



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st December 2017

Subject: 17/00029/OT – Appeal against the non-determination of outline application for 26 dwellings and means of access on land at Ridge Meadows, Northgate Lane/Tibgarth, Linton, Wetherby, LS22 4GS

Appellant: Kebbell Developments Ltd

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: TO CONTEST THE APPEAL that has been made against the non-determination of the planning application for the following putative reasons:

1. The proposal is contrary to policy SP1 of the Leeds Core Strategy which sets out the spatial development strategy for Leeds, being based on the Leeds settlement hierarchy and which aims to concentrate the majority of development within and adjacent to the main urban area and major settlements where it can benefit from existing services, adequate levels of accessibility and priorities for urban regeneration.
2. Development in this unsustainable, village location is contrary to paragraph 70 of the NPPF which in part provides that decisions "...ensure an integrated approach to considering the location of housing, economic uses and community facilities and services". The proposal is also contrary to paragraph 38 of the NPPF that seeks that, where practical "...key facilities such as primary schools and local shops should be located within walking distance of most properties". The appeal site lies outside of the Main Urban Area, in a village location, which is unacceptably remote from local services. The proposed location is not sustainable for residential development. The site fails unacceptably to meet the accessibility standards for housing to be located within relevant walking times to local services, employment, secondary education or town centres, nor is it within a 5 minute walk to a bus stop offering a 15 minute frequency service to such

services and facilities or a major public transport interchange, as set out in the adopted Accessibility Standards of the Leeds Core Strategy. The proposal is contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policy GP5 of the adopted UDP Review, and also the NPPF.

3. The site is a Protected Area of Search under (saved) Policy N34 of the UDP Review. The site also constitutes safeguarded land for the purposes of the NPPF, paragraph 85. The release of this PAS site for housing would be contrary to Policy N34 and paragraph 85 (bullet 4). Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review, which proposes the development.
4. The Development of the appeal site would be (unacceptably) premature, contrary to the advice given by the Planning Practice Guidance (Paragraph 014 Reference ID: 21b-014-20140306). The Development would predetermine decisions relating to the scale and phasing of new housing and/or employment development and the emerging designation of safeguarded under the (very advanced) Submission Draft/Site Allocations Plan (SAP). The proposal would have a prejudicial, pre-determinative effect on decision taking with regards to directing new development through the SAP and community involvement in the plan-making process. Alternatively, even were the Development not 'premature' for the purposes of the PPG, it is nonetheless contrary to emerging policy under the SAP, having regard to paragraph 216 of the NPPF.

1.0 INTRODUCTION:

- 1.1 The application is presented to North and East Plans Panel following the submission of an appeal against non-determination to the Secretary of State by the applicant on 6th October 2017.
- 1.2 As part of the anticipated appeal process, the Local Planning Authority (LPA) will in due course submit evidence in explanation of its assessment of the application. In light of the views of officers on the application as submitted (that is it is not acceptable) it is necessary for the LPA to determine how it would have been minded to determine the application and evidence what its (putative) reasons for refusal would have been had it determined the application. Accordingly, this report recommends to Members several putative reasons for refusal and accordingly seeks a decision from Panel.
- 1.3 The planning application was submitted on 3rd January 2017. Since that time officers have considered consultation responses and local representations in order to negotiate with the applicant with the intention of narrowing the basis for objection/refusal.
- 1.4 Members are also made aware that the applicant submitted on 9th October 2017 a new application for the appeal site in attempt to resolve outstanding issues and circumvent pursuit of the appeal. The new application 17/06609/OT is a resubmission of application 17/00029/OT.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a linear plot of land located outside the existing village of Linton, Wetherby. The site is a broadly flat plateau with the land falling steeply away to the west, south and east. Long-range views across open land to the north are possible from Sicklinghall Road and views are also possible from the A58 to the east. The site is bounded by vegetation and is rough grassland within. The

vegetation to the site boundaries is mixture of hedgerows, self-seeded vegetation and more established individual trees.

- 2.2 Linton itself was originally a nuclear settlement with a core of historic development close to its centre, however later development has produced a more radial village, with housing dispersing outward along the roads which enter the village. Its historic core is characterised by a simple agrarian style and houses are largely built from magnesian limestone. There is then a collection of houses from the early to mid-twenty century which reflect an Arts and Crafts pastiche style, and these are usually detached dwellings constructed in a palette of stone and render. More modern dwellings lie to the outer edges of the village and these are also detached houses, usually within spacious plots and again with a mixed palate of stone and render.
- 2.3 The site is a wedge that lies between the houses set north of Northgate Lane and those on 'The Ridge'. Both of these areas are relatively modern (mid-late twentieth century) and are characterised by large individual dwellings set within verdant plots.
- 2.4 Tibgarth is one of the more recent housing developments within the village (see Relevant Planning History) and lacks the verdure of earlier development. The existing access road serving Tibgarth would be utilised, with the new access point crossing the front of No. 7 Tibgarth and the road then snaking to the east/south east in order to navigate the gradient change.
- 2.5 The appeal site from the application form comprises 4.16ha and is designated as a Protected Area of Search for long term development in the UDP (2006) Review (37. The Ridge, Linton) for the purposes of Policy N34.
- 2.6 The site is proposed as Safeguarded Land within the Submission version of the Site Allocation Plan reference HG3-7 with an indicative capacity for 100 dwellings. Safeguarded Land provides a reserve of potential sites for longer term development post 2028 and to protect the Green Belt.
- 2.7 The site is a greenfield site of which 16.23% has an agricultural classification of Grade 2 and 83.77% of Grade 3.

3.0 PROPOSAL:

- 3.1 The application proposes the construction of 26 dwellings with means of access. The following are supplied in support of the application and have been considered:
- Illustrative Masterplan
 - Site Layout
 - Topographical Survey
 - Access vertical and horizontal sections
 - Access swept path
 - Ecology Survey
 - Transport Statement
 - Planning Support Statement
 - Representations to the SAP
 - Phase I Desk Study
 - Flood Risk Assessment
 - Design and Access Statement

4.0 RELEVANT PLANNING HISTORY:

4.1 17/06609/OT: An identical planning application was submitted on 9th October 2017, after the appeal was submitted. This application remains pending.

4.2 14/04340/OT: Outline application for residential development including means of access. Refused on 23rd January 2017 for the following reasons:

- (i) Prematurity: *The LPA considers that the release of the site for housing development would be premature, being contrary to saved policy N34 of the UDP and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Linton needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location and scale of the site in relation to the village of Linton means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way.*
- (ii) Spatial Vision: *The proposal is contrary to the Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Linton which is consistent with the size, function and sustainability credentials of a village. Furthermore, the Core Strategy states that the "priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions" which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP1 of the Core Strategy. In advance of the Site Allocations Plan the proposal represents such an expansion of the village that it is likely to adversely impact on the sustainability of Linton, contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF.*
- (iii) Sustainability: *The development of this site for residential purposes has poor sustainability credentials, represents an inefficient use of land and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. As such it is contrary to policy H3 of the Core Strategy. Also, in the absence of any*

planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy, and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which require that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

- (iv) Spatial and Landscape Character: The Local Planning Authority considers that the development of this site for up to 10 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Linton, that would result in an overly dispersed form of development that fails to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide an appropriate Design Code which would ensure that the development had a coherent character which responded well to its immediate context and the wider character of Linton Village and the adjacent conservation area. The Local Planning Authority also considers that, in the absence of an agreed design for the access road, the development would be contrary to the landscape character of the wider area. As such, the proposal would be contrary to Policies P10, P11 and P12 of the Core Strategy, the guidance contained within the SPG 'Neighbourhoods for Living' and the guidance within the National Planning Policy Framework.*
- (v) Trees and Ecology: In the absence of a detailed topographical survey, levels information, arboricultural impact assessment, and further habitat and ecology surveys, it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development would cause harm to protected species and the arboricultural and ecological amenities of the site, as well as the wider landscape character, contrary to Policy G8 and P12 of the Core Strategy and the guidance within the National Planning Policy Framework.*
- (vi) Obligations/S106: In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary on site affordable housing, Greenspace and the offered public transport (Metro Cards), contrary to the requirements of Policies H5, T2, G4 and ID2 of the Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.*

4.3 33/331/96/FU 10 Detached Dwellings. Approved and built (Tibgarth cul-de-sac). Access to the appeal development is via the access serving this development.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised as a major development through site notices which were posted around the appeal site on 27th January 2017 and through publication in the Yorkshire Evening Post in a notice dated 1st January 2017.
- 5.2 No written comment has been received to date from any Ward Councillor.
- 5.3 A total of 123 representations (120 objections) have been received in relation to the application. A number of the objections are however repeat comments. The objections raised can be summarised as follows:
- Inadequate infrastructure and local amenities;
 - Steep and dangerous access;
 - Harm to highway safety;
 - Development of this site is premature in the plan-making process;
 - Proposal is 'side-stepping' the plan making process;
 - Proposal is 'side-stepping' the neighbourhood plan process;
 - Site is isolated and in an unsustainable location, will result in a heavy reliance on the private car;
 - Disruption caused by building works;
 - Lack of capacity in local schools;
 - Greenfield site sites should not be developed;
 - Impact on / loss of wildlife;
 - The site is occupied by badgers and other protected species;
 - Impact on property prices.
 - Lack of community involvement.
- 5.4 Linton Village Society objects to the proposal on grounds that can be summarised as follows:
- It does not accord with the development plan; it is contrary to policies controlling the sustainable location of new development; it conflicts with CS Spatial Policy 1 because Linton falls at the bottom of the settlement hierarchy.
 - The development does not comply with the Council's adopted accessibility standards as set out in the CS.
 - There has been no material change in circumstances on the ground or in planning policy that point towards a materially different conclusion to that which was reached by two Planning Inspectors who rejected allocation of the application site for housing in the 2001 UDP and 2006 UDP Review because fundamentally Linton is not a sustainable location for new housing development.
 - Impact on the character and appearance of the area.
 - Impact on the living conditions of existing residents on Tibgarth.
 - Impact on the local highway network and the achievement of safe vehicular and pedestrian access.
 - Lack of information in the submission
 - The LVS stands by the views expressed locally in the final draft Linton Neighbourhood Plan which wishes to see it returned to the Green Belt.
 - The majority of reasons for refusing the 2014 proposal have not been overcome and so remain as valid objections to the revised proposal.
 - The appeal decisions cited by the applicant are not directly comparable to Linton, which has been found to be a fundamentally unsustainable location for development on any scale.

- The location has been independently assessed as being an unsustainable location and its conflict with the adopted and emerging planning policies, and the inefficient development of the site, are considered to significantly and demonstrably outweigh the benefits of delivering 26 new homes in this rural location (including the affordable housing provision).
- Lack of community involvement.

6.0 CONSULTATION RESPONSES:

Statutory

- 6.1 LCC Highways: The application seeks outline planning permission with access the only matter for consideration at this time. Layout, parking and servicing arrangements have not been considered at this stage and will need to be addressed as reserved matters.
- 6.2 The site fails (and unacceptably so) to meet Core Strategy Accessibility Standards in terms of access to local services, employment, education, health and town/city centres. From a transportation perspective this is not considered to be sustainable, any future residents having an over reliance on use of the private car. The principle of residential development at this location requires further consideration with regards to the on-going site allocations process and other planning merits.
- 6.3 Careful consideration should also be given to recent appeal decisions, in particular Leeds Road Collingham, as residential development of 150 units that also failed to meet accessibility standards. The appeal was allowed with the Inspector concluding that, notwithstanding the objectives of the Core Strategy Accessibility Standards, this did not represent sufficient reason in the circumstances of the appeal scheme to justify withholding planning permission.
- 6.4 Whilst it is acknowledged that the proposed access is an extension of and maintains the longitudinal gradient of Tibgarth, in terms of its suitability as a pedestrian route the proposed gradient of 1:11 is greater than the desirable maximum of 1:20 and exceed the recommended maximum of 1:12, which research suggests will cause problems for people with mobility impairment.
- 6.5 It is proposed to access the site from Tibgarth, which is to be extended into the site. Tibgarth, which is unadopted, is a traditional estate road with a typical carriageway width of around 5.5m with 1.8m footways to either flank. The Transport Statement indicates that the proposed access will have a gradient of 1:11, whilst this is greater than the desirable maximum it is acknowledged that Tibgarth is of a similar gradient.
- 6.6 Given the limited access frontage and the significant level difference between Tibgarth and the site plateau to give the Highway Authority comfort that an appropriate access can be achieved a long section and cross sections of the proposed access road are required. The sections should show the vertical and horizontal alignment of the access road, indicating the existing and proposed ground levels, gradient, vertical curves and details of any retaining structure.
- 6.7 In terms of design geometry the access road must have a carriageway width of 4.8m; in this instance it is considered that a 2m wider footway to one side with 0.6m margin to the other side would be acceptable. Localised widening may be required on bends and vehicle tracking should be provided demonstrating that a refuse vehicle can pass a private car.

- 6.8 A review of accident records indicates that there have been no recorded accidents in the vicinity of the site in the preceding five year period.

Non-statutory

- 6.9 West Yorkshire Combined Authority: Good pedestrian access to/from bus stops should be provided taking into account the needs of the elderly and mobility impaired. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes. The fund could be used to purchase discounted Residential Metro Cards (circa 40% discount) as part of a wider sustainable travel package. Other uses could include personalised travel planning, car club use, cycle purchase scheme, and car sharing promotion and or further infrastructure enhancements. The contribution appropriate for this development would be £12,769.00 [The applicant is agreeable to such a contribution under and S106 agreement].
- 6.10 LCC Contaminated Land: The Phase 1 Desk Study submitted in support of the application identifies the needs for a Phase 2 Site Investigation Report on part of the site. Ideally this should be provided prior to determining the application, however, should approval be recommended or there be insufficient time to obtain the recommended information then conditions are recommended. It should be noted that depending of the outcome of the Site Investigation a Remediation Statement may also be required [The applicant is agreeable to the use of conditions here].
- 6.11 LCC Conservation: The site in question is immediately adjacent to the Linton Conservation Area, and as such consideration should be given to the impact on the setting of the heritage asset. Whilst adjacent and at a high topographical level, the impact on the character and appearance of the conservation area is limited due to existing natural screening and existing properties. It is important however to reinforce this screening through a mature planting screen. This should ensure that the impact when viewed from within the conservation area should be mitigated.
- 6.12 LCC Nature Conservation: (Initial comment in relation to 17/00029/OT) Insufficient up to date Ecological Survey information as per previous requests in relation to 14/04340/OT there has been no botanical assessment of the site at an appropriate time of year (summer). This is recognised in the re-submitted report by Brooks Ecological in para 19 on page 9 which refers to the need for a grassland survey and Thistle Broomrape survey (which is a protected species). The resubmitted report dated December 2016 is only a desk-based revision to incorporate the revised layout rather than a report based on an up to date re-survey and summer time botanical assessment of the site. The only ecological visit was in November 2013 and this is not acceptable to identify the botanical importance of the grassland areas.
- 6.13 As well as confirming the presence/absence of Thistle Broomrape and being able to assess magensian limestone grassland flora, par 51 page 16 of the report states that Summer bat monitoring of the site is required to evaluate the use of the site by bats (another protected species). I agree with this statement and a series of bat activity transect surveys in Spring/Summer should be carried out and assessed prior to determination.
- 6.14 Once the botanical survey information has been carried out at an appropriate time of year there should be consideration of the West Yorkshire Local Wildlife Site Criteria to assess whether any of the Grassland Criteria are met. It would useful to

have clarification on any change in the status of other protected species that may have previously been confirmed as present – relying on a survey from 2013 is not acceptable.

- 6.15 (Comment in relation to 17/06609/OT of 29th November 2017) The updated Ecological Appraisal by Brookes Ecological dated February 2017 is adequate to more fully understand potential impacts on any calcareous grassland communities that may be present and Thistle Broomrape. If consent is granted, a suitably worded condition would need to be attached to ensure a pre-commencement botanical survey is carried out in May/June to confirm the likely absence of Thistle Broomrape and identify any scarce plants and seed bank to be protected and re-used in subsequent landscaping works. Likewise condition wording would be required for up to date Badger Surveys, a Biodiversity CEMP and BEMP. The applicant is agreeable to such conditions.
- 6.16 However at this stage confirmation is still required to confirm which part of the site will be allocated for: Green Belt buffer planting within the site (not part of private garden space); Permanent Badger sett exclusion zone i.e. 30 metre cordon with permanent fencing (robust steel estate fencing with dense thorny shrub planting on both sides of it to prevent access by walkers/dogs) to be managed and monitored by a specialist ecological management company/body; Biodiversity Enhancement Areas for calcareous grassland creation and management as meadow (can form part of informal open space but must be managed and monitored by a specialist ecological management company/body); formal open space – to accommodate dog walking and more intensive amenity uses to ensure less pressure is placed on the above areas. All the above different land uses need to be shown clearly labelled on a drawing to demonstrate that identified wildlife/features can be provided alongside residential use of the land.
- 6.17 (Comment of 04th December 2017 in relation to 17/06609/OT) In addition to the comment of 29th November 2017 we need reassurance that the area to be used for a replacement Badger sett is suitable for this purpose. It is possible that the area of land in this area has thin soils and rocky substrate that will make it difficult for Badgers to extend their new artificial sett. A more suitable location for a new Badger sett may need to be on the northern parts of the site where the soils are deeper – and although these details could be resolved at Reserved Matters Stage there is likely to be an impact on the layout of some plots/garden space from the exclusion zone that will be required around this [and goes on to recommend locations]. There will need to be additional Badger foraging/commuting surveys to determine the interaction of this clan and adjacent clan of Badgers, to ensure connections are maintained between different populations and sufficient food resources remain available. These surveys can be carried out prior to Reserved Matters stage to confirm that the agreed sett location will allow the best connectivity.
- 6.18 (Comment of 07th December 2017 in relation to 17/06609/OT following receipt of additional landscape plan) Having reviewed the additional plan of 07th December 2017 from Brooks Ecological, showing 3 different potential locations for the Badgers, I am satisfied that they can be accommodated at a later stage if this proposal is consented.
- 6.19 LCC Flood Risk Management: Flood Risk Management are satisfied that the proposed development will not be at significant risk of flooding. Regarding the proposed surface water drainage strategy:

- i) Further evidence is required to demonstrate that disposal of surface water to soakaway is not practicable or feasible.
- ii) The Flood Risk Assessment states that 5L/s is the minimum rate of discharge which can practicably be achieved. This is not strictly correct. We require the size of any of any flow control device to have an orifice size of at least 75mm in diameter. In some circumstances this allows flows to be reduced down to 3.5L/s. The proposed discharge rates will therefore need to be agreed with the local planning authority as part of the detailed drainage design.
- iii) Given that this is a major development there is an expectation that the site will incorporate SuDS, rather than buried tanks and oversized pipes, unless the developer is able to demonstrate that the cost of the former exceeds the cost of the latter. The developer will need to provide this information with any reserved matters application, because a SuDS solution is likely to impact on the proposed layout.

6.20 Flood Risk Management are nevertheless satisfied that the site can be drained without increasing flood risk elsewhere and do not have any objections to this outline application [subject to conditions requiring a drainage scheme following a feasibility study into the use of infiltration drainage methods carried out in accordance with BRE Digest 365].

6.21 (Further comment following advice from Geotechnical colleagues) Following advice from the Council's Geotechnical Section concerning the suitability of the site for soakaways [that archive data is not representative of the ground conditions beneath the area, that the site is underlain by Permian Cadeby Formation (limestone) with outcrop patterns suggesting approximately 20m – 30m of limestone beneath the site, and the near surface limestone underlain by Upper Plompton Grit (sandstone), both of which are suitable for soakaways, and the likelihood of water flooding downslope areas being remote) ground investigation should be carried out along with soakaway tests to investigate the potential for their use. The previous comments still stand.

6.22 LCC Landscape: (Initial comment summary) Concerns in the absence of a tree survey and trees have not been displayed on the main layout and masterplan and there is no impact assessment on existing trees and vegetation or information on what trees will be removed. As a result of these omission a full assessment is not possible. There are some significant changes to the masterplan from 14/04340/OT which include building on a large group of trees/vegetation in the middle of the site and some appear to be included in gardens and the loss of the amenity value of this group should be considered. The proposed path is disjointed and needs to be coherent and legible and the proposed public open space is not well located or integrated. The impact of the roadway access on existing trees needs to be understood and the interface with the Green Belt needs to meet the requirements of policy N24, and consideration should be given to existing vegetation and trees being outside of private gardens.

6.23 (Summary in response to further information) The illustrative masterplan proposes retained and new structure planting and green space which would help integrate development on this site in landscape terms. Were outline consent granted some fine tuning for example of the buffer planting on the north western boundary outside gardens and addressing nature conservation comments would be required, in relation to on-site green space provision. Any finalised layout would require a fuller arboricultural impact assessment to BS5837:2012 to inform plot

footprints and levels in relation to trees to protect tree root zones. Guidance should then also be had to Guideline Distances from Trees: Securing Space for Existing and New Trees [Section 6 on Distances to Trees retained under Neighbourhoods for Living SPD]. A landscaping scheme could then be provided at Reserved Matters stage.

- 6.24 Further advice has been received following refusal of application reference 14/04340/OT
- 6.25 Yorkshire Water: If planning permission is to be granted development a condition should be imposed to ensure that the development is carried out in accordance with the submitted flood risk assessment, in order to protect the local aquatic environment and YW infrastructure [The applicant is agreeable to the recommended condition].
- 6.26 West Yorkshire Police Architectural Liaison Officer: At this outline stage in the planning process WYP would encourage the developer to consider building these properties to Secure by Design standards, achieving accreditation has been simplified and the associated cost significantly reduced, in order to assist the developer a pre-application meeting may prove beneficial [The applicant is agreeable to meeting].
- 6.27 West Yorkshire Archaeology Advisory Service: (Comment made in relation to resubmission 17/06609/OT) The application site comprises an area of previously undeveloped land in an area of known archaeological potential to the north of 20th century developments. Crop marks observed on aerial photographs show settlement and agricultural activity to the north-east and south-west of the proposed development. This activity probably dates to the late Prehistoric or Roman periods (PRNs 4163, 4178 and 4144). A late Roman burial was also reported to have been found during the construction of "Keldale" in the 1920s to the immediate east of the site.
- 6.28 The site forms a plateau at 50m above ordnance datum overlooking the river Wharfe with views to the north-east and south-west. This location is likely to have been attractive to human habitation or exploitation during much of the Prehistoric and later periods.
- 6.29 Given the known activity in the vicinity, the site's archaeological potential should be fully evaluated prior to development of the site.
- 6.30 The site will be redeveloped with 26 dwellings, access routes, services and utilities etc. Any archaeological remains within the developed area will be destroyed.
- 6.31 We therefore recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS, as your advisors on archaeological matters. This is in accordance with the NPPF (paragraph 128).
- 6.32 The field evaluation would involve a geophysical survey and the excavation of a number of archaeological evaluation trenches to establish the site's archaeological potential. We recommend that the evaluation should be carried out pre-determination in case remains worthy of preservation in situ are located on the

application site. The evaluation would also establish if further archaeological work is necessary to mitigate the impact of the development. A pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and timescales) of the project.

- 6.33 Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission; to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').
- 6.34 To reiterate, we recommend that a decision should be deferred until the applicants have carried out an archaeological evaluation. However, if the Planning Authority is minded to grant permission, we would recommend that the above works are secured by the attachment of a suitable condition in accordance with the Department of the Environment's Circular 11/95:
- 6.35 "No demolition or development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."
- 6.36 Or, as an alternative to the above model condition which was first introduced in 1990, the following condition is suggested by Historic England in their Historic Environment Good Practice Advice, Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment, 2015 paragraph 37:
- 6.37 *No demolition/development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:*
- i) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.*
 - ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

7.0 RELEVANT PLANNING POLICIES:

The Development Plan

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), The Aire Valley Area Action

Plan (2017), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.

7.2 The site lies within the Linton Neighbourhood Plan area. A claim for judicial review brought by Kebble Developments against the decision of the Council (dated 4th November 2015) to allow the Linton Neighbourhood Plan to proceed to referendum was heard by the Planning Court, but dismissed by Mr Justice Kerr on 28th October 2016. An appeal from the decision of Kerr J was heard on 30th November 2017. The judgment of the Court of Appeal is pending.

7.3 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan:

- The Leeds Core Strategy (Adopted November 2014) (CS);
- Saved UDP Policies (2006), included as Appendix 1 of the CS;
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).

7.4 The following CS policies are particularly relevant:

- Spatial policy 1 Location of development;
- Spatial policy 6 Housing requirement and allocation of housing land;
- Spatial policy 7 Distribution of housing land and allocations;
- Spatial policy 8 Economic Development Priorities;
- Spatial policy 13 Strategic Green Infrastructure (The Wharfe Valley)
- Policy H1 Managed release of sites;
- Policy H2 New housing development on non-allocated sites;
- Policy H3 Density of residential development;
- Policy H4 Housing mix;
- Policy H5 Affordable housing;
- Policy H8 Housing for independent Living;
- Policy P9 Community facilities and other services;
- Policy P10 Design;
- Policy P11 Conservation;
- Policy P12 Landscape;
- Policy T1 Transport Management;
- Policy T2 Accessibility requirements and new development;
- Policy G1 Enhancing and extending green infrastructure;
- Policy G4 New Greenspace provision;
- Policy G8 Protection of species and habitats;
- Policy G9 Biodiversity improvements;
- Policy EN2 Sustainable design and construction;
- Policy EN5 Managing flood risk;
- Policy ID2 Planning obligations and developer contributions.

7.5 Emerging development plan policy under the Linton Neighbourhood Plan, and additionally under the SAP, has also been considered.

7.6 The CS sets out a need for 70,000 new homes up to 2028 and identifies the Main Urban Area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements.

- 7.7 It advises that the provision will include existing undelivered allocations (paragraph. 4.6.13).
- 7.8 CS Policy SP7 sets out that the housing target for the Outer North East Housing Market Characteristic Area is 5,000 units.

Site Allocations Plan (SAP) - Submission Draft

- 7.9 The Submission Draft/SAP was submitted to the Secretary of State for Examination on 5 May 2017. The Examination is anticipated to hear the housing session (this being the final SAP stage) in mid-2018.
- 7.10 The SAP proposes to retain the application site sits as Safeguarded Land under policy HG3-7.
- 7.11 For the purposes of the approach to be taken to emerging planning policy, the advice on prematurity under the PPG, and under paragraph 216 NPPF, the SAP is considered to be at a very advanced stage. Furthermore, for the purposes of paragraph 216 NPPF, the policies of the SAP relevant to housing are considered to disclose a high degree of consistency with the NPPF. Also, the extent to which unresolved objections to these relevant policies fall to be considered at the Examination, it is not considered that these are of any particular significance.
- 7.12 Consequently, it is considered that very significant weight can properly be given to relevant emerging SAP policies, both within the context of prematurity and also paragraph 216 NPPF.

Safeguarded Land

- 7.13 As directed by Policy SP10 of the Adopted Core Strategy, the SAP needs to create and/or maintain designations for safeguarded land to provide a pool of land for housing and employment far beyond the plan period. The justification to Policy SP10 notes: *"Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF"*. Paragraph 2.60 of the Submission SAP notes that *"Policy HG3 designates sites to be protected as safeguarded land (for both housing and employment)"*. Policy HG3 notes that:

POLICY HG3 – SAFEGUARDED LAND

THE SITE ALLOCATIONS PLAN DESIGNATES SITES TO BE SAFEGUARDED FROM DEVELOPMENT FOR THE PLAN PERIOD (TO 2028) TO PROVIDE A RESERVE OF POTENTIAL SITES FOR LONGER TERM DEVELOPMENT POST 2028 AND PROTECT THE GREEN BELT. THESE ARE SHOWN ON THE POLICIES MAP. IN OUTER NORTH EAST THE SITES DESIGNATED AS SAFEGUARDED LAND ARE:

Plan Ref	Address	Area ha	Capacity
HG3-7	The Ridge, Linton	4.1	100
HG3-8	Leeds Road Collingham	6.5	100
HG3-9	West Park, Boston Spa	4.1	110
HG3-10	Grove Road, Boston Spa	3.9	103
HG3-11	Chapel Lane (land to the east of), Clifford LS23	1.6	36
HG3-12	Wood Lane (land off), and east of the former railway, Scholes, LS15	1.9	60
HG3-13	Scholes (east of)	32.1	850
Safeguarded land total:			1,359

7.14 Safeguarded land is that which has been removed from the Green Belt to meet longer-term development needs for both housing and employment.

7.15 The SAP has sought to meet the Core Strategy requirement of safeguarded land equivalent to 6,600 homes (albeit it is observed that safeguarded land could be released to meet needs for both housing and employment in the long term).

Housing Allocations in Outer North East

7.16 The indicative target for the Outer North East, as set out in the CS, is 5,000 units. The target does not mean that land for 5,000 homes needs to be found as there are already 1,482 identified homes with planning permission or comprised within existing allocations.

7.17 The residual target is 3,518 homes.

7.18 In line with Policy H1 of the CS on the managed release of sites, the SAP allocates 3,301 in Phase 1 on 20 sites, and 217 in Phase 3.

7.19 This provides a total supply from allocations of 3,518, which together with identified homes brings the total SAP allocations to 5,000 homes (which meets the CS target).

7.20 It should also be noted that permission for up to 104 dwellings at Grove Road, Boston Spa was granted by the Secretary of State on appeal in June 2016, and permission for circa 150 dwellings was granted by the Secretary of State on appeal at Leeds Road, Collingham in December 2016.

7.21 Unitary Development Plan (UDP) policies of relevance are listed, as follows:

GP5: General planning considerations;
N23: Development of incidental open space
N25: Landscape design and boundary treatment;

N24: Development proposals abutting the Green Belt;
N25: Development and site boundaries;
N29: Archaeology;
N34: Protected Areas of Search;
N35: Development and agricultural land;
N37A: Development within the countryside.
BD5: Design considerations for new build;
T7A: Cycle parking;
LD1: Landscape schemes;
LD2: New and altered roads.

Linton Neighbourhood Plan

- 7.22 Policies in the neighbourhood plan are divided into the following six categories:
- A – Preservation and Enhancement of the Built Environment
 - B – New Housing Development
 - C – Village Facilities, Services and Assets of Community Value
 - D – Footways and Public Rights of Way
 - E – Green Space; and
 - F – Local Economy
- 7.23 The following policies are relevant to the proposal:
- A1 Design of development
 - A2 Community Involvement
 - B3 Housing Type
- 7.24 Policies B1 (Small Scale Development) and B2 (Access to Facilities) are not relevant because they relate to small developments of less than 10 dwellings within the built-up part of Linton and the application proposals are neither.
- 7.25 The neighbourhood plan sets out a list of priority projects for Linton one of which is the aspiration of returning all or part of The Ridge to Green Belt and agricultural use.

Natural Resources and Waste Local Plan (NRWLP)

- 7.26 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

Policy General 1 – Sustainable Development;
Policy Air 1 – Management of Air Quality Through Development;
Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
Policy Water 1 – Water Efficiency;
Policy Water 2 – Protection of Water Quality;
Policy Water 6 – Flood Risk Assessments;
Policy Water 7 – Surface Water Run Off;
Policy Land 1 – Contaminated Land;
Policy Land 2 – Development and Trees.

Supplementary Planning Guidance / Documents:

- 7.27 Street Design Guide (SPD)
- 7.28 This document was adopted in August 2009 and includes guidance relating to highway safety and design.
- Sustainable Design and Construction (Building for Tomorrow Today) (SPD)
- 7.29 This document was adopted in August 2011 and provides guidance on sustainable construction.
- Designing for Community Safety (SPD)
- 7.30 This document was adopted in May 2007 and provides advice on designing out crime.
- Travel Plans (SPD)
- 7.31 This document was adopted in February 2015 and provides advice on when Travel Plans are required and how to undertake one.
- Public Transport Improvements and Developer Contributions (SPD)
- 7.32 This document was adopted in January 2008 and advises how development should be planned in conjunction with public transportation infrastructure improvements. Although contributions for these have now been superseded by CIL the guidance retains relevance. The document is presently being revised.
- Leeds Parking Policy (SPD)
- 7.33 This document was adopted in January 2016 and advises on parking standards for new development.
- Neighbourhoods for Living: A Guide for Residential Design for Leeds (SPG)
- 7.34 This document was adopted in December 2003 and provides advice on creating well planned and designed developments.
- Greenspace Relating to New Housing Development SPG4
- 7.35 This document was adopted in July 1998 and provides general guidance on the provision of greenspace in new residential development. Although Core Strategy policy G4 now covers the amount of greenspace provision within a development the SPG still contains useful guidance.
- S106 Contributions for School Provision SPG11
- 7.36 This document was adopted in February 2001 and provides guidance on education contributions. Education contributions are now sought under CIL and not under Section 106. However the guidance remains of some relevance.
- Sustainable Urban Drainage SPG22
- 7.37 This document was adopted in July 2004 and provides advice on minimising flood risk and dealing with drainage in new developments. This should be read in conjunction with Minimum Development Control Standards for Flood Risk, last updated May 2007.

Greening the Built Edge SPG25

- 7.38 This document provides advice on the landscape treatment of the edge of development adjacent to open land.

Parish of Collingham with Linton Village Design Statement

- 7.39 This document was adopted in February 2010 and outlines the character of the villages to be respected in new development and makes recommendations for the management and enhancement of those characters.

7.40 Linton Conservation Area Appraisal and Management Plan

- 7.41 This document was adopted in February 2010 and sets out the features that contribute to its distinctiveness and identifies opportunities for its protection and enhancement.

National Planning Policy Framework (NPPF)

- 7.42 The NPPF compliments the requirement under section 38(6) of the 2004 Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

- 7.43 The NPPF sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary.

- 7.44 The overarching policy of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is the 'golden thread' that should run through both plan-making and decision-taking.

- 7.45 Paragraph 14 NPPF provides, specifically in the context of decision-taking, that development proposals that accord with the development plan should be approved without delay, and where the development plan policies are out of date etc., planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or unless specific policies in the NPPF indicate development should be restricted. These matters are discussed further below.

- 7.46 The proposed development does not accord with the Development Plan. Indeed, multiple and significant conflicts arise, as confirmed by the putative reasons for refusal. These include the conflict with the spatial strategy, policy T2 and Core Strategy accessibility standards, and with saved UDP policy N34 (PAS) and paragraph 85 NPPF.

- 7.47 The site was considered as a potential housing allocation under the Site Allocations process. The site was not considered to be any preferred housing allocation, but was instead considered to be suitable as safeguarded land, for the following reasons: "The site is designated as a Protected Area of Search (PAS) in

the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the Core Strategy settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land”.

- 7.48 The LPA notes that under paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Whilst the LPA is unable to demonstrate a five-year supply of deliverable housing sites (with the shortfall in housing land also having duly been taken into account by the LPA), nonetheless, none of the policies which support the putative reasons for refusal amount by definition to relevant policies for the supply of housing.
- 7.49 Nor is the development plan ‘silent’ for the purposes of paragraph 14 of the NPPF.
- 7.50 Further and in any event, paragraph 85 NPPF (with which policy N34 is consistent) is a specific policy under paragraph 14 NPPF that indicates that development should be restricted. Therefore, even were there relevant development plan policies that should be considered to be ‘out of date’, or were the development plan to be considered ‘silent’ (neither of which is the case), it remains that planning permission should not be granted by virtue of paragraph 85.
- 7.51 Further still, this is a case in which, ultimately, an approval of the Development would give rise to conspicuous adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, applying paragraph 14 of the NPPF. In assessing the adverse impacts of the Development the Council has considered sustainability in an appropriately broad and purposeful way, with due regard being given to the environmental, economic and social dimensions of sustainability as defined under paragraph 7 the NPPF, etc.
- 7.52 In terms of the economic dimension, the appeal site is not the appropriate location for residential development that will potentially displace general employment and/or housing uses, which will in turn meaningfully support economic growth and the local and wider economy. In terms of the social dimension, the residential development of the appeal site will not be adequately accessible or responsive to community (or wider) transport or accessibility demands, etc.
- 7.53 The LPA naturally acknowledges that the appeal proposal promotes a (small) quantum of housing and whilst this provision is to be welcomed in and of itself (as is the case in each housing scheme), when viewed in the context of the proposed development when taken as a whole and considered on its merits, it is clearly not sustainable.
- 7.54 In the result therefore, the proposed development is not sustainable in NPPF terms (just as it is not for the purposes of the development plan). In terms of the proposed development specifically, no presumption under paragraph 14 positively applies in favour of approval.
- 7.55 Further and in any event, even were the decision-taking presumption under paragraph 14 to positively favour the appeal proposal (which it does not), for the

purposes of section 38(6) of the Act, the LPA nonetheless concludes that this material consideration (taken together with other material considerations) would not prove sufficiently significant as to indicate that planning permission should be granted. This is in light of the multiple, conspicuous and very harmful breaches with the Development Plan and having regard to the objectionable prematurity of the proposal in PPG terms (see further below).

7.56 As above, this is also a case in which emerging policy under the SAP (which strategically carries forward the safeguarding function provided for under policy N34, etc.) means that the proposed development is objectionably premature. Even if not premature, very significant weight should be attached to the SAP by virtue of paragraph 216 of the NPPF.

7.57 The NPPF also identifies 12 core planning principles (paragraph 17), including that planning should:

- Proactively drive and support sustainable economic development to deliver homes;
- Seek high quality design and a good standard of amenity for existing and future occupants;
- Conserve and enhance the natural environment;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas; and
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable.

7.58 By paragraph 32 of the NPPF, it is advised that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decision-taking should properly take account of matters including whether the opportunities for sustainable transport modes have been taken up. By paragraph 35 of the NPPF, opportunities for sustainable transport modes should be exploited. Where practical, priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Where practical, safe and secure layouts should be provided which minimise conflicts between traffic and cyclists or pedestrians. The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of Chapter 4 of the NPPF. Safety is expressly referenced in the NPPF in the context of the support that should be given by roadside facilities: paragraph 31.

7.59 Paragraph 111 of the NPPF advises that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

7.60 Policy at Annex 1 to the NPPF (Implementation) includes paragraph 215 which is to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. The

degree of consistency between relevant, existing policies and the proposed development has been appropriately considered.

7.61 At paragraph 216 the NPPF also advises on the weight to be given to emerging plans, which is of relevance to the SAP (of which there is a Submission Draft, and which is at a very advanced stage following four years of detailed assessment and consultation, including with local people):

7.62 As above, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- 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).

Planning Practice Guidance:

7.63 Further to the NPPF, appropriate regard has been had to the PPG (paragraph 014 Reference ID: 21b-014-20140306) which advises on the circumstances in which it can be justifiable to refuse planning permission on the grounds of prematurity.

8.0 MAIN ISSUES:

Principle of development
National Guidance – five year supply
Site Allocations Plan
Highways and transportation
Education
Affordable Housing
Ecology
Drainage and flood risk
Heritage
Other matters
Section 106 obligations and CIL

9.0 APPRAISAL:

Principle of development

Site context:

9.1 The site is currently allocated as a Protected Area of Search (known as safeguarded land in the NPPF) through (saved) Policy N34 of the UDP Review. The release of this PAS site for housing is contrary to Policy N34 of the UDP Review.

9.2 Development of the PAS site would unacceptably undermine the plan-led system and be contrary to bullet point 4 of paragraph 85 of the NPPF which states that

“planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review, which proposes the development”.

9.3 Policy N34 of the UDP states:

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

37 The Ridge, Linton

9.4 The general extent of Green Belt and the boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001. These were not changed in the UDP Review 2006.

9.5 The aim of Policy N34 is to ensure the necessary long-term endurance of the Green Belt. The definition of its boundaries was accompanied by designation of Protected Areas of Search (safeguarded land) to provide land for longer-term development needs.

9.6 The saved UDP safeguarding function is retained not least to maintain the permanence of Green Belt boundaries and to provide flexibility for the City's long-term development for both housing and employment land. The UDP further sets out in supporting text that the suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (Local Plan). Meanwhile, it is intended that no development should be permitted on the appeal site that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as a departure from the Plan.

9.7 The (very advanced) SAP proposes to retain The Ridge, Linton as Safeguarded Land, under policy HG3-7, albeit there is a change from PAS to Safeguarded Land.

9.8 This follows on from comparative site assessments, the consideration of (technical evidence base) cumulative and synergistic implications of development, and also consideration of consultations undertaken as part of the SAP process. This is in accordance with Core Strategy Policy SP10, and the creation and/or maintenance of designations for safeguarded land to provide a pool of land for housing and employment for beyond the plan period. The justification to Policy SP10 notes that *“Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF”*. Paragraph 2.60 of the Submission SAP notes that *“Policy HG3 designates sites to be protected as safeguarded land (for both housing and employment)”*.

9.9 The Core Strategy outlines the Spatial Development Strategy through a series of strategic policies to promote and deliver development. The strategy identifies which areas of the District play key roles in delivering development and ensuring that the distinct character of Leeds is enhanced.

9.10 In considering future development, the unique and distinctive aspects of Leeds fall to be considered and these features should be preserved and enhanced. It is considered that the historic pattern of development is key to the delivery of future growth and will be used to guide future development. This will ensure that the

majority of growth is focused within the Main Urban Area. Other established settlements will also benefit from new development.

- 9.11 The delivery of the strategy will entail the use of brownfield and greenfield land and in exceptional circumstances only (which cannot be met elsewhere), the selective use of Green Belt land, where this offers the most sustainable option.
- 9.12 The Settlement Hierarchy is the framework to guide future development opportunities and is set out in Core Strategy Policy SP1 that prefaces the Council's spatial strategy. The hierarchy prioritises the location of future development within, and adjacent to, urban areas. The hierarchy acknowledges that there are still development opportunities within settlements that should be prioritised and enables regeneration opportunities to be realised, through phasing of land opportunities over the period of the Strategy.

National Guidance - Five Year Housing Land Supply

- 9.13 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 9.14 The proposed housing development on the appeal site would not contribute significantly or indeed swiftly to housing land supply.

Core Strategy

- 9.15 When assessing the site against policies contained within the adopted CS and the NPPF, it is clear that location of the site sits at the bottom of the settlement hierarchy as set out within Strategic Policy 1 of the CS, as the site is poorly served by facilities and public transport infrastructure. SP1 reads:

“To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, the distribution and scale of development will be in accordance with the following principles:

- i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlement will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability,*
- ii) In applying (i) above, the priority for identifying land for development will be as follows:*
 - a. Previously developed land and buildings within the Main Urban Area/relevant settlement,*
 - b. Other suitable infill sites within the Main Urban Area/relevant settlement,*

c. Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement, (inter alia)”

- 9.16 The proposal is not located within, or as an extension to, the Main Urban Area. It fails to comply with policy SP1(i) and fails to ensure that housing development is being delivered to take advantage of existing services and high levels of accessibility. The development of is such a small scale that it could not overcome the sustainability shortcomings identified, and it is not of a density which could meet policy H3. Albeit it is increased from refused proposals for 10 it could not possibly achieve the indicative level of 100 dwellings without overwhelming local infrastructure requirements and damaging local character.
- 9.17 Not only does the site fail Policy SP1 on a settlement hierarchy basis (criterion (i)), it fails the more detailed criteria on the priorities for identifying land within or adjacent to such settlements in that the site is neither previously developed land nor considered to form an infill within the main urban area, albeit it does represent the rounding off of the village it does not fall within the settlement hierarchy. This is contrary to Core Strategy SP1 and the strategic growth strategy.
- 9.18 The draft SAP proposes continuing the site's safeguarded land designation to contribute to a reserve of land with potential for longer term development.

Schools Infrastructure Provision

- 9.19 The provision of schools infrastructure is a key element of the Site Allocations Plan. This meets the Government's ambitions as set out in the NPPF. Para 72 states *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should ... give great weight to the need to create, expand or alter schools”*.
- 9.20 CS Policy SP6 sets the strategic framework for the allocation of housing land for the plan period. It states that local facilities are key to the determination of what constitutes a sustainable location:
- 9.21 Guided by the Settlement Hierarchy, the Council will identify, subject to review, 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:
- 9.22 Sustainable locations (which meet standards of public transport accessibility – see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure):
- Core Strategy Policy P9 and its justification in paragraph 5.3.36 and 5.3.37 relate to the provision of new facilities for education. It states that the Allocations Documents will identify a need for new schools where developers will be required to reserve land for education facilities.

Education and Training

- 9.23 An increasing school age population means that Leeds is facing significant pressure to ensure that basic need is met for statutory education.

- 9.24 Educational provision is experiencing significant change with the introduction of Academies and Free Schools. However the duty to ensure all children and young people have a school place remains the responsibility of the Council.
- 9.25 New educational facilities will be required to meet increased demand either through extensions to existing establishments or through the building of new schools in areas of housing growth or adjacent to them.
- 9.26 Applicants are required to reserve land for education facilities where this need is identified in LDF Allocations Documents and contributions will be sought to deliver these facilities.
- 9.27 Similar consideration will also be given to community needs for sufficient early years, childcare, and appropriate youth provision.

Policy P9 Community Facilities and Services

- 9.28 Access to local community facilities and services, such as education, training, places of worship, health, sport and recreation and community centres, is important to the health and wellbeing of a neighbourhood. New community facilities and services should be accessible by foot, cycling, or by public transport in the interests of sustainability and health and wellbeing.
- 9.29 Facilities and services should not adversely impact on residential amenity and should where possible, and appropriate, be located in centres with other community uses.
- 9.30 The scale of the facility or service should be considered in conjunction with the level of need within the community and its proposed location within the Settlement Hierarchy.
- 9.31 Where proposals for development would result in the loss of an existing facility or service, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified.
- 9.32 The SAP has considered the link between new housing growth and schools provision. This SAP in most cases either secures schools provision via detailed site requirements within large scale housing developments or ensures that such allocations are near to existing provision (which has capacity) or near to new proposed schools.
- 9.33 This finds support in the NPPF which states at paragraph 38: “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties”.
- 9.34 From the draft SAP the following points are relevant:
- Whilst safeguarded for the plan period the consideration of school place provision for the plan period and beyond has considered the potential future role of the safeguarded sites.

- Schools provision within the wider HMCA involves the allocation of a site for a new school at HG2-226 Land to the East of Wetherby so as to serve allocations within and around Wetherby;
- Alternative more sustainable sites are reflective of a strategic approach to the allocation of schools places within the local area.

NPPF: Further

- 9.35 It is considered that development in the proposed location would be inconsistent with paragraph 70 of the NPPF. This provides that planning policies and decisions “ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.
- 9.36 The proposed development also conflicts with paragraph 38 that seeks, where practical, “key facilities such as primary schools and local shops should be located within walking distance of most properties”. Residents would have to travel significantly beyond the site to access most services and the proposal would not be within the required walking distance of any such key facilities, as set out in the adopted Accessibility Standards of the Leeds Core Strategy.
- 9.37 Using a central point postcode of the site and actual travel distance, the site sits approximately 1.5 miles away from Wetherby Town Centre and 1.2 miles to Collingham Lower Order Local Centre.
- 9.38 In assessing the wider HG3-7 safeguarded site as part of the Site Allocation Plan, consideration was given to accessibility of the site, which was ranked as 1 out of 5 (1 being the lowest) in terms of access to public transport infrastructure. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the CS Settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retrained as Safeguarded Land.

Site Allocations Plan

- 9.39 The appeal site lies on the edge of the relatively small village of Linton.
- 9.40 The appeal site was originally included in the Green Belt in the Wetherby Rural and District Local Plan (1984).
- 9.41 The site was removed from the Green Belt under the 1999 UDP when it formed a PAS site. In recommending that the site be removed from the Green Belt and be safeguarded under policy N34 the inspector commented at para 917.8 that:
- 9.42 *“Linton is however a relatively small settlement with few facilities and not well served by public transport. The allocation of a site such as this, even bearing in mind SP5(ii), would not accord well with the advice in PPG13 or the main strategic aims of the UDP. The site is however otherwise reasonably satisfactory in terms of its development potential, and would be a useful addition to the list of sites which should be removed from the GB and safeguarded under Policy N34 for potential development in the longer term.”*

- 9.43 The principle of allocating Linton PAS for residential development was considered but dismissed during the UDP Review. The inspector then also concluded that the site was not a suitable housing site, commenting at paras 24.109 – 240 that:
- 9.44 *“Turning to the question of whether the site should be allocated for housing, the AUDPI Inspector considered that if building was restricted in height and extent it would not be readily seen. I agree and, although the Council argued that this would not necessarily be what a developer had in mind, normal development control powers should be adequate to control visual impact. However, what would be acceptable visually would be unlikely to achieve the higher densities sought in PPG3. And, given the character of the surrounding area and also the restricted access, I believe the Council would be hard-pressed to secure a development that was both acceptable in the locality and made efficient use of land.”*
- 9.45 *More fundamentally, Linton is not in my view a sustainable location for further development on any scale. The AUDPI Inspector commented that allocation of the site would not accord well with the aims of PPG13, or the main strategic aims of the UDP, and that remains the case, with the further guidance on sustainability in PPG3 now also weighing against it. Linton essentially has only a bus service to Leeds and Wetherby, a public house and a village hall (albeit a large and well-appointed one), and it was accepted for the objector at the Inquiry that it was neither well located for access to jobs, shops and services by modes other than the car, nor complied with the PPG3 search sequence. (24.109).*
- 9.46 As part of the SAP process, a detailed assessment was conducted in respect of sites with housing potentials in the Wetherby area. This exercise included The Ridge. Sites were assessed and compared against their sustainability (see later section on Site Assessment).
- 9.47 The outcome demonstrates that The Ridge is a less sustainable location for housing development. It is not suitable for housing allocation on its own terms and was considered through the SAP process to be less preferable and sustainable than alternatives in the HMCA.
- 9.48 In conclusion therefore, the application site was assessed to be unsuitable for housing in the SAP, was not needed for employment land in this plan period and performs a role as safeguarded land in line with Policy SP10, the appeal site is proposed to remain safeguarded, under policy HG3-7 (see SAP Para 3.6.10).
- 9.49 For the purpose of paragraph 216 of the NPPF the SAP is at a very advanced stage of preparation. It was submitted to the Secretary of State for Examination on 5 May 2017. The expectation is for the Examination in public will resume in Summer 2018. For the purpose of paragraph 216 of the NPPF also, the relevant policies of the SAP are considered to disclose a high degree of consistency with the NPPF.
- 9.50 Section 2 of the SAP explains the need to designate sites as safeguarded land to provide a strategic reserve of land for long-term use post 2028 and protect the Green Belt, some of which may have employment potential.
- 9.51 Section 3 Policy HG3 designates sites to be protected as safeguarded land for both housing and employment.

Site Assessment

- 9.52 The SAP site assessment for HG3-7 states that:

“The site is designated as a Protected Area of Search (PAS) in the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the Core Strategy settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land.”

- 9.53 The site sits inside a wedge of land, above a small village. It is not within or adjacent to the Main Urban Area or the smaller settlements.
- 9.54 The site assessment highlights the lack of connection to the urban area is a fundamental constraint in considering this site for development.
- 9.55 Other sites have been allocated in the SAP in terms of bringing forward housing in this part of the housing market characteristic area, these include, amongst other sites:
- HG2-19, Land at Sandbeck Lane, Wetherby, a 6.3ha site identified for 165 units under Phase 1.
 - HG2-20, Mercure Hotel, Wetherby Road, Wetherby, a 2.4ha site identified for 86 units under Phase 1.
 - HG2-226, Land to the east of Wetherby, a 55.4ha site identified for 1,080 units under Phase 1.
- 9.56 These are the closest allocated sites that fall within the Outer North East Housing Market Characteristic Area, and they all contribute to meeting the planned housing numbers for the area over the Core Strategy period. Policy H1 of the Core Strategy advises that in the event of a lack of a 5 year housing land supply sites from latter phases will be brought forward. In fact some land has been brought forward from Phase 3 of the SAP on land at Rudgate Park, Wetherby (Site HG2-227), consistently with paragraph 47 of the NPPF.
- 9.57 The Outer North East area is expected to contribute 5,000 additional units to the housing target over the Plan period, with the sites above contributing 1,351 units approximately. Further to this, outline and reserved matters planning permission for a residential development of 325 units have been granted on identified housing site HG1-28 Spofforth Hill, to the western edge of Wetherby, which has started and is expected to deliver 50-60 units per annum and which will see a total of 49 affordable housing units being built on the site. Development has also taken place on the brownfield former Forensic Science Service site in Wetherby which has delivered 57 homes including 20 affordable units.
- 9.58 Each of the proposed, omission and safeguarded sites in the Site Allocations Plan has been subject of sustainability appraisal, in line with an up to date Sustainability Framework (which includes up to date national, sub-regional and local plans, policies and programmes). Looking at the Sustainability Appraisal (SA) scores for each of the above sites, HG3-7 discloses one of the worst comparative scores. It comparatively scores “significant negative effects” in the following 6 objectives: SA11 (Greenfield and brownfield land), SA12 (Biodiversity and geological conservation), SA13 (Greenhouse emissions), SA16 (Local needs), SA19 (Landscape), SA22a (Energy and natural resources), and “negative effects” in the following 5 objectives: SA03, SA04, SA06, SA08 and SA15. Giving a negative appraisal in half of 22 objectives this is indicative of the sites unsustainability. In contrast the Collingham former PAS site scored “significant negative effects” in 4

objectives, and “negative effects” in 4 objectives giving a negative appraisal in 8 out of 22 objectives. And that development was of a scale that some meaningful improvements might be capable of being deliverable.

- 9.59 The SA, the wider evidence base and site assessment, including comments from statutory and other consultees assists to some extent in determining a range of site requirements to address and mitigate the impacts of housing development upon sustainability objectives for all the allocated sites: for example; the need for highway infrastructure improvements and to ensure accessibility to services and facilities, to regenerate brownfield sites and protect the landscape and ecological considerations.
- 9.60 This headline analysis, above, of the SAP site assessment is provided for context only and sits squarely with the Council’s view that detailed examination of choices made through the SAP is a matter for determination through the examination process.
- 9.61 As Core Strategy SP1 states:
- “The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability,”*
- 9.62 The appeal site does not constitute a natural or appropriate extension to any of the existing settlements that lie nearby, unlike those that are allocated either through the UDP or the Site Allocations Plan.
- 9.63 Policy SP6 of the Core Strategy sets out the Authority’s policy for allocating housing and considers sustainable locations as a key consideration:
- “Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure)”*
- 9.64 The site is located at the bottom of the settlement hierarchy that seeks to ensure that land is used effectively and efficiently and it unacceptably fails to meet Accessibility Standards. The nearest health care facilities, supermarkets and employment opportunities are in Collingham and Wetherby and it is highly likely that future occupiers will need to travel by car to access them. On this basis, the proposed development conflicts unacceptably with the Accessibility Standards, and with policy SP1. It does not represent sustainable development and would therefore conflict with the overarching aim of the NPPF. There has been no material change in circumstances in relation to access to local services and facilities to undertake day-to-day activities since two previous UDP examinations found that the site should be rejected for housing development because Linton is fundamentally an unsustainable location for major housing development.
- 9.65 In terms of services and facilities, the nearest train station to the appeal site is at Pannal some 7.8 miles away, with the closest bus stop in the village being beyond CS accessibility standards. Other bus stops in Collingham require access across the historic Linton Bridge, which has recently been reopened following major repair to significant damage done during the Boxing Day floods, but it has a footway on only one side that is unlit. Linton Lane has no continuous footpath or lighting and

the village is only served by one bus service, the X99, which does not meet the required Core Strategy accessibility standard of 4 buses per hour.

- 9.66 The appeal site therefore is not sustainably located in relation to access to local facilities and services including education and health and therefore cannot be seen to be compliant with policy SP6 of the Core Strategy.
- 9.67 As previously mentioned, the negative scoring of the site against the SA criteria provides evidence that the site does not have sustainable access to local facilities and services, (including Educational and Health Infrastructure) and therefore does not comply with policy SP6.
- 9.68 Adopted CS Policy SP10 notes: *“A review of the Green Belt will need to be carried out to accommodate the scale of housing and employment growth identified in Spatial Policy 6 and Spatial Policy 9, as well as an additional contingency to create new Protected Areas of Search (to replace those in the UDP which will be allocated for future development)”*.
- 9.69 The justification to this policy states in paragraph 4.8.6 that: *“The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.”* Safeguarded land in Leeds is not simply to provide for future housing needs.

Prematurity

- 9.70 The Development is wholly inconsistent with the SAP.
- 9.71 The SAP process is the correct method for determining the relative merits of all sites considered for development. The appeal site (HG3-7) has been considered through that process and it has been determined that there are more sustainable alternatives to meeting the housing requirement in the ONE Housing Market Characteristic Area for the plan period.
- 9.72 In line with the advice of the PPG and NPPF it is considered that the Plan led system is the most appropriate mechanism for determining whether residential development of this scale should be supported on the appeal site. The SAP considers a range of sites to distribute sustainable allocations in line with CS levels of development.
- 9.73 The SAP provides for a range of suitable, available and achievable sites for the plan period and does not need to rely on the application site.
- 9.74 Even if the site were sustainable for the proposed housing (which is not the case), it is the LPA's view that given the scale of development on this site (at 26 units), granting permission to the proposal would have an unacceptable prejudicial impact in terms of the SAP which seeks to bring forward more sustainable forms of development first.
- 9.75 Properly applied, the Planning Practice Guidance advises against this development proposal:

“...where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

Highways and Transportation

- 9.76 Further to the consultation response set out above the Council's Transportation Development services have reviewed the additional plans supplied (Drawing Nos. 1266-DDN-03 Rev. C, 1266-DDN-04 Rev. A, and 266-ATR-001 Rev. A).
- 9.77 It has been demonstrated using vehicle tracking that the access is of sufficient width to enable a refuse vehicle to pass a car. This has necessitated localised widening of the carriageway, which varies in width from around 5.5m where it ties in to the exiting carriageway at the end of Tibgarth, increasing to around 6.3m wide on the bend, reducing to 4.8m as the access levels off to the site plateau. The access incorporates a 2m wide footway along the right hand channel with a 0.6m wide margin to the left hand channel. The access extends from Tibgarth at a longitudinal gradient of 1:11, whilst this is greater than the recommended maximum gradient of 1:20, the existing gradient of Tibgarth is around 1:11. Given that the proposed access maintains the existing gradient of Tibgarth, it is considered that it would be difficult to substantiate its unsuitability as a vehicular access and in principle the access is considered acceptable to serve development of the scale proposed.
- 9.78 Whilst it is acknowledged that the proposed access is an extension of and maintains the longitudinal gradient of Tibgarth, in terms of a pedestrian route, the proposed gradient of 1:11 is likely to cause problems for pedestrians especially people with mobility impairment. The gradient of 1:11 is based on the centreline of the carriageway; the actual gradient of the footway on the inside of the bend will be nearer 1:9. As previously stated in terms of accessibility the site fails to meet Core Strategy Accessibility Standards with regards to accessibility to; local services, employment, education, health care and town and city centres. From a transportation perspective the site is not considered to be sustainable, any future residents having an over reliance on use of the private car.
- 9.79 It is considered that the collective effect of the gradient of pedestrian access routes and the distance from local facilities, employment, health and education will act as a deterrent to walking and cycling and that future residents of the development would have an over reliance on use of the private car. From a transportation perspective the site is not considered to be sustainable.
- 9.80 The plans submitted acknowledge that there is currently no survey data available for the area where the proposed access road ties in to Tibgarth, given the limited access frontage, between two existing properties, and the significant level difference between Tibgarth and the site plateau the Highway Authority require

further information, as previously advised, to demonstrate that the access being proposed can actually be constructed within the constraints off the site, the potential impact this may have on surrounding properties and how this could be mitigated.

9.81 Construction of the access will require the excavation of a significant volume of material. It has been suggested that much of this excavation will be rock. To enable the Highway Authority to properly understand and assess the scale of these works and how these can be achieved within the constraints of the site frontage the following information would be required;

- Volume of material to be excavated
- Number of vehicle movements generated transporting excavated materials
- Construction method statement, indicating proposed working methods
- How construction plant, vehicles, materials and staff will access the site during construction
- Estimated duration of construction works

Putative Reason for Refusal 3: Accessibility Outstanding Issues and areas of concern

9.83 It is noted that the location of the site and the nature of the existing public transport infrastructure is such that the site falls significantly short of the Core Strategy accessibility standards. The accessibility standards for residential development serving 5 or more dwellings are set out in the Core Strategy. These standards apply across the whole of the Leeds District.

Public Transport

9.84 The Core Strategy Accessibility Standards and Public Transport SPD requires the maximum walking distance to a bus stop not to exceed 400m; and to a rail stop not to exceed 800m. As it stands the majority of the site lies outside the recommended walking distance to a bus stop with acceptable service frequency and the nearest rail stop to the site is at Pannal some 7.8 miles away.

9.85 West Yorkshire Combined Authority (WYCA) recommends a contribution towards sustainable travel measures, such as Metro Cards, cycles and car club measure. The site doesn't however have easy access to bus services.

Walking/Cycling

9.86 In terms of wider accessibility issues, the site not is within an acceptable walk of existing local services, employment, secondary schools or local centres. The nearest shops are located within the centre of Collingham and these are approximately a 1.2 miles away, with an estimated walk time of approximately 30 mins. The nearest primary school (Collingham Lady Hastings C of E primary school) and doctor's surgery (Church View Surgery) are also located in Collingham at a similar distance and similar walk time. The nearest secondary schools (Wetherby High School/Boston Spa High School) are also located well outside the recommended walking distance of 2400m (30 min walk) and the walking time to and service frequency for bus services does not meet the requirement.

9.87 Linton Lane has no continuous footway and the listed Linton Bridge a footpath on only one side, and neither are lit. It is considered that existing pedestrian

infrastructure serving the appeal site is limited and/or unattractive and that the appeal proposal would be likely to unacceptably increase reliance on the car.

Education

- 9.88 The Councils Sufficiency and Participation Team advise that they would expect a development of 26 family dwellings of 2+ bedrooms to yield approximately 7 primary aged pupils which equates to 1 child per year group. The nearest schools to the development appear to be Collingham Lady Elizabeth Hastings C of E Primary School, with a walking distance of 0.9 miles, and Crossley Street Primary School, Wetherby, with a walking distance of 1.6 miles. Both schools are popular and our current projections indicate that these schools may be oversubscribed in future years. However, there are currently more places available than the number of children living nearest these two schools for every year until 2021 and, therefore, it should be possible for the schools to absorb the estimated small amount of additional demand generated by this proposed development.

Affordable Housing

- 9.89 Core Strategy policy H5 identifies the affordable housing policy requirements. The site lies within Affordable Housing Zone 1 on Map 12 of the Core Strategy. The affordable housing requirement is 35% of the total number of units, which equates to 9 units. The applicant proposes 10 in excess of the requirement and is agreeable to a S106 obligation in this regard.
- 9.90 Due to the outline nature of the application the full details of the affordable provision is not known but an indicative layout including indicative affordable housing locations are included in the submission. The quality and mix of the affordable units will be the same as the open market dwellings. If the application were considered to be acceptable in all other respects, this would be secured through a S106 agreement.

Ecology

- 9.91 Additional information submitted from Brooks Ecological shows three different potential locations for Badgers. These considerations can be conditioned for details to be submitted at the Reserve Matters stage if the application was considered acceptable in all other respects. The Nature Conservation Officer has raised no objection to the proposal, subject to such conditions, which include biodiversity enhancements and management's plans. It is noted a number of the objections received relate to the loss of wildlife and eco-systems. The matter of ensuring habitat re-creation for the Badger and translocation of the Thistle Broomrape are capable of being addressed. It is not therefore considered that this could constitute a reason for refusal, as it did under the earlier refused proposals which lacked adequate information in this regard.

Drainage and Flood risk

- 9.92 The application has been supported by a full Flood Risk Assessment and drainage strategy. The Council's Flood Risk Management Team are satisfied that the development will not be at risk of flooding, or increase the risk of flooding elsewhere. They recommended conditions to deal with feasibility studies with regard to the use of infiltration drainage methods. Yorkshire Water are satisfied with the submitted Flood Risk Assessment and have raised no objections to the proposal subject to conditions to require adherence to it.

Heritage

- 9.93 The Council must pay special attention to the desirability of preserving or enhancing Linton Conservation Area. It was extended from its 1981 boundary in 2010 taking it further northwards towards the application site. It takes in the more historic core of the village which sits at a lower level than the application site. Broadly speaking the northern extent of the conservation area takes in dwellings along either side of Northgate Lane, Main Street, and Linton Lane (to the southwest, south and south east, respectively), all of which occupy land at a lower level than the application site. The 2010 Linton Conservation Area Appraisal and Management Plan was approved on 22nd February 2010.
- 9.94 The Council's Senior Conservation Officer comments that although adjacent to Linton Conservation Area and at a higher topographical level, the impact on the conservation area is limited due to existing natural screening and existing properties. It is however important to reinforce this screening through screen planting to ensure that the impact when viewed from the conservation area is mitigated.

Other Matters

- 9.95 *Contamination:* The Council's Contaminated Land Team notes the Phase 1 Desk Study identifies a need for a Phase 2 Site Investigation Report on part of the site and state that ideally this should be required prior to determining the application, but recommend conditions as well in the event approval is recommended. Should any Site Investigation Report require it a Remediation Statement may also be required. As the investigations can be controlled through condition, and as no such reason for refusal was previously given under 14/04340/OT for a failure to carry out a Phase 2 Investigation Report, it is not considered sufficient to warrant a full reason for refusal on a lack of information in this regard.
- 9.96 *Archaeology:* The site is in an area of known archaeological potential. Crop marks observed on aerial photographs show settlement and agricultural activity to the north-east and south-west of the proposed development, probably dating to the late Prehistoric or Roman Periods. A late Roman burial is reported to have been found to the east of the site. As a plateau it is likely to have been attractive to human habitation during much of the Prehistoric and later periods. The proposal would result in the destruction of any remains. West Yorkshire Archaeology Advisory Service, as the Authority's experts in this matter have requested further detailed evaluation work and investigation prior to determination of this application, as this may reveal matters of such importance that it may be recommended planning permission be refused, or be required to be amended, or to carry out archaeological recording in advance of development. WYAAS recommend that a decision is deferred, but recommend conditions as well in the event the planning authority is minded to grant permission. As the investigations can be controlled through condition, and as no reason for refusal was previously given under 14/04340/OT for a failure to carry out prior evaluation, it is not considered sufficient to warrant a full refusal reason on a lack of information in this regard.
- 9.97 *Residential Amenity and Privacy:* Given the low density proposed it is clearly the case that the proposed development would be capable of meeting the policy requirements set out above in relation to outdoor amenity space and separation between dwellings. Were the proposal acceptable in principle, it is not considered that the development would have any unacceptable adverse impact on the amenity or privacy of existing residents.

- 9.98 *Loss of Agricultural Land:* The application site is just over 4ha and its loss, even if of a higher grade, would not seriously conflict with UDP review policy N35 or relevant guidance the NPPF.

Section 106 obligations and CIL

- 9.99 In the circumstances that the Council were able to determine the application, any approval would need to be subject to several planning obligations to be secured via a S106 agreement. The S106 Agreement would include the provision and delivery of affordable housing, greenspace and sustainable transport fund contributions. The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application is in outline only, and therefore the CIL liable floor space would be calculated at reserved matters stage when the precise layout and scale is known. This information is not material to the decision and is provided for Member's information only.

10 CONCLUSION:

- 10.1 The application is considered to be unacceptable for the reasons set out in this report. Four refusal reasons are set out at the header of the report and are outlined again below, for ease of reference:
- 10.2 RR1: The development is contrary to the spatial development strategy for Leeds, led by policy SP1 that seeks to locate development primarily within the Main Urban Area and the major settlements. This policy arises from the need to ensure that new developments are adequately served by sufficient local services and facilities, with good levels of accessibility. As noted above the appeal site is remote and isolated from both the Main Urban Area of Wetherby, and from the smaller settlement area of Collingham, and cannot be viewed as forming any natural extension to or rounding off of one of those settlements. Policy SP1 does allow for key locations that are identified as sustainable extensions, however the appeal site is not considered to be one of these, especially given issues regarding accessibility and the capacity of local infrastructure.
- 10.3 RR2: The development is in an unsustainable remote location. The site unacceptably fails to meet accessibility criteria set out in the adopted Accessibility Standards of the CS. The proposal is contrary to policies SP1, T2 and H2 of the Leeds Core Strategy and policy GP5 of the adopted UDP Review. The proposal also conflicts with paragraphs 38 and 70 of the NPPF which advise further in respect of accessibility to local services such as schools, community facilities, shops, health care, etc.
- 10.4 RR3: As safeguarded land and a Protected Area of Search, the release of the land would be contrary to policy N34 of the UDP and also paragraph 85 of the NPPF (itself a policy which is restrictive of development for the purposes of paragraph 14 NPPF).
- 10.5 RR4 – the proposal is considered to be 'premature' (for the purposes of the PPG) and pre-determinative of decisions relating to the scale and phasing of new housing and/or employment development and the designation of safeguarded land under the SAP. The development of the site would override the plan led system

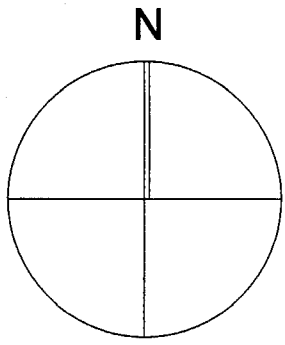
that is based on joint working and cooperation. Even if the development is not 'premature', very significant weight should nonetheless be given to the SAP in accordance with paragraph 216 of the NPPF.

- 10.6 More generally, matters of location, evidently poor accessibility, and inadequate local infrastructure all emphasise that this particular proposal fails to amount to sustainable development. The site has not been brought forward in the SAP for the reasons set out in the appraisal, and consequently the proposal, if allowed, would prove highly prejudicial to local development plan principles and objectives. The arising very significant harm is considered to substantially outweigh the benefits of the proposal, which include the (modest) provision of housing.
- 10.7 Members are therefore asked to consider the recommended refusal reasons set out above, and to agree them for the purposes of resisting the appeal made against non-determination.

Background Papers:

Application files 17/00029/OT & 14/04340/OT

Certificate of Ownership: Certificate B signed: Mr M Murray & JDL Design Ltd given notice.



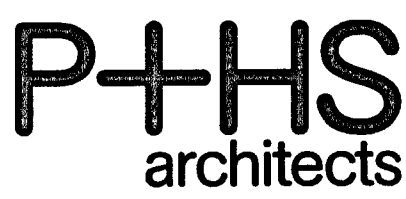
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Rev C : 2016.12.19 : B.J.G. : CD : ISSUED FOR PLANNING
Rev B : 2016.12.07 : B.J.G. : CD : Drawing amended to match revised site plan
Rev A : 2016.11.21 : B.J.G. : CD : Layout amended following client's comments

Issue Purpose: PLANNING APPLICATION

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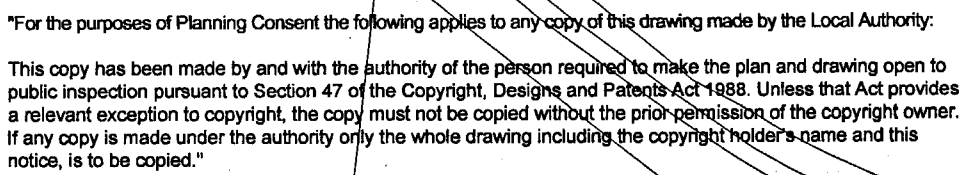


Client	Kebbell Developments Ltd	Issued From	Leeds
Project	Linton	Date	31.10.16
Title	Building Grains	Scale	1:1000 @ A1
Drawing Number		Drawn	CD
		CD	Auth
		CD	CD

2791 - D - 20 - SK02 - C
Stage Identification: Design - D Construction - C



17/000298



Rev E : 2016.12.19 : BJG : CD : ISSUED FOR PLANNING
Rev D : 2016.12.06 : BJG : CD : Road width and turning heads amended following WSP's comments
Rev C : 2016.11.30 : BJG : CD : Driveway to east of green and alignment of plots 22 and 23 amended
Rev B : 2016.11.29 : BJG : CD : Layout amended following client's comments
Rev A : 2016.11.21 : BJG : CD : Layout amended following client's comments

Issue Purpose: PLANNING APPLICATION

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Client	Kebbell Developments Ltd
Project	Linton
Title	Indicative Masterplan

Issued From	Leeds
Date	31.10.16
Scale	1:1000 @ A1
Drawn	CD Auth CD

Drawing Number	Revision
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2791 - D - 20 - SK01 - E

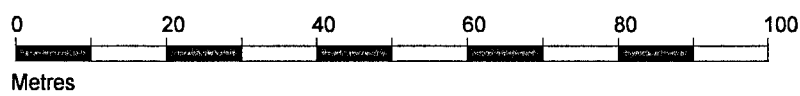
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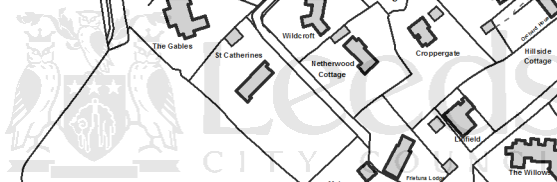
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Stage Identification: Design - D Construction - C

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