



## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 14<sup>th</sup> March 2013

**Subject: Planning Application 12/03402/FU – Erection of 364 dwellings, with ancillary retail and community facilities on land at Grimes Dyke, off York Road, Whinmoor, Leeds.**

#### **APPLICANT**

Persimmon Homes and  
Taylor Wimpey

#### **DATE VALID**

16<sup>th</sup> August 2012

#### **TARGET DATE**

6<sup>th</sup> December 2012

#### **Electoral Wards Affected:**

**Crossgates and Whinmoor**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**Defer and delegate to the Chief Planning Officer for approval, subject to the resolution of outstanding layout issues as specified in the Officer report and the expiry of any re-advertising (as may be appropriate and subject to no new substantive issues being raised) and imposition of the specified conditions and following completion of a Section 106 Agreement to cover the following additional matters:**

- 1. Affordable Housing – 15% (of which 40% Social Rented and 60% Sub-market).**
- 2. Two new bus stops with ‘Real Time’ information on York Road (£20,000 each).**
- 3. Residential MetroCards – Scheme B (Bus only) (current cost - £717.20 per ticket).**
- 4. Travel Plan review fee - £3,280.**
- 5. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.**
- 6. Education contributions (Primary - £1,037,340 and Secondary – to be confirmed).**
- 7. Community facilities – commuted sum to be agreed.**
- 8. Provision of footways / cycleways linking the development to Whinmoor Way.**
- 9. Public Access areas scheme , including children’s playground.**
- 10. Sustainable Drainage Scheme – including commuted sum of £183,000 for future maintenance.**
- 11. Commitment for early delivery of housing on site.**

## **12. Local training and employment initiatives**

**In the circumstances where the Section 106 Agreement 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.**

Conditions:

1. Time limit on permission (2 years).
2. Plans to be approved.
3. Details of fences and walls to be provided.
4. Statement of construction practice.
5. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
6. Submission of noise insulation scheme (for commercial units)
7. Details of extract ventilation systems (for commercial units)
8. Submission of noise mitigation scheme.
9. Operating hours of commercial units to be approved prior to first use.
10. Delivery hours of commercial units to be approved prior to first use.
11. No occupation prior to completion of off-site highway works.
12. Details and scheme for footways and cycleways to be approved.
13. Laying out of areas to be used by vehicles.
14. Retention of parking spaces.
15. Programme of archaeological recording.
16. Submission and implementation of landscaping details.
17. Landscape management plan.
18. Protection of retained trees and hedges.
19. Preservation of retained trees and hedges.
20. Provision for replacement trees.
21. Scheme for the protection, enhancement and management of biodiversity to be approved.
22. Methodology for dealing with Bats.
23. Sustainable construction statement to be approved.
24. Submission of walling and roofing materials.
25. Submission of surfacing materials.
26. Removal of permitted development rights for extensions and roof alterations.
27. Removal of permitted development rights for additional windows in gable ends.
28. Details of levels to be agreed.
29. Development to be carried out in accordance with Flood Risk Assessment.
30. Surface water to be passed through an oil and petrol interceptor.
31. Surface water drainage works to be approved and implemented.
32. Surface water drainage scheme to be implemented in accordance with approved scheme.
33. Separate systems of foul and surface water drainage.
34. No development over specified sewers.
35. Submission of Phase 1 desk study.
36. Reporting of unexpected contamination.
37. Submission of verification reports.

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

## **1.0 INTRODUCTION:**

- 1.1 This full planning application is presented to Plans Panel due to the size and sensitivity of the proposals. Members will recall that a position statement on this application was presented to the City Plans Panel meeting of 25<sup>th</sup> October 2012.
- 1.2 Under Unitary Development Plan (UDP) Review Policy H3-2A.2, 17.2 hectares of land is allocated for housing on the site, subject to:
- i. Provision of principal access off A64, York Road following the construction of the M1 motorway;
  - ii. Provision of off-site drainage works, surface water flow balancing and watercourse improvements;
  - iii. Provision of structure planting adjacent to York Road;
  - iv. provision of local shopping and community facilities;
  - v. allowance being made for possible future access via a single roundabout to serve this and the adjacent PAS (Protected Area of Search) sites (*now allocated as a Phase 3 housing allocation – East Leeds Extension*);
  - vi. Land being reserved within the site for a possible extension to the supertram route;
  - vii. compliance with an approved planning and development brief.
- 1.3 The site is a Phase 2 housing allocation. An outline planning application, 09/03238/OT, was submitted in 2009 and proposed the laying out of an access road and the erection of circa 500 dwellings, with ancillary retail and community facilities. The application was refused by the City Council, but was allowed on appeal following call in by the Secretary of State (decision dated 25<sup>th</sup> May 2011). Accordingly, an extant outline planning permission currently exists for circa 500 dwellings. However, this full planning application now proposes a reduced scheme of 364 dwellings, but in a very similar broad layout to that allowed on appeal.

## **2.0 PROPOSAL:**

- 2.1 This is a full planning application proposing the erection of 364 dwellings, with ancillary retail and community facilities. The Application is accompanied by an Environmental Impact Assessment. In terms of detail, the application proposes a mixture 2, 3 and 4 bedroom detached, semi-detached and terraced houses, as well as a small number of apartments. Within the centre of the site, it is proposed to locate a building containing 291.5sqm of retail floorspace and 291.5sqm of community hall space. In total, 4.38ha of greenspace is proposed across the site. However, at the last City Plans Panel meeting, Members indicated that they were comfortable with the retail element being omitted, in favour of a more viable local centre being accommodated within the 'Northern Quadrant' of the East Leeds Extension, to the north of the site, in addition to the potential for a commuted sum for community centre infrastructure, in lieu of provision on site. At the time of writing, a further plan from the developers is awaited to show how this area could be re-developed for housing.
- 2.2 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:
1. Affordable Housing – Subject to current negotiations, although the application proposes 15% (of which 40% is to be Social Rented and 60% Sub-market).
  2. Two new bus stops on York Road with shelters and 'Real Time' displays (£20,000 each).
  3. Residential MetroCards (Bus only) for future residents under Metro's scheme B (current cost - £717.20 per ticket).
  4. Travel Plan review fee - £3,280.

5. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.
6. Education contributions (Primary - £1,037,340 and Secondary – to be confirmed).
7. Community facilities – commuted sum to be agreed.
8. Footways / cycleways - The provision of footpaths / cycleways linking the development to Whinmoor Way, including crossing and or connecting to Council owned land.
9. Public Access areas - Provisions to secure the construction, future maintenance and management of the public access areas, including a children's playground
10. Sustainable Drainage Scheme - Provisions to secure the construction, future maintenance and management of the sustainable drainage system. This is to include a commuted sum of £183,000 for future maintenance.
11. Agreement to the early delivery of housing on site.
12. Local training and employment initiatives during the construction of the development.

### **3.0 UPDATE SINCE 25<sup>TH</sup> OCTOBER CITY PLANS PANEL MEETING**

3.1 At the City Plans Panel meeting of 25<sup>th</sup> October 2012, Officers presented a position statement report of the scheme, as submitted, with a view to obtaining feedback from Members on key aspects of the proposals, in addition to comments obtained from Ward Members. The report contained a number of specific questions, Members resolved:

1. In respect of the omission of the link through to Birchfields Garth, that Members would not press for the footpath to be reinstated as there was an alternative route.
2. To note the comments made about the buildings being proposed; the need for greater design detail to be provided and local Ward Members' comments to be taken on board. Whilst the proposed mix of house types was acceptable, there were concerns about the two and a half storey properties along the north western side of the site, with a view being expressed that these were over-dominant.
3. Concerning the quality of street and landscape planting throughout the development, little detail had been provided, but to note the comments made regarding the potential inclusion of a children's play area and the biodiversity of the site.
4. That Members were broadly satisfied about the location and nature of the proposed pond and flood attenuation area, although the issue of safety had been raised.
5. In respect of the nature and layout of the proposed greenspaces, to note the concerns raised about the location of the area adjacent to York Road; whether an additional area should be provided in view of the large area being taken up to accommodate the flood attenuation basin and that the retention and enhancement of the hedgerows was welcomed.
6. That in terms of the relationship between the existing and/or new properties proposed, Members were broadly content with this, subject to detail along the north west boundary of the site.
7. To note Members' comments about the level of affordable housing on the site, seeking an enhanced provision over and above the 15% proposed or to consider a phased approach.
8. That the location of the shop needed to be considered in relation to the Northern Quadrant site; that the community centre element needed to be separated out from the retail unit and that the provision of medical facilities needed to be looked at in the round. Removal of these elements is also considered to be acceptable, as reported in paragraph 2.1 of this report.

3.2 Following the October City Plans Panel meeting, Officers have utilised the feedback from Members to assist in negotiating on the revised layout and building designs, as well as the components of the S106 package. These are discussed more fully in the remainder of this report.

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

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

4.2 The existing residential area to the west of the site includes mainly two-storey houses, arranged in a 'Radburn' layout of 1960s / 70s origin. This area includes White Laith Primary School on Naburn Drive. The residential area to the north west of the site comprises a housing development of late C20th appearance and an urban morphology characterised by a number of cul-de-sacs containing bungalows and two-storey houses. The land to the east of the site boundary has the appearance of open countryside, rising up from the valley created by Cock Beck.

4.3 The land to the east is allocated for phase 3 housing development (East Leeds Extension) under UDP Policy H3-3A.33. The south eastern boundary of the site is formed by York Road (A64). The land to the south east of York Road is also comprised of open countryside, although part of this is also allocated for phase 3 housing development under UDP Policy H3-3A.33.

4.4 It is noted that an area of land to the south of York Road is allocated to provide a Park and Ride car park and related facilities under UDP Review Policy T17:3. The facility would be adjacent to the East Leeds Line of the supertram scheme, as described in the UDP Review.

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

5.1 Planning application 09/03238/OT - Outline Application to layout access road and erect circa 500 dwellings, with ancillary retail and community facilities – Refused and allowed on appeal. The S106 agreement for this permission includes:

1. Affordable Housing – 30% (of which 40% is to be Social Rented and 60% Sub-market).
2. Residential MetroCards – To enter into an arrangement with Metro to provide residential MetroCards in accordance with Metro's scheme B.
3. Travel Plan including Travel Plan review fee of £4,000.
4. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.
5. Education contributions - To be calculated in accordance with the formula in the SPG, effectively resulting in: (Primary - £2,972.32 per family dwelling and Secondary - £895.75 per family dwelling). Family dwelling is defined as excluding flats with less than 3 bedrooms.
6. Community facilities comprised in a building of approximately 240sqm (gross) containing community space and A1 retail (up to an additional 240sqm (gross)), in accordance with a scheme to be approved.
7. Footways / cycleway - The provision of footpaths / cycleways linking the development to Whinmoor Way at five points, including crossing and or connecting to Council owned land.

8. Public Access areas - Provisions to secure the construction, future maintenance and management of the public access areas.
9. Sustainable Drainage Scheme - Provisions to secure the construction, future maintenance and management of the sustainable drainage system.
10. Provision to connect the spine road to future development in the East Leeds Extension.

5.2 Planning application 12/02571/FU – Outline Application for means of access and erect residential development (circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping – Land between Wetherby Road, Skeltons Lane and York Road, Whinmoor. This is a current planning application pending consideration in respect of the ‘Northern Quadrant’ of the East Leeds Extension.

## **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. Much of the layout and landscaping strategy was agreed in a masterplan prior to the previous appeal. Given that the appeal was allowed, an extant outline consent now exists for the broad layout now proposed.

6.2 The applicant has subsequently submitted this full planning application. It is noted that the application site falls within Crossgates and Whinmoor Ward, but is close to Harewood Ward. Officers therefore held meetings with Crossgates and Whinmoor Ward Members (Cllrs Peter Gruen and Pauleen Grahame) and Harewood Ward Member (Cllr Rachael Procter) early on in the application process.

6.3 The key issues raised by Crossgates and Whinmoor Members include:

1. Concern that the amount of Affordable Housing has reduced from the 30% required at the time of the appeal to the 15% now required in relation to a fresh planning application, in accordance with the Council’s Interim Affordable Housing Policy. There is a desire that a higher level of Affordable Housing should be provided.
2. Concern that the highway impact is properly addressed to ensure that local residents do not experience worse traffic problems than they do currently.

6.4 The key issues raised by the Harewood Member include:

1. The avenue of trees on the spine road needs to be enhanced with a greater planting density of suitably sized trees. A preference is expressed for a single species approach, ideally London Plane trees. Other smaller and/or ornamental species are more appropriate for smaller side roads.
2. The proposed buildings must be built using good quality materials – brightly coloured brick and tile should be avoided in favour of materials which are characteristic of and will blend in with the wider landscape.
3. It is questioned whether the proposed apartment block adjacent to the site entrance is of sufficient design quality for a key gateway building.
4. Careful consideration is required in relation to the design quality of the proposed house types, including ensuring the appropriate use of heads and cills. It is also requested that some properties are designed with chimneys in order to enhance the proposed townscape.
5. Careful consideration is required in relation to the use of boundary treatments. In particular, there is concern that brick piers with fencing between will not fare well along public boundaries, where it would be better to have solid walls. Whilst open

plan front gardens may be appropriate in side roads, properties along the spine road require appropriate front garden boundaries which may include railings and/or Beech hedges.

6. The stone wall to the York Road frontage should be re-sited within the site following the road widening and junction improvements. Particular features such as gate piers and coping stones should be reused wherever possible.

6.5 Further to the position statement report discussed at 25<sup>th</sup> October City Plans Panel meeting, officers have continued to negotiate with the developers on the layout of the scheme and the S106 package.

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

7.1 13 site notices have been displayed, posted 31<sup>st</sup> August 2012. The application has also been advertised in a local newspaper, published 13<sup>th</sup> September 2012 and 4<sup>th</sup> October 2012.

7.2 4 letters of representation have been received from local residents stating concern that:

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

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

Highways: - No objections in principle, subject to conditions, contributions and off site highway works. A number of detailed revisions have been required in relation to the internal layout.

Highways Agency: - No objections.

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

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

Natural England: - No objection.

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

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

### 8.2 Non-statutory:

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

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

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

Education: - Education contributions are due, commensurate with the Council's SPG (Primary - £1,037,340 and Secondary – to be confirmed)

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

Flood Risk Management Team: - The proposals are considered to be acceptable and conditions are recommended. A commuted sum of £183,000 is requested for the future maintenance of the balancing pond area.

Sport England: - No part of the site constitutes a playing field. However, a non-statutory objection is raised until the exact details of the sporting contribution are provided. Sport England calculate that £294,895 is required for the quantum of



development proposed. (However, the Council does not have a policy basis for raising this sum).

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

Environmental Protection Team: - No objections, conditions recommended.

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

Contaminated Land: - No objections in principle, although further information is requested. Conditions shall otherwise be imposed, as per the appeal scheme.

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

## **9.0 PLANNING POLICIES:**

9.1 The development plan comprises 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.

### 9.2 Leeds Unitary Development Plan (UDP) Review:

SA1: Secure the highest possible quality of environment.

SA3: Adequate provision for housing needs.

SA7: Promote physical and economic regeneration of urban areas.

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

GP5: General planning considerations.

GP7: Use of planning obligations.

CP11: Sustainable development.

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N24: Development proposals abutting the Green Belt

N29: Archaeology.

N38a: Prevention of flooding.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

N49: Habitat protection.

N51: Habitat enhancement.

T2: New development and highways considerations.

T2C: New development and Travel Plans.

T2D: Public transport contributions.

T5: Safe access for pedestrians and cyclists.

T7: Development and cycle routes.

T7A: Requirement for secure cycle parking.

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

T24: Car parking provision.

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

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing allocated sites.

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

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

H11/H12/H13: Affordable housing.

BD5: General amenity issues.

LD1: Landscape schemes.

9.3 Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).

Interim Affordable Housing Policy.

SPG10 Sustainable Development Design Guide (adopted).

SPG11 Section 106 Contributions for School Provision (adopted).

SPG13 Neighbourhoods for Living (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPD Street Design Guide (adopted).

SPD Public Transport Improvements and Developer Contributions (adopted).

SPD Designing for Community Safety (adopted).

SPD Travel Plans (draft).

SPD Sustainable Design and Construction (adopted).

9.4 National Planning Guidance:

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

9.5 Emerging Policy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

9.6 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination

**10.0 MAIN ISSUES**

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

## 11.0 APPRAISAL

### Principle of development

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

### Highway and access issues

- 11.2 The fundamental highway impact of the proposed development was considered in detail as part of the original outline planning application (09/03238/OT) and all concerns were adequately dealt with prior to the appeal. The appeal scheme was for a quantum of development of circa 500 dwellings and this is now clearly reduced to the scheme of 364 dwellings in the current full planning application. Accordingly, the Transport Assessment submitted with the current application is considered to be robust. In particular, the appeal scheme provided approval for a detailed access to the site from York Road, using a signalised junction, as well as a number of other off-site highway works.
- 11.3 A package of off-site highway works have been agreed in principle and designed in detail by the Council as part of the S278 Agreement associated with the outline consent granted on appeal. In summary, the works include:
1. Signalised site access from A64 York Road with signalised pedestrian crossing facilities.
  2. A reduction in the speed limit on A64 York Road from 50mph to 40mph.
  3. Improvements at the junction of A64 York Road and A6120 Ring Road – revisions to provide a two lane approach to the Ring Road (northbound) and a three lane approach to Ring Road (southbound).
  4. Improvements at the junction of A64 Barwick Road and A6120 Ring Road – provision of an extended flare on Barwick Road (eastbound) with a revised land take from the north side of the road, rather than the south.
  5. Accessibility improvements along A64 York Road – Toucan crossing facility south of Baildon Drive, mandatory cycle lanes in both directions between the Toucan crossing and Ring Road northbound and between the Toucan crossing and Stanks Lane North (southbound), a revised layout at the York Road / Stanks Lane North junction, provision of signage promoting an advisory cycle route under the Ring Road and conversion of existing footways to shared use pedestrian / cycle routes to and from the Ring Road underpass.
- 11.4 In terms of public transport provision, the spine road within the scheme has been designed to allow bus penetration into the site and potentially into the 'Northern Quadrant' of the East Leeds Extension beyond. The consultation response from Metro notes that the development includes proposals to include two new bus stops on the A64 and that these should have shelters and 'Real Time' displays (at a cost £20,000 per stop). The proposed layout also includes a number of pedestrian / cycle links between the proposed development and the existing urban area to the west and these were approved as part of the masterplan on the appeal scheme. Whilst these links are not considered to be essential, they are very desirable from the perspective of encouraging good permeability throughout the area and providing convenient access to the bus routes on Naburn Approach and Sherburn Road North. Accessibility was assessed during the appeal and the Inspector concluded that with the provision of the proposed improvements to the pedestrian and cycle facilities, along with a high degree of permeability within the site, the development would provide adequate pedestrian and cycle connections and accessibility to public transport. The Travel

Plan submitted with the application is almost the same as that submitted for the appeal scheme and is considered to be acceptable. A Travel Plan review fee of £3,280 is required and will be secured through a S106 agreement. Residential MetroCards (Bus only) shall also be provided for future residents under Metro's scheme B (current cost - £717.20 per ticket).

- 11.5 The scale of the development is such that a Public Transport Improvement contribution is required in accordance with the Council's SPD at a rate of £884.94 per house and £283.06 per flat. It is also noted that the layout retains a buffer to the York Road frontage which would allow for a public transport link to the allocated Park and Ride site. It is noted that a report to Executive Board earlier this year discussed the strategy for developing Park and Ride sites across the city. The site to the south of Grimes Dyke was recommended to remain available for implementation in the medium to long term. However, it is considered that the public transport contribution from this application could potentially be used towards the funding of the development of a Park and Ride facility, perhaps in conjunction with the public transport improvement contribution required from the 'Northern Quadrant' application, if it were approved.
- 11.6 The layout of the proposals have been through several revisions which are now considered to have satisfactorily addressed all of the detailed highway issues, save for any tweaks required as a result of further layout changes. Otherwise, there are no fundamental highway objections to the proposals, subject to the imposition of conditions, S106 contributions and the implementation of the same basic off site highway works as agreed under the extant outline permission.

#### Urban design and sustainability

- 11.7 Urban design was a one of the key considerations of the previous application and a failure to promote sound sustainable development principles and high quality urban design constituted one of the reasons for refusal. Nevertheless, a great deal of work was undertaken prior to the first public inquiry, to the extent that an Updated Design and Access Statement Supplement (UMDASS) was submitted and considered to be acceptable and was ultimately approved when the appeal was allowed.
- 11.8 The UMDASS appears, quite rightly, to have been the starting point in working up the level of detail contained in this full planning application. The street networks, form of blocks, location and nature of greenspaces, pedestrian and cycle links, forms and heights of development now proposed all appear to have been broadly derived from the earlier work. It is noted that the pedestrian / cycle links between the development and the existing urban area to the west have largely been retained, except for the link through to Birchfields Garth. This particular link has been omitted in response to the pre-application consultation comments the applicants received from local residents in that street. At the October City Plans Panel meeting, Members stated that they would not press for the footpath to be reinstated as there were alternative routes available.
- 11.9 As a full planning application, there is now a level of detail that requires further thorough interrogation, including the detail of how the streets and spaces work and the detailed forms and elevations of buildings.
- 11.10 At the October City Plans Panel, Members felt that the location of the shop needed to be considered in relation to the 'Northern Quadrant' site and that the community centre element needed to be separated out from the retail unit. The 'Northern Quadrant' scheme is still under negotiation, but is proposed to include an area of 0.69 hectares for a local centre to include a community centre, health centre, retail units

and some residential accommodation. At the time of writing, Officers are continuing to encourage a better layout of this area for housing purposes only, which could help to improve the layout further. Officers have also met with Ward Members who have suggested a preference for a commuted sum to be spent on improving existing community facilities in the area, rather than create a new one on site. Nevertheless, the proposed retail / community building currently proposed is two storeys in height with a room in the roofspace, lit by four pitched roof dormers to the front elevation. Two retail units are proposed at ground floor level, with community space at first floor level. Plans and material shall be presented to Members showing how this area is to be redeveloped for housing purposes, if this option is pursued. Given that this option may result in a small increase in the number of units, this may well require re-advertising of the application.

- 11.11 More generally, officers consider that the revised layout is now broadly acceptable, having negotiated the removal of rear access paths and minimised the use of rear parking courts in the proposals. There are a small number of areas where these are unavoidable due to the nature of the spine road which will need to accommodate bus services and whereby there are limitations on the number of driveway openings. In such circumstances, the rear parking courts are shown to be gated and details of gates and security features can otherwise be secured by condition. The re-plan discussed earlier in the report for the retail / community use element of the scheme is considered to offer an opportunity to resolve this part of the site and outstanding layout issues. It is considered that the proposals broadly comply with the guidance contained in Neighbourhoods for Living, with respect to distances between dwellings and relationships to adjacent properties in order to ensure good quality townscape and to prevent amenity problems.
- 11.12 In terms of the detailed elevations of the proposed dwellings, officers have sought to ensure consistency of design details such as fenestration detailing and the use of heads and cills. At the last Plans Panel, Members expressed concern about the use of two and a half storey dwellings being sited along the north-western boundary of the site, in close proximity to the existing properties outside the site. In response to these concerns, the house types have been revised and now only two-storey houses are proposed in this location. Detailed design comments from Ward Members and feedback from the October City Plans panel regarding building materials and also the introduction of chimneys have been relayed to the developers and discussed further. The comments regarding materials are noted, although at this stage, the developers have not chosen any particular brick or tile types. With regard to chimneys, the developers position is that there are no chimneys on any of the ranges of existing houses to the west of the site and if added would only be ornamental and not serve any function. Whilst Officer agree that chimneys would add texture to the elevations and streetscenes, it is accepted that it would be difficult to insist upon these given the lack of any chimneys on nearby housing.
- 11.13 The design of the apartment block adjacent to the entrance has been revised and is proposed to be three storeys in height (two-storey form with rooms in the roofspace served by small pitched roof dormers). The form of the building also includes two houses at each end of the building, each with private gardens. The building also now contains a less dominant and more conventional roof form to the corner than proposed previously. In particular, the form and elevations of the apartment block have been revised significantly in order to provide a building which is relatively traditional, yet sympathetic, rather than the overtly pastiche design proposed originally.

### Landscape design and visual impact

- 11.14 In the wider strategic context, it is accepted that in the longer term this development will be bounded by the existing urban area to the west and future residential development in the East Leeds Extension, to the east. To that extent, the wider visual impact is limited, but it is nonetheless important to ensure that the townscape is congruent with and sympathetic to the topography of the site and the existing natural features. The revised illustrative layout in the approved UMDASS managed to successfully locate open spaces and retain key hedgerows on the site within the proposed development. These basic principles have been carried through successfully into this full planning application submission.
- 11.15 Nevertheless, given the detailed nature of this application, it is also important to consider the detailed design of the streets and spaces, including existing and proposed trees and hedges, infill planting where necessary, boundary treatments, the laying out of the greenspaces and their associated management. Detailed comments were made by some Ward Members and these have been discussed further with the applicants. In respect of the greenspaces, it is worth noting that the UMDASS previously proposed a playground as part of the development, although the Council has since recently installed a playground to the west of Whinmoor Way. Following discussion with Parks and Countryside, it is noted that the existing playground was designed to meet a younger age range and that further facilities are required to provide a more rounded scheme. Officers have therefore pursued discussions with the developers with a view to securing a detailed scheme through the S106 agreement.
- 11.16 The negotiations to date have focussed on achieving an acceptable layout in the first instance. Nevertheless, Officers have also raised detailed landscape comments, highlighted through the discussions with Ward Members and feedback from the October City Plans Panel. With regard to the species mix to be used for tree planting (particularly along the Spine Road) and boundary treatments, this is an area still to be finalised, but could otherwise be dealt with by appropriate landscape conditions now that spaces have been secured within the detailed layout. Officers had suggested that some remains of the current retaining wall to York Road could be removed and used for new walling parallel to the re-aligned York Road and site entrance. However, the developers have stated that there is very little left of the wall and what remains is of very poor quality. As such, this is not advanced as part of the revised scheme and in the circumstances Officers accept this position.

### Ecology

- 11.17 The site was formerly used as agricultural land and is still characterised by field hedgerows and some mature trees which are potentially important from a biodiversity perspective. The UMDASS identified the key natural features of the site and developed an indicative layout which retains as many of the existing hedgerows and trees as possible. Ecology was assessed in detail prior to and during the first public inquiry and the Inspector was ultimately satisfied with the proposed indicative layout and the mitigation proposals and attached conditions accordingly.
- 11.18 The consultation response from Natural England, whilst not objecting, notes that the proposal presents an opportunity to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. These are all issues which can be dealt with through careful design of the buildings and landscaped areas and shall be secured by way of conditions.

- 11.19 The submitted Environmental Statement notes that 80% of the semi-improved grassland on site will be lost as a result of development. As accepted on the appeal scheme, the proposals make provision for the removal of some areas of species poor grassland, to be replaced with translocated species rich grassland from the semi-improved areas. The proposed layout shows what areas would contain the translocated grassland, retained species rich grassland, proposed species rich seeding and differentiates these from the areas of amenity grassland. The species rich grasslands are concentrated primarily on and around the large naturalised greenspace on the eastern side of the site, as well as along the eastern site boundary more generally in the areas abutting Cock Beck.
- 11.20 Overall, it is considered reasonable that ecology issues, including further pre-development surveys, tree and hedge retention, translocation of grasslands, landscape planting, detailed biodiversity enhancements and schemes for the management of the greenspaces can all be satisfactorily dealt with by detailed conditions, as imposed by the Inspector of the appeal scheme.

#### Drainage and flood risk

- 11.21 A Flood Risk Assessment has been submitted with the Environmental Impact Assessment and is considered to be acceptable by the drainage bodies including the Environment Agency, Yorkshire Water and the Council's Flood Risk Management Team and conditions are suggested. In terms of detail, all surface water is to be discharged into Cock Beck, adjacent to the eastern boundary, with the use of a balancing pond to maintain a discharge rate at less than 5l/s (the greenfield rate of runoff), hence the surface water rate of runoff will be no greater than it is at present.
- 11.22 The balancing pond is to be located within the greenspace on the eastern part of the site. This part of the site already has an undulating topography and this will be appropriately re-contoured where necessary to provide a larger shallow grassy basin. At the heart of the basin will be a permanent pond which will occasionally become enlarged when the basin performs its secondary function as a flood water attenuation area. The S106 is to include provisions for a commuted sum in order that the Council can maintain the attenuation area in the longer term. From a safety perspective, the basin is set within shallow gradients, as opposed to steeply sloping land and it is understood that statistically, such basins are a very low risk when compared with other day to day activities with a risk of drowning.

#### Greenspace

- 11.23 The UMDASS submitted with the appeal scheme successfully identified the natural features on site, including hedgerows and trees and the indicative layout was designed to respond to the environmental context of the site. The scheme submitted in this full planning application reflects the indicative layout to the extent that these key features are retained and the nature and location of the proposed greenspaces is similar to the scheme allowed on appeal.
- 11.24 The submitted Design and Access Supplement states that a total of 4.38ha of greenspace is proposed across the site. The size and nature of the site is such that different parts of the site are more suited to particular types of greenspace. The proposals provide for:
- Entrance parkland to the York Road frontage and the area to the east of the spine road. This area of parkland is to be developed around the existing retained trees, supplemented by new replacement tree planting and a Beech hedge around the adjacent proposed houses.
  - A linear nature park on the eastern side of the site and along the eastern boundary adjacent to Cock Beck. The park is to include retained and newly planted trees, as

well as a shallow grassy basin including a permanent pond at its heart. The areas around the basin are to be seeded with species rich grasses, whereas the areas around the rest of the space are to be planted with the translocated and newly seeded species rich grasses. Additionally, it is proposed to fill gaps in existing hedgerows with new native species planting and create a new community orchard of fruit trees in the area to the north of the basin.

- A local urban park and edge to Whinmoor Way on the western side of the development includes new tree and hedgerow planting and the UMDASS previously identified this as a suitable location for a playground. However, a new playground for young children has since been built by the Council on its land adjacent to White Laith Primary School, to the west of Whinmoor Way. The proposed greenspace would tie into existing amenity space owned by the Council and would contain pedestrian and cycle routes across it to link into Whinmoor Way. Discussions have taken place with the developers with a view to providing a playground for older children within this space. This shall be secured through the S106 agreement.
- A series of 'greenways' are to be developed around the existing hedgerows which are to be managed by laying and planting up of gaps as well as new tree planting.
- A series of 'green lanes' are also proposed, comprised of widened road corridors within which existing trees are retained and new tree planting is proposed within grassed areas.

11.25 From a strict policy perspective, given the amount and location of the development in relation to existing greenspaces, 1.456ha of N2.1 local amenity space is required, 0.728ha of N2.2 local recreational area is required and 0.728ha of N2.3 neighbourhood district parks are required. In these proposals, 4.38ha of N2.1 local amenity space is provided, significantly greater than the 1.456ha that the policy requires and greater than the total 2.917ha of greenspace required by policy if all three tiers of greenspace were located on site. None of the space provided is considered able, in qualitative terms, to fulfil the N2.2 and N2.3 requirements. In practical terms, it would be usual to obtain commuted sums for the N2.2 and N2.3 elements (which would total £265,576.32 in this instance), rather than provide such small areas on site. These sums would then be used to fund greenspace enhancements within the locality. In this instance, one the nearest areas of greenspace is adjacent to Grimes Dyke Primary School, to the south of York Road and therefore not ideal from an accessibility perspective. Other spaces exist to the west of Sherburn Road North or further away. Accordingly, it is considered that, as per the appeal scheme, the preferable outcome is to achieve the 4.38ha of N2.1 greenspace on site for the benefit of the immediate future and adjacent residents, rather than pursue commuted sums which are likely to be spent further away. As discussed earlier, Officers are pursuing the provision of a playground for older children within the local urban park. It is noted that at the October City Plans Panel meeting, Members expressed some concerns about the usability of the area of greenspace along the York Road frontage. However, this area is required by stem iii of policy H3-2A.2 and was accepted as greenspace by the Inspector on the appeal. Even if discounted as greenspace, it is noted that the overall provision across the site is relatively generous when compared with the policy requirement.

11.26 The management and maintenance of the greenspace areas will ultimately be the responsibility of the Council or a management company. This aspect has been subject to further discussion with the applicants with a view to agreeing the management and maintenance of particular areas. The appeal Inspector attached detailed conditions in respect of the landscaped areas in order to ensure that appropriate management and maintenance is carried out, particularly in respect of the areas of species rich grassland.



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

#### Impact on residential amenity

11.28 The application site is bounded by existing residential development along the western boundary. The proposed houses to the north-west side of the site mainly have rear garden areas backing onto the existing rear or side garden areas of properties in Birchfields Avenue, Birchfields Garth and Birchfields Rise. Where there are rear elevations facing the rear boundary, these are sited at least 10.5 metres away and accord with the guidance contained in Neighbourhoods for Living. All of the properties backing onto the north-west boundary are now two-storey in height.

11.29 Along the area to the south of White Laith Primary School, many of the existing properties are arranged in 'radburn' style layouts with gable ends facing the application site. One terrace of the existing properties face onto Whinmoor Way and will face one of the 'green lanes'. The proposed development is set away from the existing properties by both the proposed urban park and also Whinmoor Way. Of the very few instances where existing properties will face the side elevations of new ones, a minimum separation distance of 12m is either met or exceeded, in accordance with the guidance in Neighbourhoods for Living. Given the distances and the juxtaposition of built form, it is considered that this part of the development would not have any detrimental impact on living conditions.

11.30 Within the development, the relationships between the proposed properties in the revised scheme are considered to be acceptable.

11.31 With regard to noise issues, conditions are suggested, as per those imposed on the appeal scheme to deal with noise mitigation from traffic noise, as well as dealing with operations during the construction period and restrictions on hours of opening and delivery of the retail / community use elements of the scheme.

#### Education

11.32 Education contributions are due, commensurate with the Council's SPG (Primary - £1,037,340 and Secondary – to be confirmed). At the time of writing, clarity is being sought on the level of secondary education contribution required, although the primary contribution has been agreed. These contributions shall be secured through the S106 agreement. Members will be provided with a verbal update at the meeting.

#### Planning obligations

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

1. Affordable Housing – Subject to current negotiations, although the application proposes 15% (of which 40% is to be Social Rented and 60% Sub-market).

2. Two new bus stops on York Road with shelters and 'Real Time' displays (£20,000 each).
3. Residential MetroCards (Bus only) for future residents under Metro's scheme B (current cost - £717.20 per ticket).
4. Travel Plan review fee - £3,280.
5. Public Transport Improvement contribution - £884.94 per house and £283.06 per flat.
6. Education contributions (Primary - £1,037,340 and Secondary – to be confirmed).
7. Community facilities – commuted sum to be agreed.
8. Footways / cycleways - The provision of footpaths / cycleways linking the development to Whinmoor Way, including crossing and or connecting to Council owned land.
9. Public Access areas - Provisions to secure the construction, future maintenance and management of the public access areas, including a children's playground
10. Sustainable Drainage Scheme - Provisions to secure the construction, future maintenance and management of the sustainable drainage system. This is to include a commuted sum of £183,000 for future maintenance.
11. Agreement to the early delivery of housing on site.
12. Local training and employment initiatives during the construction of the development.

11.34 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.

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

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

11.37 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing. There is a requirement for a 40/60 mix of social rent and shared equity. However, the size of the site is such that there will be a significant build out period of approximately 5 years, within which the Affordable Housing policy requirement may vary. As presented at the October City Plans Panel, the quantum and/or phasing of Affordable Housing is something which officers were negotiating with the applicant on. Officers considered that there was potential to require a scheme of phasing to be submitted, for which the Affordable Housing requirement will reflect the policy requirement at the time that a particular phase is commenced. Officers have also explored the possibility of agreeing an alternative fixed level of Affordable Housing provision. However, as reported at the October City Plans Panel, the developers position is that 15% provision is in accordance with current policy and that to provide a level greater than this would render the scheme unviable, given the other financial constraints imposed upon them through the S106 agreement. The developers are also concerned that a phased approach creates an unacceptable level of uncertainty and risk and again, may render the scheme unviable.

11.38 At the October Plans Panel meeting, Officers agreed to provide Ward Members and Plans Panel Members with a comparison of the costs of the S106 packages of both

the appeal scheme and the current planning application. At the time of writing, Officers have arranged a meeting with Ward Members and will report the outcome verbally. The table at Appendix 1 provides a comparison between the appeal scheme and the current scheme.

- 11.39 The key difference in value between the two S106 packages is the reduction in the level of Affordable Housing, from 30% to 15%, reflecting the change in policy. All other matters remain proportionately the same. One aspect not shown in the table is the cost of the S278 works in order to facilitate an access into the site, which are understood to be around £4 million, significantly greater than originally anticipated.

Notwithstanding the developers position on Affordable Housing, they are agreeable to the early delivery of housing on site and have indicated a willingness to commence development as a soon as possible if planning permission is granted, following discharge of conditions where necessary. The developers have indicated that the S278 works to facilitate the access to the site will take somewhere in the region of 6 to 9 months, with a view to commence house construction works shortly before the completion of the S278 works. It is envisaged that between the two developers, approximately 80 dwellings will be delivered each year. The developers have also expressed an intention to carry out the development in one overall phase, with all of the housing being delivered within 5 years from commencement. It is noted that if the broad chronology of development is carried out in accordance with the UMDASS, a significant proportion of the affordable housing would be delivered in the early years of the development. A further aspect shown in the table at Appendix 1 is that the S106 for the current planning application shall also make provision for local training and employment initiatives, which are considered to be of significant benefit on a development of this size.

- 11.40 From 6<sup>th</sup> 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.

- 11.41 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 In conclusion, it is considered that the principle of development is acceptable, noting the previous approval of a circa 500 unit scheme on appeal. The proposed access is considered acceptable and the detailed requirements for off-site works will ensure that the development can be accommodated on the highway network and provide enhancements for pedestrian and cycle permeability. The scheme also makes

provision for public transport penetration through the spine road and into the East Leeds Extension.

- 12.2 From an urban design perspective, the parameters of a logical layout were key components of the UMDASS document that was approved on the appeal scheme. Within this context, the scheme provides for a spine road linking the site to York Road and the 'Northern Quadrant' of the East Leeds Extension, as well as a number of pedestrian and cycle links through to the existing urban area to the west of the site. The layout is generally comprised of logical perimeter blocks, with properties overlooking streets and public spaces. The design of the dwellings and the apartment block are considered to now be acceptable in terms of the heights of development juxtaposed to existing housing and also in terms of elevational treatments. Nevertheless, as discussed in the report, Officers are seeking further layout improvements.
- 12.3 The site has been developed to retain the existing trees, hedgerows and natural features of interest, again, a key component of the approved UMDASS. Conditions are suggested in order to deal with the detailed aspects of hard and soft landscaping, including use of tree and shrub species and boundary treatments. Provision is made within the scheme to allow for the translocation of some of the species rich grassland areas, which are considered to be important from an ecology perspective. Further surveys will be required, by condition, to check for Bat roosts and to make appropriate provision for biodiversity enhancements.
- 12.4 The submitted Flood Risk Assessment is considered to be acceptable to the relevant drainage authorities and a number of drainage related conditions are suggested. An important aspect is that new developments must not exacerbate existing drainage or flooding problems. In this instance, the proposed surface water drainage system is to use a balancing pond in the lowest part of the site, which will discharge water to Cock Beck at greenfield rates of runoff in a controlled manner.
- 12.5 The level of greenspace provided on site is essentially the same as that allowed by the Inspector on the appeal scheme. The level of greenspace provided on site is relatively generous in quantitative terms, when compared to the strict policy requirement. The distribution of greenspace also provides for a variety of greenspace settings, which also provide for a landscape setting to the development, retaining important trees and hedgerows and providing habitat from a biodiversity perspective.
- 12.6 The S106 package has been the subject of debate and negotiation and many of the planning obligations are the same as were required under the appeal scheme. The level of education contribution for secondary provision is still to be confirmed. It is acknowledged that the site access is a costly piece of infrastructure. Against this backdrop, the developers position is that they are only able to provide a level of Affordable Housing in accordance with the current interim policy and no more and without the potential for phasing in later years. This position was reported to Members at the October City Plans Panel, with an agreement that Officers would provide a comparison of the S106 agreements for the appeal scheme and current application. Feedback from Ward Members will be reported verbally to the Plans Panel. Notwithstanding the above, a key addition to the current S106 agreement is the agreement to the early delivery of housing, including Affordable Housing, on site, as well as a requirement to pursue training and employment initiatives in collaboration with the Council's Employment and Skills Team.
- 12.7 Overall, the proposals are now considered to be acceptable, subject to Members views on the approach to the S106 package. The recommendation is therefore to

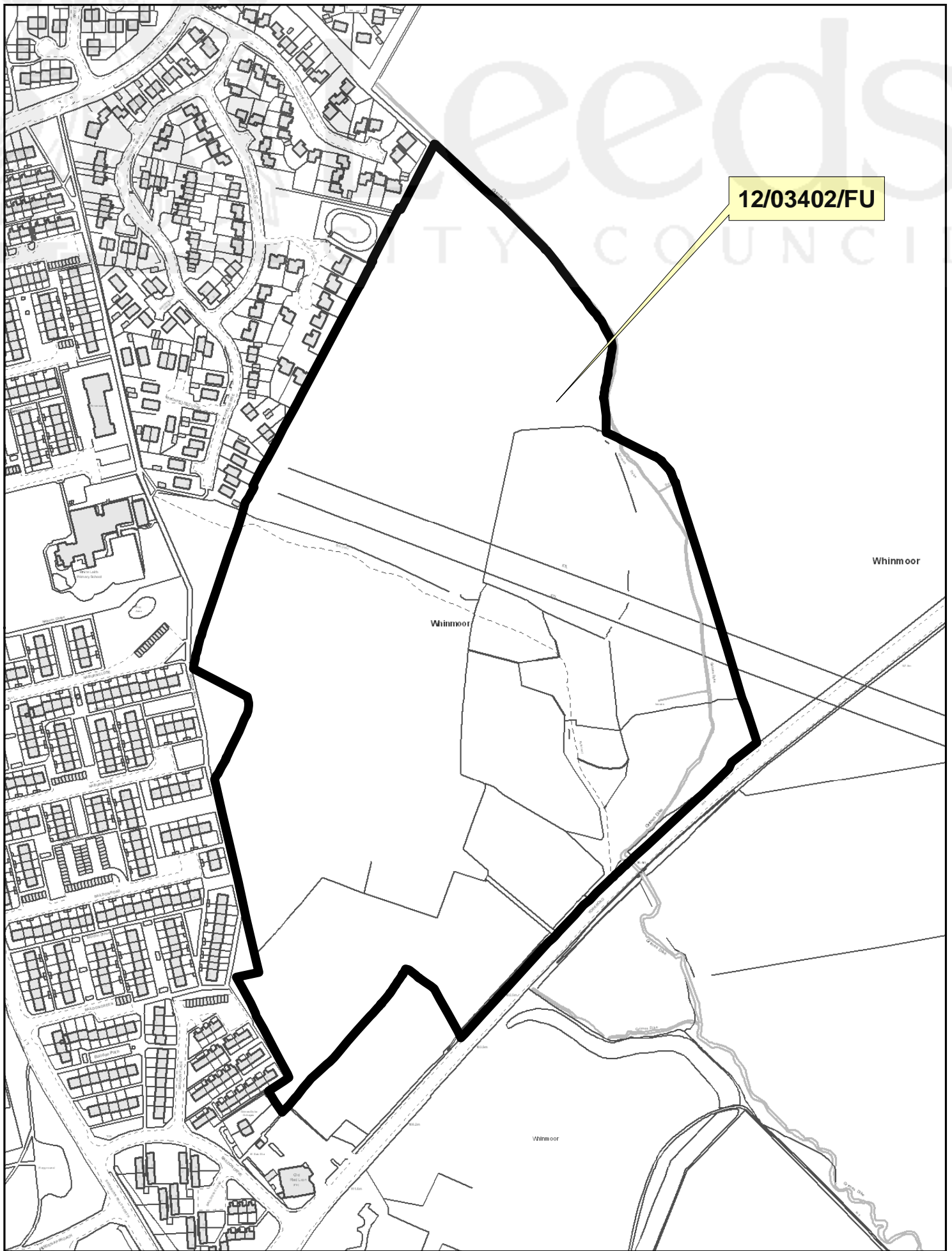
defer and delegate to the Chief Planning Officer for approval, subject to the resolution of outstanding layout issues and the expiry of any re-advertising (as may be appropriate and subject to no new substantive issues being raised) and imposition of the specified conditions (and any others which he might consider appropriate) and following completion of a Section 106 Agreement.

**13.0 Background Papers:**

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

## APPENDIX 1

Planning obligation	Amount or rate due on appeal scheme (circa 500 units)	Amount or rate due on current planning application (364 units)
Affordable Housing	30% (40/60 split)	15% (40/60 split)
Residential MetroCards	Metro Scheme B	Metro Scheme B (717.20 per ticket)
Travel Plan, including review fee	£4,000.00	£3,280.00
Public Transport Improvement Contribution	£884.94 per house £283.06 per flat	£884.94 per house £283.06 per flat
Education contributions	Primary - £2,972.32 (per family dwelling) Secondary - £895.75 (per family dwelling)	Primary - £2,972.32 (per family dwelling) Secondary – to be confirmed (per family dwelling)
Community facilities	Community space – 240 sqm (gross) Retail space – 240 sqm (gross)	Community space – 240 sqm (gross) Retail space – 240 sqm (gross) Note – Officers are seeking a commuted sum for community space.
Footway / cycleway links to Whinmoor Way	To be provided	To be provided
Public access areas	Due to the outline nature of the application, the S106 provides for maintenance and management of greenspaces by either the developers, a management company or the Council. Proposals included play facilities.	The S106 will provide for maintenance and management of greenspaces by either the developers, a management company or the Council. Proposals are to include play facilities.
Sustainable Drainage Scheme	Provision for maintenance and management (would require a commuted sum to be agreed)	Provision for maintenance and management (a commuted sum of £183,000 is sought)
Ability to connect spine road to East Leeds Extension	Required for the proper planning of the area in the absence of detailed plans	Shown on the proposed plans
Early delivery of housing on site	N/A	Agreed
Local training and employment initiatives	N/A	To be provided



12/03402/FU

Whinmoor

Whinmoor

Whinmoor

# CITY PLANS PANEL

