detailed layout, design and landscape matters.
- 11.2 Following the negotiations that have taken place between the applicant and officers, it is now considered that a scheme is proposed which offers imaginative contemporary design, good quality public greenspaces and a good level of amenity to future occupiers. Overall, it is considered that the revised scheme is acceptable and it is therefore recommended for approval to be deferred and delegated to Officers.

12.0 Background Papers:

- 12.1 Application and history files.

13.0 Certificate of ownership:

13.1 Unsigned as reserved matters application form. Threadneedle is still the landowner.



EAST PLANS PANEL