



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12.08.2010

Subject: APPLICATION 10/01604/OT: Outline Application for the erection of 6 houses to vacant site at Former Britannia Bowling Club Green, Intake Road, Pudsey

APPLICANT
Mr M Ashworth
(Spawforths)

DATE VALID
08.04.2010

TARGET DATE
03.06.2010

Electoral Wards Affected: Pudsey <input type="checkbox"/> Y Ward Members consulted (referred to in report)	Specific Implications For: Equality and Diversity <input type="checkbox"/> Community Cohesion <input type="checkbox"/> Narrowing the Gap <input type="checkbox"/>
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RECOMMENDATION:

TO DEFER AND DELEGATE APPROVAL TO THE CHIEF PLANNING OFFICER subject to the conditions specified (and any others which he might consider appropriate) and the completion of a S106 legal agreement, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. Commuted sum of £21,312 for improvements to Pudsey Park Bowling Green**
- 2. Reinvestment of receipt from the sale of the site (less fees and above commuted sum) into improvement of facilities at Pudsey Congs Cricket Club ground.**

Suggested conditions:

- 1. Time limit on submission of reserved matters**
- 2. Samples of walling and roofing materials to be submitted**
- 3. Samples of surfacing materials to be submitted**
- 4. Position, design and materials of boundary treatments to be submitted**
- 5. Areas to be used by vehicles to be laid out and drained**
- 6. Hard and soft landscaping details to be submitted**
- 7. Replacement planting of trees within 5 years if required**
- 8. Details of bin and cycle storage to be submitted**
- 9. Feasibility study into use of infiltration drainage**
- 10. Contaminated Land conditions**
- 11. Reason for approval**

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD5, N6, N7, N12, N13, T2, T24

PPS1, PPG17

SPG 'Neighbourhoods for Living'

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION

- 1.1. This outline application for 6 houses to a former bowling green involves the redevelopment of part of a protected playing pitch, to be mitigated with a commuted sum for the upgrade of existing bowling facilities in nearby Pudsey Park and a commitment to re-invest the receipts from the sale of the site into improving facilities at the cricket club and securing its future. As such it is brought to West Plans Panel on the basis of it being a departure from the Development Plan.
- 1.2. On balance however it is considered that the considerable planning gain from allowing this development, which is considered acceptable on Highways and other grounds, outweighs the limited harm from the loss of the bowling green and that for this reason the proposal should be recommended for approval subject to legal agreement to secure the associated financial contributions.

2.0 PROPOSAL

- 2.1 This outline application is for the erection of six houses with associated garaging and surfacing to the triangular plot of land formed by the existing bowling green. The application is for access and layout with all other matters reserved.
- 2.2 The indicative plan shows the six houses arranged across the front of the site, with the area behind used for gardens and a parking court accessed from the front and containing five garages and six spaces (including one visitor space). The central access drive will be flanked by two detached houses and accessed via a ramp and new access point through the existing stone wall. Each of these houses will have a pair of semi-detached houses adjacent. The westernmost property will have its own, smaller access and attached garage with forecourt parking area. The other houses will have only pedestrian access from Intake Road, with all parking to the rear.
- 2.3 Each property will have an enclosed rear garden with gated access to the parking court. Design and external appearance are not under consideration, but will be assessed at reserved matters stage.
- 2.4 A draft Section 106 agreement and Memorandum of Understanding have been supplied. The former covers the payment of a commuted sum of £21,312 (as agreed at pre-application stage in discussions with representatives of Sport England and LCC Leisure Services) to be put toward improvements to the existing bowling green facilities at Pudsey Park, and the reinvestment of the capital receipts from the sale of the Britannia green into facilities improvements at the cricket club. Under a list of priorities to be set out in the memorandum of Understanding, this sum will cover new security fencing to prevent ongoing issues with youth nuisance and anti-social behaviour including damage to the facilities, a third artificial surfaced practice net, land drainage to permit prolonged use of the pitch during rainy spells, an additional dressing room to meet child safeguarding obligations, and electrical work to the clubhouse.
- 2.5 The provisions of the Community Infrastructure Levy (CIL) are now in force and it is considered that the requirements of the Section 106 agreements pass the 3 tests of the CIL in that the requirements are:
- (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the former Britannia Bowling Club green and pavilion on Intake Road, which forms part of the larger Pudsey Congs Cricket Club site. These facilities have been disused since the disbanding of the bowling club some years ago and have since been neglected / vandalised to a

point that significant repairs would be required before they could again be playable.

- 3.2 The green is elevated above Intake Road by approximately 1.0m and is bounded to this side by a dry stone retaining wall, to the west by the blank rear of the existing brick changing rooms and score box block, to the east by the rear gardens of semi-detached local authority housing on Harley Gardens and to the north by the main cricket ground.
- 3.3 The cricket ground is physically segregated from the bowling green by the remains of a concrete post and panel fence, flower borders and a slight change in levels. There is vehicular access from this side and pedestrian access from each end of the Intake Road frontage.
- 3.4 The housing in the area is a mixture of Victorian two and three-storey stone cottages to Intake Road, redbrick post-war local authority housing to the east, and 1950s dormer bungalows to the west. The predominant local building material is natural stone although the cricket pavilion and other ancillary buildings are redbrick. There is a stone public house (The Britannia) to the north-western corner of the site, adjacent to the main access, pavilion and car park.
- 3.5 The bowling green itself is mainly occupied by the playing pitch, with the sectional concrete pavilion and store to the northern side backing onto the cricket ground. This has suffered an arson attack and is in poor condition. To the rear of this are three mature sycamore trees and two practice nets.
- 3.6 The agents' planning statement (supported by correspondence with West Yorkshire Police) highlights ongoing problems with anti-social behaviour associated with this land including misuse of vehicles, alcohol and drugs, abuse and intimidation of club members and vandalism / arson attacks to the remaining structures.

4.0 RELEVANT PLANNING HISTORY:

H25/419/79/ - Laying out of access road, erection of replacement cricket pavilion, comprising lounge, refreshment area, bar, bar store... (approved 3rd September 1979)

H24/145/82/ - Detached store with scoreboard over to cricket club (approved 12th July 1982)

H25/96/85/ - Detached precast concrete pavilion to bowling club (approved 29th April 1985)

H25/383/87 – Alterations including new toilet and roof to toilet block (approved 7th March 1988)

H25/13/89/ - Alterations including new doorway and enlargement of balcony with new staircase to clubhouse (approved 13th February 1989)

25/79/96/FU – Single storey front extension to clubhouse and extension to form changing rooms to score board to cricket ground (approved 20th May 1996)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Informal pre-application discussions took place during January 2010 between the agent and representatives of Planning Services, Local Plans, Sport England and Parks and Countryside. These initially focused on reinvesting the receipt from the site into ensuring the cricket club's survival in order to offset the loss of the protected playing pitch.
- 5.2 Local Plans advised that whilst only one of the exceptions to policy N6 need be satisfied, the information supplied at pre-application stage was not sufficient to address either. In terms of criterion i), more details of how the receipt would be used were required in order to demonstrate a net gain to pitch quality and provision. Furthermore insufficient evidence was supplied in order to demonstrate a surplus of provision in the area for which a full sequential test would be required – it was pointed out that early indications from the Council's PPG17 assessment of outdoor green space suggested an overall shortfall and thus potential difficulties in demonstrating otherwise.
- 5.3 Sport England were also involved and advised that a commuted sum would be required to fund improvements to alternate bowling green provision in Pudsey Park, an approach supported by Parks and Countryside. On this basis the outline application was submitted for consideration.
- 5.4 Following receipt of the application, protracted e-mail negotiations took place between the five main parties listed above, mainly related to the form and extent of the Section 106 agreement and memorandum of Understanding. Of particular concern was the method of securing the re-investment of the proceeds from the sale of the site along with the specific works to be carried out both to the cricket and bowling clubs, and how these could be secured. As discussed in the Appraisal these negotiation remain ongoing at the time of writing. However the applicant has committed in principle to providing the commuted sum subject to agreeing the wording of the necessary legal documents and with this approach having been agreed in principle by all relevant interested parties is considered sufficient to allow the determination of the application subject to the final draft of the agreement being acceptable to all.
- 5.5 In addition, the Highways officer requested some minor changes to the parking layout, although stated that as it stood it posed no risk to highway safety.

6.0 PUBLIC/LOCAL RESPONSE:

Neighbour Notification letters sent 19th April 2010; three letter of objection received from local residents.

7.0 CONSULTATIONS AND RESPONSES:

Statutory Consultations:

Sport England – no objections subject to legal agreement for off-site facility improvements

HSE – no objections subject to consultation with operator of nearby high-pressure gas pipeline

Northern Gas Networks – no objections

Non Statutory Consultations:

SDU Landscape – no comments

WY Police Crime & Design – no objections (general guidance supplied)

Minerals Contaminated Land – no objections subject to standard conditions

Local Plans – no objections subject to commuted sum and legal agreement

Highways – no objections to revised layout subject to standard conditions

Mains Drainage – no objections subject to conditions to cover infiltration drainage feasibility study and details of drainage scheme.

8.0 PLANNING POLICIES:

National Policy –

Planning Policy Statement 3 - Housing

Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation

Unitary Development Plan –

Policy N6: development of playing pitches will not be permitted unless it would result in a net gain in pitch provision and quality;

Policy N7A/B: provision of new playing pitches in areas of recognised shortfall will be supported and actively pursued through planning obligations;

Policy GP5: refers to development proposals should seek to avoid loss of amenity or highway safety.

Policy BD5: new buildings design consideration given to own amenity and surroundings

Policy N12: fundamental priorities for urban design;

Policy N13: design of all new buildings should be of high quality and have regard to character and appearance of surroundings;

Policy T2: refers to development capable of being served by highway network

Policy T24: schedule of parking guidelines.

Supplementary Planning Guidance –

Sport England Planning policy Statement: ‘A Sporting Future for the Playing Fields of England – Policy on Planning Applications for Development on Playing Fields’

LCC SPG: ‘Neighbourhoods for Living – A Guide for Residential Design in Leeds’

9.0 MAIN ISSUES

Principle of development / N6 issues

Design and appearance / Impact on amenity

Highways Considerations

Other Material Issues

Objections

10.0 APPRAISAL

Principle of development

- 10.1 The application relates to the redevelopment of a disused bowling green located off Intake Road in Pudsey, which forms part (approximately 10%, or 0.2 ha.) of the larger Pudsey Congs Cricket Club. Currently the site is attractive to nuisance youths and as it is no longer maintained to a playable standard is increasingly considered a liability. However since the pitch is designated in the UDP as an N6 playing pitch, there are a number of considerations to be overcome before development can be accepted.
- 10.2 Policy N6 covers development of identified playing pitches against which there is a presumption of development unless the criteria in one of the two exceptions can be met. Exception i) permits development under N6 where a net gain to overall quality and provision of pitches can be demonstrated to result from the development, whilst exception ii) allows development in cases where there is no identified shortfall of facilities within the locality.
- 10.3 The Outdoor Recreation Officer has accepted the applicant’s assertion that with four alternative bowling greens within 1.5km of this location there is no specific shortfall in the provision of bowling facilities in the locality. Given the various factors behind the disbanding of the Britannia bowling club in 2007 (insufficient membership, resulting from an ageing demographic and competition for members from surrounding clubs, to field the 2 teams required by the league, administer the club’s affairs and maintain the facilities) the Outdoor Recreation Officer agreed that rather than provide a direct

replacement bowling green which would itself be susceptible to failure for the same reasons, the future of bowling in Pudsey could be more effectively served through improving the attractiveness of existing Council facilities in Pudsey Park. Circular 05/05 provides for financial contributions to be secured through legal agreement under Section 106 of the Town and Country Planning Act with the purpose of making development acceptable which would otherwise be considered unacceptable in planning terms. To this end the developer has agreed to enter into a legal agreement to pay £21,312 (1776m² @ £12/sq m) toward this investment.

Coupled with a similar legal obligation to channel the receipts from the sale of the green into improvements to cricket facilities as listed above, it is accepted that the level of improvements to sporting facilities in Pudsey that would result from the development of this disused site would represent a considerable, demonstrable net gain to provision and that as such Exception i) of Policy N6 is met.

- 10.4 The Policy officer was broadly supportive of the commuted sum approach agreed between Sport England, Parks and Countryside and the applicant but raised concerns that by accepting a contribution for the purposes of reinvestment (as opposed to the laying out of an additional area of playing pitch), in isolation could set a precedent of putting a cost (in this case £12/m²) on the development of a protected playing pitch resulting in a wider net loss of N6 land. Following further negotiations this concern was addressed through the agreement to commit via legal agreement to re-invest the sum received from the sale of the land into improved cricket facilities.
- 10.5 Sport England are a statutory consultee in applications involving the development of playing pitches and their policy statement 'A Sporting Future for the Playing Fields of England' mirrors policy N6 in its presumption against the loss of protected playing pitches to development unless certain circumstances can be met. In the context of this application the relevant circumstances come under Exception 1 (that there is a demonstrated surplus of playing pitch provision in the locality) and Exception 4 (that the facilities lost to development would be replaced by equivalent or superior quality and quantity in a suitable location).
- 10.6 Sport England have not accepted the argument that the bowling green is surplus to requirements since there is the possibility that it could accommodate cricket facilities in the future in connection with the main site. For this reason Exception 1 is not met. However, as detailed above the extent of the proposed improvements will boost the attractiveness of alternative bowling facilities and secure the continued future of a cricket club (that serves a considerable number of adult and youth players in the local community). Therefore, the loss of the green is considered to be sufficiently mitigated and Exception 4 fulfilled.
- 10.7 Given the assessment of the Outdoor Recreation Officer that there is no demand for an additional green in Pudsey and the wider improvements that could be secured to cricket and bowling provision as a result of this

development Sport England have accepted the approach detailed in lieu of the 'like-for-like' replacement of the green, subject to the reinvestment and commuted sum being secured by a section 106 agreement which the Club as applicant have agreed to enter into.

- 10.8 The agreed method of delivering the reinvestment of the capital receipt into cricket facilities and the commuted sum for the Pudsey park bowling green is via a legal agreement between the relevant parties. A Memorandum of Understanding (MoU) will impose a moral obligation on the parties to then ensure that the necessary improvements to the respective facilities are prioritised and the funds allocated accordingly. At the time of writing the principle of both S106 and MoU had been agreed in principle although certain details remain under negotiation.
- 10.9 Due to the level of development (6 houses) the proposal falls below the thresholds for the provision of affordable housing, public transport or education contributions.

Design and appearance / amenity considerations

- 10.10 The application is currently at outline stage with only principle, access and layout under consideration. This is because the intention is not for the club to itself develop the site but to release it to a third-party developer and re-invest the resultant capital sum. The proposed layout takes the form of a row of houses across the site frontage, split into two pairs of semi-detached and two detached houses flanking a shared access. The area is mixed in terms of the type of residential development surrounding the site and the proposed form and type of the houses is appropriate to this. Whilst scale and form are not under consideration at this stage, an indicative streetscene drawing was included within the supporting statement which shows the eaves and ridge heights of the dwellings at a similar level to those of adjacent properties to Harley Gardens. This, however can be controlled by any subsequent application for approval of reserved matters.
- 10.11 Similarly it is not anticipated that any harm to residential amenity would arise from the siting and layout of the houses. Plot No. 6 is located relatively close to No. 1 Intake Road and projects behind it but it is considered that due to the offset relationship between the buildings that any overdominance would be minimal and overlooking entirely absent; similarly the rear windows of plots 5 and 6 overlook the far ends of the gardens of Nos 7-11 Harley Gardens but only at a considerable distance, whilst the main amenity areas to the rears of the houses are not directly overlooked. If necessary consideration could be given at reserved matters stage to ensuring that windows to the rears of the properties either serve secondary rooms or (at ground floor level) are well-screened by boundary treatment.
- 10.12 In terms of the amenity of future residents of the development itself, the properties are arranged in a row so as not to overlook one another, and the

garden sizes are generous and well in excess of the Neighbourhoods for Living guidance of 2/3 gross floor area for this type of housing.

Highways Considerations

- 10.13 The Highways officer initially expressed a number of concerns over the width of the access, levels of visitor parking and garage dimensions. The layout has been revised to comply with the Manual for Streets in terms of the width of the access road and the number of houses accessed via the private drive (Plot 1 has its own independent access and parking area, facilitated by the more favourable levels to this part of the site, in order to ensure that no more than 5 houses are served from the driveway). Parking levels are sufficient to prevent the generation of on-street parking, a particular concern raised by local residents with reference to match days, and both parking spaces and garages are shown to be of adequate dimensions.
- 10.14 Whilst the parking court arrangement is not ideal in community safety terms, it is considered the most efficient use of this site given the desire to retain as much of the stone retaining wall to the frontage as possible and the difficulties presented in providing individual driveways by the change in levels between the site frontage and Intake Road. The layout is considered broadly acceptable and as the finer details of the parking arrangements can be addressed at reserved matters stage the proposal is considered acceptable in Highways terms.

Other Material Issues

- 10.15 The West Yorkshire Police officer has supplied general information regarding fenestration specifications, fencing and the provision of defensible space, all of which are either incorporated in the design or can be addressed at a future date under the reserved matters / Building Regulations applications. The local Police support the redevelopment of the land which at present serves as a congregation point for youths causing nuisance to local residents and the club alike. The Contaminated Land Officer has recommended that standard conditions are applied to the decision. The Mains Drainage Officer has requested that a feasibility study into the use of infiltration drainage (soakaways) be conditioned, whilst the Health and Safety Executive has decided against advising refusal on the grounds of the site's proximity to a high-pressure gas supply pipeline.

Representations

- 10.16 Three letters of objection have been received. The main points are summarised below and where material to the decision process have been discussed in greater detail within the Appraisal:
- a) Inadequate parking provision resulting in excessive on-street parking pressure on surrounding residential streets.
 - b) Overdominance and overshadowing of adjacent properties.

- c) Overlooking of properties on Intake Road and disruption from headlights due to angle of access.
- d) Loss of green space / sports facility used for over 200 years as a bowling green.
- e) Damage to or loss of adjacent established trees.
- f) Parking / disruption from vehicle movements / increase in traffic especially on match days.
- g) Loss of open aspect over bowling green and cricket ground.

10.17 There is no right to a view over third-party land and so this concern is not a material planning consideration. Similarly it is considered that the development can be carried out without inflicting damage to generally low shrubbery and planting to adjacent gardens. Parking provision for the new dwellings is adequate and conforms with the latest guidance; the Highways Officer has also confirmed that it is usable in terms of dimensions and turning provision and so it is expected that any increase in on-street parking on surrounding streets will be minimal. Finally, it is considered that the orientation / positioning of the new dwellings will avoid any overdominance or substantive overlooking of houses on Harley Gardens and the distance between the new houses and existing properties on Intake Road should ensure that these too are unaffected.

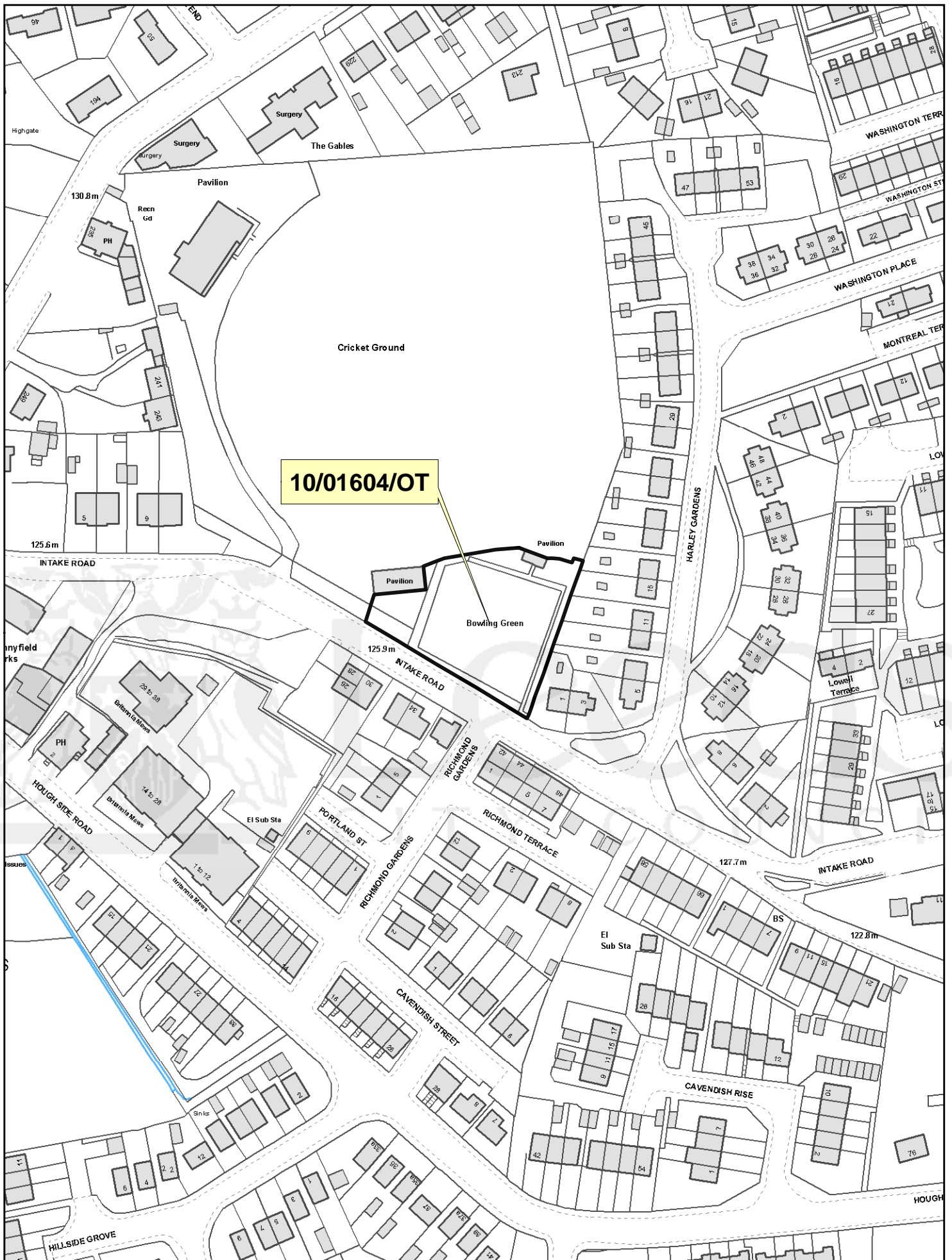
10.18 In addition, Councillor Coulson initially expressed concerns that the funds to be spent on improvements to Pudsey Park bowling green would be more effectively reinvested into the cricket club. However it was explained that under the agreed proposal, bowling and cricket provision in Pudsey would both benefit (although the majority of the money would be re-invested into Pudsey Congs) and that this approach represented the best compromise in terms of satisfying the concerns of the Policy Officer, Sport England and Leisure Services.

11.0 CONCLUSION

11.1 For the reasons outlined in the above report and taking into account all other material considerations it is recommended that planning permission should be approved subject to the aforementioned conditions.

Background Papers:

Application file 10/01604/OT



WEST PLANS PANEL

