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Ref: L:\FPI\Neighbourhood
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Date: 16th October 2017

Dear Ms. Kidger,

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

Thank you for consulting the Council on the pre-submission Otley Neighbourhood Plan. The plan is a comprehensive, locally-distinctive and well-researched document which seeks to deliver on an ambitious vision. The plan also usefully sets out a series of ambitious yet practical community actions to complement the policies. With further work, the plan has the potential to be an exemplar neighbourhood plan for a market town.

I hope these formal comments will help the town council and the neighbourhood plan steering group to make changes to the document prior to formal submission for examination. Although these are formal comments, there is no obligation to take them on board. Once all of the pre-submission comments have been considered, we are happy to work with the town council to assist on changes to the plan. This could include a focussed discussion on design (East of Otley), local green spaces and a consideration of comments made by Harrogate Borough Council on the Throstle Nest policies.

1. Timing / Risks

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 and will consider non-housing issues. Housing issues will be considered in the spring.

2. Basic Conditions

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

The plan could be more specific generally about potential CIL receipts from the proposed allocations/developments and tie these to the proposed community actions that come in each section of the Plan – Holbeck’s Delivery Plan is a good example of this.

A policy list at the beginning would help navigation.

The document refers to “considerable opportunities” for sustainable development, including “adopting the highest environmental and energy conservation standards and the provision of electric vehicle charging points for all dwellings and in car parks” but could more of a commitment be made?

Community actions – the plan looks to reduce the number of charity shops, whilst also filling vacant shop units. Is an aversion to charity shops something that has come out of consultation or is there other evidence?

When the submission plan is drafted suggest a ‘future proofing’ check is undertaken. For example, references to pre-submission SAP (refer to the Submission Draft Site Allocations Plan).

4. Specific Policy Comments

Policy GE1 - Otley Chevin Special Landscape Area

The reference to "paying particular attention to" is appropriate.

The reference to a more “nuanced” policy is understood but to what degree is the policy a repetition of existing?

The reference to an appendix in a policy is often deleted by examiners. It would be better to make reference to the appendix in the supporting text. See separate comments on Appendix 5.

Policy GE2 - Local Green Infrastructure

Examinations elsewhere in Leeds have recommended to the Council that such a policy is appropriate in general terms subject to evidence for each corridor identified. Reference is made to the “Neighbourhood Plan Map” but it isn’t clear which map is referred to.

Policy GE3 - Riverside Development

This policy needs careful consideration in light of flood risk implications - wording to cover uses acceptable within flood risk areas and take on board that many of the areas will have strict controls on the type of development – see SFRA and EA mapping and planning guidance. Also recognise Green Belt status of area.

Reference is made to the “Neighbourhood Plan Map” but it isn’t clear which map is referred to.

The sensitive nature of this area is recognised. However, this is a fairly restrictive and onerous policy on the one hand but also aspirational on the other ("should only be...", "and ideally enhances..."). It is recommended that amendments are made to make the policy more clear and precise.

Small scale development could not be expected to deliver the range referred to. How would development management determine what was “small scale development” and what small scale development should contribute?

Policy GE4 - The former Bridge End Cattle Market Site

This policy needs careful consideration in light of flood risk implications - wording to cover uses acceptable within flood risk areas and take on board that many of the areas will have strict controls on the type of development – see SFRA and EA mapping and planning guidance. Also recognise GB status of area.

It is recommended that the general policy wording adopted here is used for the other potential development sites referred to in the plan which are not Allocations.

Policy GE5 - Protection and Improvement of the Biodiversity of the extended Leeds Habitat Network within Otley

Given that the policy refers to "will be required to" evidence should be provided for the extended area.

Policy GE6 - Protection of Local Green Space

It is recognised that a significant amount of work had been undertaken on the proposed areas through consultation and engagement, surveys and landowner discussions. The evidence should be made available to the Council to allow it to make a formal and detailed comment on each site. It may be appropriate to have a separate meeting on this once the Council provides detailed feedback on each site.

Policy GE7 - Local Green Space Enhancement

This is an appropriate policy.

Policy GE8 - Provision of New Green Space

It may be better to say on-site provision should be made unless there is good reason for a commuted sum.

Policy GE9 - Midgley Farm Wetlands

This policy could be worded more clearly. The term "amenity uses" covers a wide range of uses, some of which would be appropriate for the area but others would not.

Policy GE10 - Development and Replacement Trees

The locally distinctive approach is supported and the Otley issue is recognised. However, evidence should be provided to demonstrate the need for a different approach. The policy could be more precise and clear (locations, priorities?).

Policy GE11 - Surface Level Sustainable Urban Drainage Systems

Policy supported as written.

Policy BE1 - Otley Local Heritage Areas

The areas should simply be identified as heritage areas rather than designated. The plan could simply highlight these areas as 'possible extensions to the CA', subject to assessment at a later date by the Council.

The evidence for these areas as supplied in the appendices is in some cases fairly limited. For example, the evidence on Albion Street could be added to, as well as made clear what is meant by "extension to the existing conservation area."

The wording of each policy area is broadly appropriate but care should be taken to ensure that these policies are more aspirational in nature, for example replacing "should retain" with 'seek to' or similar.

Policy BE8 - Protection and Enhancement of Potential Non-Statutory Heritage Assets

This is a fairly wordy policy which should be simplified and made clearer. Suggest the policy simply identifies 'non-designated heritage assets' which lie outside the Conservation Area.

The identification of a non-designated heritage asset does not guarantee protection but their protection and enhancement would be important considerations in any development proposals.

Policy BE9 - Otley Conservation Area – Design and Development

Some neighbourhood planning examiners delete policies which repeat or seek to add detail to existing CA policy while others are happy for such a policy to remain. What does this policy add to existing?

Policy BE10 - The Oval Estate Design and Development Considerations

This appropriate, clear and precise.

Policy BE11 - Duncan Estate Design and Development Considerations

This appropriate, clear and precise.

Policy BE12 - Pegholme Estate and Development Considerations

This appropriate, clear and precise.

Policy MU1 - East of Otley Key Guiding Development Principles

The SAP doesn't propose the East of Otley site – it's already an adopted UDP allocation, which is carried forward into the SAP as MX1-26. The only change made by the SAP is that a school is also now proposed.

The policy generally reflects the planning objectives we would expect for delivering a sustainable mixed use development, however some of the requirements may be too prescriptive e.g. 4th bullet point under design code – there could be number of different options for delivering an interesting yet sensitive scheme without being so specific; 3rd bullet point under design code – the key is to achieve a mix of housing types (reflecting the CS policy).

The Council owns land within the East of Otley area. Discussions are ongoing with the lead developer. These key guiding principles have been discussed at a workshop with officers and at a meeting with one of the main developers of the site, Persimmon Homes. The principles are in general terms supported but it has been agreed that further consideration could be given to them, in particular design. The Council is happy to work with the group on this.

The former Ings Lane tip site is outside the boundary of the allocation. It is expected that it will be remediated by the Council as the landowner but should not be set as a requirement of the development.

Eastern Relief Road requirements - there is no agreement about which way the road will be implemented (whether from Pool Rd or the A660) or how much land take would be necessary to achieve a segregated two way cycle track plus pedestrian route and if this would be achievable.

It is unlikely that "eschewal of standard building designs" is a phrase that would pass examination. Suggest the policy focuses more positively on what would be appropriate, for example "encourage varied building design throughout the development to avoid standardised house plots." Also suggest a different word is used rather than "ameliorated."

Construction of relief road – 5 years from when?

Cycle track - preference for internal or external side?

MU2 Westgate - Ashfield Works Development Requirements

The Council has exchanged contracts for the sale of this property and the developer has undertaken public consultation on their development proposals. A planning application is likely to be submitted October 2017.

Policy MU3 - Westgate Development Requirements and Aspirations

As the neighbourhood plan is not allocating the site suggest similar wording to GE4 ("should have regard to") unless evidence can be provided to justify the setting out of requirements.

MU4 - Former Board Buildings North Parade

The Council is awaiting a proposal from Otley Courthouse to extend their facility into part of this site. The Council would then sell the remainder of the site. The proposal in the Plan for housing and offices should be widened to include a full range of uses so the future use of the City Council's property is not restricted which will deter its redevelopment / refurbishment.

Policy MU4 - Former Board Buildings, North Parade

The use of "should have regard to the following" is appropriate and welcomed.

The Council is awaiting a proposal from Otley Courthouse to extend their facility into part of this site. The Council would then sell the remainder of the site. The proposal in the Plan for housing and offices should be widened to include a full range of uses so the future use of the City Council's property is not restricted which will deter its redevelopment / refurbishment.

Policy H1 - Development on non-allocated sites

The plan is supportive of smaller non-allocated sites coming forward which is positive – perhaps also refer to self-build or infill? Recognition of the economic benefits of a mixture of housing delivery mechanisms could be useful justification in this section.

Policy H2 - Housing Mix

Better to say 'will be encouraged' rather than "will be supported."

“Flats and terraced dwellings in urban infill sites” – perhaps justify this more, alluding to the benefits of maintaining a high level of residential density in the town centre, and the opportunity to live without a car.

Policy H3 - Housing for Independent Living with Poor Access to Facilities

This policy reads as if it refers to existing facilities ("where developments of"). Suggest 'The development of...'

Policy H4 Affordable Housing

The need for the policy is understood and the use of “should” is generally appropriate. Is there evidence other than consultation results to support the second part of the policy?

Policy E1 - Protection of Existing Employment Sites

It is recommended that some flexibility is introduced into this policy, although that could be left to an examiner. Make full use of the circumstances in Otley regarding employment land and evidence.

Policy E2 - Land Off Illkley Road

Introducing requirements to a policy which is not an allocation is not recommended (and would most likely be modified by an examiner). Suggest this is made more of an aspirational policy.

Policy E3 - Land off Illkley Road (adjacent Armitage Monobond)

Introducing requirements to a policy which is not an allocation is not recommended (and would most likely be modified by an examiner). Suggest this is made more of an aspirational policy.

Policy E4 - New Employment Development

There's a bit of overlap between Policy E4 and E5, the latter relating to non-allocated sites. E4 also refers to non-allocated sites. No harm in this approach, just need to make sure there's clarity in the desire of what each policy is aiming to achieve.

The need for this policy is questionable given the other employment policies.

The use of "in principle acceptable development" is imprecise and vague.

Policy E5 - Employment Development on Non-allocated sites

There's a bit of overlap between Policy E4 and E5, the latter relating to non-allocated sites. E4 also refers to non-allocated sites. No harm in this approach, just need to make sure there's clarity in the desire of what each policy is aiming to achieve.

The use of "in principle acceptable development" is imprecise and vague.

It would be better to make this a more positively worded policy. The use of "seeking to..." is welcomed but to then be followed by "No..." is inconsistent with the aspirational nature of the policy. Suggest reference is simply made to environmental and built heritage and local road safety and congestion - as important considerations in any employment development.

Policy E6 – Live/work accommodation

The introductory wording could be made simpler and clearer. For example, perhaps better to say something like, 'Development proposals for employment generating uses with ancillary living is encouraged. Any such development should have regard to the following:'

Policy E7 - Otley Cemetery Chapels

LCC owned. Plan states "Should be considered for development as live/work accommodation." The Council would prefer to see a fuller range of uses at this property, but will select a future owner carefully to be a suitable fit with the cemetery.

Policy E8 – Hotel Development

This is an appropriate policy.

Policy CF1 - Protection and Enhancement of Community Facilities

The facilities should be specified within the policy.

Some of these facilities mentioned are private businesses and although the policy is more flexible in this regard an examiner may have concerns with marketing for a fairly lengthy period (1 year) and with the term "reasonable price" (who would judge what a reasonable price is?).

Otley Civic Centre is described as a Civic and Community Facility and should be retained for such uses. There is no agreement from the Council to retain as a

community facility. This would impose restriction on the future use of the building (Appendix 9).

Policy CF2 - New Sports and Recreation Facilities

Mention is made of the uncertain future of the Civic Centre and that it should be development in a way which benefits the community provided it does not compromise the Courthouse expansion plans. Reference is then made to the Courthouse aspirations to expand into North Parade Depot and that the Town Council has resolved to provide whatever assistance is practically possible in support of the Courthouse in order to help it achieve its goals, provided this does not compromise the prospects for the Civic Centre being reopened for community use. The aspiration is understood but the Council does not commit to make the Civic Centre available for community use.

Policy CF3 – Entertainment Venues

This is an appropriate and aspirational policy but it may be better to say “are encouraged.” Some proposals may come forward which would not be supported.

Policy CF4 – Improvement of Health Facilities

This is an appropriate and aspirational policy but it may be better to say “are encouraged.” Some proposals may come forward which would not be supported.

Policy CF5 – Facilities for Younger People

This is an appropriate policy. However, more detail could be provided on the types of facilities that young people have specifically suggested (or are asked to suggest after pre-sub). It would also be useful to highlight areas where the provision of facilities would be a priority. This is referred to under ‘community actions’ but perhaps more could be said? The plan could also highlight CIL spending priorities.

Policy CF6 – New Educational Provision

This is an appropriate and aspirational policy but it may be better to say “are encouraged.” Some proposals may come forward which would not be supported.

Policy TT1 – Improved Cycling and Walking Provision

More could be said about the benefits of walking and cycling, particularly in a town like Otley.

Not all development will be able to “contribute.”

Refer to ‘encouraged’ rather than “supported.”

The reference to Wharfedale Greenway could be supplemented by evidence and information on what it is and what work has been undertaken to secure it.

Policy TT2 – Otley Bridge Developments

This is an appropriate policy.

Policy TT3 – White Bridge Improvements and Associated Works

This is an appropriate policy.

Policy TT4 – Improved Public Transport

This is an appropriate aspirational policy. METRO to comment.

Policy TT5 – Otley Bus Station

Policy TT3 refers to “supported and encouraged”, TT4 refers to “should contribute” and TT5 refers to “strongly encouraged and supported.” It is recommended that there is consistency with wording and words such as “strongly” are deleted (the policy should either support or not).

Policy TT6 - Otley Rail Link Reinstatement

The plan states that development of any land along the corridor of the former railway will be resisted if it would prevent the development of an Otley rail or tram link. This is likely to conflict with the East of Otley development. The plan should be clear about this and any implications of the East of Otley development.

Appendices

It would be useful if there was an introductory sentence to each appendix which sets out its purpose.

Appendix 1 – Local Green Infrastructure

This is useful and well-researched but a clear reference should be made to it in the plan.

Appendix 2 – Extended Leeds Habitat Network within Otley

This is useful and well-researched but a clear reference should be made to it in the plan.

Other evidence that compliments and confirms local know knowledge would be helpful, if available.

Appendix 3 – Local Green Spaces Assessments Survey

It is recognised that significant work has been undertaken to identify these sites but the appendix could provide more information as to why they are ‘demonstrably special’.

Appendix 4 – Local Heritage Areas

An appendix of this nature can be useful to development management. However, it could be more useful if supplemented by photographs. More evidence is generally recommended.

Appendix 5 – Key Views

This does not relate to a ‘Key Views’ policy within the plan but to a more general approach. A specific policy could be included, but supplemented by evidence rather than only a description of the view.

Appendix 6 – Potential Non-Statutory Heritage Assets

Refer to ‘non-designated’ heritage assets.

Excellent table and evidence.

Appendix 7 – Estates Character Evidence

This is a useful appendix. It could be improved by the use of photographs but the limitations are understood.

Appendix 8 – East of Otley Study Brief Outline

A setting out of key issues is useful. It is understood that further work is being undertaken on this.

Appendix 9 – Community Facilities in Otley

The appendix could include supplementary information on the importance of specific community facilities but they should be specified within the policy.

Appendix 10 – Capacity in Otley’s Schools

Future-proofing of the plan is important. This information will soon become out of date.

Appendix 11 – Wharfedale Greenway

This would be better suited as a project.

Appendix 12 – Glossary of terms

This is a useful addition to the plan.

General Officer Comments

Design

The emerging Neighbourhood Plan Design Guidance being prepared by the Council and the forthcoming Leeds Beckett Masterclass on 16 November (details to be announced) will be an excellent opportunity to assist on design issues generally and to explore opportunities for the East of Otley site. Given the complexity of the issues it is felt that a design-focussed workshop with the key stakeholders would be particularly beneficial.

Highways

The neighbourhood plan supports the identified development sites in Otley and it does not put any onerous requirements on the Highway Authority.

There is an opportunity to say more about the town centre and possible enhancements to the street scene.

Parks and Countryside

The Council's Parks and Countryside service must be consulted with before any works are undertaken on Council-owned land. The Otley Chevin Forest Management Plan 2016 – 2026 should be referred to where appropriate.

Prior agreement must also be obtained from the Parks & Countryside service before any land is handed over for adoption.

Mapping

A check on map clarity is recommended.

There are numerous references in policy to "The Neighbourhood Plan Map". It would read better if these references were followed by a specific reference to the map/plan in question, for example, Map 2: Otley Special Landscape Area.

Map 4 – The Pollinator Pathway Project is visible on the map but is this the only biodiversity project happening in Otley? And is there landowner support of this project? It may be better to remove this reference as it distorts the objective of this map.

Map 5 – The existing Updated 2014 Leeds Habitat Network may be better shown in one colour and the extensions in another single colour – the current use of colours makes it difficult to distinguish between the two.

Biodiversity

A good biodiversity enhancement for new buildings in Otley would be the provision of integral (within built structures) bat roosting units (such as bat bricks) and bird nesting features (such as Swift bricks) and a stated ratio of these per new building i.e. one per new house/dwelling, 10 per school etc. This would help make Otley a “Wildlife Town”. More could be said about the contribution that trees and green infrastructure can make in terms of air quality and carbon storage.

Education

There are concerns that the data presented relating to projections will become out of date quickly.

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