



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 30th October, 2014
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen
S Hamilton
E Nash
N Walshaw
M Ingham
J Lewis
J McKenna
(Chair)
C Gruen

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>CONFIDENTIAL AND EXEMPT ITEMS</p> <p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p style="padding-left: 40px;">RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel meeting held on 9 th October 2014 (report attached)	5 - 14
7	Harewood		APPLICATION 14/00315/OT - LAND AT LEEDS ROAD COLLINGHAM WETHERBY To consider a report of the Chief Planning Officer on an outline application for residential development of up to 150 dwellings including means of access (report attached)	15 - 46
8	Wetherby	10.4(3)	APPLICATION 13/03051/OT - SPOFFORTH HILL WETHERBY With reference to minute 48 of the City Plans Panel meeting held on 18 th September 2014, where Panel supported in principle an application for residential development of up to 325 dwellings, access and associated works including open space and structural landscaping, including addition of pelican crossing to Spofforth Hill, subject to further consideration of specific matters, to consider a further report of the Chief Planning Officer. An exempt appendix which contains financial information accompanies the main report (report attached)	47 - 108

Item No	Ward	Item Not Open		Page No
9	City and Hunslet		<p>APPLICATION 14/03263/FU - LAND OFF WEST SIDE OF KIDACRE STREET HUNSLET LS10</p> <p>To consider a report of the Chief Planning Officer on a retrospective application for a temporary use as residential site for Gypsies and Travellers with 10 pitches for 12 months</p> <p>(report attached)</p>	109 - 124
10	City and Hunslet		<p>APPLICATION 14/04641/FU - SWEET STREET AND MANOR ROAD HOLBECK LS11 - POSITION STATEMENT</p> <p>Further to minute 198 of the City Plans Panel meeting held on 5th June 2014, where Panel was presented with pre-application proposals for a development at Sweet Street LS11, to consider a report of the Chief Planning Officer setting out the current position in relation to proposals for a mixed-use, multi-level development comprising the erection of 4 new buildings with 744 residential apartments, 713 sqm of flexible commercial floorspace (A1-A5, B1, D1, D2 use classes), car parking, landscaping and public amenity space</p> <p>(report attached)</p>	125 - 148

Item No	Ward	Item Not Open		Page No
11	City and Hunslet		<p>PREAPP/14/00731 - VARIOUS SITES ACROSS THE CITY CENTRE</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for 26, six sheet adverts and to receive a presentation on the proposals on behalf of the applicant</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> <p>(report attached)</p>	149 - 158
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 20th November 2014 at 1.30om in the Civic Hall, Leeds</p>	
2				
a)				
b)				

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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Chief Executive's Department
Governance Services
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To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: site visits
Date 21st October 2014

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 30TH OCTOBER 2014

Prior to the meeting of City Plans Panel on Thursday 30th October 2014, the following site visits will take place:

10.00am		Depart Civic Hall
10.15am	Harewood	Land at Leeds Road Collingham Wetherby – outline application for residential development up to 150 dwellings including means of access – 14/00315/OT Depart at 10.45am
11.00am	City and Hunslet	Land off west side of Kidacre Street Hunslet – retrospective application for temporary use as residential site for Gypsies and Travellers with 10 pitches for 12 months – 14/03263/FU Depart at 11.20am
11.30am	City and Hunslet	Advertisement displays – various sites around the City Centre – pre-application proposals PREAPP/14/00731
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.00am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.55am**.

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

THURSDAY, 9TH OCTOBER, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, D Blackburn,
S Hamilton, G Latty, T Leadley, E Nash,
N Walshaw, M Ingham, J Lewis,
C Campbell and C Gruen

54 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

55 Late Items

There were no formal late items, however the Panel was in receipt of a supplementary report in relation to applications 14/01660/OT – Land east of Otley Road Adel and 14/01874/OT – land off Church Lane Adel, providing an update on highways matters and proposing amendments to some of the reasons for refusal set out in the main reports and proposing a further reason for refusal (minutes 60, 61 and 62 refer)

56 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

57 Apologies for Absence

Apologies for absence were received from Councillor R Procter

58 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 18th September 2014 be approved

59 Matters arising from the minutes

With reference to minute 48 – application 13/03051/OT- Spofforth Hill Wetherby, the Chief Planning Officer stated that a report back on the

outstanding matters in respect of this application would be submitted to the City Plans Panel meeting on 30th October 2014

60 Application 14/01660/OT - Outline application for residential development (up to 80 dwellings) - Land east of Otley Road Road, Adel, Leeds and Application 14/01874/OT - Outline application for residential development (up to 46 dwellings) and public open space at land east of Church Lane Adel

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Although there were two applications for consideration on the same PAS site, the decision was taken to present both applications together, although it was stressed that Panel would need to determine the applications separately

Application 14/01660/OT was presented by Officers and Members were informed of the revisions made to the scheme which originally had proposed 88 dwellings. Whilst English Heritage had objected to the original scheme in respect of its impact on the setting of the adjacent Grade 1 Listed Church, the removal of the dwellings sited closest to the church had satisfied English Heritage sufficiently to withdraw its objection, although adequate screening and landscaping had been requested by the organisation

Application 14/01877/OT was presented by Officers, with Members being informed that a revised plan for this scheme had also been submitted, with access now being from the Centurion Fields development. English Heritage had also withdrawn their objection to this scheme

The reasons for refusal of both applications were outlined to Members, with reference being made to the supplementary report which had been circulated prior to the meeting. Members were also informed that in respect of application 14/01847/OT, the applicant had requested the report be withdrawn to enable highway modelling relating to the NGT proposals to be completed by the NGT team, with the applicant considering it to be unreasonable to refuse the application on potential highway impact when the necessary modelling work, funded by the applicant but carried on behalf of the Council was not completed. Having considered this, Officers proposed an amendment to reason 2 for refusal on both applications and an additional reason relating to highways on both applications with these being set out in the supplementary report before Panel

Following additional representations received from the applicant's highways consultant, further highway improvements were now proposed for both applications. It was noted that these improvements although welcome, had been made at a late stage and Officers had been unable to fully assess these proposals, however it was felt that reason 4 for refusal of both applications could be deleted, subject to amendments to reason 5 for refusal, as set out in the additional report

The Transport Development Services Manager clarified the highways issues in respect of both applications and reiterated the view that despite the recent offer of further highways improvements, concerns remained about the impact of the proposals on the local highway network; that not all the data

necessary had been provided and that the impact of the proposals on surrounding roads and junctions had not been addressed. Regarding the issue raised by the applicant around NGT modelling, this had been addressed by amending the reasons for refusal

The Panel then heard representations from a representative of the applicant who stated he was content to deal with both of the applications at the same time, with the Chair advising that he would have up to 6 minutes to address Members

Issues raised by the applicant's representative included:

- that the area of the site had been reduced and brought within the limit set out in the interim PAS policy
- that an extension of time was sought to enable the highways modelling work to be completed in order that discussions with Highways Officers could continue on the transport assessment

The Panel then heard representations from a local objector who outlined local concerns about the two applications, which included:

- heritage concerns and that some comments on this aspect had not been included in the report before Panel
- traffic access and the impact of NGT and the proposed Park and Ride
- the absence of reference to possible impact on historic trees on the site and that this should be included as a reason for refusal of the applications
- that the applications were premature; that existing infrastructure and facilities were under pressure and that there were issues of sustainability in respect of the proposals
- proposals for housing development elsewhere in the locality
- that the developments would not cater for local housing needs
- issues of housing mix and tenure types

The Panel discussed the applications, with the main areas of discussion relating to:

- the merits of deferring consideration to enable further work on the highways issues to be undertaken, with a lack of support for this course of action
- the transport assessment and the extent to which developments beyond Adel had been considered
- the strength of the Council's position on housing land supply and that 6.4 years' worth of land for housing could be demonstrated
- the housing needs of Leeds and the large number of brownfield sites which could be developed rather than greenfield sites
- the historic value of St John's Church and that despite the comments of English Heritage, the proposals would have an impact on the setting of the church
- the impact of the proposals on the residents at Centurion Fields, with concerns that a rat-run would be created
- the need for infrastructure to be considered at an early stage on major housing developments
- concerns about the lack of school places and the duty Members had as corporate parents

- possible flooding issues
- the changes to the planning system brought about by the NPPF; the emphasis on building and development linked to economic recovery; the need for local residents to appreciate the pressures which existed and that each application considered by the Council would be done so fairly
- the seemingly different approach taken to a housing application on a PAS site in Wetherby, which was recommended for approval. The Chief Planning Officer stated that the PAS site applications which had come forward had been carefully assessed against the Council's policy and so far, the Panel had taken the view that where an application complied with the interim PAS policy it should be allowed

RESOLVED - To note the report, the supplementary report, the presentation by Officers; the representations made by the applicant's representative and a local objector and the comments now made and to move to determine each of the applications

61 Application 14/01660/OT - Outline application for residential development (up to 80 dwellings) and public open space at land east of Otley Road Adel

With reference to the discussions set out in minute 60, the Panel considered how to proceed

For the avoidance of doubt, the Head of Planning Services clarified the reasons for refusal of the application, in view of the amendments made in the supplementary report before Members

RESOLVED - That the application be refused for the following reasons:

1 The Local Planning Authority considers that the release of this site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85, bullet point 4 of the National Planning Policy Framework. As the application site forms part of a larger designation of safeguarded land (total 11.7 ha), is not located in an area where housing land development is demonstrably lacking and does not include or facilitate significant benefits, it also fails to meet the criteria set out in the interim housing delivery policy approved by the Council's Executive Board on 13th March 2013, to justify early release. The suitability of the site (and the wider safeguarded area of which it forms part) for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan

2 The Local Planning Authority considers that the applicant has so far failed to provide the necessary information to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network in relation to impact on the proposed NGT junction designs

3 The Local Planning Authority considers that the applicant has so far failed to provide the necessary information to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. Specific issues relate to the validity of the traffic count data used, the lack of future traffic growth applied to future year scenarios and validity of queue length modelling at the Church Lane/A660 junction. In addition, no assessment has been made of impact at the Long Causeway/Adel Lane or Weetwood Lane/ Ring Road junctions

4 The Local Planning Authority considers that the proposed means of access via a signalised junction onto the A660 will unnecessarily delay movement and increase road traffic accidents on the A660 and is therefore an unsuitable form of access into the site and that as such the proposals would be detrimental to the safe and free flow of traffic and pedestrian and cycle user convenience and safety. Also that the applicant has failed to work with the adjacent applicant to take opportunities to provide a comprehensive access solution to both sites. For these reasons the application does not comply with policies GP5, T2, T2B and T5 of the adopted Leeds Unitary Development Plan (Review) 2006, policies T2 of the emerging Core Strategy and guidance contained within the adopted Street Design Guide SPD

5 In the absence of a signed Section 106 agreement, the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, greenspace, public transport, cycle and pedestrian connections; travel planning and off site highway works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UPD Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the emerging Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal, but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily

62 Application 14/01874/OT - Outline application for residential development (up to 46 dwellings) and public open space at land east of Church Lane Adel

With reference to the discussions set out in minute 60, the Panel considered how to proceed

For the avoidance of doubt, the Head of Planning Services clarified the reasons for refusal of the application, in view of the amendments made in the supplementary report before Members

RESOLVED - That the application be refused for the following reasons:

1 The Local Planning Authority considers that the release of this site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to

Paragraph 85, bullet point 4 of the National Planning Policy Framework. As the application site forms part of a larger designation of safeguarded land (total 11.7 ha), is not located in an area where housing land development is demonstrably lacking and does not include or facilitate significant benefits, it also fails to meet the criteria set out in the interim housing delivery policy approved by the Council's Executive Board on 13th March 2013, to justify early release. The suitability of the site (and the wider safeguarded area of which it forms part) for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan

2 The Local Planning Authority considers that the applicant has so far failed to provide the necessary information to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network in relation to impact on the proposed NGT junction designs

3 The Local Planning Authority considers that the applicant has so far failed to provide the necessary information to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. Specific issues relate to the validity of the traffic count data used, the lack of future traffic growth applied to future year scenarios and validity of queue length modelling at the Church Lane/A660 junction. In addition, no assessment has been made of impact at the Long Causeway/Adel Lane or Weetwood Lane/ Ring Road junctions

4 The Local Planning Authority considers that the proposed means of access via a signalised junction onto the A660 will unnecessarily delay movement and increase road traffic accidents on the A660 and is therefore an unsuitable form of access into the site and that as such the proposals would be detrimental to the safe and free flow of traffic and pedestrian and cycle user convenience and safety. Also that the applicant has failed to work with the adjacent applicant to take opportunities to provide a comprehensive access solution to both sites. For these reasons the application does not comply with policies GP5, T2, T2B and T5 of the adopted Leeds Unitary Development Plan (Review) 2006, policies T2 of the emerging Core Strategy and guidance contained within the adopted Street Design Guide SPD

5 In the absence of a signed Section 106 agreement, the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, greenspace, public transport, cycle and pedestrian connections; travel planning and off site highway works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UPD Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the emerging Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal, but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily

63 Application 14/03023/EXT - Extension of time of previous approval 08/02061/FU for multi-level development up to 9 storeys high above ground level comprising 46 student cluster flats and 24 studio flats (total of 239 beds) and 1 retail unit, car parking, common room and ancillary facilities - Land at Cavendish street, Woodhouse, Leeds

Councillor J Lewis joined the meeting at this point

Plans, photographs, graphics and a sample panel of the proposed materials were displayed at the meeting

Officers presented the report which sought an extension of time limit for the implementation of a scheme for student housing approved in principle at the former Plans Panel City Centre on 11th September 2008 and granted planning permission on 15th September 2009

Members were informed that all parts of the scheme were exactly the same as the original approved scheme. Although there had been changes to both the development plan and national planning guidance since the original application was granted consent, as detailed in the Chief Planning Officer's report to Panel, it was recommended to Members to approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to conditions and the completion of a S106 Agreement Deed of Variation

Although there were no registered speakers to this application, the Chair informed Members that the applicant's agent was in attendance to respond to questions from the Panel, if required

Members considered the application, with the key areas of discussion relating to:

- the design principles of buildings in this location
- the need for further student housing
- the impact of large scale student developments in this area and the concerns which had been raised at the time these applications had begun to emerge
- the sizes of some of the studios, particularly those at 19.4sqm and the need for these to be enlarged or reconfigured into cluster flats. Officers agreed to pursue this issue with the developer
- the proposed materials; their durability and weathering; how the condition relating to the materials would be discharged; the design of the windows and the coloured glazed elements
- that the application dated from 2002 with concerns that Panel was being asked to accept something which was dated and did not provide the space Members would require in an application submitted in 2014
- the reasons for the delay in implementing the planning permission and the likelihood of the scheme being delivered. The Chair invited the applicant's agent to respond to these points

To assist Members with their deliberations, the Head of Planning

Services stated that extension of time applications had been brought in by the Government to help deal with the effects of the recession, although only one extension of time application could be made. It was possible to amend the time period for implementation, with a period of 18 months being suggested for Members' consideration. Whatever time limit was agreed if the approval had not been implemented, the applicant would need to reapply

Regarding the room sizes, the Head of Planning Services stated that standards were changing; the Council was moving to a 'Leeds Standard' for residential dwellings and that guidance was also being proposed as part of a National Standard

Members continued to discuss how to proceed and noted the applicant's agent's request for a minimum period of 2 years for implementation

RESOLVED - To defer and delegate to the Chief Planning Officer for approval in principle, subject to the conditions set out in the submitted report; with an amendment to condition 1 to specify the period of implementation of the planning approval to be 18 months from the date of the permission; further discussions with the applicant to secure a minimum acceptable studio size or reconfiguration to provide an improved layout by incorporating the smaller studios into the adjacent cluster flats and following the completion of a Section 106 Agreement Deed of Variation to cover the following matters:

- restriction of use to full-time students only
- travel plan implementation and monitoring fee prior to occupation - £2500
- £8,000 - student cycles for hire contribution
- £15,000 – provision of Metro tickets
- £10,000 – contribution for improved pedestrian links/public realm enhancement
- public access
- enhancements to local Traffic Regulation Orders if necessary and new TROs for new off-street servicing facilities
- employment and training opportunities for local people in City and Hunslet Ward or any adjoining Ward
- management fee payable within one month of commencement of development - £2250

In the circumstances where the Section 106 Agreement has not been completed within 2 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer. In the event that a satisfactory outcome cannot be achieved on the size of the small studios, that the application be returned to Panel for final determination

64 Date and Time of Next Meeting

Thursday 30th October 2014 at 1.30pm in the Civic Hall, Leeds

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Originator: Adam Ward
Tel: 395 1817

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30th October 2014

Subject: Application 14/00315/OT: Outline application for residential development of up to 150 dwellings including means of access and associated public open space and landscaping at Land at Leeds Road, Collingham.

APPLICANT	DATE VALID	TARGET DATE
Miller Homes and the Hills Family	28.01.2014	23.10.2014

<p>Electoral Wards Affected:</p> <p>Harewood</p> <p><input type="checkbox"/> Yes (Ward Members consulted referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Refusal of Planning permission for the following reasons;

1. The LPA considers that the release of the site for housing development would be premature, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Collingham needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location and scale of the site in relation to the village of Collingham means that the proposal does not fulfill the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified

and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way.

2. The proposal is contrary to the Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Collingham which is consistent with the size, function and sustainability credentials of a smaller settlement. Furthermore, the Core Strategy states that the “priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions” which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP1 of the Core Strategy and SP3 of the UDP Review. In advance of the Site Allocations Plan the proposal represents such a substantial expansion of the existing smaller settlement that it is likely to adversely impact on the sustainability and on character and identity of Collingham, contrary to Policy SP1 of the Core Strategy, SP3 of the UDP Review and guidance on the core planning principles underpinning the planning system as set out in the NPPF.

3. The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy, Policy T2 of the adopted UDP Review (2006) and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

4. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed access point and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will, be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policies GP5, T2 , T2B and T5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.

5. The Local Planning Authority considers that the development of this site for up to 150 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Collingham, which would result in an overly intensive form of development that would fail to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide information relating to levels and sections and would locate an area of Greenspace within the Green Belt, all of which could be harmful to the character and appearance of the area. Furthermore,

the design and materials of the proposed bridge over Collingham Beck are not considered to be sympathetic to the rural character of the area. As such, the proposal would be contrary to Policy P10 of the Core Strategy, Policy N12 of the Unitary Development Plan (Review 2006), the guidance contained within the SPG 'Neighbourhoods for Living' and the guidance within the National Planning Policy Framework.

6. In the absence of a detailed tree survey and further habitat and ecology surveys, it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development will be harmful to the rural character of the area, contrary to Policy P12 of the Core Strategy, Policies N49 and N51 of the Unitary Development Plan (Review 2006), and the guidance within the National Planning Policy Framework.

7. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, greenspace, public transport, travel planning and off site highway, drainage and flood alleviation works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P7, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

- 1.1 Members are asked to note the content of this report and accept the officer's recommendation of refusal with the proposed reasons for refusal listed above.
- 1.2 The application relates to a piece of land within the village of Collingham which is within a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The NPPF requires that the suitability of protected sites for development be comprehensively reviewed as part of the preparation of the Local Plan. The site is being considered through a Site Allocations Plan process and it is not known whether this Plan will propose the site for housing development. The emerging document (Issues and Options Consultation Document 2013) categorises the site as "red" meaning that it not considered suitable for housing development. The application is recommended for refusal and key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity vis-à-vis preparation of the Site Allocations Plan.
- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.4 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search. The development is also contrary to a number of Core Strategy (CS) policies

which are at a highly advanced stage and have considerable weight. The Council is in receipt of the CS Inspector's Report and the Council's Executive Board have recommended that the CS be adopted, with all the main modifications necessary to make the Plan sound, at a meeting of the Full Council on 12th November 2014. The development is also considered unacceptable in that the applicant has failed to demonstrate that the proposal will not have a detrimental impact on the existing highway network, they have also failed to demonstrate that the proposed quantum of development is acceptable without harming the character of the area, have failed to demonstrate that the proposal will not be significantly harmful to trees and ecology, and finally that the applicant has so far failed to provide a signed Section 106 Agreement to cover the necessary contributions.

- 1.5 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.6 The application was valid on 28th January 2014. Under The Planning Guarantee the Government has introduced regulations so that if a planning application submitted from 1st October 2013 onwards is not determined within 6 months by a Local Planning Authority and there is no written agreement from the applicant or agent to extend that time limit further then the planning fee authority will be refunded. That 6 month period in this case comes up on 28 July 2014. The applicants have agreed an extension of time until 23rd October 2014. The planning fee is £16,772. Whilst the application submitted is complex and has raised many issues we now need to reach an in principle decision.

2.0 PROPOSAL:

- 2.1 Outline permission is sought for a residential development comprising up to 150 dwellings, including means of access from Leeds Road. Permission is sought for the principle of development and means of access only with all other matters reserved. A new bridge over Collingham Beck is proposed as part of the application. The site currently comprises agricultural fields in use for arable farming.
- 2.2 The application is accompanied by the following documents;
- Planning Statement
 - Statement of Community Involvement
 - Design and Access Statement
 - Sustainability Assessment
 - Indicative Masterplan
 - Transport Assessment
 - Travel Plan
 - Flood Risk Assessment & Sequential Test
 - Ecological Appraisal
 - Air Quality Assessment
 - Noise Impact Assessment
 - Archaeological & Historical Desk Based Assessment
 - Artificial Lighting Assessment
 - Geo-Environmental Appraisal
 - Section 106 Agreement (Draft Heads of Terms)

- 2.3 The key principles of the proposed development are set out on the indicative masterplan submitted as part of the application. This illustrates the way in which the site could be developed to provide a development of up to 150 residential units alongside associated infrastructure, 4.36 hectares of public open space and recreational facilities.
- 2.4 Vehicular access is proposed from the A58 and across a new bridge which crosses Collingham Beck. The proposed bridge would be 9.5m wide and would comprise a 5.5m wide carriageway with 2.0m footways either side. The bridge would be constructed from pre-cast concrete with steel parapets and guards to both sides. Part of the beck below would be re-profiled as part of the works. Existing ground levels would need to be raised on both sides of the beck in order for the new bridge to align with the proposed new road.
- 2.5 The application also includes a number of flood mitigation measures adjacent to Collingham Beck to improve situation for a number of existing dwellings. Ground levels will be raised across some of the site to ensure the entire development platform will be in Flood Zone 1. A contribution for a new flood wall alongside the A58 is proposed which would seek to eliminate direct flooding to the A58 and Crabtree Green. Additional on-site flood storage adjacent to the development platform will also be provided. The applicant has stated that the proposal would significantly reduce the risk of flooding to properties in Collingham, and specifically to 22 properties on Millbeck Green.
- 2.6 The application is accompanied by a draft S106 agreement (Heads of terms) which will provide affordable housing in line with policy requirements (35%), a commitment to enter into negotiations relating to an education contribution based on the school space requirement the scheme generates, a contribution for a new flood wall alongside the A58, and a Travel Plan.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to an open area of agricultural land that is located to the western side of Collingham. The site sits between the A58 to the south and the existing residential houses to the north which are accessed from Harewood Road. To the east lies the 1970's residential development of Millbeck Green which comprises a characterful development of stone two storey and single storey houses set within medium sized plots. The land to the west is open countryside, and designated as Green Belt. The southern boundary is formed by Collingham Beck and the A58 which runs parallel. On the southern side of the A58 is open countryside, and designated as Green Belt.
- 3.2 The application site measures 8.79 hectares, although the residential development area only covers 4.43 hectares. The land to which the houses and the associated greenspace would be located on is designated as Protected Area of Search (PAS), while the land to the west within the red line site boundary is Green Belt. The southernmost part of the site is subject to flooding, including extreme flooding events which occurred in 2007 which resulted in a number of residential properties being flooded. The reason for previous flooding has been due to extreme wet weather coupled with debris blocking Collingham Beck and inadequate flood walls close to residential properties. However, since then, the Environment Agency have introduced new and additional flood mitigation measures along the beck by strengthening the banking and erecting concrete barriers to prevent further flooding.

- 3.3 Whilst the southernmost part of the site is relatively flat, the land rises upwards to the north with the houses within South View and Hastings Way to the north being elevated above the application site. There are also a number of trees within the site, particularly along the A58 frontage either side of Collingham Beck which are protected under a Tree Preservation Order (TPO). There are also a number of trees which form a boundary between two fields which run in a north/south alignment.
- 3.4 The application site also includes a pedestrian / cycle route towards the north western corner which connects the site to Harewood Road to the north. The village centre of Collingham lies approximately 0.8km to the north east with access along a footway alongside the A58. The village of Collingham provides local day to day shopping facilities such as a small convenience store (Tesco), newagents, bakers, doctors surgery, pharmacy, primary school and other local shops and services.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no planning history relating specifically to the application site.
- 4.2 The application site was removed from the Green Belt and allocated as a Protected Area of Search (PAS) site to allow for the possibility of longer term development beyond the plan period. The safeguarded land was retained both to retain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development should be assessed through the Local Plan as advised by the NPPF. This process is ongoing and the Council's preferred options for site allocations are due to be considered by Executive Board in January 2015.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant chose not to seek any formal views from the LPA prior to the submission of this outline planning application.
- 5.2 The applicant has submitted a Statement of Community Involvement as part of this application submission. In the submitted document it highlights that he applicant has been in a dialogue with Collingham with Linton Parish Council and the planning steering group regarding development proposals for the site. Further to this, the applicant undertook a public exhibition which took place on 24th September 2013 from 4pm until 7pm at Collingham Memorial Hall. Following the exhibition, 47 responses were received from local residents and sent to the applicant. The issues raised by local residents following the exhibition can be summarised as follows:
- The impact on Collingham due to the increase in the number of houses;
 - The layout is poor and does not reflect other developments in Collingham;
 - The impact on wildlife;
 - The increase in flood risk and drainage issues;
 - The impact on the local highway network;
 - The impact on local infrastructure;
 - The application was premature in terms of the plan making process; and
 - The application does not conform with the Collingham Neighbourhood Plan.
- 5.2 Since the submission of the planning application the applicant has submitted additional and revised information following receipt of some of the consultation

responses. This has related to further information on the Flood Risk Assessment and in response to a number of queries raised by the Environment Agency. A Kingfisher and Crayfish survey was also submitted following the comments of the Council's Nature Conservation Officer. Officers have also previously requested additional information on levels, sections, highways/traffic impact, ecology, trees and the gas pipeline.

5.3 Officers have also met with residents and members of the parish council to explain the proposal and to provide answers to the planning process. The Council's Drainage Officer was also present at one of the meetings to help explain the drainage and flooding issues and to explain the role of the Council's FRM team, the role of Yorkshire Water and the role of the Environment Agency.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised as a major development and as a departure from the development plan. Numerous site notices were posted around the site on 7 February 2014. The application was also advertised in the Boston Spa and Wetherby News on 13 February 2014. To date, a total of 560 letters of objection have been received. The nature of the objections can be summarised as follows:

- Principle of residential development should not be accepted;
- Proposal is premature and opportunistic at this stage;
- Proposal is contrary to the UDP;
- Development is in advance of the Neighbourhood Plan;
- Proposal ignores Localism;
- Proposal is in advance of the Site Allocations DPD;
- There are better housing sites at Thorp Arch and Bramham;
- More appropriate sites elsewhere in Leeds;
- Increased traffic and congestion;
- Dangerous to highway and pedestrian safety;
- Parking problems in the village;
- Impact on local road junctions, especially since the opening of the new Tesco;
- Cars will use short cuts which will be dangerous;
- Impact on local schools, which are already at capacity;
- Impact on local doctors surgery which is full;
- Proposal will not address existing flooding issues;
- Development will impact upon flooding;
- Flood Risk Sequential test should look at alternative sites;
- Impact on local wildlife and ecology;
- Drainage and Sewerage problems;
- Impact on the local countryside;
- The applicants Geo-environmental report highlights problems that would arise;
- Environmental impact of the development;
- Design not in keeping with the rest of Collingham;
- Layout and materials totally out of keeping with village;
- Proposal would erode the gap between Collingham and Bardsey;
- Layout is unimaginative;
- Loss of and impact on trees;
- More smaller houses needed in village; and
- Not a sustainable development.

A number letters of representation attach or include photographs to demonstrate previous flood events and show images of part of the application site flooded as well as numerous garden areas of nearby properties within the Millbeck Estate.

- 6.2 **Alec Shelbroke MP:** Brings to our attention concerns raised by constituents. He notes that the SHLAA highlights this site as 'red'; not suitable for development. As the then ward Councillor for this village in 2007, I was on site when it flooded and caused unprecedented damage to local homes, saturating the land. Indeed, the flood defences that have since been erected around these homes were planned around the understanding that this site is a designated area for flood water to collect. My constituents have expressed objections on the grounds of flooding; highways; housing need; viability, ecology and pressure on school places. Questions are also raised over the housing figures and need for 5,000 new homes in this area; while immigration policy is questioned; expansion of the village is unnecessary, increased traffic and pressure on local services.
- 6.3 **Ward Members:** Cllr Matthew Robinson objects as the application is premature; proposal will exacerbate flooding problems; impact on drainage capacity; impact on local school, doctors surgery and parking; pedestrian access is not good; increased level of traffic and congestion; concerns over access from A58 and loss of trees; rural character of the village would be harmed; and that the application should be refused.
- 6.4 **Collingham with Linton Parish Council:** Supports the many objections particularly with regard to flooding; drainage; increased traffic; sustainability in terms of access to bus services; no capacity at the local primary school; the local doctors surgery is full; that alternative sites could be considered through the SHLAA; the character of the area would be affected; that the PAS site becomes Green Belt following a review; development is in advance of the Neighbourhood Plan; pedestrian access points from Harewood Road; 150 houses would represent a cramped form of development; and that the application ignores Localism.

A further and detailed response was also received on the issue of flooding and specifically as a response to the applicant's additional flood risk assessment. In particular, comments are submitted on matters relating to the calibration of the groundwater model; mitigation as a result of the access road embankment; the design of the access bridge and the design of the flood storage area. In conclusion, it is considered that the applicant's proposal has not been appropriately considered.

- 6.5 **Collingham Residents Action Committee:** Strongly object to the proposed development and a 13 page report supplemented by photographs was provided. Objections are raised on grounds that it is not plan-led and does not have the support of the local community; is on a flood plain and adopts a "build and defend" approach which is inappropriate; concerns over the accuracy of modelling of the flood risk; it fails the sequential test; exception testing has not been carried out; the provision for local infrastructure has not been addressed in the application and cannot be addressed in practice; the design and layout are poor and inconsistent with the character of the village; and the application is premature and opportunistic, attempting to pre-empt the preparation of the Site Allocations Plan. The objection was also accompanied by an aerial photograph illustrating the strength of local objection and where individual objections had come from, street by street.
- 6.6 **Church View Surgery, Collingham:** A letter from the doctors surgery was forwarded to the LPA as part of this application. The letter is addressed to a

Collingham resident and in relation to the Collingham Neighbourhood Plan. It states that the partners of the surgery would be unable to expand their services to deal with a serious increase in the size of their patient list.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Environment Agency: Initially objected to the application and sought further information on flood modeling and the submitted FRA. The applicant has subsequently provided the further information requested and the Environment Agency now raised no objections subject to conditions to ensure development is carried out in accordance with approved Flood Risk Assessment and mitigation measures.

7.3 Highways: The proposal cannot be supported as submitted, due to:

1. The site does not fully meet the draft Core Strategy Accessibility Standards.
2. It is considered that the TA should include an additional analysis of the proposed development based upon 85th percentile trip rates.
3. The TA indicates that the A58 Leeds Road/A659 Harewood Road and A58 Main Street/A659 Wattlesyke/A58 Wetherby Road junctions are currently working over their operational capacity in both the AM and PM periods. This situation is expected to deteriorate beyond absolute capacity following implementation of the proposed development (2018 + development), which would result in significant queuing and congestion at the junctions and on the A58.
4. Although it is proposed to introduce traffic signals at the A58 Main Street/A659 Wattlesyke/A58 Wetherby Road, no scheme of mitigation measures has been proposed at the A58 Leeds Road/A659 Harewood Road junction.

7.4 Health & Safety Executive: The proposed development is within the Consultation Distance of a major hazard pipeline, and therefore the pipeline operator should be contacted. The developer has contacted the National Grid who confirm the presence of a transmission gas pipeline approximately 260m away from the developable area of the site. This is considered to be a sufficient distance away and no objections are raised.

7.5 Non-statutory:

7.6 Flood Risk Management: No objections are raised to the development. Should permission be granted agreement will need to be reached on who will have responsibility for the flood alleviation works; adoption of the flood storage area with the developer paying a commuted sum for its maintenance; clarification on how much of the PoS is being provided for the development; and that the flood wall will need to be subject to a s106 agreement.

7.7 Yorkshire Water: No objections subject to the imposition of conditions.

7.8 West Yorkshire Combined Authority: The site does not meet the Core Strategy accessibility standards. The Council need to decide whether Wetherby should be considered a public transport interchange alongside Leeds city centre. In order to meet the standards, a subsidy of £600,000 per annum (4 buses) to enhance the X98

and X99 services would be required. Contributions for new bus shelters and real time passenger information displays on Harewood Road Leeds Road should be provided. MetroCards should also be provided by the developer. Electric Vehicle Charging points should also be considered.

- 7.9 **Public Transport Infrastructure:** The site falls well short of the accessibility standards in the Core Strategy. The only bus stop within an acceptable walking distance is served by a 60 minute frequency service and the route to the bus stop is far from ideal. As the proposal does not meet the standards, the formulaic approach will not be applied and instead the developer will be expected to implement / fund measures to bring the site up to the required standards. Notwithstanding the above, a calculation based on the SPD formula would equate to £183,932 or £1,226 per dwelling.
- 7.10 **Affordable Housing** – Falls within the Rural North area where 35% affordable housing required , split 50% social rented / 50% sub market.
- 7.11 **Contaminated Land:** The applicant needs to address and respond to a number of matters relating to the site boundary; the submitted data and other contamination information.
- 7.12 **Children’s Services:** No comment.
- 7.13 **Landscape / Ecology:** A detailed tree survey and associated arboricultural implications needs to be provided. Furthermore, additional habitat surveys for Great Crested Newts, Otters and Water Voles are required prior to determination.
- 7.14 **TravelWise:** A number of comments are provided on the initial Travel Plan to make it acceptable. An amended Travel Plan was only submitted on 17th October 2014 and at the time of writing this report it was not possible to obtain any revised comments. A verbal update may be provided at the Panel meeting.
- 7.15 **West Yorkshire Archaeology Advisory Service:** Notes that the site lies within an area of archaeological significance (applicant’s assessment indicate the presence of crop mark sites). It is recommend that the developer provides an evaluation of the full archaeological implications. If the LPA are minded to recommend approval, then a condition should be imposed requiring a programme of archaeological recording.
- 7.16 **Local Plans:** Recommend refusal as contrary to N34 and the Interim PAS policy and should be looked at through the Site Allocations Plan.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan consists of the Local Development Framework (comprising the adopted Natural Resources and Waste Plan, the highly advanced Core Strategy and the progressing Site Allocations Plan); the saved policies of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the National Planning Policy Framework (NPPF). The Local Development Framework will eventually replace the UDP and the draft Core Strategy has had some weight in decision taking since it was published in 2012. It is now considered to have considerable weight because the NPPF states that decision-takers may give weight to policies in emerging plans according to the stage of preparation, outstanding objections and degree of

consistency with the NPPF. The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17th September 2014 with a view to the CS being referred to full Council for formal adoption on 12 November 2014. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded considerable weight. Once the CS has been adopted it will form part of the Development Plan

Local Development Framework – Core Strategy

- 8.2 The Core Strategy plans for the longer term regeneration and growth of the District over a 16 year period, as part of an overall and integrated framework. Central to this approach is the need to give priority to sustainable development in planning for economic prosperity, seeking to remove social inequality, securing opportunities for regeneration, and planning for infrastructure, whilst maintaining and protecting and enhancing environmental quality for the people of Leeds. Underpinning these broad objectives and supported by the Core Strategy evidence base, is the desire to respond to current and emerging population pressures and associated needs across the District, especially within inner urban areas. Key priorities therefore include: planning for the provision of homes and jobs in sustainable locations, respecting local character and distinctiveness in the delivery of the Plan's objectives and maximising opportunities to recycle previously developed land (PDL), whilst minimizing greenfield and Green Belt release, in planning for longer term growth.
- 8.3 The level of housing growth expected to occur by 2028 within Leeds is high. Bringing this future growth and prosperity to all residents remains a key consideration for the District. In directing future development, the Strategy must also consider what makes Leeds unique and distinctive, and seek to preserve and enhance these features. It is considered that the historic pattern of development is key to delivering future growth, and will be used to guide future development. This will ensure that the majority of growth is focused within the Main Urban Area, but that other established settlements will also benefit from new development. The focus of this strategy is to achieve opportunities for growth in sustainable locations as part of a phased approach and as a basis to meet development needs. The delivery of the strategy will entail the use of brownfield and greenfield land and in exceptional circumstances (which cannot be met elsewhere), the selective use of Green Belt land, where this offers the most sustainable option. The characteristics of Leeds' settlements have therefore been reviewed and the Settlement Hierarchy and Policy SP1 is the framework to guide future development opportunities. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. By concentrating growth according to the Settlement Hierarchy, development will occur in the most sustainable locations whilst respecting the overall pattern of development within the District. The hierarchy acknowledges that there are still development opportunities within settlements and that these are determined through the Site Allocations Plan and the implementation of Policy SP6 and SP7.
- 8.4 ***Relevant policies within the Core Strategy include:***
Spatial policy 1 – Location of development
Spatial policy 6 – Housing requirement and allocation of housing land
Spatial policy 7 – Distribution of housing land and allocations
Spatial policy 10 – Green Belt
Policy H1 – Managed release of sites
Policy H3 – Density of residential development
Policy H4 – Housing mix

Policy H5 – Affordable housing
 Policy H8 – Housing for Independent Living
 Policy P7 – The creation of new centres
 Policy P9 - Community facilities and other services
 Policy P10 – Design
 Policy P11 – Conservation
 Policy P12 – Landscape
 Policy T1 – Transport Management
 Policy T2 – Accessibility requirements and new development
 Policy G4 – New Greenspace provision
 Policy EN2 – Sustainable design and construction
 Policy ID2 – Planning obligations and developer contributions

Saved Unitary Development Plan policies

8.5 The site is allocated within the UDP as a 'Protected Area of Search' (PAS). Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds
 SP3: New development will be concentrated largely within or adjoining main urban areas and settlements on sites well served by public transport
 SA1: Secure the highest possible quality of environment.
 GP5 all relevant planning considerations
 GP7 planning obligations
 GP11 sustainability
 GP12 sustainability
 H4: Residential development.
 H11-H13: Affordable Housing.
 N2: Greenspace
 N4: Greenspace
 N12: Relates to urban design and layout.
 N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.
 N23: Relates to incidental open space around new developments.
 N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.
 N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.
 N26: Relates to landscaping around new development.
 N29: Archaeology
 N35: Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.
 N37A: Development within the countryside should have regard to the existing landscape character.
 N38B: Relates to requirements for Flood Risk Assessments.
 N39A: Relates to sustainable drainage systems.
 N49: Relates to nature conservation.
 N50: Seeks to protect, amongst other assets, Leeds Nature Areas.
 N51: New development should wherever possible enhance existing wildlife habitats.
 T2: Development should be served by adequate access and public transport / accessibility
 T2B: Significant travel demand applications must be accompanied by Transport assessment
 T2C: Requires major schemes to be accompanied by a Travel Plan.
 T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

Policy N34 – PROTECTED AREA OF SEARCH

8.6 The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

8.7 Policy N34 and supporting paragraphs is set out below:

Protected Areas of Search for Long Term Development

8.8 The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

8.9 To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

Local Development Framework - Site Allocations Plan

8.10 The Council is also currently progressing a Site Allocations Plan. Following extensive consultation, including 8 weeks of formal public consultation from 3/6/13 to 29/7/13 the Council is currently preparing material for Publication of a draft plan.

The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.” It is also in line with the NPPF core planning principle 1, which states that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”

- 8.11 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years’ worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.12 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.

Neighbourhood Plan

- 8.13 Collingham Parish has been designated a neighbourhood area and the Parish Council are currently preparing a Neighbourhood Plan.

8.14 Collingham Village Design Statement

Local Development Framework – Adopted Natural resources and Waste Plan

- 8.15 In the Natural Resources and Waste Development Plan Document (2013) developments should consider the location of redundant mine shafts and the extract of coal prior to construction.
- 8.16 Relevant Supplementary Planning Guidance includes:

Supplementary Planning Document: Street Design Guide.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety: A Residential Guide.

Supplementary Planning Guidance: Neighbourhoods for Living.

Supplementary Planning Guidance: Affordable Housing (Target of 15% affordable housing requirement).

Supplementary Planning Document: Sustainable Design and Construction "Building for Tomorrow, Today."

Supplementary Planning Guidance 4: Greenspace Relating to New Housing Development.

Supplementary Planning Guidance 11: Section 106 Contributions for School Provision.

Supplementary Planning Guidance 25: Greening the Built Edge.

Interim PAS Policy

- 8.17 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

(i)Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;

(ii)Sites must not exceed 10ha in size ("sites" in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub-division of larger sites to bring them below the 10ha threshold; and

(iii)The land is not needed , or potentially needed for alternative uses

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

(iv)It is an area where housing land development opportunity is Demonstrably lacking; and

(v)The development proposed includes or facilitates significant planning benefits such as but not limited to:

a)A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;

b)Proposals to address a significant infrastructure deficit in the locality of the site.

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

- 8.18 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which

- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
- (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

- 8.19 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.
- 8.20 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlery Farm, Morley and Calverley Lane, Farsley. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirkless Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in late October with the Kirkless Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley, West of Scholes, East of Scholes and Adel have also been recently refused.
- 8.21 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.

National Guidance - National Planning Policy Framework

- 8.22 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.23 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.24 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.25 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;

- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

National Guidance - Five Year Supply

- 8.26 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 8.27 The Council's Five Year Supply requirement between 1st April 2014 and 31st March 2019 is set out below and rests at **22,570 homes**. The Council are advocating that a local approach to calculating the housing requirement is used whereby any backlog against Core Strategy targets since 2012 (the base date of the plan) is caught up by spreading under delivery over a ten year period rather than the five years stated as the aim in the National Planning Practice Guidance (NPPG). The Council does not consider that the authority is one where a 20% buffer is required, which the NPPF advises should only apply where persistent under delivery has occurred but does not define what this means. It should be noted that appellants at the Bagley Lane Inquiry consider that the Leeds requirement should be **30,685 homes** which includes spreading backlog over 5 years and a 20% buffer.

COMPONENT	HOMES
Base requirement	20,380
NPPF Buffer 5%	1,019
Under delivery	1,171
Total	22,570

- 8.28 The Leeds land supply position is summarised in the table below and indicates a supply of **29,504 homes**. The majority of the supply is identified via the Strategic Housing Land Availability Assessment (SHLAA) process. This was undertaken by a Partnership at the beginning of the year which comprised housebuilders and elected Members. House builders on the SHLAA contended that the deliverability of the Leeds land supply continues to be affected by the market and that a more realistic level of supply is much lower. The appellants at Bagley Lane state that Leeds has a supply of only **16,873 homes**.

CATEGORY OF SUPPLY	2014 to 2019
Sites under construction	4,983
Sites with planning permission	5,215
Allocated sites without planning permission	1,731
Sites with expired planning permission	2,781
Sites with no planning permission	7,793
PAS sites meeting the interim policy	1,238
A TOTAL SHLAA SUPPLY CAPACITY	23,741

	Additional PAS sites granted permission	181
	Estimated Windfall Delivery (<5 units)	2,500
	Estimated Windfall Supply (>5 units)	600
	Estimated Long Term Empty Properties	2,000
	Identified Pre-Determinations	316
	Estimated Pre-Determinations	316
B	TOTAL ADDITIONAL SUPPLY CAPACITY	5,913
A+B	TOTAL GROSS SUPPLY	29,654
C	MINUS DEMOLITIONS (30 per annum)	150
A+B-C	NET FIVE YEAR DELIVERABLE SUPPLY	29,504

8.29 The Council considers that the five year supply rests at 6.5 years. However, Panel members should be aware that there are alternative approaches to calculating the supply as set out below.

	Leeds City Council	NPPG advice	Appellants at Bagley Lane
	Under delivery spread over 10 yrs and 5 % buffer	Under delivery spread over 5yrs and 5% buffer	Under delivery spread over 5 years and 20% buffer
Requirement	22,570	23,741	30,685
Supply	29,504	29,504	16,873
Five Year Supply	6.5 yr	6.2 yr	2.7 yr

8.30 The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State's recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that "we are also sending out a clear signal of our determination to harness the developed land we've got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site."

8.31 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for the remainder of the plan period. It is this document which will create the pool of sites from which the 5 year supply can be based in future years.

9.0 MAIN ISSUES

- **Compliance with the Development Plan**
- **Development in advance of Site Allocations Plan**
- **Five Year Supply**
- **Sustainability Criteria**
- **Highway Considerations**
- **Loss of Agricultural Land**
- **Flooding**
- **Layout & Design**

- **Trees, Landscaping & Ecology**
- **Amenity**
- **Local Infrastructure**
- **Letters of Representation**
- **Section 106 issues**

10.0 APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework, the emerging Core Strategy, the requirement for a five year supply of housing and matters relating to sustainability, highways, layout/design/landscaping, residential amenity, flood risk and Section 106 matters.

Compliance with the Development Plan

- 10.1 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for long development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review, a decision to approve this application now would be a departure from the Development Plan. The proposal to develop the Collingham application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...”
- 10.2 As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations Plan the application site needs to be assessed against the interim policy to see if it meets the criteria for possible early release.

Development Timing in advance of the Site Allocations Plan

- 10.3 The criteria of the interim policy are intended to ensure that PAS sites are considered against the spatial development strategy of the Core Strategy. Within that context some sites have been released by virtue of their scale and relationship to the settlement hierarchy in advance of the Site Allocations Plan, to help bolster the delivery of housing in Leeds by diversifying the land supply. PAS sites in excess of 10ha, those with alternative potential uses or those not adjacent to the main urban area or major settlements have been considered more likely to give rise to harm to the spatial development strategy and raise more sustainability issues. These sites will only be identified as housing sites through the Site Allocations Plan, where a full and comparative sustainability appraisal can be undertaken, which includes exploring cumulative and synergistic effects and the implications of the release of

sites on infrastructure provision. This process will also consider whether PAS sites are needed in the context of specific housing requirements for individual housing market areas. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this application. The performance of the East of Scholes site against the interim policy criteria is considered below to see if the proposal meets the criteria to be released early.

- 10.4 Under Criterion (i) , the site is an extension to Collingham, a ‘Smaller Settlement’ in the settlement hierarchy as defined in the Core Strategy Publication Draft, and therefore fails the first policy test. Under criterion (ii) sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. The application site at 8.8ha is below this threshold. Under criterion (iii) of the Interim Policy Land consideration is to be given to whether the land is needed, or potentially needed, for alternative uses. In this instance, there are no indications that this site is needed for alternative uses. It is through the Site Allocations process that the amount and location of new development in Collingham will be decided and in that context where the best site for expanding school provision should be made in the village. As the site fails criteria i, criteria iv and v do not need to be considered.
- 10.5 Collingham is identified as a smaller settlement by CS Policy SP1, which states that “smaller settlements will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability.” As an example, the site has significant flood issues and much of it lies within flood zone 3a and 3b. There are a further eight sites identified in the Site Allocations Plan which are adjacent to Collingham and are being considered as potential housing sites. The Council’s view is that such a comparative exercise must be conducted through the site allocations process. A grant of planning permission for this application on this site would be premature in advance of that plan-led process.
- 10.6 To summarise, the application does not meet the interim policy criteria to be released early. This is a substantial PAS site in the smaller settlement of Collingham. Work is ongoing looking at sites through the Site Allocations Plan so to take a decision now on this site would not be to take a plan-led approach looking at what sites should come forward, what infrastructure is needed to support them and where that would best be located. In addition work is progressing on a neighbourhood plan and it is considered that the release of this site early would also not sit well with that process which is being co-ordinated with the Site Allocations Plan. In addition the development represents a substantial enlargement which threatens to substantially change the character and identity of the village – the amount which Collingham should grow needs to be considered as a whole against other sites and taking into account character / identity and sustainability issues and all points to a plan-led and considered approach.

Five Year Supply

- 10.7 The Council has a supply of 29,504 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 22,570 homes provides a 6.5 year housing land supply. Because the Council can demonstrate a 5 year supply it is not considered that the provisions of paragraph 49 of the NPPF are triggered. In cases where a 5 year supply cannot be demonstrated the NPPFs presumption in favour of sustainable development has greater weight than the local policies of the Core Strategy and the UDP Review. This is not the case in Leeds.

Sustainability Criteria

- 10.8 Whilst there are some local facilities within the village (doctors surgery, primary school, pub, and some small shops) and a local bus service it is infrequent, giving poor accessibility to employment, town and city centres and secondary education. It is not considered that substantial further development in Collingham can be supported. Sustainability issues will be clearly examined as part of the Site Allocations process in designating sites together with what infrastructure improvements are required to make them acceptable. The site scores poorly in relation to access to public transport which is contrary to the strategic approach of the UDP and Core Strategy and guidance in the NPPF in terms of the core planning principles which underpin the planning system.

Highway Considerations

- 10.9 There remain significant concerns about the methodology used in the TA and the impact of the scheme on both the wider network and also the local road network. Highways colleagues recommend refusal at this stage because significant issues remain outstanding which must be addressed before any development can proceed. The scheme is significant in scale and there will be substantial impacts within Collingham and on the wider network.
- 10.10 Although the application is in outline only, a development masterplan has been submitted by the applicant showing a potential loop road pattern within the site and an elongated emergency access route onto Harewood Road via a proposed footpath/cycle connection.
- 10.11 It is noted that the new vehicular access will require a bridge to be provided within the site to enable the new road to cross Collingham Beck. The adoption of the bridge will need to be in accordance with the "Procedure guideline for the design and construction of retaining walls and other highway structures requiring the consent of the Highway Authority" as set out in Appendix C of the Street Design Guide and would need to be raised 600mm above the 1 in100 year flood level.
- 10.12 It should be noted that any subsequent internal road layout will need to be built to adoptable standards, in accordance with the Street Design Guide, and offered for adoption under Section 38 of the Highways Act. The speed limit for any future internal layout should be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs). The requirement for a 20mph speed limit should be indicated on a revised plan before the application is approved.
- 10.13 A commuted sum is required for all adoptions where abnormal maintenance costs are likely to occur, including structures and special drainage in line with LCC's policy and procedures.

Accessibility – Walking, Cycling & Public Transport

- 10.14 The site does not fully meet the draft Core Strategy Accessibility Standards. There are some local services within the centre of Collingham available within the

designated 15 min walk (or 1200m) of the site (e.g. convenience store, post office, butcher, public house, hot food takeaway). Furthermore, a primary school (Collingham Lady Hastings C of E primary school) and a doctor's surgery (Church View Surgery) are within the designated 20 min walk (or 1600m) of the site. However, the nearest secondary schools (Wetherby High School/Boston Spa High School) are located well outside the recommended walking distance of 2400m (30 min walk) and the service frequency for bus services does not meet the requirement of 4 buses per hour.

- 10.15 The centre of the site is just within the designated 400m distance of two bus stops on the A58 Wetherby Road and about 500m – 550m from the nearest bus stops located on the A659 Harewood Road. Three bus services are provided on these routes (X98, X99 and 923) however the frequency of all the services combined to a major public transport interchange (defined as Leeds, Bradford or Wakefield) does not meet the draft Core Strategy Accessibility Standard of 4 buses per hour.
- 10.16 In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres.
- 10.17 It should also be noted that the footway on Leeds Road outside the site is narrow (approx. 1m width) and unlit. It is therefore not regarded as a suitable route to facilitate or encourage regular walking trips.
- 10.18 The acceptability of the principle of a significant level of residential development in this location, which does not fully meet draft Core Strategy Accessibility Standards, requires further consideration in the light of the current site allocations process, housing need in this part of the city and other planning merits.

Vehicular Access

- 10.19 The outline proposal consists of one vehicular access to the site via a new priority junction with the A58 Wetherby Road. A right turn lane, relocated 30mph speed limit, pedestrian refuge island within the carriageway and two new bus stops are proposed as part of the access design. It is further noted that a bridge is proposed to enable the new road to cross Collingham Beck along with bank protection works along the Leeds Road frontage.
- 10.20 Other sections within Highways & Transportation service have been consulted to determine whether the proposed access design can be endorsed as proposed and, in particular, whether sufficient information has been provided to enable the bridge detail over the beck to be properly considered. The advice received, is that the proposed vehicular access point on Leeds Road is acceptable. However, a Stage 1 Safety Audit of all off-site highway works required as part of this application will be required prior to any determination.

Internal Layout , Servicing & Bins

- 10.21 Given that the outline application does not seek layout to be considered no detailed consideration has been given to the indicative Masterplan layout at this stage. The applicant should be advised that any detailed planning application would have to provide a highway layout in accordance with the requirements of the Street Design Guide.

Parking

- 10.22 Parking would be required across the site based on Street Design Guide standards including an allowance for visitor parking, both formal and informal provision, which should be distributed equally throughout the site.

Transport Assessment

- 10.23 A Transport Assessment has been prepared to accompany the planning submission. The vehicle trip rate has been determined using average rates per dwelling from the TRICS database. However, it is considered that an additional analysis based upon 85th percentile rates should be carried out. This is due to somewhat remote location of the site in a largely rural setting and the limited bus services and poor quality of footway infrastructure on the A58 Leeds Road. All of these factors will limit the options for residents to travel by sustainable modes leading to a higher than average dependence on the motor car as the choice of transport.
- 10.24 The TA assesses the impact of the proposed development on a number of junctions along the A58 corridor. This is appropriate given the status of the A58 as a key radial link and public transport route from the major settlement of Wetherby (and beyond) to the Main Urban Area of Leeds.
- 10.25 The following junctions have been assessed in the TA:
- A58 Leeds Road/Site Access
 - A58 Leeds Road/School Lane/Mill Lane
 - A58 Leeds Road/A659 Harewood Road
 - A58 Main street/A659 Wattlesyke/A58 Wetherby Road
- 10.26 The A58/Site Access, A58 Leeds Road/School Lane/Mill Lane and A659 Harewood Road/Mill Lane are all predicted to operate within capacity in all of the assessed scenarios.
- 10.27 However, the major junctions of A58 Leeds Road/A659 Harewood Road and A58 Main Street/A659Wattlesyke/A58 Wetherby Road are both reported to be over their current operational capacity in both the AM and PM peak periods.
- 10.28 Highways officers have visited the site in both the AM and PM periods to observe the operation of each junction. At the time of the visits, it was observed that there was, on occasion, insufficient length of right turn lane to accommodate all turning traffic, leading to stationary vehicles blocking through traffic movement on the A58.
- 10.29 It was also observed traffic queues at both junctions in excess of the length of queues predicted by the submitted PICADY. This is contrary to paragraph 9.5.4 of the TA, which refers to visit by the consultant during the AM peak period when the predicted queuing from the PICADY analysis did not occur.
- 10.30 The future year scenario in the TA indicates that the operation of each junction would be expected to extend beyond absolute capacity (2018 + development). This would result in significant queuing and congestion at the junctions and on the A58.
- 10.31 In summary, there are concerns about the effect of the development on the operation of the local highway network. Congestion and queuing is predicted to occur without considering the effect of a higher 85th percentile trip rate. The increase in congestion would adversely affect journey times and disadvantage the reliability of the public transport route on the A58 corridor, which is of strategic importance.

- 10.32 It is noted that the TA proposes to introduce traffic signals at the A58 Main Street/A659 Wattlesyke/A58 Wetherby Road, however no scheme of mitigation measures has been proposed/offered at the A58 Leeds Road/A659 Harewood Road junction. Other general comments on the PICADY models are as follows:
- 10.33 For the avoidance of doubt, the applicant should confirm that the models have taken into account that right turning traffic, on occasion, blocks through traffic on the A58 on the approach to each junction.
- It is noted from the individual time segments that the vehicle demand appears to be virtually the same for each segment i.e. the flow is not profiled across the time period.
 - The length of the vehicle queues increases across the time segments and is at its peak at the end of each time period (09:00/17:45).
 - The 2015 Base + Development AM peak queue continues to increase to 19.80 (not 17.56 as referred to in Table 9.5©)

Off-Site Highway Works

- 10.34 Off-site highway works are proposed at the proposed site entrance with Leeds Road and at the A58 Main Street/Wattlesyke/A58 Wetherby Road junction. However, the TA also shows that the A58 Leeds Road/A659 Harewood Road junction is likely to suffer from similar capacity issues, but no scheme of mitigation measures is currently proposed for this location.

Highways Conclusion

- 10.35 In conclusion, the proposal cannot be supported as submitted as the site does not fully meet the draft Core Strategy Accessibility Standards; the TA should include an additional analysis; significant queuing and congestion would occur at the junctions on the A58; and no scheme of mitigation measures has been proposed at the A58 Leeds Road/A659 Harewood Road junction.

Loss of Agricultural Land

- 10.36 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.37 It is understood that the application site is a combination of grade 3a (good) and grade 3b (moderate) therefore the site is within the 'best and most versatile' category.
- 10.38 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile

agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

- 10.39 The application site is 8.8ha and its loss is not considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.40 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 8.8ha is considered to further diminish any requirement to maintain this piece of land for agriculture.
- 10.41 The conclusion is that the site is not considered to "seriously conflict" with UDPR Policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity and through the rest of the North and East of Leeds. It is also considered that the application site on balance has the least impact locally upon best and most versatile land when assessed against other potential urban extensions. This is in line with paragraph 112 of the NPPF.

Flooding

- 10.42 The site has a history of flooding and this is particularly evident given the comments of the majority of local residents within Collingham. In particular, it is well known that Collingham Beck flooded in 2007, resulting in significant flooding within the village, particularly to local properties within Crabtree Green and the Millbeck Estate. Indeed, numerous photographs have been submitted by residents as part of their representations. Since then, the Environment Agency have installed improved flood mitigation measures in the form of strengthened walls to the beck, concrete barriers and earth bunds. These have, to some extent, reduced flooding in this area, although it is understood that some flooding did occur in 2012. Moreover, the site is within a flood zone and therefore the applicant needs to address the serious matter of flooding.
- 10.43 The applicant has provided detailed flood mitigation measures as part of their proposal and these have been the subject of detailed consideration by the Environment Agency, including the submission of further information. In summary, the applicant proposes to raise the levels of the developable (the part where houses would be located) part of the site. Attenuation areas to the southern and western parts of the site which would hold and store water and would also be used as the Greenspace serving the site. The applicant has also provided an indicative drainage layout which shows the drainage direction on site, which essentially uses the site's natural topography. Cellular storage areas would be formed under part of the access routes, while a detention basin is proposed adjacent to part of the hedge which runs north/south. A channel indicating the route of discharge to Collingham Beck is also shown.
- 10.44 A contribution for a new flood wall alongside the A58 is also proposed which would seek to eliminate direct flooding to the A58 and Crabtree Green. The applicant has stated that the proposal would significantly reduce the risk of flooding to properties in Collingham, and specifically to 22 properties on Millbeck Green. In addition, nos.68-

74 Millbeck Green would no longer be at risk of flooding in the 1 in 100 year plus climate change event.

- 10.45 The Environment Agency raise no objections to the proposed development provided that the proposals are carried out in accordance with the Flood Risk Assessment and that the mitigation measures are fully implemented. Further work and discussion would be needed on liability/maintenance/adoption issues which would be covered through a section 106 agreement.
- 10.46 The applicant has indicated that the proposal to improve the flooding situation for a number of existing properties be regarded as 'betterment', and that this is a material consideration to be balanced against other matters. Indeed, the Interim PAS Policy does indicate that if a development satisfies criteria i and iii (this proposal does not meet criteria i), then development for housing on further PAS land may be supported if the development proposed includes or facilitates significant planning benefits such as but not limited to proposals to address a significant infrastructure deficit in the locality of the site. In this instance, the applicant cites the infrastructure deficit as being the flood alleviation works. Officers consider that the proposals to improve the flooding situation for a limited number of properties is not a significant infrastructure project so as to weigh against other planning considerations in order to conclude that planning permission should be granted.

Layout & Design

- 10.47 The applicant proposes a residential development with a quantum of development of up to 150 dwellings. Having assessed the plan, which is for indicative purposes only, but still a plan which should need to demonstrate that it is feasible to accommodate the proposed level of development without adversely affecting any of the site constraints, one of these constraints being local character and how the development is sympathetic to this. Upon assessing the plan, there are approximately 110-120 dwellings set out as detached, semi-detached and terraced properties. This particular layout appears cramped when considered against the spatial pattern of development on the Millbeck Green Estate to the east. The development of the site therefore for up to 150 dwellings would appear even more cramped, resulting in properties within very close proximity to each other and the inevitable lack of private garden space.
- 10.48 The scheme also fails to provide the details of levels and sections as previously requested. Without such information it is difficult to assess how this would impact upon the character of the area. Clearly, ground levels would be raised to address flooding issues, while the drawings for the proposed bridge show that the ground level of land on the north side is to be raised by approximately 2m. Furthermore, part of the Public open Space (PoS) is proposed to be located within the Green Belt. This is considered to be unacceptable and could harm the openness and character of the Green Belt.
- 10.49 The indicative layout needs improvements in a reduction in density and design terms before the scheme can be deemed to be acceptable. It is essentially one large cul-de-sac, served by one vehicular access point from the A58. The layout could also be improved by more connectivity internally.
- 10.50 The application includes detailed drawings of the proposed bridge which crosses Collingham Beck. The proposed bridge would be 9.5m wide and would comprise a 5.5m wide carriageway with 2.0m footways either side. The bridge would be

constructed from pre-cast concrete with steel parapets and guards to both sides. This site is located within a countryside setting and adjacent to an existing historic village with an extensive conservation area. Existing road bridges across Collingham Beck (including the bridge adjacent to the Old Mill and to the rear of the newly opened Tesco) and the nearby River Wharfe tend to be more traditional in appearance and constructed from natural stone. It is considered that the proposed bridge would have an engineered appearance and would not be sympathetic to the rural character of the area.

Trees, Landscaping & Ecology

- 10.51 Given the location of the site adjacent to Collingham Beck, it is important to consider the impact of the development on trees and ecology and to ensure that a satisfactory landscaping scheme can be integrated into the development. There are a number of mature trees along the southern boundary either side of Collingham Beck which are covered by a group Tree Preservation Order (Ref. 1975/2). The trees within the TPO include a mix of Alder, Hawthorn, Ash, Oak and Sycamores.
- 10.52 The application is not accompanied by a tree survey and therefore it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site. Clearly, a number of trees will be removed to facilitate the new access and internal road. In the absence of this information it is considered that the proposed development will be harmful to the rural character of the area.
- 10.53 In terms of nature conservation, an ecology report was submitted as part of the application and this is deemed to be acceptable. However, further survey work for Great Crested Newts, Otters and Water Voles would be required prior to determination.

Amenity

- 10.54 Consideration needs to be given to how the proposed development will impact upon the living conditions of neighbours. Similarly, the development also needs to provide an acceptable standard of amenity for future residents in terms of internal dimensions, garden sizes, communal Greenspace and a well thought out design. The scheme fails to provide the details of levels and sections as previously requested. Without such information it is difficult to assess how this would impact upon the living conditions of existing residents, and particularly those to the east within the Millbeck Green Estate, and especially if ground levels are increased, thereby increasing the potential for overlooking. The submitted Design & Access Statement notes that bungalows will be provided along the eastern boundary and therefore it is likely that these will not have an unacceptable impact upon the living conditions of neighbours, subject to satisfactory ground levels. The position of the houses along the northern boundary as shown on the indicative plan are a sufficient distance away from the boundary with neighbours to ensure that there would be no adverse impact.
- 10.55 In terms of the masterplan, the majority of the dwellings are the required distances from each other and have adequate garden areas. However, this is based upon a layout which shows 110-120 dwellings and not the 150 being proposed under this outline application. A development of up to 150 dwellings may not provide an

adequate standard of amenity for future residents. However, this is a matter which could be negotiated if the principle of residential development was accepted.

Local Infrastructure

- 10.56 Many of the local objections raise the issue about the impact of the proposed development on local infrastructure such as flood defences, schools, and the local doctors/surgery. The issue of flooding has been addressed in paragraphs 10.43 to 10.47 of this report. In terms of school provision, the only school within the village is Elizabeth of Hastings Primary School. It is understood that this is at or close to capacity and therefore there may be problems in accommodating any new primary school children from the proposed development. It is also unclear whether this school is capable of expanding in a sufficient manner in order to cater for the increased demand. This is therefore something that will require further consideration. In terms of secondary school provision, the nearest school is within Wetherby and is capable of accommodating additional pupils.
- 10.57 It is also understood that the existing doctors surgery (Church View Surgery) is nearing capacity and that concerns have been expressed by the surgery partners during neighbourhood planning discussions about the location of any additional houses and that resources are finite in order to be able to expand services to deal with a serious increase in the size of their patient list. However, it is unclear what constitutes “a serious increase in size” and whether the development of 150 houses would be categorised as serious. Whilst the issue of health is an important matter, there are no adopted planning policies which consider this issue and seek contributions to mitigate any impact.

Letters of Representations

- 10.58 The issues raised in the letters of representation have been considered above.

Section 106 Package

- 10.59 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

(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.

- 10.60 The proposed obligations in relation to green space, affordable housing, education, public transport and possible off site highway and drainage/flood alleviation works have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted. It is understood that the applicants are not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position at present.

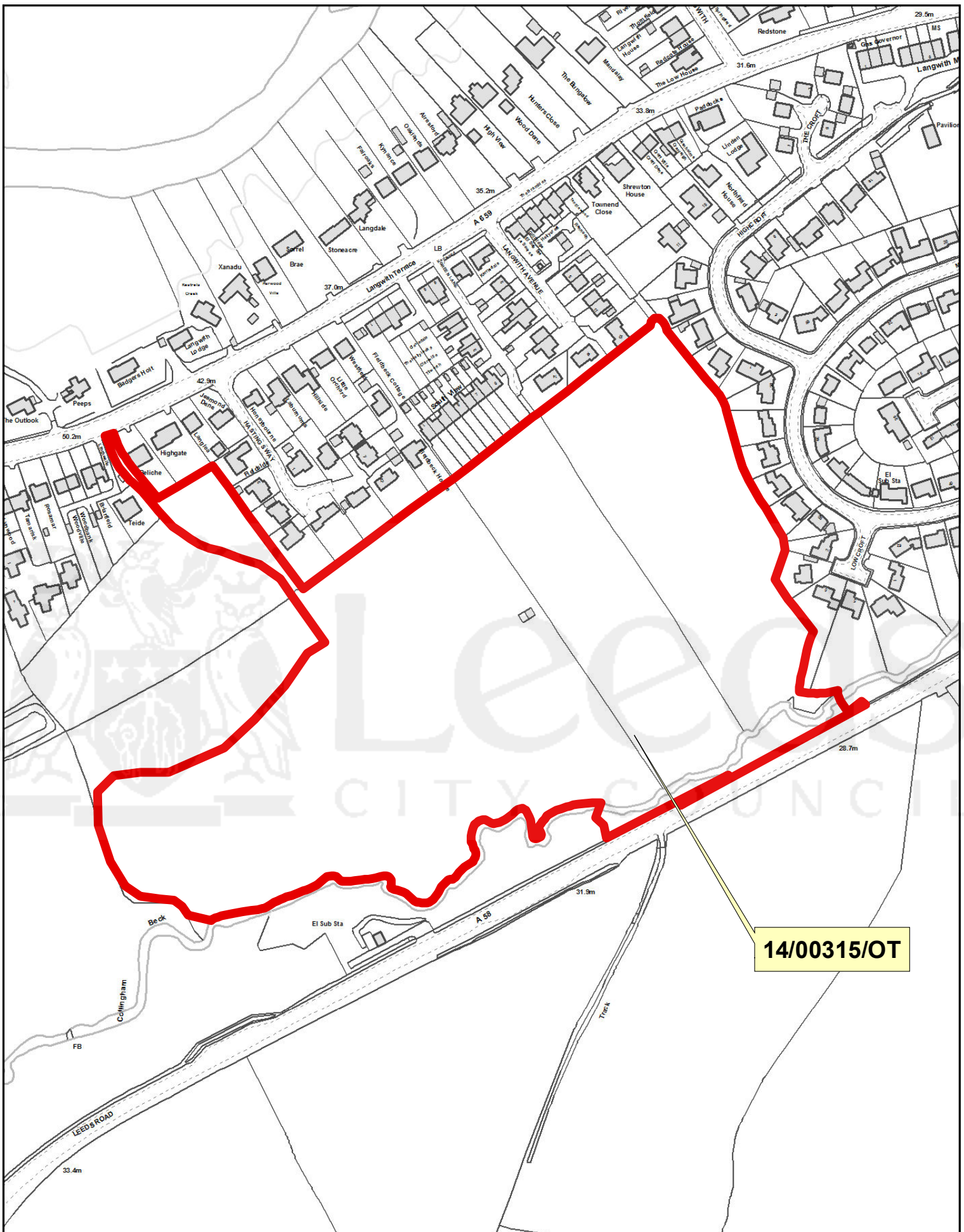
11.0 CONCLUSION

- 11.1** The release of the Collingham PAS site for housing development at this time is premature , being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council considers it has a 5 year housing land supply and so there is no need to release additional sites of this scale in advance of the Site Allocations process. The location of the site in a smaller settlement and the size of the site compared to the overall size of the village mean that this is a substantial expansion and it does not meet the criteria in the interim housing delivery policy to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. There are concerns about the highways implications on the local network and the poor sustainability of the site given the infrequency of the local bus service. There are also concerns over the amount of development and its impact on local character, the design of the bridge, the use of the Green Belt for Public open Space, trees and ecology. Refusal is therefore recommended for the reasons set out at the start of this report.

12.0 BACKGROUND PAPERS

Application file 14/00315/OT

Certificate of Ownership – Certificate B signed and ownership served on:
Trustees of the A K Jackson Discretionary Will Trust



14/00315/OT

CITY PLANS PANEL





CLIENT: MILLER HOMES

PROJECT: LEEDS ROAD, COLLINGHAM


DRAWING OF: MASTERPLAN

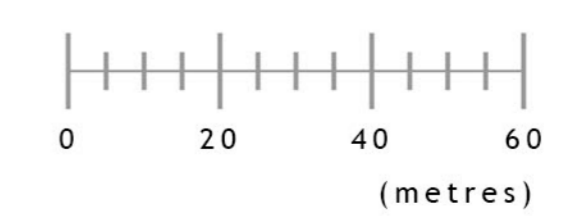
DRAWING NO.: MASTERPLAN

DRAWN BY: ALP/LB

SCALE: 1:1000

DATE: 18/12/2013


 ■ architectural design
 ■ town planning
 ■ landscape architecture
John R Paley Associates
 01924 383322 | @johnrpaley | www.jrpassoc.co.uk



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Originator: Adam Ward

Tel: 3951817

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30th October 2014

Subject: APPLICATION 13/03051/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 325 DWELLINGS, ACCESS AND ASSOCIATED WORKS INCLUDING OPEN SPACE AND LANDSCAPING ON LAND AT SPOFFORTH HILL, WETHERBY.

APPLICANT: Bellway Homes Limited **DATE VALID:** 17/7/13

TARGET DATE: 31/10/14
(Agreed extension in time)

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE to the Chief Planning Officer for approval subject to conditions to cover those matters outlined below (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- Affordable housing at 15% (49 dwellings – phased delivery) on site, to be pepper-potted around the site in 5 clusters of between 8 and 10 properties, and a commuted sum in lieu of the remaining 20% (around £8.5m in current values, but index linked).
- Commitment to deliver EASEL 7 (83 dwellings) - 20 units delivered at EASEL for every 50 delivered at Spofforth Hill).
- Public transport contribution £1,226 per dwelling and index linked.
- Off-site highways mitigation contribution of £1,226 per dwelling and index linked.
- Provision of a right turn lane (with the land safeguarded), in the event that it is

needed.

- **Education contribution of £2,972 per dwelling and index linked.**
- **Greenspace contribution (The current layout results in an indicative contribution of £324,876.82 and index linked).**
- **Travel Plan measures and monitoring fee of £5,125 and index linked.**
- **Bus stop and Metro Card provision.**
- **Car club contribution.**
- **Local employment and training initiatives during the construction of the development.**
- **Public access to public open space.**

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Buffer landscaping to be within the red line plan, details to be submitted and approved.
5. Pre-start 25 year landscape management plan.
6. Pre-start arboricultural method statement for off-site highway works.
7. Maximum units to be 325 with maximum number of units from Spofforth Hill being 285 and 40 from Glebefield Drive.
8. Samples of walls, roofing, doors, windows, surfacing material to be approved.
9. Details of means of enclosure including retaining walls.
10. Details bin stores.
11. Landscape scheme.
12. Implementation of landscape scheme.
13. Tree protection conditions.
14. Tree replacement conditions.
15. Biodiversity enhancement conditions.
16. Access roads and car parking to be complete prior to first use.
17. Drainage details.
18. Cycle/motorcycle provision.
19. Construction Management Plan to include interim drainage measures, arrangements for construction traffic including access routes, on site provision for contractors during construction, location of compounds, measures to prevent mud on road and dust suppression.
20. Contamination reports.
21. Unexpected contamination.
22. Verification reports.
23. Any remedial works identified by site investigation relating to shallow mine works to be completed prior to commencement.
24. Condition relating to specified off-site highway works.
25. Electric vehicle charging points.
26. 20mph speed limit throughout the site.
27. Provision of emergency access link.
28. Provision of cycle link to Harland Way.
29. Adherence to the design code.

30. Masterplan (to be revised under any RSV matters applications).

31. Archaeological evaluation.

1.0 INTRODUCTION

1.1 This outline application was previously reported to the Plans Panel on 18th September 2014, where the principle of the development proposed was accepted, subject to conditions and a Section 106 Agreement as outlined in the report, and subject to the matter being reported back to Panel for further consideration at the next meeting of the following:

- Guarantees regarding the off-site commuted sum in relation to affordable housing and the phasing details of the payments;
- Proposed changes deleting the right hand turn access to the site;
- Pepper potting of the affordable housing throughout the site;
- Further discussion with Harrogate Borough Council and North Yorkshire County Council regarding access to the site; and
- Viability assessment of the EASEL 7 site.

2.0 FURTHER INFORMATION

2.1 Following the previous Panel meeting, officers have considered the issues above and have received further information and amended plans, which seek to address the concerns expressed by Panel. Ward Members have been made aware of the amendments, and have been briefed, and site notices have been positioned along Spofforth Hill to make residents aware of the amendments to delete the right turn lane, and to invite any representations. These are addressed in the following sections set out below. The previous report of 18th September and the associated addendum report are appended for information to this report.

Guarantees Regarding Off-Site Commuted Sum and Phasing

2.2 Following discussions with the applicant, additional information has been provided on the matter of commuted sums, both from Bellway Homes and the landowners. Bellway Homes have provided the following statement in response to the concerns of the Panel:

“The application is fully compliant with planning policy in terms of meeting the required contributions and with the Council’s approach to PAS release by linking the application with the redevelopment of a brownfield regeneration site.

I would like to make it clear that all of the contributions, including the delivery of the balance of EASEL 7, has been accounted for in our viability appraisal in order to achieve our standard profit margin. Furthermore, we have a contract with the landowners to purchase the land at an agreed price which is based on these contributions and our required profit margin. It is therefore not necessary for Bellway to seek to reduce any of the agreed contributions in order to purchase the site at the agreed price and to develop it with an acceptable level of developer profit.”

- 2.3 The agent acting primarily on behalf of the landowners and who spoke at Panel on 18th September, has provided a statement setting out their position which is as follows:

"I can confirm that the contract between Bellway Homes (Yorkshire) Ltd and the land owners is based on a fixed land value, the calculation of which took into account the S106 costs together with Bellway's estimate of the additional costs of completing EASEL 7. In this regard, the arrangements in respect of the contract were such that these costs were known before the fixed price was agreed. This is not therefore a situation in which the developer has agreed a land price which is subsequently found to be unviable due to unforeseen S106 costs. All costs were taken into account in the identification of a known sales price and the developer's profit that Bellway requires.

The contract was prepared in the full knowledge of what would be required under the terms of the Council's Interim PAS policy. In this regard, it may help you and members to know that the contract includes a specific requirement for Bellway to provide such a planning obligation as may be sought by the Council requiring the company to commence or recommence and complete the development of land within the EASEL area, or to agree to such other action or payment as may properly be required to satisfy the Interim PAS Policy, insofar as the policy relates to the development of a PAS site of over 10 hectares in size.

It seems to me that this demonstrates clearly that (a) the requirement to link development at Spofforth Hill with brownfield development elsewhere was a known factor not only in the formulation of the planning application but also in the related financial arrangements between the applicant and the land owners, and (b) the costs of ensuring that the proposals would be policy compliant were known, and taken fully into account in advance.

I would suggest that this information will provide members with all they need to know about the viability of the linkage between Spofforth Hill and EASEL 7. The crucial point is that having been required to take into account all relevant matters in the contract for the purchase of the land, Bellway Homes (Yorkshire) Ltd was sufficiently confident about costs and viability that it entered into a fixed price purchase arrangement. The comfort in respect of viability issues that members were seeking at the last meeting lies in this point."

- 2.4 Given the above, it is evident that both the landowners and applicant are fully aware of the planning policy requirement, in terms of the planning obligations necessary to make the development acceptable and the commitment to deliver brownfield development in a regeneration area, and that these have been fully appraised and costed, sufficient to ensure that the full package offered will be delivered in full.

2.5 The applicant has previously put forward information about phasing. This can be summarised as follows:

Commitment to delivery of the balance of the EASEL 7 site: this is to comply with the Council's interim PAS policy

3.0 Bellway commit to:

- Recommencement of construction on grant of outline planning permission.
- Completion of units to be linked to Spofforth Hill. 20 units at EASEL 7 to be completed prior to occupation of every 50 units at Spofforth Hill, so EASEL 7 would be completed before occupation of the 200th dwelling at Spofforth Hill, and this will form part of the Section 106 agreement.

Affordable housing: This is Policy Compliant

3.1 Total contribution 35%, of which 15% is on site and 20% off site in the form of a financial contribution.

3.2 Onsite – 15% equates to up to 49 dwellings based on the outline consent for up to 325 dwellings. This reflects officer advice and the mix is as follows (49 units):

- 15 no 1 bed – 30%
- 22no 2 bed – 45%
- 10 no 3 bed – 20%
- 2 no 4 bed – 5%

3.3 If approval is granted for less than 325 units the same pro rata provision of 1, 2, 3 & 4 bed properties would apply to deliver a total number of units equivalent to 15% of total number approved.

3.4 Delivery proposed as follows: 50% of the affordable units to be completed prior to occupation of the 100th open market dwelling and the balance to be delivered on completion of the 250th dwelling on site. Units are to be in clusters and not located in one area of site. The applicant is proposing 5 clusters of 9 – 10 units, spread around the planned site, and have sought advice from one of their RSL partners to understand whether this approach is appropriate. The precise location of the affordable units is to be agreed at reserved matters.

3.5 Off site - 20% or up to 65 units. Based on today's agreed OMV (£250 sq ft) and LCC transfer prices this would amount to £8,562,537.25, to be index linked. This was agreed with the Council in Jan 2014. The mix is as follows:

- 20 x 1 bed – 30%
- 29 x 2 bed – 45%
- 13 x 3 bed – 20%
- 3 x 4 bed – 5%

3.6 Commuted sum calculated as follows:

Total sq footage calculated on the % of 1, 2, 3 & 4 beds above and the dwelling sizes above. OMV/sq ft applied (currently £250£/sq ft) then transfer price at 50/50 split between SR and IMHS deducted to give commuted sum. This is compliant with

LCC SPD and can be adjusted on the number of units to ensure the affordable housing provision is 35% in total. This calculation can form part of the S106 and therefore protects LCC in the event of increases in OMV.

3.7 The applicants suggested payment structure for commuted sum payments is 30% (£2.55m) on occupation of 100 units, 30% (a further £2.55m) on occupation of 200 units, 20% (£1.7m) on occupation of 250 units, and the final 20% (a further £1.7m) on completion of site. This has the down side risk, with regard to the final payment, that should the full 325 dwellings not be completed, for example should the inclusion of the landscape buffer within the red line site area mean a lower number of dwellings will be built, or should the last remaining unit simply not be built, then the 'completion of the site' trigger would not be met. It also means that the Council is not in receipt of any affordable housing contributions until 100 units have been built out, which at a rate of say 50 per annum would mean two years.

3.8 It is common practice to have a staggered payment mechanism, reflecting phased build out rates and cash flow. It is therefore proposed that £1.7m (index linked) be payable on occupation of the 50th unit, a further 20% (£1.7m index linked) on occupation of each of 100th, 150th and 200th unit, with the remaining 20% to be payable on completion of the 250th unit (or completion of the 50th unit lower than the total amount granted reserved matters approval), and in any event within 5 years of the date of commencement of the development. This would ensure that a) contributions are made earlier in the development, b) payments are made proportionally across the build, and c) that the downside risk of the final payment not being made is eliminated.

Education: This is Policy Compliant

3.9 £2,972 per dwelling
20% on first occupation and 4 equal instalments annually thereafter, index linked.

Public transport: This is Policy Compliant

£1,226 per dwelling
20% on first occupation and 4 equal instalments annually thereafter, index linked.

Local Highways Improvements:

3.10 This is required to invest in local highways projects in the vicinity of the site where traffic from the development is projected to impact.

£1,226 per dwelling
20% on first occupation and 4 equal instalments annually thereafter, index linked.

Greenspace: This is Policy Compliant based on 325 units.

3.11 Indicative layout suggests £324,876.82
20% on first occupation and 4 equal instalments annually

Travel Plan:

3.12 Review fee £4,000 – first occupation
Monitoring Budget £10,000 – first occupation
Metrocard (bus only) £462 x 325 = £150,150 per dwelling on occupation

- 3.13 In conclusion, the applicant has confirmed that all of the above S106 contributions, in accordance with council policy, and that the EASEL 7 offer is being cross funded by the landowners and Bellway together. This offer is not dependent upon a viability appraisal seeking to reduce any of the above S106 contributions for the Spofforth Hill application.

Proposed Changes Deleting the Right Hand Turn Access to the Site

- 4.0 At the request of Members the applicant has provided an amended access proposal to delete the right turn lane into the site from Spofforth Hill, thereby seeking to safeguard a greater number of trees from removal than before. Officers and Members have consistently sought to limit the impact of any new access on trees. At pre-application stage the removal was envisaged to be 33. This was then reduced to 16, then most recently down to 9. The deletion of the right turn lane would further reduce this to only 4 which would definitely need to be felled (others however remain affected).
- 4.1 The amended scheme is supplemented by information from the applicant's highways and arboricultural consultants. The deletion of the right turn lane now only necessitates the removal of 4 trees to form the access (T36, T37, T38 and T39). Two trees are shown as being recommended for removal from the south side of Spofforth Hill, though this is due to arboricultural management reasons only, and is not as a consequence of the access, footway or pelican crossing arrangements. The widening of the footway from 1.7m to 2m to meet highway standards will however result in encroachment of T1 to T9 (southern side), and T26 to T35 and T40 to T51 (northern side). This will require a no dig solution and the use of porous surfacing, in order to limit root damage/severance, and to allow roots access to air and water, in the interests safeguarding in so far as is possible their long term health and stability. Conditions are therefore recommended in this regard. A colour plan of the arboricultural assessment of the trees that would require to be felled under the amended proposals to delete the right turn lane is appended to this report, together with the earlier plan of those which would be required to be felled with the inclusion of the right turn lane.
- 4.2 The applicant's highway consultants have advanced the case that the right turn lane is not essential, in highway safety and capacity terms. They submit evidence in support of this by letter dated 30th September that has been placed on the Council's website. The statement has been considered by the Council as Highway Authority, and in response officers have asked the applicants to re-run the road safety audit (RSA), in order to have comfort that it is indeed acceptable in highway safety terms, and to confirm as far as is possible that the right turn lane will not be required in the future, thus negating the benefits in terms of the reduced number of trees to be felled outlined above. At the last meeting Highways confirmed that although the right turn lane is considered to be 'highly desirable', it is not essential. The purpose of an RSA is to have an objective view of the highway proposals, the applicant's RSA is awaited at the time of writing this report, and will therefore be reported at the meeting, together with any implications arising. This is clearly not ideal, however a commitment was given to Members to bring a report back to the next available meeting, and this is therefore unavoidable in the circumstances.
- 4.3 Further to the above Highways advise that, if the application is approved, detailed design works would be carried out by LCC, and that work would include further

RSAs including post completion. It is important that members are aware of this further stage in the highways works which will involve consultation with Ward Members, and that under the S106 land is reserved in the event that a right turn lane is required. In planning terms, it is officer's view that, subject to an acceptable RSA, no right hand turn lane is necessary. Whilst on balance in planning terms no right turn lane is preferred, the alternative remains acceptable, as set out in the appended report.

Pepper Potting of Affordable Housing Throughout the Site

- 5.0 The applicant has discussed the issues of the Council's wish to 'pepper-pot' the affordable housing across the site. The scheme will deliver 49 affordable houses units on site, on the basis of 325 dwellings, although given that the application is in outline only no detailed layout is provided to illustrate the exact locations of the affordable housing units at this point in time. This will be dealt with through a future Reserved Matters submission where the detailed layout of the site is considered and assessed.
- 5.1 Nevertheless, the applicant has sought additional information from one of their main affordable housing providers (Jephson Housing Association) in order to seek their views on the matter since it would be that organisation, or similar, that would ultimately have the responsibility of managing the affordable housing units in perpetuity. From their perspective, Jephson Housing Association would prefer the affordable housing units in clusters rather than being individually 'pepper potted' around the site. Of a development of this size, the housing association would require 5 clusters of between 8 and 10 properties and these would generally be 1 and 2 bedroom units given the current demand. In relation to 5 and 6 bed properties, due to lack of demand, Jephson would be reluctant to accept properties of this size unless the Local Authority have identified a specific family to house in the property. Where affordable housing units are in receipt of Housing Benefit it would require that the family have 8 children in a 5 bed house and 10 children in a 6 bed house, since the rules of HB dictate that children of the same sex are required to share a room. Even if the family is an extended family, BME for example, with parent(s), grand-parent(s) it would still require the household to have 6 children in a 5 bed property and 8 children in a 6 bed property.
- 5.2 Given the above it is considered reasonable to accept 5 clusters of dwellings pepper-potted across the site. This ought to be referred to in the S106 agreement, and is therefore contained in the heads of terms at the start of the report.

Further Discussion with Harrogate Borough Council

- 5.3 Following the request from City Plans Panel to contact North Yorkshire to ask them about their position in respect of a possible new access to serve the development, on land within the jurisdiction of Harrogate Borough Council as Local Planning Authority, officers wrote to Harrogate's Chief Planning Officer. Harrogate Borough Council has responded to the Council's question of whether they would consider the possibility of an access and roundabout within their authority to serve the proposed development. The response is identical to their previous reply which was set out within paragraph 7.15 of the report to Panel on 18th September. This set out Harrogate's formal view on the proposal to site an access roundabout serving the

proposed Spofforth Hill residential development which in their opinion, would have significant adverse visual impacts and would not be supported. The recent response highlights the fact that the proposal was not viewed favourably at that time on landscape and visual grounds and that there has been no change in circumstance since which would lead Harrogate to amend its view on the matter. As such, Harrogate BC would not support a new access within their authority which would serve the proposed development.

- 5.4 Members will recall that access in this location would result in development within the Green Belt. On the 16th October 2014 Communities Secretary Mr Eric Pickles strengthened the policy on planning for waste facilities in the Green Belt, making clear these should first be built on suitable site and areas of brownfield land. This follows earlier guidance issued on 04th October 2014, reaffirming that local plans should protect the green lungs around towns and cities, and that Green Belt boundaries should only be altered in exceptional cases, through the preparation or review of the Local Plan. Although the new statements and guidance are in the context of waste development and Green Belt boundaries, Mr Eric Pickles stated that *“I am crystal clear that the Green Belt must be protected from development, so it can continue to offer a strong defence against urban sprawl. Today’s new rules strengthen these protections further, and ensure that whether it’s new homes, business premises or anything else, developers first look for suitable sites on brownfield land”*. These recent ministerial comments re-emphasise the important role of the Green Belt and the enhanced policy protection that applies in relation to inappropriate development.

Viability Assessment of EASEL 7 Site

- 6.0 Bellway has submitted evidence in the form of a viability appraisal for EASEL 7, and the District Valuer (DV) has been instructed to prepare an independent evaluation of the appraisal. Members should therefore be aware that consideration of this application is accompanied by a separate report, relating to the viability of EASEL7, evidence of which underpins the link with the PAS policy. The information contained within this separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information, as it would be likely to prejudice the applicant’s commercial position. It is therefore considered that the appraisal should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).

ADDITIONAL REPRESENTATIONS

- 7.0 Following the receipt of revised plans which show a revised layout to delete the right lane turn into the site, site notices were placed along the Spofforth Hill frontage on 3rd October 2014, highlighting such changes and inviting comments within two weeks. Further to this, one letter of objection from an existing objector has been received, objecting to the proposals on the following grounds:

- The development would increase traffic and be harmful to highway safety.

- The proposal does not incorporate any footway provision to the south side of Spofforth Hill to allow access to the pelican crossing from Wentworth Gate.

7.1 The additional information and amended plans were presented to Ward Members (Cllr J Procter) in a briefing session held on 16th October. In particular, officers presented the following information to the Ward Member:

- Revised plans showing the deletion of the right turn lane into the site and plans showing the extent of reduced tree removal;
- Email confirmation from Harrogate Borough Council;
- Information on the pepper potting of affordable housing across the site;
- Confirmation of the applicants and landowners commitment to deliver the full section 106 obligations;
- Details of the phasing of the on-site affordable housing;
- Details of the phased payments of the off-site affordable housing contribution; and
- Details of the commuted sum and details of the phasing of payments;

CONCLUSION

8.0 At the City Plans Panel Meeting of 18th September 2014 Members resolved that this application be supported in principle subject to a number of matters listed at 1.1 of this report being reported back for further consideration.

8.1 In terms of these, subject to a satisfactory road safety audit of the development with the deletion of the right turn lane, the deletion of the right turn lane would significantly reduce the number of trees lost and/or affected. Only one objection to this amended detail has been received, and opportunities to explore the possibility of a roundabout in the Green Belt have been exhausted, and this would in any event be inappropriate development in the Green Belt.

8.2 Satisfactory information on pepper-potting of affordable units through the site has been received, and subject to the reinforcement of this requirement under the above heads of terms under a S106 agreement, this and the proposed phasing of contributions are in principle acceptable.

8.3 The completion of the development at EASEL 7 is not considered to be currently viable, and would be unlikely to recommence without the cross subsidy approval of this application would bring. Subject to the consideration of the evaluation of the viability appraisal conducted, considered under a separate report on this agenda, the proposed development would be in accordance with the interim PAS policy, and would unlock contributions at EASEL 7.

8.2 In the light of the Panel's previous resolution to support this application in principle and the additional information contained within this report and the exempt report, it is recommended that approval of this application is deferred and delegated to the Chief Planning Officer in accordance with the terms set out at the start of this report.



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 18th September 2014

Subject: APPLICATION 13/03051/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 325 DWELLINGS, ACCESS AND ASSOCIATED WORKS INCLUDING OPEN SPACE AND LANDSCAPING ON LAND AT SPOFFORTH HILL, WETHERBY.

APPLICANT:Bellway Homes Limited **DATE VALID:** 17/7/13 **TARGET DATE:** 24/10/14

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

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- **Bus stop and Metro Card provision.**

- **Car club contribution.**
- **Local employment and training initiatives during the construction of the development.**
- **Public access to public open space.**

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Maximum units to be 325 with maximum number of units from Spofforth Hill being 285 and 40 from Glebefield Drive.
5. Samples of walls, roofing, doors, windows, surfacing material to be approved.
6. Details of means of enclosure including retaining walls.
7. Details bin stores.
8. Landscape scheme.
9. Implementation of landscape scheme.
10. Tree protection conditions.
11. Tree replacement conditions.
12. Biodiversity enhancement conditions.
13. Access roads and car parking to be complete prior to first use.
14. Drainage details.
15. Cycle/motorcycle provision.
16. Construction Management Plan to include interim drainage measures, arrangements for construction traffic including access routes, on site provision for contractors during construction, location of compounds, measures to prevent mud on road and dust suppression.
17. Contamination reports.
18. Unexpected contamination.
19. Verification reports.
20. Any remedial works identified by site investigation relating to shallow mine works to be completed prior to commencement.
21. Condition relating to specified off-site highway works.
22. Electric vehicle charging points.
23. 20mph speed limit throughout the site.
24. Provision of emergency access link.
25. Provision of cycle link to Harland Way.
26. Adherence to the design code.
27. Masterplan (to be revised under any RSV matters applications).
28. Archaeological evaluation.

8.0 INTRODUCTION

- 8.1 This outline application was presented as a position statement to the 24/10/13 City Plans Panel as it proposes the development of a large Greenfield site in Wetherby which is a site designated as a 'Protected Area of Search' (PAS) in the UDP for residential development. At that Panel Members raised a number of queries, including comments on the housing number, delivery and the highways implications.

These and other issues have been the subject to ongoing negotiations and a revised scheme is now presented to Members for further consideration and decision.

2.0 PROPOSAL:

- 2.1 This amended application proposes a residential development of up to 325 houses (reduced from 400 previously proposed). Outline permission is sought for the principle of development plus the means of access and landscaping. Matters in respect of appearance, layout and scale are reserved for later consideration. The amended plans shows that there are now two vehicular access points proposed, one being off Spofforth Hill serving 285 houses and one from Glebefield Drive serving 40 houses. The Spofforth Hill access is via a new priority junction further east than the roundabout previously proposed whilst the access from Glebefield Drive serving 40 houses is the same as that previously proposed to be just an emergency access. Green pedestrian routes are proposed to link into the existing housing development to the east and to the Harland Way to the north. A number of formal green squares and a village green area are included on the indicative masterplan.
- 2.2 There are now fewer trees being removed on Spofforth Hill in order to facilitate the vehicular access to the site and associated sightlines. Parcels of green space are indicated across the site. Planting currently exists on the northern boundary and further planting is proposed to provide a landscaped buffer of between 5-20m to the open countryside, some of this buffer is outside the application site but on land in the same ownership. Planting buffers are also proposed to the existing residential development to the south.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of 1 to 6 bed dwellings. The indicative masterplan splits the site into two with development parcels either side of the central village green. The indicative masterplan identifies a density of 20 dwellings per hectare on the development parcel to the west of the village green closer to Spofforth Hill with the larger development parcel to the east including dwellings at a density of 27 dwellings per hectare and the forty dwellings served off Glebefield Drive at 34 dwelling per hectare. The overall site average is 24 dwellings per hectare.
- 2.4 The interim affordable housing policy for this area seeks an on-site provision of 35% (114 dwellings). However, this application proposes to provide 15% affordable housing on site (49 dwellings) with a financial sum being provided in lieu of the remaining 20%. Based on current values, this commuted sum would equate to £8,562,537.25.
- 2.5 In response to the requirements of the Interim PAS Policy, the applicant has also committed to restarting construction on EASEL 7 (83 units) prior to commencing work at Spofforth Hill. The two sites would be linked through the S106 to give certainty that the remaining balance on units will be completed on EASEL 7. The developer has committed to restarting EASEL 7 upon a receipt of a Panel resolution to grant permission and will commit to completing the 83 units.
- 2.6 The application is supported by the following:

- Indicative masterplan
- Design & Access Statement including design code and sustainability statement
- Planning Statement
- Affordable Housing Statement
- Environmental Statement incorporating Transport Assessment, Travel Plan, Landscape Visual and Impact Assessment, Flood Risk Assessment, Ecology, Ground Conditions and Cultural Heritage.
- Tree Report
- Statement of Community Involvement

3.0 SITE AND SURROUNDINGS:

3.1 The site relates to a Greenfield site that is located towards the north-western edge of Wetherby. The site measures 15.7 hectares and is in agricultural use. Part of the site abuts Spofforth Hill which is the road which links Wetherby with Harrogate. Along the Spofforth Hill frontage is a line of mature trees and hedges, which helps screen the site from public views.

3.2 In terms of surrounding land uses, the land to the east comprises two-storey residential housing, bounded by trees and hedges along the boundary with the site. To the south is housing, partly along the north side of Spofforth Hill and entirely on the south side. The housing along the north side of Spofforth Hill comprises mainly large detached and some semi-detached houses with long rear gardens which feature mature planting along their rear boundaries. On the south side of Spofforth Hill, the houses are similar, albeit with smaller rear gardens than the houses to the north side. Beyond these houses to the south is a large suburban housing estate, comprising mainly two-storey detached dwellings with moderate gardens. Access to this housing area is taken off Spofforth Hill from Chatsworth Drive and from Wentworth Gate. To the north is open countryside that falls within the district of Harrogate. This is unallocated within Harrogate's Local Plan, although the land to the south western side of Spofforth Hill within Harrogate district is allocated as Green Belt. The north eastern boundary to the site is formed by the Harland Way (set within a dismantled railway cutting), which is a popular walking and cycling route between Wetherby and Spofforth.

4.0 RELEVANT PLANNING HISTORY:

4.1 31/333/99/FU & 31/334/99/FU – 82 dwelling houses: Disposed of in April 2002.

4.2 31/338/98/OT – Outline application to layout access and erect residential development: Disposed of in February 2002.

4.3 H31/94/81 – Outline application to lay out access roads and erect residential development, sports centre and clubhouse: Refused in July 1981 and appeal dismissed in August 1982.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A position statement was presented to City Plans Panel on 24th October 2013. A copy of the minutes is provided at Appendix 1 and a brief summary of the issues raised is provided below. A full response to the issues raised is provided in the appraisal at section 10 below.
- The Panel accepted the principle of developing this PAS site for housing but that the number of dwellings should be reduced.
 - Members requested the access be provided via a roundabout in Harrogate.
 - The number of trees to be removed should be reduced.
 - The principle of an on/off-site affordable housing provision was accepted but the amount of on-site provision needed for affordable housing in Wetherby should be quantified and justified.
 - Further information regarding the off-site provision was required and what benefits this scheme was bringing forward.
 - A 20m landscape buffer to the open countryside was supported.
- 5.2 Pre-application discussions commenced in November 2012 and a pre-application presentation was made to the 11th April 2013 City Plans Panel. A copy of the minutes of this meeting is provided at Appendix 2.
- 5.3 Officers have consulted with Ward Members both pre and post submission. Ward Members raised concerns regarding the proposed access on Spofforth Hill and traffic impact on Wetherby and requested the access be moved further up Spofforth Hill into Harrogate District.
- 5.4 The applicant held two public consultation events at Wetherby Town Hall in November 2012 and February 2013. These events were drop-in sessions and were publicised by leafleting local residents and interested parties/groups, displaying notices in buildings throughout Wetherby and press releases to newspapers and community radio. The statement of community involvement (SCI) submitted with the application provides full details of the events and feedback received. The applicant's SCI states the events were well attended and highlights the traffic implications being the key issue raised.
- 5.5 In light of the Panel's comments with regard to the suitability of the proposed access, officers have approached officers from Harrogate Borough Council with regard to the possibilities of including the vehicular access and new roundabout within the district of Harrogate to serve the proposed development. The response from Harrogate has been negative as they do not consider it be appropriate to locate the access within their district and would be something that would likely to be refused.
- 5.6 Following Harrogate's comments, the applicant has amended the location of the access and removed the proposed roundabout from Spofforth Hill. The scheme now includes a new access with a T-junction further to the east along Spofforth Hill which leads into the site. A dedicated right turn lane would be created when raveling from the Wetherby direction so as to avoid queuing traffic on Spofforth Hill. This would serve a total of 285 dwellings. A new access from Glebfield Drive would serve 40 houses, thereby reducing the total number of dwellings from 400 to 325. The relocation of the access would result in fewer trees having to be removed and would safeguard more protected trees than the current proposal. The relocated access

also reduces the potential for traffic 'rat-running' through the residential estate to the south towards Linton. A new pelican crossing is also proposed between the new access and Chatsworth Drive.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR, affects a right of way and is accompanied by an Environmental Statement. The original site notices were posted 26/7/13 and newspaper advert placed in the Boston Spa and Wetherby News 9/8/13. Following the submission of revised plans and additional information there have been further neighbour notification periods with letters sent 4/2/14 and 20/6/14 and new site notices posted 14/2/14 and 27/6/14. Revised plans were also submitted following a road safety audit where it is now proposed to install a pelican crossing on Spofforth Hill. Amended site notices were placed in the vicinity of the location of the pelican crossing on 28/08/14 and letters were sent to neighbouring residents on 27/08/14.
- 6.2 290 representations had been received by 05/09/14 and representations continue to arrive, with all but a few representations objecting to the proposals.
- 6.3 Alec Shelbrooke MP raises concerns on behalf of his constituents - Housing requirements are based on out of date figures as the recession and the increased controls on immigration have reduced housing demand. This would be an unnecessary expansion of Wetherby and would put pressure on local traffic and services.
- 6.4 Residents working on the Linton Neighbourhood Plan are concerned the proposals will increase the rat-running through Linton.
- 6.5 Linton Village Society is concerned regarding the impact of extra traffic through Linton that does not have the necessary highway and footway capacity.
- 6.6 The Council for the Protection of Rural England object to the proposals stating the development is unnecessarily large and would have a detrimental visual impact. The alternative location for the roundabout would not be supported. The site does not meet accessibility standards and could increase rat running through Linton.
- 6.7 Many local residents strongly object to the proposals and have raised the following concerns:
- Notwithstanding the introduction of a pelican crossing to Spofforth Hill, concern over the highways impacts, including access to existing properties, egress from Leconfield Court, sightlines, impact on Wetherby, Linton, pedestrians on Spofforth Hill, the need for new crossings on Spofforth Hill and an additional access point.
 - The loss of agricultural land.
 - Brownfield sites should be developed first.
 - Impact on local services including drainage, doctors, schools, shops.
 - Loss of trees and ecological habitat.
 - The house designs appear boring and inappropriate for the area.

- The public consultation was poor.
- A new road should be built to access the development from Kirk Deighton.
- Previous undertaking stated such a development would not be considered until 2016.
- Construction traffic should be banned from the Glebefield Estate.
- The emergency access point from the Glebefield Estate should be locked to prevent unauthorised use.
- Appropriate landscaping is required to screen the development.
- Adverse impact on the Wetherby Conservation Area.
- This would lead to a significant increase in the population of Wetherby.
- Footpaths should be preserved.
- Extra traffic in Wetherby could deter tourists.
- Loss of amenity.
- Lack of information re house locations etc.
- The proposals should be read in conjunction with the housing proposals in Boston Spa and Thorp Arch and the cumulative impact.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Yorkshire Water: There is limited capacity in the existing network therefore on site storage will be required. Conditions are recommended.

7.3 Environment Agency: No objection.

7.4 Highways: Following revisions to the number of dwellings proposed and additional information submitted the application can now be supported. A full highways appraisal is provided in section 10.

7.5 Non-statutory:

7.6 Transport Policy: The revised travel plan is acceptable. The TP should be appended to a S106 and the review fee of £4,000 and MetroCard provision should be required by the S106.

7.7 Public Transport Contribution Officer: A contribution of £1,226 per dwelling would be required (325 x £1,226 = £398,450).

7.8 Police Architectural Liaison Officer: Guidance provided on safety and security measures.

7.9 Contaminated Land: No objection.

7.10 West Yorkshire Archaeological Advisory Service: The site lies within an area of archaeological significance. An evaluation should be carried out before determination and if not, a suitable condition added.

7.11 Flood Risk Management: No objection.

- 7.12 Public Rights of Way: Footpath minimum dimensions should be retained and signage erected where necessary.
- 7.13 Metro: The site does not meet accessibility criteria to Leeds City Centre but consideration should be given to the proximity of Wetherby and Harrogate. The previous access via the roundabout required new bus stops with real time information therefore clarity is being sought if these are still to be required. The offer of a MetroCard contribution and public transport contribution are welcomed.
- 7.14 Education Leeds: The development would generate around 82 primary aged pupils which equates to a nearly half a form of entry. A contribution of £966,005 (£2,972 per dwelling) would be sought as there is not sufficient capacity in Wetherby. The development would generate around 33 secondary pupils but there is sufficient capacity in Wetherby therefore a contribution is not necessary.
- 7.15 Harrogate District Council: An alternative location for the roundabout within Harrogate District would have significant adverse visual impacts and would not be supported.
- 7.16 North Yorkshire County Council: Further analysis of junctions within North Yorkshire should be carried out. *This work has not been undertaken as the relevant LPA, Harrogate Borough Council, have confirmed that they will not support a proposal to relocate the vehicular access within their area.*
- 7.17 Affordable Housing Team: LCC has low affordable housing stock in Wetherby and a low turnover of social housing, any additional social rented and submarket stock would assist in meeting current demand, including a percentage of housing to meet the needs of older people. Given high house prices in the proposed area, low turnover and affordability, there is a need for more affordable housing stock in this area as well as the inner areas.

8.0 PLANNING POLICIES:

8.1 Development Plan

- 8.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons:

The NPPF states that decision-takers may give weight to policies in emerging plans according to:

i) The stage of preparation

- On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These have been published for a six week consultation between the 16th June and 25th July 2014. The Inspector's report has recently been received indicating that the Core Strategy is sound with agreed modifications. The Plan is therefore at the most advanced stage it can be prior to its adoption by the Council.

ii) The extent to which there are unresolved objections
- No further modifications are proposed and the Plan is considered sound by the Inspector.

iii) The degree of consistency with the NPPF
- In preparing his report the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.

8.3 The site is allocated within the UDP as a 'Protected Area of Search' (PAS). The site also abuts a Leeds Nature Area (LNA 109 – Wetherby Railway Triangle). Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds

SP3: New development will be concentrated largely within or adjoining main urban areas and settlements well served by public transport

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance the character or appearance

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N35: Development will not be permitted if it seriously conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should not create new, or exacerbate existing, highway problems.

T2B: Significant travel demand applications must be accompanied by Transport assessment

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

Policy N34 – PROTECTED AREA OF SEARCH :

The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and supporting paragraphs are set out below:

Protected Areas of Search for Long Term Development

The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

- 8.4 The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extraction of coal prior to construction

8.5 Relevant Supplementary Planning Guidance

Supplementary Planning Document: “Street Design Guide”.
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.
Supplementary Planning Document: Travel Plans.
Supplementary Planning Document: Designing for Community Safety – A Residential Guide
Supplementary Planning Guidance “Neighbourhoods for Living”.
Supplementary Planning Guidance “Affordable Housing” – Target of 35% affordable housing requirement.
Supplementary Planning Document – Sustainable Design and Construction “Building for Tomorrow, Today”
Supplementary Planning Guidance 4 – Greenspace Relating to New Housing Development
Supplementary Planning Guidance 11 – Section 106 Contributions for School Provision
Supplementary Planning Guidance 25 – Greening the Built Edge

Interim PAS Policy

8.6 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;*
- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and*
- (iii) The land is not needed , or potentially needed for alternative uses*

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

- (iv) It is an area where housing land development opportunity is Demonstrably lacking; and*
- (v) The development proposed includes or facilitates significant planning benefits such as but not limited to:*
 - a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;*

b) *Proposals to address a significant infrastructure deficit in the locality of the site.*

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

- 8.7 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which:
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.
- 8.8 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.
- 8.9 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars Farm, Morley and Calverley Lane, Farsley. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley, East and West of Scholes, and Breary Lane East, Bramhope, have also been recently refused.
- 8.10 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.

Local Development Framework

- 8.11 The Submission Draft Core Strategy was examined by an Inspector between July 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Plan is now moving towards adoption shortly. The Plan is therefore at a very advanced stage.
- 8.12 The modified housing requirement is similar to that which influenced the Council's interim-policy and therefore remains valid and there is still a need to consider releasing sites in accordance with the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land in sustainable locations, in the main urban area and major settlements. The release of the application site at this time helps maintain these outcomes. Larger sites in smaller

settlements which are less sustainable are protected from development now, until properly considered through the Site Allocations Plan process.

- 8.13 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.14 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 8.15 The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.
- 8.16 It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

SP6: The housing requirement and allocation of housing land

SP7: Distribution of housing land and allocations

H1: Managed release of sites.

H2: New housing development on non-allocated sites.

H3: Density of residential development.

H4: Housing mix

H5: Affordable housing

P10: Design

P11: Conservation

P12: Landscape

T1: Transport management

T2: Accessibility requirements and new development

G3: Standards for open space, sport and recreation

G4: New greenspace provision

G7: Protection of species and habitats

G8: Biodiversity improvements
EN1: Climate change
EN2: Sustainable design and construction
EN5: Managing flood risk.
ID2: Planning obligations and developer contributions

Site Allocations DPD – Issues and Options 2013

- 8.17 The Council is continuing to advance the Site Allocations Plan, which is currently at the Issues and Option Stage. The site (reference 1046) is shaded green on the Draft Site Allocations DPD Map as ‘sites which have greatest potential to be allocated for housing’. The site area is given as 15.7 hectares and the capacity as 405 dwellings.

Five Year Supply

- 8.18 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years’ worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 8.19 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on Greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 8.20 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council’s development plan, policies should be substantially reduced.
- 8.21 The context has now changed. The RSS was revoked on 22nd February 2013 and when assessed against the Council’s Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. Furthermore for the majority of the RSS period the Council met or exceeded its target until the onset of the recession. The Council has submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 8.22 In terms of identifying a five year supply of deliverable land the Council identified that as of 1st April 2014 to 31st March 2019 there is a current supply of land equivalent to 5.8 years’ worth of housing requirements.

- 8.23 The current five year housing requirement is 24,151 homes between 2014 and 2019, which amounts to 21,875 (basic requirement) plus 1,094 (5% buffer) and 1,182 (under delivery).
- 8.24 In total the Council has land sufficient to deliver 28,131 within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:
- allocated sites
 - sites with planning permission
 - SHLAA sites without planning permission
 - an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
 - Those Protected Area of Search sites which satisfy the interim PAS policy
- 8.25 The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State's recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that “we are also sending out a clear signal of our determination to harness the developed land we've got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site.”
- 8.26 In addition to the land supply position, the Site Allocations Document is in the process of identifying further developable and deliverable sites for the plan period.

National Planning Guidance

- 8.27 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.28 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.29 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

8.30 Paragraph 85 sets out those local authorities defining green belt boundaries should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily
- recognisable and likely to be permanent.

9.0 MAIN ISSUES

- Compliance with the Development Plan
- Development in advance of the Site Allocations Plan
- Five Year Supply
- Sustainability
- Loss of agricultural land
- Affordable housing
- Highways
- Tree loss/Landscaping/Ecology
- Indicative layout
- Amenity
- Section 106
- Letters of representation

10.0 APPRAISAL

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, the requirement for a 5 year supply of housing, the interim housing policy adopted by the Council and matters relating to sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

Compliance with the Development Plan

- 10.2 In considering the site against the provisions of the development plan, the key issue is that the application site is identified on the proposals map and listed in Policy N34 as a Protected Area of Search for Long Term Development. Policy N34 of the UDPR states that development of PAS sites will be restricted to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. As such the proposal constitutes a departure from the Development Plan. Paragraph 5.4.9 of the UDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.3 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.
- 10.4 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where relevant policies are out of date, unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*
- 10.5 The NPPF at paragraph 85 states that when defining green belt boundaries, local planning authorities should:
- “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”.*
- 10.6 On 13th March 2013 the Council’s Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan so as to bolster the diversity of the land supply. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.
- 10.7 The interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.
- 10.8 The purposes of the Interim PAS Policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements. This is in line with the NPPF and especially paragraph 47 on significantly boosting the supply of housing.

Development Timing in advance of the Site Allocations Plan

- 10.9 The interim policy only supports housing development on PAS sites subject to the following criteria.
- Criteria (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft. *The application site is within the settlement of Wetherby, which is defined as a Major Settlement in Policy SP1 of the Core Strategy.*
- Criteria (ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. *The application site is 14.7 ha.*
- Criteria (iii) Land is not needed, or potentially needed for alternative uses. *The application site is not needed for alternative uses and therefore satisfies this criterion.*

Whereas the site is greater than 10ha (it is 15ha) and therefore fails criteria ii, the site relates well to the 'Major Settlement' of Wetherby and it is not envisaged that the site is required for any alternative use therefore the site meets criteria i and iii.

- 10.10 As stated in the interim policy, 'in cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:
- iv) it is in an area where housing land development opportunity is demonstrably lacking; and
 - v) the development proposed includes or facilitates significant planning benefits such as, but not limited to:
 - a) a clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
 - b) proposals to address a significant infrastructure deficit in the locality of the site.
- 10.11 This is first PAS site brought to members for determination where a case is being made under criteria iv) and v) to be brought forward in advance of the Site Allocations Plan. With regard to criterion iv) it is the view of Officers that Wetherby is in an area where housing land development opportunity is demonstrably lacking. This is evident in the absence of any current major sites with planning permission and any allocated housing sites within Wetherby itself. The only notable applications for residential development currently being considered relate to the former Forensic Science Service site on the eastern side of Wetherby, and the former Benfield Motors site to the north of the town centre on Deighton Road. A current application by Miller Homes for the former Forensic Science Service site for 65 dwellings is considered to be over-development of the site and therefore no permission currently exists. The Benfield Motors site, whilst acceptable in principle for housing, is awaiting the outcome of an appeal decision based on design grounds, and in any event is for a later living housing. As such, there are no major housing sites being currently built out or sites which have permission within Wetherby. In recent years, the only housing development that has taken place relates to small infill sites that produce only single dwellings or sites for several houses.

- 10.12 The only significant allocated housing site in the UDPR nearby is Churchfields, but this is in Boston Spa, which is categorised as a smaller settlement, and this is currently well under construction.
- 10.13 The Site Allocations Plan has a very limited number of sites that are identified as suitable for housing within the Wetherby area. Housing land opportunities adjacent to Wetherby are demonstrably lacking, the application site is the only identified site in the area which has been identified as “green” in the Site Allocations Plan process. Other similarly sized sites are not as well related and are therefore classed as “amber” or “red”. The main issues relate to the manner in which Wetherby is bounded to the north and west by the Harrogate Borough Authority border, to the east by the A1(M) and to the south by green belt and Special Landscape Area separating Wetherby and the neighbouring village of Linton, along with areas of flood risk.
- 10.14 With regard to criterion v) a), the applicant has offered to enter into a S106 agreement, providing a clear and binding linkage between the development at Spofforth Hill and the re-commencement of works on a stalled site in the East And South East Leeds (EASEL) Regeneration Area - EASEL 7. Bellway Homes Ltd, the applicant, states that at present EASEL 7 is financially unviable, and that out of the 117 completed units only 3 have been sold privately without some form of Government Funding. They state that that investment from Spofforth Hill would enable them to re-start work on EASEL 7 and deliver the outstanding 83 units of the 200 approved. The proposal is that the S106 agreement would require that 20 units at EASEL 7 be completed for every 50 at Spofforth Hill, meaning that EASEL 7 would be around the occupation of the 200th dwelling at Spofforth Hill. Officers are advised that works on EASEL 7 would commence following a Panel resolution to grant planning permission at Spofforth Hill, and therefore could result in housing being delivered at EASEL 7 by the end of the year. EASEL is a long standing regeneration priority programme area where some of the Council’s housing needs are greatest, and where development can act as a catalyst to stimulate further house building. Approval of the application would allow this currently unviable site to recommence, unlocking any remaining contributions due on the site. The District Valuer (DV) has been instructed to independently appraise the current valuation information submitted by the applicant.
- 10.15 Subject to confirmation from the DV that EASEL 7 remains unviable at present, without the approval of Spofforth Hill, approval of the application subject to the requisite S106 agreement would thereby meet the interim housing policy and support Core Strategy Policy SP4. It is considered it would represent the necessary ‘clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area’, and therefore meets criteria v) b) of the Interim PAS Policy. This is in addition to the provision of the full requirement for affordable housing: provided both on-site and via a commuted sum (see below).

Five Year Supply

- 10.16 In relation to housing requirements, the Council has a supply of 28,131 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 24,151 homes provides a 5.8 year housing land supply.

- 10.17 This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 21,000 units, including sites for students and older persons housing. In addition the identified supply consists of some safeguarded sites adjacent to the main urban area which meet the Council's interim policy on Protected Areas of Search (approved by Executive Board in March 2013). The supply also includes evidenced estimates of supply, based on past performance, from the following categories: windfall, long term empty homes returning into use and the conversion of offices to dwellings via prior approvals. The supply figure is net of demolitions.
- 10.18 The requirement is measured against the Core Strategy Inspector's latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound. They indicate that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan, but that because of market signals and the need for infrastructure be judged for performance purposes against meeting a requirement of at least 3,660 homes per annum between 2012 and 2016/17. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.
- 10.19 In adopting the interim PAS policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. This amendment is to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purposes of the policy to promote housing delivery.
- 10.20 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted a Policy to address the need to bring forward additional housing land over and above that which is being developed on housing sites allocated in the development plan, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.
- 10.21 The Policy has been adopted in the knowledge that whilst the LUDPR indicates that PAS sites will be reviewed as part of the preparation of the Local Development Framework ideally this would be through the Site Allocations Plan, but given the changes in circumstances since the adoption of the LUDPR, including the publication of the NPPF, the Council has recognised through the Interim Policy that there is a need to identify those sites that can help address the additional housing need in advance of the Site Allocations Plan.
- 10.22 **Sustainability**

As has been discussed the site is in a relatively accessible location in terms of public transport and access to the necessary services and facilities Wetherby has to offer as a major settlement. Wetherby is regarded as a hub location by Metro/WYCA and the frequency of public transport service provision is considered to give acceptable accessibility by the public and the site is therefore considered to be in a sustainable location. Biodiversity enhancement measures can be secured by condition, to ensure that the required biodiversity protection measures and habitat creation is achieved, in accordance with NPPF requirements. Conditions can secure facilities for charging plug-in and other low emission vehicles, also in accordance with NPPF requirements. The site is not prone to flooding and development of the site would not create any severe highways impacts. The proposal is considered to be consistent with the interim housing policy and as such the application proposes a sustainable form of development.

Loss of agricultural land

- 10.23 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.24 It is understood that the application site is approximately 7% grade 2, 80% grade 3a therefore the site is within the 'best and most versatile' category.
- 10.25 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 10.26 The application site is 15ha and its loss is not considered to be considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.27 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 15ha is considered to further diminish any requirement to maintain this piece of land for agriculture. Despite there not being a statutory requirement to consult Natural England, a consultation was sent

regardless. Natural England did not raise any objection to the principle of the loss of this agricultural land.

- 10.28 The adjacent land is within the same ownership as the application site therefore the loss of 15ha of agricultural land would not result in the loss of farming within the area as the existing farms could continue to operate. As the adjacent land is outside Leeds and within Harrogate district it is unlikely that this land would come forward for housing development therefore the continued loss of agricultural land would not be expected.
- 10.29 Affordable Housing
- 10.30 As highlighted above, the applicant has offered to provide the 35% affordable housing requirement by providing 15% on site and 20% by way of a commuted sum that could be used to deliver affordable housing on other sites across the city.
- 10.31 The application is an outline application for 'up to 325 houses' therefore the final number of dwellings is not being set at this time. However, if 325 houses are provided the on-site affordable provision would equate to 49 houses on site. The exact mix of units would be determined at reserved matters but the indicative mix is; 15 one bed, 22 two bed, 10 three bed and 2 four bed dwellings. Officers are supportive of this indicative mix.
- 10.32 The affordable housing would generally be pepper-potted around the site but to allow for the early delivery of some of the affordable units the applicant has offered to build 15 as part of phase one that includes the forty units served off Glebefield Drive. The majority of the other affordable units would be in the later phases when the majority of the smaller units are built in the eastern part of the site.
- 10.33 The remaining 20% (equivalent to 65 dwellings) will be provided as a commuted sum. The Council would have the opportunity to use this sum to deliver affordable housing elsewhere in the city. Due to the high cost of housing in Wetherby, the commuted sum could potential deliver significantly more than the 65 affordable units on site in an area where house prices are much lower and where the affordable housing may be more sought after (subject to their being suitable available and deliverable sites). Based on current market values in the Wetherby area, the total contribution equivalent to 65 houses in a mix the same as indicated for the on-site affordable houses would be £8,562,537.25. When considering the residential application at Thorp Arch Trading Estate the City Panel placed significant weight on the importance of providing new affordable housing units in inner city areas where there is a significant need and the considerable associated benefits of urban regeneration and this approach is promoted once again.
- 10.34 The council utilises commuted sums through a variety of delivery mechanisms to deliver additional affordable housing including new build housing and bringing empty homes back into use. These resources could form part of the council's new build programme which is delivering over 1000 units of new affordable housing city wide, or could be used in conjunction with the Council's Brownfield Land Programme to add to the amount of affordable housing which would ordinarily be provided and help to accelerate delivery on these sites.

- 10.35 At the 24/10/13 City Panel Members requested further information regarding the 'need' for affordable housing in the Wetherby area.
- 10.36 The council's information sources on housing demand in Wetherby includes the social housing demand taken from the Leeds Homes Register (LHR). Information on social housing need and demand has been taken from the Leeds Homes Performance Management Summary, which analyses information from the LHR providing a 'snapshot' on a quarterly and yearly basis. In considering the information available from the LHR, a mix of 1, 2 and 3 bed accommodation would reflect housing need and housing demand in Wetherby (for social rented units) as well as meet predicted demand across the city as a result of Welfare Reform. There was some limited demand for four bed dwellings.
- 10.37 The number of applicants on the Leeds Housing Register for the Wetherby area is around 3% and is therefore relatively low compared to other areas of the City. Bids for Council properties are also relatively low within the Wetherby area, receiving an average of 31 bids per property compared to an average of 64 city wide. However, housing officers do not consider this to be purely down to the relative wealth of Wetherby ward, but also simply because there is a limited supply of council housing and a longer waiting list, therefore people may not select Wetherby as an option as the chance of finding a property may be limited. In addition, the location of Wetherby may not appeal to those on lower incomes and a greater reliability on public transport (that would be more expensive due to the greater distances travelled to access larger centres).
- 10.38 On balance (considering the information available and its limitations) there is a lower than average demand for social housing in Wetherby when compared to elsewhere in the City.
- 10.39 However, Wetherby, falls within the Outer Area/ Rural North Housing Market Zone where the affordable housing (social rent and submarket) requirements was increased under the Interim Affordable Housing Policy in June 2011. The Outer Area/Rural North is characterised in the SPG3 Annex as having limited potential for meeting need through existing housing reflected by, high demand; high house prices, low turnover and low level of empty affordable housing.
- 10.40 Given that LCC has a relatively low stock in Wetherby and low turnover (only 91 properties were advertised in 2012/13 in Wetherby via the Choice Based Lettings) additional social rented stock would assist in meeting current demand therefore the 49 units proposed as part of this application (in addition to those proposed at Thorp Arch Trading Estate) would help meet this need and are considered to be an appropriate number and mix.
- 10.41 Highways
- 10.42 Accessibility: With reference to the Draft Core Strategy Accessibility Standards, access to local services is acceptable, as is accessibility to Wetherby town centre. The accessibility standards require local services within a 1200m walk and town centres to be available via a 15 minute bus service. As detailed below the bus services on Spofforth Hill do combine to provide a 15 minutes service to the town centre. The town centre would provide the local services. The primary site access is

located within a 1250m walk of the defined S2 town centre and a 1400m walk of the Town Hall. The alternative access on Glebe Field Drive is located within a 1050m walk of the defined S2 town centre and 1200m walk of the Town Hall.

- 10.43 In terms of Public Transport, there are existing stops on Spofforth Hill (refs .26943, 26942, 25618, 14874) between a 150m and 250m walk from the proposed site access. A significant proportion of the site is therefore within the normal 400m walk to a bus stop. Different bus stops on Spofforth Hill can be accessed via the Glebe Field Drive access. The walk distance taking this route would be around 325m to the edge of the site.
- 10.44 The location of the site meets requirements for access to Primary Education (located on Crossley Street) and Secondary Education (located on Hallfield Lane).
- 10.45 In terms of bus service on Spofforth Hill there are 770 / 771, X70 plus 9 school services. The 770/771 provides a 30 minute service (Leeds to Harrogate via Wetherby and Boston Spa) and X70 provides a 30 minute service (Wetherby to Harrogate). The combined service frequency provides a 15 minute to Wetherby, a 15 minute service to Harrogate and a 30 minute service to Leeds.
- 10.46 The site does not fully meet the Draft Core Strategy Accessibility Standards and Public Transport SPD in terms of access to employment. In terms of access to employment, the accessibility standards require a site to be within a 5 minute walk (400m) of a bus stop offering a 15 minute service to a major public interchange. Although Wetherby is regarded as a Major Settlement in the Draft Core Strategy the bus station is not a major public transport interchange. However, Wetherby is the most significant settlement in the Outer North East wedge of the city, and its bus station is regarded as a hub location by Metro/WYCA. Although direct service to Leeds are not at the 15 minute frequency, 15 minute frequency is available to both Wetherby and Harrogate and regular services are available to Leeds. The principle of a significant level of residential development in this location, which does not fully meet accessibility standards, should be consideration in light of the current Site Allocations process and the housing targets for the Outer North East wedge and other material planning consideration. In this context the standard and frequency of service provision is considered to give acceptable accessibility to the site by public transport. The development would be required to provide a public transport contribution in line with the Public Transport SPD, and improvements are to be provided to the entry points (bus stop improvements) and the access routes to these entry points. Employment opportunities would also be available in Wetherby itself (town centre and Sandbeck area) and the 770/771 service gives access to the Thorp Arch employment area.
- 10.47 Vehicular Access: The proposed primary access has been amended from the previous roundabout to a T junction with a right turn lane. The level of development served by this junction has been reduced to be less than 300 dwellings and is therefore in accordance with the Street Design Guide.
- 10.48 The design of the primary access is accepted subject to a Stage 1 Road Safety Audit. The junction as shown would provide around 2.4m x 90m visibility which is more than adequate. The southern flank of Spofforth Hill between Wentworth Gate

and Chatsworth Drive has limited footway provision. The scope of the access works will be extended to include the provision of a footway along this length and include the formal pedestrian crossing referred to in the accessibility section. The secondary access onto Glebe Field Drive serving up to 40 dwellings is also considered acceptable.

- 10.49 The required Stage 1 Road Safety Audit of all off-site highway works proposed as part of this application has been received. The main outcome of this is that a new pelican crossing is required and is proposed on Spofforth Hill, located between the junction into the proposed development site and Chatsworth Drive. The Road Safety Audit is comprehensive and design amendments have been incorporated into the scheme.
- 10.50 Internal layout/servicing/bins: No objections are raised to the general layout indicated in the framework/masterplan drawing which shows looped/connected streets which maximises permeability. The detailed internal layout would require designing in line with Street Design Guide standards at reserved matters stage.
- 10.51 The emergency access and pedestrian link between the Spofforth Hill and Glebe Field Drive parcels is supported and will be conditioned. Similarly the pedestrian/cycle link to Harland Way and Ashburn Drive will be conditioned.
- 10.52 Transport Assessment: Since the production of the June 2013 TA a further two supplementary reports have been submitted to respond to the concerns raised by officers, the Plans Panel and local residents. The number of residential dwellings has also been reduced from 400 to 325. The total number of dwellings / trips has therefore reduced by 19%.
- 10.53 A key concern raised by local residents relates to the Trip Rates used in the TA. The vehicle trip rates derived from survey data from the adjacent Glebe Fields Drive development are accepted. The adjacent development is well established, comprises approximately 250 dwellings and also forms a cul-de-sac. Similarly, the types of dwellings on the existing estate are likely to be representative of those proposed. A check of the proposed trip rates using TRICS data also confirms that these are within the expected range for this type of development. However, residents have expressed concerns regarding the reliability of the data as it was suggested that inclement weather during the December 2012 survey would have resulted in lower than normal trip generation. To further validate the trip rates used LCC has surveyed arrivals and departures at Glebe Field Drive in the AM peak on 11th November 2013 (term time, wet weather) and these largely accorded with the developers observations with 113 departures and 35 arrivals between 08:00 and 09:00 equating to trip rates of 0.465 departures, 0.144 arrivals and 0.609 two-way. The developer has also validated the trip rate against a second survey carried out in November 2012 which again shows very similar trip rates. The trip rates used are therefore acceptable.
- 10.54 The TA assesses the impact of the proposed development on a number of junctions along Spofforth Hill and through Wetherby using a typical weekday, a Thursday Market day and a Saturday. The original TA indicated that the key junctions that would be impacted by the development would be the three mini roundabouts of A661 Spofforth Hill/West Gate/Linton Road, St James Street/B6164 North Street and

B6164 High Street/A661 Market Place. Queue count surveys were undertaken to attempt to validate the models and this data shows that whilst queuing does occur at these junctions in the respective peak hours it is significantly below the levels predicted by the model. The models were showing very onerous results and therefore not accepted due to validation issues. The supplementary work carried out by the developer's highway consultant has been carried out to address this concern and arrive at more reliable predictions of junction performance at these key junctions. These new models are considered to validate to an acceptable level so the results can be interrogated to understand the impact of the development.

- A661 Spofforth Hill/West Gate/Linton Road: In the AM peak the West Gate and Linton Road arms of the junction will operate satisfactorily in the with development scenarios. The Spofforth Hill arm experiences increased delay in future year scenarios and with development scenarios with the arm rising above practical reserve capacity. However, the arm remains within absolute capacity. The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is in the range of 15 to 42 seconds. The junction will continue to operate satisfactorily in the PM peak period.
- St James Street/B6164 North Street: The junction will continue to operate satisfactorily in both the AM and PM peak periods.
- B6164 High Street/A661 Market Place: In the AM peak the High Street arms of the junction will operate satisfactorily in the with development scenarios. The Market Place arm experiences increased delay in future year scenarios and with development scenarios with the arm rising above practical reserve capacity. The arm remains within absolute capacity, although is very close in the worst case scenario (2018 base + development). The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is in the range of 18 to 85 seconds.

In the PM peak the High Street (north) and Market Place arms will operate satisfactorily in the with development scenarios. The High Street (south) arm experiences increased delay in the worst case scenario (as a result of the development and general growth) with the arm rising slightly above practical reserve capacity. However, the arm remains within absolute capacity. The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is minimal in the range of 4 to 9 seconds.

10.55 Off-site highway works: In support of the development the off-site highway works listed below are necessary:

- The formation of an access onto the Spofforth Hill including creation of a right turn lane and associated central islands.
- Gateway treatments on the approach to Wetherby.
- Associated footway improvements and dropped kerbs.
- Associated road markings and traffic management/speed reduction measures.
- Formal controlled pedestrian crossing adjacent to Chatsworth Drive.
- Any associated Bus stop works connected with Metro/WYCA requirements.

10.56 In recognition of the traffic impact of the development, the developer has offered a sum equivalent to the public transport contribution to be used towards additional mitigation and traffic management measures in the Wetherby area (£1,226 per dwelling, 325 dwellings would equate to £398,450). The developer has provided a number of suggested proposals which the sum could fund including the following:

- *Zebra crossing on Spofforth Hill in the vicinity of Glebe Field Drive to assist access to bus stops.*
- *Provision of bus shelters at north and south bound bus stops in the vicinity of Glebe Field Drive including surfacing works to provide footway connections to/from north bound bus stop and consideration of relocation of north bound bus stop to provide larger waiting area.*
- *Funding for creation of 20mph zone for the residential area bounded by Spofforth Hill (A661) and Crossley Street and North Street/Deighton Road (B6164). This area includes the Glebe Field Drive estate which is to be used as access to 40 dwellings and an emergency access arrangement.*
- *Pelican crossing in the vicinity of the junction of York Road and the B6164 North Street/Deighton Road.*
- *Creation of "School Zone" on Crossley Street outside the primary school. Measures within the "School Zone" to include pelican crossing; enhanced road markings; delineation of on-street parking bays and additional signage.*
- *Provision of cycle parking facilities within Wetherby Town Centre in the form of Sheffield Stands. The exact location and number to be agreed with the Council's engineers and Travelwise officers.*
- *Funding for creation of 20mph zone for the mixed use area (predominantly residential) bounded by High Street (B6164), York Road and the A168. This area incorporates Wetherby High School and as it is likely that secondary school aged children from the proposed development will attend this school this measure will create a safer environment for these children to walk and cycle to school.*
- *Funding for implementation of changes to on-street car parking following works to Hallfield Lane and the old station car parks as detailed in the Mouchel report commissioned by the Council dated March 2010.*
- *Provision of a monitoring fund which can be used by the Council to monitor the number of vehicle movements created by the development and the impact on the key junctions identified in this report. This information will be fed into the Travel Plan and will be used to guide the choice of measures and initiatives to further reduce single person car journeys.*

10.57 The exact use of the sum will be flexible in how it can be used so that it can respond to issues that might not be predicted at this point in time.

10.58 Discussions have also taken place with Harrogate Borough Council over the potential to create a vehicular access in the form of a new roundabout within Harrogate district, following the comments of the Plans Panel in October 2013. However, officers at Harrogate have indicated that such a proposal is unlikely to be supported, and hence the proposal to relocate the access further along Spofforth Hill and reduce the number of proposed dwellings.

10.59 A specific concern of Members at pre-application and subsequently position statement stage, and many objectors, CPRE and Linton Village Society, is that of the potential for 'rat-running' through Linton Village. The introduction of a second access, the reduction in the number of houses, and the relocation of the principal access further towards Wetherby, all serve reduce the potential for this to occur.

10.60 In broad highway terms, Paragraph 32 of the NPPF states that:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe [My emphasis].

Following the submission of the requisite assessments and road safety audit, a reduction in the number of dwellings, incorporate of the pelican crossing, and discussions with Harrogate BC discounting an alternative access location, officers do not believe that the proposal would conflict with the above policy statement, and can now therefore support the proposals as amended in highway terms.

10.61 Tree Loss/Landscaping/Ecology.

10.62 Officers and Members have consistently sought to limit the impact any new access point on Spofforth Hill would have on existing trees along this road frontage. At pre-application stage the number of trees to be removed was envisaged to be 33, whilst the last time Members saw the proposals the number of trees to be removed was 16, with a further 15 affected. The revised access arrangement now proposed further down Spofforth Hill has further reduced the impact on trees and the trees that are now required to be removed are not as prominent. The number of trees now proposed to be removed is 9, with a further 12 trees affected, primarily by the footpath adjacent to the access on the north side of Spofforth Hill.

10.63 Of the trees to be removed 6 are Limes, two are Horse Chestnuts and one is a Beech. From the submitted survey the Lime trees vary in height between 16m and 22m and the Horse Chestnuts are 17m high, whereas the Beech is 23m high. Clearly a gap in the tree line would be created for the proposed access and associated visibility splays, though trees would be retained either side. The introduction of the pelican crossing and footway on the south side of Spofforth Hill to serve it raises additional potential impacts. Further survey work has therefore been requested in this regard.

- 10.64 Whereas the proposals still result in the loss of some trees, this is significantly less than previously envisaged and trees lost are in a less prominent area. Close scrutiny of the method of construction around the trees will hopefully ensure the majority of those 12 trees that are affected can be retained. The loss of the trees would be mitigated by additional on-site planting of large semi-mature trees and the substantial landscape buffer referred to below.
- 10.65 The application site is a greenfield site with open countryside beyond its northwest boundary. Along this boundary there is some existing mature planting that would screen the development and the applicant proposes to introduce further planting to provide an appropriate buffer to the development. The applicant has agreed to requests from Members and officers to provide a substantial 20m wide landscape buffer along much of this boundary to ensure an appropriate transition between the development and the open countryside and to enhance ecological habitats. 5m of the buffer is within the site and 15m is outside the site but still within the same land ownership and the applicant has agreed a land deal to ensure the buffer can be delivered. The buffer includes trees planting, shrubs and a footpath with wild flower verges and therefore will be an attractive addition to the landscape.
- 10.66 Landscape buffers are also proposed along the site boundaries with the existing dwellings on Spofforth Hill and within the Glebefield estate and a landscape buffer is proposed adjacent to the footpath that divides the site with the Glebefield estate at the eastern edge of the site.
- 10.67 Leeds Nature Area 109 is within part of the site. Following consultation with the council's nature conservation officer there is no objection to the development subject to appropriate mitigation via a biodiversity enhancement and management plan that would include the proposed landscaping within the landscape buffer.
- 10.68 Indicative Layout
- 10.69 An indicative masterplan has been submitted that identifies the landscape buffers referenced above whilst identifying approximate development zones, a village green and other areas of public open space totalling around 1 hectare and public rights of way. A design code is contained within the Design and Access Statement that outlines the future design aspirations for the site including a street hierarchy, public realm and use of materials. Final details will be determined via reserved matters, although the applicant has indicated that two separate matters application will be submitted for the site and these would be submitted in a timely manner should outline planning permission be granted. Indicative house types and street scenes will be displayed at Panel.
- 10.70 A development with only a single access point is not necessarily ideal, although the number of units has been reduced. However, the general layout appears well connected and subject to detailed consideration at reserved matters stage to assess space between dwellings, garden sizes etc. the indicative layout is supported. The overall density is 24 dwellings per hectare and that is considered to be a reasonable density that can be delivered on this site.
- 10.71 Amenity

- 10.72 There will be landscaped buffers adjacent to existing dwellings to protect the existing residents' amenity and the space between existing and proposed dwellings will be examined in detail at reserved matters.
- 10.73 The new access onto Spofforth Hill will be opposite existing dwellings. Whereas there will be increased vehicle movements in this area it is not considered these movements are significantly greater than those that already take place on Spofforth Hill and therefore will not have a significant adverse effect on the residents amenity. Due to the orientation of the properties, distance from the access and existing landscaping, it is not considered there will be any significant impact on the residents from car headlights shining toward their properties whilst vehicles are exiting the proposed development.
- 10.74 The introduction of the pelican crossing to Spofforth Hill will also be opposite existing dwellings. This will also require the introduction of a footway to the south side of the carriageway. Whilst these will impact to a degree on the amenity of residents they could not be said, given the separation distances involved and the nature of what is proposed, to unacceptably adversely affect existing visual or aural residential amenity.
- 10.75 Section 106 and CIL Regulations
- 10.76 The heads of terms for the S106 agreement would be as follows:
- Affordable housing at 15% (49 dwellings) on site and a commuted sum in lieu of the remaining 20% (around £8.5m in current values).
 - Commitment to deliver EASEL 7 (83 dwellings).
 - Public transport contribution £1,226 per dwelling (325 dwellings = £398,450)
 - Off-site highways mitigation contribution of £1,226 per dwelling.
 - Education contribution of £2,972 per dwelling (325 dwellings = £965,900).
 - Greenspace contribution: The current layout results in an indicative contribution of £324,876.82.
 - Travel Plan measures and monitoring fee of £5,125.
 - Bus stop provision.
 - Car club contribution.
 - Local employment and training.
 - Public access to public open space.
- 10.77 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:
- **(i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
 - **(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

- **(iii) fairly and reasonably related in scale and kind to the development**
Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.78 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Affordable housing at 15% on site and a commuted sum in lieu of the remaining 20% (circa. £8.5m). This is in line with the SPG and emerging Core Strategy.
- Commitment to deliver EASEL 7 (83 dwellings) on a different site within a regeneration area in Leeds. This is considered to be in accordance with the Interim PAS Policy.
- £398,450 (based on 325 dwellings) as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. Money would not be ring-fenced to the local public transport system as there are no current proposals for the area, however it could be spent on associated transport corridors. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £5,125 as a monitoring fee for a Travel Plan designed to reduce vehicle use by residents and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- Contributions towards Greenspace, Education, and off-site highways mitigation are all considered to be necessary and relate to the proposed development and are in accordance with adopted SPGs.
- The bus stop contribution, car club contribution, local employment and training, and public access to public open space are all considered to meet the CIL Regulations.

10.79 The proposed development could therefore bring about financial benefits for the local area and as well as benefits to regenerate other areas within Leeds and it is considered that the Council is justified in seeking such contributions.

10.80 Letters of representation

10.81 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.

- Impact on local services including drainage, doctors, schools, shops – *The development results in financial contributions to help improve schools and open space in the area. Wetherby is a major settlement with significant local services and the site is within easy access of Harrogate therefore the addition of 325 dwellings is not considered to unacceptably impact upon local resources.*

- The public consultation was poor. – *The developer carried out two public consultation events and the Council has advertised the proposals on multiple occasions.*
- A new road should be built to access the development from Kirk Deighton. – *A development of this scale could not fund such an extensive project. The road would go through open countryside within Harrogate who have confirmed they would not be supportive of highway infrastructure in their district.*
- Previous undertaking stated such a development would not be considered until 2016. – *The Council must determine the application put before them. Even if the application was approved late summer-2014, there are multiple reserved matters applications to be agreed therefore development would not probably commence until mid-2015 at the earliest.*
- Construction traffic should be banned from the Glebefield Estate. – *This will be examined at condition discharge stage when the construction management plan is submitted.*
- The emergency access point from the Glebefield Estate should be locked to prevent unauthorised use. – *Appropriate mechanisms will be in place to prevent access.*
- Adverse impact on the Wetherby Conservation Area. – *The Conservation Area is a considerable distance from the development (more than 500m at its closest), it would not affect important views into or out of it, and the relative increase in traffic that would go through the CA would not materially affect its character.*
- This would lead to a significant increase in the population of Wetherby. – *The addition of up to 325 dwellings is not considered to significantly increase the population of such a large settlement. Population estimates used to take the Core Strategy forward require substantial new homes within the Outer North East Area.*

11.0 CONCLUSION

- 11.1 On balance it is considered that it is appropriate to assess the development in the context of the Council's Interim Policy on PAS sites, and that it meets the criteria of that Policy. Whilst the application is in outline, the indicative layout clearly demonstrates that, with the imposition of appropriate conditions and careful consideration of detailed design issues at reserved matters stage, the site can be developed in a way that complies with Council policies referred to above.

12.0 BACKGROUND PAPERS

- 12.1 Application file 13/03051/OT.
- 12.2 Notice has been served on five landowners: Peter George Frederick Grant, Susan Penelope Grant, Neil William Derick Foster, Richard William Rusby and Nicholas Malcolm Brown.

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 18th September 2014

Subject: APPLICATION 13/03051/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 325 DWELLINGS, ACCESS AND ASSOCIATED WORKS INCLUDING OPEN SPACE AND LANDSCAPING ON LAND AT SPOFFORTH HILL, WETHERBY.

APPLICANT:Bellway Homes Limited **DATE VALID:** 17/7/13 **TARGET DATE:** 24/10/14

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

ADDENDUM TO MAIN REPORT

1.0 INTRODUCTION

This addendum report has been submitted to provide supplementary information in addition to that contained within the main report. This addendum report provides clarification on a number of points. This report also contains a summary of any further consultation responses received since the publication of the main report and an update on recent meetings held with Ward Members and residents.

2.0 PUBLIC/LOCAL RESPONSE

2.1 As mentioned within the main report, as a consequence of the proposed introduction of the pelican crossing on Spofforth Hill, site notices were placed in the local area on 29th August 2014 and individual letters were sent to a number of local residents on 27th September 2014.

Time for comment was given until 12th September 2014, although all comments received up until the day of the Panel meeting would still be considered. Following this consultation process, a total of 7 Letters of representation have been received, comments raised therein can be summarized as follows:

- The plans of the pelican lack detail in that they do not show adjacent property or road junctions and it would harm road safety.
- Whilst the amended proposal will make crossing the road easier for some the introduction of the pelican would lead to stationary traffic outside existing residents on Spofforth Hill and this would create additional pollution by virtue of exhaust emissions, and additional noise as vehicles decelerate and accelerate and noise from the pelican itself.
- 'Zig-Zags' protective markings associated with the pelican will prevent delivery vehicles and residents being able to park outside affected properties.
- A crossing point close to Glebe Field Drive would be more useful.
- As shown the pelican is not served by a footway to the south and the tree report has not been updated to consider this aspect.
- Visual impact of new pelican street furniture/signage – a simpler pedestrian refuge would be simpler, less intrusive and cheaper.
- The pelican crossing will do little to reduce the difficulties of drivers existing Leconfield Court who frequently experience difficulty.
- Concern over pedestrian safety at the junction of Chatsworth Drive/Spofforth Hill – the pedestrian crossing should be as far away from the corner as possible.
- Visibility is currently obstructed by trees and this is a threat to motorists, pedestrians and cyclists – they should be cut back within guidelines.
- The East of Scholes development was refused recently and the same reasons apply – the scheme is premature, would adversely affect local character and is unsustainable.
- The Barn Owl trust should be consulted on the application due to the loss of 15 hectares of agricultural land.
- Loss of agricultural land.
- Adverse impact of headlights from exiting traffic.

2.2 Ward Members were also briefed on the latest scheme and drawings were presented at a briefing session held on 11th September 2014. Officers briefed the Ward Member on the following matters:

- Location of the proposed pelican crossing on Spofforth Hill and its position relative to the site and to existing residential properties.
- The location of the vehicular access points into the site.
- The position and extent of trees to be removed to facilitate access into the site and a comparison to that of the previous access arrangements which proposed the removal of a far greater number of trees.
- The indicative site layout, although this has not changed since the last briefing.
- The location of extent of the proposed landscape buffer planting.
- How the proposal is considered to comply with the Interim PAS Policy and in particular the linkage to the regeneration of a brownfield site in a regeneration area.

It was explained that the EASEL 7 site in Seacroft (83 units) has stalled due to viability issues and is unlikely to be completed. The Spofforth Hill site will therefore help subsidise the EASEL site. It was explained that for every 50 units provided at Wetherby, 20 would be delivered at EASEL and bound within the s106. So when Wetherby completes 200 units out of the 325, all the units within EASEL will be complete.

- It was also explained that as well as the delivery of the 83 units at EASEL, £8.5million would be secured towards off-site affordable housing and this could be used by the Council on any sites throughout Leeds.
- It was explained that the proposal delivered approx. £400,000 towards public transport infrastructure plus and additional circa. £400,000 towards additional mitigation and traffic management measures in the Wetherby area.
- It was explained that the scheme would provide an education contribution in line with current policy.

2.3 Officers also met with one of the Ward Members and 3 local residents on 11th September 2014. The residents raised strong concerns about the loss of agricultural land, traffic and highway impacts (particularly on surrounding roads and Wetherby Town Centre), availability of school places and possible need for additional schools, its relationship to the EASEL7 site, use of the affordable housing sums and the proposed pelican crossing. The residents' representatives indicated that they thought the application should be refused.

2.4 Furthermore, a detailed letter was sent to the City Council's Chief Executive on 11 September expressing serious concerns about the planning department's role in the application process and referring to the possibility of future action involving a Public Inquiry, Judicial Review or Local Government Ombudsman. The letter then goes on to set out further concerns about a number of matters including loss of agricultural land (and the provisions of NPPF, Para 112 and The Planning Practice Guide), the interim PAS policy and traffic impacts. These concerns together with other matters are addressed in paras 4.0 – 5.24 below.

3.0 CONSULTATIONS RESPONSES

3.1 **Natural England** - No objections were raised to the proposal in terms of impact upon wildlife, protected species and green infrastructure. In terms of the impact on soils and land quality, it was considered that the application fell outside the scope of the consultation regulations, as the proposed development would not appear to lead to the loss of over 20 hectares of 'best and most versatile' agricultural land. For these reasons, Natural England did not propose to make any detailed comments in relation to agricultural land quality and soils.

3.2 **Council for the Protection of Rural England (CPRE)** – Object to the development of this PAS site as there is no shortage of housing supply and no justification for releasing this site now; that the site is not accessible and sustainable; the layout and single point of access is poor; and represents an encroachment into the countryside

- 3.3 **Metro** – Given the access amendments to the site, different bus stops now need to be upgraded. Two bus stops should be upgraded to provide shelters and real time displays (£40,000). In addition, bus stop clearways and kerbing should be installed. MetroCards should also be provided at £475.75 per ticket per household.
- 3.4 **North Yorkshire County Council** (as the neighbouring highway authority) - Officers have looked at the junction capacity outputs within the applicants supporting information and consider the identified increases are such that they could not be considered 'severe'. Consequently there are no North Yorkshire Local Highway Authority matters outstanding or to be addressed by condition.
- 4.0 PLANNING POLICY UPDATE**
- 4.1 The Core Strategy Inspector published his report on the Examination of the Core Strategy on 5th September and has considered the plan to be legally compliant and sound. The policies in the Core Strategy referred to in the City Plans Panel Report can now be afforded significant weight and will have full weight once adopted by the Council. The Council's Executive Board met on 17th September and recommended to the Council that the Core Strategy be adopted. The Plan is due to be considered by a meeting of the Full Council in November.
- 4.2 The Inspectors Report sets out that the delivery of housing will be at a rate of at least 3,660 homes per annum between 2012/13-2016/17 with an overall plan period target of 70,000 net between 2012 – 2028. The distribution of housing growth across the District has been agreed, as have policies and objectives on the promotion of economic development and investment within the Regeneration Priority Areas.
- 4.3 Wetherby is categorised as one of six major settlements and it is worth quoting the final version of Policy SP1 in full as it is of direct relevance in supporting the recommendation for approval of the application.

SPATIAL POLICY 1: LOCATION OF DEVELOPMENT

To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, the distribution and scale of development will be in accordance with the following principles:-

- (i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability.
- (ii) In applying policy (i) above, the priority for identifying land for development will be as follows:
 - a. Previously developed land and buildings within the Main Urban Area / relevant settlement,
 - b. Other suitable infill sites within the Main Urban Area / relevant settlement,
 - c. Key locations identified as sustainable extensions to the Main Urban Area / relevant settlement.
- (iii) For development to respect and enhance the local character and identity of places and neighbourhoods,

- (iv) To prioritise new office, retail, service, leisure and cultural facilities in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development
- (v) To promote economic prosperity, job retention and opportunities for growth:
 - a. In existing established locations for industry and warehousing land and premises,
 - b. In key strategic* locations for job growth including the City Centre and Aire Valley Urban Eco-Settlement (as shown in the Key Diagram)
 - c. By retaining and identifying a portfolio of employment land in locations primarily within the urban area, maximising the opportunities that the existing services and high levels of accessibility provide to attract new development.
- (vi) To recognise the key role of new and existing infrastructure (including green, social and physical) in delivering future development to support communities and economic activity,
- (vii) In meeting the needs of housing and economic development (and in reflecting the conclusions of the Appropriate Assessment Screening), to seek to meet development requirements, without adverse nature conservation impacts upon Special Protection Areas and Special Areas of Conservation, in particular the South Pennine Moors (including Hawksworth Moor),
- (viii) To undertake a review of the Green Belt (as set out in Spatial Policy 10) to direct development consistent with the overall strategy,
- (ix) To encourage potential users of rail or water for freight movements to locate at suitable sites.

** Strategic is defined as sites which are essential to the delivery of the Core Strategy's Vision, by the number of jobs – threshold set at 1,000+ and the size/area of land 15ha+*

4.4 The Inspector's Report helps support the Council's position on its 5 year land supply, which is being reviewed in light of the Report and currently rests at 5.8 years. The application site, along with other sites which meet the Council's interim PAS policy, is a part of this 5 year supply. Such sites assist the Council in providing a balance between greenfield and brownfield land in its housing supply pipeline, thus meeting Government ambitions to provide choice and competition in the market for land and significantly boost the delivery housing. They also help ensure that larger sites and sites in smaller settlements, which raise more sustainability issues, can be resisted until such a time as they are considered, in a genuinely plan-led process via the Site Allocations Plan.

4.5 In addition to Spofforth Hill, there are a number of PAS sites within the locality of Wetherby, as follows:

- Grove Road, Boston Spa, which is subject of a live planning appeal by Miller Homes following a refusal of planning permission on the grounds that it does not meet the interim policy
- West Park, Boston Spa, which does not meet the interim PAS policy
- The Ridge, Linton, which is subject of a live planning application and does not meet the interim policy
- Leeds Road, Collingham, which is subject of a live planning application and does not meet the interim policy

The Council also recently refused planning permission on two sites for over 700 homes on land East of Scholes through use of the interim PAS policy.

4.6 The Core Strategy contains a series of housing growth principles, including to “facilitate the development of brownfield and regeneration sites”. It expands on this principle in Policy H1 and H5.2.6 and states that “In seeking to meet housing need and to help support the viability of housing delivery, there may also be opportunities for sites to be brought forward, in advance of their particular phasing where appropriate. Examples could include where there are opportunities through early release, to provide higher levels of Affordable Housing through off site contributions or the use of City Council assets (within regeneration areas) as a basis to ‘pair’ with greenfield sites in private ownership.” This principle is set out in Policy H1 and is instrumental in supporting the Council’s Brownfield Land Programme. A report which was agreed by the Council’s Executive Board on 9th January 2013 notes that a range of approaches are to be used for disposal and development including “pairing of less viable with more viable sites”. This approach has also been subject of discussion via the Council’s Housing and Regeneration Scrutiny Board (November 2012 and February 2014).

5.0 APPRAISAL UPDATE

Education

5.1 There are 2 schools that would potentially be affected by this development, as the nearest schools are Deighton Gates Primary School and Crossley Street Primary School. It is considered that both of these schools are physically capable of being expanded, and there would also be the option of creating new provision, dependent on the wider need arising from new homes. An option involving St James’ primary school is also feasible, although this may involve wider change. The choice of which option we pursue will be dependent on the statutory consultation and planning processes, as well as Member consultation. However, at this stage, there is nothing to suggest that two out of the three existing primary schools within Wetherby cannot cater for the needs of the proposed development at Spofforth Hill. Indeed, the Deighton Gates school offers the greatest potential and having discussed this with colleagues in Childrens Services as the capacity of the school was recently reduced further to one four entry and the classrooms remain on site.

5.2 In terms of accessibility, Crossley Street Primary School is within the walking distance accessibility standards set out within the Core Strategy from the site at Spofforth Hill. In terms of Deighton Gates Primary School, this is also within the walking distance standards. There is also one additional primary school within the walking distance standards which is St. Joseph’s Catholic Primary School.

Affordable Housing

5.3 On balance (considering the information available and its limitations) there is a lower than average demand for social housing in Wetherby when compared to the city and ENEH catchment area.

5.4 However, Wetherby, falls within the Outer Area/ Rural North Housing Market Zone where the affordable housing (social rent and submarket) requirements was increased under the Interim Affordable Housing Policy in June 2011. The Outer Area/Rural North is characterised in the SPG3 Annex as having limited potential for meeting need through existing housing reflected by, high demand; high house prices, low turnover and low level of empty affordable housing.

- 5.5 Given that LCC has a relatively low stock in Wetherby and low turnover (only 91 properties were advertised in 2012/13 in Wetherby via the Choice Based Lettings) additional social rented stock would assist in meeting current demand. The provision of the commuted sum (as proposed in the S.106 Agreement) will help meet the need for affordable housing elsewhere in the City.

Buffer Planting

- 5.6 The indicative plans show that some of the buffer planting is to be located outside the red line site boundary, but within land owned by the current landowner for the Spofforth Hill site. Some of the planting currently exists (to the rear of development parcel B) and therefore there is no requirement to plant additional landscaping behind this. However, where no planting exists (behind development parcel F), a buffer zone of 15-20m is required and should be located within the red line plan. Notwithstanding the submitted plan, an additional condition is recommended which would secure this buffer planting within the site. It should be noted that land beyond the red line boundary is within the district of Harrogate. This approach has been discussed and agreed with the applicant.

Agricultural Land

- 5.7 As stated in the Panel Report the site is largely Grade 3a agricultural land which means it is "good". The UDP Review Inspector considered the role of the site through the Examination into the UDP Review in 2006. In considering whether to retain the sites PAS designation, amend it to one of rural land or as a housing allocation the Inspector stated in paragraph 24.97:

"This PAS site does not lie "between the urban area and the GB" [in the terms of PPG3 para. 2.12] but it effectively performs the same function of ensuring protection of the GB in the longer term by providing a future option for development without affecting GB land which borders Wetherby on its southern side. As the town is bordered on the eastern side by the very definite boundary of the A1, with an extensive, established designation of "Rural Land" beyond, there is no other option for future growth but on the north or west side of town. Within this context, the site is a re-entrant into the town and therefore development here, particularly in the eastern part of the site, would relate reasonably, and better than any other possible extension, to the existing built-up area and the town centre."

- 5.8 Within this context the UDP Inspector also considered the issue of agricultural land and stated in paragraph 24.98:

"In these circumstances, I consider that it would be sensible to retain the site as PAS rather than apply a countryside protection policy, as the Council propose, which would allow of no option for development outside the existing built-up area in the long-term. It must be borne in mind that it is not only for housing that PAS land might be required in the long-term. The site's agricultural land quality, which is about 80% Grade 3A and 7% Grade 2, and its role in providing access to, and views of adjacent countryside, would need to be considered against the need for further development and all other relevant factors, if and when such need arose."

- 5.9 The Panel Report considers that the loss of the agricultural land would not seriously conflict with the Saved UDP Policy N35 on agricultural land (H10.26) and notes that the NPPF requires local planning authorities to “take into account the economic and other benefits of the best and most versatile agricultural land” (NPPF, ¶112).
- 5.10 It is also important to look at the wider context and relate the agricultural land issue back to the UDP Inspector’s views that Wetherby as a settlement has relatively few opportunities for expansion. The map provided at Appendix 1 shows that the only other potential site for housing, adjacent to Wetherby, which does not affect best and most versatile agricultural land, is on the racecourse. The map also shows that alternative sites to the west and south of Wetherby are Grade 2 land and sites to the south west have a similar agricultural grading. However, these largely comprise smaller sites in the green belt and a PAS site, which by virtue of its location does not meet the interim PAS policy). The conclusion in the Panel Report (¶10.26) is that the site is not considered to “seriously conflict” with UDPR Policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity and through the rest of the North and East of Leeds. It is also considered that the application site on balance has the least impact locally upon best and most versatile land when assessed against other potential urban extensions. This is in line with ¶112 of the NPPF.

Trees & Landscaping

- 5.11 Following the results of the safety audit, a new pelican crossing is proposed on Spofforth Hill. A number of trees lie within close proximity to the location of this which have the potential to be affected by the proposed works which will involve the laying of new paving. However, with careful design and the imposition of conditions, the proposed pelican crossing and associated paving can be successfully implemented without adversely affecting nearby trees. This would include a hand dig construction method and porous paving materials.

Highways

- 5.12 As stated within the main report, Harrogate Borough Council raise no objections to the proposed development. However, objections are raised to a development which would introduce a new roundabout into their authority. They consider that the creation of a new roundabout would not be supported as it would adversely affect the rural setting of the settlement and be contrary to Harrogate’s planning policies.
- 5.13 With regard to North Yorkshire County Council (NYCC), discussions have been held with the relevant highways officers relating to the proposals for a new roundabout who have indicated that contact should be made through Harrogate District Planning Authority initially as there may be fundamental objections in principle, thereby preventing abortive work for the Highway Authority. Given that Harrogate do not support the principle of a new roundabout, then no further discussion has been held with NYCC on this aspect of the proposals.
- 5.14 It should be noted that with the full build out of 325 dwellings at the site, the increase in traffic flow entering North Yorkshire is less than 3% in the AM peak hour and less than 4% in the PM peak hour. This level of traffic impact is not considered to be significant and will be less than general growth. NYCC have considered additional supporting information and consequently there are no North Yorkshire Local Highway Authority matters outstanding or to be addressed by condition.

Consideration of Further Objections

- 5.15 The issues raised by objectors have been addressed within the main report and within this addendum report.

Pre-Determination

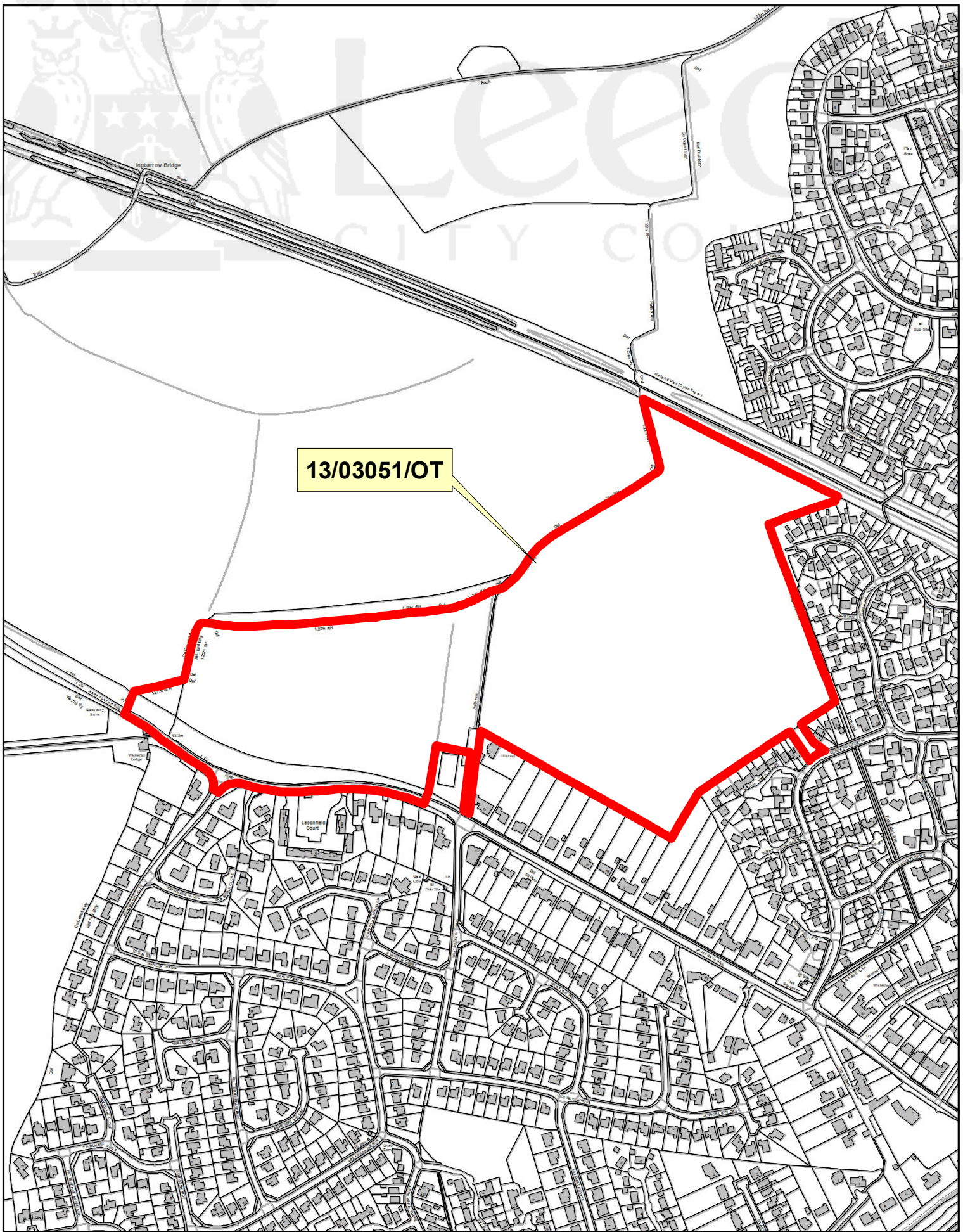
- 5.16 One of the representations received has raised an allegation of predetermination, in that it alleges that the Planning Department has given clear indications of its intent to recommend approval of this application from the outset and as such the process leading up to the application coming before Panel today for determination has not been objective and fair.
- 5.17 In that context, it is important to note that the main report before Panel (particularly at section 5 and within the appendices) sets out quite fully the long history of Member involvement with this application including at pre-application stage and the issues that have been highlighted and addressed as part of that iterative process. Reports before Panel at pre-application stage in April 2013 and the presentation in October 2013 did not contain officer recommendations either for or against the application but simply sought feedback from the Panel on the key issues. This approach is consistent with the practice of City Plans Panel.
- 5.18 Although this representation relates specifically to matters leading up to this application coming before Panel today for determination, it's relevance in the context of the role of the Plans Panel as decision maker is potentially two fold. Firstly whether the Plans Panel has before it sufficient information in relation to all relevant material planning considerations in order to enable it to properly reach a decision on the application before it, and secondly whether the Panel members or any of the Panel members could subsequently be shown to have had a closed mind at the time of taking a decision on the application i.e. have predetermined the application.
- 5.19 An allegation of predetermination in relation to the officer recommendation itself would have no basis as the department is not the decision maker. If the officer recommendation is supported by the Panel then the Chief Planning Officer would be given authority by the Panel to approve the application but only in accordance with the decision of the Panel itself.
- 5.20 In terms of a challenge to the validity of any decision on this application therefore, the material time for assessing the lawfulness of that decision is at the point at which the decision is reached.
- 5.21 Panel members are fully aware of the need to retain an open mind and to reach a decision having regard to all material considerations and in presenting this report, officers are satisfied that the Panel has before it sufficient information on which to properly reach a decision.
- ### Section 106 Agreement & Conditions
- 5.22 As noted within the main report, the applicant proposes a binding linkage to the regeneration of a brownfield site within a regeneration area. This relates to the site known as EASEL 7 at South Parkway in Seacroft. This site has planning permission for 200 dwellings, 83 of which have yet to be completed due to viability issues.

Therefore, Bellway Homes propose that for every 50 dwellings completed at Spofforth Hill, 20 units would be completed at the EASEL site. This is secured through the Section 106 Agreement.

5.23 Addition information has been received from the applicant regarding employment and apprenticeships. This will be covered within the Section 106 Agreement and through additional Heads of Terms.

5.24 Additional conditions are recommended following further discussion, which are:

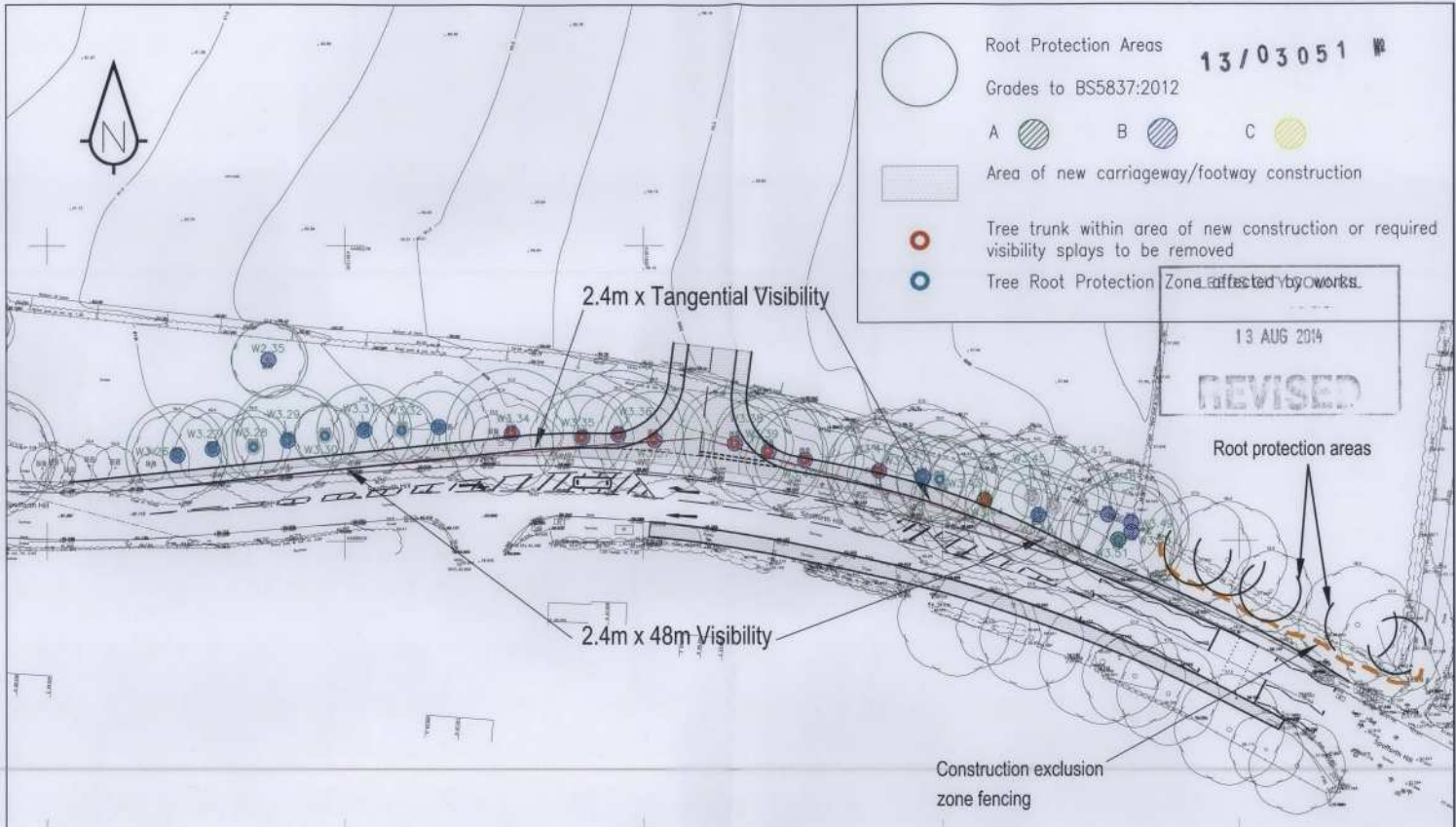
1. Buffer landscaping to be within the red line plan, details of which shall be submitted to and approved. *(this has been discussed with the applicant who accepts this condition)*
2. Pre-start 25 year landscape management plan.
3. Pre-start arboricultural method statement for off-site highway works.



13/03051/OT

CITY PLANS PANEL



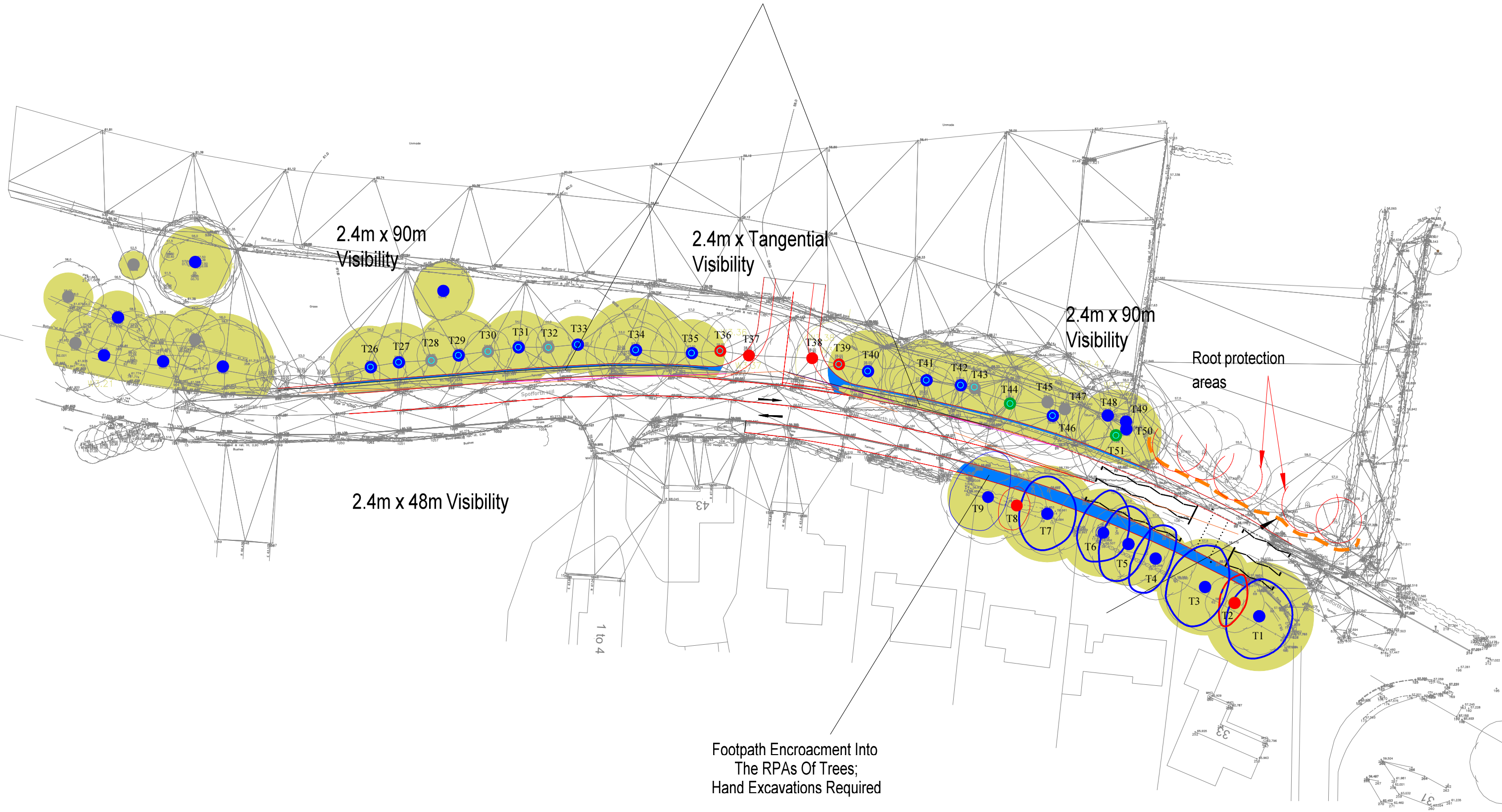


<p>Highways Traffic Transportation Water</p> <p>T 01524 844080 email@sandersonassociates.co.uk F 01524 844081 www.sandersonassociates.co.uk</p>	<p>BELLWAY HOMES YORKSHIRE SPOFFORTH HILL WETHERBY</p>				Scale 1:500	Drawn By PJM
	<p>POSSIBLE ACCESS ARRANGEMENT WITH TREE IMPACT</p>				Drawing Size A3	Checked By KS
<p>C Latest Layout added TC 13.08.14 KS</p> <p>B Root protection areas & construction zone fencing added AA 01/14 KS</p> <p>A Revised topographical survey added PJM 01/14 PJM</p>				Date Nov'2013	Approved By KS	
<p>Rev Amendment Drawn Date Checked</p>					Drawing Number 7029-016	Rev C

FILE REF:

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Footpath Encroachment Into
The RPAs Of Trees;
No-Dig Construction /
Hand Excavations Required



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Originator:	C. Briggs
Tel:	0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30 October 2014

Subject: PLANNING APPLICATION 14/03263/FU RETROSPECTIVE APPLICATION FOR A TEMPORARY USE AS RESIDENTIAL SITE FOR GYPSIES AND TRAVELLERS WITH 10 PITCHES FOR 12 MONTHS

APPLICANT	DATE VALID	TARGET DATE
Leeds City Council	11 June 2014	7 November 2014 (Extended)

Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

1) The use hereby permitted shall be discontinued and all caravans, structures, equipment and materials brought onto the land in connection with the purposes of the use shall be removed on or before 7 November 2015.

In the interests of sustainable development, in accordance with adopted Leeds UDP Review (2006) policies GP5, LD1 T2 and CC30, Leeds Core Strategy Policies T1, T2, G1, G2, G5, H7, P10, SP1, SP3, SP11 and CC2 and the National Planning Policy Framework.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule within 3 months of the date of this permission.

For the avoidance of doubt and in the interests of proper planning.

3) Prior to the removal of any trees, shrubs or other vegetation outside the limits of the existing hardstanding as shown on drawing 1495.11.11M, details of any trees,

shrubs or vegetation to be removed, and details of a mitigation scheme for their loss and timescales for implementation, have been submitted to, and approved in writing by, the Local Planning Authority. Works shall be carried out in accordance with the approved details.

In the interests of amenity and nature conservation, in accordance with adopted Leeds UDP Review (2006) policies GP5, N49 and N51, Leeds Core Strategy policies G1 and G9, and the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to City Plans Panel because it relates to a temporary Gypsy and Traveller site proposal by Leeds City Council in the City Centre, and is subject to representations from local businesses.

1.2 The families at Kidacre Street were previously at roadside encampments around Leeds. In accordance with Government guidance, a welfare needs assessment exercise was carried out and the Housing Authority determined that these arrangements were not suitable, and alternative arrangements had to be put in place immediately. Therefore Housing Services determined to move these families onto this site prior to securing planning permission.

2.0 PROPOSAL:

2.1 Leeds City Council Housing Services established this temporary Gypsy and Traveller residential site at Kidacre Street in May 2014 and a planning application was submitted in June 2014. The proposal consists of 10 caravans with space for 18 vehicles for a temporary period of one year. Each pitch would have a portable pre-fabricated toilet facility, and there is a communal refuse and waste water store close to the entrance onto Kidacre Street. Lighting is proposed across the site for use by the residents, and a drinking water tap is provided near the site entrance.

2.2 The application has been supported by the following documents:

- Scaled plans
- Design and Access Statement
- Noise report
- Land Contamination report
- Flood Risk Assessment and Drainage Strategy

3.0 SITE AND SURROUNDINGS:

3.1 The site lies within the designated City Centre, flood risk zone 1 and on the initial preferred route announced by Government at the end of January 2013 for the High Speed Rail project (HS2). The site comprises a cleared 0.28ha site, accessed off the western side of Kidacre Street. The wider land ownership is roughly rectangular in shape and is defined by a variety of fencing and brick walls associated with the former buildings on the site. It is understood that these buildings were cleared a number of years ago. The land is divided in half by a 2m high wall that runs in an east/west direction. Within the site are a number of earth mounds. The southern half of the land ownership is partially surfaced and is currently occupied, and forms the application site boundary along with the access road from Kidacre Street, whilst the northern half of the land ownership is covered by self-seeded trees and shrubs, and lies outside the application boundary.

- 3.2 Two gasholders are sited off Kidacre Street and a hazardous installation. The gasholder has a three zone map, based on inner, middle and outer zones. The majority of the site lies within the middle zone for the gasholder, and no caravans would be positioned in the inner zone. The site access lies within the inner zone, along with 0.027ha of the total site area. Two high pressure gas pipelines run outside the site along Kidacre Street.
- 3.3 The surrounding land uses are Crown Point Retail Park to the east, a motorcycle training centre to the south, and a gas storage and distribution facility to the south and west. There are a number of surface gas pipes that sit beyond the southern and western edges of the site. To the west, beyond a mature tree belt, are a number of office buildings with associated parking.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Whilst not at this site, the current application is 13/03998/FU at Cottingley Springs is relevant. The proposal is to extend an existing site to accommodate a further 12 pitches. This proposal was supported in principle at Plans Panel and has been called-in by the Secretary of State. It was the subject of a Public Inquiry during Summer 2014. The decision is expected from the Government in February 2015.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application meeting was held with the applicant on 12 May 2014. The subsequent application was amended a number of times as a result of objections from Crown Point Retail Park, the objection from the Health and Safety Executive, and then to provide adequate separation between units and reduce the number of pitches to 10.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by Site Notices dated 20.06.2014, 22.08.2014, 05.09.2014 and 03.10.2014
- 6.2 City and Hunslet Ward Councillors were consulted by email on 13.06.2014, 14.08.2014 and 08.10.14
- 6.3 Leeds GATE were consulted on 13.06.2104, 14.08.2014 and 08.10.14
- 6.4 There have been two objections to the application proposal, which are addressed in the appraisal section of this report:
- 6.4.1 On behalf of Crown Point Retail Park (Aviva Investors and the Crown Estate) letters dated 23.07.2014 and 03.09.2014 stating the following concerns:
- Perceived increased risk of crime and impact on business
 - Full ecological assessment was not carried out prior to partial vegetation clearance
 - The ownership boundary of the site is not correct
 - The site's location next to high pressure gas pipelines and a hazardous installation is not appropriate for residential development (as opposed to other more commercial uses). When cross referenced with Policy H7 of the emerging core strategy there remains no justification to support the application in this instance.

6.4.2 Leeds School Of Motorcycling, Kidacre Street - letter dated 18.09.2014 stating the following concerns:

- Anti-social behavior such as throwing missiles and rubbish from the site onto the premises, burning and storing garden and general waste
- dogs running loose and fouling on the premises
- acrid smoke causing the business to close
- horses roaming loose on the main road
- criminal damage being caused on at least two occasions when Travellers have damaged the chain link fence when accessing the property without any right to do so.
- wilful obstruction caused by numerous vehicles parking on the footpath on both sides of Kidacre Street creating a danger to road users and pedestrians.
- these are daily ongoing issues which despite Police and Council intervention continue on a daily basis and will only escalate should the planning permission be approved.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory

7.1.1 Health and Safety Executive

No objection. In relation to the HSE planning advice for developments near hazardous installations, the sensitivity of the development as housing (residential caravans) at a density of no more than 40 dwellings per hectare, is considered to be Level 2. The proposal is at 35 dwellings per hectare with all pitches within the middle zone, and only 0.027ha of the site within the inner zone (this part of the site contains only roadway and refuse storage in this area and it is less than 10% permitted by Rule 1 of the guidance). The HSE therefore do not advise against approving the development.

7.1.2 Northern Gas Networks No objection

7.1.3 Environment Agency No objection

7.1.4 Coal Authority No objection

7.2 Non-Statutory

7.2.1 LCC Transport Development Services

Accessibility: Policy H7 of the emerging Core Strategy which requires that Traveller/ Gypsy sites “*must have reasonable access to public transport, health care, schools, shops and local services*”. The accessibility of the site with the City Centre is considered to be good for access to public transport and local facilities.

Vehicular access: The access provides a visibility splay of a minimum of 2m X 43m looking in both directions which is on-balance acceptable. Kidacre Street is the sole access to the site. A segregated pedestrian gate is required for safety reasons and is marked on the plans

Internal layout, servicing and bins are acceptable - vehicular and pedestrian segregation has been introduced from the entrance into the site together with a 5mph speed sign as requested by Highways. 18 spaces have been shown on the submitted plan, which is acceptable. There is enough hardstanding on-site for parking of vehicles for each pitch.

Subject to the implementation of the measures shown on the submitted revised plans, the application does not raise any specific road safety concerns.

7.2.2 LCC Flood Risk Management

No objection

7.2.3 LCC Environmental Protection

Caravans will not provide the same sound insulation as traditional dwellings, and residents will bring their own noise sources to the site in the form of generators to supply electricity. A noise report has been submitted which outlines that “the noise climate on site during the day is dominated by road traffic noise from Kidacre Street. The noise climate during the night is dominated by generators being used by existing Travellers and noise associated with gas distribution pipework to the north”. The report calculates the anticipated noise levels within the caravans, taking into account the measured data, attenuation afforded by the ‘distance’ (as a ratio of the distance between the source/measurement position and the source/receiver location), and the existing brick wall ‘barrier’ which runs along the eastern boundary of the site. It concludes that average noise levels within caravans situated on the site are expected to be in compliance with guidance given in BS 8233:2014. In addition, the outdoor amenity space should meet an acceptable noise level. Due to the temporary nature, the use of on-site generators for the caravans, and practicalities of sound attenuation of the gas pipework, the overall sound levels are acceptable.

7.2.4 LCC Transport Strategy - Environmental Studies

The submitted noise report is acceptable. Traffic noise is sufficiently mitigated by distance and the barrier effect of the existing wall adjacent to Kidacre Street.

7.2.5 LCC Children’s Services

No comments

7.2.6 West Yorkshire Police

Neighbourhood Policing Team officers visit the site twice a day, and make regular visits to local businesses.

8.0 PLANNING POLICIES:

8.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (2006), the Natural Resources and Waste DPD (2012) along with relevant supplementary planning guidance and documents. The Local Development Framework (Core Strategy and Site Allocations Plan) will eventually replace the UDPR. The Core Strategy has been examined and declared sound by the Inspector. The Site Allocations Plan is at Issues and Options stage having been through a period of public consultation in the summer of 2013.

8.3.1 Unitary Development Plan Review (adopted July 2006)

- Policy GP5: states that development proposals should seek to avoid issues such as loss of amenity, environmental intrusion and highways congestion
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H16: City Council approach to provision of sites for Travellers
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T24: parking guidelines for new developments
- Policy N25: Site boundaries should be designed in a positive manner.
- Policy LD1: landscape schemes should meet specific criteria of good design.
- Policy CC30 Proposals outside defined areas would be determined on their merits.

Leeds Draft Core Strategy

8.3.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and examination has now taken place. Some modifications and additional work on Policy H7 Gypsies, Travellers and Travelling Showpeople was requested by the Core Strategy Inspector. The Council has reviewed its Gypsy and Traveller Pitch Requirement Study to take on board the Inspectors` concerns. It has closely engaged with the Leeds Gypsy and Traveller Exchange (GATE) and facilitated a local survey of Travellers` needs. Policy H7 was the subject of a further hearing in May 2014. The Inspector`s Report was issued in September 2014. The Inspector has indicated that he is satisfied with the policy and has confirmed that it is sound. The policy is based on up to date evidence of Gypsy and Traveller needs, which were obtained from robust survey work with the local community. This evidence and the support from the Inspector gives the policy validity and it now carries significant weight when determining applications.

8.3.3 POLICY H7: ACCOMMODATION FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE

The City Council will identify suitable sites in the Site Allocations Plan to accommodate the following identified needs:

- 62 pitches for Gypsies and Travellers (of no more than 15 pitches per site), and
- 15 plots for Travelling Showpeople (to be accommodated on either one or two sites),

In identifying land or determining planning applications for pitches / plots, consideration will be based on the following criteria:

- i) pitches and plots should have reasonable access to public transport, health care, schools, shops and local services
- ii) pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons

- iii) pitches and plots should avoid zones of high flood risk (zone 3 flood risk areas),
- iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople's site only.
- v) the availability of alternative deliverable sites for Gypsies and Travellers and Travelling Showpeople

Other relevant draft Core Strategy policies include:

Policy CC2 City Centre South

Policy T1 Transport Management

Policy T2 Development should be located in safe and secure locations.

Policy G1 Enhancing and extending green infrastructure

Policy G2 Creation of new tree cover

Policy G3 Standards for open space, sport and recreation

Policy G4 New green-space provision

Policy G5 Open space provision in the City Centre

Policy G9 Biodiversity improvements

Policy P10 Proposals should accord with principles around size, scale, design, layout, character, surroundings, public realm, historic / natural assets, visual, residential and general amenity, safety, security and accessibility to all.

SP1 Spatial Policy 1 Location of development

SP3 Spatial Policy 3 identifies the importance of the city centre as an economic driver:

SP11 Spatial Policy 11 Transport infrastructure investment priorities, including High Speed Rail

8.4 NATIONAL PLANNING POLICY

8.4.1 National Planning Policy Framework (NPPF) (March 2012)

The National Planning Policy Framework replaced Planning Policy Statements and Guidance (PPSs/PPGs) in 2012, and states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 6), and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. One of the core planning principles in the National Planning Policy Framework encourages the effective use of land by reusing land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50). The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. The NPPF refers to the national Planning Policy for Travellers Site (PPTS) which is summarised below.

8.4.2 National Planning Policy for Traveller Sites (March 2012)

8.4.2.1 Policy A: Using evidence to plan positively and manage development - local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

8.4.2.2 Policy B: Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a. promote peaceful and integrated co-existence between the site and the local community
- b. promote, in collaboration with commissioners of health services, access to appropriate health services
- c. ensure that children can attend school on a regular basis
- d. provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e. provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f. avoid placing undue pressure on local infrastructure and services
- g. do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h. reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

8.4.2.3 Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

8.4.2.4 Paragraph 24 When considering applications, local planning authorities should attach weight to the following matters;

- effective use of previously developed (brownfield), untidy or derelict land
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

8.4.2.5 Paragraph 25. If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

8.4.2.6 Paragraph 26. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including;

- limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
- specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
- limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

9.0 MAIN ISSUES

9.1 Principle of use

9.2 Amenity

9.3 Highways and transportation

10.0 APPRAISAL

10.1 Principle of use

10.1.1 Policy B of 'Planning for traveller sites' (PFTS) states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Policy H of PFTS suggests certain criteria which local planning authorities may wish to consider in dealing with any planning application. The first point is that the PFTS advises that the site allocations criteria should be used in assessing proposals on unallocated sites such as this. Therefore, in respect of emerging Core Strategy Policy H7, the following comments are made against each of the criteria:

- i) pitches and plots should have reasonable access to public transport, health care, schools, shops and local services

The site is brownfield and within the City Centre, with good access to local shops and facilities. Housing Services have confirmed that children are transported to local schools via Education Leeds. The applicant understands that everyone at the site is registered with a local GP.

- ii) pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons

The proposal is for one year only, and alternative sites are being looked at. An acceptable land contamination study has been submitted, and the site is suitable for use. The proposed fences around the site would prevent access to areas of the site that have not been investigated. The site is not in use as a refuse site, and nor is it

adjacent to heavy industry or electricity pylons. The site is near to a major hazardous installation (the gasholders) and two gas pipelines, however the HSE and Northern Gas Networks do not object to the development on safety grounds. On balance it is considered that the temporary use of the site is acceptable, subject to the installation of the site boundary fence to prevent access onto land which may be contaminated, and no more than 10 residential pitches at any one time.

- iii) pitches and plots should avoid zones of high flood risk (zone 3 flood risk areas),

The application site lies within flood risk zone 1

- iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople's site only.

The application site is brownfield.

- (v) the availability of alternative deliverable sites for Gypsies and Travellers and Travelling Showpeople

The applicant states that no alternative deliverable sites are currently available.

Compliance with national policy “Planning Policy for traveller sites”

10.1.2 These are dealt with in the order raised in the document:

Policy B is concerned with general sustainability issues, which are covered in the section above related to Policy H7.

Policy H: Determining planning applications for traveller sites. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- *the existing level of local provision and need for sites*
- *the availability (or lack) of alternative accommodation for the applicants*

Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

The site is not in open countryside.

When considering applications, local planning authorities should attach weight to the following matters:

- (i) effective use of previously developed (brownfield), untidy or derelict land;*

The site is previously developed brownfield land.

(ii) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

No new landscape scheme has been proposed, because this is a temporary proposal for one year only. The revised plans layout show a new boundary treatment around the pitches will be carried out by the applicant within three months of the date of any permission.

(iii) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;

No landscaping or specific play facilities are proposed for this site because it is a temporary proposal for one year only. Whilst no dedicated facilities are proposed for children, families were until recently pitching illegally on roadside sites. It is considered that this temporary site would be a safer environment than an illegal roadside encampment, until permanent provision is delivered.

(iv) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The boundaries to Kidacre Street are existing historic boundary treatments.

If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

This application is for a temporary period of one year, and the site allocations process has not been completed at the time of consideration. The land is within the gasholder's hazardous installation zone, and likely to be affected by the HS2 proposal, and therefore the proposal is not appropriate as a permanent site.

Housing Services have stated that the delay in being able to progress the expansion of Cottingley Springs (as a result of the Secretary of State call-in), and the automatic timescales relating to developing pitch provision, means that they needed to find an interim solution to unauthorised roadside encampments, in order to better meet the needs of the Gypsies and Travellers, and reduce the impact on local communities. The Housing Authority recognises that Kidacre Street is not a long term option, and remains committed to Cottingley Springs and the identification of other alternative sites through the Site Allocation Plan.

On balance, taking into account the above circumstances and policy considerations, it is considered that a temporary permission for one year only would be acceptable.

10.2 Amenity

10.2.1 The submitted noise report states that attended measurements have shown that areas of the site immediately adjacent to Kidacre Street are currently subject to moderate levels of environmental noise during the daytime and low levels of noise during the night-time. Measurements have also indicated that whilst some industrial noise is present in the vicinity of the site, it is not significant when considering the suitability of the site for temporary residential purposes. Officers in Environmental

Protection and Environmental Studies teams have provided comment on the application proposal, and they consider that the proposal would be acceptable for a temporary period.

10.3 Highways

- 10.3.1 It is considered that the proposal would not lead to road safety and amenity issues, and the site has good access to local facilities and public transport. The proposed layout, access and parking provision are considered acceptable for a temporary period only.

10.4 Response to the concerns of neighbouring businesses

- 10.4.1 Regarding the concerns from Crown Point Retail Park, no evidence has been presented by the objector, or in consultation with the Police, regarding any perceived or actual increased risk of crime and impact on business, jobs and investment at the retail park arising directly from the application proposal.
- 10.4.2 Full ecological assessment was not carried out prior to partial vegetation clearance. It appears that some vegetation clearance has taken place to accommodate the use, however the removal of the vegetation in itself does not require planning permission. A condition is recommended to ensure that full details of any further vegetation clearance, and any necessary mitigation, are agreed and implemented.
- 10.4.3 The ownership boundary of the site has been amended and certificate A has been signed on behalf of the applicant.
- 10.4.4 Regarding the site's location in the vicinity of high pressure gas pipelines and a hazardous installation, amendments to the site boundary and the number of pitches proposed now meets HSE safety guidance.
- 10.4.5 Regarding the Leeds School of Motorcycling allegations of anti-social behaviour, the applicant is aware of the matters raised and has outlined the following management strategy for the site, involving partnership between Leeds City Council Housing Services, South/South East Localities Team, Neighbourhood Policing Team, Leeds GATE (Leeds Gypsy Traveller Exchange) and two families resident on-site who tend to act for the main resident group.

South/South East Locality Team, Leeds City Council:

- Environmental Action Officers will visit the site regularly once a fortnight unless an urgent visit is required where an immediate response will be given.
- Dog Warden will visit the site once a month or as required if an urgent call is received.
- Street Cleansing will attend the area once a month and complete litter picks of the area on the attached map including Kidacre Street down to the gas depot, entrance around the Travellers site and Ivory Street.
- Monthly meeting between representatives from Gypsy Traveller Services Team and the Locality Team.

Neighbourhood Policing Team, West Yorkshire Police

- Regular PCSO visits are conducted, a minimum of three weekly.
- PCSO's visit local businesses to include the Leeds School of Motorcycling and Crown Point Retail Park.
- The ongoing monitoring of crime, the most recent report confirms that there has been no increase in crime or anti-social within a quarter-mile radius of the site.

- Any issues which do arise are communicated to the Gypsy Traveller Services via regular update meetings.

Gypsy and Traveller Services Leeds City Council

- The team regularly visit the site; a minimum of twice weekly, where issues can be picked up.
- Site Occupants have all signed up to a 'Negotiated Stopping Agreement' which sets out the site rules and the rights and responsibilities of residents. There is a commitment to management by the Applicant, which includes the following:
 - using only the designated pitch and vehicle parking on the site
 - use of domestic waste bins and disposal of domestic waste
 - adherence to health and safety cordons
 - toilet provision
 - trade/heavy good vehicles on site
 - supervision of dogs
- The robust management of the site to include where necessary involvement of partner agencies, i.e. LASBT Leeds Anti-Social Behaviour Team. This will include the eviction of residents who fail to abide by the agreement in place.
- Provision of some screening and additional security for Leeds School of Motorcycling and a three month rent free period
- Provision of a water tap, bins and toilets to the site.
- The offer of grazing land to horse owners.

Leeds GATE/ Site Residents/LCC

- Close working with Leeds GATE, open and honest communication about any current or pending site issues.
- Close working with site occupants to ensure that any issues are raised and jointly acted upon by impressing the importance of a collective site management approach.

11.0 Conclusion

11.1 The Core Strategy policy H7 and the national Planning Policy for Travellers Sites (2012) advises that Gypsy and Traveller accommodation should be located on land which is suitable for general housing and considered in the same manner as an application for settled housing. Whilst in principle residential use is acceptable in the South Bank of the City Centre, the application proposal would not meet normal policy requirements relating to the provision of a mix of uses, greenspace, public realm, landscaping and urban design. The application site is indicated as "amber" in the Site Allocations and permanent residential use on the land may be acceptable as long as the gasholder facility were relocated as part of the proposed HS2 project, and that any housing proposed would not prejudice the HS2 project. The remaining criteria of Core Strategy policy H7 would seek to locate Gypsy and Traveller accommodation in accessible locations, with low flood risk on sites with no more than 15 pitches. The locational characteristics of the Kidacre Street and the size of the proposal satisfies the latter criteria.

However, as the proposal does not feature urban design, landscaping and public realm improvements, nor the necessary amenities such as permanent amenity blocks, landscaping and play provision expected for a permanent facility, the use of the land for residential use for Gypsy and Travellers could be supported only on a temporary basis. Whilst the HSE does not advise against the proposal on

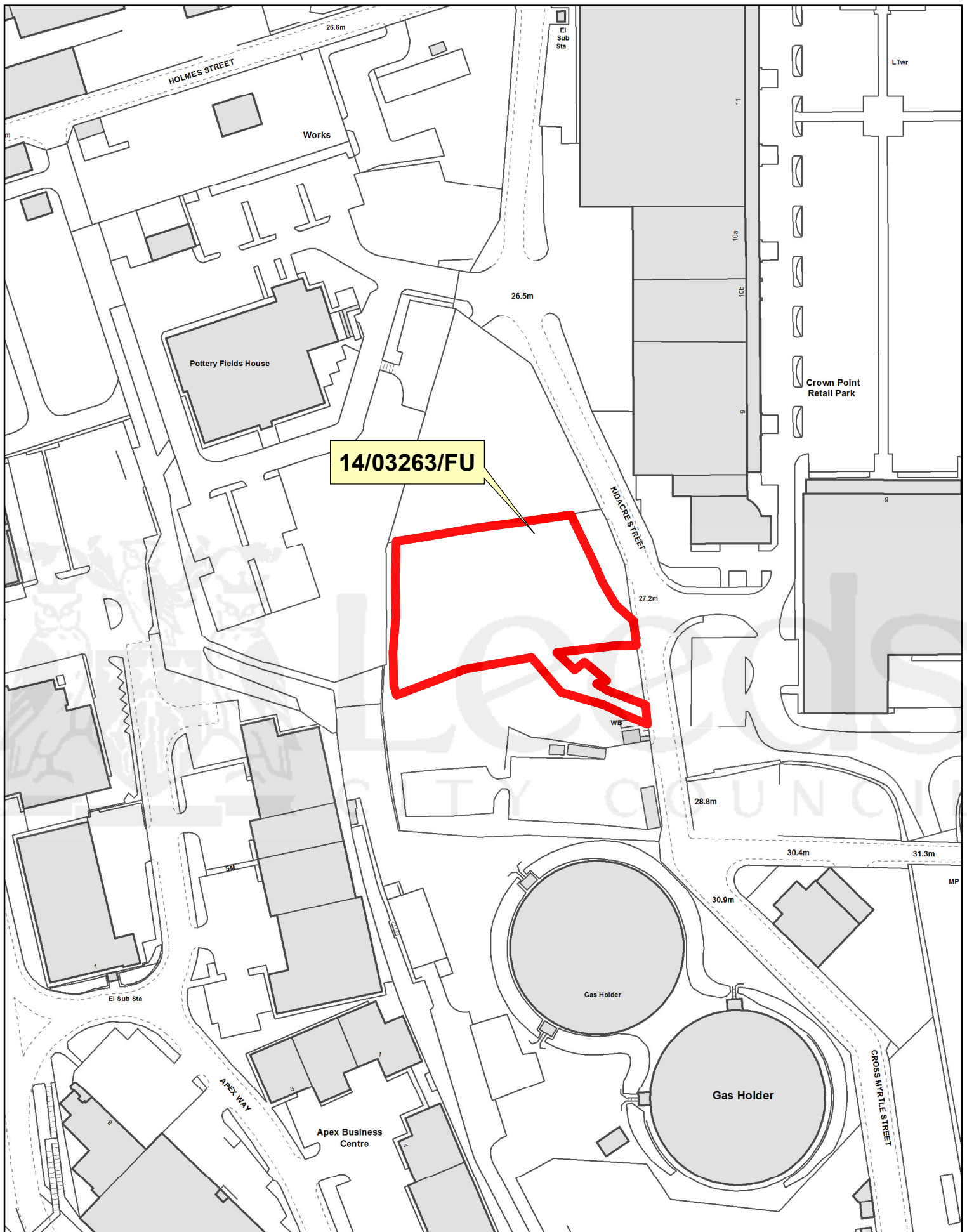
safety grounds in this case due to the number of residences proposed within the middle zone, there is still a risk from the gasholders.

Taking into the account the factors discussed above, and the delays in finding alternative site provision, the application is therefore recommended for approval subject to conditions for one year only.

12.0 Background Papers:

Application file 14/03263/FU

Certificate of Ownership: Certificate A has been signed by the agent on behalf of the applicant Leeds City Council



CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30 OCTOBER 2014

Subject: POSITION STATEMENT - PLANNING APPLICATION REF. 14/04641/FU MIXED-USE, MULTI-LEVEL DEVELOPMENT COMPRISING THE ERECTION OF 4 NEW BUILDINGS, WITH 744 RESIDENTIAL APARTMENTS, 713SQM OF FLEXIBLE COMMERCIAL FLOORSPACE (A1-A5, B1, D1, D2 USE CLASSES), CAR PARKING, LANDSCAPING AND PUBLIC AMENITY SPACE AT SWEET STREET AND MANOR ROAD, HOLBECK, LEEDS LS11 9AY

APPLICANT	DATE VALID	TARGET DATE
Ingram Row Limited	7 August 2014	25 December 2014 (Extended)

<p>Electoral Wards Affected:</p> <p>City and Hunslet</p> <p><input type="checkbox"/> Yes (Ward Members consulted referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: For Members to note the content of the position statement and to provide feedback on the questions posed at section 11.0 of this report.

1.0 INTRODUCTION:

- 1.1 Members are requested to give comment on the progress of this application, which if acceptable, would deliver new housing and promote the regeneration of a longstanding cleared brownfield site in the City Centre.
- 1.2 City Plans Panel Members commented on the emerging proposals for this proposal on 5th June 2014. Members stated that the general principle of residential development was acceptable, and in general agreed with the siting of the buildings, provision of landscaping, public realm and active street frontages. Members also made detailed comments about the sizes of flats, building sustainability, the

distribution of building heights around the development, and the detailed architecture of the scheme. The formal minutes of the meeting are attached at Appendix 1 of this report.

2.0 PROPOSAL:

- 2.1 The applicants, Ingram Row Limited have advised that the economic downturn resulted in their previous planning permission not being built at this site. Ingram Row Limited are now in a position to bring the site forward as a Private Rented Scheme (PRS) to be built and thereafter managed long term by a partner institution, and have submitted a full planning application for a revised scheme. They advise that a PRS development is managed as a whole in perpetuity as part of an institution's investment portfolio. This means a continued lettings and management presence on-site which should ensure that the development is managed and is retained long term to so that the development remains attractive to tenants. Ingram Row Limited advise that PRS developments are a concept to increase housing delivery and provide high quality and managed rented homes, which allow people to remain in the same development but move to a smaller or larger apartment if their circumstances change.
- 2.2 The scheme proposal would consist of a total of 744 flats made up of
- 81 studio flats at 29.1 sqm
 - 295 one-bedroom flat at 44.4 sqm
 - 358 two-bedroom flats at 59.7 sqm
 - 10 three-bedroom flats all at ground floor level at 89.7sqm
- 2.3 There would also be 713 sqm of commercial floor space (A1 retail, A3 café/restaurant, B1 office, D1 non-residential institution, D2 leisure) facing onto Sweet Street.
- 2.4 There would be 263 car parking spaces accessed from two points on Ingram Street and 404 cycle spaces.
- 2.5 With reference to Plan 3 attached to this report, open space provision is 21.5% (3063sqm of 14113sqm). The new development has been designed with reference to the Holbeck Urban Village Revised Planning Framework (see Appendix 2, Plan 1), with building, courtyards and streets aligned to reflect the historic street patterns. The proposal is a perimeter block approach promoted by the Framework. The buildings would be set back from the edge of the footpath and feature new planting to the edges of the streets and spaces.
- 2.6 The prevailing height of the surrounding buildings is between seven and nine storeys. The proposed development would contain buildings of a mixture of heights in order to create interest and allow daylight into the two new courtyard areas. The proposed building heights would range between 6 and 11 storeys – see Appendix 2, Plan 3.
- 2.7 A number of documents were submitted in support of the application:
- Scaled Plans
 - Design and Access Statement (including refuse management and servicing strategy)
 - Landscape Statement and Masterplan
 - Sustainability Statement
 - Code for Sustainable Homes Energy Statements for Codes 3 and 4
 - Transport Assessment
 - Flood Risk Assessment (including Flood Risk Sequential Test Assessment)

- Planning Statement
- Drainage Impact Assessment
- Noise Impact Assessment
- Biodiversity Report
- Daylight and Sunlight Study
- Wind study
- Statement of Community Involvement
- Land Contamination Report
- Coal Recovery Report
- Travel Plan
- Housing Needs Assessment
- Development Viability Assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The 1.9 hectare site lies between Manor Road, Ingram Road and Sweet Street, Leeds, in the Eastern Gateway Area of the Holbeck Urban Village regeneration area, within Leeds City Centre's South Bank. The site lies in flood risk zone 2. The application site consists of two temporary long stay car parks with landscaped boundary treatments. To the east lies the Velocity residential scheme (part 5, 7 and 8 storeys), and the Lateral office building (5 storeys). Immediately to the west is the stone office building, The Mint (8 office storeys), and the Manor Mills residential block (9 residential storeys). To the south lies the cleared City One site, currently in use as temporary car park, and to the north lies a number of occupied low rise office buildings (3-4 office storeys).
- 3.2 Over the last ten years, a mix of offices, residential, and supporting retail and food and drink uses have been developed in Holbeck Urban Village at the Granary Wharf, Round Foundry, Tower Works, Marshall's Mill, Manor Mills, and The Mint. A number of planning proposals have also been agreed by Plans Panel in the immediate area for large scale redevelopment of vacant or cleared sites for a mixture of residential and offices at the Oakapple Site, Sweet Street, City One site on Sweet Street, the former Reality Depot Site to the south of Sweet Street, and an office and multi-storey car park scheme at 10-12 Sweet Street. These are yet to be implemented. Temple Mill, a Grade I listed building on the western side of Marshall Street, has a temporary permission for a public event space.
- 3.3 The development of the Leeds Station Southern Entrance has commenced on-site, which will improve public transport connectivity to the South Bank and Holbeck Urban Village.
- 3.4 Leeds South Bank (including Holbeck Urban Village) covers a total of 136 hectares, has over 300,000 sq.m of development land and is the largest regeneration project in the North. With the close proximity to the future City Centre Park, and the proposed arrival of High Speed Rail at New Lane, the scheme has potential to contribute to new housing provision, place-making opportunities and economic benefits.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Reference 11/05238/FU Use of Site as Car Park (278 Spaces) at Ingram Street - temporary permission granted until 2017.
- 4.2 Reference 11/05239/FU Use of site for car park (225 spaces) at Ingram Row - temporary permission granted until 2017.

- 4.3 Reference 20/61/05/OT Outline application for mixed use development comprising 3 new buildings, including 50,167sqm of residential use (720 flats), 13,192sqm of Class B1 office space and 929sqm of A1/A2/A3/A4 uses at the lower 2 floors of the buildings and 795 car parking spaces – approved, now expired.
- 4.4 Reference 20/64/06/OT Outline application to erect multi-level development with 788 flats and A1/A2/A3/A4/A5/B1 uses (amendment to 20/61/05/OT) and reserved matters application for multi-level development up to 20 storeys with 788 flats A1/A2/A4/A4/A5/B1 uses, 720 basement car parking spaces and courtyard landscaping. This was made up of 112 studio flats, 401 one-bedroom flats and 275 two-bedroom flats. The scheme consists of:

Buildings A, B and C would be located on the northern site bounded by Manor Road, a new linked section of Ingram Street provided by this scheme, Ingram Row, and the footpath link to the north of St. Barnabas Road.

- Building A – 20 storey block consisting of 18 storeys of residential with ground and first floor commercial uses.
- Building B – 11 storey block consisting of 9 storeys of residential with ground and first floor commercial uses.
- Building C – 9 storeys consisting of 7 storeys of residential with ground and first floor commercial uses, fronting onto Manor Road. The block would then step down to 6 storeys consisting of four storeys of residential and two storeys of commercial at its junction with Building B.

Buildings D, E and F would occupy the southern part of the site bounded by Sweet Street, Ingram Street, Ingram Row and St. Barnabas Road.

- Building D – 8 storeys fronting onto Ingram Street, consisting of 6 storeys of residential with 2 storeys of commercial at ground and first floor.
- Building E – 9 storeys consisting of 7 residential and the lower two as commercial. The building fronts onto Sweet Street and the public courtyard.
- Building F – 10 storeys consisting of ground and first floor commercial, and 8 floors of residential.

This was approved in principle at Plans Panel (City Centre) March 2006 with planning permission granted 28 August 2009 following the completion of the Section 106 agreement. Reference 20/160/06/RM, a parallel reserved matters application was also approved at the same time. (See Appendix 2, Plan 2). These approvals expired earlier this year.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers had three pre-application meetings with the applicant and their professional team in 2014.
- 5.2 The applicant undertook local community engagement and held a public event which took place on Tuesday 17 June 2014 at Bewleys Hotel, close to the application site. The event was advertised via a direct mailshot to over 1,200 addresses and in the local press. All of the residents in both Velocity and Manor Mills were directly invited. The public exhibition was held between 3pm and 8pm for all those that wished to attend and discuss the proposals. If anyone could not attend, a freephone community information line was set up and managed by consultants at PPS Group who received and responded to enquiries. The exhibition boards and invites also included an email address, where people could contact the PPS Group at any time with any queries. The exhibition generated a moderate response and of the 40 that attended, 30 left

comments on the feedback form. Overall, the response was positive as detailed in the Statement of Community Involvement submitted with the application. In total, the scheme received a total of 206 good or very good responses to various elements. The top rated aspects were: the proposals met housing needs, the site layout, the courtyard space and the range of units. Only 25 poor or very poor ratings were given. Concerns were mainly related to parking.

- 5.3 City and Hunslet Ward Members were consulted by email on 16 May 2014 at pre-application stage, and the applicant made a pre-application presentation to Councillors at City Plans Panel on 5th June 2014. City Plans Panel Members visited two residential schemes built by the applicant in Salford and Manchester on 15 July 2014.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Planning application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 15.08.2014

6.1.2 Press Notice of Proposed Major Development published 21.08.2014

6.1.3 City and Hunslet Ward Councillors consulted by email 8 August 2014 and 11 August 2014

6.1.4 Holbeck Neighbourhood Forum were consulted by email 8 August 2014

6.1.5 Leeds Civic Trust were consulted by email 8 August 2014, and responded by letter dated 14 August 2014 noting the following comments:

Leeds Civic Trust welcomed the incorporation of public amenity space between the two groups of buildings in the scheme and its connection to the pedestrian link to the city centre. However, concerns were expressed that there should equally be an attractive pedestrian link to the south of Sweet Street to connect to the rest of Holbeck in the context of the wider South Bank area. This should involve the creation of a green corridor along the line of St. Barnabas Road as part of this scheme. Subject to the incorporation of the green corridor, the Leeds Civic Trust would have no objection to the proposed scheme.

- 6.2 Objections have been received from/on behalf of 9 individual residents at the neighbouring Velocity flats and its Management Company, noting the following concerns:

- There is an oversupply of City Centre flats
- Insufficient car parking and cycle storage
- Impact of increased traffic and congestion
- Negative impact on the local economy due to the loss of temporary car parks
- Concerns regarding the viability of the commercial unit
- Excessive height, density and overdominance
- Inadequate daylight and shadow analysis
- Overlooking
- Overdevelopment of the site
- Housing mix not in accordance with draft Core Strategy policy H4
- Monolithic design with little visual interest
- Wind tunnelling and microclimatic effect
- Absence of an appropriate Section 106 agreement

- The status of the expired planning permission
- Other concerns including the nature of works to Ingram Row, bin storage provisions, and the impact of construction on local residents in terms of noise, traffic, dirt and dust

6.3 1 objection has been received from a resident at the neighbouring Manor Mills flats, Manor Road, to the west of the application site, stating the following concerns:

- There is no construction project plan provided for the construction phase
- My only window and balcony door opens towards the site. My flat is like a greenhouse during summer. Construction noise and pollution will make it impossible to live here.
- Traffic is another issue, during busy hours it takes me 30 min to drive 200 m to get to motorways, bringing another 744 residents to this area is absolute madness. There is no space!
- What about parking? Considering the current situation and number of people live and work in the area, its impossible to find a parking space even on Sundays. Bringing another 744 residents and their visitors will make this worse.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 LCC Transport Development Services

Further information is required in terms of:

- The Transport Assessment (TA) focusses on routes to the city centre and local bus services. However there is no discussion of pedestrian links to the wider Holbeck Urban Village, Holbeck and South Bank areas. Given the mixed land uses coming forward in these areas there will be substantial pedestrian movements to the east and west when these are implemented. The additional work on pedestrian connectivity should also include details of routes to the City Station southern access and local facilities such as schools and healthcare. Any improvements should be identified. For instance the existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block is uneven and will need to be resurfaced. The Walking Audit section of the TA needs to be expanded to provide a qualitative review of routes to schools and other local services/ facilities. This would identify any required improvements such as crossing facilities, street lighting or resurfacing. It is also noted that the route to Beeston Hill primary would use the M621 underpass and there may be a need for qualitative improvements.
- The traffic modelling needs to be amended so that the base model more accurately reflects observed queuing at A653 Meadow Road Gyratory and St Barnabas Road/ Sweet Street mini-roundabout.
- Parking provision is very low and has not been justified. Further information on parking demand at similar development is required before this can be accepted. Otherwise additional car parking is required. The Holbeck Urban Village Planning Framework requires parking at new developments be kept to a minimum and advises that the maximum allowable is the standard for the city centre core i.e. 1 space per dwelling. The proposed car parking (263 spaces) is well below this level. It is also low in comparison to many similarly located residential developments in Leeds. Furthermore, it is noted that the previous approval on this site had significantly higher parking provision (784 spaces for 788 apartments). Whilst it is appreciated that the low car parking provision

encourages travel by more sustainable means, there is a history of residents complaining of the lack of parking at other developments and concerns have been expressed by Plans Panel members previously as to whether such low levels of car parking are appropriate. Evidence will be required to support the proposed level of parking, not just the availability of alternative means of travel, which is accepted but on how the development model is expected to work, in terms of residents making educated choices. It would be useful to have information on similar schemes operated by the applicant such as pricing and take up of rented parking spaces. The surrounding area is covered by TROs.

- A Travel Plan has been submitted, and discussions are in progress with the Travel Plans officer. A monitoring fee will be required and would be included in the S106 agreement. The proposed Car Club space on Ingram Row and one year free membership for residents is welcomed. This should be secured via the Travel Plan or a condition. Given the nature of the proposals there is likely to be sufficient demand from residents.
- Cycle parking should be provided in accordance with the Council's minimum requirements. The requirement for cycle parking is 1 space per dwelling as per the UDP - there will be a number of apartments with 2 adult cycles.
- The Design and Access Statement describes the servicing and refuse strategy. This is acceptable although additional swept paths manoeuvres will be required to demonstrate that the turning head at the refuse pick up area can accommodate the refuse vehicle (Phoenix 2-25w with Volvo FM 12 chassis).
- A Section 278 agreement will be required to deal with the works on Ingram Row and Ingram Street as well as any off-site improvements to footways and cycle routes. Additional information is required before a full list of planning conditions can be finalised. There will be a need to amend existing Traffic Regulation Orders as part of the proposals. A new TRO will also be required for the service turning head and the loading bay.
- A public transport contribution would be required under SPD5 £ 163, 254
- The office buildings in this area also generate pedestrian traffic at the start and end of the working day as well as at lunchtime. A Construction Management Plan will be required to control items such as vehicle routing and hours of operation. This would also include details of the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of workforce vehicles.
- The proposals do not raise any specific safety concerns subject to the capacity assessments being finalised and appropriate off-site improvements to pedestrian and cyclist routes being identified.

7.1.2 Environment Agency:

No objection subject to a condition requiring the development to be carried out in accordance with the submitted flood risk assessment.

7.1.3 Coal Authority

No objection

7.2 Non-statutory:

7.2.1 Yorkshire Water

The submitted drainage strategy is not satisfactory - the developer must provide robust evidence of existing positive drainage to the public sewer from the site to the satisfaction of YWS/the LPA by means of detailed investigations. This must clearly demonstrate connections points to the sewer and the areas being served. The submitted reports do indicate that further investigations are required on this matter. The applicant is in discussions with Yorkshire Water regarding this.

7.2.2 LCC Environmental Protection

No objection subject to conditions regarding construction practice, construction working hours (08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays), commercial unit delivery times (8am to 18:30 hours Monday to Saturday and 9am to 13:00 hours on Sundays and Bank Holidays), details of extract ventilation, provision of grease trap for any food businesses.

7.2.3 LCC Flood Risk Management:

No objection subject to conditions regarding surface water drainage and implementation of the scheme in accordance with the submitted Flood Risk Assessment.

7.2.4 West Yorkshire Combined Authority (Metro):

No comments at time of writing

7.2.5 LCC Children's Services

No comments at time of writing

7.2.6 LCC Waste Management

The bin storage arrangements are acceptable.

7.2.7 LCC Air Quality Management

10% of parking spaces should be for electric vehicle charging points.

PLANNING POLICIES:

8.1 **Development Plan**

Leeds Unitary Development Plan Review 2006 (UDPR)

The UDPR includes policies that require matters such as good urban design principles, sustainability, highways and transportation issues, public realm, landscaping, biodiversity and access for all to be addressed through the planning application process. The site is allocated as a strategic housing site in the adopted Unitary Development Plan Review 2006 under Policy H3-1A.44 and Proposal Area 31 Holbeck Urban Village. This states that the area should be developed in accordance with the Holbeck Urban Village Revised Planning Framework 2006, to promote a large scale contribution to housing supply, with supporting employment uses, environmental improvements to the public realm and new pedestrian routes. The overall aim is to regenerate the area as a sustainable community.

Other relevant policies include:

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD2 new buildings

A1 improving access for all

A4 safety and security provision

N12 urban design
 N13 design and new buildings
 N25 boundary treatments
 N29 archaeology
 BD4 all mechanical plant
 CC3 City Centre character
 CC10 public space and level of provision
 CC11 streets and pedestrian corridors
 CC12 public space and connectivity
 CC13 public spaces and design criteria
 H3-1A.44 Holbeck Urban Village Strategic Housing and Mixed Use site
 Holbeck Urban Village Proposal Area Statement 31A
 E14 Office development
 T2 Transport provision for development
 T2C Travel plans
 T2D public transport provision for development
 T5 pedestrian and cycle provision
 T6 provision for the disabled
 T7A cycle parking
 T7B motorcycle parking
 T24 Car parking provision
 LD1 landscaping
 R5 employment and training for local residents associated with the construction and subsequent use of developments
 N38A development and flood risk
 N38B planning applications and flood risk assessments
 N39A sustainable drainage systems
 N51 Nature conservation
 H4 Housing
 H11-H13 set out the requirement for the provision of affordable housing. The Interim Affordable Housing policy states that 5 per cent of the dwellings should be provided as affordable housing if the development is implemented in two years.

8.1.2 Draft Leeds Core Strategy

The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Submission Draft Core Strategy was examined by an Inspector between July 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Plan is now moving towards adoption shortly. The Plan is therefore at a very advanced stage.

Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
- enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
- improving connections between the City Centre and adjoining neighbourhoods

- Expanding city living with a broader housing mix (including family housing)

Paragraph 5.1.14 City Centre strategic Themes and Character – ‘A Growing Residential Community’ of the Core Strategy states that:

‘With significant house building between 1995 and 2010 a substantial residential population exists in the City Centre. Despite the recession and pause in construction activity, city living remains extremely popular with little vacancy. Considerable land opportunities exist in the City Centre to boost the residential population further. It is important that efforts are made to make best use of this opportunity in order to make efficient use of land and provide a wide housing offer for Leeds as a whole, as delivery of housing in the City Centre is key to the overall delivery of the Core Strategy. However, with some of the first residents putting down roots and wanting to continue to live in the City Centre it is important that a wider variety of sizes and types of housing are made available than have previously been built. In line with Policy H4 Housing Mix, major housing developments across the City Centre will be expected to contribute to a wider mix of dwelling sizes. Potential for creation of family friendly environments exist on the fringes of the City Centre where densities can be lower, and more greenspace and supporting services can be delivered, including medical and education services.’

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10, 200 new dwellings. Policy CC2 (City Centre South) states that areas for development opportunity south of the river will be prioritised for large scale office development, delivery of a new park, residential, cultural and leisure uses.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.

Table H4: Preferred Housing Mix (2012 – 2028)

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

*Type is applicable outside of city and town centres; Size is applicable in all parts of Leeds

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

Policy P12 states that landscapes will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, Code for Sustainable Homes Level 4 is required.

Other relevant draft Core Strategy policies include:

Policy EN4 district heating

Policy EN5 Managing flood risk

Policy ID2 Planning obligations and developer contributions

Policy G1 Enhancing and extending green infrastructure

Policy G2 Creation of new tree cover

Policy G3 Standards for open space, sport and recreation

Policy G5 Open space provision in the City Centre

Policy G9 Biodiversity improvements

8.1.3 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding flood risk, drainage, air quality, trees, coal recovery and land contamination are relevant to this proposal.

8.2 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPG City Centre Urban Design Strategy

SPG Neighbourhoods for Living

SPG6 Self-contained flats

SPG3 Affordable Housing and the interim affordable housing policy

Holbeck Urban Village Revised Planning Framework 2006

The Holbeck Urban Village Revised Planning Framework was adopted in 2006 as a guide for the sustainable regeneration of the area. The Framework encourages residential and commercial uses as part of a mixed use sustainable community.

The site is identified within the Eastern Gateway area of the Urban Village (see attached Appendix 2 - Plan 1). The Area Statement for the Eastern Gateway states that there is the opportunity to redevelop the area and create character where none exists. This could be achieved through high quality architecture, use of high quality

facing materials, the development of perimeter blocks to reinforce the enclosed traditional street pattern of the area, and give character and continuity to Sweet Street and Manor Road.

The Framework envisages that a building height of around seven to nine storeys in the east at the Ingram Row site, stepping down to approximately four/five storeys to the west of this site, creating a more modest building form along Marshall Street opposite Temple Mill.

The Framework would encourage the provision of new pedestrian routes towards Marshall Street running east to west, through the public square between The Mint and Manor Mills, and north to south between Manor Road and Sweet Street. The Framework states that 20% of each development site area shall be public open space, which in this case would take the form of two courtyards. Schemes in Holbeck Urban Village will also contribute financially to strategic public realm improvements within the designated area, in accordance with the schedule in the Framework, in order to realise the vision for improving the attractiveness of the urban village, and create a distinct sense of place, appropriate to the historical importance of the area.

Buildings in Holbeck Urban Village should meet BREEAM Excellent for the commercial unit and Code for Sustainable Homes Level 4 for residential, or equivalent standards, and accord with the guidance in the SPD Building for Tomorrow Today: Sustainable Design and Construction and the draft Core Strategy.

8.3 National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Encourage the re-use of existing resources, including conversion of existing buildings.
- Conserve heritage assets in a manner appropriate to their significance.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres (para 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49). LPA's should normally approve applications for change to residential use where there is an identified need for additional housing in the area (para 50).

Planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

9.0 MAIN ISSUES

- 9.1 Principle of use
- 9.2 Urban design and landscaping
- 9.3 Highways and transportation
- 9.4 Amenity
- 9.5 Sustainability
- 9.6 Flood risk
- 9.7 Wind
- 9.8 Section 106 obligations

10.0 APPRAISAL

10.1 Principle of use

10.1.1 The National Planning Policy Framework, Leeds Unitary Development Plan Review, the Leeds Core Strategy, and the Holbeck Urban Village Revised Planning Framework would all support a residential development of significant scale with some supporting small scale town centre commercial uses in this City Centre brownfield site location. The UDPR designates Holbeck Urban Village as a strategic housing site, and encourages a significant contribution to housing supply in the City Centre in this location.

Do Members agree that the proposed use of the site for a predominantly residential scheme is appropriate?

10.1.2 The applicant has submitted a Housing Needs Assessment, which is currently being assessed against the targets in Policy H4.

Studio/one-bed flats (376)	50.6% (policy range 0-50% of total flats proposed)
Two-bedroom flats (358)	48.1% (policy range 30-80% of total flats proposed)
Three bedroom flats (10)	1.3% (policy range 20-70% of total flats proposed)

With regard to these guidelines, there is a shortfall in three-bedroom flat provision and an overprovision of studio/one-bed flats across the scheme as a whole. The applicant states in their Housing Need Assessment that part of the rationale for the scheme is to assist tenants to stay living within the development as their accommodation needs change, by providing a mix of sizes of dwellings. This rationale would be helped if more 3 bed units were available for initial tenants to progress onto as their lifestyle changes. The creation of family friendly environments on in and around the City Centre with developments of a wider mix of dwelling sizes is a Core Strategy objective. However, the policy is not prescriptive. It acknowledges that the nature of the development and character of the location should be taken into account, such as the nature of the proposal as a “build-to-rent” scheme. It is acknowledged that demand for rental accommodation will be predominantly in the age group 20-30 years, and the City Centre will be particularly attractive to economically and geographically mobile households that will tend to be smaller and childless. This is borne out by the research that informs the applicants’ Housing Need Assessment, including Dandara’s experience of typical residents, and feedback from a local letting agent, Eddisons. On balance, in the context of the above issues, following five years of a depressed housing market with very little residential building activity in the City Centre, and very little present-day evidence of oversupply, it is considered that the delivery of the proposed new homes on previously developed brownfield land in an identified regeneration area within the City Centre is an overriding factor in this case.

Do Members agree that, on balance, the proposed mix of units is appropriate for this City Centre location?

10.2 Urban design and landscaping

10.2.1 The scheme proposes four pairs of linked blocks which would create two landscaped courtyards above the semi-basement car parking. The ground floor level of the flats needs to be lifted for flood risk reasons. The courtyards are larger and more open than the previous scheme. Level disabled access and permeability through the courtyards is achieved. Enhanced public realm to Ingram Row (which would be 25m wide), and private forecourt gardens to the ground floor flats, which would feature front doors to the street, and within the courtyards. The 10 three-bedroom flats would be at ground floor level to benefit from the private terraces fronting the street and the courtyard edges. The detailed design of these frontages is under discussion with the applicant at the time of writing.

Do Members agree that the general siting of the building, provision of landscaping and public realm, and provision of active street frontages is acceptable?

10.2.2 The Eastern Gateway Area Statement within the Holbeck Urban Village Revised Planning Framework gives indicative guidance on building heights for new development. This site has been indicated in the Framework ranging between seven and nine storey buildings. The neighbouring building to the east, The Mint, has been approved and built at part 8/part 9 storeys including its rooftop plant, which is higher than the 7 storeys indicated in the Planning Framework. The 2006 Ingram Row scheme proposed a range of heights between 6-10 storeys around the perimeter with a 20 storey tower. It is considered that the current scheme proposes a more open and greener public realm, and a range of heights from 6 to 12 storeys, which would remove the tower block element. The changes to the approved scheme that result in the loss of the 20 storey tower are considered an improvement, and the proposed distribution of heights has been amended since the pre-application presentation. The tallest element of the scheme is now facing Ingram Street opposite The Mint (12 storeys), with the height to the southern part of St. Barnabas Road now reduced from

13 to 11 storey. The varied storey heights would also allow daylight and sunlight into the courtyards.

Do Members consider that in this context, the proposed height of the buildings proposed and the revised distribution of building heights around the scheme, is acceptable?

10.2.3 The applicant has revised the architectural treatment of the buildings since the pre-application presentation. Members had concerns that the proposal was too uniform in terms of its palette of materials and the articulation of the façade. The architectural approach features modern and traditional materials. The low level brick walls and gables would be complemented by a 'hanging' framed multi-storey bay in pre-cast concrete, with a full width useable balcony. The base-middle-top ordering is achieved by a brick wall providing backdrop to 'lighter weight' bay framing which ends below eaves height. The brick elements would provide a consistent and robust feel to the elevations. Officers are currently in discussion regarding how the layering of the proposed materials on the façade can give the building a simple expression, avoid blandness and create a sense of place.

Do Members consider that the proposed design and architectural treatment and materials are acceptable?

10.3 Highways and transportation

There are a number of outstanding issues as detailed in paragraph 7.1.1 that need resolving prior to officers being able to make a positive recommendation. A revised Transport Assessment and Travel Plan are required and discussions are ongoing at the time of writing.

10.4 Amenity

10.4.1 It is considered that the amenities of future occupiers would be acceptable. All flats would benefit from a balcony or ground floor terrace, and have good sized windows, and an appropriate level of outlook and privacy in the context of a City Centre urban environment. The residential accommodation proposed is a mixture of studio, one-bed and two-bed flats. Under the Government's consultation on minimum housing unit sizes, the HCA level 1 standard and the Leeds Standard guidance, studio flats would be a minimum of 38sqm, one-bedroom units 47sqm, two-bedroom units 60 sqm and three-bedroom units 73 sqm. In this proposal, the studio apartments would be 29.1 sqm, the one-bedroom flats would be 44.4 sqm, the two-bedroom flats would be 59.7 sqm, and the three-bedroom flats would be 89.7 sqm.

Given the proposed unit sizes, and following the visit to the Spectrum and St. George's Island developments in Manchester where the same unit sizes are built, do Members agree that the accommodation would have appropriate size, outlook, and natural light?

10.4.2 Regarding the impact on Velocity flats, the relationship between blocks B1 (now 12 storeys increased from 10) and C1 (now 11 storeys reduced from 13) is considered acceptable with respect to the impact on daylight and sunlight and outlook on the Velocity flats, which ranges between 5 and 8 residential storeys in height, at a distance of approximately 25 metres at its nearest point.

10.4.3 Regarding the impact on Manor Mills flats and The Mint offices, Manor Mills would be approximately 15 metres from Block A2, which would be a slightly lower building height of 8 residential storeys. It is considered that this relationship is acceptable, as

it is common to many City Centre streets. Similarly the relationships between blocks C2 and B2 within the development, and between block D1 (10 storeys of residential) and The Mint (8 storeys of office) are considered reasonable in a City Centre context.

Do Members agree that in the context of a densely built City Centre location, the proposal would give appropriate space between buildings, and not have significantly adverse effects on the amenities of neighbouring properties?

10.4.4 Regarding other matters raised by objectors so far, refuse storage and collection and the treatment of Ingram Row would be resolved through detailed discussions with Highways officers, and the outcome reported at a future Plans Panel. Construction traffic, noise, dirt and dust, and membership of the Considerate Constructors' scheme would be controlled by a condition if a planning permission were granted.

10.5 Sustainability

10.5.1 The scheme would achieve the standards set out in the adopted sustainable design and construction SPD Building for Tomorrow Today. The proposal would meet at least a BREEAM Excellent standard for the commercial unit and Code for Sustainable Homes Level 4. A minimum of 10% energy generation would be developed through on site low carbon energy sources, in this case a Combined Heat and Power plant (CHP). The scheme would also deliver at least a 25% reduction in carbon emissions over building regulations standards.

10.6 Flood risk

10.6.1 The application site lies in Flood Risk Zone 2. The proposed uses are classed as 'less vulnerable' in the case of office, retail, cafe and restaurant, non-residential institutions, and leisure uses, and as 'more vulnerable' for the residential use according to the flood risk vulnerability classification table set out in the NPPF technical guidance on flood risk. Therefore in accordance with the requirements set out in the NPPF (para 100) a flood risk sequential tests has been submitted on behalf of the applicant and are considered acceptable. This demonstrates that no sequentially preferable sites within a lower flood risk are available to deliver this project on a site that is within the Holbeck Urban Village area as defined by the UDPR. The site is considered sustainable given its location within an identified regeneration area, accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact. The proposed uses are appropriate for the City Centre as identified in the NPPF, and the site is within the specific Holbeck Urban Village Revised Planning Framework, which identifies the potential to deliver the regeneration of the area through new development.

10.7 Wind

10.7.1 The applicant has submitted a qualitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Local Planning Authority instructed an independent wind expert to peer review the report, and they have confirmed that the assessment is sufficiently detailed and likely to be robust in terms of the range of conditions that have been assessed.

10.8 Section 106 obligations

10.8.1 Adopted policies require the following Section 106 obligations:

- Affordable Housing on-site 5%
- Public transport contribution £ 163, 254
- Holbeck Urban Village Public Realm Contribution £1, 915, 379
- Specific travel plan measures contributions – car club trial provision £27, 000
- Travel plan monitoring fee £6080
- Education contribution £TBC
- Public access through the site
- Cooperation with local jobs and skills initiatives
- Management fee £3750

10.8.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

As listed above there are matters to be covered by a Section 106 agreement (subject to the consideration of the developer's viability appraisal). These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.8.3 However, the applicant has submitted a development appraisal which demonstrates that the scheme is not viable based on the proposed scheme. Officers have instructed the District Valuer to independently assess the viability report. Members should be aware that consideration of this application is to be accompanied by a separate paper. The findings are discussed at Confidential Appendix 3 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. Appendix 3 is to follow as a late item because information submitted by the developer is currently under consideration.

11.0 CONCLUSION

Members are asked to consider the following matters in particular:

11.1 Do Members agree that the proposed predominantly residential scheme is appropriate for this City Centre brownfield site?

11.2 Do Members agree that, on balance, the proposed mix of flat units is appropriate for this City Centre location?

11.3 Do Members agree that the general siting of the buildings, provision of landscaping and public realm, and provision of active street frontages is acceptable?

- 11.4 **Do Members consider that in this City Centre context, the revised height of the buildings proposal and the revised distribution of building heights around the scheme, is acceptable?**
- 11.5 **Do Members consider that the proposed design and architectural treatment and materials are acceptable?**
- 11.6 **Do Members agree that in the context of a densely built City Centre location, the proposal would give appropriate space between buildings, and not have significantly adverse effects on the amenities of neighbouring properties?**
- 11.7 **Given the proposed unit sizes, and following the visit to the Spectrum and St. George's Island developments in Manchester where the same unit sizes are built, do Members agree that the accommodation has appropriate size, outlook, and natural light?**
- 11.8 **What are Members views on the findings of the applicant's viability appraisal and what are the priorities for planning obligations? A discussion of the independent assessment by the District Valuer is attached at confidential Appendix 3**

Background Papers:

Application file 14/04641/FU

Appendices:

Appendix 1 Minutes of City Plans Panel 5th June 2014

Appendix 2 Plans

Plan 1 Holbeck Urban Village Revised Planning Framework 2006 Eastern Gateway

Plan 2 Outline Planning Permission 20/64/06/OT (now expired)

Plan 3 Current application proposal

Appendix 3 Confidential Assessment of the Applicant's Viability Appraisal

Exempt report under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant. This Appendix is to follow as a late item because information submitted by the developer is currently under consideration.

Appendix 1

Minutes of City Plans Panel 5th June 2014

198 PREAPP/14/00337 - Proposal for residential development at Sweet Street, Holbeck, Leeds

Members discussed the proposals and commented on the following matters:

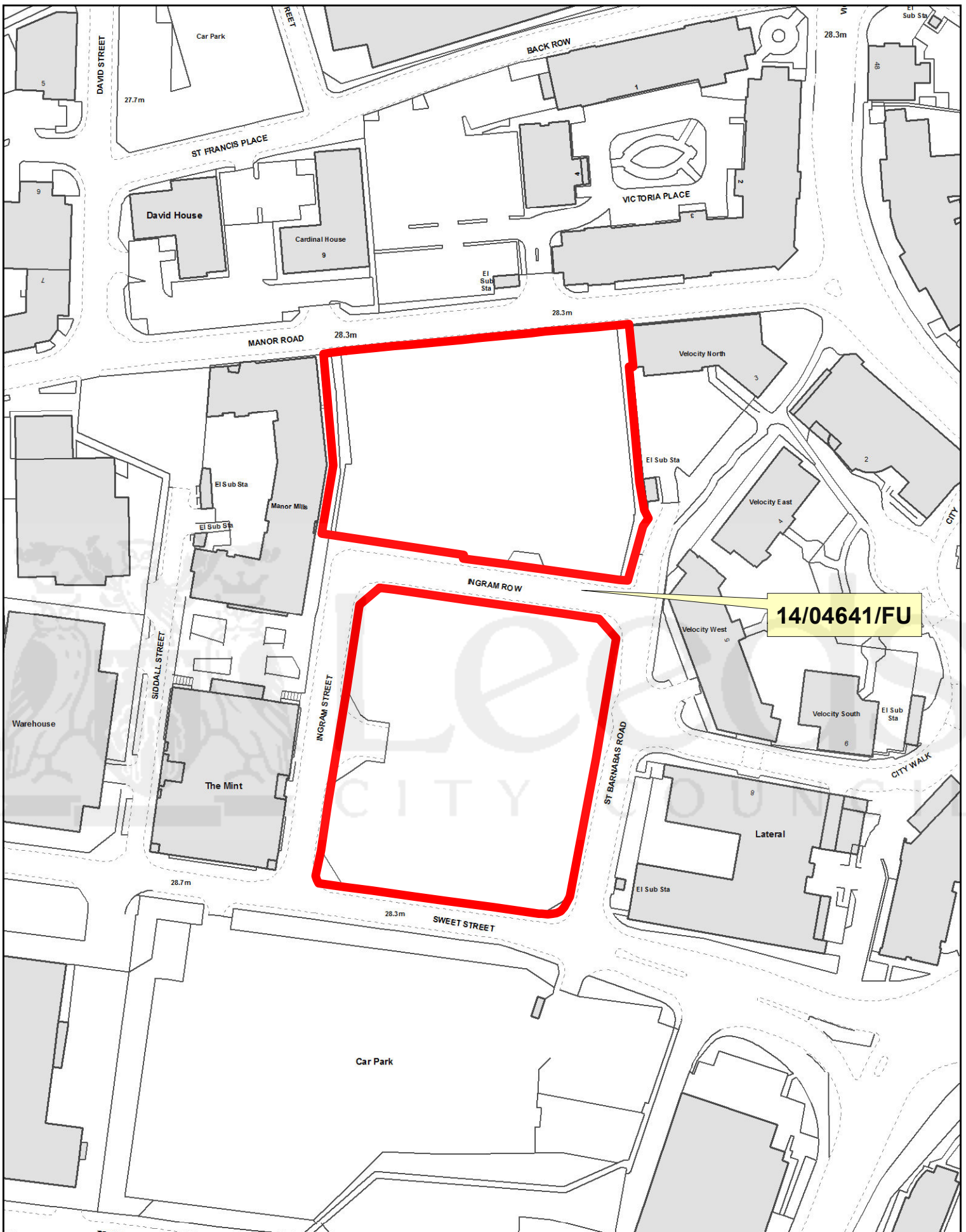
- the amount of natural light residents would receive for much of the year
- the maintenance of the landscaped areas, particularly the raised beds
- the need for problems of litter and vermin around the landscaped areas to be fully addressed
- the use of tree pits and whether sufficient space would be available for trees to grow adequately
- a suitably sized play area for children would be required
- issues of security for residents
- the high number of studios and one bed room flats in the scheme and the need to understand the market the development would be aimed at
- community identity and how this would be forged
- S106 contributions which would be required
- Issues of sustainability and whether photovoltaics and grey water could be included in the proposals
- the size of the units with concerns these were not as generous as hoped
- the location of public seating areas and the need to address potential issues of noise nuisance and anti-social behaviour for tenants of units in close proximity to these areas
- whether a public seating area was necessary
- concerns about the proliferation of studios and that these did not help create a permanent community
- appropriate tree species and that Councillor Nash should be consulted on this, in the event the pre-application proposals progressed to a formal application
- the need for the different sized units to be mixed across the scheme to prevent segregation
- the changes to the heights of blocks; that the shortfall would need to be made up elsewhere in the scheme; the siting of the 13 storey block and whether this was appropriate
- the need for any development on this site to be of a high quality and distinct character, rather than just standard residential apartment blocks
- the need for detailed sunlight surveys to be provided as well as a proposed colour palette
- that more family accommodation was needed, particularly in view of proposals for a large school to open in the area within a few years
- the buoyancy of the private rented market and that city centre apartments were welcomed as were some elements of the design principles, i.e. the proposals to activate the streets and provide front doors and private courtyards space. However it was felt the scheme lacked a sense of place; that buildings of greater architectural merit were required for this key location;
- that the mix of units was not suitable and that more family accommodation should be provided

In response to the specific issues raised in the report, Members provided the following comments:

- that the proposed use of the site for a predominantly residential scheme was appropriate

- that whilst in general Members agreed with the siting of the buildings, provision of landscaping; public realm and provision of active street frontages, to note Members detailed comments on these matters. That the arrangement of the taller block should be explored further and a clear rationale for it should be provided. Consideration of orientating the tall building towards The Mint building should be considered
- to note that more work was required regarding the height of the buildings, together with requirements for rooftop plant and the distribution of building heights around the scheme
- to note Members' detailed comments about the proposed landscaping
- that issues of sustainability needed to be addressed
- regarding the mix of units; their size; proportions and quality of the proposed flats, to note Members' comments and the Chief Planning Officer's comments about the work in progress on trying to achieve a Leeds Standard for units and for this work to be shared with Panel Members
- to note the requests for further detailed sun path surveys, information on proposed materials and the size of units in relation to average furniture sizes

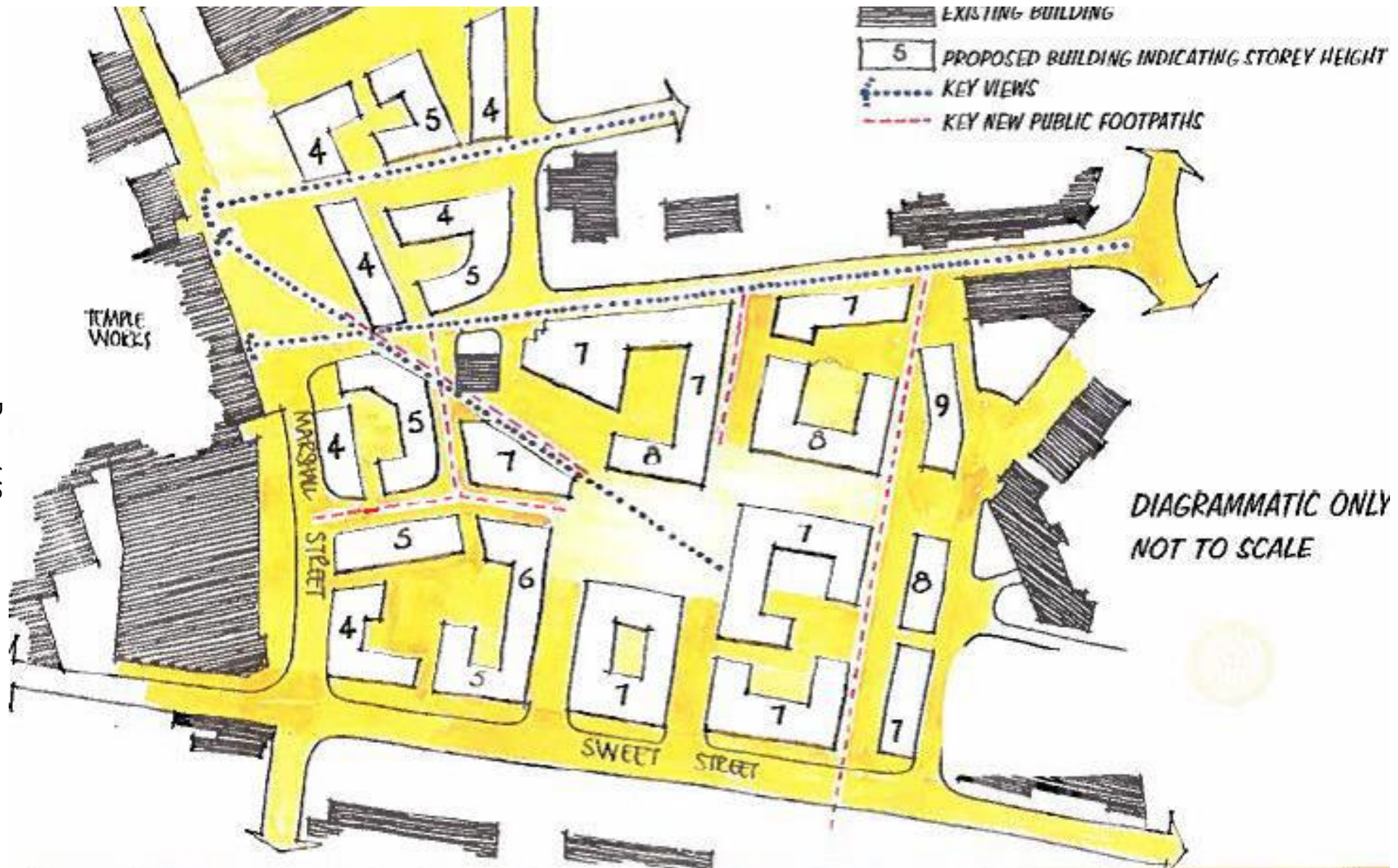
RESOLVED - To note the report, the presentation and the comments now made

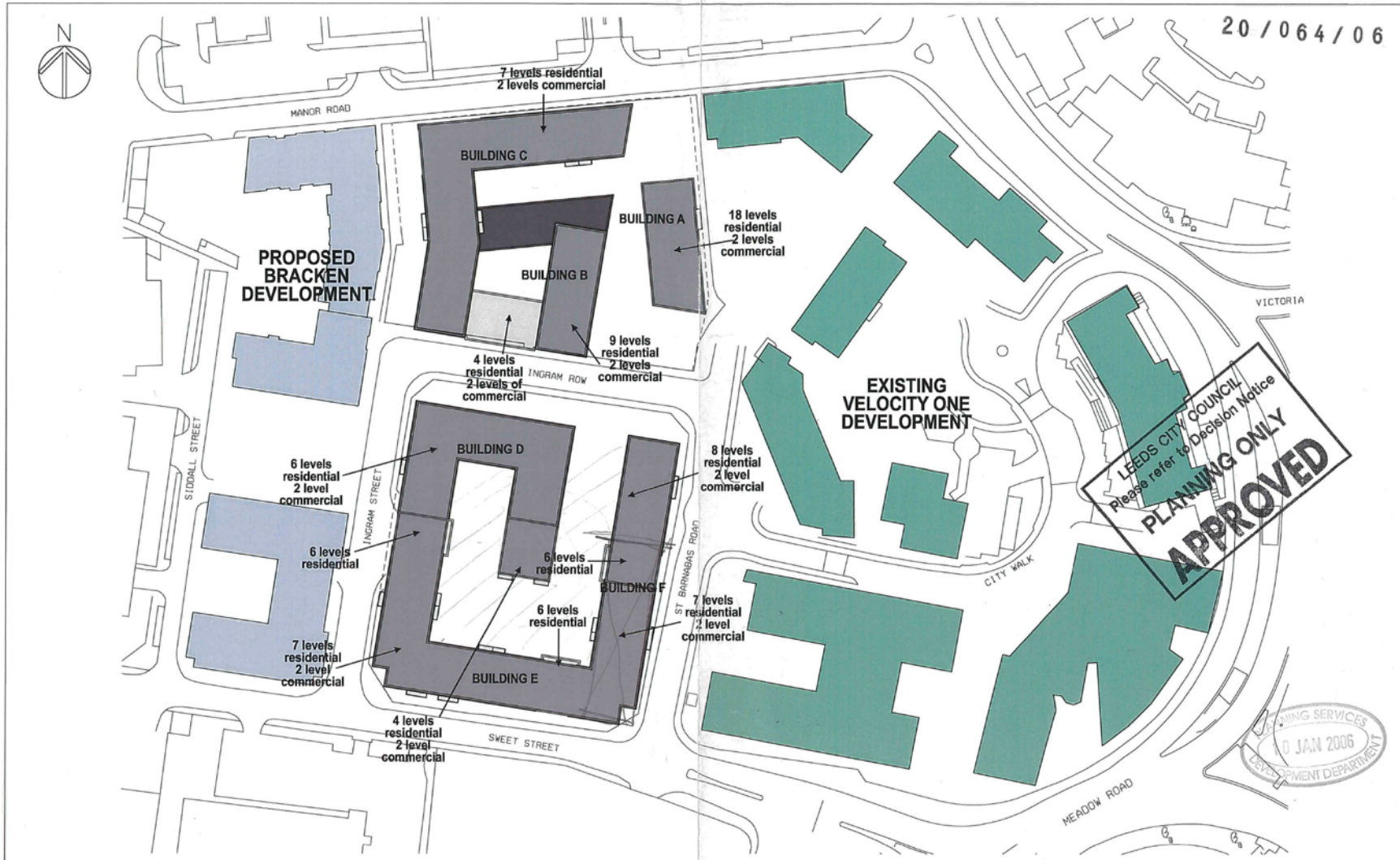


CITY PLANS PANEL



Plan 1 - Holbeck Urban Village Revised Planning Framework 2006 Eastern Gateway



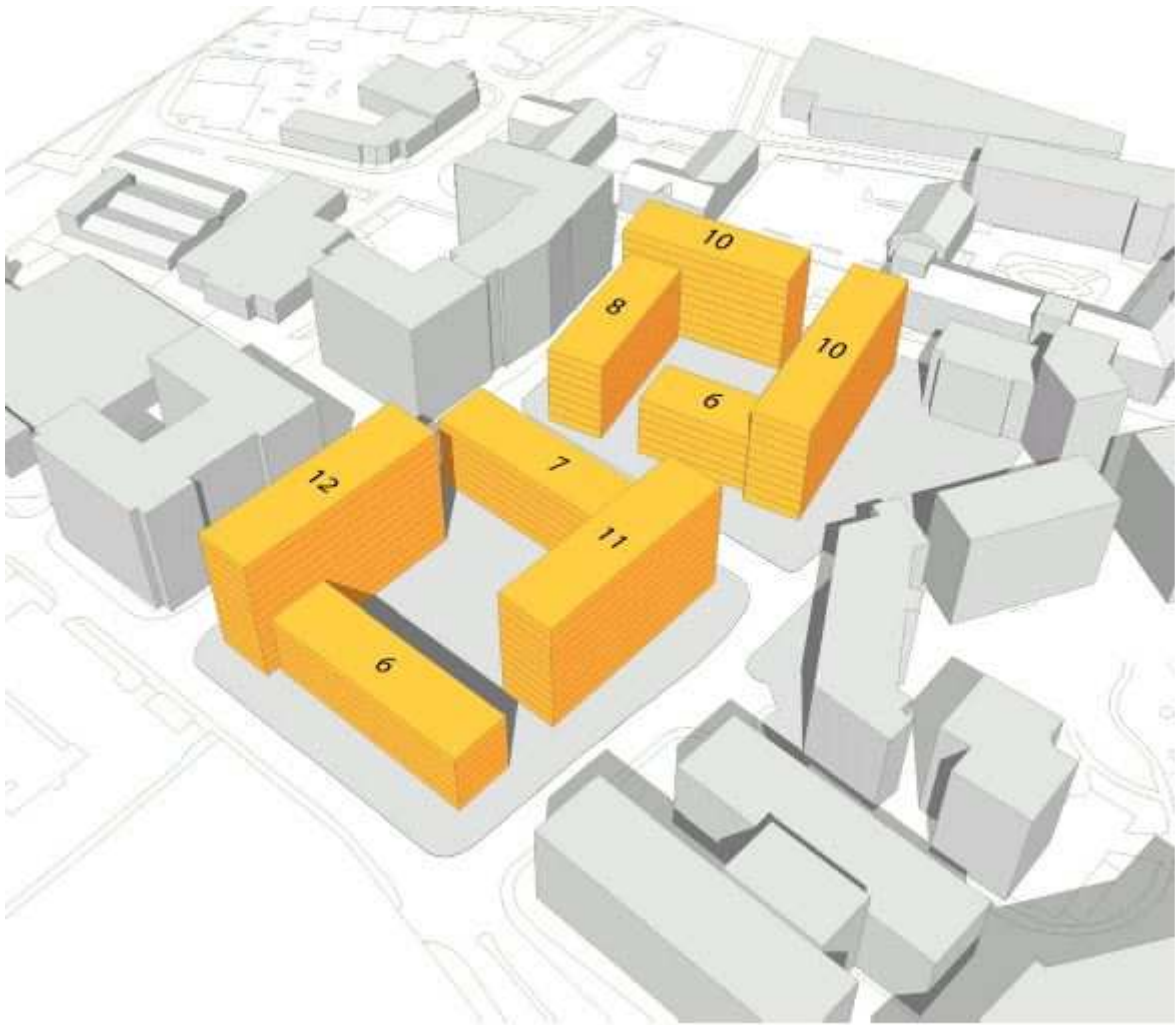


Rev A: Amendments to Building Heights following Client Review 11.07.05
 Rev B: Amendments to Building Heights following Planning Review 25.07.05
 Rev C: Amendments to Building Heights following Client Instruction 23.08.05
 Rev D: Amendments to building envelope, Building Heights and roof plan. Issued for Scheme Design Report 17.10.05
 Rev E: Building A updated and issued with Outline Planning Application 06.01.06



DRAWING: Building Heights Plan
 DATE: 06/06/05
 SCALE: 1:1000
 DRAWING NO.: 2696_00_402_E

Plan 3 - Current application proposal





Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30 October 2014

Subject: PREAPP/14/00731, PRE-APPLICATION PRESENTATION OF PROPOSALS FOR 26 CLEAR CHANNEL 6 SHEET ADVERTISEMENT UNIT LOCATIONS ACROSS LEEDS CITY CENTRE

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of the scheme to allow Members to consider and comment on the proposals at this stage.

1.0 INTRODUCTION

- 1.1 This presentation is intended to inform Members of the emerging proposals for the development of a Leeds City Council Advertisement Portfolio in partnership with Clear Channel UK LTD.
- 1.2 The Chief Planning Officer considers that this proposal should be presented to the Plans Panel for information as it represents an evolution of the Local Authority's own advertisement portfolio and pre-empts a contract between Leeds City Council and Clear Channel UK LTD. The pre-application proposals should therefore be given due consideration by members prior to formal applications for the siting of the new advertisement units.
- 1.3 City Development's Asset Management Team have advised the Local Planning Authority that "the opportunity for a series of 6 sheet advertising units in the city centre was put to the market to contribute towards new income generation to support the Best Council Plan 2013/17 objective of 'becoming a more efficient and enterprising council', including the priority of 'maximising income and trading'.

Realising new income from Council assets is ever more important as pressure on medium term revenue budgets continue to increase. This proposed advertising initiative will help to contribute towards bridging funding gaps and provide much needed support to the general fund so that the Council can continue to deliver essential services”.

2.0 SITE AND SURROUNDINGS

The proposal relates to 26 individual sites located within the City Centre Boundary. The individual sites and their respective contexts are outlined in paragraph 3.0 of this report.

3.0 PROPOSALS

3.1 The proposals are for 26 free standing 6 sheet advertisement units across various sites within Leeds City Centre. The appearance of the units has been conceived to reflect the design ethos and detailing of the wayfinding system already in situ in the City Centre. The units would house digital, advertisements with their dimensions being approximately 3.055 metres in height, 1.37 metres in length and 0.3 metres in depth. Following pre-application discussions between officers and representatives of Clear Channel 6 sheet advertisement units to the following sites are proposed.

3.2 Clay Pit Lane, outside First Direct Arena

The proposal is for a digital unit set on a broad area of footway which is relatively close, to, but outside of, the boundary of the Queen Square Conservation Area. The site is within the setting of the nearby Grade II listed 17 &18 Queen Square

3.3 Clay Pit Lane, opposite First Direct Arena

The proposal is for a digital unit set onto an area of footway which is relatively close, to, but outside of, the boundary of the Queen Square Conservation Area. The site is within the setting of the nearby Grade II listed 17 &18 Queen Square

3.4 Clay Pit Lane, on central reservation opposite the First Direct Arena

The proposal is for a digital unit set onto the central reservation which is relatively close, to, but outside of, the boundary of the Queen Square Conservation Area. The site is within the setting of the nearby Grade II listed 17 &18 Queen Square

3.5 Clay Pit Lane, on central reservation opposite the Yorkshire Bank building

The proposal is for a digital unit set onto the central reservation which is relatively close, to, but outside of, the boundary of the Queen Square Conservation Area. The site is within the setting of the nearby Grade II listed 17 &18 Queen Square

3.6 Woodhouse Lane, at the corner of Queen Square Court

The proposal is for a digital unit set onto an area of broad footway to the north of the entrance onto Queen Square Court.

3.7 The Headrow

The proposal is for a digital unit set onto an area of footway close to No. 52 The Headrow, and close to, but outside of, the boundary of the City Centre Conservation

Area. The site is within the setting of the nearby Grade II Permanent House and 44-72 The Headrow as well as 115 The Headrow.

3.8 The Headrow

The proposal is for a digital unit set onto an area of footway close to No. 66 The Headrow, and close to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II 44-72 The Headrow as well as 115 The Headrow.

3.9 The Headrow

The proposal is for a digital unit set onto an area of footway close to No. 105 The Headrow, and within the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II 44-72 The Headrow as well as 115 The Headrow.

3.10 Lands Lane

The proposal is for a digital unit set on a broad area of footway which is close, to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed 34 -36 Lands Lane and the Thornton's Building at 44 Lands Lane.

3.11 Albion Street near Nos.56 -58

The proposal is for a digital unit set on a broad area of footway which is within the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed 35 and 35a Albion Place.

3.12 Bond Street

The proposal is for a digital unit set onto an area of broad footway near the junction of Bond Street and Lower Basinghall Street.

3.13 Bond Street

The proposal is for a digital unit set onto an area of broad footway outside the Boots unit in the adjacent Trinity Shopping Centre. The site is close to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II 48 Albion Street.

3.14 East Parade and corner of Infirmary Street

The proposal is for a digital unit set on a broad area of footway which is close, to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed Atlas House and 18-22 King Street.

3.15 Infirmary Street, at the corner of Bond Court

The proposal is for a digital unit set onto an area of broad footway at the entrance to Bond Court from Infirmary Street. The site is close to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II Yorkshire Bank and General Post Office buildings on Infirmary Street.

3.16 Infirmary Street, at the corner of Wine Street

The proposal is for a digital unit set onto an area of broad footway at the junction of Wine Street with Infirmary Street. The site is close to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II General Post Office building on Infirmary Street.

3.17 Park Row, opposite City Square

The proposal is for a digital unit set onto an area of broad footway at the junction of Park Row and City Square. The site is close to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed City Square statues and the nearby Grade II listed City Square statues, Mill Hill Chapel and The General Post. Office building.

3.18 Park Row, at the corner of Boar Lane

The proposal is for a digital unit set in a broad area of footway which is within the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed City Square statues, Mill Hill Chapel, 40 Boar Lane and Queen's Hotel.

3.19 Swinegate, at the corner of Sovereign Street

The proposal is for a digital unit set onto an area of footway close to the junction of Swinegate and Sovereign Street. The site is close to, but outside of, the boundary of the City Centre Conservation Area.

3.20 Lower Briggate

The proposal is for a digital unit set onto an area of footway near to Dyson Chambers and close to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II* Dyson Time Ball Building at 22-24 Briggate and the Grade II 159 Briggate.

3.21 Briggate near junction with Boar Lane/Duncan Street

The proposal is for a digital unit set in a broad area of footway which is close, to, but outside of, the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed 4 Duncan Street and 1-13 Boar Lane.

3.22 Briggate near junction with Kirkgate

The proposal is for a digital unit set in a broad area of footway which is close, to, but outside of, the boundary of the City Centre Conservation Area.

3.23 Briggate near junction with Albion Place

The proposal is for a digital unit set in a broad area of footway which is within the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed 17 & 18 Albion Place, 64 Briggate, 53 -63 Vicar Lane and 115 to 120 Briggate.

3.24 Briggate near junction with The Headrow

The proposal is for a digital unit set on a broad area of footway which is within the boundary of the City Centre Conservation Area. The site is within the setting of the nearby Grade II listed 88 to 91 and 92 to 93 Briggate.

3.25 Kirkgate, opposite Fish Street

The proposal is for a for a digital unit set onto an area of broad footway close to, but outside of, the boundary of the City Centre Conservation Area.

3.26 Eastgate, at the corner of St Peter's Street

The proposal is for a digital unit set onto an area of footway near the Eastgate roundabout.

3.27 Whitehall Road

The proposal is for a digital unit set onto an area of footway close to the junction of Whitehall Road with Northern Street.

4.0 RELEVANT PLANNING HISTORY

No applications are directly relevant to the pre-application proposal to be put before Members.

5.0 HISTORY OF NEGOTIATIONS

5.1 On the 17th January 2014 Clear Channel submitted an overview proposal for 6 sheet advertisement units in response to the tendered opportunity from Leeds City Council.

5.2 In April 2014 detailed pre-application proposals were submitted by Clear Channel to the Planning Department in relation to the 26 sites for consideration. Subsequent meetings and on site appraisals were undertaken by Planning, Design Conservation, City Centre Management and Highways Officers to consider the siting and appearance of the proposed units. The proposals now presented to Plans Panel have taken into account comments and advice provided by the multidisciplinary team of officers.

5.3 Ward Members were consulted on 29 September 2014. No comments have been received to date.

6.0 POLICY

6.1 National Planning Policy Framework (NPPF)

6.2 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied. Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to state that there should be a presumption in favour of sustainable development.

6.3 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 4th principle listed states that planning should always seek high

quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 6.4 Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.5 Paragraph 126 states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness
- 6.6 **Leeds Unitary Development Plan Review**
- 6.7 The UDPR includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process. The application sites are all within the designated City Centre. Relevant policies include:
- 6.8 BD8: All signs must be well designed and sensitively located within the street scene. They should be carefully related to the character, scale and architectural features of the building on which they are placed.
- BD9: All signs within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.
- GP5: Proposals should resolve detailed planning considerations including design and safety.
- 6.9 The Leeds City Council Advertisement design guide advises where advertising would and would not generally be acceptable, encourage design excellence, innovative ways of advertising and high standards of maintenance.
- 6.10 **Draft Core Strategy (DCS)**
- 6.11 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. Examination hearings were held in October 2013 and May 2014.
- 6.12 The Council has received the final Inspectors report into the soundness of the Leeds Core Strategy. The Inspector's report concluded that the Draft Core Strategy was sound. Accordingly, significant weight can now be attached to policies within the Draft Core Strategy.
- 6.13 Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design. Development should protect and enhance locally important buildings, skylines and views.

- 6.14 Policy P11: The historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity:

7.0 ISSUES

- 7.1 The sites to Clay Pit Lane (outside First Direct Arena, opposite First Direct Arena and on the central reservation opposite the First Direct Arena) are close to the boundary of the Queen Square Conservation Area and within the setting of the nearby Grade II listed 17 & 18 Queen Square. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and the impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.2 The site to Woodhouse Lane, at the corner of Queen Square Court is close to a heavily trafficked City Centre road. Subject to details we are likely to be supportive of the proposals, in the context of their impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.3 Three sites proposed on The Headrow (close to No.22, No. 66 and No. 105) are within the boundary of the City Centre Conservation Area and within the setting of the nearby Grade II listed Permanent House and 44-72 The Headrow as well as 115 The Headrow. The Headrow also has a large volume of existing street furniture including telephone kiosks, bus stops, seating and bins. Therefore considerable care is required in the positioning of the 6 sheet units in the context of these heritage rich assets and to ensure views are maintained and visual clutter is avoided. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and the impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.4 The site to Lands Lane is also in a heritage rich location being close to, but outside of, the boundary of the City Centre Conservation Area near to Grade II listed 34 -36 Lands Lane and the Thornton's Building at 44 Lands Lane. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and long views up and down Lands Lane.
- 7.5 Near to No 56 -58 Albion Street the unit would be viewed within the context of the City Centre Conservation Area and the nearby Grade II listed 35 and 35a Albion Place. Therefore, consideration of the visual impact on the character of these heritage assets is required. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and the enhanced public realm.
- 7.6 Two units are proposed to Bond Street, one at the junction with Lower Basinghall Street and the other on an area of broad footway outside the Boots unit in the adjacent Trinity Shopping Centre. The latter is close to, but outside of, the boundary of the City Centre Conservation Area and the nearby Grade II 48 Albion Street. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets.
- 7.7 There are three units proposed in the Infirmary Street area, at the corners with East Parade and Bond Court and to the junction with Wine Street. These sites are close to, but outside of, the boundary of the City Centre Conservation Area and near the Grade II listed Atlas House, 18-22 King Street, Yorkshire Bank and General Post

Office buildings. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets.

- 7.8 Two units are proposed to Park Row, opposite City Square and at the corner of Boar Lane. One of the units would be within the City Centre Conservation Area whilst the other would be close to it, with the Grade II listed City Square statues, Mill Hill Chapel and The General Post. Office building, 40 Boar Lane and Queen's Hotel being close by. As a result the settings for the units are heritage rich and considerable care is required in the positioning of the 6 sheet units in such locations. The units are also close to a heavily trafficked City Centre roads. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and the impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.9 The site as Swinegate, is close to, but outside of, the boundary of the City Centre Conservation Area. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets.
- 7.10 The unit proposed to Lower Briggate would be close to, but outside of, the boundary of the City Centre Conservation Area and the Grade II* Dyson Time Ball Building at 22-24 Briggate and the Grade II 159 Briggate. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and the impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.11 A total of four units are proposed to Briggate. The locations of these are at entry points to this principal street. As a result the sites would be near the junction with Boar Lane/Duncan Street, at the junction with Kirkgate, at the junction with junction with Albion Place and at the junction with The Headrow. Briggate has been subject to significant public realm enhancement works. The sites are either within, or close to the City Centre Conservation Area and also close to the Grade II listed 4 Duncan Street and 1-13 Boar Lane, 17 & 18 Albion Place, 64 Briggate, 53 -63 Vicar Lane, 88 to 91, 92 to 93 and 115 to 120 Briggate. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and on long views up and down Briggate and the relationship with the enhanced public realm.
- 7.12 The site at Kirkgate (opposite Fish Street) already has some similar scaled telephone kiosks in situ and the proposal would be sited close to them and near to, but outside of, the boundary of the City Centre Conservation Area. Subject to details we are likely to be supportive of the proposals, in the context of their impact on nearby heritage assets and the relationship with the enhanced public realm.
- 7.13 The site to the eastern end of Eastgate, at the corner of St Peter's Street is close to the heavily trafficked Eastgate roundabout and a pedestrian crossing. Subject to details we are likely to be supportive of the proposals, in the context of the impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.14 The unit to be positioned on Whitehall Road would be at with Northern Street. Subject to details we are likely to be supportive of the proposals, in the context of the impact on the views for vehicle drivers and pedestrians on nearby trafficked roads.
- 7.3 Members are asked to comment on the proposed scheme and to consider the following matters:

7.4 Visual Amenity

Do Members agree that the visual impacts of the proposals are acceptable and appropriate for these locations?

7.5 Public Safety

Do Members agree that there are unlikely to be any adverse highway safety implications arising from the proposed advertisement units?

7.6 Determination of Future

Do Members consider that the proposals can be deferred and delegated to Officers for determination of any subsequent planning applications for the advertisement units?

Background Papers: PREAPP/14/00731

Overview of Proposed Locations

