



**Report of the Chief Planning Officer -**

***SOUTH AND WEST PLANS PANEL***

**Date: 20<sup>th</sup> April 2017**

**Subject: Application number 16/06222/OT – Outline application for residential development (Use Class C3) for up to 100 dwellings and land reserved for primary school with construction of vehicular access from Otley Road, to the north west and Ash Road to the south with all matters other than access reserved, at Land to the East of Otley Road, Adel**

**APPLICANT**

Hallam Land Management  
Ltd and Barrett David Wilson  
Homes

**DATE VALID**

5<sup>th</sup> October 2016

**TARGET DATE**

25<sup>th</sup> March 2017

**Electoral Wards Affected:  
Adel and Wharfedale**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions set out below and also the completion of a Section 106 agreement to include the following obligations:**

**Financial contribution towards improvement works at Church Lane/Farrar Lane/Otley Road junction of £100,000 prior to the occupation of the 50<sup>th</sup> dwelling**  
**Sustainable Travel Fund of £481.25 per unit**  
**Travel plan Monitoring Fund**  
**Bus Stop Contribution (£20,000)**  
**On site provision of greenspace and maintenance**  
**Affordable housing at 35%**  
**Land to be reserved for school**

**In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer**

1. Time limit on outline permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Samples of surfacing materials to be submitted
5. Details of door and window frames to be submitted
6. Feasibility study into use of infiltration drainage to be submitted
7. Details of surface water drainage to be submitted
8. Development shall not commence until flood mitigation measures have been agreed which should be generally in accordance with the Flood Risk Assessment submitted
9. Details of site access opposite Kingsley Drive as a priority cross roads junction along with bus stop relocation and moving of speed limit to be submitted and implemented prior to first occupation
10. Details of extension of eastern footway on Otley Road from site access to existing footway on Holt Avenue to be submitted and implemented prior to first occupation
11. Details of provision of formal crossing on Otley Road in the vicinity of footpath 17 to be submitted and implemented prior to first occupation
12. Details of upgrade of public right of way 17 to be submitted and implemented in line with agreed timescale
13. Details of traffic calming on Church Lane shall be submitted and implemented before first occupation
14. There shall be no construction traffic from Ash Road larger than OGV2 (3 axles or more)
15. Details of provision of contractors during construction shall be submitted
16. No more than 36 residential units shall be accessed by vehicles from Ash Road and upon completion of the whole development this access shall be closed for vehicle use.
17. Provision for contractor during construction
18. Vehicles spaces to be laid out
19. Details of cycle/motorcycle parking
20. Details of external storage to be submitted
21. There shall be no buildings on the eastern side of the Beck
22. Phase 2 site investigation to be submitted
23. Amendment of remediation statement if required
24. Submission of verification reports
25. Details of importing soils to be submitted
26. Details of existing and proposed ground levels to be submitted
27. Submission and implementation of landscaping
28. Arboricultural method statement
29. Landscape management plan
30. Protection of existing trees/hedges/bushes during construction
31. Preservation of retained trees/hedges/bushes
32. Provision for replacement trees/hedges/bushes
33. Details of fencing and walling to be submitted
34. Details of construction management plan including proposed construction hours to be submitted
35. Details to prevent noise, dust and odour to be submitted
36. No site clearance of vegetation during bird nesting season of March to September without bird nesting survey
37. Submission and implementation of a programme of archaeological recording
38. Details of noise protection from A660 shall be submitted
39. Details of bat protection and mitigation to be submitted
40. Details of provision of bat and bird boxes
41. Biodiversity Enhancement and Management Plan to be submitted

42. Details of proposed footbridge over the Beck to link the school and playing pitch shall be submitted
43. Precise details regarding the proposed fence around the proposed school shall be submitted for approval
44. Prior to commencement of development, a phasing plan must be submitted and agreed. CIL will then be payable for each phase by reference to the development in that phase.
45. Community use agreement for school and associated land required
46. Any external lighting shall be submitted for approval

## **1.0 INTRODUCTION**

- 1.1 This is an outline planning application for residential development and land reserved for a primary school with the principle of development and access applied for and all other matters reserved. The scheme is brought to Panel as the Chair, in consultation with the Chief Planning Officer considered it necessary due to the scale of development, number of objections from local residents and the fact that Panel refused an application for development on this site in 2014. The application was previously on the agenda for Panel in March but was deferred at the recommendation of officers due to matters regarding the relationship of the school playing field, potential fencing and the existing church.

## **2.0 PROPOSAL:**

- 2.1 The application is an outline application for residential development for up to 100 dwellings and land reserved for a primary school with the principle of development and means of access applied for and all other matters reserved. The main access for the proposal will be on Otley Road to the north of the site opposite the entrance to Kingsley Avenue. This access will serve the majority of the site along with the land for the proposed two form entry primary school. There will be a second access to the south of the site which will serve the residential development to the south of the school during construction and until the development is completed. This access will be off Ash Road through the existing development known as Centurion Fields which was constructed after an appeal in 2011.
- 2.2 An indicative masterplan has been submitted to give an indication on how the school and housing could be accommodated on the site. The layout shows 94 dwellings with the school shown in the centre of the site with a loop of housing to the north and two cul de sacs of housing to the south with no through route. Whilst this masterplan at the moment is indicative it is anticipated that at reserved matters stage a layout would be submitted which shows all off the site accessed via Otley Road and the access to Ash Road (Centurion Fields) closed when the development is completed. All the proposed built development is to the west of the Beck. To the east of the Beck there will be two attenuation ponds for the drainage which will be landscaped and significant tree planting. The proposal also includes a piece of land for a playing field on the eastern side of the Beck connected to the school. This will be a grassed playing pitch and is located close to the land proposed for the school on the western side of the Beck. A footbridge will be required to link the school to the playing pitch but the precise location for this is not known at this stage. To conform with safeguarding for school guidelines the whole of the school including the area of the playing pitch will require a 2.4 metre high fence on all of its boundaries. It is anticipated that this fence on the eastern side of the Beck will be a green paladin style fence that will be supplemented with boundary hedging and trees There is an area of the site to the east of the beck which is within the edged red application site

but is not required as part of the playing pitch and this will not be within the fenced area and will remain as part of the existing field. The proposed playing pitch may also be used for community use but as this is an outline application the information on the nature of this use is not known at this stage.

- 2.3 The proposed access for the site will be off Otley Road and will take the form of a priority junction which will involve carriageway widening, the relocation of existing bus stops and the extension of the 30mph speed limit further to the north along Otley Road. Other highway works proposed by the development will be
- the extension of the eastern footway on Otley Road from the site access to the existing footway at Holt Avenue.
  - the provision of a formal signalised crossing on Otley Road in the vicinity of footpath 17.
  - The upgrading of this public footpath 17 to an all-weather surface with a regard to meet accessibility requirements. This footpath is from Church Lane to Otley Road.
  - Traffic calming on Church Lane and a financial contribution of £100,000 to improvements to the Church Lane/Otley Road/Farrar Lane junction.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is currently open fields located to the east of Otley Road and sandwiched between Otley Road and Church Lane. The land slopes down from Otley Road towards the Beck which is situated in the middle of the fields between Otley Road and Church Lane. The land then slopes back up to Church Lane although the fields which form a boundary with Church Lane are not included in the application site. There are a small number of houses to the west of the site off Otley Road in an area known as The Willows and the back gardens for these properties have their boundary with the application site. To the south of this application site is a recently constructed residential development known as Centurion Fields and beyond this the main urban area of Adel. On the other side of Otley Road are further residential properties. This side also includes a public house and a small parade of shops including a small supermarket. To the north of the site are open fields which are located in green belt. On the other side of Church Lane is a grade 1 listed church known as St John the Baptist's Church. This church is one of the finest examples of twelfth-century church buildings in the country. The setting of this church and associated conservation area retain a strong rural character and this enables an appreciation of the early origins and historically isolated position and therefore makes a positive contribution to the significance of the heritage assets. The site is outside of the Conservation Area with the boundary of the Conservation Area being Church Lane itself. Some of the trees on the site are covered by a Tree Preservation Order mainly the groups of trees which forms the boundaries on the site.

### **4.0 RELEVANT PLANNING HISTORY:**

14/01660/OT – outline application for residential development was refused on 9<sup>th</sup> October 2014 after a City Plans Panel decision on the same day. The application was refused for the following reasons

1. The site would be premature and contrary to policy N34 of the UDP and fails to meet the interim housing delivery policy
2. The applicant has failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network in relation to the impact on the proposed NGT junction designs

3. The applicant has failed to demonstrate that the proposals can be accommodated safely and satisfactory on the local highway network
4. The proposed signalised junction on the A660 will delay movements and increase accidents on the A660.
5. The absence of a signed s106 agreement.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The scheme has been amended during the processing of the application mainly in relation to the site access, off site highway works, location of the proposed school playgrounds and the relationship of the development with the listed church.
- 5.2 Originally the site access proposed off Otley Road was traffic lights and this has been amended to a priority junction. Officers have negotiated the required off site highway works which will be obtained via a section 106 agreement and conditions. Finally the proposed school playgrounds were proposed on the eastern side of the Beck and these have been moved to the western side.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by a major site notice which was erected on 28<sup>th</sup> October 2016 and expired on 18<sup>th</sup> November 2016. The application was also advertised in the Yorkshire Evening Post on 2 November 2016 which expired on 25<sup>th</sup> November 2016

Councillors Barry and Caroline Anderson originally objected to the scheme on the following grounds:

### **i) Principle of development**

- Contrary to Adel Neighbourhood Design Statement which carries full weight having been a document for use in the planning process since 2006 and fully updated in 2013
- Contrary to draft Adel Neighbourhood Plan
- We fully support the objection from Adel Neighbourhood Forum
- Inspector when allowing Centurion Fields said that this site should not be built upon
- Adel has no need for further housing
- The SAP has this site with a smaller capacity
- Downward trend in population projections so housing number requirements should be reviewed
- Premature in advance of the SAP
- Outer North West Housing Market Characteristic Area housing needs met without the need for this site
- Takes a small part of greenbelt
- Proper debate needs to take place regarding affordable housing
- Brownfields site should be developed first

### **ii) Highways**

- There has been 330 houses with planning permission coming on line in Adel Lane/Church Lane vicinity with limited infrastructure installed to support these
- Impact off school on traffic flows
- Impact off school in terms of parking on surrounding roads
- Surrounding roads cannot accommodate development

- Rat running on the existing surrounding streets
  - Current bus services are inadequate to accommodate additional houses
  - Pedestrian accesses around the site are not clear
  - Number of infrastructure deficits that need to be put in place need to be considered
- iii) Impact on conservation area and listed church Adel St John the Baptist
- Historic England recognise that the football pitch is encouraging into the historic area and this would cause an increase in the level of harm to the setting of the church particularly if floodlights and fencing was introduced and they would not support that
  - Impact on the church's historical significance
  - Proposed football pitch with fencing and floodlighting would have detrimental impact on listed church
- iv) School
- Building a school on this site is totally unsuitable
  - Parents will use Church Lane and walk to school over fields and Church Lane unsuitable
  - Parents accessing school from other side of Otley Road will have to cross busy A660
  - Church Lane also busy for parents to cross
  - No room on plans for school playground area
- v) Impact on local services
- Other developments in Adel already with no infrastructure installed Consideration of local infrastructure such as shopping
  - Consideration of local infrastructure such as shopping
- vi) Residential amenity
- Access to school through housing which is not acceptable to future residents
  - A 2FE school traffic generation will badly effect the quality of life of the residents who surround it
- vii) Other matters
- The site was refused permission in November 2014
  - Drainage concerns with large attenuation pools needed to be installed
  - Houses sizes are not the house sizes that Adel needs. There is a need for smaller houses for older residents
  - No consultation by the developers with local residents
  - Question in relation to affordable housing and proper debate needs to take place regarding the split and what is required
  - No confidence that any landscaping and buffer zones planted with be implemented and enforced due to issues created with current buffer zone on Centurion Fields

A further objection from both Councillors was received after the previous Panel report went to print which states

- i) The sports pitch is still shown on the eastern side of the Beck which is not in compliance with planner's previous comments and Historic England's

- comments in that all development should be accommodated on the western side. Plus if there is no fencing would it contravene safeguarding rules
- ii) Where is the written policy that the site should be served by a staggered junction?
  - iii) We dispute the trip generation figures especially if there is going to be a school on the site
  - iv) The site will increase pedestrian site penetration and/or more car movement
  - v) The plan does not cater for the movements due to the school
  - vi) Site is not 'reasonably' accessible as edge of Adel and some distances from services
  - vii) The X84 is a poor quality bus service and is generally full when it reaches Adel so will not meet the need for the development
  - viii) The Council have not taken on board the trip generation of the school
  - ix) Negative impact on the site access on Kingsley Drive/Otley Road is dangerous and fraught with problems
  - x) Needs to be full consultation with residents on whether junction should be traffic lights or priority junction
  - xi) Provision for parking for school
  - xii) Provision for TRO to stop parking outside existing houses
  - xiii) How will ensure that PROW upgraded without keeping its rural feel
  - xiv) What is the replacement strategy of trees that are lost
  - xv) Some of the proposed houses have no front or rear gardens and doesn't reflect other layouts in Adel

Greg Mulholland MP has objected for the following reasons

- The use of greenfield land when brownfield site should have first priority
- Impact on the setting of Grade 1 listed church of Adel Parish Church of St John the Baptist
- Premature in advance of Site Allocations Plan and Adel Neighbourhood Plan
- Impact on surrounding infrastructure, PROW, schools and A660 corridor and surrounding highway junctions

Grey Mulholland has further objected after the previous Plans Panel report was written stating the same reasons but urging Plans Panel Members to refuse the application

Adel Neighbourhood Forum have also objected to the scheme for the following reasons stating that the site is not sustainable in terms of the NPPF due to these

- i) Principle of development
  - The site is a PAS site so policy N34 is applicable so the development is not in accordance with the development plan
  - Development is premature as Leeds Core Strategy has not yet been determined and
  - Non compliance with the NPPF
  - Still need to determine transport strategy following rejection of NGT
  - Fails the statutory test set out in section 66 ad 72 of the planning (listed building and conservation areas) act 1990
  - Development contrary to the following policies in the UDP N13, N19, N20, N29 and N24
  - The fact that there is no 5 year land supply does not outweigh very substantial reasons to refuse the application
  - Major flaws in the proposal outweigh the 'positive presumption'

ii) Highways

- Increase traffic on the A660 on top of other developments approved nearby
- Traffic lights for main junction will delay traffic on A660 and cause rat running through existing estates
- Additional traffic on Church Lane which is already at capacity
- The development will encourage the use of cars and not reduce the need to travel and promote the use of public transport
- Does the access required green belt land
- The access results in loss of trees covered by a Tree Preservation Order
- The scheme should be designed to minimise conflicts between traffic, cyclists and pedestrians where practical priority being given to pedestrian and cyclist movements.
- The demand generated from this development will exceed the capacity of the existing service X84 and will push demand on the number 1 service

iii) Impact on church and conservation area

- Concerns regarding the proposed fencing and floodlighting linked with the school and impact on the church
- The fields opposite the church should be retained as green open space to maintain the setting of the church and character and views in and out of the conservation area
- 2.5 storey houses will adversely impact on the views from the church and conservation area
- Proposal pays scant regard to the design opportunities offered by the Adel location and no level of innovation.
- no positive design quality
- The design does not reflect or respond to the historic ties between the fields and church
- poor design and should be refused

iv) School

- Existing schools are already at capacity
- School will generate traffic through existing estates
- School has limited playground space allocated

v) Impact on local services

- concerns regarding capacity of local schools and local GPs to absorb the increased demand

vi) Other matters

- Adel needs wider mix of housing sizes
- Concern 'shared ownership' properties will not be available to wide proportion of the population including local people who wish to downsize
- If developed this green open space cannot be replaced
- Level of consultation poor and residents not given opportunity for commenting on the proposal before the application was submitted
- Proposals might be economically sustainable but not socially and environmentally sustainable.

Since the report was written for March Panel Adel Neighbourhood Forum have submitted a further objection stating

i) Principle of development

- During the preparation of the Neighbourhood Plan residents have stated that development on greenfield/greenbelt land should not be allowed.
- Adel has 3 brownfield sites which are currently being built or subject to proposed allocation in the SAP
- Adel taken its share of new housing recently
- Adel needs a new school but is this the right site
- Major concerns regarding traffic generation on A660 and Church Lane

ii) Development Plan

- The site is not yet allocated as a residential site as the SAP has not been published.
- Consider that better brownfield sites which are more sustainable should be considered
- No development plan presumption in favour of this development
- Paragraph 14 of the NPPF is not acceptable due to the harm caused by this proposal to the setting of St John the Baptist Church

iii) Development Proposal

- Agree with Historic England that the details submitted with this application are wholly lacking
- Conditions are required ensuring that materials, storey heights and detailed landscape proposals are approved as part of this application and not as part of a reserved matters

iv) Heritage

- Fully support Historic England's objection
- The harm to the heritage asset should be given the due consideration that this requires
- The identified harm could not rely on the fact that there is not a five year land supply

v) Lack of consultation

- Consultation was limited distribution of leaflets
- Developer declined to participate in public meetings

vi) Neighbourhood plan

- Within the neighbourhood plan this site will not be proposed for development and the Adel Neighbourhood Forum will be objecting to its inclusion in the SAP

125 letters of objection from 118 dwellings have been received on the following grounds:

i) Principle of development

- Premature ahead of approval of the Site Allocations Plan
- Premature ahead of approval of the Adel Neighbourhood Plan
- Development of a green field site whilst brown field sites are available

ii) Highways

- Local infrastructure cannot cope with the increase in traffic
- Ash Road is unsuitable for further traffic to both the new houses and the school
- Parking issues for existing residents
- Junction of Church Avenue and Church Lane cannot cope with more cars
- Proposed new access cannot cope with the increase in traffic
- Queueing traffic already exists at the Church Lane/Otley Road/Farrar Lane junction
- Impact on the existing public footpaths
- The main X84 will also serve the development at Bramhope and Otley so as a result residents will use the No 1. Council still needs to determine its transport strategy following rejection of NGT development
- There should be no connection through the site to prevent rat running
- How will the school traffic and parking be managed
- Impact off construction traffic on the highway network
- Will lead to dispersal of traffic through Gainsborough/Kingsley Drive development
- Removal of bus stop and impact on the elderly
- Transport assessment provided contains inaccuracies and assumptions which cannot be regarded as being 'robust'
- Impact on emergency service access to Centurion Fields and Holt Avenue
- Highway data is incomplete and error bound with only a sample being selective and statistically insignificant
- Detrimental impact on the existing footpath 'Corpse Way' as it will be tarmacked and there will be a loss of the existing stone stiles and steps

iii) Impact on church and conservation area

- Impact on the historical grade 1 Listed St John the Baptist church
- Impact on the conservation area
- Impact on the character of Adel
- Site of setting of church is not preserved and setting of the conservation area would be substantially harmed.
- Playing fields for the school should not be on the eastern side of the Beck

iv) School

- No guarantee that the new primary school will go ahead
- Insufficient land to accommodate school, playground and number of houses proposed
- Alternatives to provide additional primary school in the area should be explored
- Is the school required as primary school in Cookridge is not full
- No information on who is to pay and build the proposed school

- Is the primary school a1FE or 2FE
  - What will be the proposed catchment area for the proposed school
- v) Impact on local infrastructure
- No local infrastructure such as doctors and shops
  - Adel phone exchange cannot handle additional demands for broadband
- vi) Residential amenity
- Increase in pollution and reduction in air quality due to increase in traffic fumes
- vii) Other matters
- Why more houses needed in the area as already a number of other sites under construction
  - Previous application rejected and so should this one
  - Overdevelopment of the green belt
  - Out of character with the environment
  - Impact on views from Adel Dam Nature Reserve
  - Impact on area of archaeological significance
  - Removal and impact on trees covered by a tree preservation order
  - A full environmental assessment has not been submitted
  - Impact on wildlife and ecology
  - Impact on flooding
  - Impact on the buffer zone at the edge of Centurion Fields
  - Too many larger houses and not enough smaller houses
  - Impact on visual amenity
  - Tranquillity and peacefulness of this location will be lost
  - Loss of good quality agricultural land
  - Impact on Golden Acre Park

Since the Panel report was written for March Panel 7 objections have been submitted stating

- This site is unsuitable for a school
- The Panel report avoids the issue of the playing field with potential for fencing and floodlighting by stating its low key with no floodlighting and fencing. This issue should not be fudged and must be addressed at outline stage
- Difficult to believe that the playing field can't be constructed without the need for a fence for children's safety
- No evidence provided by the Council which corroborates either the viability or the need for a 2FE school on this site
- Proposal is financially driven and not made simply on planning grounds
- If 2FE provided there will be 6FE primary school places in the Adel area when only 5FE required
- Support the recent comments from Adel Neighbourhood Forum
- Emerging neighbourhood plan should be taken into account
- Paragraph 216 of the NPPF states that decision makers should respect evidence of local support prior to the referendum

In relation to the revised plan which shows the fence and relocated playing pitch on the eastern side of the Beck one objection has been received concerned about

- The playing pitch is still on the eastern side and has potential to harm the setting of the church in line with Historic Englands previous comments
- The proposed fence is not in line with Historic Englands previous comments that they would not support any fencing or lighting of the proposed playing pitch
- A fenced sports fields will change the character and urbanise the area closest to the church
- The fence will be visible from the Conservation area and will harm the rural setting
- The sports pitch should be moved to the western side of the Beck
- The design and materials for the development should be a critical part of any reserved matter application

## **7.0 CONSULTATION RESPONSES:**

West Yorkshire Combined Authority require £20,000 for upgrade of one bus stop and a real time display for another and a metrocard contribution of £48,125

Highways – No highway objection subject to provision of the s106 agreement and condition. The s106 agreement should cover

- Financial contribution towards improvement works at the Church Lane/Farrer Lane/Otley Road junction of £100,000 prior to the occupation of the 50<sup>th</sup> dwelling
- Financial contribution of £6,000 to Traffic Orders on the Kingsley/Gainsborough estate should the signalised site access junction be constructed
- Sustainable Travel Fund of £481.25 per unit
- Travel Plan Monitoring fee
- Bus stop contribution

Historic England – Previously advised that no development should take place east of the Beck in order to protect the setting of the Grade 1 listed church and Adel Conservation Area. The layout is welcomed and no objections are raised to the application but recommend the less than substantial harm the proposals would cause should be weighed against the public benefits of the scheme in accordance with paragraph 134 of the NPPF. Historic England did object to a layout that showed the hard surfaced play areas on the eastern side of the Beck. Their response in relation to the amended plan detailing fencing on the eastern side of the Beck is awaited.

Flood risk management – Approval subject to conditions

PROW – the proposed joint footpath and cycle route width and surface needs to be improved to adoptable standards, a safe crossing point on the estate access road also needs to be provided

Travelwise – Request s106 agreement for travel plan review fee (£2,500) and residential travel plan fund (£48,125)

West Yorkshire Archaeology – recommend an archaeological evaluation is carried out preferably before permission is granted or as a condition

Natural England – No detailed comments to make but need to take on board legislation in relation to impact on the natural environment

## **8.0 PLANNING POLICIES:**

## Development Plan

- 8.1 Section 38 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 Comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 In terms of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 it states that in considering whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it processes.

## UDP designation/Emerging Site Allocations Plan

- 8.3 The application site is designated as a Protected Area of Search in the UDP. Within the draft Site Allocations Plan (reference HG2-18) it is allocated for housing within phase 2 with an indicative capacity of 87 units and a primary school under policy HG2. The original allocation in the SAP was for 58 units but this has been updated after a more detailed analysis of the site was undertaken. The site is located within the Outer North West Characteristic Area which should have 2000 dwellings throughout the plan period. Within the SAP it is stated that a satisfactory access from the A660 via a staggered junction is required. A landscaped buffer is required to the Beck on ecological grounds. The isolated setting of the Grade 1 listed St Johns Church contributes to its significance so a substantial buffer is required to preserve its importance, and the site is within the setting of the Conservation Area so any development should preserve or enhance the character and appearance of the Conservation Area. Finally part of the site should be retained for the provision of a school.

## Adopted Core Strategy

- 8.4 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant

Spatial Policy 1 – The location of development  
Spatial Policy 6 – Housing requirement and the allocation of housing land  
Spatial Policy 7 – Distribution of housing land and allocations  
Policy H1 – Managed release of housing 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 – Listed buildings and conservation  
Policy P12 – Landscape  
Policy T1 – Transport management  
Policy T2 - Accessibility requirements and new development  
Policy G4 – New green space provision  
Policy G8 – Protection of important species and habitats  
Policy ID2 – Planning obligations and developer contributions.  
Policy EN2 – Sustainable design and construction

## Policy EN5 – Managing flood risk

### Saved Policies - Leeds UDP (2006)

- 8.5 The following saved policies within the UDP are considered most relevant to the determination of this application:

Policy GP5 - Development Proposals should resolve detailed planning considerations.

Policy T7A – Cycle parking guidelines

Policy T7B – Motor cycle parking

Policy BD2 – Design and siting of new buildings

Policy BD5- Amenity and new buildings

Policy LD1 – Landscaping schemes

N23, N24 and N25 – Landscape design and boundary treatment

### Draft Adel Neighbourhood Plan

#### Relevant supplementary guidance:

- 8.6 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

Neighbourhoods for Living SPG

Affordable housing

Designing for community safety – a residential guide

Public Transport Improvements and Developer Contributions

Street Design Guide

Adel St John's Conservation Area

Guideline Distances – Development to Trees

Draft Adel Neighbourhood Design

### National Planning Policy Framework (NPPF)

- 8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014 replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged

that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

8.11 With specific regard to housing applications, the NPPF states at paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of 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. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

8.12 Paragraph 49 of the National Planning Policy Framework states the following:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

8.13 In the appeal decision dated 8<sup>th</sup> June 2016 in relation to land at Grove Road, Boston Spa in accordance with APP/N4720/A/13/2208551, the Secretary of State took the view that on the basis of the evidence available to him at that time, the Council was unable to demonstrate a deliverable 5-year supply of housing land. This conclusion has subsequently been reinforced by the Secretary of State decision(s) on the conjoined appeals at Breary Lane, Bramhope, Bradford Road, East Ardsley and Leeds Road, Collingham (the “Ken Barton Conjoined Appeals”), which were considered by Planning Inspector Ken Barton in Spring 2016. On 22<sup>nd</sup> December 2016, the Secretary of State issued his decision on these conjoined appeals and agreed with the Inspector’s conclusions that the appeals should be allowed. In reaching the decisions on the three appeals the Secretary of State concluded: The buffer for Leeds City Council must be 20% - so that the 5 year housing land supply requirement across the City could be 31,898 or 6379 units per annum.

*The Secretary of State agrees with the Inspector’s conclusion that the failure [of Leeds City Council] to produce an Adopted SAP (Site Allocations Plan) until at least December 2017 means that there is no policy set out to show how delivery of any houses, never mind the magnitude required, will actually take place; that the safety margin of 2262 dwellings can soon be whittled away when realism is applied and that the Council has failed to demonstrate a robust 5 year housing land supply. The Secretary of State therefore agrees with the Inspector’s conclusion that the solution is to deliver housing now, including much needed affordable housing.*

*Having regard to the Development Plan position, the Secretary of State agrees with the Inspector that there is no 5-year housing land supply. Therefore, whilst he agrees with the Inspector that the UDPR policy N34, which designates sites as a*

*Protected Area of Search (PAS) is a policy for the supply of housing, he also agrees with the Inspectors conclusion that policy N34 cannot be considered up-to-date. He further agrees with the Inspector that, rather than being a restrictive policy, the purpose of Policy N34 was to safeguard land to meet longer term development needs, so that, as it envisages development, the appropriate test to apply is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.*

- 8.14 Accordingly, the Council is now in the position that it does not have a 5 year housing supply and the policies within the Unitary Development Plan and Core Strategy that are relevant to the supply of housing are considered to be out of date. Paragraph 14 of the NPPF is, therefore, now particularly relevant, which states the following:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

*Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*— Specific policies in this Framework indicate development should be restricted.”*

It is important to note that an ‘out of date’ policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.

- 8.15 In relation to highway matters, Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.16 Finally, also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the NPPF advises decision-takers may also give weight to relevant policies in emerging plans according to:
- (i) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - (ii) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(iii) The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

Housing White Paper

8.17 This was a draft publication for consultation published on 7<sup>th</sup> February 2017 so it carries little weight.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Highway matters
3. Impact on the church and conservation area
4. Proposed school
5. Affordable housing
6. Greenspace
7. Residential amenity
8. Trees
9. Ecology
10. Drainage
11. Archaeological significance
12. Previous refusal
13. Representations

### **Other issues**

14. CIL (not however a material consideration)

## **10.0 APPRAISAL**

### Principle of development

- 10.1 In late December 2016 the Council received three appeal decisions related to residential development at Breary Lane East, Bramhope; Leeds Road, Collingham; and Bradford Road, East Ardsley. The appeals were allowed and it was concluded by the Inspector that Leeds is presently unable to demonstrate a 5 year housing land supply. (5YHLS). As a result, at the current time, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), policies within the Unitary Development Plan (UDP), Core Strategy and Natural Resources and Waste DPD that are relevant to the supply of houses are not considered to be up to date and therefore housing applications will be considered in the context of the presumption in favour of sustainable development.
- 10.2 The application site is part of a larger site designated within the UDP as a Protected Area of Search. (PAS). It is part of a pool of land which was considered to offer potential to meet longer term development needs. Policy N34 is a policy for the supply of houses and as there is no 5 year land supply in Leeds, this policy cannot be considered to be up to date and paragraph 14 of the NPPF becomes applicable. The Inspector has found that rather than being a restrictive policy it is a policy for the supply of housing land. At paragraph 85 of the NPPF, bullet points 3 and 4,

specifically relate to safeguarded land, which whilst not allocated at the present time, meets the longer term development needs. The test that then applies is that permission should be granted without delay unless any adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The conclusion of this test will be a material consideration to be weighed in the balance when considering whether material considerations exist to outweigh the presumption in favour of the development plan in accordance with section 38(6).

- 10.3 A thorough review of all UDP PAS sites has been undertaken as part of the preparation of the Site Allocations Plan (SAP). As a result a comprehensive site assessment exercise, this PAS site is identified for allocation for housing in the Site Allocations Plan (reference HG2-18) with a proposed capacity of 87 units. The site is considered to be an acceptable allocation in the SAP as it is a relatively sustainable location for new housing development on the edge of the existing urban area. The site is deliverable now and provides land for a school which is required in the area. The site is proposed for release as a Phase 2 (Policy H1 of the Core Strategy) as it is a Greenfield allocation and is an extension to the main urban area rather than sites which are within the main urban area which are allocated as phase 1. However, notwithstanding this proposed phasing, in the light of the absence of a 5YHLS and on the basis of the proposed SAP allocation, it is considered that on balance, the site provides a sustainable location for housing, when assessed against the Core Strategy Policies and NPPF as a whole, subject to the specific and detailed site considerations which are discussed in the rest of this report. The capacity of housing units identified in the SAP (87 units) so the application for up to 100 dwellings reflects this capacity within the SAP and is considered acceptable.
- 10.4 Therefore the principle of development for residential development on this site is therefore considered to be acceptable.

#### Highways

- 10.5 The site is identified for housing in the submission draft SAP. The indicative masterplan submitted with the application shows a scheme of 96 houses and land reserved for a primary school. Within the draft SAP there is a highway requirement that satisfactory access arrangements from the site are to be agreed along with traffic management measures on Church Lane and off site highway improvements to the A660
- 10.6 The Site Allocations Transport Background Paper that was considered by Development Plans Panel on 10<sup>th</sup> January identifies that the A6120/A660 Lawnswood is a congestion hotspot requiring intervention to improve bus journey times. This site along with the larger Breary Lane, Bramhope site HG2-17 is identified as having a cumulative impact on the junction. The development impact based on the indicative layout of 87 dwellings is 42 two –way trips in the morning peak and 33 trips in the evening peak. The development will also impact to a lesser degree on the A660 corridor into the city centre where three further hotspot junctions have been identified. However, rather than improvements to these further afield hotspots it is considered that the improvements offered by this development in the closer proximity to the site in this instance are preferred.

#### *Impact on surrounding network:*

- 10.7 The development has been assessed in terms of the impact of the generation of traffic on the major junctions in the area. The assessment includes the impact of the

traffic from a potential 2FE primary school at the Otley Road site access and the expected growth in traffic resulting from the wider draft SAP allocations as well as the proposed housing on this site. There are two areas which are in close proximity to the site which will be most affected by the proposal which are the Church Lane/Farrar Lane/Otley Road junction and Church Lane itself.

*i) Church Lane/Farrar Lane/Otley Road*

10.8 The development is predicted to contribute 38 two way trips in the morning peak and 30 two way trips in the evening peak to the traffic movement at this junction. A comparison of the level of development traffic with the total expected increase in traffic from 2015 as a result of growth shows the development would contribute to 12% of the morning south bound increase and 6% of the northbound increase, similarly in the evening the development contributes 8% to the southbound and 7% to the northbound increases. The results of the modelling identified that the combination of this development along with traffic growth from other development will have a severe impact on this junction with the morning peak having close to or above 100% saturation (Otley Road (N) 97.5% and Church Lane 101.0%). Additionally there is a significant local pressure to provide pedestrian crossing facilities and still maintain capacity. The Councils UTMC team have suggested a way of improving the junction to provide pedestrian crossing facilities and still maintain capacity. It is considered appropriate that the development site should contribute towards the cost of these works, the scheme is likely to incur substantial cost, a contribution of £100,000 from this development has been agreed and will be included within the S106 agreement. As it will take several years for the predicted growth to materialise, it is agreed that the payment can be made on the occupation of the 50<sup>th</sup> dwelling.

*ii) Church Lane*

10.9 The development will generate pedestrian and vehicle movement across and along Church Lane, traffic calming is proposed north of Adel Lane that will compliment that provided by the Boddington and Department for Work and Pensions sites to the south. Important features include a raised pedestrian crossing where the public footpath crosses to the church, there is a route along footpath 60 from near Holt Close to Long Causeway that is used for school and leisure purposes, as this is also a vehicular route to a number of properties, it is not suitable to place a raised pedestrian table at its mouth, although features could be placed to slow traffic and highlight the crossing point. The final details can be considered at reserved matters stage.

10.10 It is considered that there would be no benefit to altering the Adel Lane / Church Lane priority at this junction as it would be more likely to delay traffic on Adel Lane than the current arrangement. It also has the potential to cause a road safety problem.

10.11 In terms of other junctions within the vicinity of the site it is considered that the impact on these junctions is minimal due to the low level of traffic reaching them from the development.

*Site access:*

10.12 There were two options for the site access being either in the form of a traffic light controlled cross roads or a priority junction with ghost island turning lanes and a slight stagger between the opposing arms of the site access and Kingsley Drive.

The original masterplan and preferred option by the developer was for the traffic lights, with the updated masterplan in front of you today showing the ghost islands option.

- 10.13 Both junction options have been shown to operate satisfactorily from a traffic capacity point of view, each has merits and potential problems and need to be considered with the potential of a future school. Both options involve widening the carriageway in the vicinity of the junction to provide space for right turning vehicles to wait without blocking through traffic.
- 10.14 Both options require the relocation of bus stops, whilst the ideal location for a northbound stop would be to the south of Kingsley Drive, WYCA's view is that this would be unpopular with whichever residents were to have the stop outside of their property and that it would be better to relocate the stop, currently on the north western corner of Kingsley Drive further north. The possibility of an additional stop with a pole to the south of the junction can be included and delivered if possible. The southbound stop can move further south without directly impacting on residential frontage. The relocated stop is likely to attract residents from the southern section of the site via the public right of way as it is the shortest route to the stop, the verge from the footpath to the stop will be converted to footway and public right of way improved in both surface material and graded to remove the steps up to the A660. Precise details in relation to this matter can be submitted with any reserve matters application.
- 10.15 The disadvantage of a signalised junction is that it would have a detrimental impact on traffic along the A660. It would cause delay and stopping and starting to traffic on Otley Road especially at off peak times when there is little other delay and turning into the side roads would not be problematic.
- 10.16 Residents on Kingsley Drive estate which would be served by a signalised junction have objected as they consider that there would be an increase in traffic through their residential area as it would provide an easier way in and out of the estate and that parents would park there to take their children to the primary school as it would be quicker to walk using the pedestrian crossing than waiting at the traffic lights.
- 10.17 The proposed junction which is recommended for approval is the ghost island arrangement with non-hooking right turns into the side roads by means of a slight offset between the side roads.
- 10.18 The modelling of the junction shows that the junction will operate without significant queuing during the peak periods. Furthermore during the off peak periods, through traffic on Otley Road would not be delayed. There would also be no added advantage to drivers wishing to head north from the west of Otley Road cutting through the existing residential area.
- 10.19 The development will generate a demand for pedestrians to cross Otley Road safely, and it would be feasible to locate a crossing point in the vicinity of where the public right of way emerges onto Otley Road and the footpath from Gainsborough Avenue emerges.
- 10.20 Having assessed both the junction options on balance it is considered that the junction arrangement is preferred and this is shown on the masterplan presented to the meeting today.

*Other off site highway improvements:*

- 10.21 The development will urbanise the eastern side of Otley Road, to improve driver's perceptions that this is the case, the 30mph speed limit will need to be reinforced and moved further north. There is a need to provide a pedestrian link to bus stops and provide a variety of route choices for pedestrians with the existing eastern verge from the site access to the existing footway near Holt Avenue being reconstructed as footway with both junction scenarios. A number of trees, mostly self-sown varieties and some planting that has occurred on highway land without consent will need to be removed from the verge but these are low quality in terms of visual amenity value.
- 10.22 The public right of way which crosses the site should be upgraded to a surface usable in all-weather most likely to be tarmac with a gravel bound surface and the steps adjacent to Otley Road to remove the steps and at Church Lane end diverted around the old stone stile. As it will be a shared pedestrian and cycle track it will need to be 3m wide.

*Accessibility:*

- 10.23 The accessibility of the site has been improved by the now built Holt Avenue development that has increased pedestrian penetration of the site.
- 10.24 The site is reasonably accessible, whilst not fully meeting core strategy standards. The entire site is in 400m walk of the X84 bus stop, this is a 20 min frequency service, the walk distance can be improved by the provision of an additional section of footway on Otley Road as already described. The service No1 which is a high frequency service is within 400m walk of the southern third of the site. Primary and secondary schools are within the required walk distance and the additional primary school on the site will clearly be much closer.
- 10.25 There are a number of local facilities on the parade of shops on Otley Road, additionally the Co-Op which provides general grocery shopping is 950m from the centre of the site, a little over the 800m guidance. It is worth noting that the council have sought to argue at the recent appeals concerning proposals for relatively large scale housing proposals that a broadly similar level of local facilities were not sufficient to make the development sustainable. These arguments were not afforded significant weight by the planning Inspector when balanced against the benefits of delivering new housing. On balance the accessibility of the site is reasonably good..
- 10.26 A travel plan has been submitted and a supporting travel plan mitigation fund will be required to deliver ongoing initiatives to encourage sustainable travel. A Sustainable Travel Fund of £481.25 per unit has been agreed along with other measures to improve the pedestrian and cycle environment and these will be secured via conditions and S106 planning obligations

*Internal layout:*

- 10.27 The application seeks full permission for the access and the masterplan that has been submitted is indicative only, however there are a number of matters that would need to be addressed in any reserved matters layout.

- 10.28 The layout shows the school and the majority of the residential development being accessed via Otley Road with a smaller number of houses being served off Holt Avenue. There is a cycling/pedestrian link between the two but no vehicular access. This is supported as it will deter rat-running through the site, however it would be preferable on completion for the whole of the development to be served off the Otley Road access as this would avoid conflict with the on street parking within Holt Avenue and encourage parents to use the new development to drop off children at school and this could be a matter that is addressed at the reserved matters stage.
- 10.29 The layout of the development should also accommodate the need for parents to park and provide enough space for on street car parking when dropping and collecting from school and to avoid overspill into the existing residential areas, plus the existing layout within Holt Avenue does not allow for parked cars and turning around in this area is difficult. There may also be demand for the school sports pitch to be used outside of school hours so the new development will need to accommodate on street car parking for this facility.
- 10.30 The current indicative layout appears to be dense and the level of car parking provided does not look adequate and any reserved matters layout would need to include parking levels in line with policy requirements. All construction traffic will need to access this site via Otley Road and not access the site via Holt Avenue which is considered to be unsuitable for this use.
- 10.31 Overall it is considered that the proposal is acceptable in terms of impact on the surrounding highway network, proposed access and accessibility subject to measures to be secured within the s106 agreement and conditions. The scheme therefore complies with policy T2 of the Core Strategy and paragraph 32 of the NPPF.

#### Impact on the church and conservation area

- 10.32 The original plans for the previous refused planning applications (14/01874/OT and 14/1660/OT) were subject to objections by Historic England (English Heritage at the time) due to the proposed development on the eastern side of the Beck and its impact on Adel Church (a grade 1 listed building) and Adel Conservation Area. The development was in the form of houses. The plans for this refused application were revised to not include any development to the eastern side of the Beck and the application did not include a reason for refusal based upon the impact on the church and the conservation area. This application did also not include land reserved for a school.
- 10.33 The current application has taken on board the amended plans on the previous application by refocusing the housing development to the west of the Beck. The original illustrative masterplan showed just a playing pitch on the eastern side of the Beck which Historic England raised no objection to subject to the playing pitch being low key and having no lighting or fencing. However, officers raised concerns that the land to the west of the Beck allocated for a school did not have enough space to accommodate an outside hard surfaced playing area. A further revised masterplan was submitted which showed a hard surfaced playing area to the east of the Beck. Historic England along with officers objected to this revision due to the impact on the church and conservation area. A revised masterplan has been submitted which now includes the hard surfaced play area back on the western side of the Beck and the reduction of houses by 2 to accommodate this.

- 10.34 A further masterplan was submitted on 29<sup>th</sup> March and this is the which is being considered as part of the assessment of this application. The development to the western side of the Beck has remained the same but the playing pitch has been increased in size to meet the requirements of Education Leeds. It has also been moved closer to the land proposed for the school and the overall area on the eastern side of the Beck for the school has been reduced in size. However, the main issue with the revised masterplan is the fact the due to the need to secure the school site including the playing pitch the land allocated for the school will need to be secured by a 2.4 metre high fence. On the western side of the Beck this will not be an issue but the proposed fence on the eastern side of the Beck needs to be considered in relationship to the potential harm to the Church of St John and the Conservation Area.
- 10.35 Previously Historic England have not objected to the proposed playing field if it was low key and no fence was proposed and stated that the development would cause only minor harm to the Conservation Area and minor-moderate harm to the significance of the Church of St John. They concluded stating that the less than substantial harm the proposals would cause need to be weighed against the public benefits of the scheme in accordance with paragraph 134 of the NPPF.
- 10.36 A consultation response in relation to the revised playing pitch location and proposed fence is awaited from Historic England and an update will be provided to Panel. Officers have acknowledged that Historic England are likely to object given their previous views, along with Ward Members and residents due to their previous comments on the proposal. The majority of the proposed development on the western side of the Beck will introduce a fairly dense built form into the setting of the Grade 1 listed church and the conservation area. However, the location of the proposed housing, the intervening distance and the proposed landscaping would reduce this level of harm. In addition, the proposed development on the western side will also be seen with the backdrop of the residential development in Adel whilst the church is on a slight hill higher than the Beck in the middle of the application site so views of the church and conservation area will still be seen with open land surrounding it.
- 10.37 In terms of the proposed fence whilst this is located on the eastern side of the Beck and will be 2.4 metres in height it is anticipated that the fence will be a paladin style design and will be coloured green. The fence will be on a boundary that can be supplemented with planting such as a hedgerow with intermittent trees similar to the existing field boundaries. This will help to soften the fence and help it to blend in with the existing field boundaries. It also need to be born in mind that a 2 metre high fence could be erected on any part of the land to the east of the Beck (except for adjacent to the highway) under permitted development rights. There would also be no control over the colour and design of this proposed fence and there would be no requirement to have landscaping alongside this fence to soften its appearance.
- 10.38 There is a distance of 136 metres from the nearest corner of the proposed fence and the existing church. The land where the fence is proposed is also lower than the existing church by approximately 4 metres reducing its impact. In views from the church and conservation area due to the fences design, colour and proposed landscaping the fence will not have a detrimental impact especially as the fence will be at a lower level and will have the backdrop of the existing and proposed residential development.
- 10.39 In terms of the setting of the church from existing and proposed residential development the church's current setting is agricultural fields with field boundaries of

hedges and trees. The proposed fence with its field boundary treatment will appear the same in views of the church from the western side of the Beck. It should also be noted that on the southern side of the church there are numerous sports pitches containing fencing and even floodlighting in close proximity.

- 10.40 Finally the sports pitch could be required for community use at some point in the future but there would be a resistance to floodlighting as it is considered that this would have a detrimental impact on the adjacent conservation area and listed church.
- 10.41 There are a number of public benefits for the development both for the area as a whole and the settlement of Adel. For the area as a whole it would supply housing in the absence of a 5 year land supply as the site is currently deliverable. It would also provide jobs during the construction period. In terms of Adel it will provide a school which is needed in the settlement, it would provide affordable housing for local residents, and the local businesses would be supported by employees during the construction period and residents afterwards. On this basis it is considered that any harm which could be attributed to the setting of the church would be outweighed by the extent of public benefits and the scheme therefore complies with paragraph 134 of the NPPF.
- 10.42 In terms of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered that the proposal does preserve the listed building and its setting and any features of special architectural or historical interest which it processes. The proposal also complies with policy P12 of the Core Strategy.

#### Proposed School

- 10.43 Throughout the work undertaken as part of the SAP and in consultation with Children's Services, HG2-18 is identified as a site which should include land reserved for a school in order to address the need for additional school places on the site and the adjacent area. Children Services advised that the area of land should equate to land which will accommodate a 2 FE primary school. The illustrative masterplan indicates the proposed location of the school in the middle of the site, which Children Services have indicated is acceptable in principle. Whilst the scheme is outline only and the illustrative masterplan is indicative it is important to ensure that the masterplan showed that the land provided for the school can accommodate all the school buildings, parking, access and hard play areas without the need to transgress over the eastern part of the beck other than for the grassed playing pitch.
- 10.44 Children Services have commented that the area of hardstanding play shown on the masterplan is less than would normally be required be there is still land available on the western side to accommodate what would be required. The playing pitch shown is now adequate for the size of school proposed.
- 10.45 There will also need to be access from the proposed school to the playing pitch over the existing Beck. At this stage is not known where the best location for the bridge would be and this can be resolved at reserved matters stage. The revised layout shows that the school can be accommodated with just under 100 houses so is considered acceptable.
- 10.46 The school could cause issues in relation to the parking of parents cars when dropping children at the school. The school is located in the centre of the site which should ensure that any parking for the school will be on the proposed residential

development and not on the existing surrounding residential development. Any reserved matters application would have to accommodate roads which are wide enough to provide a drop off area and allow cars to park on the development without impacting on proposed residents. This could include a loop on the northern part of the site which is one way.

#### Affordable housing

- 10.47 To reflect Policy H5 of the Core Strategy a provision of 35% affordable housing is required on this site and this can be achieved through the s106 agreement. The precise location and nature of this affordable housing would be a matter that will be negotiated at the time of a reserved matters application.

#### Greenspace provision

- 10.48 The proposed site layout makes well in excess provision for greenspace in line with Policy G4. This can also be achieved through the s106 agreement and like the provision of affordable housing will be negotiated at the time of a reserved matters application.

#### Residential amenity

- 10.49 The scheme that has been submitted is indicative only at this stage. The properties that will be most affected by the proposal are the existing houses on Centurion Fields and The Willows. It is acknowledged that the existing masterplan shows a development that is tight in terms of distances between properties and garden lengths and areas. Accordingly it is not considered that the layout of the development as shown on the illustrative plan is not acceptable. However this masterplan will not form part of this approval and any reserved matters application will have to provide adequate distances from these existing properties to the new dwellings and distances between new properties to comply with Neighbourhoods for Living
- 10.50 The existing properties could be impacted by the additional noise and disturbance from the comings and goings of residents and parents visiting the school although this is limited to short periods during the working week. There also may be some additional impact from the school being required for community use but as there are no formal details regarding this matter it will have to be dealt with at reserve matters stage. In terms of the Willows these will have the edge of development close to them with the main roads throughout the development are away from these properties. These properties are already located next to the main A660 so any additional noise and disturbance should not have a detrimental impact.
- 10.51 The properties on Centurion Fields will for a while have more traffic to a number of additional houses to the southern part of the site but this will not be a through route at this time. These additional houses should not increase traffic noise to levels which will have a detrimental impact. There could be disturbance by parents doing the school run but as mentioned in the highways section it is hoped at reserve matters stage to achieve a layout which will accommodate the parking for the school parents north of the proposed primary school and use the A660 entrance. Also a condition is being attached that only 36 houses will be accessed by this route and once the development is complete this access will be closed to vehicular traffic.

Overall it is considered that the scheme will not have a detrimental impact on residential amenity and complies with policy GP5 of the UDP.

### Trees

- 10.52 This is reserved matter with details to be submitted at that stage. However, there are trees that cover the site and some of them are covered by a Tree Preservation Order especially at the edge of the development so the layout would have to accommodate their retention and adequate distances to roots and canopies.
- 10.53 It is accepted that there will be some tree loss to accommodate the access at the northern part of the site and these trees are covered by a Tree Preservation Order. Additionally planting on the site would be required to mitigate for this loss.
- 10.54 A landscaping buffer would also be required on the eastern side of the Beck which is shown on the masterplan and a wider buffer than shown on the masterplan would be required on the northern boundary with the green belt to comply with policy N24 of the UDP.
- 10.55 Overall it is considered that a residential development can be accommodated on the site without a detrimental impact on the existing trees on the site and adequate landscaping and comply with policy P11 of the Core Strategy.

### Ecology

- 10.56 In terms of ecology there are no planning policy designations affecting the site and the aim of the application is to enhance the ecology of the area. The area of landscaping adjacent to the Beck needs to be managed for wildlife and a Biodiversity Enhancement and Management Plan would need to be submitted.

### Drainage

- 10.57 A flood risk assessment has been submitted and there has been no technical objection to this. Full details in relation to drainage matters would be dealt with at the reserve matters stage.

### Archaeological significance

- 10.58 A Roman fort and later civil settlement is located to the north beyond Adel Mill and the full extent of this is not known. Research has also shown that during the medieval period Adel lay in an area where settlement in dispersed farmsteads was the norm.
- 10.59 Although there are no known sites or heritage assets within the development site the surrounding landscape contains remains of national and regional significance and archaeological evaluation is necessary in order to make a balanced judgement on the impact of the application.

For this reason a condition regarding full archaeological recording needs to be attached.

## Previous refusal

10.60 The previous application was refused for five reasons and these have now been addressed in this application as follows;

1. The site would be premature and contrary to policy N34 of the UDP and fails to meet the interim housing delivery policy. *The interim housing delivery policy is no longer a current policy and as detailed above policy N34 is now out of date so this reason for refusal is no longer relevant*
2. The applicant has failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network in relation to the impact on the proposed NGT junction designs. *The applicant has now been able to show how an access can be achieved and NGT is no longer relevant to this reason for refusal*
3. The applicant has failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. *The applicant has now shown that the development can be accommodated on the local highway network so this reason for refusal is no longer relevant.*
4. The proposed signalised junction on the A660 will delay movements and increase accidents on the A660. *The access is no longer proposed as a signalised junction so this reason for refusal is no longer relevant.*
5. The absence of an s106 agreement. *The applicant has agreed to the requested requirements that will form part of the s106 agreement so this reason for refusal is no longer relevant.*

Overall the previous reasons for refusal of this scheme have been overcome and the application is now considered to be acceptable.

## Representations

10.64 Most of the matters raised in the representations have either been addressed above or are detailed matters that would be addressed either through the proposed conditions or the reserved matters application. Other matters not covered above except for the following:

- Contrary to Adel Neighbourhood Design Statement

The document was not adopted so carries little weight. However, within this document the site is discussed on page 63 and it lists a number of issues that need to be taken into consideration if development comes forward on the site. These issues have been addressed in the report above

- Contrary to draft Adel Neighbourhood Plan

The plan is at draft stage and carries little weight but it does refer to the application site and states that any future development on this site should take account of the need to retain the eastern part of the site as open land. The vast majority of the eastern side is free from development except for the playing field and proposed fence. This issue has been created and the officer's opinion on this matter are discussed in detail above.

- The site was refused permission in November 2014

The site was refused permission in 2014 for a number of reasons being policy and highways. Section 10.62 above explains the changes in circumstances and why this application is now considered to be acceptable.

- Takes a small part of greenbelt

The site does not include any land within the green belt.

- No consultation by the developers with local residents

The developer did carry out some consultation with local residents and have submitted a statement of community involvement with the application. Leaflets were distributed to approximately 210 properties surrounding the site and residents were requested to submit any comments to the agent. Any comments submitted to the agent are addressed in the statement of community involvement.

- Brownfield sites should be developed first

The Inspector in relation to his recent appeal decisions on the three housing sites states that sites should be brought forward for development at this time to meet the demand required for housing in the area at this time and it is irrelevant whether they are greenfield or brownfield.

- Existing schools are already at capacity

This site provides a school to deal with the additional school places that are required

- No guarantee that the new primary school will go ahead

The school is a requirement within the draft SAP as it is considered that there is a need for a school in the area. The section 106 agreement will state that the land has to be reserved for a school until Leeds City Council requires the land.

- No infrastructure such as doctors, shops

These are matters that will be controlled by the market and if the demand for the services is there then the market will respond with increasing the services. This was a matter that was defended at recent appeals and was not acknowledged by the planning inspectorate so it is not a matter to refuse planning permission for.

- Adel phone exchange cannot handle additional demands for broadband.

This is not considered to be a planning matter and a refusal on this ground could not be justified.

- Loss of good quality agricultural land

The land is classified as class 3 agricultural lands which is good to moderate and is adjacent to the urban area which reduces its quality. Impact on emergency service access to Centurion Fields and Holt Avenue

#### Community Infrastructure Levy

- 10.65 The Community Infrastructure Levy (CIL) Charging Schedule was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this

application is CIL liable on commencement of development at a rate of £90 per square metre of chargeable floorspace. Due to the outline nature of this application, the floorspace is unknown at this stage. In any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

## **11.0 CONCLUSION**

11.1 It is considered that the development of a residential scheme and land reserved for a school is acceptable in principle given the lack of a 5 year housing land supply and the fact that the site is allocated as a phase 2 residential allocation in the submission draft Site Allocation Plan.

11.2 There will not be any harm in terms of highway safety, there will be no detrimental harm to residential amenity, and the impact on trees and ecology is considered acceptable.

Although there will be some less than substantial harm to the setting of the grade 1 Listed church which is given considerable weight it is considered that the following public benefits of the proposal:

- (a) Providing housing on a deliverable site in the absence of a five year land supply
- (b) Affordable housing
- (c) Employment
- (d) Providing a school
- (e) Support for local businesses

outweigh that harm.

11.3 As such and having regard to all the representations received, the proposal is therefore recommended for approval, subject to conditions and a section 106 agreement.

### **Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file.16/06222/OT



Key ↑  
North

- Site boundary
- Existing trees and hedgerow retained
- Proposed front gardens
- Proposed rear gardens
- Proposed footpath / cycle route
- Proposed native trees, buffer planting / woodland
- Proposed native hedgerow
- Proposed attenuation ponds: subject to engineers details
- Proposed residential units
- Proposed school
- Proposed school play
- Proposed private drives
- Proposed primary road
- Proposed natural LAP
- Proposed bollards for emergency access only

*Hallam Land*  
*Land to the East of*  
*Otley Road,*  
*Adel*

Scale: 1:2000 @ A3

*Illustrative Masterplan*

