



## Report of the Chief Planning Officer

### PLANS PANEL NORTH AND EAST

Date: 26<sup>th</sup> April 2018

**Subject: 17/00655/OT – Outline application for residential development of up to 140 dwellings, public open space, flood alleviation measures, landscaping, new access from A58 and pedestrian/cycle access from The Drive at land at Wetherby Road, Bardsey, Leeds.**

#### Electoral Wards Affected:

Harewood & Wetherby

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION: REFUSE for the following reasons:

1. The Local Planning Authority consider that the very special circumstances put forward by the applicant to justify residential development on the application site have not been demonstrated. Accordingly, the proposed development is considered to be inappropriate development in the Green Belt, and thus harmful by definition. Furthermore, owing to the extent of development, the proposal would be harmful to the openness and character of the Green Belt and to the Special Landscape Area. The proposals are therefore contrary to saved Policies N33 and N37 of the Unitary Development Plan (Review 2006) and guidance within the National Planning Policy Framework and the associated PPG.
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 saved Policy GP5 of the adopted UDP Review, and also guidance within the National Planning Policy Framework.

3. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, travel planning and off site highway works, as well as a detailed mechanism to ensure that the restoration and refurbishment works to the heritage assets at Bramham Park Estate are secured, contrary to Policies H5, 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.

## **1.0 INTRODUCTION:**

- 1.1 This application primarily relates to the balance between the restoration and preservation of heritage assets at Bramham Estate and harm to the Green Belt. The site and proposals were the subject of a pre-application presentation to the Plans Panel in November 2016. The application is reported to Panel due to the unique circumstances associated with the development site. The proposals have also generated significant public interest and therefore officers consider that it is appropriate for the Plans Panel to consider the proposals based upon the content of the report below.
- 1.2 In summary, the proposals involve a residential development of up to 140 dwellings on an area of land that is designated as Green Belt. The applicant's case is based upon very special circumstances which relates to the refurbishment and restoration of a number of important heritage assets, including a significant number of Grade I listed buildings. The applicant's (the Bramham Park Estate and Sandby (Bardsey) Ltd) view the proposals for residential development on part of the Estate's land as being the only viable and realistic option for generating the capital receipt required to address the heritage deficit and pay for the refurbishments works to the listed buildings.
- 1.3 Officers recognise the importance of Bramham Park Estate in heritage terms and fully acknowledge the benefits associated with the refurbishment and restoration of a number of listed buildings, many of which are grade I listed and included on the Buildings at Risk Register. However, these benefits have been balanced against the harm to the Green Belt by reason of inappropriateness and officers have come to a balanced recommendation that the very special circumstances have not been demonstrated. The application is therefore recommended for refusal for the reasons specified. If, however, Members reach a view that the very special circumstances have been demonstrated in that the restoration of the heritage assets are considered to outweigh any harm to the Green Belt, then the Plans Panel are open to resolve to grant planning permission, subject to the completion of a legal agreement to secure the necessary benefits and obligations and imposition of conditions.

## 2.0 SITE AND SURROUNDINGS:

- 2.1 The development site is agricultural land located adjacent to the west of the A58 between the established residential areas of a housing development known as The Congreves to the north east and The Drive to the south west within the village of Bardsey. Overall the site measures 13.97 hectares, although only 6 hectares is developable. The topography of the site means that the site slopes down from the A58 towards the beck to the rear. Part of the land nearest the beck is included within Flood Zones 2 & 3, with the Environment Agency's 1 in 100 year flood event covering approximately half of the site.
- 2.2 The site is designated as Green Belt and as a Special Landscape Area within the Unitary Development (Review 2006). The site forms part of the wider Bramham Park Estate and forms the north western most extremity of their land holding.
- 2.3 The site performs an open function in terms of the Green Belt, although there is residential development located partly on three sides. The north eastern boundary comprises a combination of hedging with some semi-mature trees and the fences associated with the rear gardens of the dwellings within First Avenue which comprise large detached houses. The south west boundary also feature trees, hedging and boundary treatments of varying quality which form the rear garden area of the houses within The Drive. Keswick Beck forms the north western boundary and is separated by post and rail timber fencing. There are also mature and semi-mature trees that sit either side of the beck. The site frontage along Wetherby Road (A58) features dense / scrub hedging and punctuated half way along with small access track which leads down into the site. This part of Wetherby Road has a speed restriction along part of its length of 30mph from the signalised junction with Keswick Lane up to the mid point of the site's frontage. From there, the speed restriction changes to 50mph in the north eastern direction towards Wetherby. There are some houses on the opposite side of Wetherby Road which are slightly elevated above the road owing to the topography of the area, and which are located within the Green Belt. A hedgerow and drainage ditch running from the south east to the north west splits the site into two agricultural fields.
- 2.4 Whilst the application site is restricted to the land in Bardsey, between First Avenue and The Drive, it is relevant to highlight the location and context of the site that would receive the benefits from the capital receipt of the development site. This is the Bramham Park House and it's associated gardens and landscape. This is located to the south east and contains a rich and diverse range of buildings set within a Grade I Registered Park and Garden defined as being 'of exceptional importance'. The Estate contains a total of 27 listed buildings and structures considered to be of special architectural or historic interest. The buildings and structures which are listed are:

### Buildings

- The House (Grade I)
- The Stable Blocks to the House (Grades I and II)
- The Rotunda (Grade I)
- Open Temple (Grade I)
- Gothic Temple (Grade I)
- The Biggin (Grade II\*)
- Terry Lug (Grade II)
- Wothersome Grange Farmhouse (Grade II)
- Stable Block to Wellhill Farmhouse (Grade II)

- East Lodge Cottages (Grade II)
- North Lodge (Grade II)
- Gothic Summer House (Grade II)

### Structures

- The T Pond (Grade I)
- Stone surround to the T Pond (Grade I)
- Retaining wall to the South Terrace (Grade I)
- Gate piers at the entrance to the Forecourt (Grade I)
- Parterre to the West of the House and T Pond (Grade I)
- The obelisk Pond (Grade I)
- The Obelisk in the Black Fen (Grade II\*)
- Temple of Leod Lud (Grade II\*)
- Four obelisks at corners of the lawn (Grade II)
- Sundial in the centre of the Parterre (Grade II)
- Ha Ha forming boundary to North Terrace (Grade II)
- Stone Nymph (Grade II)
- Vase with four faces (Grade II)
- Monument to Jet (Grade II)
- The Circular Pond (Grade II)

## **3.0 PROPOSED DEVELOPMENT**

- 3.1 The application has been submitted in outline with all matters reserved for later approval save for access to the site. Proposals involve the development of the site in Bardsey for up to 140 houses. This will include a mix of 2, 3, 4 and 5 bedroom dwellings. Towards the rear of the site a large public park is proposed with improved pedestrian connections, including the potential to create a new footbridge over beck. The proposal is an outline application with all matters reserved, save for vehicular access which is proposed from the A58. An emergency access is shown from The Drive. The scheme would deliver the full s106 obligations, including 35% affordable housing on site, and as such, in these respects, will be policy compliant.
- 3.2 The proposed dwellings would be mainly 2 storey with some properties being 3 storeys (dormers within the roof). It is envisaged that the design approach would be traditional with the use of natural stone and slate, with some elements of render. The scheme seeks to use sustainable urban drainage (SuDS) features owing to the site topography and location adjacent to beck. Compensatory flood storage would also be created on the park area given its position close to the beck.
- 3.3 The submitted layout is indicative only, save for access, but the Masterplan has been provided to demonstrate how the development could be laid out. This shows two areas of residential development located either side of a centralised area of greenspace which is shown as a wide area towards the Wetherby Road frontage, which then tapers down before widening out into the public park towards the lower part of the site.
- 3.4 The application is submitted by an indicative plan showing the possible location of the housing mix, including the affordable units. The plan shows a total of 49 two and three bedroom affordable housing units with the bulk of these on the south western part of the site. In terms of the market housing, the scheme indicatively proposes 18 x 2 bedroom, 13 x 3 bedroom, 54 x 4 bedroom and 6 x 5 bedroom dwellings.

- 3.5 The case for the grant of planning permission is based upon a strong pressing need for major capital expenditure on buildings, structures, monuments and the landscape within the Estate. A number of buildings and structures are in need of repair and restoration works which requires significant financial input. The Estate have sought funding from a variety of sources but this is now limited to the extent that all areas have been exhausted. The whole of the capital receipt (minus fees) from the Bardsey site will be utilised in full at Bramham Estate and controlled through a carefully worded s106 Agreement.
- 3.6 The application is accompanied by a number of supporting reports, some of which were initially submitted on a confidential basis owing to the financial content of the information. However, following a request from the Bardsey Action Group under the Environmental Information Regulations 2004, the submitted financial viability information was disclosed. Therefore, this report will summarise the findings of the applicant's submitted information which has been independently assessed and verified by the Council's appointed viability consultant. The reports submitted as part of the application included:
- Design and Access Statement
  - Planning and Housing Needs Statement
  - Sustainability Statement
  - Statement of Community Involvement
  - Heritage Case Statement
  - Bramham Park Condition Survey 2016
  - Landscape Statement
  - Transport Assessment and Travel Plan
  - Ecology Survey
  - Phase 1 Ground Conditions Survey
  - Flood Risk, Drainage and Utilities Assessment
  - Archaeology Heritage Assessment and Geo
  - Tree Survey and Arboricultural Impact Assessment
  - Biodiversity Calculation
  - A number of financial viability documents submitted on a Private and Confidential basis.
  - Heritage Viability Case (submitted as Private and Confidential)
  - Heritage Deficit Report (submitted as Private and Confidential)
  - The Bramham Park Estate Public Access Management Plan
  - A number of plans for approval and plans submitted for illustrative purposes

#### Applicants Case

- 3.7 Bramham Park Estate is looking to fund ongoing conservation and management of the historic estate at Bramham Park and is seeking planning permission for residential development on land they own at Wetherby Road in Bardsey in order to fund urgent works of repairs to Heritage Assets.
- 3.8 This land represents the only sustainable opportunity for the Estate to secure a significant capital injection for the repair of Heritage Assets lying within Bramham Park Estate. An urgent need has been identified for major capital expenditure on the Estate's buildings, structures & monuments lying within a Grade I registered Park and Garden where a sum in excess of £10.7m is required for conservation projects within the next five years. All net proceeds from the sale of the land at Bardsey will go directly towards the restoration heritage works at Bramham Park.

- 3.9 The importance of Bramham Park to Leeds and the Nation should not be underestimated, Historic England has most recently confirmed;
- ‘The house, gardens and park at Bramham form a Heritage Asset of outstanding national significance’.
- 3.10 Natural England has also similarly confirmed;
- ‘The coherence of the historic estate is especially important as this allows the parkland to benefit from management, for both natural and historic interest, as a single entity. This is noteworthy in a landscape area in which we have seen very significant loss, often through fragmentation, of historic parkland’.
- 3.11 The applicant also draws the Local Planning Authority’s attention to a quote from Sir Nicholas Pevsner (the renowned scholar of history of architecture) who wrote:
- “If ever a house and gardens must be regarded as one ensemble, it is here. They are with Hampton Court and perhaps one or two others the most remarkable example in England of the planning of a park in the manner of Louis XIV.” The house, gardens and park at Bramham form a Heritage Asset of outstanding national Significance’.*
- 3.12 The House Gardens and Park at Bramham Park form a Heritage Asset of ‘outstanding national significance’ which requires financial support in order to secure ongoing conservation and restoration of listed buildings and structures lying within a Grade I registered Park and Garden which is of ‘exceptional importance’.
- 3.13 The site owned by the Estate at Wetherby Road Bardsey presents the only sustainable opportunity to secure funds for the urgent Heritage works that have been identified, which are in excess of £10.7m. The courts have held that special regard must be given by a Local Planning Authority to the preservation of Heritage Assets and they have held that addressing Heritage Assets is capable in planning law of amounting to very special circumstances to allow in principle support of the scheme.
- 3.14 The land at Bardsey lies within designated Green Belt and also within a Special Landscape Area. Paragraph 88 of the NPPF states that very special circumstances for inappropriate development in the Green Belt will not exist unless the potential harm to the Green Belt and any other harm is ‘clearly outweighed’ by other considerations.
- 3.15 In this case the harm identified to the Green Belt is limited and the wider Green Belt function in this part of Leeds is retained in terms of preventing urban sprawl and the merging of settlements.
- 3.16 The assessment of ‘any other harm’ required by the NPPF has not defined any specific matter that weighs against the proposals.
- 3.17 The vision for the development is to deliver a high quality designed development that also provides significant public benefits for the local community of Bardsey in terms of improving flood risk, bio-diversity, integrating communities and improved access to the countryside. The following benefits will be delivered in their own right from this proposal:

- Local Housing Needs – delivering 55x2 bedroom units (draft Neighbourhood Plan policy H2);
- Delivery of Affordable Housing to a policy compliant level (Policy H5);
- Open Space benefit – delivering 7 ha of new high quality recreational and amenity space (Policy G4 and paragraph 64 of the NPPF);
- Providing access to the countryside meeting Green Belt objectives;
- Connectivity benefit – providing new pedestrian and cycle links across Keswick Beck linking the Congreves and Bardsey (policy P10 and draft policy LRE2 of the Bardsey Neighbourhood Plan); and
- Enhanced flood storage benefit providing 8,000 cubic metres of flood storage capacity (policy EN5) and reducing flood risk for residents in the locality.

3.18 A very special circumstances case can be a cumulative assessment and the balance weighs clearly in favour of supporting this development. The development accords with the Development Plan as it preserves the cultural identity of Leeds (P11) and complies with NPPF paragraph 134 and paragraph 113 for proposals affecting landscape areas.

3.19 The proposed development delivers sustainable development and accords with National and Local Policy in respect of the Green Belt by demonstrating that very special circumstances exist. There is no departure from the Plan and in light of the above, it is considered that the development proposed is acceptable and as such should be approved without delay.

#### Financial Viability Information

3.20 The application is accompanied by detailed financial viability assessments and appraisals which were initially submitted as being private and confidential. However, following a Freedom of Information request on behalf of the Bardsey Action Group under the Environmental Information Regulations, the Council in discussions with the applicant, decided to agree to such a request and therefore made the submitted information available.

3.21 The information submitted was reviewed by the Council's appointed independent financial viability consultant, CP Viability Ltd, who was a previously an officer at the District Valuers Office and which advised the Council during the pre-applications discussions on this site. Following the receipt of the advice from CP Viability Ltd, a meeting was arranged with the applicant to discuss various discrepancies within their appraisals. The applicant subsequently amended some of their information and assumptions to which CP Viability Ltd were re-consulted upon. In summary, the Council accept the conclusions of the viability assessment submitted. More detailed information on the financial viability aspects are contained within paragraphs 10.64 – 10.91.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 There is no planning history relating to the site in terms of the submission of any planning application. However, a pre-application enquiry was received at the end of 2015 and officers have had a number of discussions with the land owner and their representatives concerning the nature of the proposed development and the scope of any information to be submitted as part of any application. Discussions have also taken place and visits undertaken to the Bramham Estate which have involved colleagues from Conservation and Historic England.

4.2 The applicant has also held a consultation event which took place on 19<sup>th</sup> October 2016 at Bardsey Village Hall. Copies of the presentation boards were copied to officers for information. The event was attended by approximately 220 local residents. Including some Ward Members and Parish Councillors.

4.3 The applicant also undertook a pre-application presentation to the Plans Panel at the meeting on 3 November 2016. Members of the Bardsey Action Group also undertook a short presentation at that meeting and a number of questions were asked by Members. The outcome of the meeting was minuted as follows:

Members of North and East Plans Panel requested that officers and the developers consider the follow list of issues before coming back to Panel:

1. Need for more details in the report including;

- More information around special circumstances
- Risk management of flooding
- Maintenance and up keep of listed buildings
- Income and expenditure of the estate
- Objection details from residents group
- More time given for objectors to make their representations
- Green Belt boundary
- Heritage guidelines
- Documents signed
- Structures listed on order of priority
- What the estate intends to do to cover the shortfall in finance
- Site allocation – red / amber listing
- Finances of the estate
- Private assets of the estate
- CIL monies
- Traffic and highways issues

2. Works to alleviate flood risk including:

- ground works
- impact on layout

3. Housing types including;

- Affordable housing
- Sustainable / passive housing
- Bungalows, semi-detached, detached

4. Sustainability of the development to include;

- Location of nearest schools
- How many cars envisaged using the access point on to the A58

5. Need for specific information for Section 106 to include;

- Environment and flooding
- s106 and CIL money to be discussed with Ward Members early in the process.

4.4 The site has been considered for allocation as a housing site (and removal from the Green Belt) within the emerging Site Allocations Plan (site ref 1106). The site was not considered to form a suitable housing allocation within the SAP when considered against reasonable alternatives within the Outer North East Housing



Market Area. Previously the site was also unsuccessfully put forward for housing allocation during the UDP Examination’.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 Extensive pre-application discussions have taken place with the agents acting on behalf of Bramham Estate, officers from Historic England and officers from the Local Planning Authority. These discussions have continued following the submission of the planning application and officers have sought to clarify a number of issues with the applicants, including requesting additional information and amended plans and have re-notified the public and re-consulted with consultees on the information provided. The areas of discussion and the submission of amended plans and information have centred on matters relating to highways and transportation impacts; flood risk and drainage; heritage, landscaping; and design issues. Meetings and discussions have also taken place on matters relating to the financial viability information that was provided to support the case. This has involved the input of the Council’s appointed independent viability consultant.

## **6.0 PUBLIC/LOCAL RESPONSES**

6.1 The application has been advertised as a Major Development and as a departure from the development plan by site notices which were posted around the site and area on 24 February 2017 and a newspaper advertisement published in the Yorkshire Evening Post on 24 February 2017. As a result of this publicity, a total of 509 letters of objection have been received. The objections relate to the following issues:

- Inappropriate development within the Green Belt;
- Harm to the character and openness of the Green Belt;
- No very special circumstances exist;
- The villages of Bardsey, East Keswick and Collingham will merge closer together;
- Preserving the Green Belt is one of the objectives of the Neighbourhood Plan;
- Impact on historic rural community;
- Bad financial management of Bramham Estate;
- Irresponsible landowner;
- Lack of investment and planning on the Estate;
- The proposal is unethical;
- The applicant is seeking the exploitation of a loophole;
- The Estate already financially benefits from planned events such as the Leeds Festival and Bramham Horse Trials;
- Bramham Estate is not publically accessible;
- Need to look at other examples of historic estates such as Harewood, Alnwick Castle, Newby Hall and Hampton Court;
- Should seek alternative funding, eg. Heritage Lottery;
- Lack of investment by the Estate in its buildings and gardens;
- National Charities should be considered to manage the Estate, eg. The National Trust;
- Other sites closer to the Estate should be considered first;
- Approval would send the wrong message to communities and estate owners;

- The development of brownfield land should be considered first, rather than using land within the Green Belt;
- Removal of Greenspace between two established residential areas;
- Increased traffic and congestion, particularly on the A58;
- The development will result in further accidents;
- Public transport is limited in the area;
- The proposed access point is hazardous;
- Dangerous for children crossing the road;
- The Drive is not suitable for increased traffic;
- Drivers currently have little regard to the 30mph restriction;
- In combination with the Miller Homes development in Collingham, the development will result in increased congestion;
- Increased traffic and its impact on cyclists, pedestrians and horse riders;
- Development would be harmful to ecology/wildlife;
- Impact on drainage and sewerage;
- Increased flooding;
- No confidence that the flood mitigation measures will work;
- New residents would suffer flooding problems;
- Insurance premiums for residents would be significant due to flooding issues;
- Information submitted on flooding is inaccurate;
- Disagreements over the technical information and its conclusions set out within the applicants Flood Risk Assessment;
- Flooding downstream will result;
- There are many springs in the local area;
- Increased pollution;
- Pollution to Keswick Beck;
- Impact on the natural environment;
- Impact on trees within the site;
- Proposal will change the character of the village;
- Development will destroy one of the long views of the site;
- Destruction of a cherished view and change the visual characteristics of the village;
- Questions over who will maintain the Park area;
- Impact on doctors surgeries and dentists;
- Impact on local infrastructure;
- Cumulative impact of other developments;
- Local schools already at capacity;
- There are no shops nearby to serve the needs of residents;
- Increased car journeys will result;
- The proposal is unsustainable;
- The Neighbourhood Plan doesn't support such development;
- The views of the local community are being ignored;
- The proposal is contrary to the Neighbourhood Plan and to the Localism Act;
- Additional public open space is not a village requirement;
- The proposal results in no benefits to the residents of Bardsey;
- Inconsistencies relating to the Heritage Statement;
- Concerns over lack of disclosure of financial information;
- The proposal is contrary to the adopted development plan;
- The proposal is contrary to national planning policy;
- The Site Allocations Process should be allowed to proceed first;

- Impact on the living conditions of neighbours who share a boundary with the proposed development;

6.2 The Bardsey Action Group: The Ethical Partnership has submitted numerous objections on behalf of the Bardsey Action Group (BAG) in the form of a number of detailed letters and emails (dated 13<sup>th</sup> March, 6<sup>th</sup> June, 20<sup>th</sup> July, 27<sup>th</sup> July, 15<sup>th</sup> August, 4<sup>th</sup> October, 16<sup>th</sup> November 2017 and 3<sup>rd</sup> April 2018). In summary, the scope of BAGs objections are as follows:

- The very special circumstances are not demonstrated, and therefore the application is premature or contrary to Green Belt policies;
- Harm to the landscape character;
- In terms of housing need, the site is not allocated for housing and has been discounted. Alternative sites are available to meet local housing need;
- Argue that a case for Enabling Development is relevant and should be made. It is not possible to pass the test of vsc unless the test of enabling development are satisfied;
- A number of examples of enabling development cases are referenced;
- Objections to the Flood Risk Assessment: Critique of the applicants initial and supplementary FRA; major flaws in the original FRA in terms of the selection of the site, quality of the survey, information sources used, assessment of the flood risk, and flood mitigation measures. With regard to the supplementary FRA concerns over the extent and impact on Flood Zone 2, sources of flooding, and flood storage capacity. This element of the representation is supported by a detailed report including plans and photos;
- BAG provide a critique of the Schedule of Works;
- Incompleteness of the Options Appraisal;
- Financial information needs to be made public;
- Discrepancies over the Savills Heritage Statement;
- Negligence of the Estate with regard to the management and repair of their heritage assets;
- The development should be considered as Enabling Development;
- Concerns over the comments made by the Council's Conservation Officer and lack of Options Appraisal;
- BAG provide a response to Savills response to a letter to BAGs comments dated 19 Sept with regard to enabling development, material considerations case law, Financing Options, the vsc are not demonstrated, none of the vsc cases are applicable to the development proposal in Bardsey, disagreement over the engagement of s66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- The Bramham Estate is a business which operates through a number of different entities, trusts, companies and limited partnerships. The financial information supplied by the applicant is incomplete and provides only a partial picture. Additional limited information is available from the abbreviated accounts of Bramham Park LLP, and Wothersome Ltd lodged with Companies House.
- It is clear the business has substantial assets and a substantial income. The accountants, Saffery Champness state that the average annual tax payments paid on behalf of the trustees and the individuals concerned amounted to around £270,000 a year which suggests substantial profits are made by the business overall.
- It is for the directors/trustees of any successful business to determine how and where to invest for the future and the Bramham Estate have made it

clear in their Strategy Document (page 23) that Bramham Park is their family home. It is also integral to many of the business activities and maintenance of the Park is essential to the success of those activities.

- The Estate has supplied sufficient information to conclude that there are no financial reasons why it cannot maintain its properties to an adequate standard and there are no special circumstances to support a planning application for a development in the Green Belt on a flood plain.

- 6.3 Villages for Green Belt and Conservation Campaign Ltd (2 letters of representation): Object to the proposed development on grounds of damage to the Special Landscape Area; harm to the Green Belt; impact on the East Keswick and Bardsey Conservation Areas; contrary to supplementary planning guidance such as the East Keswick Village Design Statement; the proposal would set a very bad precedent for rewarding owners of listed buildings who neglect them; and lack of disclosure of the financial viability information. In further submissions, it is stated that the submitted accounts should be audited; the applicant should disclose their assets to support the vast level of borrowing; issues over Capital Gains Tax; the Landscape Statement is not impartial in that it is from a company which shares a major investor with the applicant; the Landscape evidence does not comply with the standards of the Landscape Institute; the tall buildings on the upper slope of the site will be prominent; and flooding on Main Street in East Keswick is likely to result.
- 6.4 Bardsey Parish Council: Objects strongly to the proposed development. The Parish Council support the comments made by the Ethical Partnership / BAG. The Parish Council also raised concerns over the inconsistencies/errors/omissions in the applicants Flood Risk Assessment; object to the comments made by the Council's Conservation Officer; and note that the financial viability information should be made public.
- 6.5 An additional letter of representation notes that the Parish Council wish to highlight the extent and nature of the conflicts between the application and the adopted policies within the Bardsey Neighbourhood Plan. The Parish Council is strongly opposed to this planning application – which is contrary to the priorities of the overwhelming majority of Bardsey residents. Rather than preserving Green Belt land, the application proposes the destruction of Green Belt land. Notwithstanding the absence of any 'very special circumstances', the Parish Council believe the application is contrary to the aims of the Bardsey Neighbourhood Plan, which forms part of the statutory development plan for Leeds. The application is also contrary to national planning policies. Given that the application is contrary to the policies of the statutory development plan and national planning policies, the Parish Council requests that the application be refused.
- 6.6 East Keswick Parish Council: Object on grounds that this site is within the Green Belt; is a large scale development which is inappropriate; will result in a continuous ribbon of housing alongside the A58; significant pressure on local services; and in increase in traffic levels bringing congestion and increased danger.
- 6.7 Collingham with Linton Parish Council: Raise concerns over the proposed development. In particular, it is noted that the development does not pass the sequential test; it is not necessary to develop this Green Belt site; concerns over the design of the flood mitigation measures; the density should be fixed at the outline stage; increased traffic and congestion; and if approved, the developer should set aside new land for a doctors surgery and contribute towards a walking and cycling route to Collingham.

## 7.0 CONSULTATION RESPONSES

### Statutory

- 7.1 Highways: The Highways Officer initially objected to the proposed development due to concerns over the proposed configuration of the new site access junction with Wetherby Road. It is also noted that the development does not meet the Core Strategy Accessibility Standards and this raises serious concerns. Following the submission of amended plans and further information, the Highways Officer comments that the amended access road details are adequate for the purposes of providing access to the proposed site for 140 dwellings. A number of off-site highway works could be secured through a s278 Agreement. Whilst there are a number of issues with the submitted Masterplan layout which are unacceptable, this is indicative only and changes would need to be made to the layout to make it acceptable.
- 7.2 The Environment Agency: The Environment Agency (EA) have made a number of comments relating to the application which have led to the submission of further information and re-consultation. The EA initially commented that the submitted Flood Risk Assessment (FRA) did not comply with the requirements set out within the Practice Guidance and therefore did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. On this basis the EA objected.
- 7.3 Following the receipt of further information, the EA removed their objection, and noted that the development will only meet the requirements of the NPPF if the measures detailed in the Flood Risk Assessment (FRA) and Supplementary FRA are implemented and secured through a planning condition.
- 7.4 The EA were also re-consulted following a meeting between LCC planning and drainage officers and local residents from the Bardsey Action Group which brought to the attention of the LPA additional and local information relating to localised flooding and natural springs within the site. On the basis of this information, the EA noted the comments of the Bardsey Action Group and the applicant's response to those comments, and commented that they noted that the applicant has stated there would be no built development within flood zone 2 or 3, in line with the recommendation of the FRA. Therefore, no objections were raised.

### Non-Statutory

- 7.5 Flood Risk Management: Flood Risk Management (FRM) considered the initial submission and noted the objection raised by the EA and supported their objection. Further comments were also made on surface water drainage details. However, following the receipt of further information FRM commented that they have mainly considered the site specific drainage related matters and the impact this may have on flood risk at the site and its surroundings. The BGS data indicates that there may be significant constraints to the use of infiltration SuDS for surface water drainage at this site so that the hierarchy of surface water drainage would dictate that surface water should be discharged to the nearest watercourse which is the Main River Bardsey Beck. The outfall details would however require separate approval from the EA. No objections are therefore raised subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme.

- 7.6 Yorkshire Water: YW comment that they are satisfied that the layout will not impact on the water supply infrastructure laid within the site boundary. YW note that trees may be planted within 5m of the public sewerage laid within the site, but assume that the matter could be dealt with via landscaping requirements at the Reserved Matters stage. YW also comments that the developer is intending to utilise soakaways, a pond and a watercourse for the drainage of surface water and if this changes then YW should be re-consulted. A number of conditions are recommended in the event that planning permission is granted.
- 7.7 Conservation Officer: Comments that the harm to the Bardsey Conservation Area is less than substantial and provision of section 134 of the NPPF requires in such circumstances that this harm should be weighed against the public benefits of the proposal. The point of the application is to deliver public benefits in the repair of the heritage assets at Bramham Park.
- 7.8 In terms of Bramham Park Estate, the Conservation Officer notes the importance of the Estate which cannot be overstated as it contains a high proportion of grade I listed buildings which in combination with the grade I listed park in a high quality landscaped setting are of international importance. The applicant's heritage case identifies the public benefits of the investment from the capital receipt, which I agree with, which range from investment in repair and restoration of building and structures of the highest significance within a landscape of exceptional importance to gap funding of conversion projects to secure the optimum viable use consistent with their long term sustainable use. In heritage terms, there is a trade-off between the less than substantial harm to the Bardsey Conservation Area and the public benefits at Bramham Park. In my opinion, taking into account the relative significance of the heritage assets and magnitude of impact, the harm to the Bramham Conservation Area is considerably outweighed by the benefits at Bramham Park.
- 7.9 Nature Conservation Officer: It is noted that the northern part of the site forms part of the Leeds Habitat Network. Comments are provided which would seek to deliver biodiversity enhancements. Should permission be granted, conditions are recommended which relate to both biodiversity protection and enhancement, while detailed consideration would need to be given to the management of areas of the site of ecological importance.
- 7.10 Landscape Officer: Comments are provided on the detailed layout which at this stage is an indicative masterplan only. There would also be likely to be some impact on trees within the site and to the tree close to the proposed site access. Aside from the large area of public open space to the rear of the site, more greenspace is required given the dense nature of the proposed development.
- 7.11 Historic England: Do not offer any comments on the application. However, HE wish to point out that their letter of 14 November 20176, included in the applicant's supporting documents, relates solely to discussions that took place with the Estate at the pre-application stage on how best to address their repair strategy for important heritage assets on the Estate. HE want to make it clear that this should not be read in any way as an endorsement of this planning application. HE are happy that this is a matter for the local authority and suggest that we seek the views of our specialist conservation and archaeological advisers, as relevant.
- 7.12 Natural England: No comments to make. Natural England make it clear that they have not assessed the application for impacts on protected species and have published Standing Advice to local authorities to be used to assess the impacts on

protected species, or note that we may wish to consult our own ecology officer. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

- 7.13 The Gardens Trust: The Gardens Trust has read the documentation online with regard to this application and appreciates the conflicting issues facing the Bramham Park Estate trying to balance the need to preserve this unique and exceptionally important Grade I registered park with its numerous listed structures, against the special nature of the Green Belt. The Trust feel that the site chosen is the one which causes least negative impact upon both the Green Belt and the Registered Park and Garden. As the proposed development is some way from the RPG and does not impact adversely upon it, we concur with Historic England that this is a matter for the Local Authority to decide upon and have no other comment to make.
- 7.14 Campaign to Protect Rural England: CPRE West Yorkshire Branch wishes to object to the above planning application on grounds that the development is contrary to the Local Plan and Neighbourhood Plan; is unsustainable; given the outline nature of the application, there is no guarantee that the layout of the site, the level of affordable housing and the design of the open spaces will remain as proposed; and that a full application is submitted. CPRE ask that the application is refused.
- 7.15 West Yorkshire Archaeology Advisory Service: Information is provided on the historic nature of the site. WYAAS also recommend that the applicants carry out a post-determination archaeological evaluation and that this is secured by a planning condition.
- 7.16 West Yorkshire Combined Authority: The majority of the site is within 400 meters of bus services operating on Wetherby Road and /or Keswick Lane. The site does not meet the criteria set out in the Core Strategy based on the frequency of service requirement. A contribution of £40,000 would be required to improve two existing bus stops on Wetherby Road while a contribution of £68,761 (based upon 140 dwellings) would be required to fund a package of sustainable travel measures.
- 7.17 Contaminated Land Team: The submitted phase 1 desk study identifies the need for a phase 2 site investigation. Should permission be granted, a number of conditions are recommended.
- 7.18 Affordable Housing Officer: As the site sits within Affordable Housing Zone 1, which has a 35% Affordable Housing requirement, on a scheme of 140 properties the council would expect 49 properties to be identified for Affordable Housing. In terms of the mix & split and looking at recent Housing Demand and Social Housing preference it would be appropriate to assume a mix of 2 & 3 bedroom family homes as well as a number of bungalows for older people. A recommended split being 20x2 bedroom & 20x3 bedroom houses as well as 5x2 bedroom & 4x1 bedroom bungalows.
- 7.19 West Yorkshire Police, Architectural Liaison Officer: Based upon the indicative layout, the development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion. A number of points are made relating to Secured by Design, lighting, security and boundary treatments.

- 7.20 Financial Viability Consultant: It is the Council's standard procedure to utilise the services of the District Valuers Office (DVO) in the independent assessment of financial viability statements that applicants submit in support of their application. The fees associated with the assessment of such viability statements are paid by the individual applicant. In this particular case, the local planning authority engaged the services of the DVO at the pre-application stage who provided advice on the scope of evidence likely to be needed to carry out an independent assessment on the applicant's case. However, the individual valuation officer, left the employment of the DVO to set up his own consultancy to deal primarily with the independent assessment of viability appraisals on behalf of local authorities. Therefore, in the interests of consistency, the Council retained the former DV officer's services, who provided a fee quotation and declaration of interests confirming that no conflict of interests existed that would enable them from independently assessing the viability information on behalf of the local planning authority. The applicant agreed to the terms and conditions and has since paid the appropriate fees. As such, the local planning authority have accepted the advice provided by CP Viability Ltd as a basis for the specialist advice relating to the submitted financial viability appraisals.
- 7.21 The applicant submitted the supporting viability information on a private and confidential basis and was not made public as part of the notification procedures. However, following a Freedom of Information request on behalf of the Bardsey Action Group under the Environmental Information Regulations, the council in discussions with the applicant, decided to agree to such a request and therefore made the submitted information available. A summary of the submitted information and the advice provided by CP Viability (CPV) Ltd is contained within this report. Furthermore, CPV will also be available at the Panel meeting to answer any queries that Panel Members may have. A summary of advice from CPV is as follows:
- 7.22 CPV accept the revised appraisals prepared by Savills as being the agreed positions on viability for The Biggin and the Land at Wetherby Rd, Bardsey. The assumptions and conclusions reached are considered to be reasonable and reflect the current market conditions.
- 7.23 Given the specialist content and robustness of the independent advice provided by CPV Viability Ltd acting on behalf of the Local Planning Authority, officers have no evidence or reasons to doubt the accuracy and credibility of the advice given, and would conclude with its analysis and findings.

## **8.0 RELEVANT PLANNING POLICIES**

### The Development Plan

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:
1. The Leeds Core Strategy (Adopted November 2014)
  2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
  3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
  4. The Bardsey cum Rigton Neighbourhood Plan (made November 2017)



These development plan policies are supplemented by supplementary planning guidance and documents. The site in Bardsey is designated as Green Belt and Special Landscape Area within the UDP. In terms of proximity to the two conservation areas, the Bardsey-cum-Rigton Conservatoion Area is fragmented and includes the larger and historic part of Bardsey approximately 300m to the south of the site, and the hamlet of East Rigton approximately 100m to the south east of the site and elevated above the A58. The East Keswick Conservation Area lies approximately 250m to the west of the site on the opposite site of the beck and former railway and comprises the majority of the village of East Keswick. In terms of the site at Bramham, the Bramham Park Estate is a Registered Park and Garden (Grade I), with a total of 27 Grade I, Grade II\* and Grade II listed buildings.

8.2 The following Core Strategy (CS) policies are 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
- Policy H1 Managed release of sites
- Policy H3 Density of residential development
- Policy H4 Housing mix
- Policy H5 Affordable housing
- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P11 Heritage
- 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

8.3 The CS sets out a need for circa 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. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the CS. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area. The Council are also carrying out a selective review of some of the Core Strategy and this will include policies relating to housing and greenspace. However, what is clear, based upon the receipt of recent appeal decisions for large scale residential developments, is that the Council do not have a five year housing supply of deliverable sites.

8.4 The Council's Site Allocation Plan (SAP) is well advanced with hearing sessions on the topic of housing planned for July. A period of public consultation has recently been carried out. The SAP does not identify the application site for housing purposes and has discounted it due to the Green Belt designation and the provision of alternative sites being located in more accessible and sustainable locations. As the application site is therefore not affected by the Plan it has no particular relevance as emerging policy.

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

GP5: General planning considerations.  
N23/N25: Landscape design and boundary treatment.  
N24: Development proposals abutting the Green Belt.  
N29: Archaeology.  
N33: Green Belt.  
N35: Agricultural land  
N37: Special Landscape Area.  
N37A: New development within SLAs  
BD5: Design considerations for new build.  
ARC5: Archaeology  
T7A: Cycle parking.  
LD1: Landscape schemes.

8.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan 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 flooding are relevant as follows:

Policy AIR 1: The Management of Air Quality Through Development  
Policy WATER 1: Water Efficiency  
Policy WATER 2: Protection of Water Quality  
Policy WATER 3: Functional Flood Plain  
Policy WATER 4: Development in Flood Risk Areas  
Policy WATER 6: Flood Risk Assessments  
Policy WATER 7: Surface Water Run-Off  
Policy LAND 1: Contaminated Land  
Policy Land 2: Development and Trees

#### Neighbourhood Plan

8.7 The Bardsey cum Rigton Neighbourhood Plan was made in November 2017 and therefore forms part of the development plan.

8.8 The Plan also lists a number of objectives which include the encouragement of proportionate housing development, to maintain and improve the quality and character of the built environment, to maintain and improve biodiversity of the rural environment; and to identify and conserve assets including green spaces and open views.

The following policies are relevant to the determination of the current application:

Policy LRE1: Conserving rural character.  
Policy LRE2: Enhancing the Public Rights of Way network.  
Policy LRE3: Biodiversity, conservation and enhancement.  
Policy BE1: High quality building design.  
Policy BE2: Maintaining dark villages.  
Policy BE3: Integrating green infrastructure.  
Policy H1: New Housing.  
Policy H2: Housing size and type.  
Policy H3: Supporting sustainable development.

#### Policy H4: Scale of development.

- 8.9 Appendix 4 of the Plan also contains a list of cherished views (page 42) and lists the view from The Drive facing towards the Wetherby direction with views across the fields (the development site).

#### Supplementary Planning Guidance / Documents:

SPG4 Greenspace relating to new housing development (adopted).  
SPG10 Sustainable Development Design Guide (adopted).  
SPG11 Section 106 Contributions for School Provision (adopted).  
SPG13 Neighbourhoods for Living and Addendum (adopted).  
SPG22 Sustainable Urban Drainage (adopted).  
SPG Greening the Built Edge  
SPG Bardsey-cum-Rigton Conservation Area Appraisal and Management Plan  
SPG East Keswick Conservation Area Appraisal and Management Plan  
SPD Street Design Guide (adopted).  
SPD Designing for Community Safety (adopted).  
SPD Travel Plans (adopted).  
SPD Sustainable Design and Construction (adopted).  
SPG East Keswick Village Design Statement

#### National Planning Policy Framework (NPPF)

- 8.10 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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 policies in the Framework, the greater the weight they may be given.
- 8.11 The National Planning Policy Framework (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 to do so. It identifies 12 core planning principles (paragraph 17) which include 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;
  - Protecting the Green Belts around main urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - 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;
  - Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for the contribution to the quality of life of this and future generations;

- 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.

- 8.12 The Government attaches great importance to the design of the built environment. Section 7 (paragraphs 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimising the potential of the site to accommodate development;
  - Respond to local character and history;
  - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - Development to be visually attractive as a result of good architecture and appropriate landscaping.
- 8.13 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.14 Part 9 relates to the protection of the Green Belt. The five purposes of Green Belt land are to set out as: to check unrestricted urban sprawl; to prevent town coalescing; to safeguard the countryside from encroachment; to preserve the setting and character of historic towns; and to assist in urban regeneration. Planning Authorities are required to ensure substantial weight is given to any harm to the Green Belt, with 'very special circumstances' required to clearly outweigh potential harm to the Green Belt, and any other harm which may result.
- 8.15 Part 10 relates to the climate change and flooding and notes that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimizing vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy.
- 8.16 Part 11 relates to conserving and enhancing the natural environment and notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.17 At paragraphs 111, 113 and 118 the NPPF gives guidance relevant to this proposal in respect of ecological and related matters.
- 8.18 Part 12 relates to the conservation and enhancement of the historic environment. In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.19 Paragraph 140 states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with

planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

8.20 Paragraph 188 notes that early pre-application engagement has significant potential to improve efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

8.21 On 5<sup>th</sup> March 2018, the Government published its draft revisions to the National Planning Policy Framework for consultation. The content of the document seeks to make revisions to the structure, format and paragraphs; focusses on the delivery of housing; focusses on financial viability; tightens up Green Belt policy; and includes measures to allow a review of CIL charging and the lifting of pooling s106 restrictions. The consultation runs until 10<sup>th</sup> May and therefore the content of the document carries very little weight.

#### Planning Practice Guidance

8.22 In respect of planning obligations (including Sec.106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

#### Other Documents

8.23 Bramham Park Estate Strategy (October 2014) – This document was produced by the Estate as an estate wide strategy to review the special qualities of Bramham Park as a whole and to provide an overview of the various elements that make up an historic estate of the size and complexity of Bramham so that key issues can be understood and conservation priorities identified. The document also seeks to provide a broader view of the Estates assets, in order to look at ways to generate new sources of income which might address the significant heritage deficit that exists. The Estate hopes that this Strategy will act as a framework to inform and guide future decisions across the Estate. This document is not adopted by the LPA in the formal decision making process and therefore whilst it provides useful background information, it can be afforded limited weight. However, it is worth highlighting that a supporting statement from the Council as follows:

*“The Council is supportive of the preparation of an Estate Strategy on the basis that this provides a focus for the delivery and priority of conservation projects across the estate and in planning terms provides the context and broader understanding of the wider estate functions and aspirations.”*

#### Planning (Listed Buildings and Conservation Areas) Act 1990

8.24 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

#### DCLG - Technical Housing Standards 2015

8.25 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government’s Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the

nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

## **9.0 MAIN ISSUES**

1. Background
2. Principle of Residential Development
3. Green Belt
4. Heritage Matters
5. Financial Viability
6. Housing
7. Highways & Transportation
8. Flood Risk
9. Design & Layout
10. Landscape Impact
11. Ecology
12. Impact on Living Conditions
13. Loss of Best and Most Versatile Agricultural Land
14. Archaeology
15. Land Contamination
16. Planning Obligations and CIL
17. Planning Balance
18. Consideration of Objections
19. Conclusion

## **10.0 APPRAISAL**

### **Background**

- 10.1 The Bramham Park Estate is regarded as one the country's finest examples of house and gardens designed in the rare Baroque style and in the manner of Louis XIV, and form a heritage asset of outstanding national significance. There are a total of 27 separate listed buildings within the Estate, 11 of which are Grade I, which represents 23% of all Leeds' Grade I listed buildings within its administrative boundary. The remaining listed buildings including 3 which are Grade II\* and 13 Grade II.
- 10.2 The applicant has set out that Bramham Park Estate is at a critical point in its history and requires a long term strategy to secure its future and preserve its nationally important heritage assets. The Estate and the Council have recognised the need for a long term strategy and so in October 2014, the Estate produced an estate wide strategy (*The Bramham Park Estate Strategy*) to review the special qualities of Bramham Park as a whole and to provide an overview of the various elements that make up an historic estate of the size and complexity of Bramham so that key issues can be understood and conservation priorities identified. The document also seeks to provide a broader view of the Estates assets, in order to look at ways to generate new sources of income which might address the significant heritage deficit that exists. The Estate hoped that the Strategy would act as a framework to inform and guide future decisions across the Estate. However, this document was not

consulted upon or adopted by the Council and therefore carries no weight in the decision making process.

- 10.3 The applicant has sought to remove the site from the Green Belt by making representations through the UDP review in 2006, and again through the current emerging Site Allocations Process, both without success. In the absence of allocating the site for housing, the Estate accepts that the only mechanism for achieving their goal, is to submit a planning application, and making a case for very special circumstances which relate to using the capital receipt from the development site towards addressing the heritage deficit at Bramham Park Estate.
- 10.4 The application is accompanied by a detailed Conditions Survey which concludes that there are a number of listed buildings and structures which are in varying states of repair. The Grade II\* listed building known as The Biggin is on Historic England's Heritage at Risk Register. The information in support of the application grades each building in terms of its priority for restoration having regard to the importance of the building and its current condition, with buildings and structures that are in most need of repair higher up the list.
- 10.5 This report sets out the proposals in more detail, including the Estate's current situation and provides information on financial viability and how the development of the site in Bardsey is the only long term viable option for addressing the heritage deficit. The officer's report also looks at the applicant's very special circumstances which have been advanced to justify development in the Green Belt. All other material planning issues are also considered and a balanced judgement is made in coming to the recommendation.

### **Principle of Residential Development**

- 10.6 The application seeks to establish the principle of residential development for up to 140 dwellings. The site is open agricultural land that fronts onto Wetherby Road (A58) and sits between two established residential areas, those being The Drive to the south west and First Avenue to the north east. It is not identified within the development plan or within the advanced Site Allocations Plan as a site for new housing development. The site is also located within the Green Belt.
- 10.7 Given the receipt of several appeal decisions relating to proposed new major housing developments in Leeds, it is clear that the Local Planning Authority are unable to demonstrate a five year housing land supply of deliverable sites. Paragraph 14 of the NPPF confirms that a 'presumption in favour of sustainable development; should be seen as the 'golden thread' running through the planning process. It goes on to confirm that for decision taking this means that where relevant policies are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in this Framework indicate development should be resisted.
- 10.8 In this case, the site falls within the Green Belt and therefore the proposal must be determined in accordance with adopted policies (where they are relevant and up to date) and the specific policies within the NPPF, namely paragraphs 87 and 88, which indicate development should be restricted because of the site's location within the Green Belt unless the specific test set out within paragraph 88 is met. This states that when considering a planning application, the local planning authority should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and that development will only be acceptable in 'very

special circumstances' and where that harm, and any other harm, is clearly outweighed by other considerations.

- 10.9 Paragraphs 87 and 88 of the NPPF are therefore very significant to this particular case. The proposal is considered in more detail in the context of the current Green Belt policies elsewhere in this report (paragraphs 10.11 to 10.33). Furthermore, in respect of to the identification of 'other harm' referenced in paragraph 88 of the Framework it will be necessary to assess the impact of the proposal in relation to the side range of relevant planning considerations, including the provision of new housing (some of which will be affordable), the restoration and refurbishment of a number of significant heritage assets, highways, landscape, ecology, flood risk, the design and layout of the scheme, and amenity matters in order that the balancing exercise required by Paragraph 88 can be carried out.
- 10.10 As outlined earlier, the Core Strategy policies relating to housing land supply are considered to be out of date. Notwithstanding this, the local planning authority are undertaking a selective review of the Core Strategy which involves reviewing and updating the housing policies, as well as carrying out their Site Allocations Plan which is now at Examination in Public.

### **Green Belt**

#### The Development Plan and the NPPF

- 10.11 Despite attempts from the applicant to remove the site from the Green Belt as part of the UDP Review and more recently through the Site Allocations Plan, the site remains within the Green Belt. The NPPF attaches great importance to Green Belts and identifies, at paragraph 85 that Green Belts serve five purposes as set out within paragraph 10.17 below. Further, at paragraph 89 it states that the construction of new buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, and at paragraph 87 it states that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved, except in very special circumstances.
- 10.12 Paragraph 88 clarifies that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.13 Saved UDPR Policy N32, which defines the Green Belt within Leeds is considered to be consistent with the NPPF and therefore can be afforded full weight in the decision making process. Saved UDPR Policy N33 sets out a presumption against development within the Green Belt. The policy lists a number of exceptions including:
- Construction of new buildings for purposes of agriculture and forestry, essential facilities for outdoor sports and outdoor recreation ....;
  - Limited extension, alteration or replacement of existing dwellings;
  - Limited infilling and redevelopment of identified major existing developed sites;
  - Limited infilling in villages and limited affordable housing for local community needs;
  - Re-use of buildings, where Policy GB4 criteria are satisfied;



- Change of use of land for purposes which do not compromise Green Belt objectives.

Whether the Proposal Constitutes Inappropriate Development in the Green Belt

- 10.14 The proposed residential development meets none of the exceptions where construction of new buildings could be considered to be appropriate, as identified within paragraph 89 of the NPPF, or saved Policy N33 of the UDPR. As such, the proposed development constitutes inappropriate development in the Green Belt.
- 10.15 Inappropriate development is by definition harmful, and therefore it should be considered whether the harm by reason of inappropriateness, and any further harm, caused to the openness and purpose of the Green Belt is outweighed by any associated benefits arising from the development, so as to amount to very special circumstances.
- 10.16 In considering whether to allow development within the Green Belt, it must be considered, first, the level of harm arising from the inappropriate development, and then secondly consider the benefits said to be delivered by the development, and then consider whether those benefits clearly outweigh the harm so as to amount to very special circumstances. Very special circumstances can be made up of a single element, or a number of individual benefits, which when considered cumulatively can be considered 'very special'. The weight given to the various elements identified which either individually or cumulatively are considered to constitute very special circumstances is a matter of planning judgement and must be weighed against the Green Belt harm of inappropriateness and any other harm that may exist.

The Level of Harm to the Green Belt

- 10.17 Paragraph 80 of the NPPF sets out the five purposes of Green Belt, which are as follows:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To check the unrestricted sprawl of large built-up areas

- 10.18 The development site is situated between two existing residential areas to its north eastern and south western boundaries, while some residential development exists partially on the opposite side of Wetherby Road. The village of Bardsey could be considered to be fragmented and spread over a large section of the A58. The proposed development would not result in ribbon development along the A58 given the presence of development on both sides and would not result in an isolated development. However, there is no physical barrier between the proposed residential development and the area of proposed open space towards the rear of the site, a point which was reached when the Inspector considered the site for removal from the Green Belt in the UDP review. That said, given the location of the site adjacent to the settlement of Bardsey, it is considered that the development has low potential to lead to urban sprawl.

To prevent neighbouring towns merging into one another

- 10.19 The development site is located between the established residential areas of The Drive to the south west and First Avenue to the north east and would be located in

an open area of land within the confines of the village of Bardsey. The development would not lead a further closing or reduction of the gap towards the village of East Keswick given that the residential development would be no nearer than the established built form on either side. Furthermore, the proposal would not lead to the development being closer to the village of Collingham or the hamlet of East Rigton than what presently exists. Existing development therefore on either side would contain the development and as such, the proposal would not lead to neighbouring towns or villages from merging into one another.

To assist in safeguarding the countryside from encroachment

- 10.20 The development would clearly result in encroachment into the countryside, as well as encroachment into the designation Special Landscape Area. The site forms part of the Wharfe Valley southern slopes Special Landscape Area which notes the steep north-facing escarpment slopes with scattered woodlands descending to the flat but well-treed arable land to the south of the river. It notes that there are fine long distance views across the valley from many lanes and other viewpoints on the crest of the escarpment. The positive factors of the SLA are its strong structure and visual unity, interesting topography, high scenic quality, attractive groups of buildings, landmarks, natural or semi-natural woods, trees, and hedgerows. This is particularly the case at the development site in that the site comprises good quality trees along the edges of the site and hedgerows which form the site's front boundary and one which runs through the site from the road frontage towards the beck. It is therefore concluded that the development would result in encroachment into the countryside and would thereby lead to an urbanising impact from what currently exists resulting in visual harm.

To preserve the setting and special character of historic towns

- 10.21 The site does not lie immediately adjacent to a conservation area, although East Keswick Conservation is located to the other side of the beck on the rising upper slopes on the valley opposite and comprises the vast majority of the village. The nearest part of the Bardsey-cum-Rigton Conservation Area is elevated above the site and comprises limited views of the development site. The council's Conservation Officer has noted the impact of the proposed development upon views into and out of the two conservation areas and concludes that the harm would be less than substantial. Therefore, it is considered that the proposal would have not significant effect on the setting and special character of historic towns.

To assist in urban regeneration, encouraging the recycling of derelict and other urban land

- 10.22 The proposal is not consistent with this Green Belt policy purpose. It does not assist with urban regeneration or the recycling of urban land. The proposed redevelopment of the application site is linked to the restoration and refurbishment of a number of listed buildings at Bramham Park Estate. The capital receipt from the application site in Bardsey will significantly contribute to the heritage deficit which the applicants have identified. This will involve the refurbishment and bring back into re-use a number of buildings which are currently vacant. Therefore, in this respect, the application will assist in the re-use of existing small scale brownfield sites on the Bramham Park Estate only.
- 10.23 However, whilst the development will not positively assist with urban regeneration/recycling of urban land, given the small scale and bespoke nature of the application, it is considered unlikely that the delivery of this site for 140 dwelling in this location would be prejudicial to regeneration schemes elsewhere in Leeds.

Openness

- 10.24 Paragraph 79 of the NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Therefore, it is appropriate to consider both the openness of the site at present, and further, how the proposed development would be likely to impact upon this.
- 10.25 Whilst the site comprises development on both sides (south west and north east), given the overall length of the site frontage (A58), its width and the general topography, it can be regarded to be largely open in character. There are no buildings, structures or any hardstandings within the application site which could give rise to a current degree of openness. Furthermore, given the site's location on the southern slope of land which rolls gently downwards towards the beck, views into the site from Wetherby Road and the houses opposite from elevated positions are prominent. As such, it can be concluded that the site performs an open function in terms of the NPPF.
- 10.26 The proposed development comprising up to 140 new dwellings and a large and engineered vehicular access, together with associated internal roads, hardstandings, garages and domestic curtilages would result in a fundamental and permanent change to the character and openness of the Green Belt, taking into account the undeveloped nature of the site at present. Whilst the development would be set down below the level of the road, the extent of development and heights of the dwellings would make this prominent within the landscape and would have a significant and detrimental impact on openness.
- 10.27 In conclusion, the proposed development would constitute inappropriate development and would have a harmful impact on the character and openness of the Green Belt and would be contrary to some of the objectives listed in paragraph 80 of the NPPF. A similar conclusion was reached by the Inspector in dealing with proposals to remove the site from the Green Belt as part of the UDP review. Here, the Inspector noted that Bardsey was an irregular shaped settlement and sat between two distinct parts of the built up area. He also acknowledged that the site would be very prominent from the A58, which currently performs an important Green Belt function. The Inspector concluded that the development of the site would be very harmful to the purposes of the Green Belt, the character of the Special Landscape Area, and saw no justification for removing it from the Green Belt. Given the comments raised by the Inspector, there are no reasons for the local planning authority to reach a contrary view in this particular instance.

#### The Very Special Circumstances

- 10.28 The applicant's very special circumstances are focused on the significant improvements that the capital receipt of the site at Bardsey will deliver to a number of key heritage assets at the Bramham Park Estate. These include a number of Grade I, Grade II\* and Grade II listed buildings which include Bramham House itself and The Biggin. Improvements will also be made to the historic landscape to which the Grade I Registered Park and Garden is designated as.
- 10.29 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.30 The objections raised by the Bardsey Action Group (BAG) seek to refute the point that Section 66(1) is not engaged in the consideration of the current planning application. Instead, BAG argue that a case for enabling development should be

made and that this should be done in accordance with the guidelines published by Historic England in 2008. However, whilst it is recognised that listed building consent is not being sought for any of the listed buildings and structures at the Bramham Estate, the proposed development at Bardsey will not harm any listed buildings, or their setting. Conversely, the proposed development at Bardsey would provide for the maintenance and repair of listed buildings on the Estate by way of a mechanism that would be contained within a s106 Agreement. In this respect, this would engage the “special duty” contained in section 66(1) of the above Act and would be capable of being a material planning consideration for the decision maker.

- 10.31 The applicant, in their pre-application enquiry, provided advice from counsel as to whether the heritage benefits derived from the development in the Green Belt could amount to the very special circumstances needed to justify new development. In considering this information, the local planning authority, raised no objections to this as a matter of principle and accepted the applicant’s legal opinion. Furthermore, whilst there is no guidance in the NPPF as to the nature of “very special circumstances”, the question is for the decision maker and, as long as its acts rationally in reaching its decision, the courts will not interfere. Examples provided within the applicant’s supporting evidence highlight that the Court of Appeal and the Secretary of State have previously determined that the “very special circumstances” test has been met for various developments in the Green Belt which have delivered a number of benefits including new school facilities, economic benefits and of direct relevance, a new housing development to fund repairs to a nationally important heritage asset, Combermere Abbey in Cheshire. Durham County Council also approved a development of 400 dwellings in the Green Belt near Chester-le-Street, to fund restoration works to a number of listed buildings at the Lampton Estate, which also contained a Registered Park and Garden. This therefore demonstrates that the repairs to listed buildings to preserve them and their setting can be considered as constituting the very special circumstances needed to justify inappropriate development in the Green Belt.
- 10.32 This is not enabling development in the context of Historic England’s approach. Instead, the applicant’s case is based upon a set of very special circumstances which are set out at paragraph no. 10.33 of this report. Paragraph 140 of the NPPF provides guidance on enabling development, with the key question being whether the proposal ‘which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from these policies’. However, since enabling development is not an argument that is being advanced here, then the guidance is not significantly material. That said, the 2008 guidance published by English Heritage (now Historic England) provides some assistance in providing practical support as to appropriate methodologies for assessing various aspects of the “very special circumstances” in that planning permission will secure the funding of works of maintenance and repairs to listed buildings.
- 10.33 As well as the restoration and enhancement of the Estate’s heritage assets, the applicant also lists other very special circumstances to support their proposal, with these being:
- The proposal provides a unique opportunity to deliver a high quality development in an exceptional landscape setting, delivering essential investment to secure the future of the nationally and regionally important assets and Grade I Park and Garden confirmed by HE as forming ‘a Heritage Asset of outstanding national significance’.

- This proposal provides beneficial use of the Green Belt in accordance with NPPF objectives as in excess of 8 hectares of open space with footpaths and pedestrian linkages are created at Bardsey. Supporting healthy communities.
- Contribution towards meeting housing needs in the Outer North East Area and assisting local identified needs for 55 two bedroom homes.
- As well as delivering 49 affordable homes.
- Wider community and cultural benefits which will be brought about as a consequence of the proposed development which have the potential to generate new community housing and employment through building conversion projects at Bramham Wider public access to Bramham Park to be opened through a Heritage Open Day (date to be agreed) which is in addition to the existing public access which saw in excess of 150,000 visitors in 2016.
- New economic benefits of the proposals, including the significant investment in the historic fabric outlined above creating construction jobs as well as converted office accommodation and commitment to local training and apprenticeships through the heritage works.

10.34 In taking the identified very special circumstances into account, the local planning authority consider that only the heritage benefits identified can be afforded weight. The other very special circumstances that are advanced are normal planning requirements that would be needed as part of any development proposal and required under other development plan policies. Any residential development of the scale proposed, either on greenfield or previously developed land would need to be of a high quality design, would contribute towards housing need, would need to provide 35% affordable housing, would require an area of Public open Space and would deliver economic benefits. It is therefore concluded that the range of very special circumstances can only be limited to the improvements to the heritage assets at Bramham Park Estate.

### **Heritage Matters**

10.35 As noted above, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the reasons explained above, the Local Planning Authority consider that section 66(1) of the Act is engaged in considering the heritage benefits of the application as constituting the “very special circumstances”

10.36 Section 12 of the NPPF provides guidance on the conservation and enhancement of the historic environment. Paragraph 131 states:

*In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

10.37 Paragraph 140 of the NPPF is also relevant and states:

*Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

- 10.38 Core Strategy Policy P11 relates specifically to conservation and seeks to conserve and enhance the historic environment, including its “legacy of country houses”. The policy states:

*“Enabling development may be supported in the vicinity of historic assets where linked to the refurbishment or repair of heritage assets. This will be secured by planning condition or planning obligation”.*

- 10.39 As stated above, whilst the development proposals are not strictly based on a case for enabling development as described within the 2008 guidelines published by English Heritage (now Historic England), the principles can be regarded as being relevant to this particular case and therefore compliance with paragraph 140 of the NPPF and Policy P11 can be used to determine the application.

#### Current Situation

- 10.40 The current proposals to deal with the identified heritage deficit and are part of a long term strategic vision of the Estate which has evolved over a number of years and are based upon a thorough understanding of the Estate’s finances. The Estate acknowledge that the maintenance of the 27 listed buildings, all of which are over 300 years old, and maintaining them is beyond the cash flow of the Estate.
- 10.41 Based upon a detailed survey and analysis, the Estate estimate that £10.7million (net receipt to be circa.£8.6 million, taking into account professional fees, VAT and promoters fee) is needed to repair a number of these listed buildings over the next 2-4 years. The surveys and costings have been drawn up by Peter Pace Architects who has extensive experience in supervising heritage projects across Bramham Park over the last 12 years as well as other listed buildings such as Castle Howard, Fountains Abbey and Harewood Castle. The Councils’ Head of Conservation has reviewed the reports and information and has carried out detailed site visits to inspect the state of the buildings and structures and has no reason to doubt the findings and cost estimates to repair the heritage assets.
- 10.42 A number of the heritage assets within the Estate are capable of being converted and generating a long term income. However, due to their current state and condition, the amount of investment needed to bring them back into a viable use means that they are not economically viable. Other structures and buildings within the historic landscape could be regarded as follies and structures and will never be capable of generating an income in their own right. Therefore, there is no reason to doubt the heritage deficit identified at Bramham Park Estate which is £10.7million. There are also further projects which would go beyond the figure identified, but these would be less urgent and involve works to buildings in the longer term and to general landscaping.
- 10.43 The Estate do not have any other assets, other than a retail unit within Wrexham which is estimated to have a value of £150,000 and is in the process of being marketed for sale. However, in the context of the £10.7m heritage deficit, this asset is insignificant. The Estate have also sold three of their residential properties within the village of Bramham over the past 3 years at a total net profit of £617,000. In terms of the Estate’s Income, the accounts confirm that maintaining and running The

House, gardens, woodland, in hand farming with wages, insurance and including the amounts spent annually on repairs amounts to a total in the order of £2.1m.

- 10.44 The current income of the Estate derives from the range of public events they hold, together with income from in-hand farming, the woodland and income from rental properties and some filming. In total the income is in the order of £2.6m. After tax, the statement shows that the average annual surplus arising before capital expenditure was £195,000 during the 3 year period. These figures do not include any payments to the family e.g. for wages. The limited surplus generated equates to less than 10% of the total running costs of the Estate. The statement also includes the current bank facilities and borrowings in place across the estate. This shows that the current level is in excess of £6m, with an annual interest cost in relation to the borrowings of £285,000.
- 10.45 Whilst it is clear the Estate is not running at a loss; which for an historic estate of this size and scale demonstrates responsible management, neither are they creating a surplus which would be sufficient to fund the significant heritage works that are now required. It is not feasible for The Estate to fund the works through further borrowing as the repayments at commercial interest rates would be significantly in excess of the surplus available and a loan could not be serviced. This has therefore been ruled out as an option. The applicant's summary demonstrates the Estate is not able to cover the costs of the urgent heritage priorities which are estimated to cost £10.7m. There is a statutory duty on owners to preserve Listed Buildings and their setting and to do so they must look to other sources of income to secure the future of the heritage assets at Bramham Park.
- 10.46 With regard to the current level of public access, the park and garden were first opened to the public in 1952. A permissive circular walk (The Bramham Park Circular Walk) was created and opened in 2014 and provides a 10.2km route around the estate. The path is open and available every day except during the annual Leeds Festival in August. The path offers extensive views across the park towards the house and numerous views of the historic landscape and other listed structures and buildings. The grounds and gardens are open most of the year by appointment on weekdays between 10am and 4pm and outside of major events. The current charge is £4 for adults, £2 for children and £3 for OAPs and students. During 2017, the gardens and grounds were open to visitors for approximately 200 days of the year.
- 10.47 The applicant has provided a list of events from its 2017 schedule which indicate that there were 30 separate events where participation was involved. There were also 13 weekends during the course of the year when events were scheduled, in addition to the Leeds Festival which involved closure of the park to the public during the whole of August and September to allow for set up and clean up processes. The grounds are also closed for 3 weeks in late May and early June due to the Bramham International Horse Trials. The grounds are also not open at weekends or Bank Holidays. The applicant has also provided data on visitor numbers and compared this to similar venues as follows:
- Bramham achieved 348,000 visitor days during the year to September 2016.
  - Castle Howard attracted 270,680 visitors during 2016.
  - Harewood attracted 214,300 in 2015.
- 10.48 Whilst there are no reasons to dispute the applicant's figures which shows a greater level of visitor days than other local heritage estates, according to the applicant's own submitted information, 268,500 of these visitor days were attributed to people

attending the Leeds Festival. From a review of aerial photographs, It is understood that the main gardens are fenced off and closed during the Festival, as are the landscaped gardens to the south east of the permissive footpath where 4 listed structures are located. Whilst some of the visitors may appreciate some of the landscaped setting of Bramham Estate, many areas are restricted and therefore there is no public access which is available. Furthermore, it is highly likely that the vast proportion of the 348,500 visitors are there to enjoy the music and other associated activities, with a lesser emphasis placed on an appreciation of the heritage assets.

#### Income from Events

- 10.49 The Estate currently derive an annual income from a number of organised events which take place throughout the year, together with other sources of income. Some of these events and sources deliver significant revenue for the Estate and can be broken down as follows:

<b>Event / Source</b>	<b>Income Received (4 year average based on 2013 – 2016)</b>
Events (including Leeds Festival, Bramham Horse Trials & other Events)	£1,381,000
Rental Income	£400,000
In-hand Farming	£755,000
Anaerobic Digester Plant	£191,000
Woodlands	£33,000
Other Income	£67,000

- 10.50 The Estate has also made recent investments, and this includes the new Anaerobic Digestion Plant at a cost of £4.8 million. This will supply renewable electricity to the national grid and result in a significant new source of income for the Estate for at least the next 20 years. A further £520,000 investment in a Wood Chip Drying Facility will also bring in further income.

#### Options for Funding

- 10.51 The Estate confirm that they cannot afford to repair heritage assets from the existing cash flow. Furthermore, as a result in significant investment into the Anaerobic Digester and woodchip plant, the Estate is currently heavily leveraged and its accountants have confirmed it cannot support further borrowing at present. The Estate has therefore considered all available options to fund the heritage deficit:

<b>Funding Option</b>	<b>Comment</b>
Improve Cash Flow	The Estate already generates more visitor days than other higher profile Estates and managing these events takes a significant amount of management time. It does not believe it can generate a substantial increase in profit by attracting more visitors. Although cash flow will improve in the medium term as the AD / woodchip plants start to generate revenue and debt servicing costs reduce, this is not a solution to today's cashflow.
Third Party Grant Funding	Grant funding on this scale is not available: Natural England has already made a grant; HE is unable to grant aid the works; as a private estate, The Estate is ineligible for a



	significant grant from the Heritage Lottery Fund and LCC has confirmed it has no grant funding available.
National Trust takes on The Estate	The National Trust would be unlikely to take on Bramham Park due to the lack of the required endowment and ongoing Heritage Deficit.
Asset Sale	The only viable solution.

10.52 Furthermore, the applicant's conservation architect, Peter Pace, has provided an assessment of potential sources of grant funding. It is noted that most Trusts only deal with charitable organisations or registered Trusts, but not with individual or privately owned properties, such as the Bramham Park Estate. The main sources of funding from grant aid have been identified as:

- i) Historic England: Grants are limited and where conversion schemes are unviable, Historic England may as a 'last resort' consider making a grant to a non-beneficial Building on the 'at risk' Register. However, only £1.4m is available for the whole of Yorkshire, and therefore grants would not be high, possibly in the region of only £150,000 on selected buildings.
- ii) The Heritage Lottery Fund: This will not fund privately owned Estates.
- iii) The Country House Foundation: Originally part of a scheme to refurbish Country Houses as residential care homes, the organisation went into voluntary liquidation, sold the many country houses in its portfolio, and invested the capital to form a trust fund giving grants to estates for repairs to the Mansion Houses, and estate buildings throughout England. The maximum grant is £250k, but this is rarely given.
- iv) Listed Places of Worship: A government fund, managed by the Listed Places of worship Commission, which reimburses vat incurred on repairs to listed religious buildings in use. The chapel at Bramham falls into this category with regular public worship services. However in terms of overall financial need at Bramham Park this represents a very small contribution.
- v) Natural England: Grant funding is available to fund landscape restoration schemes. However, the Estate was successfully awarded a grant of £900,000 towards the restoration of the Parterre within the rear formal Gardens of the House. However, today Natural England has confirmed that currently the availability of future grants has been severely curtailed.

10.53 From the information provided above, it is clear that grants available to privately owned Estate such as Bramham Park are limited, and small in relation to the scale of restoration and refurbishment identified. A recent grant was awarded by Natural England for the sum of £900,000 which was used to restore the Parterre which was one of the largest grants ever awarded. It can therefore be concluded that there does not appear to be any other sources of grant funding that are available and the Council's Conservation Officer would not dispute these conclusions.

#### Income Generating Projects

10.54 There are three buildings on the Estate which have the capability of income generation through their conversion and subsequent rentable value. All of these buildings have been proven to be economically unviable to implement, with their respective redevelopment costs far exceeding their value. More detailed information relating to these are included in the Financial Viability section of this report (paragraph 10.64 – 10.91). In summary, these 3 schemes which would generate an annual rental income of £149,800. The buildings include:

- 10.55 The Biggin: This is a Grade II\* listed building and is included on the Historic England register of buildings 'a risk'. Planning permission and listed building consent has previously been granted for its conversion to 7 apartments, but has not been implemented due to the viability of the project. The costs associated with its conversion far exceed the total revenue which could be generated, thereby representing a significant shortfall. An annual rental income of £78,000 could be achieved if the building was brought back into a viable use.
- 10.56 College Farm: This building forms the original farm to The Biggin and is therefore accorded Grade II\* listed status by virtue of lying within the curtilage of this property. Planning permission was originally granted in 2001 for the conversion and single storey rear extension of the building at College Farm to business use, but was never implemented for viability reasons. A successful conversion of the building could generate an annual rental income of £37,500.
- 10.57 Wothersome Farm Buildings: The barns at Wothersome Grange are Grade II Listed Buildings which are vacant and unused by the Estate. They sit in close proximity to Wothersome Grange Farmhouse which is in residential use, rented out by the Estate. The conversion to 2 residential properties would be feasible but would be economically unviable. If converted, the properties would generate an annual rental income of £20,400.

#### Public Access Management Plan

- 10.58 In their planning application submission, the applicant proposes to improve the current level of public access to the Estate and has produced a Public Access Management Plan. This proposes the following which would include commitments set out within any s106 Agreement should planning permission be granted:
- **Park:** Permissive access available to the Park, 7 days a week, free of charge, throughout the year. (See adjacent plan confirming area of the Park). The Park would have to close for events, as necessary, most notably Leeds Festival and Horse Trials. For smaller events, just the relevant area would be closed.
  - A new car park would be created at Terry Lug Farm for this purpose. There would be no charge to use the car park. Parking also available near The Biggin.
  - Way marked routes would be created as suggested walks, but open access available.
  - Signage and interpretation across the park would be provided setting out the history of the buildings and structures and explaining what can be seen from certain viewpoints.
  - A free visitor guide available via the website and at the car park.
  - Improvements will be made to the website to ensure that information regarding public access and events is up to date and user friendly.
  - Maps and other information would be easy to find on the Bramham website.
  - **Garden:** The garden would continue to be open Mondays – Fridays throughout the year. Charge £4 per adult via honesty box plus concessions. Garden would also be open on occasional week-ends – e.g Heritage Open Week-end and other charitable events outside of the regular annual event programme.

- There will be a new 'Heritage Open Weekend' during which the Garden and House will be open.
- The implementation of a Heritage Training Programme with an emphasis on traditional construction skills and techniques and the prioritisation of local employment opportunities.

10.59 The table below also shows how access would be achieved to various parts of the Estate:

Location	Access Arrangements
Access to the Grade I Park	<ul style="list-style-type: none"> <li>• Permissive access to the park, 7 days a week, throughout the year, free of charge. Paths would be closed for major events – e.g. horse trials and Leeds Festival.</li> <li>• A new car park would be created at Terry Lug – no charge for parking. Parking also available at The Biggin entrance.</li> <li>• A number of optional routes would be way-marked giving options for different lengths of walk.</li> <li>• Information boards at key locations.</li> <li>• Interpretation boards at buildings and structures.</li> <li>• All Grade I buildings can be seen or visited within the park.</li> </ul>
Access to the Grade I Garden	<ul style="list-style-type: none"> <li>• Garden open Mondays – Fridays throughout the year for a charge of £4. Garden closed during events.</li> <li>• Garden would be open for occasional week-ends during the year as part of Heritage Week-end offer and other charitable events.</li> <li>• Information boards at key locations.</li> <li>• Interpretation boards at buildings and structures.</li> </ul>
Access to Grade I House	<ul style="list-style-type: none"> <li>• House to be open for annual Heritage Weekend.</li> <li>• Or by appointment throughout the year for parties of ten people or more, for a charge of £10 per person.</li> </ul>

10.60 The proposed public access arrangements represent an improved opportunity for an increase in the number of visitors who are likely to want to visit the Bramham Estate. The creation of a new and free car park within the Estate is considered to be a good addition. The opportunity to allow access without prior appointment is also seen as a positive measure as well as additional signage, interpretation boards, waymarkers, free visitor guide and an improved website. However, access would still be restricted in order to avoid clashes with planned events such as the Leeds Festival and the Horse Trials as well as multiple events during many weekends. Access to the Grade I Garden and Grade I House would also be limited to a number of weekends and many days during the summer months. Access to the House would also be seen as too restrictive, being for parties of ten or more.

10.61 Whilst the Gardens and overall landscape setting is of exceptional quality, visits to the Estate would generally only appeal to a niche market who would have an

understanding and an appreciation of the heritage assets on their value. Due to the lack of other ancillary tourist facilities at the Bramham Estate means that it would be unlikely to attract the range of visitors such as Harewood, Castle Howard or Newby. Although, such ancillary tourist facilities in themselves may not be appropriate in any event at Bramham as they may have a detrimental impact upon the designated heritage assets and spoil and disrupt the very reasons why Bramham Park is regarded as special.

#### Compliance with Heritage Policy

- 10.62 In terms of the impact of the proposed development on the identified heritage assets within close proximity to the site, these being the Bardsey-cum-Rigton and East Keswick Conservation Areas, it can be concluded that the harm is less than substantial. Given the topography of the site and the distance of the Bardsey-cum-Rigton and East Keswick Conservation Areas from the development site, it is considered that a sympathetic form of development could be designed through any subsequent reserved matters application, ensuring that any proposals reflect the local character.
- 10.63 Whilst this outline application does not propose any works to any listed buildings themselves, the benefits associated with allowing the proposed scheme will instead, have direct consequences and benefits to the heritage assets at Bramham Estate. Indeed, the specialist advice provided by the Council's Conservation Officer as well as the representations made by Historic England and Natural England lend support in favour of the conservation approach adopted, but make it clear that it is a matter for the decision taker to balance the overall merits of the proposal in coming to a recommendation. Therefore, it can be concluded that there are significant benefits to the identified heritage assets at Bramham Park that would meet the objectives set out within the NPPF and Core Strategy Policy P11.

#### Financial Viability

- 10.64 The applicant's financial viability assessments were considered by the Council's appointed independent consultant, CP Viability Ltd. The comments below are based upon the initial appraisals and information which was provided:

#### Initial Viability Appraisal Assessment by CP Viability Ltd

- 10.65 We agree with the applicant that the 3 properties identified as being suitable for conversion (The Biggin, College Farm and Wothersome Barns) are all unviable, producing a significant deficit. We therefore agree that these 3 properties will be unable to generate a surplus income which could be used to help reduce the identified repair liability across the wider estate.
- 10.66 However, we disagree as to the extent of the deficit produced. Our findings compare to the applicant's view as follows:

	The Biggin	College Farm	Wothersome Barns	Total
Applicant revenue	£975,000	£416,500	£255,000	<b>£1,646,500</b>
Applicant cost	£2,288,426	£1,016,122	£361,649	<b>£3,666,197</b>
Applicant outcome	-£1,313,426	-£599,622	-£106,649	<b>-£2,019,697</b>

CPV revenue	£1,232,000	£514,706	£255,000	<b>£2,001,706</b>
CPV cost	£2,152,248	£825,772	£344,405	<b>£3,322,425</b>
CPV outcome	-£920,248	-£311,066	-£89,405	<b>-£1,320,719</b>

- 10.67 In total, we therefore conclude that the cost of refurbishing the 3 properties will be approximately £345,000 (rounded) less than envisaged by the applicant. This saving can be used to reduce the overall cost of urgent heritage works from £10,871,855 to £10,526,855.
- 10.68 Furthermore, we also conclude that the value of the 3 properties will be approximately £355,000 (rounded) higher than anticipated by the applicant. Again, this additional capital can be used to offset some of the cost liability.
- 10.69 We would point out that in the applicant's calculations of the urgent heritage works they have not factored in the capital value of the 3 converted properties. It is important that these capital values are factored into the calculations, as these buildings (once completed) could be used as collateral for raising borrowings from third party lenders. For the purposes of the calculation, the capital value of the 3 properties should be deducted from the gross urgent heritage works. We have discussed this issue with the applicant, who agrees that the principle should be applied in this instance.
- 10.70 Taking our figures, this therefore equates to £10,526,855 less £2,001,706. This gives an adjusted net urgent heritage works cost of say £8.525million. This would therefore reduce the amount of capital the applicant would need to extract from the land at Wetherby Road, Bardsey site.
- 10.71 However, the applicant has also raised the issue of Capital Gains Tax ("CGT"). In their original calculation of the urgent heritage works, as well as excluding the capital value of the 3 converted properties, the CGT liability from selling the land at Wetherby Road, Bardsey with a planning consent was not factored in. The applicant has taken advice which suggests this tax liability would be 20% of the uplift in land value (therefore is likely to be a significant sum, somewhere in the region of £2million). The applicant has indicated that they believe this tax liability should also be factored into the calculations. This would therefore increase the amount of capital that the applicant would need to extract from the Wetherby Road, Bardsey site, in order to meet the net adjusted urgent heritage works (which we calculate as being £8.525million).
- 10.72 Normally, viability assessments do not factor in CGT. However, there are circumstances where their inclusion may be permitted. In this regard, we note the Historic England (formerly English Heritage) guidance on "Enabling Development" (June 2012), which provides some comments on this matter. Please note, "Enabling Development" is defined within this guidance as follows:
- 'Enabling development' is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development (Paragraph 1.1.1).*
- 10.73 The Enabling Development guidance has a small section on VAT and capital taxation. The key paragraphs are as follows:

*The impact of capital taxation on enabling development can be a complex matter. Charities, including building preservation trusts, are exempt from tax on most forms of income and gains if they are applied to charitable purposes. The activities of commercial developers, including the disposal of property, are normally taxed as trading profits; whatever the real 'developer's profit' turns out to be will be subject to tax at the prevailing rate of income or corporation tax. (Paragraph 5.13.2)*

*The situation regarding individuals and non-trading companies is much more complex. The sale of land to fund the repair or reuse of a significant place is a 'chargeable event' for capital gains purposes, and the fact that the funds raised must, under a section 106 agreement, be applied to meeting a conservation deficit does not, of itself, change that position. The value added to the land by the grant of planning permission, intended to subsidise the repair of the significant place, will normally be liable to taxation as a capital gain, subject only to standard reliefs and allowances. If, however, the value of the remaining property is not expected to rise by the amount of the section 106 expenditure, there may be scope to apply the principle that any proceeds received for capital gains purposes should be lowered by the difference between the uplift in market value of the remaining property and the amount spent on the restoration. It is of course this difference, the 'conservation deficit', that enabling development should be designed to meet. Analysis of specific transactions is necessary to establish if this principle can be applied. (Paragraph 5.13.3).*

*The tax implications for each individual case should therefore be addressed in detail by the landowners and their advisers. Local authorities should carefully scrutinise exceptional arguments by landowners, to the effect that significantly more enabling development is necessary to address taxation liabilities, given that a key principle of enabling development is that it should meet the needs of the significant place, rather than its owner for the time being. It may be necessary to consider a more tax-efficient mechanism to deliver the desired outcome. (Paragraph 5.13.4)*

- 10.74 In summary, the guidance suggests that the inclusion of CGT is likely to be appropriate in circumstances such as the subject case. However, it also indicates there may be additional reliefs that should be factored in, which would reduce the overall CGT liability. We would therefore strongly recommend that the Council seeks advice in this regard (either legal advice or from a specialist accountant), as the extent of the CGT liability could significantly impact on the amount of capital that needs to be extracted from the Wetherby Road, Bardsey site.
- 10.75 Notwithstanding the above, we have run a residual appraisal of the land at Wetherby Road, Bardsey site, adopting the same scheme as applied by the applicant (i.e. policy compliant scheme comprising 140 dwellings, totalling 166,556 sq ft). Based on our inputs our appraisal shows a residual land value of circa £11.729million. This is therefore approximately £1.15million higher than the land receipt shown in the applicant's appraisal.
- 10.76 We have subsequently re-run the appraisal at a reduced density (i.e. lower number of dwellings) to test how many units would be required to generate a land receipt in the region of £10.5million. Please see Appendix 5 for our findings. This shows that, based on our appraisal inputs, a scheme of 128 dwellings would generate a land receipt at this level.

- 10.77 However, we would stress that our conclusions are likely to be impacted, depending on the appropriate level of CGT liability. Once this position has been confirmed we will look to adjust our appraisals accordingly.

Assessment of Updated Viability Information by CP Viability Ltd

- 10.78 Further to our initial report dated 9th May 2017 and a meeting between ourselves, the Council and the applicant (and their representatives) on 21st May 2017. At the meeting, and following our report, Savills (acting on behalf of the applicant) agreed to revisit their conclusions with regard to The Biggin, Bramham Estate and the main site at Wetherby Road, Bardsey.

- 10.79 Savills have now completed their review and have forwarded updated appraisals dated 28th June 2017. This letter report provides a summary of Savills updated position and our subsequent comments / recommendations regarding their revised appraisals.

The Biggin, Bramham Estate

- 10.80 In their initial appraisal, assuming the proposed conversion works to apartments had been completed, Savills adopted a gross revenue of £975,000. As for the costs of delivering this scheme, including building works, professional fees, marketing and finance (but no profit allowance) this totalled £2,288,426. This therefore left a deficit of circa £1.31million. In our report dated 9th May 2017, given the attractive location and nature of the property, we concluded that the gross revenue was too low. Within our assessment we subsequently adopted an adjusted figure of £1,232,000. We also took the view, based on the BCIS benchmark, that the costs of delivering the scheme were above expectations. Our appraisal showed a reduced cost liability of £2,152,248. This left a reduced deficit of circa £920,000. In short, we agreed that The Biggin was unviable, predominantly due to the listed status of the building and the extensive repair works required. However, we concluded that the amount of 'deficit' that would result from the proposed works was lower than predicted by Savills.

- 10.81 In their amended assessment (dated 28th June 2017, attached as Appendix 1) Savills have adopted an increased revenue of £1.155million, plus adjusted costs of £2,148,246 (therefore marginally below the figure we applied in our assessment). This results in a deficit at circa £980,000, therefore within £60,000 of our original assessment.

- 10.82 The remaining difference between the Savills updated appraisal and our assessment is with regards to the investment yield. We originally adopted 7.5%, whilst Savills have again adopted 8%. This is a relatively small difference in valuation terms. Having reconsidered the position we would be willing to accept the slightly higher yield of 8%. This is reasonable given the nature of the scheme. On this basis, we would be willing to accept the Savills appraisal, dated 28th June 2017, as representing the agreed position regarding the viability of The Biggin.

Land at Wetherby Road, Bardsey

- 10.83 In their initial appraisal, Savills assessed a scheme of 140 dwellings, arriving at a gross aggregate revenue of £42,436,925. The costs for delivering the scheme totalled £31,857,391, which gave a residual land value of £10,579,533. In our initial assessment, we concluded that the end values were slightly below expectations. Our appraisal subsequently included a slightly higher gross aggregate revenue of £42,912,624. Furthermore, we also made adjustments within the developer costs, giving a reduced total of £31,183,747. This resulted in a higher residual land value

of £11,728,877. In other words, we concluded that site would generate a higher land receipt than predicted by Savills in their initial assessment.

- 10.84 Since this time, we have also identified an adjustment in how transfer values should be calculated for affordable units (using the Council's "Leeds Affordable Housing Benchmark 2017-18"). Furthermore, Savills have identified an increase in demand within the regional market for this type of opportunity.
- 10.85 In light of the above, Savills have submitted an updated appraisal (dated 28th June 2017 – attached as Appendix 2) which is again based on 140 dwellings, but adopts a slightly higher density scheme. This increase in density, together with the amended transfer values, results in an increased revenue of £45,549,035. The adopted construction costs are slightly increased to £32,308,119 (in part due to a higher profit that would result from the increased revenue). This generates a residual land value of £13,240,916.
- 10.86 Even allowing for the adjustment in the transfer values, the residual land value now being shown in Savills' appraisal is in excess of our assessment. On this basis, we would be happy to accept this position and use the Savills report dated 28th June 2017 as the agreed position on viability for the land at Wetherby Road, Bardsey.

#### Other matters

- 10.87 In our initial report, we concluded that, with some savings identified in the appraisals, the urgent heritage works at Bramham Estate could be reduced from £10.871million to £10.526 million.
- 10.88 We also noted that this did not factor in the capital value of the 3 converted properties (The Biggin, College Farm and Wothersome Barns). With a combined capital value of circa £2million, theoretically this could serve to reduce the land receipt that needed to be generated from the land at Wetherby Rd, Bardsey, potentially to around £8.5million. However, it was acknowledged that the combined capital values may ultimately be offset by the Capital Gains Tax ("CGT") liability, which had also been excluded from the urgent calculation and had also been estimated at £2million. This would effectively increase the sum that needed to be generated from the land receipt back to £10.5million (or higher).
- 10.89 We previously provided advice in this regard and it was accepted that it was likely that some level of CGT should be included within the calculation, although what this level is remains unconfirmed. However, even at the 'worst case' CGT liability of £2million, the uplifted residual land value of £13.24million would ensure that enough capital would be comfortably generated from the land sale to meet the urgent heritage works, and pay for all professional fees and costs. If a surplus was generated, we are advised the additional revenue would be put towards non-urgent heritage works at the Bramham Estate.

#### Final comments

- 10.90 In summary, we accept the revised appraisals prepared by Savills (and appended to this report) as being the agreed positions on viability for The Biggin and the Land at Wetherby Rd, Bardsey.
- 10.91 Given the specialist content and robustness of the independent advice provided by CPV Viability Ltd acting on behalf of the Local Planning Authority, officers have no evidence or reasons to doubt the accuracy and credibility of the advice given, and would conclude with its analysis and findings.



## Housing

- 10.92 National planning guidance states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm, such that it can constitute ‘very special circumstances’ justifying inappropriate development on a site within the Green Belt. Part of the applicant’s case for very special circumstances contributing to meeting housing need in the Outer North East area and assisting local identified need for 55 two bedroom homes, as well as delivering 49 affordable homes. Although this is unlikely to justify inappropriate development in the Green Belt on its own, it can be considered as having moderate weight within the wide planning context.
- 10.93 The NPPF outlines the Government’s objective of ensuring that the planning system delivers a flexible, responsive supply of housing land. The NPPF requires local planning authorities to maintain a five year supply of deliverable housing sites against objectively assessed needs. The proposal to provide 140 new dwellings will clearly contribute to this national policy objective. In the determination of recent planning applications and appeals, it is clear that the Council does not have a five year supply of deliverable housing sites. Furthermore, the Council is in the process of carrying out a selective review of its housing policy to ensure that those policies are brought up to date. In the meantime, and in the absence of a five year supply, the delivery of housing can be considered to be a benefit of the scheme, albeit one that is unlikely, in itself, to constitute ‘very special circumstances’.
- 10.94 The submitted draft masterplan shows an indicative layout which proposes up to 140 dwellings. In terms of the composition of the development, the applicant intends to provide a range of housing options for the local community which has been informed by survey data compiled as evidence relating to the Bardsey Neighbourhood Plan. A range of house sizes are proposed, which comprise a mix of 2, 3, 4 and 5 bedroom homes. 55 of these would be 2 bedroom properties, 37 of which would be designated as affordable.
- 10.95 The information provided states that up to 140 dwellings will be offered at the following (indicative) mix:

	Policy H4 Min %	Policy H4 Max %	Policy H4 Target %	Bardsey Site Housing Mix %
1 Bed	0	50	10	0
2 Bed	30	80	50	55
3 Bed	20	70	30	25
4 Bed+	0	50	10	54
5 Bed	-	-	-	6

- 10.96 The applicant has submitted a Housing Needs Assessment with the application which analyses current residential market evidence and trends to identify a proposed housing mix that is suitable for the site. Paragraph 50 of the NPPF is relevant and states that the housing mix of the scheme should be aimed to reflect market and demographic trends, with the housing mix identified chosen to reflect local demand and marketability. The submitted assessment reviews the national and local markets having regard to value trends and average house prices in the local area, reviews the mix against Core Strategy Policy H4, takes into consideration the content of the Bardsey-cum-Rigton Neighbourhood Plan, the content of the Council’s SHMA, in order to formulate a mix for the proposed development.
- 10.97 The indicative mix broadly complies with the requirements of Policy H4. As this is an outline application this could be subject to change through the submission of any

future reserved matters. However, for the purposes of the outline application, the proposed housing mix, having had regard to the applicant's Housing Needs Assessment is generally considered to be acceptable.

- 10.98 The affordable housing policy requirement for this area is 35% and the applicants have confirmed that the proposal will be policy compliant which will deliver 49 new affordable homes on site. 37 of these would be two bedroom and 12 three bedroom properties. This would be secured as a planning obligation within a s106 Agreement. The proposal is therefore considered to be in accordance with Core Strategy Policy H5 and also paragraph 159 of the NPPF.

### **Highways and Transportation**

- 10.99 The planning application has been submitted in outline with all matters reserved, save for vehicular access. The masterplan shows that a new vehicular access will be created from Wetherby Road just past the mid-point of the site frontage. Owing to the site topography, a series of embankments will be necessary to create the required gradients which would lead down into the site. The indicative masterplan illustrates that the main access road into the site would split into two distributor roads which would each serve a parcel of land, separated by a central greenspace running down into the site and featuring wet swales. The distributor roads would then feed into a series of smaller cul-de-sacs and courtyards. Parking is indicatively shown within each respective plot which could be within garages and/or open car parking spaces, and within parking courts.
- 10.100 The application is accompanied by a Transport Assessment (TA), the scope of which was agreed with Highways Officers at the pre-application stage. The TA seeks to inform on and assess the key highways related implications of the proposed development. This assesses matters relating to the accessibility of the development, trip generation and traffic assignment, future year flows, operational assessment of junctions (particularly the Wetherby Road / Keswick Lane signalised junction), highway and pedestrian safety, and any highways works that are necessary to facilitate and mitigate the impact of the development. Further information has been submitted by the applicant following discussions and negotiations with the Council's Highways Officer.
- 10.101 The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.
- 10.102 Following consideration of the submitted TA and additional information, it is considered that the proposed site access is acceptable. The revised access design with a radii of 10m and visibility splays of 2.4m x 90m at the junction with Wetherby Road. The internal road is indicated with a carriageway width of 7.3m with footways of 2m on each side and there would be a maximum gradient of 1:12.5 on the inside of the bend entering the site. Additionally, the side road would be provided with a carriageway width of 6m with footways of 2m on each side. On balance, the access road details are regarded as adequate for the purposes of providing access to a residential development in the order of 140 dwellings.

- 10.103 The revised plan shows proposed works on Wetherby Road to support the introduction of the new site junction. The works would include road widening to create a ghost island right turn lane; a proposed traffic island; a new footway on the opposite side of Wetherby Road (to connect to an existing bus stop) and a relocation of the 30mph speed limit with associated signage/road markings etc. However, whilst the proposed works are regarded as acceptable in principle, for the avoidance of doubt it should be noted that the proposals can only be regarded as indicative at this stage i.e. the off-site works would be subject to detailed design as part of the required S278 procedures (should planning permission be granted).
- 10.104 Adequate forward visibility can be achieved in both directions. In terms of the impact on the local highway network, it is considered that the submitted modelling demonstrates that the impact of a development of up to 140 dwellings would not have a significant impact. The TA concludes that both the site access and the nearby signalised junction would operate with adequate capacity during all of the tested scenarios, taking account of both the development traffic and committed development traffic (i.e. a recently approved housing development at Collingham).
- 10.105 It is noted that a number of revisions would be needed in order that Highways Officers could support the submit layout. However, it is acknowledged that the layout is indicative only given the outline status of the current application, and therefore any amendments that would be necessary could be achieved and delivered through any subsequent reserved matters submission. Likewise, parking requirements for each dwelling plus visitor parking would need to be provided on any subsequent detailed layout. Furthermore, a number of off-site highway works would be required as part of the development and these could be secured through a s278 Agreement if permission was granted.
- 10.106 With regard to the site's accessibility, it is noted that the site does not fully meet the Core Strategy Accessibility Standards. The centre of the site is just about within the designated 400m distance of two bus stops on the A58 Wetherby Road and there would be the potential for a pedestrian access connection to the bus stops on Keswick Lane. These routes are served by the services X98, X99 & 923. However, only the X98/X99 provides a service to Leeds City Centre and the combined service frequency (2 buses per hour) does not meet the designated standard of 4 buses per hour to a major public transport interchange (defined as Leeds, Bradford or Wakefield).
- 10.107 There are two small retail units within the 1200m distance for local services (near the A58/Keswick Lane traffic signals), but the nearest collective of services is within the centre of Collingham. However, at around 3km away these are well outside the designated 1200m (or 15 min walk distance) of the site. Furthermore, there are limited services within East Keswick (e.g. post office) and Bardsey (e.g. public house) and both of these locations also fall outside the aforementioned 1200m walk distance.
- 10.108 The nearest primary school (Bardsey Primary School – Woodacre Lane) is within the designated walk distance of 1600m (20 minute walk time) but the quality of the walking route is generally poor being mostly along narrow footways that are well below the normally accepted requirement of 2m width. The nearest medical facilities (Church View Surgery, off School Lane, Collingham - over 3km away) and the nearest secondary education facilities (Wetherby High School or Boston Spa High School – each over 6km away) fall well outside the designated walk distance of 1600m & 2400m respectively.

10.109 In summary, it is considered that the site falls short of the Core Strategy Accessibility Standards for access to local services, employment, secondary education and town/city centres. Accordingly, the acceptability of the principle of a significant level of residential development in this location, which does not fully meet draft Core Strategy Accessibility Standards, requires further consideration in the light of the current site allocations process, housing need in this part of the city and other planning merits. Taking these factors into consideration and the fact that several other proposed new housing sites within the Outer North East Housing Market Characteristic Area do not meet the accessibility standards and have been reused for non-compliance with the accessibility standards, the proposed development is, on balance, not considered to be acceptable, and the poor accessibility of the site forms a reason for refusal.

### **Flood Risk**

10.110 Core Strategy Policy EN5 relates specifically to flood risk and states that the Council will manage and mitigate flood risk by utilising a number of measures. With relevance to the current planning application these include:

- Avoiding development in flood risk areas, where possible, by applying the sequential approach and mitigation measures outlined in the NPPF;
- Protecting areas of functional floodplain from development;
- Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigation where appropriate;
- Reducing the speed and volume of surface water run-off as part of new build developments;
- Making space for flood water in high flood risk areas;
- Reducing the residual risks within Areas of Rapid Inundation.

10.111 In terms of the Natural Resources and Waste Local Plan, Policy WATER 3 requires that development is not permitted on the functional floodplain, while Policy WATER 4 states that all developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site. Within Zones 2 and 3a proposals must pass the sequential test, make space within the site for storage of flood water and not create an increase in flood risk elsewhere. Policy WATER 6 provides technical guidance on what flood risk assessments need to demonstrate in order for the LPA to support new development. Finally, Policy WATER 7 relates to surface water run-off which seeks to ensure that there is not increase in the rate of surface water run-off to the exiting drainage system with new developments. New Development is also expected to incorporate sustainable drainage techniques wherever possible.

10.112 The Environment Agency (EA) flood map indicates approximately 70% of the site to be in Flood Zone 1 (low risk of flooding), with the remainder in Flood Zone 2 (medium risk) and Flood Zone 3 (high risk). Flood Zone 3 is limited to a narrow strip of land adjacent to Collingham beck. The Environment Agency Predicted Flood extents map shows all of the developed area of the site within Zone 1. The site development platform where the proposed 140 dwellings would be located will therefore be limited to those areas of the site above the 1 in 100 year flood outline (i.e. Flood Zone 1). As such the proposals fully satisfy the flood risk Sequential Test.

10.113 The planning application is supported by a Flood Risk Assessment. This document focusses on describing what sources of information and data have been used;

describes the ground conditions in terms of the geology, hydrogeology and hydrology; the flood zone designation; historical records of flooding; surface water and groundwater flooding; and a run-off assessment. The FRA therefore assesses the potential for flood risk arising from the development and recommends any mitigation measures that may be required.

- 10.114 In terms of the applicant's strategy towards flood risk and drainage, the proposed development platform immediately adjacent to the 100 year flood contour is to be raised 600mm above to cater for the Climate change event for the lifetime of the development. The principal source of flood risk to the site is from Collingham Beck. And this proposal only seeks to develop areas of the site within Flood Zone 1, but will seize an opportunity to increase the volume of the flood plain area by reducing an area of the wildlife park by 300mm. This will produce an increase in storage capacity in the order of 8,000m cubic metres. Implementation of the additional flood storage area on the lower parts of the site within Zones 2 and 3 will ensure that the development remains safe throughout its lifetime, will not increase flood risk elsewhere, significantly reduce risk further downstream in extreme events. The creation of the park area therefore will deliver improved flood storage compensation and will be of benefit.
- 10.115 Safe, dry access to the developed site will be provided off Wetherby Road, while following completion of the development, the impermeable areas at the site will increase. An outline surface water scheme has been developed which demonstrates that surface water runoff can be sustainably managed on site and post development peak runoff rates would be significantly reduced. A number of wet and dry swales are also proposed as part of the development as well as attenuation basins. As well as dealing this surface water run-off in a sustainable way, this will also help improve the ecology within the area.
- 10.116 A number of discussions have taken place with the Environment Agency and Leeds' Flood Risk Management Officers relating to the submitted FRA. A meeting has also taken place with representatives of the Bardsey Action Group on the matter of flood risk to better understand their concerns and information and local knowledge that they hold in order to factor such information into the applicant's flood risk modelling and to help advise the technical consultees. This resulted in further discussions and the submission of a supplementary FRA. The illustrate masterplan was also amended so that all building platforms would to be located outside the 100 year flood level which alters the recommendations previously put forward in the original FRA which has now been superseded by the supplementary FRA.
- 10.117 Following re-consultation with the EA and FRM Officers based upon the updated information, no objections were received from both consultees subject to the imposition of a number of planning conditions. Therefore, the applicant has demonstrated that the proposal would be policy compliant with regard to flood risk.

### **Design & Layout**

- 10.118 An indicative masterplan has been submitted that identifies where the residential development within the site would be situated. The submitted layout shows a varied mix of detached, semi-detached and terrace dwellings located on the upper part of the site, away from the flood risk zone. The lower part of the site comprises the proposed public park and ecology areas that would be delivered as part of the development. The submitted illustrative masterplan indicates that a series of boardwalks could be provided as well as a community orchard.

- 10.119 Either side of the proposed vehicular entrance point it is proposed to have landscaped areas of Greenspace with a centralised green area running almost centrally through and down into the site leading towards the public park. This therefore splits the residential areas into two elements, both of which would be set back and angled from Wetherby Road. This would allow for the retention of the existing hedgerow which forms the site's frontage. Distributor roads are shown to lead into more private courtyards and cul-de-sacs on the submitted layout. Informal planting is proposed at the lower (north western) edge of the residential development to act as a buffer to the proposed public park.
- 10.120 The density of the proposed development (based upon the upper part of the site only and excluding the proposed public park) equates to 26.7 dwellings per hectare (DPH). Core Strategy Policy H3 seeks to achieve a density of 30 DPH within smaller settlements. The policy also notes that special consideration should be given to the prevailing character and density of the surrounding area in order to ensure that the development will not be at odds with and harmful to that established residential character. The applicant's submitted character appraisal of the area notes that the area to the south west within The Drive has a density of approximately 22.7 DPH, while the land to the north east within First Avenue has a density of approximately 9 DPH. A density of only 9 DPH is very low and not typical of the wider area which has a much higher density. Whilst the masterplan is indicative only, a development comprising a density of 26.7 DPH is below the density sought by Policy H3, but slightly higher than the immediate prevailing character.
- 10.121 The submitted masterplan layout also shows a layout which locates car parking areas into courtyards and streets where cars may dominate some street frontages. However, it is noted that the layout is indicative only and it would be possible to achieve a layout that satisfies the principles of good design laid out within Core Strategy Policy P10 and the guidance within the SPG Neighbourhoods for Living. Furthermore, whilst the density is slightly higher than the density of development within The Drive, the indicative nature of the scheme should not, in principle, prevent an acceptable scheme coming forward as part of any Reserved Matters that does not harm the character of the area.
- 10.122 In any event, the application includes illustrative sections and possible streetscenes of how the development could be laid out. This demonstrates that in principle, good design could be achieved through site topography and landscape mitigation, to ensure that the development would not look out of character with and harmful to the established pattern of development in this locality.
- 10.123 A development with only a single access point is not necessarily ideal, although the number of units only totals 140. A secondary access is proposed from The Drive, although this is not a permanent vehicular route (although it may be used in the event of an emergency) and instead is a pedestrian and cycle route in order to promote connectivity. However, the general layout appears well connected and subject to detailed consideration at reserved matters stage to assess space between dwellings, garden sizes etc. the indicative layout is supported. The overall density is 26.7 dwellings per hectare and that is considered to be a reasonable density that can be delivered on this site.
- 10.124 The proposed new public park is located to the rear of the proposed housing and measures approximately 7 hectares. This is twice the size of the nearby Bardsey Cricket Club. The park would be accessible for new residents as well as existing residents of Bardsey with improved connectivity through the provision of a pedestrian and cycle link to The Drive. This area of land would also double up as an

area of flood compensatory storage from the adjacent beck. This is significantly above the on-site requirement advocated by Core Strategy Policy G4 (which is currently the subject of review) and therefore is a positive element in the overall development which should be weighed up favourably in the planning balance exercise. In summary therefore, it is considered that based upon the submitted illustrative masterplan and the fact that a detailed layout would be considered further through any subsequent reserved matters submission, the proposed development could result in a high quality development that would be sympathetic to its surroundings and compatible with the design policies set out within the Core Strategy and the Bardsey-cum-Rigton Neighbourhood Plan.

### **Landscape Impact**

- 10.125 The application site forms part of the Wharfe Valley southern slopes Special Landscape Area which notes the steep north-facing escarpment slopes with scattered woodlands descending to the flat but well-treed arable land to the south of the river. It notes that there are fine long distance views across the valley from many lanes and other viewpoints on the crest of the escarpment. The positive factors of the SLA are its strong structure and visual unity, interesting topography, high scenic quality, attractive groups of buildings, landmarks, natural or semi-natural woods, trees, and hedgerows.
- 10.126 Saved Policy N37 of the UDPR states that development will only be acceptable provided it would not seriously harm the character and appearance of the landscape and that the siting, design and materials of any development is sympathetic to its setting. Saved Policy N37A also notes that all new development within the countryside should have regard to the character of the landscape and maintain particular features which contribute to this, and where appropriate, contribute positively to restoration or enhancement objectives by the incorporation of suitable landscape works.
- 10.127 Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the Natural Resources and Waste DPD state seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal of trees is agreed in order to facilitate development, suitable tree replacement should be provided.
- 10.128 The application is accompanied by a tree survey and a detailed aboricultural impact assessment, as well as a Landscape Statement. The tree survey identifies that there are 67 individual trees, one group of trees and 9 hedges within or adjacent to the site. Of these, 17 trees of high quality and value (A category) were identified in the survey, 5 of which are located in the application site. 19 trees and 7 hedges were identified of being of moderate quality and value (B category), while 30 trees and 2 hedges were identified as being of low quality and value (C category). 1 tree was identified as being unsuitable for retention (U category). Of the 67 trees surveyed, only 5 trees are proposed for removal to facilitate the proposed development. These include 2 Oak trees 2 Hawthorn trees (all C Category) and 1 Alder (U Category). Three hedges require sections removing to accommodate the new highway junction and footpaths. It is considered that the loss of these trees can be accepted because the extent of loss in relation to the extent to existing tree cover and size of the proposed development is extremely negligible. Furthermore, the amount of new trees that would be planted to compensate for their removal and to soften and enhance the residential development would be significant, resulting in a substantial

uplift in the number of overall trees within the site. These are shown on the submitted illustrative masterplan and therefore there are no reasons to doubt that a substantial and quality landscaping scheme could be provided in accordance with Policy LAND 2 of the Natural Resources and Waste Local Plan and Policy BE3 of the Bardsey Neighbourhood Plan.

10.129 A number of concerns were initially raised by the Council's Landscape Architect over the impact of excavation that would be needed to facilitate the proposed new vehicular access into the site from Wetherby Road. Due to the difference in levels it would be likely that the level of excavation required would impact upon the root protection area of the Oak tree which site between the hedge fronting onto Wetherby Road. However, following the submission of further information the applicant has demonstrated that it would be possible to install a retaining structure around this Oak tree to protect the root protection area (RPA), while revisions have taken place to the private drives and footpaths to avoid the RPAs of trees towards the centre of the site.

10.130 The applicant's Landscape Statement in support of the proposal concludes that the masterplan responds to the site's inherent qualities, landscape character and visual setting in the following ways:

- Maintaining an extensive area of green space at the northern side of the site to retain a sense of openness within views from East Keswick. 63% of the site will remain open and undeveloped.
- Conserving and enhancing woodland along the Keswick Beck, which will reduce the visibility of the housing in views from the north.
- Creating a lower density development and looser arrangement in the northern part of the site adjacent to Keswick Beck Ings to retain a more open character in views from the north.
- Maintaining a green corridor link between the Keswick Beck and Wetherby Road, to retain long views across the valley.
- Retention of the majority of hedgerows and trees with significant additional tree planting to provide visual buffering of the development, resulting in a net gain in tree cover.
- Strengthening roadside planting along the A58 with additional tree planting to limit the visibility of the proposed housing.
- Responding to the topography of the site, with development set back from the Wetherby Road where the ground is highest. This will limit the visibility of proposed buildings.

10.131 The visual impact of the proposed development is an important consideration, not least from views from East Keswick and East Rigton. Due to site location and topography, views of the development site from East Rigton and East Keswick would be limited and would not break the skyline and tree line from these villages. However, the development of the upper part of the site to accommodate the proposed 140 dwellings would be seen from Wetherby Road at numerous vantage points. According to the submitted masterplan, the development of the site would incorporate houses which would be two storeys, some of which would include dormers within their roof. Whilst appreciating the difference in levels, it is considered that views into the site from Wetherby Road and other vantage points would result in the appearance of an urbanised landscape with the dwellings and rooftops of those dwellings being prominent. This would erode and would be harmful to the Special Landscape Area which currently comprises of open agricultural fields set against a watercourse and trees towards the gentle slopes of the site. The presence of an



urbanised development would block such views from Wetherby Road, contributing to the loss of openness and harm to the SLA. This was a view that was also reached by the Inspector in considering whether to remove the site from the Green Belt as part of the UDP review. Since then, nothing has changed in physical terms and with regard to the SLA to reach a different conclusion to the Inspector. Therefore, whilst I appreciate the limited tree loss and significant tree planting that would result, it is considered, on balance, that the proposals would be harmful to the SLA.

### **Ecology**

- 10.132 Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. The application includes a detailed ecology survey and a biodiversity calculation. The ecology survey concludes that the site is of low ecological importance, although the woodland, watercourse, mature trees and hedgerows provide greater ecological interest and should be retained. The submitted report notes that there could be minor impacts on bats and birds and therefore a number of mitigation measures are proposed. It is noted that Himalayan balsam is present on the site and should be controlled. A landscaping scheme of native planting together with the provision of bat and bird boxes is proposed as part of any detailed scheme.
- 10.133 Following advice from the Council's Nature Conservation Officer, it is noted that the proposed development would seek to deliver biodiversity enhancements. Should permission be granted, conditions are recommended which relate to both biodiversity protection and enhancement, while detailed consideration would need to be given to the management of areas of the site of ecological importance. This would be dealt with through any reserved matters and planning conditions should outline permission be forthcoming.

### **Impact on Living Conditions**

- 10.134 Based upon the indicative illustrative masterplan, there is no reason to doubt that a residential development of up to 140 dwellings on this site could be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance and loss of sunlight and daylight. The residents who could be potentially most effected would be those who share a boundary with the site and include the properties within First Avenue, The Drive and the dwellings which form a relatively new development close to the signalised junction towards the southern corner of the site. Adequate separation distances could be achieved as required by the guidance set out within Neighbourhoods for Living, while existing trees could be retained and new trees planted to mitigate the impact on any new development. This would be considered further in any subsequent reserved matters submission.
- 10.135 In terms of the amenity to be afforded to potential future residents of the development, based upon the illustrative masterplan, it is considered that a well-designed layout in the manner shown would give new residents a pleasant and attractive living environment. All dwellings would need to comply with the National prescribed Minimum Standards and again, this would be dealt with at any future reserved matters stage.

### **Loss of Best and Most Versatile Agricultural Land**

- 10.136 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.137 It is understood that the application site is grade 3 therefore the site is not within the 'best and most versatile' category.
- 10.138 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 10.139 The application site is just under 14 hectares and its loss is not considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.140 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 14ha is considered to further diminish any requirement to maintain this piece of land for agriculture. Despite there not being a statutory requirement to consult Natural England, a consultation was sent regardless. Natural England did not raise any objection to the principle of the loss of this agricultural land.
- 10.141 The application site forms a very small percentage of Bramham Estate's land, the majority of which is farmland and therefore the loss of 14ha of agricultural land would not result in the loss of farming within the area as the existing farms could continue to operate.

### **Archaeology**

- 10.142 Saved UDPR Policies N29 and ARC5 relate specifically to archaeology and are relevant.
- 10.143 The application includes an Archaeological Heritage Assessment which concludes that although there would be some impact on views from the Conservation Areas of East Rigton and East Keswick, this would not harm the significance of these designated areas, or ability to appreciate the form, development and character of these settlements. The assessment also notes that the proposed development would have direct impact on any below ground archaeological remains at the site, and it is recommended that a programme of archaeological evaluation be

implemented, to allow the archaeological potential of the site to be ascertained, and an appropriate scheme of mitigation designed. This work should be designed following consultation with WYAAS. The consultation response from WYAAS provides a historical analysis of the site and advises the LPA to attach a condition such approval be granted requiring an archaeological evaluation. Therefore, in terms of the impact on archaeology, the proposed development is considered to be acceptable.

### **Land Contamination**

- 10.144 The NPPF emphasises the need to deliver sustainable development and within this context, the need for planning policies and decisions to encourage the effective use of land by re-using land that has previously been developed. Policy LAND 1 of the Natural Resources and Waste Local Plan states that to ensure the risk created by actual and potential contamination is addressed, developers are required to include information regarding the status of the site in terms of contamination with their planning application. The application was accompanied by a Phase I site investigation report. Following specialist advice from the Council's Contaminated Land team, it is advised that a Phase 2 report is submitted and this could be conditional upon any outline consent being granted. Therefore, at this stage matters relating to contamination could be dealt with at the reserved matters stage and through the imposition of planning conditions.

### **Planning Obligations and CIL**

- 10.145 If officers had been minded to recommend approval of the application then a detailed Section 106 Agreement would have been required. This would have secured the provision of 35% affordable housing on site, contributions towards sustainable modes of transport, the delivery of an approved travel plan, the delivery and management of the park and other areas of open space and local employment and training clauses. The applicant and officers have discussed these obligations as part of the wider discussion relating the development overall, and it is the applicants position that all of these measures would be delivered as part of any approval.
- 10.146 A key aspect within the Section 106 would have been the requirement that the capital receipt for the Bardsey site funds the schedule to works to the heritage assets at Bramham as identified on an agreed schedule. In addition, the proposals put forward to improve public access to the Estate as contained within the Public Access Management Plan would also form an element of the legal agreement. The applicant, again, has agreed that these would have been some of the key obligations within the s106 should officers have been minded to recommend approval.
- 10.147 The development is CIL liable and the applicants estimate that the scheme could generate a total levy of £1,300,000. 25% of this (£325,000) could be directed towards the Bardsey parish given that the Neighbourhood Plan is now made.

### **Sustainability**

- 10.148 Another key factor will be whether the applicant can demonstrate that a sustainable form of development can be achieved. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The NPPF suggests that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. In reaching a view on this regard will have to be had to the range of

facilities in the local area and what contribution that they make to reducing the need to travel by private car, public transport provision. The sustainability credentials of the development can also be enhanced through the design and construction of the buildings and matters such as drainage provision. It should be noted that there are limited facilities within Bardsey and the local primary school has limited additional capacity.

- 10.149 The proposed residential development provides a housing mix to meet an identified housing need, including the provision of affordable housing which would provide for a balanced and mixed community. However, given the location of the site and the fact that it does not meet the Council's accessibility standards, means that residents would be reliant on the use of the private car to access the range of services, including employment and retail destinations.
- 10.150 It is acknowledged that the proposed development would provide a large new public park that would be accessible to the local community, which would help promote a healthy community. Improvements to the public accessibility of the Bramham Estate would also be seen to have some benefit, especially when linked to the restoration and refurbishment of a number of valuable heritage assets which would have a social cultural value. However, access to these assets would be limited to those with access to the private car, with no public transport available to provide access from Bardsey to the Bramham Estate.
- 10.151 In environmental terms, whilst the site would be lost in perpetuity to development, any ecological impact would be mitigated and improved upon with the introduction of significant levels of landscape planting and sustainable drainage areas that would improve the ecological value.
- 10.152 With regard to meeting the challenges of climate change, the applicant's Design and Access Statement notes that new development would incorporate high standards of sustainable design and construction. The development would also provide enhanced flood storage benefit and would reduce the risk of flooding locally.
- 10.153 Taking into consideration of all of the above factors, on balance, it is not considered that the proposed development constitutes sustainable development because the proposals results in the loss of Green Belt land which in itself would not be sustainable. The site is also located in a poor located in terms of accessibility where access to a range of services and public transport is limited. The proposals are considered to conflict with the policies contained within the development plan and are thus are not considered to represent sustainable development.

### **Planning Balance**

- 10.154 Paragraph 14 of the NPPF notes the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the Framework indicate development should be restricted. Specific policies in the NPPF therefore restrict development in the Green Belt (*footnote 9*) and therefore the planning balance tests contained within paragraph 14 are not applicable. However, Officers have nevertheless carried out a balancing exercise noting the benefits and adverse impacts of the development.

10.155 It is considered that the potential adverse impacts of the proposed development comprise:

- i) There is conflict with saved UDPR Policy N33 in that the proposal represents inappropriate development within the Green Belt. The Local Planning Authority have considered the very special circumstances put forward by the applicant, but in this instance Officers consider that these have not been fully demonstrated and thus, the proposal is inappropriate development. This carries significant weight in the decision making process.
- ii) The development would result in the loss of openness and harm to the character of the Green Belt which would be permanent and irreversible. This carries significant weight in the decision making process.
- iii) The Local Planning Authority consider that the proposed development conflicts with saved UDPR Policies N37 and N37A as it would be harmful to the Special Landscape Area. This therefore carries significant weight in the decision making process.
- iv) The proposed development would result in the loss of agricultural land. The scale of the loss would be limited to the size of the application site (i.e. 13.9ha) and hence is below the scale of 20ha which DEFRA consider significant. The loss of this agricultural land is not therefore significant in the opinion of officers. It is considered that the harm ascribed to this issue is limited.
- v) The proposed development does not meet the accessibility requirements set out within Core Strategy Policy T2. The site is not within appropriate walking distances of services and facilities and bus routes. Residents of the development site would also have use of the private car which may have limited harm to the environmental dimension of sustainable development. I consider that the harm ascribed to this issue is limited.

10.156 The material issues that weigh in favour of the proposed development are:

- i) The proposals will result in significant financial investment towards a number of important listed buildings at the Bramham Park Estate which enable significant restoration and refurbishment. Given the importance of such heritage assets and the scale of restoration it is considered that this should be afforded moderate to significant weight.
- ii) As part of the measures put forward by the applicant, public access to Bramham Park Estate will be improved. Given that this is only likely to appeal to a number of individuals due to the unique nature of the Estate and would still incur entrance/car parking charges, then this is considered to carry limited weight.
- iii) The proposals can deliver up to 140 dwellings, with the majority of those being built out and occupied within the short term and hence this site would contribute up to 140 dwellings to the 5 year land supply. It is considered that moderate weight should be ascribed to this issue.
- iv) The scheme would also deliver 49 affordable homes, although that would be a normal planning requirement for any development site in this area. The provision of affordable homes carries moderate weight

- v) The proposed CIL contribution and New Homes Bonus that would be delivered through the proposed development would be of some benefit to the local community. However, part of this would be used to help mitigate the impact of the proposed development and therefore this is considered to be of limited weight.
- vi) The proposed development and the linked heritage projects on the Bramham Estate will generate construction jobs and contribute to the local economy. It is considered that moderate weight should be ascribed to this issue.
- vii) The application site is currently a private agricultural field with no public access. The proposals would provide for public access to the site and would provide public open space as part of a detailed housing scheme. This would therefore improve public access to the site and provide public open space facilities which would be of benefit to the community. It is considered that limited weight should be ascribed to this issue.

10.157 The Local Planning Authority have shown above that the potential adverse impacts of approving the proposed development are significant and limited, whilst the material issues that weigh in favour of the proposed development are moderate and limited.

10.158 It can therefore be concluded that as well as being contrary to the development plan and paragraph 89 of the NPPF, the significant adverse impacts of approving the proposed development and granting planning permission would significantly and demonstrably outweigh the benefits as a whole. It is therefore considered that the significant conflict with the development plan and identified harm are not significantly outweighed by the contribution that the appeal proposal would make to the supply of housing and the other identified benefits that accrue from it.

### **Consideration of Objections**

10.160 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.

- Impact on local services including doctors and schools – *The development, if permitted, would result in CIL payments which would result in contributions to help improve schools in the local area to cater for the needs of additional children that the development would yield. The provision of any additional healthcare needs lies outside the scope of this planning application, with the duty to provide these services by the NHS.*
- Lack in investment and bad financial management by the Estate – *This is a matter for the applicant to address, with the culmination of the submission of this application to address the heritage deficit. It is not for the LPA to comment on the financial management of the Estate.*
- The proposal is unethical – *This is not a material planning consideration.*
- Other sites closer to the Estate should be considered first – *Any alternative development site closer to Bramham House would likely to have a detrimental impact on the Grade I Park and Gardens and listed buildings, while it would also be less sustainable than the chosen site at Bardsey which sits adjacent to residential development and located on a public transport route.*

- Brownfield land should be considered first – *The applicants do not own a large brownfield site that could be developed to realise the capital needed to invest on the heritage works.*
- National Charities (eg. National Trust) should be considered to manage the Estate – *The applicants have considered this possibility, but it is their intention to retain the house and estate as a family house.*
- Bramham Estate is not publically accessible – *The Estate are seeking to make the gardens more accessible through their Public Access Management Plan.*
- The views of the local community are being ignored – *The Local Planning Authority have considered the representations made by local residents as part of the decision making process.*
- Need to look at example of how other historic Estates are run – *The scale and nature of Bramham Estate is very different to that of the large Estates such as Harewood House, Alnwick Castle, Newby Hall and Castle Howard, and therefore direct comparisons cannot be made.*
- The Site Allocations Plan process should be allowed to proceed first – *There is a statutory duty to ensure that local planning authority's determine planning applications when they are submitted. A prematurity reason for refusal can be put forward, but based on the individual merits of this case it is not considered that a prematurity argument could be substantiated and is of material relevance since the proposal is based upon the applicant's very special circumstances.*
- Queries raised over the financial information and statements put forward by the Estate and their accountants – *The financial information has been independently assessed by the Council's consultant who considers the information to be fair and reasonable.*

## 11.0 CONCLUSION

- 11.1 The proposed development is located within the Green Belt and is contrary to saved Policy N33 of the Unitary Development Plan (Review 2006). Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan, unless material planning consideration indicate otherwise.
- 11.2 The proposed development is, by definition, inappropriate development within the Green Belt, and the development of up to 140 dwellings would have a detrimental and irreversible impact on its openness and character. It is thus, contrary to the development plan and guidance contained within the National Planning Policy Framework.
- 11.3 Officers acknowledge the significance of the heritage assets at the Bramham Park Estate and their current condition which concludes that significant investment is required in order to address the heritage deficit. Officers have also carefully considered the very special circumstances put forward by the applicant and after detailed consideration, on balance, consider that a case for development has not been proven. The harm to the Special Landscape Area and conflict with saved Policies N37 has also weighed against the proposed development. Other matters have also been taken into consideration, including the provision of new housing, including affordable housing, improvements to flood risk, the provision of a new park

and opportunities for ecology as well as the economic, social and environmental benefits.

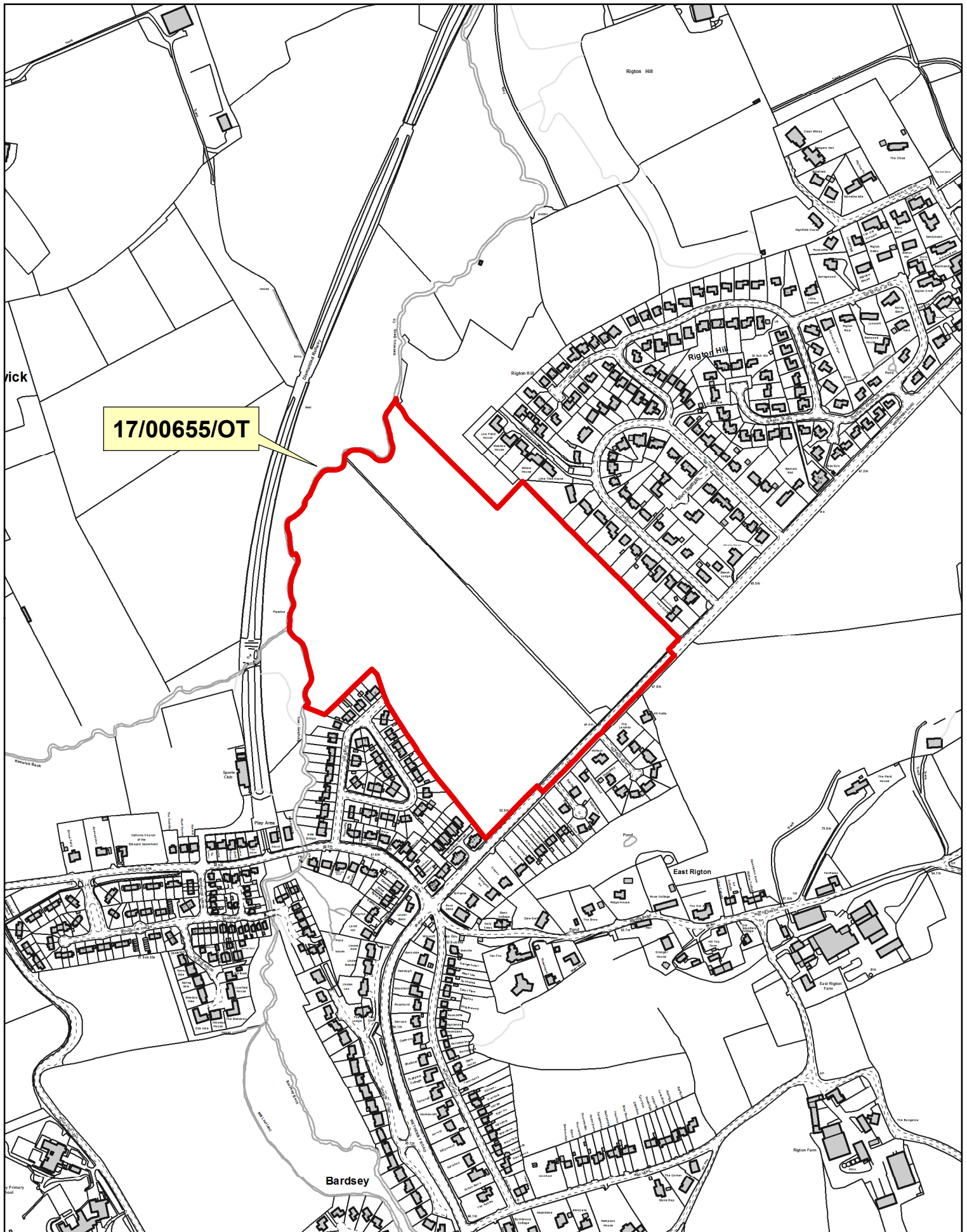
- 11.4 The proposed location is also not sustainable for residential development. The site fails unacceptably to meet the accessibility standards for housing and is contrary to Policies SP1, T2 and H2 of the Leeds Core Strategy and saved Policy GP5 of the adopted UDP Review, and also guidance within the National Planning Policy Framework.
- 11.5 In conclusion, the decision to be made in this instance relates to where the balance lies of that being the preservation of the Green Belt or the restoration of heritage assets at the Bramham Park Estate, as well as noting the site's accessibility. Taking into account all factors, officers consider that as well as not meeting the accessibility standards, the harm to the Green Belt is significant and is not outweighed by the special regard to the desirability of preserving the heritage assets, and is thus, recommended for refusal.

**Background Papers:**

Pre-application file: PREAPP/15/00882 and application file 17/00655/OT

Certificate of Ownership: Certificate A signed by the agent.





# NORTH AND EAST PLANS PANEL

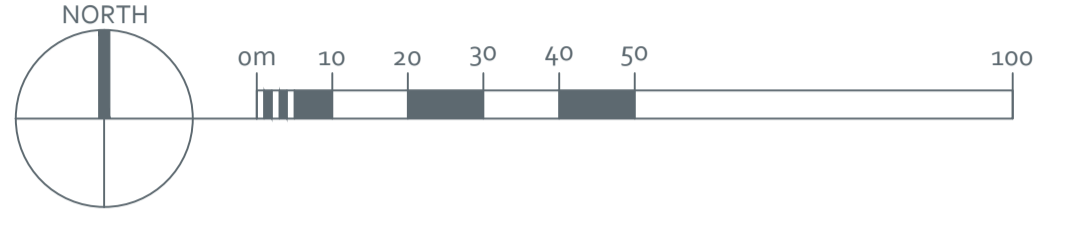
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SCALE : 1/6000



FOR ILLUSTRATIVE PURPOSES ONLY



- Key**
- Existing trees (with root protection zone shown dotted)
  - Existing hedge rows
  - Existing trees to be felled for development
  - Existing portions of hedgerow to be removed for development
  - Proposed trees and wildflower areas
  - Proposed houses and garage blocks
  - Proposed car port structures
  - Proposed wet swale



F	Tree planting updated to suit The Landscape Agency drawing 99-100 Rev C	MB	09.05.2017
E	Port planning submission amended: Retaining structure around tree T1 (around embankment), private drives and footpaths amended to suit RPA's of trees T3a, 25, 26 & 27. All proposed trees within raw water easement zone omitted. Raw water easement zone shown dotted. Position of selected dwellings moved to keep raw water easement zone clear of private gardens	MB	27.04.2017
D	Landscaping updated to consultant's current layout	IG	23.11.2016
C	140 dwellings shown, development line moved to 37.210 contour, illustrative house types amended to reflect minor change to mix, adjustment to open parkland area, beck crossing point moved north	MB	11.11.2016
B	Link from Keswick Court omitted	MB	21.10.2016
A	Updated to suit tree data	MB	13.10.2016
Rev.	Description	By	Date.