

Councillor Graham Duxbury
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Policies and Plans
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Date: 29th September 2016
19 December 2005

Dear Councillor Duxbury,

Leeds City Council response to the Pre-Submission Draft Thorp Arch Neighbourhood Plan

Thank you for consulting the Council on the Pre-Submission Draft Thorp Arch Neighbourhood Plan. The Thorp Arch Neighbourhood Plan Steering Group and the parish council have produced a well laid out and professional plan containing a good vision distinctive to Thorp Arch and useful background information which sets the right tone for the plan. Please note that consultation should be addressed to stakeholders generally, not only residents.

I hope that these formal comments on the pre-submission plan will help the neighbourhood plan steering group and the parish council in making changes to the document prior to formal submission for examination. You will be aware that there is no obligation to take them on board.

1. **Timing/risks**

1.1 As you will be aware, the Publication Draft Site Allocations Plan was subject to public consultation during September – November last year. The Outer North East Housing Market Characteristic Area is currently out for further consultation following revisions as a result of the withdrawal of the Headley Hall site. Details of the current consultation can be found at [Site Allocations Plan Revised Publication Draft Outer North East](#). Therefore there is a continued risk that if/when the SAP is adopted after the neighbourhood plan is made, elements of that neighbourhood plan could be superseded.

2. **Basic Conditions**

- 2.1 At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990. These are:
- a) **Having regard to national policies and advice contained in guidance issued by the Secretary of State**
 - b) **The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development**
 - c) **That making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority.**
 - d) **The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**
- 2.2 The draft neighbourhood plan needs to be assessed against EU obligations to determine whether it requires a Strategic Environmental Assessment (SEA). The screening process is underway and the statutory consultees have been consulted. As such, the Council cannot currently advise whether one is necessary but the completed screening report will be forwarded to you shortly once all the statutory consultees have responded. Please note that the draft plan cannot be submitted for examination without the screening report and, if required, a full SEA as it would not be compatible with European Union obligations and therefore not comply with the Basic Conditions. If a full SEA is required, the pre-submission consultation will need to be repeated as it is a requirement that the SEA is consulted upon.

3. **Detailed comments on the introduction and draft planning policies**

Introduction

- 3.1 Para 1.2, second line (page 4) should read “.....must be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) and have regard to national policies and advice contained in guidance issued by the Secretary of State

Boundary (Map 1, page 7)

- 3.2 The Neighbourhood Area as shown on Map 1 was designated on 17th September 2012 which followed the parish boundary at that time. Since then the parish boundary has been altered and the Parish Council initially sought to amend the NA boundary to reflect this change, however this was never followed up with a formal request/application. Consequently, the Neighbourhood Area no longer reflects the parish boundary and covers land within another parish. Following legal advice, parish councils who are preparing a neighbourhood plan in this situation should

seek to obtain permission from the neighbouring parish to act on their behalf for neighbourhood planning purposes within their parish. Please could you confirm this has been done?

- 3.3 Several of the maps within the document are incorrect as they have the old parish boundary specified as the parish boundary. This information needs to be updated and Map 1 should be titled “Thorp Arch Neighbourhood Area”.

Policy BE1: Design and Development in the Conservation Area

- 3.4 A well reasoned policy on the whole. Some of it repeats existing policy considerations and guidance, especially the Thorp Arch Conservation Area Appraisal, which some examiners are comfortable with and others are not. It would be helpful if the plan was clear on what are existing policy considerations and what is new.
- 3.5 The reference to the former railway station under 3. needs further thought. It is not currently a robust policy as some aspects lie outside the scope of planning policy (protection of the railway bed) and others are vague (e.g. the public area in the vicinity of the station).
- 3.6 The locational extents of Thorp Arch Village, Thorp Arch Hall and Park and the Station House and Engine Shed are not clearly evidence. It would be useful to include a plan identifying features referred to in policy.

Policy BE2: Design and Development outside the Conservation Area

- 3.7 It would be useful to plot the area this policy relates to on a plan.
- 3.8 It would also be useful to identify non-designated historic features on a plan and clear evidence should be provided on why they are considered special. Identified features can be a consideration in development proposals but identification in itself is not enough to guarantee protection.
- 3.9 The plan could say more about local style outside the conservation area and how new development should seek to reflect or enhance it. It may not always be appropriate to want to respect surrounding and adjacent built form if it's particularly poor.
- 3.10 The provision of infrastructure is already a planning consideration and requirement which would be picked up by the Core Strategy policies. There is an opportunity for the NP to set out infrastructure requirements where it designates sites for development

Policy BE3: Local Green Spaces

- 3.11 All owners of proposed sites should have been engaged and consulted, has this been done?
- 3.12 Map 7 should be located within the body of the NP and not in the Appendix. More detailed individual maps of the sites may be useful.

K. Walton Road Sport Pitches (part)

- 3.13 The NPPG states that 'Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making'.
- 3.14 The proposed local green space designation currently forms part of a proposed housing allocation (HG2-277) within the revised Outer North East HMCA Site Allocations Publication Draft document which is currently out for consultation. The proposed housing allocation indicates that the site has a capacity of 142 units. The proposed local green space designation would significantly restrict the potential capacity of the site and consequently the housing needs for the wider area (Outer North East HMCA) would not be met to the detriment of achieving sustainable development. The proposed Local Green Space designation is therefore not supported.
- 3.15 The assessment of the site also fails to recognise that the site has not been used as sport pitches for a number of years and currently has no permitted public access. Sport pitches generally require some form of public access, even if this access is restricted to members of an organised team.
- 3.16 The Local Green Space designation appears to incorporate part of the recently extended prison car park. If the designation is pursued it is recommended that the boundary is re-drawn to reflect this.
- 3.17 The last sentence of the policy should be amended to reflect the NPPF i.e. local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

Policy BE4: Protecting non designated heritage features

- 3.18 These should simply be identified and the policy should state that their protection and enhancement should be a consideration in development proposals. Does this seek to retain the pub (The Pax Inn) and prevent its conversion?

Policy CNE1: Protecting countryside character

- 3.19 This is a good and well considered policy with appropriate evidence

Policy CNE2: Green Corridors

- 3.20 It would be useful to define the areas on a plan. Should the policy also seek to make new development connect with these Green Corridors where appropriate?

Policy CNE3: Public Rights of Way

- 3.21 This is largely an aspirational policy but still considered appropriate. Delivery would be complemented by a project/s.

Policy CNE4: Enhancing Biodiversity

- 3.22 Some green field sites may be small (ie. gardens) and therefore it may not be reasonable to ask applicants to provide biodiversity surveys. It would depend upon the scale and nature of the application.

Policy H1: Site Allocations

- 3.23 This is a small site which lies within the larger proposed housing allocation HG2-227 in the Publication Draft Site Allocations Plan. The Council is therefore supportive of housing development on this site however it questions the justification for its selection. The evidence for the policy (pg 32) appears to imply that the primary reason that the site was chosen was because it would help meet the modest residential development target of 20-30 dwellings. There does not appear to have been an exercise undertaken which assessed the planning merits of the site or whether it formed the most suitable site for allocation when considered against reasonable alternatives. Were any alternatives assessed?
<http://mycommunity.org.uk/resources/site-assessment-for-neighbourhood-plans/> provides good guidance for neighbourhood plans and site assessments.
- 3.24 An outline application has already been submitted by the HCA for 23 units. It is doubtful whether such a small site (0.8ha) could deliver any meaningful Green Space or recreational facilities on site. The neighbouring properties are not well designed so may be new development should reflect the character of Thorp Arch village rather than these.

Policy H2: Housing Type and Mix

- 3.25 This is an appropriate policy, however the requirement for an up to date housing needs assessment appears to be very onerous if this would necessitate one to be undertaken for each and every site. May be the required mix could be stated within the policy (based on the HMA) however this will become out of date over time. This would need to be in broad conformity with Policy H4 (housing mix) in the Core Strategy.

Policy CF1: Retention and provision of community facilities

- 3.26 This should be more aspirational rather than a requirement of planning approval. Part of this policy is entitled “Retention...of community facilities”, but the policy text doesn’t really refer to retention.

Policy LE1: Thorp Arch Trading Estate

- 3.27 This policy requires further clarity. The policy evidence (justification) is also not clearly linked to the policy.
- 3.28 It is not evident whether the first part of the policy is stating that TATE is designated as an employment site or whether the policy is seeking to designate it as an employment site.
- 3.29 Thorp Arch Trading Estate is not currently designated as an employment site. It is recognised as an established mixed use site, outside of the settlement hierarchy, but with predominantly employment and retail uses serving the Outer North East area. TATE also contains parcels of undeveloped and underutilised land part of which have Nature Conservation designations. Consequently the Publication Draft SAP details the extent of the existing Thorp Arch Trading Estate on the Policies Map and retained previous undeveloped UDP employment allocations as identified SAP allocations.
- 3.30 In terms of the designating TATE as an employment site, employment designations have no policy basis, compared to allocations. Given this there would be some uncertainty on what would be the planning implications of designating the site as an employment area. If the designation would preclude uses other than employment on the site it may not meet the test of having regard to national policy. The NPPF (para 22) states ‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’.
- 3.31 If the designation of TATE as employment is more an aspiration then there could be scope for such a policy but it would need further consideration and clarity especially in regard to accepting a range of uses. If, however, the intention is to restrict the area to employment uses only, then the first line should be deleted.
- 3.32 In terms of the second part of the policy it is not clear whether the policy is only supporting the further development of existing businesses on the site or whether new developments would be permitted on the vacant parts of the site providing that they were for a use classes that already exists? If the policy relates to the latter it

would be very flexible and could have some unintended consequences. For example retail and office uses are currently present on the trading estate and the policy could potential permit large out of centre retail and office developments. This would be at odds with local and national policy which stipulate a centre first approach and require a sequential assessment of sites for such uses. It is recommended that the policy is made clearer. For example the policy could permit (but not restrict), the uses to B1(b and c), B2 and B8. Parts of the vacant land are also environmental sensitive. The policy appears to permit development on these.

Policy LE2: Supporting small scale business growth

- 3.33 This is rather an aspirational policy. It should refer to 'should seek to' or similar rather than "will not result"

Policy LE3: Farm Diversion

- 3.34 Farm diversification is covered in detail in the NPPF therefore the value of this policy is questionable. It appears to be more restrictive than the NPPF indeed if a farm was to diversify it would be very difficult, if not impossible to meet the two stated criteria.

4. Comments on other parts of the plan and general comments

Para 3.3 Countryside and the Natural Environment

- 4.1 Page 22. - The SEGI evidence does not appear to relate to a policy

Para 3.4 Housing Development

- 4.2 Para 3.4.1 The statements are not entirely correct. Thorp Arch village is not within the settlement hierarchy but TATE has been identified for possible future development opportunities. The Core Strategy states '4.6.16 Notwithstanding the distribution set out in Table 2, the Council will consider opportunities outside the Settlement Hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example.
- 4.3 There are lots of assumptions within the text, without being backed up with evidence, such as 'without extensive highway improvements to route traffic away from the bridge and village, Thorp Arch can accommodate further small scale development. Any development on a larger scale would lead to unacceptable pressures on traffic and have a serious detrimental effect on village life'. These should be deleted.

Nature Conservation

- 4.4 The up to date nature conservation designation boundaries and terminology should be used, instead of SEGI and LNA. The maps should show Local Wildlife Sites and the Leeds Habitat Network (as per Core Strategy Policies G8 and G9 respectively) which are available from West Yorkshire Ecology. There is also a Local Geology Site called Front Wood, the boundary of which is also available from West Yorkshire Ecology.

Landscape

- 4.5 It is suggested that the policy map incorporates information on green infrastructure, landscape character assessment and Special Landscape Areas (SLA's). These can influence planning of the area. More detail can accompany these as required such as the policy wording and each SLA has its own description.

Other landscape considerations

- 4.6 The sustrans routes/ disused railways are a unique and precious asset. More needs to be described to protect and enhance these such as buffers and particular viewpoints that could be identified so that they do not become obscured. If there are any aspirational linkages that could connect to widen the catchment then these too could be added to the maps. There is generally a lack of connectivity to the Sustrans route therefore additional routes to connect to Sustrans should be considered.
- 4.7 WOODLAND MANAGEMENT- woodland areas could be identified as being important to the character of the area. A map could identify which are under private or public ownership and which ones have Woodland Management Plans. There needs to be an aspiration to have all the woodlands under good management to secure their sustainability and ecological value
- 4.8 TREE MANAGEMENT: trees are an essential ingredient of the character of Thorpe Arch and not just in the Conservation Area (where the trees are protected). In many cases the trees are mature, of similar age and may be entering a period of decline soon. In order to make the tree presence sustainable a good age range of trees is critical.
- a. A strategy for tree replacement needs to be considered now and not wait until the gaps show. Replacements need to be in place and well established when the old mature ones start dying off. This could be considered in the document under a Tree Management /strategy section.
 - b. A comprehensive analysis could be a starting point. Trees are found in different situations - on streets; gardens schools and open spaces and each would require a different approach.

- c. New trees are not necessarily costly, particularly so in secure areas where small specimens can be used. There are grants available or perhaps an allotment could be dedicated as a tree nursery to feed the supply.
- d. There is a potential education angle to tree planting as well.
- e. If areas of need are identified then development could provide the catalyst/ opportunities to achieve the aspiration

- 4.9 TREE SURVEYS: a survey could identify “Positive” Trees or Groups of Trees in the same way as Conservation Area Appraisals identify Positive Buildings. These trees may be special landmarks; they may have a historic connection or trees that make a strong contribution to the streetscape. Special measures might follow to ensure their wellbeing and continuity (and the supply of up and coming trees to take over in the future as above)
- 4.10 TREE PLANTING ON HIGHWAY: A licence to cultivate under Section 142 of the Highways Act (1980) may be granted by the highway authority to allow residents to plant trees within the highway. This will be subject to any such conditions considered necessary to ensure the safety, convenience of the highway and prevent nuisance, protect apparatus etc. Legal costs plus an annual charge for administering the licence would also need to be paid by the licensee. Any application for a license to cultivate should be made to the RASWA Section, Highway Services, Middleton Ring Road, Leeds LS10 4AX. The switchboard tel no. is 2224407.
- 4.11 The hedgerow that borders large parts of Wood Lane lacks trees. The replanting of hedgerow trees would improve the landscape character and should be considered if opportunities arise.
- 4.12 BIO- DIVERSITY: much of the grass is over managed in the sense that largely unused peripheral areas to the open spaces, road verges, schools, playing fields and allotments etc. are cut on a very regular basis to give a uniform close mown appearance. Much could be achieved visually and environmentally if these peripheral areas were managed more diversely such as leaving swathes to grow higher before cutting so that flowering can take place. As well as being visually more attractive varying grass regimes could become a habitat for insects etc. The document could have an aspiration to influence grass management where opportunities arise. This would tie in with the Green Space section perhaps? The tree aspects could tie in here too. LCC Parks and Countryside welcomes the formation of “Friends of.....” Groups and this could be something to encourage/enable local communities to have an influence
- 4.13 ALLOTMENTS: Written representations may be made to the local authority on the need for allotments by any 6 residents on the electoral register or persons liable to pay council tax, and the local authority must take those representations into account (section 23(2) of the Small Holdings and Allotments Act 1908). The Council must assess whether there is a demand for allotments in their area. If the council decides

that there is a demand for allotments; they have a statutory duty to provide a sufficient number of plots. In terms of the duty to provide under section 23 of the Small Holdings and Allotments Act 1908 there is no time limit for provision once it has been established that there is a demand.

<http://www.allotmoreallotments.org.uk/legislation.htm>

Adult Social Care

4.14 These comments are made in the context of ensuring the plan is age friendly:

- Improving footpaths and green spaces– This is key for age friendly neighbourhood, in particular making sure that any new footpaths had places to sit along the way and also in green spaces would make it age friendly.
- Page 33-34, Housing Design – As there is focus on providing housing for over 55s to downsize it would be good for the design statement to include reference for making new housing age friendly. For example, ensuring new housing is appropriately designed to support people to live throughout their whole lives by making sure that housing can be adapted for people as they age including having passages wide enough for wheelchairs and appropriately designed bathrooms, toilets and kitchens etc.
- Page 34 Improving community facilitates – we would strongly support this as helps to address social isolation of older people and the preservation of community services which also contribute to ensuring it is an age friendly neighbourhood.

I hope these comments are useful and help the neighbourhood planning group to review the pre-submission draft Thorp Arch Neighbourhood Plan before it progresses to examination. If you would like to discuss any of these comments in more detail, please contact Ian Mackay to arrange a convenient time.

Yours sincerely,



Tim Hill
Chief Planning Officer