



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th November 2017

Subject: 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth

APPLICANTS

Stocks Bros Ltd & Redrow
Homes (Yorkshire) Ltd

DATE VALID

25th January 2017

TARGET DATE

TBC

Electoral Wards Affected:

Garforth and Swillington

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the contents of this update report and agree the officer recommendation as detailed within Appendix A

1.0 INTRODUCTION

1.1 This application was reported to Plans Panel of 19th October 2017. The application was recommended for approval in principle, subject to the completion of a Section 106 Agreement and subject to the specified conditions (see Appendix A for full details). Members discussed the application at length but resolved to defer consideration of the application with the draft Panel minute stating:

“RESOLVED – To defer for more information to be gathered from Yorkshire Water in relation to the capacity of the drainage and sewage system and its ability to cope with the demands of the proposed development and for more information on flooding issues.”

- 1.2 Since the October meeting, officers have contacted Yorkshire Water and requested additional information to help explain its 'no objection' consultation response to the proposed residential development and how it would link into and affect existing local drainage infrastructure. At the time of writing, no formal response had been received but Yorkshire Water indicated a response was being prepared. As such, a further report will be provided on receipt of Yorkshire Water's response.
- 1.3 Notwithstanding the above, the applicant has sought to provide further clarification regarding its drainage proposals for the site as follows:

The historic flooding incidents within the locality in times of excessive rainfall are recognised and the drainage solution offers considerable improvements rather than contributing to existing problems which are outside the planning considerations of the application.

The image provided to Members of a foul manhole overflowing occurs to the south of Ninelands Lane during extended periods of rainfall. The existing factory site contributes significantly to this as water rapidly pours off the hardstanding areas into the drainage network causing the foul manhole to act as a combined system.

Improvements in cumulative discharge rates, inclusive of both foul and surface water, during key events are as follows:

	<i>1 in 1 Year Event</i>	<i>1 in 30 Year Event</i>	<i>1 in 100 Year Event</i>
<i>Existing Discharge (l/s)</i>	<i>203</i>	<i>304</i>	<i>313</i>
<i>Proposed Discharge (l/s)</i>	<i>148</i>	<i>148</i>	<i>148</i>
<i>Betterment (%)</i>	<i>27%</i>	<i>51%</i>	<i>53%</i>

- 1.4 In addition to the above, the applicant also highlights the following benefits associated with the proposed drainage strategy:
- *Improvements to water quality and maintenance liabilities further downstream by eliminating industrial contamination, i.e. silt*
 - *Reduction in impermeable area across the site*
 - *Upgrading the site's drainage network to current adoptable standards – to control the flows leaving the site*
 - *Extensive surface water storage provision on-site equivalent to Olympic swimming pool*
 - *Simplified site foul drainage system including removal of existing combined drainage connections within the site boundary by creating separate foul and storm water networks*

Background Papers:

Application file: 17/00307/FU

Certificate of Ownership: Signed by the applicants

APPENDIX A



Originator: David Jones

Tel: 0113 3788023

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RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:

- 1. Affordable housing at 15% (36 units)**
- 2. Commuted sum *in lieu* of full on-site greenspace (£373,057.25)**
- 3. Provision and maintenance of Public greenspace**
- 4. Travel Plan (including monitoring fee - £3,205)**
- 5. Residential Travel Plan Fund and car club provision– (£118,367.15)**
- 6. Bus shelter plus real-time display – (£20,000)**
- 7. Off-site junction improvements contribution**
- 8. Local employment/training initiatives.**
- 9. Off-site footpath improvement works – (£20,000)**

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

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1. Time limit – 3 years.
 2. Development to be carried out in accordance with approved plans.
 3. Proposals for investigation and remediation measures for treatment of former mine workings within the site.
 4. Wall and roofing materials.
 5. Finished levels to be agreed.
 6. Landscaping (including surfacing and boundary treatments).
 7. Method statement for protection of retained trees during construction
 8. Landscape management plan
 9. Restrictions on vegetation clearance during bird nesting season.
 10. Plan for biodiversity enhancements to be incorporated within the scheme.
 11. Tree protection measures
 12. Vehicle areas to be laid out prior to occupation (including some unallocated provision).
 13. Construction management plan/statement.
 14. Cycle parking to be provided.
 15. Electric vehicle charging points to be provided.
 16. Off-site highway works (along Ninelands Lane) to be implemented
 17. Retention of garages
 18. Sustainability statement to be provided.
 19. Detailed drainage proposals to be agreed (including investigation of discharging into off-site watercourse as preference).
 20. No building over or within 3m of water mains that cross the site without first obtaining consent.
 21. Submission of phase II remediation statement.
 22. Amended remediation statement if unexpected contamination is encountered.
 23. Verification report following remediation.
 24. Removal of asbestos during demolition

1.0 INTRODUCTION

- 1.1 This application is brought to the Plans Panel for determination at the request of Ward Councillors Dobson and Field who have raised objections regarding the development's impact on existing flooding problems, traffic congestion and that local schools are already at capacity. These are matters which are considered to have an impact on more than the immediate neighbours and accordingly a Plans Panel decision is appropriate.

2.0 PROPOSALS

- 2.1 The application proposes the comprehensive re-development of the former Stocks Blocks site for residential use. A total of 241 dwellings is proposed with associated greenspace and landscaping.
- 2.2 Vehicle access would be provided in 4 places. 3 direct from Ninelands Lane and a 4th from Green Lane. The Green Lane access would however only serve a small number of houses/flats with no vehicular access provided to the remainder of the site. A new footpath is shown for most of the Ninelands Lane frontage.
- 2.3 The detailed layout shows a hierarchy of streets and spaces with a main spine road running north to south through the site providing access to a central greenspace

area as well as linking into the 3 Ninelands Lane accesses and a number of cul-de-sacs. The built form comprises a mix of detached, semi-detached and short terraces all fronting the streets with rear gardens generally backing onto other rear gardens. A series of perimeter blocks is therefore provided and the range of housetypes is: Houses – 40 x 2 bed, 68 x 3 bed, 118 x 4 bed – Flats 4 x 1 bed and 11 x 2 bed. Of these, a total of 36 units are identified as the affordable units as follows: Houses – 14 x 2 bed, 13 x 3 bed – Flats 3 x 1 bed and 6 x 2 bed.

- 2.4 Building heights vary from 2, 2.5 and 3 storey and off-street parking is provided through a combination of driveways (to the front and sides) and via shared parking courtyards or in private roads. Some units are also provided with garages as a supplement to the open parking spaces already provided. Visitor parking provision is secured throughout the site either through dedicated bays or on-street.
- 2.5 The detailed design for the house types is traditional with simple head and cills proposed for window openings/doors and a variety of bay features and projections. Both gable and hipped roof forms are shown and the 2.5 storey house types contain dormer windows to the front. The specification for materials is not finalised although the proposed buildings would be constructed from brick (some with render) and tiled roofs. A total of 24 different house types are proposed but all share common features in terms of design approach.
- 2.6 A central greenspace is shown which would also have surface water storage tanks below. A second area of greenspace is shown to the south of the site and would comprise mostly of existing vegetation and trees. Footpath and cycle routes are shown through both areas. The existing poplars situated along the eastern boundary are identified to be retained.
- 2.7 The application is accompanied by a number of supporting documents and technical reports (including a Flood Risk Assessment and Transport Assessment). A Statement of Community Involvement (SCI) has also been submitted and confirms a public consultation event took place in Ninelands Primary School Hall on 28th November 2016. The SCI includes details of responses received from local residents (main concerns identified were highway congestion, drainage, school provision, ground conditions, air pollution, noise and tree loss – positive was new houses, brownfield site rather than greenbelt, housing visually/environmentally better than current use, additional greenspace and opportunity to alleviate ground water flooding) and how these have been taken into account in the formulation of the application proposals.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is circa 9 Hectares (22.2 acres) and relates to the former Stocks Blocks concrete block manufacturing site. Block manufacturing at the site has recently ceased following Stocks Blocks relocation to a new facility in Cross Green but some activity in the form of the removal of historic ash piles is ongoing. As part of the site's overall decommissioning, some buildings have also been demolished for safety reasons. More recently, some initial site investigations works have also been undertaken.
- 3.2 The site is largely hard-surfaced and still contains a range of factory and storage buildings of various ages/condition. There are mature areas of tree/vegetation growth to the northern ends of the site with a belt of tall poplar trees aligning the eastern boundary (following the line of the disused railway). Further vegetation/trees are present to the site's Ninelands Lane frontage and southern end. Security fencing

is present along the site boundaries and multiple vehicle accesses exist along the Ninelands Lane frontage - albeit not all have been in active use. A redundant access on the northern boundary (onto Green Lane) is also visible. Many of the site's trees are now the subject of a new Tree Preservation Order (ref: No. 5 – 2017)

3.3 Levels across the site vary but fall from north to south and generally coincide with Ninelands Lane. The exception is towards the southern part of the site where the site is significantly higher than the adjacent road (circa +2m to 3m in parts).

3.4 The site lies centrally within the Garforth town envelope and is within a largely residential location. To the east of the site is open land which includes a cricket ground and a triangular shaped area of open land designated as a Leeds Nature Area (LNA). A large residential estate lies beyond which comprises predominantly two storey brick built dwellings, suburban in character utilising conventional dual pitch roof dwellings and chalet dormer style dwellings. To the west of the site runs Ninelands Lane which serves residential streets, Ninelands Lane Primary School, a large recreation ground with playing pitches, childrens' play area and skate park. A leisure centre, children's soft-play centre/ nursery, cemetery and local shopping parade are also in close proximity to site. Both Ninelands Lane and Green Lane are bus routes and East Garforth Railway Station is also very close by.

4.0 RELEVANT PLANNING HISTORY:

4.1 All formal planning history relates to the site's previous use and accordingly is not relevant to the consideration of the current application for its comprehensive re-development.

4.2 Tree Preservation Order No.5 (2017) - Following the receipt of this planning application a TPO was recently confirmed to secure protection of most trees/groups whilst detailed negotiations regarding the layout and overall tree retention were finalised under this planning application.

5.0 HISTORY OF NEGOTIATIONS:

Pre-application

5.1 PREAPP/16/00678 – The applicant submitted a formal pre-application in advance of this planning application although the timing was such that further negotiations have been undertaken as part of the current application.

Planning application stage

5.2 Following the submission of the application, officers have sought various revisions to the scheme on matters of design, amenity impact, access/parking, housing mix (including affordable housing) and landscape considerations. Further information has also been sought relating to drainage, mining legacy and the scope/content of the highway assessment undertaken.

5.3 The applicant has responded to these negotiations by submitting additional information/revised plans which has resulted in two further periods of formal publicity having been undertaken.

6.0 PUBLIC/LOCAL RESPONSES:

6.1 The application was originally advertised by site notices dated 10th February 2017. In response the following comments have been received:

6.2 Ward Cllrs M Dobson and S Field have 3 key areas of concern as follows:

Drainage and Water Dispersal

- Site occupied by Stocks Blocks since 1965 and before the development of the surrounding estates. Drainage infrastructure was designed to serve the estates developed in the 60's and 70's. Both fresh and foul water cannot cope with a further 238 dwellings (which equates to 4000 litres per day).
- Accept rainwater run off would possible improve but antique drainage does not cope at present with Lineland Lane and surroundings subject to flooding.

Transport

- Conservative estimate for proposals equates to a further 500 traffic movements per day on a minor arterial route that is already operating at capacity. A63 junction barely copes at peak times and Bar Lane direction involves passing a busy primary school, over a single lane bridge to a junction operating at capacity.
- The highway infrastructure is completely insufficient to cope.

Schools

- The 5 local primaries have many year groups at capacity as has (with the exception of 6th form) Garforth Academy. Conservative estimates for schooling requirements is 500. This demand is intolerable and unachievable.
- Provision through CIL of new school provision is noted but would offer such a small sum towards education it wouldn't even cover the cost of an extension. And assuming no local provision is available, it is reasonable to assume travel beyond Garforth which will add to peak time traffic pressures.
- The developer's position that schooling are issues 'for the council' is not accepted.

Apart from it being a brownfield site, the development has nothing in its favour and will significantly worsen three already major areas of concern for the community. Cllr Dobson also requests to speak at any hearing.

6.3 Objections from 282 local residents/interested parties (including the Garforth Flood Group and Local Labour Branch) have been received raising the following main issues:

- The development will make existing flooding issues worse (Garforth Cliffe is an example)
- Objection to more houses being built in Garforth – plenty already up for sale/rent
- Development will add to existing traffic congestion
- Doctors/dentist already too busy
- Lack of local school places
- No adequate leisure facilities
- Not enough public transport – trains full and not enough parking for train users – Bus stop improvements needed
- Parking for school is a dangerous level already
- Long waiting lists for local clubs (Brownies/Cubs, etc)
- Pricing structure for the development is high and unaffordable
- Affordable housing offer is mostly flats and not suitable for families. Likely to be in excess of £200K also – so not affordable to average family income
- Lack of community facilities
- Site doesn't form part of the Council's original site allocations plan so is not needed and is only a 'windfall' for the developer. Reduction to 100-150 units needed with remainder of the site used for community/leisure facilities.
- Propose layout has poor connectivity/pedestrian links (including need to upgrade existing routes)
- Proposed drainage reduction of 50% now not being achieved as down to 30%.
- New school/nursery should be included
- No bungalows proposed
- 20MPH speed limit required for Ninelands Lane

- Proposed house types and layout are boring – no variety
- Lack of parking provision within the site
- Boundary treatments need to consider adjacent cricket ground
- Lighting to be down lighters
- Traffic and Transport Impact Assessment Report needed to consider the application
- Need to evaluate how well the 20MPH speed limit is working
- Entire development needs to be disabled friendly
- Not clear how former mine shafts will be dealt with
- Promotional vouchers for householders to use at local businesses
- Concerned about the loss of trees/vegetation and habitat
- The development would adversely impact on existing outlook/views
- Overlooking/loss of privacy/overshadowing due to proposed relationship with new housing
- Protected trees have already been removed/damaged

- 6.4 4 x support comments have been received raising the following main points:
- Site is an eye sore and new housing is a great use of the land.
 - Garforth is up and coming with new amenities (Lidl/family pub and town centre is getting new life. New housing will allow families to move onto the next housing ladder step – providing not priced out which new development can often be!
 - No objection in principal but concerned about school capacity. CIL money to be used to upgrade local school
 - Many objection comments exaggerate issues
 - Support brownfield development ahead of greenbelt
 - Drainage will be improved not made worse
- 6.5 Since the application was originally submitted, revised plans have been formally publicised twice, the most recent of which expired on 27th July 2017.
- 6.6 A total of 16 objection letters were received to the second public consultation and contained a combination of new objectors (raising issues already set out in para. 6.3) or were from residents confirming their original concerns had not been addressed.
- 6.7 A total of 10 letters of objection have been received to the third public consultation with contributors again confirming their original concerns still stand.
- 6.8 In addition to the above, the case officer has met with Cllr Dobson and a representative of the homeowners of Hazel Mews to discuss the specific relationship between these existing properties and the proposed development. These residents remain concerned about the detailed layout in that it proposes houses on the land beyond their gardens (raising amenity concerns) and also that a large number of TPO trees are to be removed. These concerns have been fed back directly to the applicant. More recently, concerns continue to be raised that on-going activity at the site has/is causing damage to TPO trees.
- 6.9 Following the recent receipt of a further revised layout plan making slight amendments in response to some of the concerns raised by Hazel Mews residents, these residents have been provided with the revised layout plan. The nature of the latest amendments are such that these residents substantive concerns have not altered.
- 6.10 Since the original officer report to the October Panel meeting was published, 8 further objections were received, mostly restating the same concerns and drawing attention to the option of linking the 3 Aberford Road junction by signals not being

pursued, that speed cushions don't work and an Average Speed Control Enforcement (via camera's is needed).

7.0 CONSULTATIONS RESPONSES:

Coal Authority

- 7.1 Initial objection raised due to lack of information provided. Following the receipt of additional information, objection withdrawn subject to a condition requiring further detailed investigation of former mine workings on the site and the submission, approval and implementation of a scheme of appropriate mitigation measures.

Environment Agency

- 7.2 The site falls within Flood Zone 1 and accordingly no comments are made in respect of flood risk.

- 7.3 In terms of land contamination, past site activity poses a high risk of pollution to controlled waters. Site-specific advice relating to land contamination issues is not provided and further guidance should be sought from the Council's Environmental Health/Environmental Protection Department. Model procedures to address land contamination issues offered.

- 7.4 Advised in respect of foul drainage the need to be satisfied that capacity in both the receiving sewer and sewage treatment works exists to accommodate the discharge proposed through appropriate contact with the sewerage undertaker.

Highways

- 7.5 In terms of access to public transport and local amenities the site is suitably sustainable for the scale and type of development proposed. Based on the applicant's transport assessment, it is considered the local highway network has sufficient capacity and that traffic generated by the development would not have a materially adverse impact on the operation or safety of the local highway network. As part of this assessment, consideration has been given to the pinch point created by the bridge over the railway line to the north of Ninelands Lane and the junction improvements works to be undertaken in connection with the Bar Lane/Aberford Road junction secured under the Lidl permission – and which is currently under construction.

- 7.6 The applicant has offered two alternative proposals to mitigate the impact of the development traffic on the local highway network. The first option would consist of further changes to the Bar Lane/Aberford Road junction to create a diverge lane on Aberford Road. However, highway officers are not convinced of the merits of this proposal. The second option is considered to provide greater benefits and this would involve the upgrade of two junctions on the A63 corridor, to improve journey times and influence drivers to route via the A63 instead of Bar Lane for journeys to Leeds.

- 7.7 Following the receipt of revised plans, highways officers have confirmed the detailed layout has been amended to address minor conflicts/parking provision issues and is now considered to be acceptable. Subject to conditions including off-site improvement works, no objection is raised.

Flood Risk Management

- 7.8 Satisfied the proposed development will not be at significant risk of flooding and that the proposed surface water drainage strategy will mean that the proposed development will not increase flood risk elsewhere, and will, in fact, help to reduce the existing flooding problems on Ninelands Lane.

- 7.9 The developer proposes to discharge the surface water to the 825mm dia. Yorkshire Water (YW) public surface water sewer, located in the Southern corner of the site. YW need to confirm the proposed rates of discharge and point of connection is acceptable.
- Contaminated Land
- 7.10 Phase 1 report submitted with the application identifies a phase 2 site investigation is proposed. Conditions recommended to ensure this and appropriate remediation of the site thereafter.
- Public Rights of Way
- 7.11 No definitive public rights of way crossing or abutting the site. A non-definitive but well used footpath from Ninelands Lane to Fairburn Drive does run along the southern boundary of the site and should be retained and would benefit from improvement works.
- 7.12 Eastern boundary runs along the alignment of the disused railway which elsewhere forms part of the Linesway linking Garforth to Allerton Bywater. It is an aspiration to extend this route northwards.
- West Yorkshire Combined Authority (WYCA)
- 7.13 Satisfied the site meets the Council's accessibility Criteria and proposed relationship with Green Lane access and an existing bus stop is acceptable. Improvements to pedestrian access points onto Ninelands Lane required to linkup with existing bus stops. Consideration should be given to provision of off street short stay parking on Nineland Lane to assist with school drop off/pick up.
- 7.14 Bus stop improvements to stops 11672 and 11669 (both on Ninelands Lane) suggested to include shelters with real time information (at a cost of £40,000). Comments about Residential Travel Fund noted and MCards contribution suggested. Note Car Club suggestion for the site and whilst supportive in principle do have some reservations about this as other measures may achieve more benefits. (Note – above comments are the original consultation response and no further comments have been made following receipt of revised plans)
- Yorkshire Water
- 7.15 Original response objected to site layout due to building over sewerage infrastructure present within the site. No objection to the revised layout subject to conditions ensuring no alteration of ground levels or building/obstructions over/around water main if to remain in situ or a diversion/closure being agreed.
- 7.16 In terms of Waste Water, the drainage proposals which identify surface water will drain to a public sewer is not accepted unless it has been fully evidenced that disposal via the nearby watercourse is not reasonably practical. This outstanding matter can be controlled by condition.
- 7.17 Content for foul water to link into the existing public network and connections are available along Ninelands Lane.
- Air Quality Management Team
- 7.18 The submitted air quality assessment demonstrates air quality is not at risk of falling below the relevant UK standards. Electric vehicle charging points required to help mitigate increased vehicle emissions and appropriate dust measures required as the construction phase.

- Travelwise
- 7.19 No objection subject to residential travel plan fund required per dwelling equivalent to the cost of a MetroCard scheme – currently £491.15 each. Travel plan and review fee (£3,205) and 2 x Car Club spaces.
- Environmental Protection Team
- 7.20 No objection in principle and existing noise sources recommended to be assessed. Conditions (regarding construction – times, dust, etc and noise environment) suggested.
- Garforth Neighbourhood Planning Forum
- 7.21 No objection in principle to development of this brownfield site but the following concerns raised:
- The proposed development would exceed the capacity of local infrastructure. No evidence that the additional school places or GP appointments would not exceed capacity.
 - SAP site requirements (footpath along Ninelands Lane and traffic measures needed – including contribution to mitigate cumulative impact
 - Yorkshire Water object and require the layout to be amended. Culvert /watercourse to be opened up
 - Disagree with impact assessment that concludes no significant effect on air quality
 - Nature conservation response states north end of the site is a component of the Leeds Habitat Network and should be retained and gardens shouldn't back onto the eastern boundary
 - Public Right of Way officer requirements not addressed
 - Garforth is short of community buildings and site could be used to fill this shortfall
 - Decision should be deferred and referred to the SAP consultation with the Inspector when it needs to be considered with the cumulative effect of the East of Garforth proposal rather than by Plans Panel
 - The proposal is not a sustainable development
- 7.22 Further representations from the forum to the revised plans largely reiterate the original concerns raised and confirm:
- Temporary classrooms are not a satisfactory solution and healthcare facilities are already overstretched.
 - Flooding concerns remain and Yorkshire Water need to provide evidence positive drainage (for a 1 in 1 year storm) is provided for.
 - Coal Authority maintains its substantive concern regarding location of mine entrances
 - Concerns of Council officers (Rights of Way/Design/Nature) still not addressed
 - Maintain the site's inclusion in the SAP should be discussed at the 'Inspector' hearings and not in isolation by the North and East Planning Committee.
- Leeds Civic Trust
- 7.23 Principle of residential development is supported as a brownfield site with good access to public transport but object to the detailed design as follows:
- Layout lacks imagination and sense of identity or distinctiveness, Road dominated layout with frontage parking.
 - Opportunity to connect land to the east missed and old railway line should be used to continue footpath/cycle links – not back of houses.
 - LNA to the south should have more presence
 - Central open space is a good feature but a little austere because of storm water storage, Surface ponds rather than underground tanks?

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made neighbourhood plan.

Core Strategy

8.2 The following Core Strategy policies are relevant to all sites:

- SP1 – Location of development in main urban areas on previously developed land.
- H2 – Housing development on non-allocated sites.
- H3 – Housing density
- H4 – Housing mix
- H5 – Affordable housing (15% requirement)
- H8 – Provision for independent living on schemes of 50+ units
- EC3 - Safeguarding existing employment sites
- P10 – High quality design
- P12 – Landscape
- T2 – Accessibility
- G1 – Enhancement/extension of existing greenspaces
- G3 – Assessment of existing greenspace provision
- G4 – Greenspace
- G8 – Protection of species and habitats
- G9 – Biodiversity improvements.
- EN1 – Carbon dioxide reductions
- EN2 – Sustainable construction
- EN4 – District heating
- EN5 – Managing flood risk
- ID2 – Planning obligations and developer contributions

Saved UDP policies

8.3 The following saved policies from the UDP are relevant to all sites:

- GP5 – General planning considerations
- N1 – Protection of urban greenspace
- N23 – Incidental open space around development.
- N24 - Development proposals next to green corridors
- N25 – Positive site boundaries
- N39b - Culverting or canalisation of watercourse
- R2 - Area based regeneration initiatives.
- BD5 – General amenity issues
- LD1 – Landscaping

Natural Resources and Waste Development Plan Document (NRWDPD)

8.4 The following DPD policies are relevant to all sites:

- AIR1 – Major development proposals to incorporate low emission measures
- WATER1 – Water efficiency, including incorporation of sustainable drainage
- WATER4 – Effect of proposed development on flood risk
- WATER6 – Provision of Flood Risk Assessment

- WATER7 – No increase in surface water run-off, incorporate SUDs
- LAND1 – Land contamination to be dealt with
- LAND2 – Tree retention and replacement planting

Supplementary Planning Guidance/Documents (SPGs/SPDs)

- 8.5 The following guidance/supporting documents are considered to be of relevance:

- SPG22 Sustainable Urban Drainage
- SPD Street Design Guide
- SPD Designing for Community Safety
- SPD Travel Plans
- SPD Sustainable Design and Construction
- SPD Leeds Parking
- SPG13 Neighbourhoods for Living
- SPD Public Transport Improvements and Developer Contributions

Draft Site Allocations Plan

- 8.6 The site is proposed as a housing allocation (HG2-235) (phase 1) in the Submission/draft Site Allocations Plan (SAP). The SAP has now been submitted to the Secretary of State for independent examination and hearing sessions are due to commence later this month. The estimated capacity for the site is identified as 240 dwellings.
- 8.7 Although the SAP proposals are a material consideration in the determination of the applications as a statement of the Council's intention in relation to this site, the fact it is not yet adopted still limits the weight that can be afforded to it at this stage however it is at an advanced stage. It is therefore necessary to consider the applications first and foremost in accordance with the current development plan, (i.e. the existing UDPR designations).

National Policy

- 8.8 The National Planning Policy Framework (NPPF) gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and view this as being indivisible from good planning (para.56, NPPF). The advice also seeks for development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (para.58, NPPF). In addition, advice is contained within chapter 4 (Promoting sustainable transport) that deals with sustainable transport modes and avoiding severe highway impacts; and, chapter 6 (Delivering a wide choice of high quality homes) which includes housing supply/delivery and affordable housing provision; chapter 8 (Promoting healthy communities) in relation to access to existing open/ green space; and, chapter 10 (Meeting the challenge of climate change and flooding) which includes matters of flood risk and promote renewable energy sources.

Nationally Described Space Standards (NDSS)

- 8.9 From October 2015, local authorities have been given the option to adopt the Government's *Nationally Described Space Standards* (NDSS) as part of their local plan. Leeds is currently in the process of gathering evidence to support the adoption of the standards as part of a future local plan review, and this is a material consideration in the determination of planning applications. This is still in the early stages and accordingly the weight that can be attached to it is therefore limited.

- 8.10 The proposal utilises a total of 24 different house types, comprising of single bedroom flats up to 4 bed detached houses. When assessed against the technical housing standards all of the proposed affordable house types meet the standard, as do all but one of the other house types. The one property type that doesn't is a 2 bedroom flat (of which there are only 5 proposed across the entire site) and is just 3sqm short of the national standard.

Community Infrastructure Levy (CIL)

- 8.11 CIL was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 2b, where the liability for residential development is set at the rate of £45 per square metre (plus the yearly BCIS index). Based upon the floorspace involved a contribution of £898,475.51 is generated (assuming full social housing relief is applied for – otherwise it would be £995,699.54). This information is not material to the planning decision and is provided for Panel Member's information only.

9.0 MAIN ISSUES

1. Principle
2. Highways and access
3. Flood risk/drainage considerations
4. Design, landscaping and visual amenity
5. Residential amenity
6. Housing mix and greenspace provision
7. Sustainability
8. Legal Agreement
9. Representations
10. Other matters

10.0 APPRAISAL

Principle

- 10.1 The application site is not formally allocated for any specific purpose within the City Council's adopted development plan and represents a brownfield site for the purposes of planning policy. It lies within the major settlement of Garforth in what is considered to be a sustainable location with ready access to public transport services (train and bus) and a range of local amenities and community/ education facilities. Taking account of this context, the principle of re-using this brownfield site for residential purposes is considered entirely compatible and does not generate a planning policy objection in principle. For these reasons it is considered that the proposal would comply with policy H2 (housing on unallocated sites) of the Core Strategy. This general assessment to the site's redevelopment potential is also supported through the SAP which now identifies the site as a phase 1 housing site (Ref: HG2-235). The SAP has now been formally submitted for independent examination and the hearing sessions are scheduled to start later this month. Some weight can therefore be attached to this proposed designation due to its advanced stage and its brownfield status.
- 10.2 In addition to the above, some assessment of adopted Core Strategy policy EC3 is required due to the site's authorised use and the general objective of ensuring adequate employment opportunities are provided across the city. With this in mind, employment opportunities at the site have already largely ceased following Stocks Blocks decision to relocate to a new site in Cross Green. On site activity is now confined to decommissioning works only. In addition, the proposed housing

allocation as contained within the SAP has already been considered in the context of the wider employment needs for the city and concludes it is appropriate to bring the site forward for residential purposes. With this in mind and noting a residential use of the site is more compatible relative to surrounding land uses no overall conflict with Core Strategy policy EC3 is identified.

- 10.3 Notwithstanding the above assessment, critical to the overall acceptance of any re-development of the site is how it responds to its surroundings, impacts on the highway network, flood risk and existing drainage infrastructure and any effects on residential amenity. These matters are therefore considered in more detail below.

Highways and access

- 10.4 The application site is well placed with respect to accessibility criteria with bus stops located on both Ninelands Lane and Green Lane within the specified 400m travel distance. Furthermore, East Garforth railway station falls within the 10 minute walk distance and provides a 30 minute frequency to Leeds City Centre. Amendments to the detailed layout have been undertaken to ensure pedestrian access to the Ninelands Lane bus stops is provided although it is noted level differences towards the southern end of the site are such that a full pedestrian footpath is not practical. Appropriate connections and crossings are nonetheless provided.
- 10.5 With respect to access to other services, a limited range of local services are present within the nearby shopping parade on Fairburn Drive, including a convenience store, post office facility, pharmacy and cash machine. A doctor's surgery is also sited on Hazelwood Avenue, just to the south of the site. More extensive services within the town centre of Garforth are also available just outside the specified 15 minute walk distance and are about 1250m -1750m away.
- 10.6 Ninelands Primary School is located opposite the site and there are two other primary schools within the required 1600m walk distance (Garforth Green Lane Academy - Ribblesdale Avenue & St Benedicts Catholic Primary School – Station Fields). The nearest secondary education facilities (Garforth Academy – off Lidgett Lane) is also within the required 30 minute walk (2400m) of the site. In the light of the above assessment, the overall accessibility of the site is considered to be good.
- 10.7 In terms of the detailed highway assessment undertaken as part of the submission, it is recognised that Ninelands Lane is a key through route within the Garforth area and links onto important A roads to the north (A642 Aberford Road) and south (A63 Selby Road). The existence of the carriageway pinch point where Ninelands Lane becomes Bar Lane and travels north over the railway line is also highlighted as a local constraint and many of the third party representations also reference this issue. Whilst some initial consideration to possible improvements works to this feature was given, the existing arrangements are considered to work well within the constraints that exist and accordingly the focus has been on the junctions with the A roads to the north and south (again something which many local residents cite as being a problem).
- 10.8 The Bar Lane/Aberford Road junction is already known for queuing but improvement works are due to be undertaken as part of the Lidl approval on the former Miami site. Construction works for this development have already commenced and these improvement works are required to be delivered prior to the store opening (anticipated early 2018). Nonetheless, the proposed development would generate additional traffic movements along Bar Lane and the applicant has proposed two alternative options to mitigate the development traffic. The first option is to carry out

further works at the junction of Bar Lane/Aberford Road, however officers are not convinced of the merits of the proposed alterations. The second option is to improve two existing junctions on Selby Road, with the aim of improving the journey times and influencing drivers to use this route in preference to Bar Lane/Aberford Road when travelling to Leeds. On balance, highway officers are supportive of this approach and consider that the Selby Road option, along with the introduction of additional traffic calming measures on Ninelands Lane, represents an appropriate level of mitigation for the impact of the development traffic on the local highway network. Your officers also accept this assessment and have advanced the scheme on this basis.

- 10.9 The improvement works would effectively make the signals more responsive/smarter through the incorporation of a Microprocessor Optimised Vehicle Actuation (MOVA) control at the Ninelands Lane/Selby Road. An upgrade of the Lidgett Lane junction is also proposed to maximise the efficiency of the entire stretch of Selby Road before it meets the main roundabout. The Lidgett Lane junction improvements comprise for the most part of re-sequencing the signals, via the introduction of new signals equipment, to enable greater capacity to be provided to the Leeds inbound/outbound flows on Selby Road. The applicant has agreed to fund these junction improvement works, to be secured as part of the legal agreement.
- 10.10 With regards to the detailed access arrangements for the site, the amount of frontage with Ninelands Lane is such that 3 separate points of access is considered acceptable and would be similar to the arrangements currently in place. The required visibility splays and footpath improvements would also be provided, except towards the very southern section of the Ninelands Lane frontage where the land levels would make footpath provision very difficult. Significant tree/vegetation loss would also be needed so provision towards this end has been restricted to as far as the most southerly bus stop. A 4th point of access is also proposed from Green Lane but would not act as a through route and is to serve just 10 properties. These arrangements, including the pedestrian and cycle routes proposed through the entire site and the improvement to the off-site footpath behind Hazelwood Avenue (linking to the local shopping parade) are considered to be acceptable and ensure good connectivity.
- 10.11 Parking provision is largely provided via open spaces (driveways and within private road/courtyards) and where individual properties are shown to have garages these are over and above the open provision already laid out. All properties with 3 bedrooms or more have at least 2 off-street parking spaces with many having more. Provision for the smaller properties is still in excess of 100% with visitor provision also allowed for. Some of the flat blocks are also identified to have unallocated parking courtyards to achieve maximum use/efficiency.
- 10.12 The above measures are considered to resolve the main highway impacts of the development and combined with the travel plan measures and public transport fund/improvements that are also be secured are such that no highway objection is advanced against the development.
- 10.13 A travel plan has been submitted as part of the application and revised following comments from the Travelwise team. As part of the overall package, the creation of a Residential Travel Plan Fund of £118,367.15 has been agreed. This is based on the cost of providing Metrocards for future residents. Within this contribution, £17,500 is specifically identified for the Car Club and the detailed layout for the site identifies 2 parking spaces for these vehicles – accessed via Green Lane. These

requirements, including the detailed travel plan will be secured as part of the legal agreement, together with the monitoring fee of £3,205.

- 10.14 Although strategic public transport projects are often Community Infrastructure Levy (CIL) matters, the Public Transport Improvements and Developer Contributions SPD also refers to the need for the provision of 'basic public transport site access' measures as part of new developments, making the distinction between the provision of these measures as part of site-specific proposals and the provision of contributions to strategic infrastructure which are covered by CIL. This may include measures to improve pedestrian connections from a site to public transport access points, or improvements to the point of access to the network, including bus shelters. West Yorkshire Combined Authority (WYCA) has been consulted on the application and has identified two bus stops along Ninelands Lane which would benefit from shelters with real-time information display. The cost of each stop upgrade is £20,000. Whilst the request for two sets of improvement works is noted, the positioning of the bus stops and the ability to readily access another bus stop further along Ninelands Lane means officers consider both cannot be reasonably justified. As such, a contribution of £20,000 has been agreed and will also be included in the legal agreement.

Flood risk/drainage considerations

- 10.15 Flooding issues within the Garforth area are well documented and feature in many, if not most of the third party representations received. The flooding however is not related to fluvial flooding as the site falls within Flood Risk Zone 1 and is why the Environment Agency has not objected and raises no substantive issues. Flooding occurs during instances of heavy rainfall (but not all events) and is attributed by most objectors to the drainage infrastructure within the area that deals with both surface and foul water being inadequate. Culvert/pipe blockages are often cited (and subsequently confirmed) as the reason for specific problems and may explain why some flooding events are not always consistent in terms of magnitude or location. These instances of flooding have resulted in an active Flood Group operating in the area for a number of years and which continues to meet regularly with representatives from the Council's Flood Risk Management Team, the Environment Agency and also Yorkshire Water. The Flood Group is very active in promoting and coordinating flood resilience measures during flooding events and also seeking to ensure existing problems are not exacerbated by new development and also seeking improvements to the system where possible.
- 10.16 The above context in respect of flooding in the area immediate around the application site and the wider Garforth area is important but it is equally important to acknowledge that it is not a planning requirement for new developments to resolve all existing problems, particularly where they affect a much greater area than the re-development of the application site can reasonably be said to influence. The appropriate requirement under planning guidance is that a development should not contribute further to existing problems and be acceptable in its own right.
- 10.17 In terms of the scheme's overall response to the risk of flooding, a Flood Risk Assessment with accompanying drainage proposals has been provided and reviewed by the relevant technical consultees. Revisions to these documents and further supporting information has also been provided following initial consultation responses, including an objection from Yorkshire Water.
- 10.18 In terms of the surface water run-off, the proposed redevelopment of the site actually brings the potential for improvements as a large percentage of the site is currently

hard-surfaced and is not permeable. Surface water is known to pour off the site onto Ninelands Lane during downpours and therefore enters into the drainage system very rapidly, contributing at least in part to existing flooding events that have occurred in the immediate area. Redevelopment brings with it the opportunity to reduce the amount of hard-surfacing across the site (from approximately 79% to circa 55%) and also to actively control discharge rates to achieve an overall reduction relative to the current situation. A 30% improvement relative to existing discharge rate is proposed and will be achieved via a combination of storage tanks under the main central greenspace in addition to restrictors on relevant outlets. Tanks are proposed over more 'Green' storage solutions such as swales, detention basins or ponds as the ground conditions (comprising of made ground over silty clay and Mudstone) means they are not practical due to low permeability. Thereafter, surface water is proposed to connect into an existing Yorkshire Water surface water sewer located in the Southern corner of the site (which is the existing point of connection).

- 10.19 The above proposals accord with the Council's adopted drainage requirements and are supported by officers within the Flood Risk Management Team and also by Yorkshire Water. The only caveat raised by Yorkshire Water is that connection to the surface water sewer should be the last option and accordingly the possibility of connecting into an off-site watercourse near to the application site needs to be fully investigated and discounted in the first instance. The applicant is aware of this requirement and it is proposed to condition this requirement in accordance with the advice from Yorkshire Water.
- 10.20 With respect to foul water, many objectors also highlight this as a serious concern (due to the linkages with surface water infrastructure) as clearly this aspect of the site's redevelopment would increase significantly relative to the current situation. Sewers for Adoption 7th Ed indicates a discharge rate of 4,000 L per dwelling/per 24 hours – which when equated to the development is: 11 L/s. It is proposed to connect into the existing public foul water sewer system and Yorkshire Water has confirmed this is acceptable. Yorkshire Water has also been made aware of the many objections received suggesting the existing infrastructure will not be able to cope with the additional demand generated by the development. Yorkshire Water's most recent response maintains its position and simply confirms appropriate connection(s) can be achieved as sewers already run down Ninelands Lane. In the light of this advice and noting ultimate responsibility for resolving any foul water issues should they occur rests with Yorkshire Water itself officers are satisfied with the current proposals on this specific issue.
- 10.21 Since officers have considered the overall drainage related issues, a further flooding incident has been reported at a property in Grange Avenue – which is to the West of the application site. The incident involved sewage escape and subsequent flooding but on further investigation was attributed to a localised pipe blockage rather than being related to a capacity issue. The blockage was removed and Yorkshire Water indicated it would undertake a standard letter drop within the area to highlight the risk of flushing wipes down into the network. In addition and outside the consideration of the current application, Yorkshire Water has confirmed a Garforth modelling study has been commissioned which will allow it to better understand the performance of the sewage network structurally, hydraulically, environmentally and operationally.
- 10.22 In concluding of the issue of flood risk and drainage, officers are satisfied the development will not add to existing problems and in the case of surface water will achieve significant improvements. For these reasons and noting Yorkshire Water

does not raise any concerns, including on the matter of foul drainage the development is considered to address the relevant requirements as set out in national and local plan policies.

Design, landscaping and visual amenity

- 10.23 The overall layout is considered by officers to be well thought out and responds positively to the site's constraints so as to achieve high quality development that provides good connectivity, both within the site itself and also beyond.
- 10.24 In developing the layout, landscape considerations and in particular tree retention has been a key consideration and the establishment of a site wide TPO has assisted within this. The TPO identifies the main areas where trees are present although protection of the mature belt of poplars situated along the eastern boundary (Groups 1, 2 and 3) has always been the priority due to the visual amenity and ecological benefits associated with these groups. These three groups are retained within the detailed layout and although private rear gardens back onto these trees the garden depths have been designed to mitigate the amenity impact.
- 10.25 The trees in the most southerly part of the site (identified within the TPO as A1) coincide with the least developed part of the site historically and are also considered a priority in terms of future retention. This part of the site is shown as greenspace and links with and compliments the adjacent Local Nature Area.
- 10.26 The last area of trees identified within the TPO (area A2) is towards the northern end of the site and is the area which the residents within Hazel Mews are most concerned about. These trees are identified for removal as most are self-sewn ash trees (although conifers are also present) with many growing on the historic ash piles which are present. As these ash piles need to be removed as part of the site's overall remediation removal of these trees is accepted by officers and the layout has been revised to ensure appropriate replacement planting is secured. In particular, tree/landscape buffers are proposed for the common boundary with the Hazel Mews properties and also as a continuation of the tree belt provided by Groups 1, 2 and 3. Combined, these measures are considered to strike a reasonable balance in terms of the responding to the residential amenity, landscape and ecological impacts which flow from the site's redevelopment.
- 10.27 In terms of the basic design approach to the scheme, the layout provides active frontages onto roads and the revisions undertaken have secured greater overlooking/natural surveillance of the southern area of greenspace by fronting properties onto this space. Access through the southern greenspace is also much improved with good pedestrian and cycle links to the local shopping parade now provided.
- 10.28 The layout generally creates a series of perimeter blocks whereby rear gardens for the most part back onto other rear gardens. This approach is supported and provides not only good privacy but also accords with 'Secure by Design' principles. The central greenspace area is also overlooked on all sides and despite it also being the location for the underground storage tanks it still provides good opportunities for new planting.
- 10.29 Streetscenes within the site are varied through the use of different house types, building heights and the general siting of buildings to provide interest. Parking provision is in many cases provided to the side of properties so drive widths can be

minimised. Where frontage parking is provided, it is generally limited in its extent and landscaping is incorporated to help break up the area visually.

- 10.30 With respect to the house types themselves, these are considered to be well designed and contextually appropriate bearing in mind the mixed character of the surrounding area. The general scale and massing of buildings is considered to sit well within the confines of the site and the introduction of design features such as bay windows adds further visual interest. Whilst a total of 24 different house types are proposed which are individually designed, they share a number of common features and therefore appear as a cohesive 'family' of house types. Subject to conditions relating to materials, the proposals are therefore considered to be acceptable from a design perspective.

Residential amenity

- 10.31 The general layout reflects the principles of 'Neighbourhoods for Living' SPD in terms of separation distances and garden areas. All flat blocks also have access to communal amenity areas and the two areas of public greenspace are overlooked and accessible. Whilst the distribution of these two spaces favours the central and southern parts of the site, their provision has been influenced by other factors (existing trees and drainage requirements). It is accepted officers have scope under the greenspace policy requirements to seek further on-site provision, but this has not been pursued in this instance as to do so will reduce the total number of units that can be delivered on what is good, sustainable brownfield site. Furthermore, a broad range of facilities are already available very close to the application site at the Ninelands Lane recreational ground. The balance of on-site provision is therefore being provided by a commuted sum in lieu of full on-site provision. The contribution of £373,057.25 towards local off-site provision is therefore produced and is considered to be acceptable. Discussions are currently ongoing with Parks and Countryside officers regarding possible projects and Ward Members have been consulted on a number of options including works within the adjacent recreational ground, Barley Hill Park and the land to the rear of the Fire Station. Once agreed, the sum and the proposals for its use will be secured through the legal agreement, which combined with the on-site provision is considered by officers to satisfy the greenspace policy requirements for the development.
- 10.32 In terms of impact on existing residents, the only immediate neighbours to the application site are those located within Hazel Mews and the neighbouring flat complex (in Cricketers Close). Whilst the concerns of the Hazel Mews residents in particular are noted, the proposed relationship with these properties and private garden areas is considered to be acceptable with recommended separation distances being achieved or in most cases substantially exceeded. Further revisions to this part of the site have also been undertaken (as reported in para. 6.9). In concluding on this matter, whilst it is accepted the outlook for these residents will undoubtedly alter relative to the current situation, no adverse overlooking, overshadowing or loss of light would be experienced. Buffer landscaping is also proposed at the common boundary to help filter any views of the housing beyond in the longer term and is to be secured by condition.

Housing mix/sizes

- 10.33 With respect to housing mix, amendments have been sought to provide a more balanced mix than originally proposed and the scheme now advanced is as follows:

Flats	(1 bed)	4	1.6%
	(2 bed)	11	4.6%
Houses	(2 bed)*	40	16.6%
	(3 bed)	68	28.2%
	(4 bed)	118	49%

10.34 To support the above mix, the applicant has also submitted further information relating to the local housing need which has assessed previous market activity. The conclusion of this information is there is a strong need for family sized accommodation in the area including larger homes.

10.35 In reviewing the proposed housing mix, the number of 4 and 3 bed houses falls within the parameters as stated in Core Strategy policy H4. The percentage of smaller, 2 bed properties (at 21%) falls below the minimum target of 30% but when combined with the 1 bed properties is considered to provide a broad range of house types. As such, the overall mix is considered to be a reasonable response to local market conditions/activity and also the characteristics of the site/wider area.

10.36 In terms of internal space standards, although the Council is seeking to formally adopt the national standards as part of the development plan and whilst this is a material consideration, this process is still at a relatively early stage and the weight that can be attached to the standards is limited at present. Notwithstanding this, all but one of the house types accord with the space requirements. The one house type that is smaller than the national standard is a 2 bed flat with a floorspace of 58sqm. There are 5 of these units within the development and the national standard indicates they should be 61sqm in size (based on minimum occupation level of 3 persons). These units do not form part of the affordable housing offer. Overall officers are satisfied all the houses and flats would have good levels of amenity in terms of the receipt of natural light and ventilation, separation, outlook and external amenity space provision. The quality of the internal living environment proposed relative to a more likely level of occupation is therefore considered to be acceptable.

Sustainability

10.37 In accordance with Core Strategy policies EN1 and EN2 it is expected the development will incorporate a range of design and energy efficiency measures and low and zero carbon technologies where possible in order to help reduce energy consumption and deliver reductions in CO2 emissions. The applicant has confirmed the development complies with the 12 questions which form a 'Building for Life' assessment however officers note these questions focus more on design considerations to ensure a contextually responsive development is proposed. As such, appropriate conditions (Nos. 15 & 18) are proposed to secure these details.

Affordable Housing

10.38 The application site falls within a 15% affordable housing target area and based on the number of dwellings proposed a requirement of 36 units is generated. The standard split of achieving 60% as lower quartile (sub-market in old money) and 40% as lower decile (social rent) applies.

10.39 The applicant has made provision for the full affordable housing requirement and the layout and property types has been revised to ensure a better distribution throughout the site and mix of houses. The affordable offer therefore stands as:

Houses: 14 x 2 bed
 13 x 3 bed

Flats: 3 x 1 bed
 6 x 2 bed.

- 10.40 The above mix is now considered by officers to be acceptable and better reflects the housing mix proposed across the remainder of the site.
- 10.41 For Members information, the applicant submitted a request for the Vacant Building Credit (VBC) to be applied to the affordable housing offer. VBC allows the floorspace of existing buildings that are to be redeveloped to be offset against the affordable housing requirement. The VBC was introduced with the intention of incentivising the redevelopment of vacant buildings to "...tackle the disproportionate burden of developer contributions on small scale developers, custom and self-builders."
- 10.42 In assessing the application therefore, the principle of VBC is a material consideration as to whether it might apply for this particular site. The principle of VBC originates from national policy and the caselaw has clearly established that the VBC along with other policy measures set out should not automatically be applied without regard being paid to the full circumstances of each given case, including the provisions of the development plan policies.
- 10.43 Officers have taken into account the primary reason for the introduction of the VBC, in that, it is to incentivise brownfield development to reduce the disproportionate burden of developer contributions, and that without it, there is a real possibility of development not being realised. Having assessed these parameters against the application, it is concluded that the site was made vacant for the sole purpose of relocation of the business due to operational requirements and there are no viability issues for this site. The proposed development is fully policy compliant without any breach of the Core Strategy. It is a matter of fact that the council has not been presented with any evidence to substantiate any viability concerns on this site for which VBC which would facilitate brownfield development and thereby incentivise the site's redevelopment.
- 10.44 For the above reasons it is not considered on the facts of this case, when taken together, that it is one which, genuine brownfield development fundamentally requires the VBC. The VBC has not therefore been applied, as it can be developed out to meet the objectives of sustainable development in the spirit of the Core Strategy and NPPF without its application. The full affordable housing offer as reported in para10.39 will therefore be delivered as part of the legal agreement.

Legal Agreement

- 10.45 The application is to be supported by a legal agreement to cover the following planning obligations which are necessary to make the development acceptable:
1. Affordable housing at 15% (36 units on-site);
 2. Commuted sum *in lieu* of on-site greenspace (£373,057.25);
 3. Provision and maintenance of Public greenspace
 4. Travel Plan (including monitoring fee - £3,205);
 5. Residential Travel Plan Fund (£118,367.15)
 6. Bus shelter plus real-time display (£20,000);
 7. Off-site junction improvements contribution;

8. Local employment/training initiatives;
9. Off-site footpath improvement (£20,000).

10.46 The obligations above have been identified and, in the case of contributions, calculated in accordance with development plan policies and supporting guidance, and as such are considered to meet the statutory tests for planning obligations in that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

10.47 Commentary regarding items 1 to 7 and 9 of the legal agreement has already been provided within the main body of this report. With respect to item 8, this relates to facilitating local employment and training opportunities as part of the construction phase. Whilst a detailed plan has not been developed at this stage, the applicant will be required to actively engage with officers from Employment Leeds to ensure these objectives are realised.

Representations

School provision

10.48 The concerns expressed in many of the third party contributors and from local Ward Members also regarding school capacity are noted and are often feature on all major housing proposals throughout the City. Although officers appreciate access to local schooling is a very real issue for many, in terms of this particular scheme there is no requirement for the applicant to make any provision beyond CIL as education features in the Council's 123 list.

10.49 Notwithstanding the above, Children's Services have been consulted and have calculated the development would result in a demand for circa 60 primary school places (8 to 9 per year group) and 24 secondary place (5 per year group). In considering these requirements, current capacity indicates the primary school demand can be accommodated locally via a combination of Ninelands and Green Lane Primary Schools. With respect to secondary school provision, demand is expected to outstrip the total available in the East of the city from next year onwards. With this in mind, the Sufficiency and Participation Team in Children's Services are in discussions with local secondary schools and other stakeholders to understand how best to meet all future demand.

Health provision

10.50 With regard to health infrastructure, the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups. Whilst clearly the introduction of housing on the site will increase the demand for both doctor and dentist services, providers plan for their own operating needs and part of this includes responding to changes in local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of increased demand. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. With this context in mind and noting the site's good accessibility credentials no site specific requirements are considered to exist.

Other matters

Mining Legacy

10.51 The Coal Authority objected to the application as originally submitted, raising concerns that insufficient information had been provided in relation to the investigation and treatment of former mine workings within the site. The applicant has subsequently discussed the matter directly with the Coal Authority, and has submitted additional details in response to the concerns raised. In the light of this additional information the Coal Authority has withdrawn its objection, but has advised that a condition requiring further site investigation and the submission of the results and a scheme for the remediation and stabilisation of any former mine workings before development commences, and that, once a scheme of remediation has been agreed, the works should then be carried out in accordance with those details. The required condition is recommended to make the application acceptable.

Land Contamination

10.52 The site's previous industrial use means there is a requirement to remediate the land so it is suitable for a residential end use. Some initial investigation works have already been undertaken to establish the extent of remediation required but the presence of both buildings, and a substantial concrete slabs over a large part of the site is such that further investigation is still necessary. Appropriate conditions are included as part of the officer recommendation (Nos. 22 to 25) to secure these details.

CIL

10.53 The site is within CIL zone 2b. Based on the floorspace currently proposed (discounting the affordable units which are likely to be eligible for CIL relief, subject to the submission of the appropriate paperwork), the development is anticipated to generate a CIL requirement of £898,475.51. Infrastructure requirements associated with this application are education. This is presented for information only and should not influence consideration of the application. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

11.0 CONCLUSION

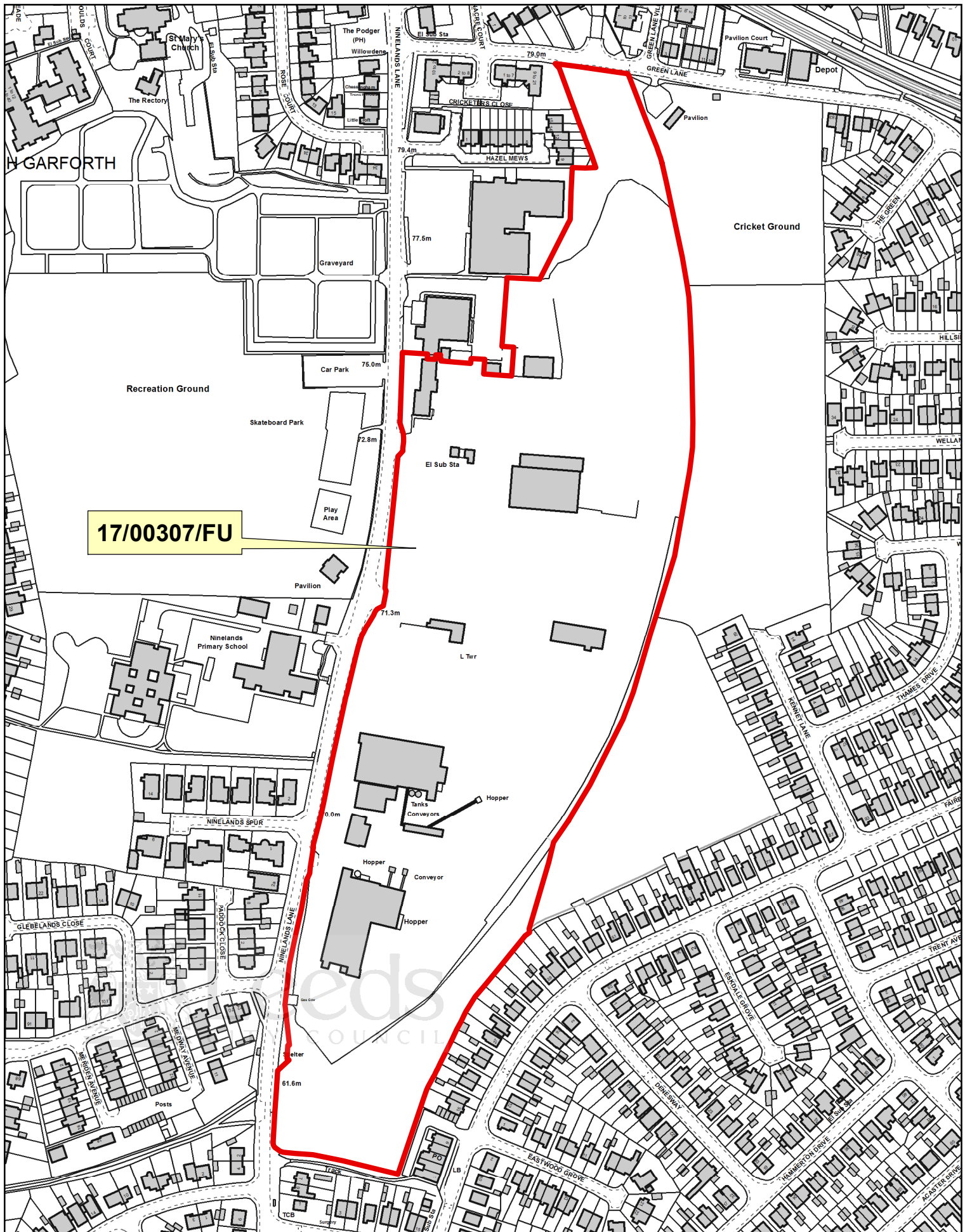
11.1 It is considered the proposed development would positively contribute to the city's overall housing requirements and bring back into active use a brownfield site which is located in a sustainable location.

11.2 The detailed design of the development is considered appropriate and incorporates the best site features in terms of retention of the most important trees. The development would provide a high level of amenity for future residents without compromising the amenities of existing neighbouring residents and appropriate measures are included to ensure the highway impact of the development is acceptable. The proposals are considered to comply with relevant policies in the Development Plan and other relevant planning guidance, as listed above and with the National Planning Policy Framework. It is therefore recommended that the application is approved, subject to the conditions suggested above and completion of a legal agreement covering the planning obligations detailed at the start of this report.

Background Papers:

Application file: 17/00307/FU

Certificate of Ownership: Signed on behalf of applicants



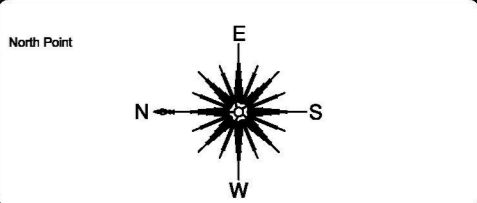
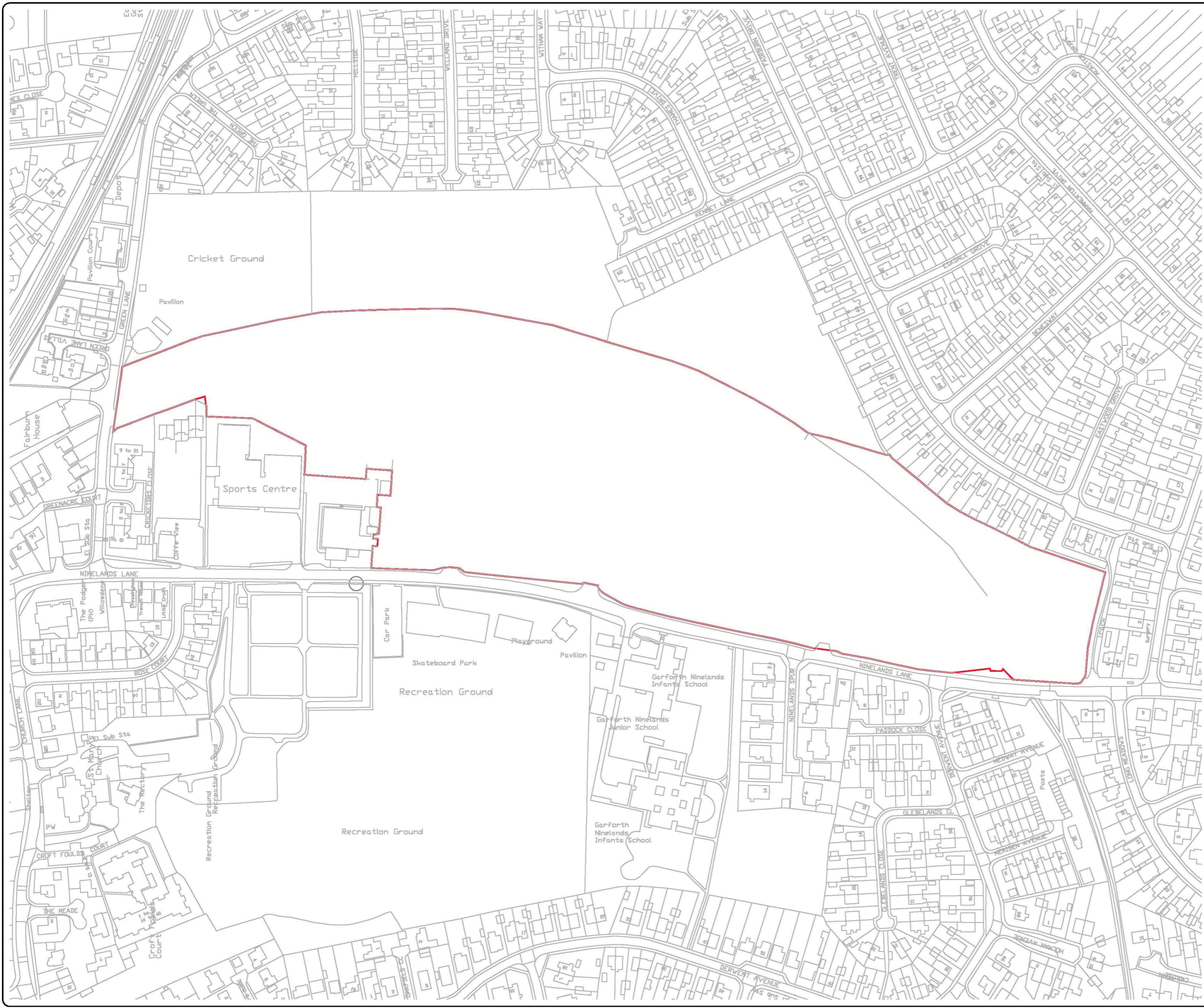
NORTH AND EAST PLANS PANEL

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SCALE : 1/3000



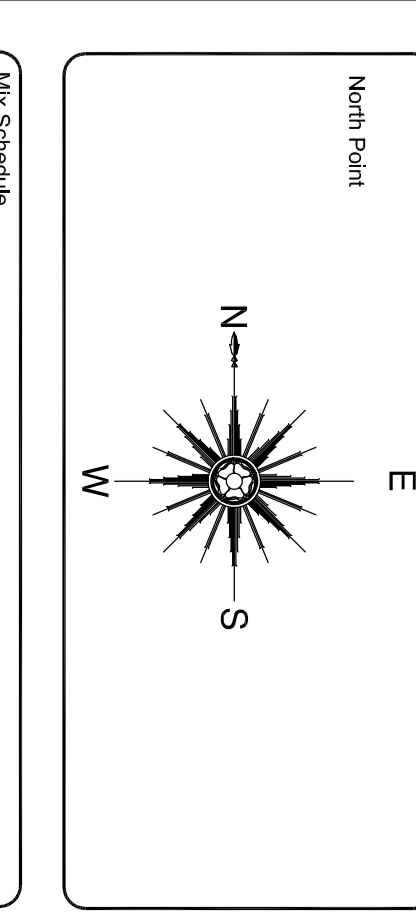


Rev	Date	Description	Initials
C	20.12.16	Red edge amended to rear of Sports Centre.	CP
B	10.11.16	Red edge amended to align with new title plans.	CP
A	02.06.16	Red edge amended to align with title plans.	CP
-	01.06.16	Initial Issue.	CP

Development	LAND OFF NINELANDS LANE		
Location	GARFORTH		
Marketing Name			
Drawing Title	Red Edged Plan		
Drawing Number	NLG-16-02-02		
Revision	C	Scale @ A3	1:2500
Drawn By	CP	Date Started	01.06.16
Checked by		Date	

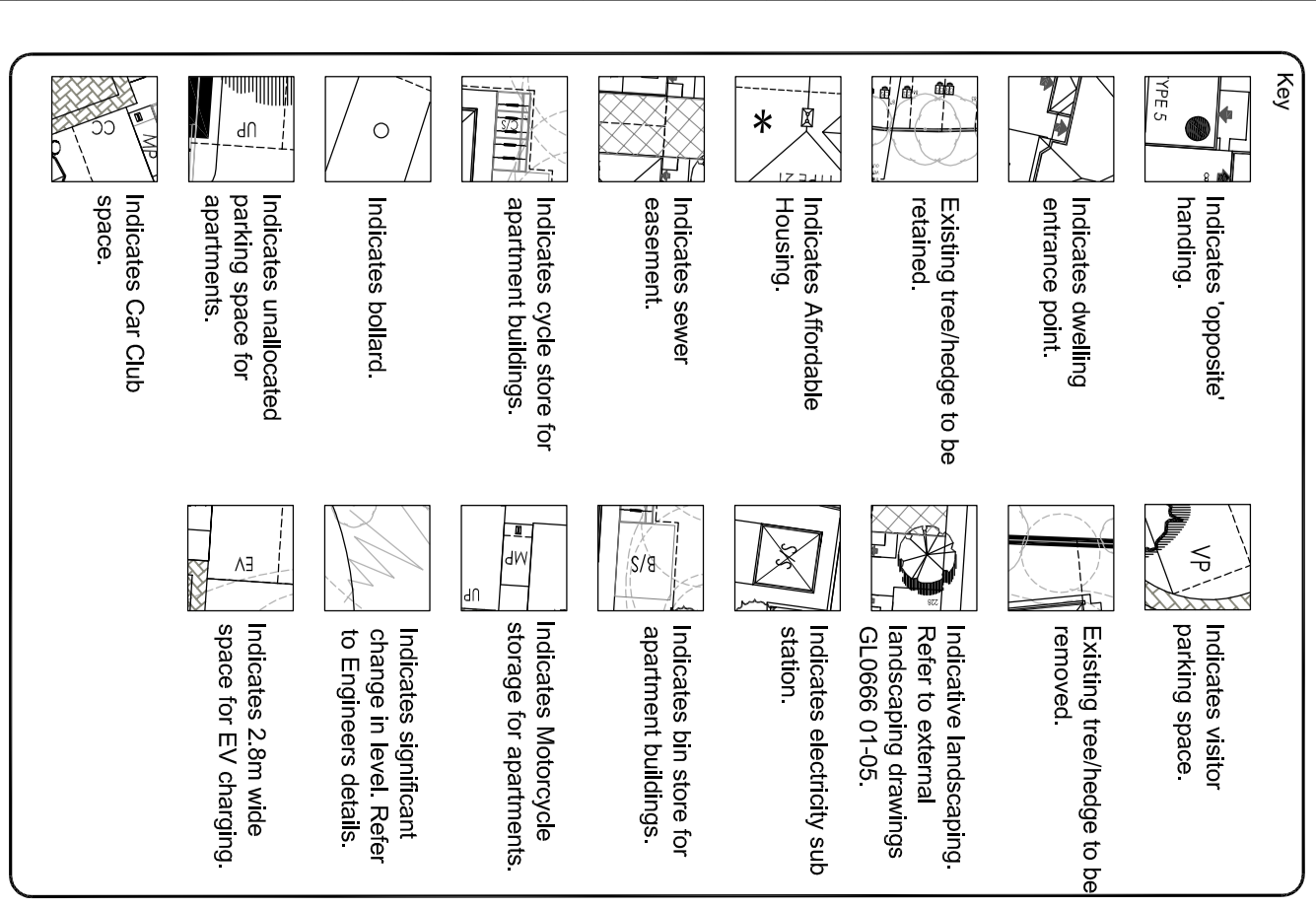

REDROW
HOMES
Redrow Homes Yorkshire
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Legal Disclaimer TBC
 This layout has been designed after due consideration of our Context & Constraints Plan



Proposed Schedule

Item No.	Quantity
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Schedule of Materials

Code	Description	Quantity	Unit
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AA
AB
AC
AD
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AX
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Project Information

Location	NINELANDS LANE
Tenants	Garforth
Drawing Title	Planning Layout
Drawing Number	NLG-16-02-01
Revision	1
Drawn By	CTP
Checked By	CTP
Date	22.07.2016

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