



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 13.10.11

Subject: APPLICATION 11/02795/EXT: EXTENSION OF TIME FOR PLANNING APPLICATION 08/04075/OT FOR OUTLINE APPLICATION TO LAYOUT ACCESS ROAD AND ERECT RESIDENTIAL DEVELOPMENT AT FORMER WOODSIDE DYEWORKS, LOW LANE, HORSFORTH

APPLICANT

John Ogden Properties Ltd

DATE VALID

5 July 2011

TARGET DATE

4 October 2011

Electoral Wards Affected: Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate to Chief Planning Officer for approval subject to: the satisfactory conclusion of a Section 106 Agreement providing affordable housing – 8 units (4 shared equity, 4 social rent; metro card contribution of £23562 for travel cards; travel plan monitoring fee of £2500; greenspace contribution of £47,719.84; transport improvement contribution of £34,815; and the following conditions:

1. Standard time limit for commencement.
2. Submission of Reserved Matters.
3. Submission of landscape scheme.
4. Landscape implementation.
5. Retained trees.
6. Safeguarding of trees during construction
7. Materials samples on site.
8. Boundary walls and fences.
9. Bin storage.
10. Cycle storage

11. Contamination validation.
12. Dust suppression.
13. Prevention of mud on highway.
14. Full details of retaining walls.
15. Provision of Greenspace and its maintenance.
16. Method statement for opening up culvert.
17. Local biodiversity and wildlife.
18. Car parking to be laid out and constructed as approved.
19. Lighting schedule for development and adjacent open space
20. Details of new bridge.
21. Sustainable drainage.
22. Location of development in relation to on site sewer
23. Gradient of access road

Reasons for approval: The application is considered to comply with policies GP5: E7:H4 H11: H12: H13: N2: N4: N8: N12: N31: N32: N39B: of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION AND BACKGROUND TO EXTENSION OF TIME APPLICATIONS:

- 1.1 This is an application for the extension of time for the implementation of an outline planning permission (reference 08/04075/OT).
- 1.2 The application seeks to extend by a period of three years the planning consent granted on 28 July 2009. Whilst 'renewal' applications have not been routinely accepted for some years, this further extension of time is permissible under guidelines which came into effect on 1st October 2009 in response to an increase in the proportion of unimplemented consents as a result of the continuing economic downturn. The purpose of the changes is to ensure the continued delivery of housing and other development during and immediately after the downturn and to attempt to ameliorate the impact on Authorities of a sudden 'spike' in application numbers when the economy eventually leaves recession. Guidelines issued in a Letter to Chief Planning Officers on 22nd September 2009 by the previous government, permit extant, unimplemented consents approaching expiry to be 'kept alive' (or in essence renewed) by local Planning Authorities without the need for a full range of consultations, provided there have been no significant changes to the underlying policy framework in the interim.
- 1.3 This application relates to a proposal for the redevelopment of the former Woodside Mills site for residential development at Low Lane, Horsforth. The application is recommended for approval in principle and for the decision to be delegated to the Chief Planning Officer, subject to amendments to the Section 106 agreement to reflect changes in affordable housing policy since the original grant of planning permission and to incorporate additional contributions to provide metrocards and an increased off-site greenspace contribution offered by the developer.
- 1.4 The application has been brought to Panel to explain the implications of the change in the affordable housing requirement and the extent of the additional developer contributions now offered.

2.0 PROPOSAL:

- 2.1 The application for which the extension of time is sought relates to a site area of 3.09 hectares of which 1.37 hectares is affected by built development. The application is outline, with access, siting and scale to be considered whilst landscape and appearance are reserved matters.
- 2.2 The scheme proposes 59 units comprising 35 houses (three to five beds) 15 two bed maisonettes and 9 one bed flats. 107 spaces parking spaces are proposed (giving 181% provision) with some being in garages.
- 2.3 0.12 hectares of open space will be provided on site and 1.725 hectares adjoining the site. The latter comprises the millpond and woodland areas plus a bridge over the beck and links to the local footpath network. This land will be managed by a Management Company.
- 2.4 The application notes that there are 228 trees in the application area. Proposals to relocate the watercourse requires removal of all those within an 11 metre corridor (approx 50). The submitted tree survey states that the majority of those to be lost are of low quality.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site straddles both sides of Oil Mill Beck and comprises the site of the former mill buildings (now demolished), the mill dam and extensive woodland extending from the beck northwards to the Leeds-Harrogate railway line and from the mill southwards to the rear of property fronting Low Lane. The cleared site to the west of the Beck includes retaining walls and extensive areas of hardstanding and the concrete bases of demolished buildings.
- 3.2 The site is currently served by a very substandard steep access road with a second equally substandard access road off Salisbury Mews. Both access roads rise steeply from the valley floor to the Low Lane level (a rise of some 7 metres) are very restricted in width and have extremely poor visibility at their junctions with the main road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application (07/04383/OT): for 91 dwellings comprising 57 two bedroom flats, 13 one bedroom flats, 9 two bedroom houses and 12 three bedroom houses with 163 car parking spaces. Refused on 31 January 2008 for the following reasons:
- 1 Inadequate affordable housing provision.
 - 2 Relationship of the blocks to the beck and beckside path
 - 3 Scale, height and massing of buildings along the beck, adjoining urban green corridor, greenspace and Green Belt.
- 4.2 Application 08/04075/OT: for 59 units comprising 35 houses (three to five beds) 15 two bed maisonettes and 9 one bed flats with 107 spaces parking spaces for which planning permission was granted on 28 July 2009 following a Panel site visit. The current proposal is to extend the time for implementation for a further three years.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following submission the applicants have agreed to provide developer contributions in accordance with current Policy requirements.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was the subject of a Major Development site notice posted on 22 July 2011 and an advertisement in the Wharfe Valley Times published on 21 July 2011.
- 6.2 Local Councillors have been consulted on this extension of time but have not commented.
- 6.3 1 letter of representation received from a local resident on the following grounds:
- noise from site preparation and building work.
 - noise from residents living in such close proximity to our house.
 - disturbance from vehicles using the road to enter and exit the development once it has been completed.
 - that existing trees and shrubs be retained as a screen between the development and objectors house.
- 6.4 These objections were considered when the principal of development was accepted in 2008.

7.0 CONSULTATIONS RESPONSES:

Transport Policy: Confirm that a developer contribution of £34,815, for transport improvements, as included in the original Section 106, is still considered appropriate.

Forward Planning and Implementation: The new interim affordable housing policy was introduced on the 1st June 2011 and has an impact on this application. The requirement is that now 15% of the development shall be affordable with a 50/50 split between sub market and rented. This is an overall reduction since the application was originally assessed in 2008 (25%).

The green space contribution required for policy N2.3 (the green space provided meets the requirements for N2.1 and N2.2 green space).

- Laying out of green space for N2.3 £21,163.57
- Professional Fees at 16.3% £3,449.66
- Children's equipped play £23,106.60

Total green space contribution required £47,719.84.

Metro: Recommend the provision of MetroCard Bus Only the total liability to the developer not to exceed £23562 (subject to a further liability of any rise in the cost of MetroCard prior to its provision in respect of each dwelling.

8.0 PLANNING POLICIES:

- 8.1 The site is not allocated for any specific purpose in the adopted UDP Review but the existing buildings are in the main built up area. The land on the other side of the beck is designated as green belt, green space, urban green corridor and a Leeds Nature Area (LNA). The following policies and documents are relevant;

National guidance: PPS1 and PPS3

Adopted UDPR

GP5: General planning considerations.
E7: Retention of employment land.
H11: Provision of affordable housing.
H12: Proportion and type of affordable units.
H13: Retention of Affordable Housing.
N1: Protected Greenspace.
N2: Provision of amenity space.
N4: Greenspace and residential development.
N8: Urban Green Corridor.
N12: Urban design principles.
N31: Priority for reclamation of derelict land.
N32: Green belt land.
N39B: Support for opening up culverts.
H4: Residential Development on non allocated sites.

Supplementary Planning Guidance.

Neighbourhoods for Living.

Supplementary Guidance No.3 Affordable Housing (Revision 2007).

Interim Affordable Housing Policy 2011

9.0 MAIN ISSUES

1. Principle
2. Developer contributions in relation to the extant planning permission.
3. Interim Affordable Housing Policy
4. Developer contributions in respect of the revised application

10.0 APPRAISAL

1. Principle:

- 10.1 The principle of development has been accepted with the grant of outline planning permission for application 08/.02795/FU. The application seeks to extend the period for implementation for a further 3 years.

2. Developer contributions in relation to the extant planning permission.

- 10.2 In considering the previous application, the total requests for developer contributions from consultees were as follows:

- Public transport improvements: **£34815**
- Public transport packs to be provided to new residents. Metrocards to be provided at cost of £567 each to new residents (1 per household): **(£33453)**

- Travel plan monitoring fee: **£2500.**
- Greenspace contribution: **£43,688.79**

This totals about **£115000** plus 15 properties for affordable housing.

- 10.3 Following initial Panel consideration of the application the developers offered 2 alternative options for contributions which they considered viable:

The first option involved a change to the affordable housing split, with 11 provided for shared equity and 4 for social rented. This alteration to the tenure split would effectively release additional £81k to cover the following contributions:

- a. Public transport (£34, 815)
- b. Travel Plan (£2, 500)
- c. Greenspace (£43, 689)

Total: £81000 (this covers everything requested except Metrocards)

The second option proposed an alternative tenure mix for the affordable housing of 10 shared equity and 5 social rented. This would effectively mean there would be approx. £27k less in the figures for other contributions. Officers recommended that this option was agreed and with the reduction applied to the Greenspace contribution the result would be:

- a. Public transport (£34, 815)
- b. Travel Plan (£2, 500)
- c. Greenspace (£16, 689)

Total: £54000 (this reduces the greenspace contribution in order to provide a Social rented unit in place of a shared equity unit in Option 1).

- 10.4 Members decided to accept the second option as it offered an additional rented property and this was considered preferable to the provision of a larger greenspace contribution. In terms of Affordable Housing Policy, the proposals as approved met the percentage required for this site (25%) on the basis of Council Policy at the time the application was submitted, although the mix of social rented and shared equity varies from the 50/50 mix set out in the Affordable Housing Policy Guidance Note Annex (July 2005). The contributions referred to in the second option were the subject of a Section 106 Agreement.

3. Interim Affordable Housing Policy

- 10.5 Since the original planning permission was granted the Council has adopted a revised Interim Affordable Housing Policy. The revised Policy was adopted by Executive Board on 18 May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 10.6 It will apply until replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012 unless there is clear

evidence of a change in market circumstances to warrant any further change in the meantime.

- 10.7 Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.
- 10.8 The proposed changes were adopted in light of the findings of the DTZ Economic Viability Assessment (EVA) published in February 2011 which provided an up to date assessment of what affordable housing can be delivered in the current market and concluded viability was compromised in most areas of Leeds in the current recession as a result of the Affordable Housing Policy being applied prior to 1 June 2011.
- 10.9 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing (a reduction from the SPD figure of 25% applied to the application and from the 30% figure of the previous Interim Guidance adopted in July 2008). The requirement for a 50/50 mix of social rent and shared equity is unchanged.
- 10.10 The implication of this is that under current policy instead of the 15 affordable units required and provided in relation to the original policy the requirement is reduced to 8 affordable units, 4 for rent and 4 shared equity.

4. Developer contributions in respect of the revised application

- 10.11 The applicant has now offered a revised package of contributions which take account of the revised interim affordable housing policy and the full level of contributions in respect of other current Policy requirements, as follows:
- Affordable housing – 8 units (4 shared equity, 4 social rent).
 - Metro card contribution of £23562 for travel cards.
 - Travel Plan monitoring fee of £2500
 - Greenspace contribution of £47,719.84
 - Transport improvement contribution of £34,815

11.0 CONCLUSION

- 11.1 The principle of development on this site, as well as the majority of the details of the proposal (with only landscape and appearance reserved) have previously been agreed by the Council when approving the previous application.
- 11.2 The difference between this extension application and the original outline proposal is that the applicant is seeking to amend the amount of affordable housing in accordance with the Interim Housing Policy and is additionally offering to increase contributions to meet other policy objectives of the Council.

In summary the differences are:

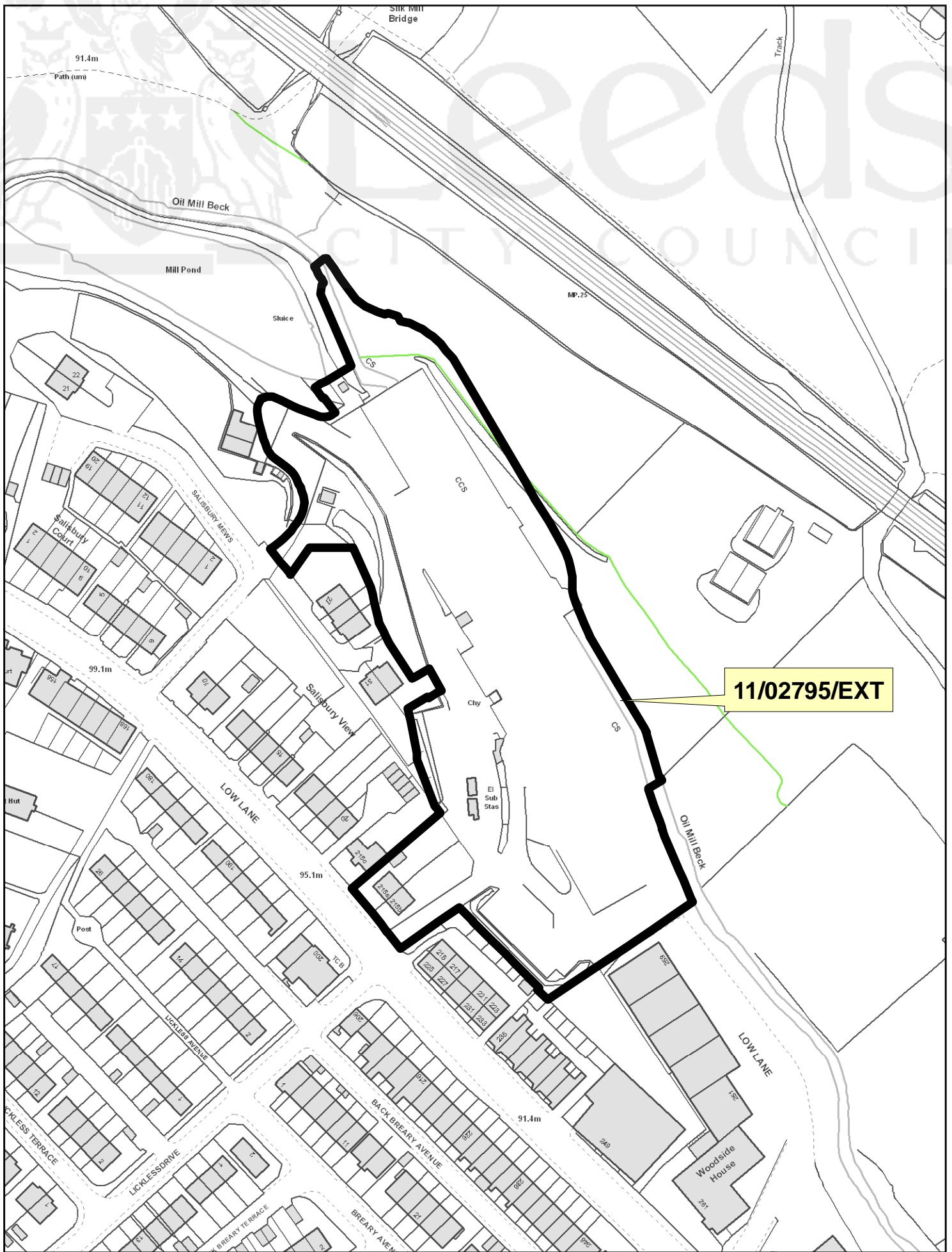
CONTRIBUTION	08/02795/FU.	CURRENT APPLICATION
Affordable Housing	15	8
Social rented	5	4
Shared Equity	10	4
Metrocard	£0	£23,562
Travel Plan Monitoring	£2,500	£2,500
Greenspace	£16,689	£47,719
Transport Improvement	£34,815	£34,815
TOTAL FINANCIAL CONTRIBUTION	£54,004	£108,596

- 11.3 Officers consider that the proposal to amend the developer contributions in the 106 Agreement to comply with all current policies of the Council is reasonable and that it would be difficult to justify rejection of these proposals. This application is therefore recommended for approval, subject to a revised 106 agreement incorporating the developer contributions in accordance with current policy.
- 11.4 The Interim Affordable Housing Policy indicates that permissions granted will normally be time limited to 2 years. However it is possible to grant the normal three year permission and incorporate a mechanism in the 106 Agreement applying the 2011 Interim Policy requirements for affordable housing for 2 years and reverting to the level of affordable housing applicable at the time following the end of the two year period. This would take account of any future changes in Policy if, for example, an Affordable Housing Supplementary Planning Document is adopted in the interim, and this approach is recommended.

Background Papers:

Application file 11/02795/EXT and history file 08/04075/EXT.

Certificate of Ownership



WEST PLANS PANEL

