



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 18th September 2014

Subject: Application 13/04647/OT: Outline application for the erection of residential development on land at Station House, Station Road, Methley, LS26 9ET

APPLICANT	DATE VALID	TARGET DATE
Banks Property Ltd	10.10.2013	25.09.2014

Electoral Wards Affected:

Kippax and Methley

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 an acceptable vehicular access being achievable from Station Road and conditions to cover those outlined below (and any others which he might consider appropriate) and the completion of an acceptable Section 106 agreement to cover the following (on the basis of 181 dwellings):

- Affordable housing on site (policy requirement is 15%) – quantity and mix to be advised.
- Travel Plan and review fee - £2,905.
- Residential MetroCards (bus only) (£462 per dwelling) - £83,622.
- Upgrade of bus stop 14677 to provide shelter and real time information - £20,000.
- Provision of new bus stop (opposite that above) including shelter and real time information - £20,000.
- Public transport improvement contribution - (£1226 per dwelling) - £221,944.
- Education contributions – Primary £537,990; Secondary £324,260 (Total - £862,250).
- Off site greenspace contribution - £280,640.
- Provision for a commuted sum to cover sustainable drainage infrastructure (if adopted by the Council).
- Local training and employment initiatives during the construction of the development.

- Contribution to flood alleviation works - £1,100,000 (and transfer of land at peppercorn value).

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

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Samples of walling, roofing and surfacing material to be approved.
5. Details of means of enclosure.
6. Details of bin stores.
7. Landscape scheme.
8. Implementation of landscape scheme
9. Tree protection conditions.
10. Tree replacement conditions.
11. Landscaping adjacent to the railway
12. Biodiversity enhancement conditions.
13. Method statement to control and eradicate Japanese Knotweed
14. No vegetation clearance 1st March – 31st August inclusive
15. Archaeological evaluation
16. Access roads and car parking to be complete prior to first use.
17. Surface water run-off restricted to greenfield rates.
18. Surface water drainage details.
19. Cycle provision.
20. Statement of construction practice, including interim drainage measures, means to prevent mud on road and dust suppression and routing close to bridges.
21. Fail safe use of crane and plant
22. Full details of earthworks and excavations to be submitted and Network Rail consulted.
23. Railway boundary to be secured
24. Method statement for works close to the railway.
25. Use of vibro impact machinery
26. Lighting not to impact on railway
27. Detailed works for properties affected by railway noise.
28. Contamination reports and remedial works.
29. Unexpected contamination.
30. Verification reports.
31. Condition relating to specified off-site highway works.
32. Hard surfacing and lighting of path to The Hollings.
33. Improvements to the surfacing of existing rights of way, including A frames where necessary.
34. Works to improve level crossing in liaison with Network Rail
35. Electric vehicle charging points.
36. 20mph speed limit throughout the site.

1.0 INTRODUCTION

- 1.1 This application is presented to City Plans Panel for determination as it relates to land designated as a Protected Area of Search (PAS) in the Leeds UDP Review (2006).

Accordingly, the application has also been advertised as a major development, which is a departure from the development plan and affects a right of way.

- 1.2 This outline application has been under consideration at pre-application stage and application stage since early 2013 and has involved detailed consultation with Ward Members and local residents.
- 1.3 Members should be aware that consideration of this application is to be accompanied by a separate report relating to the scheme's overall viability, to follow. The information contained within the separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. It is therefore considered that the viability report, when issued, should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).

2.0 PROPOSAL:

- 2.1 This application proposes a residential development (submitted on the basis of achieving 181 dwellings). The application is made in outline with all matters reserved, except for access.
- 2.2 The primary access is taken from Station Road, whilst pedestrian / cycle links are also provided to link through to Longbow Avenue, Balmoral Drive and The Hollings.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of 2 to 5 bed dwellings. The indicative masterplan indicates a series of connected streets, linking Station Road to a spine road running along the southern and western side of the site.
- 2.4 A key component of the applicant's justification for bringing this site forward at this time is a £1.1m contribution to facilitate the delivery of flood defences to the north of the village.
- 2.5 The interim affordable housing policy for this area seeks an on-site provision of 15%. However, following detailed assessment of a viability appraisal, the District Valuer considers that the scheme can deliver 14% affordable housing on site. However, the applicant disagrees and currently offers 6%. The separate confidential report will deal with financial viability matters and is to follow.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site relates to a greenfield site that is located towards the north-western edge of Methley. The site measures 7.67 hectares and is in agricultural use for arable farming. The site is open, but bounded by occasional low level vegetation and some trees, particularly along the western boundary of the site.
- 3.2 Station Road lies to the north of the site and also provides access to Shann House (a Grade II Listed Building), to the north-west of the application site. The Shann House complex also includes a number of other agricultural buildings, which have recently been granted planning permission for conversion to residential uses. To the north of Station Road, dense vegetation and a timber fence provide a buffer to the re-aligned River Aire, which is set within a cutting. The land beyond is a mixture of open land and woodland (part of the former St Aidan's open cast coal mine site).

- 3.3 To the west of the site lies the Leeds to Castleford railway line, which severs the western end of Station Road (which otherwise continues to Leeds Road). Nevertheless, a level crossing exists for pedestrians to cross the line, together with a small number of individuals who have rights to hold keys in order to take vehicles across.
- 3.4 A recent residential housing development exists to the south of the site, containing detached two-storey properties. The majority of these properties back on to the application site, though some are side on where there are short cul-de-sacs leading north.
- 3.5 A wooded area exists to the east of the application site, planted in the late C20th and filling a triangle of land between the application site and Station Road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/01473/FU - Alterations and extensions to Barn Cottage to form two detached houses; change of use of barn and cow shed to form four houses and demolition of outbuilding and erection of associated garages – Approved 17/1/14

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This outline application has been under consideration at pre-application stage and application stage since early 2013 and has involved detailed consultation with Ward Members and local residents. The applicant carried out local consultation events, including a public exhibition (following the leafleting of 1,200 households) on 25th June 2013. 141 residents attended. 79 feedback forms were returned and the results showed that the highest priority was the alleviation of flood risk and secondary was the enhancement of educational facilities in the village.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR and affects a right of way. The site notices were posted 18/10/13 and newspaper advert placed in the Yorkshire Evening Post on 31/10/13.
- 6.2 As a result of the consultation process, 13 letters of objection and 22 letters of support have been received.

The letters of objection note the following issues:

- Impact on nursery and school places in the village.
- Additional vehicles speeding on Pinfold Lane.
- The village's road infrastructure is already at capacity.
- Concerns about existing flooding problems in the area being exacerbated by new development.
- Concern that sewerage infrastructure cannot cope with additional development.
- Concerns about overshadowing and over-dominance from new houses.
- It is already difficult to get doctors appointments.
- Concern that the removal of some trees and vegetation from the site will have skewed the results of the ecological report.
- Detailed objections received in relation to potential impact on historical

rights of way and protected trees and hedgerows.

The letters of support note the following issues:

- New housing is much needed in the area.
- The existing field will not be greatly missed.
- The proposals would enhance the local environment by retaining woodland and creating a nice environment to live in.
- The development is unlikely to have much highway impact.
- Support for development, but flood alleviation infrastructure must be delivered.
- Support for development subject to more affordable housing provision.
- The development will support local businesses.
- The development will bring more, younger families to the village.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Yorkshire Water: - The applicant has been in dialogue with Yorkshire Water, clarifying stand off distances to sewers, the ability to divert sewers and the need to provide evidence to show whether soakaways can work. Conditions are recommended.

7.3 Coal Authority: – Agree with the recommendations of the Phase 1 study and state conditions should be applied to ensure that remediation works are undertaken.

7.4 Environment Agency: - No objection, condition recommended that the development should be carried out in accordance with the Flood Risk Assessment.

7.5 Highways: - The location of the site does not fully meet the draft Core Strategy Accessibility Standards. Detailed advice is provided in relation to the design detail of the internal layout, in order to overcome initial concerns about the constrained nature of the junctions and internal street pattern and clarification regarding footways. Widening of Station Road is required and detailed drawings are awaited to demonstrate that this can be achieved. It is noted that Network Rail also need to be satisfied with the proposals, particularly in relation to the level crossing.

7.6 Network Rail: - The applicant must release their right for vehicles to use the level crossing. Improvements to the crossing are be desirable and should be explored with Network Rail. The acoustic fence to the western boundary is acceptable. A number of conditions are suggested in order to ensure the operational use of the railway.

7.7 Non-statutory:

7.8 Canal and River Trust: – No objections, subject to suitably detailed conditions relating to drainage matters.

7.9 Environmental Studies: – The noise report is considered to be acceptable. It is recommended that as well as the proposed acoustic fence, the downstairs rooms in the front-line properties are upgraded in the same way as that for the bedrooms.

- 7.10 West Yorkshire Archaeology Service: – An archaeological evaluation should be carried out and a condition is recommended.
- 7.11 Transport Policy: - The travel plan will be secured through the S106, with a review fee of £2,905. The Environmental Studies section state that the proposals are unlikely to have a significant impact on air quality, but encourage the installation of electric vehicle charging points.
- 7.12 Public Transport: - A public transport improvement contribution of £221,944 is required.
- 7.13 Contaminated Land: - No objection, conditions recommended.
- 7.14 West Yorkshire Archaeological Advisory Service: - The site lies within an area of archaeological significance. A further evaluation should be carried out before determination and if not, a suitable condition added.
- 7.15 Flood Risk Management: - Negotiations with the applicant have been ongoing. There is strong support for the off-site flood alleviation works and detailed advice is provided in relation to drainage matters, particularly the size and design of attenuation basins. The applicant has noted the issues which will need to be resolved by detailed design stage.
- 7.16 Public Rights of Way: - It is noted that a definitive footpath runs along the southern boundary of the site, through to The Hollings. A bridleway runs along the eastern boundary of the site and to the north along Station Road. A recreational bridleway also exists along Station Road. No objections are raised, though some upgrading works are suggested.
- 7.17 Metro: - Whilst the site fails to meet the draft Core Strategy accessibility standards, the destinations and frequencies of local buses are considered acceptable. Improvements to bus stop 14677 are suggested to provide a shelter and real time information, as well as a new stop on the other side of Leeds Road. Residential MetroCards are recommended. Further consultation with Network Rail is required regarding the potential intensification of the level crossing.
- 7.18 Children's Services: - Education contributions have been calculated in accordance with the adopted SPG – Primary £537,990 and Secondary £324,260, totalling £862,250.

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 (received 5th September 2014). 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 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 and East of Scholes and also Breary Lane, Bramhope 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.
- 8.10 The Core Strategy Inspector's Report has been published and will be reported to Executive Board on 17th September 2014. The Inspector has concluded that the plan is sound with some modifications. His modified housing requirement policy is similar to that which influenced the Council's interim-policy for the release of safeguarded land (PAS sites) and there is still a need to release sites in accordance with the criteria set out in the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land. There also remains a need to ensure that unallocated greenfield sites, which may give rise to sustainability issues, are protected from development now, until they are properly considered through the Site Allocations Plan process.

Local Development Framework

- 8.11 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 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

- 8.12 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. In this instance, it is considered that there are material considerations which justify the potential release of this site at the current time.
- 8.13 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.14 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 8.15 **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 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 G3 – Standards for open space, sport and recreation
Policy G4 – New Greenspace provision
Policy G7 – Protection of important species and habitats
Policy G8 – Biodiversity enhancements
Policy EN1 – Climate change
Policy EN2 – Sustainable design and construction
Policy EN5 – Managing flood risk
Policy ID2 – Planning obligations and developer contributions

The Examination into the Draft Core Strategy has now taken place and the Inspectors report has recently been received. 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.

Five Year Supply

- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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).
- 8.22 In total the Council has land sufficient to deliver 28,131 within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:
- allocated sites
 - sites with planning permission
 - SHLAA sites without planning permission

- an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
- Those Protected Area of Search sites which satisfy the interim PAS policy

- 8.23 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."
- 8.24 In addition to the land supply position, the Site Allocations Document is in the process of identifying further developable and deliverable sites for the plan period.

National Guidance - National Planning Policy Framework

- 8.25 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.
- 8.26 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%.
- 8.27 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.
- 8.28 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.

9.0 MAIN ISSUES

- Compliance with the Development Plan
- Development in advance of Site Allocations Plan.
- Five Year Supply
- Sustainability
- Highway considerations.
- Layout/design/landscaping.
- Other issues
- Section 106 issues

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, flood risk and Section 106 matters.

Compliance with the Development Plan

- 10.2 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. 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. However, other material planning considerations can be taken into account such that the decision maker may decide that, on balance, it is acceptable to release a site early.
- 10.3 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

- 10.4 In this instance, the site is not well related (interpreted to be within or adjacent to) the main urban area or one of the major settlements and therefore fails the first test of the interim housing delivery policy. The promotion of this site for housing therefore falls solely on what other planning justification exists to bring this site forward at this point in time. In this particular case, the applicant is proposing to make a flood alleviation contribution of £1.1m to address the key priority raised by local residents during the pre-application consultations.
- 10.5 The Environment Agency's Lower Aire Flood Risk Strategy has identified a scheme that would significantly reduce flood risk to 115 properties in the village. Based on current cost estimates, the EA confirm that this sum represents a significant

contribution and would provide sufficient funds to progress a project appraisal and technical approval.

- 10.6 The flood alleviation works comprise two schemes – Victoria Place Bank and the Middleton Set Back. Both schemes are outside the application site, on the northern side of the village, but on land within the control of the applicant, where they will make the land available in order to carry out the works. The effect of their installation would be to reduce the flood risk to a significant number of properties falling within flood zones 2 and 3.
- 10.7 Whilst the site is largely located within flood zone 1, the far southern boundary of the site does fall within flood zone 2. Indeed, much of the village falls within flood zones 2 and 3 and flood events are a regular and costly problem which has a significant impact on the lives of local people. The implementation of the flood alleviation works on land close to the site would clearly benefit many existing properties, but also benefit the occupants of the proposed houses in that they would not suffer the levels of disruption that currently occur in terms of road closures and impact on local facilities such as shops and schools. These benefits would clearly assist in making the village, as well as the application site more sustainable.
- 10.8 It is important to consider whether the proposed funding for the flood alleviation works can be taken into account in the determination of this application. The question of what is a material (or relevant) consideration is a matter of law, but the weight given to it is a matter for the decision maker. Off site benefits which are related to or are connected with the development will be material. Putting aside the PAS status of the site for a moment, the flood alleviation works are not required to make the development acceptable in itself as the vast majority of the site is not susceptible to flooding. However, flooding in the village is a significant and ongoing issue and is a high priority locally. Future floods would undoubtedly affect the lives of future occupants (in terms of highways, transportation, access to schools and local amenities), even if their own homes were not flooded. In this unique instance, it is considered that the significant merit identified in the funding of the flood alleviation works is a material consideration which has significant weight in the determination of this application. and whether to allow bringing this site forward for housing at this point in time.
- 10.9 In considering the financial contribution towards the flood alleviation scheme against the CIL Regulations, it needs to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As a site which does not comply with the interim housing delivery policy, development of the site would not be acceptable without a significant material planning consideration which could justify setting aside policy. The local flooding issue is of such a significance that the proposed works are considered to have a direct benefit to future occupants of the development, as well as significant number of existing properties. The proposed development is significant in terms of its size and scale, relative to the extent of the existing village. In this context, the nature of the contribution and its local benefit is considered to be reasonable. As discussed above, there is a clear link between the implementation of the scheme and the improved amenity and sustainability of the site as a housing site in the future.
- 10.10 The site is allocated as 'green' in the draft Site Allocations Plan and is therefore considered to be a site which has the 'greatest potential to be allocated for housing'.

- 10.11 Overall, It is considered that whilst the site does not meet the Interim Policy for release as a new housing site, the unique circumstances in this case mean that the principle of housing development could be acceptable subject to the other material considerations examined below.

Five Year Supply

- 10.12 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.
- 10.13 The Core Strategy Inspector's previous set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound confirmed 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

- 10.14 The location of the site does not fully meet the draft Core Strategy Accessibility Standards. In particular, the central part of the site falls outside the 400m walking distance to the nearest bus stops on Main Street, Station Road, Church Lane, Saville Road and Leeds Road. The bus stops covering local services are however all located within 493m of the centre of the site. It is noted that 7 buses per hour serve Church Lane, with 2 per hour serving Main Street, 5 per hour serving Saville Road and 5 per hour serving Leeds Road. These frequencies reduce at weekends to four hourly and two half hourly buses on Saturdays and four hourly buses on Sundays. Bus service 153 serves Morley – Castleford, but does not serve the major public transport interchanges of Leeds, Bradford or Wakefield, as required in the draft Core Strategy. The frequency of services 173/189 also fall slightly below the requirement of 4 buses per hour between 07:00 and 18:00 hours and the journey time to Wakefield City Centre (service 189) exceeds the 30min/40min journey time Accessibility Indicator. However, the majority of the site is within a 20 min walk (1200m) of local facilities on Main Street comprising of a convenience shop, hot food takeaway, hairdresser, post office and a public house, as well as the Pinfold Lane surgery. Approximately 60% of the site is within a 20 minute walk of Methley Primary School, though the site is not within a 30 minute direct walk of a Secondary

Education facility. However, the applicant has asserted that Brigshaw High School is within a 45 minute walk or 15 minute cycle ride and that the Travel Plan measures, particularly those focused on cycling would help to overcome this. The majority of the site is within a 5 minute walk of a bus stop with a 15 minute frequency of buses which would assist with travel to secondary school.

- 10.15 The nearest school to this application is Methley Primary. Children's Services advise that the number of births nearest to the schools in the Lower Aire Valley planning area is such that there is little spare capacity. Accordingly, Children's Services are requesting a full education contribution in accordance with the adopted SPG. This results in a primary education contribution of £537,990 and a secondary contribution of £324,260 (Total - £862,250).

Highway considerations

- 10.16 The application is made in outline with all matters reserved except for access. Given the physical barriers around the site – the railway to the west and the residential development to the south, Station Road is the obvious access to the site, from the north. The indicative layout provides for several accesses into the site from the section of Station Road parallel to the River Aire. This is considered to be acceptable in principle, though, at the time of writing, a plan is awaited from the applicant to confirm that the necessary widening of Station Road to facilitate acceptable two way passing of vehicles and a footway widened to 2m is achievable. These works are necessary to bring Station Road up to the standard required in order to serve this level of development.
- 10.17 At pre-application consultation stage, it is understood that residents in the development to the south of the site expressed concern about vehicular links through from Longbow Avenue and Balmoral Drive. Accordingly, these links are provided, but only as pedestrian / cycle links. An existing footpath runs along the southern boundary of the site and under Mulberry Bridge (under the railway line), leading through to The Hollings. Ultimately, this allows pedestrians to access Leeds Road. It is considered that this path should be hard surfaced and lit in order that it becomes a more attractive route than at present. This could be achieved through the use of a Grampian condition. The bridleways to the north and east of the site would remain. Overall, it is considered that the site has good pedestrian and cycle links to other parts of the village and the facilities within it, as well as to the recreational areas adjacent to the River Aire (accessed via the footbridge north of Station Road) and the St Aiden's nature reserve area beyond.
- 10.18 A level crossing exists to the north west of the site, where Station Road crosses the railway line. The crossing can only be used as a vehicular crossing by a small number of existing users who have keys for the gates. Vehicular access for future residents would not be desirable. Pedestrian access is also currently available to use the level crossing and is facilitated by use of a traffic light system. Given the number of dwellings that will be in close proximity, it is considered prudent to require the applicant to agree and fund a series of measures with Network Rail to improve the crossing. This could involve improved surfacing, lighting and gate improvements, all of which can be secured through a condition. These measures will help to make the crossing safer. However, more generally, it is considered that improving the route through to The Hollings, together with careful design of the layout can assist in making other routes more attractive whilst removing the desire line up to the level crossing.

- 10.19 The internal arrangement of the site is comprised of a series of connected streets. Subsequent reserved matters applications will need to fully detail the dimensions of streets and footways within the development and provide full details of car parking provision, in accordance with the Street Design Guide criteria. The streets within the development will be subject to a 20mph speed limit.
- 10.20 The application is also to be subject to a Travel Plan which will assist in promoting sustainable transport modes to future residents. In particular, residential (bus only) MetroCards are to be provided for future residents. Additionally, in terms of improvements to public transport infrastructure, provision will be made to replace bus stop 14677 on Leeds Road with a new shelter and real time information, as well as the provision of a new bus stop with a shelter and real time information on the opposite side of the road.

Layout/design/landscaping

- 10.21 The layout of the scheme is shown in an illustrative masterplan prepared by the applicant. Given the application is made in outline with all matters reserved, except for access, the proposals are purely illustrative at this stage and demonstrate how a broadly acceptable layout of connected streets and other links through to existing housing areas and amenities can be achieved. The houses are broadly arranged in a series of 'perimeter blocks', meaning that the fronts overlook streets and public spaces, whilst the private garden areas are secured to the rear.
- 10.22 Shann House is a Grade II Listed building, located towards the western end of the site and is bounded to the north by cottages and historical agricultural buildings, some of which have the benefit of planning permission for residential reuse. Shann House itself has its primary elevation facing south across its own private garden area. The garden area and the boundaries around the complex are formed by significant areas of vegetation and mature trees. The curtilage of Shann House effectively creates its own setting. The illustrative masterplan provides for development around the Shann House complex, but the primary frontage and large garden area is proposed to have a street frontage including a small area of greenspace. On balance, given the above context, it is considered that the proposed residential development would preserve the setting of the Listed Building. Furthermore, it is considered that there would be no detrimental impact on the residential amenity of the occupants of Shann House, Shann Cottage or the other residential units which have the benefit of planning permission.
- 10.23 Station House is located beyond the far western corner of the site, adjacent to the level crossing. The current illustrative masterplan shows new neighbouring houses with a similar orientation such that there should be no detrimental impact in terms of overlooking, overshadowing or over-dominance. Officers are confident that even if the layout for this part of the site changes at reserved matters stage, a layout can be achieved which does not raise amenity concerns.

The site is bounded to the west by the railway line, to the north by Station Road and the River Aire and to the east, by an existing woodland area. The only other residential properties abutting the site are located to the south, along Longbow Avenue and Balmoral Drive. The majority of these properties back onto the application site, except for where they are located along short cul-de-sacs and therefore have gable ends facing the application site. In the illustrative masterplan, only a very small number of properties are located adjacent to the southern boundary and are arranged such that gables are adjacent to gables or back gardens

facing back gardens. The remainder of the application site along the southern boundary contains an area of greenspace including public footpaths and an attenuation swale. The other proposed properties facing the Longbow development do so from the northern side of the greenspace and as such are located some distance away.

- 10.24 The presence of the railway, adjacent to the western side of the site, has the potential to create noise and disturbance. However, it is proposed that the western boundary is formed by a 2.3m high acoustic fence. The presence of the fence and mitigation measures in the build quality of the houses will ensure that future occupiers enjoy a good level of amenity.
- 10.25 The approach to landscaping is to retain open areas along the eastern part of the Station Road frontage and along the eastern boundary fringe where it meets the existing woodland area. A larger greenspace is created in the centre of the site which also has the ability to accommodate sustainable drainage solutions in the form of retention basins. It is noted that these areas are largely dry, except for during flood events. Accordingly, these areas are fully usable as greenspace for the majority of the time. These areas would need to be drawn up in detail for a reserved matters application. Part of the area along the southern boundary falls within flood zone 2 and therefore it is not desirable to locate housing here. Additionally, an existing footpath runs along the southern boundary and it is important to incorporate this into the scheme. The solution is to therefore create a linear greenspace along the southern boundary which provides an open setting for the footpath, as well as accommodating an attenuation swale.
- 10.26 Overall, it is considered that the applicant has demonstrated that the site can be developed with an acceptable layout, albeit in broad terms at this outline stage.

Other issues

- 10.27 The location of the site, on the edge of open countryside (including the newly formed St Aidan's nature reserve), the close proximity of the River Aire and the fact that it is currently open farmland mean that it has intrinsic potential for habitat creation. Given that the site is arable farmland, it currently has relatively low ecological value in itself, though it does provide an open area for birds in the locality. On balance, the principle of housing development is considered acceptable and the illustrative masterplan is a response to the comments made by the nature conservation officer at pre-application stage. However, conditions are suggested including the submission of a Biodiversity Enhancement and Management Plan dealing with new planting as well as Bat roosting and bird nesting opportunities. It is noted that part of the site includes Japanese Knotweed, which will need to be controlled and eradicated.

Section 106 Package

- 10.28 The Community Infrastructure Levy (CIL) 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.

10.29 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 proposed funding of the off site flood alleviation works are also considered to form a material consideration in the determination of the application and comply with the CIL regulations, as discussed in the main body of the report. The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted.

11.0 CONCLUSION

11.1 This PAS site does not comply with the interim housing delivery policy. However, the contribution towards the flood alleviation scheme is a significant material consideration and it is evident that this has significant local support. In these unique circumstances, it is considered that these works are so significant that they justify the release of the site at this point in time for housing. Indeed, the works will be of significant benefit to future occupiers, as well as to many other areas of the village which suffer from flooding.

11.2 Given the above circumstances, as a housing site, it is considered that the principle of taking access from Station Road is acceptable and it has been demonstrated that a scheme layout can be designed which responds to the site and its connections, such that it can become an integral part of the village. The scheme is able to provide for satisfactory mitigation against noise from the railway line and can be designed in such a way that it does not have a detrimental impact on the amenity of existing adjacent properties. Whilst only an illustrative layout, it is also considered that a satisfactory layout can be achieved which will preserve the setting of the Grade II Listed Shann House. The site falls almost entirely within flood zone 1, with only a small undeveloped area adjacent to the southern boundary falling within flood zone 2. Whilst detailed design of a final drainage solution is yet to be undertaken, provision is made in principle to make provision for sustainable drainage solutions to ensure that the development has a neutral impact. The illustrative layout makes provision for on site greenspace and the S106 agreement will make provision for off-site greenspace contributions. The illustrative layout seeks to retain existing natural features, including trees around the boundaries and conditions are suggested to promote biodiversity enhancements. On balance, in light of the above, the development is considered acceptable (subject to the outcome of the current viability discussions and an acceptable vehicular access being achievable from Station Road) and it is therefore recommended that Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise conditions and the S106 agreement.

12.0 BACKGROUND PAPERS

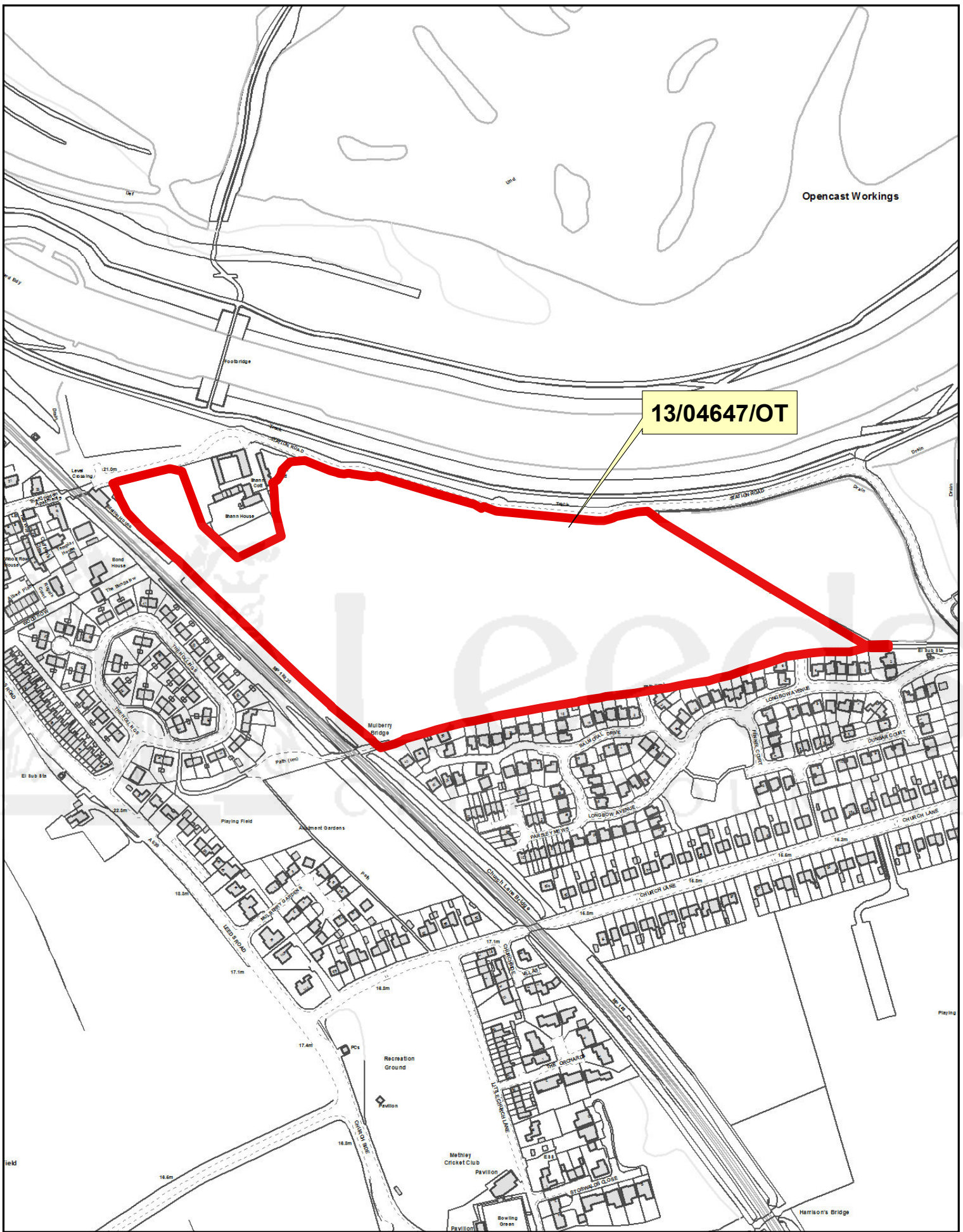
12.1 Application file 13/04647/OT.

12.2 Notice has been served on three landowners:

- Methley Estates Holdings Ltd, The Estate Office, Hawby, York,

North Yorkshire, YO62 5LS

- Methley Trustees Ltd, The Estate Office, Hawby, York, North Yorkshire, YO62 5LS
- Leeds City Council, Civic Hall, Calverley Street, Leeds, LS1 1UR



Opencast Workings

13/04647/OT

CITY PLANS PANEL

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