



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 25th October 2012

Subject: Planning Application 12/03402/FU – Erection of 364 dwellings, with ancillary retail and community facilities.

APPLICANT

Persimmon Homes and
Taylor Wimpey

DATE VALID

16th August 2012

TARGET DATE

6th December 2012

Electoral Wards Affected:

Crossgates and Whinmoor

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 12.0 of this report.

1.0 INTRODUCTION:

1.1 This full planning application is being presented to Plans Panel due to the size and sensitivity of the proposals.

1.2 Under Unitary Development Plan (UDP) Review Policy H3-2A.2, 17.2 hectares of land is allocated for housing on the site, subject to:

- i. Provision of principal access off A64, York Road following the construction of the M1 motorway;
- ii. Provision of off-site drainage works, surface water flow balancing and watercourse improvements;
- iii. Provision of structure planting adjacent to York Road;
- iv. provision of local shopping and community facilities;
- v. allowance being made for possible future access via a single roundabout to serve this and the adjacent PAS (Protected Area of Search) sites (*now allocated as a Phase 3 housing allocation – East Leeds Extension*);

- vi. Land being reserved within the site for a possible extension to the supertram route;
- vii. compliance with an approved planning and development brief.

1.3 The site is a Phase 2 housing allocation. An outline planning application, 09/03238/OT, was submitted in 2009 and proposed the laying out of an access road and the erection of circa 500 dwellings, with ancillary retail and community facilities. The application was refused by the City Council, but was allowed on appeal following call in by the Secretary of State (decision dated 25th May 2011). Accordingly, an extant outline planning permission currently exists for circa 500 dwellings. However, this full planning application now proposes a scheme of 364 dwellings in a very similar broad layout to that allowed on appeal.

2.0 PROPOSAL:

2.1 This is a full planning application proposing the erection of 364 dwellings, with ancillary retail and community facilities. The Application is accompanied by an Environmental Impact Assessment. In terms of detail, the application proposes a mixture 2, 3 and 4 bedroom detached, semi-detached and terraced houses, as well as a small number of apartments. Within the centre of the site, it is proposed to locate a building containing 291.5sqm of retail floorspace and 291.5sqm of community hall space. In total, 4.38ha of greenspace is proposed across the site.

2.2 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:

1. Affordable Housing – Subject to current negotiations, although the application proposes 15% (of which 40% is to be Social Rented and 60% Sub-market).
2. Two new bus stops on York Road with shelters and 'Real Time' displays (£20,000 each).
3. Residential MetroCards (Bus only) for future residents under Metro's scheme B (current cost - £717.20 per ticket).
4. Travel Plan review fee - £3,280.
5. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.
6. Education contributions (Primary - £1,0819,253 and Secondary - £652,103).
7. Community facilities – securing retail and community space.
8. Footways / cycleways - The provision of footpaths / cycleways linking the development to Whinmoor Way, including crossing and or connecting to Council owned land.
9. Public Access areas - Provisions to secure the construction, future maintenance and management of the public access areas.
10. Sustainable Drainage Scheme - Provisions to secure the construction, future maintenance and management of the sustainable drainage system.
11. Provision to connect the spine road to future development in the East Leeds Extension.
12. Agreement to the early delivery of housing on site.
13. Local training and employment initiatives during the construction of the development.

3.0 SITE AND SURROUNDINGS:

3.1 The application site lies to the north of York Road, immediately to the east of Whinmoor. The site is a greenfield site and has naturalised over a period of some time having previously been used as farmland. The boundaries of the site are fairly well defined. The site is physically constrained by the existing developed area of Whinmoor to the west and Cock Beck, to the east. The topography of the site varies, but generally falls away to the east, forming the western side of a valley created by Cock Beck.

- 3.2 The existing residential area to the west of the site includes mainly two-storey houses, arranged in a 'Radburn' layout of 1960s / 70s origin. This area includes White Laith Primary School on Naburn Drive. The residential area to the north west of the site comprises a housing development of late C20th appearance and an urban morphology characterised by a number of cul-de-sacs containing bungalows and two-storey houses. The land to the east of the site boundary has the appearance of open countryside, rising up from the valley created by Cock Beck.
- 3.3 The land to the east is allocated for phase 3 housing development (East Leeds Extension) under UDP Policy H3-3A.33. The south eastern boundary of the site is formed by York Road (A64). The land to the south east of York Road is also comprised of open countryside, although part of this is also allocated for phase 3 housing development under UDP Policy H3-3A.33.
- 3.4 It is noted that an area of land to the south of York Road is allocated to provide a Park and Ride car park and related facilities under UDP Review Policy T17:3. The facility would be adjacent to the East Leeds Line of the supertram scheme, as described in the UDP Review.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Planning application 09/03238/OT - Outline Application to layout access road and erect circa 500 dwellings, with ancillary retail and community facilities – Refused and allowed on appeal. The S106 agreement for this permission includes:
1. Affordable Housing – 30% (of which 40% is to be Social Rented and 60% Sub-market).
 2. Residential MetroCards – To enter into an arrangement with Metro to provide residential MetroCards in accordance with Metro's scheme B.
 3. Travel Plan including Travel Plan review fee of £4,000.
 4. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.
 5. Education contributions - To be calculated in accordance with the formula in the SPG, effectively resulting in: (Primary - £2,972.32 per family dwelling and Secondary - £895.75 per family dwelling). Family dwelling is defined as excluding flats with less than 3 bedrooms.
 6. Community facilities comprised in a building of approximately 240sqm (gross) containing community space and A1 retail (up to an additional 240sqm (gross)), in accordance with a scheme to be approved.
 7. Footways / cycleway - The provision of footpaths / cycleways linking the development to Whinmoor Way at five points, including crossing and or connecting to Council owned land.
 8. Public Access areas - Provisions to secure the construction, future maintenance and management of the public access areas.
 9. Sustainable Drainage Scheme - Provisions to secure the construction, future maintenance and management of the sustainable drainage system.
 10. Provision to connect the spine road to future development in the East Leeds Extension.
- 4.2 Planning application 12/02571/FU – Outline Application for means of access and erect residential development (circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping – Land between Wetherby Road, Skeltons Lane and York Road, Whinmoor. This is a current planning application pending consideration in respect of the 'Northern Quadrant' of the East Leeds Extension.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions have taken place between the applicant and officers regarding the proposed layout of development on the site. Much of the layout and landscaping strategy was agreed in a masterplan prior to the previous appeal. Given that the appeal was allowed, an extant outline consent now exists for the broad layout.
- 5.2 The applicant has subsequently submitted this full planning application. It is noted that the application site falls within Crossgates and Whinmoor Ward, but is close to Harewood Ward. Officers have therefore held meetings with Crossgates and Whinmoor Ward Members (Cllrs Peter Gruen and Pauleen Grahame) and Harewood Ward Members (Cllr Rachael Procter).
- 5.3 The key issues raised by Crossgates and Whinmoor Members include:
1. Concern that the amount of Affordable Housing has reduced from the 30% required at the time of the appeal to the 15% now required in relation to a fresh planning application, in accordance with the Council's Interim Affordable Housing Policy. There is a desire that a higher level of Affordable Housing should be provided.
 2. Concern that the highway impact is properly addressed to ensure that local residents do not experience worse traffic problems than they do currently.
- 5.4 The key issues raised by Harewood Members include:
1. The avenue of trees on the spine road needs to be enhanced with a greater planting density of suitably sized trees. A preference is expressed for a single species approach, ideally London Plane trees. Other smaller and/or ornamental species are more appropriate for smaller side roads.
 2. The proposed buildings must be built using good quality materials – brightly coloured brick and tile should be avoided in favour of materials which are characteristic of and will blend in with the wider landscape.
 3. It is questioned whether the proposed apartment block adjacent to the site entrance is of sufficient design quality for a key gateway building.
 4. Careful consideration is required in relation to the design quality of the proposed house types, including ensuring the appropriate use of heads and cills. It is also requested that some properties are designed with chimneys in order to enhance the proposed townscape.
 5. Careful consideration is required in relation to the use of boundary treatments. In particular, there is concern that brick piers with fencing between will not fare well along public boundaries, where it would be better to have solid walls. Whilst open plan front gardens may be appropriate in side roads, properties along the spine road require appropriate front garden boundaries which may include railings and/or Beech hedges.
 6. The stone wall to the York Road frontage should be re-sited within the site following the road widening and junction improvements. Particular features such as gate piers and coping stones should be reused wherever possible.
- 6.0 PUBLIC/LOCAL RESPONSE:**
- 6.1 13 site notices have been displayed, posted 31st August 2012. The application has also been advertised in a local newspaper, published 13th September 2012 and 4th October 2012.

6.2 3 letters of representation have been received from local residents stating concern that:

- The relationship between the proposals and the proposed East Leeds Orbital Road (ELOR) and proposed Park and Rise scheme is unclear from the submission.
- The link road between this site and the 'Northern Quadrant' proposals (current planning application 12/02571/FU) appears to vary in its specification.
- There is insufficient distinction between the main estate road and the other lower order roads.
- The nature and layout of the proposed signalised junction will cause significant traffic congestion on York Road. It is considered preferable to raise the dip in York Road and extend the current dual carriageway eastwards to ELOR.
- A full planning application should be submitted with significantly more details and calculations with regard to highway design than is the case.
- The proposed ELOR needs more careful design work and needs more junctions to ensure an even flow of traffic. The ELOR should also be built in its entirety, rather than in sections, in order to avoid exacerbating existing traffic problems.
- Streets with avenues of trees should be avoided as roots lift footways and leaves are a safety hazard.
- Sustainable drainage systems may help to deal with surface water drainage, although concern is expressed about the safety of young children.
- The proposals will result in a loss of Green Belt.
- It is understood that industrial waste may have been buried in the site and so any contamination would need to be removed.
- If approved, it is hoped that the original affordable housing requirement of 30% (as at the time of the appeal) will be reinstated.
- None of the plots adjacent to Hedge 10 should be 2.5 or 3 storey, they should be of a height and density commensurate with the properties in Birchfields Garth.
- It is hoped that Hedge 10 will be complemented in terms of planting in order to provide a good quality landscape buffer.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways: - Awaiting response at the time of writing. It is understood that the preliminary response is likely to say that there are no objections in principle, subject to conditions, contributions and off site highway works. A number of detailed revisions are likely to be required to the internal layout regarding driveway and garage dimensions etc.

Highways Agency: - No objections.

Health and Safety Executive: - The HSE does not advise against the grant of planning permission.

Environment Agency: - The scheme is acceptable provided that the recommendations of the Flood Risk Assessment are followed.

Natural England: - No objection.

English Heritage: - The application does not need to be considered by English Heritage.

Coal Authority: - No objections, subject to the inclusion of an informative on the decision notice.

7.2 **Non-statutory:**

Metro: - It is noted that the pedestrian links in the appeal scheme have been retained, though the link to Birchfields Crescent has been removed and should be reinstated. The potential bus route through the site needs to be better defined. The development includes proposals to include two new bust stops on the A64 and these should have shelters and 'Real Time' displays (at a cost £20,000 per stop). Residential MetroCards (Bus only) should be provided for future residents under Metro's scheme B (current cost - £717.20 per ticket).

TravelWise Team: - The Travel Plan is almost the same as that submitted for the appeal scheme and is acceptable. A Travel Plan review fee of £3,280 is required.

Transport Development Services: - A Public Transport Improvement contribution is required at a rate of £884.94 per house and £283.06 per flat. The layout retains a buffer to York Road which would allow for an NGT extension (or other such public transport link) to the allocated Park and Ride site.

Education: - Education contributions are due, commensurate with the Council's SPG (Primary - £1,0819,253 and Secondary - £652,103)

Yorkshire Water: - The scheme is acceptable, subject to the imposition of drainage conditions.

Flood Risk Management Team: - The proposals are considered to be acceptable and conditions are recommended.

Sport England: - No part of the site constitutes a playing field. However, a non-statutory objection is raised until the exact details of the sporting contribution are provided. Sport England calculate that £294,895 is required for the quantum of development proposed, although the Council does not have a policy basis for raising this sum.

Public Rights of Way: - There are no claimed or definitive rights of way crossing or abutting the site.

Environmental Studies Team: - No objection in relation to air quality issues.

Contaminated Land: - No objections in principle, although further information is requested.

West Yorkshire Archaeology Service: - Conditions are suggested in order to identify any ditches of significance or other artefacts.

8.0 **PLANNING POLICIES:**

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. 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 including housing. The site is allocated for housing purposes in the UDPR.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008):

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

H4: affordable housing.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.3 Leeds Unitary Development Plan (UDP) Review:

SA1: Secure the highest possible quality of environment.

SA3: Adequate provision for housing needs.

SA7: Promote physical and economic regeneration of urban areas.

SP3: New development concentrated largely within or adjoining the main urban areas.

GP5: General planning considerations.

GP7: Use of planning obligations.

CP11: Sustainable development.

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N24: Development proposals abutting the Green Belt

N29: Archaeology.

N38a: Prevention of flooding.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

N49: Habitat protection.

N51: Habitat enhancement.

T2: New development and highways considerations.

T2C: New development and Travel Plans.

T2D: Public transport contributions.

T5: Safe access for pedestrians and cyclists.

T7: Development and cycle routes.

T7A: Requirement for secure cycle parking.

T17:3: Park & Ride facility adjacent to A64 and East Leeds Line of Supertram

T24: Car parking provision.

H1: Provision for completion of the annual average housing requirement identified in the RSS.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing allocated sites.

H3-2A.02: Phase 2 allocation of land at Grimes Dyke for housing

H3-3A.33: Phase 3 allocation of land for the East Leeds Urban Extension

H11/H12/H13: Affordable housing.

BD5: General amenity issues.

LD1: Landscape schemes.

8.4 Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).

Interim Affordable Housing Policy.

SPG10 Sustainable Development Design Guide (adopted).

SPG11 Section 106 Contributions for School Provision (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (draft).
SPD Sustainable Design and Construction (adopted).

8.5 National Planning Guidance:

National Planning Policy Framework: Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

9.0 **MAIN ISSUES**

1. Principle of development
2. Highway and access issues
3. Urban design and sustainability
4. Landscape design and visual impact
5. Ecology
6. Drainage and flood risk
7. Greenspace
8. Impact on residential amenity
9. Education
10. Planning obligations

10.0 **APPRAISAL**

Principle of development

- 10.1 The application is on a Phase 2 allocated greenfield site, on the edge of the main urban area. A previous application, 09/03238/OT, was refused by the Council, but allowed on appeal. Given that an extant outline permission exists, the principle of development is considered to be acceptable.

Highway and access issues

- 10.2 The fundamental highway impact of the proposed development was considered in the original outline planning application (09/03238/OT) and concerns dealt with prior to the appeal. The appeal scheme was for a quantum of development of circa 500 dwellings and this is now clearly reduced to the scheme of 364 dwellings in the current full planning application. Accordingly, the Transport Assessment submitted with the current application is considered to be robust. In particular, the appeal scheme provided approval for a detailed access to the site from York Road, using a signalised junction, as well as a number of other off-site highway works.

- 10.3 A package of off-site highway works have been agreed in principle and designed in detail by the Council as part of the S278 Agreement associated with the outline consent granted on appeal. In summary, the works include:

1. Signalised site access from A64 York Road with signalised pedestrian crossing facilities.
2. A reduction in the speed limit on A64 York Road from 50mph to 40mph.

3. Improvements at the junction of A64 York Road and A6120 Ring Road – revisions to provide a two lane approach to the Ring Road (northbound) and a three lane approach to Ring Road (southbound).
4. Improvements at the junction of A64 Barwick Road and A6120 Ring Road – provision of an extended flare on Barwick Road (eastbound) with a revised land take from the north side of the road, rather than the south.
5. Accessibility improvements along A64 York Road – Toucan crossing facility south of Baildon Drive, mandatory cycle lanes in both directions between the Toucan crossing and Ring Road northbound and between the Toucan crossing and Stanks Lane North (southbound), a revised layout at the York Road / Stanks Lane North junction, provision of signage promoting an advisory cycle route under the Ring Road and conversion of existing footways to shared use pedestrian / cycle routes to and from the Ring Road underpass.

- 10.4 In terms of public transport provision, the spine road within the scheme has been designed to allow bus penetration into the site and potentially into the 'Northern Quadrant' of the East Leeds Extension beyond. The consultation response from Metro notes that the development includes proposals to include two new bus stops on the A64 and that these should have shelters and 'Real Time' displays (at a cost £20,000 per stop). The proposed layout also includes a number of pedestrian / cycle links between the proposed development and the existing urban area to the west and these were approved as part of the masterplan on the appeal scheme. Whilst these links are not essential, they are very desirable from the perspective of encouraging good permeability throughout the area and providing convenient access to the bus routes on Naburn Approach and Sherburn Road North. Accessibility was assessed during the appeal and the Inspector concluded that with the provision of the proposed improvements to the pedestrian and cycle facilities along with a high degree of permeability within the site, the development would provide adequate pedestrian and cycle connections and accessibility to public transport. The Travel Plan submitted with the application is almost the same as that submitted for the appeal scheme and is considered to be acceptable. A Travel Plan review fee of £3,280 is required and will be secured through a S106 agreement. Residential MetroCards (Bus only) shall also be provided for future residents under Metro's scheme B (current cost - £717.20 per ticket).
- 10.5 The scale of the development is such that a Public Transport Improvement contribution is required in accordance with the Council's SPD at a rate of £884.94 per house and £283.06 per flat. It is also noted that the layout retains a buffer to the York Road frontage which would allow for a New Generation Transport (NGT) extension (or other such public transport link) to the allocated Park and Ride site. It is noted that a report to Executive Board earlier this year discussed the strategy for developing Park and Ride sites across the city. The site to the south of Grimes Dyke was recommended to remain available for implementation in the medium to long term. However, it is considered that the public transport contribution from this application could potentially be used towards the funding of the development of a Park and Ride facility, perhaps in conjunction with the public transport improvement contribution required from the 'Northern Quadrant' application, if it were approved.
- 10.6 At the time of writing, officers are awaiting a full highways consultation response to the application. Nevertheless, it is understood that the preliminary response is likely to say that there are no objections in principle, subject to the imposition of conditions, S106 contributions and the implementation of off site highway works. A number of detailed revisions are likely to be required to the internal layout regarding driveway and garage dimensions etc.

Urban design and sustainability

- 10.7 Urban design was a one of the key considerations of the previous application and a failure to promote sound sustainable development principles and high quality urban design constituted one of the reasons for refusal. Nevertheless, a great deal of work was undertaken prior to the first public inquiry, to the extent that an Updated Design and Access Statement Supplement (UMDASS) was submitted and considered to be acceptable and was ultimately approved when the appeal was allowed.
- 10.8 The UMDASS appears, quite rightly, to have been the starting point in working up the level of detail contained in this full planning application. The street networks, form of blocks, location and nature of greenspaces, pedestrian and cycle links, forms and heights of development now proposed all appear to have been broadly derived from the earlier work. It is noted that the pedestrian / cycle links between the development and the existing urban area to the west have largely been retained, except for the link through to Birchfields Garth. This particular link has been omitted in response to the pre-application consultation comments the applicants received from local residents in that street.
- 10.9 **Do Members have any comments on the omission of the link through to Birchfields Garth?**
- 10.10 As a full planning application, there is now a level of detail that requires further thorough interrogation, including the detail of how the streets and spaces work and the detailed forms and elevations of buildings. At this stage, early discussions are taking place between officers and the applicants, taking on board the comments received so far from Members (see paragraphs 5.3 and 5.4) in order to ensure that the proposed development carries through the high quality design principles anticipated earlier. This is particularly important in regard to the 'gateway' buildings proposed, including the apartment block at the entrance to the site and the proposed retail / community building in the centre of the site. The apartment block adjacent to the entrance is proposed to be three storeys in height and contains a relatively dominant roof form, including a turret feature on its most prominent corner. The proposed retail / community building is two storeys in height with room in the roofspace, lit by four pitched roof dormers to the front elevation. Two retail units are proposed at ground floor level, with community space at first floor level. It is currently unclear what is proposed within the roofspace area.
- 10.11 More generally, officers consider that the broad layout is acceptable, but will be seeking to negotiate the removal of rear access paths and minimise the use and impact of parking courts in the proposals. Officers will also be seeking to ensure that the proposals broadly comply with the guidance contained in Neighbourhoods for Living, with respect to distances between dwellings and relationships to adjacent properties in order to ensure good quality townscape and prevent amenity problems. In terms of detailed elevations of the proposed dwellings, officers shall seek to ensure consistency of design details such as fenestration detailing and the use of heads and cills.
- 10.12 **It is intended to present to Plans Panel Members a series of street-scene sections and house types in order to gain feedback to refine the detailed design. In particular, do Members have any comments on the 'gateway' buildings proposed?**

Landscape design and visual impact

- 10.13 In the wider strategic context, it is accepted that in the longer term this development will be bounded by the existing urban area to the west and future residential

development in the East Leeds Extension, to the east. To that extent, the wider visual impact is limited, but it is nonetheless important to ensure that the townscape is congruent with and sympathetic to the topography of the site and the existing natural features. The revised illustrative layout in the approved UMDASS managed to successfully locate open spaces and retain key hedgerows on the site within the proposed development. These principles appear to have been carried through successfully into this full planning application submission.

10.14 Nevertheless, given the detailed nature of this application, it is also important to consider the detailed design of the streets and spaces, including existing and proposed trees and hedges, infill planting where necessary, boundary treatments, the laying out of the greenspaces and their associated management. Detailed comments have been made by some Ward Members already in relation to some of these aspects and these will be discussed further with the applicants. In respect of the greenspaces, it is worth noting that the UMDASS previously proposed a playground as part of the development, although the Council has since recently installed a playground to the west of Whinmoor Way.

10.15 **Do Members have any comments on the quality of street and landscape planting throughout the development?**

Ecology

10.16 The site was formerly used as agricultural land and is still characterised by field hedgerows and some mature trees which are potentially important from a biodiversity perspective. The UMDASS identified the key natural features of the site and developed an indicative layout which retains as many of the existing hedgerows and trees as possible. Ecology was assessed in detail prior to and during the first public inquiry and the Inspector was ultimately satisfied with the proposed indicative layout and the mitigation proposals and attached conditions accordingly.

10.17 The consultation response from Natural England, whilst not objecting, notes that the proposal presents an opportunity to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. These are issues which can be dealt with through careful design of the buildings and landscaped areas and shall be secured by way of conditions.

10.18 The submitted Environmental Statement notes that 80% of the semi-improved grassland on site will be lost as a result of development. As accepted on the appeal scheme, the proposals make provision for the removal of some areas of species poor grassland, to be replaced with translocated species rich grassland from the semi-improved areas. The proposed layout shows what areas would contain the translocated grassland, retained species rich grassland, proposed species rich seeding and differentiates these from the areas of amenity grassland. The species rich grasslands are concentrated primarily on and around the large naturalised greenspace on the eastern side of the site, as well as along the eastern site boundary more generally in the areas abutting Cock Beck.

10.19 Overall, it is considered reasonable that ecology issues, including further pre-development surveys, tree and hedge retention, translocation of grasslands, landscape planting, detailed biodiversity enhancements and schemes for the management of the greenspaces can all be satisfactorily dealt with by detailed conditions, as imposed by the Inspector of the appeal scheme.

Drainage and flood risk

- 10.20 A Flood Risk Assessment has been submitted with the Environmental Impact Assessment and is considered to be acceptable by the drainage bodies including the Environment Agency, Yorkshire Water and the Council's Flood Risk Management Team and conditions are suggested. In terms of detail, all surface water is to be discharged into Cock Beck, adjacent to the eastern boundary, with the use of a balancing pond to maintain a discharge rate at less than 5l/s (the greenfield rate of runoff), hence the surface water rate of runoff will be no greater than it is at present.
- 10.21 The balancing pond is to be located within the greenspace on the eastern part of the site. This part of the site already has an undulating topography and this will be appropriately re-contoured where necessary to provide a larger shallow grassy basin. At the heart of the basin will be a permanent pond which will occasionally become enlarged when the basin performs its secondary function as a flood water attenuation area.
- 10.22 **Do Members have any comments in relation location and nature of the proposed pond and flood attenuation area?**

Greenspace

- 10.23 The UMDASS submitted with the appeal scheme successfully identified the natural features on site, including hedgerows and trees and the indicative layout was designed to respond to the environmental context of the site. The scheme submitted in this full planning application reflects the indicative layout to the extent that these key features are retained and the nature and location of the proposed greenspaces is similar to the scheme allowed on appeal.
- 10.24 The submitted Design and Access Supplement states that a total of 4.38ha of greenspace is proposed across the site. The size and nature of the site is such that different parts of the site are more suited to particular types of greenspace. The proposals provide for:
- Entrance parkland to the York Road frontage and the area to the east of the spine road. This area of parkland is to be developed around the existing retained trees, supplemented by new replacement tree planting and a Beech hedge around the adjacent proposed houses.
 - A linear nature park on the eastern side of the site and along the eastern boundary adjacent to Cock Beck. The park is to include retained and newly planted trees, as well as a shallow grassy basin including a permanent pond at its heart. The areas around the basin are to be seeded with species rich grasses, whereas the areas around the rest of the space are to be planted with the translocated and newly seeded species rich grasses. Additionally, it is proposed to fill gaps in existing hedgerows with new native species planting and create a new community orchard of fruit trees in the area to the north of the basin.
 - A local urban park and edge to Whinmoor Way on the western side of the development includes new tree and hedgerow planting and the UMDASS previously identified this as a suitable location for a playground. However, a new playground has since been built by the Council on its land adjacent to White Laith Primary School, to the west of Whinmoor Way. The proposed greenspace would tie into existing amenity space owned by the Council and would contain pedestrian and cycle routes across it to link into Whinmoor Way.
 - A series of 'greenways' are to be developed around the existing hedgerows which are to be managed by laying and planting up of gaps as well as new tree planting.
 - A series of 'green lanes' are also proposed, comprised of widened road corridors within which existing trees are retained and new tree planting is proposed within grassed areas.

10.25 The management and maintenance of the greenspace areas will ultimately be the responsibility of the Council or a management company. This aspect requires further discussion with the applicants. The S106 agreement for the appeal scheme made provision for either eventuality. The Inspector attached detailed conditions in respect of the landscaped areas in order to ensure that appropriate management and maintenance is carried out, particularly in respect of the areas of species rich grassland. The integration of the proposed urban park with Council owned amenity areas is also an area that requires further discussion.

10.26 Do Members have any comments on the nature and layout of the proposed greenspaces?

10.27 Whilst no part of the site constitutes a playing field, Sport England were consulted on the EIA Scoping Opinion and subsequently on this application in a non-statutory capacity. The consultation response raises objection until the exact details of the sporting contribution are provided. In the meantime, Sport England have calculated (on the basis of the likely number of occupants per dwelling) that £294,895 is required for the quantum of development proposed, although the Council does not have a policy basis for raising this sum. However, it is noted that the Draft Core Strategy will seek to deal with outdoor sports provision more explicitly within the general context of standards for open space, sport and recreation. Whilst the Draft Core Strategy has some weight, it is not adopted policy. It is therefore proposed to consider greenspace provision in the round, in accordance with current adopted UDP Policy, in the same way as applied to the appeal scheme.

Impact on residential amenity

10.28 The application site is bound by existing residential development along the western boundary. The proposed houses to the north-west side of the site mainly have rear garden areas backing onto the existing rear or side garden areas of properties in Birchfields Avenue, Birchfields Garth and Birchfields Rise. Where there are rear elevations facing the rear boundary, these are sited at least 10.5 metres away and accord with the guidance contained in Neighbourhoods for Living. Plot 17 does contain a Cherryburn house type with its blank gable end sited approximately 1 metre from the western boundary, although further work is needed to consider the acceptability of this particular aspect and its relationship with the existing properties. The vast majority of properties backing onto the north-west boundary are two-storey in height, although there are six instances of where the Lumley house type has been used. These houses are 2.5 storeys in height, essentially having a two-storey form, but with steeper roof pitches and a small pitched roof dormer to the rear. It is noted that one of the letters of representation states a preference that only two-storey dwellings should be erected adjacent to the north-west boundary, in order to respect the scale and form of the existing development.

10.29 Along the area to the south of White Laith Primary School, many of the existing properties are arranged in 'radburn' style layouts with gable ends facing the application site. One terrace of the existing properties face onto Whinmoor Way and will face one of the 'green lanes'. The proposed development is set away from the existing properties by both the proposed urban park and also Whinmoor Way. Given the distances and the juxtaposition of built form, it is considered that this part of the development would not have any detrimental impact on living conditions.

10.30 Within the development, most of the relationships between the proposed properties appear to be reasonable. However, the scheme is in its early stages of consideration and it is already known that there will need to be some amendments to remove rear

access paths and potentially undesirable parking courts. Whilst these changes are not fundamental, they will provide opportunities to resolve detailed relationships between properties and ensure that all garden areas are satisfactorily sized and secure.

10.31 Do Members have any views on the relationships between the existing and/or new properties proposed?

Education

10.32 Education contributions are due, commensurate with the Council's SPG (Primary - £1,0819,253 and Secondary - £652,103). These contributions shall be secured through the S106 agreement.

Planning obligations

10.33 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:

1. Affordable Housing – Subject to current negotiations, although the application proposes 15% (of which 40% is to be Social Rented and 60% Sub-market).
2. Two new bus stops on York Road with shelters and 'Real Time' displays (£20,000 each).
3. Residential MetroCards (Bus only) for future residents under Metro's scheme B (current cost - £717.20 per ticket).
4. Travel Plan review fee - £3,280.
5. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.
6. Education contributions (Primary - £1,0819,253 and Secondary - £652,103).
7. Community facilities – securing retail and community space.
8. Footways / cycleways - The provision of footpaths / cycleways linking the development to Whinmoor Way, including crossing and or connecting to Council owned land.
9. Public Access areas - Provisions to secure the construction, future maintenance and management of the public access areas.
10. Sustainable Drainage Scheme - Provisions to secure the construction, future maintenance and management of the sustainable drainage system.
11. Provision to connect the spine road to future development in the East Leeds Extension.
12. Agreement to the early delivery of housing on site.
13. Local training and employment initiatives during the construction of the development.

10.34 The revised Affordable Housing Policy was adopted by Executive Board on 18th May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.

10.35 The policy will apply until it is replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated later this year, unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.

10.36 Planning permissions granted on the basis of the interim policy will normally be time limited to 2 years for implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.

10.37 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing. There is a requirement for a 40/60 mix of social rent and shared equity. However, the size of the site is such that there will be a significant build out period over a number of years, within which the Affordable Housing policy requirement may vary. Accordingly, the quantum and/or phasing of Affordable Housing is something which officers are currently negotiating with the applicant on. There is potential to require a scheme of phasing to be submitted, for which the Affordable Housing requirement will reflect the policy requirement at the time that particular phase is commenced. Alternatively, it may be possible to agree an alternative fixed level of Affordable Housing provision. The applicant is also agreeable to the early delivery of housing on site and has indicated a willingness to commence development as soon as possible if planning permission is granted, following discharge of conditions where necessary. Clearly, if a phasing approach is pursued, the early delivery requirement will need to apply to each phase of development.

10.38 **What are Members views on the approach taken so far by officers – to seek a phased approach to Affordable Housing or to seek an alternative fixed level of requirement?**

10.39 From 6th April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.40 All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

11.0 CONCLUSION

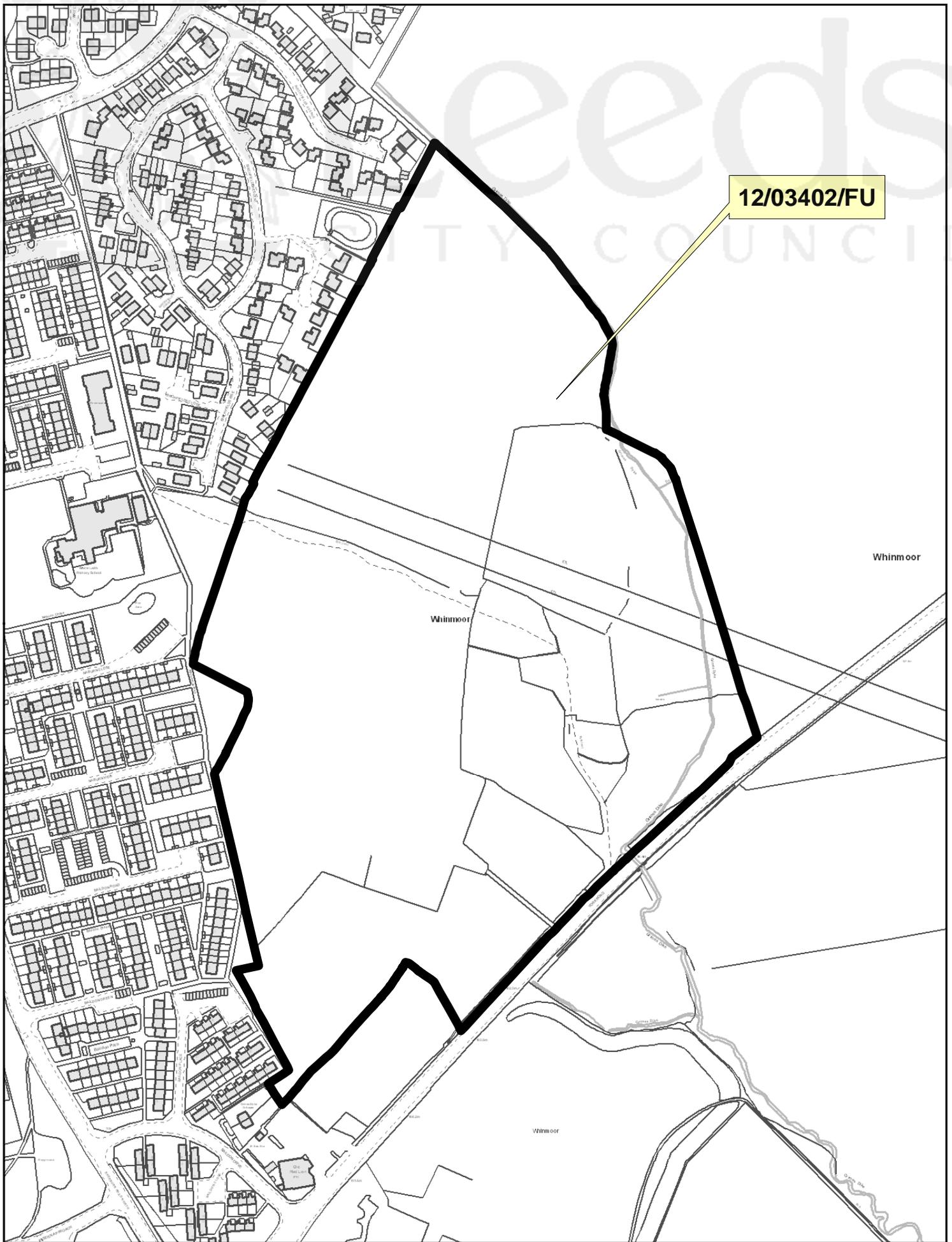
11.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal. Specifically, feedback is requested from Members on:

1. **Do Members have any comments on the omission of the link through to Birchfields Garth?**
2. **The proposed streetscenes and elevational designs of the house types. In particular, do Members have any comments of the 'gateway' buildings proposed?**
3. **Do Members have any comments on the quality of street and landscape planting throughout the development?**
4. **Do Members have any comments in relation location and nature of the proposed pond and flood attenuation area?**
5. **Do Members have any comments on the nature and layout of the proposed greenspace?**

6. Do Members have any views on the relationships between the existing and/or new properties proposed?
7. What are Members views on the approach taken so far by officers – to seek a phased approach to Affordable Housing or to seek an alternative fixed level of requirement?
8. Are there any other comments that Members wish to make?

12.0 Background Papers:

- 12.1 Application and history files.
Certificate of Ownership – Signed as applicant.



12/03402/FU

CITY PLANS PANEL

