



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 5th November 2015

Subject: 13/05423/OT - Outline application for means of access from Bradford Road and to erect residential development; Land at Bradford Road, East Ardsley, WF3.

APPLICANT	DATE VALID	TARGET DATE
Barratt David Wilson Homes and The Ramsden Partnership.	04/12/13	05/03/14

Electoral Wards Affected:

Ardsley and Robin Hood

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 below, 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 the character and identity of East Ardsley 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 LPA considers that the applicant has so far failed to demonstrate that the local highway infrastructure is capable of safely accommodating the proposed access 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 applicant has also failed to show that the proposed development will not lead to issues of safety for pedestrians and cyclists or provide adequate accessibility to public transport. The proposal is therefore considered to be contrary to Policy T2 of the adopted Core Strategy and policy GP5 of the adopted UDP Review.
- 4) In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, greenspace, travel planning and off-site highway works contrary to policies of the Leeds UDP Review 2006 and related Supplementary Planning Documents and contrary to policies of the Leeds Core Strategy and the NPPF. The Council anticipates that a S106 agreement covering these matters will be provided prior to any appeal Inquiry but at present reserves the right to contest these matters should the S106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

- 1.1 This application was made in outline to consider the principle of development with all matters except access reserved. An indicative Masterplan for the site was provided which demonstrated a maximum of 299 dwellings and a two hectare area of land set aside for a possible future primary school. The application was taken to Plans Panel several times with the final time being on 7th August 2014 (see appended report). The decision notice was issued on the 8th August 2014 and the decision is being appealed against.
- 1.2 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 (including this one), are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016.

- 1.3 This application was originally refused on 4 reasons. Reasons 1 and 2 were based on the interim PAS policy which has now been cancelled. Reason 3 related to highways matters and this remains in place, although negotiations on this matter are ongoing still. Reason 4 related to the lack of a signed s106 agreement. Some of the matters referred to will now fall under the Community Infrastructure Levy and consequently the refusal reason has been amended to refer only to those matters that may still require a s106 agreement. There are now 4 proposed reasons for refusal, with reasons 1 and 2 replacing former reasons 1 and 2. These reasons for refusal will form the basis of the council's case at appeal.
- 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. This report should also be read in conjunction with the "Pas Appeals Covering Report".
- 1.5 Members should note that the Planning Inspectorate has recently advised that the Secretary of State has considered the development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) but does not consider this proposal to be EIA development.

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 Core Strategy is the development plan for the whole of the Leeds district. 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
 - Spatial policy 13 – Strategic Green 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 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

2.3 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

2.4 The Council is currently progressing a Site Allocations Plan (SAP) and is, at the time of writing, 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.

2.5 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.

- 2.5 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 of 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.
- 2.6 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.

Relevant Supplementary Planning Guidance includes:

- SPD:- Street Design Guide.
- 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

- 2.7 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.
- 2.8 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”.

- 2.9 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%.
- 2.10 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.
- 2.11 Paragraph 85 sets out that 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

- 2.12 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.
- 2.13 The Council are progressing the 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 house-builders, 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.

- 2.14 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 house-builders 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

- 2.15 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) Section 106 package/CIL

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.
- 4.6 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 interim 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 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.

- 4.7 The allocation of sites is a contentious process and one which the Council is progressing in consultation with elected member, local people and neighbourhood groups. Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.
- 4.8 At paragraph 17 the NPPF 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.”
- 4.9 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.”
- 4.10 To release the application site for development at this time would be contrary to paragraphs 17 and 85 of the NPPF.
- 4.11 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 this 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.

- 4.12 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 East Ardsley 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 is not at an advanced stage 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.

4.13 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.

4.14 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

4.15 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.

4.16 East Ardsley is designated as a Smaller Settlement within the Core Strategy settlement hierarchy. Smaller settlements are recognised as only providing a basic service level, therefore any new development in these areas needs to be sustainable and should contribute to a wider mix of housing and infrastructure. Policy SP1 states that “Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlements size, function and sustainability”. The priority for identifying land for development is:

- a) Previously developed land in the Main Urban Area/relevant settlement.
- b) Other suitable infill sites in the Main Urban Area/relevant settlement
- c) Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement.

- 4.17 The settlement sits within the Outer South West zone (as classified in the SAP), which is scheduled to provide 7,200 units, or 11% of the District wide total (including those sites already approved or in development). Allowing for those sites within the zone that are under way the residual target for new housing is 4935 units across the zone. Policy HG1 and HG2 sets out the general policies for housing development, and identifies sites and their phasing. Policy HG3 sets out safeguarded land, which is land to be safeguarded from development for the plan period to provide a reserve of potential sites for longer term development post 2028 and to protect the Green Belt. The application site at Bradford Road is identified as one of these safeguarded sites. Part of the site (c. 2Ha) is also allocated for future school use.
- 4.18 Within East Ardsley itself there are currently 8 sites that already have residential permission, and there are a further two sites identified within policy HG2 for phase 1 or phase 3 developments. This has potential to supply in the region of 546 dwellings towards the Outer South West housing target and is a not insignificant amount of housing for a small settlement to absorb. Bringing on stream larger development sites like the application site, earlier than planned, will place a strain on the ability of the settlement to respond in infrastructure terms and will lead to strains on local services and community cohesion.
- 4.19 The Site Allocations Plan will consider not only the location of development but the phasing of this and the corresponding infrastructure which is required to support the development. The process being undertaken has also included a sustainability appraisal, and involves community consultation. The early release of this site would circumvent this whole process and potentially lead to development which is not sustainable.

Sustainability Criteria

- 4.20 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.
- 4.21 The site is not considered to fully meet the accessibility standards of the Core Strategy (at the time of decision making this was in draft form). The centre of the site is 400m from the nearest bus stop (on the nearside road), however the nearest stop on the opposite side is 500m away which would be considered an excessive distance to walk, particularly for those who live further away from the centre of the site. Bus services along Bradford Road serve Leeds, Bradford and Wakefield, and generally the frequency of services is acceptable, however it does take a long time for these services to get to the main destinations – 50 minutes to Bradford, and 1 hour 30 minutes to Leeds. This is not considered to be conducive to encouraging people to use these services as a viable alternative to private transport.
- 4.22 Within the local area there are a range of local services available within 1200m (convenience stores, post office, social club), there are primary school and medical facilities within 1600m. However the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for accessing this school is beyond the 400m walking range with a poor frequency of services (2 buses per hour). It should be noted that school capacity in the area is limited and for this reason part of the site is being shown for future school provision in the Site Allocations Plans. Local objection suggests that medical facilities etc. are also at capacity.

4.23 In summary, the site falls 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.

4.24 The authority considers 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

4.25 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.

4.26 The proposed scheme was amended during the application process to reduce the number of houses to under 300; this removed the objection to the single point of access to the site. However a number of highway issues remain outstanding which are outlined below, and the refusal reason consequently still stands.

4.27 The revised Masterplan for the scheme now includes an area of reserved land (2Ha) for a future school development. The impact of this additional school traffic has not been accounted for in the submitted Transport Assessment with regard to either internal layout, or the impact on the access point and the external highway network. It is not therefore possible to assess fully the impact that a new school in this location would have and whether it can be safely accommodated, both in terms of traffic using Bradford Road, and in terms of vehicle (and pedestrian) movements and parking within the site itself.

4.28 Further to this there are also still issues with regard to works in the vicinity of the access which include the relocation of an existing traffic island on Bradford Road and alterations to existing road markings. Negotiations on these issues are ongoing to seek resolution to the matters. There are some concerns regarding internal layout based on the Masterplan submitted, this is however indicative only and the internal arrangements would be addressed through Reserved Matter applications.

4.29 Within the vicinity of the site there are a number of other sites proposed for development via the Site Allocations Plan, these include a further Protected Area of Search adjoining the application site to the east, a phase 3 greenfield site to the west and a 28 ha phase 3 site to the north west on Old Thorpe Lane. This site alone could potentially add over 600 houses to the area. It is considered that the impact on the highway network should be looked at in terms of all these sites together so that appropriate infrastructure can be put in place at the right time. The SAP process will look at this and is considered the appropriate forum for discussion of such matters and bringing sites forward.

4.30 As such the appeal proposal would cause harm to the highway network and is contrary to Core Strategy Policy T2 and saved UDP policy GP5.

Section 106 Package/CIL

- 4.31 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.
- 4.32 The authority's CIL charging schedule is in place and requires a payment of £45 per square metre of residential floor space (the site lies within zone 2b). 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, drainage/flood alleviation works, school provision (on-site land) and the provision of greenspace in accordance with policy G4 if necessary. 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.
- 4.33 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.
- 5.2 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 a comprehensive review of sites through the SAP process had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the East Ardsley 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.
- 5.3 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer South 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.
- 5.4 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, this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure 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.

- 5.5 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 East Ardsley and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.
- 5.6 The release of the East Ardsley PAS site for housing development would at this time be 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 and in this location, in advance of the Site Allocations process.
- 5.7 There are concerns regarding the sustainability of the site given the infrequency of the local bus service and the distances to secondary schools. There are also concerns with regard to capacity on the highway network which have not been adequately addressed. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable.
- 5.8 Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy set out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council considers 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.
- 5.9 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 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:

Certificate of ownership – signed by applicant.

Planning application file.

Previous panel reports and minutes – City Plans Panel - 07/08/14 and 10/04/14.

Appendix – Previous Plans Panel Reports



Leeds
CITY COUNCIL

Originator: David B Jones
Tel: 0113 24 77019

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 7th August 2014

Subject: Application 13/05423/OT: Outline application for means of access from Bradford Road and to erect residential development on land off Bradford Road, East Ardsley

APPLICANT

Barratt David Wilson Homes
and The Ramsden
Partnership

DATE VALID

4th December 2013

TARGET DATE

31st July 2014

Electoral Wards Affected:

Ardsley & Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

RECOMMENDATION: Refusal of Planning permission for the following reasons;

1. The Local Planning Authority considers that the release of the site for housing development would be premature, being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85, bullet point 4 of the National Planning Policy Framework. The suitability of the site for housing needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and/or size of the site means that the proposal does not fulfil the exceptional 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. Furthermore, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered

together with reference to Policies GP5, T2, Street Design Guide SPD and Neighbourhoods for Living.

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 areas 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 East Ardsley which is consistent with its size, function and sustainability credentials. 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. doctors surgeries, schools, roads. As such the proposal is contrary to Core Strategy Policy SP1.
3. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure is capable of safely accommodating the proposed access 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 applicant has also failed to show that the proposed development will not lead to issues of safety for pedestrians and cyclists or provide adequate accessibility to public transport. The proposal is therefore considered to be contrary to Policies GP5, T2, T2B and T5 of the adopted UDP Review
4. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, Greenspace, public transport, travel planning and off site highway works contrary to policies of the Leeds Unitary Development Plan Review (2006) and related Supplementary Planning Documents and contrary to policies of the Draft Leeds Core Strategy and the National Planning Policy Framework. The Council anticipates that a Section 106 agreement covering these matters will be provided prior to any appeal Inquiry 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 The application is reported to Panel as it relates to a site identified as a Protected Area of Search in the Leeds Unitary Development Plan (Review 2006) and needs to be considered in the context of Development Plan Policy, the Interim Policy for the release of PAS sites adopted by the Executive on 13 March 2013 and other material considerations.
- 1.2 The application was considered at the City Plans Panel meeting on 10th April 2014 as a Position Statement, following a Panel site visit in the morning. At that meeting Members raised concerns regarding the prematurity of the proposal, the impact of traffic on the local network, and the coalescence of East Ardsley and West Ardsley.
- 1.3 The approved minute from the meeting on 10th April is as follows;

RESOLVED - To note the report, the presentation and the discussions on the proposals and for the Chief Planning Officer to have regard to the views of the Panel that the application was premature; it did not fulfil two of the three criteria laid down in the Interim Housing Policy and there were also concerns about the coalescence of communities and highways issues.

- 1.4 The application is now being brought back for determination, having regard to clarification of the position on the housing supply in the City, discussions regarding outstanding highways matters and consideration of the issue of coalescence of settlements. In addition, it is proposed to up-date Plans Panel with regards to additional representations and consultation responses received since 10th April 2014.
- 1.5 This report up-dates and should be considered in conjunction with the Position Statement report which was considered by City Plans Panel in April. A copy of the 10th April City Plans Panel report is appended to this report.

2.0 PROPOSAL

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. A revised indicative Masterplan showing a maximum of 299 dwellings and a two hectare site reserved for a possible future primary school to the site frontage has been submitted. The full details of the development would be considered under future applications for approval of Reserved Matters (should outline permission be granted).
- 2.2 The submitted plans detail that the main access will be from Bradford Road and will take the form of a priority junction. No other vehicular access points are proposed.
- 2.3 The application is accompanied by a Draft Section 106 agreement (Heads of terms) which will make provision for contributions as follows:
- 15% Affordable Housing Provision
 - Education Contribution - the development would generate a significant number of pupils at primary and secondary school, and that there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested.
 - Reserve 2 ha of the site for a 2 form entry primary school.
 - Greenspace Provision – on site provision equating to 10% of the site
 - Public Transport Contribution. Based on 299 dwellings, a contribution of £337,453.68 is required, and is agreed in principle. This equates to £1,128 per dwelling.
 - Travel Plan. The applicant has agreed to submit a Travel Plan.
 - Metro cards for future residents.
- 2.4 There are no areas of disagreement between the applicant and officers of the City Council in principle, on the content of the Section 106 Agreement but it would need to be completed for these issues to be satisfactorily addressed.

3.0 PLANNING POLICY

- 3.1 The relevant policies are set out in the 10th April Position Statement, and are up-dated as follows:

Development Plan

3.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons

The NPPF states that decision-takers may give weight to policies in emerging plans according to:

i) The stage of preparation

- On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These have been published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.

3.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

ARC5 (requirement for archaeological evaluation).

Policy N34 – PROTECTED AREA OF SEARCH

3.4

The application site is protected under Policy N34 as Protected Areas of Search: 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.

Policy N34 and supporting paragraphs is set out below:

Protected Areas of Search for Long Term Development

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.

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.

3.5

Interim PAS Policy

3.6

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:-

3.7

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.

- 3.8 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.
- 3.9 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.
- 3.10 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlens 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 the Boston Spa is pending with the Kirklees Knowl decision not due until the end of the year.
- 3.11 The Council’s interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.
- 3.12 **Core Strategy**

Relevant policies within the Core Strategy include:

- Spatial policy 1 – Location of development (page 22)
- Spatial policy 6 – Housing requirement and allocation of housing land (page 34)
- Spatial policy 7 – Distribution of housing land and allocations (page 37)
- Spatial policy 10 – Green Belt (page 44)
- Policy H1 – Managed release of sites (page 59)
- Policy H3 – Density of residential development (page 60)
- Policy H4 – Housing mix (page 61)
- Policy H5 – Affordable housing (page 63)
- Policy P10 – Design (page 88)
- Policy P11 – Conservation (page 90)
- Policy P12 – Landscape (page 91)
- Policy T1 – Transport Management (page 92)
- Policy T2 – Accessibility requirements and new development (page 93)
- Policy G4 – New Greenspace provision (page 98)
- Policy EN2 – Sustainable design and construction (page 104)

Local Development Framework

- 3.13 The Council has submitted its Core Strategy to the Secretary of State and an examination in public was held in Spring 2014. The Council is currently consulting on a further set of Main Modifications to the Core Strategy. Following consultation and no arising outstanding matters, it is anticipated that the Core Strategy will be adopted in autumn 2014 following receipt of the Inspectors final report. The Core Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The Core Strategy Inspector has proposed two sets of Main Modifications, which he considers are necessary to make the Plan sound, including in line with the NPPF. The Council is 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
- 3.14 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.”
- 3.15 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,

3.16 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.

Five Year Supply

3.17 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.

3.18 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on Greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

3.19 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies should be substantially reduced.

3.20 The context has now changed. The RSS was revoked on 22nd February 2013 and when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. Furthermore for the majority of the RSS period the Council met or exceeded its target until the onset of the recession. The Council has submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.

3.21 In terms of identifying a five year supply of deliverable land the Council identified that as of 1st April 2014 to 31st March 2019 there is a current supply of land equivalent to 5.8 years' worth of housing requirements.

3.22 The current five year housing requirement is 24,151 homes between 2014 and 2019, which amounts to 21,875 (basic requirement) plus 1,094 (5% buffer) and 1,182 (under delivery).

3.23 In total the Council has land sufficient to deliver 28,131 within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:

- allocated sites

- sites with planning permission
- SHLAA sites without planning permission
- an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
- an element of Protected Area of Search sites which satisfy the interim PAS policy

3.24 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.”

3.25 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

National Guidance - National Planning Policy Framework

3.26 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%.

3.27 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.

3.28 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.

3.29 Supplementary Planning Guidance/Documents

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

4.0 CONSULTATION RESPONSES UPDATE

- 4.1 Highways response – objections –The ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together. As such, the Highways Officers consider that the current proposal is premature. In addition, the acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits together with what additional infrastructure is needed to support it including any highway improvements.
- 4.2 Furthermore, there are two nearby signalised junctions that are still being assessed by the UTM section in Highways and it is unclear at this stage whether the traffic associated with the development would have an adverse effect on the operation of these junctions such that improvement measures would be required. . As it stands, the issue is under consideration, but is not resolved at present, and a reason for refusal is recommended.

5.0 REPRESENTATIONS UPDATE

- 5.1 To date there have been 336 representations received to the publicity of this application. No new issues are raised in addition to those raised in Section 5.3 of the 10th April 2014 report to Plans Panel.

6.0 MAIN ISSUES

- 6.1 The principal issues were set out in Section 8.0 of the April 2014 Position Statement, as follows:
- Compliance with the Development Plan
 - Development Timing in advance of the Site Allocations Plan
 - 5 year land supply
 - Sustainability
 - Highways
 - Coalescence of settlements
 - School provision
 - Section 106 Package
 - Other issues
- 6.2 These issue are considered below, in view of the current, up-dated situation.

7.0 APPRAISAL

- 7.1 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 emerging Core Strategy, the requirement for a five year supply of housing and matters relating to sustainability, highways, amenity, impact, flooding and landscape.

- 7.2 These issues were considered in Section 9.0 of the April Position Statement, and are up-dated below:

Compliance with the Development Plan

- 7.3 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 Bradford Road 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...”

- 7.4 These should be clear factors in assessing the suitability of the site and this should take place through the Site Allocations process.

- 7.5 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

- 7.6 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 Bradford Road site against the interim policy criteria is considered below to see if the proposal meets the criteria to be released early.

- 7.7 Paragraph 3.7 of this report (see above) considers the proposal against criteria, and concluded that the proposal does not comply with the Interim Policy approved by the

City Council. Under Criterion (i) , the site is an extension to East Ardsley, 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 is above this threshold, at 13.50 ha and therefore also fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council's locational strategy for housing.

7.8 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. Childrens Services have considered there is demand for a new school in the area, and consider that 2.0 hectares of the overall site may be required for provision of a 2 form entry Primary school. However, given that there may be other housing sites coming forward through the site allocations process, this reinforces the need for this site to be considered through the site allocations process, so that the issue of school provision can be considered in light of potential demand for school places in the locality, given the pressure for places and in the local area. It is through the Site Allocations process that the amount and location of new development in East Ardsley will be decided and in that context where the best site for a new school should be in the settlement.

7.9 Notwithstanding the criterion (i) and (iii) above, criterion (iv) considers if the site is an area where housing land development opportunity is demonstrably lacking. There are a number of development sites in the locality and the Housing Market area. Under Core Strategy Policy SP7, the site is within the Outer South West Housing Market Area. Within this area, housing has very recently commenced on 173 units at Bruntcliffe Road, Morley (Barratts) and for 92 units at Daisy Hill, Morley (Persimmon), and 29 houses off Whitehall Road, Drighlington (Miller Homes). Joines Homes are constructing 51 units off Fountain Street , Morley. Persimmon Homes have outline permission on a PAS site at Owlens Farm, Morley, and a reserved Matters application for the construction of 88 dwellings is under consideration. In the more immediate locality 14 houses are currently under construction off Waterwood Close in West Ardsley, and 8 houses have recent planning permission abutting the application site , off Forsythia Avenue. Miller Homes are constructing 234 units off Station Lane, Thorpe , to the north east of the application site.

7.10 Criterion (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; the applicant has not linked this application 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.

The applicant has proposed to reserve part of the site for a possible school, which is discussed in para 2.3 above.

7.11 To summarise, the application does not meet the interim policy criteria to be released early. Part of the land is potentially needed for a school site. There are other housing development opportunities on-going and soon to start in the area and wider Housing Market Area. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.

Adjoining potential housing sites

7.12 In the Site Allocations Plan “Issues and Options for the Plan” (June 2013), the application site forms part of a larger site, designated as “Sites which have the

greatest potential to be allocated for housing”. The application site abuts an area to the north, which is designated as “sites which have potential but issues or not as favoured as green sites”. At present, there is no consideration of how those sites might come forward, or whether they need to be developed in a comprehensive manner, and how they might be accessed or phased, as the Site Allocations Plan is still to be finalised. As such, it is considered that the release of the site for housing at this stage would not be in the best interests of effective planning.

Five Year Supply

- 7.13 The Council has a supply of 28,131 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 24,151 homes provides a 5.8 year housing land supply. This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 21,000 units, including sites for students and older persons housing. In addition identified supply consists of some safeguarded sites adjacent to the main urban area which meet the Council’s interim policy on Protected Areas of Search (approved by Executive Board in March 2013). The supply also includes evidenced estimates of supply, based on past performance, from the following categories: windfall, long term empty homes returning into use and the conversion of offices to dwellings via prior approvals. The supply figure is net of demolitions.
- 7.14 The Core Strategy Inspector’s latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound confirm that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan. However given market conditions moving out of recession, the need to plan for infrastructure and demographic evidence his latest modifications have also included a lower target of at least 3,660 homes per annum between 2012 and 2016/17 against which delivery should be measured for performance purposes. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.

Sustainability criteria

- 7.15 It has been assessed that the centre of the site is within the designated 400m distance of two bus stops on the nearside of Bradford Road, however it is about 500m from the nearest bus stop on the opposite side of the carriageway. Although the overall frequency of services to the major public transport interchanges of Leeds, Bradford and Wakefield meets the requirement of 4 buses per hour, the journey times to both Leeds and Bradford is outside the accessibility indicator of 40 mins (the journey to Bradford takes approx. 50 mins from East Ardsley whilst the journey time to Leeds is approx. 1 hour 30 mins).
- 7.16 There are a range of local services available within 1200m of the site (e.g. convenience stores, post office, butcher, social club, hot food takeaways). Furthermore, the primary school provision and a medical centre are within the designated 1600m of the site. However, the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for services

travelling in this direction is outside the 400m threshold and the service frequency is only 2 buses per hour.

- 7.17 Therefore, the acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits together with what additional infrastructure is needed to support it including school(s), greenspace and highway improvements.

Highways Considerations

- 7.18 Fundamentally, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together. As such, Highways Officers support a refusal on the grounds that the proposal is contrary to Policy N34 and that the proposal considered in advance of the Site Allocations Plan is premature.
- 7.19 Regarding the issue of off-site works, there are two nearby signalised junctions that are still being assessed by the UTMC section in Highways and it is unclear at this stage whether the traffic associated with the development would have an adverse effect on the operation of these junctions such that improvement measures would be required. As it stands, the issue is under consideration, but is not resolved at present, and a reason for refusal is recommended. Plans Panel will be up-dated on this issue.
- 7.20 There are a number of outstanding issues of detail regarding the design of the site entrance and location of refuge/Traffic Regulation Orders etc. on Bradford Road. The current submission is still not ideal and changes to the proposals are required. In summary, there are concerns about the proximity of a bus stop to a proposed traffic island within Bradford Road, such that there would be a risk of vehicles overtaking a stationary bus colliding with the traffic island. As such, it is considered that the bus stop should be moved further downstream of the island. It is also considered that a further island should be introduced within the central reservation of Bradford Road to the north of the proposed access, to assist residents from the development crossing the carriageway to the bus stop on the opposite side. A revised plan of the site access junction is to be submitted to address this point, and members will be up-dated on this point. However, it is considered that these matters are not so fundamental as to constitute a reason for refusal on highway grounds.

Coalescence of settlements

- 7.21 The UDP Inspector considered that land separating local communities was of lesser importance to the GB than land which separates the Morley part of the Leeds District as a whole from Kirklees and Wakefield and the main areas of open land. The UDP Inspector stated that in no sense was this land essential to the larger strategic role of the GB. The local significance of the visual break here is certainly important, whether or not it separates East and West Ardsley, or occurs within East Ardsley. It was considered that it could however be adequately maintained by providing a major open space funnelling from the Bradford Road frontage into the site. To this end, the applicant has indicated that the open frontage would be kept open, and it is an issue which can be addressed at reserved matters stage, when a detailed layout would be submitted.

Section 106 Package

7.22 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. .

7.23 The proposed obligations listed in the Proposals section 2.3 of this report 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. The need for any off site highway works and school site will need to be firmed up as the background work around the application progresses.

Other Matters

7.24 At this stage no overriding concerns exist in respect of other planning issues. Further work will be needed to agree the capacity of this site in terms of the number of access points, the design criteria which underpin layout in terms of character and visual setting and the drainage infrastructure which could have a bearing.

7.25 Whilst the applicant has revised the proposal to suggest that up to 299 dwellings and a school could be accommodated from the access point there is no agreement on the capacity of the site at this stage as Council officers have fundamental concerns that access of this site and adjoining sites should be considered comprehensively as part of the Site Allocations process.

8.0 CONCLUSION

8.1 The release of the Bradford Road 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 that are central to the emerging Site Allocations DPD. The Council considers it has a 5.8 year housing land supply and so there is no need to release additional sites in advance of the Site Allocations process. The location and size of the site means that the site 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. Refusal is therefore recommended.



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 10th April 2014

Subject: Application 13/05423/OT: Outline application for means of access from Bradford Road and to erect residential development on land off Bradford Road, East Ardsley – POSITION STATEMENT

APPLICANT

Barratt David Wilson Homes
and The Ramsden
Partnership

DATE VALID

4th December 2013

TARGET DATE

31st March 2014

Electoral Wards Affected:

Ardsley & Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 10.4 of this report.

1.0 INTRODUCTION

- 1.1 This application is presented to Plans Panel due to the scale and sensitivity of the proposals. Members are asked to note the content of this report and to provide feedback on the questions posed at Section 10.4 of this report. The application is subject to a Planning Performance Agreement (PPA) and at this stage it is intended to bring the application back for determination at City Plans Panel to either 5th June or 26th June 2014.

- 1.2 This is an application for new residential development on a site designated as a Protected Area of Search (PAS site under policy N34) in the adopted UDP intended to provide for long term development needs if required. Key considerations in reaching a recommendation will be matters of housing land supply, sustainability and prematurity in the context of progress on the Site Allocations Plan. The City Council at Executive Board has approved an Interim Policy which has been designed to facilitate the release of some smaller PAS sites in the Main Urban Area and Major settlements to strengthen the delivery of housing in the city ahead of the Site Allocations Plan. This site due to its location and size is contrary to the Interim Policy guidelines for the early release of the site in advance 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) and the Natural Resources and Waste DPD in that the proposal is designated as a Protected Area of Search.
- 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 Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Cooperate. The Core Strategy has now progressed to formal hearing sessions which were held in the autumn 2013. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.
- 1.7 The Council is currently progressing a Site Allocations Development Plan Document. The Issues and Options, seeking views on, among other things, the allocation of UDP Protected Areas of Search for development, was published in June 2013 with 8 weeks of public consultation from 3/6/13 to 29/7/13. 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 DPD is the vehicle being pursued by Leeds City Council for taking decisions on the suitability of such sites for development. The representations received are being considered and will result in a Preferred Option being published later in the year.

2.0 PROPOSAL

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. An indicative Masterplan showing details of the layout, scale, appearance and landscaping have been provided and initially referred to a development of approximately 370 dwellings with associated

road infrastructure, parking provision, amenity space and landscaping. A revised Masterplan shows a maximum of 299 dwellings and a two hectare site reserved for a possible future primary school. The details of the development will be considered under future applications for approval of Reserved Matters.

2.2 The submitted plans detail that the main access will be from Bradford Road and will take the form of a priority junction. No other vehicular access points are proposed.

2.3 The application is accompanied by a Draft S106 agreement (Heads of terms) which will make provision for contributions as follows:

- 15% Affordable Housing Provision
- Education Contribution
- Greenspace Provision
- Highway Works Provision (possibly under Section 278)
- Public Transport Contributions
- Travel Plan

2.4 Exact figures will be subject to negotiation once full consultation responses have been provided.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site comprises open land, to the east of Bradford Road, and south of New Lane. The site is broadly rectangular in shape and in total the application site measures 13.50ha.

3.2 The application site is dominated by three large arable fields, which are immediately bordered by hedgerows and field margins. Each of the fields are then separated from one another by public footpaths. The land is relatively level, however, the land slopes up towards the south eastern site boundary, towards St Michael's Church (listed building).

3.3 The surrounding land uses are residential to the east off Forsythia Avenue, residential development and St. Michael's Church to the south east, residential development to the south and ribbon development along Bradford Road to the west. To the north is the unmade footpath section of New Lane, beyond which is agricultural land. To the north west of the site is the large Country Baskets store which occupies a mill building (Amblers Mill), and is also a listed building.

3.4 The site lies close to East Ardsley Local Centre which is located to the south of the site.

4.0 RELEVANT PLANNING HISTORY

4.1 An outline planning application was submitted for this site in 1975 to erect residential development. This application was refused in January 1976 (planning application reference H23/888/75).

4.2 The site was allocated as a Protected Area of Search in the Leeds Unitary Development Plan 2001 and reaffirmed in the Leeds Unitary Development Plan

Review (2006). The Leeds Unitary Development Plan Inspector's Report (February 1999) on the revised draft plan reviewed the allocation at Bradford Road and excluded the site from the Green Belt and allocated it as a Protected Area of Search (PAS) safeguarded land under Policy N34. The UDP Inspector considered it was not necessary to keep the site permanently open and that the site is well defined by existing housing, roads and public footpaths. He acknowledged that the area is reasonably well served by local facilities and, at that time, had several bus services along Bradford Road. Within the context of this UDP he considered that land separating local communities was of lesser importance to the GB than land which separates the Morley part of the Leeds District as a whole from Kirklees and Wakefield and the main areas of open land. The UDP Inspector stated that in no sense was this land essential to the larger strategic role of the GB. The local significance of the visual break here is certainly important, whether or not it separates East and West Ardsley, or occurs within East Ardsley. It was considered that it could however be adequately maintained by providing a major open space funnelling from the Bradford Road frontage into the site. The northern boundary of the site is well defined by the former colliery road or tramway part of New Lane and there is some evidence that shallow former mineworkings may constrain any development of land to the north. The Inspector concluded that harm to the relevant GB purposes would however be limited.

- 4.3 The Inspector stated that in the interests of avoiding a need to review Green Belt boundaries again within 10 years or so the land should be deleted from the Green Belt and be safeguarded as a Protected Area of Search for possible long term development.
- 4.4 The site is included in the latest Leeds SHLAA 2012 Update as site reference 1032. This states that the site has no known constraints and is physically suitable for housing. It states that the site has a total capacity of 293 dwellings with availability in the short term (0-5 years) and achievability in the medium term (6-10 years).
- 4.5 The site was in the Leeds City Council Site Allocations Plan - Issues and Options Consultation which was published for consultation in June 2013. The site was rated as green (sites which have the greatest potential to be allocated for housing).
- 4.6 12/04046/OT - Outline application for residential development on a 17.8ha PAS site at land off Bagley Lane/Calverley Lane, Rodley. This is a site in the west of the City, and an appeal against non-determination is currently awaiting determination by the Secretary of State following a Public Inquiry (decision expected by late April). City Plans Panel resolved that if they had been in a position to determine the application, it would have been refused on highway safety grounds, and for the following reason:

“The Local Planning Authority considers that the release of the Kirklees Knowl PAS site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan (2006) Review and contrary to Paragraph 85 bullet point 4 of the National Planning Policy Framework because its suitability needs to be comprehensively reviewed as part of the preparation of the Site Allocations Plan. The size of the site, the possible need for a school and the availability of other housing development opportunities in the locality means that the site does not fulfill the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board 13/3/13 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan.”

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 The application was advertised as proposed Major Development which affects the setting of a listed building and a right of way by site notice posted on site on the 13th December 2013, and by site notices dated 10th January 2014. In addition, the application was advertised by site notice as a Departure from the Development Plan on 23rd January 2014.
- 5.2 In addition, the application was advertised in the Yorkshire Evening Post on the 20th December 2013. Any further representations will be reported to Plans Panel when the application comes back for determination.
- 5.3 To date there have been 336 representations received to the publicity of this application. The following issues have been raised:-
- Development is premature pending the formulation of the Core Strategy.
 - Residential will be contrary to Council policy regarding PAS sites.
 - Additional traffic will exacerbate existing congestion problems on the A650. The area becomes gridlocked when there are difficulties on the M1 or M62 motorways.
 - It takes up to 5 minutes to turn onto the A650, due to volumes of traffic and vehicle speeds.
 - Brownfield sites should be considered prior to the development of greenfield sites. Planning permission has been granted for over 21,000 housing units on mainly brownfield sites. There is no need to release greenfield sites until these houses are still to be delivered. The five year supply of houses is being delivered.
 - Existing infrastructure in the village, such as schools, roads and medical facilities are overstretched at present, and the new development will exacerbate these problems.
 - It takes weeks to get an appointment to see a GP due to demand.
 - Childrens Services have confirmed that by 2016, all primary and secondary schools within the Greater Morley area, including East Ardsley will be full with children presently living in the area. There is no capacity to accommodate more children. Section 106 Agreements will not generate sufficient funds to support the delivery of new schools.
 - The site is not allocated for any purpose in the UDP and could be used to provide much needed services such as health centre or school.
 - Existing drainage problems in the area, and the A650 will flood if the site is concreted over.
 - Farming land will surely be required in the future.
 - The land forms a valuable buffer between communities and prevents urban sprawl..The loss of more fields will impact on enjoyment for walkers, cyclists and general enjoyment of the countryside.
 - Wildlife is already less abundant than 10 years ago, due to increased urbanisation.
 - The village is rapidly losing its character.
 - The proposal is unsustainable and therefore does not comply with the NPPF.
- 5.4 **Councillor Dunn** objects on the following grounds:
Real concerns in respect of Highways issues not only just for the proposed site which is devoid of adequate access, but also the adjacent Bradford Road which already carries a high volume of traffic. There is already pressure on the nearby junction at Westerton Road Bradford Road and Common Lane , which is been

compounded by nearby new developments on Westerton Road and Haigh Moor Road. None of these recent Developments carry amenities which could mean that the large supermarkets at Middleton currently under construction for both ASDA and ALDI are where residents from these developments may well do their shopping and that is in addition to the existing community which in turn will create a knock on affect through local side roads including Thorpe Village. We are experiencing an ever increasing volume of traffic through these areas at peak periods and beyond and such a huge development could create an highway nightmare for local people .

- 5.5 The local schools are not able to cope with the present influx of children and even with planned extended class rooms it would still leave large waiting lists. This means more traveling for parents and children to other areas which in turn creates more Highway usage. the local medical facilities are not geared up to take patients from new developments even the moderate ones which means that families of large developments as proposed , will have to travel to obtain a doctor where they can go on the Panel .
- 5.6 The land identified for the development site is a Green area which should be preserved and building 350 - 70 homes here would constitute the loss of a local visual Amenity which they have long enjoyed. The Communities Bill reinforces the case that local people have a major part to play in future development of where they live and affects their lives and constituents have made it openly clear that the proposed application does not carry their support and should be refused.
- 5.7 **Councillor Renshaw** objects on the following grounds:
Strongly oppose the planning application for a wide range of reasons which all have negative impacts on the local community and village. The A650 already struggles with congestion at peak times and the access route of the proposed development is totally inadequate to facilitate the needs which will be required.
- 5.8 The infrastructure is not in place to accommodate the number of residents which will be added to the area. This will mean lack of school places for the children, longer waiting time at Dr's – if able to get registered. The schools within the Outer South Area are already having to turn local children away and there is no inclusion of any education establishments within this application. The children will suffer due to the lack of capacity within all children's services to accommodate such a vast number of residential properties.
- 5.9 The drainage within this area is a concern with flooding in parts of this area already occurring and this Greenfield site should not be one of the first sites to be built on. This should be retained as it is until all brownfield sites have been used for housing. Strongly oppose this application and would appreciate my comments being taken into account.
- 5.10 **Councillor Mulherin** objects on the following grounds:
- 5.11 Building on this greenfield site is against the Council's brownfield first policy. There are plenty of brownfield sites across the Leeds district that could be developed first.
- 5,12 The proposed highways access is inadequate. There are more than enough existing problems within this area for access and egress onto the A650 for householders. Whenever there is an incident on the motorway traffic volumes through the village along the A650 become considerable with lengthy traffic jams. On the day BDW Homes held their public exhibition in the Church Hall they will have witnessed first hand the problems experienced by villagers when there is an incident

on the M1 as the traffic was at a near standstill all the way through the village from Junction 41.

- 5.13 This site is not sustainable for the level of new build proposed.
- 5.14 The local schools are full and already over-subscribed.
- 5.15 The nearest primary school (East Ardsley) is being expanded to two-form entry this year to meet the growing demand for places generated by the families already living in the area.
- 5.16 The constrained East Ardsley Primary School PFI site would not support further expansion. In my view we should be looking to build more housing where there are school places and more adequate provision of other local amenities like GPs, dentists (there are none in the ward), better public transport links etc. The GP practice which serves the whole of East Ardsley, West Ardsley, Thorpe and most of Tingley is also full with lengthy waits (up to 3 weeks) for an appointment reported by local residents.
- 5.17 Public transport connections in the area are very poor.
- 5.18 Building on this site is against the Council's current PAS site policy which was intended to protect overdevelopment of sites in small communities such as this.
- 5.19 The site is of Archaeological interest. WYAAS have objected to the application and are currently investigating the site for its archaeological significance.
- 5.20 The proposal in the Site Allocations Plan consultation last summer was for 290 houses on this site. I objected to that on the grounds that it would be unsustainable for the same reasons as I have set out here. The BDW Homes and Ramsden Partnership proposals are utterly unacceptable, given that they have greedily added an extra 30% more housing in their application than that envisaged in the Site Allocations Plan.
- 5.21 The sheer weight of local opposition to these proposals indicates quite clearly the strength of feeling locally that this valued greenfield site should be protected.
- 5.22 Despite their claims to the contrary the applicants failed to consult with local ward Councillors. We received a telephone message after we had been informed about their public exhibition of their proposals through local residents.
- 5.23 **East Ardsley Community Association** – formally objects on the following grounds:
- Development is premature pending the formulation of the Core Strategy.
 - Additional traffic will exacerbate existing congestion problems on the A650.
 - Brownfield sites should be considered prior to the development of greenfield sites.
 - Existing infrastructure in the village, such as schools, roads and medical facilities are overstretched at present, and the new development will exacerbate these problems.
 - Existing drainage problems in the area, and the A650 will flood if the site is concreted over.
 - Farming land will surely be required in the future.
 - The land forms a valuable buffer between communities.

6.0 CONSULTATION RESPONSES

Highways

6.1 Objections raised – see comments below under appraisal section.

Neighbourhoods and Housing

6.2 Comments awaited

Flood Risk Management

6.3 Conditional approval recommended

Waste Management

6.4 No objections

Metro

6.5 Metro do not consider that the site is a 'poor' site in terms of accessibility. The general bus provision past the site frontage (which is the main accessibility test) provides access to the public transport network to main centres (Leeds, Wakefield and Bradford) in accordance with the Council's SPD requirements. This level of service past the site combined with the opportunities for passengers to interchange means the general accessibility of the site is not a concern. The infrastructure improvements and ticketing that will be provided should provide an attractive offer for residents at the site to use the bus. These items should be included in the S106.

6.6 Metro accept the access to the medical facility is acceptable. With regard to the secondary school accessibility specifically, Metro note the applicant's summary of which services and schools can be accessed and journey times. In principle this looks reasonable, but, the Council need to make a judgment if the 2 direction bus service provides the level of service that is required in their policy.

6.7 On balance, Metro don't consider that the general accessibility presents a significant issue for this site.

6.8 Should the council be minded to approve the application, Metro consider that the site development be required to provide the following mitigation to improve the public transport offer from the site. Metro are currently undertaking a new rail station study. A site at East Ardsley has been identified as a potential new station site, (as part of a county wide rail study). The rail study is at a very early stage of development but in the long term, this site will benefit from this station if it is brought forward. Metro therefore would support the council in the application of the Public Transport SPD with the new rail station in mind or any other strategic infrastructure that comes forward in this sector of the city if appropriate.

6.9 The developer needs to undertake further work to look at the catchments for secondary schools. The council are obliged to provide school bus services in some instances where children cannot access schools by foot or on within 75 minutes by bus. If this applies to this site then Metro would encourage that the council secure a contribution towards the cost of such provision.

To encourage the use of public transport the developer should be required to enter into Metro's Residential Metro Card scheme A (bus only). This allows each dwelling to receive a free MetroCard (funded for by the developer) for 1 year with a discount on the ticket for the subsequent 2 years provided by the MetroCard partners.

6.10 Metro suggest that the developer provides 2 new bus shelters with real time passenger information. This would comprise of a new stop on the north bound side

of Bradford Road and an upgrade of stop reference 16342, total cost £40,000. This is not inclusive of any kerbing or bus clearway works that would be undertaken by the council.

- 6.11 Within the government's strategy for ultra-low emission vehicles in the UK, installing electric vehicle charging points in new homes is a part of the strategy to introduce the necessary infrastructure to enable the use of electric vehicles. Metro are working with district partners on introducing similar charging points across West Yorkshire. Metro suggest this development should require to install electric vehicle charging points in each of the dwellings in this site.

Public Rights of Way

- 6.12 Public footpath Nos.75, 112 & 113 and Public bridleway No.145 are all shown on the design access statement plan opportunities and constraints. The footpaths and bridleway appear to be on the correct alignment. No objections in principle.

Yorkshire Water

- 6.13 Conditional approval recommended

Environment Agency

- 6.14 No objections, subject to conditions

Coal Authority

- 6.15 No objections, subject to condition

Children's Services LCC

- 6.16 The response is set out in Appendix 1. The table shows that the development would generate a significant number of pupils at primary and secondary school, and that there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested.

- 6.17 In addition, Childrens Services made the additional comments that:
- there is significant pressure on school places at the nearest school, East Ardsley PS and at all schools in this cluster and this will require the maximum contribution for education from this application, so the initial response provided for full primary and secondary contributions will apply;
 - this stance is highly likely to be applied to any further applications in this area;
 - the option to further expand the closest school, East Ardsley PS on its existing site would be very difficult so we need to ensure we have flexibility on how any developer contribution is spent;
 - based on this application, the number of units involved could generate at least an additional half form of entry (15 children per year) and we do therefore need to start planning for a new school in this area; and
 - taking into account the site allocations plan, at this intermediate phase, there is likely to be considerable pressure on all of the local schools and may require considerable new education facilities.

- 6.18 In conclusion therefore, we would like to explore the potential to reserve land from this and/or subsequent applications in this area.

West Yorkshire Archaeology Advisory Service

- 6.19 The proposed development site lies within an area of archaeological significance. Our records, and the applicant's Desk Based Assessment, indicate the presence of both the Line of a Roman Road and a cropmark enclosure within the boundary of

the proposed development. The Roman Road is thought to be the projected line of Road 721, which is thought to follow the line of a prehistoric route-way in this area. As well as evidence of the road itself, the site may contain evidence of any roadside features or structures.

The cropmark feature is shown on aerial photographs and is roughly circular and measures c.30m in diameter, possibly representing a Bronze Age ring ditch (Bronze Age burial feature) or circular enclosure dating to the later prehistoric period. Again, the site may contain associated features or finds.

Impact of Proposed Development

- 6.20 The proposals will involve significant ground disturbance and there is potential for the proposals to disturb/destroy archaeological remains.

WYAAS Recommendations

- 6.21 We therefore recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS, as the Council's advisors on archaeological matters. This is in accordance with the NPPF (paragraph 128). This recommendation is also in line with our previous comments about this site in the Leeds SHLAA and Leeds City Council Site Allocations Plan - Issues and Options Consultation.

- 6.22 The evaluation would involve a geophysical survey followed by the excavation of a number of archaeological evaluation trenches. **WYAAS recommend that the evaluation should be carried out pre-determination (as stated in the NPPF)** in case remains worthy of preservation in situ are located on the proposed site and because further archaeological work to mitigate to the impact of the development may be required and a pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and programme) of the project.

- 6.23 Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission (very rare); to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').

Recommended Planning Condition

- 6.24 To reiterate, WYAAS recommend that a decision should be deferred until the applicants have carried out an archaeological evaluation. However, if the Planning Authority is minded to grant permission, WYAAS would recommend that the above works be secured by the attachment of a suitable condition.

- 6.25 The applicant has submitted a specification for the necessary archaeological work, which is acceptable to WYAAS. The aim of the evaluation is to gather sufficient information to establish the extent, condition, character and date (as far as circumstances permit) of any archaeological features and deposits within the area of interest. The information gained will allow the Planning Authority to make a reasonable and informed decision on the planning application as to whether archaeological deposits should be preserved in-situ, or more appropriately, be

recorded prior to destruction (whether this be a summary record from a salvage excavation or watching brief, or a detailed record from full open area excavation).

6.26 Pursuant to the above specification, the applicant has submitted a final report which shows results of trenching work carried out by the applicant. The applicant has stated that the majority of the trenches contained no features of archaeological interest. The features that were recorded related exclusively to agricultural activity. These included furrows, isolated ditches and drainage gullies. A Roman road, marked on historic maps running through this field, and a possible circular crop-mark were not identified by any of the trenches located to target them and no other Roman features were identified. The later medieval and post-medieval agricultural features that were identified are of low archaeological significance.

6.27 The comments of WYAAS in response to the latest report are awaited.

7.0 PLANNING POLICIES

Development Plan

7.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons

. The NPPF states that decision-takers may give weight to policies in emerging plans according to:

i) The stage of preparation

- On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These have been published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.

Core Strategy

7.2 The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. As such, significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

7.3 The Core Strategy was submitted to the Secretary of State on 26th April 2013 and sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district and the Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban and existing settlements.

Local Development Framework

7.4 Neither the Leeds Core Strategy or the Site Allocations Plan are proposing any new policy that would alter the approach to dealing with proposed development at this time on UDP identified PAS sites. The Core Strategy was submitted to the Secretary of State in April 2013 and the examination in public took place in October 2013. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. Significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

The Site Allocations Plan had reached Issues and Options stage during the summer 2013. A consultation exercise during June and July sought the views of the public on a range of identified sites for housing, employment and retail development and protection of greenspace.

7.5 The Core Strategy and Site Allocations Plan illustrate that Leeds City Council is making good progress in planning to meet the housing needs of Leeds.

7.6 Policy SP10 of the Core Strategy sets the requirement for the LDF to identify a new Green Belt boundary for Leeds, including a new batch of PAS sites to replace those of the UDP that will be allocated for development. It sets criteria to guide how the Green Belt boundary should be changed to accommodate new development. Because these aspects of the policy concern identification of *new* future development land, (as opposed to the early release of *existing* land) they are not of immediate relevance to this proposal. In fact part v) of Policy SP10 confirms that development proposals will continue to be considered against saved UDP policies concerning Green Belt. Policy N34 and supporting paragraphs of the UDP will not be superseded by the adoption of the Core Strategy. As such the draft policies within the Core Strategy have a neutral affect upon the determination of this appeal

Leeds Unitary Development Plan (UDP) Review – relevant policies:

7.7 GP5: General planning considerations.
GP7: Use of planning obligations.
GP11: Sustainable development.
N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N29: Archaeology.
N34: Protected Areas of Search
N38 (a and b): Prevention of flooding and Flood Risk Assessments.
N39a: Sustainable drainage.
BD5: Design considerations for new build.
T2 (b, c, d): Accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.
H2: Monitoring of annual completions for dwellings.
H3: Delivery of housing on allocated sites.
H11/H12/H13: Affordable housing.
LD1: Landscape schemes.
ARC5 (requirement for archaeological evaluation).

Policy N34 considerations

7.8 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.

Policy N34 is set out below:

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.

5.4.10 *The following sites are protected under Policy N34 as Protected Areas of Search:*

16	<i>New Lane, East Ardsley</i>
17	<i>Bradford Road, East Ardsley</i>

7.9 EXECUTIVE BOARD DECISION OF 13TH MARCH 2013

7.10 A Housing delivery report was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable 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:-

- (vi) 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;*
- (vii) 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*
- (viii) 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:

- (ix) It is an area where housing land development opportunity is demonstrably lacking; and*
- (x) 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.

- 7.11 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 above be approved subject to the inclusion of criteria which
- (iii) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (iv) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

- 7.12 It is important to have in mind that the Interim Policy is not part of the council's Development Framework and has not been subject to consultation. It set out a series of highly relevant criteria which the Council should have regard to. It should be noted that the decision to introduce the Interim policy was challenged in the High Court by Miller Homes and the challenge was resisted by the Council and dismissed by the Judge. It is understood that an appeal may be made to this decision. In the meantime the policy has not been found to be unlawful.

- 7.13 Members have used the policy to support the release of land at Fleet Lane and Royds Lane where the criteria were met:
Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell
Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton.
Both sites have now been granted outline planning permission
Members have also considered Application 13/00902/OT – Outline Application for Residential Development on land at Owlars Farm, Morley and have resolved to support the application in principle as it complies with the interim policy subject to resolution of the access details.

Supplementary Planning Guidance / Documents:

- 7.14 Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

National Guidance

- 7.15 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%. The NPPF is a material planning consideration.

5 Year land Supply

- 7.16 The Core Strategy Inspector suggests that in order for the plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units).
- 7.17 The Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against its housing requirements (NPPF, para 47). The previous five year supply position was released in March 2013 and was based on site information from September 2012. This demonstrated a five year supply when assessed against the housing requirement set out in the submission draft Core Strategy. It also identified a significant stock of supply which fell just outside of the five year supply picture on the basis of the conclusions of the SHLAA partnership in 2012. The Council noted at the time that under more favourable economic conditions this stock could be brought forward sooner.
- 7.18 Notwithstanding this the five year supply also included a stock of Protected Area of Search to be released in advance of the impending site allocations plan by means of an interim policy which has been held to be lawful by the High Court. This was expressly to help diversify the land supply position and followed the release of the remaining UDP phase 3 greenfield sites in 2011.
- 7.19 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 7.20 In addition there are a number of amendments to the National Planning Practice Guidance which have a bearing on the five year supply.
- 7.21 In the meantime there remains a considerable number of units with planning permission and on allocated land (over 26,500 units as at September 2013) that can come forward at any time and we would expect commencement on these sites to increase as the economy recovers and the housing market improves.
- 7.22 In addition the Council is taking numerous steps to boost the delivery of housing in Leeds. The draft Core Strategy sets a requirement of 70,000 (net) homes which on the basis of objective evidence is towards the upper end of housing need. The Council’s Housing Investment Programme is directing finance, resources and land

towards delivering homes, including building Council Houses, in the inner area where needs are greatest.

- 7.23 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. 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.

8.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- 5 year land supply
- Highways
- School provision
- Flood Risk
- Section 106 Package
- Other issues

9.0 APPRAISAL

Development Timing in advance of the Site Allocations Plan

- 9.1 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 long term development and any intermediate development should be resisted that would prejudice development for long term needs. 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 (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application now would be a departure from the Development Plan. Alone, this has constituted a reason for refusal at Kirkless Knowl, in the west of the City (see para 3.5 above). The proposal to develop the application the subject of the current application 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...”
- 9.2 As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations DPD This site needs to be assessed against the interim policy to see if it meets the criteria to be released early.
- 9.3 The criteria of the interim policy are intended to ensure that large PAS sites, which have significance in their size and locational impact will only be identified as housing sites through the development plan process, namely the Site Allocations Plan. 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 site against the interim policy criteria is considered below:
- 9.4 **Criterion (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. The site is an extension to East Ardsley, a ‘Smaller Settlement’ in the settlement hierarchy as defined in the Core Strategy Publication Draft, and therefore fails the first policy test. **(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 is above this threshold, at 13.50 ha and therefore also fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council’s locational strategy for housing.

- 9.5 **Criterion (iii) Land is not needed , or potentially needed for alternative uses.** Childrens Services are considering whether there is demand for a new school in the area, and whether part of this site may be required for such a purpose.
- 9.6 Members will be aware that through the LDF the Council is proposing significant new housing in all parts of the district. The Core Strategy identifies a need to find land for an additional 5,586 dwellings in Outer South West Leeds which will inevitably create a significant additional need for school places. Whilst some 1,614 dwellings can be accommodated on land with planning permission or allocated housing sites the majority (3,972) will be on sites that have yet to be determined. The Council is currently progressing through the Options responses to move to a Preferred Option on its Sites Allocation Plan. Although the future distribution of housing is therefore uncertain this will inevitably require new schools as well as extensions where these are acceptable and appropriate. In this respect discussions are on-going with Childrens Services to assess the potential of the application site, to help meet this future need.
- 9.7 The Site Allocations Plan Volume 1: Plan Overview released in June as part of the Issue and Options stage for Site allocations notes in para 8.11 that “Further representations on sites (including those relating to schools, built heritage and the Environment Agency) are awaited and will be included in the site assessments prior to making decisions regarding which are the favoured sites to allocate. Any further requirements arising could be reflected in detailed policy wording. In some cases the need for a new school may need to be part of an allocation.”
- 9.8 To summarise, the proposal does not comply with the Interim Policy approved by Executive Board regarding PAS sites to be released early.

Five Year Supply

- 9.9 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.
- 9.10 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time (2009-2012) the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

- 9.11 The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
 - sites with planning permission
 - allocated sites without planning permission
 - an estimate of anticipated windfall sites
 - SHLAA sites without planning permission
 - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 9.12 The Core Strategy Inspector suggests that in order for the (Core Strategy) plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units). The Council has recently published its Main Modifications draft which accepts the Inspector's Modifications.
- 9.13 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 9.14 The 2012 published 5 year housing land supply report identified 1619 dwellings being delivered through the release of PAS sites in the period 2013-14 to 2017-18. The assessment of which PAS site would be released would be determined by applying the guidance contained within the interim housing delivery policy.

Highways Considerations

- 9.15 Highways comments are awaited. A significant volume of traffic will access the site via Bradford Road. The junction will be in the form of a priority junction, and no other vehicular access (emergency or otherwise) is proposed. Significant concern has been raised in representations concerning the proposed volume of traffic on a congested network. Up to 370 dwellings from a single point was a specific concern identified. The proposal has now been amended to a maximum of 299 dwellings .
- 9.16 Highways Officers have stated that the proposals cannot be supported as submitted, for the following reasons:
1. The scale of the development would be contrary to the requirements of the Street Design Guide, which advises that a single point of access (designed as a Connector Street) is only suitable for developments of up to 300 dwellings. It should be noted that, as part of the recent site allocations process, the site has been assessed as having a development capacity of 293 dwellings. Highways have been consulted on the proposal for 299 units, and their comments are awaited.
 2. Further information is required from the developer to fully assess the likely impact of traffic from the development on the local highway network. The applicant

should be asked to supply electronic versions of the various LINSIG models referred to in the TA at the nearby traffic signal controlled junctions of Bradford Road/Common Lane/Westerton Road and Bradford Road/Thorpe Lane/Smithy Lane. This information is required to enable the UTMC section to properly analyse the submitted data.

3. The junction to the proposed development from the A650 Bradford Road would involve the relocation of an existing traffic island on Bradford Road and alterations to the established carriageway markings to provide a ghost island right turn lane.

9.17 Traffic Management and Road Safety sections have been consulted on these matters and further comments will be reported to Plans Panel in due course

9.18 The site is surrounded by sites which are being considered in the site allocations process. It is recommended that consideration should be given to whether there is a comprehensive highway solution for all of these sites in the interests of good/effective planning. There is a risk that if all of the sites were to be allocated, but developed in isolation of one-another, an opportunity will have been missed to create an integrated layout with suitable connectivity e.g. new public transport routes or other infrastructure. Without such an approach is there a risk that effective planning of the overall area will be missed given the scale of the various sites.

Sustainability

9.19 The site does not fully meet the draft Core Strategy Accessibility Standards. The centre of the site is within the designated 400m distance of two bus stops on the nearside of Bradford Road, however it is about 500m from the nearest bus stop on the opposite side of the carriageway. Although the overall frequency of services to the major public transport interchanges of Leeds, Bradford and Wakefield meets the requirement of 4 buses per hour, the journey times to both Leeds and Bradford is outside the accessibility indicator of 40 mins (the journey to Bradford takes approx. 50 mins from East Ardsley whilst the journey time to Leeds is approx. 1 hour 30 mins).

9.20 There are a range of local services available within 1200m of the site (e.g. convenience stores, post office, butcher, social club, hot food takeaways). Furthermore, the primary school provision and a medical centre are within the designated 1600m of the site. However, the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for services travelling in this direction is outside the 400m threshold and the service frequency is only 2 buses per hour.

9.21 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.

Transport Assessment

9.22 The TA has examined the impact of the development on the motorway network at both J41 of the M1 to the south east of site and J28 of the M62 to the north west of the site using TRANSYT models. The Highways Agency have been consulted regarding these aspects of the TA, and their comments will be reported in due course.

- 9.23 The TA has also considered the impact on the local highway network at the nearby traffic signal controlled junctions of Bradford Road/Common Lane/Westeron Road and Bradford Road/Thorpe Lane/Smithy Lane. The side road junctions of Bradford Road/Woodhouse Lane, Bradford Road/Chapel Street, Bradford Road/Thorpe Road/Royston Hill and Bradford Road/proposed site access have all been modelled using PICADY. The results of the analysis show that the A650/Woodhouse Lane and the A650/proposed site entrance are predicted to operate within practical capacity.
- 9.24 However, the Bradford Road/Chapel Street junction is forecast to reach its practical capacity in 2018 with the addition of the development traffic. In addition, the left turn manoeuvre at the Bradford Road/Thorpe Road/Royston Hill junction would almost reach absolute capacity in the 2018 Base + Committed + Development Traffic scenario. This would result in both the left turn queues and delays at the junction being almost double the 2018 Base situation once the development traffic is added.
- 9.25 The right turn manoeuvre out of the Bradford Road/Thorpe Road/Royston Hill junction would similarly be affected by the proposals. With the addition of the development traffic, the operation would change from well within capacity to a situation where the practical threshold would be exceeded. This would be accompanied by a marked increase in delay for drivers waiting to exit the junction.

School provision

- 9.26 The issue of capacity of school provision is partly discussed above. Significant concern has been raised locally at the existing capacity issues in the area and impact on the schools in the area. The development would generate a significant number of pupils at primary and secondary school, and there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested by Childrens Services.
- 9.27 In addition, Childrens Services would like to explore the potential to reserve 2 hectares of land from this site for a possible new school. The applicant has shown 2 hectares of the site to be reserved for a possible school, and the Section 106 will be drafted accordingly.

Flood Risk

- 9.28 The applicant is proposing to drain the surface water to a Yorkshire Water sewer, in Healey Croft Lane, south west of the site – the maximum off-site discharge is to be limited to 24.8 litres/ second and has been agreed with YW and Flood Risk Management (FRM). However this necessitates a surface water pumping station at the northern eastern corner of the site, even though this part of the site would naturally drain into a watercourse 200m north of the site. The SW pumping station would pump water across the site, at a rate of 5 litres/second, and discharge to the outfall at the south west.
- 9.29 The use of open pond storage is worthy of further consideration at detailed design stage - as both sub-catchments, north east and south west, could accommodate such features and in fact they would help to mitigate some of the environment impact of developing this greenfield site. This could then be amalgamated with the POS areas to form useful and attractive features within the site. If that was the case FRM would be prepared to look at the adoption of these ponds, subject to the payment of a commuted sum by the developer.
- 9.30 FRM raise no objections, subject to conditions to address the above points.

Section 106 Package

9.31 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.

9.32 The proposed obligations listed in the Proposals section 2.3 of this report 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 Section 106 Agreement to address the policy requirements for this application. The need for any off site highway works and school site will need to be firmed up as the application progresses.

Other Matters

9.33 At this stage no overriding concerns exist in respect of other planning issues. Further work will be needed to agree the capacity of this site in terms of the number of access points, the design criteria which underpin layout in terms of character and visual setting and the drainage infrastructure which could have a bearing.

9.34 The Masterplan has been recently revised to show 299 dwellings, and that 2 hectares of land would be reserved for a possible school site. Although indicative, the layout is under consideration.

10.0 CONCLUSIONS

10.1 The key conclusion is that the proposal to develop the site now runs contrary to UDP Policy N34 which expects larger PAS sites only in smaller settlements to be released following comprehensive assessment through the Local Plan process. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise.

10.2 At present the Council is considering its position with regards to a five year land supply.

10.3 At this stage, key issues with regards to sustainability issues are under consideration and work needed as set out in the detail of the report.

10.4 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the questions and issues outlined above, summarised below:

1. Do Members have any concerns regarding the principle of development?

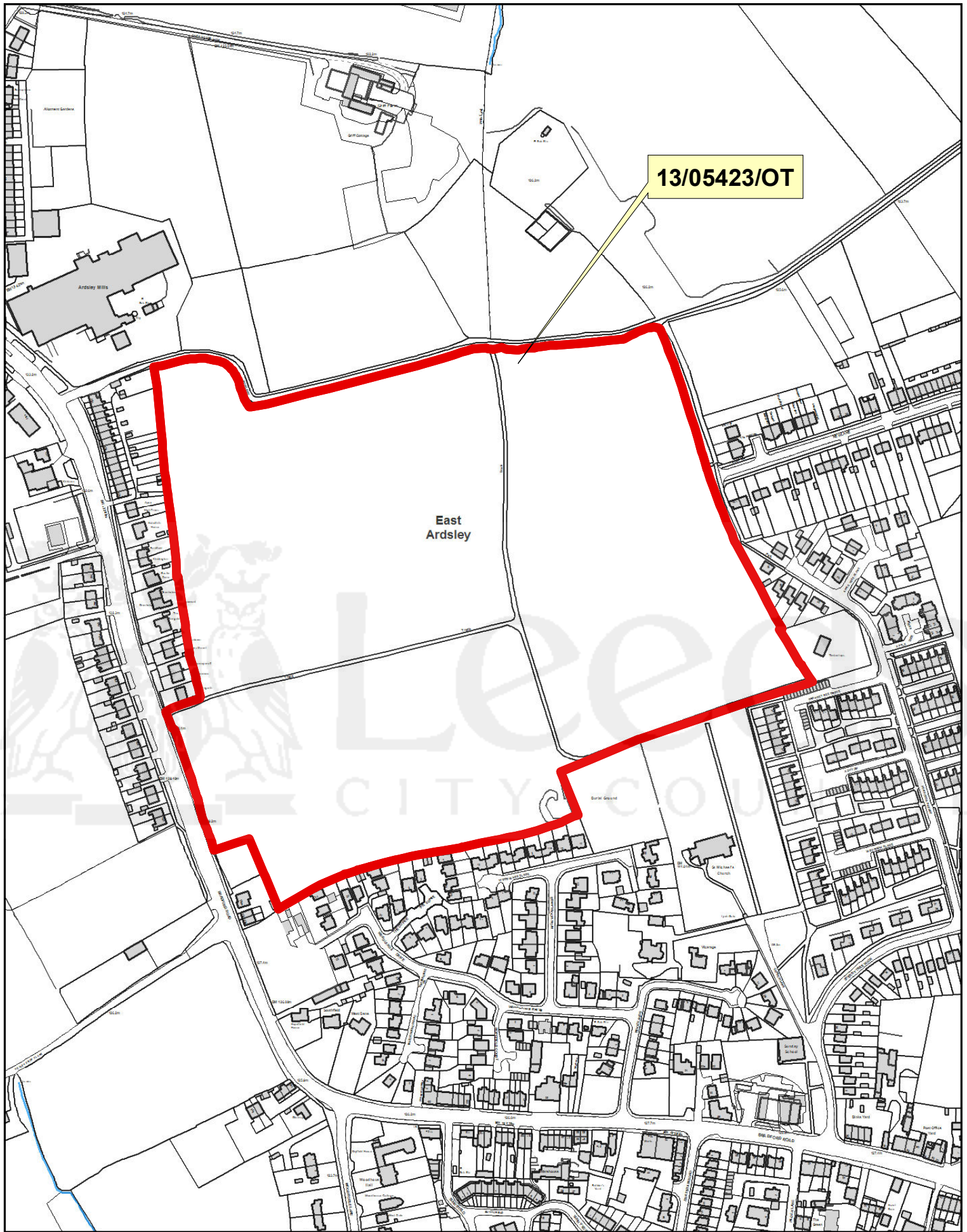
2. Do Members have any comments to make on the proposed access arrangements or any other highway safety concerns?

3. Do Members have any comments to make on the sustainability or capacity of the site?
4. Do Members have any comments to make about the emerging Section 106 package?
5. Do Members have any other comments to make at this stage?

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



13/05423/OT

East Ardsley

CITY PLANS PANEL

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SCALE : 1/3500

