



Position Statement report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24th MAY 2012

Subject: APPLICATION NUMBER 11/03324/FU: Residential development of 143 houses and 12 flats; restoration of The Lodge to form 1 house; alterations and extensions to hospital building to form residential care home comprising 20 apartments and 35 bedspaces (C2 use); alterations and extensions to former Ida Wing building to form 56 'extra care' housing units (C3 use), Former Cookridge Hospital And Grounds, Hospital Lane, Cookridge - Section 106 Package

APPLICANT

Chartford Arthington Ltd

DATE VALID

19.09.2011

TARGET DATE

Planning Performance Agreement

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the content of this Position Statement and particularly the Section 106 package now being offered and to comment as appropriate at this stage

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel due to the history associated with the site and also because of the applicant's request that the Local Planning Authority consider a revised Section 106 package. This report focuses particularly upon the Section 106 package and the differences with the scheme which already has permission on this site.

- 1.2 Members may recall that this site already has Reserved Matters approval for a similar number of houses and apartments submitted by Wimpey Homes in 2007-8. The site was bought by Chartford Homes Ltd from the NHS after Wimpey pulled out of the sale of the site. Chartford are currently on site building the first phase of 23 houses which was approved by Plans Panel in 2011. The current application is for the remainder of the site and consists of mainly new build houses and the conversion and reuse of three listed buildings on the site. The S106 requirements for the previous 23 dwellings is also brought forward into the current application.
- 1.3 Members may recall they have discussed the layout and design of the new build houses of the Chartford scheme and have also seen the proposal for the conversion of the listed buildings on site and were supportive of the redevelopment of the site for housing. Officers are also broadly supportive of the new build housing element of the application and the principle of the reuse and conversion of the listed buildings. Accordingly this position statement report does not specifically seek Members comments upon the general layout and design of the new build element of the scheme. This report is focused upon the issue around the Section 106 requirements of the application and the recent offer by the developer that the Council consider their Section 106 package favourably in the light of the wider benefits that the scheme delivers. There is some urgency to consider the principles of what now is on offer to give comfort to the developer so that the scheme can be progressed positively.
- 1.4 It is the intention of officers to bring this application back to the June Plans Panel for final determination subject to the satisfactory conclusion of the S106 negotiations.

2.0 PROPOSAL:

- 2.1 This proposal comprises 143 new build dwellings, the restoration of the listed lodge building into 1 dwellinghouse, the conversion and alteration of the Main Hospital building (also listed) into a C2 Use Class nursing home and also the conversion and extension of the listed Ida building into 56 extra care apartments.
- 2.2 The design and appearance of this scheme is traditional two storey housing with brick walls and natural slate roofs. There is a mixture of detached, semi detached and terraced houses and one 3 storey apartment block.
- 2.3 The conversion of the listed Main Hospital building into 20 apartments and a 35 bedspaces nursing home all within the C2 Use Class is very similar to the previously approved layout and conversion
- 2.4 The main change between the current application and the previous Wimpey scheme is the omission of the 4 storey flat block behind the Ida building and its replacement by an attached extension to the Ida building. The proposed 56 extra care apartments which result from this change will take access from Hospital Lane via a private drive to the existing car park in front of the Arthington building. All the new build dwellings and nursing home and apartments in the Main Hospital building will be accessed from Silk Mill Way. There will be no through access from Hospital Lane to Silk Mill Way.

3.0 SITE AND SURROUNDINGS:

- 3.1 The former Cookridge Hospital site is situated some 6.5km to the north-west of Leeds City Centre. The surrounding area is mainly residential. Some housing dates from the 1930s but the majority is postwar, with some significant recent developments. Local shops, community facilities, etc are interspersed throughout the area. The application site is located adjacent to Silk Mill Way.
- 3.2 The developer is currently building houses in the south west corner of the site adjacent to Silk Mill Way as part of the phase one application.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following planning history on the site is considered relevant:-

10/02683/FU: 1 two bedroom, 1 three bedroom and 1 four bedroom with integral garage, terrace houses (plots 21-24). Approved 2010

10/02682/FU: Laying out of access road and sewers to residential development site. Approved 2010.

10/04346/FU: Laying out of access road and erection of 19 houses. Approved with a S106 in 2011.

07/05064/RM (Wimpey Scheme): Reserved Matters pursuant to Outline Consent (Ref. 26/140/00/OT and renewed in 2004) for residential development and associated works – Decision Notice issued March 2009 on completion of the Section 106 agreement.

07/05001/FU: Change of use, including part demolition and conversion of hospital buildings and lodge to 77 dwellings; Decision Notice issued March 2009 on completion of the Section 106 agreement.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the current scheme by Chartford Homes the developer undertook community consultation. Members will also recall they considered and discussed the application for 19 houses which are currently being built.
- 5.2 The main changes between the Chartford scheme and the previous Wimpey scheme is that Chartford are building two storey houses as opposed to the three storey town houses of the Wimpey scheme. Also the current scheme differs to Wimpey's as Chartford's proposal includes 56 extra care apartments in a four storey extension linked to the Ida building. Chartford also propose to convert and alter the Main Hospital building into a nursing home with 35 bedspaces and 20 apartments.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised via a site notice and an advert in the local newspaper. 1 letter of objection and 2 letters making other representations have been received. The following issues are raised:

- Increase in traffic volume in the area
- One access point is insufficient for a development of this scale
- Retention of emergency access from Hospital Lane is necessary
- Silk Mill Way needs resurfacing
- Concern over ice in winter months on new estate roads restricting access
- Improvement to bus services required

7.0 PLANNING POLICIES:

7.1 The Development Plan for Leeds currently comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007.

7.2 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SP) as follows;

- Policy SG2: To maintain and enhance the character of the District of Leeds;
- Policy SG4: To ensure that development is consistent with the principles of sustain able development;
- Policy SA1: To secure the highest possible quality of the environment throughout the District, by protecting existing good environment, conserving and enhancing where there is scope for improvement, including initiating the renewal and restoration of areas of poor environment;
- Policy SA7: To promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities; and
- Policy SP1: Greenspace is protected and enhanced as an important land use in its own right in conferring amenity, quality of life and sense of identity to established communities and proposed extensions.

7.3 The specific development Leeds Unitary Development Plan polices are: -

- Policy GP5: Development control considerations;
- Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary before planning permission is granted. This obligation should cover those matters which would otherwise result in permission being withheld and if possible should enhance the overall quality of the development. Its requirements should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects;
- Policy GP9: Promotes community involvement during the pre-application stages.

- Policy H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
- Policy H3: Delivery of housing land release.
- Policy H4: Residential development on non-allocated sites.
- Policy H11: Refers to the provisions of affordable housing within new housing proposals which meet the requirements of PPS3;
- Policy H12: The council will negotiate the proportion and type of affordable housing required for individual sites in the context of the extent, nature and need of affordable housing in the locality and the characteristics of the site;
- Policy BD5: New buildings design consideration given to own amenity and surroundings;
- N1: Public open space provision.
- Policy N2: Support given to establishment of a hierarchy of greenspaces;
- Policy N4: Refers to provision of greenspace to ensure accessibility for residents of proposed development;
- Policy N8: Urban Green Corridor
- Policy N12: Refers to all development proposals should respect fundamental priorities for urban design;
- Policy N13: Refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings;
- Policy N14 to N22: Listed buildings and conservation areas.
- Policy N23: Incidental open space around new built development.
- Policy N38B and N39A: set out the requirement for a Flood Risk Assessment.
- Policy LD1: Criteria for landscape design.
- Policy T1: Refers to transport investment being directed towards, improving the quality and provision for alternatives to the car by improving public transport. The policy lists 5 criteria for improving public transport and promoting alternative forms of sustainable transport;
- Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety;
- Policy T2D: Refers to proposals that would otherwise be unacceptable due to public transport accessibility issues being address through developer contributions or actions to make enhancements, the need for which arise from the proposal;
- Policy T5: Seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes;
- Policy T6: Refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development; and
- Policy T24: Refers to parking guidelines for new developments.

7.4 Supplementary Planning Guidance

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11: Section 106 Contributions for School Provision;
- SPG13: Neighbourhoods for Living;
- SPD Public transport improvements and developer contributions;
- Street design guide SPD, and
- Travel plans SPD (Draft).

7.5 Government Guidance

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 173 refers to viability considerations and paragraph 204 refers to the CIL tests which all Planning Obligations should be assessed against.

Emerging Core Strategy

- 7.6 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.0 MAIN ISSUE:

- 8.1 The main issue for consideration in this report is the Section 106 package being offered.

9.0 APPRAISAL:

Section 106 package

- 9.1 The previous approved application, the current application and the applicant's proposed Section 106 package are listed in the table below. The aim of this position statement is to update Members on the position around the S106 package. In response to the economic downturn the Government published a paper 'Greater Flexibility for Planning Permissions' back in 2011. This guidance document was intended to help Councils and developers to promote progress on projects which had stalled or become unviable. The document advised Councils to look at revisiting S106 packages where there is benefit in bringing forward stalled developments. The NPPF issued at the end of March 2012 continues the theme of planning helping to deliver sustainable development and it is against that backdrop that the present proposal is being considered.

Type of contribution	Previous approved S106 (07/05064/RM & 07/05001/FU)	Current application policy required S106	Developers offered S106
Affordable Housing	25% (62 dwellings provided) £4,298,000.00 (developer supplied figure)	15% (32 dwellings would be required) £3,414,767.00 developer supplied figure)	56 extra care apartments (all for Social rented tenure) £7,304,000.00 (developer supplied figure)
Education	Not required	£681,225.00	£400,000.00
Public Transport Infrastructure SPD	£30,694.00. The SPD did not exist when the Outline permission was granted	£143,552.00	Not offered
Metro Cards	Not required	£70,686.00	Not offered
Bus Stop Improvements	Not required	£10,000.00	Not offered
Cycle way links	Not requested	£76,000.00	Not offered
Off site greenspace	£168,917.00	£175,191.20	Not offered
Dropped Curbs	Not requested	£7,000	Not offered
Travel Plan Monitoring fee	£2,770.00	£2,500.00	Not offered
TOTAL	£4,500,301.00	£4,580,921.00	£7,704,000.00

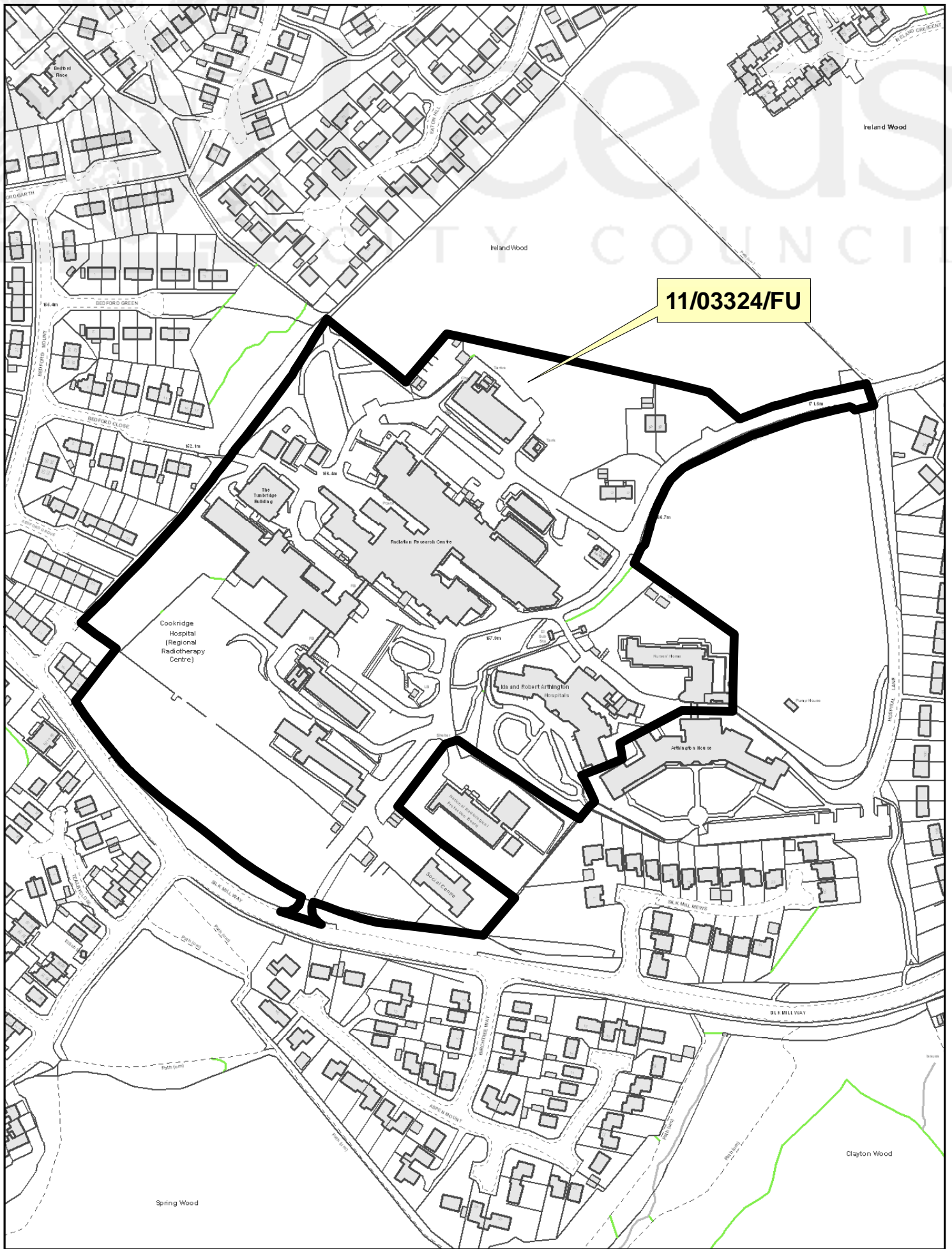
- 9.3 In addition to the above financial contributions the previous S106 agreement also included obligations to restrict new build occupation to completion of conversion works to all listed buildings on site. A scheme for the closure of Hospital Lane was to be agreed as was a S278 Agreement for footpaths along Silk Mill Way and local training and employment initiatives. It is understood the developer has no issues with these obligations remaining as per the previous Agreement.
- 9.4 Adding up the previous signed S106 for the Reserved Matters application (Wimpey scheme) and the Full application for the conversion of the listed buildings to apartments (Magna holdings applicant) the total figure is circa £205K contributions plus a requirement to provide 25% affordable housing with a 50/50 split between sub market and social rented properties. In total 62 units were designated for affordable housing under the Wimpey/Magna Holdings scheme. The main change from the previous to the current S106 package is the Education contribution at £681K, the increase in the Public Transport Infrastructure of circa £115K and the Metrocards and cycle way improvements at a combined cost of circa £147K . The current application

requires a larger S106 package than the previous Wimpey scheme as the Council has adopted several SPDs since the original approval was given. The original Outline approval was granted in 2000 and at the time of the Reserved Matters being submitted in 2007 Children's Services were consulted and advised at that time they did not require a contribution towards education provision.

- 9.5 The current application generates a total S106 contribution of circa £1.179m plus a requirement to contribute 15% affordable housing which is approximately 32 dwelling with a 50/50 split between submarket and social rented with a range of properties types and sizes reflecting the overall development. The developer proposes as part of this application 56 apartments as extra care for social rented provision which exceeds the normal 15% requirements numerically but is not a pro-rata split of properties types or sizes that reflects the range of houses and flats. Officers however, do welcome the extra care apartments in lieu of the affordable housing provision for the new build houses as it meets a wider Council demand for the provision of elderly and extra care facilities at affordable rents. The additional proposed 20 apartments and 35 bedspace development within the Main Hospital building are under the C2 Use Class and are so exempt from affordable housing contributions.
- 9.6 The developer has offered a contribution of £400,000.00 towards the Section 106 obligations listed above in addition to the affordable housing offer. The developer has stated the Council can allocate these funds towards whatever obligations it prefers. The developer has supplied information that the affordable housing contribution provided by the building of the Abbeyfield extra care facility amounts to a figure of approximately £7,304,000 (based on the market costs of the units minus the social rented value paid for them). For clarity Abbeyfield will be the operators of the building once Chartford have built the facility. The Council will place its residents within this building and the residents will be charged at Social Rented levels for the accommodation. The number of extra care units is based upon an assessment of economic feasibility relating to development costs, long term staffing provision and the maintenance of the communal facilities. It is very much the industry norm for this size of facility to be built and a smaller extra care scheme would not be economically viable. The developer is therefore offering an enhanced level of affordable housing in terms of numbers and value but conversely is not able to offer the full contribution towards the other Section 106 "asks" which the city Council would normally apply for a scheme of this type and size. Although at this stage no detailed financial viability appraisal has been prepared by the developer and therefore the figures supplied have not been verified Officers are bringing this package to Panel to gain Members comments at this early stage. Officers are also seeking the views of Ward members about the package and about ward priorities and will update Panel at the meeting on the outcome of those discussions.
- 9.7 The difference between the developers S106 offer and the policy compliant position is £779,000 if affordable housing is excluded. This is a substantial shortfall. If for example all the money offered by the developer (£400,000) were allocated just to the Education contribution of £681,225.00 Children's Services have confirmed this would leave a funding gap in their ability to provide school places in the future. The shortfall in the education contribution is particular challenging given that this is such a high priority for the Council.

- 9.8 At this stage officers are still assessing what the impact would be of S106 shortfalls in various areas so that the overall package can be properly evaluated and a balanced planning judgement made in the round about the package being offered. This will require further work looking at the implications for public and sustainable transport, education and off site greenspace. However it is also clear that the package on offer has attractions in bringing forward a substantial extra care scheme which would be affordable and attractive given the needs in this sector of the population which is likely to increase with time. The completion of this scheme; the reuse, refurbishment and improvement of the listed buildings on the site; the creation of areas of on site publicly accessible green space and the delivery of market housing on a former brownfield site in the area are all key aims.
- 9.9 **Members are asked to comment upon the package on offer at this stage recognising that further work will be required before the application can be brought forward for determination.**

Background Papers:
Site history files



11/03324/FU

WEST PLANS PANEL

