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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

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

**Subject: APPLICATION 13/00288/RM – RESERVED MATTERS APPLICATION FOR 189 HOUSES, ONE BLOCK OF 9 APARTMENTS AND ONE BLOCK OF 6 APARTMENTS INCLUDING ASSOCIATED LANDSCAPING AT OPTARE, MANSTON LANE, CROSS GATES, LEEDS, LS15 8SU.**

**APPLICANT**

Ben Bailey Homes

**DATE VALID**

25/1/13

**TARGET DATE**

26/4/13

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**Electoral Wards Affected:**

**Crossgates & Whinmoor**

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 11.0 of this report.**

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**1.0 INTRODUCTION:**

1.1 Reserved matters approval is sought for a major residential development at the former Optare/Draka UK site at Manston Lane, Cross Gates. The outline application proposed up to 256 residential units and was agreed at the 7<sup>th</sup> June 2012 East Panel. Due to the scale of the development proposed, the application is to be considered by City Plans Panel. In the first instance, City Plans Panel are asked to comment on this position statement and the proposals as they currently stand before the application is brought for determination later in the Spring.

**2.0 PROPOSAL:**

2.1 Reserved matters approval is sought for 204 residential units. Outline consent has been granted for the principle of development and means of access therefore the appearance, landscaping, layout and scale of development is to be agreed via the current reserved matters application. The development is to be delivered in two

phases with 115 houses in the first phase and 89 units (74 houses, 15 apartments) in the second phase.

- 2.2 189 houses (104 four bed, 63 three bed, 22 two bed) and 15 two bed apartments are proposed. There are twelve different house types of both two and three storeys that are spread across the development and include detached, semi-detached and terraces of up to four dwellings. The houses are faced in a red multi-brick or artificial stone, all houses have a concrete dark grey roof tile and grey upvc windows.
- 2.3 The 15 apartments are accommodated in two buildings in the north-east corner of the site. The apartment buildings are three-storeys and finished in the same red multi brick and concrete tile as the houses. To the rear of the flats are 16 parking spaces and amenity space for the residents.
- 2.4 There are two vehicular access points serving the site off Manston Lane, as agreed under the outline application, plus a cycle route that extends through the site and links to an existing playing field to the north of the site.
- 2.5 10% of the site is provided as public open space, this space is located in the centre of the site.
- 2.6 The 15% affordable housing for the first phase of development provides 17 units (11 two bed and 6 three bed semi detached and terraced properties). There are six units located in the south-west corner of the site adjacent to Manston Lane, five units overlooking the central public open space and six units on the eastern boundary abutting the ice cream factory.
- 2.7 Whereas there is a presence of coal underneath the site, it is acknowledged that the coal is too deep to viably extract.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site has an area of 6.3 ha. The site was formally occupied by buildings relating to the Optare bus builders and specialist cable manufacturers Draka UK but all buildings have been demolished and the applicant has commenced the remediation works required by the outline consent.
- 3.2 Limited landscape features can be found at the extreme boundaries of the site and the land gently slopes up from Manston Lane towards the sports field to the north. The former Manager's house for the Optare site is located on Manston Lane in the centre of the site, this building is excluded from the application boundary because it is in separate ownership but is still in residential use.
- 3.3 The application site is located within a part of Manston Lane which until recently was characterised by industrial development with the exception being only a handful of residential properties including the former manager's house in the centre of the site's frontage and a set of semi-detached dormer bungalows to the east. However, Bellway are currently on site with a 122 unit residential scheme on the southern side of Manston Lane on the former Vickers Site and there are further housing proposals on the Vickers site currently under consideration therefore the character of the area has already changed and could do further in the coming years should further residential schemes be supported.

- 3.4 A playing field is located to the north (including a public footpath running east to west) and a dismantled railway (situated within a cutting and relatively overgrown) runs the length of the site's western boundary beyond which the residential properties within Penda's Way are located. The Richmond ice cream factory is located directly to the east.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 13/00234/COND: Discharge of condition application for conditions attached to the outline consent 08/00298/OT. This discharge of condition application is still under consideration. The applicant has commenced remediation works.
- 4.2 08/00298/OT: Outline approval for the principle of and means of access for a residential development of up to 256 residential units. This application was originally considered by East Panel in September 2008 before lengthy Section 106 negotiations resulted in East Panel agreeing to grant permission in June 2012. The application was formally approved on 15<sup>th</sup> November 2012. Condition 4 attached to the outline consent restricts the development to a maximum of 256 units at a size and range shown on the approved illustrative layout plan (205 houses and 51 apartments). Condition 4 also prevents no more than 138 units (96 houses, 42 apartments) to be constructed until the Manston Lane Link Road (MLLR) is built through Thorpe Park to the M1. However, condition 4 does permit changes to be agreed with the Council subject to the highway implications remaining broadly the same.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers commenced pre-applications discussions on the reserved matters (layout, scale, appearance and landscaping) and more detailed highways and amenity issues in August 2011. Meetings have taken place that have sought to ensure the site adheres to the principles established through the outline application. Negotiations have primarily related to the site layout to deliver a well connected street layout focused around a central greenspace, provide appropriate spaces between dwellings and ensures private amenity spaces are provided of a sufficient scale. The impact of noise from the adjacent ice cream factory has also been closely examined.
- 5.2 On the 5<sup>th</sup> October 2012 officers issued a letter commenting on a site layout proposing 199 units (185 houses and 14 apartments). Officers stated the general layout was appropriate but that some of the garden sizes were too small and did not take into account off site trees. It was felt car parking dominated street frontages and that many of the houses were too close together. As can be seen in the appraisal section below, these issues are still present in the current layout for 204 units.
- 5.3 A recent meeting has taken place with the applicants and their team (4<sup>th</sup> March) where issues have been raised which need to be resolved with this detailed application.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 Site notice posted 8/2/13.
- 6.2 One letter of objection has been received from the occupier of the former manager's house located in the centre of the site's Manston Lane frontage. The objector states

they will experience overshadowing and overlooking from the three-storey houses proposed adjacent to their property. The objector also makes reference to a two-storey commercial building within their property that has ground and first floor windows on the shared boundary with plot 31. The objector believes their amenity will be adversely effected by the close boarded fence proposed by the applicant on their boundary and that the future occupiers of plot 31 will experience a loss of amenity due to the commercial premises directly overlooking their rear garden.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Coal Authority: No objection. Previous stages of this development proposal have afforded due consideration to the potential presence of a mine entry on the southern site boundary and the applicant has undertaken intrusive investigations to locate the feature, with the permission of The Coal Authority.
- 7.2 Highways: No objections in principle. However a number of changes to the internal layout will be necessary and should be shown in a revised plan before the layout is acceptable.
- 7.3 Public Rights of Way: No objection provided the public footpath abutting the northern boundary is not obstructed.

## **8.0 PLANNING POLICIES:**

- 8.1 Development Plan
- 8.2 The application site is unallocated within the UDPR, however the following policies are of relevance:
- GP5: General planning considerations.  
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.  
BD5: Design considerations for new build.  
T2: Development proposals should not create new, or exacerbate existing, highway problems.  
T5: Consideration of pedestrian and cyclists needs.  
T7/T7A: Cycle routes and parking.  
T24: Parking guidelines.  
LD1: Proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.
- 8.3 Neighbourhoods for Living: A guide to residential development in Leeds.
- 8.4 Street Design Guide.
- 8.5 Natural Resources and Waste Development Plan Document.
- 8.6 National Planning Guidance

The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved.

## 8.7 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.

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.

## 9.0 MAIN ISSUES

- Quantum of development, range of house types and phasing.
- Layout and design issues.
- Residential amenity.
- Highways.
- Letter of objection.

## 10.0 APPRAISAL

### 10.1 Quantum of development and range of house types

10.2 As highlighted above, the outline consent includes a condition (number 4) that restricts the development to no more than 256 units at a size and layout shown on the approved illustrative layout (205 houses and 51 apartments). Condition 4 also prevents no more than 138 units (96 houses, 42 flats) to be constructed until the MLLR is built from Manston Lane through Thorpe Park to the M1. However, all of the above can be varied through agreement with the Council.

10.3 The proposed scheme has a different layout and mix of houses than illustrated by the outline consent. A total of 204 units are proposed with 189 houses and 15 two bed apartments. 115 houses (are proposed to be delivered in the first phase, i.e. pre-MLLR).

10.4 The previous illustrative layout produced in January 2008 indicated terraced properties as the predominant house type and included a greater percentage of apartments. Due to changes in the housing market and preferences of house builders/house buyers, the range of housing has changed and the reserved matters application now proposes a greater percentage of family houses and a significant reduction in the number of apartments. In principle and subject to detailed design considerations, the change in type of housing available at the site is considered acceptable as there is still an intention to deliver a good mix of house types across the site that will ensure the delivery of a mixed community.

- 10.5 The approved illustrative layout highlighted two separate areas of public open space either side of a residential cluster in the centre of the site. At the request of officers, the proposed layout provides the public open space in the centre of the site. The proposed size is the equivalent to the combined size of illustrative public open space but as it is one large space and located in the centre of the site it is a much more usable space accessible by all properties.
- 10.6 As discussed, condition 4 on the outline consent prevented no more than 138 units (96 houses and 42 flats) to be delivered until local highway improvements in the form of the MLLR as it will help to alleviate pressure on the road junctions in and around Cross Gates. Under the current scheme and its amended layout the applicant proposes to deliver 115 houses in this first phase prior to the construction of the MLLR. Highways officers have agreed to this change as it is considered the impact in terms of number of vehicles on the highway network from 115 houses will be similar to those originally anticipated from the 96 houses and 42 apartments specified within the condition.
- 10.7 For the reasons outlined above it is considered that a change to the layout, range of house types and phasing of the development is acceptable in principle.
- 10.8 Are Members supportive of the changes to the outline approval regarding the general site layout, location of public open space, range of house types and phasing?**
- 10.9 Layout and design issues
- 10.10 As highlighted above, pre-application discussions have resulted in the development including a central public open space. Officers strongly support this approach as it provides a central focus for the site and allows for an ordered highway network around the space. The layout also allows for many properties to have their rear garden backing onto other rear gardens as is desirable from a community safety point of view as natural surveillance is provided.
- 10.11 However, the layout does result in many houses being very close together with gaps rarely greater than 2m when guidance would normally seek to achieve 3.5m. Whereas 3.5m is not necessarily required in every instance, the prevalence of narrow gaps between houses is considered detrimental to the character of the development. The current separation distances and layout of the house types also results in a dominance of car parking along street frontages. These factors would point toward a general overdevelopment of the site and officers are seeking to negotiate improvements.
- 10.12 Guidance with Neighbourhoods for Living seeks rear garden depths of 10.5m and have an area approximately two thirds of the gross floor area of the house. Whereas this is not applied as an exact science in every instance, some of the garden depths are as short as 6m with many around 7-9m therefore officers are also seeking improvements to address these deficiencies.
- 10.13 Many of the shorter garden depths are along the western boundary that abuts a line of off-site trees. These shorter garden depths result in the tree canopies overhanging the gardens and being within close proximity to rear windows. Guidance seeks to ensure good distances to trees to reduce the threat to that tree from future residents that may seek its removal if the tree blocks light or has other adverse impacts on the property. Officers have requested the applicant examines

this issue in more detail to ensure appropriate distances are provided and therefore the long term retention of the trees assured.

- 10.14 The apartment blocks are located in the north east corner of the site with the parking provided on the north east boundary adjacent to the ice cream factory. It is considered this is an appropriate location for the apartment blocks as it is preferable to incorporate a parking area on the boundary adjacent to the factory rather than private gardens.
- 10.15 Where terraces are created, the applicant has introduced pedestrian alleyways that pass down the side of the end terrace property to the rear of the other mid-terraced properties to provide rear access and therefore permit bin storage at the rear. This approach is generally considered to be acceptable in principle due to their being no real alternative to providing rear access. However, this is subject to some provisions including lockable gates and that only a small number of units can be accessed. However, the current layout includes alleyways serving more than two properties that for security and public safety reasons should be avoided.
- 10.16 Officers have previously raised concerns about the position of a substation in the corner of the public open space and this is still proposed. Revisions will therefore be sought including enhancements to the character and attractiveness of the public open space, an additional footpath link to the playing fields to the north and enhanced tree planting along the northern boundary.
- 10.17 Whereas the general layout of properties set around a central greenspace and ordered streets is entirely appropriate, the issues highlighted above generally indicate the site overdeveloped and officers are seeking a reduction in the total number of units proposed and/or the mix to allow improvements to the separation distances, greater garden depths and reduction in car dominance.
- 10.18 Most of the house types proposed across this site have been previously approved by the Council on other sites and are largely considered appropriate for this site. The dwellings will be finished in a mix of red multi-brick or artificial stone that will reflect other properties in the locality including those currently being built by Bellway on the opposite side of Manston Lane.
- 10.19 Notwithstanding the above, some of the units appear to have steeply sloping roofs that results in a top heavy house type and the linking of three-storey properties into terraces often has an adverse impact on the streetscene therefore officers are discussing changes to these elements to enhance the character of the development.
- 10.20 Do Members agree with the changes sought by officers regarding the density of development on the site and detailed design issues highlighted above?**
- 10.21 Residential amenity
- 10.22 A noise assessment has been carried out that seeks to discharge a condition on the outline consent and give comfort regarding the proposed site layout and its relationship with Manston Lane to the south and the ice cream factory to the east. To protect against noise from the highway there are a number of properties that are required to have windows that provide enhanced sound insulation and three properties where a 1.8m high acoustic fence is considered necessary adjacent to Manston Lane.

10.23 The main noise impact is from the ice cream factory on those properties along the eastern boundary. The noise assessment has recommended there is both attenuation at the source of the noise and an acoustic fence erected on the eastern boundary. The assessment details which items of machinery at the factory need to be attenuated and how this can be carried out and requires a 2.5m acoustic fence erected along the boundary from plots 96-108. In addition, all windows facing the ice cream factory are required to meet minimum sound insulation values. The assessment considers that provided the mitigation highlighted above is introduced there shall be no adverse amenity impact. Officers are awaiting comments from colleagues in Environmental Health on this matter and Members will be updated with these comments at Panel.

10.24 The shorter rear gardens referenced above raise some potential overlooking and loss of amenity concerns but there are no other amenity concerns.

#### 10.25 Highways

10.26 The means of access was agreed at outline stage and those agreed access points are proposed on the current layout. As highlighted above, the change in phasing that delivers all houses in the first phase has been considered by highways officers and is considered acceptable. The development delivers a cycle route through the site that links to Cross Gates railway station.

10.27 Whereas the major highway issues are largely addressed there are a number of deficiencies in the site layout that still need to be addressed. These include short driveways, sightlines, narrow garages/car ports and inappropriate bin store locations. These issues are currently being addressed by the applicant and it is hoped updated drawings will be provided prior to Panel.

10.28 As highlighted above, the current site layout is not considered acceptable. A revised site layout will be sought that seeks to address the concerns of the objector in addition to those concerns raised by officers.

### 11.0 CONCLUSION

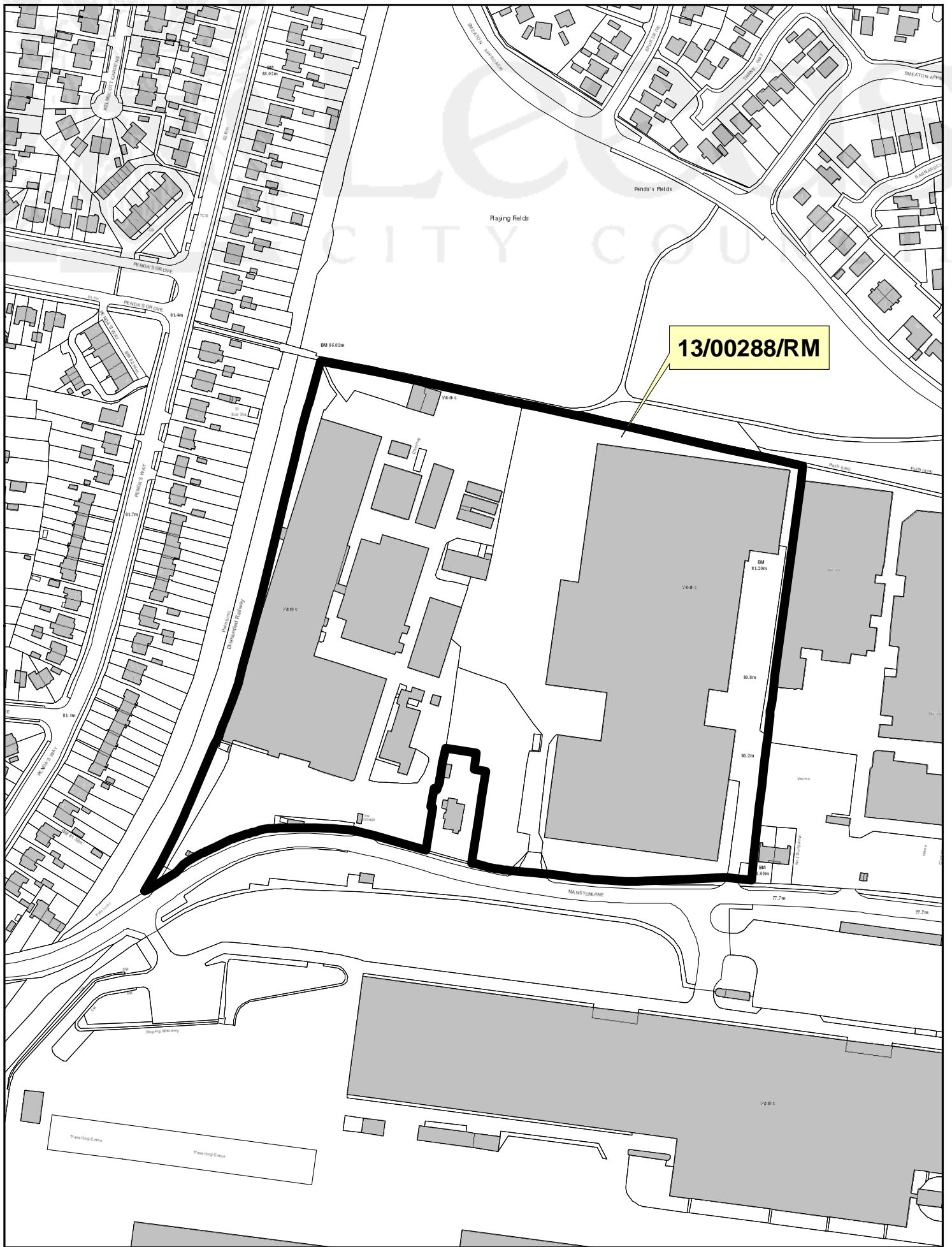
11.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal. Specifically, feedback is requested from Members on the following matters:

- **Are Members supportive of the changes to the outline approval regarding the general site layout, location of public open space, range of house types and phasing?**
- **Do Members agree with the changes sought by officers regarding the density of development on the site and detailed design issues highlighted above?**

### 12.0 BACKGROUND PAPERS

12.1 Application file 13/00288/RM history file 08/00298/OT and discharge of condition application 13/00234/COND.





13/00288/RM

# CITY PLANS PANEL

