



Report of the Chief Planning Officer

PLANS PANEL WEST AND SOUTH

Date: 28 February 2013

Subject: APPLICATION 10/05520/FU – 2 STOREY COMMUNITY CENTRE WITH COVERED LINK TO CHURCH AND OUTLINE RESIDENTIAL DEVELOPMENT OF 27 HOUSES, ST BARTHOLOMEW'S, WESLEY ROAD, ARMLEY

APPLICANT

RIPON AND LEEDS
DIOCESAN BOARD OF
FINANCE LTD

DATE VALID

7 DECEMBER 2010

TARGET DATE

8 MARCH 2011

Electoral Wards Affected:

ARMLEY

YES

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and Delegate to the Chief Planning Officer subject to the satisfactory conclusion of a 106 Agreement with the following provisions: the metrocard contribution; to ensure that the receipt from the sale of the housing site is utilised for development of the community centre; and an agreement between the City Council and the applicant to use the car park at Armley Middle School out of school hours as an overspill car park for the lifetime of the development.

and to the following conditions:

The outline permission for housing:

1. Time limit for outline application
2. Development shall be accordance with approved plans
3. Full details of layout, scale, appearance and landscaping to be submitted
4. Samples of walling and roofing materials to be submitted
5. 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. Trees, shrubs and other natural features to be retained to be shown on submitted drawings
11. Preservation of retained 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 to include ground floor levels of proposed dwellings
15. Bat protection/mitigation
16. Nesting birds condition
17. Submission Phase 2 site investigation
18. Amendment of remediation statement for unexpected contamination
19. Submission of verification reports
20. Importing soil
21. Approved vehicular access
22. Closing off of redundant access/es
23. Maximum gradient to access
24. Specified off-site highway works (Speed Table)
25. Provision for contractors during construction
26. Retention of garages
27. Areas to be used by vehicles to be laid out.
28. Road improvements to be carried out before development occupied
29. Full details of the access to and egress from the site to be submitted
30. Details of cycles and motorcycles parking areas to be submitted
31. Vehicle cleansing facilities to be provided during construction works
32. Means of preventing mud on highway during construction
33. Full details of proposed ground floor levels to be submitted
34. Separate systems foul and surface water drainage
35. Details of surface and foul water to be submitted, surface water to include calculations to show 30% reduction in off site surface water flows
36. On site storage details, storm water
37. No piped discharge of surface water until approved surface water drainage works submitted
38. Porous surfacing to be used for driveways and parking areas.
39. Surface water from vehicle areas to pass through an oil interceptor.
40. Hours for construction/demolition works

In relation to the detailed permission for the community centre:

1. Standard time limit (3 years)
2. Development shall be line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Details of fencing and boundary treatment to be submitted
5. Scheme for external bin storage to be submitted
6. Landscaping scheme to be submitted
7. Landscaping scheme to be implemented
8. Landscaping maintenance scheme to be submitted
9. Submission Phase 2 site investigation
10. Amendment of remediation statement for unexpected contamination
11. Submission of verification reports
12. Specified hours for delivery, loading and unloading: 08.00, 20.00
13. Lighting restrictions

15. No development shall take place until details of a sound insulation scheme
16. Details of extract ventilation
17. Provision of grease trap
18. Sightlines notwithstanding approved plans
19. Closing off of redundant access/es
20. Cycle/motorcycle facilities
21. Retention of garages
22. Vehicle space to be laid out
23. Car park and servicing management plan
24. Provision for contractors during construction
25. Footpath crossing
26. Construction, retention and management of the footpath to the rear of the Community Centre
27. Method statement for protection of trees during construction of footpath.

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; GP7; N1; N1A; N2; N4; N12; N13; N17; N19; H4; H11; 12; 13; T2; T2C; T24; 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 The application, which is a hybrid comprising a detailed proposal for a community centre and an outline proposal for residential development, was originally reported to West Panel on 3 March 2011 at the request of Councillor Lowe, who wished Panel to have the opportunity to consider the reasons for refusal at the time and the applicants justification as to why the proposal should be permitted despite failure to comply with Government advice and UDPR Policies.
- 1.2 The application was recommended for refusal, for (in summary) the following reasons:
 1. **No justification provided for the development of a greenfield site ahead of brownfield sites; allocated greenfield housing sites; and greenfield sites that are without notation and are within the urban area; or to demonstrate that there is an adequate supply of open space in the area.**
 2. **The application makes no provision for affordable housing.**
 3. **The application makes no provision for additional greenspace, or financial contributions in lieu of such provision for the provision and improvement**

4. **Inadequate parking proposed for the community centre and would be likely to result in additional on street parking, particularly in Wesley Road, to the detriment of the safety and convenience of users of the public highway.**
5. **The Travel Plan submitted with the application is considered inadequate and the applicant has indicated that they will not enter into a legal agreement to secure the payment of a Travel Plan monitoring fee or to fund Metrocard travel passes for the occupiers of the proposed dwellings**
6. **The illustrative layout fails to demonstrate that the site can be satisfactorily developed for 33 units whilst providing adequate private amenity space and parking facilities, retaining and creating opportunities for biodiversity, and producing a well designed and functional development.**

1.3 The Panel minutes of the meeting on 3 March 2011 record that:

Members were minded to defer the application to allow the applicant time to address the relevant policies and noted that Father Wright indicated he would prefer the application to be determined; however the Panel did not feel able to determine the application in its present form and
RESOLVED – To defer determination of the application to allow time for a site visit to take place.

1.4 Subsequent to that meeting there have been further discussions with the applicant who has submitted a number of amended and additional plans and documents seeking to address the issues raised above. On the basis of this additional information the application is brought before Panel in order to describe the amendments made and request that Panel delegates approval of the application to The Chief Planning Officer subject to the terms of a 106 Agreement and the conditions described.

2.0 PROPOSAL:

2.1 The proposed development is a hybrid application in two parts. The first element is a detailed proposal for a 2 storey community centre on a hard surfaced car park area south of St Bartholomew's Church, east of Wesley Road and north of St Bartholomew's Primary School.

2.2 The second part of the application seeks outline planning permission (only access is not reserved) for residential development on the west side of Wesley Road on land currently occupied by a scout hut, community hall, vicarage and disused allotment gardens. An illustrative layout has been submitted. Initially this showed 33 houses but this has now been reduced to 27 units.

i) Community Centre

2.3 The proposed community centre is of modern design and would be constructed of a variety of materials, with the walls primarily of sandstone and gritstone under a metal roof. The building is located towards the eastern boundary of the 0.18 hectare site with car parking for 19 cars between the front elevation and Wesley Road, including 2 disabled parking spaces.

- 2.4 The site is at a lower level than the church itself and site slopes down approximately 1.9 metres north to south. This is reflected in the design in that the difference in levels allows lower ground floor accommodation with a floor area of 438 square metres for the southern part of the footprint comprising a small hall, facing south, a garage, and various storage areas.
- 2.5 The Upper Ground Floor, which covers the whole footprint of the building, is the main community accommodation with: a large main hall with stage; lounge, bar and games area; a terrace adjacent to the bar fronting Wesley Road; and a number of community rooms as well as a reception and various storage areas. This floor has an area of 728 square metres, giving a total gross floor area of 1166 square metres.
- 2.6 The eaves height of the main part of the building reflects the slope of the site, being 4.3 metres closest to the church and 7 metres closest to the southern boundary. The building has a maximum height of 10 metres.
- 2.7 The applicant considers that the layout and size of the building will accommodate the current users of the existing community hall and scout hut that are to be demolished, (e.g. scouts, film clubs, weddings, blood donor sessions, social club) and sufficient space to include additional uses (e.g. administration room for the church, crèche/after school club, outreach programmes.)
- 2.8 Subsequent to the previous deferral, and in response to the comments of Highways, the applicant's agent has indicated that there have been discussions with St Bartholomew's Primary School for the use the school's car park as overflow parking for the community centre outside school hours. The overflow car park, which is located to the south east of the church and a new pedestrian access from Strawberry Lane to the rear of the community centre have now been included within the red line area and the latter is shown on the layout plan.

ii) Residential proposal

- 2.9 The residential proposal relates to a 1.03 hectare site which currently contains a community hall, scout hut and vicarage as well as land identified as allotments in the Leeds Unitary Development Plan (Review 2006). The existing buildings will be demolished with a view to developing the whole site for housing. The site slopes steeply to the south with a fall of about 6.5 metres from the northern boundary to Tong Road.
- 2.10 Although in outline with only the means of access to be considered at this stage, an indicative layout showing 33 units of 3, 4 and 5 bed houses in a mixture of terraces and semi detached properties, with a detached replacement vicarage in the north east corner of the site opposite the church was submitted with the application.
- 2.11 Subsequent to the Panel meeting in March 2011, there have been further discussions of the indicative layout and this has been amended to show 27 units. The original proposal showed terraces throughout the site except on the Tong Road frontage where three pairs of semi detached properties were shown. The current proposal effectively reverses the layout with terraced properties shown to Tong Road with 8 pairs of semi detached houses and the detached replacement vicarage on the remainder of the site. The reduction in numbers has enabled an increase in size of gardens and the provision of a small area of greenspace on the site.
- 2.12 If approved this would amount to approval in principle for 27 houses and for the

layout, scale, appearance and landscaping. It is intended that the proceeds from the sale of the residential site will cross fund the community centre, although it will only meet about 50% of the build costs and the balance will have to be met by fundraising.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is in a primarily residential area south of Armley centre and north of Tong Road. The site is on both sides of Wesley Road, which slopes down quite steeply from Church Road to Tong Road.
- 3.2 The site of the proposed community centre is a large tarmac area presumably used for car parking. It is mainly enclosed by a low stone wall, topped by railings to Wesley Road. This part of the site is wholly within Armley Conservation Area.
- 3.3 On the east side of Wesley Road, north of the proposed site of the community hall and at a higher level to the site is the impressive Grade II* listed St Bartholomew's Church which is a landmark building within the conservation area. To the south is St Bartholomew's C. of E. Primary School. The Church borders on the graveyard to the north east and east of this is an open space off Strawberry Lane. Further north, beyond Church Road and towards the centre of Armley, is an area of mainly Victorian terraced housing.
- 3.4 The proposed residential site, which is adjacent to, but outside the Armley Conservation Area, contains the existing community hall and scout hall towards the northern edge and, to the south of the hall on the Wesley Road frontage, a post war Vicarage. The boundary of the site with Wesley Road is a stone wall of variable height. The majority of the site is undeveloped, although generally inaccessible.
- 3.5 On the west side of Wesley Road, north of the present car park to the community hall, is a large post war telephone exchange which is apparently now used as a depot. South of the frontage of the residential site is a former chapel which has been used as a warehouse and has planning permission for conversion to residential use, and south of this is the Victorian "Cricketers Terrace", which backs onto Tong Road. There is a difference in level between the southern boundary of the site and Tong Road, and the site is retained by a stone wall on the back of the footway, behind which is a grass verge. A close boarded fence encloses the site behind the grass verge. To the west and north west of the site is a large local authority built housing estate of mainly terraced properties. There is currently no pedestrian or vehicular access into the site from the south, west or north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There have been a number of minor applications for additions to the existing community centre. In addition the following applications are considered relevant:

H24/653/75: Outline application to erect residential development to site of allotment gardens and demolished day nursery. Refused 10.11.75

H24/845/78: Alterations and extension to form bar, store, lobby and porch, St Bartholomew's Church Hall. Permitted 15.1.79.

H24/440/91: 2 detached pigeon lofts and shed to allotment gardens. Permitted

09/05317/FU: 2 storey community centre with covered link to church and outline residential development of 33 houses. Withdrawn 1.3.10

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An earlier application (09/05317/FU) for a community centre and housing, similar to current proposals, was the subject of extensive pre application discussion during which the applicant was informed of the policy background and views about the development proposal. The application when submitted failed to address policy requirements and the applicant was informed that it would be recommended for refusal unless issues relating to the provision of affordable housing, greenspace, travel cards and a travel plan monitoring fee were addressed by means of a section 106 agreement. The applicant withdrew this application.
- 5.2 Discussions were held with the applicant following this withdrawal when the policy requirements were reiterated. Nevertheless the current application was submitted in essentially the same form as the previous application without any provision for affordable housing, open space, travel cards and travel plan monitoring fee.
- 5.3 During the course of the consideration of this application prior to the Panel meeting in March 2011, the agent has been provided with copies of all consultation responses but did not make any substantive changes to the application as a result.
- 5.4 Subsequent to the Panel decision to defer the application, further discussions have been held with the agent in response to the Panel's comments regarding the need to address relevant policies and to consider the refusal reasons recommended in the Chief Planning Officers report of 3 March 2011. As a result of these discussions, the applicant has submitted a number of new documents and drawings which have also been the subject of further consultation and publicity. The additional and amended documents now forming part of the application include:
- Revised indicative layout described above, reducing the number of houses to 27 from 33.
 - Updated Open Space Assessment (May 2012)
 - Revised ownership certificate serving notice on Leeds City Council and Armley Middle School in relation to the proposed over flow car park.
 - Revised red line plan to include the overflow car park and the proposed pedestrian access route from the car park to the community centre.
 - Revised block plan for the community centre submitted in January 2013 showing the details of the proposed pedestrian access route.
 - Draft 106 agreement proposing: a metrocard contribution of £13,464 (maximum); the payment of a travel plan monitoring fee of £2500; the implementation of the agreed travel plans; and including a draft agreement with Armley Middle school and the City Council for the use of the school car park outside school hours.
 - A viability report submitted in October 2012, which argues that the proposals should be determined on the basis that it would be unviable to request contributions "towards affordable housing, greenspace, or financial provision and improvements to local green space", and "it is reasonable to conclude that enabling development which seeks to maximise the return from the sale of the residential element of this proposal will in full go towards the cost of a

- A revised statement providing information on the factors that have led to the revised indicative housing layout.
- A supplementary planning statement(December 2011) which considers the draft reasons for refusal included in the previous Panel Report.
- A report dated July 2012 from Bluefin Regeneration which considers the need for the community hall, community consultation and comments on viability of the proposal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applicant has submitted a Statement of Community Involvement which states that there has been extensive public consultation over the past 5 years, including a number of public meetings, and there have been consultations with English Heritage. It is mentioned that there was a public meeting on 16 February 2006
- 6.2 Subsequent to the Panel meeting in March 2011 there have been a number of additional public consultations including: a consultation event in September 2011 with questionnaire responses submitted by 200 people; a presentation to the Armley Forum on 17 July 2012; a roundtable discussion with 15 representatives from the local community on 26 July 2012 and an evening consultation attended by 40 local residents and businesses on 26 July 2012.
- 6.3 The application has been advertised by means of a number of site notices posted on 7 January, (setting of listed building and character of the conservation area), 6 residents who previously commented on the withdrawn application were individually consulted by letter and a notice was published in the Leeds Weekly News on 6 January 2011. The following representations have been received.

Councillors: The matter has been discussed with Ward Councillors. Councillor Lowe has asked for the application to be considered by Panel and has indicated support for the recommendation to approve the application.

Member of Parliament: Rachel Reeves MP supports the proposal and considers that the community centre would be well used by both the Church and Mosque communities.

Public response:

Two representations have been received by members of the public. Objector 1 makes the following points: (responses in brackets)

- Support the new church hall and vicarage proposals. *(Noted)*
- Concerned about parking provision. Considers 19 spaces totally inadequate as the use currently causes congestion on Wesley Road with parking on both sides. Would require double yellow lines down one side. *(To be discussed in the appraisal).*
- Concerned that there should be no vehicle or pedestrian access from Cedar Close to the new development. *(There is no proposal for such an access).*
- Would like to see some of the existing trees preserved on the site. *(Would be dealt with by condition and any trees worthy of retention would be considered in relation to the layout at reserved matter stage).*

- Objects in principle on basis of the loss of greenspace and the precedent this may create (*Noted*).
- Considers the description of development should be changed to refer to the allocated allotment site and the demolition of the existing buildings (*Noted but it is considered that the description of the application accurately reflects the proposed development*)
- Considers the application should be advertised as a departure from the development plan. (Noted, if Panel resolve to permit the development it would have to be so advertised).
- Considers the applicants interpretation of Policy N1A of the UDP is flawed. (*To be discussed in the appraisal*).
- Considers that the site is partially greenfield and as an allocated allotment site to allow its development for housing would create a precedent for the release of such sites rather than allocated housing sites. Notes that unallocated Greenfield land is sequentially very low down the list of suitable sites for housing. (*To be discussed in the appraisal*).
- Objects to the implication that the site is derelict and overgrown and that this is a justification for development. (*To be discussed in the appraisal*).
- Considers the historic use of the site could be re-established. (*The letting of the site for allotments is clearly a matter for the owner*).
- Considers the greenspace assessment is flawed and identifies a number of inaccuracies. Indicates that it would be preferable to await the publication of the Council's greenspace assessment. (*To be discussed in the appraisal*).
- Does not consider that the construction of a community centre is justification to ignore departure from policy in relation to greenspace or affordable housing and considers the applicant has failed to demonstrate why this site should be exempt from compliance with these policies. (*To be discussed in the appraisal*).
- The replacement community facilities are only required because the existing facilities are proposed for demolition to accommodate housing. (Noted)
- Considers there should be an open book approach to financial viability if the applicant wishes to demonstrate that there is no excess profit, particularly at the expense of green space and affordable housing contributions. (*To be discussed in the appraisal*).
- Concerned that as it stands the proposal would constitute a dangerous precedent. (*To be discussed in the appraisal*).

6.3 The applicant has submitted 2 petitions with a letter dated 11 February 2010. The petitions both support the building of both the community centre and the housing development, the first being signed by 45 people and the latter by 88. The majority of the signatories are from the LS12 and LS13 postcode areas. The site postcode area is LS12.

6.4 Subsequent to the previous Panel consideration 7 additional letters of support were received, primarily from current users of the existing facilities and/or with an interest in using the proposed new community facility, including: the Chairman of the existing Social Club; the Chairman of the White Rose Canine Society; the President of Armley Mosque; the Group Scout Leader; and the Churchwarden as well as two local residents. The issues raised in support include:

- Existing facilities are dilapidated and don't enhance the area.
- The proposed new facility would be of great benefit to the whole community.

- The construction of a single building in place of the scout hut and existing community hall would enable pooling of resources and savings on running costs.
- The poor state of the allotment site which is overgrown and led to antisocial behavior.

6.5 The additional information received since the previous Panel Report has been the subject of further advertisement by way of site notices posted around the site dated 19 October 2012. As a result there have been 6 emails received from 5 local residents.

6.6 Some of these comments repeat those already referred to above in relation to earlier representations. In addition the following comments are made:

- Resident questions consultation process noting some local residents did not know about proposals whereas petition is signed by residents from other areas. *(Noted)*
- Resident also questions whether the antisocial behaviour and drug dealing actually takes place on this site. *(Noted)*
- Concern about erection of fencing on the site restricting access from Wesley Road to rear of properties on St Bartholomews Close *(This is a civil matter)*
- Development of housing will affect privacy of residents in St Bartholomew's Close. *(The detailed housing layout will be expected to comply with guidelines relating to proximity and overlooking in Neighbourhoods for Living).*
- Proposal will result in development of an area of land currently used for recreation (casual football). *(Land is owned by the church and access of the land could be stopped by them at any time)*
- Parking concerns *(To be discussed in the appraisal).*
- Impact of new housing on traffic levels in the area *(Highway Authority has not objected on this basis)*
- Would like an allotment on the site *(use of land as allotments is discussed in the appraisal)*
- Vicarage is described as not fit for purpose but is let out by the church *(Noted)*
- Need for open space. *(To be discussed in the appraisal)*
- Support proposal for community hall but consider Parking at St Bartholomew's School not the solution to parking issues, too far away and will not be available in the day when some activities will take place. *(To be discussed in the appraisal)*
- Objects to layout of housing showing access to one garage from Cricketers Terrace *(Removed from final illustrative layout but in any event layout is illustrative and does not commit applicant or Council to details other than).*
- Consider design of proposed community hall is not appropriate. *(To be discussed in the appraisal)*

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory Consultations:

Highways: Objected to the original application on the basis that the parking provided for the community centre is likely to be inadequate.

In relation to the revised proposal Highways initially objected to the overflow parking in the Middle school car park on the basis that it was too far from the community centre but these objections have been withdrawn given the proposals for a pedestrian access between the car parking and the centre.

In view of the above Highways have no objection to the revised proposals and consider the level parking on both the residential and community centre sites to be adequate, subject to conditions.

Also note that there is no requirement under the revised SPG for Travel Plans for either the residential proposal or the community centre.

Flood Risk Management: Indicate that limited information has been submitted with the application and conditions should be applied to both sites, with those relating to the housing site being attached to the outline.

Yorkshire Water: Recommend conditions

English Heritage: Satisfied with the massing and general form of the proposed community centre and the outline housing layout. High quality of detailing and materials required.

Environment Agency: No objection subject to conditions.

7.2 Non Statutory Consultations:

Neighbourhoods and Housing – Environmental Protection: Recommends conditions relating to: storage and disposal of litter; loading and unloading; specified opening hours; sound insulation; extract ventilation and provision of grease trap.

Neighbourhoods and Housing - Affordable Housing: In relation to the original application noted that the site is within the inner area, meaning there is a requirement for 15% affordable housing, and a 100% full requirement for submarket/intermediate rent units.

Based on 33 houses, advised that the number of affordable housing required is 5. The affordable housing properties should represent a pro rata mix of the units to be built on site, and should be pepper potted across the scheme and sold to an RSL in line with the benchmark figures in the SPG.

Subsequent to that comment the Council has adopted the Interim Affordable Housing Policy. If this Policy were to be applied to the proposals for 27 units shown on the revised layout the revised requirement would be for 5% affordable housing or 1 unit.

Contaminated land: No objection subject to conditions

Design/Landscape/Conservation Comments

- i) The housing

Whilst the indicative proposal was originally considered unacceptable the revised indicative layout is considered generally acceptable. The housing layout proposal has developed quite significantly since the first discussions

ii) The Community Centre

Many of the issues previously raised have been addressed, no further comments to make subject to standard conditions on materials etc.

Sustainability – Nature: Detailed impact statement and mitigation method statement required in relation to the bat survey prior to the grant of any planning permission, and conditions should be attached to any permission granted to protect breeding birds and feeding bats.

Architectural Liaison Officer: Advises secure perimeters to the community building site, electronic intruder detection and CCTV.

Transport Policy: Recommend significant additions and amendments to the submitted Travel Plan, for the Travel Plan to be included in a 106 Agreement and for the agreement to also include provision for the payment to the City Council of the Travel Plan monitoring fee (£2500) and the provision of bus only Metrocards. Recommend condition relating to provision of cycle parking and additional dropped kerb provision in the area to allow disabled access to adjacent bus stops. *(Subsequent changes to the Travel Plan SPD mean that Travel Plan is no longer required)*

Public Transport: Recommend that no Public Transport Contribution should be requested.

Access Officer: Request amendments to submitted drawings for community centre relating to steps and disabled parking. Draw attention to issues that would need to be addressed at detailed stage in relation to housing development.

Local Plans: No comments on the community centre. In relation to the original housing proposal Local Plans objected for the following reasons:

- A significant proportion of the proposed residential site is greenfield.
- The greenspace assessment fails to establish that the site is surplus either as an allotment or any other function that open space can perform.
- Work undertaken to date had shown that residents of West Leeds felt that there are not enough of a number of types of green space including allotments.
- The statement provided also makes mention of policy N1a of the UDP Review (2006). The wording of this policy does, as pointed out, refer to current allotment use and is therefore not of significance for this application given it does not presently fulfill that purpose.
- Any development of this site must be in accordance with the UDP Review (2006) and Supplementary Planning Guidance Note (SPG4). In the event of a permission being granted a total greenspace contribution of £92645.26 is required.
- The information provided has failed to show that there is community benefit from any such development or that there is evidence of demand for such a

- Affordable housing would have to be included as part of any development in line with the most up to date policy guidance (presently 15% in the Informal housing policy and practice).
- Overall, the application has failed to make the case for the loss of the allotment site for residential development either in terms of a green space assessment or in any suggested community benefits. Should permission for residential development be given, this would have to include the requirement to provide green space and affordable housing in line with current policy.

In addition on the basis of the original proposals for 33 units the estimated greenspace commuted sum was £92645.26.

In relation to the revised proposals Local Plans remain opposed to the residential development and have commented that the Council's recently completed open space study, which includes a chapter on allotment provision, did not identify a surplus provision of allotment land as would be required to satisfy paragraph 74 of the NPPF.

They request details of proposed replacement open space provision in order to assess its compensatory adequacy and then provide further feedback.

The revised proposals generate an open space commuted sum of £43,718.82.

City Services Streetscene: Refuse collection proposals appear satisfactory

Metro: Request the developer be required to provide bus only Metrocards in respect of 60% of the residential development, the total liability not to exceed 20 x £673.20 (£13,464.00).

Property Services: In relation to the Viability Appraisal submitted by the applicant comments are summarized as follows:

“The test of viability is to establish whether a given scheme, after anticipated sales revenues (including those of affordable housing), development and other S106 costs (including funding and professional fees), a sufficient level of developers profit to induce the banks or other funders to finance the scheme and to reflect the commercial risk, leaves sufficient value in the site to induce a landowner to sell the site and bring it forward for development.

The developers own submission demonstrates that a proposal to develop the site could justify the provision of one affordable house on an intermediate house for sale basis and a financial contribution of £93,000

The purpose of the appraisal submitted would therefore appear to be to demonstrate anticipated sales revenues from the site in connection with a funding requirement to support the construction of the new community hall. It doesn't demonstrate a lack of scheme viability (for the residential proposal).

On the basis of the applicants submission it would appear that viability is not the issue but the question as to whether the Council would accept the community hall in lieu of the S106 requirements. It is important to note that the value of the S106 contributions/affordable housing are not sufficient to fund the hall nor to determining

the level expected by the applicant still falls short of the full cost of the community hall which will require additional funding which is understood to be met by a community project funding based organisation.

Whilst the costings are a little up above the average for the construction of a community hall of the size envisaged the proposal is large, constructed over two storeys and with undercroft car parking and could therefore be expected to result in higher than average construction costs. I am therefore satisfied that the cost advanced for the community hall is not unreasonable.”

8.0 PLANNING POLICIES:

8.1 Regional Spatial Strategy

The RSS has been revoked from 23 February and the Development Plan now comprises the Leeds UDP (Review 2006) and supporting Supplementary Planning Guidance (SPGs) and Supplementary Planning Documents SPDs.

8.2 Leeds UDP (Review 2006)

Proposals Map: Part of the proposed housing site is identified as allotments
The community hall site is within Armley Conservation Area

Strategic aims:

SA6: to encourage the provision of facilities for leisure activities.

SA8: to ensure all sections off the community have easy access to, inter alia, community facilities.

Strategic principles:

SP1: protection of greenspace

Policies:

GP5: development proposals should resolve detailed planning considerations.

GP7: development requiring section 106 agreement to be acceptable.

N1: development of greenspace identified on the proposals map.

N1A: development of land used as allotment gardens.

N2: provision of greenspace.

N4: provision of adequate greenspace for residential development.

N12: development should respect the fundamental priorities of urban design.

N13: design of new buildings to be high quality and have regard for surroundings.

N17: extensions to listed buildings.

N19: new buildings in conservation areas should preserve or enhance the character of the area.

H4: allows for windfalls (normally on brownfield sites) in sustainable locations within the main urban areas.

H11, 12, 13: provision of affordable housing.

T2: development to be adequately served from the highway network without problems of highway safety.
T2C: provision of Travel Plan for significant development.
T24: adequate parking to be provided.
BD5: New buildings to be designed with consideration of their own amenity and their surroundings.
LD1: Landscape schemes to provide visual interest.

8.3 **Core Strategy**

As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

Spatial policy 4 – Regeneration priority programme areas
Policy H1 – Managed release of sites
Policy H2 – New housing development on non allocated sites
Policy H3 – Density of residential development
Policy H4 – Housing mix
Policy H5 – Affordable housing
Policy P9 – Community facilities and other services
Policy P10 – Design
Policy P11 – Conservation
Policy T2 – Accessibility requirements and new development
Policy G3 – Standards for openspace, sport and recreation
Policy G4 – New greenspace provision
Policy G6 – Protection and redevelopment of existing greenspace
Policy G7 – Protection of important species and habitats
Policy G8 – Biodiversity improvements
Policy EN1 – Climate change – carbon dioxide reduction
Policy EN2 – Sustainable design and construction
Policy EN3 – Low carbon energy
Policy EN5 – Managing flood risk
Policy ID2 – Planning obligations and developer contributions

8.4 **Leeds Supplementary Planning Guidance:**

SPG3: Affordable Housing (Affordable Housing Policy Guidance Note (Feb 2003); Affordable Housing Policy Guidance Note Annex: Housing Needs Assessment Update (Jul 2005) - revision April 2010; Affordable Housing Policy Guidance Map; Assessment of Need for Affordable Housing (Nov 2003) Interim Affordable Housing Policy (June 2011)).
SPG4 – Greenspace relating to new housing development
SPG13 - Neighbourhoods For Living.
Street Design Guide SPD
Armley Conservation Area Appraisal
Draft SPD “Travel Plans” 2007

8.5 **Government Policy:**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system.

The following sections of the National Planning Policy Framework are considered particularly relevant:

Paragraph 14. The presumption in favour of sustainable development.

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes.

Section 7: Requiring good design

Section 8: Promoting healthy communities.

Section 12: Conserving and enhancing the historic environment.

9.0 MAIN ISSUES

Community Centre

Principle of development

Design and effect on character of conservation area and listed building

Highway Issues

Proposed residential development

Sustainable housing development

Development of allocated allotments and greenspace issues.

Affordable Housing

10.0 APPRAISAL

Community Centre

Principle of development

- 10.1 The proposed community centre is located on previously developed land which is currently used for occasional parking. There is no objection in principle to the development subject to consideration of design, in particular the relationship of the building to the listed church and conservation area, and to appropriate parking provision.

Design and effect of the building on character of conservation area and listed building

- 10.2 The design of the building has been the subject of considerable discussion between the architects and the Council's design and conservation officers. In addition English Heritage has been consulted.

- 10.3 During the pre-application process amendments were made to the building at the request of Officers and the resulting building is considered acceptable in this location, both in terms of its design and the implications for the setting of the listed building and the character of the conservation area.

- 10.4 English Heritage has not objected to the proposal but have emphasised the need to ensure that construction materials are carefully considered, suggesting the materials should be approved before any consent is granted. However, it is considered that the proposed materials are acceptable in principle and if consent was to be granted the precise materials used could be controlled by condition.
- 10.5 In view of this it is considered that in design terms the proposal is acceptable and complies with policies N17 and N19 of the UDP and sections 7 and 12 of the NPPF.

Highway Issues

- 10.6 There is no objection in principle to the use of this site for a community centre. However, the Highway Authority expressed concern in relation to the original application in that the proposed parking provision (19 spaces) the proposed development was considered inadequate for the development proposed and would result in unacceptable on street parking.
- 10.7 Subsequently the applicant has submitted proposals to utilise the car park at Armley Middle School, out of school hours, in order to address the parking requirement. Initially this suggestion was rejected by Highways as being too distant from the community centre in terms of walking distance. The applicants have responded by proposing a pedestrian access from Strawberry Lane to the new community centre across land in the ownership of the Church and as a result Highways have withdrawn the objection on parking grounds.
- 10.8 If the application is approved it is recommended that it will need to be the subject of a formal agreement with the School Governors and the City Council and the applicant has indicated that this would be appended to the 106 Agreement.
- 10.9 In addition Transport Strategy commented on the originally submitted Travel Plan that amendments were necessary and that the Travel Plan should be included in the S106 Agreement along with the Leeds City Council travel plan evaluation fee of £2500 in accordance with the Council's Travel plan SPD. The applicant had indicated that as the Community Centre is to be provided as a benefit to the community and therefore considers no travel plan monitoring fee is necessary.
- 10.10 However it has now been confirmed that as a result of amendments to the Travel Plan SPD neither element of the development requires a Travel Plan and there is now no requirement for a Travel Plan Monitoring fee in the 106 Agreement.
- 10.11 Finally, when originally submitted Highways indicated that the application would require the following highway works which would be covered by a Section 278 Agreement (Highways Act 1980):
1. A speed table on Wesley Road which would encompass the proposed access to the residential development.
 2. Alterations to the junction of Wesley Road/Tong Road which would involve re-profiling of the junction (build-out of Tong Road footway) to improve the visibility splays at that junction.
 3. Any necessary Traffic Regulation Orders resulting from the above improvements.

- 10.12 It is now the case that the second of these improvements have been completed and in view of this only the speed table will be required. This can be secured by condition and a Section 278 Agreement.

Proposed residential development

Sustainable housing development

- 10.13 When originally considered by Panel the Council were resisting the development of greenfield sites in the City under Policy H4 of the UDP.
- 10.14 Members were advised in relation to this proposal that the northern and eastern part of the site contains the community and scout halls, the former vicarage and associated parking. It is considered that the redevelopment of this previously developed land with housing is acceptable in terms of Policy H4 of the UDP, subject to addressing other planning considerations.
- 10.15 However the southern and western parts of the site are allocated as Allotments in the UDP under policy N1A. Notwithstanding that the use may have ceased, this part of the site does not fall into the category of previously developed land.
- 10.16 At that time PPS3 set the re-use of previously developed land as a key objective and therefore the priority for development. The sequential approach stated that previously developed land, where available, should always be developed in preference to greenfield sites such as the former allotments.
- 10.17 The NPPF published in March 2012 continues to indicate that planning decisions should encourage the effective use of land by re-using that land that has been previously developed, and that Local Planning Authorities may consider the case for a locally appropriate target for the use of brownfield land. However it does not include reference to a sequential approach. Instead the advice is that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.18 In relation to the current site, it is clearly in a sustainable location, within walking distance of Armley town centre and close to bus routes on Tong Road. There are nearby schools and other facilities such as the sports centre. The Greenfield part of the site is unused and overgrown with evidence of fly tipping and trespass.

It is considered therefore that it is a suitable site for residential development subject to consideration of its current status as allocated allotments.

Development of allocated allotments and greenspace issues.

- 10.19 As stated, part of the residential site is allocated as allotments in the UDPR. Policy N1A indicates that development of land currently used as allotments will not be permitted for purposes other than outdoor recreation unless the need in the area for greenspace is already met and a suitable alternative site for allotment gardens can be identified. The applicant has pointed out that this applies only to land currently used as allotments.
- 10.20 In considering the proposal previously Local Plans were concerned that the submitted information failed to demonstrate that the site was surplus either as an allotment or for any other open space function it could perform and did not accept

the applicant's contention that there was no requirement for greenspace either on site or elsewhere in the area.

- 10.21 In the absence of greenspace provision, a greenspace contribution of £82645.26 would result in relation to the original proposals. However the applicant had indicated that there would be no contribution paid. The subsequent layout does include some on site greenspace and the calculated greenspace contribution is now £43718.82
- 10.22 In assessing the previous proposals Local Plans refer to the former PPG17 (Sport and Recreation) which has subsequently been replaced. The NPPF continues to encourage policies that ensure access to high quality open space and recreational facilities in the local area. The applicant has submitted a revised open space assessment which concludes that there is adequate open space in the area, although this conclusion is not accepted by Local Plans.
- 10.23 It is considered that in assessing this issue the following matters are relevant:
- The present proposal will result in the development for housing of the allocated allotment site.
 - The allocated allotment site is clearly unused and overgrown and the Council cannot require the owners to use it for the allocated purpose.
 - The revised proposal includes some on site open space which complies with SPG 4 requirements.
 - The applicant is not prepared to pay any further commuted sums for open space provision.

Affordable Housing

- 10.24 The original application for residential development, for 33 units, generated a requirement for 15% affordable housing, or 5 units. The current Interim Affordable Housing Policy would generate the need for 5% affordable housing or 1 unit of the revised 27 unit scheme.
- 10.25 The applicant has indicated that no affordable housing will be provided. The justification given for this is that the applicant considers that development of the community centre outweighs the requirement for affordable housing.
- 10.26 The applicant has provided a viability appraisal for the housing site which has been considered by Property Services. The conclusion of this viability appraisal is that the site is viable even with the provision of affordable housing.
- 10.27 The applicant justifies not making open space and affordable housing contributions on the basis that the whole of the receipt from the sale of the residential site will be used to part fund the community centre.
- 10.28 In addition to the issues relating to affordable housing, green space and allotments, consultees raised a number of other issues in relation to the previous proposals which have been addressed and can now be the subject of conditions if permission were to be granted for the development. This additional information, in the opinion of officers, addressed concerns relating to highways (particularly parking, travel plan issues and the housing layout that were previously raised.

- 11.1 Since the Panel decision to defer the application in March 2011 there have been a number of changes in circumstances, including the publication of the NPPF, and the submission of additional information which has, as indicated, addressed concerns. In the opinion of Officers the key issue is now whether it is accepted that the provision of a community centre on this site using receipts from the sale of the adjacent residential land justifies setting aside the requirements of Policy H5, to provide affordable housing, and N4 in relation to the provision of greenspace.
- 11.2 In considering the setting aside of these policies the following matters are considered relevant in support of the proposals:
1. The applicant's argument that the proposal will provide a much needed social facility in the place of the currently dilapidated community hall and scout hut. There have been a number of consultation events by the applicant's consultants and support is claimed from a range of local groups.
 2. The advice in the NPPF that planning policies and decisions should plan positively for the use of social, recreational and cultural facilities.
 3. The undeniable fact that the current overgrown allotments are extremely unlikely to be brought back into use for allotments or any another open space use, and that there redevelopment will contribute to the overall housing needs of the area.
 4. The close proximity of other open space, specifically Strawberry Fields, and the revisions to the housing layout to provide some open space on the site.
 5. The limited affordable housing provision under the Interim Policy of a single dwelling.
- 11.3 On balance it is recommended that, subject to conditions and a legal agreement to secure: the metrocard contribution; to ensure that the receipt from the sale of the housing site is utilised for development of the community centre if there are to be no open space or affordable housing obligations; and an agreement between the City Council and the applicant to use the car park at Armley Middle School out of school hours as an overspill car park for the lifetime of the development, permission should be granted subject to the conditions set out in this report.
- 11.4 In relation to the recommendation that the receipts from the housing sales are used to fund the community centre, there is clearly a risk that the Church may sell the land for housing and then be unable, for whatever reason, to develop the community centre. In those circumstances the function of the housing proposal as an enabling development for the community hall would not exist and the justification for avoiding affordable housing and open space obligations would not have been realised.
- 11.5 To address this it is recommended that the Section 106 Agreement should include a specific provision that if the development of the community hall is not commenced within five years of the sale of the residential land the applicant's shall pay to the Council the commuted sums for recreational open space (£43718.82) and a sum equivalent to a single affordable dwelling (in accordance with standard affordable housing calculation).

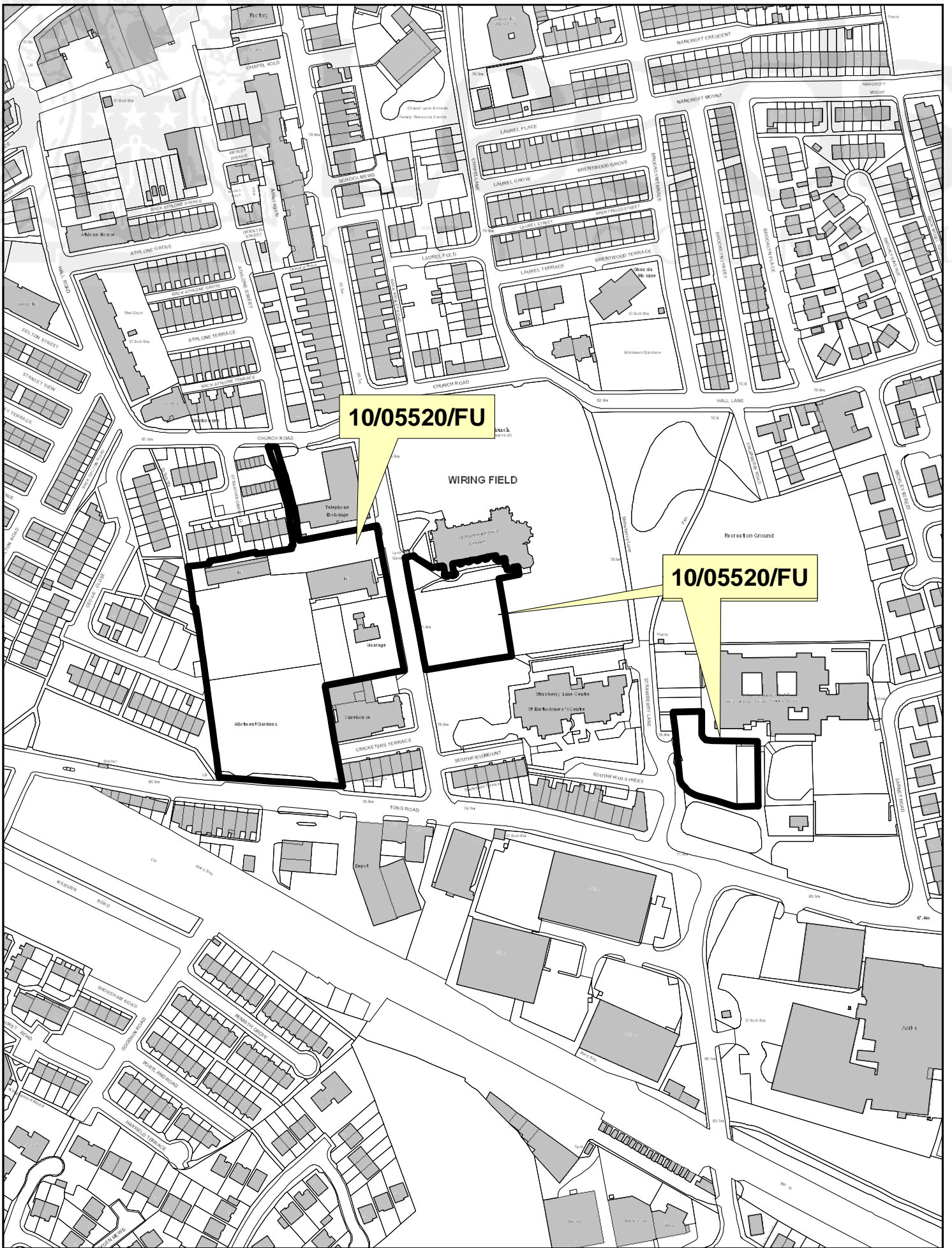
Background Papers:

Application file: 10/05520/E11

History file: 09/05317/FU

Certificate A submitted with application indicating that applicant is site owner.

Certificate B subsequently submitted following amendment to include overflow car park



SOUTH AND WEST PLANS PANEL