

**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date:** 26<sup>th</sup> May 2011

**Subject:** PLANNING APPLICATION 11/00811/FU – Construction of 12 flats, 8 houses, detached common house, with car parking, public open space and communal gardens

**at:** Former Wyther Park Primary School, Victoria Park Avenue, Bramley

**APPLICANT**

Lilac Co op

**DATE VALID**

25th February 2011

**TARGET DATE**

27<sup>th</sup> May 2011

**Electoral Wards Affected:**

Armley

N

Ward Members consulted  
(Referred to in report)

**Specific Implications For:**

Equality and Diversity

☐

Community Cohesion

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Narrowing the Gap

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**RECOMMENDATION:**

**APPROVE planning permission, subject to the following conditions**

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 Samples of walling and roofing materials
- 4 Surfacing materials
- 5 1:20 sections of window and door openings
- 6 Soft landscaping details
- 7 Landscaping Implementation
- 8 Landscaping Maintenance
- 9 Removal of PD rights
- 10 No land drainage to be connected to public sewer
- 11 Full details of sustainable drainage measures to be submitted

- 12 Full details of pond to be submitted, including water depth, bank profiles, inflow/ outflow
- 13 Retention of trees
- 14 Retention of soft landscaped areas as approved
- 15 Details of cycle and bin storage to be submitted
- 16 No construction between the hours between hours of 18.30 and 07.30 on weekdays, 13.30 and 09.00 on Saturday and none on Sundays
- 17 Measures to prevent mud and dust on roads
- 18 Submission of Phase 1 Contamination survey
- 19 Amended Remediation Statement required if expects remediation works can not proceed
- 20 Submission of Verification certificate once all contamination works are completed
- 21 Details of hours of opening for public access into Public Open Space

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N12, N13, BD5 and T2

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 The application is brought before Plans Panel due to local significance of the scheme, the unique nature of the housing product proposed, and the fact the proposal does not comply with all of the normal planning policy requirements.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks to construct a co-operative residential development, which comprises of 8 houses, and 12 flats. The residential development is arranged in 5 blocks which vary in height from 2 to 3 storeys. The buildings are all flat roofed, and have facing materials of timber and lime render. The properties are insulated by straw bales. The units are made from separate modules, which are pre-fabricated off site (within a 10 mile radius to provide local employment), and have large areas of the glazing in the form of floor to ceiling glazing and balconies. The proposed form of development appears relatively 'angular'.
- 2.2 The future occupiers will be required to sign up to live and participate within the development as a co-operative. Certain rules will be applied through this agreement aimed to promote sustainability. An example of this is that number of cars owned by the future occupiers will be restricted, and car owners must allow other non owning car residents to use their cars. Ample space is provide on site for residents to grow their own produce, and the scheme will include several mechanism to reduce the

reliance on energy, an example of this is that water is to be collected and recycled on site. All of the properties are also to have solar panels installed to provide electricity.

- 2.3 The development also comprises of a 'common house' which will offer a community focal point for the future occupiers of the development. This building has a kitchen which will allow communal dining between residents, a pool of computers and washing machines to avoid the need for the individuals on the site to own such apparatus, and is aimed to promote community life and reduce the carbon footprint of the development. This building overlooks a pond, which will act as the focal point for the development.
- 2.4 A large percentage of the site is to be left undeveloped. The proposal includes significant areas of open space and landscaping which include Public Open Space, 'Productive Gardens' (allotments), a private playing area, dedicated garden areas for each of the proposed dwellings and apartment blocks, a herb garden and pond and viewing deck/ platform. The table below illustrates this point;

		Percentage of total area
Total Site Area	7 216	
Total Gross buildings foot print (over 2/ 3 floors)	1827	25.3
Total private Garden area	933	12.9
Total Private communal garden area	1370	19.0
Productive gardens	916	12.7
Public garden	592	8.2

Note all areas are in sq m

- 2.5 The proposal includes parking facilities for 14 cars and several secure cycle parking stores are proposed. The scheme will be gated apart from access into the parking areas. The gate to the public open space will be open during day time, and available to all users. The scheme has secured part funding the Home and Communities Agency (HCA). The remainder of the costs will be funded by the members of the co-operative.
- 2.6 The application is supported by the following documents
- Floor Plans and Elevations
  - Planting Plan
  - Topographical Survey
  - Drainage Plan
  - Boundaries Plan
  - Code for Sustainable Homes Ecological Assessment
  - Design and Access Statement
  - Statement of Community Involvement
  - Arboriculture Report
  - Geoenvironmental Appraisal (Contamination)

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

- 3.1 The site comprises of a cleared L-shape site, which until recently accommodated Wyther Primary School, which has been demolished. The site is bound by roads to all four sides, Kirkstall Mount to the east, Victoria Park Avenue to the south, Lancaster Grove to the west, and Victoria Park Grove to the north. The site is surrounded by residential dwellings to all sides. These are typically semi-detached, red brick built, 2 storeys in height with a mixture of both gable and hipped roof properties, of a relatively low density. The site is enclosed by a red brick wall and railings which were the boundaries of the former school.
- 3.2 The site slopes upwards, from Victoria Park Avenue to the northern end of the site. The north-western corner of the site contains a number of large trees, which are to be retained. The remainder of the site contains no other vegetation and is solely hard surfaced. The north-eastern part of the wider site has been developed separately (see planning history) and is now severed from the remainder of the site, subject of this application.

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

- 4.1 There are no records of any previous planning applications to redevelop this site, following the demolition of the school.
- 4.2 Planning consent was granted on 28<sup>th</sup> February 2008 for '*Erection of two 5 bedroom detached bungalows each with communal facilities and a detached single storey 12 bedroom children's unit with communal facilities*' Reference 07/06986/FU. This development lies upon the north-eastern part of the former school site and is now within separate ownership. This development has been constructed and is now complete and occupied.

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

- 5.1 Officers have been in negotiations with the architects and founding members of the co-operative group approximately over the last 12 months. Concerns have been expressed mainly over the relationship of the proposed development to the existing street scenes, the level and location of parking proposed, and the required policy requirements to deliver an element of on-site affordable housing.
- 5.2 In view of these concerns, the proposal was presented to Members at West Plans Panel on 3<sup>rd</sup> February 2011. Members overwhelmingly expressed their support to the scheme due to the innovative nature of the proposal in terms of its sustainability credentials, and its affordability to the future occupiers. Members accepted the principle of nil provision for affordable housing (as defined by Planning Policy).
- 5.3 The proposed scheme was presented to the regional CABE Design Review Panel on 26<sup>th</sup> August 2010. This panel expressed concerns regarding the relationship and interaction of the development with the existing street scenes. Concerns was also raised regarding natural surveillance and the position of the remote parking areas.

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

- 6.1 The application was publicised by five site notices which were posted adjacent to the site on 11<sup>th</sup> March 2011. An advert was also placed in the local Press on 17<sup>th</sup> March 2011. To date no letters of objection or representation have been received to the application.
- 6.2 The proposal was publicised widely by the applicant at this pre-application stage. Events have included a public exhibition held on the site on 24<sup>th</sup> and 25<sup>th</sup> September 2010 at which plans were presented and comments invited, with attendance by approximately 50 local residents and councillors. This event was publicised by sending 200 leaflets to nearby dwellings. Various local groups have also been consulted on the proposal including Victoria Park Neighbourhood Watch Group, and Wyther Park Action Group. From this consultation 13 letters of support were received.
- 6.3 Two launch events which were attended by approximately 130 people in total, and were held at the Carriage Works, and Leeds Central Library, in November 2009 and November 2010. The latter event was opened by Councillor James McKenna.

## **7.0 CONSULTATION RESPONSES:**

Highways: have raised concerns to how the low level of parking provision is to be managed and controlled. This is considered to be a management issue for the Co-Operative and given the location of the application site is not considered a degree of on-street parking (should it arise from this proposal) would cause conflict or pressure with the parking patterns of existing local residents. This issue is fully assessed in the appraisal of the report in paragraph 10.17.

Drainage: No objection subject to conditions to ensure suitable drainage measures

Yorkshire Water: No objection subject to conditions to ensure suitable drainage measures

Metro: Seek a contribution of £8, 751.60 to allow 60% of the residential to benefits from free Metro cards for a 3 year period.

Environmental Health: No objections subject to lighting restrictions and hours of construction to minimise disruption on existing residents.

Contaminated Land: No objections subject to conditions

Nature Conservation: Support the retention of the trees, full details of the pond are required and can be dealt with planning conditions

Police Architectural Liaison Officer: No objections, the window and door fixtures should meet secured by design accreditation.

## **8.0 PLANNING POLICIES:**

### **Local Planning Policies:**

- 8.2 Locally Leeds City Council has begun work on our Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007.

This provides a timetable for the publication and adoption of the Local Development Documents.

8.3 In the interim period a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy H4 refers to residential development on sites not identified for that purpose will generally be permitted provided the proposal is acceptable in sequential terms, and is within the capacity of existing and proposed infrastructure.
- UDP policy BD5 seeks to ensure that all new buildings are designed with consideration given to their own amenity as well as that of their surroundings.
- UDP policy N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.
- UDP policy N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.
- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
- UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

#### **Relevant Supplementary Guidance:**

8.4 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG13 Neighbourhoods for Living.

#### **Government Planning Policy Guidance/Statements:**

8.5 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

PPS1 Delivering Sustainable Development.

## **9 MAIN ISSUES:**

9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

- Principle of the Development;
- Design/ Appearance
- Layout
- Amenity Considerations
- Sustainability credentials
- Landscaping / Trees
- Highways/ Parking
- Other Issues

## **10.0 APPRAISAL**

### Principle of Development

10.1 The site is considered to be a brown field site as defined by PPS3. The site until recently accommodated a Primary School which has now been demolished. The majority of the site still contains hard surfaced areas which were once play grounds and parking areas etc. A part of the site which contains a number of mature trees is to remain undeveloped as illustrated in paragraph 2.4. The site lies in an established residential area which is well served by local amenities and infrastructure. There is bus service every 30 minutes (no 87) directly adjacent to the site to Leeds and the local centre of Bramley. There are more regular bus services a short walk away from the site. It is considered that the proposal follows the national planning policy guidance of PPS3 of developing brown field sites for new residential development, in the interests of sustainability and regeneration. The principle of this proposal for residential development is therefore considered to be acceptable.

### Design/ Appearance

10.2 It is considered that the proposed blocks are well designed, with large areas of glazing to provide surveillance and which breaks up the mass of the buildings. The actual external elevations have both a combination of high level windows and floor to ceiling windows which results in patterns within the rendered panels, which creates visual interest within the elevations. The facing materials proposed are integral to the overall concept of the scheme in terms of it delivering low carbon, sustainable, affordable dwellings, constructed from local and natural materials.

10.3 The extensive areas of landscaping and open space within the site, and around the proposed buildings will minimise and soften the appearance of the proposed blocks. The design of the proposed development is described as being modern and contemporary, which is not characteristic of this suburban locality. The site however, is a stand alone island site, being bound by road to all sides. As the site is isolated and is not adjoined by any other houses, it is not considered that the proposal would appear overly incongruous or alien within this locality. The degree of separation with other properties provides an opportunity for the buildings upon this site to be of a different design.

- 10.4 The buildings vary in height between 2 and 3 storey's depending on the levels within the site. The proposed buildings are no taller than the existing surrounding residential dwellings. As such it is considered the heights of the buildings proposed respects the character of this suburban locality. All of the proposed blocks have flat roofs which accommodate sloping solar panels, which will provide an illusion in part, of 'single pitch roofs' to the properties. A condition will be placed on approval for 1:20 sections of the window and door openings to ensure they adequately recessed.
- 10.5 Discussions have taken place with the agents regarding the materials of the common house, as it is considered the use of partial brick on this building alone, which acts as a focal point for the entire development, would tie in with, and relate the development to the existing boundary walls, and the built form of the surrounding area. The agents have agreed to this, and the full materials details will be conditioned on approval. For all of these reasons it is considered the design of the proposal follows the policy guidance of PPS1 and policies N12 and N13 of the adopted Leeds UDP.

#### Layout

- 10.6 The proposed development is located around a central pond and communal house. The residential units are 'inward' facing, around these communal landscaped areas. The scheme has been devised in this way to encourage social interaction between the future occupiers, and to develop the community living within the development. A result of this means that the proposed units do not have active frontages or door openings onto the adjacent streets. This issue has been heavily discussed with the applicants, and it is considered that having traditional frontages of the properties onto the street would severely comprise one of the main objectives of this development of providing a co-operative community living. This scheme is largely unique in terms of ownership, management and how the future occupiers will co-exist together as a community, and as such it is considered there are special circumstances to allow a departure from normal design principles.
- 10.7 The proposal has two separate parking areas which are located adjacent to two existing access points into the site. The plans have been amended to increase the surveillance of these areas by introducing new and larger openings within the adjacent buildings to overlook these areas. This is an example of how the existing features of the site have influenced the layout of the scheme. The land levels of the site have also influenced the exact location of the buildings to minimise the need for retaining walls and level changes. Overall it is considered the scheme has been well designed bearing in mind the objectives of the co-operative and the existing features of the site.

#### Amenity Considerations

- 10.8 It is not considered the proposal would have an adverse impact on the living conditions of existing residents. The proposed residential blocks are located over 21m away from any residential dwellings located opposite. The proposed residential use conforms with the predominate land use of the surrounding locality, and it is considered the proposal for 20 residential units is less intensive in terms of activity, when compared to the previous Primary School which occupied this site.
- 10.9 It is also considered the future occupiers of this development would experience an adequate level of amenity. Each of the proposed flats have dual aspects with openings which face both north and south. Some of the proposed flats have windows to three sides. Similarly all of the dwelling houses proposed have dual aspects with some units having window openings to three sides.



- 10.10 Each of the proposed dwellings have their own dedicated private curtilage area. The size of these garden vary in depth between 5 and 8m. These gardens areas do fall short of the minimum requirements as stated through the adopted SPG 'Neighbourhoods for Living'. This issue has been discussed with the applicants, as there is scope within the site to provide larger gardens for the individual units, which would meet the minimum guidance of 'Neighbourhoods for Living'.
- 10.11 The applicants have stated they wish for the gardens to remain modest in size to promote the communal use of the other garden areas, and the allotments which are shared between the future residents of this development. Given the co-operative nature of this development, and the availability of other open spaces within this site which includes a private play area (18m x 26m), nature water and associated landscaping (16m x 22m), herb garden (5m x 10m) 25 productive garden plots which are a minimum of 45sq m in size, and an area of public open space which is approximately 550 sq m in size, it is considered that the sizes of the private gardens are acceptable.

#### Sustainability Credentials

- 10.12 The entire ethos of this development is to provide affordable, sustainable residential accommodation which will allow the future occupiers of this development to reside at this site with a minimal demand on resources. As stated above the development will operate a car pool, and has extensive open areas to allow the future occupiers to grow their own produce. The proposal has been supported by a full 'Code for Sustainable Homes Assessment'. In summary this document states that the ecological value of the site will increase substantially, mainly due to the removal of the large areas of hard standing and introduction of an increased amount of soft landscaping.
- 10.13 The residential units all have solar panels and will collect rain water which will allow for the watering of garden areas, and sustainable drainage measures are also proposed. Compost bins will also be provided for each dwelling and the allotments. The ModCell system, which is used to construct the external walls of the development are constructed from agricultural waste, which have excellent insulation qualities which will lessen the requirement to heat the premise's (when compared to traditional construction methods). A manufacturing unit will be set up to construct these modular units locally, providing jobs. The completed residential units will achieve Code 4 of Sustainable Homes.

#### Landscaping/ Trees

- 10.14 The proposal retains the trees which are located within the north-western part of the site, and all of the existing red brick boundary walls and railings. As illustrated in paragraph 2.4, the proposal increases the amount of open space and soft landscaping within the site. The north-western area of the site, where the trees are to be retained will be laid out as public open space, for use both by the wider public and the future occupiers of the development.
- 10.15 Local Plans have stated that they do not consider that this area of open space meets with the policy requirements of the Leeds UDP in providing new green space as part of a new residential development. This is due to the fact it is physically detached from the proposed residential development, does not benefit from 24 hour access, and is essentially a wildlife area in and around the existing trees which are to be retained on site. Local Plans are therefore seeking a commuted sum in lieu of on site green space. On balance, given the co-operative ownership of the site, and the fact the site is not been developed for any profit, along with the other benefits of the scheme in terms of sustainability, and the availblity of both public and private spaces within the

site, a commuted sum contribution for green space has not been pursued. The proposed development does provide public, communal and private open spaces through the site, and as well as designated allotments which will be available to residents and non residents of the development.

- 10.16 It is considered the availability for soft landscaping throughout the site which enhance the site and wider locality. The submitted landscaping scheme does not give exact details of the ratio, density and location of planting and as such, a full landscaping scheme will be conditioned on approval. The retention of the existing boundary walls and railings is welcomed, as it will tie the proposed development with the existing built form of this locality, as well as providing a physical historic remainder of the previous 'school' use of the site.

#### Highways

- 10.17 The proposal offers 14 designated parking spaces for 20 separate residential units, 4 of these 14 spaces are overspill parking spaces for visitors. The applicants have stated that given the green ethos of the development, and the future occupiers, the number of cars owned by the future residents will be managed by the co-operative and restricted. Future occupiers will share their cars, with other residents and will have to agree to this, when signing up to be a resident of this co-operative. This is a management issue and will not be controlled by the planning system, as it is not considered necessary to control parking given the location of this application site.
- 10.18 The applicants have conducted parking surveys on the adjacent streets, at varying times of the day which do illustrate that car ownership levels within this locality are lower than average, and there is not a problem resulting from on-street parking levels. Therefore, it is considered that there is scope to park on the adjacent streets, should there be a demand for additional visitor parking.
- 10.19 The proposal utilises the existing vehicular access's to the former school. It is considered the level of traffic to and from this site would be significantly less, when compared to the former school use of this site, and as such the proposal would not pose an increased risk to highway safety. For all of these reasons it is considered the proposal follows the guidance of T2 of the adopted Leeds UDP.

#### Other Issues

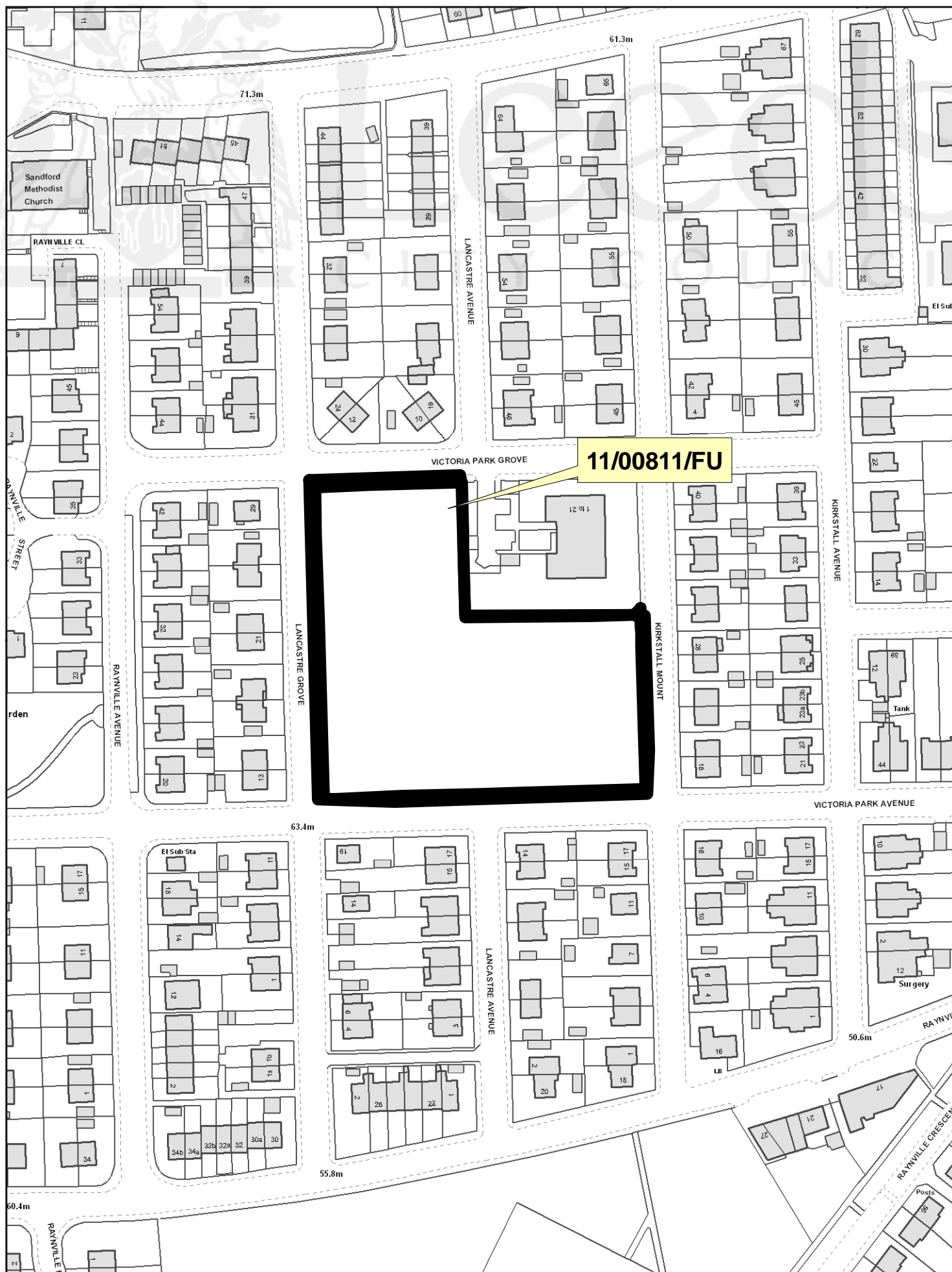
- 10.20 Although the applicants state the proposed development will be affordable for the future occupiers, it is not providing affordable housing, as defined by Planning policy, through a social registered landlord. The applicants have stated they could not afford to provide an element of affordable housing, which meets the definition and requirements of planning policy as the scheme is not being developed for any profit. The principle of this was accepted by Members at the pre-application presentation by the Co-operative members at Plans Panel on 3<sup>rd</sup> February 2011.
- 10.21 As the scheme is not being developed for profit, and is self funded by the future occupiers of the development, it is not considered there is any need for the future occupiers of the development to be provided with Metro cards. The Co-operative will fully manage the development in a democratic process. Should anyone leave the Co-operative the remaining members would select new resident/s for the vacant residential unit, who would wish to join the co-operative and contribute accordingly. Any vacant units would not be placed on the open housing market.

### **Conclusion**

- 11.1 The concept behind the development, in terms of developing a co-operative to own, manage and communally live as residents in the proposed properties, is new within Leeds and indeed in the UK. As such it is not considered a standard approach can be taken, in terms of assessing this application against normal planning considerations and policies. It is considered that the scheme has been well designed bearing in mind the objectives of the co-operative, and the constraints of the site. It is also considered that the form of this development would not necessarily suit normal housing tenures, as this development has been physically designed and arranged to promote social interaction and activity between residents and the wider community. Future occupiers essentially have to sign up to a lifestyle which promotes a social and environmental responsibility for the site and wider locality, which include committing a set proportion of their salaries towards management and mortgage commitments.
- 11.2 It is considered that the aims and objectives of the cooperative, particularly with regard to the green/ sustainability credentials of the development should be actively encouraged. On balance it is considered the benefits of the development in terms of providing new soft landscaped open spaces, affordable modern residential accommodation, which promotes sustainability, far outweigh any harm caused by the development in terms of not delivering the normal requirements of planning policy with regards 'affordable housing' and adopted guidance in terms of space about dwellings etc. The proposal is considered to be a well considered quality development, which utilises a vacant brownfield site, and therefore is recommended for approval, subject to conditions.

### **Background Papers**

N/A



# WEST PLANS PANEL