



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 17th January 2019

Subject: **POSITION STATEMENT** - Application 18/02152/FU – construction of 143 apartments with car parking and landscaping – Land at Former Burley Community Sports and Social Club, Burley Road, Burley, Leeds.

APPLICANT

Burley Road Limited

DATE VALID

23rd April 2018

TARGET DATE

Electoral Wards Affected:

Little London & Woodhouse

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: The Panel is invited to note the contents of the report and to provide feedback on the questions raised at section 9 of this report.

1.0 INTRODUCTION:

- 1.1 This report is brought to South and West Plans Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the scheme and make comments.
- 1.2 Members are advised that the northern part of the site comprising the former Burley Liberal Club and a bank building and part of the former rugby training pitch, was in Council ownership but has been sold to the applicant. The southern part of the site comprising the former rugby training pitch and an area of Greenspace remains in Council ownership.

2.0 PROPOSAL

- 2.1 The proposal is for the construction of 143 apartments built in two blocks. Each block would include accommodation over six floors, including lower ground floors and roof levels. The buildings would be formed as two interlocking 'L' shaped buildings, with a modest amenity and circulation space separating them. The buildings would be of brick finish
- 2.1 Residential development in this market area would require the provision of 5% (this is proposed to increase to 7% in the Core Strategy Selective Review) affordable housing which the applicant has confirmed would be provided.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site has most recently been occupied by Burley Liberal Club, which was set to the northern part of the site adjacent to Burley Road, and a bank building. The site also includes a sports pitch, which has been disused for some time, as well as an area of land to the southern part of the site that is presently designated Greenspace owned by the City Council.
- 3.2 The site is surrounded by Burley Road and Kirkstall Road to the north and south respectively, while a railway embankment defines the western extent and leads to the railway viaduct over Kirkstall Road. The site faces onto Willow Road, which is a short stretch of road which links junctions of the two main roads.
- 3.6 The site is somewhat constrained, being situated between two very busy road junctions and a railway line. Highway access is difficult due to the road layout, and there is a small belt of protected trees along the site frontage.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site does not have any relevant planning history, although it has been the subject of a number of informal and formal pre-application submissions, the latter under reference PREAPP/17/00067.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application advice was provided in 2017 for a similar proposal for 137 one and two bedroom flats although this scheme was restricted to a smaller site comprising the area of the current proposed housing allocation, and did not extend into the designated Greenspace.
- 5.2 The scheme has been revised since its original submission, following discussions with Officers. Since its original submission amendments have been made to the proposals in respect of drainage, highways, landscape, greenspace and housing mix.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised as a major application through press and site notices. No representations have been received to date

7.0 CONSULTATION RESPONSES:

Highway Authority

- 7.1 Further consideration of sightlines and road safety matters is required.

Environmental Studies

- 7.2 (Road traffic noise). Some amendments to proposed glazing and ventilation details are needed to ensure that the dwellings have adequate protection from traffic noise

Contaminated Land

- 7.3 No objections, subject to conditions.

Flood Risk Management

- 7.4 No objections subject to conditions.

Yorkshire Water

- 7.5 No objections subject to conditions.

8.0 PLANNING POLICIES:

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.

Relevant Policies from the Core Strategy are:

Spatial policy 1 Location of development
Spatial policy 6 Housing requirement and allocation of housing land
Spatial policy 7 Distribution of housing land and allocations
Policy H1 Managed release of sites
Policy H3 Density of residential development
Policy H4 Housing mix
Policy H5 Affordable housing
Policy P10 Design
Policy P12 Landscape
Policy T1 Transport Management
Policy T2 Accessibility requirements and new development
Policy G1: Enhancing and extending green infrastructure
Policy G4 New Greenspace provision
Policy G6: Protection and redevelopment of existing Greenspace
Policy EN2 Sustainable design and construction
Policy EN5 Managing flood risk
Policy ID2 Planning obligations and developer contributions

Relevant Saved Policies from the UDP are:

GP5: General planning considerations.

N23/ N25: Landscape design and boundary treatment.

BD5: Design considerations for new build.

T7A: Cycle parking.

LD1: Landscape schemes.

Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER7 – No increase in surface water run-off, incorporate SUDs.

LAND1 – Land contamination to be dealt with.

LAND2 – Development should conserve trees and introduce new tree planting.

Site Allocations Plan

- 8.3 The Examination in Public of the Leeds Site Allocations Plan has reached an advanced stage in that the Inspectors have issued potential Main Modifications and these are to be subject to consultation. Thereafter, the Inspectors will issue their final conclusions and Report and the Plan will be considered by Full Council for adoption, at which point it will become part of the Local Plan for Leeds. Where no MM have been proposed by the Inspectors the allocation / policy are considered to be sound and therefore significant weight should be afforded to them in decision making. The northern part of the site is proposed for allocation for housing in the Site Allocations Plan as site number HG2-211. This allocation should be accorded significant weight as the Inspector has not proposed any Main Modifications in respect of it. The SAP identifies that the allocation is suitable for an approximate capacity of 50 units. Similarly an area of existing Greenspace that is proposed for designation as such in the SAP (G1822) is included within the boundary of the application, this designation should also be afforded significant weight.

Supplementary Planning Guidance and Documents

- 8.4 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds

Street Design Guide SPD

Parking SPD

Travel Plans SPD

Sustainable Construction SPD

National Planning Policy

- 8.5 The revised National Planning Policy Framework (NPPF), published in July 2018, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.6 Relevant paragraphs are highlighted below.

Paragraph 12

Presumption in favour of sustainable development

Paragraph 34

Developer contributions

Paragraph 59

Boosting the Supply of Housing

Paragraph 64

Need for Affordable Housing

Paragraph 91	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 108	Sustainable modes of Transport
Paragraph 110	Priority first to pedestrian and cycle movements
Paragraph 111	Requirement for Transport Assessment
Paragraph 117	Effective use of land
Paragraph 118	Recognition undeveloped land can perform functions
Paragraph 122	Achieving appropriate densities
Paragraph 127	Need for Good design which is sympathetic to local Character and history
Paragraph 130	Planning permission should be refused for poor design
Paragraph 170	Planning decisions should contribute to and enhance the natural and local environment

Nationally Described Space Standards

- 8.7 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the Council has proposed a Space Standards policy within its submission draft Core Strategy Selective Review which is to be subject to Examination in Public in February 2019 and this reflects the National Standards.

9.0 MAIN ISSUES

1. **Proposed development of land allocated as Greenspace/Proposed Greenspace**
2. **Adequacy of on-site open space provision for future residents and the proposed provision of Greenspace through a financial contribution to upgrade existing Greenspace elsewhere**
3. **Scale mass and design of the building**
4. **Proposed housing mix**

Proposed development of land allocated as Greenspace/Proposed Greenspace

The majority of the site has no allocation in the Development Plan but is proposed as a housing allocation through the SAP (HG2-211) which should now be afforded significant weight.

An area to the south of the application site comprising 1942 sqm. is not in the applicant's ownership (it is owned by LCC) and is moreover outside the proposed housing allocation land. This land is allocated as Greenspace in the UDPR and proposed as Greenspace in the SAP and so should also be afforded significant weight. The application proposes that this land is used to provide car parking for the development. The site lies in an area identified as having a deficiency of Greenspace and Policy G6 (iii) of the Core Strategy states that where Greenspace is lost, wider planning benefits and green space improvement should be evidenced in the area.

.Any loss of Greenspace would only be considered acceptable if there was evidence of wider planning benefits and would have to show Greenspace improvement in the same locality. It is calculated that were the loss of this area of Greenspace to be supported, that a financial contribution in lieu would be necessary to provide or improve existing Greenspace elsewhere and that a commuted sum payment would be required of £82,707.41. The proposal to retain the Greenspace designation in the SAP can be accorded substantial weight in accordance with Paragraph 48 of the NPPF which states that LPA' s may give weight to relevant policies in emerging plans according to the stage of preparation of the plan (which is advanced in this case), the extent to which there are unresolved objections (there are none in this case), and the consistency of the emerging plan with the NPPF (the proposals are considered consistent as evidenced by the fact that no modifications are proposed to the plan in respect of policies and proposals relevant to the current application site as a result of comments by the SAP Inspector).

1. Would Members be minded to support the loss of an area of allocated Greenspace to provide car parking on the development or should the application boundary be restricted to the proposed housing allocation in the SAP?

Adequacy of on-site open space provision for future residents and the proposed provision of Greenspace through a financial contribution to upgrade existing Greenspace elsewhere

The proposal is deficient in the amount of on-site Greenspace normally required to be provided as part of new housing developments under Policy G4 of the Core Strategy (none is provided). Because the development density is high there is also very limited private amenity space for residents as the majority of open areas are taken up with car parking. There is some provision of outdoor seating areas between the two blocks and adjacent to the car park but these areas are very limited relative to the substantial number of people which would be expected to occupy the proposed flats.

The applicant proposes to make a financial contribution in lieu in respect of this shortfall. A standard formula is used for calculating contributions under Policy G4 of the Core Strategy. The area does not have an adequate supply of Greenspace as defined by the Core Strategy. The principle behind Policy G4 is to mitigate the effects of the extra burden extra residents place on existing Greenspace.

The calculation for the contribution in lieu under Policy G4 is £440,379.15.

2. Do Members consider the on-site provision of amenity Greenspace for future residents to be adequate and would they support the proposal to provide a financial contribution in lieu of on-site amenity space and Greenspace provision?

Scale mass and design of the building

Images of the development will be presented at the meeting. The proposal is for the construction of 143 apartments built in two blocks (the SAP site has an indicative capacity of 50 dwellings). Each block would include accommodation over six floors, including lower ground floors and roof levels. The buildings would be formed as two interlocking 'L' shaped buildings, with a modest amenity and circulation space separating them. The buildings would be of brick finish.

At six stories the building is substantially greater in height and overall mass than surrounding development – the tallest buildings near to the site are the 4 storey flats at the lower end of Cardigan Road.

Do members have a view on the scale and design of the proposed building?

Proposed housing mix

The proposal only includes provision for 10% of the units (14 no.) to be 3 bedroom, whereas the adopted policy H4 requires a minimum of 20%, with a target of 30%. The applicant states that this is due primarily to the nature of the scheme, being a Private Rented Sector development aimed toward a younger age profile, as well as the general character of the area.

Policy H4 seeks to ensure that an appropriate mix of housing types is delivered in Leeds to meet housing need. It must be noted that Housing Need is different from Housing Demand. The Policy is worded flexibly to allow for the form and the character of the area to be taken into account.

The Housing Needs Assessment submitted by the applicant uses census data. Overall it is considered that the assessment is very much demand based. However there are some facts that fall in favour of the 3 bedroomed 10% figure proposed by the developer:

- The minimum percentage figure for 3 bedroom units of 20% is based on the average for Leeds.
- The current average for Leeds is 39.3 %
- The current average for the local area (MSOA 56) is 22.9% - this is 16.4% lower than the existing (2011 census) average for Leeds.

The local demographic would therefore suggest that the need for larger dwellings is less than the Leeds average and due to the constrained nature of the site which is surrounded by busy roads it could be considered that it is less suited to family-sized units and this may present a case for a higher proportion of units not aimed at the family market

Do Members support the proposed housing mix comprising 10% provision of 3 bedroom units?

Conclusion

Member's views are sought on the issues summarised above and on any other aspects of the proposal

