



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 5th November 2015

Subject: 14/00315/OT – Outline application for residential development up to 150 dwellings including means of access at land at Leeds Road, Collingham, Wetherby

APPLICANT
Miller Homes

DATE VALID
28th January 2014

TARGET DATE
29th April 2014

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are asked to note the content of the report and endorse the updated reasons for refusal.

- 1) The Local Planning Authority considers that that the release of this site in combination with other sites designated as Protected Areas of Search (PAS) in the statutory plan, for housing would be contrary to saved Policy N34 of the Unitary Development Plan (Review) 2006. Policy N34 seeks to safeguard land for future development pending a review through the local plan process and the release of this site in advance of that would be premature and contrary to the approach set out at paragraph 85 bullet point 4 of the National Planning Policy Framework. The release of this site has been considered as part of the Site Allocation Process and it is not considered suitable for release for housing during the plan period as it fails to meet accessibility standards in respect of access to employment, secondary education and town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area. The release of this PAS site outside of the proper plan period would be premature to the development plan process secured through N34 and as is currently being progressed through the SAP, and would by itself and by its implications for the consideration of other PAS sites, undermine the plan led system and predetermine decisions as to the scale, location and phasing of new development central to the emerging SAP, which will consider the relative sustainability of housing sites. At this stage, and as a

departure from the development plan and the emerging SAP, as well as for the reasons identified in reasons 2 to 7, the Council does not consider the proposed development to be sustainable development within the meaning of the NPPF.

- 2) The Local Planning Authority considers that 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. Smaller settlements will contribute to some development needs, with the scale of growth having regard to the distribution of housing land and a settlement's size, function and sustainability. The Core Strategy sets the strategic context for the preparation of the Site Allocations Plan (spatial preferences for development, priorities for regeneration and infrastructure and the overall scale and distribution of housing growth), which is well progressed. Consequently, within this context the Site Allocations Plan is the appropriate vehicle to consider issues relating to site allocation choices and any supporting infrastructure which should take place individually or cumulatively. As such the proposal is contrary to Policy SP1 of the Adopted Core Strategy. In advance of the Site Allocations Plan the proposal represents such a substantial expansion of the existing smaller settlement that it is likely to adversely impact on the sustainability and on character and identity of Collingham contrary to Spatial Policies 1, 6 and 11 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
- 3) The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 4) 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, saved UDP policy GP5 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.
- 5) The Local Planning Authority considers that the development of this site for up to 150 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Collingham, which would result in an overly intensive form of development that would fail to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide information relating to levels and sections and would locate an area of Greenspace within the Green Belt, all of which could be harmful to the character and appearance of the area. Furthermore, the design and materials of the proposed bridge over Collingham Beck are not considered to be

sympathetic to the rural character of the area. As such, the proposal would be contrary to Policies P10 and P12 of the Core Strategy, Policy GP5 and N33 of the Unitary Development Plan (Review 2006), the guidance contained within the SPG 'Neighbourhoods for Living' and the guidance within the National Planning Policy Framework.

- 6) In the absence of a detailed tree survey and further habitat and ecology surveys, it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development will be harmful to the rural character of the area, contrary to Policies P12 and G8 of the Core Strategy, saved UDP policy LD1 and the guidance within the National Planning Policy Framework.
- 7) 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, public transport, travel planning, off site highway works as well as drainage and flood alleviation works contrary to the requirements of Policies H5, H8, P9, T2, G4 and ID2 of the 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 An outline application for 150 houses on the edge of Collingham village was refused permission at City Plans Panel on 30th October 2014 (report appended). The site was one of several applications on PAS land which were received by the council in 2013-2014 including Bagley Lane and Grove Road, both of which have been the subject of Public Inquiries. The council is awaiting the outcome of the High Court challenge to Bagley Lane and the report of the SOS at Grove Road. The council currently has five PAS appeals which will be decided by Public Inquiry. Four of these appeals, are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016. This report seeks to provide updated reasons for refusal which take account of the adoption of the Core Strategy and the cancellation of the interim PAS policy. These reasons for refusal will form the basis of the council's case at appeal.
- 1.2 As was verbally reported by the Highways Officer at the January Plans Panel during the course of the application the appellant approached Highways direct and sought to provide additional information to address some of the concerns. Since that time there has not been significant progress and the originally expressed concerns remain.
- 1.3 The appellants have also provided some additional information on protected species as well as a tree survey. As discussed below Landscape Officers are content with the level of detail submitted, however Nature Conservation officers still require full information on bat activity before an assessment can be made about the development.
- 1.4 As the previous report is appended and this report seeks to simply consider the planning application against the current planning policy context it is not proposed to

set out a full report addressing all matters here. This report will set out the relevant planning policies as they exist today and consider this proposal against those policies.

2.0 PLANNING POLICIES:

2.1 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, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

2.2 The Adopted Core Strategy (2014) is the development plan for the whole of the Leeds district. The Core Strategy sets a target for the provision of 70,000 (net) new dwellings for the period between 2012 and 2028. The following core strategy 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
Policy H1	Managed release of sites
Policy H2	Housing on non-allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy P10	Design
Policy P11	Conservation
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 EN2	Sustainable design and construction
Policy ID2	Planning obligations and developer contributions

The following saved UDP policies are also relevant:

GP5:	All relevant planning considerations.
N24:	Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.
N25:	Seeks to ensure boundary treatment around sites is designed in a positive manner.
N33:	Seeks to protect the Green Belt.
N34:	Sites for long term development (Protected Areas of Search).
N35:	Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.
N37A:	Development within the countryside should have regard to the existing landscape character.
T24:	Parking guidelines.
BD2:	The design of new buildings should enhance views, vistas and skylines.

- BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
- LD1: Relates to detailed guidance on landscape schemes.
- LD2: New and altered roads

Local Development Framework - Site Allocations Plan

- 2.3 The Council is also currently progressing a Site Allocations Plan (SAP) and is currently out to consultation on the Publication document which proposes the allocation of sites for housing to meet targets set out in the Core Strategy and identifies Protected Area of Search land for development beyond the plan period up to 2028. 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. This application is contrary to this approach in two important respects. First, it is stepping outside the local plan process which prevents the PAS sites being reviewed in a comprehensive way allowing for the consideration of the relative merits of the candidate sites to be considered alongside the questions of delivering sufficient housing in the most sustainable way also having regard to the delivery of key infrastructure. Secondly, it is promoting a site which the Council, on the basis of the work done to date through that Local Plan review process, does not consider to be a suitable site for allocation, and that other sites are preferable in sustainability terms. Accordingly, it is for the Site Allocations Plan process to determine the suitability of this site, and others, for housing development. This approach is in line with para 85 of the NPPF which states that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development." It is also in line with the NPPF core planning principle 1, which states that planning should "be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area." The appeal proposal is therefore contrary to the most recent expression of the council's plan for sustainable development of its area.
- 2.4 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15.
- 2.5 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), supplemented by further evidence presented to the Core Strategy Examination in October 2013. The SHMA is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections, levels of economic growth

as well as levels of future and unmet need for affordable housing. Accordingly, the Site Allocations Plan is the appropriate vehicle to deliver the Core Strategy requirement and will ensure that the significant boost to housing supply sought by the NPPF.

Neighbourhood Plan

- 2.6 Collingham has been designated a neighbourhood area and has developed a draft Neighbourhood Plan. This notes that the growth and development of Collingham should be controlled and appropriate so that residents continue to enjoy village life (4.3) and that the population growth of the village is in proportion to the capacity of its infrastructure and services (4.6). The pre-submission consultation will run from the 19th October to 6th December 2015. This site is not proposed to be safeguarded for development within the plan.

Collingham Village Design Statement

- 2.7 Outlines the character of the existing village and draws attention to the key architectural and landscape features of the area. The document notes that local distinctiveness should be recognised and enhanced.
- 2.8 Relevant Supplementary Planning Guidance includes:

SPD: Street Design Guide.
SPD: Public Transport Improvements and Developer Contributions
SPD Travel Plans
SPD: Designing for Community Safety: A Residential Guide
SPD: Sustainable Design and Construction "Building for Tomorrow, Today."
SPG: Neighbourhoods for Living
SPG 4: Greenspace Relating to New Housing Development
SPG 25: Greening the Built Edge.

National Planning Policy

- 2.9 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.10 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. At paragraph 17 the NPPF sets out that a core principle is that planning should "be genuinely plan-led". The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The Core Strategy was adopted subsequent to the publication of the NPPF and was found to be sound by reference to the tests set out at paragraph 182 including being "consistent with national policy".
- 2.11 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%.

- 2.12 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.
- 2.13 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.

National Guidance - Five Year Supply

- 2.14 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.
- 2.15 The Council is progressing its 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with housebuilders, there are positive signs in the Leeds housing market as follows: a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016. b) progressing activities (including by the Council) and delivery within the Inner area of Leeds, c) a surge in recent planning permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015 34 new sites were granted permission for 2,000 homes in total and d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately. This context reflects an improved picture from that of the previous 5 year supply, which was upheld by the Secretary of State and subject

to the views of housebuilders on the deliverability of specific sites, the Council is confident at this stage that it will maintain its 5 year supply for the period 2015 to 2020. It is also important to note that in terms of future land supply the progression of the Site Allocations Plan secures over 55,000 homes in Phase 1, with a large number of deliverable greenfield sites, where they are compliant with the overall strategy, proposed to form Phase 1 allocations. As the site allocations plan advances and is adopted these greenfield releases will become available and can be included within future 5 year supply pictures. This will provide a significant security to the 5 year supply position.

Planning Practice Guidance

2.16 Government guidance on the issue of prematurity is set out in this document and says:

“...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

3.0 MAIN ISSUES

- 1) Principle and Prematurity
- 2) Principle and Settlement Hierarchy
- 3) Sustainability Criteria
- 4) Highway Considerations
- 5) Layout & Design
- 6) Trees, Landscaping & Ecology
- 7) Section 106 package/CIL
- 8) Housing Delivery

4.0 APPRAISAL

Principle and Prematurity

4.1 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, residential amenity, flood risk and Section 106 matters.

- 4.2 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. 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.
- 4.3 The development is contrary to this policy which is saved under the Adopted Core Strategy and the application site remains a PAS site within the current Development Plan.
- 4.4 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”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 “The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.” Paragraph 4.8.7 confirms that “Through the LDF a sufficient and realistic supply of PAS land, will be identified to provide contingency for growth, if the supply of housing and employment allocations proves to be insufficient in the latter stages of the plan period.”
- 4.5 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this policy. Subsequently the council’s Executive Board, on 11th February 2015, agreed to withdraw the policy with immediate effect in light of progress being made with the SAP, that a pool of sites had been identified, and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.
- 4.6 This is a contentious process and one which the Council is progressing in consultation with elected members and local people and neighbourhood groups.

Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.

- 4.7 At paragraph 17 the Core Planning Principles state that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.” This follows on from a statement in the Ministerial foreword to the guidance which states: “This [planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.”
- 4.8 At paragraph 85 of the NPPF the guidance states: “When defining [green belt] boundaries, local planning authorities should ... 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; and 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.”
- 4.9 To release the application site for development at this time would be contrary to paragraph 17 and 85 of the NPPF.
- 4.10 The Planning Practice Guidance sets out guidance on the issue of prematurity and the most relevant text to these appeals states:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The draft Site Allocations Plan is well progressed and has been published for consultation with period closing on 16th November 2015. To get to this stage has involved significant work addressing the needs of a large and complex city with the considerable consultation and engagement with many stakeholders. The level of consultation which the Council has engaged in, in order to produce a well thought out plan in association with the key stakeholders means that some considerable weight can be given to the consultation draft. At the time of the consideration of the appeals it will be at a more advanced stage. Nevertheless the principles of achieving sustainable development that has regard to settlement hierarchy, the development of previously developed land and the delivery of key infrastructure will continue to underpin the site allocation process.

- 4.11 By not waiting for the comprehensive review, via the Site Allocations Plan, a decision to approve this application now would be a departure from the

Development Plan. The proposal to develop the Collingham application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. It is acknowledged that the SAP has not yet been submitted for examination and the release of this site by itself would not be contrary to the tests of prematurity set out in the PPG. However, it remains a concern that the cumulative effect of releasing the PAS sites could be so significant that it would serve to undermine the plan making process by predetermining decisions about the scale, location and phasing of new development all of which run contrary to the principles of sustainability and settlement hierarchy set out in the Core Strategy Saved policy N34 and its supporting text should be given considerable weight because it remains part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review”. To depart from this approach would serve to undermine a comprehensive and considered process which will ultimately target and assess the most sustainable sites. This site is not one as currently assessed. The site is protected by the development plan specifically for the purpose of allowing such a review. Considerable harm will be caused by the circumvention of this process through the release of this site for development outside of that process. It also undermines the plan led system not in relation to this site, but cumulatively through eroding the protection to PAS sites generally pending the conclusion of the SAP review. The SAP is at a stage where material weight can be given to it and this weighs further against the principle of development at this time.

- 4.12 The application site forms one of a number of choices for smaller settlements in Leeds, where a small proportion of housing is anticipated. Releasing this site now would predetermine options for this settlement for the plan-period so that no other housing land would need to be considered.

Principle and Settlement Hierarchy

- 4.13 The Core Strategy has a clear spatial development goal, as outlined within its introductory text and within Spatial Policies 1 and 6. This aims to respect the historic development pattern of Leeds and to ensure sustainable development, by concentrating the majority of new development within and adjacent to the main urban areas, taking advantage of existing services and high levels of accessibility. This will also allow the council to fulfil priorities for urban regeneration and to ensure an appropriate balance of brownfield and greenfield land. These principles are reiterated within policy H1 which seeks to manage the release of sites for housing.
- 4.14 Collingham is identified as a smaller settlement within the Core Strategy settlement hierarchy. Policy SP1 of the Core Strategy states that “Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability”. Work is ongoing through the Site Allocations Plan to consider where within the Outer North East Area new development should be located. To allow development on this site in advance of the SAP being adopted would undermine the plan-led approach, looking at what sites should come forward, what infrastructure is needed to support them, what their comparative sustainability credentials are and where new housing development would best be located. In addition work is progressing on a neighbourhood plan and it is considered that the release of this site early would

also not sit well with that process which is being co-ordinated with the Site Allocations Plan.

Sustainability Criteria

- 4.15 Sustainability is a key planning principle and is a core theme which runs through both local and national planning policy. Sustainability is a complex and multi-faceted concept, however in relation to housing development the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently and that the right development is located within the right areas (SP1 and Accessibility Standards) to enable good, sustainable access to public transport, employment, leisure, schools, health care and other services.
- 4.16 The site does not fully meet the Core Strategy Accessibility Standards. It is acknowledged that there are some local services within the centre of Collingham available within the designated 15 min walk (or 1200m) of the site (e.g. convenience store, post office, butcher, public house, hot food takeaway). Furthermore, a primary school (Collingham Lady Hastings C of E primary school) and a doctor's surgery (Church View Surgery) are within the designated 20 min walk (or 1600m) of the site. However, the nearest secondary schools (Wetherby High School/Boston Spa High School) are located well outside the recommended walking distance of 2400m (30 min walk) and the service frequency for bus services does not meet the requirement of 4 buses per hour.
- 4.17 The centre of the site lies just within the designated 400m distance of two bus stops on the A58 Wetherby Road and about 500m – 550m from the nearest bus stops located on the A659 Harewood Road. Three bus services are provided on these routes (X98, X99 and 923) however the frequency of all the services combined to a major public transport interchange (defined as Leeds, Bradford or Wakefield) does not meet the draft Core Strategy Accessibility Standard of 4 buses per hour. It should also be noted that the footway on Leeds Road outside the site is narrow (approx. 1m width) and unlit. It is therefore not regarded as a suitable route to facilitate or encourage regular walking trips.
- 4.18 In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres. The distance from employment centres, secondary schools and main shopping and leisure areas coupled with the infrequency of the bus service and the poor pedestrian environment, means that the majority of journeys to and from the site will be by private car and this is negative aspect of the development. The site is therefore contrary to Spatial Policies 1, 6 and 11 and Appendix 3 (Accessibility Standards) of the Core Strategy. . The Site Allocations Publication Plan has concluded that there are other more sustainable options for development in the Housing Market Characteristic Area.
- 4.19 The authority consider that the Site Allocations Process is the right vehicle to ensure that the necessary infrastructure is in place to allow sustainable housing growth across the city as a whole.

Highway Considerations

- 4.20 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the appellants must demonstrate that

the development can achieve safe access and will not overburden the capacity of existing infrastructure.

- 4.21 As noted within the original Panel report whilst safe access could be achieved into the development from the single access point onto the A58, a Stage 1 Safety Audit of all proposed off-site highway works would be required prior to any determination. As also outlined there were significant concerns regarding the methodology used in the appellants Transport Assessment and thus it was not possible to accurately assess the impacts of the development upon the local and wider highway network. The TA as submitted identified that the scheme would have an impact upon the A58 Main Street/Wattlesyke/A58 Wetherby Road junction and also the A58 Leeds Road/A659 Harewood Road junction, however the exact nature of this impact was impossible to assess on the submitted information. Insufficient mitigation measures to offset the impact on the A58 Leeds Road/A659 Harewood Road.
- 4.22 As the application was in outline with only an indicative layout provided, full consideration of the internal layout of the site and the bridge design was not assessed. The report noted the need for the layout to be to an adoptable standard in accordance with the Street Design Guide and for the bridge to be adopted in accordance with Appendix C of the Street Design Guide.
- 4.23 During the consideration of the application the agents sought to negotiate directly with Highways Officers however no significant progress has been made.
- 4.24 As such the appeal would cause harm to the highway network and is contrary to Core Strategy Policy T2 and saved UDP policy GP5.

Layout and Design

- 4.25 As noted above the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently and that the right development is located within the right areas. Core Strategy Policy H3 notes that housing development in Smaller Settlements should meet or exceed a density of 30 dwelling per hectare, unless there are overriding concerns regarding townscape, character, design or highway capacity. Policy P10, in accordance with the Frameworks emphasis on good design, requires that new development proposed good design that is appropriate to its location, scale and function and should contribute positively to local distinctness and place making. Policy P12 seeks to protect Leeds' landscapes.
- 4.26 The site is approximately 8.8 hectares, with 4.36 hectares given over to public open space and recreation. As such the area which will provide housing is approximately 4.4 hectares, suggesting housing numbers of approximately 130 dwellings, unless the local townscape and character suggests a lower density is appropriate. In this instance it is possible that a lower density will be required, and certainly the development as submitted cannot be comfortably accommodated on the site.
- 4.27 The applicant proposes a residential development with up to 150 dwellings. Whilst it is acknowledged that the layout plan submitted is indicative only, it is nonetheless incumbent on the appellants to demonstrate that the site can accommodate the quantum of proposed development within its constraints. Local character and distinctiveness is a material site constraint.

- 4.28 The indicative layout shows approximately 110-120 dwellings set out as detached, semi-detached and terraced properties. This particular layout appears cramped when considered against the spatial pattern of development on the Millbeck Green Estate to the east. Some houses within the layout are also sited close to the highway edge and/or fail to provide appropriate private garden space. Houses within Collingham are often set back from the highway edge behind open front gardens and the layout proposed would result in an overly intensive, cramped form of development which is contrary to the general spatial pattern of Collingham and its character as a rural village. The failure to provide appropriate amenity space also suggests that the quantum of development is too great and a lower density of development would be appropriate. Thus, if on the submitted plan of 110-120 the development would cause harm to the character of Collingham village, it is not considered possible to locate a further 30-40 dwellings on the site without causing further, substantial harm to the character of the area.
- 4.29 There are also concerns regarding the levels across the site and the impact upon local character. In order to overcome flooding issues it will be necessary to change the levels across the site to ensure that all residential dwellings are located in Flood Zone 1 and also to provide additional on-site floor storage. Some of the submitted drawings indicated that the land level raises could be at least 2.0m in some areas and without any proposed levels and proposed topographical information the impact upon visual amenity and landscape character is impossible to assess. Whilst this matter could be addressed sensitively through careful grading of land it would not be acceptable to simply place the development on a visibly engineered plateau which dominated the surrounding area, and surrounding housing developments. In the absence of sufficient information to ensure that the new levels will be sensitive to the site and surrounding topography it must be assumed that the engineering operations required would cause visual harm, contrary to policies P10 and P12 of the Core Strategy and saved UDP policy GP5.
- 4.30 The application did include detailed drawings of the proposed bridge across Collingham Beck. This would be 9.5m wide and would comprise a 5.5m wide carriageway with 2.0m footways either side. The bridge would be constructed from pre-cast concrete with steel parapets and guards to both sides. This is considered to be inappropriate. The site is located to the edge of a rural village, within a countryside setting and adjacent to an existing historic village with an extensive conservation area. Existing road bridges across Collingham Beck (including the bridge adjacent to the Old Mill and to the rear of the newly opened Tesco) and the nearby River Wharfe tend to be more traditional in appearance and constructed from natural stone. It is considered that the proposed bridge would have a functional and utilitarian appearance and would not be sympathetic to the rural character of the area, contrary to the aims and intentions of policy P10 of the Core Strategy and saved UDP policy GP5.
- 4.31 The appellant also proposes to locate an area of Public Open Space within the Green Belt. Whilst this is not necessarily inappropriate development by definition, until the form and character of this PoS is better understood a full assessment of its impact upon the character of the Green Belt and the wider landscape cannot be understood. Sport and recreation is an appropriate use of the Green Belt and engineering operations are not necessarily inappropriate, however the use of the land would need to accord with general Green Belt principles and not conflict with the purposes of including land within the Green Belt. Thus sufficient information has not been submitted to demonstrate that the proposal will not cause harm to the Green Belt, contrary to saved UDP policy N33 and the Framework.

Trees, Landscaping & Ecology

- 4.32 Core Strategy Policy P12 seeks to ensure that Leeds' landscape character is preserved and Policy G8 requires that important species and habitats are not seriously harmed. Saved UDP Policy LD1 notes that "sufficient space [should] be allowed around buildings to enable existing trees to be retained in a healthy condition". There remain outstanding concerns regarding trees, landscaping and ecology.
- 4.33 The site includes a number of TPO'd trees to the south side of Collingham Beck which include a mix of Alder, Hawthorn, Ash, Oak and Sycamores. These are important to the rural character of the area and also provide habitats for birds and bats. The beck also provides a good ecological habitat for species such as Great Crested Newts, Otters and Water Voles as well as bats.
- 4.34 Additional ecological surveys have identified that there are no significant concerns in relation to water based ecology and thus only the impact upon bats and trees remained outstanding at the point the appeal was submitted. A tree survey from 2013 has been submitted which shows that the majority of trees to be removed to facilitate the access point are dead and thus the removal of these trees from the perspective of landscape officers is not controversial.
- 4.35 However, conversely dead trees provide ideal opportunities for bat roosting and at least one tree to be removed in order to facilitate the bridge has been identified as having bat roosting potential. The river corridor as well as the two belts of vegetation which run north through the site provide ideal corridors for bat activity. Until the appellants have undertaken and submitted a bat foraging and commuting survey along the identified routes, a bat roosting potential survey on all trees to be removed, and a bat activity survey on any tree which has potential and is to be removed, the impact upon this European protected species cannot be assessed.
- 4.36 As such it is not at all clear that the site is capable of accommodating the access at the point proposed or the level and location of development as proposed. It is not appropriate to grant permission in the absence of evidence to demonstrate that harm would not be caused to the ecological assets of the site.

Section 106 Package/CIL

- 4.37 The Community Infrastructure Levy 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.
- 4.38 The authority's CIL charging schedule is in place and requires a payment of £90 per square metre of residential floor space. The adoption of CIL means that S106 payments previously identified relating to greenspace and education are no longer applicable. It will still be necessary for the appellants to enter into an S106 agreement relating to affordable housing, public transport, proposed off-site highway works and drainage/flood alleviation works. These have been considered against the legal tests and are considered necessary, directly related to the

development and fairly and reasonably related in scale and kind to the development.

- 4.39 The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted. It is understood that the applicants are not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position.

5.0 CONCLUSION

- 5.1 Central to the context of this appeal is the matter of the delivery of housing in a sustainable and planned way. Housing delivery is a key element of current planning policy at both national and local level. The NPPF places a priority, amongst other matters, on the delivery of sustainable development and housing growth. Leeds has a target of 70 000 homes across the plan period and is committed to delivering this target. A significant amount of work has been undertaken and is still ongoing to ensure that this target is met, including work with house builders, landowners and local communities. The interim PAS policy was one arm of the Council's strategy and this sought to allow the release of sustainable sites ahead of the publication of the Site Allocations Process to ensure the ongoing availability of housing land. The policy achieved this aim, and was withdrawn once SAP had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the Collingham PAS site has been assessed for release but this was not considered to be acceptable as it failed to meet accessibility standards in respect of access to employment, secondary education, town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area.
- 5.2 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer North East Housing Market Characteristic Area and this is a benefit of the scheme to which weight must be given, albeit this weight is reduced by the fact that the land is not needed within the current five year housing land supply and other sites are considered to be sequentially preferable. Furthermore the release of the site would cause substantial harm to the plan making process and the Council's sustainable development strategy as set out in the Core Strategy. The outline scheme proposed by the appellants would also cause harm to highway safety, local character and ecology; this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure flood mitigation measures, other infrastructure works, affordable housing and other contributions necessary to make the scheme acceptable would be delivered. This harm is significant and weighs against the proposal. The benefit of delivering housing land does not outweigh the cumulative harm which the proposal would cause to the Council's spatially focussed sustainable development strategy and the specific harm identified to Collingham Village and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.
- 5.3 The release of the Collingham PAS site for housing development at this time being contrary to saved policy N34 of the UDP and the NPPF. To grant permission would be premature as it would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council is confident that it will maintain its 5 year housing land supply and so there is no need to release this site

of this scale in this location in advance of the Site Allocations process. There are concerns regarding the sustainability of the site given limited services within the village and the infrequency of the local bus service. There are also concerns over the layout, design and density of development and its impact on local character, protected species, landscape and ecology. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable. Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy sets out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council has considered that it will maintain its 5 year housing supply and is advancing a SAP it is therefore recommended that the council contests this appeal for the reasons set out at the start of this report.

- 5.4 Members should also have regard to the content of the covering report and that it is likely in preparing for the appeal that the appellant will seek to submit further information in an attempt to address some of the matters that are of a concern to the council. For example it is common practice for an appellant to submit a draft Section 106 Agreement for consideration. A failure of a local planning authority to engage in such discussions that seek to narrow the differences between the parties may be viewed as constituting unreasonable behaviour.

Background Papers:

Application files: 14/00315/OT
Certificate of ownership: Certificate B signed and notice served on Trustees of the A K Jackson Discretionary Will Trust

Appendix – Previous Plans Panel Report



Originator: Adam Ward
Tel: 395 1817

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30th October 2014

Subject: Application 14/00315/OT: Outline application for residential development of up to 150 dwellings including means of access and associated public open space and landscaping at Land at Leeds Road, Collingham.

APPLICANT	DATE VALID	TARGET DATE
Miller Homes and the Hills Family	28.01.2014	23.10.2014

Electoral Wards Affected:

Harewood

Yes

(Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Refusal of Planning permission for the following reasons;

1. The LPA considers that the release of the site for housing development would be premature, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Collingham needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location and scale of the site in relation to the village of Collingham means that the proposal does not fulfill the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work 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 village in a plan-led way.

2. The proposal is contrary to the 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 Collingham 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 SP3 of the UDP Review. In advance of the Site Allocations Plan the proposal represents such a substantial expansion of the existing smaller settlement that it is likely to adversely impact on the sustainability and on character and identity of Collingham, contrary to Policy SP1 of the Core Strategy, SP3 of the UDP Review and guidance on the core planning principles underpinning the planning system as set out in the NPPF.

3. The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy, Policy T2 of the adopted UDP Review (2006) and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

4. 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 access point 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, Policies GP5, T2 , T2B and T5 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.

5. The Local Planning Authority considers that the development of this site for up to 150 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Collingham, which would result in an overly intensive form of development that would fail to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide information relating to levels and sections and would locate an area of Greenspace within the Green Belt, all of which could be harmful to the character and appearance of the area. Furthermore,

the design and materials of the proposed bridge over Collingham Beck are not considered to be sympathetic to the rural character of the area. As such, the proposal would be contrary to Policy P10 of the Core Strategy, Policy N12 of the Unitary Development Plan (Review 2006), the guidance contained within the SPG 'Neighbourhoods for Living' and the guidance within the National Planning Policy Framework.

6. In the absence of a detailed tree survey and further habitat and ecology surveys, it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development will be harmful to the rural character of the area, contrary to Policy P12 of the Core Strategy, Policies N49 and N51 of the Unitary Development Plan (Review 2006), and the guidance within the National Planning Policy Framework.

7. 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, education, greenspace, public transport, travel planning and off site highway, drainage and flood alleviation works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P7, 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 Members are asked to note the content of this report and accept the officer's recommendation of refusal with the proposed reasons for refusal listed above.
- 1.2 The application relates to a piece of land within the village of Collingham which is within a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The NPPF requires that the suitability of protected sites for development be comprehensively reviewed as part of the preparation of the Local Plan. The site is being considered through a Site Allocations Plan process and it is not known whether this Plan will propose the site for housing development. The emerging document (Issues and Options Consultation Document 2013) categorises the site as "red" meaning that it not considered suitable for housing development. The application is recommended for refusal and key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity vis-à-vis preparation of the Site Allocations Plan.
- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.4 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search. The development is also contrary to a number of Core Strategy (CS) policies

which are at a highly advanced stage and have considerable weight. The Council is in receipt of the CS Inspector's Report and the Council's Executive Board have recommended that the CS be adopted, with all the main modifications necessary to make the Plan sound, at a meeting of the Full Council on 12th November 2014. The development is also considered unacceptable in that the applicant has failed to demonstrate that the proposal will not have a detrimental impact on the existing highway network, they have also failed to demonstrate that the proposed quantum of development is acceptable without harming the character of the area, have failed to demonstrate that the proposal will not be significantly harmful to trees and ecology, and finally that the applicant has so far failed to provide a signed Section 106 Agreement to cover the necessary contributions.

- 1.5 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.6 The application was valid on 28th January 2014. Under The Planning Guarantee the Government has introduced regulations so that if a planning application submitted from 1st October 2013 onwards is not determined within 6 months by a Local Planning Authority and there is no written agreement from the applicant or agent to extend that time limit further then the planning fee authority will be refunded. That 6 month period in this case comes up on 28 July 2014. The applicants have agreed an extension of time until 23rd October 2014. The planning fee is £16,772. Whilst the application submitted is complex and has raised many issues we now need to reach an in principle decision.

2.0 PROPOSAL:

- 2.1 Outline permission is sought for a residential development comprising up to 150 dwellings, including means of access from Leeds Road. Permission is sought for the principle of development and means of access only with all other matters reserved. A new bridge over Collingham Beck is proposed as part of the application. The site currently comprises agricultural fields in use for arable farming.
- 2.2 The application is accompanied by the following documents;
- Planning Statement
 - Statement of Community Involvement
 - Design and Access Statement
 - Sustainability Assessment
 - Indicative Masterplan
 - Transport Assessment
 - Travel Plan
 - Flood Risk Assessment & Sequential Test
 - Ecological Appraisal
 - Air Quality Assessment
 - Noise Impact Assessment
 - Archaeological & Historical Desk Based Assessment
 - Artificial Lighting Assessment
 - Geo-Environmental Appraisal
 - Section 106 Agreement (Draft Heads of Terms)

- 2.3 The key principles of the proposed development are set out on the indicative masterplan submitted as part of the application. This illustrates the way in which the site could be developed to provide a development of up to 150 residential units alongside associated infrastructure, 4.36 hectares of public open space and recreational facilities.
- 2.4 Vehicular access is proposed from the A58 and across a new bridge which crosses Collingham Beck. The proposed bridge would be 9.5m wide and would comprise a 5.5m wide carriageway with 2.0m footways either side. The bridge would be constructed from pre-cast concrete with steel parapets and guards to both sides. Part of the beck below would be re-profiled as part of the works. Existing ground levels would need to be raised on both sides of the beck in order for the new bridge to align with the proposed new road.
- 2.5 The application also includes a number of flood mitigation measures adjacent to Collingham Beck to improve situation for a number of existing dwellings. Ground levels will be raised across some of the site to ensure the entire development platform will be in Flood Zone 1. A contribution for a new flood wall alongside the A58 is proposed which would seek to eliminate direct flooding to the A58 and Crabtree Green. Additional on-site flood storage adjacent to the development platform will also be provided. The applicant has stated that the proposal would significantly reduce the risk of flooding to properties in Collingham, and specifically to 22 properties on Millbeck Green.
- 2.6 The application is accompanied by a draft S106 agreement (Heads of terms) which will provide affordable housing in line with policy requirements (35%), a commitment to enter into negotiations relating to an education contribution based on the school space requirement the scheme generates, a contribution for a new flood wall alongside the A58, and a Travel Plan.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to an open area of agricultural land that is located to the western side of Collingham. The site sits between the A58 to the south and the existing residential houses to the north which are accessed from Harewood Road. To the east lies the 1970's residential development of Millbeck Green which comprises a characterful development of stone two storey and single storey houses set within medium sized plots. The land to the west is open countryside, and designated as Green Belt. The southern boundary is formed by Collingham Beck and the A58 which runs parallel. On the southern side of the A58 is open countryside, and designated as Green Belt.
- 3.2 The application site measures 8.79 hectares, although the residential development area only covers 4.43 hectares. The land to which the houses and the associated greenspace would be located on is designated as Protected Area of Search (PAS), while the land to the west within the red line site boundary is Green Belt. The southernmost part of the site is subject to flooding, including extreme flooding events which occurred in 2007 which resulted in a number of residential properties being flooded. The reason for previous flooding has been due to extreme wet weather coupled with debris blocking Collingham Beck and inadequate flood walls close to residential properties. However, since then, the Environment Agency have introduced new and additional flood mitigation measures along the beck by strengthening the banking and erecting concrete barriers to prevent further flooding.

- 3.3 Whilst the southernmost part of the site is relatively flat, the land rises upwards to the north with the houses within South View and Hastings Way to the north being elevated above the application site. There are also a number of trees within the site, particularly along the A58 frontage either side of Collingham Beck which are protected under a Tree Preservation Order (TPO). There are also a number of trees which form a boundary between two fields which run in a north/south alignment.
- 3.4 The application site also includes a pedestrian / cycle route towards the north western corner which connects the site to Harewood Road to the north. The village centre of Collingham lies approximately 0.8km to the north east with access along a footway alongside the A58. The village of Collingham provides local day to day shopping facilities such as a small convenience store (Tesco), newagents, bakers, doctors surgery, pharmacy, primary school and other local shops and services.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no planning history relating specifically to the application site.
- 4.2 The application site was removed from the Green Belt and allocated as a Protected Area of Search (PAS) site to allow for the possibility of longer term development beyond the plan period. The safeguarded land was retained both to retain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development should be assessed through the Local Plan as advised by the NPPF. This process is ongoing and the Council's preferred options for site allocations are due to be considered by Executive Board in January 2015.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant chose not to seek any formal views from the LPA prior to the submission of this outline planning application.
- 5.2 The applicant has submitted a Statement of Community Involvement as part of this application submission. In the submitted document it highlights that he applicant has been in a dialogue with Collingham with Linton Parish Council and the planning steering group regarding development proposals for the site. Further to this, the applicant undertook a public exhibition which took place on 24th September 2013 from 4pm until 7pm at Collingham Memorial Hall. Following the exhibition, 47 responses were received from local residents and sent to the applicant. The issues raised by local residents following the exhibition can be summarised as follows:
- The impact on Collingham due to the increase in the number of houses;
 - The layout is poor and does not reflect other developments in Collingham;
 - The impact on wildlife;
 - The increase in flood risk and drainage issues;
 - The impact on the local highway network;
 - The impact on local infrastructure;
 - The application was premature in terms of the plan making process; and
 - The application does not conform with the Collingham Neighbourhood Plan.
- 5.2 Since the submission of the planning application the applicant has submitted additional and revised information following receipt of some of the consultation

responses. This has related to further information on the Flood Risk Assessment and in response to a number of queries raised by the Environment Agency. A Kingfisher and Crayfish survey was also submitted following the comments of the Council's Nature Conservation Officer. Officers have also previously requested additional information on levels, sections, highways/traffic impact, ecology, trees and the gas pipeline.

- 5.3 Officers have also met with residents and members of the parish council to explain the proposal and to provide answers to the planning process. The Council's Drainage Officer was also present at one of the meetings to help explain the drainage and flooding issues and to explain the role of the Council's FRM team, the role of Yorkshire Water and the role of the Environment Agency.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a major development and as a departure from the development plan. Numerous site notices were posted around the site on 7 February 2014. The application was also advertised in the Boston Spa and Wetherby News on 13 February 2014. To date, a total of 560 letters of objection have been received. The nature of the objections can be summarised as follows:

- Principle of residential development should not be accepted;
- Proposal is premature and opportunistic at this stage;
- Proposal is contrary to the UDP;
- Development is in advance of the Neighbourhood Plan;
- Proposal ignores Localism;
- Proposal is in advance of the Site Allocations DPD;
- There are better housing sites at Thorp Arch and Bramham;
- More appropriate sites elsewhere in Leeds;
- Increased traffic and congestion;
- Dangerous to highway and pedestrian safety;
- Parking problems in the village;
- Impact on local road junctions, especially since the opening of the new Tesco;
- Cars will use short cuts which will be dangerous;
- Impact on local schools, which are already at capacity;
- Impact on local doctors surgery which is full;
- Proposal will not address existing flooding issues;
- Development will impact upon flooding;
- Flood Risk Sequential test should look at alternative sites;
- Impact on local wildlife and ecology;
- Drainage and Sewerage problems;
- Impact on the local countryside;
- The applicants Geo-environmental report highlights problems that would arise;
- Environmental impact of the development;
- Design not in keeping with the rest of Collingham;
- Layout and materials totally out of keeping with village;

- Proposal would erode the gap between Collingham and Bardsey;
- Layout is unimaginative;
- Loss of and impact on trees;
- More smaller houses needed in village; and
- Not a sustainable development.

A number letters of representation attach or include photographs to demonstrate previous flood events and show images of part of the application site flooded as well as numerous garden areas of nearby properties within the Millbeck Estate.

- 6.2 **Alec Shelbroke MP:** Brings to our attention concerns raised by constituents. He notes that the SHLAA highlights this site as 'red'; not suitable for development. As the then ward Councillor for this village in 2007, I was on site when it flooded and caused unprecedented damage to local homes, saturating the land. Indeed, the flood defences that have since been erected around these homes were planned around the understanding that this site is a designated area for flood water to collect. My constituents have expressed objections on the grounds of flooding; highways; housing need; viability, ecology and pressure on school places. Questions are also raised over the housing figures and need for 5,000 new homes in this area; while immigration policy is questioned; expansion of the village is unnecessary, increased traffic and pressure on local services.
- 6.3 **Ward Members:** Cllr Matthew Robinson objects as the application is premature; proposal will exacerbate flooding problems; impact on drainage capacity; impact on local school, doctors surgery and parking; pedestrian access is not good; increased level of traffic and congestion; concerns over access from A58 and loss of trees; rural character of the village would be harmed; and that the application should be refused.
- 6.4 **Collingham with Linton Parish Council:** Supports the many objections particularly with regard to flooding; drainage; increased traffic; sustainability in terms of access to bus services; no capacity at the local primary school; the local doctors surgery is full; that alternative sites could be considered through the SHLAA; the character of the area would be affected; that the PAS site becomes Green Belt following a review; development is in advance of the Neighbourhood Plan; pedestrian access points from Harewood Road; 150 houses would represent a cramped form of development; and that the application ignores Localism.

A further and detailed response was also received on the issue of flooding and specifically as a response to the applicant's additional flood risk assessment. In particular, comments are submitted on matters relating to the calibration of the groundwater model; mitigation as a result of the access road embankment; the design of the access bridge and the design of the flood storage area. In conclusion, it is considered that the applicant's proposal has not be appropriately considered.

- 6.5 **Collingham Residents Action Committee:** Strongly object to the proposed development and a 13 page report supplemented by photographs was provided. Objections are raised on grounds that it is not plan-led and does not have the support of the local community; is on a flood plain and adopts a "build and defend" approach which is inappropriate; concerns over the accuracy of modelling of the flood risk; it fails the sequential test; exception testing has not been carried out; the provision for local infrastructure has not been addressed in the application and

cannot be addressed in practice; the design and layout are poor and inconsistent with the character of the village; and the application is premature and opportunistic, attempting to pre-empt the preparation of the Site Allocations Plan. The objection was also accompanied by an aerial photograph illustrating the strength of local objection and where individual objections had come from, street by street.

6.6 **Church View Surgery, Collingham:** A letter from the doctors surgery was forwarded to the LPA as part of this application. The letter is addressed to a Collingham resident and is relation to the Collingham Neighbourhood Plan. It states that the partners of the surgery would be unable to expand their services to deal with a serious increased in the size of their patient list.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 **Environment Agency:** Initially objected to the application and sought further information on flood modeling and the submitted FRA. The applicant has subsequently provided the further information requested and the Environment Agency now raised no objections subject to conditions to ensure development is carried out in accordance with approved Flood Risk Assessment and mitigation measures.

7.3 **Highways:** The proposal cannot be supported as submitted, due to:

1. The site does not fully meet the draft Core Strategy Accessibility Standards.
2. It is considered that the TA should include an additional analysis of the proposed development based upon 85th percentile trip rates.
3. The TA indicates that the A58 Leeds Road/A659 Harewood Road and A58 Main Street/A659 Wattlesyke/A58 Wetherby Road junctions are currently working over their operational capacity in both the AM and PM periods. This situation is expected to deteriorate beyond absolute capacity following implementation of the proposed development (2018 + development), which would result in significant queuing and congestion at the junctions and on the A58.
4. Although it is proposed to introduce traffic signals at the A58 Main Street/A659 Wattlesyke/A58 Wetherby Road, no scheme of mitigation measures has been proposed at the A58 Leeds Road/A659 Harewood Road junction.

7.4 **Health & Safety Executive:** The proposed development is within the Consultation Distance of a major hazard pipeline, and therefore the pipeline operator should be contacted. The developer has contacted the National Grid who confirm the presence of a transmission gas pipeline approximately 260m away from the developable area of the site. This is considered to be a sufficient distance away and no objections are raised.

7.5 Non-statutory:

7.6 **Flood Risk Management:** No objections are raised to the development. Should permission be granted agreement will need to be reached on who will have responsibility for the flood alleviation works; adoption of the flood storage area with the developer paying a commuted sum for its maintenance; clarification on how

much of the PoS is being provided for the development; and that the flood wall will need to be subject to a s106 agreement.

- 7.7 **Yorkshire Water:** No objections subject to the imposition of conditions.
- 7.8 **West Yorkshire Combined Authority:** The site does not meet the Core Strategy accessibility standards. The Council need to decide whether Wetherby should be considered a public transport interchange alongside Leeds city centre. In order to meet the standards, a subsidy of £600,000 per annum (4 buses) to enhance the X98 and X99 services would be required. Contributions for new bus shelters and real time passenger information displays on Harewood Road Leeds Road should be provided. MetroCards should also be provided by the developer. Electric Vehicle Charging points should also be considered.
- 7.9 **Public Transport Infrastructure:** The site falls well short of the accessibility standards in the Core Strategy. The only bus stop within an acceptable walking distance is served by a 60 minute frequency service and the route to the bus stop is far from ideal. As the proposal does not meet the standards, the formulaic approach will not be applied and instead the developer will be expected to implement / fund measures to bring the site up to the required standards. Notwithstanding the above, a calculation based on the SPD formula would equate to £183,932 or £1,226 per dwelling.
- 7.10 **Affordable Housing** – Falls within the Rural North area where 35% affordable housing required , split 50% social rented / 50% sub market.
- 7.11 **Contaminated Land:** The applicant needs to address and respond to a number of matters relating to the site boundary; the submitted data and other contamination information.
- 7.12 **Children's Services:** No comment.
- 7.13 **Landscape / Ecology:** A detailed tree survey and associated arboricultural implications needs to be provided. Furthermore, additional habitat surveys for Great Crested Newts, Otters and Water Voles are required prior to determination.
- 7.14 **TravelWise:** A number of comments are provided on the initial Travel Plan to make it acceptable. An amended Travel Plan was only submitted on 17th October 2014 and at the time of writing this report it was not possible to obtain any revised comments. A verbal update may be provided at the Panel meeting.
- 7.15 **West Yorkshire Archaeology Advisory Service:** Notes that the site lies within an area of archaeological significance (applicant's assessment indicate the presence of crop mark sites). It is recommend that the developer provides an evaluation of the full archaeological implications. If the LPA are minded to recommend approval, then a condition should be imposed requiring a programme of archaeological recording.
- 7.16 **Local Plans:** Recommend refusal as contrary to N34 and the Interim PAS policy and should be looked at through the Site Allocations Plan.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan consists of the Local Development Framework (comprising the adopted Natural Resources and Waste Plan, the highly advanced Core Strategy and the progressing Site Allocations Plan); the saved policies of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the National Planning Policy Framework (NPPF). The Local Development Framework will eventually replace the UDP and the draft Core Strategy has had some weight in decision taking since it was published in 2012. It is now considered to have considerable weight because the NPPF states that decision-takers may give weight to policies in emerging plans according to the stage of preparation, outstanding objections and degree of consistency with the NPPF. The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17th September 2014 with a view to the CS being referred to full Council for formal adoption on 12 November 2014. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded considerable weight. Once the CS has been adopted it will form part of the Development Plan

Local Development Framework – Core Strategy

8.2 The Core Strategy plans for the longer term regeneration and growth of the District over a 16 year period, as part of an overall and integrated framework. Central to this approach is the need to give priority to sustainable development in planning for economic prosperity, seeking to remove social inequality, securing opportunities for regeneration, and planning for infrastructure, whilst maintaining and protecting and enhancing environmental quality for the people of Leeds. Underpinning these broad objectives and supported by the Core Strategy evidence base, is the desire to respond to current and emerging population pressures and associated needs across the District, especially within inner urban areas. Key priorities therefore include: planning for the provision of homes and jobs in sustainable locations, respecting local character and distinctiveness in the delivery of the Plan's objectives and maximising opportunities to recycle previously developed land (PDL), whilst minimizing greenfield and Green Belt release, in planning for longer term growth.

8.3 The level of housing growth expected to occur by 2028 within Leeds is high. Bringing this future growth and prosperity to all residents remains a key consideration for the District. In directing future development, the Strategy must also consider what makes Leeds unique and distinctive, and seek to preserve and enhance these features. It is considered that the historic pattern of development is key to delivering future growth, and will be used to guide future development. This will ensure that the majority of growth is focused within the Main Urban Area, but that other established settlements will also benefit from new development. The focus of this strategy is to achieve opportunities for growth in sustainable locations as part of a phased approach and as a basis to meet development needs. The delivery of the strategy will entail the use of brownfield and greenfield land and in exceptional circumstances (which cannot be met elsewhere), the selective use of Green Belt land, where this offers the most sustainable option. The characteristics of Leeds' settlements have therefore been reviewed and the Settlement Hierarchy and Policy SP1 is the framework to guide future development opportunities. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. By concentrating growth according to the Settlement Hierarchy, development will occur in the most sustainable locations whilst respecting the overall pattern of development within the District. The hierarchy acknowledges that there are still development opportunities within settlements and that these are determined through the Site Allocations Plan and the implementation of Policy SP6 and SP7.

8.4 ***Relevant policies within the Core Strategy include:***

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
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 P7 – The creation of new centres
Policy P9 - Community facilities and other services
Policy P10 – Design
Policy P11 – Conservation
Policy P12 – Landscape
Policy T1 – Transport Management
Policy T2 – Accessibility requirements and new development
Policy G4 – New Greenspace provision
Policy EN2 – Sustainable design and construction
Policy ID2 – Planning obligations and developer contributions

Saved Unitary Development Plan policies

8.5 The site is allocated within the UDP as a 'Protected Area of Search' (PAS). Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds
SP3: New development will be concentrated largely within or adjoining main urban areas and settlements on sites well served by public transport
SA1: Secure the highest possible quality of environment.
GP5 all relevant planning considerations
GP7 planning obligations
GP11 sustainability
GP12 sustainability
H4: Residential development.
H11-H13: Affordable Housing.
N2: Greenspace
N4: Greenspace
N12: Relates to urban design and layout.
N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.
N23: Relates to incidental open space around new developments.
N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.
N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.
N26: Relates to landscaping around new development.
N29: Archaeology
N35: Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.
N37A: Development within the countryside should have regard to the existing landscape character.
N38B: Relates to requirements for Flood Risk Assessments.
N39A: Relates to sustainable drainage systems.

N49: Relates to nature conservation.
N50: Seeks to protect, amongst other assets, Leeds Nature Areas.
N51: New development should wherever possible enhance existing wildlife habitats.
T2: Development should be served by adequate access and public transport / accessibility
T2B: Significant travel demand applications must be accompanied by Transport assessment
T2C: Requires major schemes to be accompanied by a Travel Plan.
T2D: Relates to developer contributions towards public transport accessibility.
T5: Relates to pedestrian and cycle provision.
T24: Parking guidelines.
BD2: The design of new buildings should enhance views, vistas and skylines.
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
LD1: Relates to detailed guidance on landscape schemes.

Policy N34 – PROTECTED AREA OF SEARCH

- 8.6 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 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.
- 8.7 Policy N34 and supporting paragraphs is set out below:

Protected Areas of Search for Long Term Development

- 8.8 The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.
- 8.9 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 is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. 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

Local Development Framework - Site Allocations Plan

- 8.10 The Council is also currently progressing a Site Allocations Plan. Following extensive consultation, including 8 weeks of formal public consultation from 3/6/13 to 29/7/13 the Council is currently preparing material for Publication of a draft plan.

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. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development." It is also in line with the NPPF core planning principle 1, which states that planning should "be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area."

- 8.11 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.12 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.

Neighbourhood Plan

- 8.13 Collingham Parish has been designated a neighbourhood area and the Parish Council are currently preparing a Neighbourhood Plan.
- 8.14 **Collingham Village Design Statement**

Local Development Framework – Adopted Natural resources and Waste Plan

- 8.15 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.

8.16 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.

Interim PAS Policy

8.17 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

(i)Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;

(ii)Sites must not exceed 10ha in size ("sites" in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub-division of larger sites to bring them below the 10ha threshold; and

(iii)The land is not needed , or potentially needed for alternative uses

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

(iv)It is an area where housing land development opportunity is Demonstrably lacking; and

(v)The development proposed includes or facilitates significant planning benefits such as but not limited to:

a)A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;

b)Proposals to address a significant infrastructure deficit in the locality of the site.

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

- 8.18 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which
- (i)Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (ii)Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.
- 8.19 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.
- 8.20 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars Farm, Morley and Calverley Lane, Farsley. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley, West of Scholes, East of Scholes and Adel have also been recently refused.
- 8.21 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.

National Guidance - National Planning Policy Framework

- 8.22 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.
- 8.23 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%.
- 8.24 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.
- 8.25 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.

National Guidance - Five Year Supply

8.26 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.

8.27 The Council's Five Year Supply requirement between 1st April 2014 and 31st March 2019 is set out below and rests at **22,570 homes**. The Council are advocating that a local approach to calculating the housing requirement is used whereby any backlog against Core Strategy targets since 2012 (the base date of the plan) is caught up by spreading under delivery over a ten year period rather than the five years stated as the aim in the National Planning Practice Guidance (NPPG). The Council does not consider that the authority is one where a 20% buffer is required, which the NPPF advises should only apply where persistent under delivery has occurred but does not define what this means. It should be noted that appellants at the Bagley Lane Inquiry consider that the Leeds requirement should be **30,685 homes** which includes spreading backlog over 5 years and a 20% buffer.

COMPONENT	HOMES
Base requirement	20,380
NPPF Buffer 5%	1,019
Under delivery	1,171
Total	22,570

8.28 The Leeds land supply position is summarised in the table below and indicates a supply of **29,504 homes**. The majority of the supply is identified via the Strategic Housing Land Availability Assessment (SHLAA) process. This was undertaken by a Partnership at the beginning of the year which comprised housebuilders and elected Members. House builders on the SHLAA contended that the deliverability of the Leeds land supply continues to be affected by the market and that a more realistic level of supply is much lower. The appellants at Bagley Lane state that Leeds has a supply of only **16,873 homes**.

CATEGORY OF SUPPLY	2014 to 2019
Sites under construction	4,983
Sites with planning permission	5,215

	Allocated sites without planning permission	1,731
	Sites with expired planning permission	2,781
	Sites with no planning permission	7,793
	PAS sites meeting the interim policy	1,238
A	TOTAL SHLAA SUPPLY CAPACITY	23,741
	Additional PAS sites granted permission	181
	Estimated Windfall Delivery (<5 units)	2,500
	Estimated Windfall Supply (>5 units)	600
	Estimated Long Term Empty Properties	2,000
	Identified Pre-Determinations	316
	Estimated Pre-Determinations	316
B	TOTAL ADDITIONAL SUPPLY CAPACITY	5,913
A+B	TOTAL GROSS SUPPLY	29,654
C	MINUS DEMOLITIONS (30 per annum)	150
A+B-C	NET FIVE YEAR DELIVERABLE SUPPLY	29,504

8.29

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	Leeds City Council	NPPG advice	Appellants at Bagley Lane
	Under delivery spread over 10 yrs and 5 % buffer	Under delivery spread over 5yrs and 5% buffer	Under delivery spread over 5 years and 20% buffer
Requirement	22,570	23,741	30,685
Supply	29,504	29,504	16,873
Five Year Supply	6.5 yr	6.2 yr	2.7 yr

8.30 The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State's recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that "we are also sending out a clear signal of our determination to harness the developed land we've got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site."

8.31 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for the remainder of the plan period. It is this document which will create the pool of sites from which the 5 year supply can be based in future years.

9.0 MAIN ISSUES

- Compliance with the Development Plan
- Development in advance of Site Allocations Plan
- Five Year Supply
- Sustainability Criteria
- Highway Considerations
- Loss of Agricultural Land

- **Flooding**
- **Layout & Design**
- **Trees, Landscaping & Ecology**
- **Amenity**
- **Local Infrastructure**
- **Letters of Representation**
- **Section 106 issues**

10.0 APPRAISAL

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 emerging Core Strategy, the requirement for a five year supply of housing and matters relating to sustainability, highways, layout/design/landscaping, residential amenity, flood risk and Section 106 matters.

Compliance with the Development Plan

- 10.1 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. 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 long 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. The proposal to develop the Collingham application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...”
- 10.2 As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations Plan the application site needs to be assessed against the interim policy to see if it meets the criteria for possible early release.

Development Timing in advance of the Site Allocations Plan

- 10.3 The criteria of the interim policy are intended to ensure that PAS sites are considered against the spatial development strategy of the Core Strategy. Within that context some sites have been released by virtue of their scale and relationship to the settlement hierarchy in advance of the Site Allocations Plan, to help bolster the delivery of housing in Leeds by diversifying the land supply. PAS sites in excess of 10ha, those with alternative potential uses or those not adjacent to the main urban area or major settlements have been considered more likely to give rise to harm to the spatial development strategy and raise more sustainability issues. These sites will only be identified as housing sites through the Site Allocations Plan, where a full

and comparative sustainability appraisal can be undertaken, which includes exploring cumulative and synergistic effects and the implications of the release of sites on infrastructure provision. This process will also consider whether PAS sites are needed in the context of specific housing requirements for individual housing market areas. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this application. The performance of the East of Scholes site against the interim policy criteria is considered below to see if the proposal meets the criteria to be released early.

- 10.4 Under Criterion (i) , the site is an extension to Collingham, a 'Smaller Settlement' in the settlement hierarchy as defined in the Core Strategy Publication Draft, and therefore fails the first policy test. Under criterion (ii) sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. The application site at 8.8ha is below this threshold. Under criterion (iii) of the Interim Policy Land consideration is to be given to whether the land is needed, or potentially needed, for alternative uses. In this instance, there are no indications that this site is needed for alternative uses. It is through the Site Allocations process that the amount and location of new development in Collingham will be decided and in that context where the best site for expanding school provision should be made in the village. As the site fails criteria i, criteria iv and v do not need to be considered.
- 10.5 Collingham is identified as a smaller settlement by CS Policy SP1, which states that "smaller settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability." As an example, the site has significant flood issues and much of it lies within flood zone 3a and 3b. There are a further eight sites identified in the Site Allocations Plan which are adjacent to Collingham and are being considered as potential housing sites. The Council's view is that such a comparative exercise must be conducted through the site allocations process. A grant of planning permission for this application on this site would be premature in advance of that plan-led process.
- 10.6 To summarise, the application does not meet the interim policy criteria to be released early. This is a substantial PAS site in the smaller settlement of Collingham. Work is ongoing looking at sites through the Site Allocations Plan so to take a decision now on this site would not be to take a plan-led approach looking at what sites should come forward, what infrastructure is needed to support them and where that would best be located. In addition work is progressing on a neighbourhood plan and it is considered that the release of this site early would also not sit well with that process which is being co-ordinated with the Site Allocations Plan. In addition the development represents a substantial enlargement which threatens to substantially change the character and identity of the village – the amount which Collingham should grow needs to be considered as a whole against other sites and taking into account character / identity and sustainability issues and all points to a plan-led and considered approach.

Five Year Supply

- 10.7 The Council has a supply of 29,504 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 22,570 homes provides a 6.5 year housing land supply. Because the Council can demonstrate a 5 year supply it is not considered that the provisions of paragraph 49 of the NPPF are triggered. In cases where a 5 year supply cannot be demonstrated the NPPFs

presumption in favour of sustainable development has greater weight than the local policies of the Core Strategy and the UDP Review. This is not the case in Leeds.

Sustainability Criteria

- 10.8 Whilst there are some local facilities within the village (doctors surgery, primary school, pub, and some small shops) and a local bus service it is infrequent, giving poor accessibility to employment, town and city centres and secondary education. It is not considered that substantial further development in Collingham can be supported. Sustainability issues will be clearly examined as part of the Site Allocations process in designating sites together with what infrastructure improvements are required to make them acceptable. The site scores poorly in relation to access to public transport which is contrary to the strategic approach of the UDP and Core Strategy and guidance in the NPPF in terms of the core planning principles which underpin the planning system.

Highway Considerations

- 10.9 There remain significant concerns about the methodology used in the TA and the impact of the scheme on both the wider network and also the local road network. Highways colleagues recommend refusal at this stage because significant issues remain outstanding which must be addressed before any development can proceed. The scheme is significant in scale and there will be substantial impacts within Collingham and on the wider network.
- 10.10 Although the application is in outline only, a development masterplan has been submitted by the applicant showing a potential loop road pattern within the site and an elongated emergency access route onto Harewood Road via a proposed footpath/cycle connection.
- 10.11 It is noted that the new vehicular access will require a bridge to be provided within the site to enable the new road to cross Collingham Beck. The adoption of the bridge will need to be in accordance with the "Procedure guideline for the design and construction of retaining walls and other highway structures requiring the consent of the Highway Authority" as set out in Appendix C of the Street Design Guide and would need to be raised 600mm above the 1 in100 year flood level.
- 10.12 It should be noted that any subsequent internal road layout will need to be built to adoptable standards, in accordance with the Street Design Guide, and offered for adoption under Section 38 of the Highways Act. The speed limit for any future internal layout should be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs). The requirement for a 20mph speed limit should be indicated on a revised plan before the application is approved.
- 10.13 A commuted sum is required for all adoptions where abnormal maintenance costs are likely to occur, including structures and special drainage in line with LCC's policy and procedures.

- 10.14 The site does not fully meet the draft Core Strategy Accessibility Standards. There are some local services within the centre of Collingham available within the designated 15 min walk (or 1200m) of the site (e.g. convenience store, post office, butcher, public house, hot food takeaway). Furthermore, a primary school (Collingham Lady Hastings C of E primary school) and a doctor's surgery (Church View Surgery) are within the designated 20 min walk (or 1600m) of the site. However, the nearest secondary schools (Wetherby High School/Boston Spa High School) are located well outside the recommended walking distance of 2400m (30 min walk) and the service frequency for bus services does not meet the requirement of 4 buses per hour.
- 10.15 The centre of the site is just within the designated 400m distance of two bus stops on the A58 Wetherby Road and about 500m – 550m from the nearest bus stops located on the A659 Harewood Road. Three bus services are provided on these routes (X98, X99 and 923) however the frequency of all the services combined to a major public transport interchange (defined as Leeds, Bradford or Wakefield) does not meet the draft Core Strategy Accessibility Standard of 4 buses per hour.
- 10.16 In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres.
- 10.17 It should also be noted that the footway on Leeds Road outside the site is narrow (approx. 1m width) and unlit. It is therefore not regarded as a suitable route to facilitate or encourage regular walking trips.
- 10.18 The acceptability of the principle of a significant level of residential development in this location, which does not fully 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.

Vehicular Access

- 10.19 The outline proposal consists of one vehicular access to the site via a new priority junction with the A58 Wetherby Road. A right turn lane, relocated 30mph speed limit, pedestrian refuge island within the carriageway and two new bus stops are proposed as part of the access design. It is further noted that a bridge is proposed to enable the new road to cross Collingham Beck along with bank protection works along the Leeds Road frontage.
- 10.20 Other sections within Highways & Transportation service have been consulted to determine whether the proposed access design can be endorsed as proposed and, in particular, whether sufficient information has been provided to enable the bridge detail over the beck to be properly considered. The advice received, is that the proposed vehicular access point on Leeds Road is acceptable. However, a Stage 1 Safety Audit of all off-site highway works required as part of this application will be required prior to any determination.

Internal Layout , Servicing & Bins

- 10.21 Given that the outline application does not seek layout to be considered no detailed consideration has been given to the indicative Masterplan layout at this stage. The applicant should be advised that any detailed planning application would have to provide a highway layout in accordance with the requirements of the Street Design Guide.

Parking

- 10.22 Parking would be required across the site based on Street Design Guide standards including an allowance for visitor parking, both formal and informal provision, which should be distributed equally throughout the site.

Transport Assessment

- 10.23 A Transport Assessment has been prepared to accompany the planning submission. The vehicle trip rate has been determined using average rates per dwelling from the TRICS database. However, it is considered that an additional analysis based upon 85th percentile rates should be carried out. This is due to somewhat remote location of the site in a largely rural setting and the limited bus services and poor quality of footway infrastructure on the A58 Leeds Road. All of these factors will limit the options for residents to travel by sustainable modes leading to a higher than average dependence on the motor car as the choice of transport.
- 10.24 The TA assesses the impact of the proposed development on a number of junctions along the A58 corridor. This is appropriate given the status of the A58 as a key radial link and public transport route from the major settlement of Wetherby (and beyond) to the Main Urban Area of Leeds.
- 10.25 The following junctions have been assessed in the TA:
- A58 Leeds Road/Site Access
 - A58 Leeds Road/School Lane/Mill Lane
 - A58 Leeds Road/A659 Harewood Road
 - A58 Main street/A659 Wattlesyke/A58 Wetherby Road
- 10.26 The A58/Site Access, A58 Leeds Road/School Lane/Mill Lane and A659 Harewood Road/Mill Lane are all predicted to operate within capacity in all of the assessed scenarios.
- 10.27 However, the major junctions of A58 Leeds Road/A659 Harewood Road and A58 Main Street/A659 Wattlesyke/A58 Wetherby Road are both reported to be over their current operational capacity in both the AM and PM peak periods.
- 10.28 Highways officers have visited the site in both the AM and PM periods to observe the operation of each junction. At the time of the visits, it was observed that there was, on occasion, insufficient length of right turn lane to accommodate all turning traffic, leading to stationary vehicles blocking through traffic movement on the A58.
- 10.29 It was also observed traffic queues at both junctions in excess of the length of queues predicted by the submitted PICADY. This is contrary to paragraph 9.5.4 of the TA, which refers to visit by the consultant during the AM peak period when the predicted queuing from the PICADY analysis did not occur.
- 10.30 The future year scenario in the TA indicates that the operation of each junction would be expected to extend beyond absolute capacity (2018 + development). This would result in significant queuing and congestion at the junctions and on the A58.
- 10.31 In summary, there are concerns about the effect of the development on the operation of the local highway network. Congestion and queuing is predicted to occur without considering the effect of a higher 85th percentile trip rate. The increase

in congestion would adversely affect journey times and disadvantage the reliability of the public transport route on the A58 corridor, which is of strategic importance.

- 10.32 It is noted that the TA proposes to introduce traffic signals at the A58 Main Street/A659 Wattlesyke/A58 Wetherby Road, however no scheme of mitigation measures has been proposed/offered at the A58 Leeds Road/A659 Harewood Road junction. Other general comments on the PICADY models are as follows:
- 10.33 For the avoidance of doubt, the applicant should confirm that the models have taken into account that right turning traffic, on occasion, blocks through traffic on the A58 on the approach to each junction.
- It is noted from the individual time segments that the vehicle demand appears to be virtually the same for each segment i.e. the flow is not profiled across the time period.
 - The length of the vehicle queues increases across the time segments and is at its peak at the end of each time period (09:00/17:45).
 - The 2015 Base + Development AM peak queue continues to increase to 19.80 (not 17.56 as referred to in Table 9.5©)

Off-Site Highway Works

- 10.34 Off-site highway works are proposed at the proposed site entrance with Leeds Road and at the A58 Main Street/Wattlesyke/A58 Wetherby Road junction. However, the TA also shows that the A58 Leeds Road/A659 Harewood Road junction is likely to suffer from similar capacity issues, but no scheme of mitigation measures is currently proposed for this location.

Highways Conclusion

- 10.35 In conclusion, the proposal cannot be supported as submitted as the site does not fully meet the draft Core Strategy Accessibility Standards; the TA should include an additional analysis; significant queuing and congestion would occur at the junctions on the A58; and no scheme of mitigation measures has been proposed at the A58 Leeds Road/A659 Harewood Road junction.

Loss of Agricultural Land

- 10.36 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.37 It is understood that the application site is a combination of grade 3a (good) and grade 3b (moderate) therefore the site is within the 'best and most versatile' category.

- 10.38 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 10.39 The application site is 8.8ha and its loss is not considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.40 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 8.8ha is considered to further diminish any requirement to maintain this piece of land for agriculture.
- 10.41 The conclusion is that the site is not considered to "seriously conflict" with UDPR Policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity and through the rest of the North and East of Leeds. It is also considered that the application site on balance has the least impact locally upon best and most versatile land when assessed against other potential urban extensions. This is in line with paragraph 112 of the NPPF.

Flooding

- 10.42 The site has a history of flooding and this is particularly evident given the comments of the majority of local residents within Collingham. In particular, it is well known that Collingham Beck flooded in 2007, resulting in significant flooding within the village, particularly to local properties within Crabtree Green and the Millbeck Estate. Indeed, numerous photographs have been submitted by residents as part of their representations. Since then, the Environment Agency have installed improved flood mitigation measures in the form of strengthened walls to the beck, concrete barriers and earth bunds. These have, to some extent, reduced flooding in this area, although it is understood that some flooding did occur in 2012. Moreover, the site is within a flood zone and therefore the applicant needs to address the serious matter of flooding.
- 10.43 The applicant has provided detailed flood mitigation measures as part of their proposal and these have been the subject of detailed consideration by the Environment Agency, including the submission of further information. In summary, the applicant proposes to raise the levels of the developable (the part where houses would be located) part of the site. Attenuation areas to the southern and western parts of the site which would hold and store water and would also be used as the Greenspace serving the site. The applicant has also provided an indicative drainage layout which shows the drainage direction on site, which essentially uses the site's natural topography. Cellular storage areas would be formed under part of the access routes, while a detention basin is proposed adjacent to part of the hedge which runs north/south. A channel indicating the route of discharge to Collingham Beck is also shown.

- 10.44 A contribution for a new flood wall alongside the A58 is also proposed which would seek to eliminate direct flooding to the A58 and Crabtree Green. The applicant has stated that the proposal would significantly reduce the risk of flooding to properties in Collingham, and specifically to 22 properties on Millbeck Green. In addition, nos.68-74 Millbeck Green would no longer be at risk of flooding in the 1 in 100 year plus climate change event.
- 10.45 The Environment Agency raise no objections to the proposed development provided that the proposals are carried out in accordance with the Flood Risk Assessment and that the mitigation measures are fully implemented. Further work and discussion would be needed on liability/maintenance/adoption issues which would be covered through a section 106 agreement.
- 10.46 The applicant has indicated that the proposal to improve the flooding situation for a number of existing properties be regarded as 'betterment', and that this is a material consideration to be balanced against other matters. Indeed, the Interim PAS Policy does indicate that if a development satisfies criteria i and iii (this proposal does not meet criteria i), then development for housing on further PAS land may be supported if the development proposed includes or facilitates significant planning benefits such as but not limited to proposals to address a significant infrastructure deficit in the locality of the site. In this instance, the applicant cites the infrastructure deficit as being the flood alleviation works. Officers consider that the proposals to improve the flooding situation for a limited number of properties is not a significant infrastructure project so as to weigh against other planning considerations in order to conclude that planning permission should be granted.

Layout & Design

- 10.47 The applicant proposes a residential development with a quantum of development of up to 150 dwellings. Having assessed the plan, which is for indicative purposes only, but still a plan which should need to demonstrate that it is feasible to accommodate the proposed level of development without adversely affecting any of the site constraints, one of these constraints being local character and how the development is sympathetic to this. Upon assessing the plan, there are approximately 110-120 dwellings set out as detached, semi-detached and terraced properties. This particular layout appears cramped when considered against the spatial pattern of development on the Millbeck Green Estate to the east. The development of the site therefore for up to 150 dwellings would appear even more cramped, resulting in properties within very close proximity to each other and the inevitable lack of private garden space.
- 10.48 The scheme also fails to provide the details of levels and sections as previously requested. Without such information it is difficult to assess how this would impact upon the character of the area. Clearly, ground levels would be raised to address flooding issues, while the drawings for the proposed bridge show that the ground level of land on the north side is to be raised by approximately 2m. Furthermore, part of the Public open Space (PoS) is proposed to be located within the Green Belt. This is considered to be unacceptable and could harm the openness and character of the Green Belt.
- 10.49 The indicative layout needs improvements in a reduction in density and design terms before the scheme can be deemed to be acceptable. It is essentially one large cul-de-sac, served by one vehicular access point from the A58. The layout could also be improved by more connectivity internally.

- 10.50 The application includes detailed drawings of the proposed bridge which crosses Collingham Beck. The proposed bridge would be 9.5m wide and would comprise a 5.5m wide carriageway with 2.0m footways either side. The bridge would be constructed from pre-cast concrete with steel parapets and guards to both sides. This site is located within a countryside setting and adjacent to an existing historic village with an extensive conservation area. Existing road bridges across Collingham Beck (including the bridge adjacent to the Old Mill and to the rear of the newly opened Tesco) and the nearby River Wharfe tend to be more traditional in appearance and constructed from natural stone. It is considered that the proposed bridge would have an engineered appearance and would not be sympathetic to the rural character of the area.

Trees, Landscaping & Ecology

- 10.51 Given the location of the site adjacent to Collingham Beck, it is important to consider the impact of the development on trees and ecology and to ensure that a satisfactory landscaping scheme can be integrated into the development. There are a number of mature trees along the southern boundary either side of Collingham Beck which are covered by a group Tree Preservation Order (Ref. 1975/2). The trees within the TPO include a mix of Alder, Hawthorn, Ash, Oak and Sycamores.
- 10.52 The application is not accompanied by a tree survey and therefore it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site. Clearly, a number of trees will be removed to facilitate the new access and internal road. In the absence of this information it is considered that the proposed development will be harmful to the rural character of the area.
- 10.53 In terms of nature conservation, an ecology report was submitted as part of the application and this is deemed to be acceptable. However, further survey work for Great Crested Newts, Otters and Water Voles would be required prior to determination.

Amenity

- 10.54 Consideration needs to be given to how the proposed development will impact upon the living conditions of neighbours. Similarly, the development also needs to provide an acceptable standard of amenity for future residents in terms of internal dimensions, garden sizes, communal Greenspace and a well thought out design. The scheme fails to provide the details of levels and sections as previously requested. Without such information it is difficult to assess how this would impact upon the living conditions of existing residents, and particularly those to the east within the Millbeck Green Estate, and especially if ground levels are increased, thereby increasing the potential for overlooking. The submitted Design & Access Statement notes that bungalows will be provided along the eastern boundary and therefore it is likely that these will not have an unacceptable impact upon the living conditions of neighbours, subject to satisfactory ground levels. The position of the houses along the northern boundary as shown on the indicative plan are a sufficient distance away from the boundary with neighbours to ensure that there would be no adverse impact.

- 10.55 In terms of the masterplan, the majority of the dwellings are the required distances from each other and have adequate garden areas. However, this is based upon a layout which shows 110-120 dwellings and not the 150 being proposed under this outline application. A development of up to 150 dwellings may not provide an adequate standard of amenity for future residents. However, this is a matter which could be negotiated if the principle of residential development was accepted.

Local Infrastructure

- 10.56 Many of the local objections raise the issue about the impact of the proposed development on local infrastructure such as flood defences, schools, and the local doctors/surgery. The issue of flooding has been addressed in paragraphs 10.43 to 10.47 of this report. In terms of school provision, the only school within the village is Elizabeth of Hastings Primary School. It is understood that this is at or close to capacity and therefore there may be problems in accommodating any new primary school children from the proposed development. It is also unclear whether this school is capable of expanding in a sufficient manner in order to cater for the increased demand. This is therefore something that will require further consideration. In terms of secondary school provision, the nearest school is within Wetherby and is capable of accommodating additional pupils.
- 10.57 It is also understood that the existing doctors surgery (Church View Surgery) is nearing capacity and that concerns have been expressed by the surgery partners during neighbourhood planning discussions about the location of any additional houses and that resources are finite in order to be able to expand services to deal with a serious increase in the size of their patient list. However, it is unclear what constitutes “a serious increase in size” and whether the development of 150 houses would be categorised as serious. Whilst the issue of health is an important matter, there are no adopted planning policies which consider this issue and seek contributions to mitigate any impact.

Letters of Representations

- 10.58 The issues raised in the letters of representation have been considered above.

Section 106 Package

- 10.59 The Community Infrastructure Levy 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.

- 10.60 The proposed obligations in relation to green space, affordable housing, education, public transport and possible off site highway and drainage/flood alleviation works have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a

signed Section 106 Agreement to address the policy requirements for this application should permission be granted. It is understood that the applicants are not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position at present.

11.0 CONCLUSION

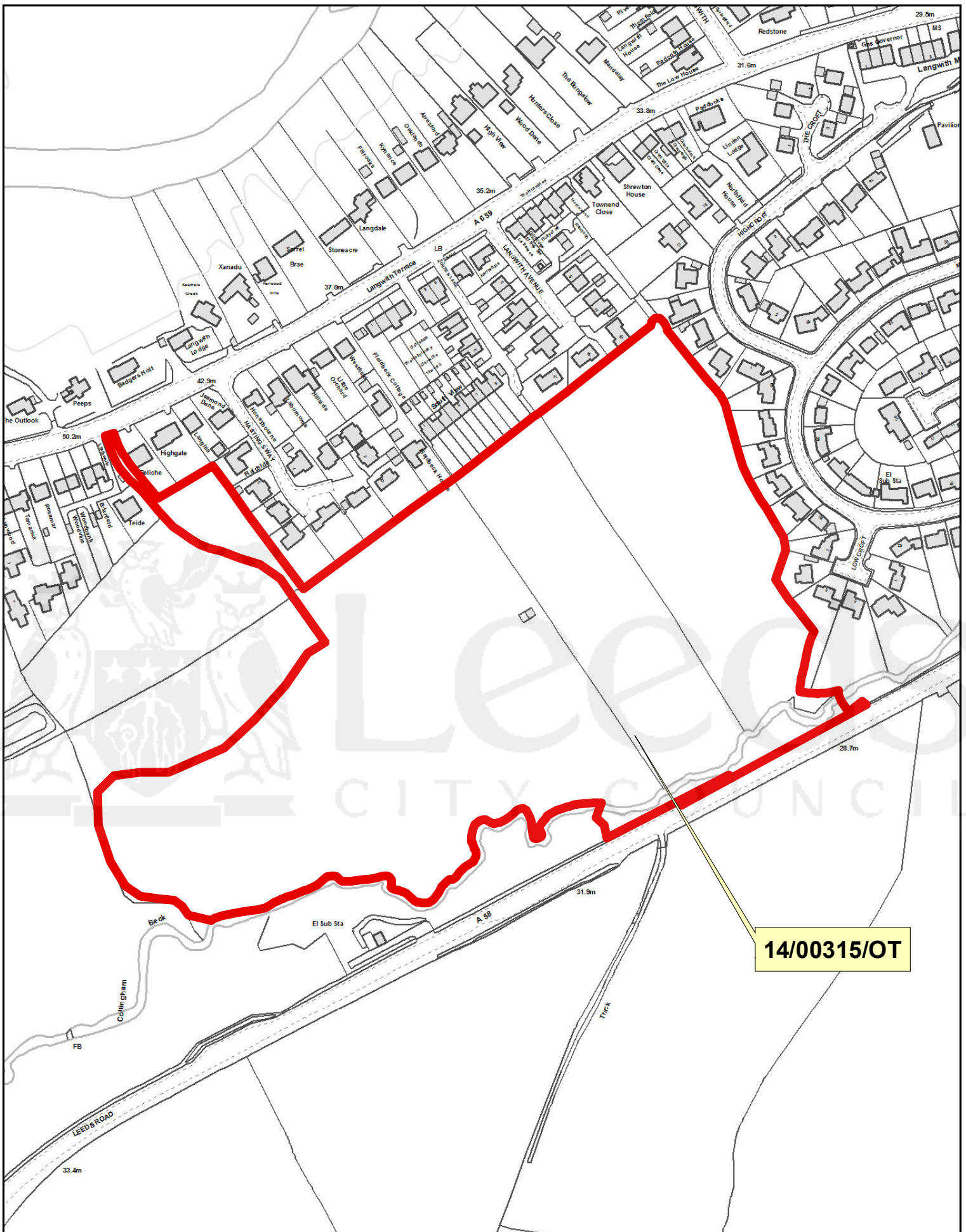
11.1 The release of the Collingham PAS site for housing development at this time is premature, being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability 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. The location of the site in a smaller settlement and the size of the site compared to the overall size of the village mean that this is a substantial expansion and it does not meet the criteria in the interim housing delivery policy to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. There are concerns about the highways implications on the local network and the poor sustainability of the site given the infrequency of the local bus service. There are also concerns over the amount of development and its impact on local character, the design of the bridge, the use of the Green Belt for Public open Space, trees and ecology. Refusal is therefore recommended for the reasons set out at the start of this report.

12.0 BACKGROUND PAPERS

Application file 14/00315/OT

Certificate of Ownership – Certificate B signed and ownership served on:

Trustees of the A K Jackson Discretionary Will Trust



CITY PLANS PANEL

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