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**Report of the Chief Planning Officer**

***PLANS PANEL EAST***

**Date: 7<sup>th</sup> June 2012**

**Subject: APPLICATION 08/00298/OT - Outline application to layout access and erect residential development at the former Optare site, Manston Lane, Crossgates**

**APPLICANT**

Optare Group Ltd

**DATE VALID**

18/01/08

**TARGET DATE**

18/04/08

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**Electoral Wards Affected:**  
Crossgates & Whinmoor

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION:**

**DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified and the completion of a S106 to include the following:**

**- Affordable Housing:**

- At 15% for phase 1 (i.e. pre MLLR) if commenced within 2 years of approval
- thereafter in accordance with the policy in force at that time

**- Education contributions:**

- Primary School = £2,972 per family house
- Secondary School = £1,791 per family house

**- Public Transport contribution:**

- £1,033 per 3 bed house and larger
- £310 per flat and/or 2 bed house

**- Greenspace (Children's play):**

- £604.55 per house
- £97.50 per flat

**- Greenspace**

- 10% of the site area to be provided on-site (including maintenance)
- £57,821 contribution towards off-site improvements

**- Local employment and training initiatives**

**- Public transport infrastructure contribution (£23,000)**

**- Off-site highway works**

**- Travel Plan and monitoring fee**

**- Metro Cards**

**In the circumstances where the S106 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. Reserved matters to be submitted: appearance, landscaping, layout, scale.
2. Standard time limit (outline)
3. The development shall be restricted to a maximum number of 256 units and at the size range as shown in the illustrative layout plan unless otherwise first agreed. No more than 138 units (split into 96 houses and 42 flats) shall be constructed until the Manston Lane Link Road is built and opened to the public unless otherwise first agreed.
4. Details of walling and roofing materials.
5. Details of surfacing materials.
6. Details of boundary treatments.
7. Bin storage details.
8. Sound insulation scheme to protect residents from adjacent industrial site required.
9. Drainage conditions (multiple).
10. Landscaping conditions (implementation and management).
11. No buildings to be higher than 3 storeys.
12. Vehicular areas to be hard surfaced prior to occupation.
13. Green travel plan.
14. Cycle parking details to be provided.
15. Contamination conditions (multiple).
16. Visibility splays to entrances to be provided.
17. Details to ensure public highway remains clear during construction.
18. Dust suppression measures required during demolition/construction works.
19. Construction management plan (e.g. contractors parking/storage details/hours of working).
20. Full detailed dimensions of access (including levels) required.

Details of all conditions including any amendments as may be considered necessary to be deferred and delegated to the Chief Planning Officer.

**Reason for Approval** - In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR), as well as the emerging Core Strategy Draft 2012. The proposed scheme is considered to represent sustainable development and meets accessibility criteria without harming infrastructure. The proposal seeks to provide housing on a previously developed site and would not give rise to any highway or amenity issues. The proposal is therefore compliant with policies GP2, GP3, GP5, N2, N4, N10, N12, N13, N23, N25, BD5, T1, T2, T5, T7, T24, H4, H11, H12, H13, H21, E7 of the UDPR. On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION:**

- 1.1 This application was originally considered by East Plans Panel in September 2008 when Members deferred and delegated approval to officers following the completion of the S106 agreement. Since that time, the application has been reported back to the Panel a number of times and Members asked to re-consider the S106 offer, most recently in August 2011 when it was proposed to amend the percentage of affordable housing to comply with the Council's new interim policy.
- 1.2 At the August meeting, Members raised a number of concerns including that the S106 Agreement obligations had been reduced from that previously agreed in September 2008, that the delivery of affordable housing was paramount to the Council, viability issues, the consequences if planning permission were refused and appealed, that the S106 Agreement should include local employment and training clauses and that the other S106 Agreement contributions should be re-evaluated in light of up-to-date planning policies. Panel resolved:
  - i) to note the comments now made;
  - ii) that determination of the application be deferred to enable further discussions to take place with the applicant on the issue of viability and that a further report setting out the issues raised be presented to Panel for determination.
- 1.3 Discussions have taken place with the applicant about providing a viability assessment. However, as the application has been revised so that it meets current planning policy requirements, there is no longer a need for such an assessment. This report therefore focuses on the discussions which have taken place since the August 2011 Panel meeting and also explains how the interim affordable housing policy is proposed to be applied. Commentary regarding the implications of any material changes in circumstances since the application was originally considered in 2008 is also provided although it should be noted that officers consider that these do not impact on the main assessment of the development proposals, nor do they result in a change to the original recommendation. As such, the original officer report is attached (Appendix B) as background information although the conditions themselves have been updated to reflect current circumstances and accordingly a revised list is included at the beginning of this report.

## **2.0 BACKGROUND:**

- 2.1 The application was originally considered by the Plans Panel in September 2008 along with another outline residential application by Threadneedle which covered part of the former Vickers Tank Factory site situated on the opposite side of Manston Lane. Both applications were agreed in principle and deferred and delegated to the Chief Planning Officer for final approval following the signing of each respective S106 agreement.
- 2.2 The Threadneedle outline permission was issued in March 2009 and more recently a reserved matters application submitted by Bellway Homes has been approved. Bellway are now on-site undertaking remediation works.
- 2.3 The current application for the Optare site has yet to be formally determined as following the September 2008 meeting the applicant queried the methodology used to calculate the education contributions to be included in the S106. Protracted

negotiations ensued with officers finally presenting Members with a revised education 'offer' at meetings held in May and July 2010.

- 2.4 Members did not accept the revised education contribution and the applicant ultimately agreed to revert back to the original offer so as to allow the application to be determined in accordance with the original 2008 Panel resolution.
- 2.5 Notwithstanding the above and following the introduction of revised affordable housing targets across the city, the application was returned to the Plans Panel in August 2011 as the applicant had requested the lower interim affordable housing target should be used since it applied to all decisions made on or after 1<sup>st</sup> July 2011. In respect of the application site this equated to a reduction from 25% (40% social rented and 60% submarket) down to 15% (albeit with the same 40/60 tenure split).
- 2.6 Members declined to determine the application at the August meeting and concluded that further discussions were necessary. This report sets out the discussions which have taken place and the revised S106 'offer' now on the table.

### **3.0 APPRAISAL:**

#### **1. Outcome of discussions since the August 2011 meeting**

- 3.1 A key message from Panel Members at the August meeting was that as the applicant was seeking to take advantage of a change in circumstances regarding Council policy on affordable housing targets, it was appropriate for officers to revisit all other S106 contributions. This exercise has now been completed and has resulted in the following contributions now being sought:

#### **Affordable Housing**

- 3.2 As detailed in para. 2.5 of this report, the interim affordable housing target for the area has been reduced from 25% to 15% in recognition of viability issues associated with the economic downturn. The policy applies to all determinations made after 1<sup>st</sup> July 2011 and accordingly the current application should be assessed against the interim policy as the application has yet to be determined.
- 3.3 In applying the interim target, officers are mindful of its temporary nature and that it is due to be replaced by revised policy guidance as part of the Core Strategy – details of which are still to be finalised. Accordingly the officer recommendation for approval includes an element of phasing connected to the delivery of the Manston Lane Link Road (MLLR), which recognises that not all of the anticipated development will be delivered within the next few years. In essence a two phased approach to affordable housing targets is suggested to properly reflect the temporary nature of the interim policy.
- 3.4 Taking the phasing limitation suggested in condition No.3 as an example, this effectively means only the first 138 units (out of maximum of 256 units) would be subject to the current 15% interim target. In real terms, this means the total number of affordable homes to be delivered as part of the first phase would be 21 units.
- 3.5 With respect to the balance of the site (which could be for up to 118 additional units), although the actual details can still be agreed under a reserved matters application within the specified timescale, it is difficult to attach a definitive timescale for implementation of these units as their delivery is linked to the completion of the MLLR – which is ultimately beyond the applicant's control. Despite this uncertainty, a

completed link road is very unlikely to be open within the next couple of years so officers consider it reasonable for this phase of development to comply with the affordable housing policy which exists at the time. Details of the scheme of affordable housing to be delivered following completion of the MLLR will be secured through the terms of the Sec.106. It is suggested that the Sec.106 should be drafted so that it requires:

- 15% affordable housing is provided within the first phase of development (e.g.138 dwellings) if this part of the development is commenced within 2 years of the date of the issuing of the outline planning permission and if not that the level of affordable housing should be provided at the level prescribed by the policy in force at the date that commencement takes place, and
- that thereafter the Sec.106 will require the developer to provide affordable housing at the level prescribed by the policy in force at the [date of the submission of the subsequent relevant reserved matters application/s for the additional phase/s of development]. [ the date of the commencement of the development of the additional phase/phases of the development].

By adopting this two staged approach, the Council can ensure that only the part of the development which can realistically be implemented within the short term is subject to the interim policy. With respect to the second phase targets, it is impossible to predict what level of contribution will be sought although the option to consider viability (should it be required) will no doubt be retained so the applicant can take some comfort from this.

- 3.6 To summarise, the affordable housing contribution for the scheme would be as shown in table one below:

**Affordable Housing:**

Phase	Affordable Housing %	Tenure split	Commencement date:
First phase – Pre MLLR (e.g. 138 units)	15%	40% social rented & 60% submarket	Within 2 years of outline permission being granted
Remaining balance – Post MLLR (e.g. 118 units)	Policy at the time	Policy at the time	After completion of MLLR

**Table One**

**Education:**

- 3.7 When the application was originally considered in 2008, a full contribution towards the provision of additional secondary places was sought whereas primary school contributions were only deemed necessary after a total of 200 family units (across the Optare and Threadneedle sites combined) were provided.
- 3.8 The situation for secondary schools has not altered and a full contribution is still necessary. However, local primary schools now face capacity issues and accordingly a full contribution towards primary school provision is also proposed from the outset.
- 3.9 The contributions would therefore be as follows for each and every family unit provided on the site:

Primary School:

£12,257 (cost multiplier) x 0.25 (yield per pupil) x 0.97 (location cost) = £2,972.32

Secondary School:

£18,469 (cost multiplier) x 0.10 (yield per pupil) x 0.97 (location cost) = £1,791.49

- 3.10 The actual contribution per primary and secondary school place is slightly lower than the 2008 figures (due to a lower location cost applying) but assuming the development was built in accordance with the indicative layout provided an education contribution in the order of £976,581.05 would be secured.

**Public Transport:**

- 3.11 Previously a contribution towards strategic public transport improvements was not pursued as delivery of the MLLR was seen at the time as a major benefit in its own right. Whilst this remains the case, it is clear the current application will not necessarily deliver the MLLR (albeit some development is tied into its delivery by condition) and accordingly a public transport contribution is now sought as follows:

£1033 per 3 bed house and larger

£310 per flat and 2 bed house

- 3.12 A development built in accordance with the indicative layout would therefore secure a contribution of £227,575 towards public transport improvements.

**Greenspace:**

- 3.13 The requirement to provide a minimum of 10% of the site area as public open space still remains and this is to be included within the S106 agreement.

- 3.14 Added to the on-site requirement is the need to make an off-site contribution of £57,821. A contribution towards Children's play equipment is also required in accordance with the following calculation:

- £604.55 per house

- £97.50 per flat

- 3.15 These revised figures represent a considerable improvement on the original greenspace offer which would have secured a total financial contribution of £112,074. Today's greenspace offer would amount to £186,726.25 if the development was built in accordance with the indicative layout.

**Local Employment and Training Initiatives**

- 3.16 This was not included within the original S106 agreement but standard clauses have now been agreed with officers from Employment Leeds to secure local employment and training initiatives for the benefit of local people during the construction phases.

- 3.17 The following contributions were to be secured as part of the original agreement and have not altered so will be sought again:

**Public transport infrastructure** £23,000 (new bus shelter on Manton Lane with real time display and raised accessibility kerbing)

**Off-site highway works** (as detailed within the original officer report- albeit Bellway are likely to implement these)

## **Travel Plan and monitoring fee**

### **Metro cards**

- 3.18 In order to help explain the changes between the content of the original S106 offer and the one now proposed, a comparison table is attached to the end of this update report as Appendix A.

### **Ward Member consultation**

- 3.19 Consultation with Ward Members has recently taken place now the revised figures for all the S106 contributions are known. Councillors Gruen and Grahame (Pauleen) were in attendance. It is understood Cllr Armitage did not attend due to the proximity of the local election as she was standing as a candidate.
- 3.20 Ward Members acknowledged full education contributions were now proposed as local capacity issues for both primary and secondary were well known. Support for limiting the amount of development which could benefit from the interim affordable housing policy was also given in recognition of the uncertainty associated with delivery of the MLLR.
- 3.21 With respect to the possibility of redistributing S106 contributions to help deliver local priorities, no deviation from the categories already listed within this report was advanced other than confirming a potential local project existed for spending the off-site greenspace contribution. In this respect, the greenspace contribution was to be protected. A general comment about ensuring the contributions are delivered locally was also made.

## **2. Material changes in circumstances since the application was originally considered**

### **National Planning Policy Framework (NPPF)**

- 3.22 The NPPF was published in March 2012. It sets out a presumption in favour of sustainable development and says that development that accords with an up to date Local Plan should be approved without delay. The document, amongst other matters, promotes good design, the effective use of previously developed land and to promote development in locations that is well served by public transport and promote the vitality of the main urban areas. With regard to affordable housing it is set out that local planning authorities should set policies to meet this need but such policies should be flexible to take account of changing market conditions over time. As this development proposes the redevelopment of a brownfield site in a sustainable location, and meets current planning policies in respect of the delivery of affordable housing, greenspace, public transport and education contributions and travel planning, it is considered that the development is consistent with the policies set out in NPPF.

### **Community Infrastructure Levy Regulations 2010**

- 3.23 Members will be aware that the legal tests governing the use of planning obligations has been altered through the introduction of new secondary legislation in the form of the Community Infrastructure Levy Regulations 2010. The effect of this is that for a planning obligation to be taken into account in a decision to grant planning permission it must be:
- (a) necessary to make the development acceptable in planning terms
  - (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

- 3.24 In the light of these changes in legislation, all the proposed S106 contributions have been assessed and are considered to comply with the three legal tests. In fact the decision to bring all the contributions up to date ensures full compliance with the 'fairly and reasonably related in scale and kind' test. In particular the proposed approach to affordable housing which is set out in paragraph 3 of the report is consistent with the requirements of the legal tests.

**Relocation of the Optare business (Removal of S106 clause and condition)**

- 3.25 Members will note from the original officer report that the S106 agreement was to include a 'Relocation' clause relating to the Optare business. The purpose of the clause was to ensure Optare used 'reasonable endeavours' to find alternative premises within the Leeds boundary before considering relocating further afield so as to maximise job retention. The need for this clause no longer exists as the Optare business has already relocated to Sherburn-in-Elmet which is just beyond the Leeds boundary.

**Updated conditions**

- 3.26 The application has been submitted in outline with only approval for access applied for at this stage. Whilst an indicative layout has been provided which sets some general parameters regarding the amount of development which the site can accommodate, the main issue for consideration at this stage relates to highway capacity issues since detailed layout issues can ultimately be resolved at the reserved matters application stage.
- 3.27 In the light of the above and in recognition the housing market is very different to how it was when the application was originally submitted (January 2008), a degree of flexibility within the detailed wording of the conditions is advanced to allow a different mix of units to be delivered should the eventual house builder decide to move away from the flat market (as is expected).
- 3.28 More generally the conditions have also been reviewed to reflect current circumstances e.g. condition Nos. 4 and 20 as originally recommended can both be removed as the Optare business has already relocated and the existing buildings have recently been demolished.

**4.0 CONCLUSION:**

- 4.1 The Council's affordable housing policy has altered in response to the downturn in the economy and a reduced interim target has been introduced relative to the application site. The target has been reduced from 25% of the total number of units provided down to 15% although the tenure split of 40% social rented and 60% sub market remains the same.
- 4.2 The interim policy is to be applied to all determinations made on or after 1<sup>st</sup> July 2011 and on this basis the applicant would like to benefit from the lower percentage requirement in recognition that the permission has not yet been formally issued.
- 4.3 Officers recommend the affordable housing requirements should be amended to reflect the current interim policy but should include a two staged delivery mechanism in order to adequately reflect the phasing condition which is to apply to the development. In addition, all other S106 contributions have been reviewed to ensure they are up to date in recognition of the amount of time which has lapsed since the



original assessment was undertaken. A similar exercise has been undertaken with the suggested conditions.

- 4.4 In the light of the above and having concluded that whilst a number of material changes in circumstances have taken place since the application was first considered but none that would alter the overall officer assessment and recommendation reached, Members are requested to accept the revised affordable housing contribution and defer and delegate approval to allow completion of the S106. In recognition that considerable delays have already occurred to date, final determination of the application should also be delegated to officers in the event the S106 has not been completed within a period of 3 months.

**Background Papers:**

Application file: 08/00298/OT

Certificate of Ownership served on: Signed by applicant

# APPENDIX A

**Comparison Table:**

<b>Contribution</b>	<b>Sept 2008</b>	<b>Current</b>
Affordable Housing	25% (40% social rented 60% submarket)	Pre-MLLR (and if commenced within 2 years) 15% (40% social rented 60% submarket)
		Post-MLLR (policy that applies at the time)
Education	Primary: £3,156 per family unit (but only required after 200 units)	Primary: £2,972 for all family units
	Secondary: £1,902 per family unit	Secondary: £1,791 per family unit
Public Transport	None	£310 per flat/2 bed house
		£1,033 per 3 bed house and larger
Greenspace	10% on-site provision Off-site (including children's play) - £112,074	10% on-site provision
		Off-site - £57,821
		Children's play: £604.55 per house £97.50 per flat
Local Employment-Training Initiatives	Not secured	Yes
Public Transport Infrastructure	£23,000	£23,000
Off-site Highway works	Yes	Yes
Travel Plan & Monitoring fee Metro Cards	Yes	Yes
	Yes	Yes

# APPENDIX B



Originator: David A Jones

Tel No: 0113 247 8000

## PLANS PANEL EAST 25 SEPTEMBER 2008

### REPORT OF THE CHIEF PLANNING OFFICER

<b>WARD:</b>	Crossgates & Whinmoor	<b>Application:</b>	08/00298/OT
<b>Address:</b>	Manston Lane, Crossgates	<b>Applicant:</b>	Optare Group Ltd
<b>Date Valid:</b>	18 January 2008	<b>Target Date:</b>	18 April 2008
<b>Proposal:</b>	<u>Outline application to layout access and erect residential development</u>		

#### **RECOMMENDATION:**

Permission be **GRANTED** in principle and deferred and delegated to the Chief Planning Officer subject to the conditions specified below and upon completion a Section 106 to secure the following:

**Relocation of the existing Optare use within the Leeds boundary, affordable housing, greenspace, education, public transport contributions, off-site highway works and travel plan**

1. Reserved matters to be submitted: appearance, landscaping, layout, scale.
2. Standard time limit (outline)
3. The development shall be restricted to a maximum number of 256 units and at the size range as shown in the illustrative layout plan. No more than 138 units (split into 96 houses and 42 flats) shall be constructed until the Manston Lane link road is built and opened to the public.
4. Until the existing Optare business ceases to operate from the site, 40 of the 96 houses allowed prior to the construction of the link road shall not be built. No commercial uses shall replace Optare following its departure.
5. No more than 256 units shall be constructed on site unless otherwise first agreed.
6. Details of walling and roofing materials.
7. Details of surfacing materials.
8. Details of boundary treatments.
9. Bin storage details.
10. Sound insulation scheme to protect residents from adjacent industrial site required.
11. Drainage conditions (multiple).
12. Landscaping condition.
13. No buildings to be higher than 3 storeys.
14. Vehicular areas to be hard surfaced prior to occupation.
15. Green travel plan.
16. Cycle parking for flats.
17. Contamination conditions (multiple).
18. Visibility splays to entrances to be provided.
19. Details to ensure public highway remains clear during construction.
20. Dust suppression measures required during demolition/construction works.
21. Contractors parking and storage details required.
22. Details dimensions of access (including levels) required.

Details of conditions to be deferred and delegated to officers.

Reason for approval: The application is considered to comply with policies GP2, GP3, GP5, N2, N4, N10, N12, N13, N23, N25, BD5, T1, T2, T5, T7, T7a, T24, H4, H11, H12, H13 and H21 of the UDP Review 2006, and having regard to all other material considerations, as such the application is recommended for approval.

### **Introduction:**

This application is brought to Panel at the request of Councillor Gruen due to its sensitive nature and the history of the site.

This is a revised outline application for residential development on a site that was refused planning permission under delegated powers in 2007 for a similar, albeit for a larger scheme of 285 units. The refused scheme was due to be considered at a public inquiry scheduled to take place on 18<sup>th</sup> March 2008 and was linked with another appeal, again for residential development on part of the Threadneedle site which is located on the opposite side of Manston Lane. Both applications were effectively refused because of each other as the highway network is only considered to be capable of accommodating no more than 285 units, be that on a single site or shared between two.

The public inquiry did not take place in March because one of the parties chief witnesses had been taken ill. As such, the inquiry was adjourned until a later date with the agreement of all parties. A revised inquiry date of 18<sup>th</sup> November 2008 has now been set.

When agreeing to adjourn the inquiry because of the above and having considered the highway capacity reason for refusal, the Inspector also made it clear that he expected all three parties to work together during the intervening period to see if a negotiated solution could be achieved.

This application has been amended as a result of further discussions and it is now proposed to share what capacity is available between both sites by promoting two distinct phases of development. The first phase comprises of 260 units in total across both sites. The second phase of development (allowing up to 407 units in total across both sites) would only be permitted on the opening a new road (Manston Lane Link Road) to link Manston Lane with the M1 motorway to the east.

In view of the above, Members are asked to consider this application in conjunction with that submitted by Threadneedle (under reference 08/03440/OT) which is the next application to appear on this agenda.

### **Proposal:**

This application seeks outline permission for a residential development on the bus builder's site, Optare and on the adjacent industrial site formerly occupied by the specialist cable manufacturer Draka UK. All matters are reserved with the exception of access which consists of two separate points taken direct from Manston Lane.

The supporting information provided with the application shows an indicative layout containing 256 units in total. The accommodation would be split into a mixture of 205 detached, semi-detached and terraced houses (all 3 and 4 bed) and 51 flats (all 2 bed) contained within 5 separate blocks. The majority of the flats are shown to be provided along the site's eastern boundary in order to protect the remainder of the site from noise and these units would be single aspect in design/layout.

Building heights would range from traditional two storey properties up to three storeys throughout the site with the indicative layout showing the properties to be arranged in a series of blocks facing outwards. Off street parking is generally shown to be provided within private courtyards of varying sizes.

Two, roughly square areas of public open space have been identified within the centre of the site overlooked by houses and flats.

Included with the application is a commitment to meet the Councils normal requirements regarding the provision of affordable housing (currently 25% of the total number of units provided), public open space, education contributions and public transport improvements. In view of the existing

employment opportunities provided by Optare a legal agreement requiring relocation of the existing use within the 'Leeds' boundary has also been offered by the applicant.

The applicant has also agreed to phase the development so that only 138 (96 houses & 42 flats) could be built before the Manston Lane link road is constructed. A further limitation is proposed that would limit the phasing of development to 56 houses (of the 96 allowed in phase one) to be built until the existing Optare use has ceased on the site and relocated elsewhere, thereby creating additional capacity in the highway network.

Notwithstanding the phased approach, off-site highway works are proposed to be complete before phase 1 is occupied.

### **Site and Surroundings:**

The application site has an area of 6.4 ha and is split into two main areas. The first is the existing Optare site which remains operational and the second area comprises of the former Draka site to the east which has been vacant for a number of years.

The Optare site has been extensively developed over a long period of time and includes a variety of manufacturing buildings. Traditional, red brick north lit industrial buildings occupy most of the site although the administrative element of the business is located within a two storey building situated towards the Manston Lane frontage. The remainder of the site is hard surfaced and used almost exclusively for car parking or external storage.

The original Draka buildings have recently been demolished and accordingly the vast majority of the site is now featureless. As with the Optare site, buildings previously occupied the majority of the site and their demolition has created a large, generally level site which is ready for redevelopment.

Limited landscape features can be found at the extreme boundaries of the site and the land gently slopes up from Manston Lane towards the sports field to the north. Security fencing in the form of palisade or chain link marks the common boundaries. The former Manager's house for the Optare site is located between the two parts of the site and is excluded from the application boundary because it is in separate ownership.

The application site is located within a part of Manston Lane which is characterised by industrial development although a handful of residential properties still exist (the former manager's house in the centre of the site's frontage and a set of semi-detached dormer bungalows to the east being the closest).

A playing field is located to the north (including a public footpath running east to west) and a dismantled railway (situated within a cutting and relatively overgrown) runs the length of the site's western boundary beyond which the residential properties within Penda's Way are located. To the south and on the opposite side of the road is the former Vickers tank factory site now owned by Threadneedle and used for storage and distribution. The Richmond ice cream factory is located directly to the east.

### **Relevant Planning History:**

06/06511/OT – Outline application for residential development – Refused under delegated powers for the following reasons:

1. The proposal failed to adequately demonstrate that additional traffic could be safely accommodated on the existing highway network.
2. The proposal represents piecemeal development within an area that has existing congestion problems and no solution is proposed to address this issue. Support for the proposal in isolation would therefore be premature to the proper planning of the area.
3. The design, scale and massing of the proposed flat block would be overbearing, monolithic, repetitive and lacking in detail or visual interest.

Please note, the above application is the subject of an appeal and the public inquiry (now combined with the Threadneedle appeal) is re-scheduled to start on the 18<sup>th</sup> November 2008. For information, revised plans for the flats and a package of off-site highway works were proposed during the lead up

to the public inquiry which are considered to address refusal reasons Nos. 1 and 3. As such, only reason No. 2 is due to be contested at the appeal which is the same reason why the original Threadneedle application was refused.

**Consultations:**

**Highways:** No objection subject to conditions. Refer to the appraisal.

**Environment Agency:** No objection subject to conditions.

**Yorkshire Water:** If permission is granted conditions are recommended.

**Mains Drainage:** No objection subject to reduction of existing surface water runoff and on site storage being achieved. Additional conditions recommended.

**Minerals:** No objection subject to conditions.

**Public Rights of Way:** Footpath 121 abuts the site and has a Definitive width of 3 feet.

**Environmental Health:** Noise disturbance from the adjacent Richmond Ice-cream is possible although the flats blocks situated along the eastern boundary are shown to be single aspect. Planning conditions relating to noise levels on the Ice cream site itself should be enforced. Sound insulation scheme and bin storage details to be conditioned.

**Public/Local Response:**

The application was advertised by site notices dated 04/02/08 and individual neighbour letters (sent to all those who commented on the original application – dated 30/01/08).

Councillor Gruen has requested the application be brought before the Panel for determination because of its history and sensitive nature.

Initial objections have been received from 17 residents. The main concerns expressed are as follows:

- The scheme is no different to the one already refused permission and accordingly the same decision should be taken.
  - The development of the Optare site and the Threadneedle scheme will cause serious highway problems as the area already struggles to cope with existing levels of traffic. A masterplan for the entire area is required before individual schemes can be supported.
  - Before this development can be supported the Manston Lane link road is required, on-street parking needs to be removed from Cross Gates (except for special cases e.g. disabled persons), improvements to the railway station are needed and lorries need to be removed from the Vickers site. Without these, the development will increase noise, odour, traffic congestion, pollution and destruction of the landscape.
  - No details of the plans to erect residential development have been provided. Residents need to know what is proposed.
  - Are improvements planned for the surrounding road as access and parking issues already occur?
  - There are enough residential properties in the area and it is already busy enough. Peace and quiet is needed not a new housing estate behind us.
  - Concerned that the footpath link into the disused railway line will increase the likelihood of crime and anti-social behaviour taking place when there is a general trend to close off similar routes or provide security gates in other parts of the city.
- Demolition of the existing factory will probably lead to an infestation of rats. What precautions are being put in place about this?
- Optare should be retained as trading estate or for small industrial units
  - Loss of jobs is a major concern and no mention is made of where the use will move to.
  - The development does not provide enough affordable housing.
  - The site will be contaminated and unconfirmed mine shafts have been reported, both of which will be a risk to potential residents.
  - The site is too cramped and access is inadequate due to poor visibility. Highway safety would be compromised.

- Surrounding infrastructure (e.g. schools, bus/rail services - particularly during the peak periods) are already oversubscribed.
- Potential problems with drainage have not been looked at properly.
- The development will adversely affect existing wildlife as the area is rich with owls, bats, foxes and rabbits.
- The development will create rubbish and litter problems.

Initial letters of support have been received from 2 residents stating the following:

- Residential development is preferable to industrial development or derelict sites
- Traffic will be staggered throughout the day rather than at peak times as present.
- Traffic levels will not be as heavy as previous uses including when the Barnbow site was open.

In addition to the first notification process, a second letter has been sent to all those originally notified and all subsequent contributors (dated 09/09/08) explaining how the current application and that submitted by Threadneedle have been amended to limit the number of units that can be built before the Manston Lane link road is built. The letter also explains what contributions e.g. affordable housing, would be contained in a Section 106 agreement should permission be granted.

The Cross Gates Watch Residents Association has responded indicating that it was unaware that Optare had submitted a second application. Nevertheless, the same objection made to the Threadneedle application is also considered to apply which is summarised below:

- The acceptability of the scheme turns on transport issues and these are poorly articulated in the methodologies applied, which do not support the conclusion for supporting the application. Relationship with the Threadneedle application is confused, and agreement about the split of the number of units the sites can jointly put on the network has not been reached. This invalidates the current application. In any event, the case for supporting 260 units is flawed.
- The application is explicitly an attempt to pre-empt the public inquiry.
- It is vital for the better planning of the area that the appeal goes ahead and accordingly the application should be refused.

Concern is also expressed about discussions taking place behind closed doors to avoid the public inquiry and proper public consultation. The piecemeal development proposed is still considered unacceptable and the Council, by supporting the schemes would effectively be abdicating its responsibility for the proper planning of the area.

(For avoidance of doubt, the Council's records indicate the residents association was sent an individual notification letter on 30/01/08)

Any further responses received will be reported verbally to Panel Members on the day of the meeting.

### **Planning Policies:**

The application site is unallocated within the UDP, however the following policies are of relevance:

- GP2: Seeks to utilise vacant and under-used sites.
- GP3: New developments should fit in with their surroundings.
- GP5: General planning considerations.
- N2/N4: Greenspace provision/contributions.
- N10: Protection of existing public rights of way.
- N12/N13: Urban design principles.
- N23/N25: Landscape design and boundary treatment.
- BD5: Design considerations for new build.
- T1: Investment in transport improvements.
- T2 (b, c, d): Accessibility issues.
- T5: Consideration of pedestrian and cyclists needs.
- T7/T7A: Cycle routes and parking.
- T24: Parking guidelines.
- H4: Sequential approach to un-identified sites proposed for residential.

H11/H12/H13: Affordable housing.  
H21: Provision relating to the development of housing developments.  
E7: Employment land.

Neighbourhoods for Living: A guide to residential development in Leeds.

PPS1: Delivering sustainable developments.  
PPS3: Housing.  
PPG13: Transport.  
PPG24: Planning & Noise.

Regional Spatial Strategy for Yorkshire and Humber.

## 1.1 MAIN ISSUES

### 1. Principle

2. Highway issues
3. Layout/design/residential amenity
4. Greenspace/affordable housing/education/public transport contributions
5. Third party representations

## APPRAISAL

### 1. Principle:

The site has a current industrial use (albeit partially vacant) and is therefore considered 'brownfield' under the guidance provided within PPS3 'Housing'. In this respect it is suitable for residential use as far as housing policy is concerned at a national and local level. Housing policies contained within the Regional Spatial Strategy for Yorkshire and the Humber also support redevelopment of the site for housing as it would help achieve the Council's targets over the plan period, thereby reducing pressure to release other, less suitable sites from a policy perspective e.g. those which are greenfield.

Notwithstanding the housing policy perspective, it is still necessary to consider the site's existing/last use for employment purposes and whether it is then acceptable to allow the site to be lost to a none employment use as required by UDP Policy E7.

The aim Policy E7 is to retain an adequate supply of employment uses/sites across the City both in terms of quality and quantity. In recognition of this, the applicant has submitted supporting documentation which indicates that a suitable supply of alternative sites (both in quality and quantity) exists within a readily accessible distance of the site.

The submitted documentation has been considered by your Officers and the conclusions made are accepted primarily because of other employment allocations and sites within the general area e.g. Thorpe Park, Aire Valley and Seacroft. In this respect, the complete loss of the site to a residential use, although regrettable is not considered to prejudice the Council's ability to deliver sufficient employment land as required by Policy E7. As such, no objection is raised to the principle of losing the site to a residential use.

Another dimension to the Optare application is the fact the existing use currently employs in excess of 300 people, many of which live within the Leeds area. The purpose of the current application is to generate sufficient capital to allow the business to relocate to a purpose built site as the current premises are no longer fit for purpose. A new facility would bring substantial benefits in the form of efficiency savings which in turn would make the business more competitive within the marketplace. As such, support for the current application is seen as being central to Optare's long-term future. In recognition of concerns about the future intentions of the Optare business as an alternative site has not yet been found and to help safeguard the existing jobs, the applicant has offered to enter into a Section 106 agreement that requires it to relocate within the Leeds area. This offer is welcomed by Officers and is recommended for inclusion within the legal agreement should this recommendation be accepted.



## 2. Highway issues:

### Background:

With reference to the appealed applications, the Council has already submitted written evidence. This evidence makes clear that the traffic effects of one of the developments is considered acceptable but not both developments (subject to the off-site highway works detailed below). The appealed applications are for 285 dwellings on the Optare site and 188 on the Threadneedle site, giving a total of 473 units.

The current applications are for 256 dwellings on the Optare site and 151 on the Threadneedle site, i.e. a total of 407 dwellings.

Before the public inquiry formally adjourned the Inspector commented on the possibility of a phased approach whereby the road capacity is split between the two developments. As a result of this, the second Optare application (submitted in January 2008) has been revised to achieve this. Threadneedle has also submitted a second application, this time in outline which between them propose 260 dwellings (138 Optare and 122 Threadneedle) in an initial phase of development until such time as the Manston Lane Link Road is opened to the public.

The traffic implications of 260 dwellings is clearly very similar to that already considered by Officers in written evidence to the inquiry as being acceptable. The remaining 147 dwellings would not be constructed until the Manston Lane Link Road is opened.

A further restriction is placed on the current Optare application limiting its first phase of development to 98 dwellings until the existing Optare business is no longer operational on the site, thereby removing existing traffic generation from the network.

### Capacity issues:

With respect to the traffic implications of the developments, regard has been had to the existing uses of the site and what can occur on the sites without the need for planning permission.

The existing Optare business has a large number of employees and therefore generates its own traffic. The former cable site, within the Optare site boundary, currently is vacant but could still be used for commercial purposes. Furthermore, in considering the traffic implications of the Threadneedle development, regard has been had to the existing use of the wider site, and in particular the storage and distribution permission which has a legal agreement that allows 2400 vehicle movements within a 24 hour period (of which 35% can be HGV's). Although currently the site generates little traffic, if the Threadneedle application were approved agreement has been reached to reduce by half the traffic that is permitted on the wider Threadneedle site. This would be achieved by an amendment to the existing legal agreement. This would be a significant benefit to the area in traffic terms if the site were to attract a more intensive user than currently exists.

In considering the submitted information and having regard to their own knowledge of the area, Highway Officers remain of the view that it is acceptable to replace an existing employment site with a substantial residential scheme but in no way could both applications (Optare & Threadneedle) be granted the full extent of the proposed developments without a phased approach and major improvements to provide a suitable comprehensive highway solution. The second phase of development on either site cannot therefore be constructed until such time as the Manston Lane link road is built.

For the avoidance of doubt, the Manston Lane link road does not require alterations to the carriageway width in the area around the application site and accordingly the points of access shown on the indicative layout would not adversely affect its future implementation. The link road itself has already been started as part of the Thorpe Park development although further stretches are still required before its route over the railway line and connection with Manston Lane is progressed.

The phased approach to development is considered to provide an acceptable compromise for both applicants in terms of ensuring the local highway network is not overloaded and the Council's initial position that the area is only capable of accommodating the amount of development associated with approximately one of the initial developments has not been prejudiced. Any further development

beyond the initial phase of development on either site would then only be released on completion of the Manston Lane link road.

Notwithstanding the above, for the first phase of development it is still considered necessary to undertake various improvements to the existing highway network in order to facilitate the developments. In recognition of this the following package of off-site highway works and other measures are proposed to help improve efficiency and safety:

- Modifications to the Cross Gates roundabout signals, which would consist of a queue detection loop and corresponding controller modification. This would allow an automatic adjustment to signal timings when queues extend back onto the circulatory carriageway and block traffic i.e. to help reduce queuing.
- Implementation of bus priority on Austhorpe Road by the installation of local priority hardware and controller modification. This facility would allow a bus to be detected on Austhorpe Road. The traffic signals would then give priority to the bus by adjusting the signal operation.
- CCTV to enable monitoring of queues on Austhorpe Road and the A6120 Ring Road. This would allow a UTMC control operator to make slight changes to signal green time to mitigate the effect of short term fluctuations in traffic queues and therefore reduce congestion.
- Traffic signal control on Austhorpe Lane over the substandard railway bridge. The trips generated by either of the developments would result in a proportion using Austhorpe Lane. Austhorpe Lane narrows over the railway bridge and will only allow single file traffic. The bridge parapets severely restrict forward visibility for vehicles travelling in either direction. These issues are a significant safety hazard and signal control would remove the obvious conflict.
- Weight restriction on Whitkirk Lane and Austhorpe Lane to prevent HGV movements (other than for access/loading) through residential areas.
- Weight restriction on streets north of Austhorpe Road to prevent HGV movements (other than for access/loading) through residential area.
- Public transport infrastructure improvements.
- Residential travel plans including evaluation fees.
- Provision of a residential MetroCard for each dwelling.

The above measures would be fully funded by the either developer or both depending on Members decisions.

In summary, the current proposals seek to meet the Inspector's expectation of a negotiated solution. Two distinct phases of development are proposed, the second phase requiring the opening of the Manston Lane Link Road before additional dwellings are constructed. The first phase of development will share highway capacity with the adjacent proposal so that the number of dwellings for phase 1 (138 Optare and 122 Threadneedle) is similar to that already considered acceptable in the Council's written evidence to the public inquiry (subject to the off-site highway works and other measures).

#### Access and Layout issues:

Two points of access are shown to be provided from Manston Lane to form a circulatory route through the site, thereby ensuring emergency access is still provided in the event that one entrance/road becomes blocked. As adequate visibility can be achieved at both entrances, no objection is raised in principle to how the development would be accessed or serviced internally.

In terms of the site layout itself, the basic design principles are considered to be acceptable and whilst a number of detailed issues remain outstanding, they are all relatively minor and could be adequately addressed via conditions or at the reserved matters stage.

#### **3. Layout/design/residential amenity:**

The application has been submitted in outline and only the means of access has been formally applied for at this stage. In this respect, the submitted layout plan is indicative and would not be binding in the event that planning permission is granted.

Whilst recognising the layout plan is indicative, it does provide a useful insight into how the site could be developed in the future. It also helps to identify a number of parameters and constraints that will

steer the site's redevelopment. In particular, the requirement to provide an element of barrier housing along the site's eastern boundary is an important consideration as is a maximum build height of 3 storey's.

The barrier housing is shown to take the form of two blocks of three storey, single aspect flats which would be designed to face into the site (west) rather than having main rooms facing east (towards Richmond ice cream). As such, the building themselves would form the acoustic barrier for the rest of the site and the flat occupiers living conditions would not be compromised to an unacceptable extent due to their single aspect layout.

In response to the previous 'design' reason for refusal, the flats blocks have been reduced from 4 storey's to 3 and the units themselves have been separated into separate blocks. These alterations would still address the noise issues affecting the site due to the adjacent ice cream factory operating 24 hours a day but would allow greater visual interest and detailing to be achieved at the reserved matters stage. The revised scheme is therefore considered to have adequately addressed the previous reason for refusal. It is also noted the original 'design' reason for refusal to be considered at the public inquiry has already been conceded as the same approach now shown was also adopted during the appeal proceedings.

In terms of the acceptability of the remainder of the site, the basic layout is considered to address the correct balance between the provision of good quality family housing arranged in an attractive, but secure environment and accordingly all detailed issues could be adequately addressed at the reserved matters stage.

#### **4. Greenspace/affordable housing/education/public transport contributions:**

Policies contained within the UDP require that major residential developments make adequate provision for greenspace. Because of size of site and number of units proposed, the greenspace should in this instance be provided on-site and at a ratio of 10% of the total site area. Two central areas of public open space are shown to be provided within the indicative layout and the size is identified as being 10%. As such, no objection is raised to this element of the scheme and it is proposed to secure these features via a Section 106 agreement.

With respect to the provision of affordable housing, 25% of units should be made available with a split of 40% being offered as social rented properties and the remaining 60% being submarket. The applicant has agreed to meet these requirements in full via a Section 106 agreement. Based on the submitted plans, 35 affordable units would be delivered in the first phase of development since only 138 units can be provided.

The same approach will also apply in terms of making appropriate contributions towards extra education facilities within the area and a standard 'levy' is proposed (via a Section 106 agreement) since the exact size and number of units is not fixed at this stage. The levy calculation is based on up to date information and indicates that all properties suitable for families (e.g. houses with 2 or more bedrooms and flats with 3 or more bedrooms) should provide £1,902.31 for secondary school places. However, primary school places are only required after a total of 200 family units have been provided (across both sites) equating to £3,156.18 per unit thereafter.

In addition to the above, the development is considered to justify making improvements to existing bus stop facilities within the immediate area and this would be secured by a legal agreement. However, further contributions are not considered necessary at this stage as in order to achieve the site's total amount of permitted residential development, the link road would have to be provided which itself is a strategic aim in terms of facilitating improved public transport routes in the area.

#### **5. Third party representations**

It is clear from the representations received to both this application and the scheme submitted by Threadneedle that residents are most concerned about the traffic implications of the developments. These concerns have been taken on board since the original applications were refused and both applicants are now working together and have effectively agreed to share what capacity does exist having regard to the use of their own sites. Whilst it is true the application would not deliver the Manston Lane link road as many residents would like it to do, the phased approval is seen as a reasonable compromise to ensure traffic levels are kept within a level which the local network is

capable of dealing with. The fact additional residential development will also have received planning permission 'in principle' may also facilitate the more timely delivery of the link road as developers have the confidence to pursue alternative schemes.

Residents concerns about the formation of additional linkages into the disused railway line are noted and the issue of security and access to this area would ultimately be considered at the reserved matters stage when the layout would be finalised. Notwithstanding this, it is a strategic aim of the Council to provide a formal pedestrian and cycle path along this route towards Scholes in accordance with UDP Policy T10A. As such, the current situation enjoyed by residents in terms of the area not being readily accessible is likely to change in the future.

Residents concerns regarding issues such as drainage, contamination, litter and the presence of mine shafts have all been considered by the various consultees referred to in this report. As a result of the consultation responses received, various conditions are recommended which are considered to adequately address the identified concerns or deal with issues on which further information is required.

**Conclusion:**

The development complies with housing policy at a national and local level in that it seeks to build on brownfield land. Furthermore, the scale of the development is such that it would help deliver the Council's housing targets for new housing as contained within the Regional Spatial Strategy for Yorkshire and Humber.

The loss of the existing employment status of the site to residential use is considered to be acceptable in principle as sufficient alternative employment land is available within an accessible distance. The offer to relocate within the Leeds area is also welcomed.

In recognition of existing highway issues within the Cross Gates area, the applicant has agreed to work with Threadneedle who have submitted a similar outline application on its own, adjacent site. As such, a phased approval is now proposed which is considered to keep redevelopment within acceptable limits in terms of its impact on the local highway network. As all matters are reserved with the exception of access and can therefore be dealt with at the reserved matters stage, and the applicant is willing to meet the Councils normal contributions (via a legal agreement) with respect to greenspace, affordable housing, education, public transport improvements, etc, the application is recommended for approval subject to the conditions specified.

**Background papers:**

Application file papers: 08/00298/OT.

**Certificate of ownership:**

Signed by applicant.



Manston Lane, Leeds

81.7m

PENDA'S WAY

EL Sub Sta

Footpath Link

Open Space 0.32 Ha.

Open Space 0.33 Ha.

Existing Property Retained

Acoustic quality screen fence to boundary between points A - B to detail

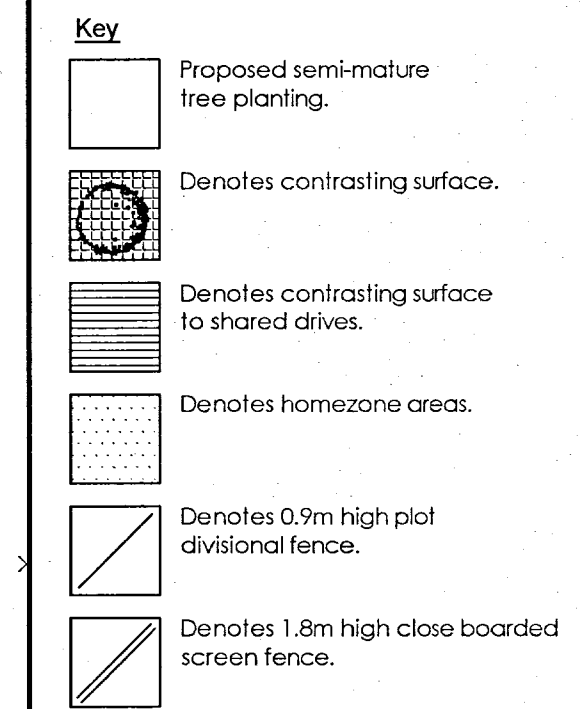
BM 78.60m

MANSTON LANE

08/00290

### Existing Open Space

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Project		Manston Lane, Leeds.	
Title		Illustrative Layout	
Job No 6171	Dwg No ILD1	Stage Preliminary	
Scale 1:500@A1	Date October 07	Drawn mpsl	Rev C



