

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14th May 2015

Subject: Application 13/03846/FU: Residential development of 156 dwellings and associated works on land at the rear of Sandgate Drive, Kippax.

APPLICANT

Persimmon Homes (West Yorkshire) Ltd

DATE VALID

27.8.2013

TARGET DATE

26.11.2013

Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE planning permission for the following reasons:

1. The Local Planning Authority considers that the release of the site for housing development would undermine the plan led system, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF, at a time when the Secretary of State has concluded on the basis of examined evidence that Leeds has an identified 5 year housing land supply in an up to date Core Strategy. The suitability of the site for housing purposes as part of the future expansion of Kippax needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. There are no tangible reasons to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. The Site Allocations Plan will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the settlement in a plan-led way.

2. The proposal is contrary to the Adopted Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Kippax which is consistent with the size, function and sustainability credentials of a smaller settlement. Furthermore, the Core Strategy states that the priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. educational and health infrastructure, roads and public transport improvements. As such, the proposal is contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF.

3. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.

4. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, greenspace, travel planning and off site highway, drainage and flood alleviation works contrary to the requirements of Policy GP5 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P9, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

1.1 This application is presented to City Plans Panel for determination as it relates to land designated as a Protected Area of Search (PAS) in the Leeds UDP Review (2006). Accordingly, the application has also been advertised as a major development, which is a departure from the development plan and affects a right of way.

1.2 This application has been under consideration since 2013 and has involved detailed consultation with Ward Members and local residents.

1.3 The application was initially submitted following the creation of the Interim Housing Delivery Policy (known as the interim PAS policy). The policy sought to enable housing developments to come forward on appropriate PAS sites, subject to criteria set out in the policy, in order to boost the supply of housing land. However, in this instance, the site did not comply with the interim policy in any event. Therefore, consideration must be given to what other planning benefits are to be had by releasing this site for housing at this point in time. Initial discussions took place around a link to enable older persons housing and latterly around the significance of

local highway improvements and the provision of six bungalows on site as part of the affordable housing mix. More recently, the interim policy was withdrawn with immediate effect, following the Executive Board meeting of 11th February 2015, where it was also agreed that work should commence on preparing the Site Allocations Plan Publication Draft. Members agreed a package of sites as the basis for preparing a Draft Plan. This did not include the allocation of this particular site for housing purposes and Members agreed that its current status as a PAS site should therefore remain. In considering advice in the National Planning Policy Framework (NPPF), which states that the 'permanent development of safeguarded land should only be granted following a Local Plan review', i.e. the site allocations plan, it is now considered that it would be inappropriate to consider granting a planning permission for residential development on this site ahead of that process, given the existence of a demonstrated 5 year housing land supply.

2.0 PROPOSAL:

- 2.1 This application proposes a residential development of 156 dwellings and associated works.
- 2.2 The primary accesses are taken from Baildon Avenue and Bula Close.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of two, three and four bed properties. The development is split into two parts, accessed via Baildon Avenue and Bula Close. The edges of the site to the west, north and east are reserved for greenspace and a landscaped buffer between the development and the surrounding countryside beyond. A detention basin is also proposed at the western end of the site in order to deal with surface water.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a greenfield site on the northern edge of Kippax. The site is located in an elevated position above the settlement, sandwiched between the existing residential area and the Green Belt to the north. The Roach Lime Hills Site of Special Scientific Interest (SSSI) is located a short distance away to the north. The site has become more vegetated with the passage of time, mainly with self-seeded shrubs and small trees, as well as some larger trees. The site is protected by a Tree Preservation Order. The residential area to the south comprises bungalows and houses of late C20th appearance, all of which are at a lower level than the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This application has been under consideration since early 2013 and has involved detailed consultation with Ward Members and local residents. Officers have also attended a public meeting to discuss the proposals with residents.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR and affects a right of way. The site notices were posted 6/9/13 and newspaper advert placed in the Yorkshire Evening Post on 19/8/13. Further site notices to advertise an amendment were posted on 11th October 2013.
- 6.2 As a result of the consultation process, a very substantial number of letters of objection (approximately 1000) have been received.

The letters of objection note the following issues:

- Accesses to the site are inadequate and will make traffic problems in the area worse.
 - Concerns are expressed about flooding and drainage, given historic problems in the area.
 - The land is potentially incapable of supporting houses, which is why only bungalows were developed further south. It is also queried whether there are potential coal seams under the surface.
 - Concern is expressed about the impact on nesting birds, rare plants, bats and other wildlife.
 - Loss of greenspace which is not compensated for by the proposed woodland walk.
 - Walkways could compromise the security of existing properties.
 - The proposed properties are not in keeping with the existing bungalows.
 - Three storey properties will overlook existing houses and be out of character.
 - The local consultation process was inadequate with insufficient time to feedback before the application was submitted.
 - Concern about development timescales and how noise, dust and construction will be managed.
 - There are other, more appropriate, sites for development in Kippax.
 - There is not a proven market need for these properties in Kippax.
- 6.3 Alec Shelbrooke MP has written on behalf of his constituents in Kippax, stating concern that the site is highlighted as 'amber' in the SHLAA and that 4,600 units are to be built in the Kippax area over the next 15 years. Concern is expressed about how the housing figures have been calculated, based on growth projections which are now out of date, as well as migration patterns.
- 6.4 Kippax Parish Council have also commented on the application and stated that:
- The proposed footpath will allow pedestrians to overlook existing properties on Shuttocks Fold and Baildon Avenue.
 - Loss of green space and recreation space.
 - The development will result in a significant amount of additional vehicular trips using Baildon Avenue and Bula Close to access the site, which will exacerbate existing problems. A traffic survey should be carried out over a 24 hour period during school term time.
 - Traffic from the development will exacerbate existing congestion problems at the junction of Leeds Road and Selby Road (A63) or via Sandgate Drive and Gibson Lane, then onto Longdyke Lane / Ridge Road and A63. This is exacerbated further by traffic movements associated with the three local primary schools and medical centre.
 - The development is not in keeping with the housing in the local area, which is predominantly bungalows.
 - The development is very dense in terms of the concentration of houses and

lacks greenspaces within the streetscenes.

7.0 CONSULTATION RESPONSES:

Statutory:

- 7.1 Highways: - Concern is expressed that the proposals to deal with the highway impact of the development are inadequate and fail to demonstrate that the local highway infrastructure, including the wider network, is capable of safely accommodating the proposed development and absorbing the pressures placed on it by the increases in traffic cycle and pedestrian movements.
- 7.2 Coal Authority: - No objection subject to a condition requiring intrusive investigation works to be undertaken.
- 7.3 Environment Agency: - No objection, subject to the development being carried out in accordance with the approved Flood Risk Assessment.
- 7.4 Natural England: - No objections. The application is in close proximity to the Roach Lime Hills Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the application. The SSSI does not represent a constraint in determining this application. Conditions are recommended

Non-statutory:

- 7.5 Flood Risk Management: - No objections, subject to the imposition of conditions regarding surface water drainage.
- 7.6 Yorkshire Water: - No objection in principle to the proposed systems of drainage on and off site, the proposed amount of domestic foul water to be discharged to the public foul sewer, the proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 20l/s) and the proposed points of discharge of foul and surface water to the respective public sewers.
- 7.7 Metro: - Metro advises that bus stop numbers 13303 and 25930 (on should have shelters installed at a cost of £10,000 each. Future residents would also benefit if new 'live' bus information displays were to be erected at bus stop numbers 10183, 10184, 13303 and 25930 at a cost of £10,000 each. Residential MetroCards (bus only) are also suggested at a cost of £462 each.
- 7.8 Transport Development Services: - At the time of the consultation, a Public Transport Improvement Contribution of £203,551 was required. However, this matter would now be covered by CIL and can no longer be paid for through a S106.
- 7.9 TravelWise Team: - The Travel Plan is noted and should be appended to the S106 agreement. A Travel Plan Review fee of £2,830 is required. The direct route to school, for a large part of the site, is by use of the footpath at the eastern end of the site, across Sandgate Drive, and though to Gibson Lane (between Holland Road and Pembroke Rise / Lincoln Walk). The path surface should be upgraded. The connection from within the development site to Sandgate Drive should be lit and a wheeling channel provided for bikes alongside the steps. Guard Rails may be needed to help prevent children from running down the steps and straight into Sandgate

Drive. Conditions are also suggested for cycle parking and electric vehicle charging points.

- 7.10 Public Rights of Way: - Footpath 36 crosses the site. Advice is provided in relation to the necessary legal procedures that must be followed.
- 7.11 Contaminated Land: - No objections, subject to the imposition of conditions.
- 7.12 West Yorkshire Archaeology Service: - It is noted that the application lies within an area of archaeological significance. The site is currently heavily wooded and contains a significant amount of vegetation, making it unsuitable for a geophysical survey. Whilst it is recommended to carry out an evaluation prior to determination, it is otherwise recommended that a condition be imposed to secure an implementation programme of archaeological recording.
- 7.13 Children's Services: - At the time of the consultation, full primary and secondary education contributions were requested. However, this matter would now be covered by CIL and can no longer be paid for through a S106.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). The Site Allocations Plan is emerging and is due to be deposited for Publication at the end of the Summer 2015.

Local Planning Policy

Adopted Core Strategy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was Adopted in November 2014. The following CS policies are relevant:

Spatial policy 1	Location of development
Spatial policy 6	Housing requirement and allocation of housing land
Spatial policy 7	Distribution of housing land and allocations
Spatial policy 10	Green Belt
Spatial policy 11	Transport infrastructure investment priorities
Policy H1	Managed release of sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy H8	Housing for independent living
Policy P9	Community facilities and other services
Policy P10	Design
Policy P12	Landscape
Policy T1	Transport Management
Policy T2	Accessibility requirements and new development
Policy G4	New Greenspace provision
Policy G8	Protection of species and habitats

Policy G9	Biodiversity improvements
Policy EN2	Sustainable design and construction
Policy EN5	Managing flood risk
Policy ID2	Planning obligations and developer contributions

- 8.3 The spatial development strategy for Leeds is set out initially in Policy SP1 and is based on the Leeds settlement hierarchy and aims to concentrate the majority of development within and adjacent to the main urban area and major settlements where it can take advantage of existing services, high levels of accessibility and priorities for urban regeneration. Smaller settlements will contribute towards development needs, with the scale of growth having regard to the settlement's size, function and sustainability. In applying Policy SP1 there is a priority for the development of previously developed land, other suitable infill and key locations identified as sustainable extensions to settlements.
- 8.4 The CS sets out in Policy SP6 a need for 70,000 new homes up to 2028 and sets out that the Site Allocations Plan will, guided by the settlement network, allocate land for 66,000 homes throughout the plan period. These allocations are guided by criteria including: the need for sustainable locations which are accessible and supported by existing or new local facilities and services, a preference for brownfield land, the least negative impact on green infrastructure, greenspace, green corridors and nature conservation.
- 8.5 The overall scale and distribution of these allocations throughout the 11 individual Housing Market Characteristic Areas (HMCA) of Leeds is shown in Policy SP7. This states that the Outer South East HMCA should indicatively provide around 4,600 homes or around 7% of the total allocations. In addition, SP7 indicates that only a limited amount of development is expected in and adjoining smaller settlements, such as Kippax. The precise levels of growth and sites are for the Site Allocations Plan to determine.
- 8.6 The Core Strategy also sets out in SP10 that a review of the Green Belt is necessary to meet the scale of growth in Leeds. This will involve an assessment of existing Protected Areas of Search (as set out in paras. 4.8.6 to 4.8.7) of the Adopted Core Strategy.
- 8.7 Pending that assessment of PAS via the Site Allocations Plan existing PAS remains safeguarded land under saved UDP Policy N34. The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as Protected Area of Search (PAS). The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and the supporting paragraphs are set out below:

Protected Areas of Search for Long Term Development

- 8.8 The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and did not change in the UDP Review.
- 8.9 However, to ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to

provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it was not envisaged that there would be a need to use any such safeguarded land during the Review period. However, it was retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The UDP Review set out that the suitability of the protected sites for development would be comprehensively reviewed as part of the preparation of the Local Development Framework. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

- 8.10 The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure.

Site Allocations Plan

- 8.11 The site has a SHLAA reference of 2131 and in the Site Allocations Plan has been subject of a comparative assessment including a sustainability assessment and the views of local communities, alongside 68 other sites for housing in the local HMCA. The Council's Executive Board met on the 11th February 2015 and agreed the site allocations proposals presented to them as the basis on which to prepare a Site Allocations Plan Publication Draft. The material before Executive Board comprised sites to be allocated for employment, greenspace, retail, housing and safeguarded land. The material sets out the steps taken by the Council to identify a set of preferred housing sites to be allocated which meet the local targets set out in the Core Strategy and a set of preferred sites to perform the role of Protected Area of Search. The application site is identified as a site to remain as PAS. The report notes in para. 3.80 that if such sites were released for housing in addition to those which are identified to meet CS targets then there would need to be further land released from the Green Belt to ensure that sufficient PAS was identified.
- 8.12 In the Outer South East local housing market area the following sites are identified as forming part of the Site Allocations Plan:
- 18 identified sites (1,259 homes) either existing UDP allocations and/or subject of a planning permission
 - 12 preferred housing allocations (2,786 homes) on new allocations
 - 3 sites to continue performing a role as Safeguarded Land (1,616 homes), including the application site.

Five Year Supply

8.13 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.

8.14 The Secretary of State and his Inspector assessed that the Council had a Five Year Land supply in a recent recovered appeal decision, 10th March 2015, on Bagley Lane/Calverley Lane, Farsley (APP/N4720/A/13/2200640). The Secretary of State found that Leeds has a Five Year Supply by a margin of some 2,000 homes and dismissed the appeal on his Inspector's recommendation. The Inspector found among other things that:

- proposals to develop on PAS land are contrary to Leeds UDP Policy N34 which is still a 'saved' policy post adoption of the CS and is up to date
- permission on such sites would undermine the plan-led system promoted by the Framework
- he supported the intent, in the explanation to Policy N34, to review PAS land as part of the preparation of the LDF. This is consistent with paragraph 85 of the Framework which states that permission for permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development
- there has been no persistent under delivery in Leeds over a complete market cycle therefore the authority should have a 5% buffer applied
- whilst delivery on city centre and inner urban sites is likely to take longer to recover the Council has been granting increased numbers of permissions on greenfield sites
- housebuilders took a pessimistic view to the deliverability of sites in Leeds
- supply cannot be approached in a policy vacuum and the strategy of the CS is to require a significant proportion of brownfield development, it is therefore appropriate for a large proportion of the supply to be on brownfield land

8.15 The Inspector noted that the supply of some 26,500 homes exceeds the requirement by over 2,000 units. This points to flexibility on top of the five year supply. The Council is in the process of undertaking the technical assessments necessary for the next five year supply position which will be from 1st April 2015 to 31st March 2020. Developers have already sought to suggest that the influence of the Council's step-up will erode the five year supply position in Leeds however such claims are unfounded as they ignore new elements of supply that have been identified.

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

8.17 Other UDP Policies of relevance are listed, as follows:

- GP5: General planning considerations.
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt.
- N29: Archaeology.
- N37: Special Landscape Area (to the north east of the site)

BD5: Design considerations for new build.
T7A: Cycle parking.
T24: Parking guidelines.
H3: Delivery of housing on allocated sites.
LD1: Landscape schemes.

- 8.18 In the Natural Resources and Waste Development Plan Document (2013) developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

Relevant Supplementary Planning Guidance includes:

Supplementary Planning Document: Street Design Guide.
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.
Supplementary Planning Document: Travel Plans.
Supplementary Planning Document: Designing for Community Safety: A Residential Guide.
Supplementary Planning Guidance: Neighbourhoods for Living.
Supplementary Planning Guidance: Affordable Housing (Target of 15% affordable housing requirement).
Supplementary Planning Document: Sustainable Design and Construction "Building for Tomorrow, Today."
Supplementary Planning Guidance 4: Greenspace Relating to New Housing Development.
Supplementary Planning Guidance 11: Section 106 Contributions for School Provision
Supplementary Planning Guidance 25: Greening the Built Edge.

National Guidance - National Planning Policy Framework

- 8.19 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.20 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.21 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.22 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified
 - requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land'
 - between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

- **make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;**
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily
- recognisable and likely to be permanent.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework, the requirement for a five year supply of housing and matters relating to sustainability, highways, layout/design/landscaping, housing issues, flood risk, ecology and Section 106 matters.

Compliance with the Development Plan

10.2 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP which is still a “saved” policy post adoption of the Core Strategy. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review, a decision to approve this application now would be a departure from the Development Plan. However, other material planning considerations can be taken into account such that the decision maker may decide that, on balance, it is acceptable to release a site early.

10.3 The site is in a smaller settlement and on greenfield land. It therefore is not automatically compliant with Core Strategy Policy SP1 which promotes the majority of development in the main urban area, on previously developed land and with a high level of accessibility. The Site Allocations Plan has progressed to an advanced stage where the Council’s Executive Board on 11th February 2015 endorsed a suite of preferred site allocations which would be progressed to deposit stage of the Plan. The application site is proposed to be retained as a Protected Area of Search. Therefore the Council considers that there are sufficient other more sustainable sites

which the Council seeks to allocate as housing land, which meet the Core Strategy policies and should therefore be brought forward for development in advance of the application site.

Five Year Supply

- 10.4 The Secretary of State has provided his views on the Council's Five Year Supply and he states that there is a supply of some 26,500 homes which exceeds the requirement by over 2,000 units. This points to flexibility on top of the five year supply. In this context, the Core Strategy policies for the supply of housing can be considered to be up to date. In these circumstances, the NPPF is clear that safeguarded land should only be released through a review of the development plan. For leeds, that is in the on-going Site Allocations Plan process.
- 10.5 For these reasons, it is considered that the application site is not required to meet the Council's Five Year Housing Land Supply.

Development Timing in advance of the Site Allocations Plan

- 10.6 As indicated above, the NPPF makes it clear that local authorities defining Green Belt boundaries should make it clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. The Council's Executive Board met on the 11th February 2015 and agreed the site allocations proposals presented to them as the basis on which to prepare a Site Allocations Plan Publication Draft. Those proposals did not include proposing the application site as a housing allocation, therefore retaining it as safeguarded PAS land. In this context, in principle, it would be inappropriate to release this site prematurely, contrary to policy and in advance of the proper plan making process.

Sustainability

- 10.7 The location of the site does not fully meet the draft Core Strategy Accessibility Standards. The proposed layout shows that the development would be developed in two distinct parts, with separate vehicular and pedestrian accesses being provided from the existing roads - Bula Close (eastern side) and Baildon Avenue (western side). Using distances measured from the centre of each site along the internal road pattern, it is estimated that only part of the Baildon Avenue development would be within 400m of one bus stop on Gibson Lane. The majority of both parts of the site would be within about 550m of bus stops on both sides of Gibson Lane, which is outside the thresholds outlined in the draft Core Strategy for access to employment and town centres/city centres.
- 10.8 Most of the site is within a 15min walk (1200m) of limited local services comprising of a convenience store, pet shop and hot food takeaway. The site is also within the recommended distance to primary health services (Kippax Health Centre) and local primary school provision (Kippax Ash Tree Primary school), but it is largely outside a direct 30min walk (2400m) to the nearest secondary education facility (Brigshaw High School and Language College).
- 10.9 The acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in the light of the current Site Allocations process, housing need in this part of the city and other planning merits. As discussed above, the current position is to retain this site for PAS, rather than allocate it for housing, reflecting the nature of sequentially preferable sites which are considered more sustainable.

10.10 The Travelwise Officer has stated that the direct route to school, for a large part of the site, is by use of the footpath at the eastern end of the site, across Sandgate Drive and through to Gibson Lane (between Holland Road and Pembroke Rise/Lincoln Walk). It is stated that the path surface should be upgraded and the connection from within the development site to Sandgate Drive should be lit and a wheeling channel provided for bikes alongside the steps. This is a matter that could otherwise be addressed through a S106 agreement.

Highway considerations

10.11 As discussed in the introduction, the previous highway submissions sought to demonstrate a significant infrastructure benefit beyond what would otherwise be required, sufficient to justify the release of the PAS site for housing development at that point in time. The proposal included either a roundabout or signals at the Leeds Road / Selby Road junction and minor measures at the Lidgett Lane / Selby Road junction. In light of the changed planning policy circumstances, as discussed above, the applicant no longer wishes to pursue those proposals. The latest technical note suggests different forms of mitigation at the Leeds Road junction that the developer considers proportionate to the level of development impact and no measures at the Lidgett Lane junction.

10.12 It is noted that highway officers do not agree with some aspects of the latest technical note, which suggests that a firm agreement was reached between the applicant and the Council regarding the extent of the 'impact' of the development on the external highway network, whereas the discussion in question was only a brief exchange to identify a suitable 'study area' for the Transport Assessment (TA) prior to the submission of the application. When the application was subsequently submitted and an assessment of the proposals undertaken, including a site visit, it became apparent that the operation of the Leeds Road/Selby Road junction was not in accordance with the details in the TA and that the junction was affected by queuing on the A63 extending back from the Lidgett Lane junction. A number of reports have since been submitted by the applicant's consultant to examine what improvements could be carried out at the Lidgett Lane/Selby Road junction to reduce the queuing and relieve conditions at the Leeds Road junction. Highway officers consider that there will be an 'impact' beyond the Leeds Road junction, for example at the Lidgett Lane/Selby Road junction, which they have advised is problematic as queuing/congestion in the AM peak extends back beyond the Leeds Road junction.

10.13 The scope of the latest report is limited to assessing the impacts of the Leeds Road / Selby Road junction and does not consider the wider network or the congestion on Selby Road which interferes with the Leeds Road junction.

10.14 Two separate (but very similar) improvement schemes for the Leeds Road junction are now being proposed for a Pelican crossing on the eastern arm of the junction. Setting aside the wider issues, highway officers comment on these options as follows:

Proposed Widening Arrangement

10.15 As stated above, officers have monitored/observed on a number of occasions that significant queuing and delay takes place on Selby Road from the Lidgett Lane signals in the AM peak, which extends beyond Leeds Road and impacts on the operation of the Leeds Road junction.

10.16 The existing and proposed junctions have been modelled using computer software. In the previous technical note the highway consultant corrected errors in their

previous model of the existing junction. The consultant's Count and Base models (surveyed flows plus committed development) indicate that the junction is over capacity in both peak periods. The Design model (with the development traffic added) shows significant increases in delay at the junction, confirming the need for mitigation.

- 10.17 The technical note includes two similar versions of a junction widening scheme at the Leeds Road junction intended to increase the capacity of the junction. Highway officers are concerned that the geometries of both layouts, while intended to achieve the desired result in the software modelling, would not be suitable in reality and possibly not as effective in addressing delay as the model is showing. On the minor (Leeds Road) arm of the junction, the carriageway has been widened to the southeast and the road markings changed. The changes appear designed to increase vehicle storage on the exit from the junction. The result is a poor alignment of the southeast kerb line. The southbound lane width has been reduced, the already wide crossing distance for pedestrians increased, an unnatural kink is introduced where it ties back into Leeds Road and a tight radius has been introduced at the same location. Forward visibility around this tighter radius is not indicated but looks substandard (regard would also need to be had to the boundary hedges that further restricts forward visibility). In summary, the changes on the minor arm are not supported as submitted.
- 10.18 On the major (Selby Road) arm of the junction, changes to the white lining are proposed. These changes appear to be designed primarily to increase the storage in the right turn lane by adjusting lane widths. This is understandable in principle given the capacity problems for right turning traffic, but again, the modifications as submitted are not accepted. The kerb to kerb width of Selby Road (beyond the bellmouth) is unchanged. Within the bellmouth of the junction the overall width of Selby Road is increased slightly by moving the westbound lane into the bellmouth. This change, along with adjustments to the white lining, has resulted in revised geometry being entered into the software modelling (which is not necessarily accepted). However, before commenting on the likely performance of the junction the layout of the lane markings would have to be agreed. There is limited ability to make meaningful changes and the western arm appears particularly constrained needing to accommodate two through lanes and the right turn lane. The junction is on a bend in Selby Road, and officers are not convinced that the proposed westbound lane markings provide a natural alignment. On the western arm, the westbound lane appears to tighten to around 2.4m which is not acceptable and correcting this safety issue would impact on the level of storage (and capacity) in the right turn lane.
- 10.19 On the whole, the layout changes could increase the potential for vehicular conflict between vehicles travelling in opposing directions. As submitted, the changes to the major arm are therefore not accepted and given the constraints on the western arm officers are not convinced changes should be introduced here for safety reasons.

Proposed Pelican Crossing Arrangement

- 10.20 A pelican crossing is proposed on Selby Road on the eastern side of the Leeds Road junction. It is stated that this would provide capacity benefits to turning vehicles at the junction and benefits for pedestrians walking between Kippax and Garforth.
- 10.21 However, the plan submitted in conjunction with this aspect of the technical note is quite basic and officers in the Traffic section have commented that there is also a desire line on the opposite side of the junction associated with school children walking between Kippax and the nearby Academy. Road Safety colleagues have responded that the plan supplied gives very little to comment on, but have stated that the existing

refuge would need to be removed and there may be an issue with the overall length of the crossing, possibly suggesting a staggered layout via a central refuge.

- 10.22 The location of the suggested crossing is on a bend in the classified A63 Selby Road. It is considered that if the applicant wishes to pursue this proposal, it is essential that a detailed layout is submitted to enable a proper assessment of the issues. No speed information has been provided and 85th%ile speeds are needed to complete the assessment fully. It appears that significantly less than 50m visibility (for eastbound traffic) would be available to any nearside signal head which is likely to be well short of what is required. Clearly, visibility to any pedestrian on the nearside would also be problematic. Eastbound vehicles travelling behind any high vehicle would not necessarily see the offside signal head either, which could also be obscured by buses parked at the westbound bus stop. It should also be noted that footways are narrow on Selby Road to the extent that the crossing equipment will have difficulty being accommodated without blocking the route for pushchairs and wheelchairs.
- 10.23 Furthermore, it is unclear whether a crossing is justified in terms of pedestrian demand, which in itself could raise safety concerns. Further advice has been sought from other officers in highways on the crossing proposal and any update will be reported verbally to Members at Plans Panel.
- 10.24 With regard to the capacity benefits, the gaps created by the crossing would occur randomly, so the benefits are difficult to quantify in practice. Clearly the crossing would delay straight ahead traffic, but it potentially would create gaps that turning traffic could take advantage of. However, the above layout/safety issues would have to be resolved before any capacity benefits are considered properly. For information, it has been observed that westbound vehicles on the A63 allows turning traffic in and out of Leeds Road to occur as they are already being delayed in a queue.
- 10.25 In summary, neither proposal as submitted is considered to be an appropriate solution to mitigate the effects of the development.

Internal layout

- 10.26 The site would be served by two vehicular access points via the existing roads Baildon Avenue and Bula Close.
- 10.27 Baildon Avenue is an existing residential road that is similar in character to a Type 2 Local Residential Street. Baildon Avenue currently provides access to 18 – 19 existing dwellings and the development would add a further 34 houses, resulting in an overall total of 52 – 53 dwellings being served by Baildon Avenue. This would be within the Street Design Guide threshold of 200 dwellings off a cul-de-sac and the overall length of the road would also be less than the normally accepted SDG limit of 200m.
- 10.28 Bula Close is an existing residential road that is also similar in character to a Type 2 Local Residential Street. Bula Close currently provides access to 9 – 10 existing dwellings and the development would add a further 132 dwellings, resulting in an overall total of 141 – 142 dwellings being served by Bula Close. This would be within the SDG threshold of 200 dwellings off a cul-de-sac, but the overall length of the road would exceed the normally accepted SDG limit of 200m for a cul-de-sac. Consequently, highway officers advised that the layout of the internal road system should be amended to form a loop, to maximise accessibility, connectivity and efficient operation in emergencies. However, for the reasons discussed below, on balance, it is considered better to retain a layout which does not include vehicular access across the central greenspace.

10.29 Highway officers also consider that the scheme could be improved by providing an adoptable link between plots 132 and 136, to create a more permeable layout. Additionally, there are a number of minor matters and clarifications regarding garages, bin storage and gradients. Officers are confident that these matters could have otherwise been addressed, had the application been moving towards an approval of planning permission.

Layout/design/landscaping

10.30 The layout has been revised during the course of the application, resulting in a reduction in the number of units proposed, from 166 to 156. The development comprises two parcels, one accessed from Baildon Avenue and the other from Bula Close. Given the nature of the site, on the northern edge of Kippax, the proposals are inevitably cul-de-sac developments. Whilst the two elements could be linked via a vehicular access, the applicant has chosen to create a central area of greenspace, with pedestrian routes running north-south and east-west. Overall, it is considered that this approach is preferable to one of taking a vehicular access across the greenspace.

10.31 All of the proposed blocks of housing are laid out as 'perimeter blocks', with houses facing over streets and greenspaces, with private garden areas secured to the rear. The approach to design is considered positive in this regard. In terms of detail, the layout of the plots and juxtaposition of houses and garden areas is broadly in accordance with the guidance contained in Neighbourhoods for Living. There are areas of the scheme where driveways have been located between houses in order to deal with car parking. However, these gaps also create a feeling of spaciousness between dwellings, especially where they are detached or semi-detached dwellings. However, it is noted that the distance of 3.5m between dwellings, as set out in Neighbourhoods for Living, is not achieved between every single dwelling and in some instances, such as around the proposed bungalows, these gaps appear tight. Had the proposals been moving towards an approval, these matters could have been addressed, but they are not considered so significant that they would warrant a reason for refusal on design grounds. On balance, given the overall urban grain that is proposed, it is considered that a satisfactory balance has been achieved. All of the properties are considered to have acceptable rear garden areas and suitable distances are achieved between the rear elevations of the proposed dwellings. The gap between the development and existing houses on Sandgate Drive, that was an area of concern in representations, has since been removed.

10.32 In the originally submitted scheme, concern was expressed about the siting and height of the proposed dwellings relative to the topography of the site and particularly the bungalows to the south of the site. Accordingly, the layout and designs of houses have been revised such that the proposed houses adjacent to the southern boundary are no higher than two storeys (six of which are bungalows). Additionally, it is noted that over the passage of time, some properties to the south have extended their garden areas into the site. The applicant has since come to agreements with these householders and transferred areas of land accordingly. In general, many of the existing properties to the south of the site benefit from long rear garden areas and so given the topography of the site and the siting of the revised housetypes, it is considered that the proposals will not have an over-dominant or overbearing impact on the existing houses. A small number of two and a half storey houses are proposed within the development, but these are located within the centre of the site and around the northern periphery, mixed in with other two storey properties.

- 10.33 The design of the proposed dwellings is broadly traditional in terms of appearance and comprises a mixture of detached and semi-detached houses, as well as semi-detached bungalows. If approved, conditions could have been imposed to deal with matters such as use of materials. In this instance, a dark grey roof tile would have assisted in helping the roofscape to appear more recessive and blend in better with the wider landscape. Overall, the architectural handling of the proposed dwellings is considered to be sympathetic and acceptable.
- 10.34 In terms of landscaping, all of the proposed properties benefit from some separation distance from the streets proposed. The proposals indicate open plan front garden areas, though some of these areas do include off-street car parking and/or access to garages. Where frontage parking is proposed, this does not exceed four spaces in a row and also contains pedestrian paths. Elsewhere, spaces are separated by soft landscaping and in many instances, car parking is provided to the sides of the dwellings. Tree planting is proposed throughout the development, particularly within front garden areas.
- 10.35 The more strategic landscaping wraps around the western, northern and eastern parts of the site and forms a substantial buffer between the development and the Green Belt beyond, as well as to properties in Shuttocks Fold, to the west. This enables the retention of many of the better quality trees on site, particularly in the north western part of the site and along the northern boundary. A further area of strategic landscaping separates the two parcels of development accessed from Baildon Avenue and Bula Close and enables the existing definitive public right of way to cross the site unimpeded by vehicular traffic. There appears to be some discrepancy between the recorded route of the right of way and that which actually exists on site, though this could otherwise be resolved if the application were to be approved.
- 10.36 Policy G4 of the Core Strategy sets out the greenspace requirements for new development, which in this instance would equate to 1.25 ha. The overall amount of greenspace proposed equates to 4.3 ha and therefore is well in excess of what policy requires. Approximately half of the site (total area of 9 ha) would be retained as greenspace. In addition to accommodating the existing public right of way, it is also proposed to incorporate a 'woodland walk' stretching from the western end of the development to the east, connecting into the existing public right of way, as well as linking into an existing connection with Sandgate Drive, at the eastern end of the site. These linkages would otherwise help to ensure that the areas of greenspace are accessible to both the future occupiers, as well as existing residents.

Housing Issues

- 10.37 The Core Strategy includes a number of policies which seek to ensure the efficient use of land for housing purposes, that the mix is appropriate to housing need and that provision is made for affordable housing.
- 10.38 Core Strategy policy H3 refers to the density of development. For a smaller settlement, such as Kippax, the stated minimum density is 30 dwellings per hectare, subject to matters relating to townscape, character, design and highway capacity. In this instance, the application site is located on the edge of the settlement and is adjacent to a relatively low density suburban development from the late C20th, as well as being adjacent to the Green Belt. The site is also sloping and contains a good number of trees, many of which are sought to be retained. Taking into account that approximately half of the site is to be retained as greenspace, the overall density is unsurprisingly low at 17.3 dwellings per hectare. However, once greenspace and roads are excluded, as set out in the policy, the density rises to around 30 dwellings per hectare, in accordance with what is required by policy.

- 10.39 Core Strategy policy H4 refers to housing mix and sets targets for particular dwelling sizes. For the 156 dwellings now proposed, 9% are 2 bed, 66% are 3 bed and 25% are 4+ bed. Whilst this is somewhat at odds with what the policy suggests, the context of the site is again noted, being on the edge of a relatively low density suburban area in a smaller settlement. The policy is intended to set targets for the city as a whole and acknowledges that developments will need to respond to different site circumstances. The developer has stated that the proposed mix reflects their market analysis of what is required within the local area, rather than reflecting the city in its entirety. The developer also notes that a number of the smaller 3 bed properties (such as the Hanbury housetype) are intended to provide homes in the below £150k price bracket – often sold to older couples downsizing or younger couples who cannot yet afford larger family homes, but like the option that a further smaller bedroom / study gives them. It is also noted that the scheme includes six 2 bed bungalows. Overall, it is considered that the proposed housing mix is appropriate to this location.
- 10.40 The affordable housing requirement in this part of the city is 15%, as set out in the Core Strategy. The proposed development is in accordance with policy and the affordable housing would otherwise be secured through the S106 agreement. It is noted that six of the affordable housing units are 2 bed bungalows which would be for social rent.

Drainage Issues

- 10.41 The site is currently greenfield and a significant proportion of the site is covered with dense vegetation. Currently, the site drains at greenfield rates of run off, but in an uncontrolled fashion, given its current state. Where development is proposed, the erection of buildings and hard surfaces has the potential to speed up the rate of run off. It is therefore important that surface water is controlled and managed in a way such that it does not increase the risk of flooding elsewhere. The proposals for this development essentially include collecting surface water from across the development and passing this into a detention basin within the greenspace at the western end of the site.
- 10.42 Following consultation with Flood Risk Management officers, it is understood that the proposed detention basin will only fill up occasionally, with water otherwise being stored below ground for events up to the 1:30 year flood event – the maximum water level in the pond for a 1:100 year event will be 59.22m AOD. Furthermore the bank has a safety margin above this level, with a drain to take water away before it causes any flood issues to the surrounding area. The detention basin will provide approximately 400m³ of storage above the maximum design water level. The detention basin will not only collect water from the development, but also will mitigate the effects of surface water run-off from the general area, which currently flows into the gardens at the south west of the site un-attenuated. The scheme is to be designed to prevent seepage and also to ensure the safety of the embankment. Flood Risk Management will adopt the scheme to ensure future maintenance is carried out. The Environment Agency and Yorkshire Water have also confirmed that they are now satisfied with the proposals with regard to drainage.

Ecology Issues

- 10.43 It is noted that the site has vegetated over the passage of time and is located on the fringe of the settlement, thereby having an intrinsic ecological value. It is also noted that the Roach Lime Hills Site of Special Scientific Interest (SSSI) is located a short distance away to the north.

10.44 While the proposals involve the clearance of a significant amount of the vegetation within the south and centre of the site, approximately half of the site is to be retained as greenspace, including some wooded areas. Ecological surveys and Bat Transect surveys have been submitted as part of the application and have been considered by the relevant authorities. Natural England have no objections to the proposals, but have suggested conditions in order to manage the impact on the development on the SSSI and integrate biodiversity enhancements within the scheme. Natural England are content that the SSSI does not represent a constraint in determining this application.

Section 106 Package

10.45 The Community Infrastructure Levy (CIL) Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

10.46 For the purposes of CIL, the application site lies within zone 2B, where CIL is charged at £45 per square metre.

10.47 If the application were to be approved, the S106 agreement would cover items that are not covered by CIL. These would include affordable housing, travel plan and monitoring fee, on site greenspace provisions drainage system provisions and off site highway related works.

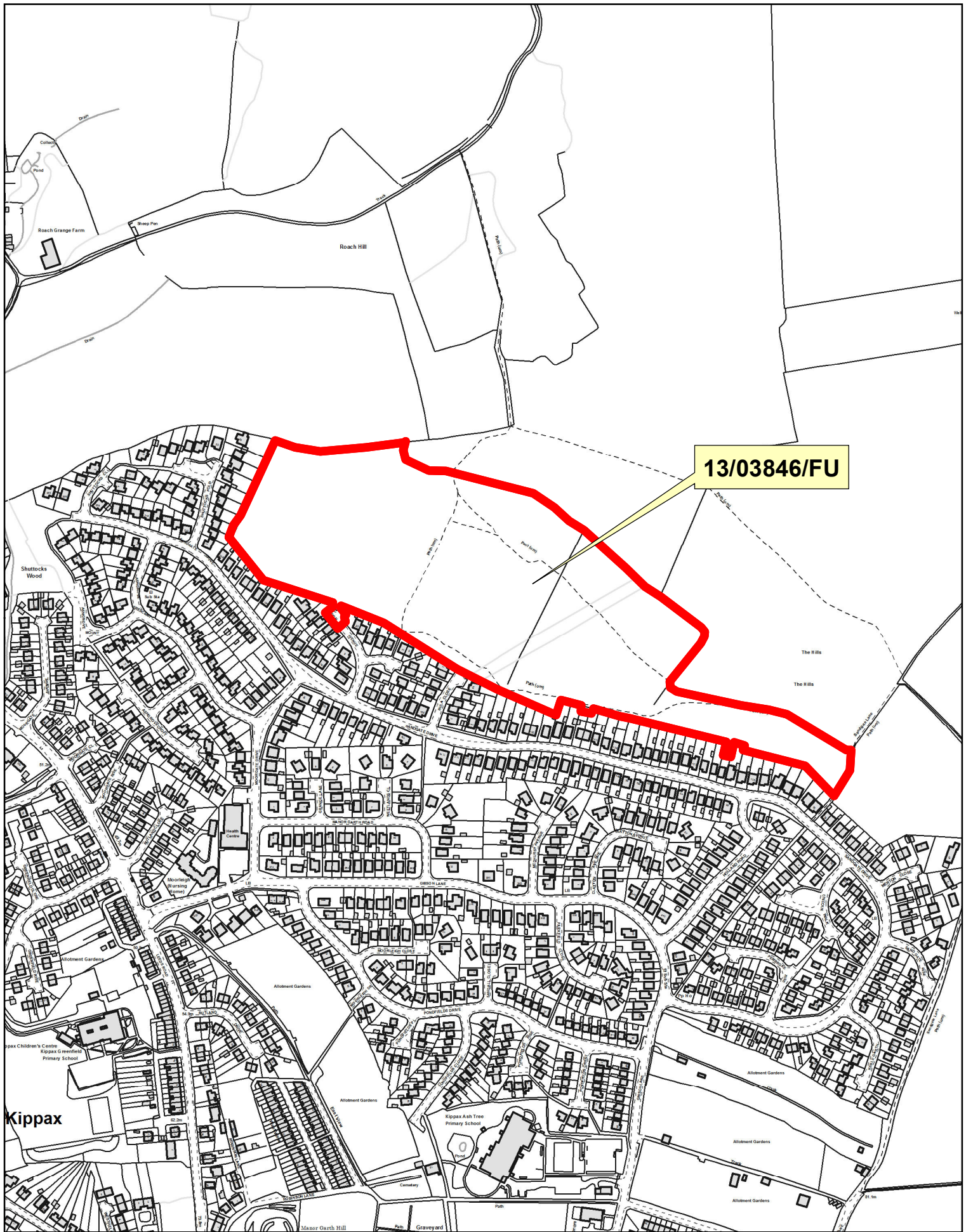
11.0 CONCLUSION

11.1 The release of the Kippax PAS site for housing development at this time is inappropriate, being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability considerations that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council considers it has a 5 year housing land supply and so there is no need to release additional sites of this scale in advance of the Site Allocations process. There are concerns about the highways implications on the local network and the current application fails to adequately address this. It is therefore recommended that Members refuse the application for the reasons specified.

12.0 BACKGROUND PAPERS

12.1 Application file 13/03846/FU.

12.2 Certificate of ownership – signed as applicant.



13/03846/FU

CITY PLANS PANEL

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