



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 10 November 2011

Subject: APPLICATION 11/02980/FU – ERECTION OF 30 DWELLING HOUSES AT GREENLEA CLOSE, YEADON, LEEDS, LS19 7JL.

APPLICANT

Charles Church Yorkshire

DATE VALID

14 July 2011

TARGET DATE

13 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 within three months of the date of this resolution to ensure the following: -

- **15% Affordable Housing built on site;**
- **Greenspace contribution of £84,222.96; and**
- **Residential Metro Card scheme for residents of £12,117.60.**

and subject to the following conditions:

1. Time limit on full permission (2 years).
2. In accordance with approved plans.
3. Details of Levels.
4. PD right removal (Garages).
5. Details of sustainable components and energy efficiency measures for the dwellings to be agreed.
6. Details and samples of external walling, roofing and surfacing materials to be submitted.
7. Details of boundary treatments to be approved and carried out including existing stone boundary wall)
8. Landscape scheme to be submitted and implemented
9. Landscape Maintenance Scheme
10. Tree protection

11. Replacement trees
12. Biodiversity enhancement measures including bird and bat roosts;
13. Area used by vehicles laid out, surfaced and drained;
14. Details of cycle parking;
15. Max gradient of the vehicular accesses;
16. Other relevant highway conditions
17. Specified operating hours (construction); no Sunday / Bank Holiday operations;
18. Construction management plan;
19. Bin storage details;
20. Relevant drainage conditions
21. Relevant land contamination conditions
22. (relevant land contamination informatives).

Reason for approval: The application is considered to comply with 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 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:

- 1.1 This application is brought to the Plans Panel because it relates to a substantial development proposal.
- 1.2 This application is also brought to the Plans Panel as, although the site benefits from an outline consent which remains valid until 20 October 2014, the house builder has decided to resubmit a fresh full detailed application to take advantage of the current lower affordable housing requirements.
- 1.3 On 18 May 2011, the Council's Executive Board approved an Interim Affordable Housing Policy which, in the case of this site, now requires affordable housing at a lower ratio of 15%. The applicant has submitted the current application on the basis of provision at this 15% level.

2.0 PROPOSAL:

- 2.1 The application seeks full planning permission for 30 dwellings on 1.06 hectares of land with a range of accommodation from 2 to 5 bedroom houses and storey heights of 2 to 2½. Access would be provided from the end of Greenlea Close and form a cul-de-sac within the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies on the edge of an existing residential area situated to south west of Yeadon. Access to the site is via Greenlea Close. The proposed development site comprises of a field abutted to the north east and south east by attractive tree cover and beyond lies open land which is Green belt. To the south and west lies the urban fringe and comprises of residential units and associated gardens.
- 3.2 The site is Greenfield in nature showing no signs of any form of previous development. At the time of the site visit the field was grassed and overgrown. The topography of the site varies with the land sloping towards the south and east. There are a variety of house types in the area however dormer bungalows with steeply pitched roofs are a common feature particularly along Greenlea Close itself.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has been subject to an outline planning application to lay out access road and erect residential development for circa 40 dwellings under reference P/08/06283/OT. This planning application was refused by the Council on the 20th February 2009 for two reasons, principally relating to the stance of the Council that they had at the time a five-year housing land supply and there was no need to release this Phase 2 Greenfield site and secondly, the adverse effect of the release of the site upon regeneration elsewhere within Leeds.
- 4.2 This refusal was challenged at appeal under reference APP/N4720/A/09/2100709 with the appeal being allowed on the 20th October 2009.
- 4.3 The appeal granted outline planning permission for development of up to 40 dwellings with storey heights varying from 2-2½. Access was also secured at outline stage and as such, only appearance, landscaping, layout and scale were reserved for subsequent approval.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the consideration of the application detailed alterations have been made to the design and layout of the residential scheme.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised on site by the means of 11 site notices (located on Greenlea Close, Greenlea Road, Greenlea Fold, The Coppice and Yeadon Gill) making reference to a major development. Notices were posted from 29 July 2011 and gave a response date of 19 August 2011. Following major revision to the scheme, the application was re-advertised in the same fashion from the 21 October 2011, giving a response date of 4 November 2011. Neighbours who commented on the original scheme were also written to directly.
- 6.2 Notice was also published in the local press (Wharfe Valley Times) dated 11 August 2011. The application has also been made available for public inspection at Guiseley Library.

COUNCILLORS:

- 6.3 Councillor Graham Latty (Guiseley & Rawdon Ward) has stated the following on the revised scheme: -

"I thought we had a sensible and acceptable proposal after my last meeting with the developers but must admit that it now looks about as good as we are going to get and I go along with the revisions. We discussed a commuted sum in lieu of greenspace, which I thought was wasted space anyway, and subject to a successful application he has agreed to making it non specific, which is what would suit myself and my Ward colleagues. So, on the principle that they are going to build anyway, I would not oppose the application he intends to pursue."

- 6.4 Councillor Colin Campbell (Otley & Yeadon Ward) has stated that: -

"Though the development is not in the City Council ward I represent the traffic it generates will impact on that ward. I feel the Council should resist this application"

until such time as a comprehensive traffic management scheme for the wider area is produced.”

LOCAL RESIDENTS:

6.5 7 letters of objection to the original submission have been received from local residents. They can be summarised as follows: -

- Several species of birds of prey (include a Red Kite) can be seen on the land neighbouring the application site.
- Loss of privacy
- Tree Preservations - there is a lot of woodland going to be destroyed.
- Education, Doctors, Dentists - the two nearest schools (Rawdon Littlemoor and Yeadon Westfield) are already oversubscribed and people struggle to get into their nearest school. The prospective 60 new children would not help the growing problem.
- A65 congestion - getting to Leeds in a morning is already bad, this new development will not help the situation as this is not near a train station so the majority of people will be using cars.
- Entrance on Greenlea Close - having one entrance to the houses from Greenlea Close will cause issues with children's safety (now they could play quite safe on the road as it is a cui de sac, once the new development comes this is no longer the case).
- Dwellings out of keeping with the character of the area;
- Disturbance during construction
- Loss of Greenspace

6.6 The design and layout of the scheme has been significant amended since the original publicity of the application. Whilst it is considered that the revised scheme has been re-advertised to allow local residents to see the new proposals, the date given for the end of publicity is 4 November 2011. Therefore any new representations will be reported verbally to Plans Panel.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

YORKSHIRE WATER:

7.1 No Objections, subject to conditions.

ENVIRONMENT AGENCY:

7.2 No Objections, subject to conditions.

Non-statutory Consultees:

HIGHWAYS:

7.3 No Objections, subject to conditions.

MAINS DRAINAGE:

7.4 No Objections, subject to conditions.

PUBLIC RIGHTS OF WAY:

7.5 No Objections, subject to conditions.

METRO:

7.6 No objections, subject to metro cards.

NEIGHBOURHOODS AND HOUSING:

7.7 No objections, subject to conditions.

WEST YORKSHIRE POLICE:

7.8 No objections, subject to conditions.

CONTAMINATED LAND TEAM:

7.9 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 are below:

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H3 – 2A.1 Phase 2 housing allocation.
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy A4: development and refurbishment proposals designed to ensure safe and secure environment
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.

- Policy T5: ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development should be provided.
- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development
- 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: landscape schemes should meet specific criteria of good design.

8.7 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 and Interim policy approved by Executive Board in May 2011;
- SPG4: Greenspace Relating to New Housing Development; 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);
- Sustainable design and construction 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 development;
- Design and Layout considerations:
- Impact on Landscape, Ecology and Trees;
- Residential Amenity;
- Highway Safety;
- Flood Risk, Drainage and Ground Conditions;
- Greenspace, Affordable Housing and Education Requirements; and
- Other material considerations.

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. The appeal was allowed and an extant permission exists on the site.
- 10.2 Following the Grimes Dyke appeal decision by the Secretary of State Executive Board agreed to the release of all Phase 2 and 3 housing sites. The site is a housing allocation and an extant permission exists for development so the principle is firmly established.

Design and Layout issues:

- 10.3 Access to the site is taken from Greenlea Close. The design and layout of the scheme has been re-designed during the determination and publicity of the scheme to respond to the site's topography. The layout of the scheme is a slow arcing cul-de-sac with footways on either side. This allows the dwellings to face the main road and have rear gardens facing the rear gardens of the surrounding residential area. The density of the development is 28 dwellings per hectare. Chimneys have been provided on the houses facing the main road through the application site.
- 10.4 The house types are mainly detached family dwellings; however there are two small groups of terraces. The majority of the dwellings are two storey, however some have rooms in the roof and these are located toward the centre of the site. All the houses have adequate gardens and accord with minimum separation distances in Neighbourhoods for Living.

Impact on Landscape, Ecology and Trees:

- 10.5 The site is surrounded by mature trees and the majority of these will be retained. The scheme has been redesigned so that rear gardens face these large trees wherever possible giving the longest distances from dwellings. The scheme is accompanied by a landscape scheme.
- 10.6 The scheme proposals now provide for a commuted sum to cover the enhancements and maintenance of off site POS (Public Open Space) which will be utilised by prospective and current residents, and also the element of greenspace included within the site. This will help maintain the appearance of the site through time. There are a number of existing open spaces within close proximity of the site, these include: Junction of Greenlea Avenue and New Road (384m), Old Whack Lane (532 and 564m), Off Parkland View (664m), New Road Side (708m), Kirk Lane (1000m) and Harrogate Road (1037m).
- 10.7 The application site itself is of relatively low nature conservation value with the main features of interest being the boundary trees and scrub and the adjacent woodland which will be not be affected by the proposed development. Surface water drainage

connections off-site in this area could affect this woodland and will be controlled via condition. Conditions are suggested to protect ecology and enhance biodiversity.

Residential amenity:

- 10.8 It is considered that there will be no loss of residential amenity through overlooking or loss of privacy to existing surrounding residential properties as the application proposals comply with the Council guidance on separation distances. Given these distances, the proposal will not generate noise and disturbance from within the buildings envelopes that would have a detrimental impact on immediate neighbours' amenity. Short term construction noise would be addressed through a working hours condition.

Highways Issues:

- 10.9 The site benefits from an outline planning consent for 40 dwellings; therefore the highway capacity issue of the principle of residential development up to 40 dwellings and associated traffic has already been accepted. No highway concerns are raised to the principle of access through Greenlea Close. The proposed development is served by a road built to an adoptable standard and which has been offered for adoption by the developer in accordance with the Leeds Street Design Guide. The layout includes acceptable pedestrian segregation, vision splays and turning heads for refuse vehicles.
- 10.10 Following the submission of a revised scheme, the driveway widths and lengths are now all to acceptable standards as are garage spaces. Each dwelling has sufficient parking (minimum two off-street spaces each) in accordance with adopted UDP standards. Cycle parking is either shown in rear gardens or internal within garages. Conditions are suggested to secure these details. There is sufficient space with each property for household bins and again, conditions are suggested to ensure the Council see the details of any bin storage areas.
- 10.11 The Council's Traffic Management Section has been consulted and has no specific requirements in the vicinity of the site for any off site highway works. No Traffic Regulation Orders are deemed to be required within the scheme or on the surrounding streets. Travel Wise have been consulted and do not consider a travel plan is required for the development as development is less than 50 units. In accordance with the requirements of SPD Public Transport Improvements, the proposed threshold of development is less than 50 units. A contribution towards public transport improvements is not therefore required.
- 10.12 The site is within maximum recommended walking distance of suitable facilities. The nearest bus stop on Greenlea Mount is located approximately 375m from the centre of the site. It is served by three bus services. The site is adequately served by public transport to meet with the standards set out in the highway guidance on accessibility. Metro have requested that the development commits to a MetroCard scheme for future residents.

Drainage:

- 10.13 Yeadon Gill is a deep watercourse flowing from the northeast to southwest and located approximately 50m to the southeast of the site. The application site is not located within a flooding area, and is classified as Flood Zone 1. Whilst sustainable drainage systems can not be provided due to the topography of the site, surface water discharge will be restricted via condition. Foul drainage can be discharged to

the existing sewers adjacent to the site; however, a pumping station will be required on site.

Developer contributions:

- 10.15 Since the original planning permission was allowed on appeal 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.
- 10.16 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.
- 10.17 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.
- 10.18 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.
- 10.19 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing (a reduction from the SPD figure of 30% 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.
- 10.14 In accordance with the adopted Interim Affordable Housing Policy, the application proposal shows this 15% affordable housing provision on site in the form of 5 properties, 3 x three bed houses for sub market sale and 2 x four bed houses for social rent. This are pepper-potted within the site and this is acceptable in line with normal Council policy.
- 10.20 The policy indicates that permissions granted will normally be time limited to 2 years and the developer has committed to starting on site in the near future and delivering circa 13 dwellings by the end of 2012.
- 10.21 The Public Open Space (POS) solution was discussed with officers and representatives of the local community and it was concluded that including open space within this site would not be of benefit to the wider community. Therefore a commuted sum (£84,222.96), which is to be spent on projects within the local area, has been agreed as an appropriate solution with the Council. An element of greenspace is still retained on site, to the south, for landscaping purposes.
- 10.22 The proposed development is less than 50 units and therefore an education contribution is not required.

Other material considerations:

10.23 There are no known land contamination issues for the application site. A historical maps search was submitted with the original scheme and a Site Investigation accompanied the current proposals. Conditions are suggested if any unaccepted contamination is found during construction. There are no known or claimed public rights of way that cross the site. In relation to design out crime issues, the west Yorkshire Police Architectural Liaison Officer had concerns in relation to provision or parking course and rear access. Parking courts have been removed and shared rear footpaths have been removed.

11.0 CONCLUSION:

11.1 The principle of residential development on this site, as well as details of the access have previously been agreed by the Planning Inspectorate when allowing the previous appeal.

11.2 The difference between this full application and the original outline proposal is that the density of the scheme has been reduced, any flats have been removed, there is no formal POS on-site and the applicant is seeking to amend the amount of affordable housing in accordance with the Interim Housing Policy.

11.3 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 subject to a revised 106 agreement incorporating the developer contributions in accordance with current policy.

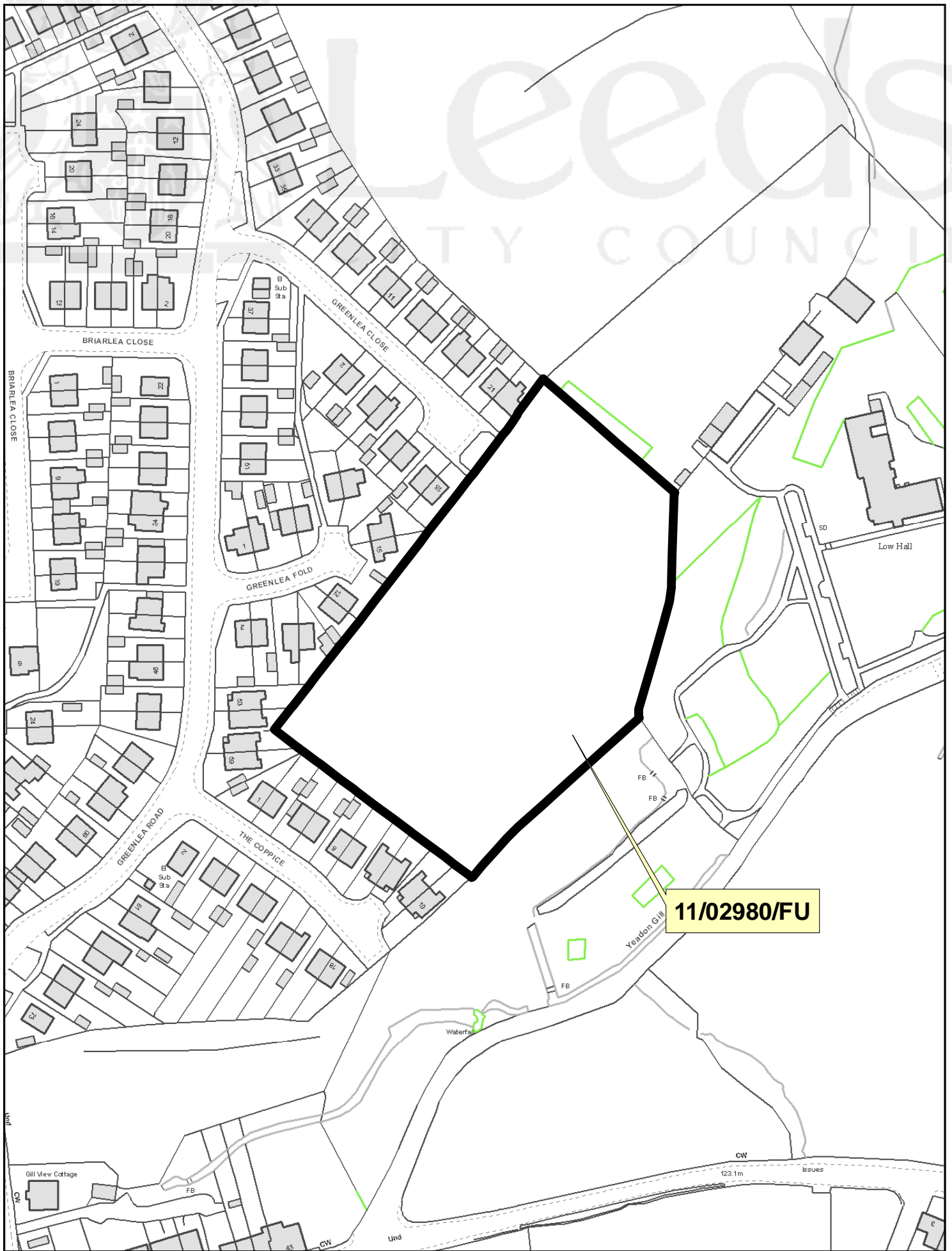
Background Papers:

Application files.

Application file 08/06283/OT.

Appeal file APP//N04720/A/09/2100709/NWF.

Certificate of Ownership.



WEST PLANS PANEL

