

West Leeds Gateway Supplementary Planning Guidance Regulation 18 Statement

Introduction

This statement sets out the main issues raised by formal representations received on the consultation of the draft West Leeds Gateway Supplementary Planning Document (WLGSPD). It was approved by the Council's Executive Board on 13th October 2010 and it will now be used to inform a future Site Allocations Development Plan for this part of Leeds, as well as complement the existing adopted UDP Review (2006). The SPD will 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.

The Plan has been through a rigorous process of preparation and consultation with the local community, key consultation bodies and private sector stakeholders, and it has been modified at successive stages to reflect the views that have been expressed. It is considered that the SPD provides a coherent and effective plan for the area and the Council will continue to work with the community and other partners to ensure that lasting improvements to the area are delivered.

Summary of the stages of plan preparation

The key stages followed in producing the Plan are set out below, with the main consultation periods highlighted below and described in further detail in the subsequent text.

- Early Issues for Consultation stage – Summer 2005
- **Issues and Alternative Options – October to November 2006**
- **Preferred Options stage – February to April 2008**
- Informal Consultation on the final Plan – June 2009
- Decision made to progress West Leeds Gateway as an Supplementary Planning Document rather than continue with Area Action Plan – March 2010
- **Publication of Draft Supplementary Planning Document – 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

The West Leeds Gateway plan, as shown above, has been in preparation since 2005 and as a draft DPD (prior to its change to SPD) was subject to several stages

of public consultation. The Plan was revised in the light of comments received during consultation on the Issues and Options (2006) and the Preferred Options (2008). A summary of the consultation process, representations received and how the document was changed in response is provided as a separate document (Regulation 17 Statement).

Regulation 18

This statement has been prepared in accordance with Reg 18(4)(b) of the Town and Country Planning (Local Development)(England) Regulations 2004 which state that a local planning authority shall not adopt an SPD until:

- (a) they have considered any representations made...; and
- (b) have prepared a statement setting out-
 - (i) a summary of the main issues raised in these representations, and
 - (ii) how these main issues have been addressed in the SPD which they intend to adopt

The consultation on the draft SPD 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:

Publicity

In order to publicise the plan:

- 1000 copies of the Draft Supplementary Planning Document including a fold out WLG SPD Map were made available at various locations through the consultation period.
- 1000 comments forms were made available.
- 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.
- 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.
- 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 was present.

Exhibitions

Exhibitions providing information boards and copies of the Draft WLGSPD were put in place at various venues throughout the Plan area during the consultation period with planning officers being in attendance at specified times to provide advice. The venues used are listed below:

- Armley Library (staffed on a variety of days throughout the consultation period)
- New Wortley Community Centre (staffed three times during week commencing 22nd June)
- Co-op supermarket (staffed twice during week commencing 15th June)
- Netto shopping centre (staffed twice during week commencing 29th June)
- Armley Leisure Centre

Press

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.

Briefings and Presentations

- Presentation to Armley Forum on 17th June.
- Presentation to New Wortley Community Forum and Tenants Association on 9th June (just prior to the Plan's formal deposit).
- A presentation to the West Leeds Gateway Partnership Board on 23rd June.
- Making copies available to the Executive Member for Development, Ward members, all members of the Development Plan Panel and Plans Panel West and the local MP's, Rachel Reeves and Hilary Benn.

Website and Electronic Comments Form

The consultation documents were also available to view and download on the Leeds City Council website (www.leeds.gov.uk) along with an online electronic comments form.

Mail Consultees

- Letters were sent out to all consultees that had previously registered an interest in the WLG SPD (or Development Plan Document as it had previously been progressed)
- Statutory consultees, Ward and Development Plan Panel Members were sent copies of the Draft WLG SPD for comment.
- Copies of the Plan were sent to selected City Council departments and external agencies to ensure that the SPD met broader regeneration objectives in West Leeds. This included the Council's Area Management Team, Environment & Neighbourhoods, Renaissance Unit, 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.

A total of 28 representations were received during the consultation carried out in June/July, which are summarised in this report (a full schedule of consultee representations and Council responses is available on request). 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 needed to be updated to reflect the withdrawal of the Regional Spatial Strategy on 6th July 2010, following analysis of the representations received it was considered that only a small number these necessitated relatively minor changes to the Plan.

Of all the representations received, 11 were either 'neutral' comments or expressions of support. This leaves 17 representations from people and organisations who were 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 in full and the Council's recommended response is available upon request.

Key Issues arising from the Representations received

Greenspace Matters

General Issues

The 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. The 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.

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 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. The Diocese could, as part of any justification, set out any regeneration/community benefits which could be brought about through the development of the allotment site and the creation of a new community centre. Also, as part of any community benefits that may be associated with a planning application, the Diocese should address whether the allotments could be relocated or if a commuted sum could be made available to improve the quality of nearby allotments.

Economics of Development

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 agreed within a s.106 Agreement and aim to make 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 accept 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 can apply across the district. It would therefore be inappropriate and unnecessary to include something specifically in the SPD.

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.*

Amendments undertaken to the SPD arising from the representations

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.

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.....”

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

Paragraph 3.5.13 - Amberley Lane (Mr. T Greenwood)

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

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.

Policy WL32 – Armley Gyratory

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 gyratory system with a more efficient highway layout that also reduces the barriers to pedestrian accessibility between West Leeds and the City Centre.”

Conclusions

The representations submitted during the consultation on the SPD have been reviewed by the Council and where appropriate, the document has been revised in response to these representations to form the adopted West Leeds Gateway SPD.