



## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 15 September 2011

**Subject: APPLICATION 11/02910/OT – OUTLINE APPLICATION TO LAYOUT ACCESS AND ERECT 98 DWELLINGS AT NETHERFIELD MILLS, NETHERFIELD ROAD, GUISELEY, LEEDS, LS20 9PA.**

#### **APPLICANT**

Redrow Homes Limited  
(Yorkshire)

#### **DATE VALID**

8 July 2011

#### **TARGET DATE**

07 October 2011

#### **Electoral Wards Affected:**

Guiseley & Rawdon

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 signing of a Section 106 agreement by the 7 October 2011 to ensure the following: -**

- 15% Affordable Housing built on site;
  - Education contribution of £4,763.81 per dwelling;
  - Greenspace contribution of £1,445.81 per dwelling;
  - Bus Shelter improvements of £20,000;
  - Off-site highway works contribution towards pedestrian facilities on Oxford Road and Otley Road of £14,700.00;
  - Residential Metro Card scheme for residents of £57,239.94;
  - Public Transport enhancements of £1,226.00 per dwelling;
  - Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;
- and subject to the following conditions:**

1. Outline Condition (Layout, Scale, Appearance and the landscaping of the site).
2. Time Limit On Outline Permission (3 years)
3. In accordance with approved plans (site location and principal points of access only).
4. Details of Levels.
5. PD right removal (Garages)

6. Phasing Plan
7. Materials details and samples of external walling, roofing and surfacing
8. Surface materials to be submitted
9. Details of boundary treatments to be approved and carried out including existing stone boundary wall)
10. Landscape scheme to be submitted and implemented
11. Landscape Maintenance Scheme
12. Tree protection
13. Replacement trees
14. Biodiversity enhancement measures including bird and bat roosts;
15. Code for sustainable homes certification (level 3 minimum);
16. Area used by vehicles laid out, surfaced and drained;
17. Details of cycle parking;
18. Redundant access points closed and footway reinstated;
19. Implementation of travel plan measures;
20. Confirmation of off-site parking spaces relocation;
21. Max gradient of the vehicular accesses;
22. Specified operating hours (construction); no Sunday / Bank Holiday operations;
23. Construction management plan;
24. Bin storage details;
25. Details of works for dealing with surface water discharges
26. No piped discharges of surface water until completion of drainage works.
27. Feasibility study into the use of infiltration drainage methods
28. Surface water discharged from the development will be subject to balancing of flows to achieve a maximum flow rate of 15 litres per second.
29. Details of on-site storage provided for additional run-off from storm events
30. Further site investigation required
31. Amendment of remediation statement
32. Submission of verification report
33. (relevant land contamination in formatives).
34. 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).

UDPR Policies SA1, SP3, SP4, GP5, GP7, GP9, E7, BD2, BD5, H1, H3, H4, H11, H12, H13, LD1, N2, N4, N12, N13, N18A, N18B, N19, N20, N22, N23, N25, N38B, N39A, T2, T2C, T2D, T15, T24.

Supplementary Planning Guidance: Affordable Housing (SPG3); Interim Affordable Housing Guidance – Issued 1<sup>st</sup> June 2011, Greenspace relating to new housing development (SPG4); Neighbourhoods for Living (SPG13); Sustainable urban drainage (SPG22).

Supplementary Planning Documents: Public Transport Improvements and Developer Contributions; and Travel Plans.

Regional Spatial Strategy adopted May 2008: H1: Provision and distribution of housing; H2: Managing and stepping up the supply and delivery of housing; and H5: Housing mix.

National Planning Policy Guidance: PPS1: Delivering Sustainable Development; PPS3: Housing; PPS5: Planning for the Historic Environment; PPG13: Transport; and PPS25: Development and Flood Risk.

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 This application is brought to the Plans Panel because it relates to a substantial development proposal and is subject to a recent appeal decision and a change in officer recommendation.

## **2.0 PROPOSAL:**

2.1 This application seeks outline planning permission to layout access and erect residential development of circa 98 dwellings at Netherfield Mills, Netherfield Road, Guiseley, Leeds, LS20 9PA.

2.2 This submission comprises an outline application (all matters reserved except for means of access) and the proposals are supported by the following package of submissions including: -

- Indicative Masterplan
- S 106 Heads of Terms
- Design and Access Statement
- Bat Survey
- Arboricultural Survey
- Foul and Surface Water Design Statement
- Habitat Survey and Protected Species Assessment
- Archaeological Desk-Based Appraisal
- Noise Assessment
- Flood Risk Assessment
- Remedial Strategy
- Geo-environmental Appraisal
- Transport Assessment
- Framework Travel Plan

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is in Guiseley, situated directly off Netherfield Road. It is principally open fields with the exception of some the land fronting Netherfield Road which comprises buildings and car parking for the Abraham Moon mill complex located on the opposite side of Netherfield Road from the site. The site is allocated for Housing in the Unitary Development Plan Review 2006 and referred to as H3-3A09 (Phase 3 sites (2012-16)). The site fronts onto Netherfield Road which is a bus route. To the North of the site is new development land (Bellway Homes) and open greenspace together with existing properties at Greenshaw Terrace whose frontages face due South onto the new development and onto the existing footpath link running parallel to this Northern boundary.

3.2 To the South of the site is existing residential development to Oxford Avenue and Netherfield Rise of traditional 2 storey semi-detached dwellings circa 1960's. To the West of the site is a large Mill Building with multi occupation by business' and

various access points off Netherfield Road. To the East of the site are houses on Oxford Avenue. Two detached houses also adjoin the site to the northeast. These are served off a private drive running parallel to a perimeter footpath which is flanked with existing mature hedgerow. This area is relatively more modern than the Southern element of Oxford Avenue (circa 1990's).

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

- An application seeking outline permission to layout access and erect residential development of circa 98 dwellings was refused on 16 September 2010 under reference 10/02762/OT. The application was subsequently subject of an appeal and the Planning Inspectorate upheld the appeal and the application was granted planning permission on the 8 March 2011. A full award of costs to the appellant was also granted by the Planning Inspectorate.
- A planning application which sought outline permission to layout access road and erect 14 dwellings and 60 bed care home under reference 08/00418/OT was withdrawn in January 2009.

4.2 Although the site has been the subject of some minor historic planning applications/permissions, there are none that are relevant to this application.

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 None.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised on site by the means of nine site notices (located on Netherfield Road, Netherfield Rise and Oxford Avenue) making reference to a major development affecting a right of way. Notices were posted from 22 July 2011 and gave a response date of 12 August 2011. Notice was also published in the local press (Wharfe Valley Times) dated 21 July 2011. The application has also been made available for public inspection at Guiseley Library.

##### **COUNCILLORS:**

6.2 Councillor Graham Latty (Guiseley & Rawdon Ward) has asked to be kept informed as to the progress of the application.

##### **MEMBER OF PARLIAMENT:**

6.3 We have not received any direct comments to the application from Stuart Andrew MP (Pudsey Constituency).

##### **LOCAL AMENITY GROUPS:**

6.4 No representations have been received from Local Amenity Groups.

##### **LOCAL RESIDENTS:**

- 3 letters of objection have been received from local residents. Grounds for objection are that the scheme would impact on the privacy of existing houses, would obstruct sunlight, and would result in the loss of distant views over fields to the hills above Menston and beyond.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory Consultations:**

#### HIGHWAYS:

7.2 No Objections, subject to conditions.

#### MAINS DRAINAGE:

7.3 No Objections, subject to conditions.

#### YORKSHIRE WATER:

7.4 No Objections, subject to conditions.

#### ENVIRONMENT AGENCY:

7.5 No Objections, subject to conditions.

### **Non Statutory Consultations:**

#### TRANSPORT POLICY (TRAVEL WISE):

7.6 No objections, subject to conditions and S.106 Legal agreement.

#### PUBLIC RIGHTS OF WAY:

7.7 No Objections, subject to conditions.

#### METRO:

7.8 No objections, subject to conditions and S.106 Legal agreement.

#### NEIGHBOURHOODS AND HOUSING:

7.9 No objections, subject to conditions.

#### WEST YORKSHIRE ARCHAEOLOGICAL SERVICE:

7.10 No objections.

#### WEST YORKSHIRE POLICE:

7.11 No objections, subject to conditions.

#### CONTAMINATED LAND TEAM:

7.12 No objections, subject to conditions and informatives.

## **8.0 PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

#### REGIONAL PLANNING POLICIES:

8.2 The Regional Spatial Strategy for Yorkshire and the Humber to 2026 (RSS) was adopted in May 2008 and sets out a strategic framework for development up to 2026.

8.3 The RSS for the Region was revoked by the Secretary of State on 6 July 2010. However, following a High Court Judgement on 10 November 2010, the RSS was re-established as part of the development plan until such time as the Localism Bill is

enacted. At present, the government's intention to abolish the RSS can be a material consideration in the determination of planning applications.

8.4 However, it is not considered that this proposal raises any issues of regional significance.

#### LOCAL PLANNING POLICIES:

8.5 Locally Leeds City Council has begun work on the Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.

8.6 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy BD5: new buildings design consideration given to own amenity and surroundings
- Policy H3: housing allocations.
- Policy N12: refers to all development proposals should respect fundamental priorities for urban design.
- Policy N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy A4: refers to development and refurbishment proposals designed to ensure safe and secure environment
- Policy T2: refers to development capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development
- Policy T24: refers to parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: refers to provision of greenspace to ensure accessibility for residents of proposed development
- Policy N10: refers to development not permitted which adversely affects a public right of way

- Policy N24: Development abutting the Green Belt or other open land should achieve assimilation into the landscape.
- Policy N25: Site boundaries should be designed in a positive manner.
- Policy LD1: refers to all landscape schemes should meet specific criteria

8.7 This list is not inclusive or exhaustive.

#### SUPPLEMENTARY PLANNING GUIDANCE:

8.8 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.

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11:Section 106 Contributions for School Provision; and
- SPG13: Neighbourhoods for Living.

8.9 As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- Affordable housing SPD (2009);
- Public Transport Improvements and Developer Contributions SPD (July 2008);
- Sustainable design and construction SPD (2008); and
- Travel plans SPD (2008); and
- Street design guide.

#### NATIONAL PLANNING POLICY:

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

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing; and
- PPG13: Highways.

### **9.0 MAIN ISSUES:**

9.1 It is the considered view that the main issues are:

- Principle of housing development and housing land supply;
- Design and Layout;
- Residential and Visual Amenity;
- Impact on Landscape, Ecology, Trees and Rights Of Way;
- Highway Safety;
- Flood Risk, Drainage and Ground Conditions;
- Sustainability; and
- Greenspace, Affordable Housing and Education Requirements.

## **10.0 APPRAISAL:**

### **Principle Of Development:**

- 10.1 It was determined at Public Inquiry that the Council did not have a five year supply of land available for housing. The Council's Interim Housing Requirement was not accepted by the Inspector as a replacement to the RSS Housing requirement and he concluded that the early development of this allocated housing site was justified in the light of the Council's continuing need to identify a viable five year supply of housing land and, on the evidence, the demonstrable shortage of deliverable land against that supply. Such an outcome would be consistent with the housing supply objectives of the development plan, and guidance in PPS3 and recent Government statements.
- 10.2 As a consequence, the principal of residential development of the site at this time has been established.

### **Design Issues:**

- 10.3 It is noted that the application seeks outline consent with details of means of access only; layout being a reserved matter. However, an indicative sketch layout is submitted indicating that the site could be developed with 98 dwellings and it is considered that some weight needs to be given to this layout.
- 10.4 It terms of scale, the Local Planning Authority would not wish to see properties of more than two storey to the edges of the site, where they are adjacent to public footpaths, other residential properties or open countryside. Three storey properties may be acceptable away from such locations.
- 10.5 It terms of Separation distances, the Local Planning Authority would require all dwellings to achieve the minimum separation distances as set out in adopted guidance.
- 10.6 It terms of garden sizes, the Local Planning Authority would require all dwellings to achieve the minimum garden sizes as set out in adopted guidance. The Local Planning Authority would not wish to see any internal garaging proposed where it would create dead frontages on a streetscene.
- 10.7 The Local Planning Authority would wish to see a suitable housing mix within the scheme, in terms of bedroom numbers and house types. Landmark dwellings would also be encouraged on corner and/or gateway plots. The indicative scheme submitted addresses elements of the above (which are to be conditioned) and is to be formed of street frontages with predominantly enclosed 'protected' back gardens which is an advantage. However, it is considered that some alterations to the layout would be required to ensure that a future detailed scheme would benefit from the support of the Local Planning Authority. These matters would be addressed at the Reserved Matters stage.

### **Residential Amenity:**



## EFFECT ON NEIGHBOURING RESIDENTS' LIVING CONDITIONS - NOISE

- 10.8 As the application is submitted in outline the final layout of the scheme would be subject to a further reserved matters application. Provided that the properties conform to Leeds City Council's guidance on separation distances, the proposal is unlikely to generate noise and disturbance from within the buildings envelopes that would have a detrimental impact on immediate neighbour's amenity.
- 10.9 Short term construction noise would be addressed through a working hours condition.

## EFFECT ON NEW RESIDENTS' LIVING CONDITIONS

- 10.10 The site is affected by noise from road traffic on Netherfield Road, overhead aircraft from Leeds-Bradford Airport and plant noise from the mill opposite the development site on Netherfield Road.
- 10.11 A noise assessment was submitted with the application that measured the existing noise levels and made recommendations for the glazing and ventilation scheme of the dwellings.
- 10.12 The consultant concluded that the existing measurements fall with Noise Exposure Category B for which PPG24 states that *"noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise."*
- 10.13 In these circumstances, careful design of glazing and ventilation systems usually provides a satisfactory internal noise environment for the future occupants. In this case the consultant has taken BS8233's "reasonable" standard as a design target for bedrooms and living rooms which is 35dB(A) and 40dB(A) respectively. The standard criteria adopted by this department is taken from the World Health Organisation's Community Guidelines 1999 as this reflects more recent research into noise annoyance. In this case the criteria is 30dB(A) and 35dB(A) for bedrooms and living rooms respectively. There is also an outdoor amenity area criteria of 50dB(A) to 55dB(A) within the guidance.
- 10.14 The consultant calculated noise break-in levels based on standard glazing with trickle vents. The houses facing onto Netherfield Road that are most exposed to road traffic achieved this department's night time standard but exceeded the daytime internal noise standard by 1dB however this amount is insignificant.
- 10.15 Subject to the imposition of conditions, the residential amenity of any new potential residents on the site through noise from the surrounding area can be mitigated.

## **Landscape, Ecology, Trees And Rights Of Way:**

### LANDSCAPE:

- 10.16 The Landscaping of the site would be assessed as part of any reserved matters application. The Design and Access Statement submitted states that "The development will contribute to carbon capture by being well treed. Tree planting will be predominantly native species selected from the range of species found in the

area. All landscape treatments will have potential for the development of new ecological habitat as landscapes mature.”

- 10.17 Careful consideration of future landscape proposals would be needed to secure a suitable scheme and to ensure that service corridors are routed under built roads or paths rather than through open space areas.

#### PROTECTED SPECIES:

- 10.18 An ecological assessment was submitted with the scheme. The purpose of the report was to assess the potential for protected species within the site and immediate area.
- 10.19 The report ascertains that habitats within the site are considered to be of low conservation value, predominantly comprising species-poor semi-improved grassland and areas of building and hardstanding. Scattered trees and shrubs across the site and the pond towards the northern boundary are considered to be of greater conservation value, providing potential habitats to birds, bats and amphibian species.
- 10.20 It is considered that there is a low risk of great crested newts being impacted upon by the proposed development as the areas of standing water within the site are considered to be of poor suitability and there are no ponds within 500m of the site and no records of great crested newts within the local area. Whilst no signs of badgers were detected during the survey undertaken, it is considered that the species may enter the site for foraging purposes. However precautionary working methods could be adopted during works.
- 10.21 In relation to breeding birds, conditions could be imposed stating that no vegetation clearance should take place within the breeding bird season (March - August inclusive) unless the area was checked by an appropriately qualified ecologist. In addition, mitigation could be secured through conditions, in terms of planting of native trees and shrubs and the erection of nest boxes to benefit cavity nesting species.
- 10.22 The bat survey within the ecological assessment included an internal and external inspection of the buildings, a search for existing records and an evening and dawn activity survey. No evidence to suggest the presence of any bat roosts in the buildings on the site was found although bats were active in the area. The mature trees and grassland within the site are used as bat feeding habitat. The bat survey submitted as part of the application is considered acceptable.
- 10.23 It is considered that a development of the site maintains the amount of bat feeding habitat available and consideration should also be given to habitat connectivity. There is good bat feeding habitat on the open land to the north of the site so the layout should seek to create a habitat corridor between this and Netherfield Road. This could be achieved through hedgerow planting along the northern boundary, for example, and by native tree and shrub planting within the open space and along the access roads. Planting could link with the retained mature oak discussed further in this report. Conditions could be imposed to deal with this element.

- 10.24 As bats are mobile creatures and the way they use the site may change over time, a further condition could be imposed. This would require an update survey and detailed proposals for maintaining and enhancing bat habitat and roosting sites at the reserved matters stage.

#### MAINTAINING AND ENHANCING BIODIVERSITY:

- 10.25 Planning Policy Statement 9 and Unitary Development Plan policy N51 require developments to maintain and enhance biodiversity. At present the site supports semi-improved neutral grassland as well as a number of trees along Netherfield Road. There is a mature oak close to the south east corner of the buildings (T21 in the arboricultural survey). This tree has potential to support roosting bats and it has good biodiversity characteristics and it should be retained as part of any development. The indicative layout does not appear to show retention of this tree.
- 10.26 Whilst it is accepted that the semi-improved grassland is not particularly species rich but it does link with the grassland and scrub habitats to the north creating a green wedge extending into this part of Guiseley. The development should seek to maintain a green corridor through the site as outlined above and it should include proposals for habitat creation. A condition to achieve this could be imposed requiring details of habitat creation and biodiversity enhancement. Appropriate habitats would be hedgerow planting, native tree and shrub planting, an area of wildflower grassland within the open space and a pond/wetland which could form part of the surface water attenuation scheme for the site.

#### TREES:

- 10.27 A tree survey was submitted with the application. The report concluded that the trees included in the survey are mainly located adjacent to the site boundaries. There is a mixture of species across the site; mainly aspen, interspersed with singular beech, horse chestnut and cherry trees to the northern boundary and; a mixture of lime, ash, cherry and maple to the western boundary.
- 10.28 No proposed levels or cross sections are shown on a site with increasingly steep slopes to the east and north east boundaries, which would need to be submitted to assess any potential tree retention. This could be done at Reserved Matters stage.
- 10.29 There is a fine oak tree to the south east of the existing mill-related building that should be retained, currently shown as removed, with levels around it preserved and offset from development including hard surfacing as identified via our guidance and British Standards BS5830.

#### PUBLIC RIGHTS OF WAY:

- 10.30 Public Footpath No.38 'Aireborough' abuts the site and runs on one boundary of the application site and has a minimum definitive width of 1.3 metres. Although submitted in outline form, it would appear from the Design and Access statement that the footpath will remain on its original line and conditions could be imposed to ensure the footpath remains open and available for use at all times. The development could be encouraged to contribute via a S106 legal agreement to the improvement of the existing PROW surfacing and signage.

#### ARCHAEOLOGICAL ISSUES:

- 10.31 An archaeological desk-based appraisal was submitted with the scheme. The purpose of the desk-based appraisal was to gauge the archaeological potential of the proposed development site and its surrounding landscape through the identification of known and potential archaeological sites and historic buildings.
- 10.32 The report concluded that no sites of any type have been identified within the development area as the cartographic evidence suggested that the proposed development site was probably in agricultural use by the medieval period and is shown as open fields until the 1894 Ordnance Survey map which includes industrial activity.
- 10.33 West Yorkshire Archaeological Service have reviewed the site and submitted reports and whilst there is potential for sub-surface archaeological features and deposits associated particularly with the medieval settlement in the area, these are remote from the application site. Therefore there are no objections raised to the application proposals from an archaeological viewpoint and no further archaeological investigation, geophysical surveying or trial trenching are required.

### **Highway Issues:**

#### **SITE ASSESSMENT:**

- 10.34 The proposals involve the erection of up to 98 dwellings on an existing, largely undeveloped site. The small number of existing buildings which are within the site boundary are described in the supporting information as being used as storage buildings. The land adjacent to these buildings is used as loading/unloading area and also provides off-street parking for approximately 50 vehicles. It is still unclear whether all the parking has permission. However details of the provision for the required relocation of this parking has been agreed at the appeal. A revised condition is proposed to ensure this relocation takes place.

#### **TRANSPORT ASSESSMENT:**

- 10.35 In support of the proposals the applicant's have submitted a Transport Assessment (TA). Although the original TA has included the traffic flows associated with the development at the neighbouring site and has calculated the impact of the proposals on the Netherfield Road/Oxford Road junction.
- 10.36 The TA also takes into account the other committed developments in Guiseley and the cumulative effect of those developments and the traffic generated by this site has been assessed. Netherfield Road/Oxford Road has been assessed using the Picady model and this indicates that there will be no adverse queuing or capacity problems at that junction. The LPA agree with this statement and would also advise that improvements to this junction in the form of yellow box and keep clear markings are to be introduced at that junction as part of the S278 Agreement for the adjacent Bellway site.

#### **ACCESS:**

- 10.37 The principle of 2 access points is acceptable subject to the provision of appropriate visibility splays. The results of radar speed surveys undertaken by the Highway Consultant indicate that 85th percentile speeds exceed 34 mph in both directions. Therefore, given that Netherfield Road is a local distributor road it is considered that visibility splays of 2.4 metres x 90 metres are appropriate. Direct individual access

to dwellings via Netherfield Road is not acceptable and this has been revised by the applicant.

- 10.38 The applicant has been made aware that as part of the S278 highway works associated with the adjacent development a footway is to be provided along the Netherfield Road frontage of the Netherfield Mills site (up to the existing eastern access) at the expense of the existing Netherfield Road carriageway. However, if this current application was considered acceptable the footway must be widened to 2m along the its full Netherfield Road site frontage using land within the site boundary. This will involve setting back of the existing boundary wall.

#### INTERNAL ARRANGEMENTS:

- 10.39 The indicative internal layout has been designed with most of the requirements of the Street Design Guide SPD. Although the plan indicates an acceptable level of visibility at the junctions with Netherfield Road and there is an indication that the footway along that frontage will be widened the internal layout still does not conform fully to the requirements of the Street Design Guide.
- 10.40 There is an over reliance on courtyard parking, some of the road types are not clear (i.e. the road types which run parallel to Netherfield Road do not appear to have footways). Therefore the LPA cannot work out what the level of parking provision is throughout the development. Any approval should be conditional on the layout being designed in accordance with the SPD Street Design Guide and the submitted plan should be treated as indicative only.

#### OFF-SITE HIGHWAY WORKS:

- 10.41 Traffic Regulation Orders will be required. This is likely to take the form of waiting restrictions along Netherfield Road to prevent overspill parking from the site and a residents only permit parking scheme within the site to deter commuters or visitors to the Town Centre. The applicant's will also be required to contribute towards the cost of pedestrian facilities at the junction of Oxford Road/A65 junction. Traffic calming measures on Netherfield Road may also be required. These enhancements would need to be secured through a Section 106 Legal Agreement.

#### PARKING, CYCLE AND REFUSE ISSUES:

- 10.42 Parking provision must be in accordance with the Street Design Guide which also gives advice on acceptable size of parking spaces, driveways and garages. Cycle parking must be provided for each dwelling. Details for the storage of wastes from the dwellings and access for their collection would need needed.

#### TRAVEL PLAN:

- 10.43 A travel plan framework was submitted with the application. City Car Club has stated that they are interested in locating cars at this development. It is considered that the Travel Plan itself is acceptable in principle and any revisions that are required could be secured through conditions.
- 10.44 That being said, in accordance with adopted supplementary planning policy, the Travel Plan, provision of residential MetroCards, Leeds City Council Car Club

parking spaces and monitoring and evaluation fee, should be included and secured through a Section 106 Legal Agreement.

#### ENHANCEMENTS TO STRATEGIC PUBLIC TRANSPORT INFRASTRUCTURE:

- 10.45 Application proposals for this site would be expected to provide enhancements to strategic public transport infrastructure. A S.106 legal agreement would be required to provide a commuted sum of £120,169 for strategic public transport infrastructure. Given that the scheme is in outline a cost per dwelling has been agreed.

#### PUBLIC TRANSPORT SITE ACCESS PROVISION:

- 10.46 Application proposals for this site would also be expected to provide basic public transport site access provision and encourage and promote access by sustainable modes of travel. Whilst there are limited bus services running next to the development on Netherfield Road, improving infrastructure now would allow for increased bus services to be introduced given the level of residential development coming on stream on Netherfield Road.
- 10.47 Metro have advised that bus stop number 16894 (adjacent the development site on Netherfield Road) should have a shelter installed as a new shelter would benefit the residents of the new development. Any new shelter would include seating, lighting and bus information. The expected cost would be £10,000 (this payment also includes maintenance of the shelter).
- 10.48 Future residents would also benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop numbers 16895 and 16897 adjacent the development site on Netherfield Road) at a cost of approximately £10,000 each (including 10 years maintenance). The displays are connected to the West Yorkshire 'real time' system and give accurate times of when the next bus is due, even if it is delayed.
- 10.49 The applicant has been made aware of these requests and these enhancements have been secured through a Section 106 Legal Agreement.

#### **Flood Risk, Drainage And Ground Conditions:**

##### FLOOD RISK ASSESSMENT:

- 10.50 A Flood Risk Assessment (FRA) was submitted with the application as the development proposals are over 1 hectare in Flood Zone 1 as designated by the Environment Agency. The Environment Agency have confirmed that the revised FRA submitted with this application does now comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA did therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 10.51 This layout and indicative number of dwellings does not appear to take into account the use of SuDs.

- 10.52 On the basis of the information contained within the revised FRA, that the Environment Agency withdrew its previous objection provided that the above matter is addressed and the planning condition set out below is imposed requiring the following drainage details.

**FOUL AND SURFACE WATER SEWERAGE:**

- 10.53 The Foul Water and Surface Water Drainage Statement submitted with the application indicates that the public sewer will be diverted. The report indicates that soakaways are unlikely to be feasible. The report also confirms that foul water will discharge to a public foul/combined water sewer, and surface water to public surface water sewer, via storage, with a restricted discharge not exceeding 15 litres per second.
- 10.54 Whilst the Local Planning Authority would ideally wish further work to be undertaken into the possibility of using another form of Sustainable Drainage Systems, rather than just stating that storage will be in underground pipes, no objection are raised to the Foul Water and Surface Water drainage of the site, subject to detailed conditions.

**LAND CONTAMINATION:**

- 10.55 A geoenvironmental appraisal and remedial strategy for the site was submitted with the application. It was accepted that this report provided sufficient details about ground conditions at the site and the levels of contamination present. That being said, the Council required some additional information on chemical testing, exploratory holes, asbestos analysis, historic contamination and a required remediation statement, given the sensitive end use of the site. Further information was supplied by the application and following a review of this amended data and subjection to the imposition of conditions, no objections were raised to the application on contamination grounds.
- 10.56 As a local requirement, within Leeds City Council's validation criteria, a site waste management plan should be submitted with application proposing major developments.
- 10.57 Whilst such a report was not submitted, it is considered that conditions could be imposed on a acceptable scheme, that details and identifies the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.

**Sustainability Issues:**

- 10.58 The Design and Access Statement submitted with the application proposals states that the applicants "will embrace the need for sustainable development and will actively work to meet the requirements of PPS1 for delivering sustainable development together with Leeds City Council's Policy objectives for sustainable settlements." Conditions could be imposed to ensure the submission of a sustainability statement and to ensure that all homes on this site will meet the Level 3 code for Sustainable Homes as a minimum standard.

**Greenspace, Affordable Housing And Education Requirements:**

- 10.59 In accordance with planning policy requirements, application proposal such as this would be subject to the additional developer contributions to cover the following elements: -

#### GREENSPACE:

- 10.60 Members should be aware that the green space calculation for the previous outline application was incorrect. As this is a new application, the green space calculation has been redone and is now correct in accordance with green space policy.
- 10.61 Given the scale of development, the N2.1 requirement should be provided on-site in its entirety. Based on 98 units, the N2.1 requirement on site is 0.392 ha calculated at 0.004 ha per unit. The indicative layout of the on site green space is not acceptable. It should be provided in full and be integral and useable. However this can be controlled via condition and secured through any Reserved Matters Application. Given the size of the on site green space Parks and Countryside may consider taking over the green space however, the applicant will be required to contribute towards the long term management of it.
- 10.62 The provision of green space within 400m of the site falls short of the N2.2 requirement and the provision of green space within 800m falls short of the N2.3 requirement. As such a commuted sum would be required for N2.2 and N2.3 green space which is equivalent to 0.392ha (0.004 ha per unit).
- 10.63 A contribution to off-site equipped children's play is required which has been calculated having regard to the mix of houses and flats. We calculate the average child occupancy of flats and houses based on the 2001 Census, ie 0.1 child per flat and 0.62 child per house. This generates an average of 61 children for the development.
- 10.64 The total green space commuted sum is £141,690.18, which equates to £1,445.81 per dwelling.
- 10.65 In the draft S106 it states that public access will be managed, however officers are seeking to remove this reference as the green space shall not be gated or locked from public use.

#### AFFORDABLE HOUSING:

- 10.66 The previous application was based on the then current policy on affordable housing (comprises both the Informal policy and existing SPG which required 30% of the development to be affordable housing with a 50% - 50% split between social rental and submarket/intermediate). This equated to 30 properties and should be a mix of houses following discussions with the affordable housing officer.
- 10.67 The current scheme is assessed against the draft Interim Affordable Housing Polic, which was implemented with effect from 1<sup>st</sup> June 2011. The policy would therefore apply to all relevant decisions made on or after 1<sup>st</sup> June 2011.
- 10.68 The new affordable housing policy requires 15% of the development to be affordable housing with a 50% - 50% split between social rental and submarket/intermediate. This equated to 15 properties and should be a mix of houses following discussions with the affordable housing officer. These will be secured via the S.106 Agreement.



## EDUCATION:

- 10.69 As the residential development could exceed 50 dwellings, in accordance with adopted policy, there would be a requirement for a contribution to secure the provision of education facilities which will be needed as a result of the family housing proposed.
- 10.70 The birth rate within the planning area has steadily increased year on year from a low in 2003 of 314 births to an excess of 410 for 2009. The nearest schools are projected to be full by 2010/11 and across the Guiseley Yeadon, Rawdon area there is little surplus capacity. With reception intakes being close to the combined admissions limit, any current capacity in higher year groups will soon be removed as the existing population progress through the year groups.
- 10.71 Under the current requirements, the education contribution is 25 pupils per 100 dwellings for primary and 10 pupils per 100 dwellings for secondary this equates to a total education contribution of £466,853. Given that the scheme is in outline a cost per dwelling has been agreed, of £4,763.81 per dwelling.

## Other material planning considerations:

### CAPACITY OF A65:

- 10.72 In relation to comments regarding A65 traffic capacity principle matters. The cumulative impact of the development and other ongoing housing development at the High Royds Hospital site in Menston, developments on Netherfield Road and elsewhere in Guiseley was considered by the Planning Inspector, when outline residential consent for circa 98 dwelling at the site was granted on appeal.
- 10.73 Whilst we accept that the A65 carries high traffic flows at certain times in the day, particularly during the morning peak, the proposed and completed highway improvement works at the Netherfield Road/Oxford Road and Oxford Road/Otley Road junctions secured through the original outline consent for the site and through the former Abraham Moons site would ensure that these junctions were capable of satisfactorily accommodating the increase in traffic flows that would arise from the housing sites on Netherfield Road.
- 10.74 It is also accepted that the A65 is the only arterial road from the centre of Leeds with little or no dual carriageway or space for dualling, and limited carriageway width in places to accommodate bus lanes. This has an effect on some journeys to and from the City centre by road, lengthening peak hour travel. The A65 Quality Bus initiative will however be able to secure some improvement in bus journey times along the A65 inside the Leeds Ring Road, although the initiative does not extend into Guiseley.
- 10.75 It is therefore considered that an objection on capacity matters could not be sustained. The objective of reaching the right balance between employment and housing development in Guiseley and infrastructure capacity issues might need to be further considered as a strategic planning matter in the context of the Council's emerging Core Strategy and any subsequent Allocations Development Plan Document (DPD) or other DPD.

## 11.0 CONCLUSION:

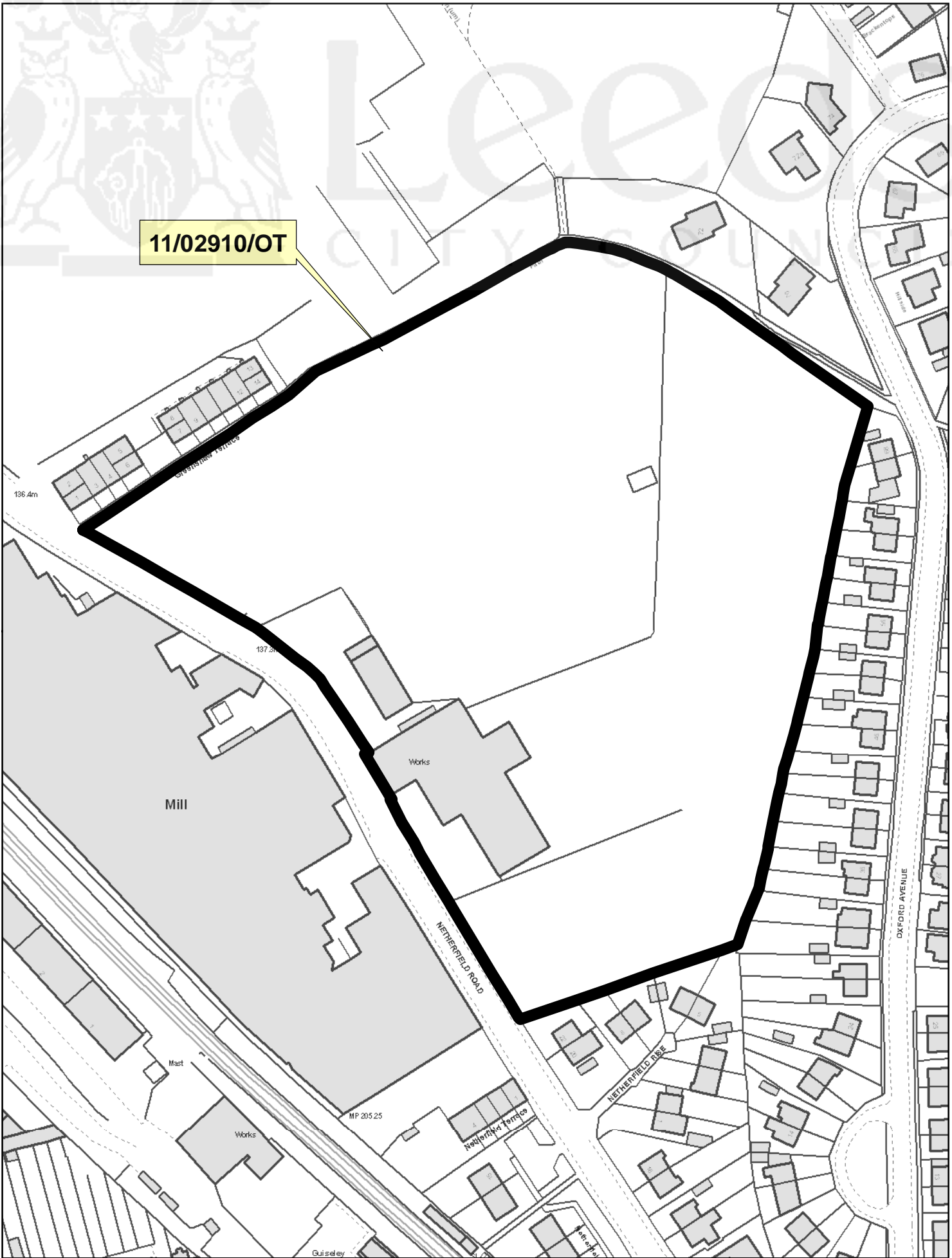
11.1 The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance and as such the recommendation is that the application be approved.

**Background Papers:**

Application files 10/02762/OT.

Appeal Decision: APP/N4720/A/10/2137624.

Certificate of Ownership.



11/02910/OT

136.4m

137.2m

Mill

Works

NETHERFIELD ROAD

MP 205 25

Netherfield Terrace

NETHERFIELD BISE

OXFORD AVENUE

Mast

Works

Guisley

# WEST PLANS PANEL

