

Originator: Tim Poupard

Tel:

0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 10 November 2011

Subject: APPLICATION 11/02690/FU – LAYING OUT OF ACCESS AND ERECTION OF 87 DWELLING HOUSES AT NETHERFIELD MILLS, NETHERFIELD ROAD, GUISELEY, LEEDS, LS20 9PA.

APPLICANT	DATE VALID	TARGET DATE
Redrow Homes (Yorkshire) Ltd	5 July 2011	4 November 2011

Electoral Wards Affected:	Specific Implications For:	
Guiseley & Rawdon	Equality and Diversity	
Yes Ward Members consulted (referred to in report)	Community Cohesion	

RECOMMENDATION:

DEFER AND DELEGATE approval subject to the signing of a Section 106 agreement within three months from the date of the resolution to ensure the following: -

- 15% Affordable Housing built on site with an appropriate mix and location of house sizes and types across the site;
- Education contribution of £414,451.47;
- Greenspace contribution of £197,028.12;
- Bus Shelter improvements of £20,000.00;
- 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 £106,662.00;
- Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500.00; and subject to the following conditions and no further representations raising new material issues being received prior to the end of the further publicity period on 11 November 2011.
 - 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. Materials details and samples of external walling, roofing and surfacing.
- 7. Surface materials to be submitted.
- 8. Notwithstanding, Details of boundary treatments to be approved and carried out including existing stone boundary wall).
- 9. Landscape scheme to be submitted and implemented.
- 10. Landscape Maintenance Scheme.
- 11. Tree protection.
- 12. Replacement trees.
- 13. Biodiversity enhancement measures including bird and bat roosts.
- 14. Approved vehicular access.
- 15. Maximum gradient to access.
- 16. Sightlines notwithstanding approved plans.
- 17. Provision of visibility splays notwithstanding approved plans.
- 18. Maximum gradient to driveways.
- 19. Cycle parking facilities notwithstanding approved drawings.
- 20. Retention of garages.
- 21. Vehicle space to be laid out.
- 22. Provision for contractors during construction.
- 23. Means of preventing mud, etc, on highway.
- 24. Redundant access points closed and footway reinstated.
- 25. Implementation of travel plan measures.
- 26. Confirmation of off-site parking spaces relocation.
- 27. Max gradient of the vehicular accesses.
- 28. Specified operating hours (construction); no Sunday / Bank Holiday operations.
- 29. Sound insulation scheme.
- 30. Construction management plan.
- 31. Bin storage details.
- 32. Foul sewer easement.
- 33. Separate systems of drainage for foul and surface water (on and off site).
- 34. Means of disposal of foul & surface water drainage submitted to and approved by the local planning authority.
- 35. No piped discharges of surface water until completion of drainage works.
- 36. Further site investigation required in accordance with submitted the Remedial Strategy
- 37. Amendment of remediation statement.
- 38. Submission of verification report.
- 39. (relevant land contamination informatives).
- 40. Reasons 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 and is subject to a recent appeal decision following a public inquiry.

- 1.2 The original planning permission granted on appeal was an outline consent which is valid until 8 March 2014. A revised outline consent was presented to Members of Plans Panel West in October. This scheme was approved by Members, with a lower Affordable Housing Contribution as the developer gave assurances on the delivery of the scheme, in line with the new Interim Affordable Housing Policy.
- 1.3 The developers stated commitment is to commence works on site before the end of this year and to that end they now require the detailed planning permission proposed under this application.

2.0 PROPOSAL:

2.1 This application seeks full planning permission for the erection of 87 dwellings with landscaping and public open space. Access is from Netherfield Road via two cul-de-sacs. The dwellings proposed comprise of 7 (two bed), 26 (three bed) and 43 (four bed) two storey family houses.

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 This full application follows on from the approval at October Plans Panel of an outline application on the site (11/02910/OT) to layout access and erect 98 dwellings.
- 4.2 Originally, an application seeking outline permission to layout access and erect residential development of circa 98 dwellings was refused by the Council 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. As with a number of other similar appeals into housing on Greenfield sites, the Council could not demonstrate that there was a five year supply of housing land. A full award of costs to the appellant was also granted by the Planning Inspectorate.

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 scheme. This has resulted in the density of the scheme being reduce from 98 dwelling approved at outline, to 87 proposed in this full application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been originally 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. Notice was also published in the local press (Wharfe Valley Times). 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.

6.3 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.

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 11 November 2011. Neighbours who commented on the original scheme were also written to directly.

The design and layout of the scheme has been significantly amended since the original publicity of the application. The revised scheme has been re-advertised to allow local residents to see the new proposals and any new representations will be reported verbally to Plans Panel.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations:

HIGHWAYS:

7.1 No Objections, subject to conditions.

MAINS DRAINAGE:

7.2 No Objections, subject to conditions.

YORKSHIRE WATER:

7.5

7.3 No Objections, subject to conditions.

ENVIRONMENT AGENCY:

7.4 No Objections, subject to conditions.

Non Statutory Consultations:

TRANSPORT POLICY (TRAVEL WISE): No objections, subject to conditions and S.106 Legal agreement. PUBLIC RIGHTS OF WAY:

7.6 No Objections, subject to conditions.

METRO:

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

NEIGHBOURHOODS AND HOUSING:

7.8 No objections, subject to conditions.

WEST YORKSHIRE ARCHAEOLOGICAL SERVICE:

7.9 No objections.

WEST YORKSHIRE POLICE:

7.10 No objections, subject to conditions.

CONTAMINATED LAND TEAM:

7.11 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 bellow.
 - Policy GP5: development proposals should seek to avoid loss of amenity.
 - Policy BD5: new buildings design consideration given to own amenity and surroundings
 - Policy H3 3A9 Phase 3 housing allocation.

- Policy N12: 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: seeks to 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
- 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 N10: 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

SUPPLEMENTARY PLANNING GUIDANCE:

- 8.7 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 agreed at Executive Board in May 2011;
 - SPG4: Greenspace Relating to New Housing Development;
 - SPG11:Section 106 Contributions for School Provision; and
 - SPG13: Neighbourhoods for Living.
- 8.8 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:

- 8.9 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 issues;
 - Highway layout and parking;
 - Residential amenity; and
 - Landscaping and public open space.

10.0 APPRAISAL:

Principle of development:

- 10.1 The applicant successfully appealed the decision to refuse the application and the Planning Inspectorate granted planning permission for residential development of circa 98 dwellings with means of access on 8th March 2011. Despite this outline consent being valid until 8 March 2014, a fresh outline application was submitted to take advantage of the lower affordable housing requirement under the Council's interim Affordable Housing Policy, under reference 11/02910/OT. Members approved this application at the October meeting of Plans Panel West.
- 10.2 The site is allocated for housing development in the UDP as a phase 3 site. Executive Board in June 2011 agreed, in the light of the Grimes Dyke appeal decision issued by the Secretary of State, to the release of all Phase 2 and 3 housing allocations in the UDP, subject to proposals being otherwise acceptable in planning terms. The site also has an existing extant permission for housing and so the principle is firmly established and acceptable.
- 10.3 In line with the recent outline permission, the application proposal includes a package of contributions which take account of the revised interim affordable housing policy. In relation to this detailed application for 87 units, 13 of those units would have to be affordable with 6 for social rent and 7 sub market. At the time of writing this report, the developer has offered the required 13 units, but this offer consists entirely of smaller units on the site. The Council would normally expect however to see a pro rata mix of units across the range of dwelling sizes, except where local needs suggest that a different mix would be more appropriate. The proposed mix also results in the affordable housing units all being clustered together in one corner of the site. This is also not acceptable as the units should be pepper-potted across the site to ensure integration. Discussions with the developer are continuing and this recommendation for approval is on the basis that the developer will alter the mix and location of the affordable housing offer accordingly.
- 10.4 The full level of contributions in respect of other current Policy requirements. These being: -
 - Education contribution of £414,451.47;
 - Greenspace contribution of £197,028.12;
 - Public Transport enhancements of £106,662.00;
 - Bus Shelter improvements of £20,000.00;
 - 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; and
 - Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500.00.

- 10.5 Other material planning issues in this case that have been established, discussed and resolved (through both the original appeal decision, it's attached conditions and S.106 legal agreement and with the Plans Panel West resolution of the 13 October 2011) are considered to be: -
 - No objections are raised to the development on drainage or flooding grounds as a suitable surface and foul water drainage solution can be provided;
 - No objections are raised to the development on land contamination grounds;
 - The level of sustainable development credentials use on site are acceptable;
 - The development cannot be resisted on A65 traffic or other capacity principle matters;
 - The approved access positions and visibility splays shall be maintained as part of the current proposals;
 - Agreed off-site highway works and bus stop improvements;
 - The scheme proposed suitable mitigation in relation to ecology and biodiversity;
 - No objections on public rights of way grounds, subject to mitigation;
 - The level of tree retention and protection is considered acceptable;
 - No loss of amenity through noise and disturbance to surrounding residents.

Design and Layout issues:

- 10.6 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 and other design considerations. The layout of the scheme is two cul-de-sacs with footways on either site, linking up at a centralised area of public open space with a footpath link between the two roads. The scheme has been designed to be simple, with the dwellings facing the main roads and with their rear gardens facing the rear gardens of the surrounding residential area. The density of the development is 24 dwellings per hectare. Chimneys have been provided on the houses facing Netherfield Road.
- 10.7 The house types are mainly detached family dwellings; however there is a small element of terraces. All the proposed dwellings are two storey. All the houses have adequate gardens and accord with minimum separation distances in Neighbourhoods for Living.

Highway layout and parking

- 10.8 The proposed development is served by two main roads 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.
- 10.9 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.
- 10.10 The two car club spaces as secured through the outline are shown on the agreed layout, toward the front of the site close to Netherfield Road.

Residential amenity:

10.11 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.

Landscaping and public open space:

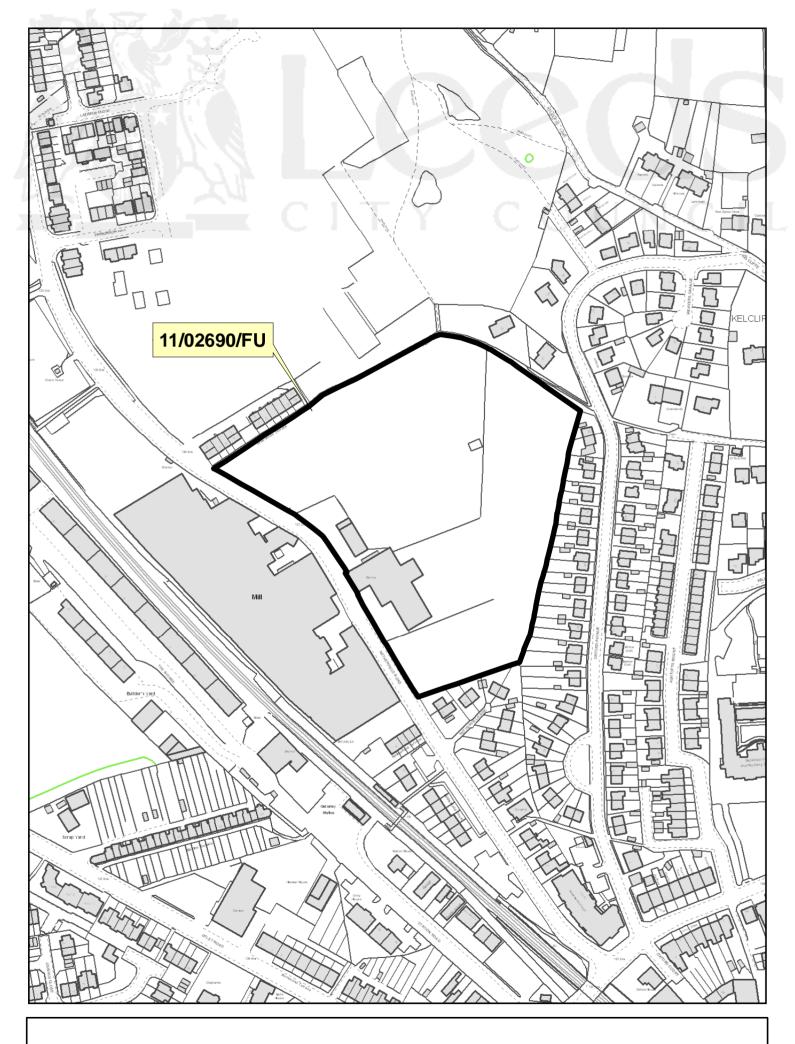
- 10.12 The site contains mature trees, which are on the boundaries of the site. The scheme takes into account these trees and the majority of these will be retained. The scheme is accompanied by an acceptable landscape scheme.
- 10.13 The scheme proposes two large landscaped amenity areas to the front and north of the site to protect the amenity and outlook of residents of Greenshaw Terrace and the adjacent public right of way. This also enhances views of the Terrace from Netherfield Road. An open space area is proposed in the centre at the top of the site with a linkage though to the footpath that runs to the north and east of the site.
- 10.14 The mix of on-site public open space and a financial contribution for off-site greenspace enhancement accords with Council policy on open space provision.

11.0 CONCLUSION:

- 10.15 The principle of residential development on this site, as well as access details have previously been agreed by the Planning Inspectorate when allowing the previous appeal, and also in the recent revised outline planning permission for the site.
- 10.16 The difference between this full application and the indicative details submitted with the original outline proposal is that the density of the scheme has been reduced and that details of the internal layout and landscaping and open space arrangements have been established.
- 10.17 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:

Appeal Decision: APP/N4720/A/10/2137624. Application file 10/02762/OT. Application file 11/02910/OT. Certificate of Ownership.



WEST PLANS PANEL

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SCALE : 1/2500