



## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 5th November, 2015  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

P Gruen  
S Hamilton  
N Walshaw  
M Ingham  
J McKenna  
(Chair)  
A Khan  
K Ritchie  
E Taylor

C Campbell

R Procter  
G Latty

T Leadley

D Blackburn

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**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 data-bbox="678 322 975 356"><b>SITE VISIT LETTER</b></p> <p data-bbox="678 465 1402 533"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="678 613 1382 757">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 data-bbox="678 795 1386 940">(*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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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>	

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5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the City Plans Panel meeting held on 15 <sup>th</sup> October 2015  (minutes attached)	3 - 16
7	Adel and Wharfedale; Ardsley and Robin Hood; Harewood		<b>APPLICATIONS 13/05134/OT/ 14/00315/OT/ 13/05423/OT AND 14/01211/OT - LAND AT BREARY LANE EAST; LAND AT LEEDS ROAD COLLINGHAM; LAND AT BRADFORD ROAD EAST ARDSLEY AND LAND AT EAST SCHOLES - COVERING REPORT FOR PAS APPEALS</b>  To consider a covering report of the Chief Planning Officer on the forthcoming appeals against the refusal of the planning applications listed above. Each appeal concerns outline planning applications for residential development on greenfield land designated as Protected Area of Search (PAS) in the Unitary Development Plan (Review) 2006 (UDP). These planning applications were refused planning permission in August to October 2015  (report attached)	17 - 20
8	Adel and Wharfedale		<b>APPLICATION 13/05134/OT - BREARY LANE EAST BRAMHOPE - PAS UPDATE REPORT</b>  With reference to the covering report - agenda item 7 - to consider a report of the Chief Planning Officer providing information on the current position in respect of the appeal against the refusal of outline planning permission on this PAS site for residential development (up to 380 dwellings), a convenience store and public open space and seeking endorsement of updated reasons for refusal  (report attached)	21 - 62

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9	Harewood		<p><b>APPLICATION 14/00315/OT - LAND AT LEEDS ROAD COLLINGHAM WETHERBY - PAS UPDATE REPORT</b></p> <p>With reference to the covering report – agenda item 7 – to consider a report of the Chief Planning Officer providing information on the current position in respect of the appeal against the refusal of outline planning permission on this PAS site for residential development up to 150 dwellings including means of access and seeking endorsement of updated reasons for refusal</p> <p>(report attached)</p>	63 - 110
10	Ardsley and Robin Hood		<p><b>APPLICATION 13/05423/OT - LAND AT BRADFORD ROAD EAST ARDSLEY WF3 - PAS UPDATE REPORT</b></p> <p>With reference to the covering report – agenda item 7 – to consider a report of the Chief Planning Officer providing information on the current position in respect of the appeal against the refusal of outline planning permission on this PAS site for means of access from Bradford Road and to erect residential development and seeking endorsement of updated reasons for refusal</p> <p>(report attached)</p>	111 - 162

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11	Harewood		<p><b>APPLICATION 14/01211/OT - LAND AT EAST SCHOLLS LS15 - PAS UPDATE REPORT</b></p> <p>With reference to the covering report – agenda item 7 – to consider a report of the Chief Planning Officer providing information on the current position in respect of the appeal against the refusal of outline planning permission on this PAS site for mixed use development comprising residential development (C3) of up to 700 houses, including Extra Care residential accommodation (C2); retail and community uses (A1 to A5); health care (D1); and education uses (D1); car parking; means of access; infrastructure; open space; landscaping and other associated works including demolition of existing house and agricultural building and seeking endorsement of updated reasons for refusal</p> <p>(report attached)</p>	163 - 202
12			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 26<sup>th</sup> November 2015 at 1.30pm</p>	

**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.

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- 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.

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To all Members of City Plans Panel

Contact: Angela M Bloor  
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Your reference:  
Our reference: site visits  
Date 27<sup>th</sup> October 2015

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 5<sup>TH</sup> NOVEMBER 2015**

Prior to the meeting of City Plans Panel on Thursday 5<sup>th</sup> November 2015, the following site visits will take place:

9.15am		Depart Civic Hall
9.40am	Adel and Wharfedale	Breary Lane East Bramhope – PAS update report on appeal against refusal of outline permission for residential development – 13/05134/OT – depart site at 10.00am
10.15am	Harewood	Land east of Scholes – PAS update report on appeal against refusal of outline permission for major mixed use development – 14/01211/OT – depart site at 10.45am
11.00am	Harewood	Land at Leeds Road Collingham – PAS update report on appeal against refusal of outline permission for residential development – 14/00315/OT – depart site at 11.15am
11.30am	Ardsley and Robin Hood	Land at Bradford Road East Ardsley – PAS update report on appeal against refusal of outline permission for means of access from Bradford Road and to erect residential development – 13/05423/OT – depart site at 11.50am to return to the Civic Hall

The visits to these four PAS sites are particularly for those Members who have not seen them before when they were considered by Plans Panels between August and October 2014 or who wish to revisit them. If you are intending to come, please let David Newbury know on **2478056** and meeting in the Ante Chamber of the Civic Hall at **9.10am**

Yours sincerely

Angela M Bloor  
Governance Officer





## CITY PLANS PANEL

THURSDAY, 15TH OCTOBER, 2015

**PRESENT:** Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,  
S Hamilton, T Leadley, N Walshaw,  
C Campbell, A Khan, K Ritchie,  
S McKenna, E Nash and B Anderson

### 39 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves. The Chair extended a warm welcome to a group of planning students who were attending the meeting, with their lecturer, from Leeds Beckett University

### 40 Exempt Information - Possible Exclusion of Press and Public

**RESOLVED** - That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The appendices to the main reports referred to in minutes 48 and 49 under Schedule 12 of the Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that these contain information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

### 41 Late Items

There were no late items

### 42 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 43 Apologies for Absence

Apologies for absence had been received from Councillors, Ingham, Taylor, Latty and Blackburn, with Councillors S McKenna, Nash and B Anderson substituting for their respective colleagues

Draft minutes to be approved at the meeting  
to be held on Thursday, 5th November, 2015

#### 44 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 3rd September 2015 be approved

#### 45 Application 14/03735/FU - Student residential accommodation building comprising 110 studio flats, communal facilities and retail unit, landscaping and car parking - 46 Burley Street LS3 - Appeal Decision Summary

Further to minute 128 of the City Plans Panel meeting held on 12<sup>th</sup> February 2015, where Panel resolved to refuse planning permission for a student residential scheme, Members considered a report of the Chief Planning Officer outlining the Inspector's decision to the appeal lodged by the applicant

Members were informed that the appeal, which was dismissed by the Inspector, raised important issues relating to space standards and amenity, issues which Panel had voiced concerns about on this and other schemes, In this case the size of the internal space being proposed – 20sqm for the smallest flats – whilst being considered suitable by the applicant for daily living, was not accepted by the Panel, and the Inspector found the living conditions to be unacceptable on amenity grounds but gave no weight to space standards as the Council had not gone through a Local Plan process yet to adopt the national technical space standards

An application for costs from the Council was rejected, with the Inspector noting that Panel had visited the site and had not acted unreasonably in adding a second reason for refusal to that proposed by Officers

The Panel discussed the appeal decision, with the main comments relating to:

- the strategic significance of the decision
- the work which had been undertaken to achieve the Leeds Standard; its application to residential developments undertaken on behalf of the Council and that developers were encouraged to adopt this same standard to their schemes
- the work done by City Plans Panel on this issue
- the need to be clear on the Council's aspirations regarding space standards and the need for consistency of approach to this element across the three Plans Panels
- the costs application

Regarding space standards, the Deputy Area Planning Manager advised that whilst there was the Leeds Standard this was not adopted planning policy and that the only standard the LPA could have was the recently introduced national standard, with work having commenced on the process of adopting this. Concerns were raised that the Leeds Standard also included issues relating to energy and environmental issues which should be taken into account when considering applications

**RESOLVED** - To note the appeal decision and that a briefing note comparing the national standard with the Leeds Standard be provided to all Panel Members

**46 Application 15/03519/FU - Proposed alterations and two storey extension, change of use to units 51-59, new restaurant, change of unit of units 41-49, associated public realm works, highway works, infrastructure for hotel and retail units - Merrion Hotel Wade Lane LS2**

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

Officers presented the report which sought approval to alterations and extensions to the Merrion Hotel, Wade Lane LS2, to form an upgraded, 134 bedroom hotel, with a new 491sqm A3 Use Class restaurant, together with new shop fronts to the existing retail units, with flexible A1, A2, A3 and A4 uses being sought. The proposals would also require the demolition of the octagonal building, a former public house

The issue of land levels across the site had been dealt with by the use of steps, balustrades, planters and the provision of an outdoor seating area for the restaurant

A new drop off area would be provided to the front of the footway on Wade Lane with a Traffic Regulation Order (TRO) being introduced to control parking in this area

Improved pedestrian access along Wade Lane would also be created as part of this scheme by widening of the footpath

In terms of the existing disabled car parking bays fronting onto Wade Lane, Members were informed that these would be retained

The Panel considered the application, with the main issues being raised relating to:

- access for coaches dropping off at the hotel; the need to ensure modern coaches which were longer could be accommodated and the possibility of creating additional space by moving the existing bus stop and shelter towards Merrion Street
- employment opportunities arising from the scheme. Members were informed that details of the likely number of jobs which would be created could be provided
- that the scheme would regenerate a tired part of the city centre
- the design of the scheme; concerns from some Members that this was uninspiring and required improvement; but a general recognition that it was an improvement on the existing situation and addressed a need in this area of Leeds
- the landscaping proposals and that further planting should be considered
- the historic nature of this area and that artwork within the scheme reflecting this should be considered

Officers provided the following responses:

- that a TRO was proposed to accommodate a time restricted drop off point that could be used by coaches as well as private vehicles/taxis

- in terms of design, it was accepted that the finished scheme would not be iconic but the proposals were considered to be appropriate and would enhance the area; would sit comfortably with the work already undertaken to improve the external appearance of the Merrion Centre and would create activity and vibrancy in this area which was currently lacking
- on the landscaping/public realm, the scheme responded to the constraints of the site and it was considered that one feature tree was more preferable

The Chair invited a representative of the applicant to address the Panel on the inclusion of art within the scheme. Members were informed that the applicant - a national chain of hoteliers - sought to reflect the local area in their buildings. Images of proposed decorative elements in the hotel rooms depicting landmark buildings in Leeds were distributed for Members' information. The Panel was also informed that concept designs for the interior of the hotel referenced the local area

Discussions continued on the design of the extension with some concerns that this did not reflect aspirations for securing the best design for buildings in the city. The Deputy Area Planning Manager advised that the detailing of the scheme, which he considered to be a key factor, could be controlled by planning condition

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions appended to the submitted report (and any others which he might consider appropriate), and following completion of a Section 106 Agreement to cover the following additional matters:

- a Travel Plan monitoring and evaluation fee of £2500.00
- Employment and training opportunities for local people
- £6000 contribution for a Traffic Regulation Order for a new drop off area to Wade Lane

In the circumstances where the Section 106 Agreement 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

#### **47 Merrion Centre mosaic**

Officers took this opportunity to inform Members that the mosaic which had been situated on the northeast face of the Merrion Centre had been relocated to the College of Art - which was fitting as the artist had been the Principle of the College - and was now in a more prominent position

Tributes were paid to City Plans Panel Members for insisting this work of art be returned to the College of Art and to the students who had worked hard to restore this historic feature

#### **48 Application 15/03167/FU - Residential and commercial development comprising 72 dwellings, A1/A2/B1 flexible space at ground floor, associated covered parking area and landscaping - Land at David Street Holbeck LS11**

Draft minutes to be approved at the meeting to be held on Thursday, 5th November, 2015

Further to minute 175 of the City Plans Panel meeting held on 16<sup>th</sup> April 2015, where Panel considered pre-application proposals for a mixed use development in Holbeck Urban Village, Members considered a further report setting out the formal application. Appended to the report was an appendix which contained detailed financial information which Panel had resolved to consider in private

Plans, photographs, drawings, graphics and artist's impressions were displayed at the meeting

Officers presented the report which sought approval for a major mixed used scheme, comprising 72 dwellings; commercial space and retail space: car parking and landscaping on a brownfield site within the setting of several listed buildings and the Holbeck Conservation Area

Key details of the proposals were outlined and included:

- parking provision; the inclusion of a covered parking area in the middle of the site providing cycle storage and 46 car parking spaces although 17 of these were required to be retained for existing tenants of adjacent offices
- the highly sustainable location of the site
- the accommodation would cater for families
- the energy efficient features of the scheme
- the landscaping and public realm features of the proposals
- vehicular and pedestrian access routes
- the retention and repositioning of the popular Wonderwood feature
- the palette of materials which was predominantly red brick with Corten steel features
- the massing of the proposals which was considered to be appropriate for this site, particularly in view of the mix of building heights in the area
- space standards and that the proposals exceeded space standards set out in both the Leeds Standard and the national standard

The Panel discussed design elements of the scheme, with the main issues being raised relating to:

- air quality issues. Members were informed that additional ventilation measures would be provided to the internal car park, with these being controlled by condition
- building heights with concerns that a precedent could be set for future developments. Officers advised that the proposals were for a 7 storey building fronting David Street with the lower, 3 – 4 storey town houses next to the Round Foundry site. The street views which had been provided and which showed the development in the existing context were outlined to Members. Whilst the listed Matthew Murray House adjacent to the site and modern offices on the opposite side of David Street, were lower in height, it was the view of Officers that the height of that building did not need to be retained in the proposed scheme. The wider area comprised a variety of building heights, including

buildings of a similar scale or taller than that proposed, and it was considered that the views of the proposed scheme in this wider context were acceptable

- car parking, particularly around safety and security. The Chair invited the applicant's architect to address Members with the Panel being informed that the car park was fully secure; that it had four access points which would be controlled by the residents; that the building would be managed constantly and that the car park would be covered by CCTV
- the chimney features of the building; their prominence and differing views about the success of these in the overall scheme. The applicant's architect advised that the shape and size of the chimney features reflected the capacity of the lifts they encased and provided a reference to the history of the area
- privacy issues to the town houses. Members were informed that the use of landscaping and changes in levels would create a 'zone' along the front doors of the town houses to indicate the areas which were not public realm

Having resolved to discuss the financial information in private, the public were asked to withdraw from the meeting at this point

The Chair welcomed a representative of the District Valuer who was attending for this application and the following one (minute 49 refers)

Members were advised that the affordable housing requirement on this site was for 4 units. The applicant indicated this was not financially viable, with 3 units being offered. Members were asked to consider this offer, which was not policy compliant, and if in agreement to indicate whether this provision should be on-site or be a commuted sum

The representative of the District Valuer explained the process which had been adopted in assessing the financial viability of the scheme and outlined his conclusions

A detailed discussion took place with the main issues considered relating to:

- the range of abnormals used to consider costings
- the requirement for quality schemes
- the likely popularity of the development and related assumptions about the level of developer risk and return on investment being sought
- the need for 4 units (3.6 of average value) to be provided

At this point, the public were re-admitted to the meeting

Members continued to discuss the proposals with further points being raised in respect of:

- the small difference between what was required under policy and what was being offered with concerns this showed a degree of poor judgement on behalf of the applicant
- car parking levels with concerns that 29 spaces was insufficient

- the affordable housing contribution and that Officers should be asked to negotiate a contribution of 5% of the total number of units proposed, with some preference for this being, subject to discussions with Housing and Ward Members, in the form of a commuted sum with the proceeds going to the local or adjacent Wards

Members considered how to proceed

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions set out in the submitted report (and any others which he might consider appropriate), and further discussions on the affordable housing provision, with 5% being sought on site or in lieu of this, Officers to negotiate an equivalent off site contribution in discussion with Housing colleagues in the local area and following completion of a Section 106 Agreement to cover the following additional matters:

- affordable housing provision of 5% either on site or equivalent off site sum
- access and maintenance of publicly accessible public realm areas
- a Travel Plan monitoring and evaluation fee of £2500.00
- a contribution to the sustainable travel fund of £36,500.00 as detailed in the Travel Plan
- employment and training opportunities for local people

In the circumstances where the Section 106 Agreement 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

**49 Application 14/06918/OT - Outline application (all matters reserved except for partial means of access to, but not within, the site) for circa 335 residential units and 149 sqm of ancillary retail (Class A1) - Woodside Quarry Clayton Wood Road West Park LS16**

Prior to consideration of this matter, Councillor R Procter left the meeting

Plans, including those from the 2010 application, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which sought approval for an outline application for the redevelopment of a large brownfield site – a former quarry - which had been granted outline planning in 2010 for a residential scheme, but had not been brought forward for development due to a number of issues, including the cost of remediation works

The current proposals were for an outline application for circa 335 residential units with a small – 149sqm of ancillary Class A1 retail space. Members were informed that around 275 dwellings was the likely maximum number of dwellings for the site, mainly in the form of 2 – 2.5 storey housing

A 10m ecological buffer would be created with an area at the southern end of the site being safeguarded for possible use for a multi-storey car park to serve a potential rail halt

In terms of access arrangements, these were similar to what had been agreed in the previous scheme, with, as in the 2010 permission, the access off Silk Mill Way going through Ancient Woodland with the loss of 25 trees

Brief details of some of the quarry treatments which would be required to enable the site to be made developable were outlined for Members' information

Members were informed that the site had not been able to be successfully marketed to volume house builders and that the site was causing some anti-social issues in the area. Despite the Council's interim affordable housing policy which had lowered the affordable housing provision on this site from 25% to 15% the site had not come forward during that time. The adoption of the Core Strategy and the introduction of CIL set the requirements of the site at 35% affordable housing and CIL at £90 per sqm. As part of the S106 package, a hopper bus service to serve Horsforth train station and off peak destination including Holt Park was proposed; the scheme would also preserve the Great Crested Newt colony which was currently living on the floor of the quarry and would be relocated to a new facility which had already been created, and would pay out the full CIL contribution

The Chair invited representatives of the owners of the site and their marketing team to address the Panel, with further information being provided on issues which included:

- the level of expenditure incurred on bringing the site forward
- that the site was a stalled site and had significant technical challenges
- that some level of interest had been generated however the S106 requirements of the 2010 permission were proving to be an obstacle
- that the current level of affordable housing being proposed for the site which equated to 19 units, was more manageable when taking into account the other obligations and the remediation works
- that the Great Crested Newt colony could only be relocated in Summer, so if outline permission was granted and Reserved Matters could be secured in Spring 2016, it was hoped the remediation works could commence around October 2016

The Panel discussed the proposals and commented on the following key issues:

- the indicative layout with concerns that this was too dense
- the grassed area to be set aside for a possible rail halt and how residents would be advised this open area might be a temporary feature only
- the need to retain land for a rail halt and that the provision of such a feature would add value to the property price
- the highway implications of the proposals, particularly the cumulative impact of increased vehicles on the wider area



- the route of the hopper bus and where the stops would be located
- the need to ensure safe access to schools over busy roads
- the cumulative impact of the proposals on Horsforth station
- the absence of a review mechanism of the S106. On this matter a representative of the owner's marketing team advised that to incentivise the site, prospective developers required a level of certainty about the commitments associated with a scheme, with Members being informed that it would not be possible for developers to take the site forward if the full extent of the commitments were not known up front

In relation to the hopper bus, Members were informed that a 15 minute frequency was proposed, In terms of the bus route, this would go to Holt Park and the route could be changed if required. On the impact on Horsforth Station, it was reported that some improvements were already taking place e.g. the provision of cycle lockers

The Transport Development Manager advised that to enable safe access to schools, pedestrian crossings would be provided across the Ring Road

In terms of the impact of the scheme on off site junctions, this had been assessed and whilst there would be impacts it was not felt that the scheme in its own right required works at the roundabout and the impact of this scheme was less than the previous, agreed scheme, albeit this had been required to fund off-site highway improvements. Concerns were raised that highway improvement works should not be funded solely by the developer in view of the existing highway problems and that future infrastructure requirements should be identified through the Site Allocations Plan (SAP) process

Having resolved to consider the financial information in private, the public withdrew from the meeting at this point

The Panel heard from a representative of the District Valuer who had assessed the financial viability statement provided on this application and who proceeded to outline his approach when considering the information which had been provided

A detailed discussion took place on this aspect of the submitted report, with the key issues raised relating to:

- CIL charges
- possible ways of maximising the level of affordable housing provision by re-examining the level of public transport contributions
- the need for a S106 review mechanism to be in place

The Panel's legal adviser reminded Members that the site was a brownfield site and that the issue of the sustainability of the site had to be considered, particularly in view of appeals which were scheduled for early 2016

At this point, the public were re-admitted to the meeting

The Head of Planning Services summarised the discussions and stated that Members acknowledged the particular challenges the site posed and were keen for development to commence. A two year time limit for submission of Reserved Matters had been considered to be appropriate although Officers expected close working to take place around progress on marketing the site and pre-application discussions

In terms of the S106 and the affordable housing contribution, Officers had been asked to look at the contributions being made to see whether some of these could be altered, with more money being put towards affordable housing (for example reducing the metrocard contribution) and that the gap between what had been offered and the higher level suggested in the District Valuer's report needed to be bridged. Furthermore a review mechanism of the S106 was required to test out aspects of the Agreement to relate to two parts, firstly the hopper bus and to see how the site was progressing and whether the bus was being used or the money could be directed to affordable housing. Secondly, to review the profit being generated by the sale of the open market housing and to assess whether this then allowed some kind of profit sharing arrangement between the developer and the Council (over and above the 18% profit level agreed by the DVS and the developers). Any extra profit could be used by the Council to add to affordable housing, with further discussions on this to take place

Further comments were made regarding the indicative layout plan with the suggestion being made that the site should be designed around the principle of a stand-alone site. The matter of land being set aside for a rail halt was also discussed further with a requirement for the land to be safeguarded for this possible use for 25 years, rather than the 13 year being proposed, as this longer time period would tie in with the proposed electrification of the Harrogate/Leeds line

The issue of works relating to Rights of Way and their diversion was also highlighted to Members

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions in the submitted report (and any others which he might consider appropriate), further discussions as indicated above on the level of affordable housing provision; having regard to Panel's views on this; a review of the mix of units and the nature of the package of contributions as indicated in the report before Panel; together with works relating to Rights of Way; the reserving of land for a rail halt for a period of 25 years and for two elements of a review mechanism to be included within the S106 Agreement

In the circumstances where the Section 106 Agreement 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

**50 PREAPP/15/00587 - City Reach - Site south of Kirkstall Road Burley fronting the River Aire (former Yorkshire Chemicals Site)**

Prior to consideration of this matter, Councillors Nash and P Gruen left the meeting

Plans, graphics and artist's impressions were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer setting out pre-application proposals for a mixed use scheme comprising private sector residential for sale, private rented sector residential and student housing with ancillary ground floor active uses, small scale retailing, café/restaurants and bars at the former Yorkshire Chemicals Site, Kirkstall Road fronting the River Aire

The strategic context of the site was outlined to Members, with the site being opposite the Otter Island residential development, approved by City Plans Panel in 2014 and now being implemented. Members had also visited this development earlier in the day. The site was located in an area in transition and formed part of a wider allocation in the emerging Site Allocations Plan which included a requirement for a school

Members were informed that the proposals to be presented showed buildings which were one storey higher adjacent to the river than set out in the Officer report before Panel

The Panel then received a presentation from representatives of the developer

The main points outlined in the presentation included:

- the credentials of the applicant and their global experience of financing, developing and operating residential developments
- the vision to create a new community of 1000 new homes in three different sectors across the site, supported by retail and leisure facilities in an environment which people would choose to live in
- that the private rented sector would help meet the demands of the changing urban demographic and would enable younger professionals to remain in Leeds
- the proposals would bring a stalled, brownfield site back into use
- that reference would be paid to the Kirkstall Road Renaissance Plan; that the river would be used as an asset with the aim being to open river access to everyone
- good pedestrian connectivity would be created
- that the site was in a highly sustainable location
- that a range of apartment sizes would be provided, including family-sized accommodation
- on site, basement car parking was proposed of around 530 car parking spaces, with vehicular access being from Kirkstall Road
- general public open space would be provided, with around 40% of the site being given over to public open space

The Panel discussed the proposals, with the following matters being raised:

- the mix of residential accommodation proposed and whether any problems were envisaged. Members were informed that the scheme would be highly managed and that it was likely that

the student accommodation would be sold to a student housing provider

- the ownership of the bridge across the site. Members were informed that it was in the ownership of the proposed applicant with the intention being to retain and repair it in view of its importance in creating cohesive communities
- wider links from the site
- car parking levels and whether sufficient was being proposed. Members were informed that the car parking would be fully managed and that a more flexible approach to this was being proposed. Furthermore, no parking was being proposed for the student accommodation. Cycle storage would be provided on the site and a car club was also proposed

On the specific questions posed in the report, the Panel provided the following responses:

- that further details were required on whether the scheme could be developed without prejudicing the provision of a school on the wider SAP site
- that the city centre high rise approach to residential development was acceptable on this site
- that the overall scale and articulation in the heights of the buildings, with the taller flanks and the lower centrally located buildings with central focal point was an acceptable approach in the context of the existing area
- regarding the amount and location of publicly accessible open space and the pedestrian linkages to these spaces, more information was required on the proposed quality and nature of the proposed spaces and linkages
- that Members shared the SAP requirement to retain, if not the existing, then a replacement river crossing to improve/enhance north-south connectivity

Additionally, achieving connectivity particularly to the adjoining area of greenspace to the east of the site was stressed as being an important part of the proposals as they developed

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

During consideration of this matter, Councillors Campbell, Ritchie and Walshaw left the meeting

## **51 PREAPP/15/00600 - Centenary House North Street Sheepscar LS2**

Plans, graphics and historic images were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer setting out pre-application proposals for a change of use and extension of Centenary House, North Street Leeds to form 79 residential apartments with an A4 drinking establishment or alternative use to the North Street frontage

The Panel also received a presentation on the proposals on behalf of the developer, with the main issues being outlined which included:

Draft minutes to be approved at the meeting  
to be held on Thursday, 5th November, 2015

- the current state of the building and the length of time it had been on the market
- that many of the consulting rooms from the initial use as the Leeds Public Dispensary remained and would easily convert to flats
- that the two storey waiting room void would be reinstated and would form a glazed atrium which would provide internal, communal space
- that two extensions were proposed; one a roof top extension and the other a 5/6 storey curved extension towards the Inner Ring Road
- the inclusion of a pocket park on the hard surfaced frontage area, although details on the landscaping had not been finalised
- that a taxi drop off point and disabled parking would be provided

The Panel discussed the proposals and commented on the following matters:

- the size of the apartments. Members were informed that only one unit was below the Leeds Standard and this by 1sqm
- the target market for the apartments, with the developer's representative stating that the accommodation was for private occupancy and was not a student-led development
- the proposed use of the ground floor retail unit. Members were informed that this might not necessarily be a bar as interest had now been expressed from other quarters

In response to the points raised in the report, the Panel provided the following comments:

- that the proposed uses were acceptable in principle
- that the proposed alterations and extension, subject to detailed design and provision of an appropriate landscape scheme have an acceptable impact upon the listed building and wider townscape
- that subject to the provision of mechanical ventilation and suitable noise mitigation by way of acoustic glazing, that the amenities offered to occupiers of the building would be acceptable
- that the mix of residential accommodation proposed was acceptable
- that subject to the provision of suitable details of measures to service the building and how sustainable transport facilities would be provided, that limited car parking provision was acceptable at the site
- that subject to the issues listed above being resolved and no other significant issues arising that when submitted, the planning and listed building applications can be determined on a delegated basis

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

During consideration of this matter, Councillor Leadley left the meeting

**52 Date and Time of Next Meeting**

Thursday 5<sup>th</sup> November 2015 at 1.30pm in the Civic Hall, Leeds



Originator: David Newbury

Tel: 2478056

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 5 November 2015

#### Subject: Planning Appeals:

**13/05134/OT – Outline planning application (all matters reserved except for partial means of access to, but not within the site) for residential development (up to 380 dwellings), a convenience store (up to 372sq.m.) and public open space at land at Breary Lane East, Bramhope, Leeds**

**14/00315/OT – Outline application for residential development up to 150 dwellings including means of access at land at Leeds Road, Collingham, Leeds**

**13/05423/OT – Outline application for means of access from Bradford Road and to erect residential development at land off Bradford Road, East Ardsley, Leeds**

**14/01211/OT – Outline application for mixed use development comprising residential development (C3) of up to 700 houses, including Extra Care residential accommodation (C2), retail and community uses (A1 to A5), health care (D1), and educational uses (D1), car parking, means of access, infrastructure, open space, landscaping, and other associated works including demolition of existing house and agricultural building at land at East Scholes, Scholes, Leeds**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Miller Homes	4 November 2013	N/A
Miller Homes and the Hills Family	28 January 2014	N/A
Barratt David Wilson Homes And the Ramsden Partnership	4 December 2013	N/A
Scholes Dev. Co. & Barratt David Wilson	5 March 2014	N/A

**Electoral Wards Affected:**

**Adel & Wharfedale**  
**Ardsley & Robin Hood**  
**Harewood**

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Members are requested to note this report.**

**1.0 INTRODUCTION:**

- 1.1 This report concerns the forthcoming appeals against the refusal of the planning applications listed above. Each appeal concerns outline planning applications for residential development on greenfield land designated as Protected Area of Search (PAS) in the Unitary Development Plan (Review) 2006 (UDP). These planning applications were refused planning permission in August to October 2014.
- 1.2 Since the refusal of planning permission, and the lodging of the appeals, the planning policy context has changed. The council has adopted the Core Strategy and has published the Consultation Draft of the Site Allocations Plan (SAP). The council’s Interim Housing Delivery policy that was in place at that time has now been withdrawn as Executive Board, on 11<sup>th</sup> February 2015, agreed to withdraw the policy with immediate effect in light of progress being made with the SAP, that a pool of sites had been identified, and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.. Accordingly, some of the reasons for refusal are now out of date as they relate to a historic planning policy context.
- 1.3 This report sets out the context and background to the appeals. Also on this agenda are individual reports that relate to each of the appeals in question. Each of reports considers the respective developments against the current planning policy context and sets out revised reasons, where relevant, for contesting the appeals for Members to consider. For Members information a copy of the original application report is appended to each of these new reports.

**2.0 BACKGROUND:**

- 2.1 Each application was submitted in outline and sought to establish the principle of residential development. As set out above each of the sites are designated as PAS in the UDP. The site at Bramhope also included an area of Green Belt. Policy N34 of the UDP deals with PAS and seeks to safeguard land for future development. Two reasons for refusal were common to all appeals.
- 2.2 First, it was contended that it would be premature to release these PAS sites, and contrary to Policy N34 of the UDP, for development in advance of the SAP as it is through this policy document that sites will be identified and brought forward for development. The SAP would comprehensively review which sites should be brought forward during the life of the plan together with the infrastructure that would



be needed to support sustainable growth. The release of these sites would be prejudicial to that work. The proposal also failed to meet the terms of the council's interim housing delivery policy that was in place at that time. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. The policy, in its most general terms, facilitated the release of sites depending on factors relating to matters such as their relationship to the settlement hierarchy, their sustainability credentials, their size or if they brought forward significant planning benefits.

- 2.3 The second reason that was common to the appeals, save for the Bramhope application, was that the proposals failed to have regard to the strategy set out in the emerging Core Strategy to concentrate the majority of new development within or adjacent to the main urban area and major settlements. The reason for refusal progressed to set out that the SAP was the right vehicle to consider the scale and location of new development. The proposals represented a significant expansion of an existing smaller settlement that is likely to adversely impact on the sustainability, character and identity of the respective villages.
- 2.4 In addition to these additional site specific reasons for refusal were identified and these related to matters including highway safety, accessibility, the failure to provide an appropriate Section 106 Agreement, ecology, design and layout and the provision of relevant infrastructure.
- 2.5 Following the refusal of planning permission appeals were lodged. Subsequently, and following discussions, the Planning Inspectorate decided that the appeals at Bramhope and Collingham would be con-joined as would the appeals at East of Scholes and East Ardsley. This reflects the fact that the appellants were common to these appeals.
- 2.6 As part of the appeal process the appellants and the council is required to produce certain key documents. Each party has to produce a Statement of Case. This in effect sets out the skeleton of the argument that will be presented at the appeal. The appellant submits theirs at the time of the lodging of the appeal and the council at an identified date thereafter. The Inquiry rules also require the parties to work together to produce what is known as a Statement of Common Ground. In effect this statement sets out matters of fact that are not in dispute between the parties. The purpose of this document is to save time at the Inquiry by avoiding the need to establish factual matters. Each of the witnesses who are to appear at the inquiries is also required to produce a Proof of Evidence. This sets out their evidence in relation to the case and the reasons for refusal. Inquiry dates have been set by the planning Inspectorate and due to the size of the developments proposed and the complexity of the cases a bespoke timetable has been agreed for the submission of key documents:

Bramhope/Collingham

Inquiry start date: 12/4/16

Exchange of Proofs of Evidence of witnesses: 1/3/16

Statement of Common Ground: Submission date - 2/2/16

Leeds City Council Statement of Case: Submission date - 13/11/15

East of Scholes/East Ardsley

Inquiry date: 28/2/16

Exchange of Proofs: 26/1/16

Statement of Common Ground: Submission date: 18/12/15

- 2.7 The government's Planning Practice Guidance sets out how the rules of engagement when going through the appeal process. It states that "...all parties are expected to behave reasonably to support an efficient and timely process..". If a party is considered to behave in an unreasonable way then an award of costs can be made against it. Examples of such behaviour include a "lack of co-operation with the other party or parties" and "delay in providing information or other failure to adhere to deadlines". In these circumstances the respective appeal parties are required to engage with each other in a positive way including through continued discussion to narrow issues between them.
- 2.8 In light of the passage of time since the refusals of planning permission and the lodging of the appeals the planning policy context has changed (in terms of the status of policy documents). This is described at 1.2 above. In preparing for the appeals advice has been sought from Counsel. One of the matters raised was that the reasons for refusal as originally drafted have now become out-dated. For the purposes of clarity Counsel has advised that the development proposals should be revisited and considered against the current planning policies. The four reports that follow do this and address each of the appeals proposals in turn. Members will see that it is considered that each appeal should still be contested and that the reasons for refusal that relate to the harm to the council's strategy for plan making and determining the location and scale of new development are redrafted in light of the requirements of saved UDP Policy N34, the Core Strategy and the Consultation Draft of the Site Allocations Plan. The other reasons for refusal have been updated so that they also refer to the current policy context. If there are further significant changes in the circumstances to the appeals these will have to be similarly addressed at the appropriate time.
- 2.9 Members should also be aware that the appellants for the East of Scholes and East Ardsley appeals have written to the Planning Inspectorate requesting that those appeals be postponed pending the High Court challenge concerning the Kirklees Knoll appeal decision and the receipt of the Secretary of State's decision concerning Grove Road, Boston Spa. Both of these concern planning appeals against the refusal of planning permission for residential development on PAS land. Each decision may have a significant bearing on the formulation of evidence and consideration of the merits of the outstanding four appeals. The Planning Inspectorate have declined that request and set out that the appeals should continue as scheduled. Members will be updated if there is any significant change in circumstance.

**Background Papers:**

Planning application files: 13/05134/OT, 14/00315/OT, 13/05423/OT, 14/01211/OT



Originator: Carol  
Cunningham  
Tel: 0113 24 77998

**Report of the Chief Planning Officer**

***CITY PLANS PANEL***

**Date: 5<sup>TH</sup> November 2015**

**Subject: Application number 13/05134/OT – Outline application for residential development (upto 380 dwellings) a convenience store and public open space at Breary Lane East, Bramhope.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Miller Homes	N/A	N/A

<p><b>Electoral Wards Affected:</b></p> <p><b>Adel and Wharfedale</b></p>  <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></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: Members are asked to note the content of the report and endorse the updated reasons for refusal below.**

1. The Local Planning Authority considers that that the release of this site in combination with other sites designated as Protected Areas of Search (PAS) in the statutory plan, for housing would be contrary to saved Policy N34 of the Unitary Development Plan (Review) 2006. Policy N34 seeks to safeguard land for future development pending a review through the local plan process and the release of this site in advance of that would be premature and contrary to the approach set out at paragraph 85 bullet point 4 of the National Planning Policy Framework. The release of this site has been considered as part of the Site Allocation Process and it is not considered suitable for release for housing during the plan period as it fails to meet accessibility standards in respect of access to employment, secondary education and town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area. The release of this PAS site outside of the proper plan period would be premature to the development plan process secured through N34 as is currently being progressed through the SAP, and would by itself and by its implications for the consideration of other PAS sites, undermine the plan led system and predetermine decisions as to the scale, location and phasing of new development central to the emerging SAP, which will consider the relative sustainability of housing

sites. At this stage, and as a departure from the development plan and the emerging SAP, as well as for the reasons identified in the reasons below, the Council does not consider the proposed development to be sustainable development within the meaning of the NPPF.

2. The Local Planning Authority considers that the proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. Smaller settlements will contribute to some development needs, with the scale of growth having regard to the distribution of housing land and a settlement's size, function and sustainability. The Core Strategy sets the strategic context for the preparation of the Site Allocations Plan (spatial preferences for development, priorities for regeneration and infrastructure and the overall scale and distribution of housing growth), which is well progressed. Consequently, within this context, the Site Allocations Plan is the appropriate basis to consider issues relating to site allocation choices and any supporting infrastructure which should take place individually or cumulatively. As such the proposal is contrary to Policy SP1 of the Adopted Core Strategy. 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 Bramhope contrary to Spatial Policies 1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
3. The Local Planning Authority considers that, were the site to be released for housing following consideration through the Site Allocations Plan the proposal is contrary to the strategy for the phased release for sites for housing within that Plan. With regard to this site within the context of the Site Allocations Plan the site is in Phase 3. The phasing of the site alongside other choices within the Outer North West HMCA has not yet been established through the Site Allocations Plan. The Core Strategy also recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan. In this case it is considered that a site of this scale can only come forward after delivery of a mitigating transport scheme for the A660 corridor, such as NGT. The proposed development is located adjacent to a smaller settlement and its development at this time would be contrary to, and serve to undermine, the managed release of sites as this site as this site constitutes a less sequentially preferable site for the HMCA as a whole. To undermine this strategy would lead to an unplanned and unsustainable pattern of development. As such the proposal is contrary to Policy SP1 and Policy H1 of the Adopted Core Strategy. 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 Bramhope contrary to Spatial Policies 1 and 6 of the Core Strategy, Policy H1 of the Core Strategy, Policy HG2 of the Site Allocations Plan (Section 3: Area Proposals: 7. Outer North West. Publication Draft) and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
4. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. The proposal is therefore considered to be contrary to saved policy GP5 of the adopted UDP Review (2006) and Policy T2 of the adopted Core Strategy (2014) and the sustainable transport guidance contained in the NPPF which requires development not to create or materially add to problems of safety on the highway network.

5. The local planning authority considers that the proposed development does not provide a suitable means 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. For these reasons the application does not comply with saved policy GP5 of the adopted Leeds Unitary Development Plan (Review) 2006, policy T2 of the adopted Core Strategy and guidance contained within the adopted Street Design Guide SPD.
6. The site does not meet the minimum accessibility standards for residential development as set out in the Council's emerging Core Strategy. The applicant has so far failed to offer suitable mitigation and as such it is considered that the proposal is contrary to policy T2 of the adopted Core Strategy (2014) 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 to focus significant development in locations which are or can be made sustainable.
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, green space, public transport, travel planning and off site highway works contrary to the requirements of saved Policy GP5 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G3, G4 and ID2 of the adopted Core Strategy (2014) 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.
8. It has so far not been demonstrated that part of the site is not required for the provision of a school, contrary to Policy P9 of the adopted Core Strategy (2014).

## **1.0 INTRODUCTION**

- 1.1 An outline application for up to 380 dwellings at Breary Lane East Bramhope was refused permission at City Plans Panel on 28<sup>th</sup> August 2014 (report appended). The site was one of several applications on PAS land which were received by the Council in 2013-2014 including Bagley Lane and Grove Road, both of which have been the subject of Public Inquiries. The Council is awaiting the outcome of the High Court challenge to Bagley Lane and the report of the SOS at Grove Road. The Council currently has five PAS appeals which will be decided by Public Inquiry. Four of these appeals, are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016. This report seeks to provide updated reasons for refusal which take account of the adoption of the Core Strategy and the cancellation of the interim PAS policy. These reasons for refusal will form the basis of the Council's case at appeal.
- 1.2 As the previous report is appended and this report seeks to simply consider the planning application against current planning policy context it is not proposed to set out a full report addressing all matters here. This report will set out the relevant planning policies as they exist today and consider this proposal against those policies.

## **2.0 PLANNING POLICIES:**

## The Development Plan

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

- 2.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

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
Spatial policy 11	Transport Infrastructure
Policy H1	Managed release of sites
Policy H2	Housing on non-allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy P10	Design
Policy P11	Conservation
Policy P12	Landscape
Policy T1	Transport Management
Policy T2	Accessibility requirements and new development
Policy G3	Standards for open space
Policy G4	New Greenspace provision
Policy G8	Protection of species and habitats
Policy EN2	Sustainable design and construction
Policy EN5	Managing flood risk
Policy ID2	Planning obligations and developer contributions

The following saved UDP policies are also relevant:

- GP5: All relevant planning considerations.
- N23/N25: Landscape design and boundary treatment
- 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.
- N29: Archaeology
- N33: Seeks to protect the Green Belt.
- N34: Sites for long term development (Protected Areas of Search).
- 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.
- 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.

LD2: New and altered roads

### Local Development Framework - Site Allocations Plan

- 2.3 The Council is also currently progressing a Site Allocations Plan (SAP) and is currently out to consultation on the Publication document which proposes the allocation of sites for housing to meet targets set out in the Core Strategy and identifies Protected Area of Search land for development beyond the plan period up to 2028. 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 in two important respects. First, it is stepping outside the local plan process which prevents the PAS sites being reviewed in a comprehensive way allowing for the consideration of the relative merits of the candidate sites to be considered alongside the questions of delivering sufficient housing in the most sustainable way also having regard to the delivery of key infrastructure. Secondly, it is promoting a site which the Council, on the basis of the work done to date through that Local Plan review process, does not consider to be a suitable site for allocation, and that other sites are preferable in sustainability terms. Accordingly, it is for the Site Allocations Plan process to determine the suitability of this site, and others, 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." The appeal proposal is therefore contrary to the most recent expression of the council's plan for sustainable development of its area.
- 2.4 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.
- 2.5 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), supplemented by further evidence presented to the Core Strategy Examination in October 2013. The SHMA 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, levels of economic growth as well as levels of future and unmet need for affordable housing. Accordingly, the Site Allocations Plan is the appropriate vehicle to deliver the Core Strategy

requirement and will ensure that the significant boost to housing supply sought by the NPPF.

2.6 Relevant Supplementary Planning Guidance includes:

- SPD: Street Design Guide.
- SPD: Public Transport Improvements and Developer Contributions
- SPD: Travel Plans
- SPD: Designing for Community Safety: A Residential Guide
- SPD: Sustainable Design and Construction “Building for Tomorrow, Today.”
- SPG: Neighbourhoods for Living
- SPG 4: Greenspace Relating to New Housing Development
- SPG 25: Greening the Built Edge.

National Planning Policy

2.7 The National Planning Policy Framework (2012) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

2.8 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. At paragraph 17 the NPPF sets out that a core principle is that planning should “be genuinely plan-led”. 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The Core Strategy was adopted subsequent to the publication of the NPPF and was found to be sound by reference to the tests set out at paragraph 182 including being “consistent with national policy”.

2.9 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%.

2.10 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.

2.11 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.

2.12 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this policy. Subsequently the council’s Executive Board, on 11<sup>th</sup> February 2015, agreed to withdrawn the policy with immediate effect in light of progress being made with the SAP and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.

#### National Guidance - Five Year Supply

2.13 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.

2.14 The Council is progressing its 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with housebuilders, there are positive signs in the Leeds housing market as follows: a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016. b) progressing activities (including by the Council) and delivery within the Inner area of Leeds, c) a surge in recent planning

permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015 34 new sites were granted permission for 2,000 homes in total and d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately. This context reflects an improved picture from that of the previous 5 year supply, which was upheld by the Secretary of State and subject to the views of housebuilders on the deliverability of specific sites, the Council is confident at this stage that it will maintain its 5 year supply for the period 2015 to 2020. It is also important to note that in terms of future land supply the progression of the Site Allocations Plan secures over 55,000 homes in Phase 1, with a large number of deliverable greenfield sites, where they are compliant with the overall strategy, proposed to form Phase 1 allocations. As the site allocations plan advances and is adopted these greenfield releases will become available and can be included within future 5 year supply pictures. This will provide a significant security to the 5 year supply position.

- 2.15 The Council is progressing its 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with housebuilders, there are positive signs in the Leeds housing market as follows: a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016. b) progressing activities (including by the Council) and delivery within the Inner area of Leeds, c) a surge in recent planning permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015 34 new sites were granted permission for 2,000 homes in total and d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately.

#### Planning Practice Guidance

- 2.16 Government guidance on the issue of prematurity is set out in this document and says:

"...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local

planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

### **3.0 MAIN ISSUES**

- 1) Principle and Prematurity
- 2) Principle and Settlement Hierarchy
- 3) Layout & Design
- 4) Highway consideration
- 5) Section 106 issues
- 6) Need for a school

### **4.0 APPRAISAL**

#### Principle and Prematurity

- 4.1 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 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.
- 4.2 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.
- 4.3 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”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 ‘

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”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 “The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.” Paragraph 4.8.7 confirms that “Through the LDF a sufficient and realistic supply of PAS land, will be identified to provide contingency for growth, if the supply of housing and employment allocations proves to be insufficient in the latter stages of the plan period.”

- 4.4 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing

land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this policy. Subsequently the council's Executive Board, on 11<sup>th</sup> February 2015, agreed to withdraw the policy with immediate effect in light of progress being made with the SAP, that a pool of sites had been identified, and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.

- 4.5 This is a contentious process and one which the Council is progressing in consultation with elected members and local people and neighbourhood groups. Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.
- 4.6 At paragraph 17 the Core Planning Principles state 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.” This follows on from a statement in the Ministerial foreword to the guidance which states: “This [planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.”
- 4.7 At paragraph 85 of the NPPF the guidance states: “When defining [green belt] boundaries, local planning authorities should ... 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; and 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.”
- 4.8 To release the application site for development at this time would be contrary to paragraph 17 and 85 of the NPPF.
- 4.9 The Planning Practice Guidance sets out guidance on the issue of prematurity and the most relevant text to these appeals states:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or

phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

4.10 The draft Site Allocations Plan is well progressed and has been published for consultation with period closing on 16<sup>th</sup> November 2015. To get to this stage has involved significant work addressing the needs of a large and complex city with the considerable consultation and engagement with many stakeholders. The level of consultation which the Council has engaged in, in order to produce a well thought out plan in association with the key stakeholders means that some considerable weight can be given to the consultation draft. At the time of the consideration of the appeals it will be at a more advanced stage. Nevertheless the principles of achieving sustainable development that has regard to settlement hierarchy, the development of previously developed land and the delivery of key infrastructure will continue to underpin the site allocation process.

4.11 By not waiting for the comprehensive review, via the Site Allocations Plan, 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. It is acknowledged that the SAP has not yet been submitted for examination and the release of this site by itself would not be contrary to the tests of prematurity set out in the PPG. However, it remains a concern that the cumulative effect of releasing the PAS sites could be so significant that it would serve to undermine the plan making process by predetermining decisions about the scale, location and phasing of new development all of which run contrary to the principles of sustainability and settlement hierarchy set out in the Core Strategy Saved policy N34 and its supporting text should be given considerable weight because it remains 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”. To depart from this approach would serve to undermine a comprehensive and considered process which will ultimately target and assess the most sustainable sites. This site is not one as currently assessed. The site is protected by the development plan specifically for the purpose of allowing such a review. Considerable harm will be caused by the circumvention of this process through the release of this site for development outside of that process. It also undermines the plan led system not in relation to this site, but cumulatively through eroding the protection to PAS sites generally pending the conclusion of the SAP review. The SAP is at a stage where material weight can be given to it and this weighs further against the principle of development at this time.

4.12 The application site forms one of a number of choices for smaller settlements in Leeds, where a small proportion of housing is anticipated. Releasing this site now would predetermine options for this settlement for plan-period so that no other housing land would need to be considered.

#### Principle and Settlement Hierarchy

4.13 The Core Strategy has a clear spatial development goal, as outlined within its introductory text and within Spatial Policy 1 and 6. This aims to respect the historic

development pattern of Leeds and to ensure sustainable development, by concentrating the majority of new development within and adjacent to the main urban areas, taking advantage of existing services and high levels of accessibility. This will also allow the council to fulfil priorities for urban regeneration and to ensure an appropriate balance of brownfield and greenfield land. These principles are reiterated within policy H1 which seeks to manage the release of sites for housing.

- 4.14 Bramhope is identified as a smaller settlement within the Core Strategy settlement hierarchy. Policy SP1 states that 'Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlements size, function and sustainability' Work is ongoing in the Site Allocations Plan to consider where within the Outer North West Area new development should be located. To allow development on this site in advance of the SAP being adopted would undermine the plan-led approach, looking at what sites should come forward, what infrastructure is needed to support them, what their comparative sustainability credentials are and where new housing development would best be located.
- 4.15 This site is allocated as a phase 3 within the Site Allocations Document and the reasoning for this site requires new and existing infrastructure in delivering future development and this infrastructure is also being established through the site allocations plan. This site should only come forward after delivery of a mitigating transport scheme for the A660 corridor such as NGT which has not yet been come forward never mind implemented. The site is linked to a smaller settlement and its development at this time would be contrary to, and undermine, the managed release of sites as a whole as this site constitutes a less sequentially preferable site for the HMCA as a whole. To undermine this way forward would lead to an unplanned and unsustainable pattern of development.
- 4.16 In advance of the Site Allocations Plan being adopted the proposal represents a substantial expansion of the existing smaller settlement of Bramhope that is likely to adversely impact on the sustainability and on character and identity of Bramhope contrary to Spatial Policies 1 and 6 of the Core Strategy, policy H1 of the Core Strategy, Policy HG2 of the Site Allocations Plan and advice within the NPPF.
- 4.17 The Authority considers that the Site Allocations Process is the right vehicle to ensure that the necessary infrastructure is in place to allow sustainable housing growth across the city as a whole.

#### Design and layout

- 4.18 The application when it was refused by Panel on 28<sup>th</sup> August 2014 had a sixth reason for refusal which related to design and layout and stated the following:
- 'From the information submitted, The Local Planning Authority is not satisfied that the development of the scale indicated can achieve satisfactory standards of design, landscaping and residential amenity and provision of on site Greenspace, contrary to Policies GP5, N2, N4 and N12 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies P10, P12 and G4 of the Draft Leeds Core Strategy and guidance in the NPPF. '
- 4.19 Since the consideration of the original report the Consultation Draft of the SAP has been published. This sets out that the site has a capacity for 376 dwellings. The proposed layout shows approximately 250 dwellings which is well below the SAP number. The scheme is in outline and has been submitted with an indicative layout

only. Accordingly there is scope to resolve any layout issues through submission of a reserved matters application. The site does have allotments and greenspace allocated on the in line with the standards required in the Core Strategy and there is a deficiency of allotments in the area. Whilst some of the properties are close to others on the indicative plan again this is a matter that could be resolved at reserve matter stage. For these reasons it is suggested that this reason for refusal is removed.

#### Highway Considerations

- 4.20 At the time of the decision in 2014 the highway works were assessed in relation to the relevant policies within the UDP and the draft core strategies. Since that time some of the UDP policies have not been saved and the Core Strategy has been adopted.
- 4.21 There were 3 reasons for refusal in relation to highways and these relate to the impact on the highway network, the proposed access itself and sustainability. The reasoning behind these 3 reasons for refusal are included in the report from August 2014 and appended to this report. However, these now need to be assessed in relation to Core Strategy policies rather than the Unitary Development Plan policies.
- 4.22 Reason for refusal 4 relates to the impact of the development on the existing highway network. It is considered that in the information submitted by the applicant that they have failed to demonstrate how the proposal can be accommodated safely and satisfactorily on the local highway network. Policy T2 of the Core Strategy states that new development should not create or materially add to problems of safety or efficiency on the highway network. The applicant has failed to demonstrate this so it is considered that the scheme does not comply with policy T2.
- 4.23 Reason for refusal 5 relates to the proposed access into the site which is considered cannot be accommodated without being detrimental to the safe and free flow of traffic, pedestrians and cyclists. Policy T2 of the Core Strategy states that new development should have a safe and secure access which has not been demonstrated to be achievable so does not comply with policy T2 of the Core Strategy.
- 4.24 Reason for refusal 6 relates to the site not meeting minimum accessibility standards for residential development. Policy T2 of the Core Strategy states that new development should be located in accessible locations that are adequately served by existing or programmed highways and public transport. It is considered that this is not the case and no scheme has been submitted showing suitable mitigation to offset this issue. For these reasons the scheme does not comply with policy T2 of the Core Strategy.

#### Need for a school

- 4.25 The site will generate the requirement for school places which cannot be accommodated in the existing primary and secondary school. There is no capacity for the local primary school to expand due to its location so there is a requirement for a new school on the site. As part of the Site Allocations Plan the area shown as 'Bramhope Park' is included with the site and the allocation states that a school is required as part of any future residential scheme.

At the moment this issue of the school has not been resolved and does not comply with policy P9 of the Core Strategy.

### Section 106 Package/CIL

4.26 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.

4.27 The authority's CIL charging schedule is in place and requires a payment of £90 per square metre of residential floor space. The adoption of CIL means that S106 payments previously identified relating to greenspace and education are no longer applicable. It will still be necessary for the appellants to enter into an S106 agreement relating to affordable housing, public transport, proposed off-site highway works and drainage/flood alleviation works. These 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.

4.28 The appellant 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 appellant is not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position.

The reason for refusal has been altered to remove the unsaved policies from the UDP and detail the adopted Core Strategy policies.

## **5.0 CONCLUSION**

5.1 Central to the context of this appeal is the matter of the delivery of housing in a sustainable and planned way. Housing delivery is a key element of current planning policy at both national and local level. The NPPF places a priority, amongst other matters, on the delivery of sustainable development and housing growth. Leeds has a target of 70 000 homes across the plan period and is committed to delivering this target. A significant amount of work has been undertaken and is still ongoing to ensure that this target is met, including work with house builders, landowners and local communities. The interim PAS policy was one arm of the Council's strategy and this sought to allow the release of sustainable sites ahead of the publication of the Site Allocations Process to ensure the ongoing availability of housing land. The policy achieved this aim, and was withdrawn once SAP had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the Bramhope PAS site has been assessed for release but this was not considered to be acceptable as it failed to meet accessibility standards in respect of access to employment, secondary education, town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area.

5.2 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer North West Housing Market Characteristic Area and this is a benefit of the scheme to which weight must be given, albeit this weight



is reduced by the fact that the land is not needed within the current five year housing land supply and other sites are considered to be sequentially preferable. Furthermore the release of the site would cause substantial harm to the plan making process and the Council's sustainable development strategy as set out in the Core Strategy. The outline scheme proposed by the appellants would also cause harm to highway safety, local character and ecology; this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure flood mitigation measures, other infrastructure works, affordable housing and other contributions necessary to make the scheme acceptable would be delivered. This harm is significant and weighs against the proposal. The benefit of delivering housing land does not outweigh the cumulative harm which the proposal would cause to the Council's spatially focussed sustainable development strategy and the specific harm identified to Bramhope Village and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.

5.3 The release of the Bramhope PAS site for housing development at this time being contrary to saved policy N34 of the UDP and the NPPF. To grant permission would be premature as it 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 is confident that it will maintain its 5 year housing land supply and so there is no need to release this site of this scale in this location in advance of the Site Allocations process. There are concerns regarding the sustainability of the site given limited services within the village and the infrequency of the local bus service. There are also concerns over the layout, design and density of development and its impact on local character, protected species, landscape and ecology. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable. Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy sets out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council has considers that it will maintain its 5 year housing supply and is advancing a SAP it is therefore recommended that the council contests this appeal for the reasons set out at the start of this report.

5.4 Members should also have regard to the content of the covering report and that it is likely in preparing for the appeal that the appellant will seek to submit further information in an attempt to address some of the matters that are of a concern to the council. For example it is common practice for an appellant to submit a draft Section 106 Agreement for consideration. A failure of a local planning authority to engage in such discussions that seek to narrow the differences between the parties may be viewed as constituting unreasonable behaviour.

**Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file

# Appendix – Previous Plans Panel Report



Originator: Carol  
Cunningham  
Tel: 0113 24 77998

Report of the Chief Planning Officer

## **CITY PLANS PANEL**

Date: 28<sup>th</sup> August 2014

Subject: Application number 13/05134/OT – Outline application for residential development (up to 380 dwellings) a convenience store and public open space at Breary Lane East, Bramhope.

### **APPLICANT**

Miller Homes

### **DATE VALID**

4 November 2013

### **TARGET DATE**

29<sup>th</sup> August 2014

#### **Electoral Wards Affected:**

Adel and Wharfedale

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Refusal of Planning permission 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. The suitability of the site for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and size of the site means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13<sup>th</sup> 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 Bramhope in a plan-led way.

2. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. The proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted UDP Review and Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which requires development not to create or materially add to problems of safety on the highway network.

3. The local planning authority considers that the proposed development does not provide a suitable means 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. 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,

4. The site does not meet the minimum accessibility standards for residential development as set out in the Council's emerging Core Strategy. The applicant has so far failed to offer suitable mitigation and as such it is considered that the proposal is contrary to policy T2 of the emerging Core Strategy 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 to focus significant development in locations which are or can be made sustainable.

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, 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 UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the Draft 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.

6. From the information submitted, the Local Planning Authority is not satisfied that the development of the scale indicated can achieve satisfactory standards of design, landscaping and residential amenity and provision of on-site Greenspace, contrary to Policies GP5, N2, N4, and N12 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies P10, P12 and G4 of the Draft Leeds Core Strategy and guidance in the NPPF.

7. It has so far not been demonstrated that part of the site is not required for the provision of a school, contrary to Policy SG3 of the adopted UDP Review (2006) and Policy P9 of the Draft Leeds Core Strategy.

## 1.0 INTRODUCTION

- 1.1 An outline planning application for residential development was submitted to the council on 4 November 2013. The 13 week expiry date was 25<sup>th</sup> February 2014. The 26 week expiry date was 2<sup>nd</sup> May 2014 when the fee would have to be paid back to the applicant if no extension of time was agreed. The agent has agreed an extension of time so the application now needs to be determined before 29<sup>th</sup> August 2014.
- 1.2 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.
- 1.3 The application relates to two parcels of land. The first is designated as a Protected Area of Search in the adopted UDP and forms SHLAA site 1080. 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 second is designated as green belt in the adopted UDP and forms SHLAA site 3367a. The application proposes residential development on the PAS (SHLAA 1080) and Greenspace or a new school on the green belt site (SHLAA 3367a). The application adjoins a further SHLAA site (3367b) which is outside of the red-line boundary and is categorised as "red" in the Issues and Options Site Allocations Plan. 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.
- 1.4 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.
- 1.5 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 considered unacceptable in terms of the impact on the existing highway network, the proposed access is also unacceptable in terms of its design and impact on the safe and free flow of traffic and the site does not presently meet the Council's sustainability criteria. In addition, the scheme as shown fails to provide adequate on site Greenspace and from the information provided it has not been demonstrated that a satisfactory design and layout can be achieved for the scale of development proposed. If a school is required on this site it would need to be on the PAS site and not on land in the Green Belt where it would be inappropriate development requiring very special circumstances to be justified.
- 1.6 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.

## 2.0 PROPOSAL:

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. An indicative masterplan showing details of the layout, scale, appearance and landscaping have been provided and refer to a development of up to 380 dwellings (ranging from 2 bedroom houses through to 5 bedroom detached houses) with associated road infrastructure, parking provision, amenity space and landscaping. These details would be considered under future applications for approval of Reserved Matters were permission to be granted.
- 2.2 The submitted plans indicate that the main access will be off the main A660 taking the form of a roundabout. The initial 130 metres of the access road would be designed to accommodate a bus service and then there would be a second roundabout. There will then be a loop through the site with residential streets off this loop. There will be a pedestrian/cycle access onto Breary Lane East and pedestrian/cycle/emergency vehicle access off High Ridge Way. To the north of the site onto Breary Lane East will be a community orchard, village green and community park. To the south of the site (SHLAA site 3367a) there will be a new park, play area and woodland with paths allowing access into this area and this is referred to on the plan as 'Bramhope Park'. To the east of the site is 'Spring Wood' (SHLAA site 3367b) which is ancient woodland with very little public access at the moment. There will be an access path from 'Bramhope Park' through Spring Wood to the proposed allotments to the north of the site. A small retail unit will be located to the south of the access road with its own car park. The floor space for this retail unit has been reduced to 372 square metres.
- 2.3 Children's Services have indicated that because of the size of the site in relation to the settlement there would be an expectation that on-site school provision would be assessed. There is generally no capacity in local schools and a lack of land available around existing schools for extensions. In seeking to address this issue the applicant has offered a piece of land adjacent to the PAS site, but within the red line boundary of the application, to be made available for a school. This land was originally proposed by the applicants as potential Greenspace over and above the Greenspace standards of the Core Strategy and in addition to the Greenspace provided within the PAS site. The applicants have stated that this land could instead be used for a school and have offered it for 5 years and if not taken up for a school to revert back to a proposed park / Greenspace as detailed in relation to this application. This land is currently designated as greenbelt.
- 2.4 Within a wider local context infrastructure needs and future provision, such as schools and Greenspace, are being considered as part of the preparation of the Site Allocations Plan. This work is ongoing and at this stage no conclusions have yet been reached on the level of need for schools in the area and the potential for new schools to be delivered at the right time and on the most appropriate and sustainable sites in relation to local needs and future pupil places. To that end, the offer of part of the site for a new school is premature to the plan-making considerations of the Site Allocations process. Moreover, should the Site Allocations process conclude that a school is needed and that the application site is a suitable location, decisions on releasing land from the green belt for the purposes of a new school would need to be taken through the plan-making process of the Site Allocations Plan. This is in line with the NPPF. For both these reasons the proposal is premature in advance of the Site Allocations Plan and by seeking to limit the offer of land for a school for 5 years, affects and constrains the school place and investment planning of the Council.

- 2.5 In addition, the Site Allocations Plan process assesses the surpluses and deficiencies of Greenspace against Core Strategy standards. Adel and Wharfedale ward is surplus in most Greenspace and only deficient in amenity space and allotments. Decisions around new areas of Greenspace, and the future use of the adjacent site, are best considered through the Site Allocations plan-making process.
- 2.6 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for Greenspace on site and a contribution towards off site Greenspace, 15% affordable housing, contribution to education provision, land available for a new school, highway works detailed above (and any additional works required yet to be agreed) and a contribution towards the Public Transport Infrastructure SPD, landscaping maintenance, metrocards, funding to bus stops in the area, Travel Plan measures and contributions and any other matters that arise through the course of the application.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is an area of open fields located to the south of Breary Lane East and east of the A660. The site is used for agriculture at the current time. The land slopes upwards from the southern part of the site (A660) to the north of the site (Breary Lane East). To the east of the site is existing ancient woodland and beyond this open countryside. There is a line of residential properties which front part of the northern boundary and the western boundary. Beyond these rows of houses are the main areas of housing in Bramhope.
- 3.2 Part of the site is allocated as PAS land within the Unitary Development Plan. It is categorised as “amber” within the Issues and Options Site Allocations Plan. The area of land adjacent to the site proposed by the applicant for a ‘Bramhope Park’ or potential new school is within the green belt. This piece of land has been submitted through the Council’s Strategic Housing Land Availability Assessment process as having potential for further residential development in the site allocations plan. This parcel of land is also categorised as “amber” in the Site Allocations Plan.
- 3.3 In relation to the PAS site the site allocation document states that the site is a  
  
‘Protected area of search (PAS) site in the UDP. Potential for development on part of the site for 200 dwellings with single access from A660 or all site (434 dwellings) if combined with adjacent site 3367A due to access issues’.
- 3.4 The site for the park or proposed school (4.17HA) is within green belt and has been put forward as a potential housing site through the Site Allocations process. Development of this site could provide an extension to the adjoining PAS site and assist access into that site.
- 3.5 The Site Allocations Plan document states:  
  
‘By itself, the site is an isolated site, but with the adjacent PAS site it could effectively ‘round off’ the settlement. If furthered the site should be viewed as a single allocation with 1080 for the purposes of access requirements – one access to the A660, shared with site 1080, would restrict the combined capacity of the sites to 200 units. Two access points would allow a total capacity of 434. ‘

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 There are no previous planning applications of relevance

4.2 The site was originally designated as Green Belt in the Bramhope Local Plan. Then in the 2001 adopted UDP the originally UDP Inspector removed the site from the Green Belt after he concluded that the land was needed to help long term planning for growth and development and he considered that the site did not fulfill the function of Green Belt. In 2006 the site was reviewed again by the Planning Inspector who retained the PAS land designation but differed in his view from the 2001 Inspector in that he felt the site did have the potential to fulfill some of the Green Belt objectives.

#### **5.0 HISTORY OF NEGOTIATIONS**

5.1 Council Officers have met with the applicant a number of times to discuss the application both at pre application stage and during the processing of this planning application. The discussions revolved around the principle of development, highways, education, ecology and design.

5.2 The developer arranged a public consultation event and wrote to local residents to advise of the intention to submit an application for the proposed development. Letters were sent to local residents at the adjoining properties and the surrounding area.

5.3 The letters invited local residents to attend a public consultation event. The event took place on Tuesday 1st October from 4pm until 7pm and was held at the West Park Leeds RUFC. The event gave local residents an opportunity to look at the proposals for the site and discuss them with the development team. A comments sheet was provided for residents to formally provide feedback. In total there were over 80 attendees at the exhibition with 29 responses either received at the exhibition or sent following the event. The developer has summarised the responses received as:

- The impact on Bramhope due to the increase in the number of houses;
- The impact on wildlife and the loss of greenspace;
- The impact on the local highway network;
- The lack of community facilities for local residents;
- The application was premature in terms of the plan making process; and
- The impact on existing shops in Bramhope.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by site notice posted on site on the 22 November 2013 and an advert was placed in the Wharfe Valley Times on the 14 November 2013.

6.2 Publicity expiry date was the 16 December 2013.

Councillor, Anderson and the late Councillor Fox objected to the application on the following points:

- Release of the PAS site is premature and contrary to policy N34 and para 85 bullet point 4 of NPPF
- Detrimental to highway safety
- Should be refused as key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity vis a vis preparation of the Site Allocations Plan
- Proposal does not accord with current development plan and is designated as a Protected Area of Search
- Site allocation DPD is the vehicle being pursued by Leeds City Council for taking decisions on the suitability of such sites for development
- After consultation with local residents and my own concerns a number of issues have been raised
- Site is PAS land and shouldn't be developed
- The site should be returned to green belt
- There are too many houses already for the area in terms of available infrastructure and its ability to cope with additional pressures
- The highway infrastructure is inadequate and will not cope with further development
- The extra houses will change the character of the area
- There are already a number of new housing developments in the area and also a supply of brownfield sites that could be developed
- The schools cannot cope with extra houses in the area, in particular the local primary schools have no space available and in the short to medium term secondary school provision will be at dangerously low levels
- There are highway safety issues
- The surrounding roads are already congested and the capacity on the Harrogate railway line into Leeds is already well over what that line can cope with
- There is a need for appropriate infrastructure developments by Leeds City Council and its partners
- With the introduction of NGT the local bus services will be greatly affected and probably reduced in frequency
- The development is contrary to the NPPF
- This local site is neither environmentally nor socially sustainable and as such should be returned to the green belt

Councillor Les Carter has objected on the following points:

- It would mean that the size of Bramhope expanding by around a quarter. Two thirds of the existing village is a conservation area, and creating what is essentially an urban housing estate will completely change the character of the village
- The inappropriate proposed roundabout faces onto the A660, which will exacerbate
- existing traffic problems in terms of peak hour vehicular flow plus the impact of further traffic on the A660 through to the centre of Leeds.
- This is PAS land, not allocated for development, which leaves the application premature ahead of the final housing site allocations.
- The lack of an appropriate second access for an estate of this size. Breary Lane East, which is in the conservation area, is not an appropriate access even for emergency vehicles.
- The site is not well related to the urban area, is poorly served by public transport, has few local facilities with no education provision beyond the



primary school, which is full. That means people living there will have to rely on the car for every day transport.

Councillor Campbell has objected on the following grounds:

- A660 already congested so additional traffic will cause more delays and congestion.
- Addition of a retail unit will add to traffic numbers and it's an out of centre shop
- Need more information to assess the scheme fully
- Needs affordable housing

Bramhope and Carlton Parish Council have submitted a detailed objection regarding the following:

- Application states the development will be 32 Dwellings Per Hectare which increases the development numbers to 398 dwellings
- New SUD ponds proposed to the south of the site are substantial engineering operations within an area designated as Green belt.
- Wood is not within the application site but new footpaths are proposed through it which have not been evaluated
- Site is not sustainable
- Greenspace proposed is in land designated as green belt
- Proposed car park for retail and new park is within green belt so inappropriate
- Doesn't comply with the following policies within the UDP N34, N29, T2, T5, T7a, T7b, T24
- Retail development is out of centre
- Detrimental impact on adjoining conservation area and listed building High Ridge House to the north of the site
- Detrimental impact on the community infrastructure such as schools, shops
- Impact on drainage and potential for flooding

The Bramhope and Carlton Parish Council have also submitted a detailed highway objection done by Pell Frischmann raising concerns regarding the transport assessment that has been submitted. This issues raised are the following:

- It would appear that the scope of the TA has not been agreed with the Local Highway Authority.
- The scope of the TA is not suitably robust to correctly assess a development of this nature.
- The method of traffic generation in the TA significantly underestimates the developments peak hour trip generation particularly in the AM peak period.
- TA acknowledges there is an existing accident problem at the Dyneley Arms junction and increasing in traffic requires improvements to this junction which are not contained in the TA.
- The site is not within a 400m walking distance to a bus stop ... whilst the proposal involves the bus routes being diverted into the site this will have a negative impact on existing residents in the area who will have to walk further and some being outside of the required 400m.
- No evidence of agreements with Metro to divert the buses into the site

- Bus X84 is a 20minute frequency when core strategy policy requires a 15 minute frequency.
- Nearest train service is 6.5km away at Horsforth so outside the feasible walking distance and recommended 5km cycle distance
- In terms of walking to local facilities most are outside the recommended 800m. The primary school is outside of this and involves children to cross the busy A660.
- .. the secondary school s 4.5km away outside the upper 2km walking distance
- In terms of pedestrian access there is a pedestrian link onto Breary Lane east but this has no footways or street lighting to connect to the rest of the area.
- The TA provides details of destinations that are accessible by cycle but these are all small settlements with limited level of services and facilities.
- There is over 5km cycle ride to access park and ride facilities.
- Cycle access to schools also involves the busy A660.
- The TA doesn't include the traffic generation from a number of committed developments in the vicinity.
- The existing congestion on the A660 corridor is not reflected in the analysis.
- No junction assessments have been undertaken to assess the impact of the development on the A6120 Outer ring road with the A660.
- Layout of the roundabout intrudes onto land classified as green belt.

Arthington Parish Council have objected concerned with the following matters

- Impact on character of their parish as southern boundary would radically change from open fields to large urban housing estate
- Application premature and should wait for site allocation process
- Use of Breary Lane East as second (emergency ) access is inappropriate
- Impact of extra traffic volumes on the A660 will be severely affected
- Roundabout will create more congestion and slower moving traffic

To date 866 objections have been received to the publicity of this application. The following issues have been raised:-

- Development is premature as site allocations document is not approved and this site should not be used till 2016.
- Site is green belt
- Site is greenfield and other brownfield sites should be used first
- Significant residential development already approved in this area
- Bypassing site allocations process
- Out of scale with current village of Bramhope with the proposal increasing the size of the village by 25%
- A660 can't take any more traffic
- Further impact on the places along the A660
- No local jobs so will increase commuting, additional traffic on the A660
- No school places
- Pressures on doctors, dentists and other local amenities
- Providing expensive houses and not affordable housing for new entrants to the housing market.
- Loss of ecosystem

- Detrimental impact on rural characteristics of Bramhope
- Detrimental impact on adjacent conservation area
- Cramped and crowded layout will have major social and environmental impact
- Car park for retail element too small
- Detrimental impact on wild deer and red kites.
- Drainage problems and increases the risk of flooding
- A660 popular cycle route so increase in traffic effects safety of cyclists
- Buses already full in Bramhope make situation worse
- Creating additional noise and disturbance
- Shop will impact on the other retail units within the area
- Extension of urban sprawl
- Water to existing streams will be diverted with the streams drying up and ecology lost
- Loss of privacy and views
- No details on the houses in terms of eco homes
- No school near so can't walk to school and impact on environment
- Should contribute to electrifying train line between Harrogate and Leeds
- Should contribute to the opening of Arthington Railway station which is 2k walking distance from the site
- TPO of trees needed
- No consideration of the comments from public consultation

## 7.0 CONSULTATION RESPONSES:

### Highways

The proposals cannot be supported as submitted for the following reasons:

The site does not meet the minimum accessibility standards for residential development in the emerging Core Strategy. Only part of the site is within an acceptable distance of access to the existing bus services. The services themselves do not offer sufficient service frequency during the daytime and the evening and weekend services are considerably worse. Distances to city centre, education and employment is substandard.

Concerns are also raised regarding traffic impact and the proposed vehicular access to the site. The TA traffic generations figures are low and do not reflect the numbers on the highway network at busy times.

Access arrangements would be subject to detailed design however there are initial concerns about the design/location of the proposed roundabout. The deflection looks to be too severe and a better location would be at the point where The Poplars meets the A660. This would allow for a better approach and alignment.

A plan is required to demonstrate that the roundabout meets all of the geometrical Requirements of the Design Manual for Roads and Bridges and that it can safely Accommodate the swept paths of HGV's and abnormal loads.

The submitted plan appears to show a connection to the existing cul-de-sac known As High Ridge Way – other than as an emergency access incorporating pedestrians And cycles, a vehicular link to the development site would not be acceptable at this Location.

A link is also shown to Breary Lane East. This would not be suitable for use by

vehicles and would have to be for pedestrian and cycle use only.

#### Flood Risk Management

Support the conditions indicated by the EA but need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to on and off site.

#### Travelwise

Travel plan should be included in a section 106 agreement along with monitoring fee, provision of residential metrocard scheme (bus only) and £10,000 for cycle storage for pupils at Bramhope Primary School.

Public transport improvements and developer contributions require a contribution of £465,961

#### Metro

The site does not meet guidelines in terms of distances to bus stops and frequency of the bus services. Application proposes a diversion into the site for buses which has not been discussed with metro and there have been no discussions regarding increasing the frequency of the bus services. Metrocards should be available for the whole of the site.

#### Public Rights of Way

No objections and welcomes access into the site.

#### Yorkshire Water

Conditions required in relation to foul and surface water drainage, no buildings or trees within a buffer around existing sewers, no surface water discharge to public sewers with SUDs drainage required.

#### Environment Agency

No objections providing conditions attached in relation to surface and foul water drainage.

#### Children's Services LCC

We would be interested in securing land for a 1FE primary school, as this size of development would generate 95 primary aged children that could not be accommodated in the local primary schools.

#### Policy

Greenspace – adequate provision on site for N2.1 and N2.2 with financial contribution required for N2.3

Affordable housing – 15% required with 50% social rented and 50% submarket/intermediate housing.

Retail – the shop floor area has been reduced to 372 square metres (gross) which complies with policies in the UDP and Core Strategy.

#### WYAS

The site is within an area of archaeological significance. Condition required for archaeological investigation of the site to be undertaken before the application is determined.

### Ecology officer

Spring wood on eastern boundary is ancient woodland with no access. Major residential development will put additional pressure on this woodland. Allotments to north of wood will put pressure on trees to be removed to prevent shading.

Therefore need woodland area management plan, woodland edge planting and fence on western boundary and allotments moved further away from woodland.

New park allows for compensation planting and meadow creation/enhancement

Crossing over wet ditches need to be appropriate design.

If park area is used for a school then there will be loss of grassland and meadow which need to be planting elsewhere on the site. Need to have a buffer between the new school and ancient woodland plus new hedgerows down to Otley Road to allow for ecological linkages.

### Landscape officer

Design refinements are required but have the following concerns:

Impact of the proposed roundabout on this stretch of road has a soft stretch of road with domestic feel ... roundabout gives impressions of an industrial development not residential. Roundabouts kill local identity and should be last resort.

Due to levels some of retained hedgerows might be lost and needs some additional buffers especially adjacent to hedgerow areas and around some of the specimen tree features.

Need to restrict access to ancient woodland with no formal paths and 3 access points.

Need topographical survey and follow up tree survey of all the outer edge trees that interface with development as the current edge is too vague and potential impacts are unknown

Tree verges are characteristic of the locality and need to be incorporated into any development.

New park has lack of supervision in the current location. The area is unlikely to have natural surveillance as a result of busy usage like a public park.

There is a holly hedge that needs to be retained.

Parts of the hedges retained are sparse so reinforcement planting of the hedges is a requirement

A bridge solution would be required where the Highway crosses this feature as this would ensure ecological connectivity. Culverting would not be an acceptable solution

SUDS AREA: at least some of this needs to be engineered to retain water throughout the year for ecological purposes.

Ecological management required and a management plan must be for 20 years as this will take in the need for periodic thinning of the new woodland planting

School will need buffer to the adjoining Green belt and Ancient woodland policy N12

School will require a substantial frontage open space to keep the character of openness rather than have a building close to the road. Soft areas could be a the front and perhaps car parking if well screened

Rather avoid impact of a second roundabout in quick succession if possible

## **8.0 PLANNING POLICIES:**

### **Development Plan**

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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 12<sup>th</sup> 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 16<sup>th</sup> June and 25<sup>th</sup> July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the most advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications 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.

## 8.2 Leeds Unitary Development Plan (UDP) Review:

The site is allocated as a 'Protected Area of Search' and as Green Belt. Other relevant policies are:

SA1: Secure the highest possible quality of environment

SG3: Community land needs

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Access and accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

### Policy N34 Protected Areas of Search for Long Term Development

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 is set out below:

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.**

### 8.3 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds  
Street Design Guide  
Greenspace and Residential Developments

## **Interim PAS Policy**

- 8.4 A report on Housing Delivery was presented to Executive Board on the 13<sup>th</sup> 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.

- 8.5 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13<sup>th</sup> 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.
- 8.6 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.
- 8.7 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 and West of Scholes have also recently been refused.

- 8.8 The Council's 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.

### **Local Development Framework**

- 8.9 The Council submitted its Core Strategy to the Secretary of State in April 2013 and an examination in public was held in October 13 and May 14. The Council has consulted on a further set of Main Modifications to the Core Strategy. Following consultation and no arising outstanding matters, it is anticipated that the Core Strategy will be adopted in autumn 2014 following receipt of the Inspectors final report. The Core Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The Core Strategy Inspector has proposed two sets of Main Modifications, which he considers are necessary to make the Plan sound, including in line with the NPPF. The Council is 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

- 8.10 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.

- 8.13 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 P9 – Community facilities and other services ( inc schools)
  - 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

The Examination into the Draft Core Strategy has now taken place and the Inspectors report is expected imminently. Of particular relevance is the issue of affordable housing. This was examined in May 14 and the Council is seeking to include the levels of affordable housing within the Core Strategy as required by the Inspector. The 35% outer north level is proposed to extend to Bramhope and this is a change from the current level of 15%.

### **Five Year Land Supply**

- 8.14 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.
- 8.15 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.
- 8.16 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 Councils' development plan policies should be substantially reduced.

- 8.17 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.
- 8.18 In terms of identifying a five year supply of deliverable land the Council identified that as of 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2019 there is a current supply of land equivalent to 5.8 years' worth of housing requirements.
- 8.19 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).
- 8.20 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
  - an element of Protected Area of Search sites which satisfy the interim PAS policy
- 8.21 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."
- 8.22 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

### **National Guidance - National Planning Policy Framework**

- 8.23 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.
- 8.24 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%.

- 8.25 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.
- 8.26 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 Timing in advance of the Site Allocations Plan
- 5 year land supply
- Highway safety and sustainability criteria
- Education
- Design public open space and landscaping
- Retail proposal
- Section 106 Matters
- Representations

## **10.0 APPRAISAL**

- 10.1 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, retail, education and Section 106 matters

### **Compliance with the Development Plan**

- 10.2 The larger part of 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 Breary Lane East 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...”

- 10.3 These should be clear factors in assessing the suitability of the site and this should take place through the Site Allocations process.
- 10.4 As set out above the Council has put in place an Interim Policy pending the further progress of the Site Allocations Plan. Breary Lane East 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**

- 10.5 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 Breary Lane East against the interim policy criteria is considered below:
- 10.6 Criterion (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 site is not within the main urban area of Leeds or related to a major settlement. As such the development of the site would not form an extension to the main urban area or major settlement. It is considered that the site does not satisfy criteria (i). This is important because sites adjacent to the main urban area or major settlements have greater potential local impacts on accessibility, infrastructure and scale of development having regard to the settlements size, function and sustainability. They are therefore contrary to Policy SP1 and SP6 until such a time as they are assessed through the Development Plan process.
- 10.7 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 is above this threshold (the PAS land part of the application site is 15.44 HA) and fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council’s locational strategy for housing, other

choices within the local housing market area and give rise to more sustainability issues which need to be addressed through the site allocations process such as access, infrastructure and distribution across the Council's settlement hierarchy. They are therefore contrary to Policy SP1 and SP6 until such a time as they are assessed through the Development Plan process in the round.

- 10.8 Criterion (iii) *Land is not needed, or potentially needed for alternative uses.* This application raises issues around the provision of a new school which may be required in the area due to the growing school age population and the volume of housing in the area. Until the Site Allocations process is more advanced the need, size, type and potential deliverability of a school cannot be fully determined. The applicant's current offer of land for a new school is on greenbelt land adjacent to the PAS site, which has also been put forward for potential Greenspace. Clearly, there are strategic choices around housing, schools and Greenspace provision to be made between the PAS site, the adjacent green belt site and other sites in Bramhope. These decisions cannot be made through the planning application process and reinforce the need for consideration through the site allocations process.
- 10.9 The Interim policy provides that sites that meet criteria i) and iii) but exceed 10ha in size may also be accepted for early release if they meet further criteria iv) and v). Breary Lane East fails criterion i), ii) and iii), and therefore does not comply with the Interim Policy. Notwithstanding this, officers have considered the merits of the proposal at Breary Lane East against criteria iv) and v) too.
- 10.10 Criterion (iv) *It is an area where housing land development opportunity is demonstrably lacking.* There are a number of development sites in the locality and the Housing Market area. Some are currently under construction including a site within Adel for 40 dwellings. Others are being planned to commence soon including approximately 100 dwellings at the former government works and 130 at Boddington Hall site. These illustrate that housing land development opportunity is not demonstrably lacking in the area. In addition there is a Greenfield UDP allocation at East of Otley.
- 10.11 Criterion (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;* the applicant has not linked this application 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.* The applicant has stated that the bus services could be diverted into the site to overcome sustainability issues but the applicant is unwilling to fully fund the diversions and additional bus services required.
- 10.12 To summarise, the application does not meet the interim policy criteria to be released early. Part of the land is potentially needed for a school site. There are other housing development opportunities on-going and soon to start in the area. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.
- 10.13 The application proposal does not satisfy the Interim Policy criteria for release at this time. As such the proposal is contrary to policy N34 of the adopted UDP.

## **Five Year Land Supply**

- 10.14 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. 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 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.
- 10.15 The Core Strategy Inspector's latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound confirm that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan. However given market conditions moving out of recession, the need to plan for infrastructure and demographic evidence his latest modifications have also included a lower target of at least 3,660 homes per annum between 2012 and 2016/17 against which delivery should be measured for performance purposes. 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.

## **Highway Safety and Sustainability Criteria**

- 10.16 There are a number of issues in relation to the proposed development and its highway implications which can be split into impact on the highway network, access arrangements and sustainability.
- Impact on existing highway network*
- 10.17 The applicants have submitted a Transport Assessment to demonstrate the impact of the proposals on the existing highway network. The trip generation rates and trip distribution used within the TA have not been agreed by officers and officers consider that the information that has been submitted is not accurate and that the trip generation rates and trip distribution shown on the existing highway network should be revised.
- 10.18 In terms of the residential part of the scheme the applicants have used average trip rates to predict the traffic associated with the residential element of the proposals. However, due to poor accessibility credentials of the site it is considered that 85<sup>th</sup>ile trip rates are more appropriate and robust. The development access and the impact of the proposals on the highway network needs to be re-assessed based on the 85<sup>th</sup>ile trip rates.
- 10.19 In terms of the retail element the applicants have stated that they anticipate that 50% of all trips to the convenience store would be on foot. In reality it is expected that this figure would be much less and that the majority of trips would be by car, both from within the proposed development site from the surrounding area and by passing trade. Again it is considered that an 85<sup>th</sup>ile trip rates should be used and that a more realistic approach is taken. The A660 is a real barrier to those travelling

from the opposite side of the A660 even with the prospect of a controlled crossing it would still anticipate that the majority of residents would drive to the site.

- 10.20 The traffic impact assessment also does not cover other junctions further away from the site which will also be affected by the development. Plus the traffic generation to Otley also needs to be taken on board and not just Leeds as there will be shopping and employment trips to there.
- 10.21 The TA also needs to look at the impact of traffic further south along the A660 including the cumulative impact of this and other committed developments on Lawnswood Roundabout and the A660/Farrar Lane/Church Lane junctions. This needs to be done both with and without the NGT proposals.
- 10.22 As the TA underestimates the amount of traffic on the existing network it does not give a full picture of the impact of this level of development on the existing highway network. It is considered that it has not been satisfactorily demonstrated that the impact of the proposals can be safely accommodated on the highway network. This will have a detrimental impact on the safe and free flow of traffic within the area and cannot be supported.

#### *Proposed access*

- 10.23 The access to the site takes the form of a roundabout on the A660 with pedestrian and emergency access onto High Ridge Way and pedestrian/cycle access on to Breary Lane east. This first roundabout is linked to a second roundabout 130m into the site by a wider than normal road, and from the second roundabout the site would be served by a loop road. This is an attempt to overcome the fact that a development of this scale would normally require two points of access but at this juncture it is not considered established that this arrangement would provide a safe and suitable access. It is in addition a heavily-engineered design solution which is likely to have an unsatisfactory design and appearance in this context adjoining a rural area.
- 10.24 There are initial concerns about the design/location of the proposed roundabout. The deflection looks to be too severe and a better location would be at the point where The Poplars meets the A660. This would allow for a better approach and alignment. A plan is required to demonstrate that the roundabout meets all of the geometrical requirements of the Design Manual for Roads and Bridges and that it can safely accommodate the swept paths of HGV's and abnormal loads.
- 10.25 The submitted plan appears to show a connection to the existing cul-de-sac known as High Ridge Way – other than as an emergency access incorporating pedestrians and cycles, a vehicular link to the development site would not be acceptable at this location. A link is also shown to Breary Lane East. This would not be suitable for use by vehicles and would have to be for pedestrian and cycle use only.
- 10.26 Until the information above has been submitted it is difficult to establish if a safe access can be provided into the site. At the moment it is considered that a safe access cannot be achieved for this level of development without a detrimental impact on the safe and free flow of traffic along the A660.

#### *Sustainability*

- 10.27 The site is not located within the 400m walking distance to bus stops which is outside of the relevant guidance within the core strategy. To overcome this the applicants have suggested that the bus services can be diverted into the site with bus stops being provided within the site itself. At the moment this is only a suggestion and concerns have been raised from Metro that this proposal has not been discussed with them or any of the bus operators. Metro have also raised concerns regarding this proposal as it will increase the bus journey times for other



passengers and it will also increase the number of passengers to the detriment of other passengers further along the existing bus route. Metro have also stated that for this to work the number of buses services on this route would also need to increase to prevent detriment to the existing bus service. Any costs in terms of providing additional buses on this route and the diversion would have to be paid by the developer which could amount to £300,000 a year. The applicant is not prepared to fully fund these requirements and will only fund the contribution required by the Public Transport improvements and developer contributions which is a one of payment of £466,000. Without the additional funding the bus route will not get diverted or the frequency increased which leaves the site not complying with the sustainability walking distance of 400m to a bus stop. It could also be stated that if the bus stops were moved it will mean that existing residents will have to walk further to bus stops and they would be outside the 400m distance which they are not at the moment.

- 10.28 The distances to other services are also not in compliance with the core strategy sustainability criteria. The local services with Bramhope are not within the required 10 minute walk, the primary school is not within a 20 minute walk and the nearest secondary school is not either within a 30 minute walk or 5 minute walk to a bus stop offering a 15 minute service (check). For all these reasons the site is not considered sustainable.
- 10.29 To conclude on highway matters the development is not acceptable in terms of its impact on the existing highway network, an unsafe access and the site is not sustainable. The three reasons for refusal in relation to these matters are detailed at the start of this report.

### **Education**

- 10.30 The site will generate the requirement for school places that cannot be accommodated with the existing primary and secondary schools and education have requested a level of financial contributions to take this matter on board. However, Bramhope Primary School is located in an area surrounded by houses and there is no opportunity for this school to be expanded. There is therefore a requirement for a new school in the area caused by this level of development and the applicant has offered the piece of land that is shown be to 'Bramhope Park' on the submitted masterplan for a new primary school. If the land is not used for a school within five years the land can be used for 'Bramhope Park' as shown on the submitted plans.
- 10.31 The location of this school on this piece of land does create a number of issues which so far have not been addressed. These include the fact that this site is within green belt, the loss of the area for the park in terms of impact on the landscape, ecology and views of the development from the A660. The site is also amber in the site allocations document so should be provided for housing if approved, however, the land which currently houses the primary school could be redeveloped for housing if the new school was built on this site and the site was accepted through the site allocation process. At present to build a school on land in the green belt would be inappropriate development for which very special circumstances would need to be demonstrated. This has not been demonstrated in this case – if a school is required and in advance of the Site Allocations Plan then land would have to be reserved for this purpose on the PAS site.

### **Design, public open space and landscaping**

- 10.32 An indicative layout has been submitted and although all matters in the application other than means of access are 'Reserved Matters' the applicant has specifically applied for 'up to 380 dwellings'. The submitted drawing does not show public open space within the site sufficient to satisfy Council policy on such provision and does not demonstrate that a satisfactory design and layout could be achieved.

### **Retail Proposal**

- 10.33 The initial plans showed the proposed shop to be 418 square metres. This is an out of town location so a retail development off this size in this location would have been unacceptable without a sequential test to show that the development would not impact on the viability and vitality of other town centres close by.
- 10.34 The retail element has now been reduced to 372 square metres which now complies with UDP and core strategy policies as the shop is small scale and due to this would not have a detrimental impact on the viability and vitality of other town centres.

### **Section 106 Package**

- 10.35 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. .

- 10.36 The proposed obligations referred to in this report 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 would be required to submit a Section 106 Agreement to address the policy requirements for this application. In the absence of such an agreement a reason specific to this matter is recommended but this matter would not be contested at any appeal if an agreement was completed beforehand. The position in relation to affordable housing is subject to likely change. At present 15% is required but this could increase substantially in the coming months to 35% dependent on the report of the Core Strategy Inspector expected shortly. Whilst the higher rate cannot be given substantial weight at present if this is supported by the Inspector and then adopted by the Council then the higher rate would need to be given substantial weight at that stage.

## **11.0 CONCLUSION**

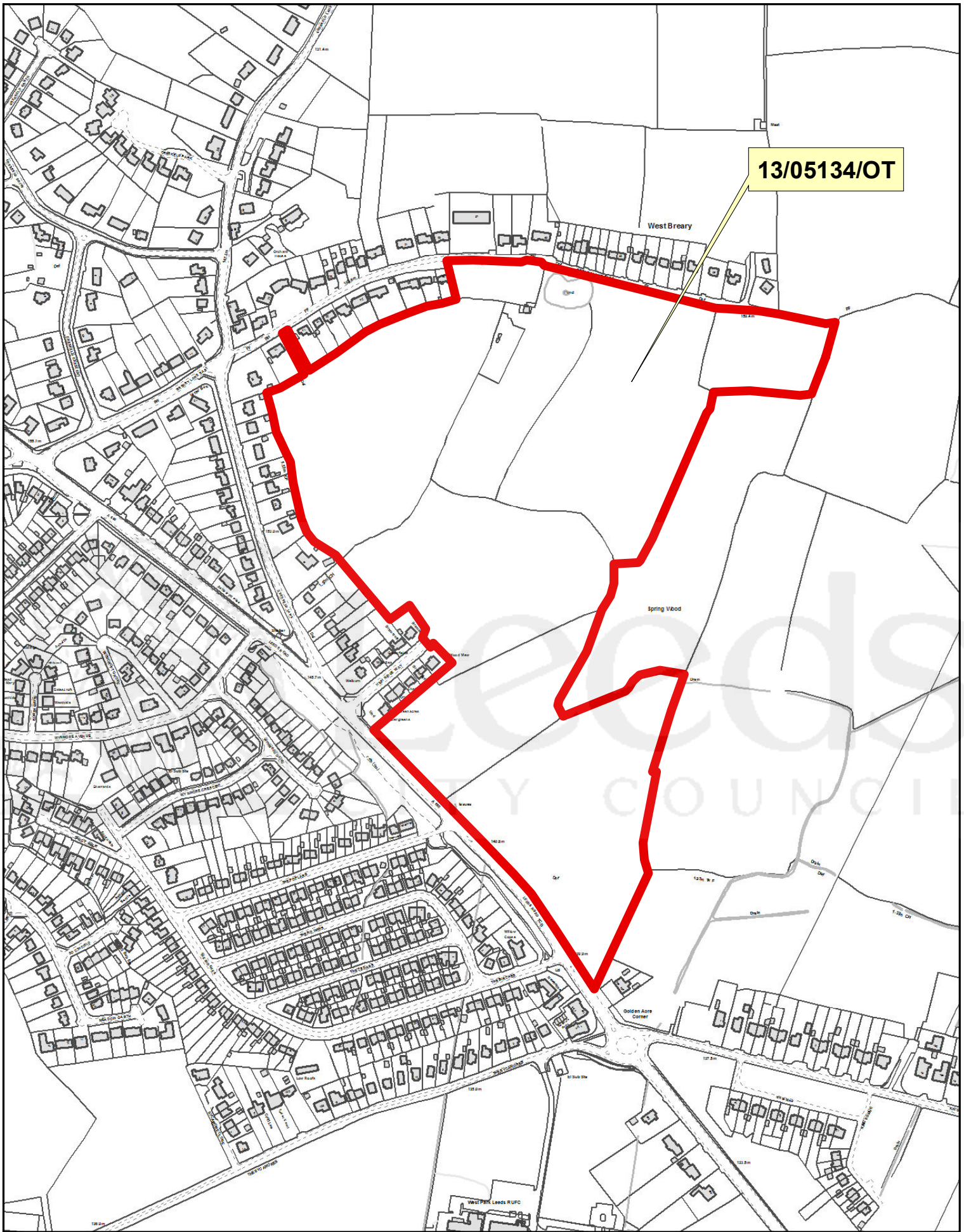
- 11.1 The key conclusion is that the proposal to develop Breary Lane East now runs contrary to UDP Policy N34 which expects the PAS sites only to be released following comprehensive assessment of development plan preparation. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise. This site

does have an issue that it may be required for a school. It also is in a locality that contains other development opportunities both now and in the immediate future, that mean that release now for local housing availability purposes is not of such urgency that a decision cannot wait for the conclusions of the Site Allocations Plan.

- 11.2 A Five Year Supply can be demonstrated.
- 11.3 The proposal gives rise to local sustainability concerns including:
- Consideration of the need and delivery of a school in the most appropriate location
  - A scale of growth which has not yet been determined through the Site Allocations Plan in the context of choices for meeting needs within the housing market area
- 11.4 At this stage it is considered that the applicants have proposed insufficient mitigation to accommodate the impact of the development on the highway network. . There are outstanding concerns that need to be resolved in relation to pedestrian/cycle access along the A660.
- 11.5 As discussed above the indicative masterplan raises concerns in relation to how the numbers of dwellings proposed could be satisfactorily accommodated on the site and the provision of Greenspace within the site does not meet with Council policy.
- 11.6 Refusal is recommended for the reasons set out at the beginning of this report.

**Background Papers:**

Certificate of ownership: signed by applicant.  
Planning application file.



13/05134/OT

# CITY PLANS PANEL





Originator: J Thomas

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 5<sup>th</sup> November 2015

**Subject: 14/00315/OT – Outline application for residential development up to 150 dwellings including means of access at land at Leeds Road, Collingham, Wetherby**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Miller Homes	28 <sup>th</sup> January 2014	29 <sup>th</sup> April 2014

<p><b>Electoral Wards Affected:</b></p> <p><b>Harewood</b></p> <p><input type="checkbox"/> Yes    Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></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: Members are asked to note the content of the report and endorse the updated reasons for refusal.**

- 1) The Local Planning Authority considers that that the release of this site in combination with other sites designated as Protected Areas of Search (PAS) in the statutory plan, for housing would be contrary to saved Policy N34 of the Unitary Development Plan (Review) 2006. Policy N34 seeks to safeguard land for future development pending a review through the local plan process and the release of this site in advance of that would be premature and contrary to the approach set out at paragraph 85 bullet point 4 of the National Planning Policy Framework. The release of this site has been considered as part of the Site Allocation Process and it is not considered suitable for release for housing during the plan period as it fails to meet accessibility standards in respect of access to employment, secondary education and town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area. The release of this PAS site outside of the proper plan period would be premature to the development plan process secured through N34 and as is currently being progressed through the SAP, and would by itself and by its implications for the consideration of other PAS sites, undermine the plan led system and predetermine decisions as to the scale, location and phasing of new development central to the emerging SAP, which will consider the relative sustainability of housing sites. At this stage, and as a

departure from the development plan and the emerging SAP, as well as for the reasons identified in reasons 2 to 7, the Council does not consider the proposed development to be sustainable development within the meaning of the NPPF.

- 2) The Local Planning Authority considers that the proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. Smaller settlements will contribute to some development needs, with the scale of growth having regard to the distribution of housing land and a settlement's size, function and sustainability. The Core Strategy sets the strategic context for the preparation of the Site Allocations Plan (spatial preferences for development, priorities for regeneration and infrastructure and the overall scale and distribution of housing growth), which is well progressed. Consequently, within this context the Site Allocations Plan is the appropriate vehicle to consider issues relating to site allocation choices and any supporting infrastructure which should take place individually or cumulatively. As such the proposal is contrary to Policy SP1 of the Adopted Core Strategy. 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 Spatial Policies 1, 6 and 11 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
- 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 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 development 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, saved UDP policy GP5 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 Policies P10 and P12 of the Core Strategy, Policy GP5 and N33 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 Policies P12 and G8 of the Core Strategy, saved UDP policy LD1 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, public transport, travel planning, off site highway works as well as drainage and flood alleviation works contrary to the requirements of Policies H5, H8, P9, T2, G4 and ID2 of the 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 An outline application for 150 houses on the edge of Collingham village was refused permission at City Plans Panel on 30<sup>th</sup> October 2014 (report appended). The site was one of several applications on PAS land which were received by the council in 2013-2014 including Bagley Lane and Grove Road, both of which have been the subject of Public Inquiries. The council is awaiting the outcome of the High Court challenge to Bagley Lane and the report of the SOS at Grove Road. The council currently has five PAS appeals which will be decided by Public Inquiry. Four of these appeals, are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016. This report seeks to provide updated reasons for refusal which take account of the adoption of the Core Strategy and the cancellation of the interim PAS policy. These reasons for refusal will form the basis of the council's case at appeal.
- 1.2 As was verbally reported by the Highways Officer at the January Plans Panel during the course of the application the appellant approached Highways direct and sought to provide additional information to address some of the concerns. Since that time there has not been significant progress and the originally expressed concerns remain.
- 1.3 The appellants have also provided some additional information on protected species as well as a tree survey. As discussed below Landscape Officers are content with the level of detail submitted, however Nature Conservation officers still require full information on bat activity before an assessment can be made about the development.
- 1.4 As the previous report is appended and this report seeks to simply consider the planning application against the current planning policy context it is not proposed to

set out a full report addressing all matters here. This report will set out the relevant planning policies as they exist today and consider this proposal against those policies.

## 2.0 PLANNING POLICIES:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

2.2 The Adopted Core Strategy (2014) is the development plan for the whole of the Leeds district. The Core Strategy sets a target for the provision of 70,000 (net) new dwellings for the period between 2012 and 2028. The following core strategy policies are relevant:

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
Spatial Policy 11	Transport Infrastructure
Policy H1	Managed release of sites
Policy H2	Housing on non-allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
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 G8	Protection of species and habitats
Policy EN2	Sustainable design and construction
Policy ID2	Planning obligations and developer contributions

The following saved UDP policies are also relevant:

GP5:	All relevant planning considerations.
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.
N33:	Seeks to protect the Green Belt.
N34:	Sites for long term development (Protected Areas of Search).
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.
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.
- LD2: New and altered roads

### Local Development Framework - Site Allocations Plan

- 2.3 The Council is also currently progressing a Site Allocations Plan (SAP) and is currently out to consultation on the Publication document which proposes the allocation of sites for housing to meet targets set out in the Core Strategy and identifies Protected Area of Search land for development beyond the plan period up to 2028. 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 in two important respects. First, it is stepping outside the local plan process which prevents the PAS sites being reviewed in a comprehensive way allowing for the consideration of the relative merits of the candidate sites to be considered alongside the questions of delivering sufficient housing in the most sustainable way also having regard to the delivery of key infrastructure. Secondly, it is promoting a site which the Council, on the basis of the work done to date through that Local Plan review process, does not consider to be a suitable site for allocation, and that other sites are preferable in sustainability terms. Accordingly, it is for the Site Allocations Plan process to determine the suitability of this site, and others, 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." The appeal proposal is therefore contrary to the most recent expression of the council's plan for sustainable development of its area.
- 2.4 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.
- 2.5 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), supplemented by further evidence presented to the Core Strategy Examination in October 2013. The SHMA 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, levels of economic growth

as well as levels of future and unmet need for affordable housing. Accordingly, the Site Allocations Plan is the appropriate vehicle to deliver the Core Strategy requirement and will ensure that the significant boost to housing supply sought by the NPPF.

### Neighbourhood Plan

- 2.6 Collingham has been designated a neighbourhood area and has developed a draft Neighbourhood Plan. This notes that the growth and development of Collingham should be controlled and appropriate so that residents continue to enjoy village life (4.3) and that the population growth of the village is in proportion to the capacity of its infrastructure and services (4.6). The pre-submission consultation will run from the 19<sup>th</sup> October to 6<sup>th</sup> December 2015. This site is not proposed to be safeguarded for development within the plan.

### Collingham Village Design Statement

- 2.7 Outlines the character of the existing village and draws attention to the key architectural and landscape features of the area. The document notes that local distinctiveness should be recognised and enhanced.
- 2.8 Relevant Supplementary Planning Guidance includes:

SPD: Street Design Guide.  
SPD: Public Transport Improvements and Developer Contributions  
SPD: Travel Plans  
SPD: Designing for Community Safety: A Residential Guide  
SPD: Sustainable Design and Construction "Building for Tomorrow, Today."  
SPG: Neighbourhoods for Living  
SPG 4: Greenspace Relating to New Housing Development  
SPG 25: Greening the Built Edge.

### National Planning Policy

- 2.9 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.10 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. At paragraph 17 the NPPF sets out that a core principle is that planning should "be genuinely plan-led". 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The Core Strategy was adopted subsequent to the publication of the NPPF and was found to be sound by reference to the tests set out at paragraph 182 including being "consistent with national policy".
- 2.11 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%.

- 2.12 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.
- 2.13 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**

- 2.14 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.
- 2.15 The Council is progressing its 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with housebuilders, there are positive signs in the Leeds housing market as follows: a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016. b) progressing activities (including by the Council) and delivery within the Inner area of Leeds, c) a surge in recent planning permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015 34 new sites were granted permission for 2,000 homes in total and d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately. This context reflects an improved picture from that of the previous 5 year supply, which was upheld by the Secretary of State and subject

to the views of housebuilders on the deliverability of specific sites, the Council is confident at this stage that it will maintain its 5 year supply for the period 2015 to 2020. It is also important to note that in terms of future land supply the progression of the Site Allocations Plan secures over 55,000 homes in Phase 1, with a large number of deliverable greenfield sites, where they are compliant with the overall strategy, proposed to form Phase 1 allocations. As the site allocations plan advances and is adopted these greenfield releases will become available and can be included within future 5 year supply pictures. This will provide a significant security to the 5 year supply position.

## **Planning Practice Guidance**

2.16 Government guidance on the issue of prematurity is set out in this document and says:

“...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

## **3.0 MAIN ISSUES**

- 1) Principle and Prematurity
- 2) Principle and Settlement Hierarchy
- 3) Sustainability Criteria
- 4) Highway Considerations
- 5) Layout & Design
- 6) Trees, Landscaping & Ecology
- 7) Section 106 package/CIL
- 8) Housing Delivery

## **4.0 APPRAISAL**

### Principle and Prematurity

4.1 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 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.

- 4.2 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 development in the longer term should the need arise.
- 4.3 The development is contrary to this policy which is saved under the Adopted Core Strategy and the application site remains a PAS site within the current Development Plan.
- 4.4 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”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 “The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.” Paragraph 4.8.7 confirms that “Through the LDF a sufficient and realistic supply of PAS land, will be identified to provide contingency for growth, if the supply of housing and employment allocations proves to be insufficient in the latter stages of the plan period.”
- 4.5 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this policy. Subsequently the council’s Executive Board, on 11<sup>th</sup> February 2015, agreed to withdraw the policy with immediate effect in light of progress being made with the SAP, that a pool of sites had been identified, and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.
- 4.6 This is a contentious process and one which the Council is progressing in consultation with elected members and local people and neighbourhood groups.

Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.

- 4.7 At paragraph 17 the Core Planning Principles state 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.” This follows on from a statement in the Ministerial foreword to the guidance which states: “This [planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.”
- 4.8 At paragraph 85 of the NPPF the guidance states: “When defining [green belt] boundaries, local planning authorities should ... 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; and 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.”
- 4.9 To release the application site for development at this time would be contrary to paragraph 17 and 85 of the NPPF.
- 4.10 The Planning Practice Guidance sets out guidance on the issue of prematurity and the most relevant text to these appeals states:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The draft Site Allocations Plan is well progressed and has been published for consultation with period closing on 16<sup>th</sup> November 2015. To get to this stage has involved significant work addressing the needs of a large and complex city with the considerable consultation and engagement with many stakeholders. The level of consultation which the Council has engaged in, in order to produce a well thought out plan in association with the key stakeholders means that some considerable weight can be given to the consultation draft. At the time of the consideration of the appeals it will be at a more advanced stage. Nevertheless the principles of achieving sustainable development that has regard to settlement hierarchy, the development of previously developed land and the delivery of key infrastructure will continue to underpin the site allocation process.

- 4.11 By not waiting for the comprehensive review, via the Site Allocations Plan, 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. It is acknowledged that the SAP has not yet been submitted for examination and the release of this site by itself would not be contrary to the tests of prematurity set out in the PPG. However, it remains a concern that the cumulative effect of releasing the PAS sites could be so significant that it would serve to undermine the plan making process by predetermining decisions about the scale, location and phasing of new development all of which run contrary to the principles of sustainability and settlement hierarchy set out in the Core Strategy Saved policy N34 and its supporting text should be given considerable weight because it remains 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”. To depart from this approach would serve to undermine a comprehensive and considered process which will ultimately target and assess the most sustainable sites. This site is not one as currently assessed. The site is protected by the development plan specifically for the purpose of allowing such a review. Considerable harm will be caused by the circumvention of this process through the release of this site for development outside of that process. It also undermines the plan led system not in relation to this site, but cumulatively through eroding the protection to PAS sites generally pending the conclusion of the SAP review. The SAP is at a stage where material weight can be given to it and this weighs further against the principle of development at this time.

- 4.12 The application site forms one of a number of choices for smaller settlements in Leeds, where a small proportion of housing is anticipated. Releasing this site now would predetermine options for this settlement for the plan-period so that no other housing land would need to be considered.

#### Principle and Settlement Hierarchy

- 4.13 The Core Strategy has a clear spatial development goal, as outlined within its introductory text and within Spatial Policies 1 and 6. This aims to respect the historic development pattern of Leeds and to ensure sustainable development, by concentrating the majority of new development within and adjacent to the main urban areas, taking advantage of existing services and high levels of accessibility. This will also allow the council to fulfil priorities for urban regeneration and to ensure an appropriate balance of brownfield and greenfield land. These principles are reiterated within policy H1 which seeks to manage the release of sites for housing.
- 4.14 Collingham is identified as a smaller settlement within the Core Strategy settlement hierarchy. Policy SP1 of the Core Strategy states that “Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability”. Work is ongoing through the Site Allocations Plan to consider where within the Outer North East Area new development should be located. To allow development on this site in advance of the SAP being adopted would undermine the plan-led approach, looking at what sites should come forward, what infrastructure is needed to support them, what their comparative sustainability credentials are and where new housing development 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.

### Sustainability Criteria

- 4.15 Sustainability is a key planning principle and is a core theme which runs through both local and national planning policy. Sustainability is a complex and multi-faceted concept, however in relation to housing development the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently and that the right development is located within the right areas (SP1 and Accessibility Standards) to enable good, sustainable access to public transport, employment, leisure, schools, health care and other services.
- 4.16 The site does not fully meet the Core Strategy Accessibility Standards. It is acknowledged that 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.
- 4.17 The centre of the site lies 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. 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.
- 4.18 In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres. The distance from employment centres, secondary schools and main shopping and leisure areas coupled with the infrequency of the bus service and the poor pedestrian environment, means that the majority of journeys to and from the site will be by private car and this is negative aspect of the development. The site is therefore contrary to Spatial Policies 1, 6 and 11 and Appendix 3 (Accessibility Standards) of the Core Strategy. . The Site Allocations Publication Plan has concluded that there are other more sustainable options for development in the Housing Market Characteristic Area.
- 4.19 The authority consider that the Site Allocations Process is the right vehicle to ensure that the necessary infrastructure is in place to allow sustainable housing growth across the city as a whole.

### Highway Considerations

- 4.20 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the appellants must demonstrate that



the development can achieve safe access and will not overburden the capacity of existing infrastructure.

- 4.21 As noted within the original Panel report whilst safe access could be achieved into the development from the single access point onto the A58, a Stage 1 Safety Audit of all proposed off-site highway works would be required prior to any determination. As also outlined there were significant concerns regarding the methodology used in the appellants Transport Assessment and thus it was not possible to accurately assess the impacts of the development upon the local and wider highway network. The TA as submitted identified that the scheme would have an impact upon the A58 Main Street/Wattlesyke/A58 Wetherby Road junction and also the A58 Leeds Road/A659 Harewood Road junction, however the exact nature of this impact was impossible to assess on the submitted information. Insufficient mitigation measures to offset the impact on the A58 Leeds Road/A659 Harewood Road.
- 4.22 As the application was in outline with only an indicative layout provided, full consideration of the internal layout of the site and the bridge design was not assessed. The report noted the need for the layout to be to an adoptable standard in accordance with the Street Design Guide and for the bridge to be adopted in accordance with Appendix C of the Street Design Guide.
- 4.23 During the consideration of the application the agents sought to negotiate directly with Highways Officers however no significant progress has been made.
- 4.24 As such the appeal would cause harm to the highway network and is contrary to Core Strategy Policy T2 and saved UDP policy GP5.

#### Layout and Design

- 4.25 As noted above the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently and that the right development is located within the right areas. Core Strategy Policy H3 notes that housing development in Smaller Settlements should meet or exceed a density of 30 dwelling per hectare, unless there are overriding concerns regarding townscape, character, design or highway capacity. Policy P10, in accordance with the Frameworks emphasis on good design, requires that new development proposed good design that is appropriate to its location, scale and function and should contribute positively to local distinctness and place making. Policy P12 seeks to protect Leeds' landscapes.
- 4.26 The site is approximately 8.8 hectares, with 4.36 hectares given over to public open space and recreation. As such the area which will provide housing is approximately 4.4 hectares, suggesting housing numbers of approximately 130 dwellings, unless the local townscape and character suggests a lower density is appropriate. In this instance it is possible that a lower density will be required, and certainly the development as submitted cannot be comfortably accommodated on the site.
- 4.27 The applicant proposes a residential development with up to 150 dwellings. Whilst it is acknowledged that the layout plan submitted is indicative only, it is nonetheless incumbent on the appellants to demonstrate that the site can accommodate the quantum of proposed development within its constraints. Local character and distinctiveness is a material site constraint.

- 4.28 The indicative layout shows 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. Some houses within the layout are also sited close to the highway edge and/or fail to provide appropriate private garden space. Houses within Collingham are often set back from the highway edge behind open front gardens and the layout proposed would result in an overly intensive, cramped form of development which is contrary to the general spatial pattern of Collingham and its character as a rural village. The failure to provide appropriate amenity space also suggests that the quantum of development is too great and a lower density of development would be appropriate. Thus, if on the submitted plan of 110-120 the development would cause harm to the character of Collingham village, it is not considered possible to locate a further 30-40 dwellings on the site without causing further, substantial harm to the character of the area.
- 4.29 There are also concerns regarding the levels across the site and the impact upon local character. In order to overcome flooding issues it will be necessary to change the levels across the site to ensure that all residential dwellings are located in Flood Zone 1 and also to provide additional on-site floor storage. Some of the submitted drawings indicated that the land level raises could be at least 2.0m in some areas and without any proposed levels and proposed topographical information the impact upon visual amenity and landscape character is impossible to assess. Whilst this matter could be addressed sensitively through careful grading of land it would not be acceptable to simply place the development on a visibly engineered plateau which dominated the surrounding area, and surrounding housing developments. In the absence of sufficient information to ensure that the new levels will be sensitive to the site and surrounding topography it must be assumed that the engineering operations required would cause visual harm, contrary to policies P10 and P12 of the Core Strategy and saved UDP policy GP5.
- 4.30 The application did include detailed drawings of the proposed bridge across Collingham Beck. This 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 is considered to be inappropriate. The site is located to the edge of a rural village, 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 a functional and utilitarian appearance and would not be sympathetic to the rural character of the area, contrary to the aims and intentions of policy P10 of the Core Strategy and saved UDP policy GP5.
- 4.31 The appellant also proposes to locate an area of Public Open Space within the Green Belt. Whilst this is not necessarily inappropriate development by definition, until the form and character of this PoS is better understood a full assessment of its impact upon the character of the Green Belt and the wider landscape cannot be understood. Sport and recreation is an appropriate use of the Green Belt and engineering operations are not necessarily inappropriate, however the use of the land would need to accord with general Green Belt principles and not conflict with the purposes of including land within the Green Belt. Thus sufficient information has not been submitted to demonstrate that the proposal will not cause harm to the Green Belt, contrary to saved UDP policy N33 and the Framework.

## Trees, Landscaping & Ecology

- 4.32 Core Strategy Policy P12 seeks to ensure that Leeds' landscape character is preserved and Policy G8 requires that important species and habitats are not seriously harmed. Saved UDP Policy LD1 notes that "sufficient space [should] be allowed around buildings to enable existing trees to be retained in a healthy condition". There remain outstanding concerns regarding trees, landscaping and ecology.
- 4.33 The site includes a number of TPO'd trees to the south side of Collingham Beck which include a mix of Alder, Hawthorn, Ash, Oak and Sycamores. These are important to the rural character of the area and also provide habitats for birds and bats. The beck also provides a good ecological habitat for species such as Great Crested Newts, Otters and Water Voles as well as bats.
- 4.34 Additional ecological surveys have identified that there are no significant concerns in relation to water based ecology and thus only the impact upon bats and trees remained outstanding at the point the appeal was submitted. A tree survey from 2013 has been submitted which shows that the majority of trees to be removed to facilitate the access point are dead and thus the removal of these trees from the perspective of landscape officers is not controversial.
- 4.35 However, conversely dead trees provide ideal opportunities for bat roosting and at least one tree to be removed in order to facilitate the bridge has been identified as having bat roosting potential. The river corridor as well as the two belts of vegetation which run north through the site provide ideal corridors for bat activity. Until the appellants have undertaken and submitted a bat foraging and commuting survey along the identified routes, a bat roosting potential survey on all trees to be removed, and a bat activity survey on any tree which has potential and is to be removed, the impact upon this European protected species cannot be assessed.
- 4.36 As such it is not at all clear that the site is capable of accommodating the access at the point proposed or the level and location of development as proposed. It is not appropriate to grant permission in the absence of evidence to demonstrate that harm would not be caused to the ecological assets of the site.

## Section 106 Package/CIL

- 4.37 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.
- 4.38 The authority's CIL charging schedule is in place and requires a payment of £90 per square metre of residential floor space. The adoption of CIL means that S106 payments previously identified relating to greenspace and education are no longer applicable. It will still be necessary for the appellants to enter into an S106 agreement relating to affordable housing, public transport, proposed off-site highway works and drainage/flood alleviation works. These 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.

- 4.39 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.

## **5.0 CONCLUSION**

- 5.1 Central to the context of this appeal is the matter of the delivery of housing in a sustainable and planned way. Housing delivery is a key element of current planning policy at both national and local level. The NPPF places a priority, amongst other matters, on the delivery of sustainable development and housing growth. Leeds has a target of 70 000 homes across the plan period and is committed to delivering this target. A significant amount of work has been undertaken and is still ongoing to ensure that this target is met, including work with house builders, landowners and local communities. The interim PAS policy was one arm of the Council's strategy and this sought to allow the release of sustainable sites ahead of the publication of the Site Allocations Process to ensure the ongoing availability of housing land. The policy achieved this aim, and was withdrawn once SAP had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the Collingham PAS site has been assessed for release but this was not considered to be acceptable as it failed to meet accessibility standards in respect of access to employment, secondary education, town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area.
- 5.2 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer North East Housing Market Characteristic Area and this is a benefit of the scheme to which weight must be given, albeit this weight is reduced by the fact that the land is not needed within the current five year housing land supply and other sites are considered to be sequentially preferable. Furthermore the release of the site would cause substantial harm to the plan making process and the Council's sustainable development strategy as set out in the Core Strategy. The outline scheme proposed by the appellants would also cause harm to highway safety, local character and ecology; this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure flood mitigation measures, other infrastructure works, affordable housing and other contributions necessary to make the scheme acceptable would be delivered. This harm is significant and weighs against the proposal. The benefit of delivering housing land does not outweigh the cumulative harm which the proposal would cause to the Council's spatially focussed sustainable development strategy and the specific harm identified to Collingham Village and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.
- 5.3 The release of the Collingham PAS site for housing development at this time being contrary to saved policy N34 of the UDP and the NPPF. To grant permission would be premature as it 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 is confident that it will maintain its 5 year housing land supply and so there is no need to release this site

of this scale in this location in advance of the Site Allocations process. There are concerns regarding the sustainability of the site given limited services within the village and the infrequency of the local bus service. There are also concerns over the layout, design and density of development and its impact on local character, protected species, landscape and ecology. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable. Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy sets out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council has considered that it will maintain its 5 year housing supply and is advancing a SAP it is therefore recommended that the council contests this appeal for the reasons set out at the start of this report.

- 5.4 Members should also have regard to the content of the covering report and that it is likely in preparing for the appeal that the appellant will seek to submit further information in an attempt to address some of the matters that are of a concern to the council. For example it is common practice for an appellant to submit a draft Section 106 Agreement for consideration. A failure of a local planning authority to engage in such discussions that seek to narrow the differences between the parties may be viewed as constituting unreasonable behaviour.

**Background Papers:**

Application files: 14/00315/OT  
Certificate of ownership: Certificate B signed and notice served on Trustees of the A K Jackson Discretionary Will Trust

# Appendix – Previous Plans Panel Report



**Leeds**  
CITY COUNCIL

Originator: Adam Ward  
Tel: 395 1817

Report of the Chief Planning Officer

## **CITY PLANS PANEL**

Date: 30<sup>th</sup> 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.

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Miller Homes and the Hills Family	28.01.2014	23.10.2014

### **Electoral Wards Affected:**

**Harewood**

Yes

(Ward Members consulted referred to in report)

### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**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 12<sup>th</sup> 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 28<sup>th</sup> January 2014. Under The Planning Guarantee the Government has introduced regulations so that if a planning application submitted from 1<sup>st</sup> 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 23<sup>rd</sup> 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 24<sup>th</sup> 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 be 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 is 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 increased 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 85<sup>th</sup> 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 17<sup>th</sup> 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, Owlens 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, 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
<b>Total</b>	<b>22,570</b>

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
<b>A</b>	<b>TOTAL SHLAA SUPPLY CAPACITY</b>	<b>23,741</b>
	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>B</b>	<b>TOTAL ADDITIONAL SUPPLY CAPACITY</b>	<b>5,913</b>
<b>A+B</b>	<b>TOTAL GROSS SUPPLY</b>	<b>29,654</b>
<b>C</b>	<b>MINUS DEMOLITIONS (30 per annum)</b>	<b>150</b>
<b>A+B-C</b>	<b>NET FIVE YEAR DELIVERABLE SUPPLY</b>	<b>29,504</b>

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	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
<b>Requirement</b>	22,570	23,741	30,685
<b>Supply</b>	29,504	29,504	16,873
<b>Five Year Supply</b>	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.

- 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/A659 Wattlesyke/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**

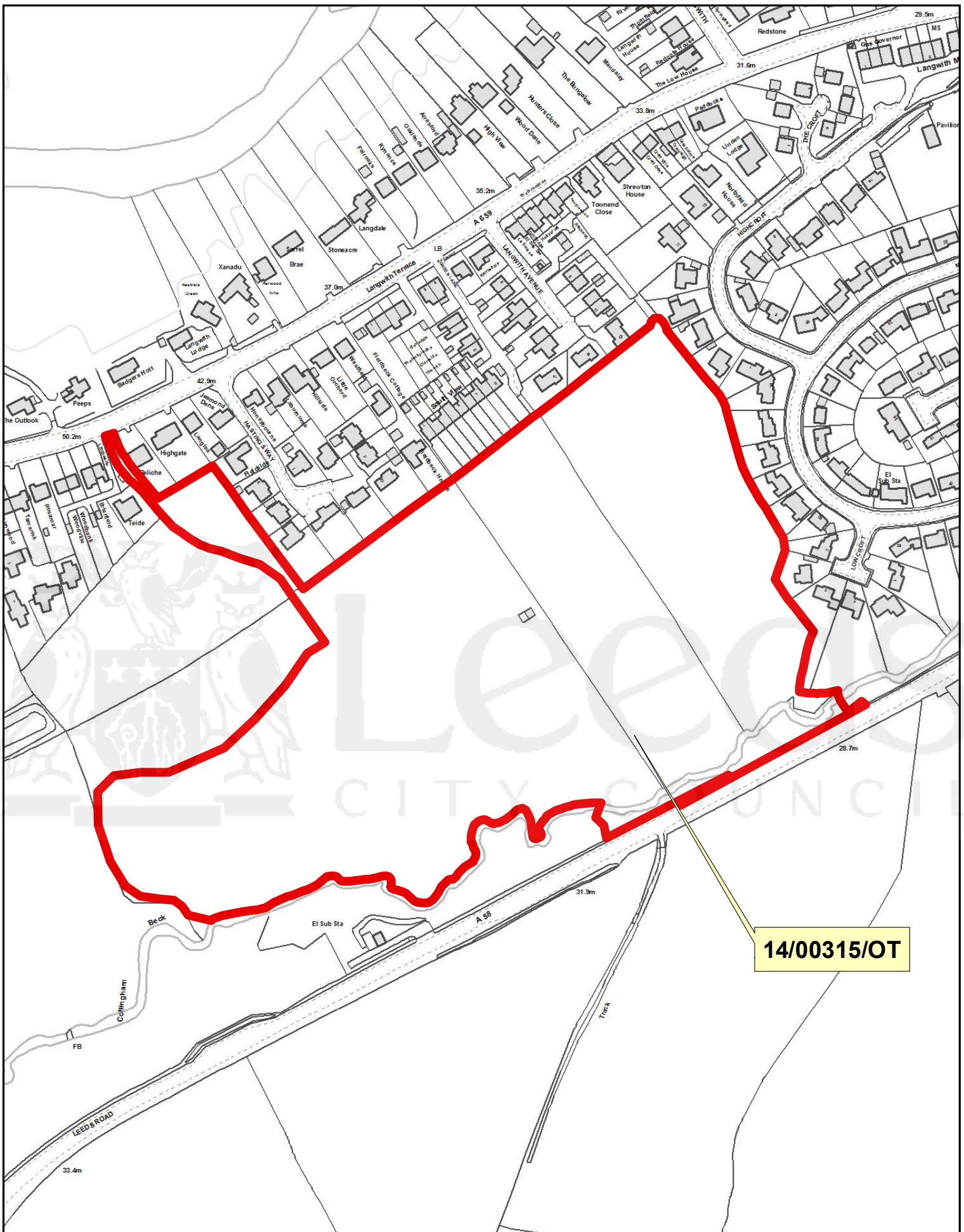
**11.1** The release of the Collingham PAS site for housing development at this time is premature, being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, 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



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Originator:	Victoria Hinchliff Walker
Tel:	0113 222 4409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

**Date:** 5<sup>th</sup> November 2015

**Subject:** 13/05423/OT - Outline application for means of access from Bradford Road and to erect residential development; Land at Bradford Road, East Ardsley, WF3.

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Barratt David Wilson Homes and The Ramsden Partnership.	04/12/13	05/03/14

<p><b>Electoral Wards Affected:</b></p> <p><b>Ardsley and Robin Hood</b></p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px 10px; margin-right: 10px;">Yes</div> <p>Ward Members consulted (referred to in report)</p> </div>	<p><b>Specific Implications For:</b></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:** Members are asked to note the content of the report and endorse the updated reasons for refusal.

- 1) The Local Planning Authority considers that that the release of this site in combination with other sites designated as Protected Areas of Search (PAS) in the statutory plan, for housing would be contrary to saved Policy N34 of the Unitary Development Plan (Review) 2006. Policy N34 seeks to safeguard land for future development pending a review through the local plan process and the release of this site in advance of that would be premature and contrary to the approach set out at paragraph 85 bullet point 4 of the National Planning Policy Framework. The release of this site has been considered as part of the Site Allocation Process and it is not considered suitable for release for housing during the plan period as it fails to meet accessibility standards in respect of access to employment, secondary education and town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area. The release of this PAS site outside of the proper plan period would be premature to the development plan process secured through N34 and as is currently being progressed through the SAP, and would by itself and by its implications for the consideration of other PAS sites, undermine the plan led system and predetermine decisions as to the scale, location and

phasing of new development central to the emerging SAP, which will consider the relative sustainability of housing sites. At this stage, and as a departure from the development plan and the emerging SAP, as well as for the reasons identified in reasons below, the Council does not consider the proposed development to be sustainable development within the meaning of the NPPF.

- 2) The Local Planning Authority considers that the proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. Smaller settlements will contribute to some development needs, with the scale of growth having regard to the distribution of housing land and a settlement's size, function and sustainability. The Core Strategy sets the strategic context for the preparation of the Site Allocations Plan (spatial preferences for development, priorities for regeneration and infrastructure and the overall scale and distribution of housing growth), which is well progressed. Consequently, within this context the Site Allocations Plan is the appropriate vehicle to consider issues relating to site allocation choices and any supporting infrastructure which should take place individually or cumulatively. As such the proposal is contrary to Policy SP1 of the Adopted Core Strategy. 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 the character and identity of East Ardsley contrary to Spatial Policies 1, 6 and 11 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
- 3) The LPA considers that the applicant has so far failed to demonstrate that the local highway infrastructure is capable of safely accommodating the proposed access 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 applicant has also failed to show that the proposed development will not lead to issues of safety for pedestrians and cyclists or provide adequate accessibility to public transport. The proposal is therefore considered to be contrary to Policy T2 of the adopted Core Strategy and policy GP5 of the adopted UDP Review.
- 4) 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, greenspace, travel planning and off-site highway works contrary to policies of the Leeds UDP Review 2006 and related Supplementary Planning Documents and contrary to policies of the Leeds Core Strategy and the NPPF. The Council anticipates that a S106 agreement covering these matters will be provided prior to any appeal Inquiry but at present reserves the right to contest these matters should the S106 agreement not be completed or cover all the requirements satisfactorily.

## **1.0 INTRODUCTION**

- 1.1 This application was made in outline to consider the principle of development with all matters except access reserved. An indicative Masterplan for the site was provided which demonstrated a maximum of 299 dwellings and a two hectare area of land set aside for a possible future primary school. The application was taken to Plans Panel several times with the final time being on 7<sup>th</sup> August 2014 (see appended report). The decision notice was issued on the 8<sup>th</sup> August 2014 and the decision is being appealed against.
- 1.2 The site was one of several applications on PAS land which were received by the council in 2013-2014 including Bagley Lane and Grove Road, both of which have been the subject of Public Inquiries. The council is awaiting the outcome of the High Court challenge to Bagley Lane and the report of the SOS at Grove Road. The council currently has five PAS appeals which will be decided by Public Inquiry.

Four of these appeals (including this one), are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016.

- 1.3 This application was originally refused on 4 reasons. Reasons 1 and 2 were based on the interim PAS policy which has now been cancelled. Reason 3 related to highways matters and this remains in place, although negotiations on this matter are ongoing still. Reason 4 related to the lack of a signed s106 agreement. Some of the matters referred to will now fall under the Community Infrastructure Levy and consequently the refusal reason has been amended to refer only to those matters that may still require a s106 agreement. There are now 4 proposed reasons for refusal, with reasons 1 and 2 replacing former reasons 1 and 2. These reasons for refusal will form the basis of the council's case at appeal.
- 1.4 As the previous report is appended and this report seeks to simply consider the planning application against the current planning policy context it is not proposed to set out a full report addressing all matters here. This report will set out the relevant planning policies as they exist today and consider this proposal against those policies. This report should also be read in conjunction with the "Pas Appeals Covering Report".
- 1.5 Members should note that the Planning Inspectorate has recently advised that the Secretary of State has considered the development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) but does not consider this proposal to be EIA development.

## **2.0 PLANNING POLICIES:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

- 2.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- 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
- Spatial policy 11 – Transport Infrastructure
- Spatial policy 13 – Strategic Green Infrastructure
- Policy H1 - Managed release of sites
- Policy H2 - Housing on non-allocated sites
- Policy H3 - Density of residential development
- Policy H4 - Housing mix
- Policy H5 - Affordable housing
- Policy P10 - Design
- Policy P12 - Landscape
- Policy T1 - Transport Management
- Policy T2 - Accessibility requirements and new development
- Policy G4 - New Greenspace provision

- Policy G8 - Protection of species and habitats
- Policy EN2 - Sustainable design and construction
- Policy ID2 - Planning obligations and developer contributions

2.3 The following saved UDP policies are also relevant:

- GP5:- All relevant planning considerations.
- 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.
- N33:- Seeks to protect the Green Belt.
- N34:- Sites for long term development (Protected Areas of Search).
- 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.
- 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.
- LD2:- New and altered roads

#### Local Development Framework - Site Allocations Plan

2.4 The Council is currently progressing a Site Allocations Plan (SAP) and is, at the time of writing, out to consultation on the Publication document which proposes the allocation of sites for housing to meet targets set out in the Core Strategy and identifies Protected Area of Search land for development beyond the plan period up to 2028. 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.

2.5 This application is contrary to this approach in two important respects. First, it is stepping outside the local plan process which prevents the PAS sites being reviewed in a comprehensive way allowing for the consideration of the relative merits of the candidate sites to be considered alongside the questions of delivering sufficient housing in the most sustainable way also having regard to the delivery of key infrastructure. Secondly, it is promoting a site which the Council, on the basis of the work done to date through that Local Plan review process, does not consider to be a suitable site for allocation, and that other sites are preferable in sustainability terms. Accordingly, it is for the Site Allocations Plan process to determine the suitability of this site, and others, 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.” The appeal proposal is therefore contrary to the most recent expression of the council’s plan for sustainable development of its area.

- 2.5 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 of 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.

- 2.6 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), supplemented by further evidence presented to the Core Strategy Examination in October 2013. The SHMA 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, levels of economic growth as well as levels of future and unmet need for affordable housing. Accordingly, the Site Allocations Plan is the appropriate vehicle to deliver the Core Strategy requirement and will ensure that the significant boost to housing supply sought by the NPPF.

Relevant Supplementary Planning Guidance includes:

- SPD:- Street Design Guide.
- SPD:- Travel Plans.
- SPD:- Designing for Community Safety: A Residential Guide.
- SPD:- Sustainable Design and Construction “Building for Tomorrow, Today.”
- SPG:- Neighbourhoods for Living.
- SPG 4:- Greenspace Relating to New Housing Development.
- SPG 25:- Greening the Built Edge.

National Planning Policy

- 2.7 The National Planning Policy Framework (2012) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.8 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. At paragraph 17 the NPPF sets out that a core principle is that planning should “be genuinely plan-led”. 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The Core Strategy was adopted subsequent to the publication of the NPPF and was found to be sound by reference to the tests set out at paragraph 182 including being “consistent with national policy”.

- 2.9 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%.
- 2.10 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.
- 2.11 Paragraph 85 sets out that 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

- 2.12 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.
- 2.13 The Council are progressing the 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with house-builders, there are positive signs in the Leeds housing market as follows:
- a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra, Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016;
  - b) progressing activities (including by the Council) and delivery within the Inner area of Leeds;

c) a surge in recent planning permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015, 34 new sites were granted permission for 2,000 homes in total; and

d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately.

- 2.14 This context reflects an improved picture from that of the previous 5 year supply, which was upheld by the Secretary of State and subject to the views of house-builders on the deliverability of specific sites, the Council is confident at this stage that it will maintain its 5 year supply for the period 2015 to 2020. It is also important to note that in terms of future land supply the progression of the Site Allocations Plan secures over 55,000 homes in Phase 1, with a large number of deliverable greenfield sites, where they are compliant with the overall strategy, proposed to form Phase 1 allocations. As the site allocations plan advances and is adopted these greenfield releases will become available and can be included within future 5 year supply pictures. This will provide a significant security to the 5 year supply position.

### **Planning Practice Guidance**

- 2.15 Government guidance on the issue of prematurity is set out in this document and says:

*“...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”*

## **3.0 MAIN ISSUES**

- 1) Principle and Prematurity
- 2) Principle and Settlement Hierarchy
- 3) Sustainability Criteria
- 4) Highway Considerations
- 5) Section 106 package/CIL

## 4.0 APPRAISAL

### Principle and Prematurity

- 4.1 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 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.
- 4.2 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 development in the longer term should the need arise.
- 4.3 The development is contrary to this policy which is saved under the Adopted Core Strategy and the application site remains a PAS site within the current Development Plan.
- 4.4 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”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 “The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.” Paragraph 4.8.7 confirms that “Through the LDF a sufficient and realistic supply of PAS land, will be identified to provide contingency for growth, if the supply of housing and employment allocations proves to be insufficient in the latter stages of the plan period.”
- 4.5 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process.
- 4.6 When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this interim policy. Subsequently the council’s Executive Board, on 11<sup>th</sup> February 2015, agreed to withdraw the policy with immediate effect in light of progress being made with the SAP and that the relative merits of development of

potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.

- 4.7 The allocation of sites is a contentious process and one which the Council is progressing in consultation with elected member, local people and neighbourhood groups. Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.
- 4.8 At paragraph 17 the NPPF Core Planning Principles state 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.” This follows on from a statement in the Ministerial foreword to the guidance which states: “This [planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.”
- 4.9 At paragraph 85 of the NPPF the guidance states: “When defining [green belt] boundaries, local planning authorities should ... 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; and 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.”
- 4.10 To release the application site for development at this time would be contrary to paragraphs 17 and 85 of the NPPF.
- 4.11 The Planning Practice Guidance sets out guidance on the issue of prematurity and the most relevant text to these appeals states:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The draft Site Allocations Plan is well progressed and has been published for consultation with this period closing on 16<sup>th</sup> November 2015. To get to this stage has involved significant work addressing the needs of a large and complex city with the considerable consultation and engagement with many stakeholders. The level of consultation which the Council has engaged in, in order to produce a well thought out plan in association with the key stakeholders means that some considerable weight can be given to the consultation draft. At the time of the consideration of the appeals it will be at a more advanced stage. Nevertheless the principles of achieving sustainable development that has regard to settlement hierarchy, the development of previously developed land and the delivery of key infrastructure will continue to underpin the site allocation process.

- 4.12 By not waiting for the comprehensive review, via the Site Allocations Plan, a decision to approve this application now would be a departure from the Development Plan. The proposal to develop the East Ardsley 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. It is acknowledged that the SAP is not at an advanced stage and the release of this site by itself would not be contrary to the tests of prematurity set out in the PPG. However, it remains a concern that the cumulative effect of releasing the PAS sites could be so significant that it would serve to undermine the plan making process by predetermining decisions about the scale, location and phasing of new development all of which run contrary to the principles of sustainability and settlement hierarchy set out in the Core Strategy.

4.13 Saved policy N34 and its supporting text should be given considerable weight because it remains 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”. To depart from this approach would serve to undermine a comprehensive and considered process which will ultimately target and assess the most sustainable sites. This site is not one as currently assessed. The site is protected by the development plan specifically for the purpose of allowing such a review. Considerable harm will be caused by the circumvention of this process through the release of this site for development outside of that process. It also undermines the plan led system not in relation to this site, but cumulatively through eroding the protection to PAS sites generally pending the conclusion of the SAP review. The SAP is at a stage where material weight can be given to it and this weighs further against the principle of development at this time.

4.14 The application site forms one of a number of choices for smaller settlements in Leeds, where a small proportion of housing is anticipated. Releasing this site now would predetermine options for this settlement for the plan-period so that no other housing land would need to be considered.

#### Principle and Settlement Hierarchy

4.15 The Core Strategy has a clear spatial development goal, as outlined within its introductory text and within Spatial Policies 1 and 6. This aims to respect the historic development pattern of Leeds and to ensure sustainable development, by concentrating the majority of new development within and adjacent to the main urban areas, taking advantage of existing services and high levels of accessibility. This will also allow the council to fulfil priorities for urban regeneration and to ensure an appropriate balance of brownfield and greenfield land. These principles are reiterated within policy H1 which seeks to manage the release of sites for housing.

4.16 East Ardsley is designated as a Smaller Settlement within the Core Strategy settlement hierarchy. Smaller settlements are recognised as only providing a basic service level, therefore any new development in these areas needs to be sustainable and should contribute to a wider mix of housing and infrastructure. Policy SP1 states that “Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlements size, function and sustainability”. The priority for identifying land for development is:

- a) Previously developed land in the Main Urban Area/relevant settlement.
- b) Other suitable infill sites in the Main Urban Area/relevant settlement
- c) Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.

- 4.17 The settlement sits within the Outer South West zone (as classified in the SAP), which is scheduled to provide 7,200 units, or 11% of the District wide total (including those sites already approved or in development). Allowing for those sites within the zone that are under way the residual target for new housing is 4935 units across the zone. Policy HG1 and HG2 sets out the general policies for housing development, and identifies sites and their phasing. Policy HG3 sets out safeguarded land, which is land to be safeguarded from development for the plan period to provide a reserve of potential sites for longer term development post 2028 and to protect the Green Belt. The application site at Bradford Road is identified as one of these safeguarded sites. Part of the site (c. 2Ha) is also allocated for future school use.
- 4.18 Within East Ardsley itself there are currently 8 sites that already have residential permission, and there are a further two sites identified within policy HG2 for phase 1 or phase 3 developments. This has potential to supply in the region of 546 dwellings towards the Outer South West housing target and is a not insignificant amount of housing for a small settlement to absorb. Bringing on stream larger development sites like the application site, earlier than planned, will place a strain on the ability of the settlement to respond in infrastructure terms and will lead to strains on local services and community cohesion.
- 4.19 The Site Allocations Plan will consider not only the location of development but the phasing of this and the corresponding infrastructure which is required to support the development. The process being undertaken has also included a sustainability appraisal, and involves community consultation. The early release of this site would circumvent this whole process and potentially lead to development which is not sustainable.

#### Sustainability Criteria

- 4.20 Sustainability is a key planning principle and is a core theme which runs through both local and national planning policy. Sustainability is a complex and multi-faceted concept, however in relation to housing development the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently and that the right development is located within the right areas (SP1 and Accessibility Standards) to enable good, sustainable access to public transport, employment, leisure, schools, health care and other services.
- 4.21 The site is not considered to fully meet the accessibility standards of the Core Strategy (at the time of decision making this was in draft form). The centre of the site is 400m from the nearest bus stop (on the nearside road), however the nearest stop on the opposite side is 500m away which would be considered an excessive distance to walk, particularly for those who live further away from the centre of the site. Bus services along Bradford Road serve Leeds, Bradford and Wakefield, and generally the frequency of services is acceptable, however it does take a long time for these services to get to the main destinations – 50 minutes to Bradford, and 1 hour 30 minutes to Leeds. This is not considered to be conducive to encouraging people to use these services as a viable alternative to private transport.
- 4.22 Within the local area there are a range of local services available within 1200m (convenience stores, post office, social club), there are primary school and medical facilities within 1600m. However the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for accessing this school is beyond the 400m walking range with a poor frequency of services (2 buses per hour). It should be noted that school capacity in the area is limited and for this reason part of the site is being shown for future school provision in the Site Allocations Plans. Local objection suggests that medical facilities etc. are also at capacity.

- 4.23 In summary, the site falls short of the accessibility standard for access to employment, secondary education and town/city centres. The distance from employment centres, secondary schools and main shopping and leisure areas coupled with the infrequency of the bus service and the poor pedestrian environment means that the majority of journeys to and from the site will be by private car and this is negative aspect of the development. The site is therefore contrary to Spatial Policies 1, 6 and 11 and Appendix 3 (Accessibility Standards) of the Core Strategy. The Site Allocations Publication Plan has concluded that there are other more sustainable options for development in the Housing Market Characteristic Area.
- 4.24 The authority considers that the Site Allocations Process is the right vehicle to ensure that the necessary infrastructure is in place to allow sustainable housing growth across the city as a whole.
- Highway Considerations
- 4.25 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the appellants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure.
- 4.26 The proposed scheme was amended during the application process to reduce the number of houses to under 300; this removed the objection to the single point of access to the site. However a number of highway issues remain outstanding which are outlined below, and the refusal reason consequently still stands.
- 4.27 The revised Masterplan for the scheme now includes an area of reserved land (2Ha) for a future school development. The impact of this additional school traffic has not been accounted for in the submitted Transport Assessment with regard to either internal layout, or the impact on the access point and the external highway network. It is not therefore possible to assess fully the impact that a new school in this location would have and whether it can be safely accommodated, both in terms of traffic using Bradford Road, and in terms of vehicle (and pedestrian) movements and parking within the site itself.
- 4.28 Further to this there are also still issues with regard to works in the vicinity of the access which include the relocation of an existing traffic island on Bradford Road and alterations to existing road markings. Negotiations on these issues are ongoing to seek resolution to the matters. There are some concerns regarding internal layout based on the Masterplan submitted, this is however indicative only and the internal arrangements would be addressed through Reserved Matter applications.
- 4.29 Within the vicinity of the site there are a number of other sites proposed for development via the Site Allocations Plan, these include a further Protected Area of Search adjoining the application site to the east, a phase 3 greenfield site to the west and a 28 ha phase 3 site to the north west on Old Thorpe Lane. This site alone could potentially add over 600 houses to the area. It is considered that the impact on the highway network should be looked at in terms of all these sites together so that appropriate infrastructure can be put in place at the right time. The SAP process will look at this and is considered the appropriate forum for discussion of such matters and bringing sites forward.
- 4.30 As such the appeal proposal would cause harm to the highway network and is contrary to Core Strategy Policy T2 and saved UDP policy GP5.

Section 106 Package/CIL



- 4.31 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.
- 4.32 The authority's CIL charging schedule is in place and requires a payment of £45 per square metre of residential floor space (the site lies within zone 2b). The adoption of CIL means that S106 payments previously identified relating to greenspace and education are no longer applicable. It will still be necessary for the appellants to enter into an S106 agreement relating to affordable housing, public transport, proposed off-site highway works, drainage/flood alleviation works, school provision (on-site land) and the provision of greenspace in accordance with policy G4 if necessary. These 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.
- 4.33 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.

## **5.0 CONCLUSION**

- 5.1 Central to the context of this appeal is the matter of the delivery of housing in a sustainable and planned way. Housing delivery is a key element of current planning policy at both national and local level. The NPPF places a priority, amongst other matters, on the delivery of sustainable development and housing growth. Leeds has a target of 70,000 homes across the plan period and is committed to delivering this target. A significant amount of work has been undertaken and is still ongoing to ensure that this target is met, including work with house builders, landowners and local communities.
- 5.2 The interim PAS policy was one arm of the Council's strategy and this sought to allow the release of sustainable sites ahead of the publication of the Site Allocations Process to ensure the ongoing availability of housing land. The policy achieved this aim, and was withdrawn once a comprehensive review of sites through the SAP process had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the East Ardsley PAS site has been assessed for release but this was not considered to be acceptable as it failed to meet accessibility standards in respect of access to employment, secondary education, town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area.
- 5.3 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer South Housing Market Characteristic Area and this is a benefit of the scheme to which weight must be given, albeit this weight is reduced by the fact that the land is not needed within the current five year housing land supply and other sites are considered to be sequentially preferable.
- 5.4 Furthermore the release of the site would cause substantial harm to the plan making process and the Council's sustainable development strategy as set out in the Core Strategy. The outline scheme proposed by the appellants would also cause harm to highway safety, this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure infrastructure works, affordable housing and other contributions necessary to make the scheme

acceptable would be delivered. This harm is significant and weighs against the proposal.

- 5.5 The benefit of delivering housing land does not outweigh the cumulative harm which the proposal would cause to the Council's spatially focussed sustainable development strategy and the specific harm identified to East Ardsley and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.
- 5.6 The release of the East Ardsley PAS site for housing development would at this time be contrary to saved policy N34 of the UDP and the NPPF. To grant permission would be premature as it 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 is confident that it will maintain its 5 year housing land supply and so there is no need to release this site, of this scale and in this location, in advance of the Site Allocations process.
- 5.7 There are concerns regarding the sustainability of the site given the infrequency of the local bus service and the distances to secondary schools. There are also concerns with regard to capacity on the highway network which have not been adequately addressed. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable.
- 5.8 Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy set out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council considers that it will maintain its 5 year housing supply and is advancing a SAP, it is therefore recommended that the council contests this appeal for the reasons set out at the start of this report.
- 5.9 Members should also have regard to the content of the covering report and that it is likely in preparing for the appeal that the appellant will seek to submit further information in an attempt to address some of the matters that are of concern to the council. For example it is common practice for an appellant to submit a draft Section 106 Agreement for consideration. A failure of a local planning authority to engage in such discussions that seek to narrow the differences between the parties may be viewed as constituting unreasonable behaviour.

**Background Papers:**

Certificate of ownership – signed by applicant.

Planning application file.

Previous panel reports and minutes – City Plans Panel - 07/08/14 and 10/04/14.

# Appendix – Previous Plans Panel Reports



Originator: David B Jones  
Tel: 0113 24 77019

## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 7<sup>th</sup> August 2014

**Subject: Application 13/05423/OT: Outline application for means of access from Bradford Road and to erect residential development on land off Bradford Road, East Ardsley**

#### **APPLICANT**

Barratt David Wilson Homes  
and The Ramsden  
Partnership

#### **DATE VALID**

4<sup>th</sup> December 2013

#### **TARGET DATE**

31<sup>st</sup> July 2014

#### **Electoral Wards Affected:**

**Ardsley & Robin Hood**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

## **RECOMMENDATION**

### **RECOMMENDATION: Refusal of Planning permission for the following reasons;**

1. The Local Planning Authority considers that the release of the 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. The suitability of the site for housing needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and/or size of the site means that the proposal does not fulfil the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13<sup>th</sup> March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. Furthermore, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered

together with reference to Policies GP5, T2, Street Design Guide SPD and Neighbourhoods for Living.

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 areas 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 East Ardsley which is consistent with its size, function and sustainability credentials. 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. doctors surgeries, schools, roads. As such the proposal is contrary to Core Strategy Policy SP1.
3. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure is capable of safely accommodating the proposed access 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 applicant has also failed to show that the proposed development will not lead to issues of safety for pedestrians and cyclists or provide adequate accessibility to public transport. The proposal is therefore considered to be contrary to Policies GP5, T2, T2B and T5 of the adopted UDP Review
4. 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 works contrary to policies of the Leeds Unitary Development Plan Review (2006) and related Supplementary Planning Documents and contrary to policies of the Draft Leeds Core Strategy and the National Planning Policy Framework. The Council anticipates that a Section 106 agreement covering these matters will be provided prior to any appeal Inquiry 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 The application is reported to Panel as it relates to a site identified as a Protected Area of Search in the Leeds Unitary Development Plan (Review 2006) and needs to be considered in the context of Development Plan Policy, the Interim Policy for the release of PAS sites adopted by the Executive on 13 March 2013 and other material considerations.
- 1.2 The application was considered at the City Plans Panel meeting on 10<sup>th</sup> April 2014 as a Position Statement, following a Panel site visit in the morning. At that meeting Members raised concerns regarding the prematurity of the proposal, the impact of traffic on the local network, and the coalescence of East Ardsley and West Ardsley.
- 1.3 The approved minute from the meeting on 10<sup>th</sup> April is as follows;

*RESOLVED - To note the report, the presentation and the discussions on the proposals and for the Chief Planning Officer to have regard to the views of the Panel that the application was premature; it did not fulfil two of the three criteria laid down in the Interim Housing Policy and there were also concerns about the coalescence of communities and highways issues.*

- 1.4 The application is now being brought back for determination, having regard to clarification of the position on the housing supply in the City, discussions regarding outstanding highways matters and consideration of the issue of coalescence of settlements. In addition, it is proposed to up-date Plans Panel with regards to additional representations and consultation responses received since 10<sup>th</sup> April 2014.
- 1.5 This report up-dates and should be considered in conjunction with the Position Statement report which was considered by City Plans Panel in April. A copy of the 10<sup>th</sup> April City Plans Panel report is appended to this report.

## **2.0 PROPOSAL**

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. A revised indicative Masterplan showing a maximum of 299 dwellings and a two hectare site reserved for a possible future primary school to the site frontage has been submitted. The full details of the development would be considered under future applications for approval of Reserved Matters (should outline permission be granted).
- 2.2 The submitted plans detail that the main access will be from Bradford Road and will take the form of a priority junction. No other vehicular access points are proposed.
- 2.3 The application is accompanied by a Draft Section 106 agreement (Heads of terms) which will make provision for contributions as follows:
- 15% Affordable Housing Provision
  - Education Contribution - the development would generate a significant number of pupils at primary and secondary school, and that there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested.
  - Reserve 2 ha of the site for a 2 form entry primary school.
  - Greenspace Provision – on site provision equating to 10% of the site
  - Public Transport Contribution. Based on 299 dwellings, a contribution of £337,453.68 is required, and is agreed in principle. This equates to £1,128 per dwelling.
  - Travel Plan. The applicant has agreed to submit a Travel Plan.
  - Metro cards for future residents.
- 2.4 There are no areas of disagreement between the applicant and officers of the City Council in principle, on the content of the Section 106 Agreement but it would need to be completed for these issues to be satisfactorily addressed.

## **3.0 PLANNING POLICY**

- 3.1 The relevant policies are set out in the 10<sup>th</sup> April Position Statement, and are up-dated as follows:

### **Development Plan**

3.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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 12<sup>th</sup> 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 16<sup>th</sup> June and 25<sup>th</sup> July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications 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.

3.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

ARC5 (requirement for archaeological evaluation).

**Policy N34 – PROTECTED AREA OF SEARCH**

3.4

The application site is protected under Policy N34 as Protected Areas 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 is 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.**

3.5

**Interim PAS Policy**

3.6

A report on Housing Delivery was presented to Executive Board on the 13<sup>th</sup> 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:-

3.7

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.

3.8 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13<sup>th</sup> 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.

3.9 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.

3.10 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owers 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 the Boston Spa is pending with the Kirklees Knowl decision not due until the end of the year.

3.11 The Council’s 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.

3.12 **Core Strategy**



Relevant policies within the Core Strategy include:

- Spatial policy 1 – Location of development (page 22)
- Spatial policy 6 – Housing requirement and allocation of housing land (page 34)
- Spatial policy 7 – Distribution of housing land and allocations (page 37)
- Spatial policy 10 – Green Belt (page 44)
- Policy H1 – Managed release of sites (page 59)
- Policy H3 – Density of residential development (page 60)
- Policy H4 – Housing mix (page 61)
- Policy H5 – Affordable housing (page 63)
- Policy P10 – Design (page 88)
- Policy P11 – Conservation (page 90)
- Policy P12 – Landscape (page 91)
- Policy T1 – Transport Management (page 92)
- Policy T2 – Accessibility requirements and new development (page 93)
- Policy G4 – New Greenspace provision (page 98)
- Policy EN2 – Sustainable design and construction (page 104)

### **Local Development Framework**

- 3.13 The Council has submitted its Core Strategy to the Secretary of State and an examination in public was held in Spring 2014. The Council is currently consulting on a further set of Main Modifications to the Core Strategy. Following consultation and no arising outstanding matters, it is anticipated that the Core Strategy will be adopted in autumn 2014 following receipt of the Inspectors final report. The Core Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The Core Strategy Inspector has proposed two sets of Main Modifications, which he considers are necessary to make the Plan sound, including in line with the NPPF. The Council is 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
- 3.14 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.”
- 3.15 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,

3.16 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.

### **Five Year Supply**

3.17 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.

3.18 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.

3.19 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.

3.20 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.

3.21 In terms of identifying a five year supply of deliverable land the Council identified that as of 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2019 there is a current supply of land equivalent to 5.8 years' worth of housing requirements.

3.22 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).

3.23 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
- an element of Protected Area of Search sites which satisfy the interim PAS policy

3.24 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.”

3.25 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

### **National Guidance - National Planning Policy Framework**

3.26 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%.

3.27 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.

3.28 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.

### **3.29 Supplementary Planning Guidance/Documents**

Street Design Guide  
SPG4 – Greenspace  
SPG11- Education contributions  
SPD- Street Design Guide  
SPG25 – Greenspace and Residential Developments

#### **4.0 CONSULTATION RESPONSES UPDATE**

- 4.1 Highways response – objections –The ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together. As such, the Highways Officers consider that the current proposal is premature. In addition, the acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits together with what additional infrastructure is needed to support it including any highway improvements.
- 4.2 Furthermore, there are two nearby signalised junctions that are still being assessed by the UTM section in Highways and it is unclear at this stage whether the traffic associated with the development would have an adverse effect on the operation of these junctions such that improvement measures would be required. . As it stands, the issue is under consideration, but is not resolved at present, and a reason for refusal is recommended.

#### **5.0 REPRESENTATIONS UPDATE**

- 5.1 To date there have been 336 representations received to the publicity of this application. No new issues are raised in addition to those raised in Section 5.3 of the 10<sup>th</sup> April 2014 report to Plans Panel.

#### **6.0 MAIN ISSUES**

- 6.1 The principal issues were set out in Section 8.0 of the April 2014 Position Statement, as follows:
- Compliance with the Development Plan
  - Development Timing in advance of the Site Allocations Plan
  - 5 year land supply
  - Sustainability
  - Highways
  - Coalescence of settlements
  - School provision
  - Section 106 Package
  - Other issues
- 6.2 These issue are considered below, in view of the current, up-dated situation.

#### **7.0 APPRAISAL**

- 7.1 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, amenity, impact, flooding and landscape.

- 7.2 These issues were considered in Section 9.0 of the April Position Statement, and are up-dated below:

### **Compliance with the Development Plan**

- 7.3 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 Bradford Road 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...”

- 7.4 These should be clear factors in assessing the suitability of the site and this should take place through the Site Allocations process.

- 7.5 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**

- 7.6 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 Bradford Road site against the interim policy criteria is considered below to see if the proposal meets the criteria to be released early.

- 7.7 Paragraph 3.7 of this report (see above) considers the proposal against criteria, and concluded that the proposal does not comply with the Interim Policy approved by the

City Council. Under Criterion (i) , the site is an extension to East Ardsley, 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 is above this threshold, at 13.50 ha and therefore also fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council's locational strategy for housing.

7.8 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. Childrens Services have considered there is demand for a new school in the area, and consider that 2.0 hectares of the overall site may be required for provision of a 2 form entry Primary school. However, given that there may be other housing sites coming forward through the site allocations process, this reinforces the need for this site to be considered through the site allocations process, so that the issue of school provision can be considered in light of potential demand for school places in the locality, given the pressure for places and in the local area. It is through the Site Allocations process that the amount and location of new development in East Ardsley will be decided and in that context where the best site for a new school should be in the settlement.

7.9 Notwithstanding the criterion (i) and (iii) above, criterion (iv) considers if the site is an area where housing land development opportunity is demonstrably lacking. There are a number of development sites in the locality and the Housing Market area. Under Core Strategy Policy SP7, the site is within the Outer South West Housing Market Area. Within this area, housing has very recently commenced on 173 units at Bruntcliffe Road, Morley (Barratts) and for 92 units at Daisy Hill, Morley (Persimmon), and 29 houses off Whitehall Road, Drighlington (Miller Homes). Joines Homes are constructing 51 units off Fountain Street , Morley. Persimmon Homes have outline permission on a PAS site at Owlens Farm, Morley, and a reserved Matters application for the construction of 88 dwellings is under consideration. In the more immediate locality 14 houses are currently under construction off Waterwood Close in West Ardsley, and 8 houses have recent planning permission abutting the application site , off Forsythia Avenue. Miller Homes are constructing 234 units off Station Lane, Thorpe , to the north east of the application site.

7.10 Criterion (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; the applicant has not linked this application 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.

The applicant has proposed to reserve part of the site for a possible school, which is discussed in para 2.3 above.

7.11 To summarise, the application does not meet the interim policy criteria to be released early. Part of the land is potentially needed for a school site. There are other housing development opportunities on-going and soon to start in the area and wider Housing Market Area. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.

#### Adjoining potential housing sites

7.12 In the Site Allocations Plan “Issues and Options for the Plan” (June 2013), the application site forms part of a larger site, designated as “Sites which have the

greatest potential to be allocated for housing”. The application site abuts an area to the north, which is designated as “sites which have potential but issues or not as favoured as green sites”. At present, there is no consideration of how those sites might come forward, or whether they need to be developed in a comprehensive manner, and how they might be accessed or phased, as the Site Allocations Plan is still to be finalised. As such, it is considered that the release of the site for housing at this stage would not be in the best interests of effective planning.

### **Five Year Supply**

- 7.13 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. 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 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.
- 7.14 The Core Strategy Inspector’s latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound confirm that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan. However given market conditions moving out of recession, the need to plan for infrastructure and demographic evidence his latest modifications have also included a lower target of at least 3,660 homes per annum between 2012 and 2016/17 against which delivery should be measured for performance purposes. 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.

### **Sustainability criteria**

- 7.15 It has been assessed that the centre of the site is within the designated 400m distance of two bus stops on the nearside of Bradford Road, however it is about 500m from the nearest bus stop on the opposite side of the carriageway. Although the overall frequency of services to the major public transport interchanges of Leeds, Bradford and Wakefield meets the requirement of 4 buses per hour, the journey times to both Leeds and Bradford is outside the accessibility indicator of 40 mins (the journey to Bradford takes approx. 50 mins from East Ardsley whilst the journey time to Leeds is approx. 1 hour 30 mins).
- 7.16 There are a range of local services available within 1200m of the site (e.g. convenience stores, post office, butcher, social club, hot food takeaways). Furthermore, the primary school provision and a medical centre are within the designated 1600m of the site. However, the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for services

travelling in this direction is outside the 400m threshold and the service frequency is only 2 buses per hour.

- 7.17 Therefore, the acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits together with what additional infrastructure is needed to support it including school(s), greenspace and highway improvements.

### **Highways Considerations**

- 7.18 Fundamentally, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together. As such, Highways Officers support a refusal on the grounds that the proposal is contrary to Policy N34 and that the proposal considered in advance of the Site Allocations Plan is premature.
- 7.19 Regarding the issue of off-site works, there are two nearby signalised junctions that are still being assessed by the UTMC section in Highways and it is unclear at this stage whether the traffic associated with the development would have an adverse effect on the operation of these junctions such that improvement measures would be required. As it stands, the issue is under consideration, but is not resolved at present, and a reason for refusal is recommended. Plans Panel will be up-dated on this issue.
- 7.20 There are a number of outstanding issues of detail regarding the design of the site entrance and location of refuge/Traffic Regulation Orders etc. on Bradford Road. The current submission is still not ideal and changes to the proposals are required. In summary, there are concerns about the proximity of a bus stop to a proposed traffic island within Bradford Road, such that there would be a risk of vehicles overtaking a stationary bus colliding with the traffic island. As such, it is considered that the bus stop should be moved further downstream of the island. It is also considered that a further island should be introduced within the central reservation of Bradford Road to the north of the proposed access, to assist residents from the development crossing the carriageway to the bus stop on the opposite side. A revised plan of the site access junction is to be submitted to address this point, and members will be up-dated on this point. However, it is considered that these matters are not so fundamental as to constitute a reason for refusal on highway grounds.

### **Coalescence of settlements**

- 7.21 The UDP Inspector considered that land separating local communities was of lesser importance to the GB than land which separates the Morley part of the Leeds District as a whole from Kirklees and Wakefield and the main areas of open land. The UDP Inspector stated that in no sense was this land essential to the larger strategic role of the GB. The local significance of the visual break here is certainly important, whether or not it separates East and West Ardsley, or occurs within East Ardsley. It was considered that it could however be adequately maintained by providing a major open space funnelling from the Bradford Road frontage into the site. To this end, the applicant has indicated that the open frontage would be kept open, and it is an issue which can be addressed at reserved matters stage, when a detailed layout would be submitted.



## **Section 106 Package**

7.22 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. .

7.23 The proposed obligations listed in the Proposals section 2.3 of this report 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. The need for any off site highway works and school site will need to be firmed up as the background work around the application progresses.

### **Other Matters**

7.24 At this stage no overriding concerns exist in respect of other planning issues. Further work will be needed to agree the capacity of this site in terms of the number of access points, the design criteria which underpin layout in terms of character and visual setting and the drainage infrastructure which could have a bearing.

7.25 Whilst the applicant has revised the proposal to suggest that up to 299 dwellings and a school could be accommodated from the access point there is no agreement on the capacity of the site at this stage as Council officers have fundamental concerns that access of this site and adjoining sites should be considered comprehensively as part of the Site Allocations process.

## **8.0 CONCLUSION**

8.1 The release of the Bradford Road 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 that are central to the emerging Site Allocations DPD. The Council considers it has a 5.8 year housing land supply and so there is no need to release additional sites in advance of the Site Allocations process. The location and size of the site means that the site 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. Refusal is therefore recommended.



**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 10th April 2014**

**Subject: Application 13/05423/OT: Outline application for means of access from Bradford Road and to erect residential development on land off Bradford Road, East Ardsley – POSITION STATEMENT**

**APPLICANT**

Barratt David Wilson Homes  
and The Ramsden  
Partnership

**DATE VALID**

4<sup>th</sup> December 2013

**TARGET DATE**

31<sup>st</sup> March 2014

**Electoral Wards Affected:**

**Ardsley & Robin Hood**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION**

**RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 10.4 of this report.**

**1.0 INTRODUCTION**

1.1 This application is presented to Plans Panel due to the scale and sensitivity of the proposals. Members are asked to note the content of this report and to provide feedback on the questions posed at Section 10.4 of this report. The application is subject to a Planning Performance Agreement (PPA) and at this stage it is intended to bring the application back for determination at City Plans Panel to either 5<sup>th</sup> June or 26<sup>th</sup> June 2014.

- 1.2 This is an application for new residential development on a site designated as a Protected Area of Search ( PAS site under policy N34) in the adopted UDP intended to provide for long term development needs if required. Key considerations in reaching a recommendation will be matters of housing land supply, sustainability and prematurity in the context of progress on the Site Allocations Plan. The City Council at Executive Board has approved an Interim Policy which has been designed to facilitate the release of some smaller PAS sites in the Main Urban Area and Major settlements to strengthen the delivery of housing in the city ahead of the Site Allocations Plan. This site due to its location and size is contrary to the Interim Policy guidelines for the early release of the site in advance 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) and the Natural Resources and Waste DPD in that the proposal is designated as a Protected Area of Search.
- 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 Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Cooperate. The Core Strategy has now progressed to formal hearing sessions which were held in the autumn 2013. The Inspector's main modifications were published on 13<sup>th</sup> March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.
- 1.7 The Council is currently progressing a Site Allocations Development Plan Document. The Issues and Options, seeking views on, among other things, the allocation of UDP Protected Areas of Search for development, was published in June 2013 with 8 weeks of public consultation from 3/6/13 to 29/7/13. 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 DPD is the vehicle being pursued by Leeds City Council for taking decisions on the suitability of such sites for development. The representations received are being considered and will result in a Preferred Option being published later in the year.

## **2.0 PROPOSAL**

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. An indicative Masterplan showing details of the layout, scale, appearance and landscaping have been provided and initially referred to a development of approximately 370 dwellings with associated

road infrastructure, parking provision, amenity space and landscaping. A revised Masterplan shows a maximum of 299 dwellings and a two hectare site reserved for a possible future primary school. The details of the development will be considered under future applications for approval of Reserved Matters.

2.2 The submitted plans detail that the main access will be from Bradford Road and will take the form of a priority junction. No other vehicular access points are proposed.

2.3 The application is accompanied by a Draft S106 agreement (Heads of terms) which will make provision for contributions as follows:

- 15% Affordable Housing Provision
- Education Contribution
- Greenspace Provision
- Highway Works Provision (possibly under Section 278)
- Public Transport Contributions
- Travel Plan

2.4 Exact figures will be subject to negotiation once full consultation responses have been provided.

### **3.0 SITE LOCATION AND DESCRIPTION**

3.1 The application site comprises open land, to the east of Bradford Road, and south of New Lane. The site is broadly rectangular in shape and in total the application site measures 13.50ha.

3.2 The application site is dominated by three large arable fields, which are immediately bordered by hedgerows and field margins. Each of the fields are then separated from one another by public footpaths. The land is relatively level, however, the land slopes up towards the south eastern site boundary, towards St Michael's Church (listed building).

3.3 The surrounding land uses are residential to the east off Forsythia Avenue, residential development and St. Michael's Church to the south east, residential development to the south and ribbon development along Bradford Road to the west. To the north is the unmade footpath section of New Lane, beyond which is agricultural land. To the north west of the site is the large Country Baskets store which occupies a mill building (Amblers Mill), and is also a listed building.

3.4 The site lies close to East Ardsley Local Centre which is located to the south of the site.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 An outline planning application was submitted for this site in 1975 to erect residential development. This application was refused in January 1976 ( planning application reference H23/888/75 ).

4.2 The site was allocated as a Protected Area of Search in the Leeds Unitary Development Plan 2001 and reaffirmed in the Leeds Unitary Development Plan

Review (2006). The Leeds Unitary Development Plan Inspector's Report (February 1999) on the revised draft plan reviewed the allocation at Bradford Road and excluded the site from the Green Belt and allocated it as a Protected Area of Search (PAS) safeguarded land under Policy N34. The UDP Inspector considered it was not necessary to keep the site permanently open and that the site is well defined by existing housing, roads and public footpaths. He acknowledged that the area is reasonably well served by local facilities and, at that time, had several bus services along Bradford Road. Within the context of this UDP he considered that land separating local communities was of lesser importance to the GB than land which separates the Morley part of the Leeds District as a whole from Kirklees and Wakefield and the main areas of open land. The UDP Inspector stated that in no sense was this land essential to the larger strategic role of the GB. The local significance of the visual break here is certainly important, whether or not it separates East and West Ardsley, or occurs within East Ardsley. It was considered that it could however be adequately maintained by providing a major open space funnelling from the Bradford Road frontage into the site. The northern boundary of the site is well defined by the former colliery road or tramway part of New Lane and there is some evidence that shallow former mineworkings may constrain any development of land to the north. The Inspector concluded that harm to the relevant GB purposes would however be limited.

- 4.3 The Inspector stated that in the interests of avoiding a need to review Green Belt boundaries again within 10 years or so the land should be deleted from the Green Belt and be safeguarded as a Protected Area of Search for possible long term development.
- 4.4 The site is included in the latest Leeds SHLAA 2012 Update as site reference 1032. This states that the site has no known constraints and is physically suitable for housing. It states that the site has a total capacity of 293 dwellings with availability in the short term (0-5 years) and achievability in the medium term (6-10 years).
- 4.5 The site was in the Leeds City Council Site Allocations Plan - Issues and Options Consultation which was published for consultation in June 2013. The site was rated as green (sites which have the greatest potential to be allocated for housing).
- 4.6 12/04046/OT - Outline application for residential development on a 17.8ha PAS site at land off Bagley Lane/Calverley Lane, Rodley. This is a site in the west of the City, and an appeal against non-determination is currently awaiting determination by the Secretary of State following a Public Inquiry ( decision expected by late April). City Plans Panel resolved that if they had been in a position to determine the application, it would have been refused on highway safety grounds, and for the following reason:

*“The Local Planning Authority considers that the release of the Kirklees Knowl PAS site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan (2006) Review and contrary to Paragraph 85 bullet point 4 of the National Planning Policy Framework because its suitability needs to be comprehensively reviewed as part of the preparation of the Site Allocations Plan. The size of the site, the possible need for a school and the availability of other housing development opportunities in the locality means that the site does not fulfill the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board 13/3/13 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan.”*

## 5.0 PUBLIC/LOCAL RESPONSE

- 5.1 The application was advertised as proposed Major Development which affects the setting of a listed building and a right of way by site notice posted on site on the 13<sup>th</sup> December 2013, and by site notices dated 10<sup>th</sup> January 2014. In addition, the application was advertised by site notice as a Departure from the Development Plan on 23rd January 2014.
- 5.2 In addition, the application was advertised in the Yorkshire Evening Post on the 20<sup>th</sup> December 2013. Any further representations will be reported to Plans Panel when the application comes back for determination.
- 5.3 To date there have been 336 representations received to the publicity of this application. The following issues have been raised:-
- Development is premature pending the formulation of the Core Strategy.
  - Residential will be contrary to Council policy regarding PAS sites.
  - Additional traffic will exacerbate existing congestion problems on the A650. The area becomes gridlocked when there are difficulties on the M1 or M62 motorways.
  - It takes up to 5 minutes to turn onto the A650, due to volumes of traffic and vehicle speeds.
  - Brownfield sites should be considered prior to the development of greenfield sites. Planning permission has been granted for over 21,000 housing units on mainly brownfield sites. There is no need to release greenfield sites until these houses are still to be delivered. The five year supply of houses is being delivered.
  - Existing infrastructure in the village, such as schools, roads and medical facilities are overstretched at present, and the new development will exacerbate these problems.
  - It takes weeks to get an appointment to see a GP due to demand.
  - Childrens Services have confirmed that by 2016, all primary and secondary schools within the Greater Morley area, including East Ardsley will be full with children presently living in the area. There is no capacity to accommodate more children. Section 106 Agreements will not generate sufficient funds to support the delivery of new schools.
  - The site is not allocated for any purpose in the UDP and could be used to provide much needed services such as health centre or school.
  - Existing drainage problems in the area, and the A650 will flood if the site is concreted over.
  - Farming land will surely be required in the future.
  - The land forms a valuable buffer between communities and prevents urban sprawl..The loss of more fields will impact on enjoyment for walkers, cyclists and general enjoyment of the countryside.
  - Wildlife is already less abundant than 10 years ago, due to increased urbanisation.
  - The village is rapidly losing its character.
  - The proposal is unsustainable and therefore does not comply with the NPPF.
- 5.4 **Councillor Dunn** objects on the following grounds:  
Real concerns in respect of Highways issues not only just for the proposed site which is devoid of adequate access, but also the adjacent Bradford Road which already carries a high volume of traffic. There is already pressure on the nearby junction at Westerton Road Bradford Road and Common Lane , which is been

compounded by nearby new developments on Westerton Road and Haigh Moor Road. None of these recent Developments carry amenities which could mean that the large supermarkets at Middleton currently under construction for both ASDA and ALDI are where residents from these developments may well do their shopping and that is in addition to the existing community which in turn will create a knock on affect through local side roads including Thorpe Village. We are experiencing an ever increasing volume of traffic through these areas at peak periods and beyond and such a huge development could create an highway nightmare for local people .

- 5.5 The local schools are not able to cope with the present influx of children and even with planned extended class rooms it would still leave large waiting lists. This means more traveling for parents and children to other areas which in turn creates more Highway usage. the local medical facilities are not geared up to take patients from new developments even the moderate ones which means that families of large developments as proposed , will have to travel to obtain a doctor where they can go on the Panel .
- 5.6 The land identified for the development site is a Green area which should be preserved and building 350 - 70 homes here would constitute the loss of a local visual Amenity which they have long enjoyed. The Communities Bill reinforces the case that local people have a major part to play in future development of where they live and affects their lives and constituents have made it openly clear that the proposed application does not carry their support and should be refused.
- 5.7 **Councillor Renshaw** objects on the following grounds:  
Strongly oppose the planning application for a wide range of reasons which all have negative impacts on the local community and village. The A650 already struggles with congestion at peak times and the access route of the proposed development is totally inadequate to facilitate the needs which will be required.
- 5.8 The infrastructure is not in place to accommodate the number of residents which will be added to the area. This will mean lack of school places for the children, longer waiting time at Dr's – if able to get registered. The schools within the Outer South Area are already having to turn local children away and there is no inclusion of any education establishments within this application. The children will suffer due to the lack of capacity within all children's services to accommodate such a vast number of residential properties.
- 5.9 The drainage within this area is a concern with flooding in parts of this area already occurring and this Greenfield site should not be one of the first sites to be built on. This should be retained as it is until all brownfield sites have been used for housing. Strongly oppose this application and would appreciate my comments being taken into account.
- 5.10 **Councillor Mulherin** objects on the following grounds:
- 5.11 Building on this greenfield site is against the Council's brownfield first policy. There are plenty of brownfield sites across the Leeds district that could be developed first.
- 5,12 The proposed highways access is inadequate. There are more than enough existing problems within this area for access and egress onto the A650 for householders. Whenever there is an incident on the motorway traffic volumes through the village along the A650 become considerable with lengthy traffic jams. On the day BDW Homes held their public exhibition in the Church Hall they will have witnessed first hand the problems experienced by villagers when there is an incident

on the M1 as the traffic was at a near standstill all the way through the village from Junction 41.

- 5.13 This site is not sustainable for the level of new build proposed.
- 5.14 The local schools are full and already over-subscribed.
- 5.15 The nearest primary school (East Ardsley) is being expanded to two-form entry this year to meet the growing demand for places generated by the families already living in the area.
- 5.16 The constrained East Ardsley Primary School PFI site would not support further expansion. In my view we should be looking to build more housing where there are school places and more adequate provision of other local amenities like GPs, dentists (there are none in the ward), better public transport links etc. The GP practice which serves the whole of East Ardsley, West Ardsley, Thorpe and most of Tingley is also full with lengthy waits (up to 3 weeks) for an appointment reported by local residents.
- 5.17 Public transport connections in the area are very poor.
- 5.18 Building on this site is against the Council's current PAS site policy which was intended to protect overdevelopment of sites in small communities such as this.
- 5.19 The site is of Archaeological interest. WYAAS have objected to the application and are currently investigating the site for its archaeological significance.
- 5.20 The proposal in the Site Allocations Plan consultation last summer was for 290 houses on this site. I objected to that on the grounds that it would be unsustainable for the same reasons as I have set out here. The BDW Homes and Ramsden Partnership proposals are utterly unacceptable, given that they have greedily added an extra 30% more housing in their application than that envisaged in the Site Allocations Plan.
- 5.21 The sheer weight of local opposition to these proposals indicates quite clearly the strength of feeling locally that this valued greenfield site should be protected.
- 5.22 Despite their claims to the contrary the applicants failed to consult with local ward Councillors. We received a telephone message after we had been informed about their public exhibition of their proposals through local residents.
- 5.23 **East Ardsley Community Association** – formally objects on the following grounds:
- Development is premature pending the formulation of the Core Strategy.
  - Additional traffic will exacerbate existing congestion problems on the A650.
  - Brownfield sites should be considered prior to the development of greenfield sites.
  - Existing infrastructure in the village, such as schools, roads and medical facilities are overstretched at present, and the new development will exacerbate these problems.
  - Existing drainage problems in the area, and the A650 will flood if the site is concreted over.
  - Farming land will surely be required in the future.
  - The land forms a valuable buffer between communities.



## 6.0 CONSULTATION RESPONSES

### Highways

6.1 Objections raised – see comments below under appraisal section.

### Neighbourhoods and Housing

6.2 Comments awaited

### Flood Risk Management

6.3 Conditional approval recommended

### Waste Management

6.4 No objections

### Metro

6.5 Metro do not consider that the site is a 'poor' site in terms of accessibility. The general bus provision past the site frontage (which is the main accessibility test) provides access to the public transport network to main centres (Leeds, Wakefield and Bradford) in accordance with the Council's SPD requirements. This level of service past the site combined with the opportunities for passengers to interchange means the general accessibility of the site is not a concern. The infrastructure improvements and ticketing that will be provided should provide an attractive offer for residents at the site to use the bus. These items should be included in the S106.

6.6 Metro accept the access to the medical facility is acceptable. With regard to the secondary school accessibility specifically, Metro note the applicant's summary of which services and schools can be accessed and journey times. In principle this looks reasonable, but, the Council need to make a judgment if the 2 direction bus service provides the level of service that is required in their policy.

6.7 On balance, Metro don't consider that the general accessibility presents a significant issue for this site.

6.8 Should the council be minded to approve the application, Metro consider that the site development be required to provide the following mitigation to improve the public transport offer from the site. Metro are currently undertaking a new rail station study. A site at East Ardsley has been identified as a potential new station site, (as part of a county wide rail study). The rail study is at a very early stage of development but in the long term, this site will benefit from this station if it is brought forward. Metro therefore would support the council in the application of the Public Transport SPD with the new rail station in mind or any other strategic infrastructure that comes forward in this sector of the city if appropriate.

6.9 The developer needs to undertake further work to look at the catchments for secondary schools. The council are obliged to provide school bus services in some instances where children cannot access schools by foot or on within 75 minutes by bus. If this applies to this site then Metro would encourage that the council secure a contribution towards the cost of such provision.

To encourage the use of public transport the developer should be required to enter into Metro's Residential Metro Card scheme A (bus only). This allows each dwelling to receive a free MetroCard (funded for by the developer) for 1 year with a discount on the ticket for the subsequent 2 years provided by the MetroCard partners.

6.10 Metro suggest that the developer provides 2 new bus shelters with real time passenger information. This would comprise of a new stop on the north bound side

of Bradford Road and an upgrade of stop reference 16342, total cost £40,000. This is not inclusive of any kerbing or bus clearway works that would be undertaken by the council.

- 6.11 Within the government's strategy for ultra-low emission vehicles in the UK, installing electric vehicle charging points in new homes is a part of the strategy to introduce the necessary infrastructure to enable the use of electric vehicles. Metro are working with district partners on introducing similar charging points across West Yorkshire. Metro suggest this development should require to install electric vehicle charging points in each of the dwellings in this site.

Public Rights of Way

- 6.12 Public footpath Nos.75, 112 & 113 and Public bridleway No.145 are all shown on the design access statement plan opportunities and constraints. The footpaths and bridleway appear to be on the correct alignment. No objections in principle.

Yorkshire Water

- 6.13 Conditional approval recommended

Environment Agency

- 6.14 No objections, subject to conditions

Coal Authority

- 6.15 No objections, subject to condition

Children's Services LCC

- 6.16 The response is set out in Appendix 1. The table shows that the development would generate a significant number of pupils at primary and secondary school, and that there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested.

- 6.17 In addition, Childrens Services made the additional comments that:
- there is significant pressure on school places at the nearest school, East Ardsley PS and at all schools in this cluster and this will require the maximum contribution for education from this application, so the initial response provided for full primary and secondary contributions will apply;
  - this stance is highly likely to be applied to any further applications in this area;
  - the option to further expand the closest school, East Ardsley PS on its existing site would be very difficult so we need to ensure we have flexibility on how any developer contribution is spent;
  - based on this application, the number of units involved could generate at least an additional half form of entry (15 children per year) and we do therefore need to start planning for a new school in this area; and
  - taking into account the site allocations plan, at this intermediate phase, there is likely to be considerable pressure on all of the local schools and may require considerable new education facilities.

- 6.18 In conclusion therefore, we would like to explore the potential to reserve land from this and/or subsequent applications in this area.

West Yorkshire Archaeology Advisory Service

- 6.19 The proposed development site lies within an area of archaeological significance. Our records, and the applicant's Desk Based Assessment, indicate the presence of both the Line of a Roman Road and a cropmark enclosure within the boundary of

the proposed development. The Roman Road is thought to be the projected line of Road 721, which is thought to follow the line of a prehistoric route-way in this area. As well as evidence of the road itself, the site may contain evidence of any roadside features or structures.

The cropmark feature is shown on aerial photographs and is roughly circular and measures c.30m in diameter, possibly representing a Bronze Age ring ditch (Bronze Age burial feature) or circular enclosure dating to the later prehistoric period. Again, the site may contain associated features or finds.

### **Impact of Proposed Development**

- 6.20 The proposals will involve significant ground disturbance and there is potential for the proposals to disturb/destroy archaeological remains.

### **WYAAS Recommendations**

- 6.21 We therefore recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS, as the Council's advisors on archaeological matters. This is in accordance with the NPPF (paragraph 128). This recommendation is also in line with our previous comments about this site in the Leeds SHLAA and Leeds City Council Site Allocations Plan - Issues and Options Consultation.

- 6.22 The evaluation would involve a geophysical survey followed by the excavation of a number of archaeological evaluation trenches. **WYAAS recommend that the evaluation should be carried out pre-determination (as stated in the NPPF)** in case remains worthy of preservation in situ are located on the proposed site and because further archaeological work to mitigate to the impact of the development may be required and a pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and programme) of the project.

- 6.23 Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission (very rare); to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').

### **Recommended Planning Condition**

- 6.24 To reiterate, WYAAS recommend that a decision should be deferred until the applicants have carried out an archaeological evaluation. However, if the Planning Authority is minded to grant permission, WYAAS would recommend that the above works be secured by the attachment of a suitable condition.

- 6.25 The applicant has submitted a specification for the necessary archaeological work, which is acceptable to WYAAS. The aim of the evaluation is to gather sufficient information to establish the extent, condition, character and date (as far as circumstances permit) of any archaeological features and deposits within the area of interest. The information gained will allow the Planning Authority to make a reasonable and informed decision on the planning application as to whether archaeological deposits should be preserved in-situ, or more appropriately, be

recorded prior to destruction (whether this be a summary record from a salvage excavation or watching brief, or a detailed record from full open area excavation).

6.26 Pursuant to the above specification, the applicant has submitted a final report which shows results of trenching work carried out by the applicant. The applicant has stated that the majority of the trenches contained no features of archaeological interest. The features that were recorded related exclusively to agricultural activity. These included furrows, isolated ditches and drainage gullies. A Roman road, marked on historic maps running through this field, and a possible circular crop-mark were not identified by any of the trenches located to target them and no other Roman features were identified. The later medieval and post-medieval agricultural features that were identified are of low archaeological significance.

6.27 The comments of WYAAS in response to the latest report are awaited.

## **7.0 PLANNING POLICIES**

### **Development Plan**

7.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). 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 12<sup>th</sup> 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 16<sup>th</sup> June and 25<sup>th</sup> July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications 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.

### Core Strategy

7.2 The Inspector's main modifications were published on 13<sup>th</sup> March 2014 for six weeks public consultation. As such, significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

7.3 The Core Strategy was submitted to the Secretary of State on 26th April 2013 and sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district and the Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban and existing settlements.

#### **Local Development Framework**

7.4 Neither the Leeds Core Strategy or the Site Allocations Plan are proposing any new policy that would alter the approach to dealing with proposed development at this time on UDP identified PAS sites. The Core Strategy was submitted to the Secretary of State in April 2013 and the examination in public took place in October 2013. The Inspector's main modifications were published on 13<sup>th</sup> March 2014 for six weeks public consultation. Significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

The Site Allocations Plan had reached Issues and Options stage during the summer 2013. A consultation exercise during June and July sought the views of the public on a range of identified sites for housing, employment and retail development and protection of greenspace.

7.5 The Core Strategy and Site Allocations Plan illustrate that Leeds City Council is making good progress in planning to meet the housing needs of Leeds.

7.6 Policy SP10 of the Core Strategy sets the requirement for the LDF to identify a new Green Belt boundary for Leeds, including a new batch of PAS sites to replace those of the UDP that will be allocated for development. It sets criteria to guide how the Green Belt boundary should be changed to accommodate new development. Because these aspects of the policy concern identification of *new* future development land, (as opposed to the early release of *existing* land) they are not of immediate relevance to this proposal. In fact part v) of Policy SP10 confirms that development proposals will continue to be considered against saved UDP policies concerning Green Belt. Policy N34 and supporting paragraphs of the UDP will not be superseded by the adoption of the Core Strategy. As such the draft policies within the Core Strategy have a neutral affect upon the determination of this appeal

#### Leeds Unitary Development Plan (UDP) Review – relevant policies:

7.7 GP5: General planning considerations.  
GP7: Use of planning obligations.  
GP11: Sustainable development.  
N2/N4: Greenspace provision/contributions.  
N10: Protection of existing public rights of way.  
N12/N13: Urban design principles.  
N23/N25: Landscape design and boundary treatment.  
N24: Development proposals abutting the Green Belt.  
N29: Archaeology.  
N34: Protected Areas of Search  
N38 (a and b): Prevention of flooding and Flood Risk Assessments.  
N39a: Sustainable drainage.  
BD5: Design considerations for new build.  
T2 (b, c, d): Accessibility issues.  
T5: Consideration of pedestrian and cyclists needs.  
T7/T7A: Cycle routes and parking.  
T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.  
H2: Monitoring of annual completions for dwellings.  
H3: Delivery of housing on allocated sites.  
H11/H12/H13: Affordable housing.  
LD1: Landscape schemes.  
ARC5 (requirement for archaeological evaluation).

#### Policy N34 considerations

7.8 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 is set out below:

***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.***

5.4.10 *The following sites are protected under Policy N34 as Protected Areas of Search:*

16	<i>New Lane, East Ardsley</i>
17	<i>Bradford Road, East Ardsley</i>

#### 7.9 EXECUTIVE BOARD DECISION OF 13<sup>TH</sup> MARCH 2013

7.10 A Housing delivery report was presented to Executive Board on the 13<sup>th</sup> March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable 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:-*

- (vi) 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;*
- (vii) 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*
- (viii) 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:*

- (ix) It is an area where housing land development opportunity is demonstrably lacking; and*
- (x) 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.*

- 7.11 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13<sup>th</sup> March 2013 ) that the policy criteria for the potential release of PAS sites ,as detailed above be approved subject to the inclusion of criteria which
- (iii) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
  - (iv) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

- 7.12 It is important to have in mind that the Interim Policy is not part of the council's Development Framework and has not been subject to consultation. It set out a series of highly relevant criteria which the Council should have regard to. It should be noted that the decision to introduce the Interim policy was challenged in the High Court by Miller Homes and the challenge was resisted by the Council and dismissed by the Judge. It is understood that an appeal may be made to this decision. In the meantime the policy has not been found to be unlawful.

- 7.13 Members have used the policy to support the release of land at Fleet Lane and Royds Lane where the criteria were met:  
Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell  
Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton.  
Both sites have now been granted outline planning permission  
Members have also considered Application 13/00902/OT – Outline Application for Residential Development on land at Owlars Farm, Morley and have resolved to support the application in principle as it complies with the interim policy subject to resolution of the access details.

Supplementary Planning Guidance / Documents:

- 7.14 Neighbourhoods for Living – A Guide for Residential Design in Leeds  
Street Design Guide  
SPG4 – Greenspace  
SPG11- Education contributions  
SPD- Street Design Guide  
SPG25 – Greenspace and Residential Developments

## **National Guidance**

- 7.15 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%. The NPPF is a material planning consideration.

### 5 Year land Supply

- 7.16 The Core Strategy Inspector suggests that in order for the plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units).
- 7.17 The Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against its housing requirements (NPPF, para 47). The previous five year supply position was released in March 2013 and was based on site information from September 2012. This demonstrated a five year supply when assessed against the housing requirement set out in the submission draft Core Strategy. It also identified a significant stock of supply which fell just outside of the five year supply picture on the basis of the conclusions of the SHLAA partnership in 2012. The Council noted at the time that under more favourable economic conditions this stock could be brought forward sooner.
- 7.18 Notwithstanding this the five year supply also included a stock of Protected Area of Search to be released in advance of the impending site allocations plan by means of an interim policy which has been held to be lawful by the High Court. This was expressly to help diversify the land supply position and followed the release of the remaining UDP phase 3 greenfield sites in 2011.
- 7.19 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 7.20 In addition there are a number of amendments to the National Planning Practice Guidance which have a bearing on the five year supply.
- 7.21 In the meantime there remains a considerable number of units with planning permission and on allocated land (over 26,500 units as at September 2013) that can come forward at any time and we would expect commencement on these sites to increase as the economy recovers and the housing market improves.
- 7.22 In addition the Council is taking numerous steps to boost the delivery of housing in Leeds. The draft Core Strategy sets a requirement of 70,000 (net) homes which on the basis of objective evidence is towards the upper end of housing need. The Council’s Housing Investment Programme is directing finance, resources and land



towards delivering homes, including building Council Houses, in the inner area where needs are greatest.

- 7.23 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. 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.

## 8.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- 5 year land supply
- Highways
- School provision
- Flood Risk
- Section 106 Package
- Other issues

## 9.0 APPRAISAL

### Development Timing in advance of the Site Allocations Plan

- 9.1 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 long term development and any intermediate development should be resisted that would prejudice development for long term needs. 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 (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application now would be a departure from the Development Plan. Alone, this has constituted a reason for refusal at Kirkless Knowl, in the west of the City (see para 3.5 above). The proposal to develop the application the subject of the current application 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...”
- 9.2 As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations DPD This site needs to be assessed against the interim policy to see if it meets the criteria to be released early.
- 9.3 The criteria of the interim policy are intended to ensure that large PAS sites, which have significance in their size and locational impact will only be identified as housing sites through the development plan process, namely the Site Allocations Plan. 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 site against the interim policy criteria is considered below:
- 9.4 **Criterion (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 site is an extension to East Ardsley, a ‘Smaller Settlement’ in the settlement hierarchy as defined in the Core Strategy Publication Draft, and therefore fails the first policy test. **(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 above this threshold, at 13.50 ha and therefore also fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council’s locational strategy for housing.

- 9.5 **Criterion (iii) Land is not needed , or potentially needed for alternative uses.** Childrens Services are considering whether there is demand for a new school in the area, and whether part of this site may be required for such a purpose.
- 9.6 Members will be aware that through the LDF the Council is proposing significant new housing in all parts of the district. The Core Strategy identifies a need to find land for an additional 5,586 dwellings in Outer South West Leeds which will inevitably create a significant additional need for school places. Whilst some 1,614 dwellings can be accommodated on land with planning permission or allocated housing sites the majority (3,972) will be on sites that have yet to be determined. The Council is currently progressing through the Options responses to move to a Preferred Option on its Sites Allocation Plan. Although the future distribution of housing is therefore uncertain this will inevitably require new schools as well as extensions where these are acceptable and appropriate. In this respect discussions are on-going with Childrens Services to assess the potential of the application site, to help meet this future need.
- 9.7 The Site Allocations Plan Volume 1: Plan Overview released in June as part of the Issue and Options stage for Site allocations notes in para 8.11 that “Further representations on sites (including those relating to schools, built heritage and the Environment Agency) are awaited and will be included in the site assessments prior to making decisions regarding which are the favoured sites to allocate. Any further requirements arising could be reflected in detailed policy wording. In some cases the need for a new school may need to be part of an allocation.”
- 9.8 To summarise, the proposal does not comply with the Interim Policy approved by Executive Board regarding PAS sites to be released early.

### **Five Year Supply**

- 9.9 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.
- 9.10 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 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.

- 9.11 The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
  - sites with planning permission
  - allocated sites without planning permission
  - an estimate of anticipated windfall sites
  - SHLAA sites without planning permission
  - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 9.12 The Core Strategy Inspector suggests that in order for the (Core Strategy) plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units). The Council has recently published its Main Modifications draft which accepts the Inspector's Modifications.
- 9.13 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 9.14 The 2012 published 5 year housing land supply report identified 1619 dwellings being delivered through the release of PAS sites in the period 2013-14 to 2017-18. The assessment of which PAS site would be released would be determined by applying the guidance contained within the interim housing delivery policy.

### **Highways Considerations**

- 9.15 Highways comments are awaited. A significant volume of traffic will access the site via Bradford Road. The junction will be in the form of a priority junction, and no other vehicular access (emergency or otherwise) is proposed. Significant concern has been raised in representations concerning the proposed volume of traffic on a congested network. Up to 370 dwellings from a single point was a specific concern identified. The proposal has now been amended to a maximum of 299 dwellings .
- 9.16 Highways Officers have stated that the proposals cannot be supported as submitted, for the following reasons:
1. The scale of the development would be contrary to the requirements of the Street Design Guide, which advises that a single point of access (designed as a Connector Street) is only suitable for developments of up to 300 dwellings. It should be noted that, as part of the recent site allocations process, the site has been assessed as having a development capacity of 293 dwellings. Highways have been consulted on the proposal for 299 units, and their comments are awaited.

2. Further information is required from the developer to fully assess the likely impact of traffic from the development on the local highway network. The applicant

should be asked to supply electronic versions of the various LINSIG models referred to in the TA at the nearby traffic signal controlled junctions of Bradford Road/Common Lane/Westerton Road and Bradford Road/Thorpe Lane/Smithy Lane. This information is required to enable the UTMC section to properly analyse the submitted data.

3. The junction to the proposed development from the A650 Bradford Road would involve the relocation of an existing traffic island on Bradford Road and alterations to the established carriageway markings to provide a ghost island right turn lane.

9.17 Traffic Management and Road Safety sections have been consulted on these matters and further comments will be reported to Plans Panel in due course

9.18 The site is surrounded by sites which are being considered in the site allocations process. It is recommended that consideration should be given to whether there is a comprehensive highway solution for all of these sites in the interests of good/effective planning. There is a risk that if all of the sites were to be allocated, but developed in isolation of one-another, an opportunity will have been missed to create an integrated layout with suitable connectivity e.g. new public transport routes or other infrastructure. Without such an approach is there a risk that effective planning of the overall area will be missed given the scale of the various sites.

#### Sustainability

9.19 The site does not fully meet the draft Core Strategy Accessibility Standards. The centre of the site is within the designated 400m distance of two bus stops on the nearside of Bradford Road, however it is about 500m from the nearest bus stop on the opposite side of the carriageway. Although the overall frequency of services to the major public transport interchanges of Leeds, Bradford and Wakefield meets the requirement of 4 buses per hour, the journey times to both Leeds and Bradford is outside the accessibility indicator of 40 mins (the journey to Bradford takes approx. 50 mins from East Ardsley whilst the journey time to Leeds is approx. 1 hour 30 mins).

9.20 There are a range of local services available within 1200m of the site (e.g. convenience stores, post office, butcher, social club, hot food takeaways). Furthermore, the primary school provision and a medical centre are within the designated 1600m of the site. However, the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for services travelling in this direction is outside the 400m threshold and the service frequency is only 2 buses per hour.

9.21 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.

#### Transport Assessment

9.22 The TA has examined the impact of the development on the motorway network at both J41 of the M1 to the south east of site and J28 of the M62 to the north west of the site using TRANSYT models. The Highways Agency have been consulted regarding these aspects of the TA, and their comments will be reported in due course.

- 9.23 The TA has also considered the impact on the local highway network at the nearby traffic signal controlled junctions of Bradford Road/Common Lane/Westerton Road and Bradford Road/Thorpe Lane/Smithy Lane. The side road junctions of Bradford Road/Woodhouse Lane, Bradford Road/Chapel Street, Bradford Road/Thorpe Road/Royston Hill and Bradford Road/proposed site access have all been modelled using PICADY. The results of the analysis show that the A650/Woodhouse Lane and the A650/proposed site entrance are predicted to operate within practical capacity.
- 9.24 However, the Bradford Road/Chapel Street junction is forecast to reach its practical capacity in 2018 with the addition of the development traffic. In addition, the left turn manoeuvre at the Bradford Road/Thorpe Road/Royston Hill junction would almost reach absolute capacity in the 2018 Base + Committed + Development Traffic scenario. This would result in both the left turn queues and delays at the junction being almost double the 2018 Base situation once the development traffic is added.
- 9.25 The right turn manoeuvre out of the Bradford Road/Thorpe Road/Royston Hill junction would similarly be affected by the proposals. With the addition of the development traffic, the operation would change from well within capacity to a situation where the practical threshold would be exceeded. This would be accompanied by a marked increase in delay for drivers waiting to exit the junction.

#### **School provision**

- 9.26 The issue of capacity of school provision is partly discussed above. Significant concern has been raised locally at the existing capacity issues in the area and impact on the schools in the area. The development would generate a significant number of pupils at primary and secondary school, and there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested by Childrens Services.
- 9.27 In addition, Childrens Services would like to explore the potential to reserve 2 hectares of land from this site for a possible new school. The applicant has shown 2 hectares of the site to be reserved for a possible school, and the Section 106 will be drafted accordingly.

#### **Flood Risk**

- 9.28 The applicant is proposing to drain the surface water to a Yorkshire Water sewer, in Healey Croft Lane, south west of the site – the maximum off-site discharge is to be limited to 24.8 litres/ second and has been agreed with YW and Flood Risk Management (FRM). However this necessitates a surface water pumping station at the northern eastern corner of the site, even though this part of the site would naturally drain into a watercourse 200m north of the site. The SW pumping station would pump water across the site, at a rate of 5 litres/second, and discharge to the outfall at the south west.
- 9.29 The use of open pond storage is worthy of further consideration at detailed design stage - as both sub-catchments, north east and south west, could accommodate such features and in fact they would help to mitigate some of the environment impact of developing this greenfield site. This could then be amalgamated with the POS areas to form useful and attractive features within the site. If that was the case FRM would be prepared to look at the adoption of these ponds, subject to the payment of a commuted sum by the developer.
- 9.30 FRM raise no objections, subject to conditions to address the above points.

#### **Section 106 Package**

9.31 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.

9.32 The proposed obligations listed in the Proposals section 2.3 of this report 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 Section 106 Agreement to address the policy requirements for this application. The need for any off site highway works and school site will need to be firmed up as the application progresses.

### **Other Matters**

9.33 At this stage no overriding concerns exist in respect of other planning issues. Further work will be needed to agree the capacity of this site in terms of the number of access points, the design criteria which underpin layout in terms of character and visual setting and the drainage infrastructure which could have a bearing.

9.34 The Masterplan has been recently revised to show 299 dwellings, and that 2 hectares of land would be reserved for a possible school site. Although indicative, the layout is under consideration.

## **10.0 CONCLUSIONS**

10.1 The key conclusion is that the proposal to develop the site now runs contrary to UDP Policy N34 which expects larger PAS sites only in smaller settlements to be released following comprehensive assessment through the Local Plan process. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise.

10.2 At present the Council is considering its position with regards to a five year land supply.

10.3 At this stage, key issues with regards to sustainability issues are under consideration and work needed as set out in the detail of the report.

10.4 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the questions and issues outlined above, summarised below:

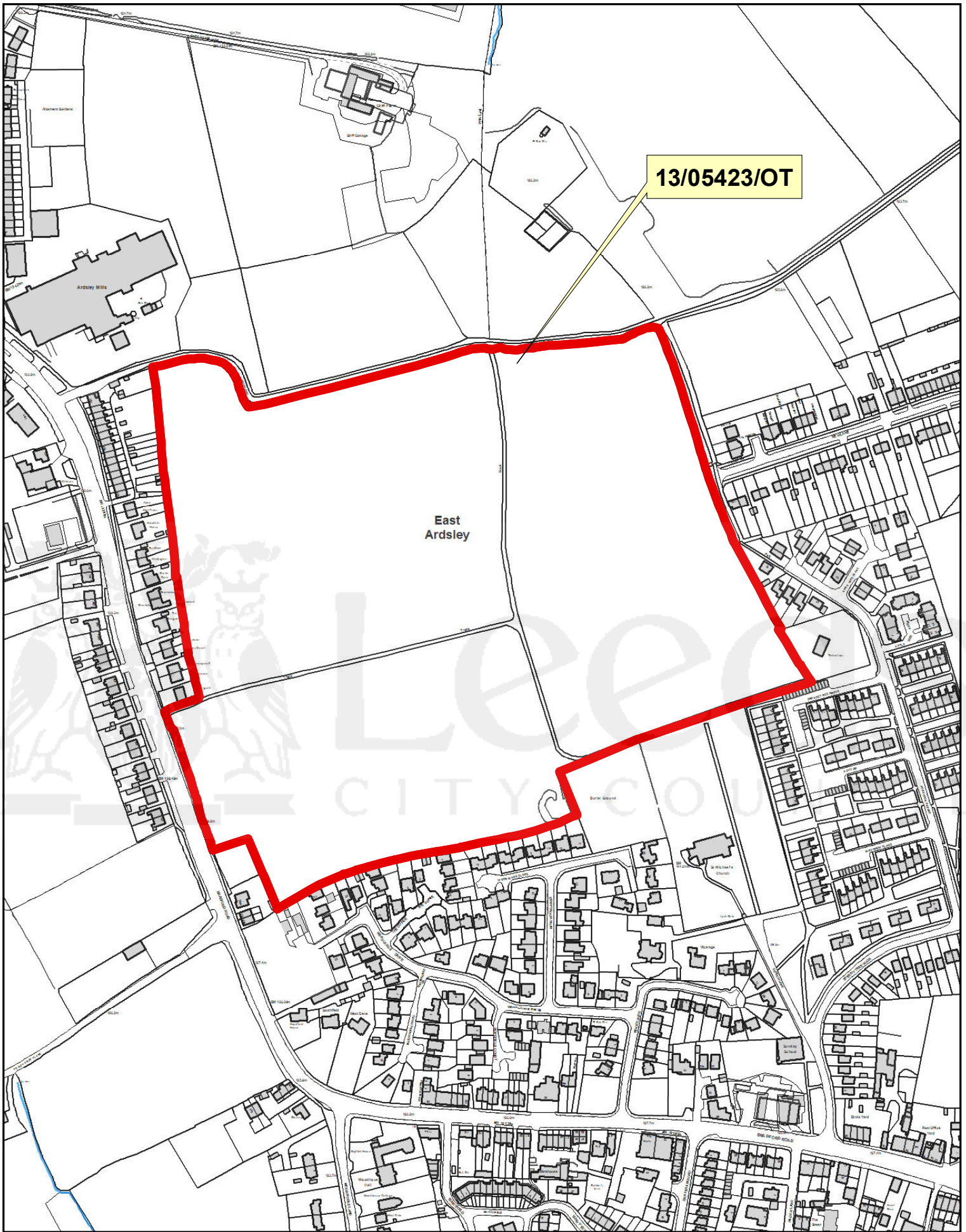
**1. Do Members have any concerns regarding the principle of development?**

**2. Do Members have any comments to make on the proposed access arrangements or any other highway safety concerns?**

3. Do Members have any comments to make on the sustainability or capacity of the site?
4. Do Members have any comments to make about the emerging Section 106 package?
5. Do Members have any other comments to make at this stage?

**Background Papers:**

Certificate of ownership: signed by applicant.  
Planning application file.



13/05423/OT

East Ardsley

# CITY PLANS PANEL







Originator: Adam Ward

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 5<sup>th</sup> November 2015

**Subject: 14/01211/OT – Outline application for mixed use development comprising up to 700 dwellings including extra care (C2), retail and community uses (A1 to A5), health care (D1), and education uses (D1), car parking, means of access, infrastructure, open space, landscaping, including demolition of existing house and agricultural building at land at East Scholes, Scholes, Leeds, LS15 4AD.**

**APPLICANT**

Scholes Dev Co Limited and  
Barratt / David Wilson  
Homes

**DATE VALID**

5<sup>th</sup> March 2014

**TARGET DATE**

25<sup>th</sup> June 2014

**Electoral Wards Affected:**

**Harewood**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Members are asked to note the content of the report and endorse the updated reasons for refusal.**

- 1) The Local Planning Authority considers that that the release of this site in combination with other sites designated as Protected Areas of Search (PAS) in the statutory plan, for housing would be contrary to saved Policy N34 of the Unitary Development Plan (Review) 2006. Policy N34 seeks to safeguard land for future development pending a review through the local plan process and the release of this site in advance of that would be premature and contrary to the approach set out at paragraph 85 bullet point 4 of the National Planning Policy Framework. The release of this site has been considered as part of the Site Allocation Process and it is not considered suitable for release for housing during the plan period as it fails to meet accessibility standards in respect of access to employment, secondary education and town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area. The release of this PAS site outside of the proper plan period would be premature to the development plan

process secured through N34 and as is currently being progressed through the SAP, and would by itself and by its implications for the consideration of other PAS sites, undermine the plan led system and predetermine decisions as to the scale, location and phasing of new development central to the emerging SAP, which will consider the relative sustainability of housing sites. At this stage, and as a departure from the development plan and the emerging SAP, as well as for the reasons identified in reasons below, the Council does not consider the proposed development to be sustainable development within the meaning of the NPPF.

- 2) The Local Planning Authority considers that the proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. Smaller settlements will contribute to some development needs, with the scale of growth having regard to the distribution of housing land and a settlement's size, function and sustainability. The Core Strategy sets the strategic context for the preparation of the Site Allocations Plan (spatial preferences for development, priorities for regeneration and infrastructure and the overall scale and distribution of housing growth) which is well progressed. Consequently, within this context the Site Allocations Plan is the appropriate vehicle to consider issues relating to site allocation choices and any supporting infrastructure which should take place individually or cumulatively. As such the proposal is contrary to Policy SP1 of the Adopted Core Strategy. 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 Scholes contrary to Spatial Policies 1, 6 and 11 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
- 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 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 development 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, saved UDP policy GP5 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) 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, public transport, travel planning, and off site highway works contrary to the requirements of Policies H5, H8, P9, T2, G4 and ID2 of the 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 An outline application for a mixed use development comprising up to 700 houses including extra care (C2), retail and community uses (A1 to A5), health care (D1), and education uses (D1), car parking, means of access, infrastructure, open space, landscaping on the eastern side of Scholes village was refused permission at City Plans Panel on 28<sup>th</sup> August 2014 (report appended). The site was one of several applications on PAS land which were received by the council in 2013-2014 including Bagley Lane and Grove Road, both of which have been the subject of Public Inquiries. The Council is awaiting the outcome of the High Court challenge to Bagley Lane and the report of the SOS at Grove Road. The Council currently has five PAS appeals which will be decided by Public Inquiry. Four of these appeals, are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016. This report seeks to provide updated reasons for refusal which take account of the adoption of the Core Strategy and the cancellation of the Interim PAS policy. These reasons for refusal will form the basis of the council's case at appeal.

1.2 The appellant has also provided an updated Environmental Statement following the submission of the appeal. The changes addressed within the Supplementary Environmental Statement are said to be as follows:

- A revised education strategy which provides for extension of the existing primary school in Scholes, resulting in removal of the proposed primary school at East Scholes and replacing this with a new public park;
- Removal of a development parcel to the south of the existing cricket club, and its replacement with green space;
- Additional changes to the landscaping strategy, including removal and reconfiguration of development along Rake Beck, at the southern entrance to the site, and inclusion of an additional landscaping buffer to the south of the site (where it adjoins the Conservation Area);
- Relocation of the proposed one storey housing closer to the proposed village centre;
- Re-alignment of the route of Rakehill Road within the site and updated access proposals;
- A reduction in the maximum residential storey heights proposed to two storey;
- Minor adjustment to the layout of individual development plots to improve residential amenity at these locations; and
- A consequential reduction in the maximum number of dwellings being applied for to up to 650 dwellings (including accommodation for the elderly).

1.3 Paragraph 1.6 of the document states that the changes have limited effects on the findings of the original environmental statement, but the Council disputes that this is the case. The newly submitted Supplementary Environmental Statement is predicated on fundamental and material changes to the original planning application.

- 1.4 The revisions were, so far as the Council is aware, produced without proper reference to any other party to the proceedings, including interested members of the public. Certainly, the Council was not, despite what the Appellants say in their Statement of Case (see below), consulted on these revisions. If the appeal proceeds on the basis of this new information, then, for all practical purposes, it is a scheme which was neither put to the Council's relevant Planning Panel nor offered for public consultation when, plainly, it should have been.
- 1.5 Furthermore, a number of local residents who have been notified of the appeal submission are raising this also as an issue. A number of residents are stating that this additional information is, effectively, a new scheme which has not been the subject of any public consultation.
- 1.6 As the previous report is appended and this report seeks to simply consider the planning application against the current planning policy context it is not proposed to set out a full report addressing all matters here. This report will set out the relevant planning policies as they exist today and consider this proposal against those policies.
- 1.7 To date, the appellant has not carried any further publicity or consultation based upon the updated ES. The Inspectorate have also not indicated whether this information will be formally considered as an amendment to the appeal proposal when dealing with the Public Inquiry. However, notwithstanding the above, it is considered necessary and prudent for the Council to consider such information.

## **2.0 PLANNING POLICIES:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

- 2.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy sets a target for the provision of 70,000 (net) new dwellings for the period between 2012 and 2028. The following core strategy policies are relevant:

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
Spatial policy 11	Transport Infrastructure
Policy H1	Managed release of sites
Policy H2	Housing on non-allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
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 G8	Protection of species and habitats
Policy EN2	Sustainable design and construction
Policy ID2	Planning obligations and developer contributions

The following saved UDP policies are also relevant:

- GP5: All relevant planning considerations.
- 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.
- N33: Seeks to protect the Green Belt.
- N34: Sites for long term development (Protected Areas of Search).
- 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.
- 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.
- LD2: New and altered roads

#### Local Development Framework - Site Allocations Plan

2.3 The Council is also currently progressing a Site Allocations Plan (SAP) and is currently out to consultation on the Publication document which proposes the allocation of sites for housing to meet targets set out in the Core Strategy and identifies Protected Area of Search land for development beyond the plan period up to 2028. 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 in two important respects. First, it is stepping outside the local plan process which prevents the PAS sites being reviewed in a comprehensive way allowing for the consideration of the relative merits of the candidate sites to be considered alongside the questions of delivering sufficient housing in the most sustainable way also having regard to the delivery of key infrastructure. Secondly, it is promoting a site which the Council, on the basis of the work done to date through that Local Plan review process, does not consider to be a suitable site for allocation, and that other sites are preferable in sustainability terms. Accordingly, it is for the Site Allocations Plan process to determine the suitability of this site, and others, 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.” The appeal proposal is therefore contrary to the most recent expression of the council’s plan for sustainable development of its area.

2.4 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.

2.5 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), supplemented by further evidence presented to the Core Strategy Examination in October 2013. The SHMA 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, levels of economic growth as well as levels of future and unmet need for affordable housing. Accordingly, the Site Allocations Plan is the appropriate vehicle to deliver the Core Strategy requirement and will ensure that the significant boost to housing supply sought by the NPPF.

#### Neighbourhood Plan

2.6 Barwick-in-Elmet and Scholes has been designated a neighbourhood area and has developed a draft Neighbourhood Plan. A first draft (December 2014) has been produced which seeks to consult with the community and stakeholder in order to gain views about the shape, direction and detail of the Plan. The Plan addresses the issue of the provision of new housing within the Parish. Consultation with the community has revealed that there is support and need for new homes to be created in the Parish. There is established need to accommodate young people and young families alongside homes for older people looking to downsize in order to stay in the community. The draft Plan includes policies as follows:

*Policy H1: Proposals for new housing development should be supported by a Statement of Community Involvement demonstrating how the local community has been engaged with during the planning process; an Infrastructure Delivery Plan, and a Housing Needs Survey.*

2.7 The Plan also identified the scale of development and seeks to ensure that new development is in proportion to the current size and form of the existing settlements, not overwhelming them. The Plan notes that large new housing developments are likely to cause pressure on schools, transport and drainage in particular. Policy H2 therefore seeks to address the issues associated with the scale of new development. Work on a Proposals Map has yet to take place.

2.8 Relevant Supplementary Planning Guidance includes:

SPD: Street Design Guide.

SPD: Public Transport Improvements and Developer Contributions

SPD Travel Plans  
SPD: Designing for Community Safety: A Residential Guide  
SPD: Sustainable Design and Construction “Building for Tomorrow, Today.”  
SPG: Neighbourhoods for Living  
SPG 4: Greenspace Relating to New Housing Development  
SPG 25: Greening the Built Edge.

### National Planning Policy

- 2.9 The National Planning Policy Framework (2012) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.10 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. At paragraph 17 the NPPF sets out that a core principle is that planning should “be genuinely plan-led”. 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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The Core Strategy was adopted subsequent to the publication of the NPPF and was found to be sound by reference to the tests set out at paragraph 182 including being “consistent with national policy”.
- 2.11 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%.
- 2.12 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.
- 2.13 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**

- 2.14 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.
- 2.15 The Council is progressing its 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with housebuilders, there are positive signs in the Leeds housing market as follows: a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016. b) progressing activities (including by the Council) and delivery within the Inner area of Leeds, c) a surge in recent planning permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015 34 new sites were granted permission for 2,000 homes in total and d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately. This context reflects an improved picture from that of the previous 5 year supply, which was upheld by the Secretary of State and subject to the views of housebuilders on the deliverability of specific sites, the Council is confident at this stage that it will maintain its 5 year supply for the period 2015 to 2020. It is also important to note that in terms of future land supply the progression of the Site Allocations Plan secures over 55,000 homes in Phase 1, with a large number of deliverable greenfield sites, where they are compliant with the overall strategy, proposed to form Phase 1 allocations. As the site allocations plan advances and is adopted these greenfield releases will become available and can be included within future 5 year supply pictures. This will provide a significant security to the 5 year supply position.

### **Planning Practice Guidance**

- 2.17 Government guidance on the issue of prematurity is set out in this document and says:
- "...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making



process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

### **3.0 MAIN ISSUES**

- 1) Principle and Prematurity
- 2) Settlement Hierarchy
- 3) Sustainability Criteria
- 4) Highway Considerations
- 5) Implications of the updated Environmental Statement
- 6) Section 106 issues
- 7) Housing Delivery

### **4.0 APPRAISAL**

#### Principle and Prematurity

- 4.1 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 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.
- 4.2 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 development in the longer term should the need arise.
- 4.3 The development is contrary to this policy which is saved under the Adopted Core Strategy and the application site remains a PAS site within the current Development Plan.
- 4.4 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”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 “The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on

how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.” Paragraph 4.8.7 confirms that “Through the LDF a sufficient and realistic supply of PAS land, will be identified to provide contingency for growth, if the supply of housing and employment allocations proves to be insufficient in the latter stages of the plan period.”

- 4.5 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this policy. Subsequently the council’s Executive Board, on 11<sup>th</sup> February 2015, agreed to withdraw the policy with immediate effect in light of progress being made with the SAP, that a pool of sites had been identified, and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.
- 4.6 This is a contentious process and one which the Council is progressing in consultation with elected members and local people and neighbourhood groups. Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.
- 4.7 At paragraph 17 the Core Planning Principles state 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.” This follows on from a statement in the Ministerial foreword to the guidance which states: “This [planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.”
- 4.8 At paragraph 85 of the NPPF the guidance states: “When defining [green belt] boundaries, local planning authorities should ... 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; and 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.”

4.9 To release the application site for development at this time would be contrary to paragraph 17 and 85 of the NPPF.

4.10 The Planning Practice Guidance sets out guidance on the issue of prematurity and the most relevant text to these appeals states:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

4.11 The draft Site Allocations Plan is well progressed and has been published for consultation with period closing on 16<sup>th</sup> November 2015. To get to this stage has involved significant work addressing the needs of a large and complex city with the considerable consultation and engagement with many stakeholders. The level of consultation which the Council has engaged in, in order to produce a well thought out plan in association with the key stakeholders means that some considerable weight can be given to the consultation draft. At the time of the consideration of the appeals it will be at a more advanced stage. Nevertheless the principles of achieving sustainable development that has regard to settlement hierarchy, the development of previously developed land and the delivery of key infrastructure will continue to underpin the site allocation process.

4.12 By not waiting for the comprehensive review, via the Site Allocations Plan, 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. It is acknowledged that the SAP has not yet been submitted for examination and the release of this site by itself would not be contrary to the tests of prematurity set out in the PPG. However, it remains a concern that the cumulative effect of releasing the PAS sites could be so significant that it would serve to undermine the plan making process by predetermining decisions about the scale, location and phasing of new development all of which run contrary to the principles of sustainability and settlement hierarchy set out in the Core Strategy Saved policy N34 and its supporting text should be given considerable weight because it remains 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”. To depart from this approach would serve to undermine a comprehensive and considered process which will ultimately target and assess the most sustainable sites. This site is not one as currently assessed. The site is protected by the development plan specifically for the purpose of allowing such a review. Considerable harm will be caused by the circumvention of this process through the release of this site for development outside of that process. It also undermines the plan led system not in relation to this site, but cumulatively through eroding the protection to PAS sites

generally pending the conclusion of the SAP review. The SAP is at a stage where material weight can be given to it and this weighs further against the principle of development at this time.

- 4.13 The application site forms one of a number of choices for smaller settlements in Leeds, where a small proportion of housing is anticipated. Releasing this site now would predetermine options for this settlement for the plan-period so that no other housing land would need to be considered.

#### Principle and Settlement Hierarchy

- 4.14 The Core Strategy has a clear spatial development goal, as outlined within its introductory text and within Spatial Policies 1 and 6. This aims to respect the historic development pattern of Leeds and to ensure sustainable development, by concentrating the majority of new development within and adjacent to the main urban areas, taking advantage of existing services and high levels of accessibility. This will also allow the council to fulfil priorities for urban regeneration and to ensure an appropriate balance of brownfield and greenfield land. These principles are reiterated within policy H1 which seeks to manage the release of sites for housing.
- 4.15 Scholes is identified as a smaller settlement within the Core Strategy settlement hierarchy. Policy SP1 of the Core Strategy states that “Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability”. Work is ongoing through the Site Allocations Plan to consider where within the Outer North East Area new development should be located. To allow development on this site in advance of the SAP being adopted would undermine the plan-led approach, looking at what sites should come forward, what infrastructure is needed to support them, what their comparative sustainability credentials are and where new housing development 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.

#### Sustainability Criteria

- 4.16 Sustainability is a key planning principle and is a core theme which runs through both local and national planning policy. Sustainability is a complex and multi-faceted concept, however in relation to housing development the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently and that the right development is located within the right areas (SP1 and Accessibility Standards) to enable good, sustainable access to public transport, employment, leisure, schools, health care and other services.
- 4.17 The site does not fully meet the draft Core Strategy Accessibility Standards. Whilst there are some local facilities within the village (doctors surgery, pub, shop) and a local bus service, it is infrequent at only 1 an hour giving poor accessibility to employment, town and city centres and secondary education. Whilst there have been discussions in relation to the East of Scholes development about possible improvements to bus services there is no proposal on the table yet about how that can be achieved and without significant improvement of bus services it is not considered that substantial further development in Scholes can be supported.

- 4.18 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 additional health, retail and educational facilities proposed as part of this scheme are benefits but this does not detract from the fact that 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.
- 4.19 In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres. The distance from employment centres, secondary schools and main shopping and leisure areas coupled with the infrequency of the bus service and the poor pedestrian environment, means that the majority of journeys to and from the site will be by private car and this is negative aspect of the development. The site is therefore contrary to Spatial Policies 1, 6 and 11 and Appendix 3 (Accessibility Standards) of the Core Strategy. . The Site Allocations Publication Plan has concluded that there are other more sustainable options for development in the Housing Market Characteristic Area.
- 4.20 The authority consider that the Site Allocations Process is the right vehicle to ensure that the necessary infrastructure is in place to allow sustainable housing growth across the city as a whole.

#### Highway Considerations

- 4.21 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the appellants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure.
- 4.22 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 an acceptable means of access in terms of both safety and capacity has not been demonstrated and 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 Scholes and on the wider network where there are already significant schemes being brought forward in East Leeds including ELOR, and the Manston Lane Link Road (MLLR). These issues do not just relate to vehicular traffic but also all other modes of transport including walking , cycling and public transport.
- 4.23 The updated Environmental Statement contains a revised Transport Assessment. At the time of writing, it has not been possible to review and consider this information. The highway considerations are therefore based upon the initial proposals for 700 dwellings and the new primary school and the accompanying Transport Statement that supported these proposals.
- 4.24 As such the appeal would cause harm to the highway network and is contrary to Core Strategy Policy T2 and saved UDP policy GP5.

#### Implications of the Updated Environmental Statement

- 4.25 As noted at paragraph 1.2 of this report, significant changes have been made by the appellant to the scheme which is the subject of this appeal. Such amendments were submitted in the form of an updated Environmental Statement and at the same time as the appeal was lodged. These amendments were described as '*any other information*' by the Planning Inspectorate in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The amendments are listed above, with the main change being the removal of the proposed new primary school from the proposals.
- 4.26 The Council have previously written to the Planning Inspectorate setting out our position in that, regardless of the requirements of the environmental impact assessment regulations, not only is such further publicity desirable but it is absolutely necessary to ensure that the positions of both the Council and all interested parties are not prejudiced by what is, in effect, the production of a markedly different scheme under the blanket of an appeal.
- 4.27 The appellant's submitted document states that the changes have limited effects on the findings of the original environmental statement, but the Council disputes that this is the case. The newly submitted Supplementary Environmental Statement is predicated on fundamental and material changes to the original planning application.
- 4.28 The revisions were, so far as the Council is aware, produced without proper reference to any other party to the proceedings, including interested members of the public. Certainly, the Council was not, despite what the Appellants say in their Statement of Case (see below), consulted on these revisions. If the appeal proceeds on the basis of this new information, then, for all practical purposes, it is a scheme which was neither put to the Council's relevant Plans Panel nor offered for public consultation when, plainly, it should have been.
- 4.29 Furthermore, a number of local residents who have been notified of the appeal submission are raising this also as an issue. A number of residents are stating that this additional information is, effectively, a new scheme which has not been the subject of any public consultation.
- 4.30 The amendment to the education element of the proposal, in particular, raises serious concerns. Rather than the provision of a new primary school within the site as part of the proposed development, the Appellant intends to offer a piece of land adjacent to the existing primary school within Scholes. This particular site was also the subject of a recent outline application by the same applicant which was refused by the Council for similar reasons. The proposal to extend the school has not been tested, either as a matter of principle and to a degree needed to support the development of up to 650 new houses. Furthermore, it has not been considered by Highways Officers whether the access to the school is appropriate to support the increased level of vehicular activity associated with what would be a substantial extension.
- 4.31 Of significant concern with regard to the submission of fundamental changes to the proposal is the lack of public consultation. The appellant has not carried out any publicity with regard to the changes and the Inspector has yet to confirm whether the updated ES will be considered for the purposes of the appeal.

- 4.32 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.
- 4.33 The authority's CIL charging schedule is in place and requires a payment of £90 per square metre of residential floor space. The adoption of CIL means that S106 payments previously identified relating to greenspace and education are no longer applicable. It will still be necessary for the appellants to enter into an S106 agreement relating to affordable housing, public transport, and proposed off-site highway works. These 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.
- 4.34 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.

## **5.0 CONCLUSION**

- 5.1 Central to the context of this appeal is the matter of the delivery of housing in a sustainable and planned way. Housing delivery is a key element of current planning policy at both national and local level. The NPPF places a priority, amongst other matters, on the delivery of sustainable development and housing growth. Leeds has a target of 70 000 homes across the plan period and is committed to delivering this target. A significant amount of work has been undertaken and is still ongoing to ensure that this target is met, including work with house builders, landowners and local communities. The interim PAS policy was one arm of the Council's strategy and this sought to allow the release of sustainable sites ahead of the publication of the Site Allocations Process to ensure the ongoing availability of housing land. The policy achieved this aim, and was withdrawn once SAP had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the East of Scholes PAS site has been assessed for release but this was not considered to be acceptable as it failed to meet accessibility standards in respect of access to employment, secondary education, town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area.
- 5.2 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer North East Housing Market Characteristic Area and this is a benefit of the scheme to which weight must be given, albeit this weight is reduced by the fact that the land is not needed within the current five year housing land supply and other sites are considered to be sequentially preferable. Furthermore the release of the site would cause substantial harm to the plan making process and the Council's sustainable development strategy as set out in the Core Strategy. The outline scheme proposed by the appellants would also cause harm to highway safety, local character and ecology; this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure flood mitigation measures, other infrastructure works, affordable housing

and other contributions necessary to make the scheme acceptable would be delivered. This harm is significant and weighs against the proposal. The benefit of delivering housing land does not outweigh the cumulative harm which the proposal would cause to the Council's spatially focussed sustainable development strategy and the specific harm identified to Scholes and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.

5.3 The release of the East of Scholes PAS site for housing development at this time being contrary to saved policy N34 of the UDP and the NPPF. To grant permission would be premature as it 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 is confident that it will maintain its 5 year housing land supply and so there is no need to release this site of this scale in this location in advance of the Site Allocations process. There are concerns regarding the sustainability of the site given limited services within the village and the infrequency of the local bus service. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable. Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy sets out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council has considers that it will maintain its 5 year housing supply and is advancing a SAP it is therefore recommended that the council contests this appeal for the reasons set out at the start of this report.

5.4 Members should also have regard to the content of the covering report and that it is likely in preparing for the appeal that the appellant will seek to submit further information in an attempt to address some of the matters that are of a concern to the council. For example it is common practice for an appellant to submit a draft Section 106 Agreement for consideration. A failure of a local planning authority to engage in such discussions that seek to narrow the differences between the parties may be viewed as constituting unreasonable behaviour.

### **Background Papers:**

Application files: 14/01211/OT  
Certificate of ownership: Certificate C signed



# Appendix – Previous Plans Panel Report



Originator: Martin Sellens  
Tel: 2478172

Report of the Chief Planning Officer

## **CITY PLANS PANEL**

Date: 28<sup>th</sup> August 2014

**Subject: Application 14/01211/OT: Outline application for mixed use development comprising residential development (C3) of up to 700 houses, including Extra Care residential accommodation (C2); retail and community uses (A1 to A5); health care (D1); and education uses (D1); car parking; means of access; infrastructure; open space; landscaping; and other associated works including demolition of existing house and agricultural building**

**Land at East Scholes, Scholes, Leeds 15**

### **APPLICANT**

Scholes Dev Co Ltd And  
Barratt David Wilson Homes  
-Mr D Hudson

### **DATE VALID**

05.03.2014

### **TARGET DATE**

25.06.2014

### **Electoral Wards Affected:**

**Harewood / Crossgates & Whinmoor**

Yes

Ward Members consulted  
(referred to in report)

### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**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 Scholes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location of the site and its substantial scale 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 Draft 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 Scholes which is consistent with its size, function and sustainability credentials. Furthermore, the Draft 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 Draft Core Strategy recognizes the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan eg. Educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP3 of the adopted UDP Review and Policy SP1 of the Draft Core Strategy. In advance of the Site Allocations Plan the proposal represents such a substantial expansion of the existing settlement that it is likely to adversely impact on the character and identity of Scholes contrary to Policy SG2 of the adopted UDP Review, Policy SP1 of the Draft Core Strategy 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 Draft 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 adopted UDP Review (2006), Policy T2 of the emerging Core Strategy 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 points 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 Policies GP5, T2 , T2B and T5 of the adopted UDP Review, Policy T2 of the emerging Core Strategy 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. 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 and drainage 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 Draft 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 The City Plans Panel received a pre-application presentation regarding this proposal at the 12<sup>th</sup> December 2013 City Plans Panel. The Panel also visited the site and Scholes in the morning prior to that meeting. At that Panel Members made it clear that they felt the proposed development on this PAS site was premature and also raised significant concerns regarding the highways implications. The full minutes from that item are included as Appendix 1 to this report.
- 1.2 The application was valid on 5<sup>th</sup> March 2014. The applicants had agreed an extension of time until 24<sup>th</sup> July 2014. Under The Planning Guarantee the Government has introduced regulations so that if a planning application submitted from 1<sup>st</sup> 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 5<sup>th</sup> September 2014. The planning fee is £43,797. 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 mixed use development comprising residential development up to 700 dwellings, including Extra Care residential accommodation, retail and community uses, health care and education uses with car parking, means of access , infrastructure, open space , landscaping and other associated works including demolition of existing house and agricultural building. Permission is sought for the principle of development and means of access only with all other matters reserved. An existing dwelling on Belle Vue Avenue is to be demolished to provide a new pedestrian and access link to proposed community uses. The site currently comprises agricultural fields in use for arable farming and is split by an existing un-adopted road ( Rakehill Road) which runs west – east through the site. The site lies adjacent to the Scholes Conservation Area which was designated in April 2012.
- 2.2 Means of access to the site is proposed via the provision of three access points ;
  - via the existing Rakehill Road junction in the centre of the site. Rakehill Rd will be widened to 6.75m between the application site and the junction with Scholes Lane / Station Road
  - via a new dedicated junction on Main Street to the south of the site; and
  - via the existing Arthursdale Drive, which will be extended to provide an additional point of vehicular access to the site

2.3 The application is accompanied by the following documents;

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Housing Needs Assessment
- Sustainability Assessment
- Building for life Assessment
- Preliminary Infrastructure Appraisal
- An Environmental Statement covering land use, socio-economic, transport, landscape and visual impact assessment, ecology, arboriculture, water management, noise, air quality, cultural heritage and archaeology and ground conditions.

2.4 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 700 residential units alongside associated infrastructure, about 4 hectares of public open space and recreational facilities. The applicants set out that in direct response to pre-application discussions with the Parish Council and local residents the scale of the proposal represents a medium density of circa 22 dwellings per hectare ( gross developable area) in keeping with surrounding residential areas. The indicative masterplan demonstrates the provision of new community services including a one form entry primary school, GP surgery and dispensing chemist, alongside small scale retail units within the centre of the development. 15% of the dwellings are proposed as affordable housing in accordance with the Interim affordable Housing Policy of 2011 and the applicant is willing to provide a range of delivery options for the Council to consider.

2.5 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 was always intended to be comprehensively reviewed as part of the preparation of the Local Development Framework.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The application site adjoins the eastern boundary of the settlement of Scholes and extends to an area of circa 32 hectares. Residential development lies on 3 sides of the application site from ribbon development along Nook Road to the north towards the A64 ( York Road) , the existing estate roads of the village to the west, and Main Street and associated residential development to the south. To the east is further arable farmland

## 4.0 RELEVANT PLANNING HISTORY:

4.1 14/00716/OT: Outline application for residential development for up to 45 dwellings, laying out of access road, car parking , landscaping and associated works on land off Morwick Grove to the west of Scholes. This application was also presented pre application to the Plans Panel in December 2013. The application was made by the same applicants as this larger scheme to the east of Scholes and involved the other PAS site in Scholes. The application was refused permission on 6<sup>th</sup> August under delegated powers for the following 4 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 or educational purposes as part of the future expansion of Scholes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location of the site 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 13<sup>th</sup> 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 that 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 development of this site for residential purposes does not meet the minimum accessibility standards set out in the Draft 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 adopted UDP Review (2006) and to the sustainable transport guidance contained in the NPPF which requires new developments to be capable of being adequately served by public transport so as to provide residents with a real choice of travel options.*
3. *It is considered that the proposed access arrangements for the site on Morwick Grove, including the relationship of the access junction to the development with the pedestrian entrance to the nursery at the adjoining primary school and the proposed drop off lay-bys will encourage additional manoeuvring and give rise to the potential for pedestrian and vehicular conflicts in this sensitive location. The detailed access arrangements which are sought as part of this outline application are therefore contrary to Policies T2 and GP5 of the adopted UDP Review (2006) 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.*
4. *In the absence of a signed Section 106 agreement the proposal currently fails to provide the necessary contributions for the provision of affordable housing, greenspace Improvements, metrocards and education ( if over 50 units) contrary to the requirements of Policies H11, H12, H13, N2, T2, GP5 and GP7 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to policies of the Draft Leeds Core Strategy and 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.*

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Planning officers have had meetings with the developer and there was one Ward Member presentation at pre-application stage. Officers have continually stressed it would not be appropriate to bring forward these PAS sites at this stage but that they should be promoted through the Site Allocations process.
- 5.2 The developer has also carried out public consultation in Scholes in May 2012 and September 2013. Separate meetings with the local MP, Ward Members, Parish Council plus other local groups and service providers have also taken place.
- 5.3 The applicants document that following public consultation a number of amendments were made to the scheme to address the concerns of local residents. These included a reduction in the number and density of the new development from 800 to 700 dwellings in order to reflect the appearance and character of the existing settlement whilst providing for family housing with gardens and generous on-site public open space and including both extra care and elderly accommodation as part of the scheme proposals.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The planning application has given rise to a significant volume of representations – 1,547 of which 1,546 object and 1 neither supports or objects ( as at 14<sup>th</sup> August). Of these representations some 215 are standard printed letters where a name and address have been added.

**Alec Shelbrooke MP** writes on behalf of his constituents to raise awareness of their concerns which relate to the adequacy of the existing drainage systems and flooding is likely, highway capacity as the A64 is already jammed at peak times, actual housing of this scale in the village is questioned in terms of need, practicality and viability, impact on ecology and pressure on school places and health services. A development of this size would radically change the character of the existing village, doubling it in size and put unprecedented pressure on local highways and services.

**Councillor Ann Castle** strongly objects. At present Scholes is a village of about 1,000 properties and has grown organically over time with a variety of property styles, types and ages so is full of character. If a volume house builder were to build 700 houses to the east of the village the area would become a soulless suburb of Leeds. At the consultation event the applicants seem to believe that Scholes is a village in decline – nothing could be further from the truth as there is a popular school, two lively churches, a doctor's surgery, a dentist's surgery, two pubs, a number of meeting rooms and halls to cater for all of the lively groups in Scholes, sporting clubs and a public library. Cllr Castle is concerned about the plan to provide retail units within the development as there is an excellent village store at present in the village and retail in close proximity at Seacroft and Crossgates.

The Campaign to Protect Rural England (CPRE) have objected as the proposal is an unwarranted, speculative development which would pre-empt the emerging Site Allocations Plan and the Scholes Neighbourhood Plan; it is wholly out of proportion with the existing size and extent of Scholes and at odds with the settlement hierarchy; it would be unsustainable due to poor public transport connections, inadequate local amenities and large volumes of additional traffic generation; there are serious shortcomings with the Transport Assessment which downplay the demonstrable harm to local amenity and sustainable development that the proposals would constitute.

The standard and individual letters raise the following main issues among many:

- Prematurity/sustainability/failure to meet PAS policy.
- Highways issues in terms of the width of existing roads, capacity, junctions and safety concerns.
- Existing drainage is already working at capacity due to inadequate historic combined sewers and there are flooding problems.
- Change to the character of the village –it would be overwhelmed.
- Transport assessment factually incorrect and cannot be relied upon.
- Education and health facilities already under pressure and offers from developer may not resolve or be timely.
- Other major developments in the area and cumulative impacts should be considered.
- Ecology – adverse impact on local natural habitat and wildlife. Net gains should be made to improve the situation.
- Failure to consider the neighbourhood plan.
- Adverse impact on existing residents from traffic and growth/ construction over a prolonged period ( 10 years) plus loss of residential and visual amenity, adverse impacts on the character and amenities of the cricket ground.
- Adverse impact on public rights of way and open countryside views from them.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

**7.2 Environment Agency:** No objection subject to conditions to ensure development is carried out in accordance with approved Flood Risk Assessment and mitigation measures and any dwellings adjacent to Rake Beck or Carr Beck must have finished floor levels raised at least 600mm above the adjacent bank level of the watercourse or 150mm above existing ground levels, whichever is greater.

**7.3 Yorkshire Water:** Suggest a number of conditions. Separate systems for foul and surface water required – local public sewer network does **not** have capacity to accept any surface water discharge from the site. Substantial off-site works required to supply water to the site ( approx. 370m of off-site main laying)

### **7.4 Non-statutory:**

**7.5 Natural England:** Proposal unlikely to affect any statutory protected sites or landscapes – referral to standing advice regarding protected species.

**7.6 West Yorkshire Combined Authority -** The scale of the development will significantly increase the size of the settlement. As with a number of villages on the periphery of the suburbs of Leeds, public transport access presents challenges for bus operators. The scale of the development, when completed, may provide bus operators with the increased patronage that will improve the frequency of services but in the short term it is unlikely that bus operators would be prepared to increase frequencies or routes without external funding. The Transport Assessment (TA) acknowledges that based on the current network the site does not meet the standards set out in the SPD or the emerging Draft Core Strategy accessibility criteria. Commitments have been included in principle to address this. Further discussion is required with the Council and developer to agree the level of service required and how it can be sustained. The indicative site layout indicates that bus penetration can be achieved through the site but the rest of Scholes would need to be well served and stops, real time information will be required at regular intervals. Residential Metrocard scheme recommended at £475 per dwelling. The TA states the developer is willing to pay the SPD contribution to public transport as well as fund bus service improvements. The SPD contribution would be £858,349 or £1226 per dwelling.

**7.7 Affordable Housing** – Falls within the Outer Suburbs area where 15% affordable housing required , split 50% social rented / 50% sub market. The developer has suggested a number of approaches from all on site to an off site contribution equivalent to 15% on site. The starting point in policy terms is to provide the affordable housing on site unless there is a justification due to local housing demand for example, to do otherwise. For 700 dwellings the 15% equates to 105 units.

**7.8 Highways: Cannot be supported as submitted. Recommend refusal**  
In terms of accessibility the TA does not make a full assessment of the site in terms of the Core Strategy draft accessibility standards. There is only one bus service presently running through the village along Main Street / Station Road and this is only an hourly service. No assessment has been made as to distances to existing bus stops on the A64 York Road or Leeds Road or the suitability of the routes. No specific bus offer has been made to ensure that an acceptable frequency and journey time is made available to the proposed development site, albeit the spine road within the site has been designed to take buses should one divert through the site. There is no discussion of the frequency of rail services at Crossgates station and the timing of connections with bus services. As submitted the accessibility of the site is poor.

There are 3 vehicular access points proposed to the site – From Main Street, from an extension to Rakehill Road and from an extension to Arthursdale Road. There are details which need to be resolved on all these and it has not been demonstrated that they can operate satisfactorily with capacity and without safety issues.

Off site highway works are proposed at the access points onto Main Street, at the junction between Rakehill Road and Station Road, the widening of Rakehill Road to provide a 6.75m carriageway and 2m footpaths and the signalization with widening of the junction of the A64 York Road and Scholes Lane.

A traffic impact assessment has been included as part of the TA which considers the performance at 11 junctions ( within Scholes, on the A64 to the Ring Road at Seacroft and in Barwick and Crossgates ). There is no discussion of the junction



between The Approach and Rakehill Road – the layout and capacity of this junction needs to be assessed given that The Avenue will be used by vehicles travelling to and from the northern part of the site. As this junction is close to the Station Road / Rakehill Road junction the interaction between them should also be examined.

An assessment of the Crossgates roundabout / Manston Lane / Austhorpe Road junction has not been included nor has a review of the network with full ELOR /partial ELOR or the proposed development of 2000 houses at ELE as requested at pre-application stage. The junction assessments have only been carried out with MLLR and not in the scenario before it is operational. On this basis no development would be considered appropriate until after the MLLR is built and open to the public.

There are some significant concerns with the methodology used in the detailed assessment of network growth, trip generation and trip assignment. The growth factors are very low and do not appear to reflect local circumstances. The detail of the junction assessments will need to be redone with different trip rates and assignments.

No assessment has yet been made in relation to road safety. A road safety audit will need to be undertaken and responded to satisfactorily of all junction proposals and off-site highway works before planning permission could be granted.

- 7.9 Contaminated Land:** No objection subject to conditions.
- 7.10 Children's Services:** Scholes (Elmet) primary school currently full with exception of some spare capacity in years 5 and 6. Full S106 contribution for education required. Current school accommodation needs to be extended – constraints on current site. Look for contribution in form of land from either or both Scholes applications. John Smeaton Community College is nearest secondary school in Leeds 15 (Crossgates). Contributions of £2,214,380 for primary and £3,334,670 for secondary required.
- 7.11 Conservation :** The site is immediately north of the Scholes Conservation Area and so it is important that any proposals respect the setting and character. Key views are mainly to the south but there needs to be a strong and generous landscape buffer to the north to protect the setting – this is supported in the Heritage section of the Environmental Impact Assessment but is not currently shown on the illustrative master plan.
- 7.12 Landscape / Ecology:** Main concern is ensuring adequate buffer to the Green Belt and the impact on the PROWs from development.. The illustrative master plan indicates that the PROWs will be retained but their landscape character will change with impact on users from open countryside views to urban environment. The effects of this can be mitigated by locating footpaths to the outside of the buffers to the Green Belt – the master plan suggests this in parts..
- 7.13 West Yorkshire Archaeological Advisory Service:** within an area of archaeological interest – site lies to north of Scholes moated site – earthwork remains of medieval moated manor site. Geophysical survey carried out in early 2014 – clear evidence of ridge and furrow and cropmark sites. Recommend application is deferred until applicants have carried out an archaeological evaluation but if minded to approve suggest a planning condition.
- 7.14 Flood Risk Management:** The recommended Flood mitigation measures set out in the Flood Risk Assessment as well as the principles of the proposed surface water

drainage arrangements are acceptable. Condition recommended for scheme of surface water drainage to be submitted and approved before commencing on site and will need to include investigation of five highway / culvert crossings between the site and Main river / Cock Beck. May necessitate off site watercourse improvement works to be included in S106 agreement. Intrusive investigations yet to be carried out to determine if ground conditions in specific areas can accommodate some aspects of infiltration drainage.

- 7.15 Public Rights of Way:** Public footpaths 38,40 & 46, Public bridleway 37 and public byway 41 cross the site. The PROW have been included into the development .
- 7.16 Retail :** Town centre uses totalling 750 sq m are shown outside a designated centre. Whilst not strictly in compliance with policy P7: the creation of new centres within the emerging Core Strategy it is in line with the spirit of the policy which is that large new housing extensions should provide local services to better create sustainable settlements, reduce private car journeys and encourage walk-in trade. The proposal passes the sequential test and would add to the sustainability and livability of the wider housing development provided that there are a number of small units within the 750 sq m total. Conditions suggested to limit the size of each unit and that the centre should consist of at least 3 units.
- 7.17 Local Planning:** Recommend refusal as contrary to N34 and the Interim PAS policy and should be looked at through the Site Allocation Plan. Barwick and Scholes is one of the Council's neighbourhood plan areas and has been designated as a neighbourhood area. Work is progressing locally on the preparation of a Neighbourhood Plan and this is being undertaken in tandem with work on the Site Allocations Plan. Scholes falls in the Outer North East housing market area where the Core Strategy target under Spatial policy SP7 is 5,000. As at 31st March 2012, the outer north east had 1,067 units still to be built from existing permissions and allocations. That leaves a residual requirement to find 3,933 units. The pool of sites for consideration identify a total of 5,848 units with 2,323 green and 3,525 amber. This is substantially over the target and gives local choice and consideration of sustainability options when choosing which sites to allocate. The East of Scholes site is amber. The publication of sites is likely to take place at the end of this year / early next before the Preferred Draft is issued and placed on deposit prior to examination. Allowing this site to come forward at this stage in advance of the Site Allocations Plan and Neighbourhood Plan would not be genuinely plan-led or empower local people to shape their surroundings.( NPPF Core Planning Principle para17).
- 7.18 Barwick in Elmet & Scholes Parish Council – object.** Fails interim policy on PAS sites. Scholes is a small settlement in emerging LDF and this development is massive and will change the character and identity of the village and be at odds with the aims of the NPPF. It fails to take account of the full impact of the East Leeds Extension or the circa 2000 dwellings on the Bramley Fields site and the resultant highway impacts on the village. It is considered that the Transport Assessment is seriously flawed in a number of ways and the flows will have significant impacts on junctions ,the network and the village as a whole. Drainage in Scholes is already subject to regular problems from the foul and surface water. Affordable housing at 15% is below the planned target figure of 35%. The timing of new educational provision is critical for the village and there is a lack of information about the Section 106 moneys on offer. If the application is taken forward the Parish Council would look for a new access/exit to be taken from the York Road to the north of the present

village. The residents are working hard to prepare a Neighbourhood Plan and this should be taken account of as an emerging plan – the timing of this application in advance of that process seeks to circumvent the Localism Act as well as the Site Allocations Plan and Core Strategy.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

- 8.1** 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 has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications 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.

- 8.2** 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.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance 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 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 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 :**

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 is 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

**8.3** 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.

**8.4** 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**

**8.5** 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.*

- 8.6** 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.

- 8.7** 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.

- 8.8** 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 and West of Scholes have also been recently refused.

- 8.9** 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**

- 8.10** The Council submitted its Core Strategy to the Secretary of State in April 2013 and an examination in public was held in October 13 and May 2014. The Council has

consulted on a further set of Main Modifications to the Core Strategy. Following consultation and no arising outstanding matters, it is anticipated that the Core Strategy will be adopted in autumn 2014 following receipt of the Inspectors final report. The Core Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The Core Strategy Inspector has proposed two sets of Main Modifications, which he considers are necessary to make the Plan sound, including in line with the NPPF. The Council is 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

- 8.11** 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.”
- 8.12** 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,
- 8.13** 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.
- 8.14** **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

The Examination into the Draft Core Strategy has now taken place and the Inspectors report is expected imminently. Of particular relevance is the issue of affordable housing. This was examined in May 14 and the Council is seeking to include the levels of affordable housing within the Core Strategy as required by the Inspector. The 35% outer north level is proposed to extend to Scholes and Barwick and this is a change from the current level of 15%.

### **Five Year Supply**

- 8.15** 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.
- 8.16** 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.
- 8.17** 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.
- 8.18** 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.
- 8.19** 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.



- 8.20** 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).
- 8.21** 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
  - an element of Protected Area of Search sites which satisfy the interim PAS policy
- 8.22** 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.”
- 8.23** In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

### **National Guidance - National Planning Policy Framework**

- 8.24** 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.
- 8.25** 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%.
- 8.26** 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.

- 8.27** 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.

### **Neighbourhood Plan**

- 8.28** Barwick-in-Elmet and Scholes Parish has been designated a neighbourhood area and the Parish Council are currently preparing a neighbourhood plan.

## **9.0 MAIN ISSUES**

- Compliance with the Development Plan**
- Development in advance of Site Allocations Plan.**
- Five Year Supply**
- Sustainability criteria**
- Highway considerations.**
- Layout/design/landscaping.**
- Other issues**
- 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 East of Scholes 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 Scholes, 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 is well above 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. Childrens Services have considered there is demand to expand school provision in Scholes and the indicative proposals include a primary school so there is no conflict with criterion (iii). It is through the Site Allocations process that the amount and location of new development in Scholes 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 and ii criteria iv and v do not need to be considered. It is worth noting however that development at Grimes Dyke is now under way within reasonable distance of Scholes in the Main Urban Area.

- 10.5** 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 Scholes - 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 Scholes 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**

- 10.6** 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. 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 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.
- 10.7** The Core Strategy Inspector's latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound confirm that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan. However given market conditions moving out of recession, the need to plan for infrastructure and demographic evidence his latest modifications have also included a lower target of at least 3,660 homes per annum between 2012 and 2016/17 against which delivery should be measured for performance purposes. 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.

### **Sustainability criteria**

- 10.8** Whilst there are some local facilities within the village ( doctors surgery, pub, shop) and a local bus service it is infrequent at only 1 an hour giving poor accessibility to employment, town and city centres and secondary education. Whilst there have been discussions in relation to the East of Scholes development about possible improvements to bus services there is no proposal on the table yet about how that can be achieved and without significant improvement of bus services it is not considered that substantial further development in Scholes 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 additional health, retail and educational facilities proposed as part of this scheme are benefits but this does not detract from the fact that 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 an acceptable means of access in terms of both safety and capacity has not been demonstrated and 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 Scholes and on the wider network where there are already significant schemes being brought forward in East Leeds including ELOR, and the Manston Lane Link Road (MLLR). These issues do not just relate to vehicular traffic but also all other modes of transport including walking , cycling and public transport.

### **Layout/design/landscaping**

- 10.10** The masterplan submitted is indicative at this stage but indicates a well designed connected layout with structure. It offers a good basis on which to progress detailed discussions if the principle is agreed. We are not yet at that stage. Where additional facilities for the village should be located including shops, education and health uses should be debated through the Site Allocations and Neighbourhood Planning process involving local people. It will be important in any growth of the village to ensure it's identity and character is maintained and that the addition of a significant suburban extension with facilities is not just bolted on to the existing village infrastructure but is integrated.
- 10.11** There are two matters of detailed concern which need to be flagged up and which should be addressed if this proposal is progressed. One relates to the need for a landscape buffer to the north of the Conservation Area which if not provided will adversely impact on the setting of the Conservation Area. The other is to do with the impact on the Public Rights of Way through the site which will change significantly from having open countryside views to being urban in nature. This could be overcome by the provision of new footpaths / bridleway on the landscaped edge of the development so that open countryside views are retained and their amenity value is preserved.

### **Other issues**

- 10.12** Flood Risk Management colleagues and Yorkshire Water / Environment Agency raise no objection subject to conditions and appropriate detail with some off site mitigation. There are no other technical grounds at this stage to resist the development subject to the imposition of relevant conditions.

### **Section 106 Package**

**10.13** 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. .

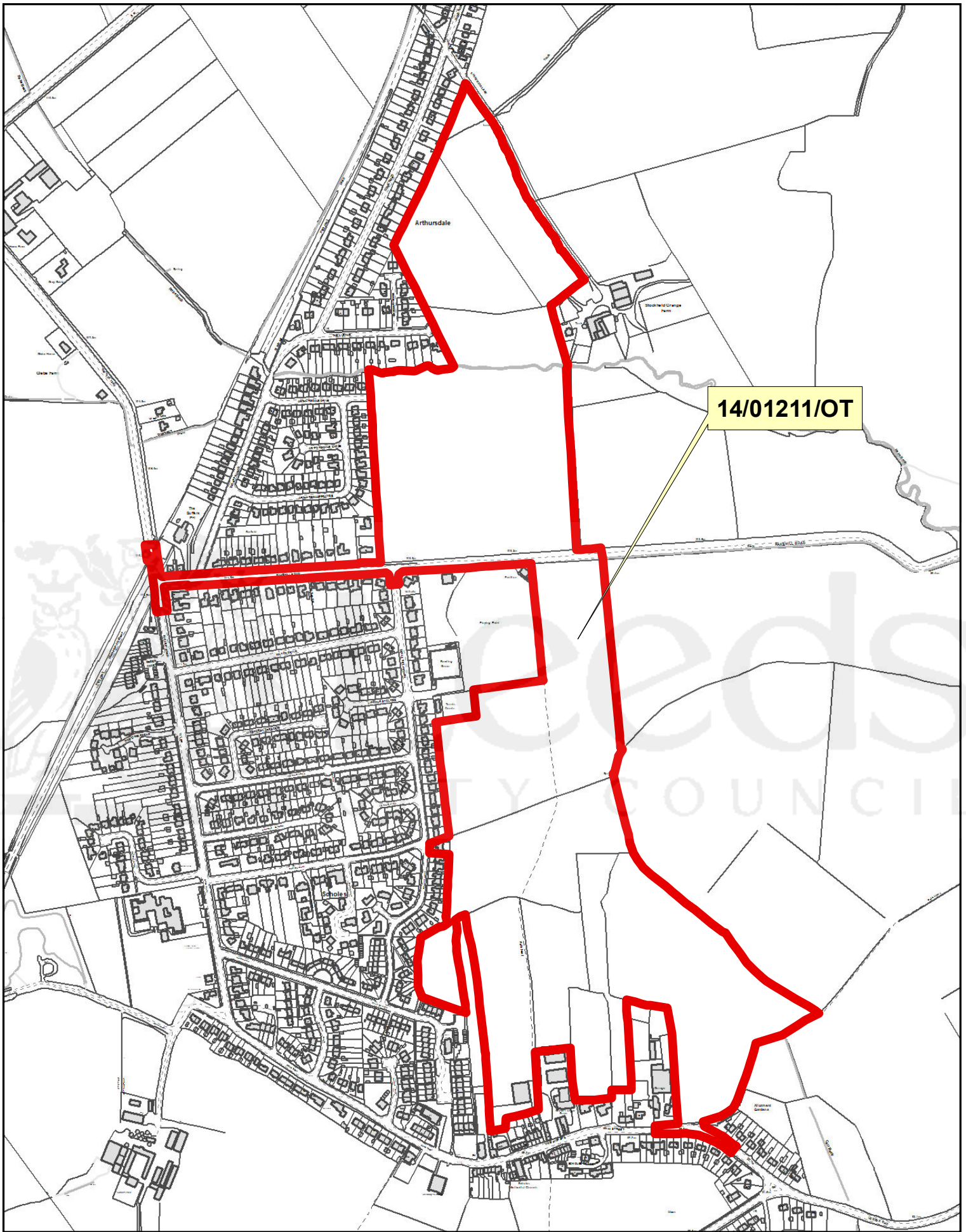
**10.14** The proposed obligations in relation to green space, affordable housing, education, public transport and possible off site highway and drainage works have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related 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. The position in relation to affordable housing is subject to likely change. At present 15% is required but this could increase substantially in the coming months to 35% dependent on the report of the Core Strategy Inspector expected shortly. Whilst the higher rate cannot be given substantial weight at present if this is supported by the Inspector and then adopted by the Council then the higher rate would need to be given substantial weight at that stage.

## **11.0 CONCLUSION**

**11.1** The release of the East of Scholes 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 5.8 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 access arrangements proposed and the poor sustainability of the site given the infrequency of the local bus service. Refusal is therefore recommended for the reasons set out at the start of this report.

## **12.0 BACKGROUND PAPERS**

**Application file 14/01211/OT / Certificate of Ownership.**



# CITY PLANS PANEL



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