

Councillor Breeda Murray
Chair, Scarcroft Parish Council

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Dear Councillor Murray,

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

Thank you for consulting the Council on the Pre-Submission Draft Scarcroft Neighbourhood Plan. The Parish Council and the Steering Group have produced a well-structured Plan which seeks to deliver on the Vision for Scarcroft.

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. Although these are formal comments, you will be aware that there is no obligation to take them on board. At an appropriate time, we are happy to work with the Parish Council to consider representations more generally and appropriate changes to the plan prior to examination.

1. Timing / Risks

- 1.1. As you will be aware, the Site Allocations Plan was submitted to the Secretary of State for Examination in Public on 5th May 2017. The Examination is due to start in October of this year. Therefore there is continued risk that when if/when the SAP is adopted after the Neighbourhood Plan is made, elements of the Neighbourhood Plan may be superseded.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.**

3. General comments

- 3.1. The Plan seems to follow a similar format to a number of neighbourhood plans being prepared in Leeds. This is not good practice as neighbourhood plans should be locally-distinctive. Whilst it is understood that a number of communities in Leeds are seeking to address similar issues, it is important that NP policies are based on locally-specific and locally-evidenced circumstances, rather than re-iterating policies found within NPs in surrounding areas and making those policies fit to the Scarcroft Neighbourhood Area.
- 3.2. A thorough spell-check is recommended.
- 3.3. Future-proofing is recommended, i.e. “emerging Site Allocations Plan”, “recent”, “today”. Will phrases such as these be relevant in 15 years’ time? (Local Economy section on page 6, for example).
- 3.4. The Policies would benefit from being more easily identified within the Plan document, i.e. through the use of a text box or some colour. Currently, it would be easy for them to be missed or incorrectly conceived of as supporting text.
- 3.5. Rather than use the phrasing “Otherwise acceptable development...” at the start of each policy, policies could be reworded to make the “supported” item the subject of the policy statement. See comments for Policy GE5 for an example of this.

4. Mapping

- 4.1. Map titles and locations would benefit from being rationalised and references to them made clearer. Maps in the appendices would benefit from being correctly labelled and appropriately referenced throughout the NP text. The Council can assist with basic mapping.
- 4.2. Map 1 title should simply read “Scarcroft Neighbourhood Area” with “October 2016” removed. The Council is happy to provide this.
- 4.3. It is assumed that “Scarcroft Neighbourhood Plan Map 1” on page 29 is the proposals map for the Plan. If so, it is missing a key. Should this not be Map 2?

5. Specific comments

- 5.1. Front cover – the Plan should clearly state the Plan Period.

- 5.2. References to “District Council” should be “Local Planning Authority”.
- 5.3. Some of the introductory text is repetitive, i.e. the description of housing types is provided twice on page 5.
- 5.4. Page 6 – why is it assumed that those who live in affordable housing require access to public transport?
- 5.5. Page 6 – why is it assumed that only elderly people use chiropody services?
- 5.6. Whilst Section 3 provides useful background information for the purposes of the Pre-Submission Consultation, much of the content will be surplus to requirements when the Plan is submitted. It is recommended that much of this forms part of the Consultation Statement to be submitted alongside the Plan.
- 5.7. Page 10 – Should the first Vision Statement read “... and at the same time retain its established character, **identity** and status...”?

6. Policy Comments

Green Environment

Page 11 column 2 states that the SLA is defined on a map – but it is not apparent which map this is? Map 2 then appears at the end of the Plan. Suggest that this is moved to the relevant policy section to improve the readability of the document as a whole.

6.1. Policy GE1: The Collingham/ East Keswick/ Bardsey/ Scarcroft/ Thorer/ Shadwell Special Landscape Area

This policy is verbatim of Policy E1 of the Pre-Submission Draft Aberford Neighbourhood Plan.

To some extent this policy mimics existing saved UDP special landscape policies.

There is an opportunity to make this more locally-specific.

Perhaps more clarity as to what would “**seriously** harm the character and appearance of the landscape.” How would a Development Management officer judge this when considering a planning application?

6.2. Policy GE2: Local Green Infrastructure

This policy is verbatim of Policy E2 of the Pre-Submission Draft Aberford Neighbourhood Plan.

The protection of Local Green Infrastructure from development is too restrictive as currently drafted. It does not have sufficient regard to national policy.

Local strategic policies offer more flexibility in this respect. What evidence is there to support a 'tighter' policy?

Suggest the policy refers to 'regard to'.

Green Infrastructure corridors are not shown on Map 3 although they are in the appendices; suggest that they are included on Map 3 for context.

6.3. Policy GE3: Local Green Space

Appendix 3 sets out the Parish Council's assessment of candidate Local Green Spaces, but then goes on to designate *all* of the candidates as Local Green Spaces. An examiner will require a robust assessment. Please provide more information on the process.

Paragraphs 77 and 78 of the NPPF state that Local Green Space designations will not be appropriate for most green spaces and that they must be "demonstrably special."

The majority of the proposed Local Green Spaces are situated in the Green Belt. As such, the designation of these sites as Local Green Spaces will not afford them any additional protection. Numerous examiners have not recommended the designation of LGS in the Green Belt.

6.4. Policy GE4: Local Green Space Enhancement

This Policy is verbatim of Policy E4 of the Aberford Pre-Submission Draft NP.

This policy appears more like a community aspiration for the spending of CIL monies. The parish council could identify CIL spending priorities in the neighbourhood plan. Could it be more specific in terms of shape, function, and location within new housing developments?

Many examiners will recommend that a policy like this is deleted and turned into a 'community action'.

It may be better to change to 'The enhancement of the following Local Green Space sites will be supported.'

6.5. Policy GE5: Provision of New Green Space

The locally-specific nature of this policy is welcomed, as it identifies evidenced deficiencies of greenspace typologies in Scarcroft.

Nigel McGurk's recommended modifications to a number of NPs in Leeds have altered similar policies (recent examinations: Boston Spa and Bardsey-cum-Rigton). Suggested new wording:

"The provision of the following greenspace typologies in new developments will be supported where appropriate:

- Amenity Green Space
- Equipped Play Provision for Children and Young People
- Allotments
- Natural Green Space”

This would improve the clarity of the Plan Policies and the chance of passing examination.

Built Environment

For information: Conservation Area should be capitalised.

6.6. Policy BE1: Scarcroft Hill Local Heritage Area

Clarity is needed on what a “Local Heritage Area” is and what it would mean in policy terms. How does it differ from a Conservation Area? Repetition of a CAAMP for an area that is not a Conservation Area isn’t supported by enough evidence at Appendix 4 (a more thorough analysis would be beneficial).

Clarity is needed on what “inappropriate infill” means. What qualities would make infill development appropriate?

Recommend that the Key Views are plotted on the Neighbourhood Plan Map.

6.7. Policy BE2: Potential Non-Statutory Heritage Assets

It is recommended that the policy simply identifies “non-designated heritage assets” which highlights the assets, removing “potential” from the title and policy wording.

The policy is too ‘wordy’ as written. Perhaps something like: ‘The non-designated heritage assets listed below and identified on The Neighbourhood Plan Map should be considered in any development proposals. Their protection, preservation or sympathetic enhancement is encouraged.’

The assessment of these assets at Appendix 5 is thorough and welcomed.

Map 4 would benefit from being much clearer.

6.8. Policy BE3: Development and Design in Scarcroft Conservation Area

The title of the policy refers to development within the Conservation Area, but the text of the policy then refers to sites adjacent to the Conservation Area. Much of this policy repeats text already stated within the draft Scarcroft Conservation Area Appraisal and Management Plan. Given the repetition, there is a risk that this would be deleted by the examiner. However, it is appreciated that this policy also refers to UDP saved policies.

It is beneficial to state the use of appropriate materials; however the Policy could be more specific. Sandstone is a vague term – could this be “sandstone of the type used in historic Scarcroft”?

6.9. Policy BE4: Development and Design outside the Conservation Area and Local Heritage Area

It is recommended that supporting evidence is not referred to as “light touch”.

How should a development “take account of...” the aspects listed?

Community Facilities and Services

6.10 Policy CF1: Protection and Enhancement of Community Facilities

This policy is verbatim of Policy CF1 of the Pre-Submission Draft Aberford NP.

This policy is onerous and conflicts with Permitted Development rights for the change of use. It is recommended that this policy is re-drafted; one option could be as set out below:

‘The loss of any community facilities as shown on The Neighbourhood Plan Map should result in the provision of alternative equivalent facilities within the village as defined on The Neighbourhood Plan Map unless a lack of need is proven. Commercial facilities must demonstrate they have been marketed for at least one year and are no longer viable.’

6.11 Policy CF2: Provision of New Community Facilities

Is this policy intended to apply only within the village of Scarcroft, rather than the whole parish? This should be shown spatially on the Neighbourhood Plan map.

It is not possible for a planning policy to require a private business to continue trading, whether there is local demand or not.

6.12 Policy CF3: Retail Development in Scarcroft Village

The evidence section for this policy will quickly become outdated. It might be better for the NP to simply allocate a site?

The Scarcroft-specific approach is welcomed. However, the evidence section would benefit from stressing how Scarcroft is currently poorly served in terms of shopping facilities. i.e., how close is the nearest shop? How does this adversely impact on traffic, etc. in the Parish? How would the provision of a small shop in Scarcroft contribute to local amenity?

It is recommended that “small scale” is defined.

Is this policy seeking to repeat the Core Strategy Policy? If so, it is likely that an Examiner would recommend that this Policy is deleted. The preference for a Wetherby Road location is understandable; however some locations on Wetherby Road are detached from Scarcroft village.

Perhaps the Policy could say “in close proximity to Wetherby Road and within the existing residential area.”?

Housing

Outer North East **HMCA** not sector.

“Already developed site” – brownfield site?

6.13 Policy H1: Wetherby Road – Scarcroft Lodge Development Requirements (HG2-26)

This policy should be shown spatially on a Map.

This policy includes significant site requirements which raise concern over the impacts on viability, in particular with regard to green space, affordable housing and build quality. This would raise concerns at examination.

Highways: What evidence is there for the additional highways site requirements? A residential scheme on the site may well have a reduced impact on highways issues compared to the previous office use which facilitated hundreds of commuters every day.

Proportion of Development: Limiting development just to the east of Scarcroft Lodge reduces the site by about 50%. The Conservation Area and Listed Building site requirements in the SAP should be sufficient to ensure that the setting of Scarcroft lodge is protected without being overly prescriptive about the location of development. Limiting development just to the existing hardstanding areas could also result in an oddly-shaped residential development which could impact on the character and appearance of the redevelopment. The existing UDP Green Belt policies and the NPPF are more flexible and allow for land swaps to take place providing it has no greater impact on the Green Belt. The existing development is also 4 storeys in scale and has significant massing. The NP policy could miss the opportunity to spread some of this massing across the site.

Archaeology: Where is the evidence to justify this part of the policy? The Council has previously consulted West Yorkshire Archaeology Services on this site and there have been no concerns raised.

Greenspace: Whilst off-site greenspace provision is a sound aspiration, it raises concerns over deliverability, as it is not clear whether the land is in the same ownership, as part of the land has recently been sold. This part of the policy could read “Where feasible... green space should be provided off-site within adjacent land, etc.” It is also not clear where the old Bowling Green and tennis courts are? The redevelopment of these facilities would be costly.

Scarcroft Lodge: There are concerns over how this part of the Policy has regard to the NPPF and Listed Building Status. It is recommended that it provides more

flexibility in terms of uses which may encourage the re-use of a Listed Building and would be encouraged by the NPPF.

Community Facilities: Further consideration is needed with regard to deliverability and potential CIL receipts from the re-development of the site. It is recommended that the Policy suggests how the green space requirement may be delivered for the site, such as through the improvements to the cricket ground, pavilion and car parking.

Consultation: Engagement with landowners is a crucial facet of neighbourhood planning. There are concerns that due to the recent sale of the land, the new landowners have not yet been consulted about the NP proposals for the site. It would be worthwhile to work with landowners on such schemes. This will be an important consideration at examination.

6.14 H2: Development on Non-Allocated Sites

The first bullet point of the policy should simply be the introductory statement.

Some of the clauses are negatively-worded; could these be “flipped” to be positively worded? See below as an example.

“Avoid adverse impacts on Scarcroft’s special environmental and built heritage features as detailed and covered in sections 5.1 and 5.2 of this plan;”

It would perhaps be better to say: “Maintain and enhance Scarcroft’s special environmental and built heritage features;”?

It is not good practice to cross-reference within a Policy.

6.15 Policy H3: Housing Density

HG2-26 is not an allocated site. It is a proposed allocation.

The NP previously mentions that there are some terraced houses in Scarcroft – do these exceed the 10dph as set out by this policy? In many cases, higher density may be appropriate. Are there “character area”-specific densities? The housing policies could make better use of this Character Assessment found in the appendices.

10dph is very low and does not appear to promote sustainable development. The benefits of the policy need to be considered against the sustainability benefits of making efficient use of land (so that less greenfield and Green Belt land are required) and achieving higher populations in proximity to services and facilities as dictated in national policy.

This policy would need to be supported by more robust evidence in order to pass Examination.

6.16 Policy H4: Housing Mix

How is the East Keswick Housing Needs Assessment reasonably applied to Scarcroft? This signifies a lacklustre approach, and it is likely that an Examiner would question this evidence.

At a threshold of 5 units, it would be difficult to achieve the mix outlined by the Policy, but instead the policy could encourage a mix of dwellings, highlighting the preferred options.

This policy seems to be in conflict with Policy H3 of the Neighbourhood Plan. H4 seeks to provide smaller units while H3 seeks to ensure very low density. We would question the viability of small units at such low densities.

7. Monitoring, Review and Implementation

- 7.1. Suggest that it is made clear that the inclusion of projects in the plan does not imply that the Council has agreed to undertake them.
- 7.2. Examples for PROW improvement projects could emulate the Council's PROW Improvement Plan, for example:
 - Making all paths suitable for their extended use by improving the surface and drainage as appropriate;
 - Improving ease of access along key recreational routes by improving the standard of maintenance, path furniture and signing;
 - Identifying areas where paths could be made more accessible for those with mobility problems
- 7.3. The Plan could also mention the Leeds Country Way, a strategic recreational route part of which passes through the designated Neighbourhood Area.

8. Appendices

- 8.1. Throughout the plan there are references to the appendices, this could be highlighted further or more clearly. For example, the Community Facilities and Services section (5.3) makes a quick reference to Appendix 7 but it is easily missed. This would help with supporting the policies with robust evidence.
- 8.2. Appendix 3 – refer to 'Local Green Space' rather than "green space" and to 'assessment' or 'conclusion' rather than "recommendation".
- 8.3. Appendix 5 – delete reference to "potential".
- 8.4. Appendix 6 contains information concerning Public Rights of Way, yet is not referenced within the Neighbourhood Plan or as part of a policy. Is the intention to include policies rather than just Community Actions concerning PROW? It is advised that the NP does not introduce new policies beyond the Pre-Submission Stage as these will not have stemmed from robust consultation and engagement.

- 8.5.** The figures used relating to lengths of Public Rights of Way are out of date. There are now 7.89km of PROW, 3.2km of which are bridleways leaving 4.69km of footpaths. There are no permissive paths, and there 3 claimed paths, on a footpath to bridleway upgrade, on a bridleway to byway open to all traffic upgrade (with limited evidence likely to be available) ad one new bridleway along the disused railway. There appears to be limited other routes that could be described as 'permissive' or 'unrecorded' paths.
- 8.6.** The Plan could include a Map showing the existing PROW within and adjoining the Neighbourhood Area. This could include the non-definitive routes. The Council's PROW section is willing to supply such information when requested.

I hope these comments are useful and help the neighbourhood planning group to review the pre-submission draft Scarcroft 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