
Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 6th October 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:

GRANT PERMISSION for the reserved matters application subject to the specified conditions:

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. Closure of redundant accesses
6. Maximum gradient to vehicular accesses and drives
7. Retention of forward visibility splay
8. Full details of disabled parking, cycle and motorcycle parking for flat blocks
9. Retention of garages for vehicular use
10. Parking to be unallocated, except for disabled spaces
11. Details of Traffic Regulation Orders to be agreed
12. Statement of Construction Practice to be agreed
13. Detailed footway works to Manston Lane to be agreed
14. Details of pedestrian crossing points to Manston Lane and Austhorpe Lane to be agreed

15. 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:

UDPR Policies GP5, N2, N4, N10, N12, N13, N23, N25, BD5, GM4, T5 and T24.

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 reserved matters 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 and a subsequent report recommending approval at the 8th September Plans Panel meeting.
- 1.2 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.
- 1.3 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 was provided at the 8th September Plans Panel meeting although it was 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. Officers 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. Additionally, 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.
- 1.4 At the Plans Panel meeting of 8th September, Members still had concerns about the highway impact of the scheme, as well as raising other issues. Members resolved to defer the determination of the application and requested that two further reports were brought back to Plans Panel, as follows:
 1. A further report on the application to approve the Reserved Matters to address:
 - More information in respect of appearance and form of flats.
 - Member view that a more traditional style of house type would be more appropriate.
 - Details of boundary treatment/fencing details.
 - Details of materials – including sample boards and details of weathering qualities of the timber.

Additional information in respect other matters including:

- Implications of the scheme for flooding downstream.
- Details of street lighting.
- Further information in respect of where affordable housing units are distributed in the scheme.
- Further information in respect of the sustainability of the site (clarification of education contribution and school provision).

Officers were asked to consult with Ward Members on revisions to the Reserved Matter application prior to the application being reported back to Panel.

2. A position statement in respect of progress on the master planning of the wider area and details of the negotiations thus far undertaken, particularly with regard to the delivery of the MLLR.

It was also requested that a separate meeting is set up with Martin Farrington (Director of Development) and Christine Addison (Acting Chief Asset Management Officer) to discuss the approach to bringing about a comprehensive and coordinated approach to the delivery of development within the area and the delivery of the MLLR. This is to take place prior to reporting the application back to Panel.

Cllr Parker also asked to be briefed by officers on discussions over the provision of a rail halt.

- 1.5 This report seeks to address the issues raised by Members about the detailed design of the scheme and referred to in point number 1 above. Further information is also provided regarding the details of the current discharge of condition application relating to drainage, 11/03016/COND, and the S106 agreement secured as part of the approved outline planning application. At the time of writing, meetings have been arranged to discuss the reserved matters scheme further with Ward Members and also to discuss the wider development of the area and the delivery of the MLLR with Plans Panel Members. Verbal updates on the outcome of these discussions shall be provided to the Plans Panel.

- 1.6 Notwithstanding the above, the outline planning permission will expire in March 2012 and the applicant recognises the risks associated with failing to secure a reserved matters consent in the near future. In order to secure their position, the applicant has indicated that should the City Council fail to approve the application at the forthcoming 6th October Plans Panel meeting, they will lodge an appeal against non-determination and apply for a full award of costs against the City Council for unreasonable behaviour.

2.0 PLANS PANEL UPDATE – 8th SEPTEMBER 2011

Detailed design issues

- 2.1 Taking the detailed design issues in order, as reported in para. 1.4 (point 1):
 - Officers will present further visual information on the appearance of the flats blocks to the Panel for consideration. This information shall also be shared with Ward Members following further discussion on the proposals. The dwellings vary in height from two-storeys to two-storeys with rooms in the roofspace, whilst flat block A is three-storeys in height and flat block B is two-storeys with rooms in the roofspace. The dwellings are largely to be faced with brick, but include some use of render and timber effect cladding. The roofs are to be finished with concrete

roof tiles. Officers are of the opinion that the design and appearance of the flats is acceptable.

- It is noted that Members had no adverse comments about the layout of the development or the design and appearance of the house types presented as part of the position statement. However, at the 8th September Plans Panel meeting, Members did raise concerns about the use of contemporary house types and the preference for traditional house types has been relayed to the applicant. However, the applicant has indicated that given the advanced nature of the design and layout of the scheme, they are now not in a position to replace the contemporary house types proposed with traditional ones. Officers consider that the contemporary house types proposed offer good quality design in accordance with the guidance contained in Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development, and are therefore acceptable, see para. 10.8.
- Further information on the nature of the proposed boundary treatments have been requested by Members, although this is noted to be the subject of condition 6 on the outline planning permission. The developer proposes to use brick walls where private garden areas abut the highway and 1.8m high close boarded timber fences between garden areas. Post and rail fences are also proposed around the areas of greenspace. This information shall be shared with Ward Members following further discussion on the proposals and will also be presented to the Plans Panel.
- Officers are seeking further information on the details of the proposed building materials, although this is also the subject of a separate condition (No. 4) on the outline planning permission. Further information regarding materials will be shared with Ward Members and will also be presented to the Plans Panel. The general palette of materials proposed is nevertheless considered to be acceptable.

Additional information - Drainage, Street Lighting and S106 requirements

2.2 The following additional information is provided in response to Members requests, although it is not material to the determination of the reserved matters application. Taking the additional pieces of information requested in order:

- A condition discharge application, 11/03016/COND, has been submitted which seeks to discharge drainage conditions 10, 11, 12, 13 and 14 of outline planning permission 08/03440/OT. The proposed attenuation basin at the western end of the site is to be 0.9m deep and would provide for 460 cubic metres of stormwater storage and is designed to cope with a 1 in 100 year storm event plus climate change. This area would remain dry except in periods of exceptional rainfall in order to prevent further problems beyond the application site. The Environment Agency have stated no objection to the drainage proposals, although Yorkshire Water have requested a lower rate of surface water discharge to the currently proposed. At the time of writing, the applicant is preparing revised calculations to demonstrate a restricted rate of surface water discharge of 67 litres/second in accordance with Yorkshire Water's requirements. The Council's Flood Risk Management Team also requires that the scheme complies with Yorkshire Water's requirements.
- Street lighting would be subject to the S38 agreement (pursuant to the Highways Act 1980) for the proposed development and will therefore be lit to the Council's full standard. The vast majority of the streets proposed are to be built to adoptable standards and therefore lighting would be provided. The private drive at the western end of the site is adjacent to the emergency access path, which would also be adopted and benefit from being lit. There are no gullies within the proposed development which may otherwise be required to be lit.
- The Affordable Housing requirement is a S106 issue and was agreed as part of the outline planning permission, forming 25% of the units in the scheme, of which 40% are to be social rented and 60% sub market. The Affordable Housing is also

required to be 'pepper potted' across the site in accordance with requirements of Affordable Housing providers.

- The Education Contribution for the development was agreed at the outline planning application stage and forms part of the approved S106 agreement. This will provide for:
 - a) the sum of £1,902.31 (BCIS Index Linked) to be paid to the Council for each family unit*, to contribute towards secondary school facilities; and:
if and when the total number of family units developed on this site and the Optare site exceeds 200:
 - b) the sum of £3,156.18 (BCIS Index Linked) to be paid to the Council for each family unit constructed thereafter, to contribute towards primary school facilities; and
- * A family unit means every house with 2 or more bedrooms and every flat with 3 or more bedrooms.

2.3 As reported in para. 1.4 (point 2), Members also requested a position statement in respect of progress on the wider development of area and the negotiations thus far undertaken with regard to the delivery of the MLLR. A separate report, which follows this one, seeks to provide Members with further information on this topic.

2.4 It is also noted that Members requested a meeting with Martin Farrington (Director of City Development) and Christine Addison (Acting Chief Asset Management Officer) to discuss the wider development of the area and the delivery of MLLR. At the time of writing, a meeting date has been agreed and a verbal update on the outcome of these discussions shall be provided to the Plans Panel. Whilst the future development of the area is clearly very important, it does not directly impact on the consideration of this reserved matters application.

3.0 PROPOSAL:

3.1 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 portion 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.

4.0 SITE AND SURROUNDINGS:

4.1 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.

4.2 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.

- 4.3 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.

5.0 RELEVANT PLANNING HISTORY:

- 5.1 11/03016/COND - Application to discharge conditions 10, 11, 12, 13 and 14 (drainage) of planning application 08/03440/OT – Pending decision.
- 5.2 11/02808/COND - Application to discharge condition 16 (landscaping scheme) of planning application 08/03440/OT – Pending decision.
- 5.3 11/02731/COND – Application to discharge conditions 21 and 22 (remediation) of planning application 08/03440/OT – Pending decision.
- 5.4 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.
- 5.5 08/03440/OT - Outline application for partial redevelopment of the former Vickers tank factory for residential development – Approved 16/3/09.
- 5.6 08/00298/OT - Outline application to layout access and erect residential development (Optare site) – Pending decision.
- 5.7 32/147/05/FU - Residential development involving 110 dwelling houses and 78 flats to former tank factory site – Refused 2/5/07.
- 5.8 32/374/01/FU - Change of use of former tank factory to B8 (storage and distribution) – Approved 26/7/02.

6.0 HISTORY OF NEGOTIATIONS:

- 6.1 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 260 units allowed before the MLLR is in place) and for phase 2 a further 29 units (post completion of the MLLR).

- 6.2 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.
- 6.3 Following submission of the reserved matters application, a position statement was presented to the 11th August Plans Panel meeting. Members then requested a further report be submitted to the Panel setting out the context of the application in relation to planning permissions granted on nearby sites, what has been agreed in terms of highway works and the delivery of MLLR and key dates.

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. The development plan policies relevant to this reserved matters application are set out below.

9.2 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.
N2/N4: Greenspace provision.
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.
T5: Consideration of pedestrian and cyclists needs.
T24: Parking guidelines.

9.3 National Planning Guidance:

PPS1 – Delivering Sustainable Development
PPS3 – Housing

9.4 Neighbourhoods for Living – A Guide for Residential Design in Leeds

10.0 MAIN ISSUES

1. Principle of development
The Reserved Matters
2. Access
3. Appearance
4. Landscaping
5. Layout
6. Scale
7. Impact on residential amenity
8. Other matters

1. Principle of development

- 10.1 The principle of development, including the highway impact for this quantum of development, was accepted and established when the City Council granted outline planning permission for the residential redevelopment of the site in March 2009.
- 10.2 Bearing in mind the history of negotiations (part 6.0 of this report), the site layout provides 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.
- 10.3 It is also 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.

- 10.4 A Section 278 Agreement is also required for the widening and footway works to Manston Lane and to achieve the forward visibility splay to Manston Lane.

The Reserved Matters

2. Access

- 10.5 The principal and only vehicular access to the site is taken from Manston Lane, in the vicinity of the existing site access. The applicant has demonstrated that the necessary visibility splays can be achieved (2.4m x 90m for vehicles exiting the site onto Manston Lane and a forward visibility of 90m for vehicles travelling westwards along Manston Lane towards the new junction). Highways officers consider the proposed access to be acceptable.
- 10.6 The development can also be accessed on foot and by cycle via the path connecting the development to Austhorpe Lane, to the west (which also serves as an emergency access). This allows for the desire to achieve pedestrian and cycle connectivity between the areas to the north and south of the application site. The proposal also allows for two streets to connect into the remainder of the Vickers site, to the east, therefore allowing for future pedestrian, cycle and vehicle links.
- 10.7 Overall, the detailed scheme contained in the reserved matters submission provides for a development with an acceptable form of pedestrian, cycle and vehicular access into and through the site.

3. Appearance

- 10.8 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 effect cladding (in order to avoid issues regarding weathering) and concrete roof tiles. At the 8th September Plans Panel meeting, Members stated a preference for traditional house types rather than contemporary ones. Nevertheless, overall, the design approach is well founded and appropriate, bearing in mind the site's context. Amendments have been made to address officer's concerns and accordingly the design is considered to be acceptable.

4. Landscaping

- 10.9 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 has been amended to provide 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.

- 10.10 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.
- 10.11 Due to the highway requirements for the necessary visibility splays, 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 possible to plant new trees behind the visibility splays and over the sewer easement. Ornamental planting will therefore be provided to help mitigate against the loss of trees and is considered to be a reasonable response bearing in mind the importance of bringing forward a significant brownfield site for residential development.
- 10.12 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. A condition is therefore suggested that will ensure a suitable landscape scheme is agreed in mitigation for such circumstances. The above strategy for the landscaping of the site is considered to be acceptable and sets the parameters within which the scheme will develop. The detailed planting is nevertheless to be secured under condition 16 attached to the outline permission.

5. Layout

- 10.13 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.
- 10.14 Each of the streets has been designed such that the vast majority of the proposed dwellings front onto a street, providing for passive surveillance over the public realm and creating an attractive sense of place. Consequently, private garden areas are well contained to the rear offering a good level of security in the future by minimising opportunities for intruders.

6. Scale

- 10.15 The proposed development comprises a range detached, semi-detached and terraced houses, varying in height from two-storeys to two-storeys with rooms in the roofspace. The flats block in the south-east corner of the site, Block A, is three-storeys in height. The flats block in the northern corner of the site, Block B, is two-storeys with rooms in

the roofspace. Whilst the immediate context contains substantial industrial buildings, the wider local area is characterised by a range of residential dwellings of two to three storey form. Given the potential future re-development of the Vickers site and also Optare, taking into account the suburban form of other residential properties in the wider area, it is considered that the scale of the proposed dwellings and flat blocks is acceptable.

7. Impact on residential amenity

- 10.16 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.
- 10.17 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.
- 10.18 It is also noted that the outline planning permission 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.

8. Other matters

- 10.19 There are some other matters which have been raised by Members and local residents. Whilst these are unrelated to the determination of the reserved matters application, the following information is provided.
- 10.20 It is noted that Members and some local residents have raised concerns about drainage issues in the vicinity of the site. Information on the drainage proposals for the site is provided at para. 2.2 of this report.
- 10.21 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.

- 10.22 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 It is also noted that at the 8th September Plans Panel meeting, concerns were raised about the use of contemporary house types. However, the applicant does not consider it necessary to amend the design. It is also noted that the City Council has been criticised in previous appeal decisions for trying to impose a particular architectural style when a sites context does not warrant it (as in this particular case), contrary to national planning policy. Following the negotiations that have taken place between the applicant and officers, it is considered that a scheme is proposed which offers imaginative contemporary design, good quality public greenspaces and a good level of amenity to future occupiers.
- 11.3 The applicant has indicated that should the City Council fail approve the application at this Plans Panel meeting, they will lodge an appeal against non-determination and apply for a full award of costs against the City Council for unreasonable behaviour. It is Officer's opinion that the issues pertinent to the reserved matters application have been satisfactorily dealt with and the proposal offers an acceptable form of development to the extent it would be very difficult to defend such an appeal. It is therefore recommended that the reserved matters application is approved.

12.0 Background Papers:

- 12.1 Application and history files.

Certificate of ownership:

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

EI
Sub Sta

Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Used figured dimensions only. If in doubt, please call QAD.

For further information regarding landscaping proposals refer to details and plans prepared by Pegasus Planning Group

☐ V Unallocated car parking space

LEEDS CITY COUNCIL

26 SEP 2011

REVISED

The changes shown on this plan do not need further public comment

N Plots 28,122 and 110 AD IB
repositioned as requested
and bin stores moved to the
front. 07/09/11.

M Unallocated parking spaces AD IB
added and tables revised in
line with current guidance
and following comments from
highways. 07/09/11.

L Parking provision to plots 15-18, 21-24 and 36-39 revised in line with current guidance and following comments from planners. 05/09/11.

K Plots 15-18, 21-27 and 73 NV C
repositioned as requested
by the planners and client.
Garage arrangement revised
to plots 73 & 74. Block B
repositioned and existing
trees removed to north east
boundary. Planting proposals
updated to boundaries and
public open space. 25/08/11.

J Plot 110 and Block B NV CO
repositioned. Road layout to
plot 119 re-aligned. Plots 94
and 95 house types
repositioned. Rear boundary
walls shown to plots 13, 30,
40, 44, 52, 58, 67, 68, 70, 78,
98, 101, 109, 111, 119 & 121.
Updated following comments
from planners. 24/08/11.

H	Landscaping proposals shown to areas of public open space in line with Pegasus proposals. Retained planting adjacent to railway indicated.	NV	PV
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Rev	Note	Revised	Check
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Status
PLANNING

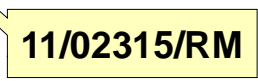
Project
VICKERS TANK FACTORY, LEEDS
BELLWAY

Drawing Title	Drawing Size
SITE PLAN	

Job No.	Drawing No.	Scale	Revis
11-004	PL02	1:500	

Reviewed by IB Drawn by AD Date 04/11

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