



## Report of the Chief Planning Officer

**PLANS PANEL: City**

**Date: 17 July 2014**

**Subject: APPLICATION: 13/04824/OT – outline application for development of circa 70 dwellings, including access works. Land near Ring Road and Calverley Lane, Farsley**

### APPLICANT

Gaunts Ltd. and Ian Driver

### DATE VALID

24.10.13

### TARGET DATE

23.1.14

#### Electoral Wards Affected:

**Calverley and Farsley**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

## RECOMMENDATION:

**Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters:**

- Affordable housing: 15% provision with 50% social rent/50% submarket housing.
- Education contribution of £333,467.08. (based on 70 houses, contribution would vary depending on final number of units).
- Transport SPD contribution figure of £826/dwelling.
- Metrocard contribution figure of £462/dwelling.
- Travel Plan Review fee of £2,500.
- A contribution of £40000 towards the improvement of Rodley roundabout .
- Greenspace contribution. £1511.20 per dwelling.

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

### Conditions:

1. **Outline relates to Access only. All other matters Reserved.**
2. **Reserved Matters to be submitted within 1 Year**

3. Development to commence within 1 year of approval of last Reserved Matter.
4. Plans to be approved.
5. Samples of walls, roofing, doors, windows, surfacing material to be approved.
6. Details of means of enclosure including retaining walls.
7. Details bin stores.
8. Landscape scheme
9. Implementation of landscape scheme
10. Tree protection conditions.
11. Tree replacement conditions.
12. Plan for bat and bird nesting opportunities.
13. Access roads and car parking to be complete prior to first use.
14. Development in accordance with FRA, including specified mitigation measures.
15. Details of surface water balancing facilities.
16. Details of treatment of on-site water courses.
17. Separate systems of foul and surface water drainage on and off site.
18. No piped discharge until works for satisfactory outfall of surface water.
19. Cycle/motorcycle provision notwithstanding submitted drawings.
20. On site provision for contractors during construction, including means to prevent mud on road and dust suppression.
21. Contamination reports.
22. Unexpected contamination.
23. Verification reports.
24. Any remedial works identified by site investigation relating to shallow mine works to be completed prior to commencement.
25. Condition relating to specified off-site highway works.

## **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.

## **2.0 PROPOSAL:**

- 2.1 This is an outline planning application for the development of the site with circa 70 houses. Approval is sought for approval of the access to the site but all other matters (appearance, landscaping, layout and scale) are reserved for subsequent approval.
- 2.2 Although the majority of matters are reserved for subsequent approval the applicants have submitted an indicative layout to illustrate that the site can be developed for up to 70 houses.
- 2.3 The layout shows a single access point with an estate road running west from Calverley Lane, turning north- west towards the Ring Road. There are no houses proposed between the estate road and the recreation ground to the south. Within the site a further road will run north and north east to serve a group of properties in the northern corner of the site (at the junction of the Ring Road and Calverley Lane). These properties are described as providing a terraced frontage to the site to reflect the character of the older

terraced vernacular within Farley and Rodley and are shown as six separate blocks, five containing three units and the other four units. The remainder of the development on the Calverley Lane frontage comprises detached housing (5 units).

- 2.4 The centre of the site is primarily proposed as landscaped open space, mainly beneath the no build zone under the overhead power lines, with an extension to the north to provide a central play area. Beyond this open area the indicative layout shows a development of detached and semi-detached properties served off the estate road and a number of private drives running towards the western extremity of the site.
- 2.5 The illustrative layout also includes a number of other features, described as “key objectives”. These include:
- the retention of the existing raised bund and tree screen to the Ring Road and its extension to the Calverley Lane junction along the remainder of the site frontage;
  - parking for visitors to the adjacent recreation ground within the site and the possible provision of a gated pedestrian access to the recreation ground;
  - new buffer planting to the southern boundary of the site where it abuts Beech Lees;
  - the retention of the existing tree belt to the south (which is in any event within the recreation ground); and
  - widening of the footway to Calverley Lane between the access and the Ring Road to 1.9 metres.
- 2.6 The site has an area of 2.8 hectares and the density of development based on 70 houses would be 25 units per hectare (approximately 10 per acre). This is a relatively low density of development but the no build zone under the overhead lines reduces the developable area by about 0.4 hectares. It should be noted that whilst the application is described as “circa 70 houses” the application is in outline and only access is to be determined at this stage. As such the layout of any reserved matters application will need to meet policy requirements and will be considered against the guidance in SPDs and SPGs, including Neighbourhoods for Living. This may impact on site capacity.
- 2.7 The application also includes a drawing showing a streetscape from Calverley Lane and sections of the site to show the relationship of new properties with those on the adjacent Beech Lees site. The streetscape shows the development could reflect the traditional features of existing local housing, including features such as chimneys, bay windows and similar roof to wall and window to wall ratios. All properties shown in the streetscape are two storeys. The sections show that because of the fall of the land the finished floor levels of the new houses will be below those of Beech Lees properties by 1.65 and 2.18 metres (for the two examples shown). In any event if permission is granted these details of floor levels, appearance and back to back distances would be considered at reserved matters stage.
- 2.8 In addition to these indicative details the application includes detailed reports on the following topics : desk study and geo-environmental report; design and access statement; planning statement; statement of community

involvement; transport assessment and travel plan; extended Phase 1 habitat study; bat and reptile surveys; tree survey; flood risk assessment; landscape and visual assessment; acoustic assessment; air quality assessment; and heads of terms.

- 2.9 Two further drawings are submitted, one showing local facilities in relation to the site and the other local schools and routes.
- 2.10 The applicants, agent has indicated that the following obligations, to be included in the 106 Agreement and detailed in this report, are acceptable: affordable housing provision; education contribution; Transport SPD contribution; metrocard contribution; Travel Plan Review fee; greenspace contribution; and a contribution of £40000 towards the improvement of Rodley roundabout.

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

- 3.1 The site is located north of the main built up area of Farsley. It is a triangular site. The entire north-west boundary abuts the Ring Road, with a frontage of 275 metres from the northern edge of the Beech Lees development to the junction with Calverley Lane. For much of this frontage (approximately 195 metres) the site is screened by a bund and trees. From the junction the north east boundary of the site runs along the south western side of Calverley Lane for approximately 185 metres. The southern edge of the site (300 metres) abuts the recreation ground for 137 metres. Thereafter the southern boundary is formed by the rear garden boundaries of properties in Beech Lees, running 163 metres from the north-west corner of the recreation ground to meet the north-west boundary at the Ring Road.
- 3.2. The site is currently an open field which slopes down to the east and north from the western corner and southern boundary. The lowest part of the site is on Calverley Lane where the site is retained by a stone wall. Approximately in the centre of the frontage and close to the wall is a large electricity pylon. Houses in Beech Lees are visible from this frontage across the site.
- 3.3 The only current building on the site is a small corrugated metal building approximately in the centre of the site, which may be associated with the existing use of the site for the grazing of horses.
- 3.4 Beyond the two roads which define the north-west and north-east boundaries is open countryside. That on the opposite side of the Ring Road is within the Green Belt and Special Landscape Area and is characterised by large open fields and scattered housing.
- 3.5 Land to the north east (Kirklees Knowl) is defined as a Protected Area of Search for potential long term development (PAS) in the Leeds UDPR (as is the application site). The Kirklees Knowl site was the subject of a recent planning application which was the subject of an appeal against non-determination last year. The decision has yet to be issued. It was originally expected to be issued in early April but the Secretary of State has extended his date for decision, currently to 17<sup>th</sup> July, but subsequent delays cannot be ruled out.

- 3.6 As previously indicated the southern boundary abuts both recreational open space and housing. The former is within the Farsley Conservation Area the boundary of which runs along the southern boundary of the site where it abuts the recreational land. The boundary to the Conservation Area continues along the western boundary of the recreation ground with the adjacent Beech Lees housing development, which is a 1970s housing development of 2 storey houses and bungalows. South of the recreation ground is Farsley itself, with mainly residential development to the Green. The retail premises south of the Green are included in the S2 shopping centre and are some 400 metres from the site entrance.
- 3.7 The site is largely screened from the Ring Road by the bund and planting. There are extensive views to the north east from the Calverley Lane frontage across Kirklees Knoll and towards Horsforth and reverse views of the site from these locations. The extent of the site looking west, as it slopes up, is apparent from Calverley Lane, with the trees on the southern boundary with the recreation ground and the houses in Beech Lees being visible.

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

Application reference H25/411/74. Outline application to erect residential development, junction Ring Road and Calverley Lane Farsley. Refused 10 February 1975.

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

Following submission there has been discussion between the Highway Authority and the applicants' agent which are referred to in the appraisal. The applicants' agent has also discussed the Section106 requirements with the case officer. These are set down in the recommendation and have been accepted by the applicant.

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

6.1 The applicants have submitted a Statement of Community Involvement. This indicates that a Public Exhibition of the proposals for the site took place on 11 June 2013 between 3 p.m. and 7.30 p.m. at Farsley Community Church. This meeting had been previously advertised in the Pudsey Town Observer, Freestyle Magazine and by a leaflet circulation to 567 households in the area and local businesses on Town Street.

6.2 There were 107 visitors to the exhibition of which 60 filled in the response forms provided by the applicant. The SCI includes a summary of responses where these were made by more than 10% of those commenting, the concerns expressed being as follows:

- Not enough schools 53%
- Traffic in Farsley 42%
- Not enough doctors and dentists 30%
- Traffic/access onto ring road 22%
- Question need for housing 17%
- Enough development in Farsley 17%
- Impact on character of Farsley 13%

- Loss of Green Belt 12%
- Suitability of Calverley Lane for traffic 12%
- Drainage 10%

6.3 The application was the subject of a site notice, posted on 8 November 2013 in 8 locations around the site. It was also the subject of a notice in the Yorkshire Evening Post on 21 November 2011.

6.4 Objections were received from Councillor Carter on the basis that this is a PAS site and should only be considered as part of a review as indicated by the Inspector's report relating to the Leeds UDP Review. Councillor Carter considers that piecemeal release of such sites without proper review would undermine public confidence in the planning process. In considering the site the Inspector's conclusions that the site has some of the attributes of Green Belt land should be taken into account.

6.5 An objection has also been received on behalf of the Farsley Residents Action Group, and 18 further representations have been received, all of which object to the development of the site for housing.

6.6 The objections submitted relate to the following issues:

- Impact of traffic on Town Street, Calverley Lane and the Ring Road, exacerbated by other developments in the area. *Referred to in the appraisal.*
- Highway safety issues relating to children visiting adjacent park and to pedestrians on Ring Road. *Referred to in the appraisal.*
- Lack of capacity in local facilities (schools, doctors, dentists) and infrastructure (foul and surface water). Development therefore not sustainable. *See appraisal. The education issues are addressed by the requirement for an education contribution. The site is close to a wide range of existing services. Foul and surface water drainage are considered acceptable subject to conditions.*
- Loss of greenfield land in important gap between Leeds/Bradford and Farsley, Calverley and Rodley. Loss of green wedge in long distance views. Site should be returned to Green Belt. *Referred to in the appraisal.*
- Development of PAS area should be the subject of proper consultation through development plan process as indicated by LUDPR Inspector. *Referred to in the appraisal.*
- Housing development should be on brownfield sites first (reference to NPPF). *The NPPF does not preclude the development of greenfield sites*
- Parking provision for recreation ground inadequate. *The proposal is for new parking provision thereby increasing parking for the recreation ground.*

- Narrowing of Calverley Lane will create parking problem, worse if Kirklees Knowl also developed. *The matter will be addressed as part of the off-site highway works.*
- Too many houses have already been built in Farsley and area. *There is a need for a large number of houses to be built in Leeds on sustainable sites. Farsley is not subject to a specific housing cap or requirement.*
- Improvements to Rodley roundabout inadequate. *The Rodley roundabout proposals will be implemented in accordance with proposals approved by the Highway Authority on the basis of the highway requirements*
- Public transport facilities inadequate – too far to bus stops and train stations. *The development is located relatively close to existing public transport facilities including Pudsey railway station.*
- Development should not be permitted until the impact of Clariant development is assessed and the outcome of Kirklees Knowl appeal known. *The proposals have been assessed in the context of the Clariant site and the potential development of Kirklees Knowl.*
- Application was not sufficiently publicised. *The application was advertised in the normal way with site notices and newspaper advertisements and was the subject of a pre-application exhibition.*
- The development of the site will not make a sufficient impact on the housing shortfall to justify releasing it. *The release of the site will contribute to the Council's aim of promoting housing delivery.*
- Application has been cynically timed to pre-empt Local Plan consideration. *The application has presumably been submitted in response to the Council's interim Policy on PAS sites.*
- Site abuts Conservation Area and will affect the character of the area and the “gateway” to Farsley. Need to consider Village Design Statement. *Referred to in appraisal*
- Insufficient study of impact on bats. Loss of wildlife habitat. *The matter has been considered by the Council's Nature Conservation Officer who is satisfied with the proposal subject to conditions.*
- Methodology of Transport Assessment is inadequate. *The Highway Authority has been consulted and considers the Transport Assessment addresses the relevant issues adequately.*
- Development will affect urban/rural balance and character of village life in Farsley. *All development has some impact on the area, but this is a relatively small development and complies with the Council's policy on the development of smaller PAS sites,*

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

Environment Agency: No objection subject to conditions

National Grid Plant Protection Team - No response received

### **Non-statutory:**

Contaminated Land Team: No objection subject to conditions.

Sustainability – Landscape: No objection to the principle of development.

Sustainability – Nature Conservation: No objection subject to condition.

Transport Development Services (Travel Wise): Travel Plan and monitoring fee (£2500) to be required through 106 Agreement.

NGT/Public Transport: Contribution of £826 per dwelling required (£57826 for 70 houses) to address strategic transport enhancements

Local Plans: Site is acceptable in terms of the criteria set out in the Council's Interim Housing Development Policy. Greenspace contribution of £105784.26 required (1511.20 per dwelling)

Neighbourhoods and Housing (Affordable Housing): The scheme falls within the outer suburbs housing market zone where there is a requirement for 15% affordable housing split 50/50 social rent/submarket housing. Therefore there is a requirement for 11 affordable units (based on 70 units); 5 for social rent and 6 for submarket.

Highways: No objection on principle subject to the agreement of appropriate off site highway improvements, funded by the developer secured through the 106 Agreement (£40000) and conditions, and general conditions relating to the development.

Mains Drainage: No objection subject to conditions

Children's Services (Education Leeds): Education requirement in 106 Agreement. £333,467.08.

Public Rights of Way: No definitive or claimed rights of way cross the site.

Metro: Bus only metrocards should be secured through 106 Agreement (£462 per house).

Yorkshire Water: No objection subject to conditions.

Coal Authority. No objection subject to a condition requiring sites investigations to be completed in accordance with Desk Study before development.

## **7.0 PLANNING POLICIES:**

### National Planning Policy Framework (2012):

- The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- The NPPF states at paragraph 85 that Local Planning Authorities should identify safeguarded land and that planning permission for permanent development should only be granted following a local plan review which proposes the development. Paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates that in making decision on planning applications, planning



permission should be granted where the development plan is absent, silent or relevant policies are out of date, unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

#### Leeds Unitary Development Plan (2006 Review)

- Proposals Map: the site is shown as a protected area for search for long term development (PAS).
- SA1: Secure the highest possible quality of environment.
- SA3: Adequate provision for housing needs.
- SA7: Promote physical and economic regeneration of urban areas.
- SP3: New development concentrated largely within or adjoining the main urban areas.
- GP5: General planning considerations.
- GP11: Sustainable development.
- N4: Provision of greenspace.
- N19: Development within and adjacent to Conservation Areas.
- N 24: Developments adjacent to Green Belt Boundary
- N34: Development in Protected Areas of Search for Long Term Development
- N38b: Flood Risk Assessments.
- N39a: Sustainable drainage.
- T2: Transport infrastructure.
- T24: Parking provision.
- BD5: General amenity issues.
- LD1: Landscape schemes.

#### Leeds City Council Supplementary Planning Guidance

- SPG4 Greenspace relating to new housing development.
- SPG10 Sustainable Development Design Guide.
- SPG13 Neighbourhoods for Living.
- SPG22 Sustainable Urban Drainage.
- SPD Street Design Guide.
- SPD Public Transport Improvements and Developer Contributions.
- SPD Designing for Community Safety.
- SPD Travel Plans.

#### Local Development Framework:

The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has subsequently indicated that two issues must be addressed if It is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. Nevertheless it is considered that some weight can be attached to the policies contained within the Core Strategy.

The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies

which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.

It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

H1: managed release of sites.  
H2: New housing development on non-allocated sites.  
H3: Density of residential development.  
H4: Housing mix  
H5: Affordable housing  
P11: Conservation  
P12: Landscape  
T1: Transport management  
T2: Accessibility requirements and new development  
G3: Standards for open space, sport and recreation  
G4: New greenspace provision  
G7: Protection of species and habitats  
G8: Biodiversity improvements  
EN1: Climate change  
EN2: Sustainable design and construction  
EN5: Managing flood risk.  
ID2: Planning obligations and developer contributions

#### Site Allocations DPD – Issues and Options 2013

The site (reference 2121) is shaded orange on the Site Allocations DPD Map as a “Site which has potential but issues, or not a favoured as green sites” The site area is given as 2.755 hectares and the capacity as 72.

#### Interim Policy relating to the release of PAS sites

On 13 March 2013 the Executive Board considered a report on how Leeds’ housing land portfolio and housing delivery may be enhanced, including the setting of criteria for the release of a selection of Protected Area of Search (PAS) sites for development. The Executive Board agreed to adopt the criteria set down in the report as an Interim Policy against which to consider the allocation of PAS sites, pending the adoption of the Site Allocations DPD.

## **9.0 MAIN ISSUES**

- 1 Principle of development**
- 2 Highway Issues**
- 3 Visual amenity and character**
- 4 Residential amenity**
- 5 Drainage**
- 6 Other matters raised by representations**

## 10.0 APPRAISAL

### Principle of Development

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan.
- 10.3 In considering the site against the provisions of the development plan, the key issue is that the application site is identified on the proposals map as a Protected Area of Search for Long Term Development. Policy N34 of the LUDPR states that development of PAS sites will be restricted to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. As such the proposal constitutes a departure from the Development Plan.
- 10.4 Paragraph 5.4.9 of the LUDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.5 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.
- 10.6 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where relevant policies are out of date, unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*
- 10.7 On 13<sup>th</sup> March 2013 the Council's Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.
- 10.8 In effect this decision recognises that the need to increase the level of housing development outweighs the provisions of Policy N34 of the LUDPR

(which states that **every** PAS site should be reassessed through the local plan process), and in relation to PAS sites which meet defined criteria within the Interim PAS policy, planning permission should be granted. In relation to these sites Policy N34 is therefore out of date, and subject to the other considerations referred to in Paragraph 14 of the NPPF planning permission should be granted.

- 10.9 The purposes of the Interim PAS policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements.
- 10.10 In relation to housing requirements, the Council has a supply of 28,131 net homes between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2019, which when assessed against the requirement for 24,151 homes provides a 5.8 year housing land supply.
- 10.11 This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 21,000 units, including sites for students and older persons housing. In addition the identified supply consists of some safeguarded sites (including the application site) 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.
- 10.12 The requirement is measured against the Core Strategy Inspector's latest set of Main Modifications (16<sup>th</sup> June 2014) which he considered were necessary to make the Core Strategy sound. They indicate that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan, but that because of market signals and the need for infrastructure be judged for performance purposes against meeting a requirement of at least 3,660 homes per annum between 2012 and 2016/17. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.
- 10.13 In adopting the interim PAS policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. This amendment is to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purposes of the policy to promote housing delivery.

- 10.14 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted a Policy to address the need to bring forward additional housing land over and above that which is being developed on housing sites allocated in the development plan, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.
- 10.15 The Policy has been adopted in the knowledge that whilst the LUDPR indicates that PAS sites will be reviewed as part of the preparation of the Local Development Framework ideally this would be through the Site Allocations Plan, but given the changes in circumstances since the adoption of the LUDPR, including the publication of the NPPF, the Council has recognised through the Interim Policy that there is a need to identify those sites that can help address the additional housing need in advance of the Site Allocations Plan.
- 10.16 The Interim PAS Policy is therefore a key consideration in assessing the current proposal and as the most up to date policy relating to PAS sites the principle for the development of this site falls to be considered against these agreed criteria. Each of the criteria is considered below.
- (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.*
- 10.17 The site is bounded on two sides by roads, that to the north-west being the Ring Road which separates the site from the Green Belt and Special Landscape Area. Much of the site boundary with the Ring Road is defined by a screening bank and trees. The southern boundary of the site abuts, for much of its length, existing housing development which is visible across the site from Calverley Lane. The whole of the southern boundary is shown on the UDP proposals map as the edge of the urban area.
- 10.18 The site is also relatively well located in relation to existing facilities, being within 400 metres of an S2 centre, 600 metres from the nearest primary school and with 2 secondary schools within 1.5 kilometres. Pudsey Railway Station is just over 1.5 kilometres to the south west.
- 10.19 The site is considered therefore to be well related to the Main Urban Area and satisfies this criterion.
- (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;*
- 10.20 The site is 2.8 hectares in size and does not form part of a larger area of land, and is defined as a single PAS site in the LUDPR.

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

- 10.21 The land is not considered needed for other uses. It is noted that a school site may be required in this area, however, this would normally be located on a larger site and the release of this site is not considered to prejudice any future need that will come through the Site Allocations process.
- 10.22 The site therefore complies with the relevant criteria of the Interim Policy. Whilst there are two other criteria, these relate specifically to sites exceeding 10 hectares. In terms of the Interim Policy the proposal is therefore acceptable in principle, subject to the caveat that in all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy, and other material considerations should be taken into account.
- 10.23 One further issue needs to be considered in relation to the PAS designation of the site. In the Inspector's report relating to the 2001 UDP the Inspector noted, in relation to this site and the adjacent Kirklees Knowl site, that: "these two areas should be considered together in terms of their contribution to the Green Belt and, in the present context, to housing for potential long term needs"
- 10.24 It is reasonable to assume that the use of the term "considered together", the Inspector took the view that for a decision maker a consideration of proposals for the development of both sites was linked. This theme is carried through in the the Issues and Options Site Allocations Plan which suggests that the site should be considered alongside the land on the opposite side of Calverley Lane (the site which is currently the subject of an undetermined appeal against the refusal of a planning application for housing development), through the Plan Review. The Kirklees Knowl site is 19.7 hectares.
- 10.25 The UDP Inspector went on to note that in relation to these sites that the urban edge of Farnley is well defined and this area forms part of an important tract of open land and could contribute to Green Belt purposes, and that these issues should be considered at Plan review stage as part of a comprehensive review of potential sites.
- 10.26 This matter has been the subject of considerable debate during the consideration of this application. However, with the continuing delay of the Kirklees Knowl appeal decision Officers have come to the conclusion that there is no justification for continuing to delay the present decision. Such justification would require a clear link between the two sites which would make it essential for development to take place in a comprehensive manner, for example the need to construct a joint access.
- 10.27 In addition, under the terms of the interim policy the two sites are to be considered differently. Sites such as Kirklees Knowl exceeding 10 hectares are required to satisfy 2 further criteria: they must be in an area where housing land development opportunity is demonstrably lacking; and the development proposed should lead to significant planning benefit.
- 10.28 The applicants have taken legal advice on the matter of further delay in the consideration of this proposal pending the Kirklees Knowl decision and

have provided a copy of his Counsel's opinion. This opinion has been considered by the Head of Legal Services and her conclusion is that the Council cannot unreasonably delay the determination of this application pending the Kirklees Knowl decision without some key material consideration to justify such a delay.

- 10.29 In view of this it is recommended that the site is considered on the basis of the material considerations identified in this report these being: whether the site is acceptable in principle in the context of the criteria of the Interim PAS Policy (which it is); whether it can be developed in isolation from the other PAS sites in the area (particularly in relation to access issues); and whether it would be acceptable in terms of other material considerations. These include impact on visual amenity and the character of the area; residential amenity; drainage and other matters raised by representations. These matters are considered below.

### **Highway Issues**

- 10.30 Following negotiation with the applicant, the Highway Authority has no objection to the development of the site in terms of the impact on the highway network and the safety of pedestrians, subject to a number of matters to be covered through a Section 106 Agreement and the implementation of off-site highway works.
- 10.31 In relation to off-site highway works, the main issue is whether the appeal relating to the Kirklees Knowl site is allowed. In order to address this the Highway Authority requires alternative packages of off-site works depending on whether it is necessary to provide additional capacity only for the current proposal or for the combined impact of this proposal and the Kirklees Knowl proposals.
- 10.32 To secure this it will be necessary to apply conditions in the alternative to provide for the necessary works depending on the circumstances. It is clear that in either case the highway requirements of the development can be met and the proposal, subject to those conditions, is considered to comply with Policy T2 of the LUDPR. The internal road layout will be required to comply with the Street Design Guide at detailed stage.

### **Visual amenity and character**

- 10.33 The site is well screened along the majority of the by-pass boundary and therefore the development will have limited impact on views from the north-west. The effect of this is that the site is not seen in wider views, other than from long distance, and in any event the strong boundaries of this site to the Ring Road, Calverley Lane to the north east and the housing development to the south differentiate this site from the wider Green Belt area and the more extensive PAS site to the east. In view of this it is not considered that its development will have any significant visual impact on the gap between Leeds and Bradford or between Farsley and Calverley. The extension of the bund and planting will enhance the screening of the site from the Ring Road. In view of this the visual impact of the development on the Green Belt and Special Landscape Area will be limited. Similarly, views across the site from the south are restricted by the existing housing on

Beech Lees and trees along the boundary of the recreation ground to the south.

- 10.34 The development will impact on views from housing on Beech Lees, but this is not a planning consideration. Development will be visible beyond the trees on the site boundary with the recreation ground but it is not considered that the impacts justify objection to the proposal and can be mitigated by additional planting and locating built development away from this boundary as shown on the indicative layout.
- 10.35 The boundary with the recreation ground is also the boundary of Farsley Conservation Area. The recreation ground is included in Character Area 2 (referred to as the Cenotaph) in the Conservation Area Appraisal and Management Plan. The appraisal notes that trees and greenery make an important contribution to this area, and it is clear that in developing the application site the area adjacent to the recreation ground should be kept open as shown on the indicative layout.
- 10.36 Within the site itself the illustrative layout proposes that there should be frontage development to Calverley Lane. This is the most open aspect of the site, with views south east toward the houses on Beech Lees. Whilst the loss of these open views will undoubtedly alter the character of the site, the justification is that this reflects the character of the adjacent Conservation Area, one of the key characteristics of which is that buildings face on to main streets. Detailed consideration of the proposed development on this frontage can take place at reserved matters stage.
- 10.37 Overall it is considered that the relationship of the site to the Green Belt, SLA and Conservation Area is such that development would be acceptable when assessed against policies GP5, N19 (by preserving the character of the Conservation Area) and N24 (development adjacent to the Green Belt).

### **Residential amenity**

- 10.38 The only existing residential development abutting the site is that in Beech Lees. As stated the development will impact on views from these properties but the illustrative layout and the sections show that if developed along these lines the development would not impact on the amenities of the existing houses by reason of overlooking or overshadowing. In any event the detailed layout will be considered against the provisions of the advice set down in Neighbourhoods for Living, including garden lengths and window to window distances, whilst conditions will ensure that means of enclosure and any additional planting are appropriate and adequate between existing and proposed properties on this boundary. In view of the above it is considered that the proposal will comply with the requirements of LUDPR Policy GP5 in terms of impacts on residential amenity.

### **Drainage**

- 10.39 The submitted application includes a detailed Flood Risk Assessment which has been considered by both the Environment Agency and Flood Risk Management. It is their view that the proposal, subject to appropriate conditions, is acceptable and will not increase the risk of flooding. The



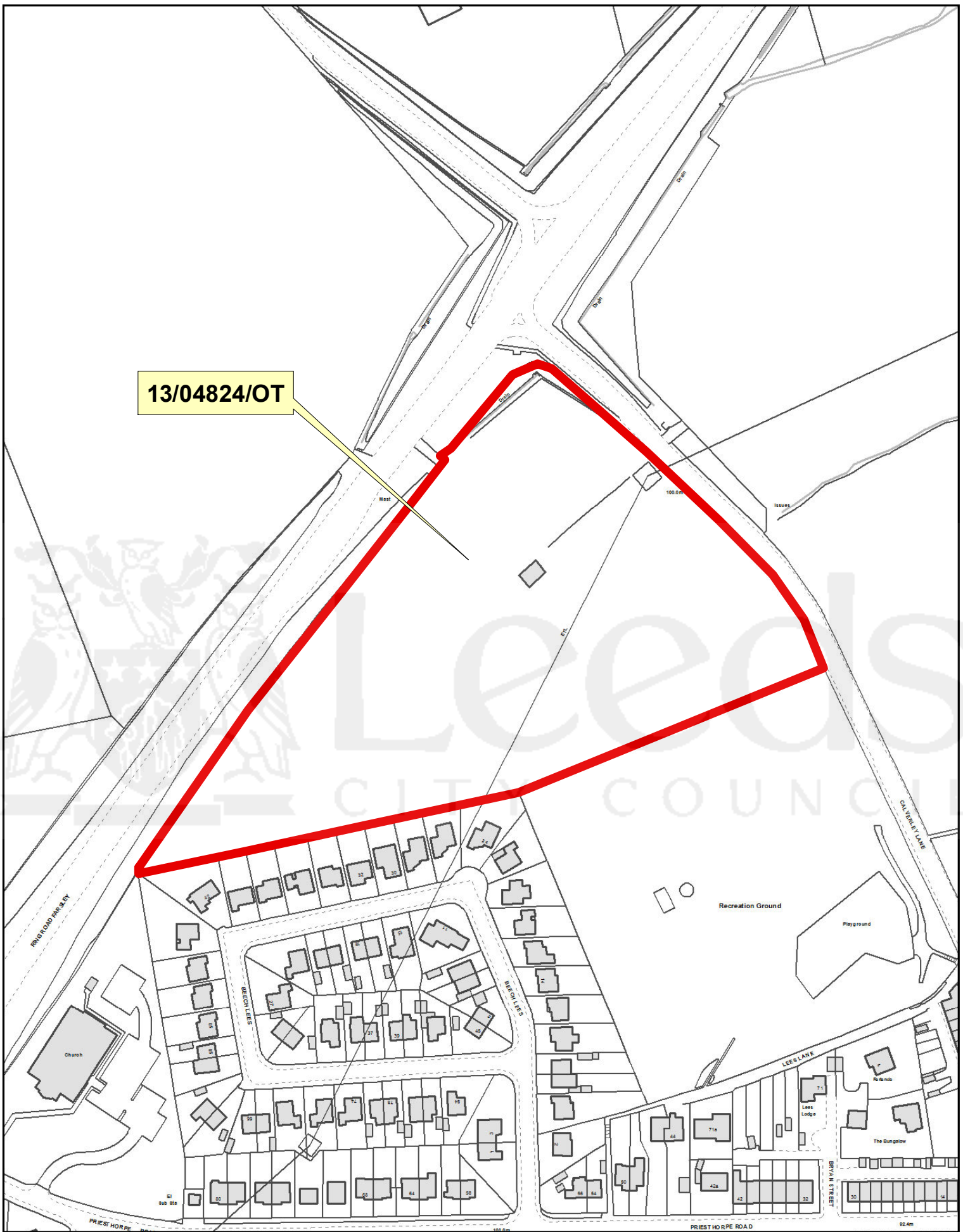
development will therefore comply with the requirements of N38a and N39b of the LUDPR.

## **11.00 CONCLUSIONS**

- 11.1 Consideration has been given to other matters raised in representations and where responses are not given in the appraisal they are given in the section relating to public local response.
- 11.2 On balance it is considered that it is appropriate to assess the development in the context of the Council's Interim Policy on PAS sites, and that it meets the criteria of that Policy . Whilst the application is in outline, the indicative layout clearly demonstrates that, with the imposition of appropriate conditions and careful consideration of detailed design issues at reserved matters stage, the site can be developed in a way that complies with Council policies referred to above.
- 11.3 Whilst the UDP Inspector and the Site Allocations Issues and Options indicate that the development of the site should be developed along with Kirklees Knowl, this is largely on access grounds and it is clear that these can be addressed through conditions which provide either outcome of the Kirklees Knowl appeal.
- 11.4 In summary, whilst the Council have opposed the Kirklees Knowl proposal, the Interim PAS Policy treats the two sites differently and the Council maintains objections to the Kirklees Knowl proposal as being contrary to PAS Policy, unlike the present this application. There are no material objections to the development of the present site that could be the subject of reasons for refusal that would stand up on appeal.
- 11.3 It is therefore recommended that the application is deferred and delegated to the Chief Planning Officer for approval subject to conditions and the completion of a 106 agreement to cover: affordable housing; education contribution; public transport contribution; provision of metrocards; travel plan review fee; greenspace contribution; and a contribution of £40000 towards the improvement of Rodley roundabout.

### **Background Papers:**

Application and history files 13/04824/OT  
Certificate of Ownership (A) dated 15/10/13



13/04824/OT

# CITY PLANS PANEL

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