



## SOUTH AND WEST PLANS PANEL

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Meeting to be held in the Civic Hall on  
Thursday, 28th February, 2013  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

J Akhtar	J Bentley	P Wadsworth	R Finnigan
M Coulson		R Wood	
C Gruen			
J Harper (Chair)			
C Towler			
P Truswell			
J Walker			

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**Agenda compiled by:  
Andrew Booth  
Governance Services  
Civic Hall  
Tel: 0113 24 74325**

# AGENDA

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

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4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES - 31 JANUARY 2103</b></p> <p>To confirm the minutes of the meeting held on 31 January 2013 as a correct record.</p>	3 - 8
7	Hyde Park and Woodhouse		<p><b>APPLICATION 12/04984/FU - 16 ASH GROVE, LEEDS</b></p> <p>To consider the attached report of the Chief Planning Officer regarding an application for the change of use of a social club to form 4 flats with landscaping and car parking at Ash Grove Social Club.</p>	9 - 22
8	Farnley and Wortley		<p><b>APPLICATION 09/05553/OT - LAND OFF ROYDS LANE, LOWER WORTLEY, LEEDS</b></p> <p>To consider the attached report of the Chief Planning Officer regarding an outline planning application for residential development.</p>	23 - 42
9	Armley		<p><b>APPLICATION 10/05520/FU - ST BARTHOLOMEW'S, WESLEY ROAD, ARMLEY</b></p> <p>To consider the attached report of the Chief Planning Officer regarding an application for a 2 storey community centre with covered link to church and outline residential development of 27 houses.</p>	43 - 64

<b>Item No</b>	<b>Ward</b>	<b>Item Not Open</b>		<b>Page No</b>
10			<b>DATE AND TIME OF NEXT MEETING</b> Thursday, 28 March 2013 at 1.30 p.m.	

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To:

Members of South and West Plans  
Panel  
Plus appropriate Ward Members and  
Parish/Town Councils

**Chief Executive's Department**  
Democratic Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Andy Booth  
Tel: 0113 247 4325  
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andy.booth@leeds.gov.uk  
Your reference:  
Our reference: ppw/sitevisit/  
2011

Dear Councillor

**SOUTH AND WEST PLANS PANEL – SITE VISITS – THURSDAY, 28 FEBRUARY AT  
1.30 pm**

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 11.30 a.m. 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

Return to Civic Hall at 12.00 p.m.approximately

**A minibus will leave the Civic Hall at 11.20 am prompt.** Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 11.15 am

Yours sincerely

**Andy Booth**  
**Governance Officer**

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## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 31ST JANUARY, 2013**

**PRESENT:** Councillor J Harper in the Chair

Councillors J Akhtar, C Campbell,  
M Coulson, R Finnigan, C Gruen, C Towler,  
P Truswell, P Wadsworth, J Walker and  
R Wood

**49 Declarations of Disclosable Pecuniary and other Interests**

**50 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor J Bentley.  
Councillor C Campbell was present as substitute.

**51 Minutes - 10 January 2013**

**RESOLVED** – That the minutes of the meeting held on 10 January 2013 be confirmed as a correct record.

**52 Application 12/04984/FU - Ash Grove Social Club, 16 Ash Grove, Headingley**

The report of the Chief Planning Officer introduced an application for the change of use of a social club to form 4 flats with landscaping and car parking at Ash Grove Social Club, 16 Ash Grove, Leeds.

The item had been deferred at the previous meeting of the South and West Plans Panel to allow further consideration of objections submitted over the Christmas period post drafting of the report submitted to that meeting. Members of the Panel had made a site visit prior to that meeting.

Site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The proposals would create 4 flats at ground and first floor levels.
- There was already an approved extension for 5 flats which would give a total of 13 flats.
- There would be 14 car parking spaces.
- Objections included concern that the flats would be occupied by students which would further affect the demographic balance of the area.
- The premises had been licensed as a social club for up to 150 customers.

- There had been an extensive history of noise complaints from the premises.
- The existing flats were let to students.
- In terms of policy H15, the proposals did not specify student occupation and the proposals did not reduce family occupation.
- It would be difficult to enforce conditions for the flats not to be let to students and Members were asked to consider the proposals in context of the previous use of the building as a social club.
- The proposals would ensure improvements to the frontage of the property.
- The property fell within the Headingley Conservation area.

Representations were made by a local Ward Councillor and a local community association. These included the following:

- Concern regarding the number of Houses in Multiple Occupation (HMOs) in the area.
- History of noise disturbance and anti-social behaviour.
- Impact on car parking.
- The area needed more family homes which would attract people more likely to respect their neighbours and environment.
- It was requested that a decision be postponed so this could be discussed at Area Committee.
- Lack of consultation with residents regarding the proposals.
- An increase in the number of students in the area would increase noise and disturbance.

The applicant's agent addressed the meeting. He raised the following issues:

- Planning permission had previously been granted that would have allowed a total of 33 flats at the premises. There would be 30 in total with the new proposals.
- The new flats would only accommodate a modest number of students in comparison to the social club that had a capacity of 150 guests.
- The proposals were in full compliance with planning policy.
- It was not felt that consultation was necessary as the views of community groups in the area had already been stressed on similar applications.

In response to Members comments and questions, the following issues were discussed:

- The planning permission approved in 1997 was not pursued as the social club was kept as a preferred use at that time.
- The flats could be occupied by anyone but were likely to be occupied by students.
- Bin storage – conditions would be included to provide this.
- Road safety concern due to potential impact of increased parking.
- Disappointment at the lack of consultation with local residents.

**RESOLVED** – That the application be deferred for one cycle for officers to draft detailed reason/s for refusal regarding concerns expressed by Panel Members that the proposal would have an unacceptable effect/s on neighbours living conditions through increased activity, or noise and disturbance either from the proposal itself or combined with existing housing offering similar accommodation contrary to part (ii) of policy H15 and part (iv) of emerging core strategy policy H6.

Councillors P Wadsworth and R Wood requested that their abstention from the voting on this item be recorded.

**53 Application 12/04051/OT - University of Leeds, Bodington Hall, Otley Road, Adel**

The report of the Chief Planning Officer introduced an outline planning application for the demolition of existing buildings and erection of circa 29 dwellings, University of Leeds, Bodington Hall, Otley Road, Adel.

Members were shown photographs and plans of the site.

Further issues highlighted in relation to the application included the following:

- The application was an extension to an adjoining area that already had permission approved for development.
- The site was a greenfield site surrounded by trees that were covered by Tree Protection Orders.
- The proposals were for 29 new dwellings.
- Access to the site would utilise existing roads.
- The site was allocated for employment use in the UDP but it was felt there would be no detrimental effect to employment stock if it wasn't used for that purpose.
- Amendment to condition 25 regarding houses being built to Code Level 4 Sustainable Home standard.

In response to Members comments and questions, the following issues were discussed:

- It was not felt necessary to include a condition regarding the use of the Adel Lane entrance to the site.
- Members discussed the Code Level 4 Sustainable Home standard and it was advised that it would be unsafe to reject the application on this. Officers would negotiate with the developers regarding sustainability issues. It was suggested that the Chair write to the Chair of the Local Development Framework Panel regarding policy in respect of Code Level 4.

**RESOLVED** – That the application be approved as per the officer recommendation and subject to conditions outlined in the report. Also

amendment to condition 25 to reflect that officers would make best efforts to achieve Code Level 4 for Sustainable Homes.

Councillor R Finnigan requested that his vote against the recommendation on this item be recorded.

**54 Application 12/04556/FU - Eastmoor Secure Childrens Home, East Moor Lane, Adel**

The report of the Chief Planning Officer presented an application for the demolition of existing buildings and erection of a 24 bedroom secure Children's Home with reception, admissions and administration area and associated secure perimeter wall/fence, landscaping, car parking and access at East moor Secure Children's Home, East Moor Lane and land off Tile Lane, Adel.

Members were reminded of the pre-application presentation that had been made to the Panel and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The nearest houses to the proposed new building were 43 metres away.
- There would be substantial tree planting to screen the new buildings.
- Improvements would be made to access roads with passing places incorporated.
- A surfaced footpath would be created during construction.
- Further representations had been received from Spring Hill residents.
- The tree referred to in Condition No. 6 could be kept.
- A 20% carbon reduction as suggested in Condition No. 26 could not be achieved and it was proposed that this be amended to 5%.

In response to Members comments and questions, the following issues were discussed:

- Further to responses from Spring Hill residents it was reported that there would be substantial tree planting, a footpath along Tile Lane and road surface improvements.
- Colour of the proposed roof on the new building.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report. Condition No 6 to be amended to reflect the retention of the tree within the site and Condition No 26 be amended to reflect the reported changes to the carbon emission target.

**55 Application 12/04775/FU - 70 Armley Lodge Road, Armley**

The report of the Chief Planning Officer presented an application for the change of use and alterations of offices and retail unit and 1 flat to form 8 flats.

Draft minutes to be approved at the meeting  
to be held on Thursday, 28th February, 2013

Members attended a site visit prior to the meeting and site photographs and plans were displayed.

Further issues highlighted in relation to the application included the following:

- The building was a former Co-op store built in 1895.
- The roller shutters to the front of the building would be removed.
- Ground floor flats would have use of the forecourt yard.
- There was ample on street parking in the area.

In response to Members comments and questions. The following issues were discussed:

- The basement of the building would be used as a general storage area for residents.
- Bin storage.
- Cycle storage.
- Retention of the hoist at the rear of the building.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report. A further condition be included to retain the hoist on the rear elevation of the building.

**56 Application 12/04762/LA - Morley Newlands Primary School, Wide Lane, Morley**

The report of the Chief Planning Officer presented an application for a new primary school with multi use games area.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- A pre-application presentation was made in October 2012 which received the general support of the Panel.
- The new school would make provision for another 200 pupils and be a 3 form entry school.
- Access from Albert Road would be maintained.
- The site was partly on protected playing fields but met Sport England requirements.
- There had not been any objections to the application and there had been a letter of support from Morley Town Council.
- Improved pedestrian access – this included tactile paving, dropped kerbs and the introduction of a 20 MPH zone.
- Morley Town Council had requested monitoring of the parking situation at the Newlands Road entrance to the school. It was reported that this could be added to the conditions of the application.

In response to Members comments and questions, the following issues were discussed:

- Members were pleased to see the introduction of a 20 MPH zone.
- There was some disappointment expressed at the shape of the proposed building and the use of flat roofs.
- The scheme was overall welcomed by Members.

**RESOLVED** – That the application be approved as per the officer recommendation with amendment to condition 16 to ensure parking on Newlands is monitored for 12 months following the opening of the new school to reassess the parking situation which may alter following the opening of the school.

#### **57 Date and Time of Next Meeting**

The next meeting of the South and West Plans Panel to be held on Thursday, 28 February 2013 at 1.30 p.m.



Originator: Tony Clegg

Tel: 0113 3952110

## Report of the Chief Planning Officer

### *PLANS PANEL SOUTH AND WEST*

Date: 28 February 2013

**Subject: APPLICATION 12/04984/FU – CHANGE OF USE OF SOCIAL CLUB TO FORM 4 FLATS WITH LANDSCAPING AND CAR PARKING AT ASH GROVE SOCIAL CLUB, 16 ASH GROVE, LEEDS. LS6 1AY**

**APPLICANT**  
Cotech Investments

**DATE VALID**  
28 November 2012

**TARGET DATE**  
23 January 2013

#### **Electoral Wards Affected:**

Hyde Park and Woodhouse

Yes

Ward Members consulted

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**Should the Panel resolve to refuse the application, the following reason is proposed:**

**The proposed change of use of the club to 4 flats would result in an unacceptable loss of amenity to nearby residents as a result of increased activity, and noise and disturbance from the proposed flats combined with existing housing offering similar accommodation, contrary to part (ii) of policy H15 of the Revised Unitary Development Plan 2006 and to part (iv) of emerging core strategy policy H6 and to guidance in the National Planning Policy Framework**

- 1.0 This application was deferred at the meeting of 31 January 2013 for officers to draft detailed reason/s for refusal regarding concerns expressed by panel members that the proposal would have an unacceptable effect on the amenity of nearby residents through noise and disturbance from the flats, which were considered likely to be occupied by students in a street with an existing high proportion of student residents.







Originator: Tony Clegg

Tel: 0113 3952110

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 31st January 2013**

**Subject: APPLICATION 12/04984/FU – CHANGE OF USE OF SOCIAL CLUB TO FORM 4 FLATS WITH LANDSCAPING AND CAR PARKING AT ASH GROVE SOCIAL CLUB, 16 ASH GROVE, LEEDS. LS6 1AY**

**APPLICANT**  
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**Electoral Wards Affected:**

Hyde Park and Woodhouse

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions**

1. Development to be commenced within 3 years
2. Development to be carried out in accordance with the approved plans.
3. All existing metalwork and framework relating to the fire escape on the Ash Grove elevation and the wooden balcony and staircase to the south elevation shall be completely removed and the building made good in matching materials as necessary prior to first occupation of the flats hereby approved.
4. Details of windows to be provided
5. New brickwork to match existing brickwork
6. Details of bin and cycle storage to be approved and carried out on site.
7. Boundary treatment to be approved including existing steel palisade fencing.
8. In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way 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

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 Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2, H15, N19  
Neighbourhoods for Living

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 was deferred at the January 10<sup>th</sup> Panel meeting to enable Members to consider a revised report incorporating details of representations received after publication of the report to that Panel. Councillor Gerald Harper had also requested that the item be deferred to allow time to meet with his constituents.
- 1.2 Representations received express concern that the flats would be likely to be occupied by students and that this would exacerbate problems of social imbalance by increasing the student population relative to permanent residents. Associated issues are said by residents to be anti-social behaviour such as from noisy parties through the night, and on-street car parking

## **2.0 PROPOSAL:**

- 2.1 The application is to change the use of a Social Club on the ground and first floors of the building to form four flats, with external alterations to form new windows and laying out of parking and landscaping.
- 2.2 A rear extension approved under an earlier permission is currently under construction and this will form a further 6 small flats. If the current application were approved the following mix of accommodation would result: -

*Current application* - 4 flats within the club area on ground and first floors –  
2 x four bed – 8 beds  
2 x one bed – 2 beds

*Existing* - 3 flats within building on 2<sup>nd</sup> floor and in roof space –  
1 x five bed - 5 beds  
2 x four bed – 8 beds

*Approved extension* – 6 flats  
1 x 2 bed – 2 beds  
5 x 1 bed – 5 beds

Total -13 flats with 30 bed spaces and 14 car parking spaces.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application property is the Ash Grove Social Club at 16 Ash Grove. The

a row of terraced Victorian houses and is an attractive and positive building within the Headingley Conservation Area. It has functioned as a social club on ground and first floors with flats above. There is a hard standing area adjacent which has provided car parking for the club and the flats.

3.2 To the south is a two storey row of flats dating probably from the 1960's and to the rear is a site formerly used as sports facilities by the then Leeds Girls High school. Brick buildings on that site comprise a sports hall and swimming pool and a grass pitch.

3.3 Ash Grove otherwise comprises mainly terraced traditional Victorian terraced brick houses, many of which are in use as HMOs.

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

12/01131/FU – Extension to erect 6 flats to side of Club. Approved, 28/05/12. This scheme is currently under construction.

10/04134/FU – 3 storey extension to social club to erect 5 flats. Refused, 05/11/2010. Appeal dismissed on design grounds on 23/05/11.

10/01462/FU – 3 storey extension to erect 5 flats. Refused, 26/07/10. Appeal dismissed on design grounds on 23/05/11.

07/03877/FU – 4 storey block of 6 flats. Refused, 31/08/07

26/97/98/FU - 4 storey extension to erect 4 flats. Refused  
Dismissed at Appeal, 29/09/99.

26/10/97/FU – Change of use and extensions of club to 9 flats. Approved, 11/11/97.

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

5.1 There have been no pre-application discussions with regard to this site.

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

6.1 The application has been publicised by press and site notices as development affecting the character of the Headingley Conservation Area.

Site notice posted 7/12/12

Press advert in YEP placed on 20/12/2012 expires 10/01/13

6.2 The following objections have been received:

Councillor Gerry Harper - Objects to the application on grounds of an already high proportion of HMOs and flats, noise and on-street car parking.

Councillor Neil Walshaw Objects as Chair of the Inner North West Planning Group and as a Headingley Ward Member. The Panel is asked to strongly consider the written representation made by South Headingley Community Association this particular street is the most severely stressed in terms of noise and anti-social

Councillor Bernard Atha – Asks that resident's objections be carefully considered.

Hilary Benn MP – Considers that more family accommodation is required.

Objections have been received from 12 local residents and the South Headingley Community Association and the North Hyde Park Neighbourhood Association. In summary, these are: -

- The demographic imbalance of Ash Grove. Students already comprise 80% of the population of the street – more flats let to students will add to this imbalance.
- This gives rise to significant problems – most notably noise – street noise late at night and music from parties through the night.
- The change in balance of community has continued since consent was granted for flats in 1997 such that there is now a higher proportion of student residents than then.
- Increase in on-street car parking.
- Inadequate bin store provision.
- If permission is granted restrictions are requested which would restrict use to C3, not C4 small HMO use

## **7.0 CONSULTATIONS RESPONSES:**

### STATUTORY

7.1 None.

### NON-STATUTORY

7.2 Highway Authority – No objections, as there will be no increase in demand for car parking relative to the existing club use.

Neighbourhoods and Housing – No objection.

## **8.0 PLANNING POLICIES:**

### DEVELOPMENT PLAN

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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

## UDPR POLICIES:

Policy GP5 – seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy T2 – this aims to avoid any undue impact on highway safety.

Policy T24 – this sets out recommended car parking guidelines.

Policy N19 – this seeks to ensure that new development should preserve and enhance areas designated as Conservation Areas

Policy H15 – this refers to the Area of Housing Mix and sets out a range of criteria aimed at promoting mixed communities

## DRAFT CORE STRATEGY

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14<sup>th</sup> November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14<sup>th</sup> November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination

As the Council has 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. Draft Core Strategy Policy H6 (Incorporating pre-submission changes) states that:

### *POLICY H6: HOUSES IN MULTIPLE OCCUPATION (HMOS), STUDENT ACCOMMODATION, AND FLAT CONVERSIONS*

*A) within the area of Leeds covered by the article iv direction for houses in multiple occupation (HMOs), development proposals for new HMOs will be determined:*

*i) to ensure that a sufficient supply of HMOs is maintained in Leeds,*

*ii) to ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,*

*iii) to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities.*

*iv) to ensure that proposals for new HMOs address relevant amenity and parking concerns.*

*v) to avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs*

## RELEVANT SUPPLEMENTARY GUIDANCE:

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

Neighbourhoods for Living – Sets out the Council's guidelines and aspirations for well-designed residential accommodation.

## NATIONAL PLANNING POLICY:

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF provides up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning System should have a role in " supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being" (NPPF paragraph 7).

## 9.0 MAIN ISSUES:

9.1 It is considered that the main issues are:

- Impact of the proposal on residential amenity and demographic balance
- Provision of car parking
- Preservation or enhancement of the Headingley Conservation Area.

## 10.0 APPRAISAL:

### Impact of the proposal on residential amenity

10.1 The existing Social Club has operated from the site for a number of years, and is clearly located in an area unsuitable for a use of this nature. It has an extensive history of complaints to the Council from local residents relating to noise and disturbance, from both loud music and noise from patrons in the street, the latter has been an issue in particular since the smoking ban came into effect. The residential use proposed is, however, considered compatible with this residential location. The existing flats within the building are understood to be let to students and whilst the student market is clearly likely for the flats currently proposed, it is pointed out that the application is not specifically for students flats and they would be available to other types of occupier. As student occupation is clearly a possibility however and as the site lies within the defined Area of Housing Mix, the application has been tested against UDP policy H15

10.2 Policy H15 deals with student housing proposals and states that:

*Within the area of housing mix planning permission will be granted for housing intended for occupation by students, or for the alteration, extension or redevelopment of accommodation currently so occupied where:*

- i) the stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;*
- ii) there would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing housing similar accommodation;*
- iii) the scale and character of the proposal would be compatible with the surrounding area;*
- iv) satisfactory provision would be made for car parking; and*
- v) the proposal would improve the quality or variety of the stock of student housing.*

Taking these policy points in turn:

- i.) The site has been used as a Social Club for a number of years. Consequently, the proposal will not result in the loss of any existing family accommodation.
- ii) It is considered that the levels of activity produced by up to 10 residents will be less than that previously generated by the use of the building as a Social Club, particularly given that the existing use as a Social Club has a long track record of creating noise disturbance.
- lii) Four additional flats within the existing building could not be argued to be incompatible in scale and character with the surrounding area.
- iv.) The site has 14 off-street parking spaces which is sufficient for the proposed use, particularly as the social club would go.
- v.) The proposed bedrooms are of a reasonable size with good natural light and would provide an acceptable standard of accommodation within a building already occupied by students.

10.3 It is noted that Draft Core Strategy policy H6 (to which some weight can now be attached) includes that within the Area of Housing Mix proposals should seek:

*iii) to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities.*

10.4 In addressing the issue of residential amenity and whether this proposal would cause harm to neighbouring permanent residents, it must be considered whether the 10 additional occupiers would add to noise and disturbance to the extent that



- 10.5 More significantly, the effect on existing residents of the proposed flats must be considered in the context that the lawful planning use of the premises is as a club, which has a track record of creating noise disturbance. Whilst noting that there is a possibility that some student residents may on occasion indulge in anti-social behaviour; this seems unlikely to be comparable in potential impact to the impacts of a social club licensed for 150 patrons.
- 10.6 Some objections refer to the social imbalance within the area resulting from the high proportion of transient student residents. This concern is noted but it is not considered that the current proposal will have an impact on this relative to the current use of the building as a social club. In an appeal decision relating to the property into the Council's refusal of an extension to form 5 two bed flats dated 23 May 2011, the Inspector said that 'as to the proportion of student accommodation in the locality, whilst it may be high, I have seen no clear evidence to show that the proposals would increase it to the extent that the housing mix or community cohesion would be materially harmed'
- 10.7 Some objectors have requested that if permission is granted for the flats then they should be restricted to occupation by families. This is not recommended for a number of reasons: -
1. There is no planning policy basis on which to do this. Policy H15 supports student accommodation subject to the criteria set out and discussed above, where there is no loss of accommodation suitable for occupation by families.
  2. It would result in a block of flats some of which could be occupied by students and some of which could not. It would not be possible to monitor and ensure compliance with such a condition.
  3. Accommodation a block partially occupied by students is unlikely to be attractive to family occupiers.
- 10.8 In coming to the view that there is no sound basis on which to refuse planning permission for the 4 flats proposed, officers have had very careful regard to the strong concerns of local residents. Clearly the lifestyle of student residents has a significant impact on the lives of local residents. These concerns relate to an existing situation however to which there is no simple solution and the current application must be considered on its own merits. Taking this approach, officers take the view that the 4 flats proposed represent a net benefit to the community as compared with the current social club use and that permission should not be withheld in the particular circumstances of this case.

#### Provision of car parking

- 10.9 The proposal indicates 14 car parking spaces within the site. This is an increase on the approved layout for the 6 flats extension currently being built for which 11 car parking spaces are provided. Objections have been received on grounds that the proposed flats will add to off-street car parking.
- 10.10 In the first instance given that there is an existing use as a club; parking provision for the proposed flats must be considered relative to the potential parking demands generated by the club.



Student Accommodation – 1 space per 4 bed spaces  
10 bed spaces = 3 *car parking spaces*

Social Club – no specific guidelines

Class A3 food and drink Outside S2 Centres

1:2 - drinking area, for customers;

1:4 - dining area, for customers;

1.25 - per resident staff, for staff;

0.33 - per non-resident staff, for staff

As the club had a licence for 150 patrons this would equate to a parking requirement of over *70 spaces*. A club of this nature is unlikely to require that level of car parking and although residents point out that past patrons have often been students arriving on foot, there can be no guarantee that the club would operate in this manner in the future.

Some objectors have asked that the flats, if granted permission, should be restricted to family occupants. In this instance, parking guidelines would require: -

1.5 spaces per dwelling

*4 car parking spaces*

- 10.11 The property in any event is considered to be in a sustainable location. A bus stop at Brudenell Road within 100m of the site provides services to Leeds City Centre with a more extensive range of services available within 400m from stops on the A660. The property is also within 20 minutes walk of the Universities area.
- 10.12 In dismissing the appeal to erect new flats on design grounds, (application references 10/01462/FU and 10/04134/FU); the Inspector concluded that the erection of additional flats would not result in any undue impact on highway safety. In addition, the proposed four flats would be expected to create less demand for car parking than the existing Club use and it is concluded that the 14 car parking spaces provided will meet the needs of the development in this instance.

#### Preservation or enhancement of the Headingley Conservation Area

- 10.13 As part of the proposals the unsightly metal fire escape at the front of the property would be removed (although this is also a condition of the permission for the 6 flats currently under construction) and also the timber staircase and balcony to the south elevation. Doorway openings to that elevation would be adapted to windows in a manner sympathetic to the existing original elevation. The car park would be laid out and surfaced and landscaped such that overall the development would serve to enhance the Headingley Conservation Area.

### **11.0 CONCLUSION:**

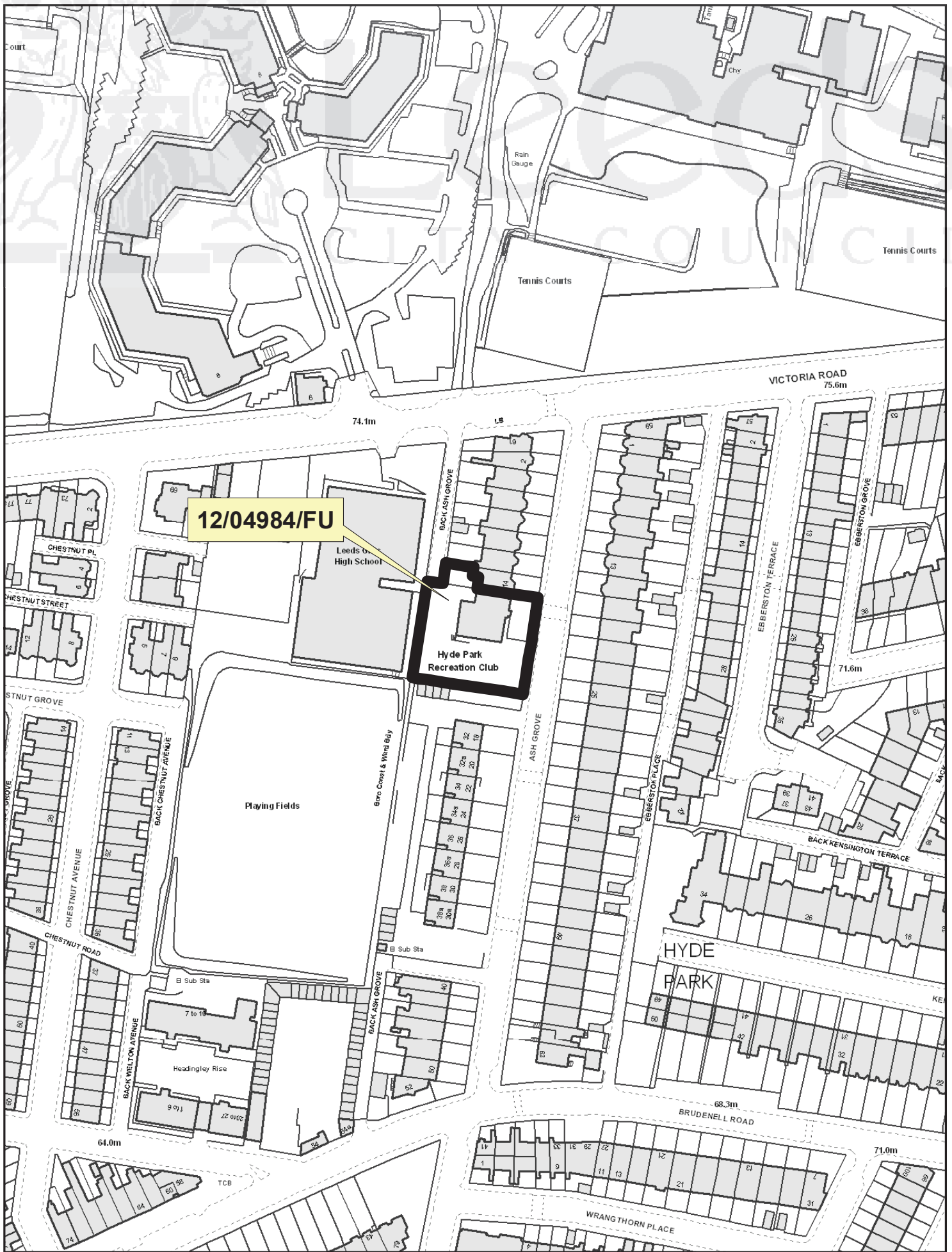
- 11.1 The proposal to create four flats is considered acceptable. The building is in a residential area and residential use is appropriate. The property is located in an area with a large number of HMOs and student residents, and it is accepted that this proposal would add to that although to a small degree in overall times. It is not accepted that an additional 10 residents whether students or of other demographics would have any demonstrable impact on the amenities of permanent residents and

inappropriately located and has a history of noise complaints. The removal of the unsightly external staircases would improve the appearance of this attractive property and enhance the character of the Headingley Conservation Area. Approval is recommended.

**Background Papers:**

Application and history files.

Certificate of Ownership.



# SOUTH AND WEST PLANS PANEL

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Originator: Carol  
Cunningham  
Tel: 0113 247 8017

## 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 abnormals 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. 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 background 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 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: 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 Rouds 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

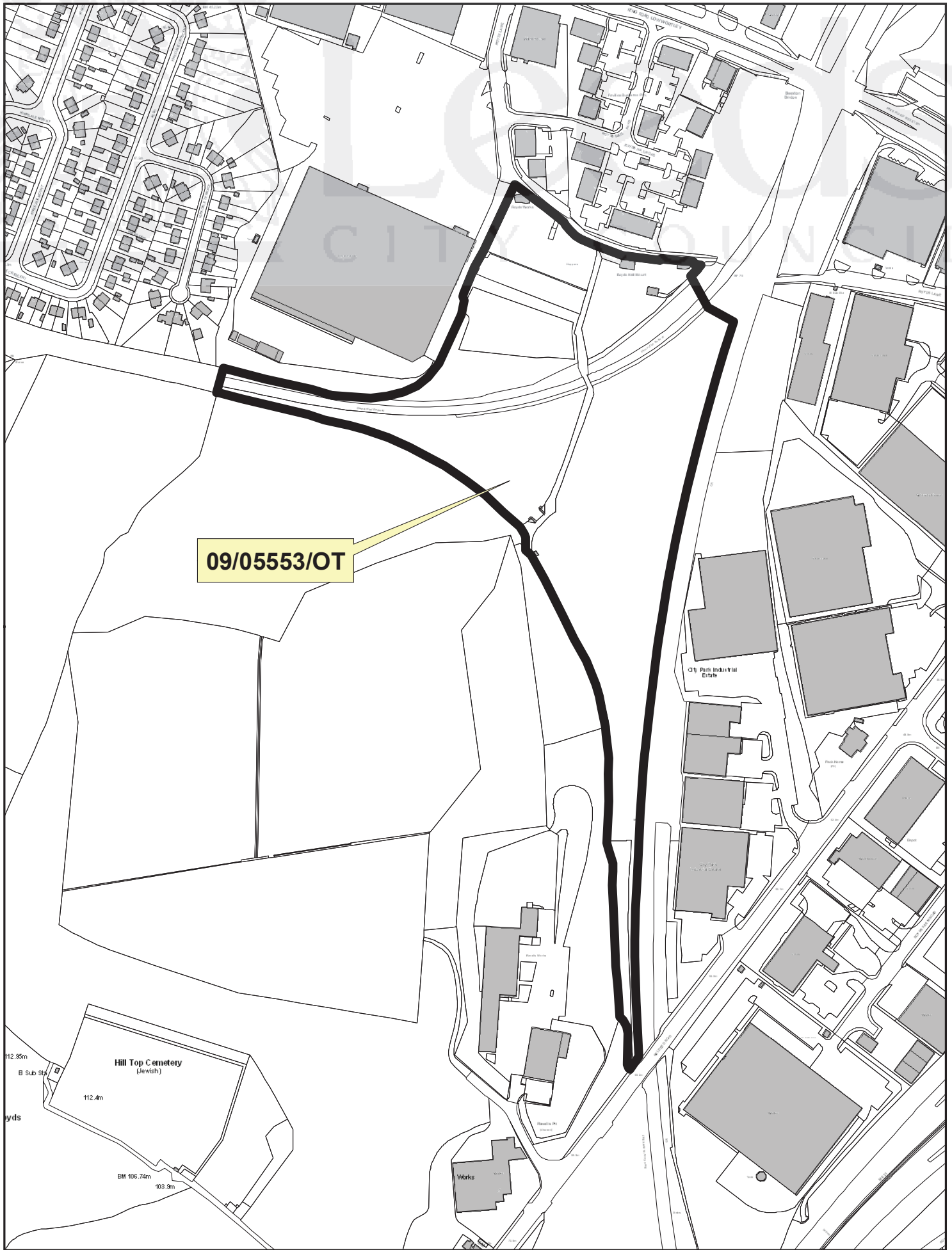
- 4.7.1 The site has been unused for a number of years and this has led to extensive landscaping and established habitats on the site. An ecology report has been submitted and its findings have been agreed by the Council's Ecologist. It states that there are important habitats along the disused railways 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

Hill Top Cemetery  
(Jewish)

112.4m

EM 106.74m

103.3m

# SOUTH AND WEST PLANS PANEL

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Originator: Bob Packham

Tel: 2478204

## 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 nineon 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 Bartholmew'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:

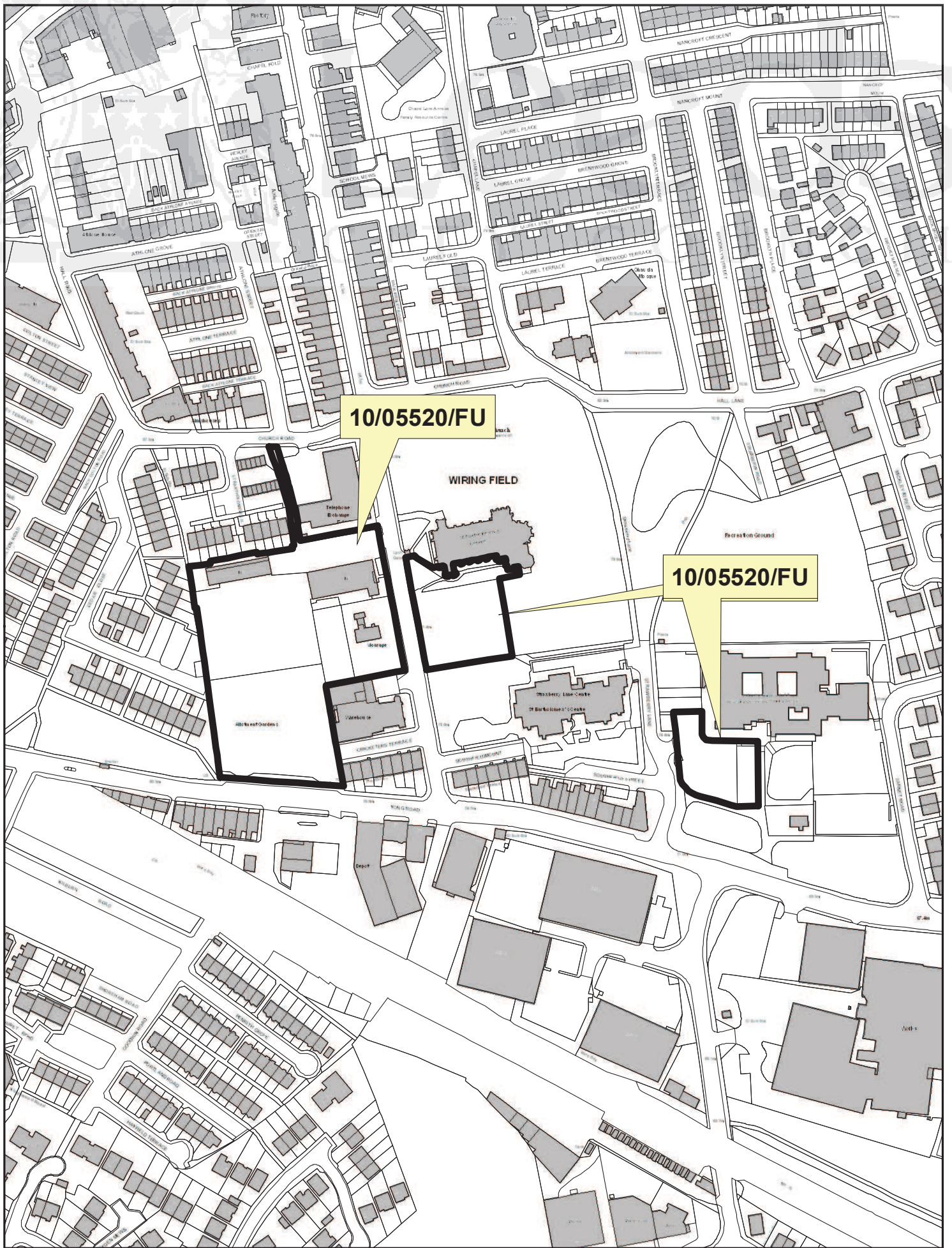
Application file: 10/05520/F11

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





10/05520/FU

10/05520/FU

WIRING FIELD

Recreation Ground

# SOUTH AND WEST PLANS PANEL