



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 5th November 2015

Subject: 14/01211/OT – Outline application for mixed use development comprising up to 700 dwellings including extra care (C2), retail and community uses (A1 to A5), health care (D1), and education uses (D1), car parking, means of access, infrastructure, open space, landscaping, including demolition of existing house and agricultural building at land at East Scholes, Scholes, Leeds, LS15 4AD.

APPLICANT

Scholes Dev Co Limited and
Barratt / David Wilson
Homes

DATE VALID

5th March 2014

TARGET DATE

25th June 2014

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

- 1) The Local Planning Authority considers that that the release of this site in combination with other sites designated as Protected Areas of Search (PAS) in the statutory plan, for housing would be contrary to saved Policy N34 of the Unitary Development Plan (Review) 2006. Policy N34 seeks to safeguard land for future development pending a review through the local plan process and the release of this site in advance of that would be premature and contrary to the approach set out at paragraph 85 bullet point 4 of the National Planning Policy Framework. The release of this site has been considered as part of the Site Allocation Process and it is not considered suitable for release for housing during the plan period as it fails to meet accessibility standards in respect of access to employment, secondary education and town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area. The release of this PAS site outside of the proper plan period would be premature to the development plan

process secured through N34 and as is currently being progressed through the SAP, and would by itself and by its implications for the consideration of other PAS sites, undermine the plan led system and predetermine decisions as to the scale, location and phasing of new development central to the emerging SAP, which will consider the relative sustainability of housing sites. At this stage, and as a departure from the development plan and the emerging SAP, as well as for the reasons identified in reasons 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 character and identity of Scholes contrary to Spatial Policies 1, 6 and 11 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the National Planning Policy Framework.
- 3) The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 4) The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will, be brought about by the proposed development. The proposal is therefore considered to be contrary to Policy T2 of the Core Strategy, saved UDP policy GP5 and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.
- 5) In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, public transport, travel planning, and off site highway works contrary to the requirements of Policies H5, H8, P9, T2, G4 and ID2 of the Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement

covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

1.1 An outline application for a mixed use development comprising up to 700 houses including extra care (C2), retail and community uses (A1 to A5), health care (D1), and education uses (D1), car parking, means of access, infrastructure, open space, landscaping on the eastern side of Scholes village was refused permission at City Plans Panel on 28th August 2014 (report appended). The site was one of several applications on PAS land which were received by the council in 2013-2014 including Bagley Lane and Grove Road, both of which have been the subject of Public Inquiries. The Council is awaiting the outcome of the High Court challenge to Bagley Lane and the report of the SOS at Grove Road. The Council currently has five PAS appeals which will be decided by Public Inquiry. Four of these appeals, are the subject of two co-joined Inquires which will be heard concurrently in the early months of 2016. This report seeks to provide updated reasons for refusal which take account of the adoption of the Core Strategy and the cancellation of the Interim PAS policy. These reasons for refusal will form the basis of the council's case at appeal.

1.2 The appellant has also provided an updated Environmental Statement following the submission of the appeal. The changes addressed within the Supplementary Environmental Statement are said to be as follows:

- A revised education strategy which provides for extension of the existing primary school in Scholes, resulting in removal of the proposed primary school at East Scholes and replacing this with a new public park;
- Removal of a development parcel to the south of the existing cricket club, and its replacement with green space;
- Additional changes to the landscaping strategy, including removal and reconfiguration of development along Rake Beck, at the southern entrance to the site, and inclusion of an additional landscaping buffer to the south of the site (where it adjoins the Conservation Area);
- Relocation of the proposed one storey housing closer to the proposed village centre;
- Re-alignment of the route of Rakehill Road within the site and updated access proposals;
- A reduction in the maximum residential storey heights proposed to two storey;
- Minor adjustment to the layout of individual development plots to improve residential amenity at these locations; and
- A consequential reduction in the maximum number of dwellings being applied for to up to 650 dwellings (including accommodation for the elderly).

1.3 Paragraph 1.6 of the document states that the changes have limited effects on the findings of the original environmental statement, but the Council disputes that this is the case. The newly submitted Supplementary Environmental Statement is predicated on fundamental and material changes to the original planning application.

- 1.4 The revisions were, so far as the Council is aware, produced without proper reference to any other party to the proceedings, including interested members of the public. Certainly, the Council was not, despite what the Appellants say in their Statement of Case (see below), consulted on these revisions. If the appeal proceeds on the basis of this new information, then, for all practical purposes, it is a scheme which was neither put to the Council's relevant Planning Panel nor offered for public consultation when, plainly, it should have been.
- 1.5 Furthermore, a number of local residents who have been notified of the appeal submission are raising this also as an issue. A number of residents are stating that this additional information is, effectively, a new scheme which has not been the subject of any public consultation.
- 1.6 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.
- 1.7 To date, the appellant has not carried any further publicity or consultation based upon the updated ES. The Inspectorate have also not indicated whether this information will be formally considered as an amendment to the appeal proposal when dealing with the Public Inquiry. However, notwithstanding the above, it is considered necessary and prudent for the Council to consider such information.

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 Core Strategy sets a target for the provision of 70,000 (net) new dwellings for the period between 2012 and 2028. The following core strategy policies are relevant:

Spatial policy 1	Location of development
Spatial policy 6	Housing requirement and allocation of housing land
Spatial policy 7	Distribution of housing land and allocations
Spatial policy 10	Green Belt
Spatial policy 11	Transport Infrastructure
Policy H1	Managed release of sites
Policy H2	Housing on non-allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy P10	Design
Policy P11	Conservation
Policy P12	Landscape
Policy T1	Transport Management
Policy T2	Accessibility requirements and new development

Policy G4	New Greenspace provision
Policy G8	Protection of species and habitats
Policy EN2	Sustainable design and construction
Policy ID2	Planning obligations and developer contributions

The following saved UDP policies are also relevant:

- GP5: All relevant planning considerations.
- N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.
- N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.
- N33: Seeks to protect the Green Belt.
- N34: Sites for long term development (Protected Areas of Search).
- N35: Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.
- N37A: Development within the countryside should have regard to the existing landscape character.
- T24: Parking guidelines.
- BD2: The design of new buildings should enhance views, vistas and skylines.
- BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
- LD1: Relates to detailed guidance on landscape schemes.
- LD2: New and altered roads

Local Development Framework - Site Allocations Plan

- 2.3 The Council is also currently progressing a Site Allocations Plan (SAP) and is currently out to consultation on the Publication document which proposes the allocation of sites for housing to meet targets set out in the Core Strategy and identifies Protected Area of Search land for development beyond the plan period up to 2028. The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach in two important respects. First, it is stepping outside the local plan process which prevents the PAS sites being reviewed in a comprehensive way allowing for the consideration of the relative merits of the candidate sites to be considered alongside the questions of delivering sufficient housing in the most sustainable way also having regard to the delivery of key infrastructure. Secondly, it is promoting a site which the Council, on the basis of the work done to date through that Local Plan review process, does not consider to be a suitable site for allocation, and that other sites are preferable in sustainability terms. Accordingly, it is for the Site Allocations Plan process to determine the suitability of this site, and others, for housing development. This approach is in line with para 85 of the NPPF which states that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.” It is also in line with the NPPF core planning principle 1, which states that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans

setting out a positive vision for the future of the area.” The appeal proposal is therefore contrary to the most recent expression of the council’s plan for sustainable development of its area.

2.4 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:

- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
- identify and update annually a supply of specific deliverable sites sufficient to provide for five years’ worth of supply;
- identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15.

2.5 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), supplemented by further evidence presented to the Core Strategy Examination in October 2013. The SHMA is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections, levels of economic growth as well as levels of future and unmet need for affordable housing. Accordingly, the Site Allocations Plan is the appropriate vehicle to deliver the Core Strategy requirement and will ensure that the significant boost to housing supply sought by the NPPF.

Neighbourhood Plan

2.6 Barwick-in-Elmet and Scholes has been designated a neighbourhood area and has developed a draft Neighbourhood Plan. A first draft (December 2014) has been produced which seeks to consult with the community and stakeholder in order to gain views about the shape, direction and detail of the Plan. The Plan addresses the issue of the provision of new housing within the Parish. Consultation with the community has revealed that there is support and need for new homes to be created in the Parish. There is established need to accommodate young people and young families alongside homes for older people looking to downsize in order to stay in the community. The draft Plan includes policies as follows:

Policy H1: Proposals for new housing development should be supported by a Statement of Community Involvement demonstrating how the local community has been engaged with during the planning process; an Infrastructure Delivery Plan, and a Housing Needs Survey.

2.7 The Plan also identified the scale of development and seeks to ensure that new development is in proportion to the current size and form of the existing settlements, not overwhelming them. The Plan notes that large new housing developments are likely to cause pressure on schools, transport and drainage in particular. Policy H2 therefore seeks to address the issues associated with the scale of new development. Work on a Proposals Map has yet to take place.

2.8 Relevant Supplementary Planning Guidance includes:

SPD: Street Design Guide.

SPD: Public Transport Improvements and Developer Contributions

SPD Travel Plans
SPD: Designing for Community Safety: A Residential Guide
SPD: Sustainable Design and Construction “Building for Tomorrow, Today.”
SPG: Neighbourhoods for Living
SPG 4: Greenspace Relating to New Housing Development
SPG 25: Greening the Built Edge.

National Planning Policy

- 2.9 The National Planning Policy Framework (2012) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.10 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At paragraph 17 the NPPF sets out that a core principle is that planning should “be genuinely plan-led”. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The Core Strategy was adopted subsequent to the publication of the NPPF and was found to be sound by reference to the tests set out at paragraph 182 including being “consistent with national policy”.
- 2.11 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 2.12 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 2.13 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and

- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

National Guidance - Five Year Supply

- 2.14 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 2.15 The Council is progressing its 5 year supply calculations for the period 2015 to 2020. Whilst this remains subject to the findings of the SHLAA 2015, which has yet to be consulted upon with housebuilders, there are positive signs in the Leeds housing market as follows: a) significant increases in renewed interest and activity in the City Centre e.g. the Dandarra Manor Road private rented sector scheme which starts on site next year, alongside two major private sector investments for Tower Works and Tetley Brewery in the South Bank area of the City Centre which are due to start construction in 2016. b) progressing activities (including by the Council) and delivery within the Inner area of Leeds, c) a surge in recent planning permissions for housing as the housing market recovers from recession e.g. between Jan to Mar 2015 34 new sites were granted permission for 2,000 homes in total and d) certainty on a range of sites without permission which are now proposed for housing in the Council's site allocations plan; many of which can come forward immediately. This context reflects an improved picture from that of the previous 5 year supply, which was upheld by the Secretary of State and subject to the views of housebuilders on the deliverability of specific sites, the Council is confident at this stage that it will maintain its 5 year supply for the period 2015 to 2020. It is also important to note that in terms of future land supply the progression of the Site Allocations Plan secures over 55,000 homes in Phase 1, with a large number of deliverable greenfield sites, where they are compliant with the overall strategy, proposed to form Phase 1 allocations. As the site allocations plan advances and is adopted these greenfield releases will become available and can be included within future 5 year supply pictures. This will provide a significant security to the 5 year supply position.

Planning Practice Guidance

- 2.17 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) Settlement Hierarchy
- 3) Sustainability Criteria
- 4) Highway Considerations
- 5) Implications of the updated Environmental Statement
- 6) Section 106 issues
- 7) Housing Delivery

4.0 APPRAISAL

Principle and Prematurity

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework, the requirement for a five year supply of housing and matters relating to sustainability, highways, layout/design/landscaping, residential amenity, flood risk and Section 106 matters.
- 4.2 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for development in the longer term should the need arise.
- 4.3 The development is contrary to this policy which is saved under the Adopted Core Strategy and the application site remains a PAS site within the current Development Plan.
- 4.4 The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework”. The Adopted Core Strategy provides further detail on this and states in paragraph 4.8.6 “The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on

how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.” Paragraph 4.8.7 confirms that “Through the LDF a sufficient and realistic supply of PAS land, will be identified to provide contingency for growth, if the supply of housing and employment allocations proves to be insufficient in the latter stages of the plan period.”

- 4.5 There has been a necessity for the well progressed Site Allocations Plan to identify land from a larger pool of sites including some PAS land and some Green Belt land in order to meet the challenging housing requirements set out in the Adopted Core Strategy. It has not been possible to meet these requirements on brownfield or non-allocated greenfield land alone. To bolster and diversify the supply of housing land pending the adoption of the SAP the council adopted an interim policy in March 2013. This policy facilitated the release of some PAS sites for housing where they, amongst other matters, were well related to the main urban area or major settlements, did not exceed 10Ha in size and were not need for other uses. The interim policy further set out that the release of larger sites may be supported where there are significant planning benefits including where housing land development opportunity is significantly lacking and there is a clear and binding link to significant brownfield development. The purpose of the policy was to provide a pragmatic means of managing the assessment of the sustainability of the candidate sites whilst preserving the integrity of the plan process. When this application was originally considered by Plans Panel the recommendation that was agreed was that the development proposal was contrary to the terms of this policy. Subsequently the council’s Executive Board, on 11th February 2015, agreed to withdrawn the policy with immediate effect in light of progress being made with the SAP, that a pool of sites had been identified, and that the relative merits of development of potential sites could be assessed against the sustainability and spatial policies set out in the then emerging Core Strategy.
- 4.6 This is a contentious process and one which the Council is progressing in consultation with elected members and local people and neighbourhood groups. Therefore, two sections of the NPPF are also highly material and should be read alongside the Adopted Core Strategy.
- 4.7 At paragraph 17 the Core Planning Principles state that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.” This follows on from a statement in the Ministerial foreword to the guidance which states: “This [planning] should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this. In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.”
- 4.8 At paragraph 85 of the NPPF the guidance states: “When defining [green belt] boundaries, local planning authorities should ... where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period; and make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of

safeguarded land should only be granted following a Local Plan review which proposes the development.”

- 4.9 To release the application site for development at this time would be contrary to paragraph 17 and 85 of the NPPF.
- 4.10 The Planning Practice Guidance sets out guidance on the issue of prematurity and the most relevant text to these appeals states:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 4.11 The draft Site Allocations Plan is well progressed and has been published for consultation with period closing on 16th November 2015. To get to this stage has involved significant work addressing the needs of a large and complex city with the considerable consultation and engagement with many stakeholders. The level of consultation which the Council has engaged in, in order to produce a well thought out plan in association with the key stakeholders means that some considerable weight can be given to the consultation draft. At the time of the consideration of the appeals it will be at a more advanced stage. Nevertheless the principles of achieving sustainable development that has regard to settlement hierarchy, the development of previously developed land and the delivery of key infrastructure will continue to underpin the site allocation process.
- 4.12 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 Collingham application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. It is acknowledged that the SAP has not yet been submitted for examination and the release of this site by itself would not be contrary to the tests of prematurity set out in the PPG. However, it remains a concern that the cumulative effect of releasing the PAS sites could be so significant that it would serve to undermine the plan making process by predetermining decisions about the scale, location and phasing of new development all of which run contrary to the principles of sustainability and settlement hierarchy set out in the Core Strategy Saved policy N34 and its supporting text should be given considerable weight because it remains part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review”. To depart from this approach would serve 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.

- 4.13 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

- 4.14 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.
- 4.15 Scholes is identified as a smaller settlement within the Core Strategy settlement hierarchy. Policy SP1 of the Core Strategy states that “Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability”. Work is ongoing through the Site Allocations Plan to consider where within the Outer North East Area new development should be located. To allow development on this site in advance of the SAP being adopted would undermine the plan-led approach, looking at what sites should come forward, what infrastructure is needed to support them, what their comparative sustainability credentials are and where new housing development would best be located. In addition work is progressing on a neighbourhood plan and it is considered that the release of this site early would also not sit well with that process which is being co-ordinated with the Site Allocations Plan.

Sustainability Criteria

- 4.16 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.
- 4.17 The site does not fully meet the draft Core Strategy Accessibility Standards. Whilst there are some local facilities within the village (doctors surgery, pub, shop) and a local bus service, it is infrequent at only 1 an hour giving poor accessibility to employment, town and city centres and secondary education. Whilst there have been discussions in relation to the East of Scholes development about possible improvements to bus services there is no proposal on the table yet about how that can be achieved and without significant improvement of bus services it is not considered that substantial further development in Scholes can be supported.

- 4.18 Sustainability issues will be clearly examined as part of the Site Allocations process in designating sites together with what infrastructure improvements are required to make them acceptable. The additional health, retail and educational facilities proposed as part of this scheme are benefits but this does not detract from the fact that the site scores poorly in relation to access to public transport which is contrary to the strategic approach of the UDP and Core Strategy and guidance in the NPPF in terms of the core planning principles which underpin the planning system.
- 4.19 In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres. The distance from employment centres, secondary schools and main shopping and leisure areas coupled with the infrequency of the bus service and the poor pedestrian environment, means that the majority of journeys to and from the site will be by private car and this is negative aspect of the development. The site is therefore contrary to Spatial Policies 1, 6 and 11 and Appendix 3 (Accessibility Standards) of the Core Strategy. . The Site Allocations Publication Plan has concluded that there are other more sustainable options for development in the Housing Market Characteristic Area.
- 4.20 The authority consider that the Site Allocations Process is the right vehicle to ensure that the necessary infrastructure is in place to allow sustainable housing growth across the city as a whole.

Highway Considerations

- 4.21 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.
- 4.22 There remain significant concerns about the methodology used in the TA and the impact of the scheme on both the wider network and also the local road network. Highways colleagues recommend refusal at this stage because an acceptable means of access in terms of both safety and capacity has not been demonstrated and significant issues remain outstanding which must be addressed before any development can proceed. The scheme is significant in scale and there will be substantial impacts within Scholes and on the wider network where there are already significant schemes being brought forward in East Leeds including ELOR, and the Manston Lane Link Road (MLLR). These issues do not just relate to vehicular traffic but also all other modes of transport including walking , cycling and public transport.
- 4.23 The updated Environmental Statement contains a revised Transport Assessment. At the time of writing, it has not been possible to review and consider this information. The highway considerations are therefore based upon the initial proposals for 700 dwellings and the new primary school and the accompanying Transport Statement that supported these proposals.
- 4.24 As such the appeal would cause harm to the highway network and is contrary to Core Strategy Policy T2 and saved UDP policy GP5.

Implications of the Updated Environmental Statement

- 4.25 As noted at paragraph 1.2 of this report, significant changes have been made by the appellant to the scheme which is the subject of this appeal. Such amendments were submitted in the form of an updated Environmental Statement and at the same time as the appeal was lodged. These amendments were described as '*any other information*' by the Planning Inspectorate in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The amendments are listed above, with the main change being the removal of the proposed new primary school from the proposals.
- 4.26 The Council have previously written to the Planning Inspectorate setting out our position in that, regardless of the requirements of the environmental impact assessment regulations, not only is such further publicity desirable but it is absolutely necessary to ensure that the positions of both the Council and all interested parties are not prejudiced by what is, in effect, the production of a markedly different scheme under the blanket of an appeal.
- 4.27 The appellant's submitted document states that the changes have limited effects on the findings of the original environmental statement, but the Council disputes that this is the case. The newly submitted Supplementary Environmental Statement is predicated on fundamental and material changes to the original planning application.
- 4.28 The revisions were, so far as the Council is aware, produced without proper reference to any other party to the proceedings, including interested members of the public. Certainly, the Council was not, despite what the Appellants say in their Statement of Case (see below), consulted on these revisions. If the appeal proceeds on the basis of this new information, then, for all practical purposes, it is a scheme which was neither put to the Council's relevant Plans Panel nor offered for public consultation when, plainly, it should have been.
- 4.29 Furthermore, a number of local residents who have been notified of the appeal submission are raising this also as an issue. A number of residents are stating that this additional information is, effectively, a new scheme which has not been the subject of any public consultation.
- 4.30 The amendment to the education element of the proposal, in particular, raises serious concerns. Rather than the provision of a new primary school within the site as part of the proposed development, the Appellant intends to offer a piece of land adjacent to the existing primary school within Scholes. This particular site was also the subject of a recent outline application by the same applicant which was refused by the Council for similar reasons. The proposal to extend the school has not been tested, either as a matter of principle and to a degree needed to support the development of up to 650 new houses. Furthermore, it has not been considered by Highways Officers whether the access to the school is appropriate to support the increased level of vehicular activity associated with what would be a substantial extension.
- 4.31 Of significant concern with regard to the submission of fundamental changes to the proposal is the lack of public consultation. The appellant has not carried out any publicity with regard to the changes and the Inspector has yet to confirm whether the updated ES will be considered for the purposes of the appeal.

- 4.32 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.
- 4.33 The authority's CIL charging schedule is in place and requires a payment of £90 per square metre of residential floor space. The adoption of CIL means that S106 payments previously identified relating to greenspace and education are no longer applicable. It will still be necessary for the appellants to enter into an S106 agreement relating to affordable housing, public transport, and proposed off-site highway works. These have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 4.34 The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted. It is understood that the applicants are not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position.

5.0 CONCLUSION

- 5.1 Central to the context of this appeal is the matter of the delivery of housing in a sustainable and planned way. Housing delivery is a key element of current planning policy at both national and local level. The NPPF places a priority, amongst other matters, on the delivery of sustainable development and housing growth. Leeds has a target of 70 000 homes across the plan period and is committed to delivering this target. A significant amount of work has been undertaken and is still ongoing to ensure that this target is met, including work with house builders, landowners and local communities. The interim PAS policy was one arm of the Council's strategy and this sought to allow the release of sustainable sites ahead of the publication of the Site Allocations Process to ensure the ongoing availability of housing land. The policy achieved this aim, and was withdrawn once SAP had reached a sufficient stage to identify the sites that the Council thought were suitable for development. As outlined above the East of Scholes PAS site has been assessed for release but this was not considered to be acceptable as it failed to meet accessibility standards in respect of access to employment, secondary education, town and city centres and there are sequentially preferable housing sites within the Housing Market Characteristic Area.
- 5.2 It must however be acknowledged that granting permission would boost the supply of housing land within the Outer North East Housing Market Characteristic Area and this is a benefit of the scheme to which weight must be given, albeit this weight is reduced by the fact that the land is not needed within the current five year housing land supply and other sites are considered to be sequentially preferable. Furthermore the release of the site would cause substantial harm to the plan making process and the Council's sustainable development strategy as set out in the Core Strategy. The outline scheme proposed by the appellants would also cause harm to highway safety, local character and ecology; this harm is significant and weighs against the scheme. To date there is no agreed S106 which would ensure flood mitigation measures, other infrastructure works, affordable housing

and other contributions necessary to make the scheme acceptable would be delivered. This harm is significant and weighs against the proposal. The benefit of delivering housing land does not outweigh the cumulative harm which the proposal would cause to the Council's spatially focussed sustainable development strategy and the specific harm identified to Scholes and the locality. As such the harm significantly outweighs the benefits and permission should be withheld.

5.3 The release of the East of Scholes PAS site for housing development at this time being contrary to saved policy N34 of the UDP and the NPPF. To grant permission would be premature as it would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council is confident that it will maintain its 5 year housing land supply and so there is no need to release this site of this scale in this location in advance of the Site Allocations process. There are concerns regarding the sustainability of the site given limited services within the village and the infrequency of the local bus service. The applicants have also failed to enter into an S106 agreement to secure the necessary payments to make the development acceptable. Accordingly, in light of the pre-eminence that the NPPF places on a plan led system, that policies of the recently adopted Core Strategy sets out a clear approach to a sustainable pattern for housing delivery based on settlement hierarchy and sustainability, that the council has 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.

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

Background Papers:

Application files: 14/01211/OT
Certificate of ownership: Certificate C signed

Appendix – Previous Plans Panel Report



Leeds
CITY COUNCIL

Originator: Martin Sellens
Tel: 2478172

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 28th August 2014

Subject: Application 14/01211/OT: Outline application for mixed use development comprising residential development (C3) of up to 700 houses, including Extra Care residential accommodation (C2); retail and community uses (A1 to A5); health care (D1); and education uses (D1); car parking; means of access; infrastructure; open space; landscaping; and other associated works including demolition of existing house and agricultural building

Land at East Scholes, Scholes, Leeds 15

APPLICANT

Scholes Dev Co Ltd And
Barratt David Wilson Homes
-Mr D Hudson

DATE VALID

05.03.2014

TARGET DATE

25.06.2014

Electoral Wards Affected:

Harewood / Crossgates & Whinmoor

Yes (Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Refusal of Planning permission for the following reasons;

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

brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way.

2. The proposal is contrary to the Draft Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Scholes which is consistent with its size, function and sustainability credentials. Furthermore, the Draft 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 Draft Core Strategy recognizes the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan eg. Educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP3 of the adopted UDP Review and Policy SP1 of the Draft Core Strategy. In advance of the Site Allocations Plan the proposal represents such a substantial expansion of the existing settlement that it is likely to adversely impact on the character and identity of Scholes contrary to Policy SG2 of the adopted UDP Review, Policy SP1 of the Draft Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF.

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

4. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed access points and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will, be brought about by the proposed development. The proposal is therefore considered to be contrary to Policies GP5, T2 , T2B and T5 of the adopted UDP Review, Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.

5. 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 and drainage works contrary to the requirements of Policies H11, H12,

H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P7, P9, T2, G4 and ID2 of the Draft Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

- 1.1 The City Plans Panel received a pre-application presentation regarding this proposal at the 12th December 2013 City Plans Panel. The Panel also visited the site and Scholes in the morning prior to that meeting. At that Panel Members made it clear that they felt the proposed development on this PAS site was premature and also raised significant concerns regarding the highways implications. The full minutes from that item are included as Appendix 1 to this report.
- 1.2 The application was valid on 5th March 2014. The applicants had agreed an extension of time until 24th July 2014. Under The Planning Guarantee the Government has introduced regulations so that if a planning application submitted from 1st October 2013 onwards is not determined within 6 months by a Local Planning Authority and there is no written agreement from the applicant or agent to extend that time limit further then the planning fee authority will be refunded. That 6 month period in this case comes up on 5th September 2014. The planning fee is £43,797. Whilst the application submitted is complex and has raised many issues we now need to reach an in principle decision.

2.0 PROPOSAL:

- 2.1 Outline permission is sought for a mixed use development comprising residential development up to 700 dwellings, including Extra Care residential accommodation, retail and community uses, health care and education uses with car parking, means of access , infrastructure, open space , landscaping and other associated works including demolition of existing house and agricultural building. Permission is sought for the principle of development and means of access only with all other matters reserved. An existing dwelling on Belle Vue Avenue is to be demolished to provide a new pedestrian and access link to proposed community uses. The site currently comprises agricultural fields in use for arable farming and is split by an existing un-adopted road (Rakehill Road) which runs west – east through the site. The site lies adjacent to the Scholes Conservation Area which was designated in April 2012.
- 2.2 Means of access to the site is proposed via the provision of three access points ;
 - via the existing Rakehill Road junction in the centre of the site. Rakehill Rd will be widened to 6.75m between the application site and the junction with Scholes Lane / Station Road
 - via a new dedicated junction on Main Street to the south of the site; and
 - via the existing Arthursdale Drive, which will be extended to provide an additional point of vehicular access to the site

2.3 The application is accompanied by the following documents;

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Housing Needs Assessment
- Sustainability Assessment
- Building for life Assessment
- Preliminary Infrastructure Appraisal
- An Environmental Statement covering land use, socio-economic, transport, landscape and visual impact assessment, ecology, arboriculture, water management, noise, air quality, cultural heritage and archaeology and ground conditions.

2.4 The key principles of the proposed development are set out on the indicative masterplan submitted as part of the application. This illustrates the way in which the site could be developed to provide a development of up to 700 residential units alongside associated infrastructure, about 4 hectares of public open space and recreational facilities. The applicants set out that in direct response to pre-application discussions with the Parish Council and local residents the scale of the proposal represents a medium density of circa 22 dwellings per hectare (gross developable area) in keeping with surrounding residential areas. The indicative masterplan demonstrates the provision of new community services including a one form entry primary school, GP surgery and dispensing chemist, alongside small scale retail units within the centre of the development. 15% of the dwellings are proposed as affordable housing in accordance with the Interim affordable Housing Policy of 2011 and the applicant is willing to provide a range of delivery options for the Council to consider.

2.5 The application site was removed from the Green Belt and allocated as a Protected Area of Search (PAS) site to allow for the possibility of longer term development beyond the plan period. The safeguarded land was retained both to retain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development was always intended to be comprehensively reviewed as part of the preparation of the Local Development Framework.

3.0 SITE AND SURROUNDINGS:

3.1 The application site adjoins the eastern boundary of the settlement of Scholes and extends to an area of circa 32 hectares. Residential development lies on 3 sides of the application site from ribbon development along Nook Road to the north towards the A64 (York Road) , the existing estate roads of the village to the west, and Main Street and associated residential development to the south. To the east is further arable farmland

4.0 RELEVANT PLANNING HISTORY:

4.1 14/00716/OT: Outline application for residential development for up to 45 dwellings, laying out of access road, car parking , landscaping and associated works on land off Morwick Grove to the west of Scholes. This application was also presented pre application to the Plans Panel in December 2013. The application was made by the same applicants as this larger scheme to the east of Scholes and involved the other PAS site in Scholes. The application was refused permission on 6th August under delegated powers for the following 4 reasons;

1. *The LPA considers that the release of the site for housing development would be premature, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing or educational purposes as part of the future expansion of Scholes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location of the site means that the proposal does not fulfill the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support that growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way.*
2. *The development of this site for residential purposes does not meet the minimum accessibility standards set out in the Draft Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the adopted UDP Review (2006) and to the sustainable transport guidance contained in the NPPF which requires new developments to be capable of being adequately served by public transport so as to provide residents with a real choice of travel options.*
3. *It is considered that the proposed access arrangements for the site on Morwick Grove, including the relationship of the access junction to the development with the pedestrian entrance to the nursery at the adjoining primary school and the proposed drop off lay-bys will encourage additional manoeuvring and give rise to the potential for pedestrian and vehicular conflicts in this sensitive location. The detailed access arrangements which are sought as part of this outline application are therefore contrary to Policies T2 and GP5 of the adopted UDP Review (2006) and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.*
4. *In the absence of a signed Section 106 agreement the proposal currently fails to provide the necessary contributions for the provision of affordable housing, greenspace Improvements, metrocards and education (if over 50 units) contrary to the requirements of Policies H11, H12, H13, N2, T2, GP5 and GP7 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to policies of the Draft Leeds Core Strategy and the NPPF. The Council anticipates*

that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Planning officers have had meetings with the developer and there was one Ward Member presentation at pre-application stage. Officers have continually stressed it would not be appropriate to bring forward these PAS sites at this stage but that they should be promoted through the Site Allocations process.
- 5.2 The developer has also carried out public consultation in Scholes in May 2012 and September 2013. Separate meetings with the local MP, Ward Members, Parish Council plus other local groups and service providers have also taken place.
- 5.3 The applicants document that following public consultation a number of amendments were made to the scheme to address the concerns of local residents. These included a reduction in the number and density of the new development from 800 to 700 dwellings in order to reflect the appearance and character of the existing settlement whilst providing for family housing with gardens and generous on-site public open space and including both extra care and elderly accommodation as part of the scheme proposals.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The planning application has given rise to a significant volume of representations – 1,547 of which 1,546 object and 1 neither supports or objects (as at 14th August). Of these representations some 215 are standard printed letters where a name and address have been added.

Alec Shelbrooke MP writes on behalf of his constituents to raise awareness of their concerns which relate to the adequacy of the existing drainage systems and flooding is likely, highway capacity as the A64 is already jammed at peak times, actual housing of this scale in the village is questioned in terms of need, practicality and viability, impact on ecology and pressure on school places and health services. A development of this size would radically change the character of the existing village, doubling it in size and put unprecedented pressure on local highways and services.

Councillor Ann Castle strongly objects. At present Scholes is a village of about 1,000 properties and has grown organically over time with a variety of property styles, types and ages so is full of character. If a volume house builder were to build 700 houses to the east of the village the area would become a soulless suburb of Leeds. At the consultation event the applicants seem to believe that Scholes is a village in decline – nothing could be further from the truth as there is a popular school, two lively churches, a doctor's surgery, a dentist's surgery, two pubs, a number of meeting rooms and halls to cater for all of the lively groups in Scholes, sporting clubs and a public library. Cllr Castle is concerned about the plan to provide retail units within the development as there is an excellent village store at present in the village and retail in close proximity at Seacroft and Crossgates.

The Campaign to Protect Rural England (CPRE) have objected as the proposal is an unwarranted, speculative development which would pre-empt the emerging Site Allocations Plan and the Scholes Neighbourhood Plan; it is wholly out of proportion with the existing size and extent of Scholes and at odds with the settlement hierarchy; it would be unsustainable due to poor public transport connections, inadequate local amenities and large volumes of additional traffic generation; there are serious shortcomings with the Transport Assessment which downplay the demonstrable harm to local amenity and sustainable development that the proposals would constitute.

The standard and individual letters raise the following main issues among many:

- Prematurity/sustainability/failure to meet PAS policy.
- Highways issues in terms of the width of existing roads, capacity, junctions and safety concerns.
- Existing drainage is already working at capacity due to inadequate historic combined sewers and there are flooding problems.
- Change to the character of the village –it would be overwhelmed.
- Transport assessment factually incorrect and cannot be relied upon.
- Education and health facilities already under pressure and offers from developer may not resolve or be timely.
- Other major developments in the area and cumulative impacts should be considered.
- Ecology – adverse impact on local natural habitat and wildlife. Net gains should be made to improve the situation.
- Failure to consider the neighbourhood plan.
- Adverse impact on existing residents from traffic and growth/ construction over a prolonged period (10 years) plus loss of residential and visual amenity, adverse impacts on the character and amenities of the cricket ground.
- Adverse impact on public rights of way and open countryside views from them.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Environment Agency: No objection subject to conditions to ensure development is carried out in accordance with approved Flood Risk Assessment and mitigation measures and any dwellings adjacent to Rake Beck or Carr Beck must have finished floor levels raised at least 600mm above the adjacent bank level of the watercourse or 150mm above existing ground levels, whichever is greater.

7.3 Yorkshire Water: Suggest a number of conditions. Separate systems for foul and surface water required – local public sewer network does **not** have capacity to accept any surface water discharge from the site. Substantial off-site works required to supply water to the site (approx. 370m of off-site main laying)

7.4 Non-statutory:

7.5 Natural England: Proposal unlikely to affect any statutory protected sites or landscapes – referral to standing advice regarding protected species.

7.6 West Yorkshire Combined Authority - The scale of the development will significantly increase the size of the settlement. As with a number of villages on the periphery of the suburbs of Leeds, public transport access presents challenges for bus operators. The scale of the development, when completed, may provide bus operators with the increased patronage that will improve the frequency of services but in the short term it is unlikely that bus operators would be prepared to increase frequencies or routes without external funding. The Transport Assessment (TA) acknowledges that based on the current network the site does not meet the standards set out in the SPD or the emerging Draft Core Strategy accessibility criteria. Commitments have been included in principle to address this. Further discussion is required with the Council and developer to agree the level of service required and how it can be sustained. The indicative site layout indicates that bus penetration can be achieved through the site but the rest of Scholes would need to be well served and stops, real time information will be required at regular intervals. Residential Metrocard scheme recommended at £475 per dwelling. The TA states the developer is willing to pay the SPD contribution to public transport as well as fund bus service improvements. The SPD contribution would be £858,349 or £1226 per dwelling.

7.7 Affordable Housing – Falls within the Outer Suburbs area where 15% affordable housing required , split 50% social rented / 50% sub market. The developer has suggested a number of approaches from all on site to an off site contribution equivalent to 15% on site. The starting point in policy terms is to provide the affordable housing on site unless there is a justification due to local housing demand for example, to do otherwise. For 700 dwellings the 15% equates to 105 units.

7.8 Highways: Cannot be supported as submitted. Recommend refusal
In terms of accessibility the TA does not make a full assessment of the site in terms of the Core Strategy draft accessibility standards. There is only one bus service presently running through the village along Main Street / Station Road and this is only an hourly service. No assessment has been made as to distances to existing bus stops on the A64 York Road or Leeds Road or the suitability of the routes. No specific bus offer has been made to ensure that an acceptable frequency and journey time is made available to the proposed development site, albeit the spine road within the site has been designed to take buses should one divert through the site. There is no discussion of the frequency of rail services at Crossgates station and the timing of connections with bus services. As submitted the accessibility of the site is poor.

There are 3 vehicular access points proposed to the site – From Main Street, from an extension to Rakehill Road and from an extension to Arthursdale Road. There are details which need to be resolved on all these and it has not been demonstrated that they can operate satisfactorily with capacity and without safety issues.

Off site highway works are proposed at the access points onto Main Street, at the junction between Rakehill Road and Station Road, the widening of Rakehill Road to provide a 6.75m carriageway and 2m footpaths and the signalization with widening of the junction of the A64 York Road and Scholes Lane.

A traffic impact assessment has been included as part of the TA which considers the performance at 11 junctions (within Scholes, on the A64 to the Ring Road at Seacroft and in Barwick and Crossgates). There is no discussion of the junction

between The Approach and Rakehill Road – the layout and capacity of this junction needs to be assessed given that The Avenue will be used by vehicles travelling to and from the northern part of the site. As this junction is close to the Station Road / Rakehill Road junction the interaction between them should also be examined.

An assessment of the Crossgates roundabout / Manston Lane / Austhorpe Road junction has not been included nor has a review of the network with full ELOR /partial ELOR or the proposed development of 2000 houses at ELE as requested at pre-application stage. The junction assessments have only been carried out with MLLR and not in the scenario before it is operational. On this basis no development would be considered appropriate until after the MLLR is built and open to the public.

There are some significant concerns with the methodology used in the detailed assessment of network growth, trip generation and trip assignment. The growth factors are very low and do not appear to reflect local circumstances. The detail of the junction assessments will need to be redone with different trip rates and assignments.

No assessment has yet been made in relation to road safety. A road safety audit will need to be undertaken and responded to satisfactorily of all junction proposals and off-site highway works before planning permission could be granted.

- 7.9 Contaminated Land:** No objection subject to conditions.
- 7.10 Children's Services:** Scholes (Elmet) primary school currently full with exception of some spare capacity in years 5 and 6. Full S106 contribution for education required. Current school accommodation needs to be extended – constraints on current site. Look for contribution in form of land from either or both Scholes applications. John Smeaton Community College is nearest secondary school in Leeds 15 (Crossgates). Contributions of £2,214,380 for primary and £3,334,670 for secondary required.
- 7.11 Conservation :** The site is immediately north of the Scholes Conservation Area and so it is important that any proposals respect the setting and character. Key views are mainly to the south but there needs to be a strong and generous landscape buffer to the north to protect the setting – this is supported in the Heritage section of the Environmental Impact Assessment but is not currently shown on the illustrative master plan.
- 7.12 Landscape / Ecology:** Main concern is ensuring adequate buffer to the Green Belt and the impact on the PROWs from development.. The illustrative master plan indicates that the PROWs will be retained but their landscape character will change with impact on users from open countryside views to urban environment. The effects of this can be mitigated by locating footpaths to the outside of the buffers to the Green Belt – the master plan suggests this in parts..
- 7.13 West Yorkshire Archaeological Advisory Service:** within an area of archaeological interest – site lies to north of Scholes moated site – earthwork remains of medieval moated manor site. Geophysical survey carried out in early 2014 – clear evidence of ridge and furrow and cropmark sites. Recommend application is deferred until applicants have carried out an archaeological evaluation but if minded to approve suggest a planning condition.
- 7.14 Flood Risk Management:** The recommended Flood mitigation measures set out in the Flood Risk Assessment as well as the principles of the proposed surface water

drainage arrangements are acceptable. Condition recommended for scheme of surface water drainage to be submitted and approved before commencing on site and will need to include investigation of five highway / culvert crossings between the site and Main river / Cock Beck. May necessitate off site watercourse improvement works to be included in S106 agreement. Intrusive investigations yet to be carried out to determine if ground conditions in specific areas can accommodate some aspects of infiltration drainage.

- 7.15 Public Rights of Way:** Public footpaths 38,40 & 46, Public bridleway 37 and public byway 41 cross the site. The PROW have been included into the development .
- 7.16 Retail :** Town centre uses totalling 750 sq m are shown outside a designated centre. Whilst not strictly in compliance with policy P7: the creation of new centres within the emerging Core Strategy it is in line with the spirit of the policy which is that large new housing extensions should provide local services to better create sustainable settlements, reduce private car journeys and encourage walk-in trade. The proposal passes the sequential test and would add to the sustainability and livability of the wider housing development provided that there are a number of small units within the 750 sq m total. Conditions suggested to limit the size of each unit and that the centre should consist of at least 3 units.
- 7.17 Local Planning:** Recommend refusal as contrary to N34 and the Interim PAS policy and should be looked at through the Site Allocation Plan. Barwick and Scholes is one of the Council's neighbourhood plan areas and has been designated as a neighbourhood area. Work is progressing locally on the preparation of a Neighbourhood Plan and this is being undertaken in tandem with work on the Site Allocations Plan. Scholes falls in the Outer North East housing market area where the Core Strategy target under Spatial policy SP7 is 5,000. As at 31st March 2012, the outer north east had 1,067 units still to be built from existing permissions and allocations. That leaves a residual requirement to find 3,933 units. The pool of sites for consideration identify a total of 5,848 units with 2,323 green and 3,525 amber. This is substantially over the target and gives local choice and consideration of sustainability options when choosing which sites to allocate. The East of Scholes site is amber. The publication of sites is likely to take place at the end of this year / early next before the Preferred Draft is issued and placed on deposit prior to examination. Allowing this site to come forward at this stage in advance of the Site Allocations Plan and Neighbourhood Plan would not be genuinely plan-led or empower local people to shape their surroundings.(NPPF Core Planning Principle para17).
- 7.18 Barwick in Elmet & Scholes Parish Council – object.** Fails interim policy on PAS sites. Scholes is a small settlement in emerging LDF and this development is massive and will change the character and identity of the village and be at odds with the aims of the NPPF. It fails to take account of the full impact of the East Leeds Extension or the circa 2000 dwellings on the Bramley Fields site and the resultant highway impacts on the village. It is considered that the Transport Assessment is seriously flawed in a number of ways and the flows will have significant impacts on junctions ,the network and the village as a whole. Drainage in Scholes is already subject to regular problems from the foul and surface water. Affordable housing at 15% is below the planned target figure of 35%. The timing of new educational provision is critical for the village and there is a lack of information about the Section 106 moneys on offer. If the application is taken forward the Parish Council would look for a new access/exit to be taken from the York Road to the north of the present

village. The residents are working hard to prepare a Neighbourhood Plan and this should be taken account of as an emerging plan – the timing of this application in advance of that process seeks to circumvent the Localism Act as well as the Site Allocations Plan and Core Strategy.

8.0 PLANNING POLICIES:

Development Plan

- 8.1** The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). 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.

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

SG2: To maintain and enhance the character of Leeds

SP3: New development will be concentrated largely within or adjoining main urban areas and settlements on sites well served by public transport

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance character or appearance

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N35: Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should be served by adequate access and public transport / accessibility

T2B: Significant travel demand applications must be accompanied by Transport assessment

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

Policy N34 – PROTECTED AREA OF SEARCH :

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

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

8.4 Relevant Supplementary Planning Guidance includes:

Supplementary Planning Document: Street Design Guide.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety: A Residential Guide.

Supplementary Planning Guidance: Neighbourhoods for Living.

Supplementary Planning Guidance: Affordable Housing (Target of 15% affordable housing requirement).

Supplementary Planning Document: Sustainable Design and Construction "Building for Tomorrow, Today."

Supplementary Planning Guidance 4: Greenspace Relating to New Housing Development.

Supplementary Planning Guidance 11: Section 106 Contributions for School Provision.

Supplementary Planning Guidance 25: Greening the Built Edge.

Interim PAS Policy

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

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

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

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

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

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

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

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

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

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

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

8.6 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which

(i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and

(ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

8.7 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.

8.8 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars Farm, Morley and Calverley Lane, Farsley. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley and West of Scholes have also been recently refused.

8.9 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.

Local Development Framework

8.10 The Council submitted its Core Strategy to the Secretary of State in April 2013 and an examination in public was held in October 2013 and May 2014. The Council has

consulted 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

- 8.11** The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.” It is also in line with the NPPF core planning principle 1, which states that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”
- 8.12** The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years’ worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.13** 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.
- 8.14** **Relevant policies within the Core Strategy include:**
Spatial policy 1 – Location of development
Spatial policy 6 – Housing requirement and allocation of housing land
Spatial policy 7 – Distribution of housing land and allocations
Spatial policy 10 – Green Belt
Policy H1 – Managed release of sites
Policy H3 – Density of residential development
Policy H4 – Housing mix
Policy H5 – Affordable housing

Policy H8 – Housing for Independent Living
Policy P7 – The creation of new centres
Policy P9 - Community facilities and other services
Policy P10 – Design
Policy P11 – Conservation
Policy P12 – Landscape
Policy T1 – Transport Management
Policy T2 – Accessibility requirements and new development
Policy G4 – New Greenspace provision
Policy EN2 – Sustainable design and construction
Policy ID2 – Planning obligations and developer contributions

The Examination into the Draft Core Strategy has now taken place and the Inspectors report is expected imminently. Of particular relevance is the issue of affordable housing. This was examined in May 14 and the Council is seeking to include the levels of affordable housing within the Core Strategy as required by the Inspector. The 35% outer north level is proposed to extend to Scholes and Barwick and this is a change from the current level of 15%.

Five Year Supply

- 8.15** The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 8.16** 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.
- 8.17** 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.
- 8.18** 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.
- 8.19** 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.

- 8.20** 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).
- 8.21** 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
- 8.22** The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State’s recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that “we are also sending out a clear signal of our determination to harness the developed land we’ve got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site.”
- 8.23** 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

- 8.24** The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.25** Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.26** Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 8.27** 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.

Neighbourhood Plan

- 8.28** Barwick-in-Elmet and Scholes Parish has been designated a neighbourhood area and the Parish Council are currently preparing a neighbourhood plan.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

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

Compliance with the Development Plan

- 10.1** The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for long development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development

Framework...” By not waiting for the comprehensive review, a decision to approve this application now would be a departure from the Development Plan. The proposal to develop the East of Scholes application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...”

- 10.2** As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations Plan the application site needs to be assessed against the interim policy to see if it meets the criteria for possible early release.

Development Timing in advance of the Site Allocations Plan

- 10.3** The criteria of the interim policy are intended to ensure that PAS sites are considered against the spatial development strategy of the Core Strategy. Within that context some sites have been released by virtue of their scale and relationship to the settlement hierarchy in advance of the Site Allocations Plan, to help bolster the delivery of housing in Leeds by diversifying the land supply. PAS sites in excess of 10ha, those with alternative potential uses or those not adjacent to the main urban area or major settlements have been considered more likely to give rise to harm to the spatial development strategy and raise more sustainability issues. These sites will only be identified as housing sites through the Site Allocations Plan, where a full and comparative sustainability appraisal can be undertaken, which includes exploring cumulative and synergistic effects and the implications of the release of sites on infrastructure provision. This process will also consider whether PAS sites are needed in the context of specific housing requirements for individual housing market areas. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this application. The performance of the East of Scholes site against the interim policy criteria is considered below to see if the proposal meets the criteria to be released early.

- 10.4** Under Criterion (i) , the site is an extension to Scholes, 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 well above this threshold. Under criterion (iii) of the Interim Policy Land consideration is to be given to whether the land is needed, or potentially needed, for alternative uses. Childrens Services have considered there is demand to expand school provision in Scholes and the indicative proposals include a primary school so there is no conflict with criterion (iii). It is through the Site Allocations process that the amount and location of new development in Scholes will be decided and in that context where the best site for expanding school provision should be made in the village. As the site fails criteria i and ii criteria iv and v do not need to be considered. It is worth noting however that development at Grimes Dyke is now under way within reasonable distance of Scholes in the Main Urban Area.

- 10.5** To summarise, the application does not meet the interim policy criteria to be released early. This is a substantial PAS site in the smaller settlement of Scholes - work is ongoing looking at sites through the Site Allocations Plan so to take a decision now on this site would not be to take a plan-led approach looking at what sites should come forward, what infrastructure is needed to support them and where that would best be located. In addition work is progressing on a neighbourhood plan and it is considered that the release of this site early would also not sit well with that process which is being co-ordinated with the Site Allocations Plan. In addition the development represents a substantial enlargement which threatens to substantially change the character and identity of the village – the amount which Scholes should grow needs to be considered as a whole against other sites and taking into account character / identity and sustainability issues and all points to a plan-led and considered approach.

Five Year Supply

- 10.6** 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.
- 10.7** 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

- 10.8** Whilst there are some local facilities within the village (doctors surgery, pub, shop) and a local bus service it is infrequent at only 1 an hour giving poor accessibility to employment, town and city centres and secondary education. Whilst there have been discussions in relation to the East of Scholes development about possible improvements to bus services there is no proposal on the table yet about how that can be achieved and without significant improvement of bus services it is not considered that substantial further development in Scholes can be supported. Sustainability issues will be clearly examined as part of the Site Allocations process

in designating sites together with what infrastructure improvements are required to make them acceptable. The additional health, retail and educational facilities proposed as part of this scheme are benefits but this does not detract from the fact that the site scores poorly in relation to access to public transport which is contrary to the strategic approach of the UDP and Core Strategy and guidance in the NPPF in terms of the core planning principles which underpin the planning system.

Highway considerations

- 10.9** There remain significant concerns about the methodology used in the TA and the impact of the scheme on both the wider network and also the local road network. Highways colleagues recommend refusal at this stage because an acceptable means of access in terms of both safety and capacity has not been demonstrated and significant issues remain outstanding which must be addressed before any development can proceed. The scheme is significant in scale and there will be substantial impacts within Scholes and on the wider network where there are already significant schemes being brought forward in East Leeds including ELOR, and the Manston Lane Link Road (MLLR). These issues do not just relate to vehicular traffic but also all other modes of transport including walking , cycling and public transport.

Layout/design/landscaping

- 10.10** The masterplan submitted is indicative at this stage but indicates a well designed connected layout with structure. It offers a good basis on which to progress detailed discussions if the principle is agreed. We are not yet at that stage. Where additional facilities for the village should be located including shops, education and health uses should be debated through the Site Allocations and Neighbourhood Planning process involving local people. It will be important in any growth of the village to ensure it's identity and character is maintained and that the addition of a significant suburban extension with facilities is not just bolted on to the existing village infrastructure but is integrated.
- 10.11** There are two matters of detailed concern which need to be flagged up and which should be addressed if this proposal is progressed. One relates to the need for a landscape buffer to the north of the Conservation Area which if not provided will adversely impact on the setting of the Conservation Area. The other is to do with the impact on the Public Rights of Way through the site which will change significantly from having open countryside views to being urban in nature. This could be overcome by the provision of new footpaths / bridleway on the landscaped edge of the development so that open countryside views are retained and their amenity value is preserved.

Other issues

- 10.12** Flood Risk Management colleagues and Yorkshire Water / Environment Agency raise no objection subject to conditions and appropriate detail with some off site mitigation. There are no other technical grounds at this stage to resist the development subject to the imposition of relevant conditions.

Section 106 Package

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

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

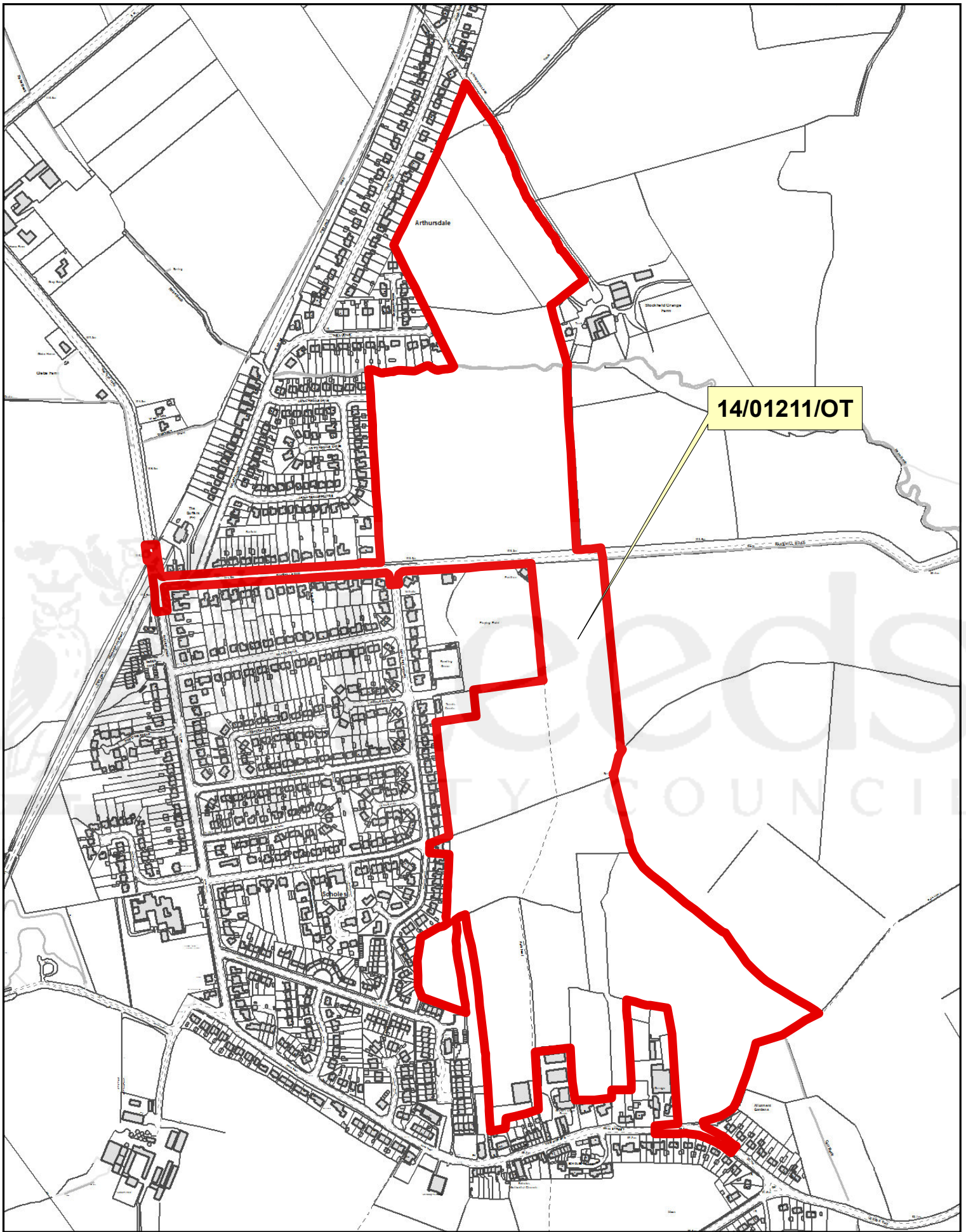
10.14 The proposed obligations in relation to green space, affordable housing, education, public transport and possible off site highway and drainage works have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted. It is understood that the applicants are not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position at present. The position in relation to affordable housing is subject to likely change. At present 15% is required but this could increase substantially in the coming months to 35% dependent on the report of the Core Strategy Inspector expected shortly. Whilst the higher rate cannot be given substantial weight at present if this is supported by the Inspector and then adopted by the Council then the higher rate would need to be given substantial weight at that stage.

11.0 CONCLUSION

11.1 The release of the East of Scholes PAS site for housing development at this time is premature , being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council considers it has a 5.8 year housing land supply and so there is no need to release additional sites of this scale in advance of the Site Allocations process. The location of the site in a smaller settlement and the size of the site compared to the overall size of the village mean that this is a substantial expansion and it does not meet the criteria in the interim housing delivery policy to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. There are concerns about the access arrangements proposed and the poor sustainability of the site given the infrequency of the local bus service. Refusal is therefore recommended for the reasons set out at the start of this report.

12.0 BACKGROUND PAPERS

Application file 14/01211/OT / Certificate of Ownership.



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