



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 26th January 2012

Subject: Application 11/03814/FU – 68 houses on Land opposite Highcroft and Hillside, Selby Road, Garforth

APPLICANT

Ben Bailey Homes

DATE VALID

22nd September 2011

TARGET DATE

22nd December 2011

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

DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a legal agreement, to include the following obligations:

1. Affordable Housing – 15% (of which 50% is to be Social Rented and 50% Sub-market)
2. Greenspace contribution - £98,586.55
3. Education contribution – (Primary - £201,117, Secondary - £121,821)
4. Public Transport Improvements Contribution - £79,016
5. A footway/cycleway link across Council land, between the site and Shaw Close
6. A Green Travel Plan and associated monitoring contribution of £2,500
7. A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane / A63 Selby Road junction.
8. A contribution towards the funding of a Traffic Regulation Order to extend the 40mph zone along Selby Road eastwards, beyond the garden centre.
9. 12 month Metro discount travel cards to be provided to the occupants of the dwellings.
10. Scheme to employ local people in the construction of the development.
11. Agreement to the early delivery of housing on site (starting in 2012)

In the circumstances where the S106 has not been completed within 3 month of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time Limit (2 years)
2. Plans to be approved
3. Details of fences and walls to be provided
4. Statement of construction practice
5. Full details of vehicular access
6. Provision of visibility splay
7. Retention of garages and parking spaces
8. Off-site highway works – bus stop improvements
9. Programme of archaeological recording
10. Submission and implementation of landscaping details
11. Landscape management plan
12. Protection of retained trees and hedges
13. Preservation of retained trees and hedges
14. Provision for replacement trees
15. Submission of walling and roofing materials
16. Submission of surfacing materials
17. Removal of permitted development rights for extensions and roof alterations
18. Removal of permitted development rights for additional windows
19. Detailed levels to be agreed (roads and houses)
20. Submission of verification reports
21. Reporting of unexpected contamination
22. Importing of soil

Details of conditions to be deferred and delegated to officers.

Reasons for approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within PPS1, PPS3 and PPS25 and it is considered that the scheme provides for a good quality residential scheme. The proposals offer an acceptable level of amenity to future occupiers and will have no detrimental impact on the amenity of other nearby occupiers or to the visual amenity of the locality. The application is considered to comply with the following policies:

RSS Policies H1, H2, H3, H4, H5, ENV5, YH1, YH2, YH4, YH5, YH7, LCR1 and LCR2.

UDPR Policies GP5, GP7, GP11, N2, N4, N10, N12, N13, N23, N25, N24, N29, N38 (a and b), N39a, BD5, T1, T2 (b, c, d), T5, T7, T7A, T24, H1, H2, H3, H11, H12, H13 and LD1.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This full planning application is presented to this Plans Panel, due to the size and sensitivity of the proposals and follows a position statement that was presented to Members at the 3rd November 2011 Plans Panel meeting.
- 1.2 Under Policy H3-3A.27 of the Leeds UDP Review, 3.0 ha of land is allocated for housing and greenspace at Selby Road / Ninelands Lane, subject to:
 - i. An agreed planning framework which will determine the location of housing, greenspace, landscaping and access points and footpath links.*

ii. Provision of a satisfactory access from Selby Road.

iii. Retention and enhancement of the upper slopes of the site for greenspace and visual amenity purposes.

- 1.3 An outline planning application, 08/06019/OT, submitted in October 2008, proposed the laying out of access and erection of a residential development of circa 78 dwellings, with all matters reserved except for access. The application was refused in January 2009 on the grounds that the Council considered the release of this phase 3 housing allocation site to be premature, it would undermine regeneration objectives in other parts of the city, that the proposals failed to demonstrate that the local highway infrastructure was capable of absorbing the additional traffic and that flooding and drainage issues had not been satisfactorily resolved. An appeal was subsequently lodged against the Council's decision, appeal ref. APP/N4720/A/09/2108224/NW, and a public inquiry was held in November 2009. Further negotiations took place prior to the public inquiry which resulted in the reasons for refusal in relation to highways and drainage issues being overcome. Following the public inquiry, the Planning Inspector considered that the City Council had failed to demonstrate a 5 year housing land supply or that the proposals would have any adverse effect on regeneration objectives. Accordingly, the appeal was allowed and outline planning permission granted subject to conditions and a S106 agreement.
- 1.4 The S106 agreement approved as part of the outline planning permission makes provision for 30% affordable housing to be provided. Since the determination of the appeal, the Council's affordable housing policy has changed. On 18th May 2011, the Council's Executive Board approved an Interim Affordable Housing Policy which, in the case of this site, now requires affordable housing at a lower ratio of 15%. The applicant has therefore submitted this current full planning application on the basis of affordable provision at the 15% level. The Interim Affordable Housing Policy target of 15% has recently been reaffirmed by the Council's Executive Board at its meeting on 4th January 2012.
- 1.5 The applicant has also confirmed in writing that, if planning permission is granted, they will seek to commence development as soon as possible and are willing to have a delivery timescale included as a clause in the S106 agreement. Specifically, the applicant would seek to deliver:
- 10 units of Affordable Housing in 2012
 - 22 units of private housing in 2012
 - 30 units of private housing in 2013
 - 7 units of private housing in 2014
- 1.6 At the 3rd November 2011 Plans Panel meeting, Members raised the following issues in general terms as part of the position statement presentation:
1. Concerned about flooding problems around Ninelands Lane and that the site currently absorbed water, which has implications for the site's drainage system;
 2. Concerned the size of the windows proposed were small which could lead to inefficiency and additional fuel costs;
 3. Bungalows for older people should be considered within the mix of affordable housing being provided;
 4. Traffic calming measures should be put in place and funded by the applicant to reduce traffic speed along Selby Road;
 5. Details needed of the bin storage/collection on the site, particularly for the terraced properties;
 6. The position of the affordable units in one corner of the site was not acceptable.

- 1.7 The following specific comments were made in relation to the level of affordable housing within the scheme:
1. 30% affordable housing should be provided in line with the outline permission;
 2. The mix of housing should be reconsidered and increases made to the amount of terraced properties on the site to increase the amount of affordable housing;
 3. That it was clear the applicant had withdrawn one application and then submitted another one which offered the lower level of affordable housing.
- 1.8 In response to the specific points raised in the position statement, the Panel provided the following comments:
1. Range of house types – generally acceptable, although more terraced housing could be considered and bungalows should form part of the affordable housing mix. Affordable units to be pepper-potted throughout the site and the size of the windows should be maximised to allow greater natural light penetration;
 2. The proposed materials were considered generally acceptable, although it was felt that the rendered elements should be removed and replaced with brick;
 3. The creation of two plateaux and landscape buffers was acceptable subject to improved landscaping provision;
 4. Further details needed regarding the access arrangements between the groups of properties e.g. for bins;
 5. Two storey buildings were considered to be acceptable, but any three storey dwellings should be sited further back into the site and on the lower plateau;
 6. For family accommodation garden sizes should be generous, whereas units for a mix of ages, smaller gardens could be considered;
 7. In respect of the affordable housing provision at 15%, although in line with the interim policy, Members were most unhappy at the way the applicant had dealt with the provision on this site; that whilst acknowledging the reasons for the policy change, the ramifications of this were now being seen and that the developer should honour the 30% commitment made and accepted by the Inspector;
 8. Ward Members should be consulted on the content of the S106 Agreement.
- 1.9 Following the Plans Panel meeting of 3rd November 2011, officers met with Ward Members to discuss the scheme in detail, including the feedback received from Plans Panel Members. Although Ward Members have not formally commented on the scheme, the following points have been made/raised:
1. Concern about the location of three-storey dwellings (particularly the relationship to the adjacent bungalows).
 2. The need for satisfactory garden sizes.
 3. The need to avoid unrelieved areas of car parking.
 4. There is no need for bungalows locally, as these are already well provided for.
 5. Strong need for smaller houses locally, suitable for first time buyers and young families.
 6. Broadly supportive of the Panel's view that more smaller properties should be provided, rather than a smaller number of large properties.
 7. It is understood the 15% affordable housing provision is in line with current policy but should be pepper potted across the site.

Additionally, Cllr Murray was keen to know if any improvements were required to the bus stop(s) further east, as future occupiers may wish to alight and walk downhill into the site, rather than walk up Selby Road. Officers have since met again with Ward Members to brief them on the revisions, although no further comments were made.

1.10 The comments from Plans Panel, Ward Members, as well as advice from officers have been fed back to the agent and the scheme has been revised to address the main issues raised. Specifically, the layout has been revised and the numbers of units has been reduced to 68 from 69 in order to address layout concerns. An increase in unit numbers was not pursued due to layout and character/appearance reasons. In summary, the revised proposals comprise:

1. Reduction in number of units from 69 to 68
2. Affordable housing split into a pair of semi-detached properties adjacent to the greenspace, a pair of semi-detached properties on the central part of the spine road and six semi-detached properties at the central northern part of the site.
3. Three storey properties in the north-west corner of the site have been omitted.
4. The developer is in discussions with the occupants of Nos. 11 and 20 Cliffe House Avenue with a view to gifting them a 1m wide access strip in order to maintain their existing garden hedges – a verbal update will be provided to Panel on this issue.
5. The garage court adjacent to the western boundary has been omitted and replaced by a street with houses fronting onto it.
6. A further private drive has been added to the south-west corner of the site, allowing properties to front onto Selby Road.
7. The use of properties which are three-storey or two-storey with rooms in the roofspace along the Selby Road frontage has been reviewed such that less dominant designs are used and only either side of the site entrance.
8. Three storey properties are only to be used along the spine road on the lower plateau.
9. Properties which are two-storey with rooms in the roofspace are only used in some central areas on the lower plateau and only on three occasions in the centre of the upper plateau.
10. The landscape strip to the upper slope has been revised and now accords with Nature Conservation advice – the insertion of the 3m wide maintenance strip allows the existing hedgerow to remain separate, retaining its biodiversity value.
11. The planting to the upper slope is now to be maintained by a management company, along with claimed right of way through the centre of the site and part of the planting along the Selby Road frontage. The central planting belt will remain within private garden areas.
12. The elevations of the house types have been revised and result in less use of render. Fenestration details, including the use of heads and cills, has also been rationalised on all elevations.

2.0 PROPOSAL:

2.1 The application seeks full planning permission for a residential development of 68 houses, including the laying out of streets and landscaping.

2.2 In terms of vehicular access, this is proposed to be taken directly from Selby Road. The access arrangements remain identical to those already approved as part of the outline planning permission, 08/06019/OT.

2.3 This planning application will need to deal with a number of planning obligations and will be subject to a S106 agreement which is expected to provide for the following (these were matters included in the S106 agreement for the outline planning permission allowed on appeal save for affordable housing):

1. Affordable Housing – 15% (of which 50% is to be Social Rented and 50% Sub-market).
2. Greenspace contribution - £98,586.55
3. Education contribution – (Primary - £201,117, Secondary - £121,821)

4. Public Transport Improvements Contribution – £79,016
5. A footway/cycleway link across Council land, between the site and Shaw Close.
6. A Green Travel Plan and associated monitoring contribution of £2,500.
7. A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane / A63 Selby Road signalised junction.
8. A contribution towards the funding of a Traffic Regulation Order to extend the 40mph zone along Selby Road eastwards, beyond the garden centre.
9. 12 month Metro discount travel cards per dwelling.
10. Scheme to employ local people in the construction of the development.
11. Agreement to the early delivery of housing on site (starting in 2012)

2.4 The Design and Access Statement identifies the development guidance (local and national) that was used to inform the design of the layout. It also explains the evolution of the design, its framework and the justification for the design. The proposed houses are a mixture of detached, semi-detached and terraced dwellings, ranging from two-storey, two-storey with rooms in the roofspace and some three-storey. The larger detached properties tend to be located on the upper slope (eastern half) of the site, whereas the smaller semi-detached and terraced properties tend to be located on the lower western half of the site. The taller two to three storey houses have generally been re-sited in the revised layout and are located in the central area of the lower western half of the site. The materials proposed include brick, render and grey roof tiles, although the amount of render has been reduced in line with Panel Members previous comments. A landscape buffer is proposed to the upper eastern slope of the site, as well as through the middle, running north to south. New hedge planting is also proposed along the Selby Road frontage.

3.0 SITE AND SURROUNDINGS:

3.1 The application site lies to the south-east of Garforth, in an area known as Garforth Cliff. The site is a greenfield site and is currently in use as arable farmland. The boundaries of the site are well defined by existing hedgerows. The site is physically contained and constitutes a rounding off of the built-up area. The site is set on a slope rising to the north and east and the upper slopes are prominent when approaching from Garforth along Selby Road and from vantage points within the surrounding landscape. The site is also well used by the local community for informal recreation purposes.

3.2 The area to the north of the site is characterised by detached and semi-detached houses and bungalows. The development is a typical suburban layout of late C20th appearance. The development to the west of the site is comprised of the Daniel Yorath House (Brain Injury Rehabilitation Centre), sheltered apartments and a Fire Station. The gap between this area of development and the application site is occupied by an area of public greenspace. The land to the east of the site contains a reservoir and prominent water tower at the north-east corner and a number of large detached properties, set within extensive garden areas. To the south of the site, Selby Road (A63(T)) forms a significant edge to the settlement of Garforth, beyond which is farmland and open countryside. A small number of properties exist to the south side of Selby Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 08/06019/OT – Outline application to layout access and erect residential development of circa 78 dwellings – Refused 26/1/09, Allowed on appeal 27/11/09 (appeal ref. APP/N4720/A/09/2108224/NW).

4.2 11/03740/RM – Reserved matters application for 70 houses – Withdrawn.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The previous outline application was refused by the City Council, but allowed on appeal, subject to conditions and a S106 agreement.
- 5.2 Further to the appeal being allowed, pre-application discussions have taken place between the applicant and officers regarding the proposed layout of development on the site and the detailed design of the proposed house types and landscaping. The applicant has subsequently submitted this full planning application.
- 5.3 Following feedback from Plans Panel, Ward Members, local residents and advice from officers, the developer has sought to revise the scheme to address the issues raised.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 8 site notices have been displayed, posted 7th October 2011.
- 6.2 One letter of representation has been received from Alec Shelbrooke MP (Elmet and Rothwell), stating concern about the proposal to locate three-storey houses at the bottom of the hill, overlooking existing properties. It is considered that the taller houses should be moved away from the existing properties in order to prevent overshadowing. It is also felt that it would be better to locate the larger, two storey dwellings to the bottom of the hill, where there would be less of them in close proximity to the existing dwellings.
- 6.3 83 letters of representation have been received from local residents stating concern that:
- The Inspector's appeal decision included a condition for full details of the access to be approved and this is still needed, along with details of speed limit changes, signage, islands and street furniture, together with the relevant Department for Transport references.
 - The real time bus information asked for by Metro must of the modern type, as used in the city centre.
 - Questions are raised over the distance between the dwellings in the north west corner and the bungalows at the end of Cliffe House Avenue.
 - There appears to be a green buffer zone between the privately owned and affordable housing, although no such substantial planting is proposed between the development and the existing properties at the end of Cliffe House Avenue. Further screening is required to ensure privacy.
 - The affordable housing should be scattered around the proposed development, rather than be concentrated in one corner.
 - The affordable housing may be occupied by 'undesirables' and/or could be used to accommodate agricultural workers from nearby farms.
 - The submitted Geo-environmental Appraisal states that as a result of earlier sand mining, there is a high risk of surface subsidence on the east side of the site. Building work therefore needs to be strictly monitored.
 - The proposals will be visually intrusive and spoil the landscape.
 - The proposed dwellings will take light from existing properties.
 - The development could give rise to noise which will be problematic to the nearby elderly persons accommodation.
 - The three storey dwelling adjacent to the site boundaries will result in overlooking.
 - The proposals will create a traffic hazard and create problems in terms of highway capacity.
 - There are already problems regarding drainage along Ninelands Lane.

- The scheme will remove public access to an area used for recreation purposes.
- The lighting of a path adjacent to the existing recreation ground could give rise to increased use in the evening and give rise to more anti-social behaviour.
- The proposals will result in more overcrowding of the local area and put a greater strain on facilities such as local schools.
- Developers should complete sites such as the vacant one on Barley Hill Road.
- Development should not be permitted on Green Belt land.
- Local services, such as schools and doctors surgeries are already over-subscribed.
- Concern is expressed about the laying of the footway / cycleway to the rear of some properties, on Council owned greenspace.

6.4 Six additional letters of objection have been received from residents who have already commented and have registered to be notified about the receipt of revised plans via public access. Many original comments are repeated, but the following points are also made:

- It appears there has been very little alteration to the original layout and there is still a concentration of dwellings in the north west corner, although other parts of the development appear more spacious.
- Questioned whether the layout could be amended to reduce the risk of flooding.
- Concern that there is insufficient screening / trees between the proposed development and the existing properties.
- It is noted the distances between some existing and proposed properties has increased, but concern is expressed that not all properties are to be obscured by fences and they ought to be.
- It is felt that the proposed development could overshadow the south facing gardens and properties, to the north of site.
- The request to provide a better mix of houses on site (larger houses to the west) has been ignored.
- Questions are raised about the species of tree proposed, in order to ensure that these do not create any overshadowing.
- The proposed 2.5m high fence is not considered acceptable and will impact on the outlook from existing properties.
- Residents of Cliffe House Avenue request a site meeting with the developer.
- The increased distances between the existing and proposed dwellings is welcomed.
- Concern about arrangements for householders to maintain their existing hedges in the future.
- The revised proposals still lack a balanced mix of dwellings, including properties attractive to older people.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

Environment Agency: - The scheme is acceptable provided that it is carried out in accordance with the submitted Flood Risk Assessment.

7.2 Non-statutory:

Highways: - No objections to the principle of the development, although changes to the proposed layout are required before the scheme can be considered fully acceptable. The proposed development will also require a package of highway

improvement works. Conditions recommended and off-site works to be secured through the S106.

Contaminated Land: - No objections in principle, although further information is needed before determination.

Access: - Further information is requested in relation to the gradients of some paths and advice is provided in respect of path widths.

TravelWise Team: - The Travel Plan is identical to the one approved in the outline permission, but has an appendix missing. It is suggested the electric vehicle charging points are installed within the garages. A Travel Plan monitoring fee of £2,500 is also required.

Transport Policy: - The proposed development will give rise to demand for access to public transport. A financial contribution of £80,178 is required, in accordance with the Public Transport Improvements and Developer Contributions SPD.

Metro: - No objections, although it is requested that the developer funds bus stop improvements (real time information) at bus stop 10178 on Selby Road and also funds discounted Metro cards for future occupiers.

Public Rights of Way: - The incorporation of the existing footpath route and additional routes is welcomed. However, it is noted that the footway / cycleway that runs east to east meanders considerable and a straighter path would be preferable.

Architectural Liaison Officer: - Advice is provided in relation to the siting of footpaths to the rear of dwellings, which could potentially give rise to burglaries. Robust defensible space is required around properties, particularly those facing the footpath along the western and southern boundaries. Advice is also provided in relation to successful car parking arrangements and the need to avoid blank gable ends.

West Yorkshire Archaeology Service: - The site lies within an area of archaeological interest and it is recommended that determination should be deferred until an archaeological evaluation has taken place, although it is noted that if the Local Planning Authority is minded to grant permission, a condition is attached to secure a programme of archaeological recording.

Flood Risk Management Team: - Further information is required to demonstrate that the layout will allow for sufficient space for the necessary drainage and flood mitigation.

Yorkshire Water: - Further information is required in relation to the location of sewers crossing the site and that the drawings should be revised to show the agreed stand off distances. Conditions are also recommended.

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 not designated for any particular purpose in the UDPR. Land abutting to the south and east is designated Green Belt.

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.

H5: making the best use of existing stock.

ENV5: 10% renewable energy requirement.

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:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T1: Investment in transport improvements.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

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 on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

8.4 National Planning Guidance:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS25 – Development and Flood Risk

8.5 Neighbourhoods for Living – A Guide for Residential Design in Leeds

9.0 MAIN ISSUES

1. Principle of development

2. Highway and access issues

3. Appearance

4. Landscaping

5. Layout
6. Scale
7. Impact on residential amenity
8. Drainage
9. Planning obligations

Principle of development

- 9.1 Following the refusal of the outline planning application, 08/06019/OT, it was determined at the subsequent public inquiry (appeal ref: APP/N4720/A/09/2108224) that the Council did not have a five year supply of land available for housing. Further similar appeal decisions determined that the Council's Interim Housing Requirement was not acceptable as a replacement to the RSS Housing requirement, leading to the conclusion that the development of phase 2 and 3 allocated housing sites was justified in the light of the Council's continuing need to identify a viable five year supply of housing land and, on the evidence, the demonstrable shortage of deliverable land against that supply. Such an outcome would be consistent with the housing supply objectives of the development plan, guidance in PPS3 and recent Government statements. The appeal was allowed and the Council has subsequently agreed to the release of phase 2 and 3 allocated housing sites.
- 9.2 As a consequence, the principal of residential development of the site at this time has been established.

Highway and access issues

- 9.3 The highway impact for a larger quantum of development (circa 78 dwellings), has previously been accepted as part of the scheme which was allowed on appeal. The matter of highway capacity/safety and access arrangements into the site was considered at the outline application stage and was resolved before the public inquiry took place. The approved highway works included the widening of Selby Road across the frontage of the site in order to achieve the necessary visibility splays and also provide a right turn lane and hatched lines to the central reservation. This arrangement is repeated as part of this application and is therefore considered acceptable.
- 9.4 The approved S106 agreement for the outline scheme included a number of off-site highway works in order to ensure that the access is safe and that the local highway network is capable of supporting the proposed development. The S106 agreement for this application will also make provision for off site highway works including a footway / cycleway link across Council land, between the site and Shaw Close, a contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane / A63 Selby Road signalised junction and a contribution towards the funding of a Traffic Regulation Order to extend the 40mph zone along Selby Road eastwards, beyond the garden centre. Additionally, there will be a requirement for a Travel Plan and associated monitoring fee of £2,500 to be secured, as well as a public transport improvement contribution. The Metro request for real time bus information to be provided at bus stop 10178 on Selby Road (just to the south of the site, opposite The Crusader public house) and the residential MetroCard scheme will also be included.
- 9.5 The query from Ward Members regarding the upgrading of the nearest eastbound bus stop at the top of the hill has also been considered. However, this stop is some significant distance away from the site, just beyond the entrance to Cliffe Top caravan park and so it is considered unlikely that this will be used significantly by future residents and it would therefore be unreasonable to request works to be undertaken here.

Appearance

- 9.6 The house types are traditional in nature and have been developed to reflect the local aesthetic and character, with particular reference to the 1930s style of fenestration and use of materials, such as:
- Deep overhangs to the eaves.
 - Hipped roofs and use of gables / bay windows to create interest on elevations.
 - Proportion and style of windows.
 - Slim string courses, generally in brick or stone.
 - Some use of render to highlight areas of an elevation creating variation.
- 9.7 Materially, elevations will be constructed predominantly of red brick and some small feature areas of render to gable elevations. Narrow stone string courses and brick coursing detailing is utilised to define ground and first-floor levels and form the heads to windows and doors. Roof finishes are to be dark (grey tiles) due to the prominence of some parts of the site and to reflect the style and appearance of the local area.
- 9.8 Following the feedback from Members as part of the position statement, as well as Design officers, the external appearance of the house types has been updated to rationalise the use of materials and fenestration detailing. The elevations generally contain window sizes which are congruent with the architecture of the properties and are not considered to be unreasonably small. It is also noted that many of the properties contain very large ground floor picture windows and doors to their rear elevations. The extent of rendering has also been reduced and is now only used to break up the massing of individual buildings or to provide relief within the street-scene.

Landscaping

- 9.9 The topography of the site is challenging, with a 20m rise from west to east. It is therefore proposed to create two 'plateau' areas, separated by a landscaped bund, running north to south through the centre of the site. The steeply rising upper slopes to the eastern boundary are also to be planted with a landscape buffer, to accord with UDP Policy H3-3A.27. The applicant has revised the extent and layout of the landscaped areas in order to improve the outlook and size of garden areas and also to deal positively with the biodiversity recommendations from the Nature Conservation officer – that there be some separation between the existing hedgerow and the new tree planting. The applicant has also confirmed that the planting to the upper slopes will be controlled by a management company, whereas the planting to the centre of the site is to be incorporated into rear garden areas (albeit its long term retention will be secured by condition). The boundaries of the site are currently formed by field hedgerows. These are to be retained on three sides of the site, except for the southern A63 frontage where the existing hedgerow needs to be removed in order to provide the necessary visibility splays to the agreed access to the site. However, the scheme proposes the planting of a new hedgerow along the site frontage and it is accepted this is the only point where access can be provided.
- 9.10 In terms of greenspace requirements, officers consider that a commuted sum (£98,586.55) in lieu of on-site provision is acceptable in this instance, given that the site is immediately adjacent to an existing area of greenspace. This approach was also accepted as part of the outline scheme and is therefore repeated, as is the requirement to connect to the development by a new footway / cycleway. Since this will be of benefit to future occupants of the development, as well as nearby residents and is not considered to undermine the function of the Council owned greenspace or have a detrimental impact on the amenity of nearby properties.

Layout

- 9.11 The point of access to the site from Selby Road was accepted under the outline planning permission and the same arrangement is proposed in this full planning application. The internal layout is also similar to that which was shown indicatively in the outline submission. The layout proposes a service road leading to the western and eastern site plateaux. Four short cul-de-sacs are proposed to the western side of the site and a further cul-de-sac is proposed for the north-eastern corner of the site. The road network is constrained by the site topography, but still manages to offer a permeable layout. In particular, a footway/cycleway link is proposed to run east to west through the site, linking the access road to the water tower with the existing greenspace and Shaw Close, to the west.
- 9.12 The proposed dwellings are laid out in a conventional form such that they generally front onto streets, with private gardens abutting other private gardens to the rear. The only real exception to this are the two properties which front onto a footway / cycleway, but have vehicular access via a drive. As such, the layout achieves many of the factors which make it safe from a 'Secure by Design' perspective and can therefore be supported.

Scale

- 9.13 The revised detailed layout comprises 68 houses, which range in size and type across the site. The western plateau consists mainly of terraced and semi-detached properties. This plateau is of a higher density than the western plateau and also accommodates the affordable housing provision. The eastern plateau consists mainly of large detached dwellings and is of a lower density, allowing for a greater degree of landscaping. The height of buildings is predominantly two-storey, although there are a small number of three-storey properties or properties with rooms in the roofspace. These have however been located away from the site boundaries (with the exception of the units either side of the access road with Selby Road) in response to previous concerns.
- 9.14 The density of development is clearly less than the 'circa 78' dwellings approved in the outline planning permission and has in fact been reduced by one unit to 68 since the November position statement. Whilst some Members considered a more intensive form of development should be pursued to help deliver more affordable housing, the site does not lend itself to terraced housing and the surrounding area is also characterised by detached and semi-detached housing. As such, the revised layout is considered to be appropriate and has allowed for more substantial landscape bunds / buffers to overcome the level differences, the provision of larger private garden areas, greater permeability within the site and improved separation distances to the existing properties.

Impact on residential amenity

- 9.15 The site is well contained and benefits from hedgerows around its boundaries. The area to the west of the site is largely comprised of public open space, although two properties, the bungalows at Nos. 11 and 20 Cliffe House Avenue share their rear garden boundaries with the application site. The existing boundaries with these properties comprise 1.5m high Beech and Privet hedges. The developer has been in direct discussion with these adjacent residents and has offered to provide for a 1m wide access path in order that they can continue to maintain their hedges. The access path will be separated from the proposed garden areas by a 2m high screen fence and will be gated to avoid security issues. The side elevation of plot 21 (now a two-storey rather than three-storey house, as before) is now located a minimum of 16m away from No. 20 Cliffe House Avenue. The five dwellings to the north west corner of

the site, plots 22-26 are located a minimum of approximately 23.4m away from the rear elevations of Nos. 11 and 20 Cliffe House Avenue. The properties to the north of the site are set at least 22m away from the proposed dwellings (plots 27-34). These separation distances are considered to be acceptable and are in excess of those specified in Neighbourhoods for Living. Elsewhere within the site, the relationships between the proposed dwellings are adequate such that there should be no significant problems of overlooking, overshadowing or over-dominance.

- 9.16 Given the changes in levels, gradients and potential proximity to trees, the originally submitted layout proposed some garden areas which would fail to meet minimum standards and so could not be supported as proposed. The guidance contained in Neighbourhoods for Living states that private gardens for family homes should generally have a minimum area of 2/3 the total gross floor area of the dwelling, excluding vehicular provision. As a result of the feedback from Members and officers, the layout has been revised and the private gardens are now considered to be of an acceptable size, with many exceeding the requirements set out in Neighbourhoods for Living.
- 9.17 The more densely developed areas of the site contained some areas of continuous driveways on the original layout, which were considered to result in visually dominant areas of hardstanding and detract from the appearance of the streetscenes. These areas of car parking have been broken up with some elements soft landscaping and a greater amount of defensible space has been created in front of each property. The revised layout has also identified enclosed bin stores to the front of mid terraced properties. Accordingly, these areas of concern are now considered to have been adequately resolved.

Drainage

- 9.18 It is noted that there are concerns locally about flooding problems in and around the Ninelands Lane area of Garforth. Although the site and surrounding area falls within flood risk zone 1 (the zone with minimal risk) in the Leeds Strategic Flood Risk Assessment (SFRA), there are problems associated with localised flooding during or after periods of heavy rainfall, due to surface water runoff. The local public sewer network does not have capacity to accept any unrestricted discharge or surface water from the development site. Accordingly, earlier consultation with the Environment Agency and the Council's Flood Risk Management Team concluded that surface water discharge rates to the public sewer should be restricted to greenfield run-off rates of 15l/s for the site as a whole.
- 9.19 The outline application in 2008 was refused, amongst other things, on the grounds that the Flood Risk Assessment at the time failed to satisfactorily demonstrate that the site could be drained without giving rise to flooding problems. However, prior to the public inquiry taking place, the applicant proposed a scheme comprising a storm water storage solution, which was agreed in principle with the Environment Agency, Yorkshire Water and the Council. This ensured that surface water runoff could be discharged to the public sewer at an acceptable reduced rate and also had the potential to improve the situation at Ninelands Lane. A similar proposal is now advocated in the Flood Risk Assessment included with this full planning application and is supported in principle. Full details will be secured by condition.

Planning obligations

- 9.20 The nature of the planning obligations is set out in para. 2.3, but are repeated below for completeness:

1. Affordable Housing – 15% (of which 50% is to be Social Rented and 50% Sub-market).
2. Greenspace contribution - £98,586.55
3. Education contribution – (Primary - £201,117, Secondary - £121,821)
4. Public Transport Improvements Contribution – £79,016
5. A footway/cycleway link across Council land, between the site and Shaw Close.
6. A Green Travel Plan and associated monitoring contribution of £2,500.
7. A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane / A63 Selby Road signalised junction.
8. A contribution towards the funding of a Traffic Regulation Order to extend the 40mph zone along Selby Road eastwards, beyond the garden centre.
9. 12 month Metro discount travel cards for each dwelling.
10. Scheme to employ local people in the construction of the development.
11. Agreement to the early delivery of housing on site (starting in 2012)

All of the required contributions are being met in full.

- 9.21 Notwithstanding the above, one key change that has occurred since the appeal scheme was allowed is in respect of the Council's revised Interim Affordable Housing policy. The revised 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. This policy was re-iterated at the Executive Board meeting of 4th January 2012, following an examination of Members concerns about its application.
- 9.22 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 in 2012, unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.
- 9.23 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. It is noted that the has agreed to early delivery of housing on site and this will be secured within the S106.
- 9.24 In relation to the application site, the Interim Policy applies a requirement of 15% i.e. 10 affordable units. The requirement for a 50/50 mix of social rent and shared equity is unchanged. On the latest revised layout, Affordable Housing is provided for at plots 14-17 and 27-32. The units are grouped along the western side of the site, but have been broken to some extent compared with the original submission.

10.0 CONCLUSION

- 10.1 The revised scheme is considered to deliver much needed housing, including Affordable Housing, in a way which overcomes the difficult site constraints, including topography, its visual prominence within the surrounding area, the relationship to existing properties and the retention of important boundary hedgerows. The scheme is considered to resolve the detailed highway issues and will provide a satisfactory access to Selby Road, as well as deliver access improvements through the proposed footway / cycleway, as well as works to the local highway network and bus stops. The approach identified in the submitted Flood Risk Assessment is considered to be sound in principle, although the final details will be secured by condition in the same way the previous outline application was accepted. The proposed dwellings are

considered to be attractive and have been designed in such a way as to mitigate against the visual impact on the wider landscape as far as possible, in conjunction with new landscape buffers. The proposed dwellings will offer a reasonable level of amenity to future occupiers and the revised garden sizes are considered to be acceptable. In light of the above, the proposed application is now considered to be acceptable and it is recommended that Members resolve to defer and delegate approval to the Chief Planning Officer, subject to the conditions specified and the completion of a legal agreement within 3 months from the date of the resolution.

11.0 Background Papers:

11.1 Application and history files.

11.2 Certificate of ownership: Notice served on M. Wheatley Properties Ltd dated 08/09/11



11 3M HIGH HAWTHORN HEDGE
12 3M HIGH HAWTHORN HEDGE

1 JAN (ep) 78.775
2 JAN (ep) 80.275
3 JAN (ep) 80.725
4 THN (ep) 81.825
5 THN (ep) 82.525
6 NEY (ep) 82.525
7 NEY (ep) 82.525
8 NEY (ep) 80.025
9 NEY (ep) 81.525
10 NEY (ep) 81.975
11 G(A) 0.00
12 LRY (ep) 83.625
13 LRY (ep) 83.625
14 ASH (ep) 83.675
15 ASH (ep) 83.675
16 527 08 (ep) 527 08
17 527 08 (ep) 527 08
18 STY (ep) 82.975
19 STY (ep) 82.975
20 G(B) 0.00
21 JAN (ep) 78.775
22 HAN (ep) 79.875
23 HAN (ep) 79.875
24 HAN (ep) 79.875
25 LAN (ep) 79.725
26 LAN (ep) 79.725
27 ASH (ep) 82.905
28 COB (ep) 82.805
29 COB (ep) 82.755
30 COB (ep) 83.365
31 COB (ep) 83.955
32 COB (ep) 84.555
33 JAN (ep) 85.075
34 JAN (ep) 85.525
35 LET (ep) 83.775
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37 ROY (ep) 84.400
38 ROY (ep) 84.350
39 ROY (ep) 84.150
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41 KIM (ep) 88.875
42 THN (ep) 83.725
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44 NEY (ep) 84.375
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48 KIM (ep) 84.745
49 KIM (ep) 91.825
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54 COB (ep) 92.575
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56 LAN (ep) 84.425
57 COB (ep) 93.750
58 KIM (ep) 93.720
59 KIM (ep) 93.200
60 KIM (ep) 92.000
61 NEM (ep) 91.175
62 NEM (ep) 90.295
63 KIM (ep) 90.050
64 KIM (ep) 88.820
65 LAN (ep) 87.475
66 COB (ep) 87.475
67 KIM (ep) 92.298
68 KIM (ep) 88.875

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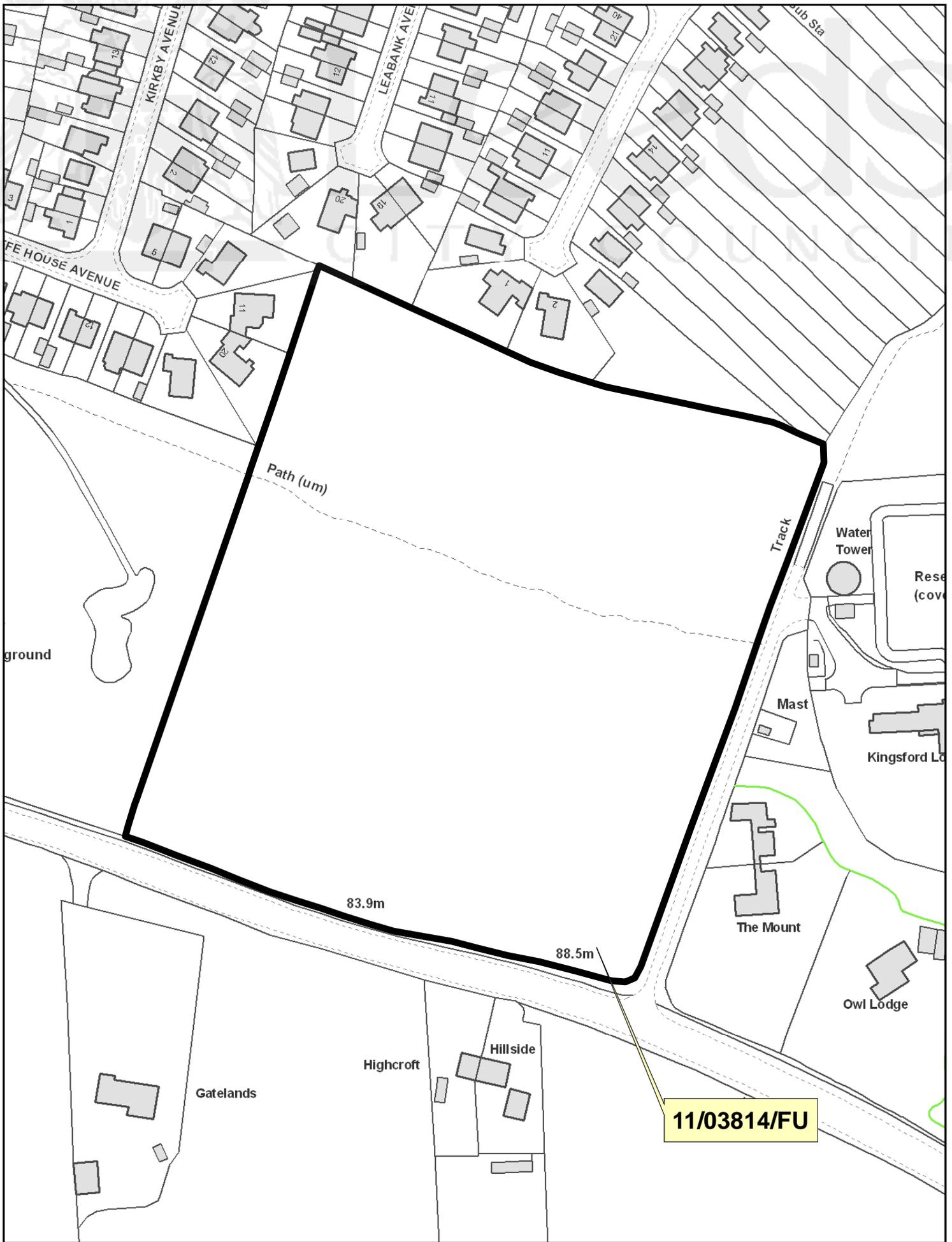
The Mount

Kingsford

Water Tower
Reservoir (covered)

Wast

ON



EAST PLANS PANEL

