
Report of the Chief Planning Officer

Report to Development Plan Panel

Date: 20th May 2015

Subject: Site Allocations Plan (SAP) – sites at Weetwood (3378) & Tingley (1143B)

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

Summary of main issues

1. Development Plan Panel on 13th January considered proposals for housing allocations to meet the targets and distribution by HMCA set out in Core Strategy Policies SP6 and SP7. This included consideration of sites at Weetwood and Tingley (SHLAA Ref 3376 and 1143B respectively) put forward on behalf of The Leeds Cricket, Football and Athletic Co. Ltd. The promoters of the sites are seeking allocation as enabling development to support ground improvements at the Headingley cricket and rugby stadia.
2. The Panel agreed to recommend to Executive Board that the site at Tingley be included in the allocations to meet the target in the Outer South West HMCA. The Weetwood site was not agreed and members concluded that this should be subject to further review. This is the position reported to Executive Board on 11th February.
3. The Executive Board substantially agreed the package of sites to meet the Core Strategy housing requirement as a basis for officers to prepare a publication draft SAP. Members endorsed the view that the site at Weetwood should be subject to further review but resolved that this should also apply to the site at Tingley, given that both sites were being advanced as enabling development for the same purpose.

4. Within this context, the purpose of this report is to consider whether or not to recommend that sites at Weetwood and Tingley should be included as housing allocations in the Site Allocations Plan (SAP).

Recommendation

4. Members are asked to note the contents of this report and to advise whether they would support the allocation of one or both of these sites for housing.

1.0 Purpose of this Report

- 1.1 To consider whether or not to recommend that sites at Weetwood and Tingley should be included as housing allocations in the Site Allocations Plan (SAP).

2.0 Background Information

- 2.1 Development Plan Panel on 13th January considered proposals for housing allocations to meet the targets and distribution by HMCA set out in Core Strategy Policies SP6 and SP7. This included consideration of sites at Weetwood and Tingley (SHLAA Ref 3376 and 1143B respectively) put forward on behalf of The Leeds Cricket, Football and Athletic Co. Ltd. The promoters of the sites are seeking allocation as enabling development to support ground improvements at the Headingley cricket and rugby stadia.
- 2.2 The Panel agreed to recommend to Executive Board that the site at Tingley be included in the allocations to meet the target in the Outer South West HMCA. The Weetwood site was not agreed and members concluded that this should be subject to further review. This is the position reported to Executive Board on 11th February.
- 2.3 The Executive Board substantially agreed the package of sites to meet the Core Strategy housing requirement as a basis for officers to prepare a publication draft SAP. Members endorsed the view that the site at Weetwood should be subject to further review but resolved that this should also apply to the site at Tingley, given that both sites were being advanced as enabling development for the same purpose.

The Sites

- 2.4 The 4ha site at Weetwood is located in the green belt. Part of the site is identified as a protected playing pitch (Policy N6), reflecting its use as a private sports facility, although it has not been in active use for some years. All of the site is covered by the UDP urban green corridor designation (Policy N8). Policies N6 and N8 are saved UDP Policies. The site forms part of a larger wedge of green belt extending into the urban area and connecting to the open countryside to the north of the city. It is currently overgrown with a number of trees particularly on the boundary with Meanwood Park. The site is accessed from Weetwood Avenue which connects to Weetwood Lane and on to Otley Road giving access to public transport, schools and a range of local facilities. In accessibility terms the site is similar to the adjoining residential area of which it would form a part.
- 2.5 The 9.2ha site at Tingley is also located in the green belt. Part of the site, at the junction of Thorpe Lane and the A650 is also identified as a Park and Ride site in the UDP (Policy T17.6). This is a saved UDP Policy which derives from the original Supertram scheme. The South Leeds route of the NGT proposal terminates at Stourton. There are no current proposals for its extension to Tingley or for the provision of a Park and Ride facility in this location. The land comprises open largely featureless fields. The site adjoins the A650

which provides access to local services and beyond that to Morley. Thorpe Lane provides access to the facilities in Middleton.

Issues and Options

- 2.6 The Council consulted on the SAP Issues and Options in June 2013. The Weetwood Site was included in Volume2: 5 North which showed it “red”, that is a site which is not considered suitable for allocation for housing. The reason for this was:

“Green Belt site. The site is relatively well related to the urban area, bounded by residential development to the west and south and trees to the north and east, but performs an important function as open space. The bulk of the site is designated as protected playing pitch (N6) on the existing UDP. See also green space section, page31, question G19. It is also an Urban Green Corridor and Conservation Area.”

- 2.7 The site is identified as green space, mainly outdoor sports provision, on Plan 5.5B, although as indicated above this is subject to question G19 on page 31 which says:

“The existing UDP N6 (playing pitches) designation at Weetwood Avenue, Far Headingley (Weetwood Sports Ground) has been put forward as part of a possible housing site (site ref 3376, see page19). The site was identified as outdoor sport in the Open Space Audit. Do you think this land should be retained as green space (in one of the identified typologies) or released for housing?”

- 2.8 Therefore, notwithstanding that this was a “red” site, the possibility of it being allocated for housing was raised through the Issues and Options consultation. The report of consultation indicates that the housing status attracted very little comment. Only 5 responses were received; 3 supported the proposition that the site was not suited to housing, 1 opposed this and 1 was neutral. Some 20 representations were received in response to G19 opposing the suggested change from green space to housing.

- 2.9 The land at Tingley is included in Volume 2: 10 Outer South West which identifies it as a “green” site, that is a site with the greatest potential for allocation for housing. The reasons for the coding were as follows:

“Green Belt site. Site Ref 1143 covers a significant area north of West Ardsley and has been split in six sections for the purposes of this assessment. Site B has strong links to the settlement and is well contained by existing roads to the north and east, resulting in a low potential for further sprawl. The south eastern corner is designated as a Park and Ride site in the existing UDP.”

- 2.10 The report of consultation indicates that there were 70 representations of which 67 opposed the proposed allocation, 2 were in support with 1 neutral.

3.0 Main Issues

- 3.1 Consideration of the potential allocation of the sites at Weetwood and Tingley has two elements. The first, and fundamental issue, is the extent to which the sites are appropriate locations for housing in the context of Core Strategy Policy, including the contribution to HMCA targets and impact on the green belt. The second relates to their role in supporting vital ground improvements at the Headingley Stadia that could not otherwise be funded.

Weetwood

- 3.2 The Core Strategy seeks to deliver the majority of new development in and adjoining the Main Urban Area and recognises that in order to meet the housing target it will be necessary to review green belt boundaries. The Weetwood site adjoins the Main Urban Area. In green belt terms development of the site would have limited impact on green belt purposes, which are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other land.
- 3.3 Development would not lead to urban sprawl. This is an in-fill site with existing development to three sides. A strong boundary will remain to the east with Meanwood Park and the green wedge unaffected. The site plays no part in preventing neighbouring towns from merging or in safeguarding the countryside from encroachment, nor does it preserve the setting and special character of an historic town. The use of any area of green belt could be said to impact on the purpose of assisting urban regeneration. The Core Strategy seeks to limit this by seeking to maximise development on non-green belt land thus keeping allocations on green belt land to the minimum necessary to meet the targets. In any event development here is small scale and would have a negligible impact on this purpose irrespective of the Core Strategy position. Given that it is necessary to consider green belt sites it can be concluded that this will have far less impact on green belt purposes than many under consideration.
- 3.4 The Core Strategy also seeks to ensure that housing allocations are in accessible locations; standards are set out in Appendix 3 of the Core Strategy. The site is within walking distance of local services and schools. There are frequent bus services on Otley Road with a more limited service on Weetwood Lane, although bus stops are beyond the ideal walking distance. In general the site is considered to be part of a sustainable wider residential area. Whilst ideally all sites would meet every element of the accessibility standards in their entirety in practice this will not be possible and site allocations will involve compromise and achieving the best fit possible. The site performs reasonably well against the standards and is concluded to be in a sustainable location.

- 3.5 The site lies within the Weetwood Conservation Area. Inclusion within a Conservation Area does not preclude development but establishes a context against which detailed proposals will be judged. A Conservation Area Appraisal and Management Plan was approved in August 2010. The appraisal identifies the importance of playing fields to the spacious character of the area but notes that in contrast to the north of the area the southern edge is dominated by suburban development. A plan on page 8 of the appraisal highlights key views, but none affects the Weetwood site. There is a Listed structure located in the woodland to the north-east of the site. This is a stone column relocated to its present site from the former Mill Hill Unitarian Chapel. Development on the Weetwood site would need to take account of any impact on the setting of this structure.
- 3.6 The area is also covered by the Far Headingley, Weetwood and West Park Neighbourhood Design Statement of September 2014. This highlights the many qualities that make the area an attractive location for housing including access to open space and services. The Weetwood site is part of the Weetwood: Hollins and Weetwood Lane (South) character area which is described as “a very desirable area in which to live, bring up a family and spend retirement”. It confirms that this is a well- established and sustainable residential location. The document goes on to identify a range of policy considerations that affect the Weetwood site that it says “represent considerable constraints to any future development”.
- 3.7 Among these constraints is the current UDP designation as a protected playing pitch. This reflected the use at the time of the UDP, but this ceased some years ago and the site is now overgrown. Should the site not be allocated for housing there little prospect that it will revert to playing field use or become some other type of public green space. In these circumstances it is likely that the site would remain overgrown and un-used for the foreseeable future.
- 3.8 There is a Core Strategy target for the North HMCA of 6,000 dwellings. Appendix 4 of the Executive Board report recorded that at the time some 3,689 units were accounted for from identified sites with 2,152 units in proposed allocations, leaving a deficit against the target of 159 dwellings. The identified sites have now been updated to 6th April 2015. The table below summarises the updated position, which now provides a surplus of 185.

North HMCA		TARGET 6,000	
Housing	Number of sites	Estimated Capacity: Dwellings	% of CS district wide target
Identified Housing Sites (updated to 6 th April 2015)	76	4,033	-
Proposed Housing Allocations ¹	28	2,088	-
Proposed Mixed use with housing	2	64	-
	Total	6,185	9%

¹ Does not include site 3376.

Tingley

- 3.9 The Tingley/West Ardsley/East Ardsley area is included in the list of smaller settlements in the settlement hierarchy identified in Table 1 and on Map 3 in the Core Strategy. Development in this location would therefore be consistent with the general location strategy established in SP1 and would contribute to the estimate for smaller settlements in SP7, as well as the total for the Outer South West HMCA.
- 3.10 In green belt terms the site is clearly open and development would constitute encroachment into the countryside. In extending the built up area there would also be an element of urban sprawl. However, in both cases the impact is limited by the nature of the area and the site's surroundings. To the west is existing housing, to the south the busy A650 with housing beyond, to the east the land is more open but is bounded by Thorpe Lane with limited development further east and to the north the area is the M62 motorway. The surroundings create a semi-urban feel and provide containment, limiting the scope for sprawl. The site does not serve to prevent neighbouring towns from merging or protect the setting of an historic town. As with the Weetwood site any development of land in the green belt could be said to conflict with the purpose assisting urban regeneration. As previously indicated the Core Strategy accepts that the limited use of green belt will be necessary to meet the housing target. It is recognised that the site does serve some green belt purposes but for the reasons given the impact on those purposes is limited.
- 3.11 There is a Core Strategy target of 7,200 dwellings for the Outer South West HMCA. The report to Executive Board of 11th February 2015 indicated that after allowing for identified sites totalling 2,175 units there is a residual requirement of 5,025 dwellings. The allocations proposed in that report have an estimated capacity of 4,632 dwellings leaving a shortfall of 393 units. The identified sites have now been updated to 6th April 2015. The table below summarises the updated position, which still shows a deficit of 166:

Outer South West HMCA			TARGET 7,200	
Housing	Number of sites	Estimated Capacity: Dwellings	% of CS district wide target	
Identified Housing Sites (updated to 6 th April 2015)	76	2,402	-	
Proposed Housing Allocations ¹	46	4,632	-	
	Total	7,034	11%	

¹ Includes Site 1143B

- 3.12 The Tingley site has a capacity of 207 units. Not allocating this site would increase the shortfall to 373 which would be a significant level of under-provision to be made up elsewhere. Such a level of shortfall would need to be accommodated at least in part by an alternative(s) within the same HMCA. The analysis undertaken prior to the Executive Board report suggested that site 1143B was better placed than the available alternatives when compared with the approach set out in the Core Strategy.

Enhancement of the Cricket and Rugby Stadia at Headingley

- 3.13 Over and above the consideration of whether these sites are appropriate to contribute to the Core Strategy targets in their respective HMCA the promoters of the sites have put forward a case that the allocation of these sites is crucial as they represent the only assets available to support necessary ground improvements to the cricket and rugby stadia at Headingley.
- 3.14 This sort of approach where one development generates the funds to cross-subsidise another is often referred to as enabling development. The concept of enabling development is well established in planning practice, although it has no statutory definition. In simple terms it refers to development that may not ordinarily be acceptable in planning terms, but on the basis that it would bring about overriding associated public benefits it can be considered as a material consideration and, when appropriate, justified on balance to be acceptable.
- 3.15 The concept has been applied to non-heritage based cases in granting planning permissions across the country including sports stadia and the Courts have clearly established that the financial benefits arising from a development that enable another development to take place can be a legitimate material consideration to be weighed in the planning balance.
- 3.16 The concept of enabling development can therefore form a material consideration in the determination of a planning application in appropriate circumstances. However, it is clear from current case law that there are a number of considerations that will apply. There must be a clear and desirable planning purpose to the proposals that are to be enabled, there must be a viability issue and no prospect that this can be financed by other means, there must be certainty that the scale of the enabling development is appropriate to close the funding gap and is not excessive and that the funds will be committed to the relevant scheme and there must be confidence that the recipient scheme will go ahead if the funding is made available. In addition, those cases to date where an enabling development argument has been successful in the courts the courts have been satisfied that a sufficient degree of connection exists between the two developments, normally through a functional or geographical link.
- 3.17 The Core Strategy recognises the importance of the cricket and rugby stadia as venues for top quality professional sport as part of the “Leeds` offer” and to the Leeds` economy. The Core Strategy specifically states (para 4.7.10) that in principle the Council supports improvements at its major supporting venues and recognises that in some cases enabling development will be necessary if “*the wider economic and social benefits for the City*” are to be realised. It can

therefore be concluded that in principle proposals for the stadia have a legitimate and desirable planning purpose.

- 3.18 Members have previously been made aware from correspondence provided by the promoters of the need for improvements to the cricket ground if Headingley is to have a chance of retaining test status beyond 2019. To achieve this it will be necessary to redevelop the north/south stand, shared with the rugby ground necessitating further changes to the rugby ground. The costs of the package of ground improvement works is in the order of £30M. The promoters have advised that such a scale of development is well beyond their current financial capabilities. They have further confirmed that the sites at Weetwood and Tingley are the only assets held by the Leeds Cricket, Football and Athletic Company Ltd that could be used to generate funds to apply to the improvement scheme. As housing sites it is estimated that the Weetwood and Tingley sites could generate around £15M. Even with this income there would still be a funding gap and additional support is being sought from the LEP. The promoters have indicated a willingness to enter into a S106 agreement to guarantee that funds arising from the two sites will be applied to ground improvements at Headingley.
- 3.19 The concept of enabling development is applied to planning applications rather than the site allocations process. Once a site is allocated for housing it would no longer need an enabling argument as development for housing would be policy compliant. In this case however the need for ground improvements is an urgent one if test match status is to be retained. If these sites are to provide funds to support the improvements it will necessitate applications in advance of the conclusion of the site allocations process. When the applications are made the sites will still be in the green belt and the applicant will therefore need to demonstrate very special circumstances if the proposals are to be supported. The promoter's case (which it would need to make out, including demonstrating how the developments are connected given they are physically separate and form separate planning applications) is that the timescale and the need for cross-subsidy provide the very special circumstances.
- 3.20 It is not the role of the Council through the site allocation process to consider whether it could support a planning application on these sites in advance of SAP adoption in order to subsidise urgent work to the Headingley stadia. This would be a matter for the planning application process and the promoters would have to make the very special circumstances case should they decide to submit a planning application(s). In that regard, it is noted that the Core Strategy recognises the importance of these major sporting facilities and that cross-subsidy may be necessary to secure ground improvements. However, given both sites are remote from the stadia and there is no apparent

functional relationship between the housing proposals and the stadia use it would appear a difficult argument to make.

- 3.21 The purpose of making reference within this report to the cross subsidy issue and potential planning applications is that there is also arguably a relationship to the site allocations process. If the Council decides to allocate the sites then it signals support in principle for development and it is a matter of when rather than if the sites will be developed. If the Council decides not to allocate one or both sites because it has fundamental concerns about their suitability for housing then it would be difficult to support an application, even accepting a cross-subsidy argument.
- 3.22 Given that the Council is faced with making difficult choices in reviewing the Green Belt in order to identify sufficient land for housing this is an acknowledged planning purpose/benefit that it is legitimate to consider in balancing the merits of competing sites.

4.0 Other considerations

Duty to Co-operate

- 4.1 The Localism Act (2011) and the National Planning Policy Framework (March 2012), provides details of legal and soundness requirements that the Council and other public bodies have to satisfy. This includes a 'duty to cooperate' on planning issues that cross administrative boundaries, especially those that relate to strategic priorities and allocations set out as part of the Core Strategy and related Development Plan Documents (including the homes and jobs planned for). Within the context of the preparation of the SAP and Aire Valley Leeds Area Action Plan (AVLAAP), the broad strategic approach and quantum of development have therefore been accepted through the Duty to Co-operate process. Any further issues in relation to site allocations are being considered through the established Duty to Co-operate processes. No major issues have been identified at this stage.

5.0 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 The Core Strategy has now been adopted and has been found by an independent Inspector to be sound (this also includes compliance with the Duty to Co-operate and the regulated requirements for public consultation and engagement). The SAP Issue and Options were subject to public consultation in summer 2013. The next round of consultation will take place after the Publication Plan has been considered by Executive Board, at a date to be agreed in autumn 2015.

5.2. Equality and Diversity / Cohesion and Integration

5.2.1 In the preparation of the Core Strategy, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening of the Core Strategy and meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that these Plans are subject to the preparation of a Sustainability Appraisal. The purpose of such Appraisals is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives. The emerging SAP material reflects the approach set out in the Core Strategy. Nevertheless an Equality Impact Assessment Screening is being undertaken on the proposed site allocations and will be part of the package to be presented to Executive Board. Equality, diversity, cohesion and integration issues are being considered as part of the preparation of the Plan and through the sustainability appraisal work which is ongoing.

5.3. Council Policies and City Priorities

5.3.1 The Core Strategy, the emerging SAP and AVLAAP, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, these Plans seek to implement key City Council priorities. These include the Best Council Plan (2013-17) (in particular Objective 2: to 'promote sustainable and inclusive economic growth') and Leeds Joint Health and Wellbeing Strategy (2013-2015).

5.4 Resources and value for money

5.4.1 The preparation of statutory Development Plan Documents is an essential but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded currently by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, members and the community in taking the Development Plan process forward.

5.4.2 For the Local Development Framework to be as up to date as possible, the Council now needs to produce the SAP and AVLAAP as quickly as practicable, following the adoption of its Core Strategy. This will provide value for money in that the council will influence and direct where development goes. Without an up to date plan the presumption in favour of sustainable development by the Government means that any development in conformity with national policy will be acceptable, regardless of any previous positions of

the authority, which could have implications in terms of resources and value for money.

5.5 Legal Implications, Access to Information and Call In

5.5.1 The SAP will follow the statutory Development Plan process (Local Development Framework). The report is not eligible for call in as no decision is being taken.

5.6 Risk Management

5.6.1 Without a current allocations plan for this geographical area, aspects of the existing UDP allocations will become out of date and will not reflect or deliver the Core Strategy policies and proposals (including District wide requirements for Housing and General Employment Land). Early delivery is therefore essential, to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. Without an up to date plan the presumption in favour of development by the Government means that any development or Neighbourhood Plan in conformity with national policy will be acceptable, regardless of any previous positions of the authority. The more the work progresses, the more material weight can be given to it.

6.0 Conclusion

6.1 The Core Strategy advises that a review of green belt boundaries will be necessary in order to meet the need for development land for housing and employment. In selecting sites for allocation it is important to have regard to the purposes of green belt and to identify sites that have the least impact on those purposes. It is also necessary to consider other aspects of the Core Strategy approach such as the settlement hierarchy and the accessibility standards and to recognise that circumstances will vary across the district, including the need to meet the targets in each of the HMCAs.

6.2 As set out earlier in this report it is considered that development of these sites would have only a limited impact on the purposes of green belt. Both sites are in reasonably accessible/sustainable locations. The previous reports to Panel considered these sites in the context of the alternatives available in each of the HMCAs and concluded that allocation is appropriate. Both the relevant HMCAs are short of their Core Strategy targets even with these sites included. Particularly in relation to the larger site at Tingley non-allocation would leave a significant shortfall that would require an alternative to be identified. Given the earlier work looking at the range of site options available it is not clear that a better site would emerge. It is concluded that in the context of the need for housing land and Core Strategy policy that both sites are suitable for allocation.

6.3 The unique ability of these sites to provide funding to cross-subsidise ground improvements at Headingley that are necessary if test match status is to be retained adds weight to the case for allocation.

7.0 Recommendation

7.1 Members are asked to note the contents of this report and to advise whether they would support the allocation of one or both of these sites for housing.