



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd February 2011

Subject: Application number 09/05553/OT Outline planning application for residential development at Land off Royds Lane, Lower Wortley, Leeds.

APPLICANT
Wortley Green

DATE VALID
23 December 2009

TARGET DATE
24 March 2010

Electoral Wards Affected:

Farnley and Wortley

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 the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to cover

- Greenspace provision
- Education provision
- Highway works
- Green travel Plan
- Financial viability
- Long term management of the open space and habitat corridor

PROPOSED CONDITIONS

1. Time limit for outline application
2. Development shall be line with approved plans
3. Full details of layout, scale, appearance and landscaping to be submitted
4. Samples of walling and roofing materials to be submitted
5. Sample panel of proposed brickwork
6. Details of fencing and boundary treatment to be submitted

7. Scheme for external bin storage to be submitted
8. Landscaping scheme to be submitted
9. Landscaping scheme to be implemented
10. Landscaping maintenance scheme to be submitted
11. All existing trees, shrubs and other natural features shown on approved plans to be retained
12. Preservation of existing trees and vegetation during construction
13. Tree protection during excavations
14. Replacement of landscaping if dies or seriously damaged in first 5 years
15. Existing and proposed levels to be submitted
16. Bat protection/mitigation
17. Submission of details for contamination and remediation
18. Amendment of remediation statement
19. Submission of verification reports
20. Reporting unexpected contamination
21. Importing soil
22. Areas to be used by vehicles to be laid out.
23. Road improvements to be carried out before development occupied
24. Full details of the access to and egress from the site to be submitted
25. Details of cycles and motorcycles parking areas to be submitted
26. Green travel plan to be submitted
27. Vehicle cleansing facilities to be provided during construction works
28. Means of preventing mud on highway during construction
29. Before development commences the flood defences shall be provided
30. Full details of proposed ground floor levels to be submitted
31. Scheme for provision of surface water and ground water drainage works to be submitted
32. Noise protection from railway
33. No building within 3 metres either side of water mains
34. Details of surface and foul water to be submitted
35. No piped discharge of surface water until satisfactory outfall approved and implemented
36. No piped discharge of surface water until approved surface water drainage works submitted
37. Surface water from vehicle areas to pass through an oil interceptor
38. Habitat protection and enhancement

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination as it is considered to be a major scheme.

2.0 PROPOSAL:

- 2.1 The application is an outline application for residential development. The original submission was for principle, means of access and layout. The layout has been withdrawn from the scheme so the application is now for the principle of residential development on the site and the proposed access. There will be one vehicular access to the site and this will be off an existing track off Royds Lane close to the junction of Royds Lane and the service road for Makro. There are a number of highway improvements that will be provided as part of the scheme which are as follows:
 - Improvement of the existing track to the site to adoptable standards with a pavement on each side

- New junction with Royds Lane and the service access with Makro. A stop line on the service access from vehicles leaving the service road for Makro.
- A pavement on one side of Royds Lane (there is an existing pavement on the other side) with dropped kerbs and tactile paving on all the crossing along both sides of Royds Lane
- New pedestrian crossing on the Ring Road, this is located after a left turn from Royds Lane.
- Changes to the Ring Road Roundabout at Ringways to include signalling.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in Lower Wortley and is approximately 4km to the south west of the city just off the Ring Road next to Makro. The site is 5.7 hectares in size, of triangular shape and slopes upwards towards the southern boundary away from the Ring Road. The site is an old industrial site which has not been used for a number of years and has accommodated employment generating uses since the early 19th century. The northern part of the site previously accommodated a railway sidings, cement works, tyre depot and large car park. This part of the site is now vacant. At the northern part of the site the access road terminates in the tunnel under the railway to the east to the Gelderd Road industrial area. The southern part of the site is also vacant and in appearance is Greenfield as it has become self seeded over the years, following termination of the previous use. The southern part of the site is allocated for employment uses in the adopted UDP (E4:36). The northern boundary is the existing track that will be used for access and beyond this are two storey red brick offices. The eastern boundary has extensive tree coverage and beyond this is the railway line. The southern boundary has tree coverage and beyond this are open fields. The west boundary has vegetation on the boundary and beyond the boundary is Makro access road, building and car park. There is a public footpath which crosses the site and beyond this the land is overgrown with extensive tree coverage. There are extensive changes in levels on site which means that the southern boundary is at a higher level than the northern boundary.
- 3.2 The area is mainly offices except for the Makro store and there is no residential nearby.
- 3.3 The southern portion of the site supports habitats of local value and which provide a valuable wildlife corridor linking the urban area with the adjacent open countryside. There is a small area of acid grassland along the southern boundary of the site. This is a UK habitat of principle important for the conservation of biodiversity. The site also supports developing woodland habitat, scrub and species poor neutral grassland. The disused railways in particular provide valuable habitat corridors which are an important resource for local bat populations.

4.0 RELEVANT PLANNING HISTORY:

24/440/96/OT – Outline application of 5 industrial units approved 16/6/98
 24/217/01/RE – Renewal of outline application for 5 industrial units approved 16/8/2001
 24/334/04/RE – Renewal of outline application for 5 industrial units approved 28/9/04
 06/02324/OT – Outline application for offices, retail and residential approved 1/2/2008

5.0 HISTORY OF NEGOTIATIONS:

5.1 A planning application for residential development was submitted in December 2009. This included a layout for approval which was for 156 houses and 36 flats. This layout has been considered and discussed with the developer and officers. However, a layout which is acceptable to officers is still under negotiation. The developer has decided to withdraw the layout from the scheme and seek an approval from Panel for the principle of development and access. At the same time negotiations are continuing on the details for a Reserved Matters application.

6.0 PUBLIC/LOCAL RESPONSE:

No representations received.

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Ward Members have been consulted on this latest package and comments are awaiting. Councillor Ann Blackburn has previously commented that she would not support residential on the site that failed to provide all the required financial contributions.

Policy – Residential development is acceptable on this site

Highways – Objections, amendments required.

PROW – a public footpath crosses the site which is required to remain open and available for use at all times, otherwise will need a Public Path Order for its closure/diversion.

Metro – Two new 'live' bus information bus stops required plus residential metrocards

Environmental Health – Conditional approval – condition for

- Noise protection from railway
- Control of nuisance during construction

Yorkshire Water – Conditional approval

Environment Agency – Conditional approval

Affordable housing – 30% provision required on site

Greenpace – Allocation required on site

Public transport – Objection as does not comply with SPD on public transport in that a bus stop should be within a 5 minute walk (400M) and this is 600m away.

Transport Policy – Travel plan and residential bus metro cards required as part of section 106 agreement

Education – financial contributions required

8.0 PLANNING POLICIES:

Land allocated for employments uses in the Unitary Development Plan.

PPS1 – Creating sustainable communities.

Relevant UDP policies;

Policy E4 – allocates the site for industrial use

Policy E7 – Gives advice for residential development on allocated employment sites.

BD5 – new buildings design consideration given to own amenity and surroundings.

H3 – details the phasing of allocated sites during the plan period

H4 – gives advice regarding housing development on unallocated sites

N4 – Requirements for greenspace linked with residential development

N12 – priorities for urban design.

N13 – new buildings should be of high quality.
H11 – housing developments require developers to provide appropriate proportion of affordable housing
LD1 – landscape scheme.
T2 – development capable of being served by highway network.
T24 – car parking guidelines.
GP5 – detailed planning considerations should be resolved including design and loss of amenity.
N24 – Landscape buffer required between development and open land

9.0 MAIN ISSUES

1. Principle of development
2. Proposed access and highway improvements
3. Financial Contributions
4. Contamination
5. Public transport
6. Habitat corridor

10 APPRAISAL

10.1 Principle of development

- 10.1.1 The rear part of the site is allocated for employment purposes in the Unitary Development Plan under E4:36. The site employment allocation amounts to 3.2 hectares of the overall 5.7 hectares. The front part of the site is unallocated. Policy E7 of the Unitary Development Plan states that residential development on land no longer needed for employment uses can be developed for residential development subject to a number of criteria. These are the following:
- i) The site is not reserved for specific types of employment referred to in policies E8 and E18. This site is not referred to in either of these two policies.
 - ii) Sufficient alternative employment sites exist district wide and are readily available. This has been assessed and it is considered that there are sufficient sites district wide to allow the release of this site for residential development especially when it is a brownfield site.
 - iii) Within the locality there are sufficient alternative employment sites available. There are a number of sites located nearby which are allocated for employment purposes in the Unitary Development Plan which meet the needs of the locality.
 - iv) Would not result in environmental, amenity or traffic problems. The proposal involves works to the highway network which are required to accommodate the development. These allow for the site to be developed without a detrimental impact on the highway network. Environmental and amenity issues will be assessed when a detailed reserve matters application is submitted.
- 10.1.2 The site also has a current consent which expires on 1 February 2011 for offices, retail and residential. Whilst this consent was outline, an indicative plan was submitted with the application which showed a small element of offices fronting Royds Lane with the majority of the site residential. This approval will have expired by the time the current scheme is assessed at Plans Panel but it does indicate that the principle of the loss of an employment site has been previously assessed and approved.
- 10.1.3 Policy H3 details the delivery of housing land release over the period of the Unitary Development Plan. This site is considered to be brownfield and would supply

housing under the unallocated land (windfall sites) given planning permission under the terms of policy H4 within the main and smaller urban areas.

- 10.1.4 Policy H4 goes on to state that residential development not identified for residential within the Unitary Development Plan can be acceptable if it meets the following criteria.
- Lies within the main and smaller urban areas – This site is located next to built development except for its rear boundary which is open fields. It is considered that the site is within the urban area of Leeds with its rear boundary forming the boundary for the extent of the urban area in this location. The site therefore complies with this criteria.
 - Acceptable in sequential terms. The site is a brownfield site as it has been previously used for industrial development which supports the Government Guidance in PPS3 – Housing.
 - Within the capacity of existing and proposed infrastructure. The proposal does require some changes to the surrounding infrastructure which are to be funded by the developer and are discussed in more detail below. It is considered that once these works have been implemented the scheme complies with this criteria. For these reasons the principal of development on the site is considered acceptable.
- 10.2 Proposed access and highway improvement.
- 10.2.1 The proposed access is off a track which branches off Royds Lane at its junction with the service access road to Makro. This track will be widened to accommodate the required width for an adoptable highway along with a footpath on both sides. This widening will be to just after the proposed access onto the site and there will be bollards placed after this junction to prevent vehicular access onto the rest of the existing track which is outside the ownership of the applicant. This access is considered acceptable for a residential development on the site. There are a number of offsite highway works required on the surrounding network to accommodate the traffic generated from residential development. These include new footpaths on Royds Lane, new pedestrian crossing on the Ring Road and signalisation of the 'Ringways' roundabout. These works will be funded by the developer of the site and can be included within the section 106 agreement.
- 10.2.2 Providing these highway works are carried out before the development is brought into use then the development will not have a detrimental impact on the free and safe flow of traffic and there shall be no detriment to highway safety.
- 10.3 Financial contributions
- 10.3.1 There are a number of financial contributions required as part of the development which are as follows.
- i) Affordable housing
 - ii) Greenspace
 - iii) Education
 - iv) Metrocards and bus stops
 - v) Highways works
- 10.3.2 The developer has submitted a financial viability statement to show how much profit is available from developing the site for residential development in the current financial climate. The viability statement showed that there would be a 17.3 % profit on the site if no planning obligations have to be adhered to. Originally the applicant offered to pay a financial contribution to highways works and an element of affordable housing. Officers considered that the payment offered for highway works

would not be sufficient to carry out all the highways works detailed above so the development would have a detrimental impact on highway safety. Officers were also concerned regarding no contributions for other requirements such as education along with the reduced payment for affordable housing. The financial appraisal submitted also stated that if all the contributions were paid in full then the profit from the site would be 7.2 % which leaves the site unviable. These figures have been agreed by our asset management section. The applicant reconsidered their position and have offered the following financial package. The applicant will pay the full costs for the highways works and the requirements for greenspace and education provision. They have not offered to pay anything towards affordable housing, bus stop upgrades and residential metrocards for the occupiers of the proposed residential properties.

10.3.3 The assessment of the various contributions is detailed below.

10.3.4 i) Affordable housing

The site is located within the urban area and has a requirement for 30% of the housing on the site to be affordable housing. If this is the case, along with all the other contributions provided the site would not be viable for residential development. The Government have requested that local planning authorities need to be helpful to the development sector where appropriate in a difficult economic climate. It is agreed that this is in line with the recent DCLG announcements and both the national and local need in Leeds to increase housebuilding development rates, particularly on brownfield sites such as this. It is acknowledged that the economics of provision are a material planning consideration.

A section 106 agreement will be attached to any approval. This S106 would allow for no commitment to affordable housing to be provided immediately when development commences, however, if development is not substantially completed within 2 years, the viability assessment will have to be resubmitted. This will assess if the market has improved and whether provision for affordable housing can then be provided. The two years start from when the S106 agreement is signed and not when development starts on site. If in two years time the financial viability shows that a contribution to affordable housing is able to be provided then this will be the full amount required of affordable housing based on the total number of residential dwellings proposed rather than a percentage of the residential units left to be built.

This assessment has then to be carried out yearly until the development is complete. On this site the provision if required would be on site rather than a commuted sum with there being no other housing provided in the near vicinity. Whilst this request is at odds with current policy guidance it does ensure that development can commence on site as soon as possible with all the economic benefits.

This section 106 agreement allows for development to proceed on site in this difficult financial period and protects the interest of the Council in that the full amount of affordable housing provision may be required and provided before the development is complete.

10.3.5 ii) Greenspace

There will be a requirement to provide greenspace on site. There is a formula for calculating greenspace and this can be within the required Section 106 Agreement. This is considered acceptable for an outline application and ensures that sufficient greenspace is provided on site in line with policy.

10.3.6 iii) Education

There will be a requirement to contribute to both primary and secondary schools. Schools are under pressure at the current time due to an increase in the birth rate at primary school level and increase in school leaving age putting pressure on secondary school level. Therefore, there is no capacity in the local schools to accommodate pupils generated from this development. A formula for this required education contribution can be inserted into the Section 106 Agreement. This is considered to be acceptable and will ensure that the required number of school places will be provided depending on number of pupils generated from this development.

10.3.7 iv) Metrocards and bus stops

There is a requirement for residential development to have metrocards for the occupiers of the new houses and the two nearest bus stops on the Ring Road to be upgraded to accommodate 'live' feeds. In addition the original application provided a shuttle bus from the site to Leed Railway Station which was intended to serve the whole of the site (commercial and residential). The applicant is stating that they are unable to provide these three requirements due to the financial viability of the site and has chosen to fund other contributions for the development which are considered more important to allow the development to proceed. Again this will be tied in with the affordable housing and the financial viability and could be provided if the financial situation improves sufficiently to allow for these along with affordable housing to be provided. It is considered that in the current market, the financial requirements that have to be provided, there is less detriment to the occupiers than if this money was taken from the provision for highway works, greenspace and education.

10.3.8 v) Highway works

Highway works requirement have been discussed above and can be included in a section 106 agreement.

10.4 Contamination

- 10.4.1 The site contains contaminants due to its previous uses on the site. Remediation works will be required to clean the site to a level that is acceptable for a residential development. As this application is outline for the principal of development on the site conditions can be attached to require this information to be submitted with the reserve matters application for consideration

10.5 Public transport

- 10.5.1 Policy T2 of the Unitary Development Plan makes it clear that new development should be capable of being served by public transport and this is amplified in the Public Transport SPD. These all state that residential development within the urban area of Leeds should be located within a five minute walk (400m) of a bus stop offering a 15 minute frequency or more during the day. The nearest 15 minute frequency route is located on the Whitehall Road which is 600m from the site which exceeds this policy. The walking environment also to these bus stops is poor. The highway works proposed as part of this application provide a pavement on either side of Royds Lane and a pedestrian crossing over the Ring Road improving the route for pedestrians to the bus stops. Whilst the distance is more than the policies

request the site is a brownfield site and the benefits of development are considered to outweigh the additional distance it is required to walk to link in with the public transport network.

10.6 Habitat corridor

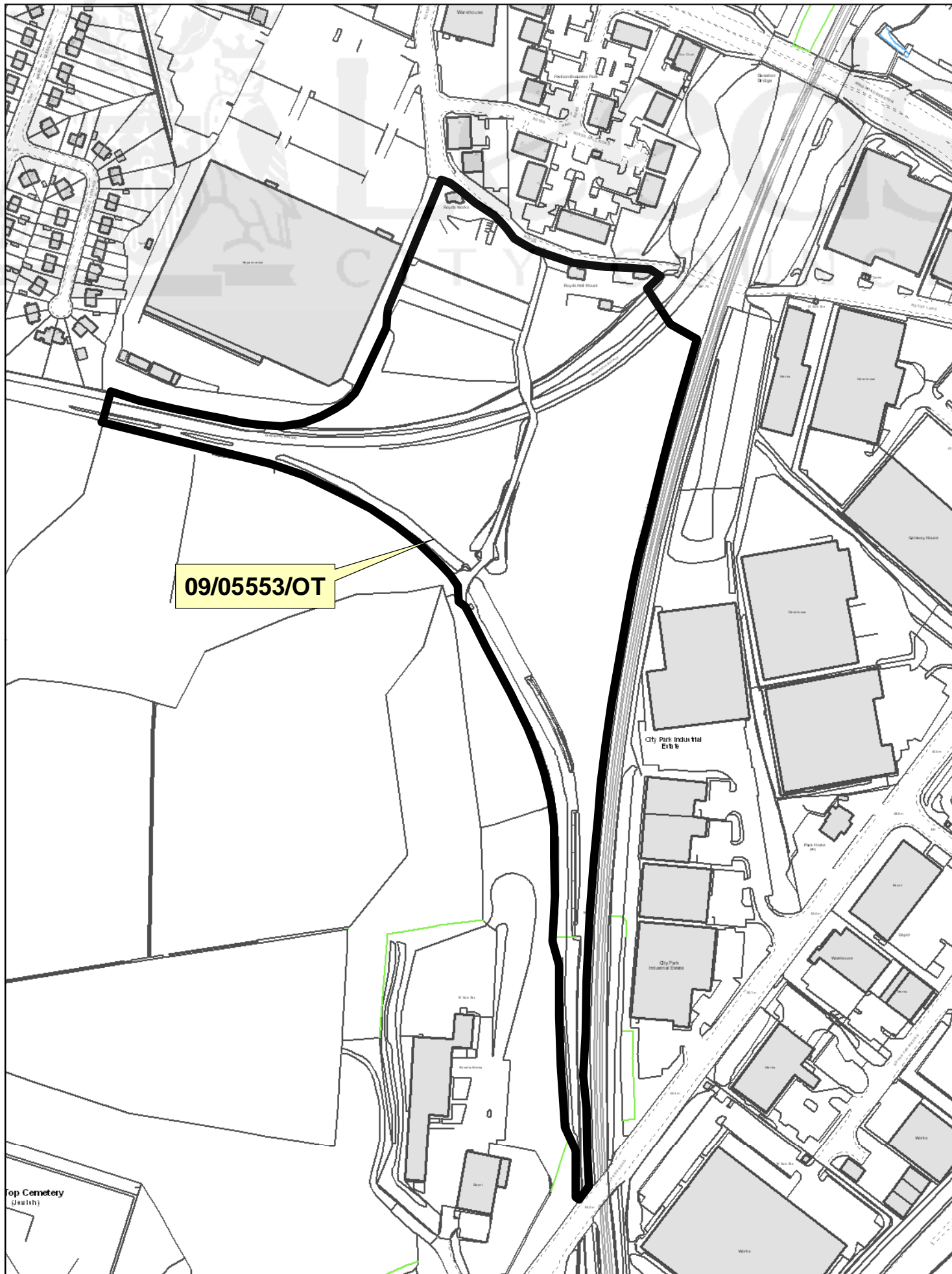
- 10.6.1 The site has been unused for a number of years and this has led to extensive landscaping and established habitats on the site. Officers have been negotiating the retention of a habitat corridor that has been established through the centre of the site. Officers have suggested that the required greenspace on site is located at either side of this habitat corridor to ensure that the built development does not encroach on the ecology within this corridor. Matters in relation to its retention and protection need to be included within the section 106 agreement.

11 CONCLUSION

In conclusion the development of the site for residential development subject to a section 106 agreement and conditions is acceptable. The proposed access arrangements are also considered acceptable and approval is recommended.

Background Papers:

Application file: 09/05553/OT



WEST PLANS PANEL