



## Report of the Chief Planning Officer

### PLANS PANEL SOUTH & WEST

Date: 19<sup>th</sup> March 2015

Subject: APPLICATION 14/06917/OT – Outline application for residential development and means of access at Nethertown Farm, Old Lane, Drighlington.

#### APPLICANT

Mrs G Wood

#### DATE VALID

27.11.2014

#### TARGET DATE

25/03/2015

#### Electoral Wards Affected:

Morley North

Yes

Ward Members consulted  
(Referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to include the following obligations;**

- (a) Provision of Metro Bus Stop and Cards - £15,224.00**
- (b) Greenspace contribution - £72,744.60**
- (c) 15% Affordable Housing provision**
- (d) Provision, management and maintenance of greenfield buffer**

**In circumstances where the legal agreement has not been completed before April the 2nd 2015, the final determination of the application shall be delegated to the Chief Planning Officer. The following pooled contributions will be CIL liable - greenspace. Metro contributions £15,224.00 and 15% Affordable housing and management and maintenance of green buffer will remain subject to a Section 106 agreement.**

1. Application for approval of all reserved matters with three years
2. Development in accordance with approved plans
3. Approval of the following details – Layout, scale, appearance and landscaping
4. Samples Wall/Roof Mats to be submitted

5. Submission of Management Plan for Landscape
6. Preservation of hedges/trees
7. Replacement of Trees/Hedges/Shrubs
8. Submission of feasibility study into use of infiltration drainage methods
9. Details of method to stabilize embankment
10. Submission of site investigations (shallow mine workings)
11. Contaminated Land Information
12. Amended Remediation Statement
13. Verification Reports
14. Provision nesting birds and bats.
15. Protection of nesting birds
16. Details of vehicular access
17. Maximum gradient to access
18. Maximum gradient to driveways
19. Construction Practice
20. Specified off site highways works
21. Restriction on the developable area of the site
22. Restriction on heights of properties

## **1.0 INTRODUCTION**

This application is reported to Plans Panel in accordance with the delegation agreement because of the significance, impact and sensitivity of the proposal and impact on local communities from the major development of a brown field site within the green belt.

## **2.0 PROPOSAL:**

The site is currently occupied by the following uses: 2 stables, equestrian training area, paddock, 33 horse liveries, caravan storage (for up to 30 caravans), storage/container units, vehicle storage (LGV/HGV's) and vehicle storage for horse boxes including trailers.

- 2.1 The outline application seeks consideration of access only with all other matters (appearance, layout, landscaping and scale) reserved. However, indicative details have been submitted with the application, showing the layout of 19 dwellings, an area of open space and associated infrastructure as part of establishing if the principle of the development is acceptable.
- 2.2 Negotiations have been held with the developers to reduce the "density" and location of the dwellings along with the re-instatement of Greenfield land (approx. a third of the overall site) to the east adjacent to open fields. To this end the submitted indicative layout has been reduced from 32 dwellings as applied for under the previously withdrawn scheme to 19 dwellings.
- 2.3 The Design and Access statement at page 31 also provides existing footprint and volume calculations. Cumulatively the footprints of existing buildings (excluding temporary buildings, containers and plant etc.) equate to 2,276m<sup>2</sup> & 12,176m<sup>3</sup> volumes.
- 2.4 Based on the indicative plan the proposed footprints of the new properties would equate to 1,641m<sup>2</sup> and volume 9,210 m<sup>3</sup>.

2.5 The new access to the site is now proposed to be created to the right hand side of the main access point off Old Lane. There are also a number of informal access points in different areas of the site taken off Old Lane.

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

The site extends to approximately one hectare, is L shaped and located within the adopted Green Belt.

3.1 The site is fairly level and lies on the northern edge of Drighlington village, approx. 9km to the south west of Leeds City Centre. The site is bound by Old Lane to the south east and the A58 (Whitehall Road) to the north which run from east to west parallel to each other. Access to the site is provided off Old Lane.

3.2 The site is elevated from Whitehall Road and separated by a steep wooded embankment. Trees bordering the northwest side of the A58 are protected by a tree preservation order. Beyond Whitehall Road are open fields.

3.3 Bordering the west side of the site are residential properties which are varied in terms of age, styles and designs (a mix of single and two storey dwellings). Bordering this side of the site there are also a number of trees which are protected by tree preservation orders. To the north east is a mature hedgerow bordered by open fields.

3.4 The site is bordered to the south by Old Lane; this descends towards the south east. This road is bordered by open fields, agricultural buildings, a farmhouse and converted barn buildings. Further towards the east along Old Lane are a row of terraced properties and detached bungalows. Opposite is a public footpath which connects Old Lane with Whitehall Road. There is also an unmade footpath at the northern end of Old Lane which connects directly with New Lane

3.5 The site is occupied by a number of buildings which are located central in the site. These buildings are used for the stabling of horses. The west side of the site is generally open and consists of a horse riding arena, stable block and touring caravans. The east side of the site is predominantly occupied by trailers and containers along with other plant paraphernalia linked to the storage use. The largest building on site is a portal framed building which is used as an indoor arena for the horses. Aerial photos show this building in situ in 2009, adjacent to Whitehall Road on the south side of the site. The buildings are generally of a traditional block and render construction and vary in scale.

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

Applicants Mr and Mrs A Hoare:

14/02539/OT: Outline application for residential development and means of access - Withdrawn on 06/11/2014

23/690/04/FU: Demolition of stable and erection of equestrian lecture room – Approved 29/12/2004

23/573/04/FU: Change of use of stable to equestrian lecture room – Refused 18/11/2004

23/274/92/FU: Location of 6 containers for use as pig rearing sheds – Refused 20/10/92

H23/235/90/: Change of use of some farm buildings to form livery stables and use of land to form an all-weather ménage riding area – Approved 11/02/1991

H23/236/90/: Nethertown Pig Farm Old Lane Drighlington Morley - Proposal: Change of use of farm to farm and transport business - Withdrawn: 14-SEP-90

H23/234/90/: Change of use of agricultural building to workshop – Approved 13/02/1991

H23/23/87: Outline application to layout access road and erect residential development to cleared site – Refused 13/04/87

Dismissed on appeal 22/02/1988

*The inspector concluded that whilst the site is partly covered by concrete yards and buildings and is not a Green field; his view was that this was not a sufficient reason for granting consent. Many farms in the green belt could argue in a similar way and were consent to be granted for housing development in these cases the open rural character and appearance of the country side would be detrimentally affected to an unusual and unacceptable degree.*

## **5.0 PUBLIC/LOCAL RESPONSE:**

5.1 Site notices were posted on 12 December 2014

5.2 Advertised in the Morley Advertiser on 17 December 2014.

5.3 Local ward members were notified through the Highways consultation process.

5.4 Ward members:

Councillor Leadley objects to the development for the following reasons:

- On policy grounds as the development would affect openness of the Greenbelt by allowing a suburban estate to be built in it, contrary to one purpose of the Green Belt which is to restrict urban sprawl.
- Existing lawful use of the site
- Scale of the development
- Ecological matters
- Flood issues
- Highways impact

5.5 Local representations: Twelve letters (9 identical) of representation have been received from the local public objecting on the following grounds:

- Impact on character of the area;
- Impact on highways through increase traffic, on-street parking and congestion;
- Applicant should not benefit from poor land management;
- Impact on neighbouring land owned by applicant from re-location of containers and storage use and further highways implications of this use in conjunction with proposed development;
- Sewage – Existing sewage pipes ability to cope with additional demand;

- Impact on infra-structure – schools, doctors etc.

## 6.0 CONSULTATION RESPONSES:

### 6.1 Local Plans:

Green space requirement per dwelling at £3,637.23 (total = £72,744.60) for the S106 agreement, based on no on site provision. This is also on the basis that there is no green space in the locality in accordance with Policy G4.

- 6.2 The site is located within the outer suburbs, therefore 15% of the housing proposed is required to be affordable housing of which 50% should be social rented and 50% submarket/intermediate.

Paragraph 89 – policy response

- 6.3 Providing that the new development replaces the existing medley of buildings structures deemed lawful and therefore can be replaced in accordance with NPPF Para 89. *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'* and the development is it kept tight up to the boundary with Drighlington so not to extend into the Green Belt it is considered the proposal would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 6.4 No objection to the proposed development on the basis that the proposed total volume and footprint of the new dwelling houses will not be greater than the existing development on site and the proposal respects the purposes of land within the Green Belt.

- 6.5 The aforementioned policy response illustrates the change in policy context since the 1988 refusal.

### 6.6 Highways:

No objection in principle subject to detailed proposals for improvements to Old Lane; measures to improve accessibility for pedestrians / cyclists on New Lane and widening of a section of Old Lane between the site and Jubilee Croft to provide sufficient carriageway and footway width including road markings, signage and appropriate speed limit orders which shall be fully funded by the developer (inclusive of staff fees and legal costs).

### 6.7 Transport Policy (Travel Wise):

A travel plan is not required for this proposed development. The threshold for a residential travel plan is 50 dwellings.

### 6.8 NGT/Public Transport:

The threshold for a public transport contribution is 50 residential units and therefore no contribution is required.

### 6.9 Mains Drainage:

No objection subject to feasibility study into the use of infiltration drainage methods being undertaken and submitted and approved by the Local Authority.

- 6.10 Yorkshire Water:  
No objection subject to feasibility study into the use of infiltration drainage methods being undertaken and submitted and approved by the Local Authority.
- 6.11 Coal Authority:  
The Coal Authority considers that the content and conclusions of the Desk Based Mining Risk Assessment (May 2014) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.
- 6.12 Contaminated Land:  
Recommends that a Phase 2 site investigation is carried out as the proposed end use of the site is vulnerable and a number of potentially contaminative activities have been present on and in the vicinity of the site this information should be submitted in support of the application. Following agreement with Contaminated Land officer a Scope of works was submitted which has satisfied their initial concerns. Subject to conditions no objections raised.
- 6.13 Environment Agency:  
No objection to proposal, general guidance given in relation to groundwater and land contamination, historical landfill and foul drainage. Flood Risk Management (FRM) team has provided comments in relation to the sustainable management of surface water.
- 6.14 West Yorkshire Combined Authority:  
Metro advice that bus stop number 11796 ....should have a shelter installed at a cost to the developer of around £10,000. In order to encourage the use of the public transport services available, the developer should be conditioned to enter into Metro's Residential Metro Card. Based on the current scheme costs this would be  $32 \times £475.75 = £15,224.00$ .
- 6.15 Sustainability (Landscape Team):  
Existing north-eastern boundary hedge appears to be proposed for retention - needs to be subject to BS5837 (2012) survey to assess quality and need for supplementary / replacement planting and protected during site development.

North-west boundary trees proposed for retention but need to ensure sufficient space is provided to be able to ensure this. The trees are on a steep slope and probably largely self-set. Survey to BS5837 (2012) needed to assess these in more detail than the limited submitted survey provides. (BS5837 survey should include all on-site vegetation and anything up to 10m beyond site boundaries) and conditioned accordingly.

Potential stability issues of embankment and any contamination remediation which may be required, leading to potential removal of existing vegetation. Slope is currently retained by part existing wall and part fence panels. Need to ensure robust and attractive boundary for safety and amenity.

Advised robust effective screen throughout the year to avoid impact on Green Belt beyond and retain character of Whitehall Road corridor. Planting belt to be managed long-term, by suitable management company and secured through s106.

Rear gardens should all be long enough to ensure sufficient useable garden provided – gardens need to stop short of break of slope with top of banking. Some gardens look to be short of providing this, particularly to the south-west corner

All built development should be set back sufficiently from this boundary to minimise impact on wider Green Belt. Amenity screen planting proposed to south-western boundary to existing housing, but space provided seems too constrained, certainly for suggested tree species.

North-eastern boundary to housing development is a hedgerow, but tightly constrained against the proposed dwellings.

#### 6.16 Legal

Legal officer consulted through legal surgery in order to ascertain the legal definition of a building, to assist in the interpretation of NPPF guidance policy. The three tests to be applied are: size, permanence and physical attachment.

#### 6.17 Sustainability (Nature Team)

The bat survey is satisfactory and has not revealed any roosting bats, but there is some locally significant bat foraging and commuting across the site and the presence of Swallows nesting in a number of the built structures. No objection subject to condition requiring the developer to submitted for approval by the LPA of bat roosting and bird nesting opportunities (to include detailed specifications for Swallow nesting provision, and for other species such as House Sparrow, Starling and House Martin) to be provided within buildings and elsewhere on-site – to maintain and enhance biodiversity.

Also no removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation or built structures for active birds' nests immediately before (within 24 hours) the vegetation or built structures are cleared or removed, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site – to protect nesting birds

## 7.0 **PLANNING POLICIES:**

### Development Plan

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Core Strategy (adopted November 2014); saved policies from the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste DPD along with relevant supplementary planning guidance and documents.

The site is allocated in the greenbelt in the UDP. The following policies are relevant to the consideration of the application:

#### 7.1 **Core Strategy** - The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant policies:

SP1 – Location of development in main urban areas on previously developed land.

SP11 – Transport Infrastructure investment priorities

SP10 – Green Belt (page 52)

P10 – High quality design

P12 – Good landscaping

T1/T2 – Accessibility

G3/G4 – Greenspace provision

G8 – Biodiversity improvements.

H1 – Housing on unallocated land.

H2: New housing development on non-allocated sites

H4: Housing Mix

H5/H8 – Affordable housing.

EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m<sup>2</sup> of floorspace

EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m<sup>2</sup> of floorspace.

EN5 – Managing flood risk. (see also NRWLP).

EN7 – Protection of mineral resources (coal, sand, gravel).

ID2 – Planning obligations and developer contributions.

## 7.2 **Relevant Saved Policies from the UDP are:**

GP5 – General planning considerations

N23 – Incidental open space around development.

N24 – Development next to green belt/open countryside etc.

N25 – Landscaping

N32 – Green Belt designation

N33 – Green belt and development.

T7A – Secure cycle parking.

T7B – Secure motorcycle parking.

T24 – Parking provision (until adoption of parking SPD).

H3 – Housing land supply and phasing (until adoption of Site Allocations DPD, see also CS policy SP6).

BD2 – Design and siting.

BD5 – General amenity issues.

LD1 – Landscaping

GB2 – Infill in green belt.

GB12/13/17/18/20/21/22/23/24/25 – types of development in Green Belt.

A8 – Nature Conservation sites.

## 7.3 **Relevant DPD Policies are:**



GENERAL POLICY1 – Presumption in favour of sustainable development.

MINERALS3 – Surface Coal resources

AIR1 – Major development proposals to incorporate low emission measures.

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER4 – Effect of proposed development on flood risk.

WATER6 – Provision of Flood Risk Assessment.

WATER7 – No increase in surface water run-off, incorporate SUDs.

LAND1 – Land contamination to be dealt with.

LAND2 – Development should conserve trees and introduce new tree planting.

#### 7.4 **National Planning Policy:**

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development. Given the nature of the application, the following paragraphs in the NPPF are considered relevant: -

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 lists the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 88 relates to harm to the Green Belt and very special circumstances;

Paragraph 89 states that the construction of new buildings in the Green Belt should be regarded by LPA's as inappropriate but has six exceptions:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

#### 7.5 Site Allocations Plan

The site is 'green' in the Site Allocations Plan, Issues and Options stage and described as "brownfield (previously developed)" by the Council as part of the evidence base preparation to the Allocations DPD. Through the Site Allocations Plan process the Council is recommending the site be brought forward, for housing development due to its sustainable location and existing status.

#### 7.6 **Relevant supplementary guidance:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Street Design Guide SPD
- Neighbourhoods for Living SPG
- SPG25 Development next to countryside (Green Buffer SPG)
- Distance to Trees

### 8.0 **MAIN ISSUES**

- Principle
- Access – Impact on highway safety
- Other planning matters
- Planning obligations
- Conclusion

### 9.0 **APPRAISAL**

#### 9.1 Principle of development within the greenbelt

9.2 The main issue in this case is compliance with Green Belt policies in the adopted Development Plan and National Planning Policy Framework (NPPF). Does the

proposal represent inappropriate development in the Green Belt and the effect of the proposal on the openness and purpose of the Green Belt?

**The weight to be attached to UDPR policy relative to the NPPF:**

- 9.3 The fundamental principle is that Section 38(6) of the 2004 Act provides that the determination of the planning application must be made in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for the determination of the planning application will be the development plan, which includes policy N33.
- 9.4 It is noted that the NPPF is open to wide interpretation and emerging clarification through appeal decisions and decisions of the courts. It is also considered that any given part should be read in the context of the wider document and the general thrust of Green Belt policy therein. Notwithstanding this, following the outcome of a recent appeal decision in February 2014 at Woodhouse Farm, Leeds 15 policy N33 was found not to be wholly consistent with the NPPF and so the weight to be given to this policy is reduced. Paras 87, 89 and 90 of the Framework should be read together and consequently, development in the green belt is inappropriate (and only permitted under very special circumstances) unless it falls within the list of exceptions set out in paragraphs 89 and 90.
- 9.5 Limited infilling or the partial or complete redevelopment of previously developed sites irrespective of size can be appropriate in the green belt. The relevant qualifying criteria in coming to a view are:
- temporary buildings are excluded
  - it would not have a greater impact on openness
  - The purposes of including land within the green belt are not adversely impacted compared to the existing development.
- 9.6 The purposes of including land in the Green Belt are set out in para 80 and are:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns;
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.7 Consequently, the NPPF is considered to have effectively superseded the older UDP Policy in this regard and the application has therefore been assessed in relation to paragraph 89 of the NPPF as regards its appropriateness or otherwise in principle in the Green Belt. Paragraph 89 provides for exceptions to the general rule that new buildings represent inappropriate development in the Green Belt. The redevelopment of this brownfield site is deemed to fall within Exception 6.

*Exception 6*

- 9.8 *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

- 9.9 With reference to 'previously developed sites' whilst the NPPF lacks any definition, its overall direction and context suggest that, the concept of previously developed sites is intended to relate to sites which incorporate a number of buildings which are functionally and physically related. It is therefore considered that the proposed development is caught by the 'previously developed site' exception given the scale of the proposed development which also seeks to build over land which is currently unoccupied by permanent buildings to the northwest area of the site.
- 9.10 Brownfield status - The site at the moment is occupied by a number of buildings of varying sizes which reside in a central location of the site. The buildings consist mostly of traditional block and render and stone built constructions. The larger buildings comprise of sheds and portal framed buildings. These buildings are used for the stabling of horses/workshops and storage. The west side of the site is generally open and consists of a horse riding arena, stable block and touring caravans. The east side of the site is predominantly occupied by trailers, vehicles and containers along with other plant linked to the storage use. The largest building on site is a portal framed building which is used as an indoor arena for the horses.
- 9.11 Regarding the existing use - the applicant has advised that the agricultural use ceased in 2001 following the onset of the foot and mouth disease and the indoor riding school which is the biggest building on site was built in 2007 and has been used as a ménage ever since. Planning records and aerial photos show that the caravan and storage use evident on site prior to 2005. Further to this all the identified buildings are shown to be in situ prior to 2009. Consequently, the caravan and storage use and buildings are immune from enforcement action.
- 9.12 Planning permission was granted under application ref: H23/235/90/ for change of use of some farm buildings to form livery stables and use of land to form an all-weather ménage riding area on 11/02/1991. Further consent was granted under application ref: 23/690/04/FU for demolition of stable and erection of equestrian lecture room on 29/12/2004.
- 9.13 The Council as part of the evidence base preparation to the Site Allocations DPD also described the site as "brownfield (previously developed)" and as such is recommending the site be brought forward, for housing development. Whilst this carries very little material weight in policy terms it does add further weight to the 'brownfield status' of the site.
- 9.14 Assessment of impact on greenbelt purposes and openness  
In summary the test to be applied under exception 6 is - if there is greater impact on openness and Green Belt purposes from a proposal to redevelop a brownfield site in the Green Belt then the development would be inappropriate and very special circumstances would need to be justified to approve it. In reaching a view on this it should also be recognised that that there may be a reduction in the overall volume and site coverage of buildings on the site but that the scale, height and additional bulk and prominence of the redevelopment may adversely impact on openness and therefore still be inappropriate.
- 9.15 The buildings (deemed as meeting the legal test) reside for the most part in a central location close to the existing site access, bordering Old Lane and Whitehall Road. These buildings range in scale and height and comprise of concrete block/render and stone built stables with corrugated sheet roofing and typical portal framed buildings. Some of the buildings appear to have been extended over the years without the benefit of planning permission. These alterations appear to have increased their footprint and height in some instances.

- 9.16 Notably the west side of the site nearest the residential housing has retained a more open character consisting of a horse riding open arena, and land which is hard surfaced in part and accommodates the parked touring caravans and a number of trailers along the northern boundary. This part of the site is contained on all four sides by built development - A58 to the north, residential dwellings to the south and west and stables to the east.
- 9.17 The east side of the site is predominantly occupied by parked vehicles, storage containers and various types of plant which is currently well contained by mature planting to the east and a tree lined embankment to the north bordering A58. This part of the site is deemed to be the most sensitive in terms of openness as it borders Greenfield land. The large portal frame building to the north side of the site is the only visible structure interrupting public vistas to the east.
- 9.18 Turning to the proposed development this is now significantly different to the original scheme which was withdrawn. The objective being to ensure that the redevelopment of the brownfield site poses no greater impact on openness, character and Green Belt purposes. To achieve this objective permanent buildings were identified on site (following legal advice) and temporary buildings (such as containers, trailers etc.) were excluded from these calculations. The position, scale and volume of these buildings have been identified on a separate plan. These volume and footprint calculations have then been used to inform the overall density of the proposed development. Further to this, site constraints, local character and the surrounding built environment have also informed access and the layout shown on the indicative plan. The access is now proposed closer to the main access to the site, thus further reducing impact on openness.
- 9.19 Cumulatively, the footprint of the proposed new properties on the indicative plan is now less than the existing buildings on site. The volume which has been based on single storey and two storey dwellings is all predicted to be less than the volume of existing buildings which are to be demolished. Further to this a third of the site to the east (accommodating some buildings but mostly strewn with storage/plant and containers) deemed to be the most sensitive, will be left undeveloped and turned over from brownfield back into green field. This will leave a significant Greenfield buffer between residential curtilages and respective open green fields and enhance this area of the site.
- 9.20 This part of the site is also bound on two sides by heavy landscape features (wooded embankment to the north and 3-4m high hedge row to the east). As discussed above, when viewed from public vantage points to the east the only visible structure is the portable frame building to the north side of the site. The green field buffer would also ensure the retention of existing vegetation and trees especially along the eastern boundary. Conditions controlling the heights and positions of properties in relation to existing trees and vegetation especially along the northern boundary would further ensure the protection of trees and vegetation. The retention and safeguarding of these features along with the green field buffer would further reduce the impact of the development on openness whilst also helping to and assimilate it into the rural landscape, in accordance with policy N24. The management and maintenance of the undeveloped part is to be controlled and secured through section 106.
- 9.21 Turning to the south west side of the site. This part of the site currently accommodates parked touring caravans and a ménage riding area with stable block. As discussed above, whilst this part of the site is considered to be undeveloped in

terms of buildings, it is however bordered by built development on all four sides. As such, it would be difficult to argue that infill development of this part of the site would result in a greater impact on openness or purposes of the greenbelt. Furthermore, the impact of developing this part of the site is outweighed by the openness gained from the clearance and turning over of brown field land back to greenfield on the east side of the site which is to be secured through condition.

- 9.22 Scale and design – whilst these matters are not being considered at outline stage the height of the buildings would materially impact on openness. As discussed above the majority of the site is defined by low level buildings (stables and workshops etc.) but for the portal framed shed alongside the embankment bordering Whitehall Road. Mindful of this, volume calculations of the existing buildings have been submitted in support of the application. These calculations will be one of the many factors used to restrict the scale and height of the proposed buildings at reserved matters. Other material factors would be the historical use of the site as a farm and its rural setting. In seeking to achieve planning objectives both in terms of openness and design the applicant has been informed that height and appearance of the properties should respect and relate sympathetically to the scale and form of neighbouring dwellings, typically modest two storey dwellings, bungalows and barns as should materials and design. Spatial character, scale and massing should also influence the layout in order to retain key public views through the site to the adjacent open land.
- 9.23 In light of the above, the scale of the properties is considered to play an important part in ensuring no greater harm to openness of the greenbelt and as such has been controlled through condition.
- 9.24 The layout and position of the houses should also be informed by the constraints of the site - Of note is the steep wooded embankment bordering Whitehall Road and TPO trees bordering west. These trees are also important in terms of providing stability for the embankment as well as their visual amenity value in terms of screening and enhancing any future development of the site. In response to the Landscape officer comments conditions have also been imposed to control development near to the embankment and trees in order to ensure stability of the embankment as well as for amenity reasons and the provision of a buffer in accordance with the planning objectives of Policy N24.
- 9.25 For all these reasons it is considered that the proposed development will not directly conflict with greenbelt purposes or openness of green belt any more than the existing buildings. As such the development is considered to comply with paragraph 89 exceptions 6 of NPPF and is therefore not inappropriate development.
- 9.26 The Woodhouse farm Inspector also made it clear that irrespective of the green belt issue a proposal for a partial or complete redevelopment of a brownfield site would be subject to other development plan policies relating to housing in the countryside and the NPPF's policies as a whole (including the emphasis on sustainable development) and to any other material considerations.
- 9.27 Sustainable Development  
The principle of housing development on site is assessed against Policy H2 of the Core Strategy and the National Planning Policy Framework. Under policy H2 new housing development will be acceptable in principle on non-allocated land, providing that:  
(i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,

- (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,
- (iii) Green Belt Policy is satisfied for sites in the Green Belt.

In addition, greenfield land:

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or
- b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.

- 9.28 The NPPF suggests that local authorities should consider setting out policies to resist inappropriate development 'where development would cause harm to the local area' (paragraph 53) and also states clearly that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' (paragraph 64).
- 9.29 Key priority of the Core Strategy includes: 'planning for the provision of homes and jobs in sustainable locations, respecting local character and distinctiveness in the delivery of the Plan's objectives and maximising opportunities to recycle previously developed land, whilst minimising greenfield and Green Belt release, in planning for longer term growth'.
- 9.30 The site is located in a residential area, off Old Lane on the northern edge of Drighlington village approx. 6 miles to the south west of Leeds City Centre. The village of Birkenshaw lies to the west and the town of Birstall lies to the south west.
- 9.31 The village is well served by educational and health infrastructure as well as a collection of shops providing a range of services and facilities including estate agents, restaurants, hairdressers take away's and general retail stores within walking distance of the site.
- 9.32 The site has good access to public transport on Whitehall Road to both Leeds City Centre and Bradford City centre to the north and west. The north bound bus stop is approx. 350m and the south bound is approx. 400m from the proposed development site. The 225, 252, 254 and 255 services use these stops. These services provide regular bus services to areas including Leeds City centre, Gildersome, Heckmondwike, Brighouse, Halifax and Wakefield.
- 9.33 The site is therefore considered to be in a sustainable location. Additionally, the proposal would contribute to the overall supply in housing stock, contributing family homes in a sustainable location and as such, it is considered that the principal of residential development is acceptable in this location.

#### 10.0 Access – Impact on highway safety

The highways officer has raised no objection in principle subject to detailed proposals for improvement to Old Lane; measures to improve accessibility for pedestrians / cyclists on New Lane and

- 10.1 Widening of a section of Old Lane between the site and Jubilee Croft to provide sufficient carriageway and footway width including road markings, signage and appropriate speed limit Orders which shall be fully funded by the developer (inclusive of staff fees and legal costs).

10.2 Subject to conditions it is considered that the above issues can be dealt with at the reserved matters stage.

11.0 All other planning matters

Following the submission of Scope of Works, contamination conditions have been imposed as per officer advice, along with drainage related matters raised under the FRM and Yorkshire Water consultations. Landscaping conditions and restrictions have also been imposed to protect natural habitats, hedgerows and trees.

11.1 All other matters including appearance, layout, scale and landscaping are reserved. It is anticipated that subject to the provision of conditions that these matters can be adequately dealt with. There are no fundamental objections to the proposal that would prevent such details being considered a reserved matters stage.

12.2 Planning Obligations - S106 and CIL

Greenspace – The indicative plan shows 19 properties and therefore a greenspace contribution would be required for the provision of both on and off-site greenspace within the local area in the event of an approval in order to comply with policy G4. This is to be secured through section 106 agreement. The commuted sum contribution of £72,744.60 would be required for the site.

12.3 Education - The amount of development proposed by the application is below 50 properties and therefore in line with policy and guidance, the application is not liable for Education contributions. Whilst it is appreciated that there can be a cumulative issue of several developments bringing stress to the local education situation, there is currently no policy mechanism for dealing with such occurrences and therefore the application is acceptable in this regard.

12.4 Affordable Housing - Under the Core Strategy Policy H5 the target for affordable housing provision is 15%, which would equate to a pro rata mix of 3 units. These are to be provided in a ratio of 50% social rented and 50% intermediate sub-market provision. To be secured through section 106

12.5 Metro - advised that bus stop number 11796 should have a shelter installed at a cost to the developer of around £10,000. In order to encourage the use of the public transport services available, the developer should be conditioned to enter into Metro's Residential Metro Card. Based on the current scheme costs this would be  $32 \times £475.75 = £15,224.00$ . To be secured through section 106

The developer has agreed to all of the above planning obligations.

12.6 CIL - If the proposal becomes CIL liable the proposal would require payment of the following CIL amount which would include for greenspace pooled contributions. The affordable housing, Metro contributions and buffer zone would still be provided via a s106 agreement.

At outline planning stage CIL is not payable, this comes in when the last reserved matter is dealt with as it is only at that stage that the final floorspace figure will be known.

There are a number of buildings on the site in existence, these may be considered in the CIL calculation provided that



- The buildings can be shown to be in lawful use for at least 6 months in the preceeding 3 years prior to the CIL liability.
- They are not buildings which people do not normally go into.
- They are not buildings which people only go into intermittently.
- They are not buildings which were granted temporary planning permission.

To what extent therefore the buildings that are currently on site will count as part of the CIL calculation is therefore currently unknown but could result in CIL liability that varies from £0 to c. £74,000 based on a final floorspace of 1641 m<sup>2</sup>.

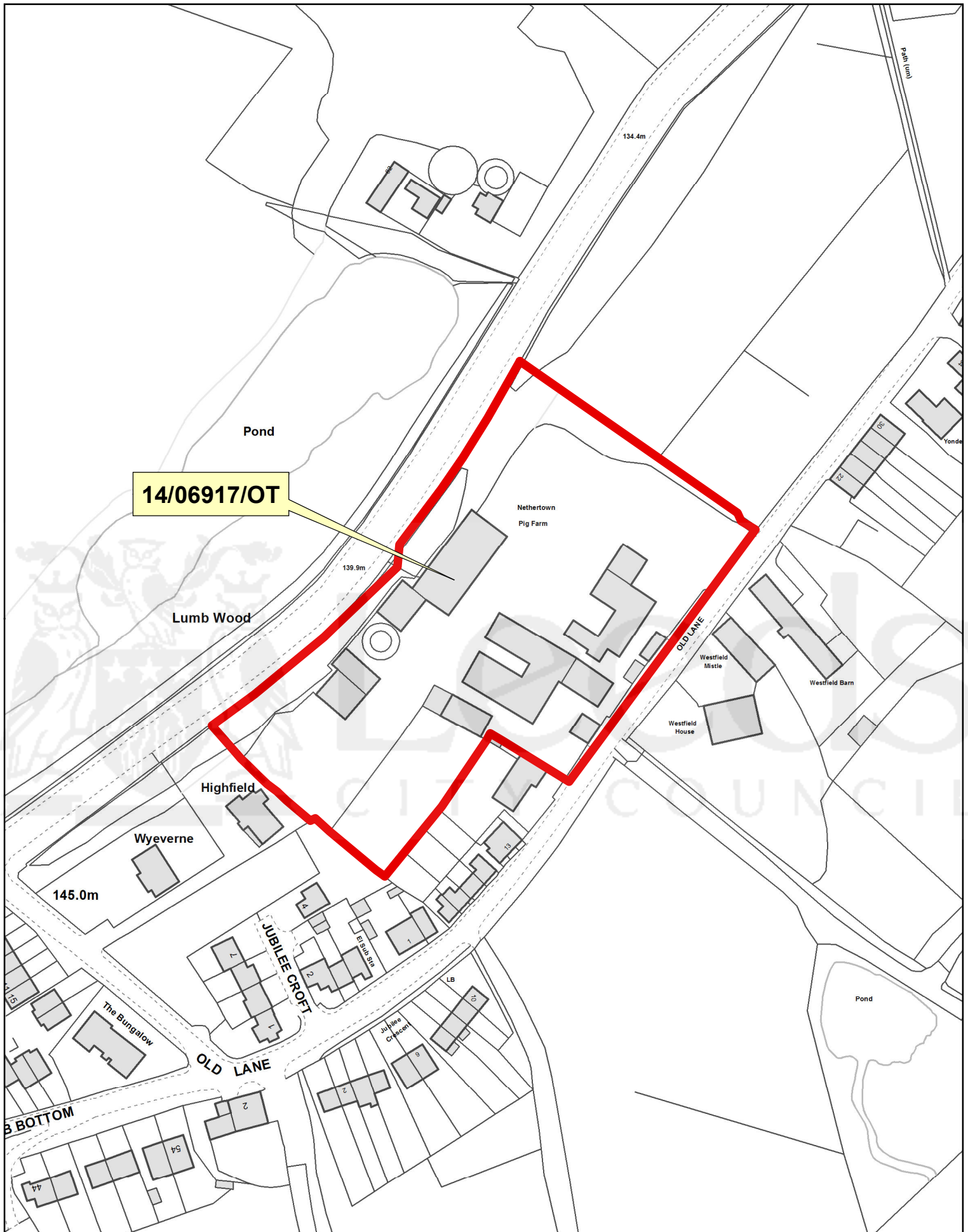
#### **14.0 CONCLUSION:**

The proposal, in outline only, is considered suitable for the site. It is recommended that conditions be used to control the direction that reserved matters takes, e.g. restricting developable areas of the site, position, scale and height of the properties and retention/protection of vegetation, hedgerows trees due to the potential impact on openness of the greenbelt.

#### **Background Papers:**

Application file; 14/06917/FU

Certificate of Ownership signed as applicant.



# SOUTH AND WEST PLANS PANEL

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