



**Report of the Chief Planning Officer -**

**CITY PLANS PANEL**

**Date: 9<sup>th</sup> May 2013**

**Subject: Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Hallam Land Management Ltd. DW Wilson and trustees of the Thurstaston Park Trust.	06.08.2012	05.05.2012

**Electoral Wards Affected:**

Rothwell

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**DEFER AND DELEGATE to the Chief Planning Officer for Approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters :**

- Greenspace contribution
- 15% provision of affordable housing on site or a financial contribution towards provision of affordable extra care provision off site
- Public Transport Infrastructure £110,339
- Travel Plan Management Fee £2,500
- Residential Metrocard Scheme £38,728.80
- Education Contribution £428,743
- Local training and employment initiatives during the construction of development.
- Off Site Highway Works

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

## Conditions

1. Time limit on permission -2 years
2. Plans to be approved
3. Submission of biodiversity habitat surveys
4. Biodiversity Protection and Enhancement Plan to be submitted
5. No site clearance of vegetation , trees or shrubs during wild birds breeding season
6. Badger Survey to be submitted
7. Submission of method statement for control of Himalayan Balsam
8. Submission of floodlighting scheme
9. Submission of Site Investigation Methodology
10. Reporting of unexpected contamination
11. Submission of highways details
12. Submission of visibility splay details
13. Details of layout of vehicle spaces to be submitted .
14. Details of vehicle access to be submitted.
15. Submission of drainage details
16. Submission of Flood Risk
17. Details of surface treatment to designated footpaths to be submitted
18. Submission of archaeological programme
19. Statement of construction practice
20. Details of storage and disposal of litter to be submitted
21. Submission and implementation of landscaping details
22. Flood risk management details to be submitted
23. Landscape Management Plan

## **Reasons for Approval**

The proposal is contrary to Policy N34 of the Unitary Development Plan which expects the suitability of PAS sites for development to be comprehensively reviewed as part of the preparation of the LDF. Policy N34 is consistent with the NPPF. However, in principle the proposal aligns with the Council's strategic intent to stimulate the housing market and meet needs in particular parts of the District by releasing Greenfield sites in advance of the LDF Site Allocations process (as agreed by Executive Board 13<sup>th</sup> March 2013). In detail, the proposal is also considered to meet the criteria of the Interim Policy which Executive Board approved and which provides for some small sustainably located PAS land to be released in advance of the Site Allocations DPD.

The proposal has been assessed against the Interim Policy and the proposed residential development satisfies the following criteria of the policy:-

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.
- (ii) Sites must not exceed 10ha in size ("sites" in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub-division of larger sites to bring them below the 10ha threshold, and
- (iii) The land is not needed, or potentially needed for alternative uses.

In satisfying the above criteria it is considered by location, close to a main urban area the site is sustainable and the principle of the proposal is therefore considered acceptable

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 Consideration of this application was withdrawn from the agenda of the Plans Panel of 11 April 2013 to allow further time for representations to be made following the Council's adoption of an interim policy concerning the release of PAS sites. This is an application for new residential development on a 3.45 ha site designated as a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The application is recommended for approval and key considerations in reaching this recommendation are matters of housing land supply and sustainability. Whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination in a public inquiry. Consequently a further buffer of supply is required to provide additional security and this is the reason for introducing the Interim Policy (see para's 1.17 – 1.18 below) that facilitates the release of some PAS sites subject to the terms of the policy being met.
- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search.
- 1.4 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.5 The Council is due to submit its Core Strategy to the Secretary of State in April 2013 and this document is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 1.6 The Council is currently progressing a Site Allocations Development Plan Document, which at its current stage of Issues and Options will seek views on, among other things, the allocation of UDP Protected Areas of Search for development. The Issues and Options DPD is due to be released for consultation in June 2013. It is normally in the context of the Site Allocations DPD that decisions are taken on the suitability of such sites for development, however a recent decision by the Council's Executive Board in relation to the current 5 year land supply for Leeds and related efforts to boost significantly the supply of housing in the current economic climate is also material to this proposal.

### **Five Year Supply Position**

- 1.7 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location ;and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that

it will be delivered . Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.

- 1.8 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 1.9 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies can be substantially reduced.
- 1.10 The context has now changed. The RSS was revoked on 22<sup>nd</sup> February 2013 and it is clear that when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. The Council is also about to submit its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 1.11 Executive Board has approved the Authority Monitoring Report 2012, which states that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 472<sup>1</sup> units against a target of 20,307 units. This is measured against Submission Core Strategy targets and applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.
- 1.12 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites but due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 1.13 Therefore, in order to demonstrate a deliverable 5 year supply there is a need to include brownfield and greenfield sites that are not allocated and do not have planning permission. The SHLAA lists these as "LDF to determine" simply because they are not allocations or sites with planning permission. This includes some Protected Areas of Search. In reality, many of these sites, including unallocated brownfield and non-green belt or PAS greenfield sites have the potential to come forward for development now judged against the NPPF, the UDP and Draft Submission Core Strategy policies. In the case of PAS sites this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations has advanced sufficiently.
- 1.14 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an

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<sup>1</sup> The AMR approved by Executive Board stated a 5 year supply of 21,512 units. This contains a duplicated site in error and the actual position is 21,472 (40 units less). This does not affect the ability to demonstrate a 5 year supply.

element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.

- 1.15 The Housing Delivery Report included an Interim Policy setting the criterion for the release of a selection of Protected Areas of Search (PAS) sites for development. The application site is located adjacent to the built up area of Oulton, in close proximity to a variety of shops and services located within Oulton. As such, the development of the site would form an extension to the existing settlement of Oulton. The application site satisfies the criteria of the Interim Policy for the release of a selection of PAS sites. The Interim Policy is a key consideration in the determination of this application.
- 1.16 This application is presented to City Plans Panel for consideration for the following reasons:
- The application site is a PAS site and its release would constitute a departure from the UDP
  - In the light of the resolution reached by Executive Board which is summarised below, the site is acceptable when assessed against the Interim Policy setting criteria for release of PAS land
  - The application site is in line with specific policies of the NPPF
  - At the request of Local Ward Members Councillors Golton, Bruce and Nagle who also request a plans panel site visit take place.

#### **EXECUTIVE BOARD DECISION OF 13<sup>TH</sup> MARCH 2013**

- 1.17 The Housing delivery report was presented to Executive Board on the 13<sup>th</sup> March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. The proposed Interim Policy is:-

**In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-**

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;**
- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan ) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and**
- (iii) The land is not needed , or potentially needed for alternative uses**

**In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:**

- (iv) It is an area where housing land development opportunity is Demonstrably lacking; and**
- (v) The development proposed includes or facilitates significant planning benefits such as but not limited to:**

- a) **A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;**
- b) **Proposals to address a significant infrastructure deficit in the locality of the site.**

**In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.**

- 1.18 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13<sup>th</sup> March 2013 ) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
  - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

## **2.0 PROPOSAL:**

- 2.1 The application is made in outline to consider the principle of the development. Indicative details of the layout, scale, appearance and landscaping have been provided and refer to a development of approximately 90 dwellings with associated road infrastructure, parking provision, amenity space and landscaping. These details will be considered under future applications for approval of Reserved Matters.
- 2.2 The Design and Access Statement indicates access is proposed from Royds Lane for vehicles. Pedestrian access will be provided to Arran Way and Royds Lane. The proposed dwellings will be a mix of small and large detached houses and semi detached. Detached housing makes up the edge of the site and the semi detached will be primarily located along the central spine. The houses vary in scale from single storey to 2.5 storeys in height.
- 2.3 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for greenspace, 15% affordable housing, Travel Plan and any other matters that arise through the course of the application.
- 2.4 The application is accompanied by a draft S106 agreement (Heads of Terms) which makes an on site greenspace provision of 0.44 hectares (on net development area of 3.67 hectares) 15% affordable housing and Travel Plan.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site lies approximately 5 miles to the south of the city centre and sits on the Southern edge of Rothwell, outside of the "Main and Smaller Urban Areas" envelope (policy H4). The site is bounded by housing to the Northern boundary and part of the Western boundary with a cricket and football pitches to the North West and the whole of the Eastern and Southern boundaries bordered by Oulton Park golf course. The Eastern and Southern boundaries with the golf course also marks the edge of the Green Belt designation and the Oulton Conservation Area. The site is currently in agricultural use and greenfield and is a relatively level site with a gradual fall across the site from the South to the North with little in the way of features but for

a few trees on the boundaries of the site. The housing to the North of the site is modern two storey detached houses and to the West they are predominantly detached and semi-detached bungalows.

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

4.1 Application 08/00953/OT Outline application for residential development with associated Parking.  
Refused 19<sup>th</sup> May 2008. The subsequent appeal was dismissed.

#### **4.2 APP/N4720/A/08/2077481**

Application 08/00953/OT was dismissed at appeal on the 16<sup>th</sup> March 2009. The Inspector concluded with the following key points:-

##### Housing land supply

- “The appeal sites are not allocated under Phase 2 or Phase 3 in the UDP. They are listed under UDP Policy N34 as Protected Areas of Search (PAS). The policy restricts new development on these sites to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. The suitability of these sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (LDF) and in the light of the next RSS. At the Inquiry the Council indicated that its planned timescale for the delivery of the LDF Core Strategy is 2010”.
- “I am concerned that should permission be granted for the appeal scheme it would make it more difficult for the Council to resist other similar schemes on Greenfield sites which would undermine the core approach and sub area policies regarding housing supply contrary to RSS Policy H1”.
- “It would be premature to release PAS sites at this stage in the plan before the release of Phase 2 and 3 sites. The appeal proposal would be contrary to UDP policies H3 and N34 and should I allow the appeals would be likely to lead to other similar applications on Greenfield sites which the Council would find hard to resist. This could well undermine the core approach. The appellant has not demonstrated sufficient benefits to outweigh the resulting harm. Therefore I conclude that the appeal would have an adverse effect on housing land supply in the region”.

##### Accessibility and Sustainability

- “I am concerned that future residents at the appeal site would have an over reliance on the private car to access jobs schools and necessary facilities for families. Although the Travel Plan and S106 contributions towards public transport could help to reduce this reliance the need for such measures to help make the proposed development acceptable emphasises the fact that the appeal sites are in relatively unsustainable locations. The proposal would result in an unacceptable increase in the need to travel by private car. Also it would fail to accord with UDP policies T2 and SP3 with regard to being adequately served by public transport and having acceptable walking distances to local facilities in that the sites would be unsuitable for housing in terms of their environmental sustainability”.

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Council Officers have met with the applicant to discuss the application. The discussions revolved around the principle of development

## 6.0 PUBLIC/LOCAL RESPONSE:

### Community Engagement

6.1 A public event was held by the applicant on 12<sup>th</sup> June 2012 at the Oulton Institute between the hours of 3pm and 7.30pm. Members of the public were provided with comment sheets. The public consultation process demonstrated that the local community has specific concerns in relation to:-

- PAS land and that the previous appeal dismissal / more suitable sites elsewhere
- Traffic /access/highway safety
- Capacity of local facilities.
- Flooding and drainage.

6.2 The application was advertised as constituting a departure to adopted UDP by site notice posted on site on the 24<sup>th</sup> August 2012.

Publicity expiry date being 14<sup>th</sup> September 2012. To date the following representations have been received:-

A total of 83 representations have been received with the following comments in summary :-

- Traffic impact and the problems it brings
- Impact on local infrastructure and traffic volume
- Consistently battling against developers to preserve our greenbelt
- Should be protecting PAS land
- Noise and disturbance effecting residential amenities by way of overlooking ,sunlight and privacy
- Damage to local environment
- Local school close by increase in traffic would make it dangerous for children walking to school
- Local schools already oversubscribed
- No changes since previous application refused
- Destruction of trees and landscapes
- Royds Lane the only country lane, proposal will destroy character
- Poor drainage already, situation will worsen
- Public transport not available near the site, increase reliance on personal transport
- Additional 200 cars could not be accommodated by surrounding minor roads
- More noise and pollution for children who are encouraged to walk to school
- Not up to individual developers to determine where housing should be built
- Affect on local wildlife and destruction of open character
- Robust local housing market offered at 5 local estate agents, providing variety of property choice across the spectrum
- Public right of way should not be disturbed – effects wildlife
- Opening of Arran Way is a nuisance
- Flooding already, because of slope will increase the volume
- The field is used for agricultural purposes and should be retained for local produce

### Rothwell Cricket and Football ground

- Support local residents objections
- Development along two sides of cricket ground. House gardens will be right up to boundary which is dangerous to persons or damage to property

### Councillor Golton



- Premature development on PAS land which is a departure from the UDP and will hold back development of more desirable brownfield land.
- An attempt to pre-empt the conclusions of the consultation on the Local Development Framework and Neighbourhood planning development.
- The site is not sustainable as it will be car dependent development and will add to an already congested single lane A road, as well as rat running on Eshald Lane.
- Local schools are full to capacity and the scale of development does not offer an educational supplement of significance.

#### Councillor Nagle

- The Lane is narrow and new homes will result in more traffic which will be dangerous.
- The proposed access and egress will be dangerous.
- The local infrastructure will not be able to cope with the stresses of having many more families in the area.
- The local infrastructure cannot cope with the addition of new houses. There are going to be significant road safety issues if this comes forward. Royds Lane is a very narrow winding lane.

A site visit is requested so that the site can be seen in context. The whole of the Lane needs to be seen to understand this issue.

#### Councillor Bruce

- Object and ask for the application to be refused on the following grounds
- PAS land which is safeguarded land and should not be considered until the completion of the Leeds UDP which ends in 2016
- Detrimental impact on city's efforts to attract development on brownfield sites in need of regeneration and would set precedence for other PAS sites in councils jurisdiction
- LDF consultation taking place which will establish location of new housing over the next 20 years. PAS sites to be reviewed as part of this process and should be through this process that further consideration should be given to phasing and timing of any future release of PAS land.
- PAS land should not be considered until Council and communities have opportunity to indicate where development should be located through an approved plan led system.
- Site should be retained as agricultural for as long as possible , premature application should be rejected as was the case when a similar application went to appeal in 2009, same reasons for refusal in existence
- Along with added noise and pollution, the increase in traffic from this unsustainable car dependent site would exacerbate the already problematic situation with traffic congestion and speeding traffic in the Royds Lane/A642 area
- This is an unsustainable site which is car dependent

Request that when this application is considered at Plans Panel that a site visit take place.

- 6.3 All of the above representatives have been re-notified individually by letter on the 28<sup>th</sup> March 2013 explaining the change in policy which should be a consideration in determining this planning application. A copy of the interim policy has been attached to each letter. The letter invites any further representations in the light of this change , to be received by 10<sup>th</sup> April 2013, and that the application was to be presented to City Plans Panel on 11<sup>th</sup> April 2013.

6.4 As a result of the above re-notification the following representation has been received from a local resident dated 2<sup>nd</sup> April 2013:-

- Re-notification period is over Easter when people are away, one person who overlooks the site is away for two weeks and one of the councillors is unavailable until 15<sup>th</sup> April 2013.
- Local communities were under the impression that the Council were on side and to switch at such short notice without any indication is bad practice.
- Invite to local meeting for Local Planning Department to explain the change. Meeting on the 7<sup>th</sup> April 2013.
- Comments received were on the principle of the application that would suffice. In conjunction with Neighbourhood Forum will in coming days looking at the application in more detail in particular around sustainability .
- We have concerns and will be raising them .
- No apology for late submissions which will contain detail; close analysis takes time and that is what we are short of.

Since the application was presented to Plans Panel on the 11<sup>th</sup> April 2013 and as a result of the further renotification . The following representations have been received from Local residents: \_

- Reiteration of the comments received previously and noted above along with the following comments:
- Highway reasons – Royds Lane badly maintained , risk to highway and pedestrian safety.
- Additional demand on schools and local services.
- No demand for housing in the Rothwell Area.
- Rothwell seen as attractive due to the green belt area. Will lose this appeal.
- Concern of safety Public Access through the Arran Estate will increase.
- Will attract motorbike and scooters heading to the already noisy skate park.
- Increase of flooding in the area as the field is a natural soakaway.
- Appreciate the need for housing but proposal is fraught with access and safety issues and risks which have not had sufficient consideration.
- Greenfield PAS Site.
- Traffic problems in addition to traffic as a result of the larger Morrisons at Rothwell.
- Site is green area of land which can be seen as such in the area.
- No support for development in the Local Community.
- Increased traffic on Royds Lane /Arran Way.
- Environmental Impact – high risk of flooding. Increase of traffic pollution ,loss of green belt.
- Question sustainability of a development of this size , stretching the local amenities beyond sensible usage.
- Report states LCC has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy. However a further buffer of supply is required. Is PAS land the first and only option for this buffer?
- Development deemed unacceptable in 2009 (and in 2008) has now been recommended for Approval to satisfy the requirements of the NPPF. This shows an apparent disregard for the criteria that could not be met in earlier years. Irrespective of these concerns a development of this size with the irreversible removal of the green belt will have a significant environmental impact on the immediate area.
- Oulton Lane consistently floods opposite the entrance to Arran Way and there have been sewage and drainage issues reported by several residents.

6.5 Joint Letter of representation received from Councillors Golton , Bruce and Nagle.  
The following comments, and observations have been received dated 24<sup>th</sup> April 2013.

- “As Ward Councillors we strongly object to the two applications to build on PAS land in the Rothwell Ward. We wish to make the following comments and observations:-
- PAS land as defined in the UDP is **safeguarded land** and is designated “to ensure the necessary long term endurance of the Green Belt. **The suitability of the protected sites will be comprehensively reviewed as part of the preparation of the Local Development Framework;** meanwhile it is intended that no development should be permitted on this land that would prejudice the possibility of longer term development, and any such proposals for such development will be treated as a departure from the plan.
- NPPF paragraph 85 states “ When defining boundaries ,Local Planning Authorities should make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”
- Since last August 2012 the Councils stance throughout has been to refuse these applications on the grounds that they are premature and they were undermining the Local Development Framework process. This was in line with National and Local Planning Policy. Furthermore these two protected sites in the Rothwell Ward were decisively refused at a robust four day appeal in 2009 giving the Council a strong position.
- In March 2013 the Executive Board , without any consultation with interested parties, approved new interim policies which in essence changed the Councils position and effectively brought forward the potential release of these safeguarded sites. This was a controversial decision on the most sensitive and important Greenfield sites across the city and one which Councillor Golton as a member of the Executive Board voted against.
- Interim policy fits neatly with the two applications. Our view and that of the community is that Rothwell and Oulton are being sacrificed to salvage the rest of the PAS sites from development, this is discriminatory. We do not believe this policy will prevent further applications coming forward.
- Interim policies carry little or no weight at appeal and approval now will send out a strong signal to developers that Leeds is open for business on safeguarded sites . Furthermore if applications are submitted but subsequently refused on PAS sites outside the Main Urban Area or Major Settlements, developers will almost certainly go to appeal. If approval is now the preferred position on selected sites , applications followed by appeals on “no go sites” will quite naturally ensue and the floodgates will be open.
- We appreciate the Council has lost 10 appeals which has taken significant sums from the budget; but the Council should be looking to refuse development on the most sensitive and protected Greenfield sites in Leeds.
- This is safeguarded land which should only be considered as a last resort and when all other options have been expended. At present the Council can show a 5 year land supply and we question how release now can be justified when all options have not been exhausted.
- Local Development Framework – We are concerned that these two applications are premature ; they are undermining the Councils LDF process which will decide through consultation with all parties and ultimately at Public Examination with a Government Inspector where development should be located across the city. These applications are distorting this process; development should be

agreed through a plan led procedure not as a result of pressure from speculative developers trying to override the system and push the boundaries of development.

- Local Neighbourhood Forums – In the Rothwell Ward we have established three excellent and effective Neighbourhood Forums which are working side by side with the Council to produce Neighbourhood Plans across the whole Ward.
- Oulton and Woodlesford Forum has received high praise from the Council Team. It has a growing membership in excess now of 250 and has been a flagship Forum in the work produced to date. All three forums are genuinely engaged in the process.
- Local Neighbourhood Forum steering committees have informed us they are frustrated and very disillusioned that these applications are still premature and more importantly are undermining and prejudicing their ability to decide where they want development to be located. The Forums have looked at the latest SHLAA and consider these safeguarded sites are not in the most preferable locations. PAS sites would be the last sites to be put forward for discussion. However the Forums want the opportunity to debate the matter with the Council and at the Public Examination.
- The initial Site Allocations Document is imminent and it should be through this process that sites should be considered, not on the back of speculative developers trying to bypass the process. The Community and the Forums like us feel it is the developers who are in control, the balance is all wrong with the Council and the community have little or no voice in the matter.
- NPPF – These applications are undermining the NPPF and its aims. The golden thread running through the NPPF is a presumption in favour of sustainable development but there is also a clear aim in terms of the Council producing a Local Plan in conjunction with Neighbourhood Plans. On both these counts we think the Framework is being disregarded.
- Throughout the NPPF the main theme is a presumption in favour of sustainable development. However in 2009 at a hard fought Public Inquiry the Inspector positively refused similar applications on these protected sites on the grounds of sustainability. He ruled that both sites would lead to an over reliance on the private car to access jobs, schools and necessary facilities and that the sites would result in an unacceptable increase in the need to travel by car. Nothing in this respect has changed, indeed in the case of Oulton the public transport facilities have worsened. It is naïve in the extreme to believe these sites will not be car dependent and that public transport and facilities are convenient.
- Both at Public Meetings and through letters of objections we have been overwhelmed at the real strength of feeling against these applications and that the community view is being disregarded.
- We along with the community believe it is the developers who are controlling and commanding the planning process. The Council, Neighbourhood Forums and the community appear to have little influence in the matter despite the NPPF requiring Councils and Neighbourhood Forums not developers, to take the lead.
- If these applications are approved it will have an effect city wide. It will undermine the LDF process and the ability of Neighbourhood Forums across the city to plan their future.
- We as Local Ward Councillors, believe this application must be refused. This will allow the Council and the local community time to decide together their future as well as that of the whole city through the plan led system.

## **7.0 CONSULTATION RESPONSES:**

### Nature Conservation

- 7.1 Agree with the recommendations set out in Extended Phase 1 Habitat Survey submitted with conditions recommended for further information and protection measures to be submitted and implemented.

#### Highways

- 7.2 A Planning Inspector found development to be unacceptable at the site in 2009 on the basis that it would be overly dependent on private car usage. There has been a minor change in bus services . A view has to be taken as to whether the change in national planning policy alters the conclusions on accessibility in this case.
- 7.3 Since the application was first submitted, a great deal of work has gone into assessing over 800 potential housing sites, including all PAS sites, for the Site Allocations DPD Issues and Options appraisal. In terms of Highways this has covered accessibility, site access and local network constraints. The PAS sites at Oulton and Rothwell both scored 12 out of possible 15 in the Highways appraisal. This places the sites towards the top of the list when compared to other PAS sites and other potential sites outside of the city centre and immediate surrounds. The sites have been assessed as 'Green' in the latest work on the Site Allocations DPD – the green scoring means 'sites which have the greatest potential to be allocated for housing'. While not fully complying with the draft Core Strategy Accessibility Standards, the sites do have access to public transport and other local services including shops and schools. They compare favourably, in terms of sustainability, to other PAS sites and therefore taken on balance there are no highway objections to the proposals, subject to the conditions set out.
- 7.4 A detailed highways plan of the site access including appropriate visibility splays is required . With Off Site Highway works , the widening of the footpath to be part of the S106 Agreement.

#### Public transport Improvements and developer contributions

- 7.5 Site has been the subject of previous refusal and dismissed appeal, partly on accessibility grounds as the site does not meet LCC accessibility requirements as stated in the formal highway consultation. SPD states that if a site does not meet accessibility requirements it should fund such measures to bring the site up to acceptable standards. Using the SPD formula the calculation results in a figure of £110,339 which represents the required contribution if the site was deemed to be in an accessible location.

#### Contaminated Land team

- 7.6 Applicant should be asked to provide a site investigation methodology in support of application.

#### Neighbourhoods and housing

- 7.7 Requirement for 15% affordable housing split 50/50 social rent/submarket housing. Therefore requirement of 14 affordable units (based on 90 units) 7 for social and 7 for sub market.

#### Flood Risk Management

- 7.8 Soil infiltration tests should be undertaken at detail design stage to determine the level of infiltration. Infiltration should be considered even if it is only used to discharge some of the surface water. Discharging the remainder into the watercourse via a balancing pond is acceptable below a rate of 5/l/s/ha, however FRM would want to review the detailed drainage plans before commencement of the development.

#### Waste management

- 7.9 Refuse collection arrangements acceptable although it needs to be clarified as to whether the shared surfaces are to be to highway standards as this will dictate how effectively collections can be made from individual households.

#### Travelwise

- 7.10 The Travel plan previously submitted to the appeal in 2009 was acceptable. However the new document is not acceptable. Suggestions and recommendation put forward.

#### Public Rights of Way

- 7.11 No definitive or claimed rights of way cross or abut the search site. However a permissive path runs along the eastern boundary of the site. If the developer wishes to link into this path permission would be required from the golf course.

#### Yorkshire Water

- 7.12 Recommend conditions be attached to protect local aquatic environment and YW infrastructure.

#### Environment Agency

- 7.13 Recommend conditions to meet the requirements of NPPF.

#### Metro

- 7.14 Recommend a Metro Residential card scheme by way of S106. The current Cost to the developer is £38,728.80

#### Coal Authority

- 7.15 Coal mining information submitted identifies that the application site may have Been subject to unrecorded shallow coal mining activity. Further site investigation Required. Recommended conditions to be attached.

#### Local Plans and Policy

- 7.16 The site is allocated as Protected Area of Search (PAS) land within the UDP review (policy N34). Following recent Executive Board Approval an interim policy currently exists which provides criteria for the release of less significant PAS land in sustainable locations for housing development that accord with the main focus for development set out in the Core Strategy. This policy will assist Leeds in strengthening its supply of deliverable housing land in advance of the adoption of Leeds `Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. It will also help to stimulate the housing market to meet specific local needs. The interim policy only supports housing development on PAS sites subject to the specified criteria being met. The proposed site is under 10 hectares in size and relates well to the main urban area of Leeds. Furthermore it is not envisaged that the site is required for any alternative uses. As such it is considered that the site meets the criteria for release as a new housing site. Consequently the principle of housing development on the site is accepted. One of the conditions of the Interim policy is that the 5 year period of validity for the permission is reduced to 2 years.

#### (i) Greenspace

The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace. The Councils adopted Supplementary Planning Document (SPD) advises that on- site greenspace provision should be a useable and safe space which is distinct from purely visual landscaping required under other policies within the UDP. Greenspaces should be in one block to ensure its function is performed, centrally located and overlooked by dwellings. The greenspace is situated in a long

thin strip alongside the golf course. At one point it is only a narrow pathway wide, and therefore not useable. Would be seeking 0.36 ha of useable greenspace to be provided on site. The proposal also includes a children's play area within the greenspace provision. The focus for formal play provision should normally be within existing parks and local recreation grounds within the locality. With a developer contributions towards this. Parks and Countryside have highlighted the playground at nearby Springhead Park is in need of improvements. Consequently an off site fixed play contribution has been attached to the greenspace calculation.

#### Greenspace contribution

Laying out of greenspace =	£34,145.53 ( Springhead Park satisfies the N2.3 Requirement within the defined catchment )
Off- site fixed play contribution =	£56,585.84
Professional Fees (16.3%) =	£5,562.72
<b>Total</b>	<b>= £96,297.09</b>

This does not include maintenance costs for the onsite greenspace. If the developer wishes to maintain the greenspace then a bespoke maintenance fee will be required from Parks and Countryside.

#### 7.17 Children Services – Education

##### Primary

The development is for 90 houses , assuming all are family dwellings , this would generate approximately 22.5 primary aged pupils . Due to a rising birth rate there is Pressure on the existing school estate across the city , and any new housing will add to this pressure . The Rothwell area has seen an increase in demand for school places, and this is expected to continue. The nearest schools to the development , Rothwell St Marys Catholic Primary School received 26 first preferences for 26 places for September 2013 entry, and Rothwell Primary School , received 43 first preferences for 45 places for September 2013 entry.

##### Secondary

Should all the houses be family dwellings, the development would generate approximately 9 secondary aged pupils. As for Primary there is increasing demand for secondary school places, with particular pressure in the south of the city. Any new housing will exacerbate this. As a whole , the south wedge is predicted to run out of capacity in year 7 in 2014.

In light of the above , we would request a full education contribution :

Primary :90 (dwellings) x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost) = £267,509.

Secondary: 90(dwellings) x £18,469 (cost multipliers) x0.10 (yield per pupil) x 0.97(location cost) = £161,234.

Total = £428,743

- 7.18 NPPF (paragraph 85) says “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development . These applications have been submitted before the Leeds Plan review . The Site Allocations Plan ,along with Leeds Core Strategy will serve the same purpose as a “Local Plan” and as such the proposals are contrary to the guidance given within the NPPF.

#### 8.0 **PLANNING POLICIES:** **Development Plan**

- 8.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and

documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The site is not designated for any particular purpose in the UDPR. Land abutting to the east is designated Green Belt.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time. This is on course for submission in early 2013 and is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban extensions.

8.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

8.4 Interim Policy – Release of PAS sites – 13<sup>th</sup> March 2013 (see 1.17 to 1.18 above)

8.5 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide

SPG4 – Greenspace

SPG11- Education contributions

SPD- Street Design Guide

SPG25 – Greenspace and Residential Developments

**National Guidance**



- 8.6 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.7 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
  - not include land which it is unnecessary to keep permanently open;
  - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
  - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
  - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
  - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

## 9.0 MAIN ISSUES

- Principle of Development
- Sustainability
- Appeal History of the Site
- Highways
- Representations received
  - Joint Letter of Representation received from Ward Councillors
- All other Matters
- Provision of Affordable Extra Care off Site
- Section 106 Package

## 10.0 APPRAISAL

### Principle of Development

- 10.1 The application site is designated as a "Protected Area of Search "(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, "The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework..." By not waiting for the comprehensive review (currently underway in preparation of Leeds' Site Allocations Plan), a decision to approve this application must be regarded as a departure from the Development Plan. However, the introduction of the Interim policy authorised by the Executive Board provides a policy basis for the approval ,to recap, whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination (in all probability at public inquiry).Consequently a further buffer of

supply is required to provide additional security and this is the reason for introducing the Interim Policy (see para`s 1.17 – 1.18 below) that facilitates the release of some PAS sites subject to the terms of the policy being met. The criteria of the interim policy are intended to ensure that PAS sites of relative significance in terms of size and locational impact will only be, identified as housing sites, through the development plan process, namely the Site Allocations Plan. However the interim policy envisages that other PAS sites, notably smaller sites (below 10ha) that are well related to either the Main Urban Area or the Major Settlements defined in the Core Strategy are capable of being developed for housing can, ahead of the Site Allocations Plan process providing that there are no other material considerations indicating otherwise.

- 10.2 The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now; be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 Paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
- 10.4 It is acknowledged that Leeds has a five year land supply and that an element of that supply is expected to come from land which has been identified as to be determined through the Site Allocations DPD. The application site is located on the edge of the urban area, and the site appears to be both accessible and sustainable.
- 10.5 Paragraph 85 of the NPPF provides that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development.
- 10.6 In advance of the Site Allocations DPD Executive Board have approved an interim policy which releases some Protected Area of Search (PAS) land for housing development. The interim policy only supports housing development on PAS sites subject to the following criteria being met.

Criteria (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.* The site is an extension to the settlement of Rothwell and is considered sustainable. As such the development of the site would form an extension to the main urban area. It is considered that the site satisfies criteria (i).

Criteria (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.* The application site is below this threshold.

Criteria (iii) *Land is not needed , or potentially needed for alternative uses.* The application site is not needed for alternative uses and therefore satisfies this criteria.

As the proposed site is less than 10 hectares, relates well to the main urban area of Leeds. It is not envisaged that the site is required for any alternative use. It is therefore considered that the site meets the criteria of the Interim Policy for release as a new housing site and there are no other material considerations to justify departure from the interim policy conclusions. Consequently the principle of housing development on the site is acceptable.

### **Sustainability**

- 10.7 The proposed residential development is located approximately 8km to the South East of Leeds City Centre and is on the edge of Rothwell . Vehicular and pedestrian access is proposed directly from Rothwell Lane. Pedestrian access is from Royds Lane and Arran Way which abuts the site to the north. Royds Lane and Arran Way provide pedestrian and vehicular links to Leeds Road which has local facilities just off the main Leeds Road . These include a Morrison supermarket, local shops which include a post office, a surgery , opticians, City College. These facilities are approximately a 10 minute walk from the application site. There is also a Primary school that is located 485m away a six minute walk away and another two primary schools approximately 6 mins away. Public Transport is accessible in the form of the Woodlesford train station located under a mile away, which is not considered an attractive walk from the application site , a bus service is available from Marsh Street which is within walking distance that provides 2 buses every hour to the station. It is known that the station is well used and the service is oversubscribed. There are also regular bus services to Castleford, Wetherby, Morley ,Wakefield and Leeds. These provide a regular bus service every 30 to 60 minutes. It is also noted that the applicant has submitted a Travel Plan which includes a series of measures that promote walking, cycling, use of public transport and car sharing. In light of these factors the proposal has the potential to increase trips by private car, however in relative terms it can be argued that the site is in a sustainable location. This also has to be balanced against the wider public benefits of delivering new housing and promoting economic growth. Accordingly when looked at in the round it is considered that the proposal is consistent with policies that promote sustainable patterns of development .

### **Appeal History of Site**

- 10.8 The application has previously been dismissed at appeal on the 16<sup>th</sup> of March 2009. The Inspector concluded that the suitability of this PAS site will be reviewed as part of the preparation of the Local Development Framework (LDF). The Inspector was concerned that should permission be granted it would make it difficult for the Council to resist other similar schemes on Greenfield sites which would undermine the core approach and sub area policies regarding housing.
- 10.9 Since that point in time there has been a material change in circumstances most notably with the publication of the NPPF. The approved Interim Policy reflects these change in circumstance and assists Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites.

### **Highways**

- 10.10 In 2009 the Planning Inspector found the development to be unacceptable on the basis that it would be overly dependent on private car usage.
- 10.11 As set out above the planning policy context has now changed. In advance of the Site allocations DPD process the application falls to be considered against the recently approved Interim Policy. Relative to some other PAS sites it is considered that the site is well located and meets the criteria for the release as a new housing site. As such no objections are raised now to the principle of development for reasons relating to the sustainability of the site.
- 10.12 It is considered that there is no overriding highway safety or capacity concerns. A vehicular access can be achieved with appropriate visibility and a layout can be achieved that allows for appropriate parking provision and safe manoeuvring of vehicles. The off site highway works to be agreed as part of the S106 Agreement.

### **Representation Received**

- 10.13 The application was withdrawn from City Plans Panel on the 11<sup>th</sup> April 2013 so that local residents had the opportunity to further comment on the application as a result of the introduction of the Interim Policy .
- 10.14 A number of further representations have been received from individual households, local organisations, neighbourhood forum and letters of representation from Ward Members and Member of Parliament. The majority of the points raised have been addressed in the relevant sections of the report and these include matters relating to:
- o Highway safety and concerns
  - o The principle of the development
  - o The prematurity of the development

The following additional concerns have been raised and each is commented upon in turn:-

#### Green area of land that can be seen in the area

It is accepted that a green area of land will be substituted for an extension of the built area and this will have an impact on the character of the locality. However, this land has been reserved for future development in the Unitary Development Plan. It therefore becomes an issue of how the development sits with and has regard to the character of the residential area and relates to surrounding open land. As this application only seeks to address the principle of development these matters will largely be addressed through the consideration of reserved matter applications (providing details of the layout of development, design, scale and landscaping).

#### Flooding Issues and site is on a Flood Plain which will suffer problems in the future

The Environment Agency and Flood Risk Management have not raised any technical concerns that cannot be addressed by conditions. These include those that require the submission of flood risk management plan and drainage details.

#### Doctors surgeries , schools and services already overstretched.

There is currently no requirement to make extra provision for health services through the planning system. However, Members will note that this is a developing area of policy and a dialogue is being developed around making these links. An education contribution of £428,743 is to be part of the S106 Agreement.

- 10.15 **Joint Letter of representation received from Ward Councillors.**  
**Concerns around the Interim Policy and the weight attached to it.**  
 The City Council took legal advice which recommended the interim policy approach as the most appropriate way forward.

**This is safeguarded land which should only be considered as a last resort and when all other options have been expended**

The City Councils approach has been to favour previously developed urban land. This is true of the 5 year supply and LDF process where the best is being made of previously developed land, but in the context of a requirement for 74,000 new dwellings, further greenfield land is necessary. In considering further greenfield land, PAS land cannot normally be considered a category of last resort. PAS sites represent land that has already been concluded through the UDP process to be suitable for long term development. In principle therefore it has to be considered preferable to Green Belt land and other protected land designations.

**At present the Council can show a 5 year land supply and we question how release now can be justified when all options have not been exhausted.**

Leeds 5 year supply does depend on some provision of PAS land. The supply does not provide a comfortable margin to deal with the scrutiny to be expected at Appeal.

**Councils approach towards these PAS sites is premature, undermining both the LDF Site Allocation Plan making process and the neighbourhood plan making process. The Councils approach is non inclusive contrary to intent of national planning policy as described in the ministerial statement to the NPPF.**

The Council strives to involve the public in the planning process. The situation with PAS sites is a special case. It has been necessary for the City Council to introduce the Interim Policy. Planning Applications and Appeals will not wait for the plan making process, with developers being urged on by a pro-growth government agenda and a Planning Inspectorate which has given little weight to Local Authority concerns about prematurity in a series of recent appeal decisions.

**Reference to the Inspectors decision to dismiss the Appeals in 2009.**

The Inspectors conclusions suggested that the sites performed badly in terms of sustainability of their locations. The context was different in 2009 and it is quite likely that the Inspector would reach a different conclusion now. We now have National Planning Policy seeking to boost significantly the supply of housing and a local need to plan for 74,000 new dwellings. We have a Site Allocations Plan which is having to identify substantive areas of greenfield and Green Belt land across the District. It is possible that an Inspector would now consider the sustainability merits of the two PAS sites relatively superior to many of the other Greenfield and Green Belt sites being advanced.

**All Other Matters**

- 10.16 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of extra care accommodation meeting an important local need.
- 10.17 It is also considered that a development can be achieved that respects the character of the area. That is with regard to the spatial setting of the houses, their scale and appearance and the landscaping of the site. These matter ultimately will be subject to future consideration as part of a submission for the approval of reserved matters.
- 10.18 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents. The layout is indicative only, It will be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living.
- 10.19 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require

investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.

### **Provision of Affordable Extra Care off Site**

- 10.20 Extra care is a much needed but often expensive model to deliver. Taking the affordable housing contribution as a commuted sum from this site will enable options to be explored to ensure good quality extra care is delivered in the locality. The Council itself has relatively little land in the area although has a commitment to market Windlesford Green for this purpose. It could be that this sum of money would enable the Council to negotiate additional affordable units or specialist units (such as dementia care) that the market would not otherwise deliver. Although the specific mechanics of using the commuted sum to deliver additional affordable units will need to follow on from marketing the site, the monies provide additional flexibility to achieve the number of units and tenure mix required in the area. Should the monies not be required to be spent on the Windlesford Green site there is none the less a pressing need for accommodation in this part of the city which the commuted sum can contribute towards. The applicant has agreed to the principle of this so long as the final commuted sum can be agreed. If a figure cannot be agreed the applicant wishes to revert to the provision of affordable housing on site. These provisions will form part of the S106 Agreement.

### **Section 106 Package**

- 10.21 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development. .

The Section 106 Package consists of the following:-

- 15% affordable housing provision on site or commuted sum for extra care accommodation (based on Affordable Housing requirement)
  - Education Contribution of £428,743
  - Greenspace contribution of :-  
Laying out of greenspace = £34,145.53  
Off site fixed play contribution = £56,585.84  
Professional fees (16.3%) = £5,562.72
- Total = £96,297.09**

If greenspace to be maintained by LCC a maintenance fee will be required in addition to the above.

- Public Transport Infrastructure £110,339
- Travel Plan Management Fee £2,500
- Residential Metrocard scheme £38,728.80 or as otherwise agreed
- Local training and employment initiatives during the construction of the development.
- Off site highway works consisting of the footway along the site frontage to be widened to 2.0m.
- The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they

can be taken into account in any decision to grant planning permission for the proposals.

- 10.22 The application originally included provision of 15% affordable housing on site and this equates to 14 units. This is compliant with the councils planning policy. The Councils Housing Investment Team have been consulted on the planning application and have set out there is an acknowledged need for the provision of affordable extra care accommodation for older persons. There is limited potential for specialist housing to be delivered on site although a commuted sum towards the delivery off site could be considered. As set out above discussions are currently ongoing to see if this can be delivered within the scope of affordable housing and through clauses within the Section 106 Agreement.

## **11.0 CONCLUSION**

- 11.1 Considering the advice given in paragraphs 85 and 49 of the NPPF it is important that the Council demonstrates it has a five year supply of deliverable housing sites. The Council has a 5 year supply of land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan and in the case of PAS sites that this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations work has advanced sufficiently. Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for releasing small sustainably located pieces of PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds' Site Allocations Development Document, which will identify a comprehensive range of new housing sites. The proposed site is less than 10 hectares in size, relates well to the main urban area of Leeds. Furthermore it is not envisaged that the site is required for any alternative uses. As such, the site meets the criteria for release for housing development. Consequently the principle of housing development on the site is considered acceptable, and the proposal is recommended for approval.

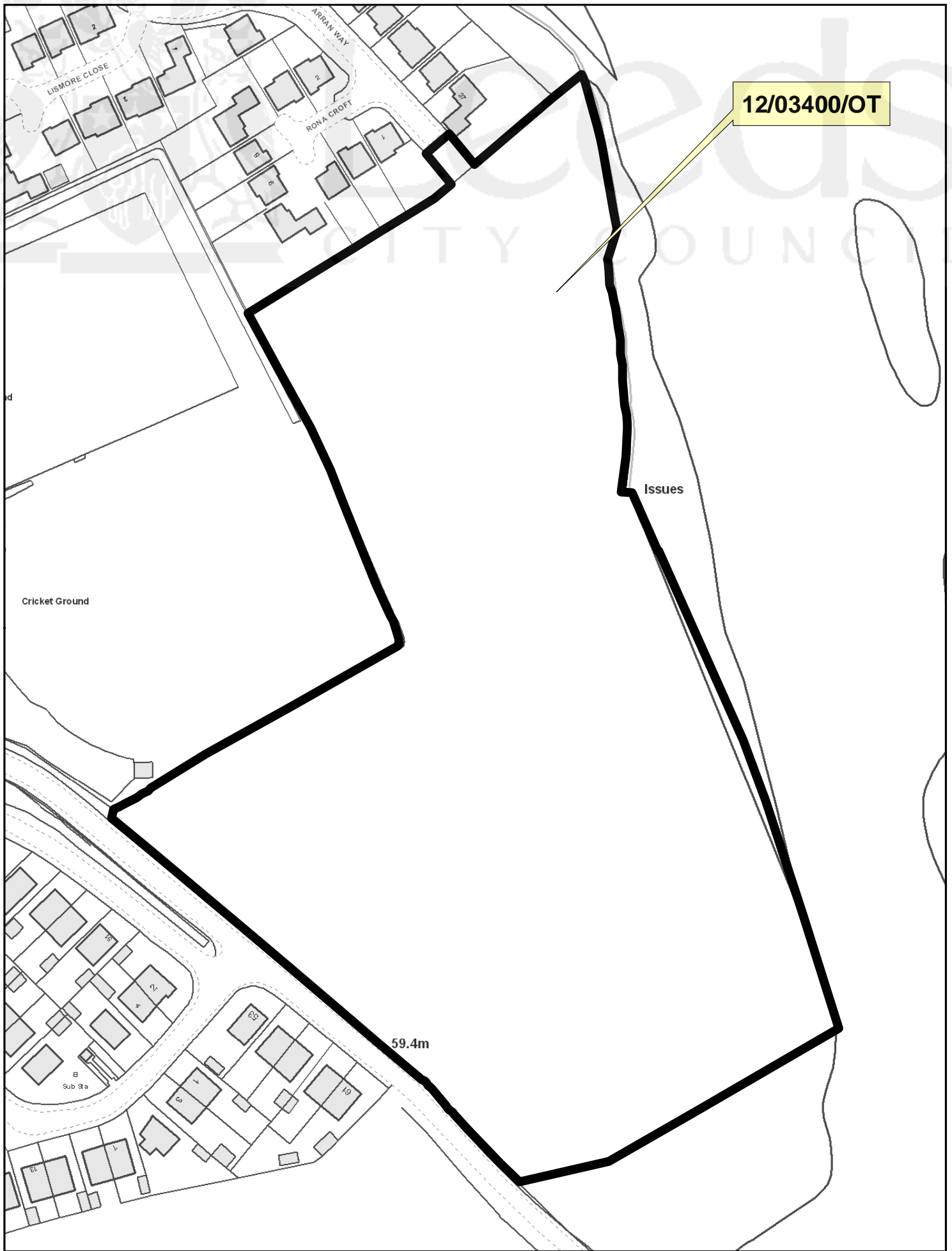
### **Background Papers:**

Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report



12/03400/OT

Issues

Cricket Ground

59.4m

# CITY PLANS PANEL

