

**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 26<sup>th</sup> November 2009**

**Subject: APPLICATION 09/02707/FU – LAYING OUT OF ACCESS ROAD AND ERECT 14 HOUSES, NEW 2 STOREY CLUBHOUSE WITH CHANGING ROOMS AND STAND, ALL WEATHER PITCH WITH FLOOD LIGHTING, 5 GRASS PITCHES, CAR PARKING AND LANDSCAPING; FARSLEY CELTIC FOOTBALL CLUB, NEWLANDS, FARSLEY.**

**APPLICANT**

Farsley Celtic Football  
Club/Chartford Homes

**DATE VALID**

24<sup>th</sup> June 2009

**TARGET DATE**

23<sup>rd</sup> September 2009

**Electoral Wards Affected:**

☒ X

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 TO APPROVE SUBJECT TO NOTIFICATION TO THE SECRETARY OF STATE AS A DEPARTURE, THE FOLLOWING CONDITIONS AND A SECTION 106 AGREEMENT COVERING:**

- ON-SITE SPORT AND RECREATION IMPROVEMENTS**
- OFF SITE SPORT AND RECREATION IMPROVEMENTS**
- MANAGEMENT AGREEMENT COVERING PUBLIC ACCESS TO AND COST OF FACILITIES**
- TRAFFIC CALMING CONTRIBUTION**

1. Time limit
2. Wall/Roof Materials
3. Surfacing materials
4. Landscaping scheme
5. Landscape Implementation/Maintenance
6. Landscape Management Plan

7. Tree replacement
8. Car Parking Management Plan
9. Boundary Treatment
10. Areas to be surfaced and sealed
11. Details of ground conditions on land proposed for new pitches.
12. Hours of use
13. Delivery Hours
14. Facilities for storage and disposal of litter
15. Extract ventilation system
16. Provision of grease trap
17. Noise attenuation scheme
18. Acoustic fence
19. Lighting details/restrictions
20. Cease use of existing club on occupation of first unit
21. Details of separate foul and surface water drainage/no piped discharge
22. Limiting surface water run-off to 1 in 100 year critical storm
23. Phase 1/2 Desk to/Site Investigation
24. Remediation Statement
25. Verification Reports
26. No occupation of houses until the 2 new sports pitches have been provided.

## **1.0 INTRODUCTION:**

Members may recall considering a progress report on this application at Plans Panel on 6<sup>th</sup> August 2009. The application is now brought to Plans Panel for determination because it represents a departure from the housing policies of the development plan, contains complex policy issues and comprises a significant development for the local community.

## **2.0 PROPOSAL:**

Farsley Celtic Football Club has been in debt for many years and the club went into administration in July 2009. They have been seeking to develop proposals that will ensure their long-term future hence this application. This proposal comprises two elements; improvements to the club and residential development of part of their present site.

### Improvements to the club:

A new clubhouse immediately to the east of the existing clubhouse and facing the main pitch is proposed. The new clubhouse comprises a total area of 869 sq m (GFA) and will be on two floors compared to the current single storey clubhouse. It will contain changing rooms, storage, offices and a bar area at ground floor level. It will contain function rooms, a servery and viewing area at first floor level. In addition the existing sports centre will be refurbished.

The existing secondary pitch will be improved with drainage works and reseeded with five new five-a-side turf pitches along the new southern and eastern boundaries (although only two are to be implemented initially as part of the sports improvement package). Off-site improvements are potentially offered to Brookfield Recreation ground.

The existing entrance car park will be remodeled with 55 spaces and an improved landscaped entrance.

### Residential Development:

Fourteen (3 bedroom) houses will be constructed on an area formerly used as a cricket pitch (but currently used for schools football training); accessed from Pavilion Gardens. The houses will comprise brick/render with profiled concrete tiles.

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

The site comprises the current ground of the Farsley Celtic Football Club, is accessed off Newlands and is 800-900m from the centre of Farsley. It comprises 3.68 ha containing an existing clubhouse and pitch, a secondary pitch on the west boundary, the Farsley Recreation Centre with large open car park, and a large area of open space (former cricket pitch) now used for schools football training on the southern boundary and an area of scrubland.

The site is surrounded by two and three storey residential development on Pavilion Gardens to the south, Parkside Walk/New Park View to the west, the Bransby's/Turbary Avenue to the north and Public Open space associated with adjoining Bellway scheme to the east.

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

The site has a history of minor applications relating to sport and recreation use which are not relevant to this application.

Members may recall consideration of a previous application (07/05116/FU) at Panel on 21<sup>st</sup> February 2008 and 20<sup>th</sup> March 2008. That application also sought to provide significant sports and recreation benefits including a new clubhouse, replacement pitches, refurbished sports hall and additional community use. To fund this, 26 houses and 31 flats were proposed on the former cricket pitch. The application was refused on the following grounds:

- greenfield site.
- loss of a sports pitch in the absence of a full assessment of provision in the locality.
- residential design insufficient quality.
- private gardens substandard.
- proposed car park fails to enhance the adjoining urban green corridor.
- no affordable housing on site and inadequate level of-site.
- no on-site greenspace.
- uncertainty for securing and maintaining recreation provision.

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

Pre-application discussions were held in relation to a different scheme for 27-29 dwellings with a large area of open space to the east. Since submission of the current application for 14 dwellings amendments have been made to the proposed site layout. These comprise improvements to the proposed highways design, relocation of the open space more centrally to the development and increasing the sports improvements by the addition of two new five a side pitches on the eastern boundary.

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

Site notices were posted on 30<sup>th</sup> June 2009 and 11<sup>th</sup> August 2009. A total of two representations of support and three objections (from 2 objectors) have been received (as at 16<sup>th</sup> November 2009).

The support is given on the basis that the reduced number of homes is welcome, the club must be saved for the benefit of the local community and improvements to the look of the area. The objections are given on the basis of:

- the loss of a playing field,
- loss of area used by youth groups,
- no need for housing,
- parking is an issue on match days,
- overspill of lighting,
- lack of detail of perimeter fencing,
- increased noise levels,
- proposed pitches will not encourage children to be as active as larger pitches,
- overflow parking a problem,
- information on bus routes incorrect

In addition Councillor Carter has commented that the scheme is much improved from the previous proposal and that the matter should be brought to Plans Panel as soon as possible.

## 7.0 CONSULTATIONS RESPONSES:

### **Statutory:**

**Sport England:** No objection subject to conditions and a S106 agreement securing the improvements.

**Environment Agency:** No objection subject to conditions.

### **Non-statutory:**

**Highways:** No objection subject to conditions, S278 agreement and S106 off-site traffic calming contribution c £21,600.

**Parks and Countryside:** Support on the basis that there is spare capacity in playing fields in the area and the proposal represents adequate replacement and a net benefit. Impact of loss of club and associated junior sports provision would be massive.

**PROW Officer:** No objection.

**Environmental Health:** No objection subject to conditions.

**Local Plans/Policy:** Little interpretation and analysis of pitch information, a more robust assessment is required. Unclear re extent of playing fields to be improved and not possible to assess whether they are of sufficient benefit to outweigh the loss of the playing field. Commuted sum required for N2:2 and N2: 3 of £7,620.12

**Access Officer:** Request one additional disabled space and removal of shared surfaces.

**Architectural Liaison Officer:** No objection but concern re proposed fencing and recess in players tunnel re youth congregating, shrubbery should not exceed 1m.

**Landscape:** Pitches on eastern boundary should be move to allow for more significant boundary screening.

**Yorkshire Water:** No objections subject to conditions.

**Mains Drainage:** No objection.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

The land is designated as a protected playing pitch (Policy N6) and urban green corridor (Policy N8) in the adopted Leeds UDP Review (2006). There are a number of relevant policies as follows:

GP7: Where development would not otherwise be acceptable a planning obligation will be necessary.

H3: Housing land release phase 1 and 2 to include allocated and unallocated sites subject to H4.

H4: Residential development on non-identified sites in the main/smaller urban areas, or in a demonstrably sustainable location, will be permitted provided development is acceptable in sequential terms.

N2: Hierarchy of greenspace.

N4: Provision of greenspace to ensure accessibility for residents of proposed development.

N6: Development on playing pitches not normally permitted unless:

- demonstrable net gain to overall pitch quality and provision by part redevelopment of a site,

- there is no shortage of pitches in the area/the city.

N8: Development should ensure that an existing urban green corridor function of land is retained.

N12/N13: Development should be of high quality and respect spaces between buildings and character.

N23: Incidental open space around new build development to provide visually attractive setting.

T2: Development to be capable of being served by highway network.

T23: Traffic calming will be encouraged in residential areas.

T24: Parking provision.

LT1: Priority given to retention and enhancement of new leisure facilities.

LT2: Fullest use of district's leisure facilities supported.

The RSS (adopted May 2008) introduces a sequential approach to residential development with priority given to previously developed land in urban areas. Relevant policies include:

S1: Achievement of sustainable development .

P1: Development to be located in urban areas and adoption of a sequential approach to meeting development needs, starting with the re-use of suitable previously developed land and buildings within urban areas.

H1: Provision and distribution of housing.

H2: Managing and stepping up of supply and delivery of housing, LPA's to undertake SHLAA's, prioritising housing development on brownfield land.

H3: Managed release of housing land to support the core approach inc. market interventions in east and south Leeds.

YH1: Overall approach to achieve sustainable development objectives, transform regeneration priority areas.

YH4: Focus housing development in regional cities.

YH7: LPA's should allocate sites on the basis of first priority to re-use of previously developed land.

LCR1: Leeds city region should inter alia encourage growth across the south of the city region, particularly within regeneration priority areas and manage growth in the north.

LCR2: Regionally significant investment priorities for the Leeds city region inter alia supporting housing renewal, replacement and growth in the Aire valley south of Leeds and east Leeds.

### **National Planning Guidance**

PPS1 states in para 27 the need to reduce travel by ensuring accessible public transport services. It states in para 13 that development which fails to take opportunities for improving character and quality of an area should not be accepted. Para 18 states that planning should improve the local environment.

PPS3 states that a key objective is that local planning authorities should continue to make effective use of land by re-using land that has been previously developed (para 40) and states that the priority for development should be previously developed land (para 36). Annex B confirms that land such as parks and recreation grounds are greenfield. Para 16 states that good design should be well connected to public transport and community facilities and enable good access to open amenity space.

PPG13 para 13 states that the focus for new development should be existing towns and cities to promote sustainable development. Para 19 refers to a key planning objective as accessibility by public transport.

PPG17 recognises that well planned and good quality sport and recreation facilities can play a major part in improving well being and forming a focus for community activities and social interaction. Para 10 states that open space should not normally be built on unless an assessment has been made of whether the site is surplus to requirements. Para 13 states that equally applications may provide opportunities to “exchange the use of one site for another” and that such substitutes should be at least as accessible and equivalent in terms of size, usefulness, attractiveness and quality. Para 14 confirms that playing fields are not “previously developed land.”

### **Supplementary Planning Guidance**

SPG4 Greenspace relating to new housing development (adopted).

SPG10 Sustainable Development Design Guide (adopted).

SPG13 Neighbourhood's for Living (adopted):

- P30-31 standards for private amenity space,
- P40/41 new development to re-enforce or enhance the positive aspects of the locality,
- P42-43 scale and massing to respect adjacent spaces and context, with well articulated elevations,
- P44-45 landmarks, views and focal points,
- P46-49 quality buildings.

SPG22 Sustainable Urban Drainage (adopted).

SPD Street Design Guide (adopted).

SPD Travel Plans (draft).

## **9.0 MAIN ISSUES**

1. Principle of residential development.
2. Loss and gain of sport & recreation facilities.

3. Layout/Design.
4. Highways
5. Greenspace.
6. Residential Amenity.
7. Section 106 issues.
8. Current Balance of Considerations.

## **10.0 APPRAISAL**

### 1. Principle of residential development

The site is located within the main urban area and in close proximity to the centre of Farsley (c 800-900 m). It is in walking/cycling distance from this S2 centre and as such constitutes a sustainable location. However, as an existing Sport and Recreation use this comprises a greenfield site under the PPS3/PPG17 definition. RSS Policy P1 and YH7, adopted Leeds UDP (2006) Policy H3 and H4 prioritise development of brownfield sites in existing urban areas formed by regional cities, sub-regional cities and principal towns. PPS3 (par 40) also prioritises development of brownfield sites. As such the proposed residential element of the scheme, on a greenfield site, would conflict with these policies.

PPS3 (para 71) introduces a test for local planning authorities to demonstrate a 5 year housing land supply. A HLS assessment dated 10th December 2008 ("5 Year Housing Land Supply 2008-13 and 2009-14") identified a prospective 5 year HLS deficit of 15% 2009-14 (para 62). Where local planning authorities cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69. Para 69 requires using land effectively and efficiently (the land is greenfield) and consequently would not be satisfied.

Although a prescriptive PPS3 5 year housing land supply cannot be easily demonstrated, a 5 year supply on a trajectory basis can. It is considered that this approach is more consistent with the intent of RSS in H1Bb and Table 12.2. and the Local Area Agreement. As such it is considered there is no overriding need that justifies the release of a greenfield site for residential development now. This view has been challenged by the Inspector's decision at Green Lea, Yeadon. Officers have a number of concerns regards the Inspector's methodology and will be challenging the decision.

It is concluded that the principle of development on greenfield playing fields such as this would not normally be acceptable. In that context one has to consider whether there any material considerations that outweigh this conflict with development plan housing policies.

### 2. Loss and gain of sport & recreation facilities

The proposal will result in the loss of a former cricket pitch which in more recent times has been used as a junior football pitch for the training of school football teams.

The Council's Outdoor Recreation Manager has confirmed that it is clear that the existing pitch is surplus to requirements. Previous concerns re the lack of a wider PPG17 assessment of open space are now superceded by the applicant's decision to offer additional replacement facilities (two five a side pitches) on adjoining land. The additional provision of two new pitches to the eastern part of the site now results in an adequate replacement and significant net benefit that removes the previous

Sport England objection. Both Sport England and Parks and Countryside now support the application.

The proposal includes a detailed “business plan” which sets out substantial additional improvements to the sport and recreation function of the site with three new playing pitches on the existing site, improvements to the second pitch, refurbishment and re-use of the under-utilised Farsley Recreation Centre and a brand new clubhouse with an improved and landscaped car park.

In the context of the additional two pitches on land to the east these comprise major benefits which will substantially improve the site both functionally and visually. It is now possible to confirm that the proposal equates to not just equal compensation for the loss of the playing field, but provides a significant net gain. As such it complies with PPG17 para 13) and UDP Policy N6 and the loss of the playing field to development is considered acceptable.

A Section 106 agreement would be required to ensure that the proceeds from the sale of the land for residential development are invested back into these sport and recreation improvements. The applicant has offered a Section 106 agreement with details of funding (totalling £140,000) including the following:

- improved secondary pitch (c £40,000).
- two small grass soccer pitches on site (c £30,000).
- refurbishment of Farsley Recreation Centre with new changing rooms, fully equipped gym, new entrance lobby and redecoration and future maintenance by the club (c £10,000).
- contribution towards upgrading of off-site pitch at Brookfield Recreation Ground (c £33,000).
- agreed hours of usage per week by public/local community and costs of the various facilities.

The new clubhouse (with changing rooms) and three additional five-a-side pitches on the existing site are intended for later development should funds allow. These do not form part of the current package of committed improvements.

### 3. Layout/Design

The proposal comprises a number of benefits in layout/design terms:

- the existing poor car park at the site entrance is formalised and improved with potential landscaping.
- rationalisation and improvement of layout of sports facilities within the club's site.
- the proposed club house would provide an attractive, modern design that will improve the visual quality of this site,
- the detached residential units add to the housing mix in the locality.

The proposed houses are not exceptional, but reasonably attractive and clustering round the open space would provide a pleasant environment.

In this context it is considered that the application accords with adopted Leeds UDP Review (2006) policies N12, N13 and N23 and improves the local environment in accordance with PPS1 para 13.

### 4. Highways

Highways have concluded that the traffic generation from this proposal will have an acceptable impact on the highway network, subject to a contribution to traffic calming



measures in Newlands (c £21,600) consisting of junction plateaus at the Newlands Street/New Street and flat top humps along Newlands. The S106 contains a contribution of £20,000.

The resident objection refers to the issue of overspill parking and parking on match days and a condition is suggested requiring a parking strategy for match days.

#### 5. Greenspace

There is a requirement for 0.056 ha of on-site greenspace under Policy N2 and this is provided as part of the site layout. A commuted sum of £7,620.12 has been requested. The S106 contains a contribution of £7,000.

#### 6. Residential Amenity

Licensing have confirmed that the hours applied for the clubhouse represent what is already agreed in the license and Environmental Health have suggested that conditions should be imposed to cover hours of use and deliveries. The existing secondary pitch is floodlit but as there are no new lighting columns proposed there will be no increase in impact.

Resident objections have been received regarding potential noise and light nuisance. Additional consultation with Environmental Health has resulted in a number of suggested conditions that should adequately control these issues.

#### 7. Section 106/Deliverability issues

The application currently offers a total contribution of £140,000 towards sports and recreation facilities both on-site and off-site listed in section 2 above. This total potentially includes other elements namely traffic calming on Newlands and off-site greenspace. An agreed Management Agreement will be attached to the S106 guaranteeing public access to the facilities and limiting costs.

A further issue that needs assessing is the implication of the club's status in administration for the certainty of deliverability of the sports and recreation benefits via the S106. The Council's solicitors and chartered surveyors advise that the grant of planning permission would not necessarily be sufficient to bring the company out of administration, as the administrator would still be at liberty to sell the club and its assets to the highest bidder. Although a "new" Farsley Celtic company has been set up that has bid for the site, the receiver has advised that football clubs have not been the highest bidder. Consequently whilst the administrator may choose to sell the site to a "new" Farsley Celtic there are no guarantees and members need to bear this in mind in coming to their decision which must be made on planning grounds, not the identity of a particular occupier of the site.

Members previously expressed concern at the deliverability of the proposal. A condition is suggested so that the residential development is not commenced until a contract for all the sports improvements has been let and the two new five a side pitches completed. Also the monies for the sports improvements will go automatically into an ESCROW account to ensure they can only be spent on the named improvements.

On this basis it is considered that deliverability of the proposal can be sufficiently tied down through the S106 agreement and conditions.

#### 8. Current Balance of Considerations

Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. The local planning authority must therefore weigh up all the various material considerations to come to a decision.

Development of unallocated greenfield sites is contrary to policy H3 of the development plan; although the proposals also comply with other elements namely Policy N6, LT1 and LT2. As the conflict is with a significant policy in the Development Plan it is considered that overall the application is not in accordance with the development plan. The local planning authority must therefore consider whether there are any other material considerations that outweigh this policy conflict.

Retention of a sport and recreation land use on the site is a material consideration. There is significant benefit in maintaining access to sport and recreation to residents of Farsley, and much beneficial work is done by the existing club in the community. PPG17 is clear on the benefits of such uses to local communities. The Council's Parks and Countryside officer has commented this it would be of major detriment to sports provision in Farsley if the use of the site was lost.

It is officers conclusion that the loss of sport and recreation use on this site would be detrimental to the well being of the community, and would also conflict with a number of policies at national and local level especially PPG17 which includes the following objectives:

- supporting urban renaissance. High quality sports and recreation facilities help create safe and clean urban environments,
- social; inclusion and community cohesion,
- healthy living and sustainable development.

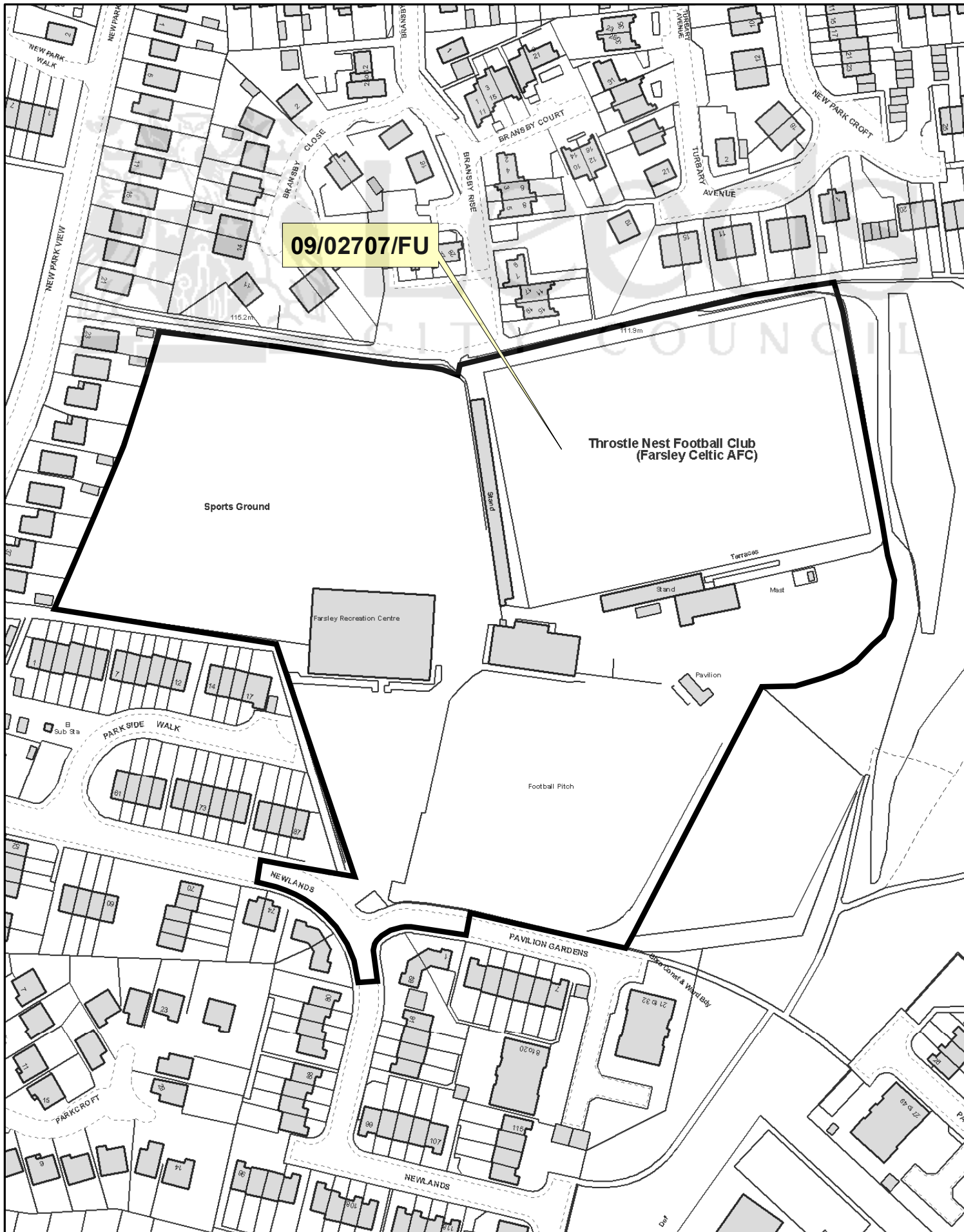
We have assessed similar cases considered by Inspectors at appeal. Inspector's often accept that once facilities are lost they are difficult to replace (advice mirrored in para 5.2.6. of the adopted UDP) and where there is a clear risk of a demonstrable deficiency appeals are often allowed. Inspector's also accept that the importance of a club to a local community and advantage of the proposed facilities for the community may outweigh the harm caused by the loss of a playing field.

In this case it is concluded that the risk of loss of this use and the significant sports benefits of the application are material considerations that outweigh the harm to housing policies of the development plan.

The recommendation is finely balanced. It is concluded that the potential loss of the recreational use on this site would be detrimental to the local community and that this application represents an opportunity to encourage the long-term retention of the site in sport and recreation use. Whether any permission would be implemented by a "new" Farsley Celtic Club, or another occupier/operator is speculation at this time. On balance the recommendation is for approval subject to notification as a departure, subject to conditions and a Section 106 agreement.

#### **Background Papers:**

Application file ref 07/05116/FU and history file ref 25/483/05.



# WEST PLANS PANEL



Scale 1/ 1500

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