



Leeds
CITY COUNCIL

Originator: Glen Allen

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Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 5th September 2013

Subject: 13/02718/OT - Outline Application for the erection no more than 29 dwellings with vehicular access and an urban park on land at the former Yorkshire Bank Sports Ground, Allerton Grove, Moor Allerton.

APPLICANT:
Camstead Homes

DATE VALID:
7th June 2013

TARGET DATE:
6th September 2013

Electoral Wards Affected:

Moortown

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 specified conditions and following referral and consideration of the application by the Secretary of State and the prior completion of a Section 106 Agreement to cover the following additional matters:

- 1. Dedication of a fully landscaped park to the City Council.**
- 2. Commuted sum payment in relation to the future maintenance of the public park.**
- 3. Provision of 4 affordable units.**
- 4. Commuted sum payment in respect of £10,000 towards public transport enhancements.**
- 5. Provision of METRO cards to occupiers.**

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.

- 1 Approval of details relating to matters reserved including:
Layout
Scale
Appearance
Landscaping
- 2 Time limit on submission of reserved matters to 3 years
- 3 Submission, approval and implementation of all materials to be used in the construction
- 4 Limit on the number of houses approved by the outline to no more than 29 dwellings only.
- 5 Submission, approval and implementation of details relating to fence/wall treatment
- 6 Submission, approval and implementation of a foul drainage scheme.
- 7 Submission, approval and implementation of a drainage scheme for the urban park element of the proposal.
- 8 Implementation of recommendations of the Coal Stability and Recovery Report including the requirement should the findings of that investigation identify the need for remedial action, that details of the necessary remedial action is submitted to the LPA prior to works being carried out and the recommendations therein made are certified to having being carried out to the agreed standard prior to works commencing on site.
- 9 The limit of surface water run-off to be limited to the current off site water run-off and the implementation of a storm water storage facility to accommodate the flood volume of a 1 in 100 year event plus 30% to allow for climate change.
- 10 Submission, approval and implementation of a desk top study relating to land contamination and remediation statement including variations to it, prior to development commencing on site
- 11 The submission of verification reports following remediation.
- 12 Restriction on hours of construction and delivery (including demolition and removal of materials from the site) to be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturdays with no deliveries or construction activity taking place on Sundays or Bank Holidays.
- 13 Submission approval and implementation of a Statement of Construction Practice.
- 14 Provision, laying-out and suitable surfacing of all areas of hard standing approved for the use of motor vehicles prior to first occupation of any of the dwellings approved under the reserved matters.
- 15 Maximum gradient limitations for access's and driveways
- 16 Submission, approval and implementation of a bio-diversity plan.
- 17 Submission, approval and implementation of a method and management statement relating to the creation of the proposed wetland area.
- 18 Submission, approval and implementation of Bat Roosting and Bird Nesting plan
- 19 Submission, approval and implementation of a method statement for dealing with invasive species

- 20 Submission of details for Secured by Design requirements
- 21 Submission, implementation and maintenance of tree protection measures during construction and laying out of the park.
- 22 The residential development shall take place within an area of 1.3Ha and the remainder of the site 3.37Ha shall be used as an urban park.

1.0 INTRODUCTION

- 1.1 This report is submitted as a late item because it contains the most up to date information which was not available at the time of agenda despatch, and following consultation with ward Members, it was felt in the best interests of the Council and other parties concerned that the matter be considered without delay.
- 1.2 This application is brought to Plans Panel as it represents a departure from the adopted development plan in that the site is a Protected Playing Pitch and there is an unresolved objection from Sport England who area a statutory consultee. In these particular circumstances if Members are minded to grant planning permission then the application has to be referred to the Secretary of State as a departure for his consideration.

2.0 PROPOSAL

- 2.1 The proposal is in outline only with all matters reserved except for means of access to the site. Vehicular access is shown to be from Allerton Grove for the residential element of the application and with pedestrian access off Shadwell Lane for the Urban Park part of the application. The application is not seeking approval for access within the site.
- 2.2 The applicant seeks planning for up to 29 dwellings with 4 of these being affordable. An indicative layout has been submitted that actually shows 30 dwellings but the purpose of this plan is simply to demonstrate that a quantum of development can be accommodated on the site. This plan also contains a preliminary layout for the Urban Park however should planning permission be forthcoming the matters of detail relating to these layouts will be subject to reserved matters applications.
- 2.3 The applicant has set out that the site has an area of 4.67Ha and that the residential development would occupy 1.3Ha with 3.37Ha being dedicated as an urban park.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is presently vacant. It is understood that it ceased use as a playing field some 12/13 years ago. It is currently overgrown but shows distinct desire lines crisscrossing it. To the south of the site lies Allerton Grove which connects Allerton Avenue with Lime Tree Avenue and on the southern side of that road is existing residential properties. These consist of detached and semi-detached residential properties along the Allerton Grove frontage and

then flats where Allerton Grove joins Lime Tree Avenue. To the east lies The Spinney a development of predominantly detached houses. Of this road, numbers 15-23 (odds) share a common boundary with the application site, then there is a gap and land under different ownership separates the remainder of The Spinney properties for the application site.

- 3.2 To the north of the site the northern boundary is shared with residential properties that face High Moor Crescent and the north west boundary fronts Shadwell Lane. To the west the site is bound by a variety of properties with a community service and Moortown Primary School being to the north of that boundary and residential properties numbers 6-14 (evens) Allerton Avenue bounding the site to the south of that boundary.
- 3.3 Within the site the southern boundary (to Allerton Grove) is dominated by a mature hedge with two access points. These access points are located to serve the original car park and buildings that have since been demolished and were serving the use of the wider site as playing fields. The north and north west boundary and part of the west boundary has a variable depth buffer consisting of many trees and bushes. A number of mature trees are also growing in various locations across the site, some of which are protected by a Tree Preservation Order.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following applications are relevant to the consideration of this planning application:

30/655/05/OT – Outline Application to erect residential development and use of land for community sport and recreation – Withdrawn 27 March 2006

06/03561/OT – Outline application to erect 55 dwellings on part of the former sports ground and use of the remainder of the land for community sports and recreation – Withdrawn 24 January 2007

08/03308/FU – Laying out of access road and erection of 88 dwellings and formation of community sport and recreation facilities with changing rooms and associated parking – Withdrawn 15 September 2008

08/06769/FU - Laying out of access road and erection of 88 dwellings and formation of community sport and recreation facilities with changing rooms and associated parking – Refused 30 June 2009 for the following reasons:

- Insufficient supporting evidence to allow for a departure from the Local Plan
- Inadequate levels of affordable housing offered vis-à-vis the scale of the development
- Highway safety
- Failure to take opportunity to improve the character of the area through the design and layout of the scheme
- Loss of a Protected Oak tree

- The amenities of future occupiers would be unsatisfactory due to the relationship of some houses to trees.
- Inadequate space to provide a suitable landscaping scheme that would enhance the character of the area.

Tree Preservation Order (No. 78) 1996.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This site has been subject to a number of unsuccessful applications as evidenced by the panning history above. Because of the allocation on the UDPR as a Protected Playing Pitch, due to its former use as a private sports ground for the Yorkshire Bank these have always been resisted, amongst other matters, as no suitable alternative of compensatory provision for replacement of that lost sports ground has been made that is acceptable vis-à-vis the proposed number of houses.
- 5.2 The current applicant has proposed a very low number of houses in return for dedicating the remainder of the site to the Council for the purposes of a public park. The park would be laid out by the applicants prior to it being adopted by the Council and a commuted sum payment made for its maintenance.
- 5.3 Prior to presenting the proposals to officers, the applicants had undertaken an extensive public consultation exercise themselves and have submitted the results of that exercise in their statement of community involvement. The public consultation exercise has included surrounding residents, local stakeholders the Ward Members and the Local MP.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices posted on 5 July 2013 and newspaper advert published on 18 July 2013. Given the allocation in the Leeds UDPR as a Protected Playing Pitch the proposal represents a departure from the plan and has been advertised as such. In addition the application has been advertised as a Major development.
- 6.2 In addition, eight notices have been posted in various locations around the site including The Spinney, High Moor Crescent, Shadwell Lane, Allerton Avenue, Allerton Grove and Lime Tree Avenue. Time for comment on this application as a result of these forms of advertising expired on 8 August 2013.
- 6.3 As a result of this, 30 letters of objection and nine letters either in support or making general observations have been received. Included in this are comments from Moortown Community Group and Lime Tree Community Steering Group. One of the letters constitutes a petition with 12 signatures included supporting the proposals.

6.4 A separate petition was received by the Council on 20 August 2013 signed by residents of The Spinney including those at Woodlands (53 signatures). The basis of this petition is against a proposed access from The Spinney to the proposed Moortown Park.

6.5 Other objections to the scheme include:

- § Object to 36 homes being built on the site
- § Access from Lime Tree Avenue is a flawed idea
- § Loss of Habitat including trees
- § Loss of view over fields
- § Loss of sports facilities for ever
- § Increase in traffic particularly along Lime Tree Avenue
- § Loss of improvement potential for the Primary School
- § Objection to three storey town houses
- § Objection a pedestrian link from the Spinney to Shadwell Lane
- § An access off The Spinney would result in anti-social behaviour in what is otherwise a quiet residential cul-de-sac
- § Loss of TPO Trees
- § Concern over future maintenance of the park

6.6 The ward Members have written in support of the application.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

7.1 Highways – Require some minor modification to the originally submitted plans which have now been submitted.

7.2 Environment Agency – No objection subject to a condition requiring the implementation of the recommendations in the submitted flood risk assessment.

7.3 Sport England – Fundamentally object to the loss of this Protected Playing Pitch.

Non statutory Consultees:

7.4 Neighbourhoods and housing – No objection subject to conditions relating to details of the construction compound, hours of construction condition and a direction relating to the current requirements of the Environmental Protection Act 1974.

7.5 Contaminated Land team – Require a number of conditions to be imposed to ensure that land contamination if discovered unexpectedly, is dealt with correctly.

7.6 Metro require a commuted sum payment of £10,000 in respect of the upgrading of a nearby bus stop that will provide real time information to travellers and a commitment to providing subsidised bus passes to purchasers of the new properties to encourage the use of public transport.

- 7.7 Sustainability Team – Requested the imposition of conditions that will encourage various species to thrive within the redeveloped site through the submission of a bio-diversity master plan and its subsequent implementation.
- 7.8 West Yorkshire Police Liaison Secured by Design – Has provided up to date guidance on current recommendations for ensure that the development meets secured by design standards. This will be passed onto the applicant pursuant to the submission of the reserved matters.
- 7.9 Mains Drainage – Require a condition be imposed to ensure the submission of a suitable drainage scheme that will maintain the current level of run off from the site and implement a storage facility to deal with a 1 in 100 year flood event taking into account climate change.
- 7.10 Yorkshire Water – Have no objection subject to conditions being imposed that deal with surface run off and foul water drainage facilities.
- 7.11 Local Plans – no objection to the scheme subject to the provision of 5 affordable units (*this was based on the proposal for 30 dwellings*).
- 7.12 NGT/Public Transport – confirms that the scheme is below the threshold to justify the requirements of a contribution toward the New Generation Transport Project.
- 7.13 Children’s Services Education – No objection despite the adjacent school being oversubscribed already, the level of development is below the threshold to justify a contribution to enhancing the education facilities.
- 7.14 Coal Authority – Acknowledges the conclusions of the mining report submitted that the risk to future coal extraction is minimal and requires that the recommendations contained in that report in relation to the need for a ground investigation to take place be imposed by condition.
- 7.15 Leeds Civic Trust – Support the development subject to conditions that, amongst other matters, limit the development to no more than 30 dwellings, limit the area available for housing development and that it should be located in the southern half of the site, require the delivery of the urban park, that access should be provided in accordance with the submitted plan, drainage improvements to be carried out

8.0 PLANNING POLICIES:

- 8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006). The site is allocated a Protected Playing Pitch and Policy N6 is particularly relevant. Of that document the following policies are considered relevant:

SP3	Strategic Policy 3 requires new development to be concentrated largely within or adjoining the main urban areas.
SA8	Access to community facilities, amongst other uses.
GP5	Seeks to resolve matters of detail at the application stage – Given that this proposal is in outline with all matters reserved except for access to the site, the requirements of this policy are somewhat curtailed until the detailed reserved matters are considered.
GP7	Planning obligations to enhance quality of development.
N2	Greenspace
N4	Greenspace
N6	Seeks to ensure that development of playing pitches only takes place where there is already adequate provision of such facilities in the locality and if not that there is a demonstrable net gain to overall pitch quality and provision by the part re-development of a site.
N12	Seeks to ensure that proposals for developments follow sound and tried and tested priorities for good urban design.
N13	Seeks to ensure good design within new developments.
N51	Relates to nature conservation.
T2	Relates to the highway implications of new developments seeking to locate them in sustainable locations near to or within existing built up areas and facilities.
H4	Supports the release of windfall sites for housing purposes.
H11-13	Affordable housing.

8.2 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.

8.3 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. For the purposes of this development proposal, the following policies are considered relevant:

Spatial Policy 1: seeks to encourage the location of new development within the existing urban areas to take advantage of existing services, accessibility and to promote urban regeneration.

Spatial Policy 6: recognises that 500 dwellings per annum will be delivered on small or unidentified sites. (Known as 'windfall sites').

Policy CC3: encourages developments in appropriate locations to provide improved routes between neighbourhoods and the City Centre to make walking and cycling easier and safer.

Policy H2: Provides guidance on the development of so called 'windfall sites' that is sites not allocated for Housing on the sites allocation document (or in this case the UDPR).

Policy H3: seeks to define the appropriate housing density for differing regions of the City, unless there are over-riding townscape, character, design or highway issues that dictate otherwise.

Policy H4: seeks to ensure a suitable mix in housing types and sizes in order to meet the various demands of the housing market.

Policy H5: defines the necessary provision of affordable housing vis-à-vis the scale of the development and its location.

Policy P10: seeks to ensure that all developments are of a high standard of design and respects and enhances the variety of existing landscapes and streets.

Policy G3: sets the expected standards for Open Space, Sports provision and natural green space in relation to 'per thousand people' and accessibility.

Policy G4: defines the necessary Green Space provision per residential unit for developments that exceed the threshold of 10 units or more.

Policy G8: seeks to ensure a net gain in bio diversity within development sites, wildlife habitats are enhanced and that there is no significant detrimental impact on the connectivity and integrity of the Leeds habitat network.

Policy EN1: seeks to ensure that developments of more than ten dwellings will achieve a 20% reduction in Carbon Dioxide emissions compared to the requirements of the Building Regulations.

Policy EN5: Seeks to manage the risk of flooding in those areas susceptible to flooding.

8.4 Supplementary Planning Guidance / Documents

SPG – Neighbourhoods for Living

SPD – Designing for Community Safety – A Residential Guide

SPG – Affordable Housing Interim Policy
SPG – Greenspace and Developer Contributions
SPD – Street Design Guide

8.5 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

Paragraph 7 of the NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 14 supports the concept of sustainable development.

Paragraph 17 sets out 12 key principles which planning should adhere to, including inter alia;

Proactively drive and support sustainable development

Seek to secure high quality design and amenity

Actively manage growth and make use to the fullest the use of public transport, walking and cycling focusing developments in locations that are sustainable.

Paragraph 58 sets out a list of criteria that LPA's should follow to ensure good design.

Paragraph 188 sets out guidance on pre-application engagement with interested parties and stakeholders.

9.0 MAIN ISSUES

9.1 The main issues relating to the determination of this application are:

- Principle of Development / Loss of Protected Sports Pitch
- Access
- Residential Density/Character
- Affordable Housing Provision
- Impact on Trees and Wildlife
- Section 106 Agreement Draft Heads of Terms

10.0 APPRAISAL

Context

10.1 The application, as described above is submitted in outline only with the means of access to the site being the only matter not reserved for subsequent approval. This means that in essence the majority of the details submitted in support of the application will not be approved as part of this process, assuming a positive outcome for this application, but will be reserved for subsequent approval under the imposition of conditions or the required

reserved matters applications. This does not mean that those details are unimportant however as they set the context and basis of any grant of planning permission and fulfilment of the imposed conditions including the Reserved Matters that might be forthcoming. This also includes details to be included in any Section 106 Agreement that is deemed necessary.

Principle of Development & Loss of Protected Sports Pitch

- 10.2 The site is allocated on the UDPR as a protected playing field under Policy N6. Therefore, there is a presumption against development that would be contrary to that allocation unless as part of the application proposals there is a demonstrable net gain to overall pitch quality, or there is no shortage of pitches in the locality or there are material considerations of such importance that outweigh this allocation. This aspect of the proposal is dealt with below in more detail.
- 10.3 However, the site also needs to be assessed in terms of its suitability in relation to its location to local services and facilities for the residential element of the proposal and also in respect of accessibility for the urban park element of the proposal. The site is located in what can be described as a predominantly residential area, being surrounded on all sides apart from the west boundary by existing and well established residential properties of varying types and ages. In terms of the sites relationship to local services, including a local primary school, it is well placed as shops and other local facilities exist nearby and within walking distance at Harrogate Road, Street Lane and other roads in the near vicinity. There are good public transport routes along Harrogate Road and Street Lane, providing good connectivity to and from the City Centre.
- 10.4 The proposal includes approximately two thirds of the site as a public/urban park to be dedicated to the Council. The applicants have submitted an open space analysis which is discussed below in more detail, but the conclusions of that analysis shows that the site is located in an area that is deficient in Local Amenity Space. Within a 300 metre radius there are over 1000 households that do not have access to the first tier of open space identified in the UDPR (this being Local Amenity Space). This is space that might provide immediate needs for families with young children providing an aspect of play equipment and that is likely to be used frequently. Within the 400 metre radius, that defines the second tier of open space desirable in the UDPR that figure of households will be significantly higher.
- 10.5 It is therefore concluded that putting aside the allocation on the UDPR as a Protected Playing Pitch, the location of the site both for the proposed future occupiers of the 29 dwellings proposed and the proposed urban park, for both future occupiers of the residential element of the proposal and the households currently in Moortown, the site is highly sustainable.
- 10.6 The site is designated in the UDPR as a Protected Playing Pitch under Policy N6. It is for this reason that Sport England is a statutory consultee. Because

the sports pitch has been unused for a period of over ten years, the requirement to consult Sport England relates only to its allocation on the UDP.

10.7 Sport England has lodged an objection on the grounds that the loss of the sports pitch is contrary to their policy and policies in the NPPF because there is no suitable or compensatory replacement being proposed as a result of this application. There are no exceptional circumstances to justify the loss and that the NPPF in paragraphs 73 and 74 closely follows Sport England's policies that require:

- A documented assessment of current and future needs has demonstrated that there is an excess of playing fields in the catchment area.
- The proposed development, in this case the housing, is ancillary to the main use of the site as a playing field.
- The development affects only parts of the site that are incapable of being used for a pitch.
- The playing fields being lost would be replaced by a playing field of equivalent or better quality.
- The proposed development is for a sports facility, the benefit of which would outweigh the harm caused by the loss of the playing field.

10.8 The proposal is contrary to the development plan and contrary to the Policies of Sport England as a statutory consultee.

10.9 It is a requirement of the planning legislation that applications be determined in accordance with the development plan, unless material circumstances dictate otherwise. In this instance, Members in considering this application, need to weigh the benefit of this scheme coming forward against the site remaining a vacant, unused and unusable site, at least legally, for the foreseeable future.

10.10 A public urban park would be dedicated to the Council once suitably laid out. This will come with a commuted sum payment for future maintenance and will consist of over two thirds of the land that constitutes the development site. An open space assessment has been submitted which shows there is a deficiency in Moortown of Local Amenity Space, Local Recreational Space and only 0.5 Hectares of Neighbourhood Parks. This is based on the requirements of Policy N2 of the Councils UDPR that seeks to ensure provision of three categories of open space to the residents of Leeds which are:

- Local Amenity Space – Space that is easily accessible and likely to be used on a very frequent basis, it will make provision for local residents of children's play areas and informal space for dog walking, cycling and informal sports activities. It is located within a catchment area of 300 metres so is highly accessible on foot.
- Local Recreational Area – within a catchment area of 400 metres, still highly accessible but will provide a wider base of usage that may

provide a wider range of equipment or usage by adults and older children that a Local Amenity Space might provide.

- Neighbourhood Park – within 800 metres catchment.

10.11 The analysis shows that there is no provision of the first two types for the Moortown area centred on the application site and only 0.5 Hectares of a Neighbourhood Park. This adds significant weight to a positive outcome for this application as not only will the park offered for adoption serve the 29 dwellings of this development proposal, it will also contribute a Local Amenity Space to approximately 1,132 dwellings within the 300 metre catchment area and of course to more within the 400 metre catchment area as a Local Recreational Area.

10.12 It is clear that despite the other constraints on this site, such as the area of boggy land to the north east corner and the thick belt of planting and trees on the north and eastern boundaries that it could accommodate significantly more dwellings than currently proposed. Also, whilst there is a shortage of formal sports pitches in the Moortown area, there is also a deficiency in more informal recreation space that would be available for a wider range of users both for formal activities and informal activities. It is the view of officers that in this instance the low density residential development is likely to be the best compromise between a significant planning gain in the form of the urban park as proposed and the need to fund such developments, whilst respecting the amenities of the established residents surrounding the site.

10.13 Given the deficiency in park type open space in the general area of Moortown it is considered that this outweighs the objection of Sport England. Whilst the site is allocated as a Protected Playing Pitch it has not been in use for over ten years. Whilst this in and of itself is not determinative in respect of a decision to allow its demise, it is a material planning consideration. Also another material consideration is that the facility was and still is in private ownership. When it was in use, it was restricted to use primarily by employees of the Bank. These users would not necessarily have lived in the Moortown area and there is therefore an argument that the facility did not really contribute significantly to the people who live in the immediate area. The argument in favour of the park is that it provides a facility that will be readily available to the immediate residents and it will allow for a wider range of activities to take place rather than just formal sports. This is not to undermine the role that formal sports pitches play in the wellbeing and health of people in the area, but in this instance it is argued that the likelihood of Sport England ideals for this site ever being realised are slim and that the benefit of the urban park outweighs their concerns at this point in time.

10.14 The remit of the Sport England's approach does not allow for consideration of the multiplicity of uses that the urban park can be used for. The obvious activities such as dog walking, cycling, children's play areas and informal sports can take place as well as visitors either locally or from further afield enjoying the nature conservation aspects of the enhanced site. Whilst the pitch indicated on some of the drawings is not part of this application as a

formal submission, any provision that might be made under the terms of any approved matters for such a facility can lead to more formal sporting activities taking place and use by the school adjacent will be of significant benefit.

- 10.15 It is on this basis that officers are recommending that subject to all other matters in this report that the outline planning permission is agreed in principle. Members should be aware that this would be a decision against the provisions of the development plan and against the policy of a statutory consultee and so must, if agreed upon, be referred to the Secretary of State as a departure.

Access

- 10.16 This can be broken down into three areas:

- a) Vehicular Access to the housing element of the site,
- b) Pedestrian access to the open space and
- c) The objections raised by residents, particularly at The Spinney regarding access from The Spinney.

a) Vehicular Access to the housing element of the site:

- 10.17 The original plans submitted for consideration show two vehicular access points from Allerton Grove. One at the existing access point opposite 20/22 Allerton Grove that has previously served the pavilion buildings associated with the former use of the site as a playing field/sports pitch and the other at the junction of Allerton Grove and Lime Tree Avenue. A number of objections from local residents in Lime Tree Avenue and Allerton Grove have been received in respect of this expressing concern in particular at the current poor level of visibility and vehicular movements that such an arrangement will result in. In particular there is concern that the exiting junction is a 90 “bend” in the road with poor visibility and that adding additional vehicular movements to this arrangement will be dangerous to pedestrians and vehicular users.
- 10.18 The access proposals have been assessed by the Councils Highway Engineer and broadly speaking they raise no objections to the proposed development of the southern part of the site for the proposed dwellings. They do require however amendments or clarification of the following:
- 10.19 The access opposite 20/22 Allerton Grove should be set at 90 degrees to Allerton Grove itself rather than angled as shown on the originally submitted drawings and the carriageway of the access at the junction of Lime Tree Avenue and Allerton Grove should be amended to be of the same width of the existing carriageways to provide consistent road conditions for drivers. Raddii on the highway at the junction of Allerton Grove and Lime Tree Avenue needs amending to overcome problems associated with its current arrangement. This in particular will address some of the concerns of residents in these streets. Amended plans have now been submitted showing these amendments.

10.20 Other matters raised by the Highway Engineers at this time can be dealt with by the imposition of conditions as they are matters of detail or things to be considered under the reserved matters in any case. Notwithstanding this, the revised Masterplan submitted to amend the vehicular access points also amend the details regarding the internal site layout and junction radii requested by the Highway Engineer. It should be emphasised that notwithstanding this, this layout does not form part of the application for the purposes of approval other than the details relating to Access.

b) Pedestrian Access to Open Space:

10.21 Two park entrances are shown on the Landscaping Master plan. One off Shadwell Lane and one from Allerton Grove near to the junction of the vehicular access point to the housing and Lime Tree Avenue. No objections have been raised to these access points for pedestrians and they are considered acceptable.

c) Access from The Spinney:

10.22 Without a doubt the vast majority of objections to the proposal have arisen out of a concern from residents of The Spinney to a "proposed access point" off The Spinney itself. Objections in the main relate to additional on street car parking that would arise should such an access point be allowed.

10.23 It is understood that in the early stages of the master planning for this site that due consideration was given to the possibility to an access off The Spinney as an option. However this concept was rejected fairly early on due to ownership issues, the area of land required for the access being in third party ownership.

10.24 As a part of the submission, the history of how the applicants arrived at the currently submitted scheme is included in the Design and Access Statement and makes reference to this possibility. This information is essential in understanding the process that the applicants have gone through to arrive at the submitted scheme, but in this instance may have given rise to a misunderstanding from local residents that the access off the Spinney was still being proposed. This is not the case. The application is not seeking to secure any form of access from The Spinney, either vehicular or pedestrian and so the objections are noted but unsubstantiated in this instance.

Residential Density/Character

10.25 The development of 29 houses, the number of which will be conditioned for the purposes of clarity, is considered acceptable on this site. The application area is some 4.67 Hectares giving a very low overall density of development for housing. However, it is clear that the housing is to be 'concentrated' into what amounts to the southern third (approximately) of the site allowing the central and northern part of the site to be developed as an urban park. As stated in the pre-ambule to this appraisal the submitted layout of the development is indicative only and not going to be approved should planning permission be granted. But it is an important justification for coming to the conclusion that the area of land that will be approved 'in principle' through any grant of Outline Planning Permission' is capable of accommodating the

number of houses aspired to. There is only one area of concern in relation to the layout and the relationship of dwellings to each other and to existing dwellings. That is indicative plot number 26 as identified on the residential masterplan, which will have its private rear garden space overlooked by the second storey flats of Windsor Court (an existing three storey development). In all other respects the layout minimises problems of overlooking and maintains adequate distances in the spaces between the proposed dwellings.

- 10.26 That said however this application does not seek to approve in detail this layout and therefore at this stage it is considered that the supplied layout is adequate to justify the number of 29 dwellings on the site as a maximum. The applicants have accepted that a condition to this effect is acceptable to them.

Affordable Housing Provision

- 10.27 The scheme is required to make provision for affordable housing and in this instance the provision of 4 units meets policy requirements.

Impact on Trees and Wildlife

- 10.28 A concern of the residents, not covered in the previous part of this report relates to the loss of trees protected by a TPO. The application has also been assessed in regards to its impact on wildlife. It is considered that this planning application will give rise to an improvement of the habitat for wildlife as a new habitat will be created with the wetland in the north east corner of the site and the substantial belts of trees that have matured around parts of the boundaries of the site can be properly managed. None of the TPO trees are proposed to be removed and a condition is recommended relating to the protection of trees during all construction phases. A bio-diversity management plan is required to show how habitats can be enhanced to encourage use by wildlife.

Section 106 Agreement Draft Heads of Terms

- 10.29 Below are the proposed planning obligations put forward by the developer.

- Dedication of a fully landscaped park to the City Council;
- Commuted sum for future maintenance of the park;
- Provision of 4 affordable housing units;
- Metro contribution of £10,000 to upgrade bus stop facilities;
- Provision of Metro cards to new occupiers.

A draft S106 is being prepared by the applicant to include the above obligations.

10.30 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 all of the following:

- (i) **necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
- (ii) **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.
- (iii) **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.

10.31 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Dedication of a fully landscaped park to the City Council. This equates to approximately two thirds and the whole development site and will bring significant benefits to the local community. The provision of this is a material consideration when balanced against the loss of the designated playing pitch.
- A commuted sum payment to the Council for the future maintenance of the park. This is an obligation required as part of the Council Greenspace SPG and UDP policies which would enable the park to be enjoyed by the local community.
- The contribution of £10,000 to Metro is justified as it would improve number of local residents traveling by more sustainable modes, and a contribution towards the cost of providing services that residents would use would enable continued provision of these services. The updating of a bus stop would provide for a real time information display thereby providing a better service for residents.
- The provision of Metro cards for new residents would encourage the use of public transport and less reliance on the private car.

10.32 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions and obligations.

11.0 CONCLUSION

11.1 It is accepted that this development represents a departure from the Unitary Development Plan in that it is allocated as a Protected Playing Pitch. However, it is considered that the benefits afforded by this development and those being offered by the developer in the form the dedication of the northern

two thirds of the site as a public park, to be laid out by them with a commuted sum payment for its future management by the Council clearly outweighs this concern. As discussed in the report, the remit of Sport England is considered relatively narrow and does not afford significant weight to the benefits to health and wellbeing that can be brought about through other means other than just formal sporting activities, as important as this. There is potential for the nearby Moortown School to benefit either through the provision of a mini pitch or in other ways with the establishment of the wet land, with many educational benefits that can be brought through the development of this site. Finally, the likelihood of the site ever returning to its former use after a period of over ten years being unused, given that it is in private ownership and its last use was restricted to employees of the Bank means that its contribution anyway to the immediate population was curtailed. It is therefore considered that subject to the safeguards referred to in this report, the recommended conditions and the signing of a Section 106 Agreement, that outline planning permission should be granted and that Plans Panel agree to delegate the decision to issue such a decision to the Chief Planning Officer subject to the outcome of the proposals referral to the Secretary of State.

Background Papers:

Application files: 13/02718/OT

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