



## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 3 March 2011

**Subject: APPLICATION 10/05520/FU – 2 STOREY COMMUNITY CENTRE WITH COVERED LINK TO CHURCH AND OUTLINE RESIDENTIAL DEVELOPMENT OF 33 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:**

**REFUSE** for the following reasons;

- 1. The proposed residential development site includes greenfield land which is allocated for allotment use. The development of such land ahead of brownfield sites, allocated greenfield housing sites and greenfield sites within the urban area without notation in the Leeds Unitary Development Plan (Review 2006), is considered contrary to Policy H4, and to the sequential approach to development contained in that Plan and therefore detrimental to the planned release of housing development land.**
- 2. The proposal involves the development of a site allocated under Policy N1A of the Leeds Unitary Development Plan (Review 2006) for allotment use. The greenspace assessment submitted with the application fails to establish that the site is surplus, either as an allotment or for any other function that open space can perform, and the proposal is therefore contrary to: the advice contained in Planning Policy Guidance Note 17, Planning for Open Space and Recreation, particularly paragraph 10; and detrimental to amenity.**

- 3. The application makes no provision for affordable housing and is therefore contrary to Policy H11 of the Leeds Unitary Development Plan (Review 2006), to Leeds City Council's Supplementary Planning Guidance Note (SPG3) of February 2003 and the Interim Housing Policy (July 2008). The Council do not accept the applicant's contention that the provision of a community centre constitutes a material consideration of sufficient weight to justify overriding development plan policy relating to the provision of affordable housing. The lack of affordable housing provision would be detrimental to the Council's strategic aim of making adequate provision for those with specific housing needs of those who might not be adequately provided for by the operation of the housing market.**
- 4. The application makes no provision for additional greenspace, or financial contributions in lieu of such provision for the provision and improvement of local greenspace, and is therefore contrary to Policy N4 of the Leeds Unitary Development Plan (Review 2006) and Leeds Supplementary Planning Guidance (SPG4) – Greenspace Relating to New Housing Development. The Council do not accept the applicant's contention that the provision of a community centre constitutes a material consideration of sufficient weight to justify overriding development plan policy relating to the provision of greenspace in association with housing developments, and consider that the lack of adequate greenspace provision would be detrimental to the amenities of existing and future residents.**
- 5. The Local Planning Authority considers that the supporting information included in the transport statement fails to demonstrate that the level of parking proposed for the community centre takes adequate account of the increased size of the community facilities and the implications of joint use of the proposed parking by users of the church and the proposed community centre. The proposal therefore conflicts with Policies T2; GP5; T24; T5 of the Leeds Unitary Development Plan (Review 2006) 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.**
- 6. 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. The application is therefore considered to be contrary to Policy T2C and to the Council's Draft Supplementary Planning Document , Travel Plans (May 2007). The Council do not accept the applicant's contention that the provision of a community centre constitutes a material consideration of sufficient weight to justify overriding these policies, and consider that failure to meet these policy requirements would be detrimental to the Council's strategic aims of promoting the use of public transport and alternative modes of transport in the interests of sustainability.**
- 7. Insufficient information has been submitted with the application to demonstrate that the proposed development will be in accordance with national and local policies in relation to the mitigation of potential contamination and the protection of bats. The proposal is therefore contrary to PPS9 ( Biodiversity and Geological Conservation) and PPS23 ( Planning and Pollution Control) and to policies GP5, N49 and N51 of the adopted Leeds Unitary Development Plan (Review) 2006, and potentially harmful to the health and safety of future**

residents and to nature conservation interests.

- 8. Whilst the residential proposal is submitted in outline, 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. The proposal is therefore considered to be contrary to: Policies GP5 and N12 of the Leeds Unitary Development Plan (Review) 2006; the advice in PPS1 (Delivering sustainable development), PPS 3 (Housing), and PPS9 ( Biodiversity and Geological Conservation); and to advice contained in the Council’s adopted guide for residential design in Leeds “Neighbourhoods for Living” and adopted Street Design Guide. On the basis of the submitted information the development would be harmful to residential and visual amenity, highway safety and nature conservation interests.**

## **1.0 INTRODUCTION:**

- 1.1 The application is reported to Panel at the request of Councillor Lowe, who wishes Panel to have the opportunity to consider the reasons for refusal and the applicants justification as to why the proposal should be permitted despite failure to comply with Government advice and UDPR Policies.

## **2.0 PROPOSAL:**

- 2.1 The proposed development is in two parts. The first element is a detailed application 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 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.

### 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 the 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 upper 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.)

ii) Residential proposal

- 2.8 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 with housing. The site slopes steeply to the south with a fall of about 6.5 metres from the northern boundary to Tong Road.
- 2.9 Although in outline an indicative layout has been submitted 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.

**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 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, 15.1.79.

H24/440/91: 2 detached pigeon lofts and shed to allotment gardens. Permitted 23.12.91

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 The original application (09/05317/FU) 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 refused unless issues relating to the provision of affordable housing, greenspace, travel cards and 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 the agent has been provided with copies of all consultation responses but has not made any substantive changes to the application as a result. A further letter submitted by the Agent as this report was being written has been sent to consultees for their comments.

#### **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 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.

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 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 if the outline residential application is permitted)*.

Objector 2 has the following comments:

- 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 exiting 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.

## 7.0 CONSULTATIONS RESPONSES:

### 7.1 Statutory Consultations:

**Highways:** Object on the basis that it is considered that the parking provided for the Community Hall is likely to be inadequate. Although the supporting information takes account of the existing uses it does not cater for the increase in use that would result from a larger Community Centre or the fact that Church use could clash with the use of the Community facilities. Additional parking on part of the site opposite the proposed Community Centre would mitigate highway concerns.

Car parking on the residential site should be provided in accordance with the latest guidelines which indicate that 2 parking spaces are required per dwelling for dwellings with 3 or more bedrooms. The spaces should be in curtilage and not in parking courts.

**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:** 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, 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.

**Contaminated land:** Whilst a brief scope of works has been provided additional information is required. If this is provided would be able to recommend conditions.

### **Design/Landscape/Conservation Comments**

i) The housing

Indicative proposal is unacceptable and cannot be supported in its current form. The agent has been provided with a list of issues that need to be addressed.

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.

**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 housing proposal **object** to the proposal 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 facility or that consultation has pointed to such a demand.
- 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.

**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).

## 8.0 PLANNING POLICIES:

### 8.1 Regional Spatial Strategy

YH1 Location of development.

YH8 Provision of green infrastructure.

LCR1 Leeds city region policy encouraging growth in the regeneration priority areas.

LCR2 Leeds city region policy.

H1 Provision and distribution of housing.

H2 Managing and stepping up the supply and delivery of housing.

H5 Housing mix.

### 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.

Strategy 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 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)  
SPG4 – Greenspace relating to new housing development  
SPG13 - Neighbourhoods For Living.

## **8.4 Government Policy:**

PPS1 – Delivering sustainable development. States in para 34 that development which fails to take opportunities for improving character and quality of an area should not be accepted. Para 18 suggests that planning should improve the local environment.

PPS3 – Housing. Para 13 states that good design should contribute positively to making places better for people. Para 16 encourages design that relates well to surroundings, and provides good play areas. Para 41 encourages the re-use of previously developed land.

PPS5: Planning for the Historic Environment

PPG17: Planning for Open Space and Recreation - Paragraph 10 highlights that existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements.

## **9.0 MAIN ISSUES**

### **9.1 Community Centre**

- 1 Principle of development
- 2 Design and effect on character of conservation area and listed building
- 3 Highway Issues

### **9.2 Proposed residential development**

- 1 Principle of residential development
  - a) Development of a partially greenfield housing site
  - b) Development of allocated allotments
  - c) Affordable Housing
  - d) Provision of additional greenspace related to the development
- 2 Other issues

## **10.0 APPRAISAL**

### **Community Centre**

#### **10.1 Principle of development**

The proposed community centre is located on previously developed land which is currently used for 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.

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

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 have been consulted.

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.

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.

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.

## 10.3 Highway Issues

There is no objection in principle to the use of this site for a community centre. However, the Highway Authority is concerned that the proposed parking provision (19 spaces) is inadequate for the development proposed and will result in unacceptable on street parking.

Whilst the applicants have submitted information to try to justify the level of provision this is based on current levels of use of the existing buildings on the opposite side of Wesley Road that are to be demolished. The present proposal not only involves an increase in floor area but it is also suggested that additional uses will take place in the new premises.

The Highway Authority have therefore commented that although the supporting information takes account of the existing uses it does not cater for the increase in use that would result from a larger Community Centre or the fact that Church use could clash with the use of the Community facilities. Additional parking on part of the site opposite the proposed Community Centre would mitigate highway concerns.

This is not an option for the applicant given that the whole of the site on the opposite side of the road is shown to be redeveloped for housing, and the highway objection remains unresolved. In the absence of the necessary parking the proposal is likely to result in additional on street parking.

In addition Transport Strategy have commented on the submitted Travel Plan and require amendments to the Plan as submitted (which have not been forthcoming) 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 has indicated that the Community Centre is to be provided as a benefit to the community and therefore considers no travel plan monitoring fee is necessary.

It is considered that failure to provide adequate parking, an acceptable Travel Plan and to sign a 106 Agreement to secure the monitoring fee is contrary to Policies T2C, T24 and the Travel Plan SPD.

## **Proposed residential development**

### **1 Principle of development**

#### **10.4 Development of a partially greenfield housing site**

The northern and eastern part of the site is the site of 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.

The southern and western part of the site is 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. As such its development is contrary to Policy H4 in that only brownfield sites will normally be acceptable under this policy.

PPS3 sets the re-use of previously developed land as a key objective and therefore the priority for development. This sequential approach is also adopted in the Leeds UDP which states that previously developed land, where available, should always be developed in preference to greenfield sites such as the former allotments.

In addition the development of the greenfield part of the site is would also result in the development of an area allocated for allotments in the UDP. Development of such land must be considered to be sequentially less preferable even than other greenfield land in the urban area, and in sequential terms must come after the development of greenfield sites allocated under phase 2 and 3 of Policy H3. The Council so far has resisted the release of Greenfield Phase 2 and 3 sites to meet the UDP housing requirement and maintain a five year supply but Members will be aware that a number of appeals have been allowed for phase 2 and 3 sites by Planning Inspectors.

The development of the greenfield part of the site is therefore unacceptable in principle being contrary to Policy H4 and the sequential approach to development.

#### **10.5 Development of allocated allotments**

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. However the site is located in an area where there is likely to be a shortage of greenspace and a demand for allotments.

In the absence of a completed city wide greenspace assessment by Leeds City Council, the applicant has provided a basic green space assessment specific to their site. The applicant accepts that this is required in accordance with guidance in PPG17, Planning for Open Space and Recreation. This assessment however, contains little in the way of an actual assessment of existing green space provision, particularly with respect to demonstrating that need is sufficiently met. There is no attempt at completing a needs assessment looking at the population catchment of the site or clearly defining whether there is sufficient or deficient supply of green space within an appropriate catchment area. The assessment fails to establish that the site is surplus either as an allotment or any other function that open space can perform. Furthermore, Council waiting list information suggests that the nearest allotment sites to Wesley Road have significant waiting lists suggesting that if the allotment site was made available there would be demand.

It is therefore considered that the applicant's assessment has failed to demonstrate that there is no requirement for either for allotments or for the retention of the site as green space.

## 10.6 Affordable Housing

The application for residential development, being more than 15 units, would normally require the provision of affordable housing under policy H11 of the UDPR. 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, the number of affordable housing required is 5. All five houses will need to be available as submarket/intermediate rent. Members will be aware that Executive Board in February approved an interim policy for consultation regarding affordable housing which taking account of market conditions could reduce the requirement for affordable housing in the main urban area. Following a 4 week consultation this policy approach will be considered further by Executive Board.

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. However, no viability assessment has been submitted. The need to develop the site solely for market housing in order to secure the finance for the community facility has therefore not been justified.

The benefits of the community centre are described in general terms, but there is no detailed evidence of consultation to establish the demand for the building or the specific needs for a building of the size and with the facilities proposed; and no detailed evidence relating to costs of construction and other sources of finance.

On this basis it is impossible to assess whether the general specification of the building relates to the local need, and even if this is the case, whether to finance that specification would preclude the provision of affordable housing on the site. In addition, notwithstanding the claim that the development will provide extensive community benefit to the residents of Armley, there is no suggestion as to how access for all residents can be

guaranteed – for example by way of a legal agreement to secure community use of the premises.

In view of the above it is considered that failure to provide affordable housing is contrary to Council policy and that insufficient justification has been submitted by the applicant to justify overriding that policy.

#### 10.7 Provision of greenspace in accordance with Policies N4 and N2 of the UDPR.

In addition to the consideration of policies relating to the loss of existing allotments and green space, the proposed residential development exceeds the threshold of 10 units defined in the UDPR Supplementary Guidance document, SPG4, relating to the provision of greenspace.

The illustrative layout which does not provide for the required on site amenity space defined under policy N2.1, and the application includes no calculation of the N2.2 (Local Recreational Areas) and N2.3 (Neighbourhood District Parks) requirement.

The applicant has stated that there is no need for a contribution towards green space because there is significant green space in the area and the Church was involved in the works undertaken at the green space close by at Strawberry Fields but there is no attempt to justify this in quantitative terms.

Based on the SPG and UDPR the contribution expected for 33 units would be as follows:

N2.1 - £23,674.51

N2.2 - £11,837.25

N2.3 - £11,837.25

Childs play - £19,616.64

Maintenance (N2.1 only) – 17,961.71

Professional fees - £7,717.89

Total commuted sum - **£92,645.26**

The proposal is therefore contrary to the policies of the UDPR and the Supplementary Planning Guidance.

## 2 Other Issues

- 10.8 The issues set out above relate to the principal of the development. There are a number of other issues raised by consultees that have not been addressed. The applicant has been informed of these concerns and if the Panel are minded to grant planning permission it would be recommended that these issues would need to be resolved before planning permission is granted. Given the recommendation that the proposal is unacceptable in principle detailed negotiations have not taken place on these matters, but the agent has been informed of the issues and has responded to a number of them. The main concerns are:

- Contaminated land – additional information required in relation to the scope of works.
- Design/Landscape/Conservation – the housing layout is considered unacceptable for a number of reasons, including the limited amenity space the impact of parking courts and the size of rear gardens. Although this part of the application is in outline, the number of houses is specified in the application, and to date the applicant has not demonstrated that an appropriate layout can be achieved with accommodating this number of units.
- Insufficient information submitted in relation to bats. Impact statement and mitigation method statement required prior to permission being granted.

It is considered that failure to comply with these issues represent a further reason to refuse permission for the housing development.

## **11.0 CONCLUSION**

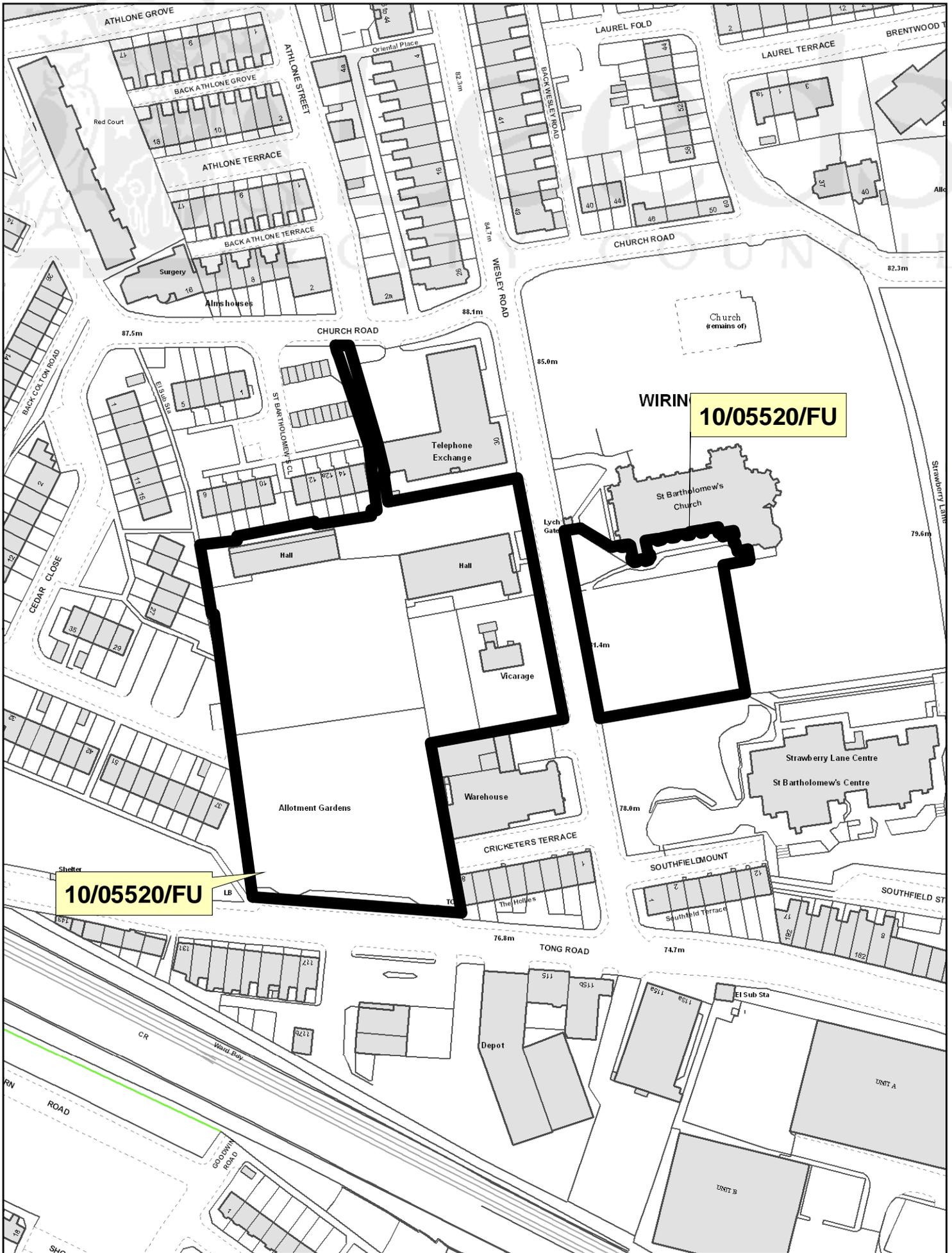
- 11.1 It is considered that the application is unacceptable in principle. The key issue is that applicant has sought to argue that the provision of a community centre carries considerable weight as a material consideration and justifies setting aside the need to comply with Development Plan policies. It is officers view that the evidence submitted with the application is inadequate to justify such a conclusion and that the development fails to comply with established UDP Policies relating to the development of greenfield sites and greenspace and will not secure the necessary provision of affordable housing, on and off site greenspace and travel plan monitoring fee. Therefore it is considered that little weight should be given to the provision of a community centre as a material consideration, in the face of other areas of concern.
- 11.2 In addition, it is considered that inadequate parking is proposed for the community centre and insufficient information has been submitted to demonstrate that residential part of the site can be satisfactorily developed with 33 units and in relation to the mitigation of potential contamination and the protection of bats.

### **Background Papers:**

Application file: 10/05520/FU

History file: 09/05317/FU

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



# WEST PLANS PANEL