



## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 9<sup>th</sup> August 2012

Subject: Planning Application 11/04759/FU – New access road and 33 houses, with landscaping, on Land off Barrowby Lane, Garforth, Leeds, LS25

#### **APPLICANT**

Charles Church (West  
Yorkshire)

#### **DATE VALID**

25<sup>th</sup> November 2011

#### **TARGET DATE**

24<sup>th</sup> February 2012

#### **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 any others considered necessary and the completion of a S106 legal agreement, to include the following obligations:**

- 1. Affordable Housing – 15% (5 units of which 2 to be social rented and 3 sub market)**
- 2. Offsite greenspace contribution – £59,262**
- 3. A contribution towards the funding of a Traffic Regulation Order to restrict parking around the junction of Barrowby Lane and Barwick Road**
- 4. Residential MetroCards (Bus and Rail) for future residents (current cost - £18,110.40).**
- 5. Agreement to the early delivery of housing on site.**
- 6. Local training and employment initiatives during the construction of the development,**

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

1. Time limit on permission (2 years).
2. Plans to be approved.
3. Details of fences and walls to be provided (including 1.8m high fence to western boundary).
4. Statement of construction practice.
5. Laying out of areas to be used by vehicles.
6. Retention of parking spaces.
7. Programme of archaeological recording.
8. Submission and implementation of landscaping details.
9. Landscape management plan.
10. Protection of retained trees and hedges.
11. Preservation of retained trees and hedges.
12. Provision for replacement trees.
13. Development carried out in accordance with approved walling and roofing materials.
14. Submission of surfacing materials.
15. Submission of noise insulation scheme.
16. Removal of permitted development rights for extensions and roof alterations.
17. Removal of permitted development rights for additional windows in gable ends.
18. Details of levels to be agreed.
19. Details and methodology of temporary drainage measures.
20. Development to be carried out in accordance with approved drainage details.
21. Submission of Phase 1 desk study.
22. Reporting of unexpected contamination.
23. Submission of verification reports.

Full details of conditions (including any amendments as considered necessary) 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 the NPPF and it is considered that the scheme provides for a good quality residential development on an allocated housing site. The proposals satisfactorily address highway and drainage issues and 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, 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, 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 being presented to Plans Panel due to the size and sensitivity of the proposals. Under Policy H3-3A.29 of the Leeds UDP Review, 1.1 ha of land is allocated for housing at Barrowby Lane, Garforth. A determination by Plans Panel and a site visit by Members was also requested by Cllr Mark Dobson (Garforth and Swillington Ward) and the application was initially presented to Panel on 7<sup>th</sup> June following the site visit.

## **2.0 UPDATE SINCE 7<sup>TH</sup> JUNE 2012 PLANS PANEL:**

2.1 At the 7<sup>th</sup> June Plans Panel, Members resolved to defer determination of the application for further information on highways, drainage and the siting of the affordable housing in the scheme and that the Chief Planning Officer be asked to submit a further report in due course. This report seeks to provide that information and update Members accordingly. It is important to note that highways and drainage are technical issues and decisions on them need to be supported by the appropriate technical evidence. A Local Planning Authority will be considered to have acted unreasonably in any appeal if it cannot support any reason for refusal without such evidence and ordinarily this evidence would be in the form of that commonly used by the relevant discipline (i.e. highways and data from the Trip Rate Information Computer System (TRICS)).

### Drainage

2.2 At the 7<sup>th</sup> June Plans Panel meeting, Members expressed concerns about the drainage strategy for the site. The overall drainage strategy remains the same as that presented to members and as described in paragraph 11.17. Many of the objections to the scheme express concern that the proposals will result in the loss of a natural local soakaway and these concerns are all the more heightened by recent flood events in the locality. However, it is noted that the site is allocated for housing purposes in the UDP. It is also important to note that the planning test is not whether the development will improve or resolve local flooding issues, but that it will not in itself exacerbate an existing problem.

2.3 Further to the discussion at Plans Panel and following further representations from Cllr Dobson, a joint meeting with the relevant drainage bodies was set up to consider how the Council deals with drainage matters and to specifically discuss this application. Following those discussions, officers are confident that the site can be drained such that surface water discharges are no greater than the current greenfield rates and will not exacerbate existing flooding problems. Having also considered the Garforth Flood Study, the site falls outside the study area and drains to the north-east corner of the site and then to the existing Barwick Road sewer feeding into the Cock Beck catchment, to the north of Garforth and well away from the areas that are prone to flooding.

2.4 At the joint meeting with the drainage bodies, the issue of temporary drainage measures on development sites was also discussed. Currently, whilst the Council seeks to agree the final drainage schemes on development sites, which are also secured by condition, there is no such control over the temporary measures that developers undertake during site development operations. Further to the meeting, it was agreed that in future the Council would seek to secure details of temporary drainage measures by way of a condition for particularly sensitive sites. The Council could then legitimately take enforcement action should a developer fail to comply. This approach has been discussed with the developer for this application and they are agreeable to submitting the necessary details. Other, more general, issues were also discussed including an action to provide clearer guidance to developers in terms of completing planning application forms and the level of detail required in submissions.

2.5 Further to the joint meeting with the drainage bodies, it is also worth noting that officers attended a meeting of the Garforth Flood Group, where the outcomes of the joint meeting were explained to residents. The developer for this scheme was also present and their drainage consultant explained the drainage proposals in detail and listened to residents suggestions for further amendments to take away and consider.

The developer has since responded, as follows:

1. Taking the existing surface water away from Barrowby Lane would result in on-site storage requirements which are not feasible. However, as suggested by residents, what they can offer is a 30mm chamfered check kerb across the site entrance at the channel line. This will ensure that surface water run off from the footway area across the bell mouth previously shown as falling to Barrowby Lane, will now fall back into the drainage system for the site.
2. The request for the western boundary of the site to include a dwarf wall to prevent run off has been considered and the developer is happy to incorporate this into a treatment which will include a screen fence above. However, given the need to lay foundations for the dwarf wall, this would result in the loss of the existing hedge. This matter has been discussed with the occupant of No. 22 who has stated a preference to retain the existing hedge and have a screen fence. It is also officer's opinion that the existing hedge is important and should be retained and so this measure is not considered to be an appropriate option.
3. In order to address the concerns of the adjacent occupier of No. 22 Barrowby Lane, the developer has also suggested that they could install a French drain along the western boundary during the construction phase. This could be secured by a condition relating to the temporary drainage measures, as discussed in paragraph 2.4.

- 2.6 More recently, a meeting has also taken place with Cllr Dobson to provide an update on the application and in particular the outcomes of the joint meeting with the drainage bodies and the additional drainage provisions, outlined above in paragraph 2.5.

### Highways

- 2.7 With regard to the highway impact of the scheme, Members were concerned about the level of likely vehicle movements and what effect this would have on the local highway network and in particular the signalised junction at Aberford Road. The application was submitted with a Transport Assessment which calculates the total number of peak hour vehicle movements, as shown in the table below (on the basis of the 35 houses originally applied for). These figures were calculated using the TRICS database and Census data.

	Arrivals	Departures	Total
AM Peak (08:00 – 09:00)	6	23	29
PM Peak (17:00 – 18:00)	16	8	24

- 2.8 TRICS is the system that challenges and validates assumptions about the transport impacts of new developments. It is the only national trip generation and analysis database, containing trip generation data and site information for over 2,600 sites. TRICS is referred to as an industry standard database in the Department for Transport's Guidance on Transport Assessment. It is widely used by both developers and local authorities to predict and check traffic generation and is relied upon for evidence at appeal.

- 2.9 TRICS has been collecting survey data at thousands of developments across the UK since 1989 when the database was first launched. Every year, TRICS undertakes a substantial data collection programme across all UK regions, covering a wide range of development types including residential developments. At each survey location, directional (inbound and outbound) vehicles and people are recorded by hourly period, using approved data collection companies. This information is then used as

part of a larger Transport Assessment. TRICS is used by organisations both in support of and against planning applications, and is also used by Local Planning Authorities to audit data that has been supplied to them.

- 2.10 When a trip rate calculation is undertaken, the results by direction and hourly period are presented to users in a trip rate calculation results table. This is the data that has been used by the developer relating to the proposed new development. Having audited the developer's TRICS analysis Highway Officers are satisfied that they are appropriate to the development.
- 2.11 Clearly, the number of houses proposed has now reduced to 33 and so the number of likely vehicle movements will be less than those shown in the table. It is also considered highly likely that the actual number of trips that would route through the signalised junction would be less than the maximum shown in the table, as a small proportion of the development trips are likely to route northbound from the site.
- 2.12 Since the application was discussed at 7<sup>th</sup> June Plans Panel, the applicant has commissioned an independent survey company to record the peak hour traffic flows arriving and departing from the nearby Barrowby View cul-de-sac. This location is very close to the proposed development site and was agreed with highway officers to be the most representative site available, both in terms of housing, proximity and type. In total 25 properties take access from Barrowby View, of which 11 are reasonably large detached properties and 14 are apartments. The surveys were undertaken on Wednesday 20<sup>th</sup> June 2012 between the hours of 7:00 and 10:00 and 16:00 and 19:00. A summary of the flows for the traditional AM and PM peak hours of 8:00 to 9:00 and 17:00 to 18:00 is given as follows:

Existing/Surveyed Barrowby View Trip Generations (25 units)			
	Arrivals	Departures	Total
AM Peak (8:00 to 9:00)	1	9	10
PM Peak (17:00 to 18:00)	9	5	14

- 2.13 In calculating and applying these bespoke trip rates (which are actually lower than those used in the Transport Statement) to the proposed 33 dwellings on the Barrowby Lane site results in the following predicted trip generations:

Predicted Barrowby Lane Trip Generations (33 units)			
	Arrivals	Departures	Total
AM Peak (8:00 to 9:00)	1	12	13
PM Peak (17:00 to 18:00)	12	7	19

- 2.14 Therefore, utilising the surveyed trip rates from Barrowby View it is predicted that the development site will generate a maximum of 19 two-way vehicle movements during the peak hour. Averaged over the hour this equates to 1 vehicle every 3 minutes. It is therefore considered that the surveyed trip rates demonstrate that the predicted trip generations contained in the Transport Statement and reported at the 7<sup>th</sup> June Plans Panel are correct, robust and representative.
- 2.15 The traffic impact of the vehicles associated with the development is not considered to be significant, including at the signal controlled junction of Aberford Road, Main Street

and Wakefield Road. It is also noted that this junction appears to have a good safety record with only one recorded injury accident in the last 5 years, despite being a signalised junction on the A642. In considering the highway impact of the development, it is also worth noting that the site is in a highly sustainable location, being located in close proximity to Garforth town centre (approximately 200 metres away). From Garforth town centre, there is access to a number of bus services. During weekdays and Saturdays the services combine to provide an overall hourly two-way frequency of 20 buses per hour, dropping to 9 buses on a Sunday, equating to one bus every 3 minutes on weekdays/Saturdays and one every 7 minutes on a Sunday. The existing bus services provide connections to Leeds, Wakefield, Selby and Castleford. The site is also located approximately 500 metres from Garforth train station, which provides rail connections to Leeds every 20 minutes with a journey time of 10 minutes and to York every 30 minutes with a journey time of 18 minutes. A further hourly service also runs to Selby. Overall, it is considered that the site has good access to public transport infrastructure.

- 2.16 At the 7<sup>th</sup> June Plans Panel meeting, Members questioned where the nearest schools are in relation to the site. The nearest primary schools, in order of distance, are Garforth St Benedict's School on Station Fields, West Garforth Junior School on Lidgett Lane and Ninelands Primary School on Ninelands Lane. The nearest secondary school is Garforth Academy on Lidgett Lane.

#### Affordable Housing

- 2.17 With regard to Affordable Housing provision, Members were concerned at the last Panel meeting that these properties were clustered together in the north east corner of the site and questions were asked as to why these properties do not have garages, as per other properties in the scheme. Following further negotiations with the applicant, the Affordable Housing has now been split into two groups – three terraced houses (plots 12-14) in the east-west street and a pair of semi-detached houses (plots 17 and 18) in the cul-de-sac in the north-eastern part of the site. Following further consultation, the Affordable Housing Team have confirmed that they are satisfied with the revised layout. In terms of Affordable Housing housetypes, these remain the same as those proposed previously and each property benefits from two car parking spaces. Garages are not provided and it is noted that garages would create additional floor space, which increases the cost of properties to Affordable Housing providers. The applicant has also confirmed that the house types proposed meet Registered Social Landlord (RSL) Standards and have been used throughout West Yorkshire, as well as being accepted on other schemes in Leeds.

### **3.0 PROPOSAL:**

- 3.1 The application seeks full planning permission for a residential development of 33 houses, including the laying out of streets and landscaping. This is a reduction on the 35 units originally applied for. In terms of vehicular access, this is proposed to be taken directly from Barrowby Lane.
- 3.2 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:
1. Affordable Housing – 15% (of which 50% is to be Social Rented and 50% Sub-market). This equates to 5 units (3 x submarket and 2 x social rent).
  2. Offsite greenspace contribution – £59,262
  3. A contribution towards the funding of a Traffic Regulation Order to restrict parking around the junction of Barrowby Lane and Barwick Road.
  4. Residential MetroCards (Bus and Rail) for future residents (current cost - £18,110.40).
  5. Agreement to the early delivery of housing on site.

6. Local training and employment initiatives during the construction of the development.

3.3 The Design and Access Statement identifies the development guidance 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 and semi-detached dwellings, ranging from two-storey to two-storey with rooms in the roofspace. The external materials used in the construction of the dwellings will include brick and tile. It is also noted that many of the dwellings have been designed to provide an optional conservatory, although one is proposed for plot 2 as part of this application. The existing hedges to the east and west boundaries are to be cut back, but retained and new hedge planting is proposed along the Barrowby Lane frontage, as the existing one will need to be entirely removed in order to allow for footway improvements and the necessary vehicular visibility splays. Additional landscaping (in plot) is also proposed throughout the site.

#### **4.0 SITE AND SURROUNDINGS:**

4.1 The application site lies to the north of Garforth, a short distance away from Main Street and Garforth town centre. The site itself has the appearance of having historically been used as part of a market garden and includes a number of small fruit trees, as well as other ornamental shrubs. The site boundaries are well defined and comprise substantial hedgerows. The northern boundary is with the embankment of the Leeds – York railway line, which contains a number of mature trees and vegetation. The site is relatively level, although Barwick Road (to the east) is set on a gradual fall to the north in order to pass under the railway bridge.

4.2 The surrounding area to the east of the site is comprised of denser residential development, closer to the centre of Garforth. To the south is a vacant garage site and commercial premises. To the west of the site, Barrowby Lane has a rural character, containing a small number of bungalows and houses, as well as open farmland. The railway to the north forms a hard edge to the site, beyond which is open countryside.

#### **5.0 RELEVANT PLANNING HISTORY:**

5.1 None

#### **6.0 HISTORY OF NEGOTIATIONS:**

6.1 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.

6.2 The applicant has subsequently submitted this full planning application, which has been subject to initial discussion with Ward Members (Cllr Tom Murray) and further general negotiation and revision to the scheme. The developer also made contact with the Garforth Flood Group to make them aware of the revised drainage proposals.

6.3 Since the 7<sup>th</sup> June Plans Panel meeting, a further meeting has taken place with the applicant resulting in further changes to the layout of the scheme in terms of Affordable Housing.

6.4 Following the joint meeting with the drainage bodies and the latest response from the developer to the suggestions raised at the Garforth Flood Group meeting, a meeting has taken place with Cllr Dobson to advise of the outcomes.

#### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 5 site notices have been displayed, posted 2<sup>nd</sup> December 2011. However, following complaints from local residents about notices being removed / vandalised, as well as their location, fresh site notices have been posted in new locations. Given the absence of street lighting columns on Barrowby Lane, a number of neighbour notification letters have also been sent to nearby residential properties.

7.2 43 letters of representation have been received from local residents stating concern that:

- The consultation process has been inadequate.
- Barrowby Lane already experiences highway problems in terms of car parking.
- The proposals will result in an unacceptable amount of additional traffic and the signalised junction on Aberford Road cannot cope with the existing situation.
- Any proposals to restrict on street parking should be designed to avoid creating problems elsewhere.
- Concern that the amount of car parking provision within the scheme will be inadequate.
- The location of some vehicular turning areas could result in lights shining into adjacent properties.
- The height of the dwellings could result in the overshadowing of some adjacent properties.
- The positioning of some dwellings could result in the overlooking of some adjacent properties.
- The design of the proposals do not respect the rural character of the rest of Barrowby Lane.
- The purpose of the pumping station is unknown and there is concern about what will happen to waste water, as well as rainwater runoff.
- Concern about the adequacy and impact of the proposed drainage scheme on nearby properties.
- Questions are raised as to the quality of the built form given recent media coverage of poorly built properties.
- No case has been made for the release of this greenfield site and other brownfield sites should be developed first.
- The proposals do not satisfactorily address the Green Belt edge to the site and will appear obtrusive in the surrounding landscape.
- There will be inadequate car parking for future residents, even where this meets the relevant guidelines (based on experience of other sites).
- Further vehicles will result in more frequent blocking of the lane, as demonstrated when recent site investigation works were undertaken.
- The proposals will be dominant and have an urbanising effect on the Barrowby Lane streetscene.
- It is considered that the revised scheme, whilst dealing with surface water drainage, offers a worse amenity impact on No. 22 Barrowby Lane due to overlooking from rear bedroom windows, overbearing impact due to the change in levels, overshadowing to the front garden and side of the property and increased noise resulting from the development (partly through the cutting back of the side hedge allowing noise from neighbours and the railway to pass through).
- Specific concerns are also raised that the cutting back of the hedge will pose security issues, concern is still expressed about surface water drainage on to Barrowby Lane, the hedge to the Green Belt boundary should be retained as screening, the off-site Ash (within the garden to No. 22) should be removed to prevent falling bows in neighbouring gardens and the overhead power line crossing the corner of the site should be routed underground. It is noted that some of these issues could be dealt with by the siting of an appropriate solid fence to the boundary, together with the retention of the hedge.



- Any parking restrictions should be extended as far as 170 Barrowby Lane to prevent displacement parking (on the south side only, so that existing residents can continue to park outside their own homes).
- The existing hedge to the western boundary should be subject to professional laying and a further 1.8m high fence erected to maintain privacy.
- The hedge to the western boundary should be transferred to the ownership of No. 22 to ensure its protection and benefit to the Green Belt edge.
- Concern is expressed about the possible use of a private drainage ditch on Barrowby Lane and it is encouraged that the site should drain to the north (as subsequently proposed in the revised drainage scheme).

7.3 Since the 7<sup>th</sup> June Plans Panel meeting, 6 further letters of representation have been received, stating concern that:

- Local infrastructure cannot cope with additional housing and the demands on the drainage system, resulting in further flooding.
- The development could set a precedent for further development in the area and exacerbate drainage problems.
- Congestion at the junction with Main Street is already a problem.
- The Plans Panel site visit was inadequate for Members to fully appreciate the impact of the proposals and that the 3 minutes provided to objectors is insufficient.
- Concern that housing development could prejudice the future operation and expansion of commercial premises on the south side of Barrowby Lane, due to noise and highway impact.
- Concern that activities associated with nearby properties (many of which involve enjoyment of the land for activities associated with their rural location and involve storage of manure and feed etc) could become problematic. Such householders do not want to be subject to action at a later date due to complaints from new occupiers.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

Highways: - No objections in principle. However, it is considered that the development should be required to fund a Traffic Regulation Order in the vicinity of the nearby junction of Barrowby Lane and Barwick Road.

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

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

Coal Authority: - No objections, remediation conditions recommended.

### 8.2 Non-statutory:

Metro: - Request that bus stop number 23789 is upgraded to include a shelter and that a residential MetroCard scheme (for bus and rail) is included in the S106 agreement.

Yorkshire Water: - The scheme is acceptable provided that the recommendations of the Flood Risk Assessment are followed. Conditions are recommended.

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

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

Environmental Protection Team: - Following the submission of further information on the frequency of and noise generated by trains on the Leeds – York Railway line, no objections are raised to the layout of the proposals.

West Yorkshire Archaeology Service: - Following the receipt of an Archaeological Evaluation, it is considered that the work undertaken is satisfactory and no conditions are required.

West Yorkshire Ecology: - No objections, although advice is provided in relation to hedgerow planting along Barwick Road and tree planting on site.

## **9.0 PLANNING POLICIES:**

9.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. The site is allocated for housing purposes in the UDPR. Land abutting to the south and east is designated Green Belt.

### 9.2 Regional Spatial Strategy (RSS) (adopted May 2008):

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

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

H4: affordable housing.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

### 9.3 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.

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.

9.4 Supplementary Planning Guidance / Documents:  
Neighbourhoods for Living – A Guide for Residential Design in Leeds  
Street Design Guide

9.5 National Planning Guidance:  
National Planning Policy Framework

## 10.0 MAIN ISSUES

1. Principle of development
2. Highway and access issues
3. Appearance
4. Landscaping
5. Layout and scale
7. Impact on residential amenity
8. Noise
9. Drainage
10. Impact on Listed Building
11. Planning obligations

## 11.0 APPRAISAL

### Principle of development

11.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on a Phase 3 allocated Greenfield site, within the settlement of Garforth. The first issue is whether it is appropriate for this greenfield site to be released.

11.2 The implications that flow from the Grimes Dyke appeal decision, which was reported to Plans Panel on 14<sup>th</sup> July 2011, have been the subject of reports to Executive Board on 22<sup>nd</sup> June and the Joint Plans Panel of 30<sup>th</sup> June 2011. In the light of the Inspectors and the Secretary of State's findings, Executive Board agreed in principle to release all phase 2 and 3 housing sites for development and as this site is allocated for housing in Phase 3, no objections in principle are raised.

### Highway and access issues

11.3 The development will generally be served by one principal point of access from Barrowby Lane, leading to two short cul-de-sacs to the east and west. However, four properties fronting Barrowby Lane, to the east of the principal access, will be served by a single private drive. Accordingly, there will be a total of two points of access onto Barrowby Lane. This is a revision to the originally submitted scheme which contained one principal point of access and two private drives either side for the properties fronting Barrowby Lane. Additionally, the footway along Barrowby Lane shall be widened to 2m for the entire length of the site frontage.

- 11.4 Highway officers have no objections in principle, although it is recognised that on street parking occurs at the nearby junction of Barrowby Lane and Barwick Road. It is therefore considered that the development should be required to fund the introduction of waiting restrictions in the vicinity of the junction in the interests of providing an unobstructed access to the site. Accordingly, a contribution towards the funding of a Traffic Regulation Order is to be included in the S106 agreement. Whilst residents' concerns about the capacity of the signalised junction on Aberford Road are noted, it is considered that there is limited practical scope to improve the signals and the impact of the development is minimal in any event.
- 11.5 The amount of car parking proposed within the development is considered to be acceptable (at a rate of at least two spaces per dwelling, exclusive of garage space). Three designated visitor spaces are also provided for. The layout has been revised to ensure that roads, footways and car parking spaces are of the necessary dimensions. Overall, it is considered that the proposals would raise no specific road safety concerns.
- 11.6 The consultation response from Metro and the request for the upgrading of bus stop 23789 is noted. However, this stop serves northbound services to Barwick-in-Elmet and is likely to be of limited use to future residents of this development. For this reason and given the relatively small scale of the development, it is considered unreasonable to require the provision of a shelter. However, the request for residential MetroCards is considered acceptable and the developer is agreeable to funding this.

#### Appearance

- 11.7 The house types are traditional in nature and have a congruity of form and fenestration detailing. Attention has been given to the provision of heads and cills to doors and windows on all elevations. The materials suggested by the applicant are brick (a mixture of Arden Special Reserve (red) and Harborough Buff Multi) and roof tiles (Mini Stonewold Slate Grey). Details of materials would usually be secured by way of condition.

#### Landscaping

- 11.8 The site is well contained by existing hedges and contains some degree of vegetation and small fruit trees in the site. Whilst the hedges are to be retained to the east and west boundaries, much of the vegetation within the site is of low interest. Nevertheless, officers consider it appropriate to replant some of the small fruit trees within the rear garden areas of the proposed properties. This will be secured by condition as part of the full landscape details to be agreed for the development. Two significantly sized Sycamore trees exist in the north west corner of the site and these have been identified as category C trees (trees which are overall of low quality). It is proposed that these trees are removed. However, following negotiations with the applicant, the revised scheme provides for enhanced tree planting along the site frontage as mitigation, in addition to a newly planted Hawthorne hedge. Much of the existing vegetation to Barrowby Lane will need to be removed in order to allow for the necessary footway widening and visibility splays. The railway embankment is off-site and contains a group of Hawthorn trees which offer screening, but are not directly affected by the development.
- 11.9 Given the relatively small size and location of the development, officers are minded to accept an off-site greenspace contribution of £59,262 rather than require greenspace to be provided on site in this instance. This sum shall be secured through the S106 agreement.

#### Layout and scale

- 11.10 The layout of the site essentially provides for a 'T' shaped cul-de-sac within the site. Six houses are proposed to front onto Barrowby Lane itself, four of them to be accessed via their own single private drive. All of the proposed houses front onto the proposed streets and rear garden areas are secured with no rear access paths being proposed.
- 11.11 The development consists of mainly two-storey detached, semi-detached and terraced dwellings, along with 3 two-storey houses with rooms in the roof space. Some letters of representation have noted that the proposals appear more urbanised than the semi-rural character of the rest of Barrowby Lane, further west. However, it is noted that the site is allocated for housing and is located in close proximity to denser forms of development on the east side of Barwick Road and is also close to Garforth town centre. It is also noted that the building line in the revised layout is somewhat staggered, common with the existing frontage to Barrowby Lane and Barwick Road. In particular, two properties form a 'gateway' either side of the principal access and the remaining properties are set back beyond a private drive. As noted above, the frontage is to contain a mixture of retained and newly planted trees, as well as a new Hawthorne hedge. On balance, it is considered that the revised scale of development and the landscape setting to Barrowby Lane is acceptable in providing a transition between urban and rural.

#### Impact on residential amenity

- 11.12 The site is well contained by existing boundaries, although it is noted that No. 2 Barrowby Lane is located to the south east of the site and No. 22 Barrowby Lane is located to the west. Distances of between 11.5m and 18m will exist between the main rear elevations of plots 2 – 5 and the retained boundary hedge to the side of No. 22 Barrowby Lane, all of which exceed the separation distances recommended in Neighbourhoods for Living. Plot 1 has an unusual layout, having a driveway and garage to the rear, but a private side garden area. The west side elevation of plot 1 contains lounge patio doors at ground-floor and a bedroom window at first floor, set 8 -10m from the boundary with No. 22 Barrowby Lane. The boundary is formed by the existing hedge to the front garden of No. 22 and in these circumstances, it is not considered that this arrangement would result in an unacceptable level of overlooking.
- 11.13 A distance of at least 28m will exist between the main rear elevations of plots 19 and 20 and No. 2 Barrowby Lane, separated by an existing hedge. No windows are proposed to the side elevation of plot 33, to the west of No. 2 Barrowby Lane, although an optional conservatory has been indicated to the rear (the side windows of which could be obscure glazed). Nevertheless, the existing hedge is to be retained, which will provide screening between the two properties. It is therefore considered that there will be no impact of overlooking on No. 2 Barrowby Lane. The side elevation of No. 2 Barrowby Lane does contain first-floor bedroom window facing towards plot 33, set approximately 8m away, although No. 2 Barrowby Lane is set at a slightly higher level and is at an angle. On balance, the relationship between these two properties is considered to be acceptable.
- 11.14 Within the site, the relationships between properties are considered reasonable and in the revised scheme, the spaces between dwellings have been increased in the most visually prominent locations. Overall, the size of the rear garden areas is considered to be generally acceptable.

#### Noise

- 11.15 The site is located immediately to the south of the Leeds – York railway line and so noise from passing trains is a factor that has been considered. A noise report has been submitted with the application, together with an addendum, which has been

considered by officers. The report notes that during the course of the daytime noise survey, up to 14 trains passed the application site per hour, though during the night time survey (00:00 – 03:00) only one train movement was observed. The addendum notes reduced frequency of trains on Saturdays and Sundays to the extent that there are no trains passing for at least 95% of any hour. The report identifies that a sound attenuation scheme can be designed to provide acceptable noise levels within the properties closest to the railway line. However, the report also acknowledges that the transport noise within the rear garden areas of the closest properties would be above normally acceptable World Health Organisation (WHO) guidelines, but states there is no significant action that can be taken to mitigate for this. However, it is also noted that the WHO guidelines are designed for steady continuous noise, rather than infrequent noise, as in this instance. During negotiations, an exploration of different layouts has taken place to try and lessen the noise impact. However, the relatively small size of the site means that it is difficult to design an acceptable layout in design terms. Overall, it is recognised that the site has been allocated for housing in the development plan and the proposed layout offers the best solution in design terms. Following further consultation, Environmental Health Officers are satisfied with proposals and raise no objection. The prominence of the railway line is such that potential occupiers will be fully aware of its presence.

- 11.16 One letter of representation states concern that the proposed housing development could prejudice the operation and future expansion of the commercial premises on the south side of Barrowby Lane. The business manufactures tools and the premises also contains the associated offices. It is noted that the site is allocated for housing purposes in the UDP and so the principle of residential development is acceptable. It is also noted that there are a number of existing residential properties opposite the site and which are in close proximity, particularly No. 2 Barrowby Lane. Additionally, a condition is suggested which would require the developer to submit a sound insulation scheme designed to protect the amenity of future occupants of the development from noise emitted from nearby noise sources. Such a scheme would need to be approved by the Council before any development takes place. Overall, it is considered that a residential development can take place which can be designed to address current noise levels. Clearly, should a situation arise where the use of the commercial premises changes and significantly more noise is generated, the Council may need to take action under its Environmental Health powers to ameliorate the situation. Any planning application submitted to extend and/or intensify the use of the premises would also need to deal with the change in circumstances to ensure that the noise levels do not become a problem for nearby residents, i.e, by fitting sound insulation.

#### Drainage

- 11.17 The applicant has submitted a Flood Risk Assessment (FRA) which outlines the proposals for surface water disposal. Although there are no public sewers in the immediate vicinity of the site the FRA suggests two alternative points of connection could be pursued at detailed design stage and both of these options were considered to be acceptable in principle by the Flood Risk Management Team. Following the comments and concerns raised from objectors, the applicant has revised their drainage strategy, such that surface shall be discharged to the north, to a point on Barwick Road (just south of the railway bridge), rather than pursue the Barrowby Lane option. The FRA also confirms the surface water discharge rate will be limited to greenfield rates of 5 l/s, which is considered to be acceptable. The proposed pumping station (to be sited mostly underground) is necessary due to the change in levels, to pump foul sewage to the existing combined system at the junction of Barrowby Lane and Barwick Road. The applicant has written to the Garforth Flood Group and provided a plan showing the revised drainage proposals.

### Impact on Listed Building

- 11.18 The bridge carrying the railway over Barwick Road, to the east of the site, is a Grade II Listed structure. Accordingly, the application has been advertised as a development which affects the setting of a Listed Building. Nevertheless, whilst the proposed development is in close proximity, it is separated from the bridge by the existing railway embankment and embankment to Barwick Road, together with the existing hedges and vegetation, which are largely to be retained. Overall, it is considered that the proposals will have no detrimental impact on the setting of the Listed structure.

### Planning obligations

- 11.19 The planning obligations for this development will include provision of Affordable Housing, a greenspace contribution, TROs, residential MetroCards, the early delivery of housing on site and local training and employment initiative during the construction of the dwellings.
- 11.20 The revised Affordable Housing Policy was adopted by Executive Board on 18<sup>th</sup> 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.
- 11.21 The policy will apply until it is replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated later this year, unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.
- 11.22 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.
- 11.23 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing. The requirement for a 50/50 mix of social rent and shared equity is unchanged. For the proposal scheme, five units (plots 12 – 14 and 17 and 18) are to be allocated Affordable Housing (3 x submarket and 2 x social rent). The siting of the Affordable Housing units has been revised in order to deal with the concerns raised by Members at the 7<sup>th</sup> June Plans Panel. The applicant is also agreeable to the early delivery of housing on site and has indicated a willingness to commence development as soon as possible if planning permission is granted, following discharge of conditions where necessary.
- 11.24 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

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

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

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

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

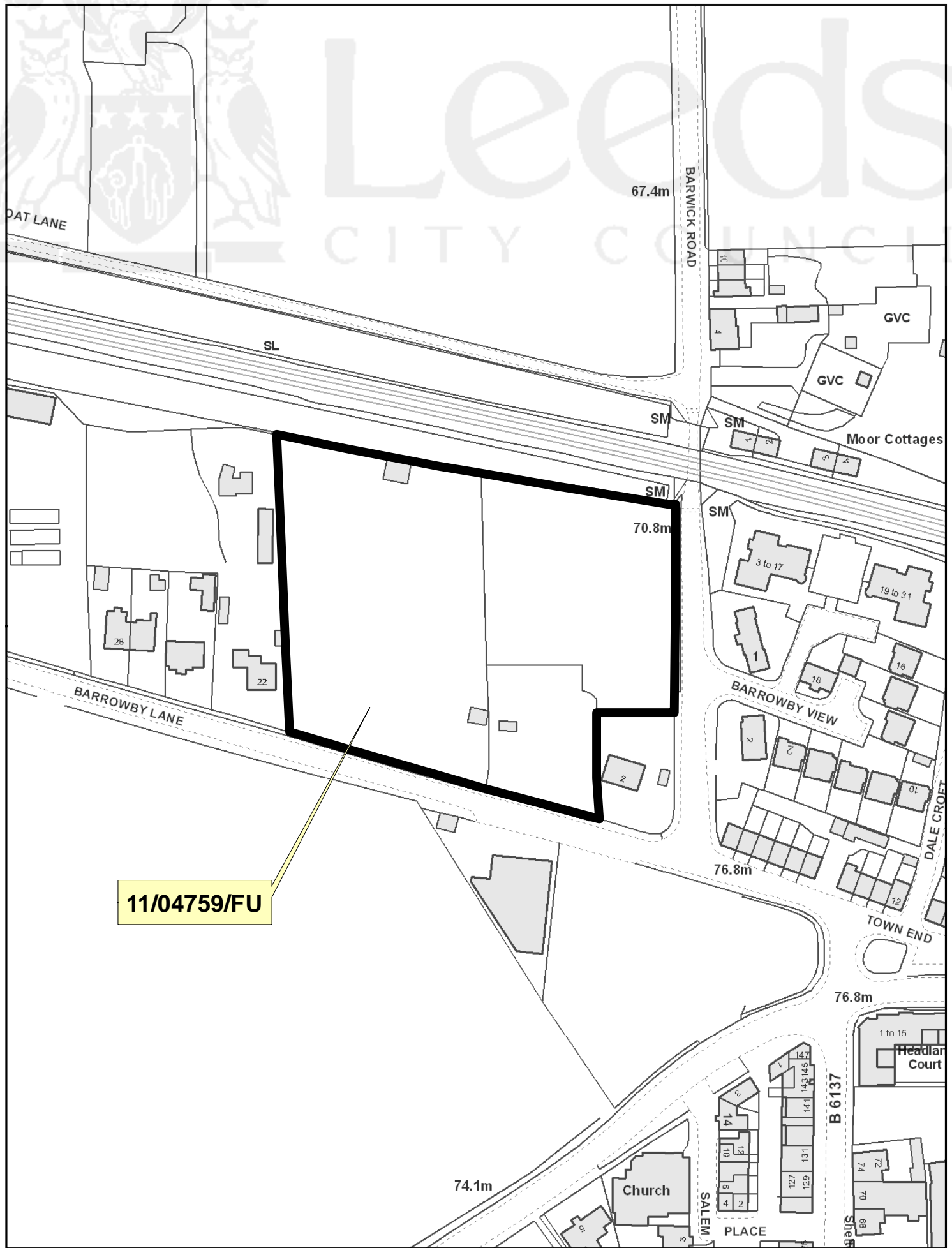
## **12.0 CONCLUSION**

- 12.1 Overall, it is considered that the revised layout of 33 dwellings now offers a form of development that is acceptable in layout and design terms. Importantly, it contains a frontage to Barrowby Lane, which whilst more built up than the existing situation, offers a transition between the urban character of Garforth and the rural character found further along Barrowby Lane.
- 12.2 The siting of the proposed dwellings and the distances between them and existing properties, together with the presence of retained boundary hedgerows, is considered sufficient to ensure that there is no detrimental impact of overlooking, over-dominance or overshadowing to existing properties. Further, it is considered that the relationships between the proposed dwellings within the revised layout is now acceptable and that there will be no unacceptable impact in terms of noise from the railway.
- 12.3 Within the scheme, the revised layout is now considered acceptable from a highways perspective, providing satisfactorily dimensioned roadways, footways, driveways and pedestrian circulation space. The applicant is agreeable to contributing towards a TRO for waiting restrictions around the Barrowby Lane / Barwick Road junction. Overall, it is considered that the extent of these works is fairly and reasonably related to the development. The applicant is also agreeable to the funding of MetroCards for future occupants.
- 12.4 Following further consideration of the potential drainage options for the site, the developer has opted for solutions which do not affect Barrowby Lane directly. Surface water runoff will be controlled and attenuated at greenfield rates. On this basis, it is considered that the proposals will not exacerbate local drainage problems.
- 12.5 In light of the above, it is considered that the revised proposals are now acceptable and it is therefore recommended that Members defer and delegate approval of the application to officers in order to finalise conditions and the S106 agreement.

## **13.0 Background Papers:**

- 13.1 Application and history files.  
Certificate of Ownership - Notices served on:  
Mr R Brooke - 26 Westbourne Avenue, Garforth, Leeds  
Mr D Brooke – 3 Church View, Garton-on-the-Wold, Driffield  
Mr J Brooke – 1 Roseville Terrace, Crossgates, Leeds  
Ms K Brooke – 3 Hollyshaw Walk, Leeds





# EAST PLANS PANEL

