



**Leeds**  
CITY COUNCIL

Originator: Paul Wilson

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**Report of the Chief Planning Officer**

***PLANS PANEL EAST***

Date: 17<sup>th</sup> May 2012

**Subject: Reserved Matters application 11/01713/RM – 120 houses, land South of Queen Street, Allerton Bywater, Leeds, WF10**

**APPLICANT**

Taylor Wimpey UK Ltd

**DATE VALID**

27 April 2011

**TARGET DATE**

27 July 2011

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**Electoral Wards Affected:**

**Garforth and Swillington & Kippax  
and Methley**

Yes

Ward Members

(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions and following completing of a deed of variation Section 106 Agreement to cover the following matters:**

- 1. The payment of a contribution amounting to £30,000 for the construction and future maintenance of an off-site piped outfall from the site.**
- 2. Local employment and training initiatives.**
- 3. Offer of 28 affordable units (17 sub-market and 11 social rent). This equates to circa 25%.**
- 4. Start to be made on development within a specified period within 2012 and to give certainty over early delivery of houses.**

**In the circumstances where the Sec 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Time Limit
2. Plans to be approved
3. Scheme for the enhancement of the existing vegetation along the eastern boundary of the site and its future maintenance
4. Details of the landscape of the site to include planting to support the protection, enhancement and management of the biodiversity of the site
5. Before development commences details of mine entry treatment works in relation to an existing mine shaft identified on the site shall be submitted

Details of conditions to be deferred and delegated to officers.

**Reasons for approval:** The application is considered to be satisfactory in terms of layout, appearance, scale and highways matters and to comply with UDPR policies SA1, GP5, GP7, CP11, N24, N38a, N38b, N39a, N49, N51, T2, T2C, T2D, T5, T7, T7A, T24, H11/H12/H13, R1, R2, BD5, LD1 as well as guidance contained in the NPPF and Manual for Streets. In addition the application accords with the following Leeds City Council Supplementary Planning Guidance and Documents SPG4, SPG3, SPG10, SPG11, SPG13, SPG22, SPG25, SPD Street Design Guide (adopted), SPD Public Transport Improvements and Developer Contributions (adopted), SPD Designing for Community Safety (adopted) SPD Travel Plans (draft) SPD Sustainability Assessments (draft). Having regard to the above and all other material considerations, as such the application is recommended for approval.

## **1.0 INTRODUCTION:**

- 1.1 Consideration of this item is accompanied by a separate report as referred to in para. 1.7. The information contained within the separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's current negotiations. It is therefore considered the accompanying report should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).
- 1.2 This reserved matters application is reported to the Plans Panel because of the size of the proposed development and its potential impact on the character and visual amenities of the area. The principle of residential development at this site was established at appeal and this proposal only seeks approval for the layout of the houses, their scale, appearance and landscaping. This application is also now offering 28 affordable housing units (circa 25%) rather than the 30% detailed in the outline planning permission, granted on appeal, due to concerns regarding viability.
- 1.3 This application was reported to the Panel on 6<sup>th</sup> October 2011 as a position

statement when Members views on the application were sought. At that time the application proposed 120 dwellings and a large storage detention basin within the main greenspace area. The comments made by Members are summarised below:

- The detention basin should not form part of the greenspace.
- The layout is too intensive and the number of houses should be reduced. The development should meet the requirements set out in Neighbourhoods for Living. The affordable housing should be peppered throughout the development.
- The layout needs to be amended so the houses front Queen Street and the internal access road.
- No objection to a traditional approach for the housing design and the height of the dwellings.
- Planting is required to the boundary with the allotments.
- Ward members should be consulted on the choice of external materials and the scheme as a whole.
- Report the application back to Panel for determination.

Local employment and training clauses should be built into the Sec.106 Agreement and Members should be consulted in terms of what goes into the Sec.106 package.

1.4 In addition it was considered that the adjacent outline planning application on the Biffa and former coal bagging site should be returned to the same Panel meeting so both schemes could be considered at the same time to ensure a consistency of approach to the development of the wider area.

1.5 The applicant has responded to the comments made by Members in the following way:

- The detention basin has been omitted from the greenspace and replaced with an underground storage tank. The pumping station is also now underground. Only a small cabinet containing electrical equipment remains above ground.
- The number of houses has been reduced by six units, from 120 to 114. This reduction has allowed for a more spacious layout and garden sizes which now accord with Council guidance. Affordable housing has been peppered throughout the site.
- The layout has been amended around the junction of the main entrance to ensure all dwellings front Queen Street and the access road.
- A detailed method statement and future management scheme in relation to the treatment of the eastern boundary of the site has been provided.

1.6 In addition officers can respond as follows:

- Ward Members have been consulted regarding the contributions to be included in the Section 106 Agreement. These comprise of, further contributions to off site drainage works, the inclusion of clauses requiring reasonable endeavours to secure use of local employment and training initiatives, early delivery of units and a proposed reduction in the percentage of the number of houses to be affordable. Members comments are detailed in the Appraisal section of this report
- It is noted that Members had requested that this application and the outline application on the adjacent Biffa site should be reported back to the same panel meeting. However, work has not progressed as far on the Biffa site application and it is not currently in a position to be formally considered. Further consultations with Ward Members have taken place and the applicant is now undertaking a viability appraisal to establish what Section 106 contributions can be delivered. In the light of this, and the fact that a consistency of approach regarding the scheme's overall layout and design has been achieved through further revisions, officers consider that it would be unreasonable to hold the determination of this reserved matters application.

1.7 This report will be accompanied by a confidential report about viability which will be circulated to members prior to the meeting and an officer from Asset Management will be in attendance at the panel meeting to answer any Members questions.

## **2.0 PROPOSAL:**

2.1 The application seeks the approval of reserved matters to an outline planning permission for residential development which was granted consent on appeal on 26<sup>th</sup> January 2011. The reserved matters relate to details in respect of layout, scale, appearance and landscaping (means of access was considered and approved as part of the outline application). The scheme now proposes a development of 114 dwellings with associated road infrastructure, parking, amenity space and landscaping. Vehicular access would be taken directly from Queen Street.

2.2 The application proposes a mix of two to five bedroom family dwellings of traditional design. The majority of the dwellings proposed are two storey. 26 dwellings are two and a half to three storey. The layout is traditional with private gardens adjoining private gardens. Greenspace is provided within the development to the south of the site and a flood storage tank and pumping station is provided below ground in this greenspace. There are footpath links from the development into the greenspace and the footpath and cycle network beyond. The dwellings adjoining the greenspace are orientated such that they overlook and provide natural surveillance to the greenspace. The majority of existing boundary vegetation is retained and where necessary supplemented with new planting.

2.3 The outline planning permission was granted subject to a S106 agreement which secured the following:

1. 30% of the housing to be provided as affordable units
2. a contribution to the provision of bus stops on Queen Street
3. an education contribution
4. a contribution to the provision of off site greenspace
5. the implementation and maintenance of footpaths/cycleways through the site
6. the provision and maintenance of the on-site public access areas
7. the provision and maintenance of a SUDS
8. a public transport improvements contribution
9. procurement of an agreement with Metro for the offer of single Metrocard for each occupier
10. Travel Plan monitoring contribution
11. Local High School Bicycle shelter contribution

2.4 All of the above contributions are to be retained as part of the current application with the exception of the percentage of affordable housing which is proposed to be reduced to just under 25% (28 units in this case). The Section 106 agreement will be varied to reflect the reduction in affordable housing and, in addition, will require a contribution of £30,000 to be provided in payment for off site works to secure a satisfactory surface water outfall for the site and the inclusion of a clause requiring the developer to use reasonable endeavours to recruit local labour. The Section 106 will also include a clause which requires an early commencement of development and delivery of houses on the site.

2.5 The Design and Access Statement identifies the development guidance (local and national) that was used to inform the design of the layout. It also explains the evolution of the design, its framework and the justification for the design.

2.6 The Reserved Matters and Conditions Submission Statement provide the details, which, as part of the reserved matters, seek to provide the pre-commencement information to discharge the outline conditions, so as to enable work to commence on site straight away..

### **3.0 SITE AND SURROUNDINGS:**

3.1 The application site is located towards the western edge of the main Allerton Bywater settlement and is approximately 3 miles from Castleford (to the south) and some 10 miles from Leeds City Centre (to the west).

3.2 The site is confirmed as being agricultural (through the submission of an Agricultural Holding Certificate) and covers an area of approximately 4.2 ha. It comprises of a single field which appears to have been ploughed historically for arable crops but currently is grassed over and fallow.

3.3 The boundaries of the site are well defined for the most part by mature hedges and trees.

- 3.4 The topography of the site is relatively consistent with the land falling away from Queen Street in a north/south direction. The field is completely open with the exception of some power lines which cross the site on an angle in two separate places.
- 3.5 On the opposite side of Queen Street, which forms the northern boundary of the site, there is mostly older terraced housing and a woodland area (identified to be a 'Site of Ecological or Geological Interest (SEGI) within the UDP Review proposals map).
- 3.6 To the east is a strip of land used for allotment gardens and this runs the length of the site's boundary. The southern boundary abuts land within the green belt and which previously contained a railway line but which is now a public foot/cycle/bridleway running east to west. This area of land is to form part of the St Aiden's Country Park currently being established as part of the restoration requirements associated with a previous mineral extraction use concentrated to the west/southwest. Once this work is completed the ownership of the land will be transferred to the City Council and will be leased to the RSPB.
- 3.7 The western boundary of the site is divided into two main areas with the most southerly part abutting a coal bagging depot. The more northerly part (beyond a relatively narrow access road which serves the coal bagging depot) abuts a recently constructed residential development which replaced a previous industrial/storage use. An outline application for a residential development has been submitted for the coal bagging depot and adjacent Biffa site (to the west) under reference 09/04606/OT. This application remains undetermined.

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

##### Application site:

- 09/04353/OT – outline application for residential development granted on appeal 26/01/11
- PREAPP/ 11/00243 – pre-application enquiry in respect of a residential layout comprising of 120 units
- 11/01867/FU – detached electricity sub-station (to serve this residential development). Undetermined as pending the outcome of this application.

##### Adjacent sites:

- 33/392/01/FU – residential development of 24 houses on site adjacent to the bagging depot separated from application site by the access to bagging depot which runs along the west boundary of the site - granted 19/08/2003
- 08/03738/FU – residential development of 12 three-bedroom terraced

3 blocks on remainder of above site – refused and dismissed on appeal 16/09/2008

09/02870/FU – retrospective application for planning permission for residential

development of 6 semi-detached and 4 terraced houses on remainder of site ref: 33/392/01/FU – granted 27/01/2010

- 09/04606/OT - outline application for a residential development on adjacent coal bagging depot and Biffa site. On-going negotiations.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following the grant of outline planning permission on appeal, the applicant submitted a pre-application enquiry for the reserved matters submission. The indicative layout submitted as one of the reserved matters reflected the one that had been tabled at the Public Inquiry and which showed 120 dwellings.
- 5.2 During the course of the reserved matters application amendments to the layout were secured relating to landscaping, highways and design/amenity aspects.
- 5.3 Potential problems with drainage outfall for the site were also highlighted. These related to the prospect of three separate developments all discharging into a watercourse to the south of the site. This watercourse was both overgrown and of insufficient depth to accommodate the likely level of discharge with a potential to cause flooding in the near vicinity. The applicant has agreed to a Section 106 agreement providing a contribution of £30,000 for the construction of a new outfall sewer and future maintenance to overcome this problem.
- 5.4 Following consideration of the application via a position statement a number of further revisions have been made in response to the issues identified by Panel Members. The main changes are as detailed in paragraph 1.5 of the Introduction section of this report.
- 5.5 Further to these amendments to the scheme the applicant submitted a viability appraisal in support of a reduction of the affordable housing offered from 30% to 15%. This was due, the applicant stated, to the amendments resulting in increased costs to the developer.
- 5.6 Colleagues in Asset Management assessed the viability appraisal and challenged the amount of affordable housing offered. As a result the developer looked again at the viability of the scheme and increased the percentage of affordable housing offered to 21%. Asset Management again challenged the offer and the developer has now offered 25% affordable housing. This is further discussed under Contributions in the Appraisal section.

- 5.7 In the light of the revised affordable housing offer of 21% comments were sought from Ward Members and a meeting held with them to discuss this offer, the revised scheme and proposed materials. Members who attended the meeting indicated their support for 21% affordable housing, the layout and materials. Members also indicated that if a higher affordable housing offer could be negotiated they would support this.
- 5.8 Following the revised affordable housing offer of 25%, Ward Members have again been contacted and their views sought. The Ward Members who have responded have indicated their agreement to the revised offer.

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

- 6.1 The application has been advertised by site notices, posted 13<sup>th</sup> May 2011 and by individual neighbour letters dated 5<sup>th</sup> May 2011, to persons in the area who made representations in respect of the outline planning application. The application has also been advertised in a local newspaper, published 19<sup>th</sup> May 2010.
- 6.2 20 letters of objection have been received including one from the Great and Little Preston Parish Council.
- 6.3 Comments received are as follows:

### COMMENTS FROM PARISH COUNCIL

1. Only one bus an hour and nearest train is 3.2 km away from site
2. Junior and Infant schools at both Allerton Bywater and Great Preston are full
3. Long waiting times to see doctors and nearest dentists are in Castleford or Garforth
4. A656 just been named as the highest risk road in Yorks and the Humber – 18 fatalities over a two year period and A642 also in list of dangerous roads
5. Development on agricultural land – this is the only open space between two communities – Hollinhurst and Bowers Row
6. Presence of mine shafts on site
7. Need for methane/CO2 membrane to new houses
8. Lots of other housing developments not selling
9. Biffa/Hargraves site may be developed

### COMMENTS FROM OBJECTORS

1. Should develop brownfield sites ahead of greenfield sites
2. Use of Green Belt land should not be allowed
3. Queen Street is a busy and dangerous road where drivers often exceed the speed limit
4. Road has been narrowed in front of site which makes it difficult for large vehicles to pass parked vehicles. This will be exacerbated by new development with vehicles from that parking on street



5. Not good motorway access or public transport links
6. Disruption during building – noise, dirt, general inconvenience
7. Retain open land
8. Development will have a detrimental visual impact
9. Not enough Greenspace or gardens of sufficient size for children to play which means they play on the street which is dangerous
10. Loss of view
11. Schools in the area at capacity, difficult to get a place and strain on local doctor's surgery
12. Problems with electricity supply at present which will be exacerbated by the development and pylons which currently cross the site may have to be diverted across the nature reserve
13. There are drainage problems on adjacent housing sites with potential for flooding problems
14. Wildlife could be lost
15. Proximity of the development site to the local nature reserve
16. Job creation by the development of the site?
17. Open cast mining has taken place in the past and material from this is on site – this could affect stability of properties
18. Devaluation of property
19. Global food shortage likely so why build on arable land
20. Crime rates will increase

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

Environment Agency – no objections

Coal Authority – no objection subject to condition requiring mine entry treatment works carried out before development commences on site

### **7.2 Non-statutory:**

Yorkshire Water – no objections

Environmental Health – no objections subject to conditions specifying operating hours and no operations on Sundays or Bank Holidays

Architectural Liaison Officer – concerned about creation of a ginnel on eastern boundary which makes houses on boundary vulnerable. Are three footpath links to the south necessary

Highways – Initial comments: Proposal is acceptable in highway terms subject to revisions to the layout and parking provisions on certain plots. Revisions have been made which address this.

Flood Risk Management – Concern regarding outfall for surface water run off as watercourse proposed to accept flows is overgrown and not very deep.

Could result in flooding in near vicinity. Suggests new culvert instead of watercourse, to be designed and constructed by the Local Authority.

Access – No objections

Contamination – No objections subject to discharge of conditions on outline permission

Metro - discounted residential metro cards to be provided by developer

Parks and Countryside - Will not adopt the detention basin or pumping station as part of the Public Open Space and will not maintain such features but are happy to allow a private management company to maintain such facilities.

Revised comments in respect of deletion of on site detention basin: Will now adopt land above the underground storage tanks.

## **8.0 PLANNING POLICIES:**

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). 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. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level, although it does contain a number of housing related policies as below:

### **8.2 Regional Spatial Strategy (adopted May 2008):**

H4: Affordable housing.

YH4(b): Informs detailed design considerations

### **8.3 Government Guidance:**

National Planning Policy Framework, March 2012

Manual for Streets

8.4 The Publication Draft of the Leeds Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

### **8.5 UDP Review (adopted July 2006):**

SA1: Secure the highest possible quality of environment.

GP5: Development proposals should resolve detailed planning considerations

GP7: Use of planning obligations

BD5: New buildings designed in relation to their amenity and surroundings

CP11: Sustainable development.

N2: Greenspace hierarchy.  
 N4: Provision of greenspace.  
 N12: Development to respect fundamental priorities for urban design  
 N13: Design of new buildings to be of high quality  
 N23: Incidental open space provide a visually attractive setting for development  
 N24: Development proposals abutting the Green Belt  
 N25: Boundaries of sites designed in positive manner  
 N38a: Prevention of flooding.  
 N38b: Flood Risk Assessments.  
 N39a: Sustainable drainage.  
 N49: Habitat protection.  
 N51: Habitat enhancement.  
 T2: New development and highways considerations.  
 T2D: Public transport contributions.  
 T5: Safe access for pedestrians and cyclists.  
 T7: Development and cycle routes.  
 T7A: Requirement for secure cycle parking.  
 T24: Parking provision in development proposals  
 LD1: Landscape schemes.  
 H11: Negotiate an appropriate proportion of affordable houses  
 H12: Affordable housing negotiated on extent and nature of need in locality  
 H13: Affordability of units maintained in perpetuity

- 8.5 Leeds City Council: Supplementary Planning Guidance / Documents:**  
 SPG4 Greenspace relating to new housing development (adopted).  
 SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications received after June 2011)  
 SPG10 Sustainable Development Design Guide (adopted).  
 SPG13 Neighbourhoods for Living (adopted).  
 SPG22 Sustainable Urban Drainage (adopted).  
 SPG25 Greening the Built Edge (adopted).  
 SPD Street Design Guide (adopted).  
 SPD Designing for Community Safety (adopted).  
 SPD Sustainability Assessments (draft).

## **9.0 MAIN ISSUES**

- Principle
- Layout
- Appearance
- Scale
- Access and Highways
- Landscaping
- Drainage
- Impact on infrastructure
- Contamination/Mining
- Contributions
- Other

## 10.0 APPRAISAL

### Principle

- 10.1 This is a reserved matters application pursuant to the outline permission granted on appeal. As such, the principle of residential development is established but should be guided by the formal allocation wording as identified by UDP Review Policy H3-3A.20 which indicates the site is suitable for housing subject to:

*Provision of linear greenspace along the route of the former mineral rail-line, immediately to the south of the site, to create a footpath link to Leeds Road and the Garforth to Allerton Bywater footpath/cycleway.*

### Layout

- 10.2 The layout shows a single point of access to the site which was agreed at appeal. This gives access to a hierarchy of roads and culs-de-sac with, in the main, 2 to 5 bed detached and semi-detached houses of conventional design facing onto these roads. All properties have private rear gardens where access is gained only from the front or side of the house. Thus there are no issues of security. All of the houses in the development, except for 3, are provided with two off street parking spaces. In respect of the three plots without two off-street parking spaces each one has one off-street space and two also share a visitor parking space.
- 10.3 On the main street frontage in general, as much of the existing vegetation as possible, is to be retained and some additional tree and under-planting provided, in recognition that some will be lost due to the requirement to provide a visibility splay. Houses on the street frontage will, therefore, be set back from the footway so that views will be filtered and softened by a combination of the retention of existing and proposed new planting. In the main this land on the frontage will be adopted by the Council as highway land and will subsequently all be maintained by the Council.
- 10.4 The layout has been amended around the junction of the main access with Queen Street, in response to Panel's feedback, to ensure all the dwellings address the main road frontage.
- 10.5 The proposed development will be served by an area of on site public open space located to the south and south west of the development. This accords with policy H3-3A.20 and has been designed in such a way that should the outline housing application on the adjacent site be approved and implemented it could link into this separate area of greenspace.
- 10.6 Within the proposed on site open space, the detention basin has now been omitted and replaced by an underground storage tank. Similarly the pumping station has been placed underground with only a small electrical cabinet above the ground. These alterations allow a much more usable area of open

space and the introduction of a gable window to the dwelling adjacent to this part of the open space enhances the natural surveillance in this area.

- 10.7 The use of underground tanks reflects the same approach to drainage as agreed for the Biffa site adjacent and one which officers in Parks and Countryside are willing to adopt should the developer not appoint a private management company to maintain and manage the public greenspace above.
- 10.8 Neighbourhoods for Living provides guidance that private garden sizes should be no less than 2/3 of the total gross floor area of the dwelling. In the layout, previously reported to Members, several plots did not accord with this guidance. The reduction in the number of dwellings now proposed on the site has afforded scope for this issue to be addressed. All plots now have a private amenity area that is considered to be acceptable.

### Appearance

- 10.9 Although the application site is located on the edge of the existing settlement it includes new, old and a wide variety of house types from which to draw design inspiration.
- 10.10 Of particular relevance, however, is the Queens Court development to the west which comprises of detached two storey houses of brick construction and in a traditional design. The red brick traditional terraced properties opposite are also important.
- 10.11 On the street frontage of this particular development it is proposed to use two different types of red brick with grey tiled roofs. This will sit satisfactorily with the materials used in the Queens Court development and the existing church and terraces opposite. A traditional design is also considered to be appropriate, bearing in mind this context. Ongoing discussions regarding the potential development of the Biffa site beyond follows these same basic design principles to ensure consistency across all three sites. Elsewhere within the site, in addition to the red bricks, there will also be a buff brick and some render used in order to provide some variety and greater interest. As the traditional design approach is carried through and the use of render and buff bricks can clearly be found within the wider area the overall appearance of the dwellings is considered acceptable.

### Scale

- 10.12 The layout provides a mix of house types which are mainly two storey. Some, however, are three storey or include rooms within the roof served by dormers (26 in total). Where they are this high they are located well into the development. This mix of house types and sizes (ranging from 2 to 5 beds), it is considered, provides an overall scale of development that is satisfactory and will present a balanced street frontage and relationship with existing buildings in the area.

### Access and Highways

- 10.13 Means of access was approved as part of the outline planning permission. It is, therefore, not a reserved matter and is not for consideration as part of this application. The design does, however, involve the widening of the highway on Queen Street to accommodate a ghost island turning facility from Queen Street into the site.
- 10.17 Comments from the Parish Council refer to the impact they consider the development will have on the wider local road network, particularly in respect of roads in the area considered to be dangerous or high risk.
- 10.18 In this connection it is acknowledged that the highway safety issues on the roads highlighted by the Parish Council is a serious matter. However the impact of this development on the local highway has already been considered through the outline application which allowed up to 120 dwellings. The current reserved matters application falls well within this upper limit.
- 10.19 In terms of the internal layout adequate off street parking is provided

### Landscaping

- 10.20 In the main, the boundaries of the site are well established with mature vegetation. These existing features will be retained in full along the eastern and western boundaries, and in certain areas supplemented with additional planting. Amendments to the layout have also been made to ensure new residents' living conditions are not compromised in the longer term through their continued retention.
- 10.21 With respect to the northern boundary fronting Queen Street as much of the existing vegetation as possible, is to be retained and some additional tree and under-planting provided, in recognition that some will be lost due to the requirement to provide a visibility splay. Houses on the street frontage will, therefore, be set back from the footway so that views will be filtered and softened by a combination of the retention of existing and proposed new planting
- 10.22 Improvements to planting adjacent to the open space to the south of the site has also been provided and this proposed planting has incorporated comments from the Nature Conservation Officer regarding the species to be used.
- 10.23 When the application was previously considered as a position statement Members expressed the desire to ensure the existing vegetation along the eastern boundary (with the allotments) be retained. Particularly as it will form the rear boundary to the gardens of certain dwellings. Whilst it is accepted that the existing boundary is rather scrappy and would not be appropriate or indeed secure as a garden boundary in its present form, the existing vegetation is very mature and robust so can be retained. The applicant has, therefore, provided in relation to this boundary, details of works to the hedge

which includes a method statement and a future management scheme. In the main the method to be employed is that the existing hedges and trees will be faced up and gaps in between these existing trees/hedges be planted with appropriate species. In front of the new hedge line will be placed a low fence for protection whilst the new planting becomes established. Once established the low fencing can be removed. To ensure this approach is successful, the works will be carried out in the first phase of development with all protective fencing retained thereafter. These works are noted to offer visual amenity and bio-diversity improvements as well as avoiding the possibility of the creation of alleyways about which the Architectural Liaison Officer had expressed concern.

### Drainage

- 10.24 The outline planning application included a Flood Risk Assessment and an indicative drainage scheme for the site. The scheme indicated that surface water drainage would be discharged to a watercourse adjacent to the south western corner of the site and this general approach was accepted by the Environment Agency, Yorkshire Water and the Council's Flood Risk Management Team.
- 10.25 Having now been presented with a detailed scheme and supporting information the Council's Flood Risk Management section considers that this watercourse does not constitute a 'proper outfall' for the surface water run off discharge from the new development. This is because the ditch is very shallow, completely overgrown, and, it is considered, does not drain. There have also been incidents of flooding and blockages in the ditch and records indicate that this ditch has no proper connectivity to downstream watercourses that go to the River Aire.
- 10.26 For information this point of discharge is the same as proposed by the adjacent Biffa site to the west and for the recently completed Queens Court development.
- 10.27 In the light of the above the Flood Risk Management Section is willing to construct a piped outfall from the lower western end of the ditch that will connect to the existing large 1.0m diameter culvert that runs down the west side of the Biffa site heading south to the river. The cost of the construction of this outfall, including future maintenance is £30,000. The applicant has agreed to enter into a Section 106 Agreement, supplemental to the Agreement attached to the outline planning permission, to pay for the piped outfall.

### Impact on infrastructure

- 10.28 In respect of schools being at capacity, the outline planning permission requires a contribution for primary school facilities through the Section 106 Agreement attached to that permission. The contribution is based on a per unit calculation which is still applicable today. For information only the current layout would achieve a contribution of £338,844.

- 10.29 The lack of a doctors surgery within the village is not sufficient reason to refuse planning permission and was raised as an issue during the outline application and its subsequent appeal. The Inspector did not consider the issue to be a problem and indeed, increased demand for doctor's facilities in the village may make it a more commercially viable proposition for a GP practice to establish.
- 10.30 In respect of the problems with the electricity supply, a new sub-station is proposed by the developer. A separate application for the sub-station has been submitted but is yet undetermined pending the outcome of this application. The proposed sub-station is to be located at the north east corner of the site on the frontage of the site onto Queen Street and adjacent to the allotment gardens. It will be networked and, therefore, will serve the wider area as well as the proposed residential scheme. It will replace the existing pole mounted transformer once the overhead line diversion has been completed. The existing pylons on the site will be put underground.

#### Contamination/Mining

- 10.31 Gas protection measures in the form of a gas membrane are to be provided to all dwellings and a condition requiring mine entry treatment works to be carried out before development commences on site is recommended. The site has not been identified as being contaminated.

#### Contributions

- 10.32 The applicant has agreed to enter into a Section 106 Agreement, supplemental to the agreement attached to the outline planning permission, to pay £30,000 for the provision of a piped outfall from the site and future maintenance costs.
- 10.33 In addition, in relation to the request from Panel Members for the developer to use local labour, the applicant is keen to utilise the services of both local businesses and contractors to facilitate the development of this site. Consequently, the developer has agreed to enter into a Section 106 Agreement supplemental to the agreement attached to the outline permission, to secure that from the start of the tendering process for the construction of the Development and throughout the period when the Development is under construction to use (or seek to procure that its building contractor uses) reasonable endeavours to co-operate and work closely with Employment Leeds to develop an Employment and Training scheme to promote opportunities for Local People.
- 10.34 The contributions and matters secured through the Section 106 Agreement attached to the outline planning permission provided for:
1. 30% of the housing to be provided as affordable units
  2. a contribution to the provision of bus stops on Queen Street
  3. an education contribution
  4. a contribution to the provision of off site greenspace



5. the implementation and maintenance of footpaths/cycleways through the site
6. the provision and maintenance of the on-site public access areas
7. the provision and maintenance of a SUDS
8. a public transport improvements contribution
9. procurement of an agreement with Metro for the offer of single Metrocard for each occupier
10. Travel Plan monitoring contribution
11. Local High School Bicycle shelter contribution

10.35 In respect of affordable housing, the applicant has commented that the outline application was submitted in October 2009 and whereas build costs have continued to rise in the intervening period, property prices, in the part of Leeds where the development is proposed, have not. This places pressure on development margins.

10.36 In addition the reduction in the number of units from 120 dwellings to 114 dwellings clearly impacts upon income as overheads are distributed over a lesser number of dwellings. Similarly the addition of the sub-surface storage tank has increased the construction cost by a further £350,000 and the additional requirement for off-site drainage works is an additional cost. These increased costs are such that the applicant considers it is not viable to continue to deliver 30% affordable housing and reduced the offer to 15%.

10.37 In support of these contentions, the applicant has submitted a viability appraisal which indicates that the development would only be viable if the percentage of the total number of dwellings on the site to be offered as affordable be reduced.

10.38 Colleagues in Asset Management assessed the viability and as a result, challenged the viability appraisal submitted which led to the developer revising their offer to 21%.

10.39 A meeting to discuss the offer and further information took place and officers further challenged the level offered, although officers were aware of the fallback position of the applicant outlined below.

10.40 The applicant has a fall back position where they could withdraw the current reserved matters application and submit an application for full planning permission for the same scheme but only providing 15% affordable housing in line with the interim policy, and officers could only recommend that planning permission be granted for such an application.

10.41 At the meeting referred to in para 10.39 above officers indicated to the applicant that whilst they were aware of the fall back position, on the basis of the advice from Asset Management, they couldn't recommend 21% affordable housing to Members. As a result of these discussions the applicant increased their offer to 25% but maintained their view that the scheme was only just viable.

- 10.42 The applicant has requested that, as part of the increase in the affordable housing offer, the ratio of sub-market and social rented houses be amended from the normal 50/50 split to 60/40. This amendment is requested because a sub-market unit costs the developer less to provide than a social rented unit even when the same house type is involved. As such, 17 sub-market units (15 x 3 bed and 2 x 2 bed) and 11 social rented (8 x 3 bed and 3 x 2 bed) would be provided. 28 units in all.
- 10.43 The amendment to the sub-market/social rented split can be supported and consequently this will achieve 25% affordable housing on the site. Officers consider that this revised offer can be supported.
- 10.44 Ward Members have been advised of the revised offer (25%) and those that have responded (Councillors McKenna and Dobson) have indicated their agreement to the revised offer.

#### Other

- 10.45 Devaluation of property and global food shortage are not material considerations.  
No causal link has been established between a new development and an increase in crime

### **11.0 CONCLUSION**

- 11.1 The application has been amended to accord with the comments made by Members at the meeting of the Panel in October 2011. The revised scheme now accords with the requirements of national and local policy and guidance and is considered acceptable in the form submitted.
- 11.2 The revised scheme is considered to deliver much needed housing, including Affordable Housing. The scheme is considered to provide a satisfactory access to Queens Street as well as deliver access improvements through the proposed footway / cycleway, as well as works to the local highway network and bus stops. The proposed dwellings are of traditional design and are considered to be satisfactory and to reflect the mix of dwellings and materials in the local area. The relationship of the frontage buildings marries well with that of the recently constructed Queens Court development adjacent. The retention of existing trees and hedgerow and new planting, particularly on the site frontage softens the appearance of the development in the street scene and on other boundaries. The reduction in the number of dwellings allows greater scope for a balanced, more spacious layout which offers a reasonable level of amenity to future occupiers and the revised garden sizes are considered to be acceptable.
- 11.3 The viability appraisal submitted in respect of the revised scheme has been assessed and it is considered that, bearing in mind the fall back position of the applicant which would only require provision of 15% affordable housing, the current offer of 25% affordable housing with an amendment to the sub-market/social rented split can be supported.

11.4 In light of the above, the proposed application is now considered to be acceptable and it is recommended that Members resolve to defer and delegate approval to the Chief Planning Officer, subject to the conditions specified and the completion of a legal agreement within 3 months from the date of the resolution.

**12.0 Background Papers:**

12.1 Application and history files.

12.2 Certificate of ownership





**KEY TO LAYOUT**

- 1800 High Boundary Wall
- 1800 High Boundary Wall with Timber Mill Panels
- 1800 High Vertical Slatted Fence
- 600 High Post and rail Fence
- 1200 High Post and Wire Stock Proof Fence
- 1000 High Black-finished mild Steel Railings
- 500 High Timber Knee Rail

- Denotes Affordable - Discount Sale
- Denotes Affordable - Rent
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED

**INDICATIVE SCHEDULE OF ACCOMMODATION**

1735	Monyash	3 BDO	8 No.
1396	Woodleigh	4 BDO	8 No.
1326	Cavendish	4 BDO	6 No.
1400	Buxton	4 BDO	14 No.
1227	Shelton	4 BDO	5 No.
1099	Lwford	4 BDO	7 No.
1238	Oxford	4 BDO	4 No.
1225	Theakston	4 BDO	10 No.
1153	Bradenham	4 BDO	8 No.
1089	Ingleton	3 BDO	4 No.
806	Gosford	3 BDO	10 No.
819	Ashtford	3 BDO	5 No.
745	Ripley	3 BDO	18 No.
621	Astdale	2 BDO	5 No.
895	Wentworth	3 BDO	2 No.

Total 114 Units

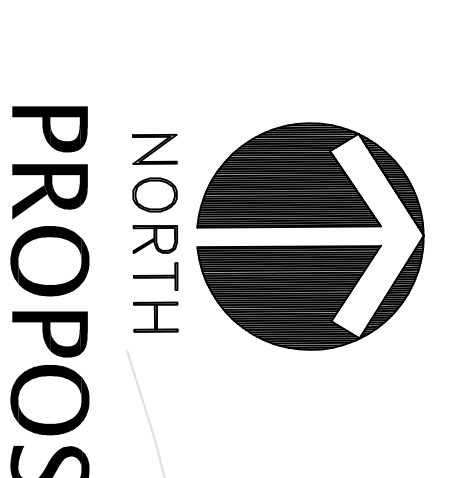
REV	DATE	AMENDMENTS	BY	CHKD
L	24.04.12	Units 8 & 9 removed from 806 to 745	ML	LB
K	18.01.12	Amending station and tank location amended. Affordable rents increased & revised. 1100, 805 & 8139 amended to 1099, 806 & 1133	SPN	LB
J	08.11.11	External Boundary Hedge Amended	LB	LB
H	24.10.11	Various minor amendments to plans	SPN	JRP
G	21.09.11	Amendments as per Landscape Officer's comments dated 19th Sept.	LB	LB
F	06.09.11	Various changes to proposed planting plan. Various changes to proposed site. Various changes to proposed site. Various changes to proposed site.	LB	LB
E	17.08.11	Various changes to proposed site. Various changes to proposed site. Various changes to proposed site.	SPN	LB
D	15.07.11	Various changes to proposed site. Various changes to proposed site. Various changes to proposed site.	SPN	LB
C	15.07.11	Various changes to proposed site. Various changes to proposed site. Various changes to proposed site.	LB	LB
B	04.07.11	Various changes to proposed site. Various changes to proposed site. Various changes to proposed site.	ALP	JRP
A	17.05.11	MINE SHAFT POSITION ADDED	CAH	CAH

**CLIENT**  
TAYLOR WIMPEY UK LTD

**John R Paley Associates**  
ARCHITECTS

**PROJECT**  
PROPOSED RESIDENTIAL DEVELOPMENT  
QUEEN STREET, WOODEND,  
GREAT PRESTON  
DRAWING OF  
PLANNING LAYOUT  
MARKETING NAME

drawing no	rev	date
P11.4446.01	L	MARCH 11
scale @ A1	drawn check	date
1:500	CAH CAH	MARCH 11



**PROPOSED PLANNING LAYOUT**



