



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th November 2014

Subject: APPLICATION 12/05434/FU – Alterations and extension to Village Hall to form mixed use development (use classes A1, A3, B1 and D2) and erect 5 detached houses with associated car parking and landscaping, Aberford Village Hall and Land to the rear, Main Street, Aberford, Leeds

APPLICANT

Mr John Cowling and
Aberford Village Hall
Committee

DATE VALID

15th January 2013

TARGET DATE

23rd November 2014 (Agreed
extension in time)

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE for the following reason:

The Local Planning Authority considers that the development in the Green Belt of 5 dwellings, associated engineering operations and car park, would constitute inappropriate development which would by definition be harmful. The proposed development would also be contrary to the fundamental aim of Green Belt policy to keep land permanently open and the purposes of Green Belt policy and particularly to assist in safeguarding the countryside from further encroachment. Substantial weight should be given to this harm and, notwithstanding the recognised benefits of the financial contribution the development would make to improvements to the village hall and improved highway safety, these considerations are not considered to outweigh this harm. The necessary very special circumstances have therefore not been demonstrated and the application is therefore contrary to guidance contained within Section 9 Protecting Green Belt land of the National Planning Policy Framework and Policies GP5 and N33 of the Council's Unitary Development Plan (Review 2006).

1.0 INTRODUCTION:

- 1.1 The application is presented to Plans Panel as it is a departure from the development plan which also raises issues of significant local community interest, and following a request for consideration by Panel made by Ward Councillor Rachael Procter, due to the planning implications of the Green Belt location of the residential development, and the complex planning nature of the applicant's advanced case for very special circumstances.
- 1.2 Aberford village hall was built in the 1920s and has received minor modification since and needs some repairs and investment in its fabric. In 2011 the trustees undertook a feasibility study to look at potential refurbishment and extension, to bring the building up to modern day standards and to provide new spaces to include meeting rooms, co-working business rooms, a community post office, and better performance facilities. The Aberford Village Hall Committee and Mr Cowling as joint applicants have submitted the application which proposes the redevelopment of the Aberford Village hall, to extend and enhance the existing building to provide for a shop/post office, café, office and community uses (use classes A1, A3, B1 and D2), together with the construction of 5 dwellings as enabling development and a car park to serve the village hall.
- 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 costs/revenues and ability to deliver contributions to the village hall. 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 appraisal, when issued, should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).
- 1.4 Notwithstanding the above, the main headline figures that fall for consideration as potential S106 issues are that the development would be capable of delivering £220,000 towards the proposed improvements to the village for the application seeks permission. The total amount that would be required to complete the proposed improvements to the village hall would be £500,000, by the applicants estimate, and £800,000 under the District Valuer's appraisal. This leaves a shortfall of between £280,000 and £580,000.

2.0 PROPOSAL:

- 2.1 The application is a detailed mixed use proposal, relating to the erection of 5 residential units with associated access, curtilages parking and turning areas and landscaping. The application also proposes the improvement of Aberford Village Hall, to provide an enhanced mixed use facility incorporating a small retail element, B1 office, and enhanced village hall community facilities.
- 2.2 A car park is proposed to serve the hall with a new dedicated access (use of an existing access serving Manor Court), and amended parking arrangements are shown to serve the adjacent dwelling to the north, to offset the loss of the existing access to which would become the vehicular access to the proposed dwellings, the new village hall car park, and Manor House. The car park shown shows 14 spaces created to serve the village hall.

3.0 SITE AND SURROUNDINGS:

- 3.1 Aberford is a rural village located close to the A64 between Leeds and York. Aberford is on the whole a linear development based around the Great North Road, with a small nucleated area around the village green. The village retains the small town character in its central areas. At present the village is mostly residential with very few remaining businesses and amenities.
- 3.2 The application site is located on Main Street amongst existing dwellings and local services. The village hall building is a simple brick built structure of pitched roof design which is fairly outdated and of little architectural merit. The open field to the rear, which forms part of the Green Belt, slopes down to the River Crow to south. Dense trees and foliage are located close to the river embankment.
- 3.3 The application site is part brownfield part greenfield. The brownfield portion of the site comprises the village hall and its curtilage, which are within the village boundary. The greenfield element comprises open grassed land, within the designated Green Belt to its rear. The site is within Aberford Conservation Area and the field is also within the designated Special Landscape Area. The site falls within Flood Risk Zone 2 and 3.
- 3.4 Beyond the river is a modern housing estate of Windmill Rise. A public footpath runs through the site. An industrial unit is located to the south of the Village Hall, whilst the dwelling 'Manor House' is located to the north of the Village Hall. The buildings in the immediate area are of varied design and scale. However, important domestic buildings in the village feature local limestone with slate roofs, traditional chimney stacks with clay pots, timber door and windows. The positive buildings are simple in form with very little ornamentation and are typically of two to two and a half storey construction.

4.0 HISTORY OF NEGOTIATIONS:

- 4.1 Following the refusal of application reference 12/00885/FU for 14 dwellings and improvements to the village hall the applicant has sought to address the 5 reasons for refusal issued under this re-submission. A series of meetings between officers and the applicant's representatives have taken place, in order to set out what supporting evidence of a financial nature would be needed, in order that it could be demonstrate that the development could generate the stated contribution towards the village hall, and that the level of development proposed is appropriate to deliver that stated contribution with regard to the costs and valuations of the residential element.
- 4.2 The developer subsequently submitted a number of financial reports with the application which has been reviewed by the District Valuer (DV). This concluded that the development could stand to deliver £220,000 towards the proposed improvement works to the village hall, and that the cost and residential valuations used in arriving at these figures are reasonable and accurate.
- 4.3 In order to assist the applicant overcome the design reasons for refusal, advice has been given by conservation officers to improve the design of the proposed development, so as to preserve the character and appearance of the Conservation Area. Amended plans have been received to address these concerns.
- 4.4 Discussions have also taken place over the wording of the draft Section 106 agreement submitted with the application.

5.0 RELEVANT PLANNING HISTORY:

- 5.1 12/00885/FU Alterations and extensions to Aberford Village Hall to form mixed use development (A1, A3, B1(a) and D1), fourteen houses and associated car parking and landscaping, Village Hall Main Street Aberford Leeds LS25 3DA. Refused 13th June 2013 for the following 5 reasons:

1) *The Local Planning Authority considers that the proposed residential development represents an inappropriate form of development in the Green Belt. At present, part of the application site is an open field that offers an important transition between the urban areas of the Aberford Village and the open Green Belt. The Local Planning Authority considers that the proposed residential development would lead to an unnecessary urban encroachment into the Green Belt resulting in the loss of this green open field. Therefore, it is considered that the proposal would have a significant detrimental impact on the openness and the character of the Green Belt. The very special circumstances put forward by the applicant fail to outweigh the harm to the openness and the character of the Green Belt. The scheme is therefore considered contrary to policies GP5 and N33 of the Leeds Unitary Development Plan (Review) 2006 and the national planning guidance contained within the National Planning Policy Framework.*

2) *The Local Planning Authority considers that the mixed houses types proposed on the housing development fail to complement the special character of the Conservation Area. The house types that feature front gable extensions, dormer windows, porches and canopies appear suburban in appearance and fail to follow the design of the positive buildings in the Conservation Area. Furthermore, the irregular design of the fenestration, the lack of a clear building line, the irregular space between dwellings, the varied height of the dwellings and the mixed house types all contribute to the proposed estate of fourteen dwellings appearing cluttered and cramped with inconsistent housing types that relate poorly to each other and the character of the Conservation Area in general. Therefore, it is considered that the proposal will neither preserve nor enhance the character and appearance of the Aberford Conservation Area and would be contrary to UDPR policies GP5, N19, N12 and N13 and with the guidance contained within SPG Neighbourhoods for Living, the Aberford Conservation Area Appraisal and with the national planning policy contained within the National Planning Policy Framework.*

3) *The section of the site close to the River Crow is occupied by a substantial level of mature landscaping features and vegetation which has the potential to provide a natural and beneficial habitat for Water Voles, badgers, bats, nesting birds and other species. The area around the watercourse could suffer indirect impacts to this habitat through compaction of roots, pollution via dust or liquids such as oil or chemical spills, and the applicant has failed to provide sufficient information to demonstrate how the potential threat biodiversity on the site will be mitigated. Therefore, the proposal is considered contrary to Policies GP5, N49 and N51 of the Leeds Unitary Development Plan Review and with the national planning guidance contained within the National Planning Policy Framework.*

4) *The application site lies within Flood Zone 3a, defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. The applicant has not applied a Sequential Test to demonstrate that there are no other reasonably available sites appropriate for*

the development in areas with low risk of flooding, nor has the applicant proposed any mitigation measures to reduce the risk of the site and the surrounding areas from flooding. Therefore, it is considered that the proposal is considered contrary to UDPR policies GP5 and N38A and with the national planning policy contained within the National Planning Policy Framework.

5) The Local Planning Authority considers that the proposed access and internal access road is unacceptable and in the absence of further supporting information the proposal would be detrimental to highway and pedestrian safety, contrary to Policies GP5 and T2 of the Unitary Development Plan (Review 2006), the guidance contained within the Street Design Guide and the guidance contained within the National Planning Policy Framework.

5.2 Most of the previous history of the site relates to developments in connection with the extension of the Manor House to the north. There were also two outline applications submitted that related to the principle of constructing residential development on the open field. Both of these were refused (H33/217/83/ / H33/182/79/).

6.0 PUBLIC/LOCAL RESPONSES:

6.1 The application was advertised by site and press notices. As a result of this publicity 51 letters of support (many of which are on a standard proforma) and 28 objecting to the proposal were received.

6.2 The issues raised in the letters of support refer to:

- The village hall is in need of modernisation
- The improvements would make it more environmentally friendly
- Community benefits of better facilities
- Improvements to parking and highway safety
- The site is scrub land and it would not harm the village
- The proposed design is sympathetic and in keeping
- The village needs new homes

6.3 The issues raised in the letters of objection refer to:

- Harm to the Green Belt
- Harm to the Conservation Area
- Harm to ecological interests
- Flood risk
- Proposals for the hall should be a separate application
- The houses are executive and not affordable houses
- Access is unsafe
- The reasons for refusal of the earlier application still stand

6.4 The Parish Council object to the application. They provide a very detailed and considered objection as follows:

- The application raises complex issues that generated a very lengthy discussion at the Parish Council meeting.
- The Parish Council regret that they not able to support the application.
- If permission is refused the Parish Council would wish to talk to the Village Hall Committee to explore alternative ways of securing a modern hall.

- It is considered that the site should not be brought forward outside of the Neighbourhood Plan process.
- Brownfield sites should be brought forward first and a potential site has been identified which could deliver some financial gain that could be used to help deliver a Village Hall.
- Surveys of local residents identified strong support for protection of open green spaces.
- Concerns exist over flooding and this should be addressed through an independent report.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Environment Agency: No objections, subject to conditions.

Non-statutory:

7.2 Yorkshire Water: Amended drawings requested re: easement and live water main, otherwise no objections subject to conditions.

7.3 Highways: No objections, subject to conditions and minor amendments to footway/garage dimensions.

7.4 Flood Risk Management: No objections, subject to the proposed compensatory flood plain storage subject to conditions.

7.5 Public Rights of Way: No objections to the footpath realignment, advice given on the need for and content of a Public Path Diversion Order.

7.6 Contamination: No objection, subject to conditions.

7.7 West Yorkshire Archaeology: Recommend an evaluation should be carried out prior to determination.

7.8 Conservation: No objections to revised proposals for village hall. No objections in principle to the proposed design of dwellings, subject to further minor amendments and conditions.

7.9 Air Quality Management Team
No issues of concern for local air quality management relating to this development.

8.0 PLANNING POLICIES:

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan for the area consists of the adopted Core Strategy, saved policies within the Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.

8.2 The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014. The Inspector has considered the plan subject to agreed

modifications to be sound. The Core Strategy was formally adopted on 12 November 2014, and therefore now has full weight.

8.3 Local Development Framework Core Strategy policies:

Policy SP1	Location of Development
Policy SP10	Green Belt
Policy SP6	Housing requirement and allocation of housing land
Policy ID2	Planning obligations and developer contributions
Policy H2	New housing development on non allocated sites
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements
Policy EN5	Managing flood risk
Policy T2	Accessibility requirements and new development
Policy P9	Community facilities and other services
Policy P10	Design
Policy P11	Conservation
Policy P12	Landscape

8.4 Saved UDP policies are considered to be of relevance:

Policy GP5	Refers to general planning considerations
Policy N33	Development in the Green Belt
Policy N37	Development in Special Landscape Areas
Policy N37A	Development in Special Landscape Areas
Policy N19	Refers to building design in the Conservation Area
Policy N20	Demolition/removal of features within Conservation Areas
Policy BD5	Refers to the design of new buildings
Policy LD1	Landscape design & retention of trees/vegetation
Policy T24	Parking standards
Policy BD6	Alterations and extensions

8.5 Leeds City Council: Supplementary Planning Guidance / Documents:

SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Designing for Community Safety (adopted).

Aberford Conservation Area Appraisal and Management Plan-

The document outlines the following as key ways to retain character of the area:

- Dominance of the Great North Road in the streetscape.
- Keeping the domestic scale and massing within the conservation area.
- Retention of spaces between buildings. The layout of buildings should be sympathetic to positive buildings in the area.
- New-build properties to reflect the scale of adjacent properties and employ regular fenestration.
- Keys views towards open green space and high status buildings retained.
- Use of magnesian limestone in the construction of new boundary walls and buildings.
- New buildings orientated to face the street.
- Retention and enhancement of green spaces.
- Retention of the permeability and accessibility to these green spaces within, and

adjacent to, the conservation area.

- Continued use of traditional roofing materials with chimney stack and pots to articulate the roofscape.

8.6 National Planning Policy

The National Planning Policy Framework (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design. The presumption does not apply where certain other policies in the framework indicate that permission ought to be restricted (NPPF footnote 9). In this case Green Belt policy precludes new buildings in the green belt except in very special circumstances, and therefore the presumption in favour does not apply in this instance. The following sections are particularly relevant:

7 Requiring good design

8 Promoting health communities

9 Protecting Green Belt land

10 Meeting the challenge of climate change, flooding and coastal change

11 Conserving and enhancing the natural environment

12 Conserving and enhancing the historic environment

- 8.7 The accompanying Planning Practice Guidance is also relevant, and where relevant to pertinent issues, it is referred to below accordingly.

9.0 **MAIN ISSUES**

Green Belt/Principle of Development

Impact on Conservation Area and visual amenity

Impact on residential amenity

Highway implications

Flood Risk/ Drainage

S106 contributions

Representations

Biodiversity

Other Considerations

10.0 **APPRAISAL**

Green Belt/ Principle of Development

- 10.1 The bulk of the application site is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Policy N33 of the UDP and paragraph 89 of the NPPF state that the construction of new buildings within the Green Belt is inappropriate. Inappropriate development is harmful to the Green belt and substantial weight should be given to this harm. Inappropriate development should not be approved except in very special circumstances.
- 10.2 On the 16th October 2014 Communities Secretary Mr Eric Pickles strengthened the policy on planning in the Green Belt, making clear development should first be built on suitable sites and areas of brownfield land. This follows earlier guidance issued on 04th October 2014, reaffirming that local plans should protect the green lungs around towns and cities, and that Green Belt boundaries should only be altered in exceptional cases, through the preparation or review of the Local Plan. Mr Eric Pickles stated that *"I am crystal clear that the Green Belt must be protected from development, so it can*

continue to offer a strong defence against urban sprawl. Today's new rules strengthen these protections further, and ensure that whether it's new homes, business premises or anything else, developers first look for suitable sites on brownfield land". These recent ministerial comments re-emphasise the important role of the Green Belt and the enhanced policy protection that applies in relation to inappropriate development.

- 10.3 The proposed housing development and the new car park are wholly located within the Green Belt. Both the construction of new dwellings and the creation of areas of hardstanding fall outside the list of developments which might be not inappropriate. The application is therefore inappropriate development, harmful to the Green Belt and this harm should be given substantial weight. This then means that, in principle, the development cannot be considered acceptable.
- 10.4 The application also causes additional harm to the Green Belt. The creation of five additional dwellings and a car park also has a substantially negative impact upon the openness and character of the Green Belt. The area of land which forms the application site is currently an open field which lies to the rear of the village hall and outside the village envelope. The built-up core of Aberford, particularly to the eastern side of the village does not project much beyond the line of houses fronting Main Street and some small areas of back-land development. Windmill Rise which lies to the south of the site is a relatively recent housing development that stands in contrast to this linear character where development lines main street with open fields beyond. The proposed housing development would introduce large, two storey dwellings and associated areas of hardstanding, outbuildings and domestic clutter, and would therefore have a substantial and harmful impact upon openness. The development would also continue the sprawl of the village into the open fields surrounding the built up areas, and would not only compound the harm caused by Windmill Rise, but would project development beyond its eastern boundary and mean that the extent of the village to the east would be enlarged.
- 10.5 The application is therefore inappropriate development, and there is also harm to the openness and character of the Green Belt. The application is also contrary to one of the five stated purposes of the Green Belt, to check urban sprawl. The harm through inappropriateness must be given substantial weight, and the additional identified harm also weighs against the proposal. When considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations [Para 88 NPPF].
- 10.6 In order to be considered very special circumstances, the arguments which are advanced must be unique to the case and not based upon general planning considerations. The agent sets out the case for very special circumstances as being:
- The importance of the community facilities
 - The state of the village hall
 - The proposed works to the village hall
 - The provision of off-street parking; and
 - The provision of land on which to hold community events
- 10.7 The proposed development would, subject to a suitably drafted S106 agreement, deliver a new car park and improvements to the village hall. The development appraisal has found the submitted costs and valuations to be fair and not overstated. The delivery of community facilities is a positive aspect of the development. The

proposal would also be of some benefit to highway safety in reducing on-street parking.

- 10.8 However, whilst Core Strategy Policy P9 recognises the importance of access to local community facilities and services, this must be weighed against the permanent and substantial harm which would be caused by a new housing development in the Green Belt. There are no exceptional circumstances to which weight could be given, and whilst the application would not change the Green Belt boundary, it is tantamount to it and it would reduce openness and represent a significant incursion into it. The dwellings, car park and associated engineering works would be inappropriate development which is, by definition, harmful, and significant weight must be given to this harm.
- 10.9 The situation is also not unique, many other communities might wish to propose development in the Green Belt to fund community facility improvements. Furthermore, the proposal does not fund the full cost of works, leaving a funding gap, and as such there are questions as to whether the development can ultimately secure the community benefits. The proposal would also be premature, outside of the Core Strategy site allocations/Green Belt review and the neighbourhood plan processes, and whilst the benefits are acknowledged, they are not in light of the above considerations therefore considered to be capable of being given sufficient weight, so as to represent the necessary very special circumstances to outweigh the identified harm.
- 10.10 Before moving onto discuss the impact of the development upon the character of the conservation area, it should be noted that the village hall itself lies outside the designated Green Belt. The proposed improvements to the village hall (save for the car park) itself are within the settlement boundary. Following negotiations and amendments, and subject to further minor amendments, the proposed remodelling of the hall would alone be acceptable in principle.

Impact on Conservation Area and visual amenity

- 10.11 When considering any planning permission decision that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Core Strategy Policy P10 seeks high quality inclusive design and Policy P11 seeks to conserve and enhance the historic environment. Paragraphs 126 and 131 of the NPPF require that local planning authorities take into account “*the desirability of new development making a positive contribution to local character and distinctiveness*”. Paragraph 9 says that pursuing “*sustainable development involves seeking positive improvements in the quality of the...historic environment...*”.
- 10.12 Following a series of amended plans the application now proposes a residential development in the form of two principal farmhouses with associated barns, set around a courtyard. Whilst the design is demonstrably pastiche, in some cases there is no substitute for development within a traditional design framework and in a palette of traditional materials. The proposed works to the village hall are now considered to respect the conservation area status and the sites context. Subject to further minor revisions, the overall the design is compatible with the local context and would not harm the character or appearance of the conservation area.

Impact on residential amenity

- 10.13 The nearest existing dwellings from the proposed dwellings are located 16 metres to the west (dwellings on Manor court which front Main Street), and 22 metres to the south (on Windmill Rise). Even allowing additional distance because of differences in ground levels, there would still be sufficient distance to avoid any overlooking, loss of privacy or dominance, in accordance with policy. Thus it is not considered that this proposal will result in any issues detrimental to residential amenity.
- 10.14 In respect of the amenities of the future residents of the dwellings, dwellings would enjoy an acceptable relationship with each other and the proposed outdoor amenity space for the benefit of future residents is acceptable, and provides the required private amenity space in accordance with UDPR saved and Core Strategy adopted policy.

Highway Implications

- 10.15 The required access width with footway has been achieved. Subject to minor revisions to the footway (where the access to the village hall car park is proposed), and amendments to the proposed garage sizes to allow for cycle storage, there are no highway safety objections to the proposed development, subject to the use of conditions, to ensure the development complies with relevant policy. The proposed car park to serve the village hall would reduce on-street parking demands at times when it is in use, and this benefit in terms of highway safety is considered in more detail below. The application is therefore considered to have addressed the earlier highway objections to the development and it is in accordance with relevant UDPR Saved and adopted Core Strategy adopted policy.

Flood Risk / Drainage

- 10.16 The site is at risk of flooding. However, following the receipt of additional information, The Environment Agency have withdrawn their earlier objections based on flood risk, subject to planning conditions to require the mitigation measures submitted in the Flood Risk Assessment being followed (surface water being managed in accordance with the Council's 'Minimum Development Control Standards for Flood Risk', provision of the detailed compensatory flood storage, the clearing of downstream culverts, and the setting of minimum internal floor levels) prior to occupation. The Council's Flood Risk Management Team also now has no objections. The application is therefore considered to have addressed the earlier flood risk objections to the development.

S106 Obligations and CIL Regulations

- 10.17 The scale of the application is such that contributions towards affordable housing and off-site greenspace provision/improvements would not normally be expected.
- 10.18 The level of development falls below the threshold for public transport contributions (50 units). Thus, although Metro requested a contribution towards the residential Metrocard scheme, because the development is below the threshold, the request from Metro cannot be sustained.
- 10.19 In responding to the above, officers are mindful however that central government policy clearly recognises that viability can be considered as part of the planning application process.
- 10.20 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

- **(i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
- **(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
- **(iii) fairly and reasonably related in scale and kind to the development** Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.21 According to this guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligation offered by the applicant includes a contribution of £220,000 towards the proposed improvements to the village hall. It is considered that this obligation, notwithstanding the viability/appraisal issues considered separately from this report, is not necessary to make the development acceptable in planning terms; they are not directly related to the development given the residential nature of the proposal; though they are fairly and reasonably related in scale and kind to the development.

10.22 The proposed development could therefore bring about financial benefits for the village hall. Were the advanced case for very special circumstances to be accepted by the Council, these contributions would be required to be the subject of a S106 agreement. However, with regard to the above guidance, the appropriateness of contributions by way of an attempt to demonstrate the necessary very special circumstances is questionable. Detailed consideration of the other considerations and very special circumstances advanced by the applicant follows below.

10.23 The applicant has submitted a draft S106 agreement prepared on their instructions by their solicitor. The Council's solicitor has reviewed the agreement and has concerns that it would not meet the terms of S106 of the Act as currently drafted - the Council is not sole recipient of the monies, and there is concern about the administration of them. For example, how does the Council ensure expenditure of the funds on works to the hall, how and when are they expended, and does it in effect become project manager. Whilst these concerns may not be insurmountable, revisions to the draft S106 would need to be negotiated, for it to give weight. Comfort would be required that houses would not simply be built in the Green Belt without the improvements to the village hall occurring, so that weight could be given to it in the overall balance of considerations.

Representations

10.24 All matters raised in letters of objection have been considered and addressed.

Biodiversity

10.25 Core Strategy Policy P12 refers to the protection of the character, quality and biodiversity of Leeds' townscapes and landscaped. Core Strategy Policy G8 and G9 seek to protect protected species and enhance biodiversity, as does guidance contained within Section 11 of the NPPF. In this case it is not considered that protected species would be harmed and that, subject to suitably worded conditions, planting of native species grasses and landscaping and the incorporation of biodiversity enhancement measures could satisfy these policy concerns.

Other considerations

10.26 Whilst not advanced as part of the case for very special circumstances put by the applicant, some supporters refer to housing need in support of the proposal. No compelling evidence of an unmet need for the type of housing proposed has been advanced with the application and in any event, was there to be such evidence it would still be premature in advance of the Green Belt review, Core Strategy site allocations and neighbourhood planning processes. New guidance published by the Communities secretary on 06 October 2014 explains that once established Green Belt boundaries should only be altered in exceptional cases, through the preparation or review of the Local Plan. It also states [DCLG Planning Practice Guidance Para 044] that housing need is only one factor and does not justify the harm done to the Green Belt by inappropriate development. In light of these considerations very little weight could therefore be given to housing need in this instance.

11.0 CONCLUSION

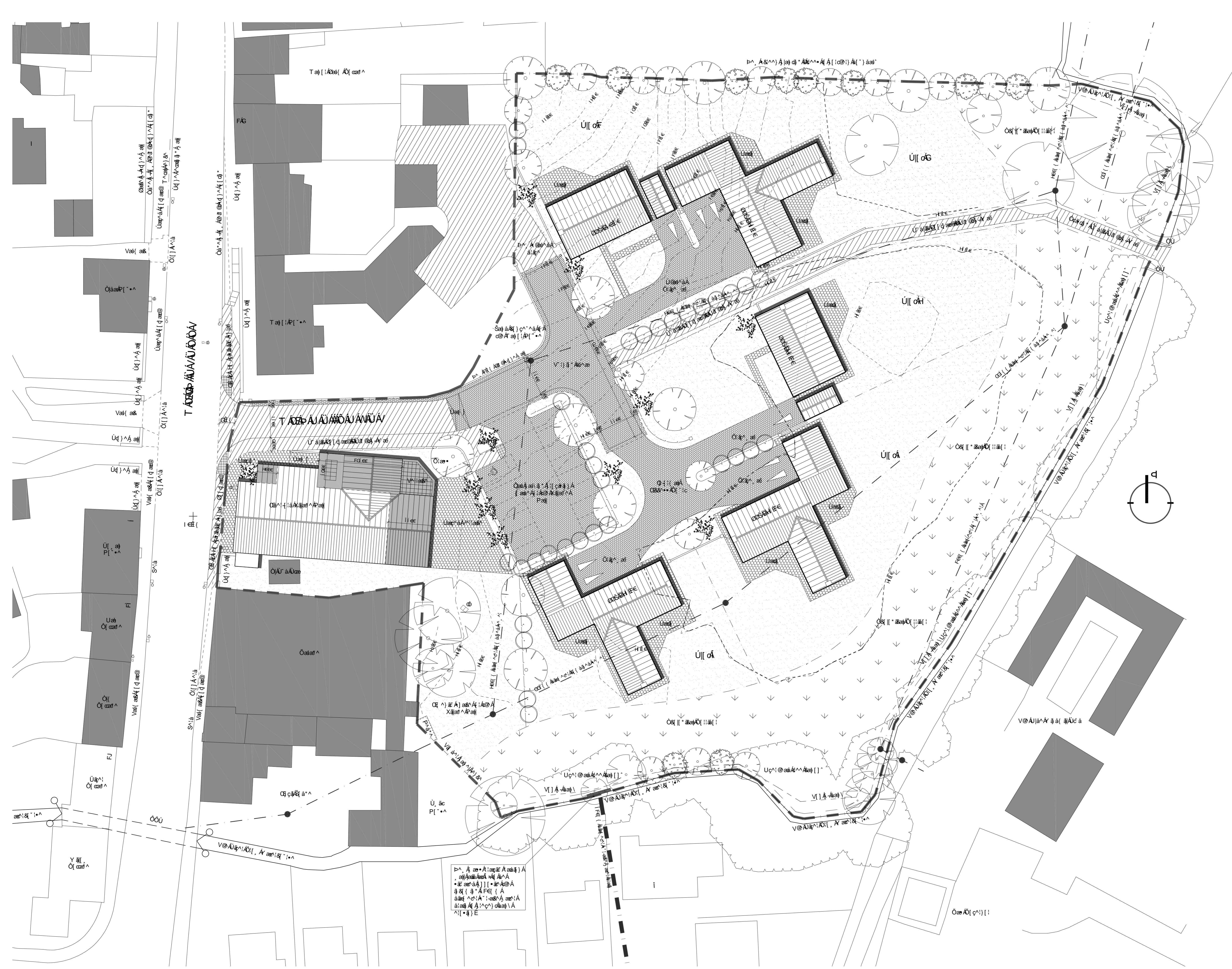
11.1 It is considered that the proposed development is unacceptable in principle. The development in the Green Belt of 5 dwellings, together with associated engineering operations, and a car park, would constitute inappropriate development which would, by definition, be harmful. Substantial weight should be given to this harm and, notwithstanding the recognised benefits of the financial contribution the development would make to improvements to the village hall and improved highway safety, these considerations are not considered to outweigh this harm. The necessary very special circumstances have therefore not been demonstrated and the application is therefore contrary to guidance contained within Section 9 Protecting Green Belt land of the National Planning Policy Framework and Policies GP5 and N33 of the Council's Unitary Development Plan (Review 2006). It is therefore recommended that planning permission be refused for the reasons at the head of this report.

Background Papers:

Application file: 12/00885/FU.

Application file: 12/05434/FU.

Certificate of Ownership A completed.



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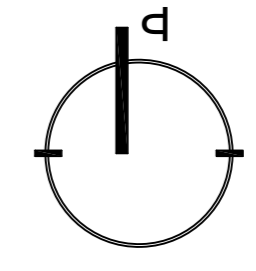
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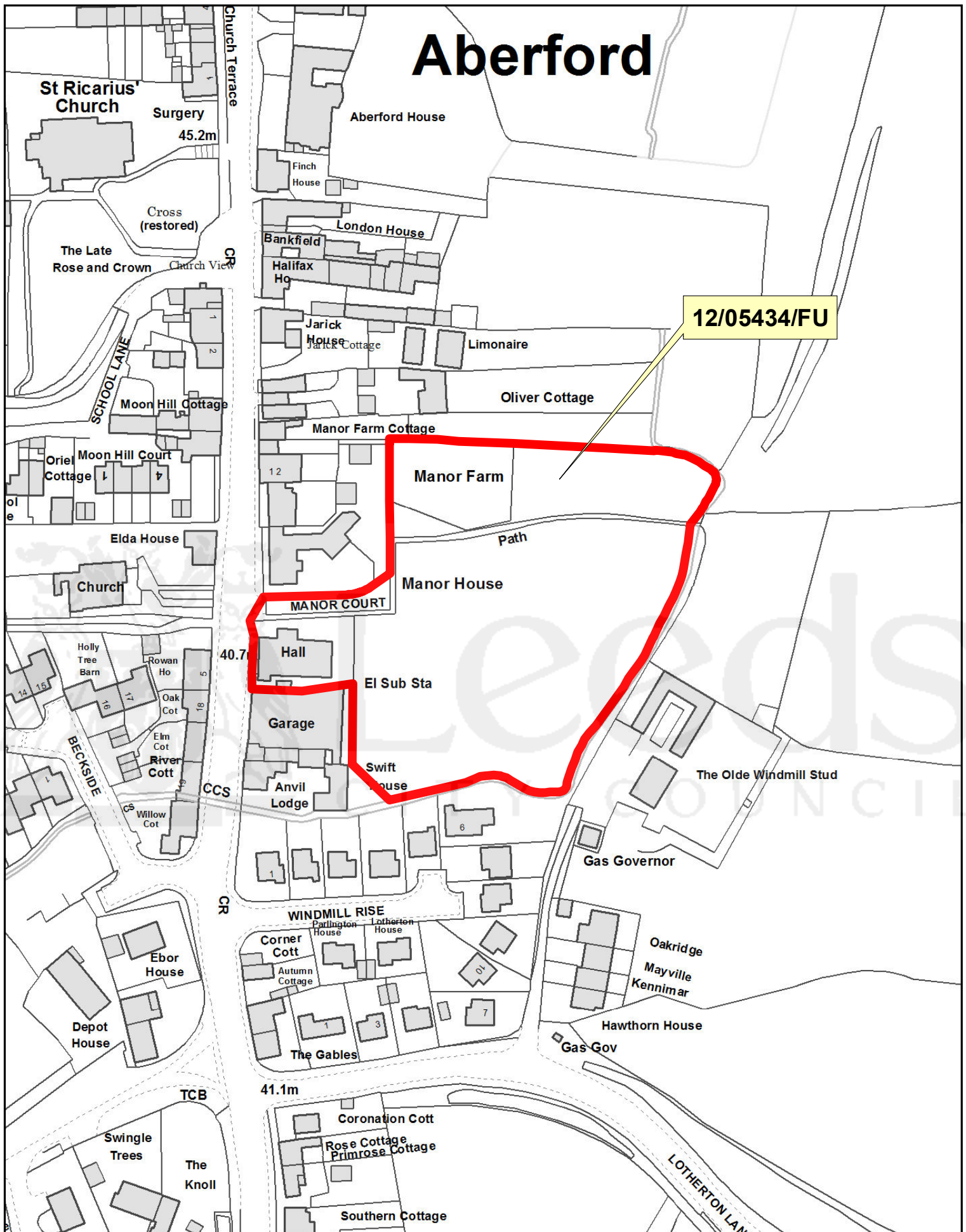
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NORTH AND EAST PLANS PANEL

