



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 28 February 2013

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

No

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 the securing of a sum of £750,000 to be apportioned to the following as appropriate following discussion with ward members:-

- Greenspace provision
- Education provision
- Highway works
- Green travel Plan
- Financial viability
- Long term management of the open space and habitat corridor
- clause that development shall commence within 2 years.

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

7. Landscaping scheme to be submitted
 8. Landscaping scheme to be implemented
 9. Landscaping maintenance scheme to be submitted
 10. All existing trees, shrubs and other natural features shown on approved plans to be retained
 11. Preservation of existing trees and vegetation during construction
 12. Tree protection during excavations
 13. Replacement of landscaping if dies or seriously damaged in first 5 years
 14. Existing and proposed levels to be submitted
 15. Bat protection/mitigation
 16. Submission of details for contamination and remediation
 17. Amendment of remediation statement
 18. Submission of verification reports
 19. Reporting unexpected contamination
 20. Importing soil
 21. Areas to be used by vehicles to be laid out.
 22. Road improvements to be carried out before development occupied
 23. Full details of the access to and egress from the site to be submitted
 24. Details of cycles and motorcycles parking areas to be submitted
 25. Green travel plan to be submitted
 26. Vehicle cleansing facilities to be provided during construction works
 27. Means of preventing mud on highway during construction
 28. Before development commences the flood defenses shall be provided
 29. Full details of proposed ground floor levels to be submitted
 30. Scheme for provision of surface water and ground water drainage works to be submitted
 31. Noise protection from railway
 32. No building within 3 metres either side of water mains
 33. Details of surface and foul water to be submitted
 34. No piped discharge of surface water until satisfactory outfall approved and implemented
 35. No piped discharge of surface water until approved surface water drainage works submitted
 36. Surface water from vehicle areas to pass through an oil interceptor
 37. Habitat protection and enhancement
 38. Lintels shall be one single piece.
- Direction : development in line with approved plans, above conditions and a section 106 agreement.

In reaching this recommendation the case officer dealing with the application has worked with the applicant/agent in a positive way by maintaining regular dialogue to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework. 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 National Planning Policy Framework and (as specified below) the content and policies within The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR) and the emerging Publication Draft Core Strategy Nov 2012 (DCS)

UDPR Policies: GP5; E4; E7; H3; H4; N4; N12; N13; H11; N24; T2
BD5; LD1.

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 This application for residential development at Royds Lane was reported to West Plans Panel in March 2011 where Members resolved to defer and delegate the approval subject to a Section 106 Agreement. The development costs for this scheme have since increased and the number of proposed dwellings have decreased and this report is to reassess the viability of the site and the S106 agreement contributions. The original report is attached for information. Members of Panel will also recall that there have been subsequent discussions regarding the viability of developing this brownfield site.

2.0 PROPOSAL:

2.1 The application is an outline application for residential development. The application was for the principle of residential development on the site, means of access and layout. 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.

2.2 The proposed Section 106 Agreement which was approved by Panel in March 2011 had the following contributions

- Off site highway works.
- Education contribution for both primary and secondary schools.
- Greenspace on site 0.004 hectares per dwelling.
- Bus stops upgrades to 2 bus stops.
- Improvements to the footpaths to the bus stops on Gelderd Road.
- Affordable housing and metrocards not payable but subject to financial viability submissions

The Panel also waived the payment towards Public Transport contribution which amounted to £193,767.

2.3 There were a number of highway improvements that were to be provided as part of the scheme which are as follows:

- Improvement of the existing track to the site to adoptable standards with a footway 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 footway on one side of Royds Lane (there is an existing footway 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.

2.4 The owner of the land now has a house builder interested in developing the site for housing and officers are discussing layout plans related to a future reserved matter application with this house builder. However, there are a number of changes since the Panel decision in 2011 which has meant that the viability of the development had to be reassessed. The changes in circumstances are the following:

Firstly, the outline consent was for approximately 192 dwellings which was 36 apartments and 156 houses. The number of dwellings has reduced to 152 which will be 36 apartments and 116 houses. The income generated from this reduction in numbers has been reduced.

Secondly, further work has been undertaken into the amount of contamination on the site which will require more remediation than originally thought with a higher cost which along with other abnormalities amounts to a total construction cost of over £5 million which is more than previously expected.

Thirdly, the economic climate has seen a further decline so the income generated from the scheme has been reduced. The amount of revenue on the site has decreased by £1.2million.

- 2.5 All these circumstances have led to the amount of money available for all the requirements of the S106 agreements being reduced to a pot of £740,000 (including the section 38 works which would account for approximately £122,000). The previous section 106 agreement didn't refer to prices but includes specifically the works that had to be carried out which concerned the applicant as the cost of these could spiral. The applicant has asked that there is a fixed pot of finance so they can be confident that they are able to meet the requirements. Any more than this pot of £740,000 will result in the scheme being unviable and very unlikely to go ahead. This pot of money would not cover the amount required for all of the previously approved section 106 requirements. Information has also been obtained in relation to the total costs for the previous requirements. These are all estimates but gives an idea on how much the current obligations would have been.

Highway works – upwards of £1 million

Education – £500,000

Bus stop upgrades - £20,000

Greenspace on site provision – 0.004ha per dwelling

Improve footway to bus stops on the Gelderd Road –

- 2.6 The applicant has revisited the transport assessment based on the reduction of 30 dwellings. They have also submitted estimates on the highway measures that they consider are required. The information shows that all the previous highway works listed above can be implemented using the pot of £740,000 except for the signalisation of the Ringways Roundabout. The information submitted also put the case forward that with the reduction in numbers the signalisation of the Ringways Roundabout is no longer required. The estimate for the proposed highway works is approximately £440,000. However, part of these highway works is to upgrade the existing track from the junction with Makro service access into the site itself. These works will form part of any section 38 agreement and should not form part of the section 106 agreement. The applicant has stated that if these works are not part of the section 106 agreement then the sum of money required for these works will have to come out of the above pot so the total pot of money available for works in the section 106 agreement will be reduced to £618,000. It is still accepted that the other highways works required would amount to £318,000.

- 2.7 This leaves £300,000 to be spent on other contributions required from the development. This could be used by highways to do other highway works required in the area or towards education who have requested £500,000.

- 2.8 Another matter relates to the mechanism for obtaining contributions to affordable

from the scheme than what is currently expected. The previous mechanism approved by Panel in March 2011 requested that a financial viability was submitted after 2 years since development commenced and then yearly until the development was complete. If the market had improved and there was profit within the site then a financial contribution to affordable housing would then be paid. The applicant now wants to change this mechanism. Instead of submitting a financial appraisal the applicant and Council agree a trigger sum which once reached would ensure that contributions to affordable housing are paid. This trigger sum is achieved by using a formula which takes account of revenue generated from the scheme along with cost.

3.0 MAIN ISSUES

- 3.1 The main issue is to discuss and assess the merits of the section 106 agreement requirements and the development of this brown field site.

4.0 APPRAISAL

- 4.1 Panel approved this application for residential development in principle and deferred and delegated the decision to the Chief Officer subject to a section 106 agreement for the following contributions.

1. Highways works including the following:

(i) Off site highways works including improvements of the existing track to the site to adoptable standards with a footway on each side.

(ii) 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

(iii) A footway on one side of Royds Lane)There is an existing footway on the other side) with dropped kerbs and tactile paving on all the crossing along both side of Royds Lane.

(iv) New pedestrian crossing on the Ring Road, this is located after a left turn from Royds Lane.

(v) Changes to the Ring Road Roundabout at Ringways to include signalisation.

2. Bus stop upgrades to 2 bus stops on Whitehall Road.

3. Footpath improvements to bus stops on Gelderd Road

4. Education contribution for both primary and secondary schools.

5. Greenspace on site at a rate of 0.004 hectares per dwelling

6. Affordable housing deferred but subject to financial viability assessments.

Item number 1(i) which is the highway works including improvements of the existing track to the site to adoptable standards would form part of a section 38 agreement and would not be works included in a section 106 agreement.

- 4.2 The applicant has now stated that there is only a pot of £618,000 available to contribute to the above contribute to the above. The proposed sum will not provide all of the above. Each of the contributions needs to be assessed in turn to judge the impact off the development if these contributions where not paid.

- 4.3 As backaround the NPPF encourages Local Planning Authorities to take account of

requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In this instance there is now a housebuilder on board who is committed to developing the site as they are in pre application discussions with us.

4.4 To assess whether this reduction of contributions are acceptable it needs to be assessed what are the consequences of either reduced payments or none towards some of the section 106 requirements. These are considered in turn.

4.5 Highways

The proposal is to pay for the following highway works:

- (i) New junction with Royds Lane and service access with Makro. A stop line on the service access from vehicles leaving the service road for Makro.
- (ii) A footway on one side of Royds Lane (there is an existing footway on the other side) with dropped kerbs and tactile paving on all the crossing along both sides of Royds Lane.
- (iii) New pedestrian crossing on the Ring Road, located after a left turn from Royds Lane.
- (iv) Pedestrian refuse on the Whitehall Road to allow access to the Leeds Bound Buses.

The following works will not be paid for.

- (i) The improvements to the Ringways Roundabout. The signalisation of this roundabout was a requirement for the scheme approved by Panel in 2011. The applicant has submitted additional information in relation to this matter especially as the number of dwellings has now been reduced by 30. Their information shows that with this reduction of dwellings the works required to Ringways Roundabout are excessive for the number of dwellings involved. **This has been re examined by highways officers and it is considered that the works to the Ringways roundabout cannot be supported by this level of development.**
- (ii) Bus stops on Whitehall Road. The scheme required for the upgrade of two new bus stops on the Whitehall Road. These bus stops would be the nearest bus stops that residents would use to access Leeds City Centre via public transport. As there is only a limited pot of money available for highway improvements it is considered by highways **that the loss of the upgrades to two bus stops is not as important as other highway works proposed such as the pedestrian crossing over the Ring Road that is required to link the site to these two bus stops.** Also in the current climate the benefits of developing the site at the current time which has a willing developer and is a brown field site outweighs the needs for upgrades of two existing bus stops.
- (iii) There was a requirement to improve the footpath from the site to existing bus stops on the Gelderd Road. **This should remain as an aspiration but until further discussions have been held with ward members and there is no certainty where the Section 106 monies will be spent there is no guarantee that this can be achieved.** It should be noted that the applicant no longer owns the link to the South through the tunnel and the surfacing and lighting of such a long path would be likely to be cost prohibitive bearing in mind the other viability issues

4.6 Education contribution

The scheme has been reassessed by Education in terms of the reduction in numbers of residential properties. The figure required by Education for this level of development is approximately £500,000 to be used in local primary and secondary schools for the additional pupils this development will attract. The applicant cannot finance the whole of this requirement for reasons discussed in para 2.4. When the money is taken from the pot for highway works there is £300,000 left to be spent on other section 106 requirements. This £300,000 could be given to education to help the local schools. It is appreciated that schools are currently at capacity in Leeds including this ward and whilst this £300,000 is not the full amount it is a good proportion of the requirement and will help with the accommodation in the schools for children generated from this development. Therefore officers consider on balance that if the development of this site is to be encouraged and the economic benefits of the development to be enjoyed this sum should be accepted.

4.7 Greenspace. This will be provided in line with the previous requirement of 0.004hectare per dwelling so is considered acceptable.

4.8 Affordable housing

It was agreed that the affordable housing payment could be deferred and reassessed during the construction period and if the market improved over this period then there may be some opportunity to obtain a payment for affordable housing. The applicant now wishes for this matter to be dealt with under 'overage' which means that a trigger sum would be approved by the Council and applicant and if this trigger sum was reached then contributions for affordable housing would then be paid. Officers have sought legal advice regarding this way forward and these views will be presented to Panel when considering this application.

5.0 CONCLUSION

5.1 To conclude the following would be paid for through a section 106 agreement.

- (i) A footway on one side of Royds Lane (there is an existing footway on the other side) with dropped kerbs and tactile paving on all the crossing along both sides of Royds Lane.
- (ii) New pedestrian crossing on the Ring Road, located after a left turn from Royds Lane.
- (iii) Pedestrian refuse on Whitehall Road
- (iv) Contribution to education of £300,000
- (v) Greenspace on site
- (vi) Affordable housing deferred unless the market improves and profits exceed an agreed margin.

5.2 The developer would not be contributing to the following:

- (i) The upgrade of two bus stops on the Whitehall Road.
- (ii) The improvement of a footpath to Gelderd Road
- (iii) Metrocards
- (iv) The signalisation of the Ringways Roundabout
- (v) Public transport infrastructure

bringing forward a vacant brownfield site within the main urban area with infrastructure improvements and a willing developer where approval in outline has previously been given for residential (albeit with some other uses also included) and approval is recommended. There will also be a clause that development should commence within two years from the date of decision to qualify for these reduced or none payments.

Background Papers:

Application file: 09/05553/OT



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 3rd March 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

No

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
- Improvement to footpath linking site and bus stops on Gelderd Road
- Improvement of two bus stops on Whitehall Road

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

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
- Direction : development in line with approved plans, above conditions and a section 106 agreement.

1.0 INTRODUCTION:

- 1.1 Members will recall that at the 3rd February Panel, Members resolved to defer the application to allow time for further negotiation with the applicant on issues of affordable housing, public transport and public safety. Members were keen to ensure the critical issues of access and public transport were further considered to show how this site could be integrated into the existing urban fabric. The original report is appended to this report at appendix 1.

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 footway 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 footway on one side of Royds Lane (there is an existing footway 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.
- 2.2 The applicant has looked into the issue of integration into the existing urban fabric and has offered some additional works above what was considered by Members at the 3rd February Panel. They are as follows:
- Improve the existing path to the south of the site to an existing bus stop on the Gelderd Road. (A62). This would involve resurfacing and lighting. It is recognised that the route to Gelderd Road through the tunnel poses a number of challenges and should not be pursued as part of this scheme.
 - Pay for two bus stop upgrades to include the 'live' information so that residents would be informed of when the next bus would be when they reach the relevant bus stop. Metro consider that the two bus stops to be upgraded are the two on either side of the Whitehall Road.
- 2.3 A plan has also been submitted which shows the bus routes in close proximity to the site and the destinations for the buses along with their frequency. This is shown as plan 1 attached to this report. The purpose of this plan is to highlight the site connectivity into the urban fabric.
- 2.4 Firstly, the bus stops on Ring Road Low Wortley are located 390m from the centre of the site. This is within the 400m distance required in the Public Transport SPD. The services that use this bus stop are the following:
- i) Number 9 which links Horsforth to Seacroft via Pudsey and the White Rose. This service is every 60 minutes.
 - ii) Number 38 which links White Rose to Gledhow via Wortley, Kirstall and Headingley. This service is every 60 minutes.
 - iii) Number 711 Bradford to White Rose via Pudsey. This service is hourly and operates from 9 till 5.
- 2.5 Secondly there are two bus stops on the Whitehall Road which are 560m from the centre of the site. These two bus stops are the ones which Metro would wish to be changed to 'live' bus stops by the developer. The bus services which operate from

i) Number 90 which links Leeds to Greengates via Troydale and Calverley. This service is every 60 minutes.

ii) Number 209 which links Heckmondwike to Leeds. This is every 60 minutes till mid afternoon towards Leeds and early evening towards Heckmondwike.

iii) Number 254 which links Wakefield to Leeds via Dewbury and Cleckheaton. This service is 30 minutes.

iv) Number 255 which links Halifax to Leeds via Scholes and Cleckheaton. This service is 30 minutes.

However these two bus routes added together do provide a 15 minute service both ways between Leeds and Cleckheaton and a 30 minute service from the site to either Wakefield or Halifax. This 15 minute service complies with the Public Transport SPD but is 160m further away than the required 400m limit.

v) Number 225 which goes from Leeds to Brighouse via Cleckheaton and Clifton. There is one service a day from Leeds at 1630.

The proposal also involves a new pedestrian crossing the Wortley Ring Road which improves pedestrian access to both the bus stops on Gelderd Road and Whitehall Road along with a pedestrian footpath on one side of Royds Lane with an existing footpath on the other side of Royds Lane.

2.6 Thirdly there are two bus stops on the Gelderd Road. As mentioned above the developer is prepared to improve the path to these bus stops with appropriate surfacing and lighting. This bus stop is located 530 metres from the centre of the site. The services from these stops are

i) Number 219 which goes from Heckmondwike to Leeds via Birstall. This service is 30 minutes in the morning peak and then every 60 minutes till mid afternoon.

ii) Number 229 which goes from Leeds to Huddersfield via Heckmondwike, Batley and Birstall. This service is every 30 minutes.

2.7 The developer has submitted a second plan, plan 2 which shows the site in relation to local amenities. This shows that Lower Wortley Primary School is within 0.95 kilometres from the centre of the site and Wortley Beck Health Centre is 1.02 km away (this health centre also has a pharmacy). The development also involves a pedestrian footpath linking the site with the Whitehall Road and signalisation of the Ringways roundabout with pedestrian crossings. The plan also shows that there is a post office, shop, pharmacy, bakery and letterbox which are located on Dixon Lane within a walking distance of 0.9 km. There are also a small convenience store and bakery on Whitehall Road.

2.8 There were also questions raised at Panel on 3rd February about the information that has been submitted in relation to ecology on the site and if this has been assessed. An ecology report has been submitted and its findings have been agreed by the Councils Ecologist. There is no evidence of bat roosts and badger activity on the site. The report emphasises the likely importance of the habitats along the disused railways for foraging bats and as wildlife corridors. The survey also confirms the presence of acid grassland along the southern boundary which is also considered to be worthy of retention and enhancement.

3.0 MAIN ISSUES

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

4.0 APPRAISAL

In order to be able to consider the additional offer and information submitted by the applicant it has to be considered in context of the offer made at the last Panel.

4.1 Principle of development

- 4.1.1 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 reserved matters application is submitted.
- 4.1.2 The site also had a current consent which expired 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 application being residential. The principle of the loss of an employment site has therefore been previously assessed and approved.
- 4.1.3 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.
- 4.1.4 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

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 and also Strategic Aim 7 – to promote the physical and economic regeneration of urban land and buildings within the urban areas and Strategic Principle 3 that new development will be concentrated largely within and adjoining the main urban areas and settlements on sites that are or can be well served by public transport. This will reduce journeys overall, minimise the loss of green field sites and green belt and maximise the potential of the existing and proposed infrastructure.

- Acceptable in sequential terms. The site is a brownfield site as it has been previously used for industrial development. Its reuse supports Government Guidance in PPS3 – Housing in making effective use of land with the priority for development being previously developed land, in particular vacant and derelict sites and buildings.

- 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.

4.2 Proposed access and highway improvement.

4.2.1 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 off site 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 which also involves pedestrian crossing facilities. These works will be funded by the developer of the site and can be included within the section 106 agreement.

4.2.2 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.

4.3 Financial contributions

4.3.1 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

4.3.2 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. 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

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 states that if all the contributions were paid in full then there would be a 13.4% loss which leaves the site unviable. If all the contributions other than affordable housing and metrocards were paid by the developer the scheme would just about break even and may have a small loss. These figures have been agreed by our asset management section. The applicant reconsidered their position and have made a revised offer. The applicant will pay the full costs for the highways works and the requirements for greenspace and education provision. They will now also fund upgrading of a footpath between the site and the bus stops on Gelderd Road and the upgrade of two bus stops. They have not offered to pay anything towards affordable housing and residential metrocards for the occupiers of the proposed residential properties, or the contribution to meet the requirements of the Public Transport SPD.

4.3.3 The assessment of the various contributions is detailed below.

4.3.4 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.

Since the last Panel Executive Board on 11 February 2011 agreed a document in relation to affordable housing provision in Leeds - the Draft Interim Affordable Housing Policy 2011 as a basis for public consultation. A 4 week public consultation exercise is now to be undertaken and the outcomes from the consultation process along with any further recommendations will be reported back to Executive Board. The Draft Interim Affordable Housing Policy 2011 proposes that the percentage of affordable housing required on this site should be reduced from 30% to 15%.

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. Whilst this request is at odds with current policy guidance it does ensure that development can commence on site as soon as possible and bring forward a major brownfield site within the main urban area.

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.

4.3.5 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.

4.3.6 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.

4.3.7 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 previous approval provided a shuttle bus from the site to Leeds 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 the metrocards 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. Since the last Panel the applicant has agreed to pay for the two new bus stops required and these are located on the Whitehall Road. The provision of metrocards 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.

4.3.8 v) Highway works

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

4.4 Access to local amenities

4.4.1 Plan 2 shows the position of the site in relation to local amenities. The Lower Wortley primary school and Wortley Beck health centre are within a 1 km walk from the centre of the site. The developer is funding highway measures such as footpaths on Royds Lane and pedestrian crossings on the Ringways Roundabout which will

service which stops on the Gelderd Road and stops close to the primary school and doctors for those residents who are unable to walk the 1 kilometre. This bus also links the site with the secondary school Farnley High although this does involve a 10 minute walk from the Ring Road to the school. There are a post office, shop, pharmacy, bakery and letterbox on Dixon Lane which is 0.9km from the centre of the site. There is also a bus that goes from the Ring Road to Dixon Lane. This bus route can also be used to get to Netto in Wortley. There are also a small convenience store and bakery on the Whitehall Road within walking distance. Overall it is considered that there is a reasonable range of facilities available to residents who might live on this site and that with the improved footpaths and connections the development of the site for residential is acceptable in principle.

4.5 Contamination

- 4.5.1 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

4.6 Public transport

- 4.6.1 Policy T2 of the Unitary Development Plan makes it clear that new development should normally be capable of being served by public transport and the requirements are amplified in the Public Transport SPD (August 2008). In looking at the adequacy of public transport as well as the services themselves are measures to link the site to public transport. The application does now make links to existing services on Gelderd Road, The Ring Road and Whitehall Road which are the three main arterial routes near the site and provide crossing facilities on the Ring Road. The SPD does state that the minimum level of accessibility should be that the site is within 400m of a bus stop offering a 15 min or better frequency to a major public transport interchange between the hours of 0700 and 1800 weekdays with a minimum 30 min frequency outside of these hours up to 2300 and at weekends.
- 4.6.2 Additional information has been submitted and is discussed in paragraphs 2.4 to 2.6. This states that there are three locations of bus stops within walking distance of the site. These are on the Lower Wortley Ring Road, Whitehall Road and Gelderd Road. Since the last panel the developer has offered to improve access to the Bus stops on the Gelderd Road by resurfacing and lighting on the existing path from the south of the site to the Gelderd Road. Only the bus stops on the Ring Road are within the 400m required as part of the Public Transport SPD and they don't strictly meet the criteria of having a 15 minute frequency of buses. The bus stops on the Whitehall Road do offer a 15 minute service but are located over the 400m requirement being 560m from the centre of the site. Whilst none of the bus stops fully comply with the Public transport SPD it is considered that when all three sets of bus stops and the services available are taken together there is a good level of public transport on offer connecting the site to Leeds City Centre, Pudsey, Wortley and the White Rose. The highway works proposed as part of this application also improve the resident's access to these bus stops. This is to provide a footway on either side of Royds Lane, pedestrian crossing over the Ring Road and the additional surfacing and lighting to the bus stops on Gelderd Road.

The proposal would normally be subject to a standard contribution under the Public Transport SPD of £193 767 but this is not offered by the applicants and was not

4.7 Habitat corridor

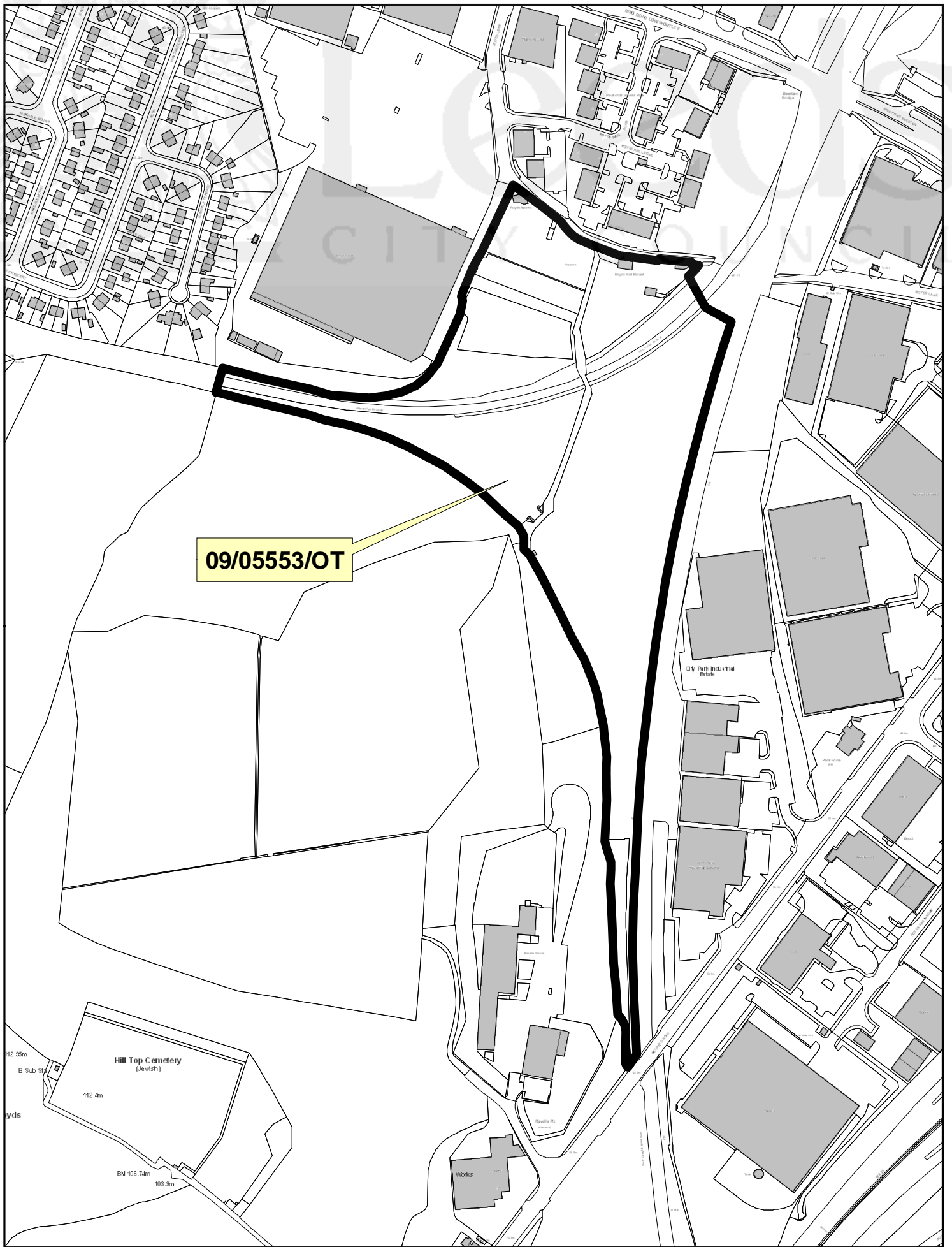
- 4.7.1 The site has been unused for a number of years and this has led to extensive landscaping and established habitats on the site. An ecology report has been submitted and its findings have been agreed by the Council's Ecologist. It states that there are important habitats along the disused railways for foraging bats and as wildlife corridors which should be retained. The survey also confirms an area of acid grassland area along the southern boundary which also is an important ecology area that needs to be retained. These findings can be incorporated and retained into any proposed layout to be submitted as part of any future reserve matter application. Matters in relation to its retention and protection need to be included within the section 106 agreement.

5.0 CONCLUSION

- 5.1 In conclusion the development of the site for residential development subject to a section 106 agreement and conditions is considered acceptable on balance. The package of measures provided in addition to facilitating the development of this major brown field site outweighs the loss of contributions to affordable housing and residential metrocards.
- 5.2 The proposed access arrangements are also considered acceptable. Whilst the accessibility criteria to public transport required in the SPD are not fully met there are significant improvements to links and infrastructure which should ensure a reasonable access to existing bus services and link to existing facilities. On balance therefore it is considered that substantial weight should be placed on bringing forward a vacant brownfield site within the main urban area with infrastructure improvements where approval in outline has previously been given for residential (albeit with some other uses also included) and approval is recommended.

Background Papers:

Application file: 09/05553/OT



09/05553/OT

SOUTH AND WEST PLANS PANEL