



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 25th September 2014

Subject: Application 13/03606/FU – Demolition of existing buildings and erect part 3 and 4 storey later living retirement housing accommodation, with 41 residential units, communal facilities, landscaping and car parking, Land and buildings adjacent to Devonshire Lodge, Devonshire Avenue, Roundhay, Leeds.

APPLICANT

McCarthy and Stone
Retirement Lifestyles Ltd

DATE VALID

2nd August, 2013

TARGET DATE

7th February 2014

Electoral Wards Affected:

Roundhay

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to Chief Planning Officer subject to the conditions specified below and any other conditions considered appropriate and the completion of a Section 106 agreement to secure contributions to be directed towards greenspace and off-site affordable housing (exact split to be agreed in consultation with Ward Members) to comprise :

- **A total contributions pot of £432,242 towards planning obligations of greenspace and affordable housing**

In the circumstances where the Section 106 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.

Alternatively, if Panel Members are minded to refuse the application, then a suggested reason for refusal is included below for Members to consider.

Conditions (if minded to approve)

1. Time limit
2. Plans schedule and build at agreed levels
3. External materials as agreed
4. Drainage details to be agreed
5. Contamination conditions
6. 2metre wide footway to car park
7. Surfacing of parking areas, footpath link and walkway around building
8. Protection of existing trees/vegetation
9. Landscape conditions (implementation and management)
10. Limit age of occupants

Reason for Refusal (if minded to refuse)

1. The Local Planning Authority considers that the proposed development fails to provide the required level of affordable housing, either on site or as an off-site provision, in accordance with adopted planning policy. The planning merits of the scheme and viability issues associated with the development are considered not to outweigh the lack of provision of affordable housing. As such, the proposal is contrary to Policies GP7 and H11 of the Unitary Development Plans (Review 2006), Policies H5 and ID2 of the Core Strategy, guidance contained within the Council's Supplementary Planning Guidance No. 3 on Affordable Housing and guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is presented to Plans Panel as a major development and in light of a shortfall in the S106 contributions triggered by the development to be policy compliant, which has been the subject of a Viability Appraisal (VA) submitted by the applicant. The application was last reported to the Plans Panel on 21st August and prior to that on 24th July 2014. At the last meeting, Members considered the further information relating to financial viability that was contained in the confidential report but deferred making a decision as they were not content with the Section 106 package being offered by the applicants. A copy of the previous Panel report is attached for Members information. Members did accept at the last meeting that the development was acceptable in all other respects except the affordable housing provision.
- 1.2 Members should therefore be aware that consideration of this application is to be accompanied by a separate report relating to the scheme's overall viability. The information contained within the separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. It is therefore considered that the viability report, when issued, should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3). A senior representative of the District Valuer's Office has agreed to attend Panel to assist in considering the viability evidence.

- 1.3 Notwithstanding the above, the main headlines that fall for consideration as S106 issues are that a development of this scale would normally be asked to deliver the following contributions:

15% Affordable housing (6 units, 3 for social rent and 3 for submarket) (off-site contribution is calculated at £712,268)

Off-site greenspace contribution (£95,966)

Bus stop improvements - shelter and real time information (£10,000)*

*Please note that the bus stop improvements requests from Metro are standard requests for major residential applications of this nature. However, as the development is below the normal threshold of 50 units and importantly is located in an accessible location in terms of the close availability of bus services, it is not considered appropriate to pursue this contribution in this instance.

- 1.4 The total amount that would be required to meet the contributions is £808,234. As can be seen from the officer recommendation, a contributions pot of £432,242 was offered at the last meeting following consideration of the VA to be directed towards local priorities as identified by Ward Members. This total also included a figure for the release of a Council covenant.

- 1.5 Since the last meeting there has been further negotiation with McCarthy and Stone on their offer. Their position is that they have been in negotiation with the Council for over a year and have already given very significant ground in their efforts to secure a planning permission. The position reported to last months Panel was with the full agreement of the District Valuer having squeezed their margins to offer an increased affordable housing contribution. There is a covenant on the land which has to be released by the Council and a sum has now been agreed for that in addition. McCarthy and Stone in a final effort to secure permission without an appeal process have made a final offer out of commercial expediency which is to add a further £50K to the pot – they are able to do this subject to a delay on the payment of the monies which will result in a saving on interest charges. They hope that this goodwill gesture will assist members to approve the scheme which they very much want to build as soon as they get vacant possession. They consider the proposal will bring forward much needed specialist retirement housing in Leeds, contribute to housing numbers on brownfield sites reducing pressure for greenfield sites and will result in a significant sum of New Homes Bonus which will not be forthcoming if the site is not developed for housing. To be clear the offer on the table is either;

£482K in total - £50K for the covenant, £50K on first occupation and the balance on 90% sale of the apartments OR

£432K in total - £50K for the covenant, and £382K on occupation.

- 1.6 McCarthy and Stone have also clarified that if the application is not supported by members at the meeting on 25th September and is either refused or deferred it is their intention to appeal and they have already set things in motion to do that if necessary. If they do appeal they have also clarified that they will revert to their originally submitted viability which offered a much lower sum for greenspace and affordable housing and they state they are confident of defending that at appeal following meetings with Leading Counsel.

- 1.7 To be policy compliant the commuted sum pot should be £808,234. The pot on offer now is £432,242 which is 53.5% of the total required. In this case as the site is in active use for offices there are additional costs to bring the site forward and make it worthwhile for the Landlord to sell for housing. The issue for Members is whether the failure to provide the full Section 106 package is acceptable in light of the form of development proposed, including the applicant's Section 106 offer, the evidence provided in respect of viability and that there is an existing ongoing office use on site. Members in reaching a decision have to balance the loss of the offices against the merits of the proposed redevelopment.
- 1.8 In reaching that decision members should be aware that the site is within the Street Lane Local Centre under policy S4 of the revised Draft UDP and that commercial offices are acceptable in the centre and help maintain the vitality and viability of the centre. The Core Strategy which is nearing adoption recognises the key challenge of providing sheltered and other housing schemes for elderly people in the city and policy H8 states that such schemes should be located within easy walking distance of town or local centres or have good access to a range of local facilities – that is certainly true of this site. Members should also consider the importance of providing affordable housing in the city which is a key priority and whether the viability statement for a lower contribution pot is justified in the circumstances and therefore reasonable. Finally members should be aware of the possible consequences for the Council in the event of an appeal.
- 1.9 Overall the position is finely balanced but the offer has been further improved since last Panel and given the involvement of the District Valuer in this case and the circumstances officers are still recommending approval. However given the concern expressed by members at the last Panel a possible reason for refusal is suggested if members resolve not to support the application given the need to decide the application at this Panel meeting.

Background Papers:

Application file: 13/03606/FU.

Certificate of Ownership B completed.



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st August 2014

Subject: Application 13/03606/FU – Demolition of existing buildings and erect part 3 and 4 storey later living retirement housing accommodation, with 41 residential units, communal facilities, landscaping and car parking, Land and buildings adjacent to Devonshire Lodge, Devonshire Avenue, Roundhay, Leeds.

APPLICANT

McCarthy and Stone
Retirement Lifestyles Ltd

DATE VALID

2nd August, 2013

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Electoral Wards Affected:

Roundhay

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement to secure contributions to be directed towards greenspace and off-site affordable housing (exact split to be agreed in consultation with Ward Members):

- A contributions pot of £432,242

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit
2. Plans schedule
3. External materials as agreed
4. Drainage details to be agreed
5. Contamination conditions
6. 2metre wide footway to car park
7. Surfacing of parking areas, footpath link and walkway around building
8. Protection of existing trees/vegetation
9. Landscape conditions (implementation and management)
10. Limit age of occupants

1.0 INTRODUCTION:

- 1.1 The application is presented to Plans Panel as a major development and in light of a shortfall in the S106 contributions triggered by the development, which has been the subject of a Viability Appraisal (VA) submitted by the applicant. The application was previously reported to the Plans Panel on 24th July 2014 and deferred for further information on the viability aspects of the scheme. This additional information is contained within the separate confidential report.
- 1.2 Members should therefore be aware that consideration of this application is to be accompanied by a separate report relating to the scheme's overall viability. The information contained within the separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. It is therefore considered that the viability report, when issued, should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).
- 1.3 Notwithstanding the above, the main headlines that fall for consideration as S106 issues are that a development of this scale would normally be asked to deliver the following contributions:
15% Affordable housing (6 units, 3 for social rent and 3 for submarket) (off-site contribution is calculated at £712,268)
Off-site greenspace contribution (£95,966)
Bus stop improvements - shelter and real time information (£10,000)*
*Please note that the bus stop improvements requests from Metro are standard requests for major residential applications of this nature. However, as the development is below the normal threshold of 50 units and importantly is located in an accessible location in terms of the close availability of bus services, it is not considered appropriate to pursue this contribution in this instance.
- 1.4 The total amount that would be required to meet the contributions is £808,234. As can be seen from the officer recommendation, a contributions pot of £432,242 is offered following consideration of the VA to be directed towards local priorities as identified by Ward Members. This leaves a shortfall of £375,992.

2.0 PROPOSAL:

- 2.1 The application is a detailed proposal relating to the erection of 41 residential units with associated communal facilities, landscaping and car parking. The development comprises a 4 storey block of one and two bedroom apartments with a resident's lounge, guest room, laundry and mobility facilities.
- 2.2 The existing building which comprises Devonshire Court, Devonshire Hall and Devonshire Grange is to be demolished and the new apartment block will be built on the site. As the footprint of the proposed apartment block will closely mirror the existing there is no proposal to remove any trees on the site. Indeed 16 additional trees are proposed to be planted. In addition the existing parking area will continue to be used in conjunction with this scheme and the existing trees will be retained. In total 27 parking spaces will be provided for residents.
- 2.3 The apartments are for retired people aged 60 and above in a varied mixture of apartment type. In all there are approximately 15 apartment types proposed to be erected in one part 3 and part 4 storey block. The block will be built of a mix of materials including, red brick with feature banding, render and clay pantiles.
- 2.4 The proposed apartment block is set within landscaped grounds with gardens close to the apartment block and with a 360 degree path around all sides of the block. The existing boundary treatment, low brick walls with railings on top is also to be retained.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is a brownfield site situated to the west side of Devonshire Avenue near its junction with Street Lane.
- 3.2 The site is part of a group of buildings that originally comprised a Local Authority orphanage known as the Children's Central Home (Devonshire Hall) built at the beginning of the 20th century. A separate smaller building forming a lodge to the hall was built to the north of the children's home at the same time. An extension to Devonshire Hall was added later. A separate building known as Devonshire House was built to the west of Devonshire Hall to serve the children's home in the 1930's. Another building known as Devonshire Croft was added to the south west of the Hall and an extension to the north elevation of the Lodge was added in the last century. A doctor's surgery has been built adjacent to the southern boundary of the site. It is Devonshire Hall and its extension that are proposed to be demolished to facilitate the building of the apartment block.
- 3.3 With the exception of the doctor's surgery the buildings which lie on or adjacent to the site all take access from a single access point on Devonshire Avenue. In the main, again with the exception of the doctor's surgery, the buildings in the group are of a similar design and use the same palette of materials. The majority of the buildings are two or two and a half storey with pitched or hipped rosemary tiled roofs with gable details and dormers to the front and rear elevations. The walls are generally constructed using red brick to the ground floor with grey render above. The building known as Devonshire Croft is single storey as is the extension to the Lodge which has a flat roof with parapet walls.
- 3.4 The doctor's surgery is a mix of two and single storeys built of red brick under a brown rolled tiled roof and has its own access from Devonshire Avenue.

- 3.5 The boundary of the site with Devonshire Avenue and Street Lane is provided by a low red brick wall topped with railings and there is a line of mature trees behind the wall on Devonshire Avenue and a privet hedge behind the wall on Street Lane.
- 3.6 Opposite the site at the junction of Devonshire Avenue with Devonshire Lane lies a recently constructed three storey block of apartments in red brick, render and artificial stone with a red tiled roof.
- 3.7 At present all the buildings are in some form of commercial office use except for the single storey extension to the Lodge which is in retail use and Devonshire Croft which is in use as a church. Outside of the local centre that lies immediately adjacent to the site the predominant use in the rest of the area is residential.

4.0 HISTORY OF NEGOTIATIONS:

- 4.1 The applicant sought pre-application advice prior to submission of the formal planning application. The Case Officer had informed the developer that the principle of development was acceptable and, advised by the Design Team, had commented on matters of detail relating to design, and landscaping/tree retention. The design matters were taken up by the applicant and this was reflected in the formal application submission. Negotiations took place during the application process relating to modest changes to the design of the building, the layout including landscaping impact on trees secured by design matters relating to the design of the building and drainage matters.
- 4.2 The developer has submitted a VA with the application which has been reviewed by the District Valuer (DV). This concluded that the development could not stand to deliver the full requirement of contributions and remain viable. The DV agreed that the amount of £432,242 was a figure the development could achieve whilst retaining an acceptable return for the developer and this figure has now been agreed.
- 4.3 Ward Members have been invited to comment / meet with Officers to express their views in relation to the scheme in general and the shortfall in the delivery of the full financial contributions required in support of the development. At the time of writing no comments had been received. Any views that are expressed will be notified verbally to the meeting.

5.0 RELEVANT PLANNING HISTORY:

H30/428/84 – Change of use of vacant assessment centre to offices
Approved April 1984

H30/236/84 – Outline application for the demolition of assessment centre and children's home and erection of 40 bed private hospital – Withdrawn August 1984

H30/428/84 – Change of use involving alterations and extensions of Children's home to offices – Approved January 1985

H30/103/85 – Change of use of detached classroom unit to Christian Science church with 23 parking spaces – Approved May 1985

PREAPP/11/00950-Retirement Living development

PREAPP/13/00072- Change of use/redevelopment

6.0 PUBLIC/LOCAL RESPONSES:

- 6.1 Prior to submission the applicant offered one-to-one discussions with 83 stakeholders including local residents, local Ward Members, members of North and East Panel, town councillors and MPs. There was no take up of this offer. There followed a public exhibition of the proposals to which 1,006 people were invited and the event was advertised in the Yorkshire Evening Post. 25 people attended and the feedback indicated 87.5% agreed in principle with the proposal.
- 6.2 The application was advertised by site notices posted adjacent to the site dated 23rd August 2013. The application was also advertised in the Yorkshire Evening Post Edition of 29th August 2013. As a result of this publicity six letters of support and two objecting to the proposal were received.
- 6.3 The issues raised in the letters of support refer to tidying up an untidy area and welcoming the development.
- 6.4 The issues raised in the letters of objection refer to:
- re-advertisement of scheme with amended description as the current description implies that Devonshire Lodge was part of the application site, which is incorrect
 - intensive development will increase potential for flooding which already occurs
 - proximity of retirement flats to businesses is incompatible
 - impact on sunlight because of increase in the height of the proposed building
 - demand for offices in the area, the loss of this will have an impact
 - no need for retirement flats in the area
 - issues with the wording of clauses in the contract for the Christian Scientist Church. Members should note that this is not a planning matter.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 The Coal Authority:
No objections

Non-statutory:

- 7.2 Yorkshire Water:
Do not raise objections to the proposal. Conditions suggested.
- 7.3 Highways:
No objections subject to the provision of a 2 metre wide footpath link between the flats and the separate parking area. This can be required by condition.
- 7.4 Flood Risk Management:
No objections subject to a condition relating to a scheme of surface water drainage to be submitted.
- 7.5 Metro:
Suggests provision of 'live' bus information displays at bus stop number 10972 on Street Lane at a cost of approximately £10,000 (including 10 years maintenance) to the developer

- 7.6 Contamination:
No objection. Conditions recommended.
- 7.7 NGT Project Team: No comments
- 7.8 Architectural Liaison Officer:
Suggested slight amendments to the design of the building and car parking. Other general guidance which can be the subject of informatives.
- 7.9 Affordable Housing:
Requirement for 15% affordable housing split 50/50 social rent/submarket housing. Based on 41 units there would be a requirement for 6 affordable units, 3 for social rent and 3 for submarket.

7.10 Policy:

The site is located within the defined shopping area in Street Lane, Roundhay. The residential proposal accords with Policy P3 of the Draft Core Strategy in respect of the impact of residential development on shopping frontage providing it maintains the vitality and viability of the retail area. In addition, whilst there will be some loss of employees and linked trips from the existing office use the residential development will create new activities and spending in the local centre.

Policies in the UDP and Draft Core Strategy promote and support the provision of accommodation for the elderly and this together with the above leads to the conclusion that the proposal will not result in detrimental harm to the Street Lane Centre.

Policy E7 of the UDP also needs to be considered and an assessment made as to whether there is a planning need for the site to remain in employment use. The Employment Land Review (2010 update) shows that there is an adequate supply of employment sites to meet the need for additional employment land in general. Thus there would be little value in undertaking a full scope assessment and would be unreasonable to hold any objection on E7 grounds or object to the principle of residential use on this site.

The commuted sum in lieu of Greenspace on the site is £95,966.

- Leeds Civic Trust:
- 7.11 Objects on the basis that the development will result in the loss of a building of some local historic and architectural significance and that the design, particularly the massing of the replacement building is not acceptable.

8.0 PLANNING POLICIES:

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.

8.2 The application site lies in a defined local centre within the UDPR. In relation to this, the following UDP policies are considered to be of relevance:

GP5: Requires development to address all general issues.

GP7: Use of planning obligations.

H4: Residential development on non-allocated sites

H9: Balanced provision of size and type of housing where opportunities exist

H10: Developments specifically for elderly and disabled

H11: Provision of affordable housing

H12: Affordable housing type to be negotiated

H13: Affordable housing to remain in perpetuity

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N12: Urban design principles to be followed.

N13: Design of new buildings to be high quality.

N23: Seeks to ensure incidental open space and existing landscape features are provided / included.

N25: Relates to retaining existing boundary features which are positive

N39a: Sustainable drainage.

E7 : Development on employment use sites not in B use classes not permitted unless specified criteria can be met

S4: Proposals for change of use to non-retail determined in accordance with policies In Appendix 12

SF7/SF8 : Policies relating to primary and secondary shopping frontages

T2: New development and highways considerations.

T5: Safe access for pedestrians and cyclists.

T7: Development and cycle routes.

T7A: Requirement for secure cycle parking.

T24: Parking standards

LD1: Landscape schemes.

BD5: New buildings to be designed in consideration of both their own amenity and that of their surroundings

Leeds City Council: Supplementary Planning Guidance / Documents:

- 8.3 SPG4 Greenspace relating to new housing development (adopted).
SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications received after July 2008)
SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Designing for Community Safety (adopted).

Emerging Local Development Framework Core Strategy

- 8.4 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report should be published before the end of July 2014.. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications. The delivery of housing on

brownfield sites are key issues as is the retention of employment opportunities across the City.

National Planning Policy

- 8.5 National Planning Policy Framework (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design. Acknowledges that viability is an important issue and should be taken into consideration as part of the decision making process.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Flood Risk/ Drainage
6. S106 contributions
7. Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The site lies in a defined shopping centre and as such the proposal needs to be assessed in terms of the appropriate retail policies, Policy P3 in the draft Core Strategy 'Acceptable uses in and on the edge of local centres' relates to this application. It states that "housing is encouraged within local centres above ground floor or outside of the shopping frontage, providing it maintains the vitality and viability of the retail area." While the site is outside the shopping frontage and therefore doesn't directly reduce the retail floorspace of the Street Lane centre (identified as higher order local centre in the Draft Core Strategy and not contested at the Examination in Public), the reduction in the number of employees and linked trips as a result of the change from office use could be considered to impact on the vitality and viability of the centre, as well as reduce the mix of uses. Street Lane has 1,198 sqm of B1a which is 13% of the total floorspace in the centre. The application site comprises 1,070 sqm of floorspace, i.e. approximately 11.5% of the total. However, in turn there would be some benefit to the retail area as a result of the activities and spending of the new occupants of the 41 residential units. There are also a number of policies and policy strands at the national and local level promoting and supporting the provision of accommodation for the elderly, including UDP Policies H9 and H10 and the Draft Core Strategy Policies H4 and H8. This policy approach gives more support to this scheme than if it were for 'standard' C3 housing. In conjunction with consideration of the issues outlined below relating to the requirements of UDP Policy E7, it is considered in conclusion that this application would not result in detrimental harm on the Street Lane Local Centre.
- 10.2 The site is in occupation for employment purposes within the B Use Classes and, therefore, UDP Policy E7 also needs to be addressed as part of any proposal outside the B Use Classes. However, given the nature of the proposal, there would be little value in undertaking a full assessment. The issue to be determined is whether there is a planning need for the site to remain in employment use. At district level, there are benchmarks as to how much supply should be maintained to achieve the economic objectives of the plan, principally that there should be a range and choice of sites

available for development across the full life of the plan. The current plan horizon for the Core Strategy is to 2028. Given that the Employment Land Review (2010 Update) demonstrates that there is an adequate supply of employment sites to meet the need for additional employment land through the Site Allocations process (particularly for office floorspace), there would be little value in undertaking a full scope assessment and in conclusion it seems unreasonable to hold any objection on Policy E7 grounds. Notwithstanding the above, the proposal relates to self-contained residential units for retirement accommodation. Accordingly, permitted development rights would allow a change from offices to residential use without the need for planning permission, and although this proposal relates to demolition and new build units and, therefore, there is an uncertain fallback position, it is considered that the principle remains that it would be unreasonable to object to the principle of residential use here.

- 10.3 In addition the application site is currently in use as offices (B use class), thereby representing a brownfield site and, therefore, considered appropriate for redevelopment for residential purposes in accordance with national and local planning guidelines. In addition, the delivery of additional housing on a brownfield site is welcomed from both a regeneration perspective and because of the contribution this site would make towards achieving the council's wider housing targets. For these reasons the redevelopment of the site can be supported in principle in addition to the more detailed matters considered below.

Design / Visual Amenity / Character

- 10.4 The application site is currently occupied by a two and a half storey building in use as offices. It is set within a small complex of buildings of a similar scale and era and in the main being used for office uses. The existing building although reasonably attractive has been extended, modified and altered over its life such that its original integrity has been significantly devalued and is not considered worthy of protection from demolition as suggested by the Civic Trust. Accordingly the proposal involves the demolition of the existing building and the erection of a replacement building and officers are comfortable with this general approach to the site's redevelopment.
- 10.5 The proposed building will be built in a T-form with the top of the T lying adjacent to the Devonshire Avenue frontage and will overlay the existing footprint of the existing building on the site. The predominant height of the proposed building will be 3 storeys with the mid- section of the building rising to 4 storeys. This frontage height will mirror the height of St Edmunds Court, an existing apartment block on the opposite side of Devonshire Avenue that also lies in the Local Centre.
- 10.6 The western extent of the building will also be 3 storey and will be read in conjunction with existing 2 and two and a half storey buildings adjacent to the site but on the western boundary. This will create an interesting and acceptable step down from the 3 storey element to the domestic 2 storey scale of existing houses adjacent to the western boundary.
- 10.7 The 4 storey mid-section will be contained mainly in the roof of the building which will ameliorate any potential dominance and overshadowing issues in relation to the existing modern doctor's surgery and other existing buildings adjacent to the proposed building. Indeed the proposed building will be of a similar height to the existing and although it will be 10 metres closer than the existing it will not result in any significant detrimental impact on adjacent buildings.

- 10.8 The design of the building has, to a large extent, been designed in accordance with advice given at the pre-application stage and as such is considered to be acceptable. The design of the proposed building has been modified to take into account comments from the Architectural Liaison Officer in respect of secured by design. The existing buildings are predominantly red brick with render at first floor and with a varied roof –scape including high ridges, gable elements and dormers. The proposed building picks up on these elements and incorporates them into the overall design through the use of projecting bays, gable features, high ridges and dormers. It also picks up on the existing materials, using red brick with contemporary features such as bays being picked out using render and grey window and door details and glass balcony fronts.
- 10.9 The layout retains an existing car park to the north of the apartment block, between this and northern boundary with Street Lane. This parking area retains the existing trees around the car park. Additional car parking has been provided on either side of the entrance in the northern elevation of the apartment block which lies adjacent to a proposed planting area and circular walkway around the building.
- 10.10 The design of the building and the site layout results in a development that sits comfortably within the site and general street scene and retains a green backdrop to the development. As such the scheme is considered acceptable and can be supported.

Impact on residential amenity

- 10.11 The nearest dwellings are 30 metres away and even allowing additional distance because of the height of the apartment block there would still be sufficient distance to avoid any overlooking, loss of privacy or dominance, including overlooking from balconies.. Thus it is not considered that this proposal will result in any issues detrimental to residential amenity.
- 10.12 In respect of the amenities of the future residents of the apartments, the proposed garden area and circular walk will provide outdoor amenity space for use by and to the benefit of the residents. In addition, some of the units have the benefit of balconies which provide an element of private amenity space.

Highway Implications

- 10.13 Highways have commented that the proposed development is acceptable subject to the provision of a 2 metre wide footpath between parking spaces 10 to 27 and the apartment block. This can be secured by way of a condition. It is not considered that the development would have any adverse impact upon the local highway network, and given the type of residential accommodation proposed, the level of car parking is considered to be appropriate.

Flood Risk / Drainage

- 10.14 The site does not lie in a flood risk area and comments from Drainage officers and Yorkshire Water have confirmed that prevailing ground condition may support some form of infiltration drainage method for the disposal of Surface Water. Yorkshire Water also suggest that separate systems for the disposal of foul and surface water be established. These elements can be secured by way of conditions as suggested by the consultees.

10.15 The issues in relation to disposal of surface water raised by one of the objectors relates to problems with the main sewer in Street Lane being able to cope with surface water run off during periods of heavy rain and implies that the development of flats would exacerbate the problems. However, the objector's property and Street Lane are on higher ground than the application site and as such the surface water from the development would drain downhill and away from the objector's property. Indeed the introduction of infiltration methods for surface water disposal which is suggested would also require that surface water discharges from brownfield development be reduced by a minimum of 30% of the existing rate of discharge. Thus these measures should ensure that the proposed development would not result in surface water run off problem for any adjacent sites.

S106 Obligations and CIL Regulations

10.16 The scale of the application is such that contributions towards affordable housing (15%) and off-site greenspace provision/improvements (£95,966) would normally be expected.

10.17 The level of development falls below the threshold for public transport contributions (50 units). Thus, although Metro requested a contribution towards Metro's new 'live' bus information displays at a nearby bus stop on Street Lane because the development is below the threshold, the request from Metro cannot be sustained.

10.18 The applicant submitted, with the application a VA indicating the scheme cannot afford to deliver the full policy requirement. An increased offer of £432,242 has therefore been negotiated following assessment of the VA by the District Valuer.

10.19 At the time of writing, it has not been possible for officers to meet with Ward Members to take them through the scheme or the conclusions of the VA in person but the basic headlines have been communicated to them in correspondence

10.20 In responding to the above, officers are mindful however that central government policy clearly recognises that viability can be considered as part of the planning application process.

10.21 For the purpose of this application, the applicant has submitted a VA in support of the reduced offer which the DV has concluded to be reasonable. The detailed conclusions in support of this position are reported to Members via the separate confidential report. Notwithstanding this and in recognition of the local pressures which exist, it is proposed to word the S106 so that the contribution figure is held in a central pot to be directed towards greenspace and off-site affordable housing.

10.22 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.

10.23 According to the guidance, 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:-

- A contributions pot of £432,242 towards off-site affordable housing and greenspace. It is considered that these obligations, notwithstanding the viability issues, are necessary to make the development acceptable in planning terms given the planning policy requirement; are directly related to the development given the residential nature of the proposal; and are fairly and reasonably related in scale and kind to the development.

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

Representations

10.25 Matters raised in letters of objection have been, in the main, covered in the appraisal section of this report.

10.26 The only real outstanding item is the description of the location of the development. The location of the development was amended to read 'Land and Buildings adjacent to Devonshire Lodge' to make it clear that Devonshire Lodge was not one of the buildings that formed part of the development site. The objector was informed that that amendment had been made.

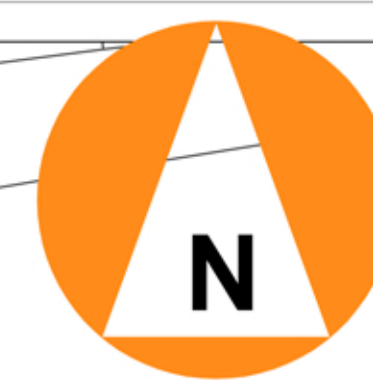
11.0 CONCLUSION

11.1 It is considered the proposed development is acceptable in principle as the existing building is not worthy of protection from demolition and the loss of some local office accommodation from the area would not compromise the overall mix of uses still available. The proposed replacement building is considered to be well designed creating an attractive visual presence in the street scene and sits comfortably within its immediate context which is often a concern with these types of developments. Furthermore, the application proposes to make a positive contribution to an identified need for supported older persons housing accommodation which in turn can often help release the future occupiers existing accommodation to the market. Whilst the full policy ask in terms of contributions towards greenspace and affordable housing are not offered, the reduced contribution has been verified as being reasonable through a viability appraisal. After considering all of the above factors, the scheme when considered in the round is considered to have merit and accordingly is recommended for approval subject to the stated conditions and securing a contributions pot of £432,242.

Background Papers:

Application file: 13/03606/FU.

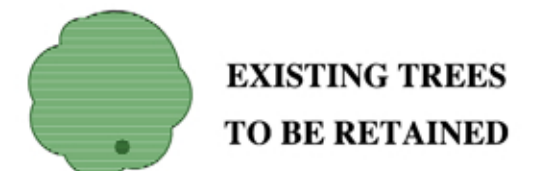
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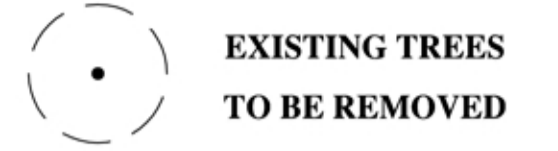
REVISIONS

Rev. Date By

KEY:



EXISTING TREES TO BE RETAINED



EXISTING TREES TO BE REMOVED



PROPOSED PLANTING



PROPOSED BUSHES /SHRUBBERY



PROPOSED TREES



PROPOSED PAVING



PROPOSED WALL



EXISTING WALL AND RAILINGS



Block Paving

REVISIONS

REV: NOTE DATE



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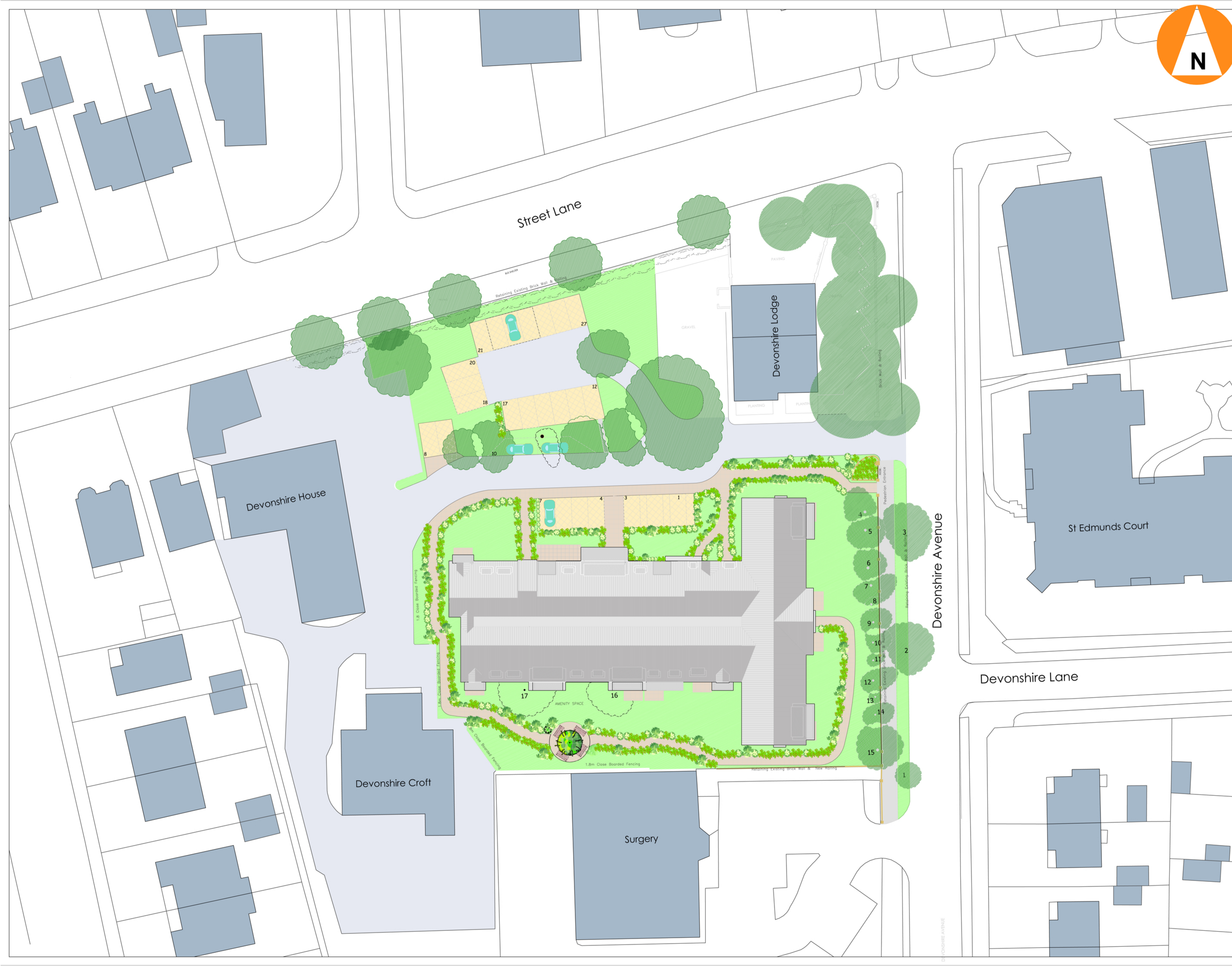
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Project Title
Retirement Housing (Cat II)
Devenshire Ave
Roundhay

Drawing Title
Site Plan

Scale 1:250 Date May 2013
Drawn TGS Checked
Drawing No. 1871-01-02 Rev.

CAD plot date:



Street Lane

Devenshire Lodge

Devenshire House

Devenshire Croft

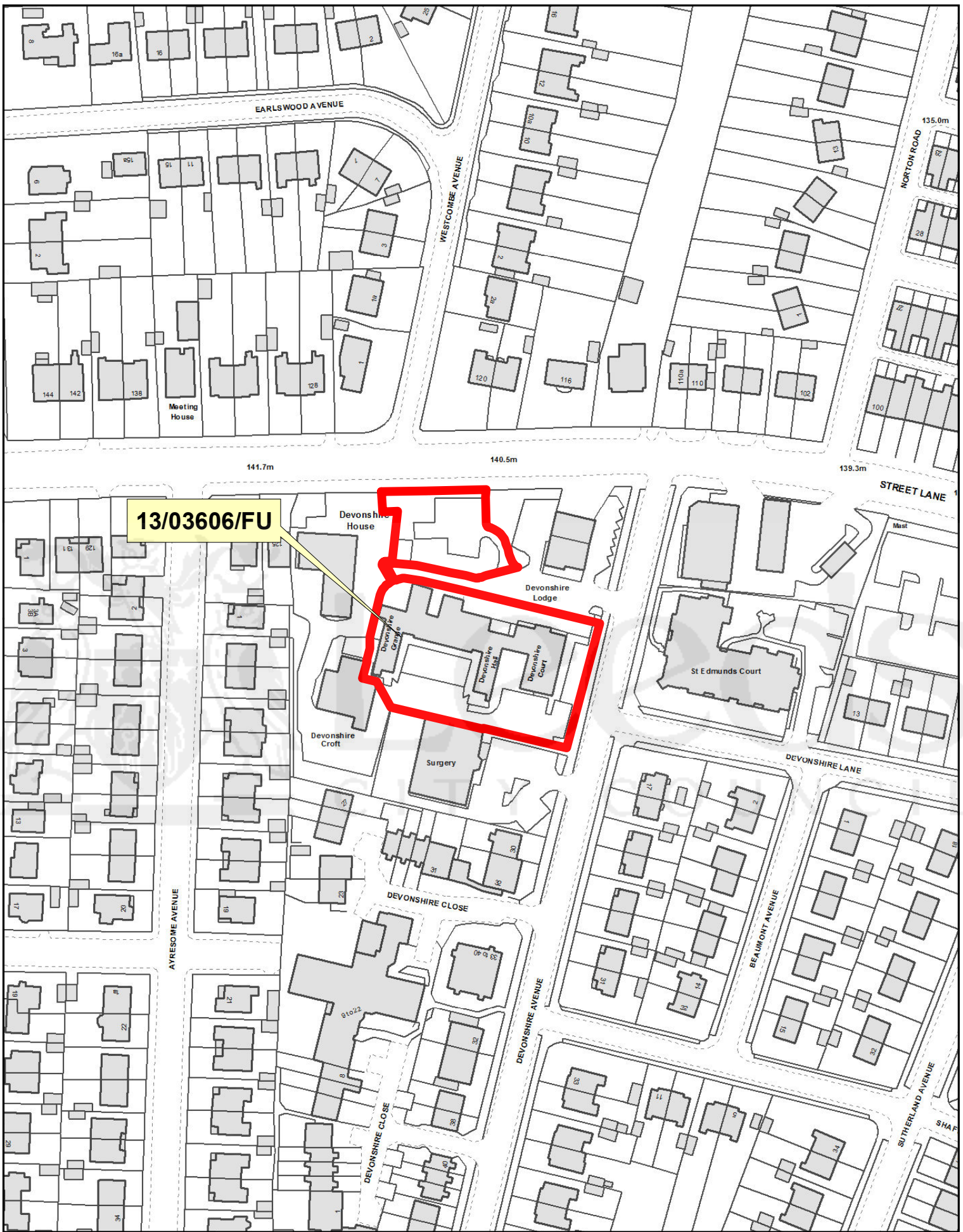
Surgery

St Edmunds Court

Devenshire Avenue

Devenshire Lane

DEVENSHERE AVENUE



13/03606/FU

NORTH AND EAST PLANS PANEL

