



Report of the Director of City Development

Development Plan Panel

Date: 7th September 2010

Subject: West Leeds Gateway Supplementary Planning Document

Electoral Wards Affected:

Armley
Farnley & Wortley

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

1. The West Leeds Gateway Plan has been in preparation since 2005 and has now been through several stages of public consultation. The Plan was revised in the light of comments received during consultation on the Preferred Options (February – April 2008) and was placed on deposit for a final period of consultation between 15th June and 27th July 2010. A report presented to Development Plan Panel on 14th July 2009 outlined the history of consultations carried out to-date, listed the key changes to the Plan from the 'Preferred Options' stage (Feb-April 2008) and sought approval to carry out a final period of formal consultation prior to the Plan being submitted to the Secretary of State for independent examination.

2. However, on 10th March 2010, the Council's Executive Board made a decision to progress the regeneration of the West Leeds Gateway through a Supplementary Planning Statement (SPD) rather than as an Area Action Plan (AAP). This report gives the reasons for this decision and explains that the SPD will still deliver a coherent and effective plan for the area which will guide future decisions on the use and development of land and support its continuing regeneration. As an SPD it is no longer necessary to submit the Plan for independent examination.

3. A total of 28 representations were received during the consultation carried out in June/July, which are summarised in this report. Of these representations, 11 were in support of the Plan and 17 were seeking a change to it, as detailed in the report. Whilst the Plan needs to be updated to reflect the withdrawal of the Regional Spatial Strategy on 6th July 2010, it is considered that only a small number of the representations received necessitate relatively minor changes to the Plan and that, subject to these changes being acceptable to the Panel, the West Leeds Gateway SPD should now proceed to adoption as a Supplementary Planning Document.

1.0 Purpose of this Report

1.1 To advise Development Plan Panel on the representations received during the final period of public consultation on the West Leeds Gateway Supplementary Planning Document and to seek the Panel's agreement to recommend to the Executive Board that it be approved.

2.0 The decision to 'convert' the Area Action Plan into a Supplementary Planning Document

2.1 On 10th March 2010, the Council's Executive Board made a decision to progress the regeneration of the West Leeds Gateway through a Supplementary Planning Document (SPD) rather than as an Area Action Plan (AAP). The preparation and adoption of AAP's is a more formal, time consuming and costly process than SPD's and the change has enabled the Plan to be progressed more quickly and make it more adaptable to changing circumstances. This is particularly advantageous given the current economic downturn and the ability for the Council to respond to improving circumstances will be a positive benefit.

2.2 However, unlike the Area Action Plan the SPD cannot allocate sites for development but, once it is adopted, it will inform a future Site Allocations Development Plan, as well as complement the existing adopted UDP Review (2006). The SPD will also guide the determination of planning applications and, through partnership working across all Council services and with key external agencies, support the continued regeneration of this part of West Leeds.

2.3 As an SPD, the Plan is not required to be submitted to the Secretary of State for independent examination and the Plan may therefore be adopted more quickly. However, it is important to recognise that the Plan has been through a rigorous process of preparation and consultation with the local community, key consultation bodies and private sector stakeholders, and that it has been modified at successive stages to reflect the views that have been expressed. It is considered that the SPD will deliver a coherent and effective plan for the area and once the Plan is adopted, the Council will continue to work with the community and other partners to ensure that lasting improvements to the area are delivered.

2.4 As discussed at the Panel meeting on 14th July 2009, a decision was made to make the SPD a more 'readable' and 'accessible' plan, supported by more illustrations, diagrams and photographs than is normally the case with planning documents. The outcome of this approach has been a much better overall presentation of the key issues and objectives of the Plan which has made it easier to understand what the Council is aiming to achieve for the West Leeds area. A copy of the SPD is attached to this report for Panel Members.

3.0 Key Objectives of the SPD

3.1 The Key objectives for the area have remained fairly constant since work was started on the Plan, namely:

- **To strengthen Armley Town Centre for shopping & other services, improving its general attractiveness, car parking, signage and the pedestrian environment;**
- **To make West Leeds a place to be proud of, celebrating its industrial heritage, townscape and architectural qualities;**
- **To help breathe new life into the Industrial Museum at Armley Mills and integrate it with Cardigan Fields Leisure Complex, bringing mutual benefits;**
- **To improve access to the river and canal corridor and develop this as a key 'unifying' feature of the West Leeds Gateway area which other green links will connect into;**

- To improve the quality of greenspaces, making them more attractive for people to use and adding to the attractiveness of the area generally. A key aim is to improve people's health & sense of well-being;
- To make it easier and safer for people, including for those members of the community who are less physically able, to move around the area on foot and by cycle;
- To integrate Armley & West Leeds generally into adjoining neighbourhoods, making it easier to walk/cycle to the city centre, Holbeck Urban Village and Kirkstall Road area;
- To secure the future of New Wortley as a vibrant, successful community;
- To protect employment areas which provide local jobs, e.g. along Armley Road, Stanningley Road and Tong Road;
- To suggest where new housing development would be appropriate to offer people a greater choice (there are 12 such sites in total, 10 being 'brownfield');
- To de-clutter the area of ugly adverts but introduce better coordinated signage to help give the area an improved appearance & identity.

4.0 Summary of the stages of plan preparation

4.1 The key stages followed in producing the Plan are set out below, with the highlighted area representing the stage now reached.

- Early Issues for Consultation stage – Summer 2005
- Issues and Alternative Options – Autumn 2006
- Preferred Options stage – Feb. to April 2008
- Informal Consultation on the final Plan – June 2009
- Publication of the Plan to enable final representations to be made – 15th June to 27th July 2010
- **Report to Development Plan Panel on the outcome of consultations – 7th September 2010**
- Report to Planning Board, including views of Development Plan Panel – Sept 2010
- Report to Executive Board, with recommendation to adopt -13th October 2010
- Notice of Adoption of SPD, (local press, Council's web-site, Development Enquiry Centre, local libraries and One Stop Centres) – October 2010.

5.0 Public Consultation

5.1 It can be seen that extensive consultation has been undertaken during the course of developing the Supplementary Planning Document. The entire consultation process and outcomes (including changes made to the Plan) has been drawn together in a "Consultation Statement" which will be published as part of the 'adoption' of the Plan. This will demonstrate that the consultation process has allowed for effective engagement of all interested parties and accords with the Council's own "Statement of Community Involvement."

5.2 The final consultation on the Plan was carried out between 15th June and 27th July 2010. The regulations concerning the preparation of Supplementary Planning Documents specify that consultation at this stage of plan-making must be for a minimum period of 4 weeks and a maximum of 6 weeks. A decision was made to place the Plan on deposit for the 6 week maximum period owing to the importance of the issues raised for the area's regeneration. Consultation involved:

- Writing to everyone who had commented on the Plan at an earlier stage, informing them of the Council's decision to change the Plan from an Area Action Plan to Supplementary Planning Document and informing people that they had a final opportunity to comment on the Plan and how they could do so.
- A formal press notice published in the Yorkshire Evening Post, inviting people to inspect the Plan, giving the location of exhibitions and explaining how to make representations on the Plan if they wished to.
- Making the Draft Plan available for inspection at Armley Library/One Stop Centre, Netto Supermarket, New Wortley Supermarket, Armley Leisure Centre, the Cooperative Supermarket and the Council's Development Enquiry Centre. Officers were present at all these venues at appointed times to talk about the Plan and answer people's questions. A total of 144 people inspected/commented on the Plan during those periods when staff were present.
- Providing copies of the Plan and Proposals Map to a range of Council directorates to ensure that the SPD reflected their spatial needs and priorities for action.
- A presentation to the West Leeds Gateway Partnership Board on 23rd June.
- Consulting statutory organisations such as English Nature, the Environment Agency, English Heritage, British Waterways, Gas and Electricity suppliers.
- Providing copies of the Plan to selected external agencies to ensure that the SPD meets broader regeneration objectives in West Leeds. This included the Council's Area Management Team, West NW Homes, the Primary Care Trust and key landowners, including X-Leisure who are the owners of the Cardigan Fields leisure complex on Kirkstall Road and which adjoins and links into the Industrial Museum.
- Making copies available to the Executive Member for Development, Ward members, all members of this Panel and Plans Panel West and the local MP's, Rachel Reeves and Hilary Benn.

5.3 Following the previous 'Preferred Options' stage and prior to the final consultation period this year, the Council's approach to the regeneration of the West Leeds Gateway area received favourable publicity in the Royal Town Planning Institute's magazine for its members and practitioners. This led from officers supporting the work of the local community in New Wortley and Planning Aid in producing a Community Plan for the New Wortley estate, a key part of the West Leeds Gateway. This followed a number of community-led workshops which integrated local people's wider aspirations for their estate with the emerging SPD for the wider West Leeds area.

6.0 Summary of representations received

6.1 A total of 28 representations were received during this consultation on the SPD. Although this is a relatively modest number compared with previous consultations, it was not unexpected given the almost continual public engagement on the emerging Plan which has taken place over the past few years and the fact that the SPD has been successively adapted, where possible, to meet the views of local people and other interested parties.

6.2 It is worth noting the very positive responses on the SPD that were received from Yorkshire Forward (YF), Natural England (NE) and the Environment Agency (EA):

- The measures outlined in this SPD will help to support the economic renaissance of this part of West Leeds and it links well with Yorkshire Forward's Corporate Plan. The proposals to link the plan area with other central parts of the City would help to improve the economic opportunities available to local residents (YF)
- The document is well written and support is given for the Plan's focus on protecting and enhancing greenspaces (NE).
- The document sets out a comprehensive scheme for the protection of green spaces and improved green infrastructure, which we would fully support. We are pleased to see reference made to the need to comprehensively assess flood risk and take account of the

Flood Alleviation Scheme and that the issue of flood risk at the Armley Mills site has been highlighted (EA).

- 6.3 Of all the representations received, 11 were either 'neutral' comments or expressions of support. This leaves 17 representations from people and organisations who are seeking a change to a particular aspect of the SPD, either to the supporting text or to the precise wording of a proposal. A schedule detailing all the representations received and the Council's recommended response, is attached to this report as Appendix 1. However, of those representations received, key issues are highlighted for Members attention in Section 7 below.

7.0 Key Issues arising from the Representations received

Greenspace Matters

7.1 General Issues

- Jonathan Morgan, Chair of West Leeds Gateway Programme Board, welcomed the SPD and stated that it supported the West Leeds Gateway area. However, he picked up on a number of detailed points for the Council to consider. He expressed a view that there is a large amount of land identified as greenspace but which is either previously developed or of poor quality and which fails to serve any particular greenspace purpose. Mr. Morgan's representation states that greenspace should be of good quality, well maintained and clearly available for public use and that a debate needs to take place to identify which areas of greenspace are important and should be invested in, and which greenspace areas can be potentially re-classified to pay for such investment.

Response: The Council has made it clear that previously used land which has been grassed over on a temporary basis to improve its appearance, is 'brownfield' and redevelopment of such sites would be actively supported. There are examples of this type of site in the SPD area, including Farrow Road and Highfield Gardens. In assessing whether any other piece of land is previously developed and therefore capable of redevelopment, the Council will be guided by the definition of 'previously used' land in Annex B of PPS3.

It is acknowledged that there is no apparent shortage of greenspace in the SPD area, but much of this is of poor quality and not used to its full potential. However, one of the main themes in the SPD is to improve the quality and accessibility of greenspaces which local people will enjoy using and to create a greener and healthier place to live and work and which will also help to attract new investment to the area. Any 'surpluses' of greenspace which may have potential for alternative uses will be identified in the PPG17 Study which is due to be completed in December 2010. This study covers the Leeds district as a whole and will provide an evidenced-based approach and rationale for any proposals to develop some greenspaces and invest in others.

7.2 Specific Issues

- Proposed greenspace at Wortley Heights – It is claimed that this is a very poor quality greenspace which is subject to anti-social behaviour. The representation suggests that a small scale development would be appropriate here as it would complete the urban grain and could also incorporate a pedestrian route. It adds that, given the limited availability of public funding it is unlikely that sufficient funding will be available to create an attractive area of greenspace without developer contributions.

Response: This area of West Leeds is already densely developed, with local residents having no other area of accessible greenspace available to them. Even 'limited' development would reduce any pedestrian route to a narrow corridor or 'ginnel' through such development and would not achieve the Council's aspiration to improve connectivity via safe, attractive routes. It is proposed that funds to improve greenspaces in the SPD area will be through developer contributions associated with bringing forward new housing

developments in the vicinity of each site, supplemented by other funding which may become available over the lifetime of the SPD.

- Theaker Lane, Armley (Area to south of Site WL19) – The development of the Far Fold site requires a new access from Theaker Lane to be created across a strip of protected greenspace to the south of the site. It is suggested that the site (WL19) be extended up to the Theaker Lane boundary to avoid development turning its back on the area of greenspace and Theaker Lane itself.

Response: This development must be accessed from Theaker Lane owing to the alternative access from Stanningley Road being unacceptable on highway safety grounds. Although an access from Theaker Lane will cut across an area of Council owned greenspace, this will be re-provided within the site to create an attractive 'green' pedestrian route from Armley Moor through to Armley Park to the north. Improving such connectivity is a key objective in the SPD. In urban design terms, an attractive frontage onto Theaker Lane can still be created.

- Ley Lane – The representation considers that there is scope for a small scale housing development along the western boundary of the site to enable the rest of the greenspace to be overlooked and made safer to use. Development would help to fund improvements to the greenspace.

Response: The site at Ley Lane is a very accessible but under-used area of greenspace. It is considered that it is adequately overlooked and any development of the kind suggested would potentially reduce its usefulness and 'playability' owing to likely conflict with the occupiers of dwellings created. The site has been identified in the SPD as a priority for improvement.

- Allotment Garden (dis-used) at Wesley Road/Tong Road. The site, linked to St. Bartholomew's Parish, is owned by the Diocese of Ripon and Leeds. The Diocese are developing proposals to bring this land forward for housing use and, it is understood, to use the funds generated to create a new multi-purpose community centre. It is claimed that the allotments haven't been used for around 20 years and that there is no intention to re-establish them for that purpose. The site is clearly privately owned and there is no access for the general public. In the past, the Diocese explains that it has been the focus of anti-social behaviour and it does not constitute a useable amenity area.

Response: As a Supplementary Planning Document, this document cannot introduce a new allocation or remove an existing allocation (a 'saved' policy in the UDP). Irrespective of this, the UDP and this SPD reflect the last use of the site and the Diocese would need to demonstrate, through the PPG17 Audit, that the land was not required for allotments or alternative greenspace use through the planning application process.

Economics of Development

7.3

Viability Issues

- Whilst welcoming the general approach of the SPD, one objector, ID Planning on behalf of Barratts Leeds argued that the SPD should reflect more the complexities of development in the light of the current recession and, in particular, the representation raises the effect on viability caused by requiring community benefits. It therefore calls for a suitably worded paragraph within the SPD that specifically deals with the viability of development within the West Leeds Gateway. It requests that the Council should fully accept the submission of viability studies from a developer which clearly sets out the costs of bringing sites forward.

Response: The Council's overall approach is to facilitate appropriate development and not place unnecessary burdens on a developer which would make a scheme unviable. However, in those situations where a proposed development creates additional demands for open space, transport infrastructure, schools etc, it is entirely reasonable and consistent with national and local planning policy guidance for the local planning authority to secure contributions from a developer in order to reflect the additional burdens placed

on community infrastructure by that specific development. These matters are usually dealt with by planning obligations in a s.106 Agreement with the aim of making a development acceptable in planning terms. If a planning obligation is considered essential to render a proposed development acceptable in planning terms and the applicant is unwilling to provide it, then the planning application should be refused. If the applicant thinks that the requirements of the Council are excessive in terms of the legal and/or policy tests then the applicant has the option of appealing the planning application to the Secretary of State on the grounds of non-determination.

However, it is accepted that the sum total of community benefits requested may in certain circumstances threaten scheme viability. In those circumstances the Council will consider a financial appraisal from the developer/applicant which needs to set out the evidence and justification for a community benefit to be reduced or set aside. This is normal practice. The Council will do what it can to find a way forward that balances the need to deliver important community benefits with the need to facilitate viable development. Issues of viability are not area-specific and are relevant across the district. It would therefore be inappropriate and unnecessary to include guidance on this issue in the SPD.

7.4 **The National Grid site and Armley Gyratory**

- Indigo Planning explained that Armley Gyratory and the Training Campus (north of the New Wortley Estate) are both within the ownership of National Grid and that all references to British Gas and Centrica should be removed. On behalf of National Grid they raised an objection to WL32 (criteria 5) which also relates back to WL11. They ask for clarity within the text that there is not an absolute moratorium on development in the absence of a remodelled gyratory, but rather as a requirement to consider whether there are opportunities available to improve the gyratory as and when development proposals are brought forward. It is implicit in this that they would prefer to regard the Training Centre and the Gyratory as two separate sites. The representation also requests that, in addition to this, that the requirement to improve the gyratory would not necessarily be triggered by a stand alone development on the land to the west of the gyratory.

Response

The comment regarding ownership is duly noted.

Proposal WL32 promotes the redevelopment of the Training Centre site and the adjoining Gyratory, both owned by National Grid, as a 'gateway' site for a mix of housing and employment uses. Proposal WL11 refers to the intention to improve key highways within the SPD area in order to make it easier for pedestrians and cyclists to move around the area. This includes the Armley Gyratory.

The suggestion that the training centre should be separated from the car parking located on the gyratory would potentially inhibit a comprehensive redevelopment of the whole site from occurring and instead result in piecemeal development that will not address the issues of the Gyratory.

To amend policy WL32 in line with the above comments would result in a policy that no longer has the aim to address the highway issues of the Gyratory when the opportunity arises. However, it is accepted that it may not be possible or financially viable to address the existing highway concerns around the Gyratory through the development of this site alone. Therefore, it is accepted that the fifth bullet point of WL32 should be amended to reflect the fact that the development of this site may "contribute to the Council's aim of improving the existing gyratory system with a more efficient highway layout that also reduces the barriers to pedestrian accessibility between West Leeds and the City Centre." Consequently if an application is submitted to the Council for redevelopment of the site, the opportunity will be taken to consider ways in which it may be possible to reconfigure the Gyratory in a manner which is proportionate to the scale of development proposed and consistent with the 'tests' governing the use of planning obligations, which were introduced in the

Community Infrastructure Levy Regulations in April 2010 and state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (i) necessary to make the development acceptable in planning terms;
- (ii) directly related to the development; and
- (iii) fairly and reasonably related in scale and kind to the development.

8.0 Proposed changes to the SPD arising from the representations

8.1 References to the Regional Spatial Strategy (RSS)

Following the withdrawal of the RSS on 6th July 2010, there is a need to delete all of paragraph 2.3 and 2.4. In addition, paragraph 2.5 needs to be re-written to delete references to the RSS but maintain references to the Council's commitment to working with Bradford City Council on regenerating the Leeds-Bradford Corridor. Similarly, the reference to RSS in paragraph 2.7 needs to be deleted, and page 87 of the glossary needs to be amended to reflect the withdrawal of RSS.

8.2 The Environment of the Leeds-Liverpool Canal - Paragraph 3.4.16

In response to representation from ID Planning, it is agreed that a sentence should be added at the end of this paragraph as follows:

"The historic interest in the canal should also be promoted through environmental improvements, directional signage and visitor information. Where appropriate, developer contributions will be sought from sites lying in proximity to the canal."

Proposal WL6 needs to be re-numbered as WL5 and be moved in order to follow para. 3.4.16. The revised WL5 should be amended to read:

"The council will also seek, either directly or through developer contributions where appropriate, to enhance....."

8.3 Flooding Issues – Paragraph 3.4.18

The Council's Flood Risk Management team has advised that the first sentence of the paragraph should be amended to more accurately reflect flooding issues in the West Leeds area. In response to this, the paragraph will be amended as follows:

"Due to the topography of the SPD area, the flood risks tend to be where the land falls to lower levels around the River Aire. However flood risk can effect anywhere and therefore all development should be assessed having regard to the requirements of PPS25. "

The renumbered WL6 will still follow para. 3.4.18

8.4 Paragraph 3.5.13 - Amberley Lane (Mr. T Greenwood)

The reference to Amberley Lane should be changed to Amberley Road throughout the paragraph.

8.5 Para 3.7.31 British Gas Training Site (Indigo Planning on behalf of National Grid)

In order to avoid confusion about land ownership and current operational use of the land, all references to 'British Gas' and 'Centrica' should be removed. Consequential changes are that references to British Gas in para. 3.7.34 should be removed and Proposal WL32 should just refer to the Training Centre and not British Gas.

8.6 Policy WL32 – Armley Gyrotory

After consideration of the representation received from Indigo Planning on behalf of National Grid, it is proposed to amend Proposal WL32 (bullet point 5) to read as follows:

- “contributes to the Council’s aim of improving the existing gyrotory system with a more efficient highway layout that also reduces the barriers to pedestrian accessibility between West Leeds and the City Centre.”

8.7 Strategic Delivery & Investment Plan – Appendix 1 paragraph A3 (LCC Highways)

The reference to “Department of Transport” should be changed to “Department for Transport”.

9.0 **Conclusions**

9.1 The Council has consulted extensively on the West Leeds Gateway SPD since its inception in 2005 and it is considered that, as amended in the light of previous community input, it now represents a coherent and effective plan for the area. Whilst significant support has been expressed for many aspects of the Plan, a number of representations received in the recent public consultation period sought changes to the Plan.

9.2 Having considered these representations it is recommended that only the minor changes listed in Section 8 are required in order to progress the Plan to adoption.

10.0 **Next Steps**

10.1 Subject to the comments of the Panel, the Executive Board will be asked to approve the West Leeds Gateway SPD at its meeting on 13th October 2010.

10.2 A key objective of the SPD is to ensure that lasting improvements to the area are delivered. Therefore, the SPD is accompanied by a ‘Strategic Delivery and Implementation Plan’ which sets out how the Council will address and resource the short to medium term regeneration priorities in the area. It also clarifies anticipated timescales and which lead agency will be responsible for implementation. This Strategic Delivery & Implementation Plan therefore forms an integral part of the SPD.

11.0 **Recommendations**

11.1 The Development Plan Panel is recommended to:

- (i) Comment on the representations received on the West Leeds gateway SPD and the recommended responses to these;
- (i) That, subject to any comments made, recommends to the Executive Board that it approves the adoption of the West Leeds Gateway Area Supplementary Planning Document.

Background Papers:

1. West Leeds Gateway – Preferred Options, February 2008
2. West Leeds Gateway – Supplementary Planning Document – Consultation Draft, June 2010
3. The Baseline Study for the preparation of the SPD

APPENDIX 1

SCHEDULE OF CONSULTATION RESPONSES