

Report of Forward Planning & Implementation

Report to Chief Planning Officer

Date: 26 September 2014

Subject: Designation of Little Woodhouse Neighbourhood Area

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1.0 Summary of main issues

- 1.1 This report considers the designation of the Little Woodhouse Neighbourhood Area.
- 1.2 The proposed Little Woodhouse Neighbourhood Area is shown on Plan 1. This plan also shows the area recommended for designation. The Little Woodhouse Community Association (LWCA) is sponsoring the application and they are seeking to extend their interest beyond their community association boundary to include land in the Burley Road and Kirkstall Road area.
- 1.3 Ten representations were made on the application during the 6 week publicity period. Appendix 1 provides a summary of the points made. These relate to the Moorlands and St John's areas and the Western Campus.
- 1.4 This report also makes reference to the proposed Hyde Park Neighbourhood area. This application also requests the inclusion This proposed neighbourhood area also includes the Moorlands, St John's and the Burley Lodge Local Centre (part).
- 1.5 The interim group are currently eligible to apply to Locality for up to £7,000 funding.

2.0 Recommendations

2.1 The Chief Planning Officer is recommended to:

- Pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 designate the revised Little Woodhouse Neighbourhood Area (as shown on Plan 1);
- Pursuant to 61G (9) publish the designation decision (Appendix 2) on the Council's website.

3.0 Purpose of this report

3.1 This report recommends the designation of the Little Woodhouse Neighbourhood Area and covers information relevant to the designation, the duties that the Council has in making a designation and the consultations that have been undertaken.

4.0 Background information

4.1 The Localism Act 2011 gives local communities a new 'right' to prepare a neighbourhood plan which could decide where new development takes place, what it looks like and also include other issues that are locally important. These plans can be simple single-policy plans or they can be multi-policy and more complex if that is what the community wishes. However, they must follow the following 'basic conditions':

- Be in general conformity with local planning policy (the Core Strategy, Site Allocations Plan) and national planning policy (National Planning Policy Framework);
- have appropriate regard to national policy;
- contribute to the achievement of sustainable development;
- Be compatible with human rights requirements;
- Be compatible with EU obligations.

4.2 The plan will be subject to an independent examination and tested against the 'basic conditions'. Non-planning matters will not be examined although their contribution to achieving sustainable development may be referred to.

4.3 The Statutory responsibilities of the Council are:

- **the designation of a neighbourhood area;**
- the designation of a neighbourhood forum;
- the publication of a submitted Neighbourhood Development Plan for consultation;
- the arrangements for and cost of an independent examination;
- the arrangements for and cost of a Referendum;
- the formal assessment of the agreed Neighbourhood Development Plan against EU Regulations.

- 4.4 Since the introduction of neighbourhood planning in April 2012, there has been an increased level of activity throughout the country, initially in parished areas and now increasingly in towns and villages in non-parished areas. In Leeds, 29 neighbourhood areas have been designated and 4 neighbourhood forums (Holbeck, Adel, Oulton & Woodlesford and Aireborough).
- 4.5 Section 61G of the Town and Country Planning Act 1990 (added by the Localism Act) and the Neighbourhood Planning (General) Regulations 2012 outline the Council's responsibilities for the designation of a neighbourhood area and neighbourhood forum and this includes bringing the application to the attention of people who live, work or carry on business in the area for which the application relates.
- 4.6 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a Neighbourhood Area, consideration must be given to whether the authority should designate the area concerned as a business area. The designation of the specified area can only occur if the authority considers that the area is wholly or predominately business in nature [Section 61H (3)].
- 4.7 If the application for the Designation of this Neighbourhood Area is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulation 2012 requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.
- 4.8 It was agreed at Executive Board on 20 June 2012 that prior to the designation of a neighbourhood area and neighbourhood forum the Council would do the following:
- Bring the application to the attention of those who live, work and do business in the area;
 - Consider representations received;
 - Consult with the Executive Board Member for Neighbourhoods, Planning and Support Services, Area Committee chairs and local ward members on the proposed designations.

5.0 Main issues

Summary of the application

- 5.1 The application includes the following:
- Statement in support of the neighbourhood area;
 - Neighbourhood Forum supporting statement in fulfilment of section 61(F) of the 1990 Act;
 - Map of proposed Neighbourhood Area;
 - Statement of Appropriateness to be designated a Neighbourhood Area;
 - Statement that the body making the application is a 'Relevant Body.'

5.2 In determining **neighbourhood areas** the Council is seeking to ensure that boundaries are coherent, consistent and appropriate. Relevant considerations in this respect could be:

- Any natural or man-made features (such as rivers, roads, railway lines or canals);
- Catchment areas for current or planned infrastructure;
- Development proposals and allocations;
- Environmental designations;
- Existing settlements;
- Community identity.

The proposed neighbourhood area

5.3 Plan 1 shows the proposed Little Woodhouse and Hyde Park neighbourhood areas. Both areas propose the inclusion of the Moorlands, St John's and the Burley Lodge Local Centre (part).

Community identity

5.4 In support of the proposed neighbourhood area the Little Woodhouse Community Association states that the proposed neighbourhood area includes many small character areas sharing the following:

- *a diverse architectural heritage*
- *a population with a high degree of transience and change, including a large number of students but also other private and social tenants*
- *proximity to city centre, and large institutions e.g. universities and hospital – with the effect of being overlooked as neither “centre” nor “local”*
- *a high number of people passing through or visiting organisations based in the area*
- *some organisations focused on city-wide rather than local services*
- *recent loss of schools and medical practices*
- *a variety of local green spaces important in housing with few private gardens*
- *close to city centre shops and offices, mainline transport and motorways*
- *a quiet and peaceful atmosphere with low crime for an inner city area.*

5.5 Both the Little Woodhouse and Hyde Park applications refer to the importance of community identity. As the Moorlands lies within the Little Woodhouse Community Association boundary and is defined as a separate character area in the Little Woodhouse Neighbourhood Design Statement area (also including the Western Campus) the LWCA argue that it would be logical to include these areas. They also highlight the consistency in designating an area that has been within the Little Woodhouse area for 21 years, including the St John's area.

Tangibility of boundaries

5.6 The chosen boundary largely follows physical features defined by the edge of Leeds University Campus, the edge of the Leeds General Infirmary complex, the inner ring road, Kirkstall Road and Burley Road.

- 5.7 The application proposes that only the eastern half of the Burley Lodge Local Centre is included in the area designation, using the middle of Woodsley Road as the neighbourhood area boundary. This is not a tangible boundary nor is it likely to result in clear and consistent local planning policies for this local centre. A local centre should sit within a single neighbourhood area.

Appropriateness of the proposed neighbourhood area

- 5.8 The proposed neighbourhood area is a an extensive one that includes many opportunities that could be addressed by a neighbourhood plan, most of which will require partnership working with the Council and other stakeholders, the details of which will be agreed after designation has taken place.
- 5.9 The proposed area includes part of the Western Campus (Leeds University Business School). The University objects to the inclusion of this area as inappropriate on the following grounds: this area is already defined and protected as a Conservation Area, the Western Campus lies within the city centre, city centre policies apply to development at this location; outline planning approval exists on part of the site and development can only be for educational use.
- 5.10 No part of the proposed Neighbourhood Area overlaps any part of any other Neighbourhood Area (in fulfilment of Section 61G (7) of the Act).
- 5.11 No part of the proposed Neighbourhood Area consists of or includes the whole or any part of the area of a parish (in fulfilment of Section 61G (3) (b) of the Act).

Representations on the proposed neighbourhood area

- 5.12 During the 6 week publicity period a total of 10 representations were received on the application. These are outlined in Appendix 1 and can be summarised as follows:
- Objection/support to/for the inclusion of the Moorlands and St John's areas;
 - Objection to the inclusion of the Western Campus.

Key Issues - The proposed Little Woodhouse Neighbourhood Area

- 5.13 Given the issues raised in this report and the representations received, there are 5 key issues for the designation of the neighbourhood area:
- (i) **The Moorlands** – both the Hyde Park and Little Woodhouse applications make strong arguments regarding community identity but this is not a clear-cut issue. On balance, there are a number of factors that favour the inclusion of this area in the Little Woodhouse designation: the Moorlands has been part of the LWCA boundary for 21+ years and this has been a successful relationship (and without local challenge). Furthermore, the Moorlands Conservation Area lies within the LWCA boundary and includes the Western Campus (an area that is not disputed). It would be more appropriate for a Conservation Area to be covered by a single neighbourhood area.

- (ii) **St John's** – Adjacent to the Moorlands this estate is part of a group of Council estates that lie mainly in the Little Woodhouse area (Rosebanks & Rillbanks, Kendalls, Consorts). The Hyde Park application argues that an area that includes the Hyde Park Methodist Church and the Hyde Park Surgery should be included in the Hyde Park Neighbourhood Area. Whilst this is acknowledged, it is the case that these facilities are used equally by Hyde Park and Little Woodhouse residents. On balance, as this area has been a successful part of the LWCA boundary for 21+ years (and without local challenge), it would be logical and consistent for this area to be included in the Little Woodhouse neighbourhood area;
- (iii) **Western Campus** – the importance of this area to the University is recognised and the concerns raised by the University regarding uncertainty are acknowledged. However, the basic conditions regarding general conformity will minimise any uncertainty. Also, the outline planning approval that has been granted will not be affected by a neighbourhood area designation;
- (iv) **Burley Lodge Local Centre** – for the consistent application of planning policy it is important that all of a local centre is within one neighbourhood area. This report already recommends the inclusion of the Moorlands and St John's areas (in the Little Woodhouse neighbourhood area) and given that the main attractions of the Burley Lodge Local Centre (the post office, Yorkshire Bank) lie within the LWCA area at present it would be consistent, logical and appropriate for all of the Burley Lodge Local Centre to be within the Little Woodhouse Neighbourhood Area (rather than only part of the centre that was applied for). * Given the importance of this area for both Hyde Park and Little Woodhouse residents – and dependent on plan proposals - it may be that an examiner would recommend that residents who live close to the Burley Lodge area (but within the Hyde Park Neighbourhood Area) should be eligible to vote in the Little Woodhouse Neighbourhood Plan referendum.
- (v) **Burley Road/Kirkstall Road** – the proposal to include this predominantly business area presents opportunities as well as challenges for neighbourhood planning in this area. If this area is designated, it will be imperative for the business community to be represented in the forum membership. The Council will assist LWCA in this respect.

6.0 Next steps

- 6.1 Subject to designation being made, the LWCA will submit an application for the designation of the Little Woodhouse Neighbourhood Forum. A successful Neighbourhood Forum designation will allow the group to formally apply for support to prepare the neighbourhood plan, managed through Locality.
- 6.2 The final neighbourhood plan and supporting documents will be submitted to the Council and will then publicised for a further 6 weeks.
- 6.3 The neighbourhood plan will be assessed by an independent examiner who will only consider whether the plan meets the basic conditions as outlined in paragraph 4.1.
- 6.4 The Council will use the examiner's report to assess the neighbourhood plan and approve or reject the proposal. If the Council approves the proposal it will arrange

for a referendum on the proposed plan to be held and all those registered to vote in the neighbourhood area will be entitled to vote. A majority of the votes in favour of the proposal is needed for the plan to be accepted.

- 6.5 If there is a majority vote in favour of the plan, the plan will be 'made' (adopted) by the Council and will become part of Leeds' Local Plan and will complement, though not repeat or replace local and national plans.

7.0 Corporate Considerations

- 7.1 A Neighbourhood Planning Agreement has been prepared to assist in the management of neighbourhood planning in Leeds. The agreement is optional and sets out Leeds City Council's responsibilities and the responsibilities of the neighbourhood forum for the key stages in neighbourhood planning, from designation to referendum. If designated, the Little Woodhouse Community Association/Interim Neighbourhood Forum will be asked to sign up to this.

8.0 Consultation and Engagement

- 8.1 Under Regulations 6 and 9 (Neighbourhood Planning (General) Regulations 2012) the Council publicised the application to those who live or work in the area to which the application refers.
- 8.2 During the statutory 6 week publicity period the Council and the LWCA promoted the application which was available to inspect at the Swarthmore Centre. Appendix 1 summarises the 10 representations received.
- 8.3 The LWCA have taken an active part in the Inner North West Planning Sub group discussions on neighbourhood planning and have undertaken numerous community events over the past 18 months which have also been used to promote neighbourhood planning and to encourage ideas and membership.
- 8.4 The proposed neighbourhood areas for Hyde Park and Little Woodhouse were discussed at a meeting with Councillors Walshaw (Headingley) and Councillor Akhtar (Hyde Park & Woodhouse) on 12th September. It was agreed that the Little Woodhouse Neighbourhood Area should include the Moorlands, St John's and the Burley Lodge Local Centre. It was also agreed that the Council would facilitate a neighbourhood planning forum for the inner north west area to help ensure neighbourhood planning activity is joined-up and complimentary.
- 8.5 The inclusion of the Western Campus was unresolved. The following concerns have been raised by the University:
- this area is already defined and protected as a Conservation Area
 - the Western Campus lies within the city centre, city centre policies apply to development at this location
 - outline planning approval exists on part of the site and development can only be for educational use.

9.0 Equality and Diversity / Cohesion and Integration

9.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to neighbourhood planning (2011). The Council views the neighbourhood planning process as an opportunity to deliver equality, diversity, cohesion and integration objectives.

10.0 Council policies and City Priorities

10.1 Neighbourhood plans link well to all three of the Council's corporate priorities set out in the Vision for Leeds:

- Leeds will be fair, open and welcoming (neighbourhood plans must not breach, and be otherwise compatible with, EU obligations and be compatible with human rights requirements);
- Leeds' economy will be prosperous and sustainable (the making of the neighbourhood plan must contribute to the achievement of sustainable development);
- All Leeds' communities will be successful (the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for Leeds, a significant part of which is planning for growth).

10.2 The issues outlined also meet the Council's value of 'Working with Communities' and related priority of 'consultation' set out in the Council's Business Plan 2011 – 15.

11.0 Resources and value for money

11.1 The Department of Communities and Local Government will provide £5,000 to the Local Planning Authority for every area designation made and a further £5,000 for every forum designation, to assist with costs.

12.0 Legal Implications, Access to Information and Call In

12.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability meaning testing times for local decision-making. The Council has adopted the Core Strategy and this now sets out the strategic policies that a neighbourhood plan must be in general conformity with. Consultation on the 'publication draft' Site Allocations Plan will take place over the summer/autumn 2015 and neighbourhood planning areas may choose to make representations during this period. The Council has a 'duty to support' neighbourhood planning areas and will continue to work with them on the preparation of their plans. Once adopted, a 'made' neighbourhood plan will become part of the statutory 'local plan' for Leeds.

13.0 Risk Management

13.1 The examination and referendum process introduces risks in the neighbourhood planning system where the outcome will be dependent on the examiner's

recommendations and a public vote. The Council will seek to manage this risk by working closely with designated areas to ensure that their neighbourhood plans complete the independent examination successfully.

14.0 Conclusions

14.1 The Little Woodhouse application has been considered alongside the proposed Hyde Park Neighbourhood Area and these applications have generated some of the highest number of representations for a neighbourhood area application in the country. The issues raised in this report would suggest that it is logical, consistent and appropriate for The Moorlands, St John's and the western campus areas to be included in the Little Woodhouse designation. Although the community identity issues are not clear-cut they do, on balance, favour a Little Woodhouse designation. Furthermore, the basic condition that requires a neighbourhood plan to be in general conformity with existing local planning policy would allow the university to continue to plan with confidence as before and (if the western campus is included in the LW designation) to be an active member of the forum and take an active role in the preparation of the plan. The inclusion of the Burley Road/Kirkstall Road and the Burley Lodge Local Centre areas offers opportunities to maximise the regeneration potential of neighbourhood planning but will require a significant effort to ensure there is partnership working with business in particular. More generally, the Council will facilitate a neighbourhood planning working group for the inner north west area to ensure neighbourhood planning activity is joined-up and complimentary and the sustainability and regeneration benefits are maximised.

15.0 Recommendations

15.1 The Chief Planning Officer is recommended to:

- Pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 designate the revised Little Woodhouse Neighbourhood Area (as shown on Plan 1);
- Pursuant to 61G (9) publish the designation decision (Appendix 2) on the Council's website.

16.0 Background documents¹

16.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.